

WEST VIRGINIA CODE: §15-5C-2

§15-5C-2. Reporting requirements.

(a) In addition to any other requirements imposed by law, all pipeline operators and well operators shall report incidents to the Division of Homeland Security and Emergency Management at the Mine and Industrial Accident Call Center at 1-866-987-2338, or other such number as may be identified by the Director within fifteen minutes of ascertaining the occurrence of an incident at a well, well pad or pipeline facility. Pipeline operators and well operators may satisfy this requirement by contacting the local emergency telephone system and orally reporting the information required by this section.

(b) Contents of report:

(1) The initial report shall include the following minimum information:

(A) The name, title, and business affiliation of the individual making the report;

(B) The identification and location of the well, well pad or pipeline facility; and

(C) Notification that an incident has occurred.

(2) If the caller has ready access to the following information, he or she shall also provide:

(A) Then-available information concerning the nature and extent of the incident, including any information that concerns the existence or nonexistence of potential threats to the public health;

(B) In the event of an unplanned fire that cannot be contained within fifteen minutes, explosion or release, preliminary information regarding the type of substance involved and, if a release, the estimated amount released, if known; and

(C) The name, title, business affiliation, and contact information of the individual designated to serve as a contact person on behalf of the pipeline operator or well operator.

(c) Any local emergency telephone system receiving an initial notification shall immediately forward all information received to the Division of Homeland Security and Emergency Management at the Mine and Industrial Accident Call Center at 1-866-987-2338, or other such number as may be identified by the Director.

(d) All calls received by the Division of Homeland Security and Emergency Management at the Mine and Industrial Accident Call Center shall be recorded for documentation purposes.

Recording of calls shall be automatic, and the recorded call information, including time of call and complete voice transcripts, shall be made available to the public upon receipt of a request to the Director in accordance with the West Virginia Freedom of Information Act,

article one, chapter twenty-nine-b of this code.

(e) The Director shall impose a civil administrative penalty of not less than \$2,500 but not to exceed \$50,000 on the pipeline operator or well operator if it is determined that the pipeline operator or well operator failed to give timely notice as required by this section: Provided, That the Director shall waive imposition of the civil administrative penalty if the failure to give the required notice:

(1) Occurred as a result of circumstances wholly outside the control of the pipeline operator or well operator;

(2) Occurred because the pipeline operator or well operator was attempting to stabilize the incident;

(3) Occurred because the pipeline operator or well operator was rendering emergency assistance; or

(4) Resulted from the incident occurring in a location with no or inadequate wireless communications coverage and notice was provided within fifteen minutes of reestablishing communication.

(f) Any pipeline operator or well operator aggrieved by the imposition of a civil administrative penalty may request within thirty days of receipt of a written communication imposing a civil administrative penalty that the Director reconsider the imposition or amount of the civil administrative penalty. If reconsideration is denied, the pipeline operator or well operator shall have a right of appeal to the Circuit Court of Kanawha County, West Virginia.