

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 853

Representatives Cockley, Rader

To enact sections 4906.23, 4906.231, 4906.232, 1
4906.233, 4906.234, 4906.235, 4906.236, 2
4906.237, 4906.238, and 4906.239 of the Revised 3
Code regarding power siting board certification 4
and decommissioning of a natural gas fuel cell 5
facility. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4906.23, 4906.231, 4906.232, 7
4906.233, 4906.234, 4906.235, 4906.236, 4906.237, 4906.238, and 8
4906.239 of the Revised Code be enacted to read as follows: 9

Sec. 4906.23. For the purposes of this section and 10
sections 4906.231 to 4906.239 of the Revised Code: 11

(A) "Applicant" means an entity or person that applies for 12
a certification for construction and operation of a major 13
utility facility under Chapter 4906. of the Revised Code. 14

(B) "Local political subdivision" means the official 15
legislative body or governing authority of a municipal 16
corporation or an unincorporated area of a township. 17

(C) "Natural gas fuel cell" means a fuel cell that uses 18
natural gas as its fuel, internally converting it into hydrogen 19
and generating electricity electrochemically, without 20

combustion. 21

(D) "Natural gas fuel cell facility" means an 22
installation, building, or complex that houses one or more 23
natural gas fuel cells, associated property, and equipment. 24

Sec. 4906.231. The owner or operator of a natural gas fuel 25
cell facility shall provide site plans, maps, and broad 26
technology information to the affiliated local fire department 27
that serves the area in which the facility is located so the 28
department may plan for fire and safety needs. 29

Sec. 4906.232. The owner or operator of a natural gas fuel 30
cell facility shall provide a written report to the appropriate 31
local political subdivision in the event of an accident or any 32
adverse activity within or related to a natural gas fuel cell 33
facility. The written report shall include details of the event, 34
any known causes, and any corrective actions and adjustments 35
made to prevent future incidents. 36

Sec. 4906.233. At least sixty days prior to the 37
commencement of construction of a natural gas fuel cell 38
facility, the applicant shall submit a comprehensive 39
decommissioning plan for review and approval by the power siting 40
board. 41

Sec. 4906.234. (A) The decommissioning plan submitted to 42
the power siting board under section 4906.233 of the Revised 43
Code shall be prepared by a professional engineer registered 44
with the state board of registration for professional engineers 45
and surveyors. The board may reject the engineer chosen by the 46
applicant and require the applicant to choose another qualified 47
engineer. 48

(B) The plan shall contain the following: 49

<u>(1) A list of all parties responsible for decommissioning;</u>	50
<u>(2) A schedule of decommissioning activities, not to</u>	51
<u>extend beyond twelve months from the date the natural gas fuel</u>	52
<u>cell facility ceases to operate;</u>	53
<u>(3) An estimate of the full cost of decommissioning the</u>	54
<u>natural gas fuel cell facility, including the proper disposal of</u>	55
<u>all facility components and restoration of the land on which the</u>	56
<u>facility is located to its pre-construction state. The estimate</u>	57
<u>shall not take into account the salvage value of any materials</u>	58
<u>from the facility.</u>	59
<u>Sec. 4906.235.</u> <u>The estimate of the total decommissioning</u>	60
<u>costs of a natural gas fuel cell facility, as described in</u>	61
<u>division (B) (3) of section 4906.234 of the Revised Code, shall</u>	62
<u>be recalculated every five years by an engineer retained by the</u>	63
<u>applicant.</u>	64
<u>Sec. 4906.236.</u> <u>Prior to beginning construction, the</u>	65
<u>applicant shall post a performance bond to ensure that funds are</u>	66
<u>available for the decommissioning of the natural gas fuel cell</u>	67
<u>facility. The power siting board shall be the obligee of the</u>	68
<u>bond.</u>	69
<u>Sec. 4906.237.</u> <u>The performance bond required by section</u>	70
<u>4906.236 of the Revised Code shall be equal to the estimate of</u>	71
<u>the costs of decommissioning included in the decommissioning</u>	72
<u>plan described in section 4906.234 of the Revised Code.</u>	73
<u>Sec. 4906.238.</u> <u>(A) The performance bond for the</u>	74
<u>decommissioning of a natural gas fuel cell facility shall be</u>	75
<u>updated every five years, based on the most recent estimates, as</u>	76
<u>described in section 4906.235 of the Revised Code.</u>	77
<u>(B) If the costs of decommissioning are greater in the</u>	78

most recent estimate than the costs of the immediately preceding 79
estimate, the performance bond shall be increased 80
proportionately. 81

(C) If the costs of decommissioning are lower in the most 82
recent estimate than the costs of the immediately preceding 83
estimate, the performance bond shall not be decreased. 84

Sec. 4906.239. (A) The requirements in sections 4906.231 85
and 4906.232 of the Revised Code concerning sharing information 86
for fire safety purposes and reporting natural gas fuel cell 87
incidents apply to all certified natural gas fuel cell 88
facilities, whether existing as of the effective date of this 89
section or approved afterward. 90

(B) The requirements in sections 4906.233 to 4906.238 of 91
the Revised Code apply only to natural gas fuel cell facilities 92
that have not been certified by the power siting board as of the 93
effective date of this section. 94