



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
Phone: (304) 926-0450
Fax: (304) 926-0452

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
dep.wv.gov

March 13, 2017

2016 Waiver Report

Pursuant to W. Va. Codes 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 2016 calendar year, the Office of Oil and Gas granted two (2) waivers from the site restriction requirements of W. Va. Code § 22-6A-12(b), which states:

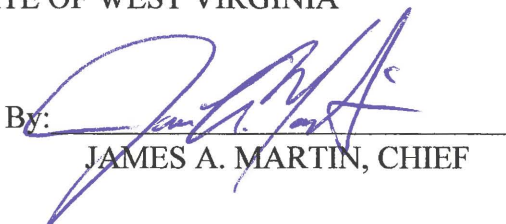
No well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream...or a wetland... The department may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed 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 13th day of March 2017.

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: January 13, 2016
ORDER NO.: 2016-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 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 November 3, 2015, EQT submitted a well work permit application identified as API# 47-041-05699. The proposed well is to be located on the WES 45 Pad in Hacker's Creek District of Lewis County, West Virginia.
4. On November 3, 2015, EQT requested a waiver for Wetland 1a, Wetland 4a, Wetland 5a and Wetland 6a 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# 47-041-05699.

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 1a, Wetland 4a, Wetland 5a and Wetland 6a from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-041-05699. The Office of Oil and Gas hereby **ORDERS** that EQT shall meet the following site construction and operational requirements for the Brennan well pad:

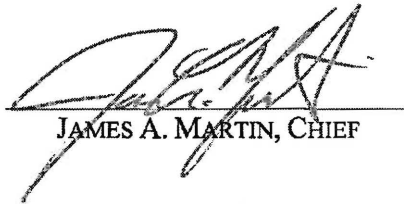
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least a twenty four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland 1A, 4A, 5A and 6A shall have a row of super silt fence (SF) backed with thirty two inch (32”) Compost Filter Sock (CFS) in all areas that drain into the wetlands.
- d. All diversion ditches that feed the area where wetlands are located shall have a riprap aprons to aid in the removal of sediment.
- 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 13th day of January, 2016.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

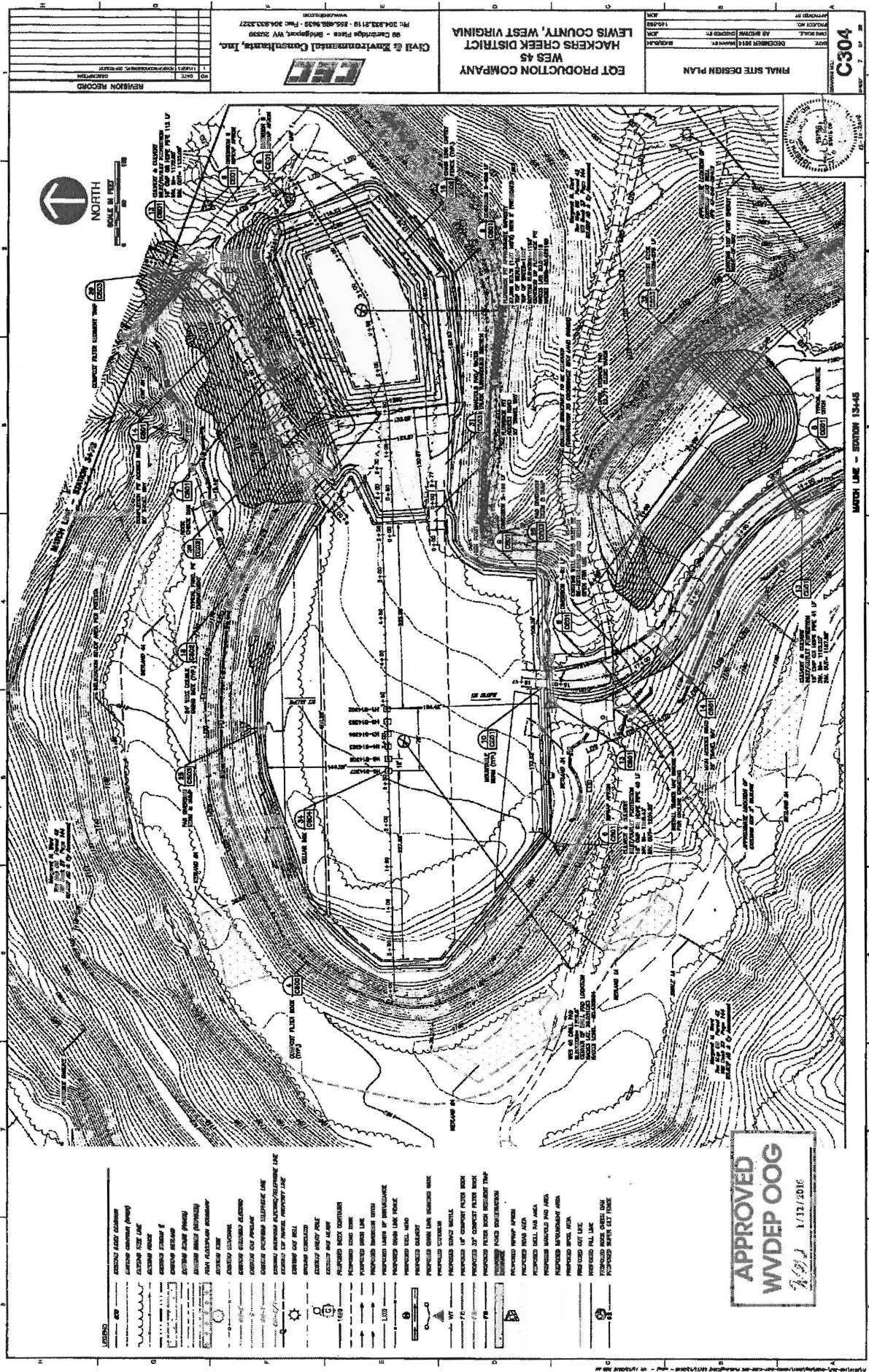
OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF

Attachment 1 - WES 45 Wetland Waiver





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: Triana Energy, LLC
900 Virginia St. East, Suite 400
Charleston WV, 25301

DATE: January 13, 2016
ORDER NO.: 2016-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 Triana Energy LLC (hereinafter "Triana" 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. Triana is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 900 Virginia St. East, Suite 400, Charleston, West Virginia.
3. On August 5, 2015, Triana submitted a well work permit application identified as API# 47-033-05873. The proposed well is to be located on the Brennan Pad in Clay District of Harrison County, West Virginia.
4. On November 3, 2015, Triana requested a waiver for Wetland W, 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# 47-033-05873.

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 W, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-05873. The Office of Oil and Gas hereby **ORDERS** that Triana shall meet the following site construction and operational requirements for the Brennan well pad:

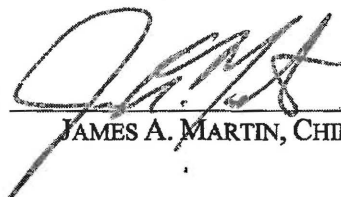
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least a eighteen inches (18”) in height;
- b. Straw wattles shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland W shall have two rows of super silt fence (SF) in all areas draining into the wetland
- d. All diversion ditches that feed the area where the wetland is located shall have a riprap aprons to aid in the removal of sediment.
- 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 13th day of January, 2016.

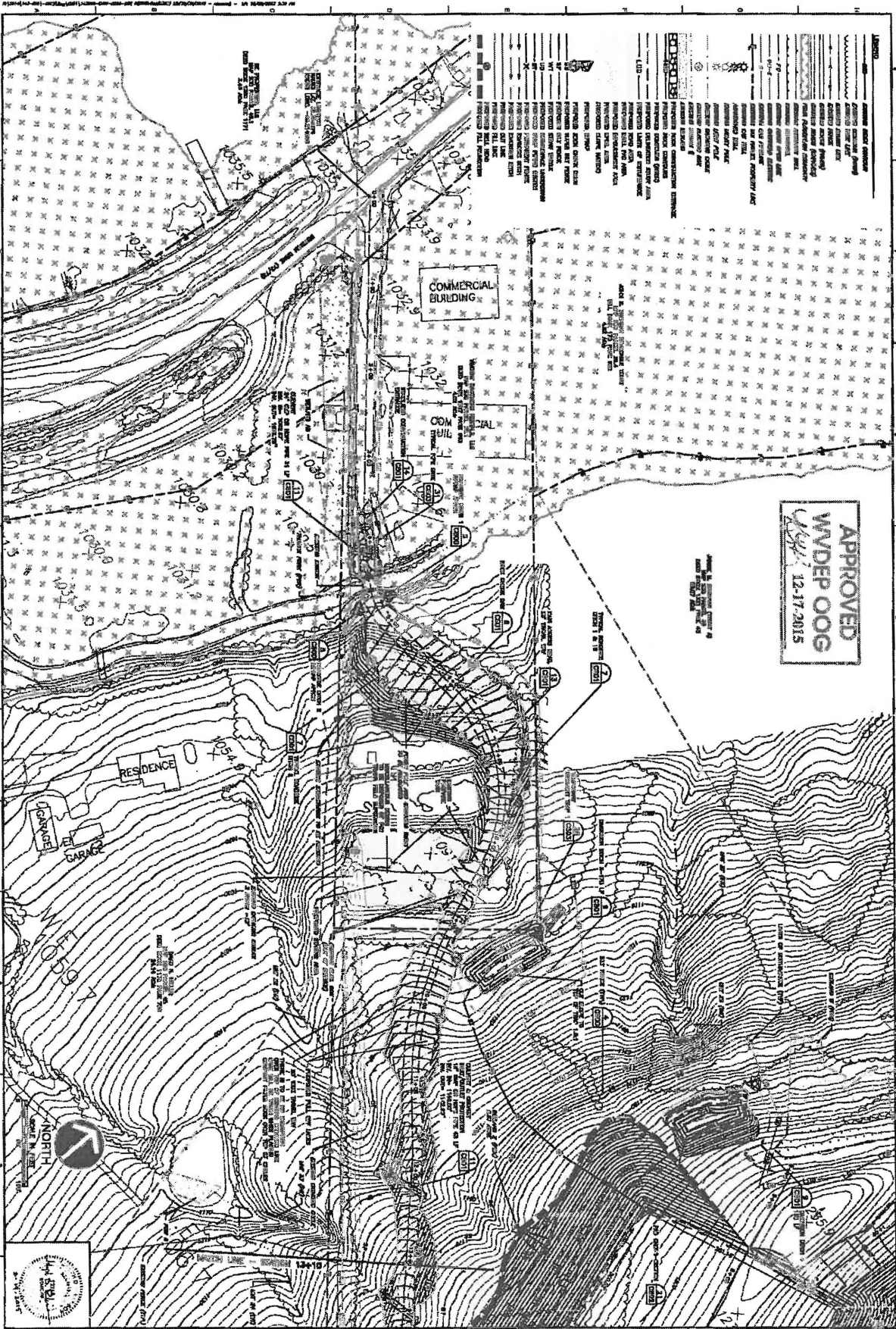
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



JAMES A. MARTIN, CHIEF



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APPROVED
WVDEP 006
 12-17-2015

Welland Waiver - Attachment 1

C303

FINAL SITE DESIGN PLAN

DATE: MARCH 2016 (DRAWN BY: B.P.)
 SHEET NO.: 11 OF 27 (DESIGNED BY: G.M.)
 PROJECT NO.: 143-013
 APPROVED BY: J.M.

TRIANA ENERGY, LLC
BRENNAN WELL PAD
CLAY-OUTSIDE DISTRICT
HARRISON COUNTY, WEST VIRGINIA

CEC
Civil & Environmental Consultants, Inc.
 28 Cambridge Place • Bridgeport, WV 26330
 P: 304.933.5118 • FAX: 304.933.5327
 www.cecinc.com

REVISION RECORD

NO.	DATE	DESCRIPTION
1	03/2016	ISSUED FOR PERMIT
2	03/2016	ISSUED FOR PERMIT