

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

House Bill 4696

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STREET, CHIARELLI, HOLSTEIN, EDLRIDGE, RILEY, AND
SHEEDY

[Passed February 20, 2026; in effect from passage]

1 AN ACT to amend and reenact §22-2-4 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the Department of Environmental Protection to deposit grant money
3 available pursuant to federal programs into certain funds; authorizing the deposit of federal
4 money from the federal Infrastructure Investment and Jobs Act and the federal
5 Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines Act
6 into the state Acid Mine Drainage Abatement and Treatment Fund and the state
7 Reclamation and Restoration Fund; and authorizing generally any other federal
8 abandoned mine land reclamation money to be deposited into any other state abandoned
9 mine land reclamation fund established under state law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.

§22-2-4. Abandoned land reclamation fund and objectives of fund; lands eligible for reclamation.

1 (a) All abandoned land reclamation funds available under Title IV of the federal Surface
2 Mining Control and Reclamation Act of 1977, as amended, private donations received, any state
3 appropriated or transferred funds, or funds received from the sale of land by the secretary under
4 this article shall be deposited with the Treasurer of the State of West Virginia to the credit of the
5 abandoned land reclamation fund heretofore created, and expended pursuant to the requirements
6 of this article.

7 (b) Moneys in the fund may be used by the secretary for the following:

8 (1) Reclamation and restoration of land and water resources adversely affected by past
9 coal surface-mining operations, including, but not limited to, reclamation and restoration of
10 abandoned surface mine areas, abandoned coal processing areas and abandoned coal
11 processing waste areas; sealing and filling abandoned deep mine entries and voids; planting of
12 land adversely affected by past coal surface-mining operations to prevent erosion and
13 sedimentation; prevention, abatement, treatment and control of water pollution created by coal

14 mine drainage, including restoration of stream beds and construction and operation of water
15 treatment plants; prevention, abatement and control of burning coal processing waste areas and
16 burning coal in situ; prevention, abatement and control of coal mine subsidence; and payment of
17 administrative expenses and all other necessary expenses incurred to accomplish the purpose of
18 this article: *Provided*, That all expenditures from this fund shall reflect the following priorities in
19 the order stated:

20 (A) The protection of public health, safety, general welfare and property from extreme
21 danger of adverse effects of past surface-mining practices;

22 (B) The protection of public health, safety and general welfare from adverse effects of past
23 coal surface-mining practices;

24 (C) The restoration of land and water resources and environment previously degraded by
25 adverse effects of past coal surface-mining practices, including measures for the conservation
26 and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation
27 resources and agricultural productivity;

28 (D) Research and demonstration projects relating to the development of surface-mining
29 reclamation and water quality control program methods and techniques;

30 (E) The protection, repair, replacement, construction or enhancement of public facilities
31 such as utilities, roads, recreation and conservation facilities adversely affected by past coal
32 surface-mining practices; and

33 (F) The development of publicly owned land adversely affected by past coal surface-
34 mining practices, including land acquired as provided in this article for recreation and historic
35 purposes, conservation and reclamation purposes and open space benefits.

36 (2)(A) The secretary may expend the funds allocated to the state in any year through the
37 grants made available under paragraphs (1) and (5), subsection (g) of Section 402 of the federal
38 Surface Mining Control and Reclamation Act of 1977, as amended, for the purpose of protecting,
39 repairing, replacing, constructing or enhancing facilities relating to water supply, including water

40 distribution facilities and treatment plants, to replace water supplies adversely affected by coal
41 surface-mining practices.

42 (B) If the adverse effects on water supplies referred to in this subdivision occurred both
43 prior to and after the August 3, 1977, subsection (c) of this section does not prohibit the state from
44 using funds for the purposes of this subdivision if the secretary determines that the adverse effects
45 occurred predominantly prior to August 3, 1977.

46 (3) In addition to other amounts authorized by this section, the secretary may receive and
47 retain up to 30 percent of the total of the grants made annually to the state under any of the
48 following:

49 (A) Grants made annually to the state under paragraphs (1) and (5), subsection (g),
50 section 402 of the federal Surface Mining Control and Reclamation Act of 1977, as amended, if
51 the amounts are deposited to the credit of:

52 (i) The Reclamation and Restoration Fund established in subsection (b)(1) of this section;
53 and/or

54 (ii) The Acid Mine Drainage Abatement and Treatment Fund established in subsection
55 (b)(2) of this section;

56 (B) Grants made annually to the state under any federal law authorizing the appropriation
57 or distribution of abandoned mine land reclamation grants, including but not limited to laws
58 enacted after the Surface Mining Control and Reclamation Act of 1977, provided such law
59 authorizes the retention of a long-term set-aside. Such amounts may be deposited to the credit
60 of:

61 (i) A long-term abandoned mine land reclamation fund established under state law for the
62 purposes authorized by the applicable federal statute; and/or

63 (ii) The Acid Mine Drainage Abatement and Treatment Fund established in subsection
64 (b)(2) of this section, provided that such funds are separately accounted for and expended only
65 for the purposes authorized by the applicable federal statute;

66 (C) The special account in the State Treasury designated the "Reclamation and
67 Restoration Fund" is hereby continued. Moneys in the fund may be expended by the secretary to
68 achieve the priorities stated in subdivision (1) of this subsection after September 30, 1995 and for
69 associated administrative and personnel expenses; or

70 (D) The special account in the State Treasury designated the "Acid Mine Drainage
71 Abatement and Treatment Fund" is hereby continued. Moneys in the fund may be expended by
72 the secretary to implement, in consultation with the United States soil conservation service, acid
73 mine drainage abatement and treatment plans approved by the secretary of the United States
74 department of interior and for associated administrative and personnel expenses. The plans shall
75 provide for the comprehensive abatement of the causes and treatment of the effects of acid mine
76 drainage within qualified hydrologic units affected by coal surface-mining practices. The moneys
77 accrued in this fund, any earnings thereon, and yield from investments by the State Treasurer or
78 West Virginia Investment Management Board are reserved solely and exclusively for the
79 purposes set forth in this section of the code. Any interest accrued on any moneys deposited into
80 the Acid Mine Drainage Abatement and Treatment Fund which previously defaulted from that
81 account into general revenue shall be credited back to the fund on or before July 1, 2014.

82 (c) Except as provided for in this subsection, lands and water eligible for reclamation or
83 drainage abatement expenditures under this article are those which were mined for coal or which
84 were affected by the mining, wastebanks, coal processing or other coal mining processes, and
85 abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there
86 is no continuing reclamation responsibility: *Provided*, That moneys from the funds made available
87 by the secretary of the United States Department of Interior pursuant to paragraphs (1) and (5),
88 subsection (g), Section 402 of the federal Surface Mining Control and Reclamation Act of 1977,
89 as amended, may be expended for the reclamation or drainage abatement of a site that: (1) The
90 surface-mining operation occurred during the period beginning on August 4, 1977, and ending on
91 or before January 21, 1981, and that any funds for reclamation or abatement which are available

92 pursuant to a bond or other financial guarantee or from any other source, and not sufficient to
93 provide for adequate reclamation or abatement of the site; or (2) the surface-mining operation
94 occurred during the period beginning on August 4, 1977, and ending on or before November 5,
95 1990, and that the surety of the surface-mining operation became insolvent during that period,
96 and as of November 5, 1990, funds immediately available from proceeding relating to the
97 insolvency or from any financial guarantees or other sources are not sufficient to provide for
98 adequate reclamation of the site: *Provided, however,* That the secretary, with the concurrence of
99 the secretary of the United States Department of Interior, makes either of the above-stated
100 findings, and that the site is eligible, or more urgent than the reclamation priorities set forth in
101 paragraphs (A) and (B), subdivision (1), subsection (b) of this section.

102 (d) One purpose of this article is to provide additional and cumulative remedies to abate
103 the pollution of the waters of the state, and nothing contained in this article abridges or alters
104 rights of action or remedies now or hereafter existing, nor do any provisions in this article or any
105 act done by virtue of this article estop the state, municipalities, public health officers or persons
106 as riparian owners or otherwise in the exercise of their rights to suppress nuisances or to abate
107 any pollution now or hereafter existing or to recover damages.

108 (e) Where the Governor certifies that the above objectives of the fund have been achieved
109 and there is a need for construction of specific public facilities in communities impacted by coal
110 development, and other sources of federal funds are inadequate and the secretary of the United
111 States Department of Interior concurs, then the secretary may expend money from the fund for
112 the construction.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor