Known Unknowns:
Legal, Regulatory and Public Policy Issues with CCS and CCUS and Possible Solutions

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Legal Regulatory & Public Policy Issues

- Capture
  - Transportation
  - Storage

- Ownership rights
- Risk mitigation and allocation
- Protection of the public interest

Photo: http://news.bbc.co.uk/2/hi/americas/1536135.stm
Capture

■ Sources: coal and ethanol

■ Rate-payers’ interests

■ By generator or contractor

Photo: https://rightweb.irc-online.org/profile/rumsfeld_donald/
Transportation

- Right-of-way acquisition & eminent domain
- In-transit liability and risk of loss
- Sources of regulation

Photo: https://www.defense.gov/About/Biographies/Biography-View/Article/602800/
Storage

- Pore space ownership and trespass; relation of surface and mineral estates

- Pore space acquisition, aggregation, and takings

- Regulatory concerns in site selection, injection, and financial assurance
  - *Carbon Dioxide Reduction Act of 2007 and would-be regulations*
  - *UIC Class VI Program*

- CO2 ownership and short- and long-term liability; costs of monitoring, management, and closure
The “Wyoming Model”
- Pore space ownership in surface; mineral estate dominant
- Unitization with 80% consent
- Ownership and liability for stored CO2 with site operator perpetually
- State fund for long-term management and monitoring

The “Public Utility Model”
- One or more specialized public utilities for transportation and storage
- Regulatory jurisdiction with KCC
- Eminent domain for right-of-way acquisition, site aggregation
Questions?

Photo: https://medium.com/fluxx-studio-notes/life-advice-from-donald-rumsfeld-that-actually-works-4bc250ad4e30