

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 230  
 Conditional Exclusion for Carbon Dioxide (CO<sub>2</sub>) Streams in Geologic Sequestration Activities  
 79 FR 350-364  
 January 3, 2014  
 (RCRA Cluster XXIII, Non-HSWA)

Name of State: \_\_\_\_\_

State Statutory Authority: \_\_\_\_\_

Title of Regulations: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Date Checklist Completed: \_\_\_\_\_

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:					
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE		
<b>PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL</b>								
<b>SUBPART B -- DEFINITIONS</b>								
<b>DEFINITIONS</b>								
add in alphabetical order the definition of "Carbon dioxide stream" to read as follows:	260.10							
<i>Carbon dioxide stream</i> means carbon dioxide that has been captured from an emission source (e.g., power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.	260.10							
<b>PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE</b>								
<b>SUBPART A -- GENERAL</b>								
<b>EXCLUSIONS</b>								
Add new paragraph 261.4(h) to read as follows:	261.4							

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Geologic Sequestration Activities (cont'd)**

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<i>Carbon Dioxide Stream Injected for Geologic Sequestration.</i> Carbon dioxide streams that are captured and transported for purposes of injection into an underground injection well subject to the requirements for Class VI Underground Injection Control wells, including the requirements in 40 CFR Parts 144 and 146 of the Underground Injection Control Program of the Safe Drinking Water Act, are not a hazardous waste, provided the following conditions are met:	261.4(h)					
Transportation of the carbon dioxide stream must be in compliance with U.S. Department of Transportation requirements, including the pipeline safety laws (49 U.S.C. § 60101 et seq.) and regulations (49 C.F.R. Parts 190-199) of the U.S. Department of Transportation, and pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. § 60105, as applicable.	261.4(h)(1)					
Injection of the carbon dioxide stream must be in compliance with the applicable requirements for Class VI Underground Injection Control wells, including the applicable requirements in 40 CFR Parts 144 and 146;	261.4(h)(2)					

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No hazardous wastes shall be mixed with, or otherwise co-injected with, the carbon dioxide stream; and	261.4(h)(3)					
<p>Any generator of a carbon dioxide stream, who claims that a carbon dioxide stream is excluded under paragraph (h) of this section, must have an authorized representative (as defined in 40 CFR 260.10) sign a certification statement worded as follows:</p> <p>I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 40 C.F.R. §261.4(h) has not been mixed with hazardous wastes, and I have transported the carbon dioxide stream in compliance with (or have contracted with a pipeline operator or transporter to transport the carbon dioxide stream in compliance with) Department of Transportation requirements, including the pipeline safety laws (49 U.S.C. § 60101 et seq.) and regulations (49 C.F.R. Parts 190-199) of the U.S. Department of Transportation, and the pipeline safety regulations adopted and administered by a state authority pursuant to a certification under 49 U.S.C. § 60105, as applicable, for injection into a well subject to the requirements for the Class VI Underground Injection Control Program of the Safe Drinking Water Act.</p>	261.4(h)(4)(i)					

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<p>Any Class VI Underground Injection Control well owner or operator, who claims that a carbon dioxide stream is excluded under paragraph (h) of this section, must have an authorized representative (as defined in 40 CFR 260.10) sign a certification statement worded as follows:</p> <p>I certify under penalty of law that the carbon dioxide stream that I am claiming to be excluded under 40 C.F.R. §261.4(h) has not been mixed with, or otherwise co-injected with, hazardous waste at the Underground Injection Control (UIC) Class VI permitted facility, and that injection of the carbon dioxide stream is in compliance with the applicable requirements for UIC Class VI wells, including the applicable requirements in 40 CFR Parts 144 and 146.</p>	261.4(h)(4)(ii)					

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The signed certification statement must be kept on-site for no less than three years, and must be made available within 72 hours of a written request from the Administrator, Regional Administrator, or state Director (if located in an authorized state), or their designee. The signed certification statement must be renewed every year that the exclusion is claimed, by having an authorized representative (as defined in 40 CFR 260.10) annually prepare and sign a new copy of the certification statement within one year of the date of the previous statement. The signed certification statement must also be readily accessible on the facility's publicly-available website (if such website exists) as a public notification with the title of "Carbon Dioxide Stream Certification" at the time the exclusion is claimed.	261.4(h)(4)(iii)					