

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5590

By Delegate Green

[Introduced February 16, 2026; referred to the
Committee on Energy and Public Works]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5B-2-21c, relating to water quantity disclosure and review for high impact
3 data centers; requiring pre-construction public notice of anticipated water usage; requiring
4 submission of projected withdrawal information to the Department of Environmental
5 Protection; limiting review to water quantity considerations; authorizing conditioning or
6 denial only when proposed withdrawals would reduce available water supply below levels
7 necessary to meet existing lawful demands; requiring annual reporting of actual water
8 withdrawals; allowing existing reports submitted to the department to satisfy reporting
9 requirements; and clarifying that no new permitting program or water quality authority is
10 created.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-21c. Water quantity disclosure and review for high impact data centers.

1 (a) Applicability. — This section applies solely to certified high impact data centers. This
2 section does not apply to microgrids, electric generation facilities, or other industrial development.

3 (b) Pre-construction public notice. — Prior to commencement of construction, a certified
4 high impact data center shall provide public notice of its anticipated water usage. The timing and
5 manner of such notice shall be determined in coordination with the Department of Environmental
6 Protection. The notice shall include:

7 (1) Identification of each proposed water source, including surface water, groundwater, or
8 water purchased from a public water system;

9 (2) The estimated maximum daily and monthly withdrawal volumes, if applicable;

10 (3) A general description of intended water use, including:

11 (A) Initial system fill volumes, if applicable;

12 (B) Estimated ongoing monthly or seasonal replacement volumes due to evaporation,
13 discharge, or other loss;

14 (C) Use of groundwater wells, if applicable; or

15 (D) A statement that the facility does not rely on water withdrawals, if applicable.

16 Nothing in this subsection requires disclosure of proprietary technical or operational
17 information beyond water quantity data.

18 (c) Submission to Department of Environmental Protection. — Prior to certification, the
19 entity shall submit to the Department of Environmental Protection:

20 (1) The information required under subsection (b) of this section;

21 (2) The projected maximum daily and monthly withdrawals; and

22 (3) A statement demonstrating that:

23 The proposed withdrawals will not reduce available water supply below levels necessary to
24 meet the existing lawful demands of public water systems or other lawful users, including
25 industrial, agricultural, commercial, or downstream users, including during periods of drought or
26 low-flow conditions.

27 (d) Department review. — The Department of Environmental Protection shall review the
28 submission solely for purposes of evaluating water quantity availability.

29 The department may condition or deny approval of proposed withdrawals only if it
30 determines that the withdrawals would materially reduce available water supply below levels
31 necessary to meet the existing lawful demands of public water systems, industrial users,
32 agricultural users, commercial users, or other lawful downstream users, including during periods
33 of drought or low-flow conditions.

34 Nothing in this section authorizes review of water quality, ecological impact, or
35 environmental considerations beyond existing law.

36 (e) Annual reporting. — Each certified high impact data center that withdraws water shall
37 submit to the Department of Environmental Protection, at least annually:

38 (1) The total actual water withdrawals for the preceding calendar year;

39 (2) A comparison of actual usage to the projected amounts originally submitted under

40 subsection (c) of this section; and

41 (3) A statement explaining any material deviation from projected amounts.

42 If substantially similar water withdrawal information is provided to the Department of
43 Environmental Protection through another report required under state or federal law, submission
44 of that report shall satisfy the requirements of this subsection, and no separate report shall be
45 required.

46 The department may require corrective measures only if actual withdrawals materially
47 exceed projected withdrawals in a manner that materially reduces available water supply below
48 levels necessary to meet existing lawful demands.

49 (f) Construction. — Nothing in this section:

50 (1) Creates a new permitting program;

51 (2) Expands water quality regulation beyond existing law;

52 (3) Applies to microgrids or electric generation facilities; or

53 (4) Limits otherwise lawful economic development when sufficient water quantity exists.

NOTE: The purpose of this bill relates to water quantity disclosure and review for high impact data centers.

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