

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3217

FISCAL
NOTE

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Jennings, Drennan, Amos, White, Petitto, Dittman,
Kyle, and Clay

[Introduced March 07, 2025; referred to the
Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, to add thereto a new article
 2 designated §22-1B-1, relating to requiring public notification of hazardous environmental
 3 spills.

Be it enacted by the Legislature of West Virginia:

CHAPTER 22. ENVIRONMENTAL RESOURCES

ARTICLE 1B. PUBLIC NOTIFICATION OF ENVIRONMENTAL SPILLS.

§22-1B-1. Public notification of environmental spills.

1 (a) The West Virginia Department of Environmental Protection ("DEP") shall provide public
 2 notification within 24 hours of any reported spill, discharge, or release of any hazardous
 3 substance, sewage, or other pollutants into the waters of the state, including but not limited to all
 4 waters on or under the ground, rivers, streams, lakes, and wells.

5 (b) For purposes of this article, "hazardous substance, sewage, or other pollutants" shall
 6 mean materials that can be dangerous or harmful to people's health or the environment, and
 7 includes solids, liquids, gases, or sludges. Such materials may include, but are not limited to, toxic
 8 substances, flammable materials, explosives, corrosive materials, chemical substances,
 9 biological substances, radioactive materials, discarded commercial products such as cleaning
 10 fluids and pesticides, or by-products of manufacturing processes.

11 (c) Public notification shall include, at a minimum:

12 (1) The location of the spill;

13 (2) The type and quantity of the substance released, if known;

14 (3) The potential impact on drinking water, recreation, and wildlife;

15 (4) Precautionary measures for the public, including any recommended restrictions on
 16 water use, fishing, or recreational activities; and

17 (5) Corrective actions being taken to contain and mitigate the spill.

18 (d) Public notification shall be issued to and through multiple channels, including:

- 19 (1) DEP’s official website and social media platforms;
- 20 (2) Local media outlets, including television, radio, and newspapers;
- 21 (3) Emergency alert systems and public health announcements where applicable; and
- 22 (4) The West Virginia Emergency Management Division's official website and social media
- 23 platforms.
- 24 (e) Notwithstanding any other provision of code to the contrary, any entity responsible for a
- 25 spill shall be required to immediately notify the DEP and the West Virginia Emergency
- 26 Management Division upon discovery of the incident and may be subject to civil penalties for
- 27 failure to report.
- 28 (f) The DEP shall publish and maintain an online public database tracking all spills,
- 29 including their status and remediation efforts. This database shall be accessible to the general
- 30 public.

NOTE: The purpose of this bill is to require public notification of hazardous environmental spills.

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