## WEST VIRGINIA CODE: §22-22B-2

## §22-22B-2. Definitions.

As used in this article and insofar as they are not in conflict with article twenty-two of this chapter, the following terms shall mean:

- (1) "Activity and use limitations" means restrictions or obligations created under this article with respect to real property.
- (2) "Agency" means the Department of Environmental Protection or any federal agency that determines or approves the environmental response project pursuant to which the environmental covenant is created.
- (3) "Common interest community" means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance or improvement of other real property described in a recorded covenant that creates the common interest community.
- (4) "Environmental covenant" means a servitude arising under an environmental response project that imposes activity and use limitations.
- (5) "Environmental response project" means a plan or work performed for environmental remediation of real property and conducted:
- (A) Under a federal or state program governing environmental remediation of real property, including article twenty-two of this chapter;
- (B) Incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of an agency; or
- (C) Under a state voluntary clean-up program authorized in article twenty-two of this chapter.
- (6) "Holder" means the grantee of an environmental covenant as specified in subsection (a), section three of this article.
- (7) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency or instrumentality or any other legal or commercial entity.
- (8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

