



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
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Earl Ray Tomblin, Governor
Randy C. Huffinan, Cabinet Secretary
www.dep.wv.gov

January 14, 2016

2015 Waiver Report

Pursuant to W. Va. Code § 22-6A-2(a)(6), commencing on January 1, 2013 and each year thereafter, the Office of Oil and Gas shall submit to the Legislature a written report of the number of waivers of certain minimum requirements of Chapter 22, Article 6A granted by the Secretary during the preceding year. During the 2015 calendar year, the Office of Oil and Gas granted thirteen (13) waivers from the site restriction requirements of W. Va. Code § 22-6A-12(b), which states:

No well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream...or a wetland ... The department may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.

Copies of the Orders granting the waivers are attached.

Thus submitted, the 14th day of January 2016.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: 

JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
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Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
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**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Trans Energy, Inc.
210 Second Street
St. Mary's, WV 26170

DATE: March 12, 2015
ORDER NO.: 2015-W-1

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Trans Energy, Inc. (hereinafter "Trans Energy" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Trans Energy is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 210 Second Street St. Mary's, WV 26170.
3. On November 13, 2014, Trans Energy submitted applications for gas wells identified as API# 47-049-02366 and 47-049-02367, located on the Minger Pad in Mannington District of Marion County, West Virginia.
4. On March 03, 2015, Trans Energy requested a waiver for Wetland #1, outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as 47-049-02366 and 47-049-02367, located on the Minger Pad in Mannington District of Marion County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants Trans Energy, Inc. a waiver for Wetland #1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API# 47-049-02366 and 47-049-02367, located on the Minger Pad in Mannington District of Marion County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Trans Energy, Inc. shall meet the following site construction and operational requirements for the Minger well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #1 shall have a triple compost filter sock stack installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 12th day of March, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: _____


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: CNX Gas Company, LLC
P.O. Box 1248
Jane Lew, WV 26378

DATE: March 31, 2015
ORDER NO.: 2015-W-2

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to CNX Gas Company, LLC. (hereinafter "CNX Gas Company" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. CNX Gas Company is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as Post Office Box 1248 Jane Lew, WV 26378.
3. On October 21st, 2014, CNX Gas Company submitted an application for a gas well identified as API# 47-017-06648, located on the OXFD15 Pad in New Milton District of Doddridge County, West Virginia.
4. On February 18, 2015, CNX Gas Company requested a waiver for Wetlands #3, #5, and #8 outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for a gas well permit application identified as 47-017-06648, located on the OXFD15 Pad in New Milton District of Doddridge County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”

2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”

3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants CNX Gas Company a waiver for Wetlands #3, #5, and #8 from well location restriction requirements in W. Va. Code §22-6A-12(b) for a gas well permit application identified as API# 47-017-06648, located on the OXFD15 Pad in New Milton District of Doddridge County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that CNX Gas Company shall meet the following site construction and operational requirements for the OXFD15 well pad:

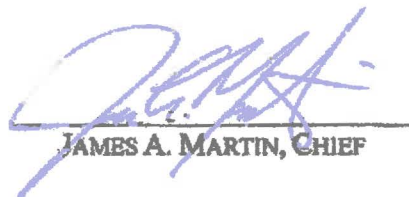
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetlands #3, #5, and #8 shall have a double compost filter sock stack installed adjacent to the wetlands;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 31st day of March, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Chevron Appalachia, LLC
800 Mountain View Drive
Smithfield, WV 15478

DATE: March 31, 2015
ORDER NO.: 2015-W-3

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Chevron Appalachia, LLC (hereinafter "Chevron" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Chevron is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 800 Mountain View Drive, Smithfield, PA 15478.
3. On November 14, 2014 and February 5, 2015, Chevron submitted applications for gas wells identified as API numbers 47-051-01800, 47-051-01801, 47-051-01802, 47-051-01803, 47-051-01804, 47-51-01805, 47-051-01824, 47-051-01825 and 47-05101826 located on the Taylor C Pad in the Clay District of Marshall County, West Virginia.
4. On February 27, 2015, Chevron requested a waiver for Streams 1 and 2 outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 47-051-01800, 47-051-01801, 47-051-01802, 47-051-01803, 47-051-01804, 47-51-01805, 47-051-01824, 47-051-01825 and 47-051-01826, located on the Taylor C Pad in the Clay District of Marshall County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants Chevron a waiver for Perennial Streams #1 and #2 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 47-051-01800, 47-051-01801, 47-051-01802, 47-051-01803, 47-051-01804, 47-51-01805, 47-051-01824, 47-051-01825 and 47-05101826, located on the Taylor C Pad in Clay District of Marshall County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Chevron Appalachia, LLC shall meet the following site construction and operational requirements for the Taylor C well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least one and a half feet (1.5') in height;
- b. Super silt fence and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Perennial Streams #1 and #2 shall have super silt fence installed adjacent to the streams;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 31th day of March, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: _____


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
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**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: CNX Gas Company, LLC
P.O. Box 1248
Jane Lew, WV 26378

DATE: May 29, 2015
ORDER NO.: 2015-W-4

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to CNX Gas Company, LLC. (hereinafter "CNX Gas Company" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. CNX Gas Company is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as Post Office Box 1248 Jane Lew, WV 26378.
3. On November 6, 2014, CNX Gas Company submitted a well work permit application identified as API# 47-033-05855, located on the KST1HS Pad in Union District of Harrison County, West Virginia.
4. On March 25, 2015, CNX Gas Company requested a waiver for Wetlands #5, #7, #8, #9, #10, and #11 outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for a gas well permit application identified as 47-033-05855, located on the KST1HS Pad in Union District of Harrison County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants CNX Gas Company a waiver for Wetlands #5, #7, #8, #9, #10 and #11 from well location restriction requirements in W. Va. Code §22-6A-12(b) for a gas well permit application identified as API# 47-033-05855, located on the KST1HS Pad in Union District of Harrison County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that CNX Gas Company shall meet the following site construction and operational requirements for the KST1HS well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetlands #5, #7, #8, #10 and #11 shall have a double compost filter sock stack installed adjacent to the wetlands; wetland #9 is upslope of disturbance and will not have additional controls added;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 29th day of May, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: _____


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: CNX Gas Company, LLC
P.O. Box 1248
Jane Lew, WV 26378

DATE: May 22, 2015
ORDER NO.: 2015-W-5

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to CNX Gas Company, LLC. (hereinafter "CNX Gas Company" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. CNX Gas Company is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as Post Office Box 1248 Jane Lew, WV 26378.
3. On November 6, 2014, CNX Gas Company submitted well work permit applications identified as API#s 47-033-05856, 47-033-05857, 47-033-05858, 47-033-05859, 47-033-05860, 47-033-05861 and 47-033-05862 located on the KST2HS Pad in Union District of Harrison County, West Virginia.
4. On May 8, 2015, CNX Gas Company requested a waiver for Wetland #4 outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as 47-033-05856, 47-033-05857, 47-033-05858, 47-033-05859, 47-033-05860, 47-033-05861 and 47-033-05862 located on the KST2HS Pad in Union District of Harrison County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants CNX Gas Company a waiver for Wetland #4 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API#s 47-033-05856, 47-033-05857, 47-033-05858, 47-033-05859, 47-033-05860, 47-033-05861 and 47-033-05862 located on the KST2HS Pad in Union District of Harrison County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that CNX Gas Company shall meet the following site construction and operational requirements for the KST1HS well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #4 shall have a double compost filter sock stack installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (1/2") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 22nd day of May, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: _____


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: American Energy Marcellus, LLC
3501 NW 63rd Street
Oklahoma City, OK 73116

DATE: June 25, 2015
ORDER NO.: 2015-W-6

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to American Energy Marcellus, LLC. (hereinafter "AEM" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. AEM is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 3501 NW 63rd Street Oklahoma City, Oklahoma.
3. On March 12, 2015, AEM submitted well work permit applications identified as API#s 47-103-03098, 47-103-03099, 47-103-03100, 47-103-03101, 47-103-03102, 47-103-03103, 47-103-03104 and 47-103-03105 located on the Wiley GRN WZ Pad in Green District of Wetzel County, West Virginia.
4. On March 12, 2015, AEM requested a waiver for Wetland #1 outlined in Exhibit B, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as 47-103-03098, 47-103-03099, 47-103-03100, 47-103-03101, 47-103-03102, 47-103-03103, 47-103-03104 and 47-103-03105 located on the Wiley GRN WZ Pad in Green District of Wetzel County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants AEM a waiver for Wetland #1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API#s 47-103-03098, 47-103-03099, 47-103-03100, 47-103-03101, 47-103-03102, 47-103-03103, 47-103-03104 and 47-103-03105 located on the Wiley GRN WZ Pad in Green District of Wetzel County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that AEM shall meet the following site construction and operational requirements for the Wiley GRN WZ well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #1 shall have a double compost filter sock stack and super silt fencing installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 25th day of June, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:


H. JASON HARMON, DEPUTY CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: American Energy Marcellus, LLC
3501 NW 63rd Street
Oklahoma City, OK 73116

DATE: July 24, 2015
ORDER NO.: 2015-W-7

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to American Energy Marcellus, LLC. (hereinafter "AEM" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. AEM is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 3501 NW 63rd Street Oklahoma City, Oklahoma.
3. On June 12, 2015, AEM submitted well work permit applications identified as API#s 47-103-03124, 47-103-03125, 47-103-03126, and 47-103-03127. On June 29, 2015, AEM submitted a well work permit application identified as 47-103-03133. Five proposed wells are to be located on the Hoge GRN WZ Pad in Green District of Wetzel County, West Virginia.
4. On June 12, 2015, AEM requested a waiver for Wetland #3 and Wetland #5 outlined in Exhibit A, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as 47-103-03124, 47-103-03125, 47-103-03126, 47-103-03127 and 47-103-03133 located on the Hoge GRN WZ Pad in Green District of Wetzel County, West Virginia.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

Therefore, the Office of Oil and Gas grants AEM a waiver for Wetland #3 and Wetland #5 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API#s 47-103-03124, 47-103-03125, 47-103-03126, 47-103-03127, and 47-103-03133 located on the Hoge GRN WZ Pad in Green District of Wetzel County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that AEM shall meet the following site construction and operational requirements for the Hoge GRN WZ well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #3 and Wetland #5 shall have a 32" compost filter sock and super silt fencing installed adjacent to the wetlands;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 24th day of July, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:


JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: EQT Production Company
625 Liberty Ave.
Pittsburgh, PA 15222

DATE: August 25, 2015
ORDER NO.: 2015-W-8

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to EQT Production Company (hereinafter "EQT" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. EQT is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 625 Liberty Avenue Pittsburgh, Pennsylvania.
3. On March 11, 2015, EQT submitted well work permit applications identified as API#s 47-049-02385, 47-049-02386, and 47-049-02387; on March 12, 2015, EQT submitted a well work permit application identified as 47-049-02388 and on April 24, 2015 EQT submitted a well work permit application identified as 47-049-02394. The five proposed wells are to be located on the FAW 55 Pad in Grant District of Marion County, West Virginia.
4. On March 27, 2015, EQT requested a waiver for Wetlands B, C, D and F as outlined in Attachment F, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as 47-049-02385, 47-049-02386, 47-049-02387, 47-049-02389 and 47-049-02394.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetlands C, D, and F from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API#s 47-049-02385, 47-049-02386, 47-049-02387, 47-049-02388, and 47-049-02394. Further, a waiver from Wetland B is not needed for construction as proposed. The Office of Oil and Gas hereby **ORDERS** that EQT shall meet the following site construction and operational requirements for the FAW 55 well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2’) in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland C shall have a double 32” compost filter sock stack installed adjacent to the wetland and ditch checks shall be installed to minimize sediment flow through pipe inlet;
- d. Wetland D shall have ditch checks installed to minimize sediment from the diversion ditch and compost sock sediment traps installed adjacent to the wetland;
- e. Wetland F shall have a double 32” compost filter sock installed adjacent to the wetland;
- f. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- g. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- h. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- i. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- j. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- k. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch ($\frac{1}{2}$ ”) rain within any twenty-four (24) hour period;
- l. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- m. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 25th day of August, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: 
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Northeast Natural Energy LLC
707 Virginia Street East, Suite 1200
Charleston WV, 25301

DATE: September 16, 2015
ORDER NO.: 2015-W-9

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Northeast Natural Energy LLC (hereinafter "NNE" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. NNE is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 707 Virginia Street East, Suite 1200, Charleston, West Virginia.
3. On June 12, 2015, NNE submitted well work permit applications identified as API#s 47-061-01718 and 47-061-01719. The two proposed wells are to be located on the Eddy Pad in Clay District of Monongalia County, West Virginia.
4. On June 12, 2015, NNE requested a waiver for Wetland #1, as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as 47-061-01718 and 47-061-01719.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetland #1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-061-01718 and 47-061-01719. The Office of Oil and Gas hereby **ORDERS** that NNE shall meet the following site construction and operational requirements for the Eddy well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2’) in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #1 shall have a 32” compost filter sock backed by super silt fence installed in three locations adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 16th day of September, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: 
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Chevron Appalachia, LLC
800 Mountain View Drive
Smithfield PA, 15478

DATE: September 25, 2015
ORDER NO.: 2015-W-10

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Chevron Appalachia LLC (hereinafter "Chevron" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Chevron is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 800 Mountain View Drive, Smithfield, Pennsylvania.
3. On July 14, 2015, Chevron submitted well work permit applications identified as API#s 47-051-01861, 47-051-01862 and 47-051-01863. The three proposed wells are to be located on the Hostutler Pad in Clay District of Marshall County, West Virginia.
4. On July 14, 2015, Chevron requested a waiver for Wetland #2, Wetland #3 and UNT (Unnamed Tributary) 3 to Grave Creek as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as 47-051-01861, 47-051-01862 and 47-051-01863.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetland #2, Wetland #3 and UNT 3 to Grave Creek from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-051-01861, 47-051-01862 and 47-051-01863. The Office of Oil and Gas hereby **ORDERS** that Chevron shall meet the following site construction and operational requirements for the Hostutler well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least a eighteen inches (18”) in height;
- b. Filter/silt socks shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #2 shall have a compost filter sock (cfs) trap consisting of three 32” cfs, two 24” cfs and one 18” cfs immediately adjacent to the wetland. Areas further downslope will consist of two 32” cfs and one 12” cfs;
- d. Wetland #3 shall have a cfs trap consisting of two 32” cfs and one 12” cfs;
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 25th day of September, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 5th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffinan, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Statoil USA Onshore Properties, Inc.
2107 City West Boulevard, Suite 800
Houston TX, 77042

DATE: September 25, 2015
ORDER NO.: 2015-W-11

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Statoil USA Onshore Properties, Inc. (hereinafter "Statoil" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Statoil is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 2107 City West Boulevard, Suite 800, Houston, Texas.
3. On July 31, 2015, August 3, 2015 and August 5, 2015 Statoil submitted well work permit applications identified as API#s 47-095-02299, 47-095-02300, 47-095-02301, 47-095-02302 and 47-095-02303. The five proposed wells are to be located on the Yurigan Pad in Ellsworth District of Tyler County, West Virginia.
4. On July 31, 2015, Statoil requested a waiver for Wetland #1 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as 47-095-02299, 47-095-02300, 47-095-02301, 47-095-02302 and 47-095-02303.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetland #1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-095-02299, 47-095-02300, 47-095-02301, 47-095-02302 and 47-095-02303. The Office of Oil and Gas hereby **ORDERS** that Statoil shall meet the following site construction and operational requirements for the Yurigan well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least eighteen inches (18”) in height;
- b. Filter/silt socks shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #1 shall have a 32” compost filter sock backed by super silt fence installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 25th day of September, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: EQT Production Company
115 Professional Place P.O. Box 230
Bridgeport WV, 26330

DATE: November 23, 2015
ORDER NO.: 2015-W-12

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to EQT Production Company (hereinafter "EQT" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. EQT is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 115 Professional Place, P.O. Box 230, Bridgeport, West Virginia.
3. On August 26, 2015 and September 18, 2015, EQT submitted well work permit applications identified as API#s 47-091-01323, 47-091-01324, 47-091-01326 and 47-091-01327. The four proposed wells are to be located on the FAW 60 Pad in Booths Creek District of Taylor County, West Virginia.
4. On August 26, 2015, EQT requested a waiver for Wetland A, Wetland C and Wetland E as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-091-01323, 47-091-01324, 47-091-01326 and 47-091-01327.

5. On June 9, 2015, Civil & Environmental Consultants, Inc. (CEC), on behalf of EQT, requested a Nationwide Permit (NWP) 14 from the U.S. Army Corps of Engineers (USACE) for permanent impacts to 0.007 acre of Wetland B. Furthermore, on November 19, 2015, CEC requested a waiver for the remaining portion (0.004 acre) of Wetland B as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-091-01323, 47-091-01324, 47-091-01326 and 47-091-01327.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

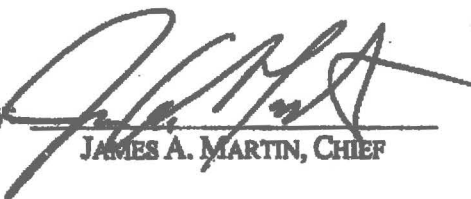
West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetland A, Wetland B, Wetland C and Wetland E from well location restriction requirements in W. Va. Code §22-6A-12(b) for well work permit applications identified as API#s 47-091-01323, 47-091-01324, 47-091-01326 and 47-091-01327. The Office of Oil and Gas hereby **ORDERS** that EQT shall meet the following site construction and operational requirements for the FAW 60 well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least a twenty four inches (24”) in height;
- b. Filter/silt socks shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetlands A, B, C, and E shall have super silt fence backed with thirty two inch (32”) compost filter sock for all areas immediately adjacent to the wetland
- d. The entire area where the wetlands are located will be delineated with orange construction fence.
- e. All diversion ditches that feed the areas where the wetlands are located shall have ditch checks to aid in the removal of sediment.
- f. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- g. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- h. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- i. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- j. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- k. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- l. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- m. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 23rd day of November, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By 
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

Earl Ray Tomblin, Governor
Randy C. Huffinan, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: EQT Production Company
115 Professional Place
P.O. Box 230
Bridgeport WV, 26330

DATE: December 29, 2015
ORDER NO.: 2015-W-13

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to EQT Production Company (hereinafter "EQT" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. EQT is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 115 Professional Place, P.O. Box 230, Bridgeport, West Virginia.
3. On September 8, 2015, EQT submitted a well work permit application identified as API# 47-041-05698. The proposed well is to be located on the ROA 128 Pad in Collins Settlement District of Lewis County, West Virginia.
4. On September 8, 2015, EQT requested a waiver for the perennial stream Crane Camp Run as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-041-05698.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”

2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”

3. West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for the perennial stream Crane Camp Run from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# # 47-041-05698. The Office of Oil and Gas hereby **ORDERS** that EQT shall meet the following site construction and operational requirements for the ROA 128 well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least a twenty four inches (24”) in height;
- b. Filter/silt socks shall be installed on all slopes and down gradient locations of the pad, pit/impoundment and topsoil pile areas as erosion and sediment controlling BMPs;
- c. The perennial stream Crane Camp Run shall have a single eighteen inch (18”) compost filter sock on the fill slope of the well pad. On the other side of a small access road a triple stacked eighteen inch (18”) compost filter sock shall be placed in all areas immediately adjacent to the stream.
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 29th day of December, 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By: 

JAMES A. MARTIN, CHIEF