

Environmental Protection Agency

§ 98.443

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 CO₂ injection for the project and the planned annual CO₂ 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 CO₂ 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.

(1) *Timing of request.* The owner or operator of a facility may submit a request to discontinue reporting any time after the well or group of wells is plugged and abandoned in accordance with applicable requirements.

(2) *Content of request.* A request for discontinuation of reporting must con-

tain either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) For wells permitted as Class VI under the Underground Injection Control program, a copy of the applicable Underground Injection Control program Director's authorization of site closure.

(ii) For all other wells, and as an alternative for wells permitted as Class VI under the Underground Injection Control program, a demonstration that current monitoring and model(s) show that the injected CO₂ stream is not expected to migrate in the future in a manner likely to result in surface leakage.

(3) *Notification.* The Administrator will issue a final decision on the request to discontinue reporting within a reasonable time. Any appeal of the Administrator's final decision is subject to the provisions of part 78 of this chapter.

§ 98.442 GHGs to report.

You must report:

(a) Mass of CO₂ received.

(b) Mass of CO₂ injected into the subsurface.

(c) Mass of CO₂ produced.

(d) Mass of CO₂ emitted by surface leakage.

(e) Mass of CO₂ emissions from equipment leaks and vented emissions of CO₂ from surface equipment located between the injection flow meter and the injection wellhead.

(f) Mass of CO₂ emissions from equipment leaks and vented emissions of CO₂ from surface equipment located between the production flow meter and the production wellhead.

(g) Mass of CO₂ sequestered in subsurface geologic formations.

(h) Cumulative mass of CO₂ reported as sequestered in subsurface geologic formations in all years since the facility became subject to reporting requirements under this subpart.

[75 FR 75078, Dec. 1, 2010, as amended at 76 FR 73905, Nov. 29, 2011]

§ 98.443 Calculating CO₂ geologic sequestration.

You must calculate the mass of CO₂ received using CO₂ received equations (Equations RR-1 to RR-3 of this section), unless you follow the procedures