

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4683

By Delegates Anders, Kimble, Kump, and Dillon

[Introduced January 21, 2026; referred to the
Committee on Energy and Public Works then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding an article designated
2 §22-26A-1, §22-26A-2, §22-26A-3, §22-26A-4, §22-26A-5, §22-26A-6, §22-26A-7, §22-
3 26A-8, §22-26A-9, §22-26A-10, and §22-26A-11, all relating to protecting groundwater and
4 aquifers from depletion from use by data centers, providing permitted cooling methods and
5 water sources, prohibiting certain practices and protected water sources from being used,
6 providing penalties, providing pre-construction requirements, establishing monitoring and
7 metering transparency, place limitations on rulemaking, and establishing severability.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 26A. PROTECTING GROUNDWATER SUPPLIES FROM DATACENTER
ABUSE.**

§22-26A-1. Legislative findings and purpose.

1 (a) The Legislature finds that:
2 (1) Groundwater, aquifers, and private wells are finite public resources essential to life,
3 agriculture, and property rights;
4 (2) Data centers are water-intensive industrial facilities capable of depleting groundwater if
5 not properly regulated;
6 (3) Proven technologies exist that allow data centers to operate without withdrawing
7 groundwater; and
8 (4) The protection of private property, drinking water, and aquifers is a core responsibility of
9 the State.
10 (b) The purpose of this Act is to:
11 (1) Prevent depletion of groundwater and aquifers;
12 (2) Protect private wells and municipal water supplies;
13 (3) Ensure that industrial development does not externalize costs onto the public; and
14 (4) Require data centers to utilize non-groundwater cooling methods.

§22-26A-2.**Definitions.**

1 For purposes of this article:

2 (1) "Data center" means any facility primarily used to house computer systems, servers,
3 networking equipment, or data storage infrastructure, including ancillary cooling and power
4 systems.

5 (2) "Groundwater" means water located beneath the earth's surface in soil pore spaces or
6 fractures of rock, including aquifers.

7 (3) "Aquifer" means any underground geological formation capable of storing or
8 transmitting groundwater.

9 (4) "Cooling water" means any water used for temperature control, heat exchange, or
10 thermal regulation of equipment.

11 (5) "Closed-loop cooling system" means a sealed system that continuously recirculates
12 coolant and does not rely on ongoing water withdrawal.

13 (6) "Reclaimed water" means treated wastewater unsuitable for human consumption but
14 approved for industrial use.

§22-26A-3. Prohibition on groundwater and aquifer use.

1 (a) No data center may:

2 (1) Withdraw groundwater or aquifer water for cooling purposes;

3 (2) Drill or utilize private or industrial wells;

4 (3) Use groundwater as a primary or backup cooling source;

5 (4) Transport groundwater by tanker or other means for cooling; or

6 (5) Access groundwater under emergency, temporary, or conditional permits.

7 (b) No permit, variance, waiver, or rule may authorize groundwater use by a data center.

§22-26A-4. Permitted cooling methods.

1 (a) A data center may utilize one or more of the following cooling methods, provided no
2 groundwater is used:

3 (1) Closed-loop cooling systems;
4 (2) Air-cooled or dry cooling systems;
5 (3) Reclaimed or greywater systems, sourced from municipal or industrial wastewater;
6 (4) Hybrid systems that meet the requirements of this Act;
7 (5) Heat-recovery or heat-reuse systems that reduce cooling demand.
8 (b) The burden of compliance rests solely on the operator.

<u>§22-26A-5.</u>	<u>Water</u>	<u>source</u>	<u>restrictions.</u>
1	(a) Cooling water, if used, must be sourced from:		
2	(1) Municipal reclaimed water systems; or		
3	(2) Non-potable surface water sources expressly approved for industrial use.		
4	(b) Potable drinking water systems may not be used unless:		
5	(1) The facility demonstrates zero alternative availability; and		
6	(2) Use does not reduce residential or agricultural supply.		
7	(c) Under no circumstances may groundwater be substituted.		

<u>§22-26A-6.</u>	<u>Monitoring,</u>	<u>metering,</u>	<u>and</u>	<u>transparency.</u>
1	(a) All data centers shall:			
2	(1) Install real-time water-use meters;			
3	(2) Submit monthly water-use reports;			
4	(3) Allow unannounced inspections.			
5	(b) All water-use data shall be public records.			

<u>§22-26A-7.</u>	<u>Aquifer</u>	<u>Protection</u>	<u>and</u>	<u>Pre-Construction</u>	<u>Review.</u>
1	Prior to construction, an applicant must submit:				
2	(1) A hydrogeologic impact study;				
3	(2) A cumulative impact analysis;				
4	(3) Drought-condition modeling.				
5	(b) If any study indicates potential aquifer impact, the permit shall be denied.				

§22-26A-8. Enforcement and penalties.

1 (a) Violations shall result in:

2 (1) Immediate cease-and-desist orders;

3 (2) Civil penalties of not less than \$50,000 per day;

4 (3) Revocation of operating permits.

5 (b) Each day of violation constitutes a separate offense.

§22-26A-9. No preemption of property rights.

1 Nothing in this Act limits the right of landowners to bring civil action for:

2 (1) Well depletion;

3 (2) Water contamination;

4 (3) Loss of property value.

§22-26A-10. Limited rulemaking authority.

1 Agencies may promulgate rules only to enforce this Act, and may not:

2 (1) Expand water use permissions;

3 (2) Create exemptions; or

4 (3) Redefine groundwater.

§22-26A-11. Severability.

1 If any provision is held invalid, the remainder shall remain in effect.

NOTE: The purpose of this bill is to protect groundwater and aqueduct supplies from depletion by data center cooling uses.

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