§ 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 CO₂ in the maximum monitoring area and the likelihood, magnitude, and timing, of surface leakage of CO₂ through these pathways.

(3) A strategy for detecting and quantifying any surface leakage of CO₂.

(4) A strategy for establishing the expected baselines for monitoring CO₂ 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 CO₂ emissions from equipment leaks and vented emissions of CO₂ between the injection flow meter and injection well and/or the production flow meter and production well, and considerations for calculating CO₂ 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 numbers 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 CO₂ 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 CO₂ 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 CO₂. 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 CO₂ 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 CO₂ 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) Revised 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 awaiting 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.

[75 FR 75078, Dec. 1, 2010, as amended at 76 FR 73907, Nov. 29, 2011]

§ 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 CO₂ 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 CO₂ plume at the end of year t+5.

CO₂ received means the CO₂ stream that you receive to be injected for the first time into a well on your facility that is covered by this subpart. CO₂ received includes, but is not limited to, a CO₂ stream from a production process.