As Introduced

136th General Assembly
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H. B. No. 853

Representatives Cockley, Rader

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

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

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

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

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

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

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

combustion.

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

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

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

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

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

(B) The plan shall contain the following:

(1) A list of all parties responsible for decommissioning;

(2) A schedule of decommissioning activities, not to extend beyond twelve months from the date the natural gas fuel cell facility ceases to operate;

(3) An estimate of the full cost of decommissioning the natural gas fuel cell facility, including the proper disposal of all facility components and restoration of the land on which the facility is located to its pre-construction state. The estimate shall not take into account the salvage value of any materials from the facility.

Sec. 4906.235. The estimate of the total decommissioning costs of a natural gas fuel cell facility, as described in division (B)(3) of section 4906.234 of the Revised Code, shall be recalculated every five years by an engineer retained by the applicant.

Sec. 4906.236. Prior to beginning construction, the applicant shall post a performance bond to ensure that funds are available for the decommissioning of the natural gas fuel cell facility. The power siting board shall be the obligee of the bond.

Sec. 4906.237. The performance bond required by section 4906.236 of the Revised Code shall be equal to the estimate of the costs of decommissioning included in the decommissioning plan described in section 4906.234 of the Revised Code.

Sec. 4906.238. (A) The performance bond for the decommissioning of a natural gas fuel cell facility shall be updated every five years, based on the most recent estimates, as described in section 4906.235 of the Revised Code.

(B) If the costs of decommissioning are greater in the

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

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

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

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