

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4832

By Delegates Hansen, Young, Hamilton, Williams,
Garcia, Hornbuckle, Pushkin, Lewis, and Fluharty

[Introduced January 26, 2026; referred to the
Committee on Energy and Public Works]

1 A BILL to amend and reenact §5B-2-21a, §5B-2-21b, §22-26-2, §22-26-3 and §22-26-8 of the
2 Code of West Virginia, 1931, as amended, relating to the use of state water resources;
3 establishing high impact data centers water use reporting requirements; designating data
4 centers as high volume water users; providing directives for high impact data center
5 reporting; authorizing the department to prohibit or limit water withdrawals if adverse
6 impacts will occur to a state water resource; providing a public hearing and public comment
7 for a high impact data center; and removing language relating to a previously repealed joint
8 legislative commission.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-21a.	Data	Centers.
1	(a) Findings and purpose. — The Legislature hereby finds and declares the following:	
2	(1) Data centers represent a significant and growing sector of the economy, generating	
3	substantial economic activity, including jobs, infrastructure investments, and technological	
4	innovation.	
5	(2) Data centers are critical national infrastructure that require abundant, low-cost energy	
6	to protect sensitive data, operate high-level computation assets, and ensure the resilience of the	
7	digital economy.	
8	(3) The People's Republic of China is positioning itself to be the global leader of data	
9	centers and is investing in technology to encourage the flow of data toward China instead of	
10	toward the United States.	
11	(4) It is in the United States' national security interests to limit the flow of data to China and	
12	to protect the flow of data and maximize computational power inside the United States. The	
13	President has declared that it is the policy of the United States "to sustain and enhance America's	

14 global AI dominance in order to promote human flourishing, economic competitiveness and
15 national security." Removing Barriers to American Leadership in Artificial Intelligence, Executive
16 Order 14179 (Jan 23, 2025).

17 (5) As of early 2025, the highest concentration of high-level computational power and data
18 centers in the world is located in Loudoun County, Virginia. This severe concentration of data
19 centers in one location is a national security vulnerability because it invites the potential for
20 cyberattacks and espionage against the Nation's critical data infrastructure.

21 (6) Data centers have historically obtained their electricity from the electric grid. Some data
22 center developers now seek or require the use of microgrids to provide their primary and backup
23 power.

24 (7) West Virginia is strategically positioned as the best location in the United States to
25 place data centers due to: (A) its close proximity to Washington, D.C., and the federal government;
26 (B) its close proximity to the majority of the Nation's population; (C) its low tax rates; (D) it having
27 the least restrictive regulatory environment in the Nation; (E) its supply of abundant energy and
28 natural resources to power the data centers; (F) its supply of resources, such as coal mine
29 methane blended with natural gas, to assist data centers locating in West Virginia to meet their
30 energy needs and environmental goals; and (G) its skilled and loyal workforce that has some of
31 the lowest turnover rates in the Nation.

32 As such, the state has a significant interest in encouraging the development and
33 expansion of data centers, which can serve as drivers of broader economic growth. The
34 Legislature finds that these externalities transcend local borders, including environmental
35 concerns, energy consumption, and regional economic growth. Additionally, the provisions in this
36 section align with the Legislature's goal of fostering a competitive, forward-thinking economy that
37 benefits all residents.

38 (b) Program established. — The High Impact Data Center Program is hereby created and
39 is to be administered as a program within the Division of Economic Development to encourage the
40 continued development, construction, operation, maintenance, and expansion in West Virginia of
41 high impact data centers. In order to effectuate the purposes of this section, the Division of
42 Economic Development, or any agency, division, or subdivision thereof, may promulgate
43 legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

44 (c) Notification. — Any data center shall compare its current or planned operations against
45 the definition of "high impact data center" established in §11-6N-2 of this code and provide
46 notification to the Division of Economic Development when the data center becomes aware that it
47 will satisfy or has satisfied that definition and has received certification from the Department of
48 Environmental Protection, pursuant to §5B-2-21b(f) of this code, that operating as a high impact
49 data center at the proposed location will not adversely impact existing or future uses of a state
50 water resource pursuant to §5B-2-21b(f) of this code. The notification will include information
51 addressing the elements of that definition, including known or expected power consumption of the
52 data center, and a water resource assessment certification from the Department of Environmental
53 Protection. This notification shall be made (1) within 30 days after the data center determines that
54 it meets these requirements, or (2) when the data center reasonably anticipates that it will, at some
55 future date, meet these requirements, in which case the data center may provide that anticipated
56 future date in its notification.

57 (d) Certification. — The Secretary of the Department of Commerce shall identify and
58 certify high impact data centers in this state upon a finding that a data center satisfies the
59 requirements for the definition of "high impact data center" set forth in §11-6N-2 of this code. The
60 Secretary shall may issue confirmation of certification to a high impact data center within 14 days
61 following receipt of the notification from the data center required by this section and upon
62 verification of completion of the requirements established pursuant to this section.

(e) Recordkeeping. Public transparency and protection of confidential information — Any information provided by a data center pursuant to this section that is identified by the data center as confidential business information shall be exempt from the Freedom of Information Act. The Secretary shall take reasonable and appropriate steps to protect this information. Notwithstanding the foregoing, the Secretary shall maintain a complete list of all certified high impact data centers and all relevant information that can be made available to the Governor and Legislature, removing specifically identifying information to ensure confidentiality of any such information as identified by any high impact data center. Prior to the issuance of any final agency approval, permit, or certification for a high impact data center, the Department of Commerce, the Department of Transportation, and the Department of Environmental Protection shall jointly conduct at least one public hearing in the county in which the proposed data center is to be located. The Department of Commerce shall provide public notice by publication as a Class II legal advertisement in the county where the proposed data center is to be located, and by posting notice of the hearing on a publicly accessible website maintained by the Department of Commerce. The notice shall include the date, time, and location of the hearing; a general description of the proposed project; and instructions for accessing any available project-related documents. The Department of Commerce shall maintain a publicly accessible website providing information for each proposed high impact data center. The website shall include all non-exempt documents submitted to or generated by the Department of Commerce, the Department of Transportation, and the Department of Environmental Protection relating to the proposed data center. The Department of Commerce shall provide a public comment period of not less than 30 days following the public hearing. Written public comments may be submitted at the public hearing or during the 30-day comment period electronically through the Department of Commerce website. Each department subject to this section shall consider public comments received prior to issuing any final approval, permit, or certification for the proposed high impact data center.

§5B-2-21b. Authority to assist certified microgrid district projects and certified high impact

data center projects; legislative findings.

1 (a) Findings and purpose. — The Legislature hereby finds and declares the following:

2 (1) The findings and purpose set forth in §5B-2-21a(a) (2025), except to the extent
3 expressly modified herein, are hereby incorporated herein by reference with the same force and
4 effect as though fully set forth herein.

5 (2) It is in the best interests of the state to induce and assist in development of these
6 projects, in order to advance the public purposes of relieving unemployment by preserving and
7 creating jobs, and preserving and creating new and greater sources of revenue for the support of
8 public services provided by the state and local government.

9 (3) It is the intent of the Legislature to occupy the whole field of the creation and regulation
10 of certified microgrid districts and certified high impact data centers. The stated purpose of this
11 section is to promote uniform and consistent application of the act within the state.

12 (b) The Department of Commerce shall assist projects developing or operating a certified
13 microgrid district pursuant to §5B-2-21 of this code or a certified high impact data center pursuant
14 to §5B-2-21a of this code. The Secretary of Commerce shall designate one of their personnel as
15 "Data Economy Liaison" to serve as a single point-of-contact for certified microgrid districts and
16 high impact data centers to assist coordinate and expedite their development and operation,
17 including, but not limited to site selection and permitting. A "certified microgrid district" is a
18 microgrid project, regardless of stage of development or operation, that has been certified by the
19 Secretary of the Department of Commerce as set forth in §5B-2-21 of this code. A "certified high
20 impact data center" is a data center project, regardless of stage of development or operation, that
21 has been certified by the Secretary of the Department of Commerce as set forth in §5B-2-21a of
22 this code.

23 (c) This section prohibits:

24 (1) Counties and municipalities, whether by ordinance, resolution, administrative act, or
25 otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules
26 which limit, in any way, the creation of, and acquisition, construction, equipping, development,
27 expansion, and operation of any certified microgrid district or certified high impact data center
28 project; and

29 (2) Counties and municipalities from imposing or enforcing local laws and ordinances
30 concerning the creation or regulation of any certified microgrid district or certified high impact data
31 center therein.

32 (d) In accordance with §5B-2-21(b) and §5B-2-21(c) of this code, and notwithstanding any
33 provision of this code to the contrary, or any municipality's home rule powers with respect to
34 ordinances and ordinance procedures, including any authority pursuant to the Municipal Home
35 Rule Program under §8-1-5a of this code, certified microgrid districts and certified high impact data
36 centers may not be subject to the following:

37 (1) County or municipal zoning, horticultural, noise, viewshed, lighting, development, or
38 land use ordinances, restrictions, limitations, or approvals;

39 (2) County or municipal building permitting, inspection, or code enforcement;

40 (3) County or municipal license requirements;

41 (4) The legal jurisdiction of the county or municipality in which the certified microgrid
42 district or certified high impact data center is entirely or partially located, except as specifically
43 provided in this article:

44 (5) Any requirement under state law for the consent or approval of the municipality in
45 which a certified microgrid district or certified high impact data center is entirely or partially located
46 of any state or county action pursuant to this code, specifically including, but not limited to, §7-11B-
47 1 *et seq.* of this code, for formal consent of the governing body of a municipality for county or state

48 action regarding the establishment of tax increment financing development or redevelopment
49 districts or the approval of tax increment financing development or redevelopment plans.

50 (e) Notwithstanding the creation of a certified microgrid district or a certified high impact
51 data center, the owner, operator, or manager, as applicable, and all tenants, lessees or licensees
52 thereof, of a certified microgrid district or a certified high impact data center shall:

53 (1) Pay business and occupation tax, if applicable, pursuant to §8-13-5 of this code, to the
54 municipality in the same manner as any other business or commercial venture located within the
55 municipality;

56 (2) Collect and remit municipal sales and service tax and municipal use tax, if applicable,
57 pursuant to §8-1-5a, §8-13C-4, and §8-13C-5 of this code, to the municipality in the same manner
58 as any other business or commercial venture located within the municipality;

59 (3) Pay ad valorem real and personal property tax pursuant to the same millage rates as
60 any other business or commercial venture located within the county and municipality;

61 (4) Pay all municipal service fees enacted pursuant to §8-13-13 of this code, including, but
62 not limited to, fire, police, sanitation, or city service fees;

63 (5) Pay all utility rates, fees, and charges for utilities used or consumed during construction
64 and operation of premises within the certified microgrid district or certified high impact data center,
65 including, but not limited to, water, sewer, stormwater, and garbage and recycling collection:

66 *Provided, That* (A) The rates, fees, and charges for such services shall be based on the cost of
67 providing such service and the utility shall enter into a contract under the rules of the Public
68 Service Commission for each such service with the developer and file the special contract with the
69 Public Service Commission; and (B) the developer shall only be required to pay any capacity
70 improvement fee or impact fee to the extent that capital additions, betterments, and improvements
71 must be designed, acquired, constructed, and equipped by the utility to provide such service to the
72 project; Utility customers outside of the microgrid district shall not bear any construction or

73 operational costs associated with any new utility property built solely to provide service within a
74 microgrid district;

75 (6) Be entitled to municipal police protection and municipal fire protection, if available, in
76 the same manner as any other business or commercial venture located within the municipality;
77 and

78 (7) Design, acquire, construct, and equip the certified microgrid district or certified data
79 center pursuant to the State Building Code in accordance with §8-12-13 of this code and the
80 corresponding State Rule 87 CSR 4.

81 (f) Prior to certification of any high impact data center under §5B-2-21 of this code, the
82 owner of the proposed high impact data center shall submit to the Department of Environmental
83 Protection an analysis of potential water quantity and water quality impacts to state water
84 resources for the proposed high impact data center. This analysis shall include the volume of
85 water to be withdrawn and returned per month, the groundwater or surface water resources to be
86 utilized for proposed water withdrawals and returns, the latitude and longitude of proposed water
87 withdrawals and returns, any designations of the groundwater or surface water resource to be
88 utilized for withdrawals and returns under a West Virginia Pollution Control Act at §22-22-1 *et seq.*
89 and the West Virginia Groundwater Protection Act at §22-12-1 *et seq.*, and whether a West
90 Virginia/National Pollutant Discharge Elimination System permit will be required for water returns,
91 and if so, the expected pollutants, including heat, that will be regulated by the permit. The
92 Department shall limit, condition or prohibit the use of a state water resource if the secretary
93 determines that the water use is located within or will create a "critical water planning area" as
94 provided in §22-26-9 of this code or will adversely impact existing or future uses of a state water
95 resource. The Department of Commerce, Department of Environmental Protection, and
96 Department of Transportation may take actions necessary in support of the development of any
97 certified microgrid district or certified data center, including, but not limited to, the development or

98 improvement of such highways, roads, thoroughfares, and sidewalks within any county or
99 municipality in which the certified microgrid district or certified data center is partially or entirely
100 located.

101 (g) In order to effectuate the purposes of this section, the Department of Commerce, or any
102 agency, division, or subdivision thereof, may promulgate legislative rules, including emergency
103 rules, in accordance with §29A-3-1 *et seq.* of this code.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE	26.	WATER	RESOURCES	PROTECTION	ACT.
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§22-26-2. Definitions.

1 For purposes of this article:

2 (1) "Baseline average" means the average amount of water withdrawn by a large-quantity
3 user over a representative historical time period as defined by the secretary.

4 (2) "Beneficial use" means uses that include, but are not limited to, public or private water
5 supplies, agriculture, tourism, commercial, industrial, coal, oil and gas and other mineral
6 extraction, preservation of fish and wildlife habitat, maintenance of waste assimilation, recreation,
7 navigation and preservation of cultural values.

8 (3) "Commercial well" means a well that serves small businesses and facilities in which
9 water is the prime ingredient of the service rendered, including water wells drilled to support
10 horizontal well operations.

11 (4) "Community water system" means a public water system that pipes water for human
12 consumption to at least fifteen service connections used by year-round residents or one that
13 regularly serves at least twenty-five residents.

14 (5) "Consumptive withdrawal" means any withdrawal of water which returns less water to
15 the water body than is withdrawn.

16 (6) "Department" means the West Virginia Department of Environmental Protection.

(7) "Farm use" means irrigation of any land used for general farming, forage, aquaculture, pasture, orchards, nurseries, the provision of water supply for farm animals, poultry farming or any other activity conducted in the course of a farming operation.

20 (8) "Industrial well" means a well used exclusively for nonpotable purposes, including
21 industrial processing, fire protection, washing, packing or manufacturing of a product excluding
22 food and beverages, or other nonpotable uses.

23 (9) "Interbasin transfer" means the permanent removal of water from the watershed from
24 which it is withdrawn.

25 (10) "Large-quantity user" means any person who withdraws over three hundred thousand
26 gallons of water in any thirty-day period from the state's waters. A high impact data center certified
27 pursuant to §5B-2-21a of this code, and any person who bottles water for resale are also deemed
28 a "large-quality user" regardless of quantity of water withdrawn. "Large-quantity user" excludes
29 farm use, including watering livestock or poultry on a farm, though farms may voluntarily report
30 water withdrawals to assist with the accuracy of the survey.

31 (11) "Maximum potential" means the maximum designed capacity of a facility to withdraw
32 water under its physical and operational design.

33 (12) "Noncommunity nontransient water system" means a public water system that serves
34 at least twenty-five of the same persons over six months per year.

35 (13) "Nonconsumptive withdrawal" means any withdrawal of water which is not a
36 consumptive withdrawal as defined in this section.

37 (14) "Person", "persons" or "people" means an individual, public and private business or
38 industry, public or private water service and governmental entity.

39 (15) "Secretary" means the Secretary of the Department of Environmental Protection or his
40 or her designee.

41 (16) "Transient water system" means a public water system that serves at least twenty-five
42 transient people at least sixty days a year.

43 (17) "Test well" means a well that is used to obtain information on groundwater quantity,
44 quality, aquifer characteristics and availability of production water supply for manufacturing,
45 commercial and industrial facilities.

46 (18) "Water resources", "water" or "waters" means any and all water on or beneath the
47 surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within
48 this state, or bordering this state and within its jurisdiction and includes, without limiting the
49 generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks,
50 ponds, impounding reservoirs, springs, wells, watercourses and wetlands: *Provided*, That farm
51 ponds, industrial settling basins and ponds and waste treatment facilities are excluded from the
52 waters of the state.

53 (19) "Watershed" means a hydrologic unit utilized by the United States Department of
54 Interior's Geological Survey, adopted in 1974, as a framework for detailed water and related land-
55 resources planning.

56 (20) "Withdrawal" means the removal or capture of water from water resources of the state
57 regardless of whether it is consumptive or nonconsumptive: *Provided*, That water encountered
58 during coal, oil, gas, water well drilling and initial testing of water wells, or other mineral extraction
59 and diverted, but not used for any purpose and not a factor in low-flow conditions for any surface
60 water or groundwater, is not deemed a withdrawal.

§22-26-3. Waters claimed by state; water resources protection survey; registration requirements; agency cooperation; information gathering.

7 or limit any other rights and remedies created by statute or common law in existence on the date of
8 the enactment of this article.

9 (b) The secretary shall conduct an ongoing water resources survey of consumptive and
10 nonconsumptive surface water and groundwater withdrawals by large-quantity users in this state.
11 The secretary shall determine the form and format of the information submitted, including the use
12 of electronic submissions. The secretary shall establish and maintain a statewide registration
13 program to monitor large-quantity users of water resources.

14 (c) Large-quantity users, except those who purchase water from a public or private water
15 utility or other service that is reporting its total withdrawal, shall register with the department and
16 provide all requested survey information regarding withdrawals of the water resources. Multiple
17 withdrawals from state water resources that are made or controlled by a single person and used at
18 one facility or location shall be considered a single withdrawal of water. Water withdrawals for self-
19 supplied farm use and private households will be estimated. Water utilities regulated by the Public
20 Service Commission pursuant to article two, chapter twenty-four of this code are exempted from
21 providing information on interbasin transfers to the extent those transfers are necessary to provide
22 water utility services within the state.

23 (d) Except as provided in subsection (f) of this section, large-quantity users who withdraw
24 water from a West Virginia water resource shall comply with the survey and registration
25 requirements of this article. Registration shall be maintained annually by every large-quantity user
26 on forms and in a manner prescribed by the secretary.

27 (e) The secretary shall maintain a listing of all large- quantity users and each user's
28 baseline average water withdrawal.

29 (f) The secretary shall make a good faith effort to obtain survey and registration information
30 from persons who are withdrawing water from in-state water resources, but who are located
31 outside the state borders.

32 (g) All state agencies and local governmental entities that have a regulatory, research,

33 planning or other function relating to water resources, including, but not limited to, the State
34 Geological and Economic Survey, the Division of Natural Resources, the Public Service
35 Commission, the Bureau for Public Health, the Commissioner of the Department of Agriculture,
36 the Division of Homeland Security and Emergency Management, Marshall University, West
37 Virginia University and regional, county and municipal planning authorities may enter into
38 interagency agreements with the secretary and shall cooperate by: (i) Providing information
39 relating to the water resources of the state; (ii) providing any necessary assistance to the secretary
40 in effectuating the purposes of this article; and (iii) assisting in the development of a state water
41 resources management plan. The secretary shall determine the form and format of the information
42 submitted by these agencies.

43 (h) Persons required to participate in the survey and registration shall provide any
44 reasonably available information on stream flow conditions that impact withdrawal rates.

45 (i) Persons required to participate in the survey and registration shall provide the most
46 accurate information available on water withdrawal during seasonal conditions and future potential
47 maximum withdrawals or other information that the secretary determines is necessary for the
48 completion of the survey or registration: *Provided*, That a coal-fired electric generating facility shall
49 also report the nominal design capacity of the facility, which is the quantity of water withdrawn by
50 the facility's intake pumps necessary to operate the facility during a calendar day.*

51 (j) The secretary shall, to the extent reliable water withdrawal data is reasonably available
52 from sources other than persons required to provide data and participate in the survey and
53 registration, utilize that data to fulfill the requirements of this section. If the data is not reasonably
54 available to the secretary, persons required to participate in the survey and registration are
55 required to provide the data. Altering locations of intakes and discharge points that result in an
56 impact to the withdrawal of the water resources shall also be reported.

57 (k) The secretary shall report annually to the ~~Joint Legislative Oversight Commission on~~
58 ~~State Water Resources Joint Committee on Government and Finance~~ on the survey results. The

59 secretary shall also make a progress report annually include in the report an update on the
60 implementation of the State Water Resources Management Plan and any significant changes that
61 may have occurred since the State Water Resources Management Plan was submitted in 2013.
62 The secretary shall annually publish the report on the agency's website.

63 (l) In addition to any requirements for completion of the survey established by the
64 secretary, the survey must accurately reflect both actual and maximum potential water withdrawal.
65 Actual withdrawal shall be established through metering, measuring or alternative accepted
66 scientific methods to obtain a reasonable estimate or indirect calculation of actual use.

67 (m) The secretary shall make recommendations to the ~~Joint Legislative Oversight~~
68 ~~Commission on Water Resources created in section five of this article~~ Joint Committee on
69 Government and Finance relating to the implementation of a water quantity management strategy
70 for the state or regions of the state where the quantity of water resources are found to be currently
71 stressed or likely to be stressed due to emerging beneficial or other uses, ecological conditions or
72 other factors requiring the development of a strategy for management of these water resources.

73 (n) The secretary may propose rules pursuant to article three, chapter twenty-nine-a of this
74 code as necessary to implement the survey registration or plan requirements of this article.

75 (o) The secretary is authorized to enter into cooperative agreements with local, state and
76 federal agencies and private policy or research groups to obtain federal matching funds, conduct
77 research and analyze survey and registration data and other agreements as may be necessary to
78 carry out his or her duties under this article.

79 (p) The department, the Division of Natural Resources, the Division of Highways and the
80 Conservation Agency (cooperating state agencies) shall continue providing matching funds for the
81 United States Geological Survey's (USGS) stream-gauging network to the maximum extent
82 practicable. Should a cooperating state agency become unable to maintain its contribution level, it
83 should notify the USGS and the commission of its inability to continue funding for the subsequent
84 federal fiscal year by July 1 in order to allow for the possible identification of alternative funding

85 resources.

§22-26-8. State Water Resources Management Plan; powers and duty of secretary.

1 (a) The secretary shall oversee the development of a State Water Resources Management
2 Plan to be completed no later than November 30, 2013. The plan shall be reviewed and revised as
3 needed after its initial adoption. The plan shall be developed with the cooperation and involvement
4 of local and state agencies with regulatory, research or other functions relating to water resources
5 including, but not limited to, those agencies and institutions of higher education set forth in section
6 three of this article and a representative of large-quantity users. The State Water Resources
7 Management Plan shall be developed utilizing the information obtained pursuant to said section
8 and any other relevant information available to the secretary.

9 (b) The secretary shall develop definitions for use in the State Water Resources
10 Management Plan for terms that are defined differently by various state and federal governmental
11 entities as well as other terms necessary for implementation of this article.

12 (c) The secretary shall continue to develop and obtain the following:

13 (1) An inventory of the surface water resources of each region of this state, including an
14 identification of the boundaries of significant watersheds and an estimate of the safe yield of
15 sources for consumptive and nonconsumptive uses during periods of normal conditions and
16 drought.

17 (2) A listing of each consumptive or nonconsumptive withdrawal by a large-quantity user,
18 including the amount of water used, location of the water resources, the nature of the use, location
19 of each intake and discharge point by longitude and latitude where available and, if the use
20 involves more than one watershed or basin, the watersheds or basins involved and the amount
21 transferred.

22 (3) A plan for the development of the infrastructure necessary to identify the groundwater
23 resources of each region of this state, including an identification of aquifers and groundwater
24 basins and an assessment of their safe yield, prime recharge areas, recharge capacity,

25 consumptive limits and relationship to stream base flows.

26 (4) After consulting with the appropriate state and federal agencies, assess and project the
27 existing and future nonconsumptive use needs of the water resources required to serve areas with
28 important or unique natural, scenic, environmental or recreational values of national, regional,
29 local or statewide significance, including national and state parks; designated wild, scenic and
30 recreational rivers; national and state wildlife refuges; and the habitats of federal and state
31 endangered or threatened species.

32 (5) Assessment and projection of existing and future consumptive use demands.

33 (6) Identification of potential problems with water availability or conflicts among water uses
34 and users including, but not limited to, the following:

35 (A) A discussion of any area of concern regarding historical or current conditions that
36 indicate a low-flow condition or where a drought or flood has occurred or is likely to occur that
37 threatens the beneficial use of the surface water or groundwater in the area; and

38 (B) Current or potential in-stream or off-stream uses that contribute to or are likely to
39 exacerbate natural low-flow conditions to the detriment of the water resources.

40 (7) Establish criteria for designation of critical water planning areas comprising any
41 significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe
42 yield of available water resources.

43 (8) An assessment of the current and future capabilities of public water supply agencies
44 and private water supply companies to provide an adequate quantity and quality of water to their
45 service areas.

46 (9) An assessment of floodplain and stormwater management problems.

47 (10) Efforts to improve data collection, reporting and water monitoring where prior reports
48 have found deficiencies.

49 (11) A process for identifying projects and practices that are being, or have been,
50 implemented by water users that reduce the amount of consumptive use, improve efficiency in

51 water use, provide for reuse and recycling of water, increase the supply or storage of water or
52 preserve or increase groundwater recharge and a recommended process for providing
53 appropriate positive recognition of those projects or practices in actions, programs, policies,
54 projects or management activities.

55 (12) An assessment of both structural and nonstructural alternatives to address identified
56 water availability problems, adverse impacts on water uses or conflicts between water users,
57 including potential actions to develop additional or alternative supplies, conservation measures
58 and management techniques.

59 (13) A review and evaluation of statutes, rules, policies and institutional arrangements for
60 the development, conservation, distribution and emergency management of water resources.

61 (14) A review and evaluation of water resources management alternatives and
62 recommended programs, policies, institutional arrangements, projects and other provisions to
63 meet the water resources needs of each region and of this state.

64 (15) Proposed methods of implementing various recommended actions, programs,
65 policies, projects or management activities.

66 (d) The State Water Resources Management Plan shall consider:

67 (1) The interconnections and relationships between groundwater and surface water as
68 components of a single hydrologic resource.

69 (2) Regional or watershed water resources needs, objectives and priorities.

70 (3) Federal, state and interstate water resource policies, plans, objectives and priorities,
71 including those identified in statutes, rules, regulations, compacts, interstate agreements or
72 comprehensive plans adopted by federal and state agencies and compact basin commissions.

73 (4) The needs and priorities reflected in comprehensive plans and zoning ordinances
74 adopted by a county or municipal government.

75 (5) The water quantity and quality necessary to support reasonable and beneficial uses.

76 (6) A balancing and encouragement of multiple uses of water resources, recognizing that

77 all water resources of this state are capable of serving multiple uses and human needs, including
78 multiple uses of water resources for reasonable and beneficial uses.

79 (7) The distinctions between short-term and long-term conditions, impacts, needs and
80 solutions to ensure appropriate and cost-effective responses to water resources issues.

81 (8) Application of the principle of equal and uniform treatment of all water users that are
82 similarly situated without regard to established political boundaries.

83 (9) For any high impact data center certified pursuant to §5B-2-21a of this code that has
84 reported water consumption for the prior year, an analysis of consumptive and nonconsumptive
85 surface water and groundwater withdrawals and returns, individually and cumulatively for all such
86 data centers, and an analysis of any impact on water quality, including impacts on existing uses of
87 the water resource, including public water supplies, agriculture, industrial uses, aquatic life, and
88 downstream users.

89 (e) Each November, the secretary shall report to the Joint Legislative Oversight
90 Commission on State Water Resources Joint Committee on Government and Finance on the
91 implementation of the State Water Resources Management Plan.

92 (f) The State Water Resources Management Plan is adopted. Persons identified as large-
93 quantity users prior to the effective date of this subsection shall report actual monthly water
94 withdrawals, or monthly water withdrawals by a method approved by the secretary, for the
95 previous calendar year by March 31 of each succeeding year. Persons identified as large-quantity
96 users on or after the effective date of this subsection shall submit their initial annual report no later
97 than March 31, 2016, and subsequent annual reports by March 31 of each year thereafter.

NOTE: The purpose of this bill is to require that all high impact data centers report water use to the Department of Environmental Protection as part of the Water Resource Protection and Management Act's water use monitoring requirements, authorizes the Department of Environmental Protection to limit, condition or prohibit withdrawals by a high impact data center from a state water resource if harm to that water resource or its future or existing uses will occur; removes references to previously repealed Joint Legislative Oversight Commission on State Water Resources; and requires the Department of Environmental Protection to provide analysis of a high impact data centers on public waters

of this state.

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