**R644. Natural Resources, Oil, Gas and Mining; Carbon Sequestration.**

**R644-7. Permit Modification, Revocation and Reissuance, Termination, Transfer or Renewal.**

**R644-7-1. Permit Actions.**

(1) The permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request by the operator for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(2) The operator shall furnish to the division, within 30 days, any information that the division may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating a permit, or to determine compliance with the permit. The operator shall also furnish to the division, upon request, copies of records required to be kept by the permit.

(3) The division may, upon their own initiative or at the request of any interested person, review any permit to determine if cause exists to modify, revoke and reissue, or terminate the permit for the reasons specified in Sections R644-7-2 through R644-7-4.

(4) Any request shall be in writing and contain facts or reasons supporting the request. If the division decides the request is not justified, they shall send the person making the request a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings.

(5) If the division decides to modify or revoke and reissue a permit under Sections R644-7-2 through R644-7-4, they shall prepare a draft permit under Section R644-6-1 incorporating the proposed changes. When a permit is modified, the entire permit is reopened and is subject to revision*.* The division may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the division shall require, if necessary, the submission of a new application.

(6) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. Any other aspect of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with each condition of the existing permit until a new final permit is reissued.

**R644-7-2. Modification or Revocation and Reissuance of Permits.**

(1) The following are causes for modification and may be causes for revocation and reissuance of permits.

(a) Alterations. There are material and substantial alterations or additions to the permitted CO2 Sequestration facility or activity that occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

(b) Information. The division has received information pertinent to the permit that would have justified the application of different permit conditions at the time of issuance.

(c) New Regulations.

(i) The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits for storage facilities may be modified during their terms when:

(A) The permit condition requested to be modified was based on a promulgated regulation or guideline;

(B) There has been a revision, withdrawal, or modification of that portion of the regulation or guideline on which the permit condition was based; and

(C) An operator requests modification within 90 days.

(ii) When standards or regulations on which the permit was based have been changed by withdrawal of standards or regulations or by promulgation of amended standards or regulations which impose less stringent requirements on the permitted activity or CO2 Sequestration facility and the operator requests to have permit conditions based on the withdrawn or revised standards or regulations deleted from their permit.

(iii) For judicial decisions, a court of competent jurisdiction has remanded and stayed Division of Oil, Gas and Mining regulations or guidelines and any appeals have been exhausted, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is filed by the operator to have permit conditions based on the remanded or stayed standards or regulations deleted from their permit.

(d) Compliance Schedules. The division determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the operator has little or no control and for which there is no reasonable available remedy.

(e) Additional Modification of CO2 Sequestration Facility Permit. For Class VI wells, whenever the division determines that permit changes are necessary based on:

(i) Area of review reevaluations under Subsection R644-8-2(2);

(ii) Any amendments to the testing and monitoring plan under Subsection R644-13-1(1)(j);

(iii) Any amendments to the injection well plugging plan under Subsection R644-16-1(3);

(iv) Any amendments to the post-injection site care and site closure plan under Subsection R644-17-1(1)(c);

(v) Any amendments to the emergency and remedial response plan under Subsection R644-12-1(4); or

(vi) A review of monitoring and testing results conducted in accordance with permit requirements.

(2) The following are causes to modify or, alternatively, revoke and reissue a permit:

(a) Cause exists for termination under Section R644-7-4, and the division determines that modification or revocation and reissuance is appropriate;

(b) The division has received notification of a proposed transfer of the permit and the transfer is determined not to be a minor modification, under Subsection R644-7-3(1)(d). A permit may be modified to reflect a transfer after the effective date but will not be revoked and reissued after the effective date except upon the request of the new operator; or

(c) A determination that the contents being injected are a hazardous waste as defined in Section R644-1-1 either because the definition has been revised, or because a previous determination has been changed; or

(d) To incorporate such other requirements as may be necessary under the Safe Drinking Water Act.

(3) CO2 Sequestration Facility Siting. Suitability of an existing CO2 Sequestration facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that continued operations at the site pose a threat to the health or safety of persons or the environment which was unknown at the time of permit issuance. A change of injection site or CO2 Sequestration facility location may require modification or revocation and issuance as determined to be appropriate by the division.

(4) If a permit modification satisfies the criteria of this section, a draft permit must be prepared, and other applicable procedures must be followed.

**R644-7-3. Minor Modifications of Permits.**

(1) Upon the consent of the operator, the division may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without issuing a draft permit and providing for public comment. Minor modifications may only:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the operator;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a CO2 Sequestration facility where the division determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new operator has been submitted to the division as per Section R644-7-5;

(e) Change quantities or concentrations of fluids injected that are within the capacity of the CO2 Sequestration facility as permitted and, in the judgment of the division, would not interfere with the operation of the CO2 Sequestration facility or its ability to meet conditions prescribed in the permit, and would not change its classification;

(f) Change construction requirements or plans approved by the division provided that any such alteration shall comply with the requirements of this section and Rule R644-9. No such changes may be physically incorporated into construction of the well prior to approval; or

(g) Amend a Class VI well testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency and remedial response plan where the modifications merely clarify or correct the plan, as determined by the division.

**R644-7-4. Termination of Permits.**

(1) The division may terminate a permit during its term, or deny a permit renewal application after notice and a hearing for the following causes:

(a) Noncompliance by the operator with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers the health or safety of persons or the environment, that activity cannot be regulated to acceptable levels by permit modification and can only be regulated to acceptable levels by permit termination.

(2) If the division decides to terminate a permit, they shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit that follows the same procedures as any draft permit prepared under Section R644-6-1.

(3) The division may alternatively decide to modify or revoke and reissue a permit for the causes in Subsection (1) and Subsection R644-7-2(2)(a).

**R644-7-5. Transfer of Permits.**

(1) A permit may be transferred to a new operator upon approval by the board.

(2) The current operator shall file a request for agency action with the board at least 60 days before the proposed transfer date in accordance with Title R641. The request shall include an application for transfer that shall contain the following:

(a) Name and address of the transferee;

(b) Date of proposed transfer; and

(c) A written agreement between the existing and new operator containing a specific date for transfer of permit responsibility, coverage, and liability between them. The agreement should also demonstrate to the satisfaction of the board that the financial responsibility requirements of Section R644-5-3 will be met by the new operator prior to the proposed transfer date.

(3) The permit transfer is effective on the date specified in the agreement mentioned in Subsection (2)(c), unless the division intends to modify or revoke and reissue the permit under Subsection R644-7-2(2)(b). If a decision to modify or revoke and reissue is made, the board must notify the existing and proposed operators before the effective date in the agreement.

(4) If the application for transfer contains an unsatisfactory written agreement, as described in Subsection (2)(c), no transfer will be approved by the board. Responsibility for compliance with the terms and conditions of the permit and liability for any violation will remain with the existing operator.

(5) If a person attempting to acquire a permit causes or allows operation of the CO2 Sequestration facility before approval by the board, it shall be considered a violation of this rule for operating without a permit or other authorization.

**KEY: oil and gas law**

**Date of Last Change: July 31, 2025**

**Authorizing, and Implemented or Interpreted Law: 40-11-3**