

353.413 Definitions for KRS 353.411 to 353.459.

As used in KRS 353.411 to 353.459:

- (1) "Administratively complete," with respect to an application, means an application for permit approval that the cabinet determines contains:
 - (a) Information addressing each application requirement of the regulatory program; and
 - (b) All information necessary to initiate technical processing and public review;
- (2) "Cabinet" means the Energy and Environment Cabinet;
- (3) "Carbon dioxide" means anthropogenic carbon dioxide of sufficient purity and quality as to not compromise:
 - (a) The safety of geologic sequestration; and
 - (b) Those properties of the sequestration reservoir which allow the reservoir to effectively enclose and contain a stored gas;
- (4) "Carbon dioxide sequestration" means the injection of carbon dioxide and associated constituents into subsurface geologic reservoirs intended to provide for the long-term containment of a gaseous, liquid, or supercritical carbon dioxide stream in subsurface geologic formations and thereby prevent its release into the atmosphere;
- (5) "Class II well" has the same meaning as in KRS 353.510;
- (6) "Class VI injection well" or "Class VI well" means the classification by the US EPA of wells for injection of substances or materials into subsurface rock formations and, specifically, to the class of wells that are used to inject carbon dioxide into subsurface rock formations;
- (7) "Class VI underground injection control permit" or "Class VI permit" means a permit for a specified site authorizing a person or business entity to construct and operate a carbon dioxide sequestration facility issued by the:
 - (a) US EPA prior to granting the cabinet primary enforcement authority; or
 - (b) Cabinet after primary enforcement authority is granted by the US EPA;
- (8) "Completion certificate" means a Certificate of Underground Carbon Dioxide Sequestration Project Completion;
- (9) "Control person" has the same meaning as in KRS 353.510;
- (10) "Drilling permit" means a permit issued by the cabinet to drill a well or convert an existing well for the purposes of constructing a Class VI underground injection control facility;
- (11) "Gas well" has the same meaning as in KRS 353.010;
- (12) "Monitoring well" means a well authorized under a Class VI underground injection control permit that is designed and completed in a specified subsurface interval to monitor pressure, fluid chemistry, or other parameters to confirm containment of injected carbon dioxide within the sequestration reservoir and confining system and to demonstrate non-endangerment of underground sources of drinking water;
- (13) "Oil well" has the same meaning as in KRS 353.010;
- (14) "Person" has the same meaning as in KRS 353.510;

- (15) "Pore space" means a cavity or void, whether naturally or artificially created, in subsurface stratum beneath individual properties within a reservoir into which injection of carbon dioxide is proposed;
- (16) "Reservoir" means a subsurface stratum, formation, cavity, or void, whether naturally or artificially created, including oil and gas reservoirs, saline formation, and coal seams suitable for, or capable of being made suitable for, the injection and storage of carbon dioxide;
- (17) "Secretary" means the secretary of the Energy and Environment Cabinet;
- (18) "Sequestration facility" means the reservoir, well, underground equipment, and surface facilities and equipment used or proposed to be used in a carbon dioxide sequestration project, but does not include pipelines used to transport carbon dioxide to the sequestration facility;
- (19) "Sequestration operator" means a person applying for or holding a Class VI permit until the issuance of a completion certificate for the relevant sequestration facility;
- (20) "Sequestration reservoir" means a reservoir proposed, authorized, and used for storing carbon dioxide;
- (21) "Surface waters":
 - (a) Means:
 - 1. Those waters having well-defined banks and beds, either constantly or intermittently flowing;
 - 2. Lakes and impounded waters;
 - 3. Marshes and wetlands; and
 - 4. Any subterranean waters flowing in well-defined channels and having a demonstrable hydrologic connection with the surface; and
 - (b) Does not include lagoons used for waste treatment and effluent ditches that are situated on property owned, leased, or under valid easement by a permitted discharger;
- (22) "Third party" means a party who is independent of the corporate structure of a sequestration operator;
- (23) "Underground source of drinking water" or "USDW" has the same meaning as in 40 C.F.R. sec. 144.3;
- (24) "Unknown or missing owner" means a person vested with a present ownership interest in the pore space whose present identity or location cannot be determined from:
 - (a) A reasonable review of county clerk records for the county or counties in which the property is located, and includes unknown heirs, successors, and assigns known to be alive;
 - (b) A reasonable inquiry in the county of the owner's last known place of residence;
 - (c) A diligent inquiry into known interest owners in the same tract; and
 - (d) A reasonable review of available internet resources commonly utilized by the industry; and

(25) "US EPA" means the United States Environmental Protection Agency.

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