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Replace line 89 on page 4 with the following:

pursuant to this division, the board shall
consider both of the following:

(1) Any

Replace line 94 on page 4 with the following:

affected.

(2) The distance of the storage facility from
any current or future underground mining operation or
other underground operation designed and operated for
the extraction of minerals and the potential impact on
the safety of these operations.

Replace line 111 on page 4 with the following:

persons that own not less than 66 and
two-thirds percent of a storage

Replace line 114 on page 5 with the following:

persons that own not less than 66 and
two-thirds percent of a storage



25
26 Replace line 123 on page 5 with the following:

27 fairly and equitably compensated.

28 (6) A storage operator shall use commercially
29 reasonable efforts to limit the adverse surface-use
30 impact upon the lands of non-consenting owners of a
31 storage facility's pore space and storage rights.

32 (7) A storage operator seeking approval to
33 operate in the Blue Creek or Mary Lee coal seams in
34 Jefferson, Tuscaloosa, or Walker counties or within a
35 10-mile radius of any coal mine operation shall obtain
36 the written consent of the coal mine operator and
37 mineral owner with an operation or mineral interest in
38 such seams or within such radius; provided, however,
39 that such consent shall not be unreasonably withheld
40 or delayed.