

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 293

An Act to amend and reenact §§ 45.1-361.43 and 45.1-361.44 of the Code of Virginia, relating to replacement of water by gas well operators.

[S 1460]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-361.43 and 45.1-361.44 of the Code of Virginia are amended and reenacted as follows:

Article 4.

Replacement of Water by ~~Coalbed Methane~~ Gas Well Operators.

§ 45.1-361.43. Operator's right to sample water and quality.

An operator shall have the right to enter upon surface land at reasonable times and in a reasonable manner to obtain samples of water from water wells that are (i) located within 750 feet of a proposed or existing ~~coalbed methane~~ gas well and (ii) actually being utilized by the surface owner or occupant for domestic use. If the surface owner or occupant refuses to allow or causes the operator to be prevented from sampling any such water well, the operator shall promptly notify the Department of such refusal or prevention. The Department shall maintain a record of such notifications. In the event of such a refusal or prevention, the surface owner shall not be entitled to the remedies set forth in § 45.1-361.44.

§ 45.1-361.44. Replacement of water supply.

If any water supply of a surface owner who obtains all or part of his supply of water for domestic use from a water well has been materially affected by contamination or partial or complete interruption proximately resulting from a ~~coalbed methane~~ gas well operation within 750 feet of the water well, the operator of such ~~coalbed methane~~ gas well shall promptly provide a replacement water supply which shall be capable of meeting the uses such water supply met prior to the contamination or partial or complete interruption.