§ 98.447 Records that must be retained.

(a) You must follow the record retention requirements specified by § 98.3(g). In addition to the records required by § 98.3(g), you must retain the records specified in paragraphs (a)(1) through (7) of this section, as applicable. You must retain all required records for at least 3 years.

1. Quarterly records of CO\textsubscript{2} received, including mass flow rate of contents of containers (mass or volumetric) at standard conditions and operating conditions, operating temperature and pressure, and concentration of these streams.

2. Quarterly records of produced CO\textsubscript{2}, including mass flow or volumetric flow at standard conditions and operating conditions, operating temperature and pressure, and concentration of these streams.

3. Quarterly records of injected CO\textsubscript{2} including mass flow or volumetric flow at standard conditions and operating conditions, operating temperature and pressure, and concentration of these streams.

4. Annual records of information used to calculate the CO\textsubscript{2} emitted by surface leakage from leakage pathways.

5. Annual records of information used to calculate the CO\textsubscript{2} emitted as equipment leakage or vented emissions from equipment located on the surface between the flow meter used to measure injection quantity and the injection wellhead.

6. Annual records of information used to calculate the CO\textsubscript{2} emitted as equipment leakage or vented emissions from equipment located on the surface between the production wellhead and the flow meter used to measure production quantity.

7. Any other records as specified for retention in your EPA-approved MRV plan.

(b) You must complete your monitoring plans, as described in § 98.3(g)(5), by April 1 of the year you begin collecting data.

§ 98.448 Geologic sequestration monitoring, reporting, and verification (MRV) plan.

(a) Contents of MRV plan. You must develop and submit to the Administrator a proposed MRV plan for monitoring, reporting, and verification of geologic sequestration at your facility. Your proposed MRV plan must contain the following components:

1. Delineation of the maximum monitoring area and the active monitoring areas. The first period for your active monitoring area will begin from the date determined in your MRV plan through the date at which the plan calls for the first expansion of the monitoring area. The length of each monitoring period can be any time interval chosen by you that is greater than 1 year.

2. Identification of potential surface leakage pathways for CO\textsubscript{2} in the maximum monitoring area and the likelihood, magnitude, and timing, of surface leakage of CO\textsubscript{2} through these pathways.

3. A strategy for detecting and quantifying any surface leakage of CO\textsubscript{2}.

4. A strategy for establishing the expected baselines for monitoring CO\textsubscript{2} surface leakage.

5. A summary of the considerations you intend to use to calculate site-specific variables for the mass balance equation. This includes, but is not limited to, considerations for calculating equipment leakage and vented emissions between the injection flow meter and injection well and/or the production flow meter and production well, and considerations for calculating CO\textsubscript{2} in produced fluids.

6. If a well is permitted under the Underground Injection Control program, for each injection well, report the well identification number used for the Underground Injection Control permit and the Underground Injection Control permit class. If the well is not yet permitted, and you have applied for an Underground Injection Control permit, report the well identification number in the permit application. If an offshore well is not subject to the Safe Drinking Water Act, for each injection well, report any well identification number and any identification number used for the legal instrument.
authorizing geologic sequestration. If you are submitting your Underground Injection Control permit application as part of your proposed MRV plan, you must notify EPA when the permit has been approved. If you are an offshore facility not subject to the Safe Drinking Water Act, and are submitting your application for the legal instrument authorizing geologic sequestration as part of your proposed MRV plan, you must notify EPA when the legal instrument authorizing geologic sequestration has been approved.

(7) Proposed date to begin collecting data for calculating total amount sequestered according to equation RR–11 or RR–12 of this subpart. This date must be after expected baselines as required by paragraph (a)(4) of this section are established and the leakage detection and quantification strategy as required by paragraph (a)(3) of this section is implemented in the initial AMA.

(b) Timing. You must submit a proposed MRV plan to EPA according to the following schedule:

(1) You must submit a proposed MRV plan to EPA by June 30, 2011 if you were issued a final Underground Injection Control permit authorizing the injection of CO$_2$ into the subsurface on or before December 31, 2010. You will be allowed to request one extension of up to an additional 180 days in which to submit your proposed MRV plan.

(2) You must submit a proposed MRV plan to EPA within 180 days of receiving a final Underground Injection Control permit authorizing the injection of CO$_2$ into the subsurface. If your facility is an offshore facility not subject to the Safe Drinking Water Act, you must submit a proposed MRV plan to EPA within 180 days of receiving authorization to begin geologic sequestration of CO$_2$. You will be allowed to request one extension of the submittal date of up to an additional 180 days.

(3) If you are injecting a CO$_2$ stream in subsurface geologic formations to enhance the recovery of oil or natural gas and you are not permitted as Class VI under the Underground Injection Control program, you may opt to submit an MRV plan at any time.

(4) If EPA determines that your proposed MRV plan is incomplete, you must submit an updated MRV plan within 45 days of EPA notification, unless otherwise specified by EPA.

(c) Final MRV plan. The Administrator will issue a final MRV plan within a reasonable period of time. The Administrator’s final MRV plan is subject to the provisions of part 78 of this chapter. Once the MRV plan is final and no longer subject to administrative appeal under part 78 of this chapter, you must implement the plan starting on the day after the day on which the plan becomes final and is no longer subject to such appeal.

(d) MRV plan revisions. You must revise and submit the MRV plan within 180 days to the Administrator for approval if any of the following in paragraphs (d)(1) through (d)(4) of this section applies. You must include the reason(s) for the revisions in your submittal.

(1) A material change was made to monitoring and/or operational parameters that was not anticipated in the original MRV plan. Examples of material changes include but are not limited to: Large changes in the volume of CO$_2$ injected; the construction of new injection wells not identified in the MRV plan; failures of the monitoring system including monitoring system sensitivity, performance, location, or baseline; changes to surface land use that affects baseline or operational conditions; observed plume location that differs significantly from the predicted plume area used for developing the MRV plan; a change in the maximum monitoring area or active monitoring area; or a change in monitoring technology that would result in coverage or detection capability different from the MRV plan.

(2) A change in the permit class of your Underground Injection Control permit.

(3) If you are notified by EPA of substantive errors in your MRV plan or monitoring report.

(4) You choose to revise your MRV plan for any other reason in any reporting year.

(e) Final MRV plan. The requirements of paragraph (c) of this section apply to any submission of a revised MRV plan. You must continue reporting under your currently approved plan while
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 awaited approval of a revised MRV plan.

 (f) Format. Each proposed MRV plan or revision and each annual report must be submitted electronically in a format specified by the Administrator.

 (g) Certificate of representation. You must submit a certificate of representation according to the provisions in §98.4 at least 60 days before submission of your MRV plan, your research and development exemption request, your MRV plan submission extension request, or your initial annual report under this part, whichever is earlier.

§ 98.449 Definitions.

 Except as provided below, all terms used in this subpart have the same meaning given in the Clean Air Act and subpart A of this part.

 Active monitoring area is the area that will be monitored over a specific time interval from the first year of the period (n) to the last year in the period (t). The boundary of the active monitoring area is established by superimposing two areas:

 (1) The area projected to contain the free phase CO$_2$ plume at the end of year t, plus an all around buffer zone of one-half mile or greater if known leakage pathways extend laterally more than one-half mile.

 (2) The area projected to contain the free phase CO$_2$ plume at the end of year t+5.

 CO$_2$ received the CO$_2$ stream that you receive to be injected for the first time into a well on your facility that is covered by this subpart. CO$_2$ received includes, but is not limited to, a CO$_2$ stream from a production process unit inside your facility and a CO$_2$ stream that was injected into a well on another facility, removed from a discontinued enhanced oil or natural gas or other production well, and transferred to your facility.

 Equipment leak means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

 Expected baseline is the anticipated value of a monitored parameter that is compared to the measured monitored parameter.

 Maximum monitoring area means the area that must be monitored under this regulation and is defined as equal to or greater than the area expected to contain the free phase CO$_2$ plume until the CO$_2$ plume has stabilized plus an all-around buffer zone of at least one-half mile.

 Research and development project means a project for the purpose of investigating practices, monitoring techniques, or injection verification, or engaging in other applied research, that will enable safe and effective long-term containment of a CO$_2$ stream in subsurface geologic formations, including research and short duration CO$_2$ injection tests conducted as a precursor to long-term storage.

 Separator means a vessel in which streams of multiple phases are gravity separated into individual streams of single phase.

 Surface leakage means the movement of the injected CO$_2$ stream from the injection zone to the surface, and into the atmosphere, indoor air, oceans, or surface water.

 Underground Injection Control permit means a permit issued under the authority of Part C of the Safe Drinking Water Act at 42 U.S.C. 300h et seq.

 Underground Injection Control program means the program responsible for regulating the construction, operation, permitting, and closure of injection wells that place fluids underground for storage or disposal for purposes of protecting underground sources of drinking water from endangerment pursuant to Part C of the Safe Drinking Water Act at 42 U.S.C. 300h et seq.

 Vented emissions means intentional or designed releases of CH$_4$ or CO$_2$ containing natural gas or hydrocarbon gas (not including stationary combustion flue gas), including process designed flow to the atmosphere through seals or vent pipes, equipment blowdown for maintenance, and direct venting of gas used to power equipment (such as pneumatic devices).

 Subpart SS—Electrical Equipment Manufacture or Refurbishment

 Source: 75 FR 74859, Dec. 1, 2010, unless otherwise noted.