

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 17

An Act to amend and reenact §§ 45.1-361.43 and 45.1-361.44 of the Code of Virginia, relating to gas and oil drilling; groundwater.

[S 910]

Approved February 17, 2017

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:

§ 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~~ *1,320* feet of a proposed or existing 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 *the operator to sample* 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 gas well operation within ~~750~~ *1,320* feet of the water well, the operator of such 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.