

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #1

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WV Department of Environmental Protection - Division of Air Quality TITLE NUMBER: 45

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code §22-5-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45CSR42

TITLE OF RULE BEING AMENDED: REPEAL OF - Greenhouse Gas Emissions Inventory Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: July 11, 2011 TIME: 6:00 p.m.

LOCATION OF PUBLIC HEARING: West Virginia Department of Environmental Protection
Dolly Sods Conference Room (Room 1125)
601 57th Street, S.E.
Charleston, WV 25304

COMMENTS LIMITED TO: ORAL WRITTEN BOTH


DATE WRITTEN COMMENT PERIOD ENDS: July 11, 2011 TIME: 7:00 p.m.

WRITTEN COMMENTS MAY BE MAILED TO:
The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

Public Information Office
West Virginia Department of Environmental Protection
601 57th Street, S.E.
Charleston, WV 25304

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Authorized Signature

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY
BRIEFING DOCUMENT**

Rule Title: 45CSR42 - "Greenhouse Gas Emissions Inventory Program"

A. AUTHORITY: W.Va. Code §22-5-19.

B. SUMMARY OF RULE:

The Department of Environmental Protection is proposing to repeal rule 45CSR42 *Greenhouse Gas Emissions Inventory Program*". The purpose of this rule was to establish a program which requires the reporting of greenhouse gas emissions by stationary sources which emit greenhouse gases.

C. STATEMENT OF CIRCUMSTANCES WHICH REQUIRE RULE:

The Department of Environmental Protection is proposing to repeal rule 45CSR42 because on October 30, 2009, U.S. EPA promulgated standardized greenhouse reporting requirements, *Mandatory Reporting of Greenhouse Gases*. Because 45CSR42 was promulgated before U.S. EPA finalized its greenhouse gas reporting requirements, and the rule's approach to greenhouse gas reporting was significantly different from U.S. EPA's final approach, the Division of Air Quality has determined that sources subject to U.S. EPA's *Mandatory Reporting of Greenhouse Gases* shall not be also be subject to the differing requirements of 45CSR42. To further eliminate this conflict, the Department will take steps to amend W.Va. Code §22-5-19, which authorizes the Secretary to propose legislative rules establishing a Greenhouse Gas Inventory Program. Such amendment to the Code will provide for the Cabinet Secretary to allow reporting under U.S. EPA's *Mandatory Reporting of Greenhouse Gases* to satisfy greenhouse gas reporting requirements in West Virginia.

D. FEDERAL COUNTERPART REGULATIONS - INCORPORATION BY REFERENCE/DETERMINATION OF STRINGENCY:

Because the repeal of 45CSR42 will eliminate conflict with U.S. EPA's *Mandatory Reporting of Greenhouse Gases*, no determination of stringency is required.

E. CONSTITUTIONAL TAKINGS DETERMINATION:

In accordance with §22-1A-1 and 3(c,) the Secretary has determined that this rule will not result in taking of private property within the meaning of the Constitutions of West Virginia and the United States of America.

F. CONSULTATION WITH THE ENVIRONMENTAL PROTECTION ADVISORY COUNCIL:

At its June 2, 2011, meeting, the Environmental Protection Advisory Council reviewed and discussed this rule. (See attached minutes for Council's discussion).

ENVIRONMENTAL PROTECTION ADVISORY COUNCIL

MEETING MINUTES

June 2, 2011

I. CALL TO ORDER

Kristin A. Boggs, Ex Officio Chair designated by Secretary Randy Huffman, called to order the regular meeting of the DEP Advisory Council at 1:35 p.m. on June 2, 2011 at the headquarters of the West Virginia Department of Environmental Protection, 601 57th Street Southeast, Charleston, West Virginia. Agendas were distributed.

II. ROLL CALL

Members present: Lisa Dooley, Jackie Hallinan, Ted Hapney, Larry Harris, Bill Raney, and Rick Roberts. Karen Price was absent.

The meeting was also attended by the following DEP personnel and invited guests: Lisa A. McClung, Deputy Cabinet Secretary; Kathy Cosco, Chief Communication Officer; James L. Mason, Division of Air Quality; Donald W. Martin, Division of Land Restoration; Charles W. Armstead, Division of Water & Waste Management; and David L. Johnston, Division of Water & Waste Management. Sherrie A. Armstrong and John Ailes of Bailey & Glasser attended the meeting at Ms. Boggs' invitation to fulfill Dr. Harris' request at the March 17 meeting that the DEP provide some information on the implications of the *West Virginia Highlands Conservancy v. Huffman* decision.

Also in attendance were the following members of the public: Don Garvin of the Ohio Valley Environmental Coalition; Don Gasper of Trout Unlimited; and Rosa Rose.

III. OLD BUSINESS

Minutes of the March 17, 2011 Meeting. The minutes were emailed and provided to Council in hard copy. Mr. Raney moved for approval of the minutes, Ms. Dooley seconded the motion, and it was carried by acclamation of Council.

IV. SPECIAL PRESENTATION

Ms. Armstrong, who – along with Benjamin L. Bailey - represented the DEP in the Fourth Circuit Court of Appeals in *West Virginia Highlands Conservancy v. Huffman* (the “special rec” or “bond forfeiture” cases), gave a brief overview of the possible consequences of the decision rendered in that case. John Ailes of Bailey & Glasser also participated in the presentation. In sum, an unintended consequence of this ruling could be that watershed groups, which volunteer their time and resources to clean up pre-law mine sites, could be required to get NPDES permits.

Dr. Harris suggested that a way out for Good Samaritan watershed groups would be to partner with the State and let the State obtain the NPDES permits. Mr. Ailes then opined

that the chilling effect on beneficial partnerships between citizen groups and the regulatory agencies it is one of the unintended consequences of the ruling and that this is an opportunity for the DEP to look into rulemaking to address some of these issues.

Ms. Dooley asked if the agency could waive the permit application fees for Good Samaritan groups like some municipalities waive business license fees, and DEP did not foreclose that possibility. That is one of the issues that could be addressed in future rulemaking.

Mr. Roberts asked if this ruling would apply to AML, and Ms. Armstrong answered that we do not think so, since AML is governed by a separate set of rules.

Mr. Raney asked if this ruling could apply to other industrial discharges, and Ms. Armstrong answered no.

V. PROPOSED 2012 LEGISLATIVE RULES

Division of Air Quality

- ❖ 45 CSR 8 – *Ambient Air Quality Standards* – Annual incorporation by reference amendments to the NAAQS, including Primary National Ambient Air Quality standard for sulfur dioxide.
- ❖ 45 CSR 14 – *Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration* – Revisions to the rule incorporate changes to the federal counterpart, “Prevention of Significant Deterioration for Particulate Matter Less Than 2.5 Micrometers – Increments, Significant Impact Levels and Significant Monitoring Concentration.”
 - ◆ Dr. Harris asked the following questions regarding this rule: What is a PAL? Are there any in West Virginia? Would it apply to the TransGas facility in Mingo County? On behalf of the Division of Air Quality, James L. Mason answered that a PAL is a plant-wide applicability unit, and it may apply to the TransGas facility, but TransGas would have to apply for it. Mr. Mason was unsure if there were any PALs in West Virginia, but he advised the Council he would get back to them with a response.¹
- ❖ 45 CSR 16 – *Standards of Performance for New Stationary Sources* – Annual incorporation by reference amendments to the NSPS.

¹ Mr. Mason has determined since the June 2 meeting that, because the TransGas facility is a synthetic minor source, 45CSR14 did not apply to the permitting process. If TransGas were to become a major source, 45CSR14 may then apply. Mr. Mason also determined that there are no permitted PALs in West Virginia at this time.

- ❖ 45 CSR 18 – *Combustion of Solid Waste* – The revised rule incorporates by reference the amended Standards of Performance for New Commercial and Industrial Solid Waste Incineration Units and sets forth emission guidelines for existing commercial and industrial solid waste incineration units. The new CISWI language was pulled from the proposed rule based on EPA’s recent delay of the rule’s effective date.
- ❖ 45 CSR 19 – *Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment* – Revisions to the rule include new significant impact levels promulgated by EPA.
 - ◆ Mr. Raney inquired whether Marcellus pads fall under this rule. The short answer, as provided by Mr. Garvin and Deputy Secretary McClung, is no.
- ❖ 45 CSR 25 – *Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities* – Revisions to the rule include annual incorporation-by-reference updates.
- ❖ 45 CSR 30 – *Requirements for Operating Permits* – Revisions to the rule implement the provisions of EPA’s final Greenhouse Gas Tailoring Rule. Language is added that is intended to rescind elements of the Tailoring Rule if a court, Congress, EPA or the President finds that GHGs are not subject to regulation. In order to effect the provisions of the Tailoring Rule as soon as practicable, and in accordance with EPA-mandated timelines, West Virginia has adopted this rule as an emergency rule.
 - ◆ Dr. Harris asked what an alternative operating scenario is, and Mr. Mason explained that, once an operating system is approved, the permittee can propose something different and, if it is allowed by the rule, the Secretary can approve it as an alternative operating scenario. Dr. Harris then asked what “approved replicatable methodology” is, and Mr. Mason clarified that approved replicatable methodology (“ARM”) goes along with alternative operating scenarios: we want reproducible science, and the ARM is used to prove how the permittee plans to meet its permit limits.
 - ◆ Mr. Mason also clarified for Council that the rescission language amended into the rule in the emergency rulemaking process is only applicable to greenhouse gases and not any other pollutant.
- ❖ 45 CSR 34 – *Emission Standards for Hazardous Air Pollutants* – Annual incorporation-by-reference revisions to the Hazardous Air Pollutant rule.
- ❖ 45 CSR 35 – *Requirements for Determining Conformity of General Federal Actions to Applicable Air Quality Implementation Plans (General Conformity)* – This revised rule incorporates by reference the following provisions of 40 CFR 93: Revisions to the General Conformity Regulations.
- ❖ 45 CSR 42 – *Greenhouse Gas Emissions Inventory Program* – DAQ is proposing to repeal this rule because on October 30, 2009, EPA promulgated standardized greenhouse

reporting requirements, "Mandatory Reporting of Greenhouse Gases." Because 45 CSR 42 was promulgated before the EPA finalized its mandatory greenhouse gas reporting requirements, and the rule's approach to greenhouse gas reporting was significantly different from EPA's final approach, the DAQ has determined that sources subject to EPA's Mandatory Reporting of Greenhouse Gases shall not be also subject to the differing requirements of this State rule. To further eliminate this conflict, the DEP will take steps to amend W. Va. Code § 22-5-19, which authorizes the Secretary to propose legislative rules establishing a Greenhouse Gas Inventory Program. Such amendment to the Code will provide for the Cabinet Secretary to allow reporting under EPA's Mandatory Reporting of Greenhouse Gases to satisfy greenhouse gas reporting requirements in West Virginia.

DIVISION OF LAND RESTORATION

- ❖ 60 CSR 3 – *Voluntary Remediation and Redevelopment Rule* – This rule is being revised to update the *de minimus* clean-up standards. This change is necessary, because the toxicological profiles for many chemicals in the federal IRIS database have been revised, which necessitates changes to the *de minimus* table.

Division of Water & Waste Management

- ❖ 33 CSR 1 – *Solid Waste Management Rule* – Revisions to this rule are to add the definition of "covered electronic devices" to the list of defined terms and to add covered electronic devices as an unacceptable waste banned from disposal in the State's landfills. This revision is necessary due to the passage of Senate Bill 298 on March 12, 2010, which amended and reenacted W. Va. Code § 22-15A-25 to ban certain electronic devices from landfill disposal.
- ❖ 33 CSR 20 – *Hazardous Waste Management Rule* – Revisions to the rule include annual incorporation-by-reference updates from the federal counterpart. Further, DWWM proposes to amend the rule to reflect that the authority it previously transferred to the Division of Highways to regulate hazardous waste on the highways has been transferred by statute to the Public Service Commission when the Weights & Measures Section was transferred from the DOH to the PSC.

Dr. Harris moved that the proposed 2012 Legislative rules be approved for submission to the Legislature; Mr. Hapney seconded the motion; Mr. Raney objected only on the basis that the DAQ rules are complex and difficult to understand, and he wants to make sure DEP is not simply adopting federal recommendations without adequate consideration to the needs of the economy of West Virginia. The motion to approve the rule was then carried by acclamation of Council.

VI. OTHER BUSINESS

- ❖ Ms. Hallinan advised the DEP to keep pushing Marcellus regulations.
- ❖ Dr. Harris expressed serious concerns about the Marcellus permits issued in Monongalia County close to a public drinking water intake. Specifically, he opined that allowing natural gas drilling so close to a water intake is the most irresponsible siting he has ever seen and that once there has been accident, it is too late to do anything. He advised DEP that Morgantown is considering a moratorium on Marcellus drilling. He finally advised DEP that there should be a public comment period on Marcellus well work permits.
- ❖ The next Advisory Council meeting will be **Thursday, September 22, 2011 at 1:30 p.m.**

VII. ADJOURNMENT

Mr. Hapney moved that the meeting be adjourned, Ms. Hallinan seconded the motion, Dr. Harris objected, based on Ms. Boggs' failure to allow public comment at the meeting, and the motion carried by acclamation of Council. The meeting was adjourned at 2:30 p.m.

FISCAL NOTE FOR PROPOSED RULESRule Title: 45CSR42 - "Greenhouse Gas Emissions Inventory Program"Type of Rule: X Legislative Interpretive ProceduralAgency: Division of Air QualityAddress: 601 57th Street SECharleston, WV 25304Phone Number: 304) 926-0475Email: tammy.l.mowrer@wv.gov**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The Department of Environmental Protection, Division of Air Quality, is proposing to repeal 45CSR42 due to standardized greenhouse gas reporting requirements promulgated by U.S. EPA. Repeal of 45CSR42 will have a positive impact of \$16,250 on the cost of state government in fiscal years 2012 and beyond.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR

Effect of Proposal	2012 Increase/Decrease (use "-")	2013 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	- \$16,250	0	0
Personal Services	- \$16,250	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Equipment	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

Rule Title: 45CSR42 - "Greenhouse Gas Emissions Inventory Program"

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Full implementation costs of 0.25 FTE or \$16,250 to maintain the program are saved with the repeal of 45CSR42.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: June 1, 2011



John A. Benedict, Director

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**TITLE 45
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR QUALITY**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SERIES 42
GREENHOUSE GAS EMISSIONS INVENTORY PROGRAM**

§45-42-1. General:

~~1.1. Scope. -- This rule establishes a greenhouse gas emissions inventory program in West Virginia which:~~

~~1.1.a. Requires the reporting and inventory of greenhouse gas emissions by stationary sources which emit more than a *de minimis* amount of greenhouse gases on an annual basis;~~

~~1.1.b. Inventories greenhouse gas emissions from stationary, area, mobile and biogenic sources, and accounts for reductions and sequestration of greenhouse gas emissions;~~

~~1.1.c. Provides for a periodic compilation of a greenhouse gas emissions inventory and a determination whether West Virginia is a net sink or emitter of greenhouse gases;~~

~~1.1.d. Provides for development of a registry to record voluntary reductions of greenhouse gas emissions; and~~

~~1.1.e. Provides for a determination whether the reduction and sequestration of greenhouse gas emissions can be developed as an asset for economic development.~~

~~1.2. Authority. -- W.Va. Code §22-5-19.~~

~~1.3. Filing Date. -- April 23, 2008.~~

~~1.4. Effective Date. -- June 1, 2008.~~

§45-42-2. Definitions:

~~2.1. "Air pollutants" means solids, liquids, or gases which, if discharged into the air, may result in statutory air pollution.~~

~~2.2. "Air pollution" or "statutory air pollution" means and is limited to the discharge into the air by the act of man substances (liquid, solid, gaseous, organic or inorganic) in a locality, manner and amount as to be injurious to human health or welfare, animal or plant life, or property, or which would interfere with the enjoyment of life or property.~~

~~2.3. "Anthropogenic" means a direct result of human activities or the result of natural processes that have been influenced by human activities.~~

- ~~— 2.4. “Area source” means, for purposes of this rule, a collection of similar sources of air pollutants within a geographic area. Area sources collectively represent individual sources that are small and numerous, and that typically have not been inventoried as a stationary or mobile source.~~
- ~~— 2.5. “Biogenic” means a naturally occurring biological source or process that is not significantly affected by human actions or activity.~~
- ~~— 2.6. “Capture” means the collection of greenhouse gas emissions from a stationary source.~~
- ~~— 2.7. “De minimis” means emissions from a stationary source that are equal to or less than ten thousand tons per year for carbon dioxide, four hundred seventy-six tons per year for methane, thirty-two and six tenths tons per year for nitrous oxide, eight hundred fifty-five thousandths tons per year for hydrofluorocarbons, one and nine hundredths tons per year for perfluorocarbons and forty-two hundredths tons per year for sulfur hexafluoride.~~
- ~~— 2.8. “Emission” means the release, escape or discharge of regulated air pollutants or greenhouse gases into the air.~~
- ~~— 2.9. “Greenhouse gas” means the gaseous compounds: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (SF₆).~~
- ~~— 2.10. “Mobile source” means a variety of onroad and nonroad vehicles, engines, locomotives, marine vessels, airplanes and other equipment that generate air pollutants and greenhouse gas emissions, and that move or can be moved from place to place.~~
- ~~— 2.11. “Regulated air pollutant” means, for purposes of this rule, any air pollutant regulated under rules promulgated by the Secretary pursuant to W.Va. Code §22-5-4.~~
- ~~— 2.12. “Reservoir” means a geological site where a greenhouse gas is securely stored.~~
- ~~— 2.13. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§22-1-6 or 22-1-8.~~
- ~~— 2.14. “Sequestration” means the physical process by which emissions of a greenhouse gas are directly captured for storage in a reservoir, or the biologic process by which a greenhouse gas is indirectly removed from the atmosphere for storage in a sink.~~
- ~~— 2.15. “Sink” means any process, activity or mechanism which removes a greenhouse gas from the atmosphere. Forests are considered sinks because they remove carbon dioxide through photosynthesis.~~
- ~~— 2.16. “Source” means, for purposes of this rule, any process or activity which releases a greenhouse gas into the air.~~
- ~~— 2.17. “Stationary source” means any building, structure, facility, installation, stationary process or process equipment which emits or may emit any regulated air pollutant or greenhouse gas.~~

~~2.18. "Ton" means a short ton, or 2000 pounds.~~

~~2.19. Other words and phrases used in this rule, unless otherwise indicated, shall have the meaning ascribed to them in W.Va. Code §22-5-1 et seq.~~

~~§45-42-3. Applicability:~~

~~3.1. Any stationary source that emits one or more greenhouse gases on an annual basis greater than the *de minimis* amounts listed in the table below, and reports emissions of regulated air pollutants pursuant to the emissions inventory requirements of the Secretary under rule or W.Va. Code §22-5-4(a)(14), shall be an affected source required to report emissions of all greenhouse gases emitted above *de minimis* amounts to the Secretary under section 4:~~

Greenhouse Gas Compound	tons/year
carbon dioxide	10,000
methane	476
nitrous oxide	32.6
hydrofluorocarbons	0.855
perfluorocarbons	1.09
sulfur hexafluoride	0.42

~~3.2. Stationary sources which are regulated by the Secretary under W.Va. Code §22-3-1 et seq. and do not report emissions of regulated air pollutants pursuant to the emissions inventory requirements under W.Va. Code §22-5-4(a)(14) are not required to, but may voluntarily report their greenhouse gas emissions under section 4:~~

~~§45-42-4. Reporting Requirements:~~

~~4.1. In accordance with a reporting cycle provided by the Secretary, affected sources shall report to the Secretary the quantity of all greenhouse gases emitted above *de minimis* amounts in the years specified by the Secretary:~~

~~4.2. Affected sources shall only be required to report annual quantities of anthropogenic non-mobile source greenhouse gases emitted at the stationary source, and shall not be required to report biogenic emissions of greenhouse gases:~~

~~4.3. The Secretary shall determine the form and format of the information reported by affected sources under subsection 4.1 to ensure that the information is consistent as possible with developing regional, national, or international greenhouse gas emissions programs:~~

~~4.4. Notwithstanding the provisions of subsection 4.3, to satisfy the greenhouse gas emission reporting requirements under this section, affected sources may submit greenhouse gas emissions inventory~~

~~information from documented greenhouse gas inventories such as those provided to the Environmental Protection Agency's Climate Leaders Program, Chicago Climate Exchange Registry, the International Organization for Standardization and the SF₆ Emissions Reduction Partnership for Electric Power Systems. Greenhouse gas emissions inventory information from other widely recognized and verified greenhouse gas emissions inventory programs may be submitted by affected sources under this subsection, but shall be subject to approval by the Secretary on a case-by-case basis.~~

~~4.5. Reports of greenhouse gas emissions submitted to the Secretary under this section shall be signed by a responsible official and shall include the following certification statement: "I, the undersigned, hereby certify that the data transmitted to the West Virginia Department of Environmental Protection is true, accurate, and complete, based upon information and belief formed after reasonable inquiry."~~

~~4.6. Greenhouse gases reported under this section are not subject to fees under 45CSR30, unless the greenhouse gases are otherwise regulated by the Secretary.~~

~~§45-42-5. Greenhouse Gas Emissions Inventory:~~

~~5.1. The Secretary shall periodically compile an inventory of greenhouse gas emissions to:~~

~~5.1.a. Characterize the relative contributions of greenhouse gas emissions from stationary, area, mobile and biogenic sources in West Virginia; and~~

~~5.1.b. Determine the extent to which greenhouse gas emissions are offset by the rate of sequestration; and whether West Virginia is a net sink or emitter of greenhouse gases.~~

~~5.2. The greenhouse gas emissions inventory shall include the emissions from stationary sources reported under section 4, and other relevant information regarding significant emissions, reductions, and sequestration of greenhouse gases from stationary, area, mobile and biogenic sources requested by the Secretary under subsections 5.3 and 5.4:~~

~~5.3. To inventory greenhouse gas emissions reductions, the Secretary shall consult with the citizenry and other entities such as industry trade groups that have information relating to greenhouse gas emissions reductions, and sequestration. Upon request of the Secretary, such entities may provide relevant information relating to greenhouse gas emissions reductions, capture and sequestration.~~

~~5.4. The Secretary shall enter into interagency agreements with the Department of Agriculture, the Division of Forestry, Marshall University, West Virginia University, West Virginia Geological and Economic Survey, and the Department of Transportation, and at the Secretary's request, those agencies shall provide:~~

~~5.4.a. Relevant information relating to greenhouse gas emissions from area, mobile and biogenic sources;~~

~~5.4.b. Relevant information relating to greenhouse gas emissions reductions and sequestration; and~~

~~5.4.c. Any assistance the Secretary may request during the development of the greenhouse gas emissions inventory.~~

~~— 5.5. The Secretary shall determine the form and format of the information submitted by the entities under subsections 5.3 and 5.4 to ensure that the information is consistent as possible with developing regional, national, or international greenhouse gas emissions programs.~~

~~§45-42-6. Greenhouse Gas Emissions Registry Program.~~

~~— 6.1. The Secretary shall develop a registry for the recordation of voluntary reductions of greenhouse gas emissions:~~

~~— 6.2. The greenhouse gas emissions registry program shall be as consistent as possible with developing regional, national, or international programs designed to monitor, quantify and register reductions in greenhouse gas emissions with respect to:~~

~~— 6.2.a. Development of criteria, based on a set of standardized emissions accounting, reporting and verification protocols, to determine baseline emissions and quantification of voluntary reductions in emissions of greenhouse gases;~~

~~— 6.2.b. Public recognition of such voluntary emissions reductions;~~

~~— 6.2.c. Consideration of voluntary greenhouse gas emission reductions when determining baselines and reduction requirements under future federal greenhouse gas emission reduction programs; and~~

~~— 6.2.d. The ability of sources to participate in future greenhouse gas emission trading programs.~~

~~§45-42-7. Economic Development Potential.~~

~~— 7.1. Using information obtained, gathered or developed under this rule, the Secretary will determine whether the reduction and sequestration of greenhouse gas emissions can be developed as an asset for economic development in West Virginia:~~

~~§45-42-8. Inconsistency Between Rules.~~

~~— 8.1. In the event of any inconsistency between this rule and any other rule of the West Virginia Department of Environmental Protection, the inconsistency shall be resolved by the determination of the Secretary and the determination shall be based upon the application of the more stringent provision, term, condition, method or rule.~~