

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 458**

BY SENATOR SMITH, JEFFRIES, AND HAMILTON

[Originating in the Committee on Natural Resources;

reported on February 1, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §22-2-10, relating generally to establishing and implementing a program to  
3 allow persons treating acid mine drainage at abandoned mine land sites to recover and  
4 benefit commercially from valuable and strategically important rare earth elements and  
5 critical materials from acid mine drainage; and authorizing Department of Environmental  
6 Protection to propose rules to implement the provisions of the section.

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

**ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.**

**§22-2-10. Ownership of substances derived from treatment of acid mine drainage.**

7 Treatment of acid mine drainage reduces its environmental harm by reducing metal and  
8 acid pollution of receiving streams. Treatment also produces materials that may contain valuable  
9 concentrations of rare earth elements and critical materials. Various parties may elect or be  
10 compelled to treat acid mine drainage. In order to encourage the treatment of acid mine drainage,  
11 the State of West Virginia determines that all chemical compounds, elements, and other materials  
12 of value derived from the byproducts of acid mine drainage treatment may, at the discretion of the  
13 treating party, be used by the treating party or its designee for its commercial benefit. This  
14 condition applies regardless of land or other mineral ownership claims.

15 The Department of Environmental Protection may propose rules in accordance with the  
16 provisions of §29A-3-1 et seq. to carry out and implement the provisions of this section.

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