WEST VIRGINIA CODE: §22-11B-2

§22-11B-2. Definitions.

Unless the context clearly requires a different meaning, as used in this article:

(1) “Carbon dioxide” means carbon dioxide produced by anthropogenic sources which is of such purity and quality that it will not compromise the safety of geologic storage and will not compromise those properties of a storage reservoir which allow the reservoir to effectively enclose and contain a stored gas;

(2) “Carbon dioxide sequestration” or “carbon dioxide storage” 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;

(3) “Class VI underground injection control” or “Class VI UIC” refers to the classification by the US EPA of wells for injection of substances or materials into deep rock formations and, specifically, to the class of wells that are used to inject carbon dioxide into underground rock formations to reduce carbon dioxide emissions to the atmosphere and mitigate climate change;

(4) “Class VI underground injection control permit,” “Class VI UIC permit,” or “Class VI permit” means a permit to drill injection wells and to conduct carbon dioxide sequestration at a specified site;

(5) “Commission” means the Oil and Gas Conservation Commission established pursuant to §22C-9-1 *et seq*. of this code.

(6) “Completion certificate” means a Certificate of Underground Carbon Dioxide Storage Project Completion;

(7) “Excursion” means the migration of carbon dioxide at or beyond the designated boundary of a carbon dioxide sequestration site;

(8) “Permit” means a Class VI underground injection control permit issued by the secretary or by the US EPA, authorizing a person or business entity to drill an injection well and to construct and operate a carbon dioxide sequestration facility;

(9) “Pore space” means a cavity or void, whether naturally or artificially created, in a subsurface stratum and is also known as container space or storage rights;

(10) “Reservoir” means a subsurface stratum, formation, aquifer, cavity, or void, whether naturally or artificially created, including oil and gas reservoirs, saline formations, and coal

WV Legislature

seams suitable for, or capable of being made suitable for, injecting and storing carbon dioxide;

(11) "Secretary" means the Secretary of the Department of Environmental Protection;

(12) "Storage facility" or "sequestration facility" means the reservoir, 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 storage facility;

(13) "Storage operator" means a person applying for or holding a permit until the issuance of a completion certificate for the relevant storage facility;

(14) "Storage reservoir" means a reservoir proposed, authorized, or used for storing carbon dioxide;

(15) "UIC" means underground injection control;

(16) "Unknown or unlocatable 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 the records of the clerk of the county commission, the sheriff, the assessor, and the clerk of the circuit court in 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 vicinity 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

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

WV Legislature