

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4003

BY DELEGATES KEATON, BARRETT, HANSHAW, MR.

SPEAKER, SUMMERS, ESPINOSA, RILEY, HOWELL,

BURKHAMMER, CLARK, PACK, AND MAYNOR

[Introduced January 13, 2022; Referred to the
Committee on Energy and Manufacturing then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §22-2-10, relating generally to establishing and implementing a program to
3 explore and capitalize on the potential for recovering valuable and strategically important
4 rare earth elements and critical materials from acid mine drainage. The research has
5 further demonstrated that treatment of acid mine drainage can be configured to both
6 improve the quality of mine discharges while recovering rare earth elements and critical
7 materials. Previously considered a liability, ownership of acid mine drainage treatment
8 byproducts is poorly defined. This legislation seeks to clarify ownership of these
9 byproducts in order to incentivize acid mine drainage treatment while recovering rare earth
10 elements and critical materials.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.

§22-2-10. Ownership of Substances Derived from Treatment of Acid Mine Drainage.

1 Treatment of acid mine drainage reduces its environmental harm by reducing metal and
2 acid pollution of receiving streams. Treatment also produces materials that may contain valuable
3 concentrations of rare earth elements and critical materials. Various parties may elect or be
4 compelled to treat acid mine drainage. In order to encourage the treatment of acid mine drainage,
5 the State of West Virginia determines that all chemical compounds, elements, and other materials
6 of value derived from the byproducts of acid mine drainage treatment may, at the discretion of the
7 treating party, be used by the treating party or its designee for its commercial benefit. This
8 condition applies regardless of land or other mineral ownership claims.

9 The Department of Environmental Protection may promulgate such emergency,
10 interpretive, legislative, and procedural rules as the secretary deems to be useful or necessary to
11 carry out the purpose of this article and to implement the intent of the Legislature.

NOTE: The purpose of this bill is to establish clear legal right to title of chemical compounds, elements, and substances that are derived from the treatment of acid mine drainage on mined lands.

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