WEST VIRGINIA CODE: §22-1A-2

§22-1A-2. Legislative findings and purpose.

It is the policy of this state that action by the Division of Environmental Protection affecting private real property is subject to such protection as is afforded by the Constitutions of the United States and of West Virginia and the principles of nuisance law. The Legislature intends that the Division of Environmental Protection follow certain procedures to ensure Constitutional protection of private real property rights, while also meeting its obligation to protect the quality of the environment, and reduce the burden on citizens, local governments and this state caused by certain actions affecting private real property. The purpose of this article is to establish an orderly, consistent process that better enables the division to evaluate how potential administrative action by it may affect privately owned real property. It is not the purpose of this article to reduce or expand the scope of private real property protections provided in section nine, article three of the Constitution of West Virginia and the fifth and fourteenth amendments of the Constitution of the United States, as those provisions have been and may in the future be interpreted by the state and federal courts of competent jurisdiction with respect to such matters for this state.

WV Legislature