§ 98.440 Definition of the source category.

(a) The geologic sequestration of carbon dioxide (CO\textsubscript{2}) source category comprises any well or group of wells that inject a CO\textsubscript{2} stream for long-term containment in subsurface geologic formations.

(b) This source category includes all wells permitted as Class VI under the Underground Injection Control program.

(c) This source category does not include a well or group of wells where a CO\textsubscript{2} stream is being injected in subsurface geologic formations to enhance the recovery of oil or natural gas unless one of the following applies:

(i) The owner or operator injects the CO\textsubscript{2} stream for long-term containment in subsurface geologic formations and has chosen to submit a proposed monitoring, reporting, and verification (MRV) plan to EPA and received an approved plan from EPA.

(ii) The well is permitted as Class VI under the Underground Injection Control program.

(d) Exemption for research and development projects. Research and development projects shall receive an exemption from reporting under this subpart for the duration of the research and development activity.

(i) Process for obtaining an exemption. If you are a research and development project, you must submit the information in paragraph (d)(2) of this section to EPA by the time you would otherwise be required to submit an MRV plan under §98.448. EPA will use this information to verify that the project is a research and development project.

(ii) Content of submission. A submission in support of an exemption as a research and development project must contain the following information:

(a) The planned duration of CO\textsubscript{2} injection for the project.

(b) The planned annual CO\textsubscript{2} injection volumes during this time period.

(c) The research purposes of the project.

(d) The source and type of funding for the project.

(e) The class and duration of Underground Injection Control permit or, for an offshore facility not subject to the Safe Drinking Water Act, a description of the legal instrument authorizing geologic sequestration.

(3) Determination by the Administrator.

(i) The Administrator shall determine if a project meets the definition of research and development project within 60 days of receipt of the submission of a request for exemption. In making this determination, the Administrator shall take into account any information you submit demonstrating that the planned duration of CO\textsubscript{2} injection for the project and the planned annual CO\textsubscript{2} injection volumes during the duration of the project are consistent with the purpose of the research and development project.

(ii) Any appeal of the Administrator’s determination is subject to the provisions of part 78 of this chapter.

(iii) A project that the Administrator determines is not eligible for an exemption as a research and development project must submit a proposed MRV plan to EPA within 180 days of the Administrator’s determination. You may request one extension of up to an additional 180 days in which to submit the proposed MRV plan.

§ 98.441 Reporting threshold.

(a) You must report under this subpart if any well or group of wells within your facility injects any amount of CO\textsubscript{2} for long-term containment in subsurface geologic formations. There is no threshold.

(b) Request for discontinuation of reporting. The requirements of §98.2(i) do not apply to this subpart. Once a well or group of wells is subject to the requirements of this subpart, the owner or operator must continue for each year thereafter to comply with all requirements of this subpart, including the requirement to submit annual reports, until the Administrator has issued a final decision on an owner or operator’s request to discontinue reporting.

(i) Timing of request. The owner or operator of a facility may submit a request to discontinue reporting any