

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2039

By Delegate Reynolds

[Introduced January 11, 2023; Referred to the
Committee on Jails and Prisons then Finance]

1 A BILL to amend and reenact §22-1-16 of the Code of West Virginia, 1931, as amended, relating to
2 requiring the West Virginia Department of Environmental Protection to pay back fines to
3 towns and cities if they make required upgrades or fixes to their communities in relation to
4 those fines.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF ENVIRONMENTAL PROTECTION.

§22-1-16. Time for commencing proceedings.

1 Notwithstanding any provision of this code to the contrary, no action, suit or proceeding for
2 the administrative, civil or criminal enforcement of any provision of this chapter may be entertained
3 unless commenced within three years from the date the right to bring the action, suit or proceeding
4 has accrued. The limitation of this section applies, but is not limited to, actions, suits or
5 proceedings for the recovery of any fine, penalty or forfeiture, pecuniary or otherwise. This section
6 does not apply to the enforcement of any provision when the violation is part of a continuing
7 violation and the last act of the continuing violation occurred within three years from the date of the
8 commencement of the enforcement action.

9 If a West Virginia town or community is fined by the Department of Environmental
10 Protection for a violation or violations, not related to an existing consent order, and that town or
11 community makes the necessary corrections to resolve the issue, then the Department of
12 Environmental Protection shall reimburse the moneys paid by the towns or communities back to
13 them.

NOTE: The purpose of this bill is to require the West Virginia Department of Environmental Protection to pay back fines to towns and cities if they make required upgrades or fixes to their communities in relation to those fines.

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