

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2609

By Delegates Worrell and Mallow

[Introduced January 17, 2023; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating
 2 to requiring the Department of Environmental Protection to assume all costs necessary to
 3 certify and permit a privately owned dam before the secretary may recover costs for repair
 4 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.**

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

- 4 (1) The dam is a deficient dam;
- 5 (2) The dam is privately owned; and
- 6 (3) The owner is a noncompliant dam owner.

7 (b) All costs incurred by the secretary to repair or remove the dam or take other remedial
 8 action shall be promptly repaid by the owner upon request or, if not repaid, the secretary may
 9 recover costs and damages from the owner by appropriate civil action. Moneys obtained from the
 10 civil action shall be promptly deposited in the fund: Provided, That the secretary shall assume all
 11 costs necessary for certification by a registered professional engineer and permitting under this
 12 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.