

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 22.1 of Title 45.1 an article numbered 4,*
3 *consisting of sections numbered 45.1-361.43 and 45.1-361.44, relating to replacement of water by*
4 *coalbed methane well operators.*

5 [H 1220]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Chapter 22.1 of Title 45.1 an article**
9 **numbered 4, consisting of sections numbered 45.1-361.43 and 45.1-361.44, as follows:**

10 *Article 4.*11 *Replacement of Water by Coalbed Methane Well Operators.*12 *§ 45.1-361.43. Operator's right to sample water and quality.*

13 *An operator shall have the right to enter upon surface land at reasonable times and in a reasonable*
14 *manner to obtain samples of water from water wells that are (i) located within 750 feet of a proposed*
15 *or existing coalbed methane gas well and (ii) actually being utilized by the surface owner or occupant*
16 *for domestic use. If the surface owner or occupant refuses to allow or causes the operator to be*
17 *prevented from sampling any such water well, the operator shall promptly notify the Department of such*
18 *refusal or prevention. The Department shall maintain a record of such notifications. In the event of such*
19 *a refusal or prevention, the surface owner shall not be entitled to the remedies set forth in*
20 *§ 45.1-361.44.*

21 *§ 45.1-361.44. Replacement of water supply.*

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