WEST VIRGINIA CODE: §22-11-31

§22-11-31. State pre-emption in favor of commercial horticulture under the Water Pollution Control Act.

(a) Notwithstanding the provisions of Chapter 7, Chapter 7A, Chapter 8, and Chapter 8A of the West Virginia Code or the West Virginia Code of State Rules promulgated thereunder to the contrary, no county, municipality, or political subdivision may prohibit, regulate, permit, or license commercial horticulture by adopting any charter, law, rule, regulation, ordinance, or zoning provision concerning the size, placement, location, or operation of commercial horticulture within the subject matter of the Water Pollution Control Act, as provided in §22-11-1 *et seq*. of this code, and all such provisions in charters, laws, rules, regulations, ordinances, or zoning provisions are hereby invalid and unenforceable.

(b) No county, municipality, or political subdivision may bring a cause of action against a commercial horticulture operation for any activity within the subject matter of said Water Pollution Control Act, if the commercial horticulture operation is in material compliance of the Water Pollution Control Act, its rules, and federal laws and regulations.

(c) Any political subdivision of this state may not enact an ordinance within the subject matter of said Water Pollution Control Act that is more stringent than any federal or state rule, regulation, program, or permitting regime.

WV Legislature