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 Department of Homeland Security, Division of 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 15 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 county 9-1-1 center 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) If there is an unplanned fire that cannot be contained within 15 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 county 9-1-1 center receiving an initial notification shall immediately forward all information received to the Department of Homeland Security, Division of 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 Department of Homeland Security, Division of 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

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Freedom of Information Act, §29B-1-1 *et seq.* of this code.

(e) An investigation of these matters shall be conducted by the Department of Environmental Protection.

(f) The Secretary of the Department of Environmental Protection 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 at the conclusion of an investigation by the Department of Environmental Protection, with collection of the civil penalty being the responsibility of the Department of Environmental Protection: *Provided*, That the Secretary of the Department of Environmental Protection 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 15 minutes of reestablishing communication.

(g) Any pipeline operator or well operator aggrieved by the imposition of a civil administrative penalty at the conclusion of an investigation by the Department of Environmental Protection may request within 30 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 Intermediate Court of Appeals.

(h) All moneys collected pursuant to this section shall be deposited in the Hazardous Waste Emergency Response Fund, as established pursuant to §22-19-3 of this code.

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