

WEST VIRGINIA CODE: §22-22B-11

§22-22B-11. Enforcement of environmental covenant.

(a) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:

- (1) A party to the covenant;
 - (2) The agency or, if it is not the agency, the Department of Environmental Protection;
 - (3) Any person to whom the covenant expressly grants power to enforce;
 - (4) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant; or
 - (5) A municipality or other unit of local government in which the real property subject to the covenant is located.
- (b) This article does not limit the regulatory authority of the agency or the Department of Environmental Protection under law other than this article with respect to an environmental response project.
- (c) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.