

# HB428 INTRODUCED



1 HB428  
2 5VBHL3M-1  
3 By Representatives Hammett, Robertson, Hulsey, Paramore,  
4 Fidler  
5 RFD: County and Municipal Government  
6 First Read: 12-Feb-26



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SYNOPSIS:

This bill would prohibit a person from injecting and storing carbon dioxide in subsurface injection wells unless the governing body of the county or municipality in which a well will be located approves.

This bill would provide procedures for a person to apply to operate such a well and procedures by which a governing body must approve or disapprove an application.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to injection wells; to prohibit the sequestration of carbon dioxide into underground injection wells unless the applicable local governing body of the county or municipality in which the well will be located has approved; to provide procedures by which local governing bodies shall approve or disapprove applications to site such wells.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) No person may inject, store, or sequester carbon dioxide in an underground well, including a



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29 Class VI well as defined by the United States Environmental  
30 Protection Agency pursuant to the Underground Injection  
31 Control Program of the Safe Drinking Water Act, 42 U.S.C. §  
32 300f et seq., unless the governing body of the county, and the  
33 governing body of the municipality, if applicable, in which  
34 the well will be located has approved of the well.

35 (b) Any person seeking approval from the governing body  
36 of a county or municipality for the siting of a new well shall  
37 submit all of the following to the governing body as its  
38 application:

39 (1) An application fee in an amount of fifty thousand  
40 dollars (\$50,000) payable to the local governing body.

41 (2) A written document addressing each of the criteria  
42 described in subsection (e).

43 (2) The applicant's experience of owning or operating  
44 such wells.

45 (3) Information relating to the applicant's financial  
46 resources, including any investors or corporate affiliates of  
47 the applicant.

48 (4) Any pending and past civil or criminal actions  
49 taken by a governmental entity against the applicant or its  
50 owners, operators, investors, or affiliates.

51 (5) Any other information the applicant deems relevant  
52 or that may assist the local governing body in making a  
53 decision whether to approve or disapprove the application.

54 (c) After an applicant has submitted a complete  
55 application to the local governing body, the body shall  
56 formally receive the application at its next regularly



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57 scheduled meeting. At this time, the public comment period  
58 begins.

59 (d) (1) Not more than 10 days after the formal receipt  
60 of an application, the local governing body, at the expense of  
61 the applicant, shall provide the following notice that an  
62 application for local approval of a new well has been  
63 received:

64 a. Notice to each owner whose property is adjacent to a  
65 proposed well site, sent by certified mail.

66 b. Notice to the general public provided by all of the  
67 following means:

68 1. Publishing a notice in a newspaper having general  
69 circulation, if one exists, within the affected community one  
70 day per week for a two-week period.

71 2. Broadcasting public service announcements submitted  
72 to a radio station that has general broadcast coverage within  
73 the affected community.

74 3. Displaying a notice on the local governing body's  
75 website, if available.

76 (2) Any printed notice by letter, newspaper, or  
77 electronically on a website shall contain at a minimum the  
78 following:

79 a. A description of the application and approval  
80 process as provided in this section.

81 b. A description of the criteria the governing body  
82 will consider, as provided in subsection (e), in determining  
83 whether to approve or disapprove the site.

84 c. An individual who interested persons may contact to



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85 obtain additional information and review copies of the  
86 application.

87 d. A description of the location where interested  
88 persons may obtain or review copies of the application, and  
89 the time frame for public hearings and involvement.

90 e. A description of how the public may submit written  
91 comments to the local governing body.

92 (e) In determining whether to approve a new well, the  
93 local governing body shall consider each of the following  
94 criteria:

95 (1) The relationship of the proposed well to any local  
96 planned or existing development, to major transportation  
97 arteries, and to existing state primary and secondary roads.

98 (2) The location of a proposed well in relationship to  
99 existing industries in the state that generate large volumes  
100 of carbon dioxide, or the relationship to the areas projected  
101 for development of industries that will generate carbon  
102 dioxide.

103 (3) Costs and availability of public services,  
104 facilities, and improvements required to support the proposed  
105 well.

106 (4) The impact of the proposed well on public health,  
107 safety, and the environment, including sources of drinking  
108 water.

109 (5) The social and economic impacts of the proposed  
110 well on the affected community, including changes in property  
111 values and social or community perception.

112 (f) (1) Not more than 45 days after the local governing



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113 body formally receives an application, the applicant shall  
114 conduct at least one public awareness session in the county or  
115 municipality in which the proposed well is to be located,  
116 during which the applicant shall provide general information  
117 on the design and operation of the proposed well and address  
118 questions and concerns voiced by members of the affected  
119 community. The time, date, and location of the public  
120 awareness session shall be approved by the local governing  
121 body. The applicant, at its own expense, shall provide notice  
122 of the public awareness session by both printed and broadcast  
123 media beginning at least 30 days before the session. Printed  
124 notification shall include publication in at least one  
125 newspaper having general circulation within the affected  
126 community one day per week for a two-week period. Broadcast  
127 notification shall include public service announcements on a  
128 radio station that has general broadcast coverage within the  
129 affected community. At least one representative of the local  
130 governing body shall attend each public awareness session. If  
131 any written comment or question relating to the proposed well  
132 is submitted to the applicant at the public awareness session,  
133 the applicant shall respond, if practicable, in writing within  
134 14 days to the member of the public with a copy provided to  
135 the local governing body.

136 (2) The applicant is solely responsible for carrying  
137 out the requirements of subdivision (1). A public awareness  
138 session is independent of and separate from a public hearing.

139 (g) Not more than 45 days after the date of the last  
140 public awareness session, the local governing body shall hold



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141 at least one public hearing. Notice of the time and place of  
142 any public hearing shall be given by publication in at least  
143 one newspaper of general circulation within the affected  
144 community at least 30 days, but not more than 45 days, before  
145 the proposed date of the hearing. Content of the notice shall  
146 be consistent with the notice requirements in subsection (d).  
147 All pertinent documents shall be available for inspection  
148 during normal business hours at a location readily accessible  
149 to the public. The public may submit written comments to the  
150 local governing body at any time up to the conclusion of the  
151 last public hearing.

152 (h) The local governing body shall have 30 days after  
153 the last public hearing to complete its review of the  
154 application and, giving consideration to the criteria provided  
155 in subsection (e), to public input, and to other information  
156 gathered from the applicant pursuant to subsection (b), shall  
157 make a decision to approve or disapprove the siting of a new  
158 well.

159 (i) If disapproved by the governing body, the applicant  
160 may submit a new application under subsection (b). A new  
161 application for local approval submitted within 18 months of  
162 an application being disapproved by the local governing body  
163 shall be accompanied by an application fee payable to the  
164 local governing body in an amount equal to seventy-five  
165 thousand dollars (\$75,000).

166 (j) After the local governing body has granted approval  
167 of the application, the applicant shall petition the  
168 appropriate circuit court pursuant to Rule 57 of the Alabama



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169 Rules of Civil Procedure for a determination of each of the  
170 following:

171 (1) Whether the local governing body complied with the  
172 public comment requirements and time frames required under  
173 this section.

174 (2) Whether the local governing body considered the  
175 criteria provided in subsection (e) as presented to the body  
176 by the applicant in its application pursuant to subsection  
177 (b).

178 (k) The applicant shall bear all court costs, and his  
179 or her own legal expenses, relating to the filing of the  
180 petition.

181 (l) Unless the court with which a petition is filed  
182 needs additional information from the local governing body,  
183 the court shall issue a ruling not more than 60 days after the  
184 initial petition is filed, provided the court may extend this  
185 date not more than 30 additional days if the court seeks  
186 additional information from the governing body.

187 (m) If the circuit court issues a declaratory judgment  
188 determining that the local governing body met the criteria set  
189 out in subsection (j), the applicant may seek approval by  
190 other regulatory authorities as required by law. If the  
191 circuit court issues a declaratory judgment determining that  
192 the criteria set out in subsection (j) has not been met, the  
193 matter shall be remanded to the local governing body for  
194 further consideration consistent with the requirements of this  
195 section. The local governing body or applicant shall be  
196 afforded the opportunity to mitigate any discrepancies the



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197 court finds, provided the period during which the governing  
198 body or applicant shall respond may not extend more than 90  
199 days.

200 Section 2. (a) Any well approved pursuant to Section 1  
201 shall be taxed at a rate of ten percent of the gross value of  
202 all carbon dioxide injected or otherwise stored in the well to  
203 be remitted monthly to the Department of Revenue. For purposes  
204 of this subsection, the term "gross value" means the sale  
205 price or market value at the time of injection or storage.

206 (b) Fifty percent of the net amount of all taxes  
207 collected by the department pursuant to subsection (a) shall  
208 be deposited into the General Fund of the state. The other  
209 fifty percent shall be allocated and distributed by the  
210 Comptroller to the county in which the carbon dioxide was  
211 injected or otherwise stored for local purposes or to be  
212 expended at the discretion of the governing body. Fifty  
213 percent of the fifty percent to be distributed to the county  
214 shall be distributed to a municipality if the well is located  
215 within the corporate limits of the municipality to be used for  
216 the same purposes.

217 (c) The department may adopt rules to administer this  
218 section.

219 Section 3. Section 1 of this act shall become effective  
220 immediately and Section 2 of this act shall become effective  
221 on October 1, 2026.