

Carbon Dioxide Sequestration in West Virginia

WEST VIRGINIA CARBON DIOXIDE SEQUESTRATION ACT

W. Va. Code 22-11A-1, et seq. (2009)

- **Legislative findings.**
 - (6) There is [increasing pressure](#), both nationally and worldwide, to produce electrical power with an ever-decreasing amount of carbon dioxide emissions;
 - (7) West Virginia is a state [rich in natural resources](#), and its economy depends largely upon the demand for energy produced from materials found within the state, not the least of which is coal;
 - (8) As demand for energy produced from alternative and renewable resources rises, [new technologies are needed to burn coal more cleanly and efficiently](#) if West Virginia is to remain competitive as an energy producing state; ...
 - (11) Although the state is committed to expanding its portfolio of [alternative and renewable energy resources](#), electricity generated from these resources is [insufficient](#) in the near term to meet the rising demand for energy;
 - (12) It is in the public interest to advance the implementation of carbon dioxide capture and sequestration technologies into the state's energy portfolio;

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- Legislative findings (continued)
 - (b) It is therefore the purpose of this article to:
 - (1) Establish a legal and regulatory framework for the permitting of carbon dioxide sequestration operations;
 - (2) Designate a state agency responsible for establishing standards and rules for the permitting of carbon dioxide sequestration operations including, but not limited to, rules pertaining to:
 - (A) Environmental surveillance of carbon dioxide sequestration operations;
 - (B) The monitoring of geologic migration of carbon dioxide and the detection of carbon dioxide excursions;
 - (C) Construction standards for carbon dioxide sequestration operations;
 - (D) Bonding or other financial assurances; and
 - (E) The closure of carbon dioxide sequestration operations, including post-closure monitoring, verification and maintenance; and to
 - (3) With the aid of a carbon dioxide sequestration working group, develop a long-term strategy for the regulation of carbon dioxide sequestration.

Working Group Mandate

W.Va. Code 22-11A-6 (2009)

- To “develop a long-term strategy for the regulation of carbon dioxide sequestration in West Virginia.”
- To issue a final report to the Legislature July 2011 which, among other things,
 - “[r]ecommend[s] any legislation that the working group may determine to be necessary or desirable to clarify issues regarding the ownership and other rights and interest in pore space”
 - “[r]ecommend[s] methods of facilitating the widespread use of carbon dioxide sequestration technology throughout West Virginia.”

Working Group

The following current members were appointed in compliance with the Act in July 2009 by Secretary Randy Huffman and Dr. Michael Hohn:

- *Grant Bromhal* - National Energy Technology Laboratory
- *Cal Kent, Ph.D.* - Marshall University
- *Ken Nemeth* - Southern States Energy Board
- *Richard Winschel* - Consol Energy, Inc.
- *Stephanie R. Timmermeyer, Esq.* - Timmermeyer PLLC
- *Tim Grant* - National Energy Technology Laboratory
- *David M. Flannery, Esq.* - Jackson Kelly PLLC
- *Leonard Knee, Esq.* - Bowles Rice McDavid Graff and Love, LLP
- *Paul Kramer* - Allegheny Energy, Inc.
- *Billy Jack Gregg*
- *Earl Melton* - WV Public Service Commission
- *Vickie Wolfe* - WV Environmental Council
- *the late Tim Mallan, represented by Gary Spitznogle* - Appalachian Power
- *John Leeson* - Dominion
- *Nick Carter, who designated Greg Wooten as his representative*
- *Jim Laurita* - MEPCO
- *Alan Dennis* – Penn Virginia Coal Company
- *David B. McMahon, Esq.*