

1 **H. B. 4319**

2  
3 (By Delegates Ferro, Barker and Caputo)

4 [By request of the Department of  
5 Environmental Protection]

6 [Introduced January 26, 2012; referred to the  
7 Committee on Energy, Industry and Labor, Economic Development and  
8 Small Business then the Judiciary.]  
9

10 A BILL to amend and reenact §22-5-19 of the Code of West Virginia,  
11 1931, as amended, relating to the Department of Environmental  
12 Protection's requirements to inventory emissions of greenhouse  
13 gases; eliminating unneeded provisions; allowing reporting of  
14 greenhouse gases under the United States Environmental  
15 Protection Agency's Mandatory Reporting of Greenhouse Gases  
16 Rule to satisfy greenhouse gas reporting requirements in West  
17 Virginia.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §22-5-19 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 **ARTICLE 5. AIR POLLUTION CONTROL.**

22 **§22-5-19. Inventory of greenhouse gases.**

23 ~~(a) The secretary is authorized to propose legislative rules~~  
24 ~~for promulgation in accordance with article three, chapter twenty~~

1 ~~nine a of this code, establishing a net greenhouse gas inventory to~~  
2 ~~determine whether West Virginia is a net sink or emitter of~~  
3 ~~greenhouse gas and whether greenhouse gas can be developed as an~~  
4 ~~asset for economic development by establishing an inventory using~~  
5 ~~reasonable estimates of current and future greenhouse gas~~  
6 ~~emissions. The inventory shall include all significant emissions,~~  
7 ~~reductions, capture and sequestration of greenhouse gases from~~  
8 ~~stationary, area and mobile sources, such as power plants, waste~~  
9 ~~combustors, natural gas/oil systems, landfills, and waste water~~  
10 ~~treatment facilities, highway and nonroad sources, agricultural~~  
11 ~~sources and shall consider direct (geologic) and indirect~~  
12 ~~(terrestrial) carbon sequestration. Stationary sources are not~~  
13 ~~required to but may submit to the secretary estimates of carbon~~  
14 ~~sequestration activities.~~

15 ~~(b) To inventory greenhouse gas emissions, (a) The secretary~~  
16 ~~shall establish a program for the reporting and, where information~~  
17 ~~already exists or is reported to the department or other state or~~  
18 ~~federal agency, the collection of to inventory greenhouse gas~~  
19 ~~emissions information from all major sources that emit greater than~~  
20 ~~a *de minimis* amount of greenhouse gases on an annual basis. De~~  
21 ~~*minimis* shall mean emissions from an individual facility that are~~  
22 ~~equal to or less than ten thousand tons per year for carbon~~  
23 ~~dioxide, four hundred seventy-six tons per year for methane,~~  
24 ~~thirty-two and six tenths tons per year for nitrous oxide, eight~~

1 ~~hundred fifty five thousandths tons per year for~~  
2 ~~hydrofluorocarbons, one and nine hundredths tons per year for~~  
3 ~~perfluorocarbons and forty two hundredths tons per year for sulfur~~  
4 ~~hexafluoride. Stationary sources shall only be required to report~~  
5 ~~the annual quantities of nonmobile source, anthropogenic emissions~~  
6 ~~of greenhouse gases, and shall not be required to report naturally~~  
7 ~~occurring emissions of greenhouse gases. Only those stationary~~  
8 ~~sources who are otherwise required to report emissions of regulated~~  
9 ~~air pollutants under rules promulgated by the secretary pursuant to~~  
10 ~~section four of this article, shall be required to report their~~  
11 ~~greenhouse gas emissions under this section. Stationary sources~~  
12 ~~which are not required to report air emissions under this section~~  
13 ~~and are regulated by the secretary under the provisions of article~~  
14 ~~three, chapter twenty two of this code are not required to, but may~~  
15 ~~voluntarily, report such emissions. The reporting entities will be~~  
16 ~~permitted to provide existing and ongoing documented inventories,~~  
17 ~~such as those provided to the Environmental Protection Agency's~~  
18 ~~Climate Leaders Program, Chicago Climate Exchange Registry, the~~  
19 ~~International Organization for Standardization, the SF6 Emissions~~  
20 ~~Reduction Partnership for Electric Power Systems or other widely~~  
21 ~~recognized and verified greenhouse gas inventory programs to~~  
22 ~~completely fulfill their West Virginia program reporting~~  
23 ~~requirements.~~

24 ~~(c) The secretary shall establish a voluntary program under~~

~~1 which the department registers voluntary reductions in emissions of  
2 greenhouse gases for reductions made before mandated by law. The  
3 voluntary program shall include, but not be limited to, developing  
4 criteria for establishing baseline emissions, quantifying emission  
5 reductions and providing public recognition. The department shall  
6 consider the information recorded in the voluntary emission  
7 reduction registry when determining baselines and reduction  
8 requirements under future emission reduction programs implemented  
9 under federal law.~~

~~10 (d) To inventory greenhouse gas reductions, the secretary  
11 shall consult and coordinate with other state agencies and higher  
12 education institutions, the citizenry and other entities such as  
13 industry trade groups that have knowledge or information relating  
14 to greenhouse gas emissions, measurement protocols, greenhouse gas  
15 reductions and sequestration including, but not limited to, the  
16 Department of Agriculture, the Division of Forestry, Marshall  
17 University, West Virginia University and the Department of  
18 Transportation. These governmental entities shall enter into  
19 interagency agreements with the secretary and shall cooperate by:  
20 (i) Providing information relating to greenhouse gas emissions,  
21 reductions and sequestration; and (ii) providing any necessary  
22 assistance to the secretary in effectuating the purposes of this  
23 article. The secretary shall determine the form and format of the  
24 information submitted by these entities.~~

1       ~~(e)~~ In establishing the net greenhouse gas inventory program,  
2 the department shall make the program as consistent as possible  
3 with other state and federal programs designed to monitor, quantify  
4 and register reductions in emissions of greenhouse gases as  
5 referenced in subsection (b) of this section. are subject to  
6 mandatary federal greenhouse gases reporting requirements. Before  
7 imposing additional greenhouse gas reporting requirements on these  
8 sources the secretary shall obtain, available emissions data  
9 directly from the appropriate federal entity, including the United  
10 States Environmental Protection Agency.

11       ~~(f)~~ (b) As used in this section, "greenhouse gas" means carbon  
12 dioxide, methane, nitrous oxide, hydroflurocarbons,  
13 perfluorocarbons and sulfur hexafluoride.

NOTE: The purpose of this bill is to modify the Department of Environmental Protection's requirements to inventory emissions of greenhouse gases and eliminate unneeded provisions. It allows reporting of greenhouse gases under the United States Environmental Protection Agency's Mandatory Reporting of Greenhouse Gases Rule to satisfy greenhouse gas reporting requirements in West Virginia.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.