

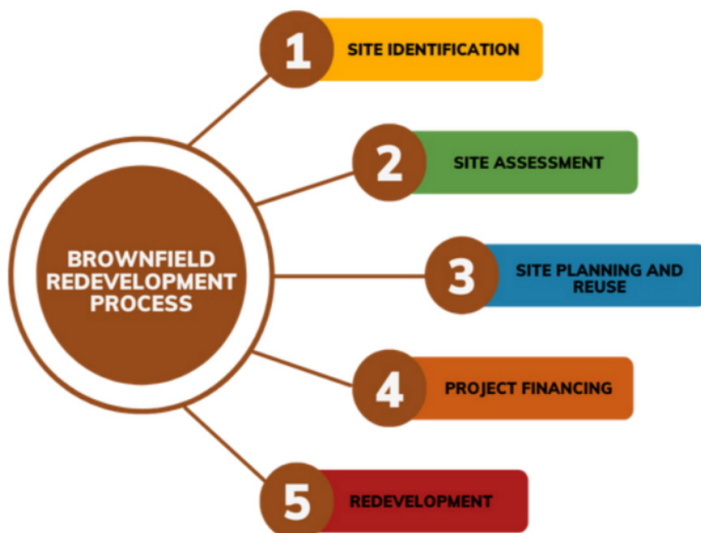
Former Mine Land Economic Development Policies in West Virginia

August 2024

Brownfields are [defined by the EPA](#) as “properties that contain or may contain a hazardous substance, pollutant or contaminant, complicating efforts to expand, redevelop or reuse them.” Once restored, former mine lands can serve as recreation areas, solar farms, business districts and more. New development on restored brownfields can benefit West Virginia’s environmental and economic health. This Science and Technology Policy Note explores existing policies that could be expanded or modified to facilitate private economic development on former mine lands (a subset of brownfields).

Former mine land development is a process (see figure) that presents challenges from possible site contamination to ownership and liability complexities. There are many [state](#) and [federal resources](#) and [incentives](#) to assist with restoration and [redevelopment](#) of these lands. The Abandoned Mine Land Economic Revitalization (AMLER) program funds economic redevelopment projects on mine lands abandoned prior to 1977. Funded by the federal government and administered by West Virginia, an interactive map of AMLER projects can be found [on the state’s website](#). AMLER program administration policy challenges are explored in another [Science and](#)

Brownfield Redevelopment Process



Source: WVU Technical Assistance to Brownfield Communities

Research Highlights

- Reducing policy barriers to renewal and redevelopment of brownfields (including former mine lands) has the potential to create jobs and other opportunities for West Virginians.
- Existing programs encourage investment in making former minelands suitable for economic development. Barriers to new development could be reduced further.
- Policy options include expanding the Certified Industrial Business Expansion Development Program, codifying into law an expedited permitting process, and modifying the renewable energy facilities program to encourage renewable energy development on former mine lands.

[Technology Note found here.](#)

West Virginia Policies and Former Mine Land Redevelopment

West Virginia has a number of policies which directly or indirectly support sustainable economic development on former mine lands and other brownfields. A post coal-mine site business tax credit offers tax incentives to qualifying companies whose primary place of business is located on former mine land. In 2018, Governor Justice issued [Executive Order No. 9-18](#) to establish an expedited permitting process for high economic impact projects. West Virginia is also [establishing a “Certified Sites” program](#) to assist companies in project site selection. These resources, along with [state and federal financial incentives](#) can play a crucial role in project site selection. For instance, Form Energy is constructing a [new battery manufacturing facility](#) at the former Weirton Steel Plant in Weirton, WV expected to create [750 jobs](#). Form Energy considered [500 possible project locations in 16 states](#), illustrating the need for West Virginia to be competitive in site selection.

Other policies may discourage former mine land development. A promising avenue for productive use of former mine lands is for renewable energy deployment.

Projected Investment and Job Creation from Profiled Projects

Project	Expected Date	Expected Jobs Created	Investment
Precision Castparts Manufacturing (Ravenswood, WV)	Dec. 31, 2025	200 permanent jobs , with the potential for 1,000 permanent jobs	\$500 million
Form Factory 1 (Weirton, WV)	Jan. 1, 2024	750 permanent jobs	\$760 million

In Kentucky, a [\\$1 billion, 800 megawatt solar array is being built on former mine land](#). In Kentucky, non-utility solar projects must receive a siting decision [within 120 days of the application date \(if no evidentiary hearing is required\)](#), compared to [150 days for West Virginia](#). In addition, West Virginia law currently [limits total utility-owned solar capacity \(eligible for rate recovery\) to 400 megawatts](#) for the entire state. West Virginia law currently [prohibits alternative fuel subsidies](#) and incentives, which may inhibit [growing switchgrass on former mine lands to produce biofuel](#).

Spotlight: West Virginia's Certified Industrial Business Expansion Development Program

In 2022, the West Virginia legislature established the Certified Industrial Business Expansion Development Program, codified as WV. Code [§ 5B-2-21](#). The program allows for the establishment of two "certified high impact industrial business development districts" on former mine lands or land owned or leased by the government. It allows generators of renewable electricity within a certified district to sell this electricity to businesses in the district (or to wholesale markets) without being regulated by the West Virginia Public Service Commission (WVPSC). The program seeks to encourage the development of "high impact industrial plants" that depend on renewable electricity.

On September 13, 2022, Governor Jim Justice [announced](#) the first certified district: BHE Renewables, a Berkshire Hathaway Energy business, purchased over 2,000 acres in Ravenswood to develop a renewable energy microgrid-powered industrial site. Precision Castparts Corp. will be the first company on the site, building a 100% renewable energy powered titanium melt facility for aerospace and other industries. The law enables BHE Renewables to negotiate electricity [prices directly with its customers and even select which businesses join the industrial park](#). The second certified industrial district is [hosting Fidelis New Energy](#), who

is constructing a hydrogen project and data center campus in Mason County, West Virginia. The project is expected to create 800 full-time jobs and employ 4,200 construction workers.

Policy Options for West Virginia

Below are potential strategies West Virginia could take to support brownfield development.

- 1. Increase the allowed number of districts in the Certified Industrial Business Expansion Development Program.** Today, the policy is limited to two high impact industrial business development districts and expires on June 30, 2028. Expansion could enhance economic development, including job creation, in the state. However, exemption of power providers from PSC regulation could have negative economic and environmental consequences.
- 2. Codify into law the executive order expediting the permitting process for projects of high economic importance.**
- 3. Modify the renewable energy facilities program by increasing utility-owned capacity limits and decreasing siting decision time.** Increasing the individual project and cumulative capacity of utility-owned solar projects eligible for cost recovery beyond their current limits (200 and 400 megawatts respectively) and decreasing the time for non-utility siting decisions from 150 days could support development of renewable energy projects on former minelands. Kentucky requires siting decisions within 120 days of application filing.

Additional policy options include removing the "primary place of business" requirement for the post-coal mine tax credit and removing the statutory ban on alternative fuel subsidies and incentives.

This Science & Technology Note was written by Sean Mullaney, JD, WVU, Ryan Nesselrodt, PhD, and Dr. Deborah Stine on behalf of West Virginia University's Bridge Initiative for Science and Technology Policy, Leadership, and Communications with financial support from the US Department of Commerce's Economic Development Agency, Federal Award ID Number: 01-79-15295.. Please see <https://scitechpolicy.wvu.edu/> or contact scitechpolicy@mail.wvu.edu for more information.