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Zachary H. Barrett

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*Zachary H. Barrett**

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* Zachary H. Barrett is Of Counsel in the Charleston, West Virginia office of Steptoe & Johnson PLLC, and concentrates his practice in the areas of energy law, with a focus on mineral title and coal, oil, and gas transactions.

I. Introduction

The following is an update on Virginia legislative activity and case law relating to oil, gas and mineral law from August 1, 2020 to July 31, 2021.

II. Legislative and Regulatory Developments

The following is a discussion of notable legislation:

A. House Bill 2293

House Bill 2293 (“HB 2293”) — An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to local gas severance tax; sunset date.

HB 2293 amends and reenacts Virginia Code § 58.1-3713, which allows any county or city to adopt a license tax on every person engaging in the business of severing gases from the earth, extending the sunset date therefore until January 1, 2024.

SIGNED INTO LAW ON MARCH 30th, 2021

B. Senate Bill 1265

Senate Bill 2293 (“SB 1265”) — An Act to amend and reenact §§ 62.1-44.15:37.1 and 62.1-44.15:58.1 of the Code of Virginia, relating to natural gas pipelines; stop work instructions.

SB 1265 amends and reenacts Virginia Code § 62.1-44.15:37.1 and § 62.1-44.15:58.1, which authorizes the Department of Environmental Quality to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies as such land-disturbing activities relate to construction of any natural gas transmission pipeline, by: (i) decreasing the diameter of a qualifying pipeline from thirty-six (36) inches to twenty-four (24) inches; and (ii) expressly defining “adverse impacts to water quality” as “including instances where (a) there has been a violation of any water quality standard adopted pursuant to the State Water Control Law (§ 62.1-44.2 *et seq.*), (b) sediment has been deposited in significant amounts in areas where those deposits are not contained by best management practices, (c) there are repeated instances of adverse impacts or likely adverse impacts within a 30-day period, or (d) there have been widespread and repeated instances of adverse impacts or likely impacts.”

SB 1265 further grants the Department of Environmental Quality authority to issue a stop work instruction for every work area in Virginia upon a finding that substantial adverse impacts or “likely adverse impacts” are found on a repeated, frequent, and widespread basis. The Department of

Environmental Quality may issue a stop work instruction for every work area in Virginia until the Department of Environmental Quality determines that any systemic cause that contributed to such occurrences has been corrected.

SIGNED INTO LAW ON MARCH 18th, 2021

II. Judicial Developments

We did not locate any notable judicial developments during the search period.