1	н. в. 4360
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3	(By Delegates Manypenny, Talbott and Fleischauer)
4	[Introduced January 31, 2012; referred to the
5	Committee on the Judiciary then Finance.]
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10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated \$22-26-8a, relating
12	to establishing a cradle to grave monitoring system for
13	withdrawals of water used in the development of natural wells
14	drilled to the Marcellus shale geologic formation; requiring
15	the use of hydrants with a backflow preventer; authorizing
16	rulemaking; and authorizing fee collection.
17	Be it enacted by the Legislature of West Virginia:
18	That the Code of West Virginia, 1931, as amended, be amended
19	by adding thereto a new section, designated \$22-26-8a, to read as
20	follows:
21	ARTICLE 26. WATER RESOURCES PROTECTION ACT.
22	§22-26-8a. Monitoring system for Marcellus shale gas wells.
23	(a) The State Water Resources Management Plan required by

- 1 section eight of this article shall include a cradle to grave
- 2 monitoring system of water withdrawal sites used in the drilling or
- 3 development of natural gas wells to the Marcellus shale geologic
- 4 formation. These sites shall be designated by the secretary. The
- 5 monitoring system shall, at a minimum, include the use of hydrants
- 6 with a backflow preventer to protect the state's streams and rivers
- 7 from contamination from truck waste water backflow.
- 8 <u>(b) Each hydrant must have:</u>
- 9 (1) A computerized electronic swipe card reader that
- 10 <u>identifies the amount of water taken</u>, when it was taken and by whom
- 11 it was taken and shall include a receipt or other notification of
- 12 the time the water was taken;
- 13 (2) A manual shutoff valve; and
- 14 (3) An automatic shutoff valve that is similar to a floatable
- 15 swing arm that will activate itself if the stream level reaches a
- 16 level that would be detrimental to stream aquatic life or the
- 17 stream's ecosystem.
- 18 (c) Each water truck must have an electronic G.P.S. device
- 19 that identifies where the truck is at all times along with a manual
- 20 log.
- 21 (d) The Department of Environmental Protection shall
- 22 promulgate rules to implement the monitoring system, including the
- 23 setting of hydrant connection fees.

NOTE: The purpose of this bill is to establish a cradle to grave monitoring system for withdrawals of water used in the drilling or development of natural wells to the Marcellus shale geologic formation. The bill requires the system to be part of the State Water Resources Plan. The bill requires the plan to incorporate the use of hydrants with a backflow preventer. The bill authorizing rulemaking and fee collection.

This section is new; therefore, it has been completely underscored.