Message

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Sent: 3/15/2021 11:30:01 AM
To: Patel, Yogesh P [Yogesh.P.Patel@wv.gov]; Anderson, Connie J [Connie.J.Anderson@wv.gov]
Subject: Class VI comparison-- EPA notes
Attachments: WV checklist Class VI only.docx

Good morning Yogesh and Connie.

While EPA continues to review your updated regulations, instead of waiting for all our comments, we thought we should forward you ones we have so far, so that you can begin to update the draft regulations as you see fit or have a follow-up call with us. This update is only for Class VI. You will note that the format is the same as previous cross-walk document we worked on. The new Class VI notes are in red, and where provisions are missing in WV regulations those are highlighted in yellow.

Attached is an excerpt of the WV crosswalk table comparing the state's 2020 UIC rule updates to the Class VI-specific provisions of the CFR. West Virginia's requirements for Class VI wells closely follow the language of Subpart H of 40 CFR; however, some changes to other parts of the CFR are not reflected in the updates to 47 CSR 13.

All of the differences are highlighted in the far right column of the attached table. A few highlights are provided below:

- The definition of a Class VI well in Section 4.6 is similar to the CFR except that it specifies that injection is into deep rock formations. This may affect the applicability of the requirements to CO2 injection in shallow formations such as coal beds.
- The text at 14.8.a. and 14.8.c. seems to imply that projects operating under injection depth waivers are subject to less stringent requirements, which is inconsistent with how EPA characterized these in writing the rule.
- Some needed provisions are missing, such as: provisions for transitioning from Class II to Class VI, a provision to request an AE expansion, and explicit prohibitions of non-experimental Class V GS wells or area permits for Class VI wells.
- There are a few instances where internal rule references seem to be incorrect and a handful of typos that do not affect stringency.

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