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H. B./S.B.

(By _____)

[By Request of the Executive]

[Introduced _____; referred to the
Committee on _____.]

BILL to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-19, relating to establishing a program to report emissions 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; establishing a banking and trading program for greenhouse gas emission reductions; providing public recognition of voluntary reduction or avoidance of greenhouse gases; and providing consideration of such reductions under future mandatory federal or state 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:

1 **ARTICLE 5. AIR POLLUTION CONTROL.**

2 **§22-5-19 GREENHOUSE GAS REPORTING AND EARLY EMISSION REDUCTION**
3 **CREDITS.**

4 (a) The secretary is authorized to propose legislative rules
5 for promulgation in accordance with article three [§§ 29A-3-1 et
6 seq.], chapter twenty-nine-a of this code, establishing a
7 greenhouse gas emissions registration program for all stationary
8 sources that emit more than a de minimis amount of greenhouse gases
9 on an annual basis.

10 (b) The secretary is authorized to propose legislative rules
11 for promulgation in accordance with article three [§§ 29A-3-1 et
12 seq.], chapter twenty-nine-a of this code, establishing a voluntary
13 program under which the department registers voluntary reductions
14 in emissions of greenhouse gases and creates a mechanism for
15 banking and trading of greenhouse gas emissions for reductions made
16 before required by law. The voluntary program shall include, but
17 not be limited to, criteria for establishing baseline emissions,
18 quantifying emission reductions, providing public recognition, and
19 establishing a mechanism for banking and trading of emission
20 reductions. The department shall consider the information recorded
21 in the voluntary emission reduction registry when determining
22 baselines and reduction requirements under future emission
23 reduction programs implemented under federal or state law.

24 (c) Greenhouse gas emission reductions under this section are

1 voluntary.

2 (d) In establishing the greenhouse gas emission registration
3 system and the voluntary emission reduction program the department
4 shall make the system and program as consistent as possible with
5 other state and federal programs designed to monitor, quantify,
6 bank and trade reductions in emissions of greenhouse gases.

7 (e) As used in this section, "greenhouse gas" means carbon
8 dioxide, methane, nitrous oxide, hydrofluorocarbons,
9 perfluorocarbons, sulfur hexafluoride or any other gas that traps
10 heat in the atmosphere.

NOTE: The purpose of this bill is to create the "greenhouse gas reporting and early emission reduction credit program," which establishes a greenhouse gas emission registry and a voluntary program for encouraging voluntary reductions of greenhouse gas emissions. The program, administered by the Department of Environmental Protection, requires facilities emitting more than a de minimis amount of greenhouse gases to register such emissions with the department and authorizes the Department to establish a voluntary registry for voluntary reductions of greenhouse gas emissions and establish a mechanism for banking and trading of greenhouse gas emission reductions. The Department of Environmental Protection is to propose legislative rules establishing the program.

This is a new section, therefore strike-throughs and underscores have been omitted.