

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 227

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

[H 1220]

Approved April 2, 1998

Be it enacted by the General Assembly of Virginia:

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

Article 4.

Replacement of Water by Coalbed Methane 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.