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SENATE BILL NO. 234

Offered January 9, 2008

Prefiled January 7, 2008

A BILL to amend and reenact § 10.1-1300 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329 through 10.1-1330, and to amend the Code of Virginia by adding in Article 15 in Chapter 1 of Title 33.1 a section numbered 33.1-223.2:18, relating to greenhouse gas emissions.

Patrons—Whipple and Deeds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1300 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 10.1 an article numbered 4, consisting of sections numbered 10.1-1329 through 10.1-1330, and to amend the Code of Virginia by adding in Article 15 in Chapter 1 of Title 33.1 a section numbered 33.1-223.2:18.

§ 10.1-1300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory Board" means the State Advisory Board on Air Pollution.

"Air pollution" means the presence in the outdoor atmosphere of one or more substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property.

"Board" means the State Air Pollution Control Board.

"De minimis" means emissions from an individual facility that are equal to or less than 10,000 tons per year for carbon dioxide, 476 tons per year for methane, 32.6 tons per year for nitrous oxide, 0.855 tons per year for hydrofluorocarbons, 1.09 tons per year for perfluorocarbons, and 0.42 tons per year for sulfur hexafluoride.

"Department" means the Department of Environmental Quality.

"Direct emissions" means emissions from sources that are owned or controlled by a reporting entity.

"Director" or "Executive Director" means the Executive Director of the Department of Environmental Quality.

"Greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.

"Indirect emissions" means emissions that are a consequence of the activities of the reporting entity, but that occur at sources owned or controlled by another entity.

"Owner" shall have no connotation other than that customarily assigned to the term "person," but shall include bodies politic and corporate, associations, partnerships, personal representatives, trustees and committees, as well as individuals.

"Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation, or any other legal entity.

"Special order" means a special order issued under § 10.1-1309.

Article 4.

Greenhouse Gas Emissions.

§ 10.1-1329. Mandatory greenhouse gas emissions reporting.

A. The Board shall adopt regulations to require the annual reporting and verification of direct emissions of greenhouse gases from any stationary source that: (i) emits greater than a de minimis amount of greenhouse gases on an annual basis; and (ii) is otherwise required to report emissions of air pollutants under this chapter. The Board shall:

1. Where appropriate and to the maximum extent feasible, incorporate the standards and protocols developed by the Climate Registry and the U.S. Environmental Protection Agency. The Board shall strive to ensure that persons who have: (i) filed a Statement of Intent to participate the Climate Registry prior to July 1, 2009; and (ii) developed a greenhouse gas emission reporting program, are not required to significantly alter their reporting or verification program except to ensure that reporting is complete and verifiable for the purposes of compliance with this section;

2. Ensure rigorous and consistent accounting of emissions, and provide the reporting tools and formats to collect necessary data; and

3. Ensure that greenhouse gas emission sources maintain comprehensive records of all reported greenhouse gas emissions.

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59 *B. The Board may require the reporting of emissions from motor vehicles fleets owned by persons*
60 *otherwise required to report emissions from stationary sources under subsection A.*

61 *C. The Board shall regularly review existing and proposed federal and state greenhouse gas*
62 *emission reporting programs and make reasonable efforts to promote consistency and streamline*
63 *reporting requirements on greenhouse gas emission sources. The Board shall also regularly evaluate the*
64 *need to require reporting by other sources of greenhouse gas emissions and, when necessary, report its*
65 *findings to the General Assembly.*

66 *§ 10.1-1330. Voluntary greenhouse gas reduction reporting.*

67 *The Board may establish a voluntary program allowing persons to register voluntary reductions in*
68 *direct or indirect emissions of greenhouse gases. The voluntary program may include criteria for*
69 *establishing baseline emissions, quantifying emission reductions, and providing public recognition.*

70 *§ 33.1-223.2:18. Mobile source greenhouse gas emissions inventory.*

71 *Beginning January 1, 2008, the Virginia Department of Transportation annually shall provide the*
72 *Department of Environmental Quality with information as requested to maintain a greenhouse gas*
73 *emissions inventory for individual roads and road segments throughout the Commonwealth, including*
74 *information regarding annual vehicle miles traveled, traffic trends, and characteristics.*