

SB 337 S

FILED

WEST VIRGINIA LEGISLATURE

2007 APR -4 PM 7:37

**SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007**

OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 337

(SENATORS McCABE, HUNTER, UNGER,
FOSTER AND KESSLER, *original sponsors*)

[Passed March 10, 2007; in effect ninety days from passage.]

FILED

2007 APR -4 PM 7:37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 337

(SENATORS MCCABE, HUNTER, UNGER,
FOSTER AND KESSLER, *original sponsors*)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-19, relating to the establishment of a program to inventory emissions, reductions and carbon sequestrations

of greenhouse gases; creating a voluntary registry for the reporting of voluntary reductions of greenhouse gas emissions if the reductions are made before they are required by law; clarifying that certain industries are exempt from reporting; providing public recognition of voluntary reduction or avoidance of greenhouse gases; providing definitions; and providing consideration of the reductions under future federal greenhouse gas emission reduction programs.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §22-5-19, to read as follows:

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-19. Net greenhouse gas inventory.

1 (a) The secretary is authorized to propose legislative
2 rules for promulgation in accordance with article three,
3 chapter twenty-nine-a of this code, establishing a net
4 greenhouse gas inventory to determine whether West
5 Virginia is a net sink or emitter of greenhouse gas and
6 whether greenhouse gas can be developed as an asset for
7 economic development by establishing an inventory
8 using reasonable estimates of current and future
9 greenhouse gas emissions. The inventory shall include
10 all significant emissions, reductions, capture and
11 sequestration of greenhouse gases from stationary, area
12 and mobile sources, such as power plants, waste
13 combustors, natural gas/oil systems, landfills, and waste
14 water treatment facilities, highway and nonroad
15 sources, agricultural sources and shall consider direct
16 (geologic) and indirect (terrestrial) carbon

17 sequestration. Stationary sources are not required to
18 but may submit to the secretary estimates of carbon
19 sequestration activities.

20 (b) To inventory greenhouse gas emissions, the
21 secretary shall establish a program for the reporting
22 and, where information already exists or is reported to
23 the department or other state or federal agency, the
24 collection of greenhouse gas emissions information from
25 all sources that emit greater than a *de minimis* amount
26 of greenhouse gases on an annual basis. *De minimis*
27 shall mean emissions from an individual facility that are
28 equal to or less than ten thousand tons per year for
29 carbon dioxide, four hundred seventy-six tons per year
30 for methane, thirty-two and six tenths tons per year for
31 nitrous oxide, eight hundred fifty-five thousandths tons
32 per year for hydrofluorocarbons, one and nine
33 hundredths tons per year for perfluorocarbons and
34 forty-two hundredths tons per year for sulfur
35 hexafluoride. Stationary sources shall only be required
36 to report the annual quantities of nonmobile source,
37 anthropogenic emissions of greenhouse gases, and shall
38 not be required to report naturally occurring emissions
39 of greenhouse gases. Only those stationary sources who
40 are otherwise required to report emissions of regulated
41 air pollutants under rules promulgated by the secretary
42 pursuant to section four of this article, shall be required
43 to report their greenhouse gas emissions under this
44 section. Stationary sources which are not required to
45 report air emissions under this section and are regulated
46 by the secretary under the provisions of article three,
47 chapter twenty-two of this code are not required to, but
48 may voluntarily, report such emissions. The reporting
49 entities will be permitted to provide existing and
50 ongoing documented inventories, such as those provided

51 to the Environmental Protection Agency's Climate
52 Leaders Program, Chicago Climate Exchange Registry,
53 the International Organization for Standardization, the
54 SF6 Emissions Reduction Partnership for Electric
55 Power Systems or other widely recognized and verified
56 greenhouse gas inventory programs to completely fulfill
57 their West Virginia program reporting requirements.

58 (c) The secretary shall establish a voluntary program
59 under which the department registers voluntary
60 reductions in emissions of greenhouse gases for
61 reductions made before mandated by law. The
62 voluntary program shall include, but not be limited to,
63 developing criteria for establishing baseline emissions,
64 quantifying emission reductions and providing public
65 recognition. The department shall consider the
66 information recorded in the voluntary emission
67 reduction registry when determining baselines and
68 reduction requirements under future emission reduction
69 programs implemented under federal law.

70 (d) To inventory greenhouse gas reductions, the
71 secretary shall consult and coordinate with other state
72 agencies and higher education institutions, the citizenry
73 and other entities such as industry trade groups that
74 have knowledge or information relating to greenhouse
75 gas emissions, measurement protocols, greenhouse gas
76 reductions and sequestration including, but not limited
77 to, the Department of Agriculture, the Division of
78 Forestry, Marshall University, West Virginia University
79 and the Department of Transportation. These
80 governmental entities shall enter into interagency
81 agreements with the secretary and shall cooperate by: (i)
82 Providing information relating to greenhouse gas
83 emissions, reductions and sequestration; and (ii)

84 providing any necessary assistance to the secretary in
85 effectuating the purposes of this article. The secretary
86 shall determine the form and format of the information
87 submitted by these entities.

88 (e) In establishing the net greenhouse gas inventory
89 program, the department shall make the program as
90 consistent as possible with other state and federal
91 programs designed to monitor, quantify and register
92 reductions in emissions of greenhouse gases as
93 referenced in subsection (b) of this section.

94 (f) As used in this section, "greenhouse gas" means
95 carbon dioxide, methane, nitrous oxide,
96 hydrofluorocarbons, perfluorocarbons and sulfur
97 hexafluoride.

Enr. Com. Sub. for Com. Sub. for S. B. No. 337] 6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chavette
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Suzanne M. Shaw
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *4th* Day of *April*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 4:14