

# WEST VIRGINIA CODE: §22-11A-6

## §22-11A-6. Carbon dioxide sequestration working group.

- (a) The secretary shall establish the carbon dioxide sequestration working group.
- (b) The secretary, in cooperation with the state geologist, shall appoint at least fifteen persons to serve on the working group.
- (c) In selecting persons to serve on the working group, the secretary and the state geologist shall appoint at least three persons who are experts in carbon dioxide sequestration or related technologies, at least one person who is an expert in environmental science, at least one person who is an expert in geology, at least one person who is an attorney with an expertise in environmental law, at least one person who is an expert in engineering, at least one person who is an expert in the regulation of public utilities in West Virginia, one person who is a representative of a citizen's group advocating environmental protection, a representative of a coal power electric generating utility advocating carbon dioxide sequestration development, at least one person who is an engineer with an expertise in the underground storage of natural gas, the chairman of the National Council of Coal Lessors or his/her designee, a representative of the West Virginia Coal Association, a representative of the West Virginia Land and Mineral Owners Association, and at least one representative advocating the interests of surface owners of real property.
- (d) The working group shall study issues pertaining to carbon dioxide sequestration including, but not limited to, scientific, technical, legal and regulatory issues, and issues regarding ownership and other rights and interest in subsurface space that can be used as storage space for carbon dioxide and other associated constituents, or other substances, commonly referred to as "pore space," and shall report to the secretary and the Legislature its recommendations with respect to the development, regulation and control of carbon dioxide sequestration and related technologies.
- (e) In addition, the working group shall develop a long-term strategy for the regulation of carbon dioxide sequestration in West Virginia.
- (f) The working group may conduct or initiate studies, scientific or other investigations, research, experiments and demonstrations pertaining to carbon dioxide sequestration, and to this end, the working group may cooperate with state institutions of higher education or any public or private agency. The secretary may receive on behalf of the state for deposit in the state Treasury any moneys which such institutions or state agencies may be authorized to transfer to the Secretary, and all gifts, donations or contributions which such private agencies or other may provide, to defray the expenses of the working group. Any amounts so received shall be expended by the secretary solely for the purposes set forth in subsection (d) of this section.

(g) The working group shall issue a preliminary report to the secretary and the Legislature by July 1, 2010, containing any preliminary recommendations or findings of the working group.

(h) The working group shall issue a final report to the Legislature by July 1, 2011, which report shall, at a minimum:

- (1) Recommend appropriate methods to encourage the development of carbon dioxide sequestration technologies;
  - (2) Assess the economic and environmental feasibility of large, long-term carbon dioxide sequestration operations;
  - (3) Recommend any legislation the working group may determine to be necessary or desirable to clarify issues regarding the ownership and other rights and interest in pore space;
  - (4) Recommend methods of facilitating the widespread use of carbon dioxide sequestration technology throughout West Virginia;
  - (5) Identify geologic sequestration monitoring sites to assess the short-term and long-term impact of carbon dioxide sequestration;
  - (6) Assess the feasibility of carbon dioxide sequestration in West Virginia and the characteristics of areas within the state where carbon dioxide could be sequestered;
  - (7) Assess the costs, benefits, risks and rewards of large-scale carbon dioxide sequestration projects in West Virginia;
  - (8) Assess the potential carbon dioxide sequestration capacity in this state;
  - (9) Identify areas of research needed to better understand and quantify the processes of carbon dioxide sequestration; and
  - (10) Outline the working group's long-term strategy for the regulation of carbon dioxide sequestration in West Virginia.
- (i) The working group, along with the state geologist, shall assist the secretary in developing and promulgating legislative rules under this article.