WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 3269

By Delegate Worrell

[Introduced March 16, 2021; Referred to the Committee on the Judiciary then Finance]

A BILL to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Environmental Protection to assume all costs necessary to certify and permit a privately owned dam before the secretary may recover costs for repair or remediation.

Be it enacted by the Legislature of West Virginia:

Article 14. Dam control act.

§22-14-22. Authority of Department of Environmental Protection for deficient dams that are privately owned by a noncompliant dam owner.

(a) The secretary may assume full charge and responsibility over a dam and may expend money from the Dam Safety Rehabilitation Revolving Fund for the purpose of repair or removal of the dam or other remedial action, if:

(1) The dam is a deficient dam;

(2) The dam is privately owned; and

(3) The owner is a noncompliant dam owner.

(b) All costs incurred by the secretary to repair or remove the dam or take other remedial action shall be promptly repaid by the owner upon request or, if not repaid, the secretary may recover costs and damages from the owner by appropriate civil action. Moneys obtained from the civil action shall be promptly deposited in the fund: *Provided*, That the secretary shall assume all costs necessary for certification by a registered professional engineer and permitting under this article before the secretary may recover costs and damages from an owner by civil action.

NOTE: The purpose of this bill is to require the Department of Environmental Protection to assume all costs necessary for certification by a registered professional engineer and to permit a privately owned dam before the secretary may recover costs for repair or remediation from an owner.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.