

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3269**

**FISCAL  
NOTE**

BY DELEGATE WORRELL

[Introduced March 16, 2021; Referred to the  
Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the Department of Environmental Protection to assume all costs necessary to  
 3 certify and permit a privately owned dam before the secretary may recover costs for repair  
 4 or remediation.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14. DAM CONTROL ACT.**

**§22-14-22. Authority of Department of Environmental Protection for deficient dams that are  
 privately owned by a noncompliant dam owner.**

1 (a) The secretary may assume full charge and responsibility over a dam and may expend  
 2 money from the Dam Safety Rehabilitation Revolving Fund for the purpose of repair or removal  
 3 of the dam or other remedial action, if:  
 4 (1) The dam is a deficient dam;  
 5 (2) The dam is privately owned; and  
 6 (3) The owner is a noncompliant dam owner.  
 7 (b) All costs incurred by the secretary to repair or remove the dam or take other remedial  
 8 action shall be promptly repaid by the owner upon request or, if not repaid, the secretary may  
 9 recover costs and damages from the owner by appropriate civil action. Moneys obtained from the  
 10 civil action shall be promptly deposited in the fund: Provided, That the secretary shall assume all  
 11 costs necessary for certification by a registered professional engineer and permitting under this  
 12 article before the secretary may recover costs and damages from an owner by civil action.

NOTE: The purpose of this bill is to require the Department of Environmental Protection to assume all costs necessary for certification by a registered professional engineer and to permit a privately owned dam before the secretary may recover costs for repair or remediation from an owner.

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