



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, SE
Charleston, WV 25304
Phone 304-926-0450
Fax 304-926-0452

Austin Caperton, Cabinet Secretary
dep.wv.gov

January 15, 2021

2020 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 2020 calendar year, the Office of Oil and Gas granted eight (8) 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 15th day of January 2021.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2021.01.15 15:18:38 -0500
JAMES A. MARTIN, CHIEF

Promoting a healthy environment.



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: Chevron Appalachia, LLC
P.O. Box 611
Moon Township, PA 15108

DATE: February 12, 2020
ORDER NO.: 2020-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 Chevron Appalachia, LLC (hereinafter "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 Appalachia, LLC is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as P.O. Box 611, Moon Township, Pennsylvania.
3. On April 30, 2019, Chevron Appalachia, LLC submitted a well work permit application identified as API# 47-051-02299. The proposed well is to be located on the Woods Pad in the Clay District of Marshall County, West Virginia.
4. On April 30, 2019, Chevron Appalachia, LLC requested a waiver for Wetland W-DAZ-005 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# 47-051-02299. Wetlands W-DAZ-006, 007 and 008 are not subject to a wetland waiver due to the distance from the LOD of the pad.

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-DAZ-005 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-051-02299. The Office of Oil and Gas hereby **ORDERS** that Chevron Appalachia, LLC shall meet the following site construction and operational requirements for the Woods Well Pad:

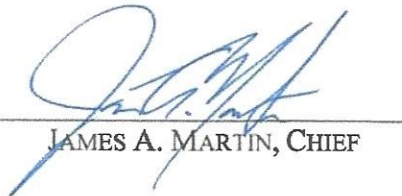
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland W-DAZ-005 shall have a riprap apron on the end of the permanent interceptor channel (diverted clean water) and two layers of forty-two inch (42”) Smart-fence on the downhill side to prevent any sediment from reaching the wetland from the well pad. This along with rip-rap aprons, temporary and permanent vegetative cover will prevent sediment from reaching 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 February, 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:

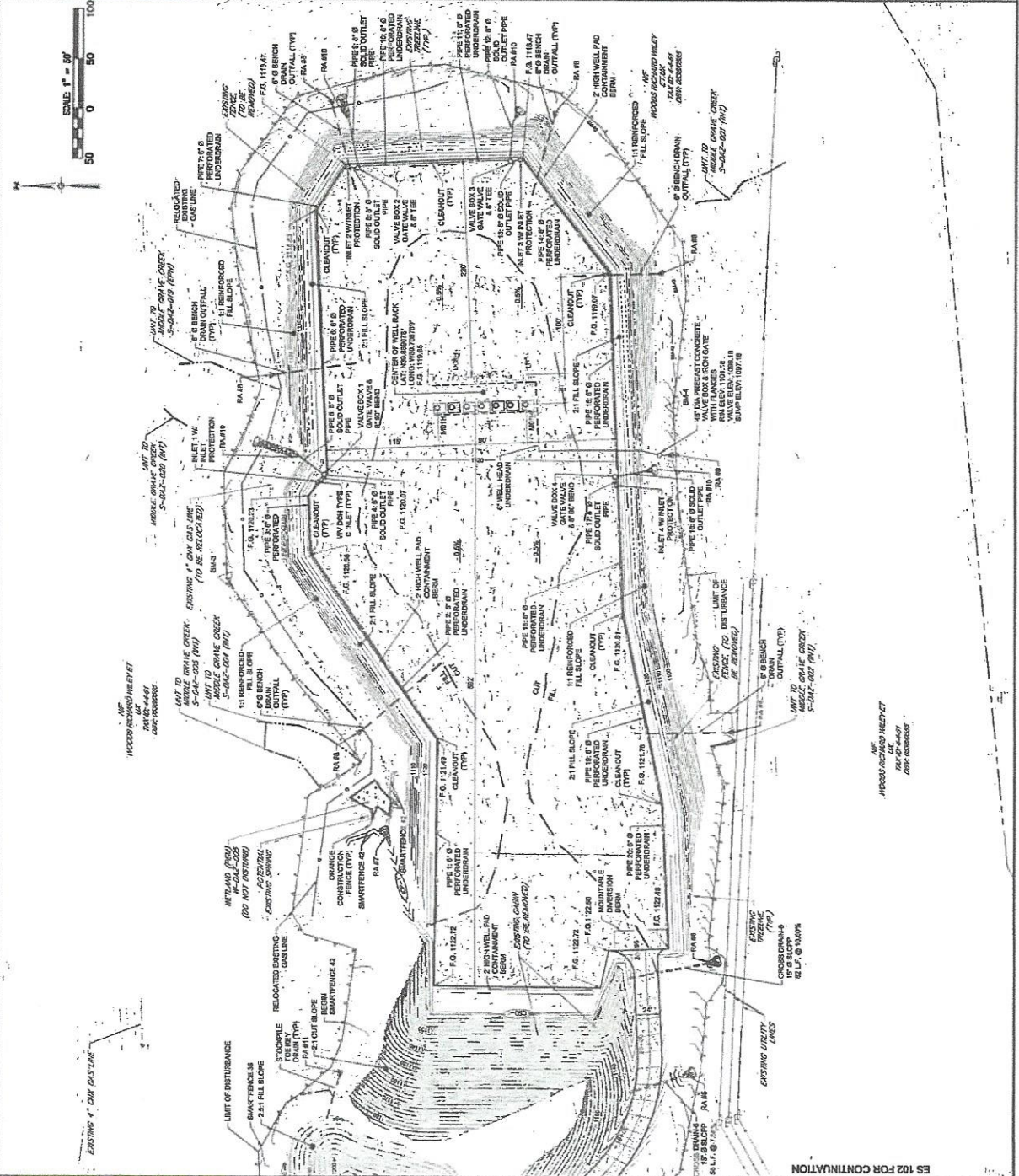


JAMES A. MARTIN, CHIEF



REVISION RECORD

NO.	DATE	DESCRIPTION
1	11/11/10	ISSUED FOR PERMITS
2	11/11/10	ISSUED FOR PERMITS
3	11/11/10	ISSUED FOR PERMITS
4	11/11/10	ISSUED FOR PERMITS
5	11/11/10	ISSUED FOR PERMITS
6	11/11/10	ISSUED FOR PERMITS
7	11/11/10	ISSUED FOR PERMITS
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47	11/11/10	ISSUED FOR PERMITS
48	11/11/10	ISSUED FOR PERMITS
49	11/11/10	ISSUED FOR PERMITS
50	11/11/10	ISSUED FOR PERMITS



NOTES:

- THE SITE WAS INVESTIGATED FOR UNDERGROUND UTILITIES BY TWO CONTRACTORS. THE RESULTS OF THE INVESTIGATION ARE SHOWN ON THIS PLAN. THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. IF ANY ADDITIONAL UNDERGROUND UTILITIES ARE DISCOVERED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND MARKING THEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION AVAILABLE.
- KNOWN TOPOGRAPHICAL DATA COURTESY OF D. SHAWBY, PERFORMED BY MICHAEL BAKER INTERNATIONAL ON SEPTEMBER 17-19, 2010. DATA BASED ON INFO AS WELL AS WEST VIRGINIA STATE PLANS, NORTH AND SOUTH COORDINATE SYSTEMS, AND LOCATION OF UTILITIES PRIOR TO CONSTRUCTION.
- ENVIRONMENTAL SCREENING PERFORMED ON JUNE 21, 2010 BY MICHAEL BAKER INTERNATIONAL.
- THE ASPHALT PAVED ENTRANCE TO THE WELL PAD ACCESS ROAD SHALL BE INSTALLED IMMEDIATELY AFTER THE ACCESS ROAD REACHES THE DISTURBED AREA.
- SIX INCHES OF TORSOIL SHALL BE PLACED ON ALL FINAL SLOPES PRIOR TO FINAL VEGETATION.
- THE CLEANSING MAY OCCUR FROM MARCH 1ST UNTIL NOVEMBER 1ST.
- CELLAR ROW WITH 10' WIDTH TO BE INSTALLED WITH CONSTRUCTION. FROM STATION 5+00 AND CONTINUING AROUND THE WELL PAD, THE CELLAR ROW SHALL BE 10' WIDE.

TOTAL AREA = 19.8 ACRES
DISTURBED AREA = 18.8 ACRES

Know what's below
 Call before you dig

EROSION & SEDIMENT CONTROL LEGEND

- LIMITS OF DISTURBANCE/PROJECT LIMIT
- SMARTFENCE 38
- SMARTFENCE 42
- CHANGE CONSTRUCTION FENCE
- ROCK CONSTRUCTION ENTRANCE
- EROSION CONTROL BLANKET
- ROCK FILTER
- RIP RAP APRON
- FOREWATER INTERCEPTOR CHANNEL
- ACCESS ROAD CHANNEL
- CUT SLOPE DITCH
- CHECK DAM
- CHECK DAM
- CHECK DAM
- CHECK DAM

Attachment 1



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: Antero Resources Corporation
1615 Wynkoop Street
Denver, CO 80202

DATE: March 2, 2020
ORDER NO.: 2020-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 Antero Resources Corporation (hereinafter "Antero" 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. Antero is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 1615 Wynkoop Street, Denver, CO 80202
3. On January 16, 2020 Antero submitted a well work permit application identified as API# 47-095-02684. The proposed well is to be located on the Roma Lou Pad in the Union District of Tyler County, West Virginia.
4. On January 16, 2020 Antero requested a waiver for Wetland 2 along with Pond 1 as outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-095-02684.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 and Pond 1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-095-02684. The Office of Oil and Gas hereby **ORDERS** that Antero shall meet the following site construction and operational requirements for the Roma Lou 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 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 2 and Pond 1 shall be protected by 2 layers of Smart Fence HD. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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 2nd day of March, 2020.

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



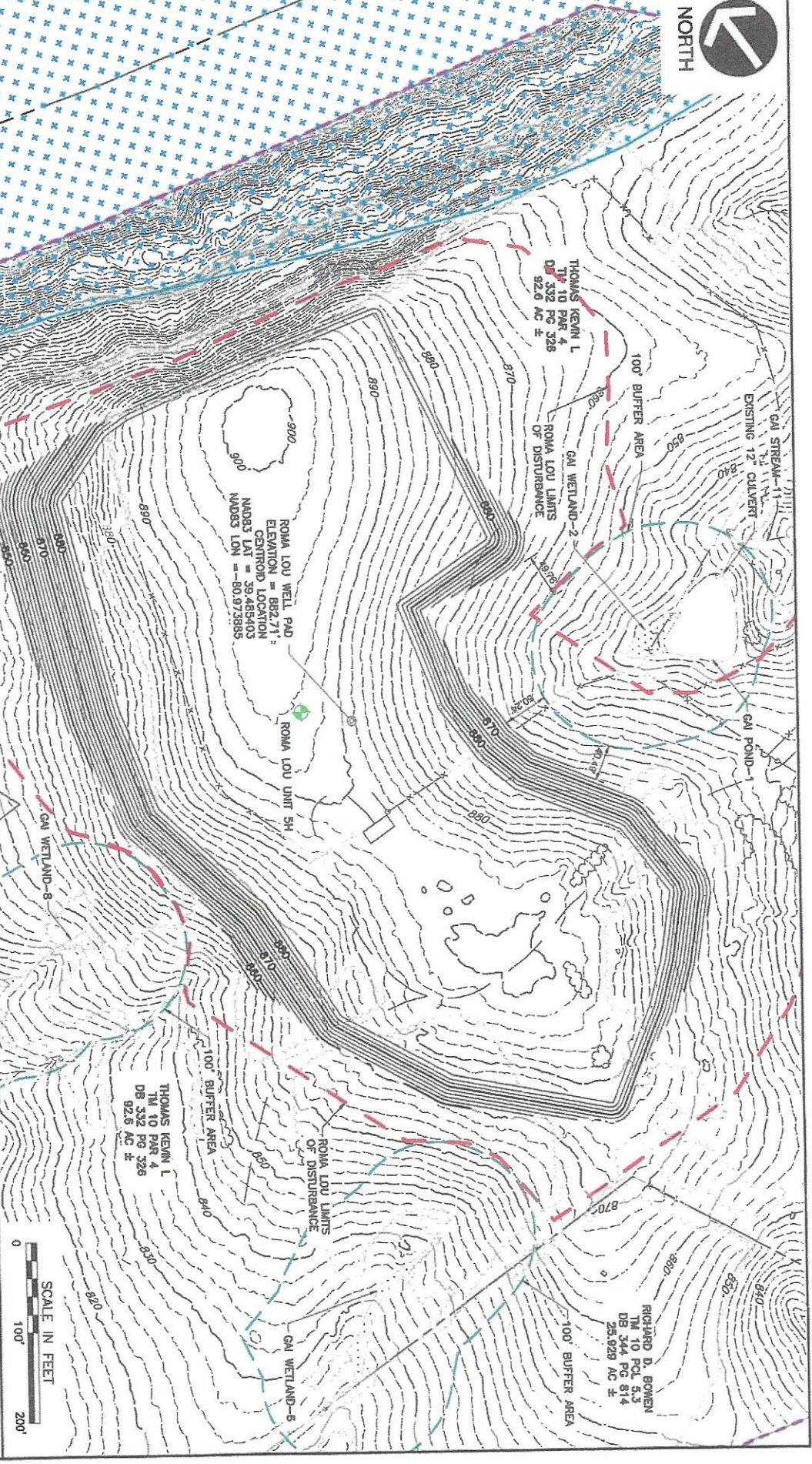
- REFERENCE**
1. EXISTING TOPOGRAPHY AND PLANIMETRIC FEATURES DERIVED FROM BLUE MOUNTAIN AERIAL MAPPING PROVIDED ON 10/05/2019.
 2. PROPOSED GRADING BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
 3. DELINEATIONS INFORMATION OBTAINED FROM CAI CONSULTANTS ON 09/29/2018.

Civil & Environmental Consultants, Inc.
 600 Montpelier Ave., Suite 200, Bridgport, WV 26330
 Ph: 304.693.9119 Fax: 304.693.3227
 www.cedinc.com

KEE CHECKED BY: _____
 DATE: FEBRUARY 2020 DWG SCALE: 1" = 100'

ANTERO RESOURCES
 ROMA LOU WELL PAD
 UNION DISTRICT, TYLER COUNTY
 WEST VIRGINIA
 WETLAND BUFFER
 EXHIBIT

JDR EXHIBIT: 1





west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: EQT Production Company
625 Liberty Ave., Suite 1700
Pittsburgh, PA 15222

DATE: July 30, 2020
ORDER NO.: 2020-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 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 Ave., Suite 1700, Pittsburgh, PA 15222.
3. On June 17, 2020 EQT submitted a well work permit application identified as API# 47-049-02498. The proposed well is to be located on the Elliot Pad in the Mannington District of Marion County, West Virginia.
4. On June 17, 2020 EQT requested a waiver for Wetlands 1 and 2 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# 47-049-02498.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 1 and 2 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-049-02498. The Office of Oil and Gas hereby **ORDERS** that EQT shall meet the following site construction and operational requirements for the Elliot 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 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. Wetlands 1 and 2 shall be protected by a layer of Super Silt Fence. The manifold pad will be graded so that no runoff will not leave the pad. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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.

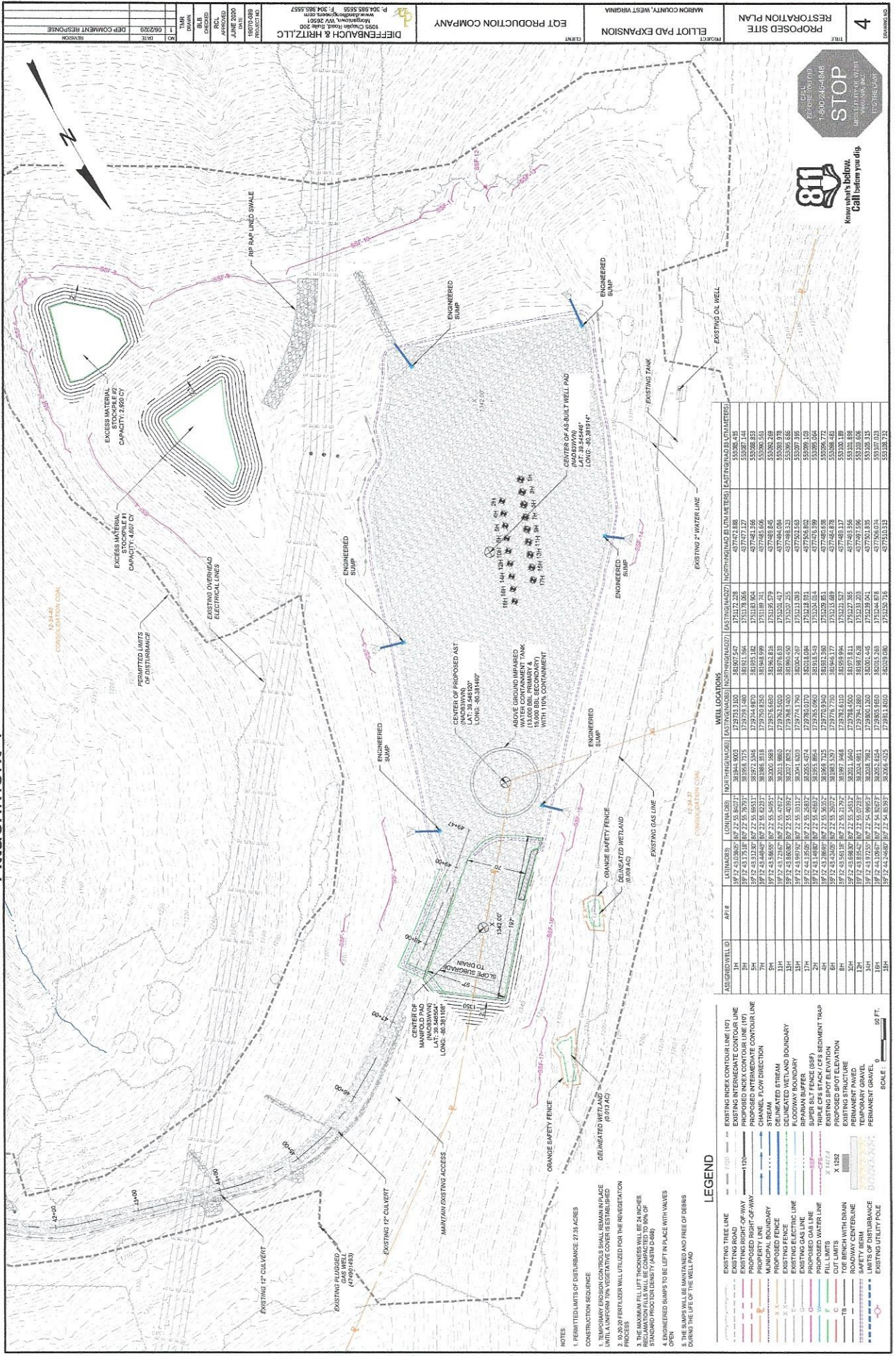
Thus ORDERED, the 30th day of July, 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.07.30 10:04:36 -04'00'
JAMES A. MARTIN, CHIEF

Attachment 1



NO.	DATE	DESCRIPTION
1	06/20/20	DEP COMMENT RESPONSE

DATE: JUNE 2020
 PROJECT NO: 19073
 PROJECT NAME: ELLIOT PAD EXPANSION
 CLIENT: EOT PRODUCTION COMPANY
 DESIGNER: DIEFFENBAUGH & HRTZ, LLC
 1005 S. GREEN HILLS BLVD. #200
 MORGANTOWN, WV 26501
 P: 304.882.5555 F: 304.882.5557

PROJECT: ELLIOT PAD EXPANSION
 CLIENT: EOT PRODUCTION COMPANY
 MAJORITY COUNTY, WEST VIRGINIA

RESTORATION PLAN
 PROPOSED SITE

4

STOP
 Know what's below.
 Call before you dig.
 811
 1-800-285-8348
 MISSISSIPPI VALLEY
 UTILITY SERVICE, INC.

NOTE:
 1. PERMITTED LIMITS OF DISTURBANCE 27.35 ACRES
 CONSTRUCTION SCHEME
 1. TEMPORARY EROSION CONTROLS SHALL REMAIN IN PLACE UNTIL A MINIMUM 10% VEGETATIVE COVER IS ESTABLISHED
 2. 10-20-20 FERTILIZER WILL UTILIZED FOR THE REGENERATION PROCESS
 3. 10-20-20 FERTILIZER WILL BE APPLIED TO THE REGENERATION STANDARDS FILL WILL BE COMPACTED TO 90% OF STANDARD PROCTOR DENSITY (ASTM D 1557)
 4. ENGINEERED BUMPS TO BE LEFT IN PLACE WITH VALVES OPEN
 5. ALL EXISTING AND PROPOSED UTILITIES TO BE MAINTAINED AND FREE OF DEBRIS DURING THE LIFE OF THE WELL PAD

WELL LOCATIONS

AS-BUILT WELL ID	AP#	UTM X (EASTING)	UTM Y (NORTHING)	UTM Z (ELEVATION)	UTM W (SOUTHING)	UTM V (EASTING)	UTM U (NORTHING)	UTM T (ELEVATION)	UTM S (SOUTHING)
AS-BUILT WELL ID	AP#	UTM X (EASTING)	UTM Y (NORTHING)	UTM Z (ELEVATION)	UTM W (SOUTHING)	UTM V (EASTING)	UTM U (NORTHING)	UTM T (ELEVATION)	UTM S (SOUTHING)
1H	1	587743.028	40772.55	8027.1	31844.003	38307.547	175117.228	437747.127	53308.235
2H	2	587743.175	40772.55	7679.1	31844.003	38307.547	175117.228	437747.127	53308.235
3H	3	587743.322	40772.55	7282.1	31844.003	38307.547	175117.228	437747.127	53308.235
4H	4	587743.469	40772.55	6885.1	31844.003	38307.547	175117.228	437747.127	53308.235
5H	5	587743.616	40772.55	6488.1	31844.003	38307.547	175117.228	437747.127	53308.235
6H	6	587743.763	40772.55	6091.1	31844.003	38307.547	175117.228	437747.127	53308.235
7H	7	587743.910	40772.55	5694.1	31844.003	38307.547	175117.228	437747.127	53308.235
8H	8	587744.057	40772.55	5297.1	31844.003	38307.547	175117.228	437747.127	53308.235
9H	9	587744.204	40772.55	4900.1	31844.003	38307.547	175117.228	437747.127	53308.235
10H	10	587744.351	40772.55	4503.1	31844.003	38307.547	175117.228	437747.127	53308.235
11H	11	587744.498	40772.55	4106.1	31844.003	38307.547	175117.228	437747.127	53308.235
12H	12	587744.645	40772.55	3709.1	31844.003	38307.547	175117.228	437747.127	53308.235
13H	13	587744.792	40772.55	3312.1	31844.003	38307.547	175117.228	437747.127	53308.235
14H	14	587744.939	40772.55	2915.1	31844.003	38307.547	175117.228	437747.127	53308.235
15H	15	587745.086	40772.55	2518.1	31844.003	38307.547	175117.228	437747.127	53308.235
16H	16	587745.233	40772.55	2121.1	31844.003	38307.547	175117.228	437747.127	53308.235
17H	17	587745.380	40772.55	1724.1	31844.003	38307.547	175117.228	437747.127	53308.235
18H	18	587745.527	40772.55	1327.1	31844.003	38307.547	175117.228	437747.127	53308.235
19H	19	587745.674	40772.55	930.1	31844.003	38307.547	175117.228	437747.127	53308.235
20H	20	587745.821	40772.55	533.1	31844.003	38307.547	175117.228	437747.127	53308.235
21H	21	587745.968	40772.55	136.1	31844.003	38307.547	175117.228	437747.127	53308.235
22H	22	587746.115	40772.55	-261.1	31844.003	38307.547	175117.228	437747.127	53308.235
23H	23	587746.262	40772.55	-658.1	31844.003	38307.547	175117.228	437747.127	53308.235
24H	24	587746.409	40772.55	-1055.1	31844.003	38307.547	175117.228	437747.127	53308.235
25H	25	587746.556	40772.55	-1452.1	31844.003	38307.547	175117.228	437747.127	53308.235
26H	26	587746.703	40772.55	-1849.1	31844.003	38307.547	175117.228	437747.127	53308.235
27H	27	587746.850	40772.55	-2246.1	31844.003	38307.547	175117.228	437747.127	53308.235
28H	28	587747.000	40772.55	-2643.1	31844.003	38307.547	175117.228	437747.127	53308.235
29H	29	587747.150	40772.55	-3040.1	31844.003	38307.547	175117.228	437747.127	53308.235
30H	30	587747.300	40772.55	-3437.1	31844.003	38307.547	175117.228	437747.127	53308.235

LEGEND

EXISTING TREE LINE	---
EXISTING ROAD	---
EXISTING RIGHT-OF-WAY	---
PROPOSED RIGHT-OF-WAY	---
PROPOSED INTERMEDIATE CONTOUR LINE (10')	---
PROPOSED INTERMEDIATE CONTOUR LINE (20')	---
PROPOSED INTERMEDIATE CONTOUR LINE (30')	---
PROPOSED INTERMEDIATE CONTOUR LINE (40')	---
PROPOSED INTERMEDIATE CONTOUR LINE (50')	---
PROPOSED INTERMEDIATE CONTOUR LINE (60')	---
PROPOSED INTERMEDIATE CONTOUR LINE (70')	---
PROPOSED INTERMEDIATE CONTOUR LINE (80')	---
PROPOSED INTERMEDIATE CONTOUR LINE (90')	---
PROPOSED INTERMEDIATE CONTOUR LINE (100')	---
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PROPOSED INTERMEDIATE CONTOUR LINE (960')	---
PROPOSED INTERMEDIATE CONTOUR LINE (970')	---
PROPOSED INTERMEDIATE CONTOUR LINE (980')	---
PROPOSED INTERMEDIATE CONTOUR LINE (990')	---
PROPOSED INTERMEDIATE CONTOUR LINE (1000')	---

SCALE: 1" = 50 FT.

DATE: 06/20/20

PROJECT: ELLIOT PAD EXPANSION

CLIENT: EOT PRODUCTION COMPANY

DESIGNER: DIEFFENBAUGH & HRTZ, LLC

REVISIONS

NO.	DATE	DESCRIPTION
1	06/20/20	DEP COMMENT RESPONSE



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: Tug Hill Operating, LLC
380 Southpointe Boulevard, Plaza II., Suite 200
Canonsburg, PA 15317

DATE: October 8, 2020
ORDER NO.: 2020-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 Tug Hill Operating, LLC (hereinafter “Tug Hill” 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. Tug Hill is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 380 Southpointe Boulevard, Plaza II., Suite 200, Canonsburg, PA 15317.
3. On June 24, 2020 Tug Hill submitted fracture permit applications for wells identified as API#s 47-51-01467, 47-51-01479, 47-51-01480, 47-51-01491 and 47-51-01492. The wells are located on the Hendrickson Pad in the Franklin District of Marshall County, West Virginia.
4. On June 24, 2020 Tug Hill requested a waiver for Wetland W02 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the fracture permit applications for wells identified as API#s 47-51-01467, 47-51-01479, 47-51-01480, 47-51-01491 and 47-51-01492.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 W02 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the fracture permit applications for wells identified as API#s 47- 51-01467, 47-51-01479, 47-51-01480, 47-51-01491 and 47-51-01492. The Office of Oil and Gas hereby **ORDERS** that Tug Hill shall meet the following site construction and operational requirements for the Hendrickson 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 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 W02 shall be protected by a layer of both Super Silt Fence and twenty four inch (24”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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 8th day of October, 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.10.08 08:41:00 -0400
JAMES A. MARTIN, CHIEF

Attachment 1

Hendrickson Well Site
Tug Hill Operating
Exhibit A: Final Design: Issue for Permitting



Date	01-19-2019
Drawn	Gregg Mackintosh



THIS DOCUMENT
PREPARED FOR
OPERATING



Hendrickson Well Site
Franklin District
Marshall County, WV

Scale: AS Shown
Date: 01/19/2019
Drawn: AS
Check: JZ
Sheet: 6 of 16

Legend

- Original Contour
- Proposed Contour
- Proposed Erosion Control
- Proposed Sedimentation
- Proposed Drainage
- Proposed Structure
- Proposed Access Road
- Proposed Utility
- Proposed Boundary
- Proposed Easement
- Proposed Right-of-Way
- Proposed Survey
- Proposed Boundary
- Proposed Easement
- Proposed Right-of-Way
- Proposed Survey

Disturbed Area

With Full Construction	1.21 AC
With Partial Construction	1.37 AC
With No Construction	2.63 AC
Total Disturbed Area	5.21 AC
Total Area	12.27 AC

Access Road

Proposed	1.21 AC
Existing	0.16 AC
Total	1.37 AC

WELL HEAD CONSTRUCTION

Well No.	Depth	Location
W-1	100'	Point 1
W-2	100'	Point 2
W-3	100'	Point 3
W-4	100'	Point 4
W-5	100'	Point 5
W-6	100'	Point 6
W-7	100'	Point 7
W-8	100'	Point 8
W-9	100'	Point 9
W-10	100'	Point 10
W-11	100'	Point 11
W-12	100'	Point 12
W-13	100'	Point 13
W-14	100'	Point 14
W-15	100'	Point 15
W-16	100'	Point 16
W-17	100'	Point 17
W-18	100'	Point 18
W-19	100'	Point 19
W-20	100'	Point 20
W-21	100'	Point 21
W-22	100'	Point 22
W-23	100'	Point 23
W-24	100'	Point 24
W-25	100'	Point 25
W-26	100'	Point 26
W-27	100'	Point 27
W-28	100'	Point 28
W-29	100'	Point 29
W-30	100'	Point 30
W-31	100'	Point 31
W-32	100'	Point 32
W-33	100'	Point 33
W-34	100'	Point 34
W-35	100'	Point 35
W-36	100'	Point 36
W-37	100'	Point 37
W-38	100'	Point 38
W-39	100'	Point 39
W-40	100'	Point 40
W-41	100'	Point 41
W-42	100'	Point 42
W-43	100'	Point 43
W-44	100'	Point 44
W-45	100'	Point 45
W-46	100'	Point 46
W-47	100'	Point 47
W-48	100'	Point 48
W-49	100'	Point 49
W-50	100'	Point 50



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: HG Energy, LLC
5260 Dupont Circle
Parkersburg, WV 26101

DATE: November 13, 2020
ORDER NO.: 2020-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 HG Energy, LLC (hereinafter "HG" 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. HG is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 5260 Dupont Circle, Parkersburg, WV 26101.
3. On September 1, 2020 HG submitted a well work permit application identified as API# 47-041-05707. The well is located on the Flesher Pad in the Freemans Creek District of Lewis County, West Virginia.
4. On September 1, 2020 HG requested a waiver for Wetland B 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# 47-041-05707. Wetlands Z, DD, MF, ME, MB and MD are excluded from this waiver, they are more than 100' from the LOD of the pad.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 W02 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API#s 47-041-05707. The Office of Oil and Gas hereby **ORDERS** that HG shall meet the following site construction and operational requirements for the Flesher 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 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 B shall be protected by two layers of eighteen-inch (18”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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 13th day of November 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.11.13 10:42:10 -0500
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: HG Energy, LLC
5260 Dupont Circle
Parkersburg, WV 26101

DATE: November 30, 2020
ORDER NO.: 2020-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 HG Energy, LLC (hereinafter “HG” 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. HG is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 5260 Dupont Circle, Parkersburg, WV 26101.
3. On September 3, 2020 HG submitted a well work permit application identified as API# 47-033-05995. The well is located on the Schoen 1205 Pad in the Grant Creek District of Harrison County, West Virginia.
4. On September 3, 2020 HG requested a waiver for Wetlands A and B 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# 47-033-05995. Wetlands C, D and E are excluded from this waiver, they are more than 100’ from the LOD of the pad.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 A and B from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API#s 47-033-05995. The Office of Oil and Gas hereby **ORDERS** that HG shall meet the following site construction and operational requirements for the Schoen 1205 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 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. Wetlands A and B shall be protected by two layers of eight (8”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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 30th day of November 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.11.30 17:14:46 -0500
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: HG Energy, LLC
5260 Dupont Circle
Parkersburg, WV 26101

DATE: December 1, 2020
ORDER NO.: 2020-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 HG Energy, LLC (hereinafter “HG” 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. HG is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 5260 Dupont Circle, Parkersburg, WV 26101.
3. On October 5, 2020 HG submitted a well work permit application identified as API# 47-041-05708. The well is located on the Evans 1213 Pad in the Freemans Creek District of Lewis County, West Virginia.
4. On October 5, 2020 HG requested a waiver for Wetlands C, E, G, H, L and N 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# 47-041-05708.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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, E, G, H, L and N from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API#s 47-041-05708. The Office of Oil and Gas hereby **ORDERS** that HG shall meet the following site construction and operational requirements for the Evans 1213 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 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. Wetlands C, E, G, H, L and N shall be protected by two layers of eight (8”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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.

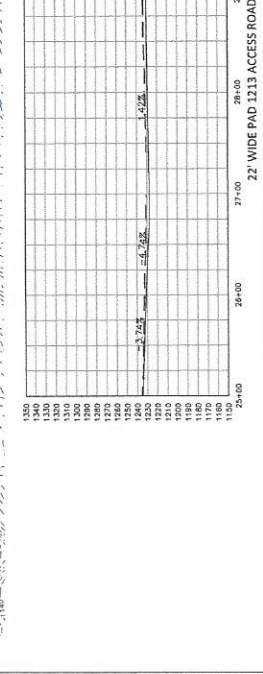
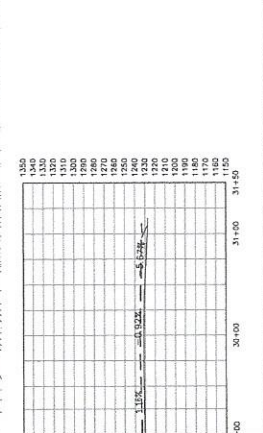
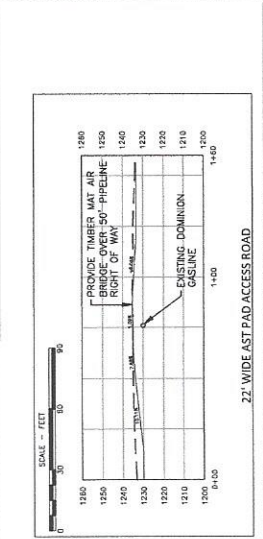
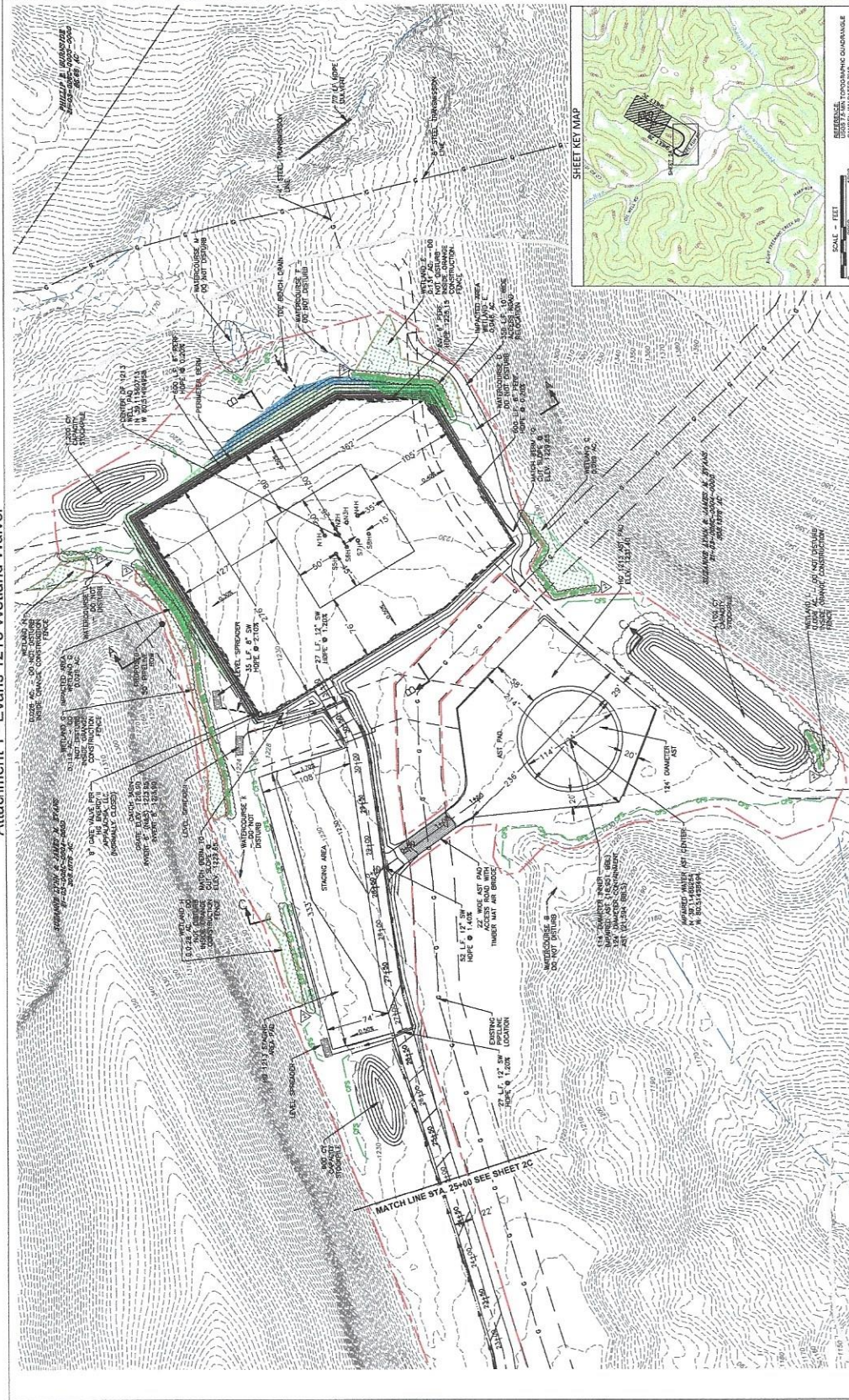
Thus ORDERED, the 1st day of December 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.12.01 16:12:48 -0500
JAMES A. MARTIN, CHIEF

Attachment 1 - Evans 1213 Wetland Waiver



LEGEND

- ROCK CHECK DAM
- REPAIR ARM
- ACCESS ROADWAY CHANNEL
- COMPOST FILTER SOCK 8\"/>
- SHOCK COMPOST FILTER SOCK 8\"/>
- APPROXIMATE LIMITS OF DISTURBANCE
- APPROXIMATE PROPERTY LINE
- EXISTING 100' CONTOUR
- EXISTING INTERMEDIATE CONTOUR
- PROPOSED SUBGRADE INTERMEDIATE CONTOUR
- EXISTING ACCESS ROAD
- EXISTING OVERSLOUT UTILITY LINE
- EXISTING 100' CONTOUR
- EXISTING 50' CONTOUR
- DEMARCATED INTERHOUSE
- CONSTRUCTION FENCE
- SECTION
- DOE BENCH (SEE FALL BENCH DETAIL)
- GRASS CONTROL BARMIET
- GRASS MULCHING

WEST VIRGINIA GENERAL NOTES

- ALL DIMENSIONS SHOWN ON PLAN SHEETS REFLECT PROPOSED SUBGRADE ELEVATIONS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS SHOWN ON THIS PLAN SHEET BEFORE BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING ACCESS ROADS AND DRIVEWAYS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING INTERMEDIATE CONTOURS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING 100' CONTOURS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING 50' CONTOURS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING DEMARCATED INTERHOUSES UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING CONSTRUCTION FENCES UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING SECTIONS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING DOE BENCHES UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING GRASS CONTROL BARMIETS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING GRASS MULCHING UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING ACCESS ROADS AND DRIVEWAYS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING INTERMEDIATE CONTOURS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING 100' CONTOURS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING 50' CONTOURS UNLESS OTHERWISE NOTED.
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- CONTRACTOR SHALL MAINTAIN ALL EXISTING SECTIONS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING DOE BENCHES UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING GRASS CONTROL BARMIETS UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL MAINTAIN ALL EXISTING GRASS MULCHING UNLESS OTHERWISE NOTED.

REVISED PER CLIENT COMMENTS

DATE: 11/20/20
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

SITE DEVELOPMENT PLAN WITH EROSION AND SEDIMENTATION CONTROLS

HG 1213 PAD
 FREEMANS CREEK DISTRICT
 LEWIS COUNTY, WEST VIRGINIA

PREPARED FOR:
 HG ENERGY II APPALACHIA, LLC
 PARKERSBURG, WEST VIRGINIA

APPROVED: [Signature]
 DATE: 11/20/20
 PROJECT NO.: 2020-09-29

111 RYN COURT, FREDERICK, PA 15505
 (301) 742-1020
Penn E&R
 Environmental & Engineering, Inc.



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: HG Energy, LLC
5260 Dupont Circle
Parkersburg, WV 26101

DATE: December 10, 2020
ORDER NO.: 2020-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 HG Energy, LLC (hereinafter “HG” 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. HG is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 5260 Dupont Circle, Parkersburg, WV 26101.
3. On November 9, 2020 HG submitted a well work permit application identified as API# 47-041-05709. The well is located on the Burnside 1214 Pad in the Freemans Creek District of Lewis County, West Virginia.
4. On November 9, 2020 HG requested a waiver for Wetlands, A and C 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# 47-041-05709.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in 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 “no 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 “no 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 A and C from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API#s 47-041-05709. The Office of Oil and Gas hereby **ORDERS** that HG shall meet the following site construction and operational requirements for the Burnside 1214 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 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. Wetlands A and C shall be protected by two layers of eight (8”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching 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 10th day of December 2020.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2020.12.10 16:55:47 -05'00'
JAMES A. MARTIN, CHIEF

LEGEND

- ROCK CHECK DAM
- FRP APRON
- ACCESS ROAD/RAD CHANNEL
- CONCRETE PAVEMENT ROCK 4" UNLES OTHERWISE NOTED
- APPROXIMATE LIMITS OF DISTURBANCE
- APPROXIMATE PROPERTY LINE
- EXISTING INTERMEDIATE CONTOUR
- PROPOSED SURFACE INDETERMINATE CONTOUR
- PROPOSED SURFACE INTERMEDIATE CONTOUR
- EXISTING ACCESS ROAD
- EXISTING PERMITS/STAIR CASE
- EXISTING UTILITY LINE
- WATERCOURSE
- CONSTRUCTION FENCE
- GENERAL
- SECTION
- ICE BERM (SEE FULL BENCH DETAIL)
- EROSION CONTROL BLANKET
- EXISTING METEOD

WEST VIRGINIA GENERAL NOTES

1. ALL PROPOSED BLANKETS SHALL BE PLACED UPSTREAM OF PROPOSED SUBBASE.
2. ALL PROPOSED SUBBASE SHALL BE PLACED UPSTREAM OF PROPOSED SUBBASE.
3. CONTOUR SHALL BE CONSIDERED AS A GUIDE ONLY. PROPOSED SUBBASE SHALL BE PLACED AS SHOWN UNLESS OTHERWISE NOTED.
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20. ALL PROPOSED SUBBASE SHALL BE PLACED AS SHOWN UNLESS OTHERWISE NOTED.

REFERENCES

1. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01
2. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01
3. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01
4. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01
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19. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01
20. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (WVDOE) - 2007-12-01

REVISIONS

NO.	DATE	DESCRIPTION
1	2020-12-01	REVISED PER WWSIP COMMENTS



SCALE - FEET
0 40 80 120

SITE DEVELOPMENT PLAN

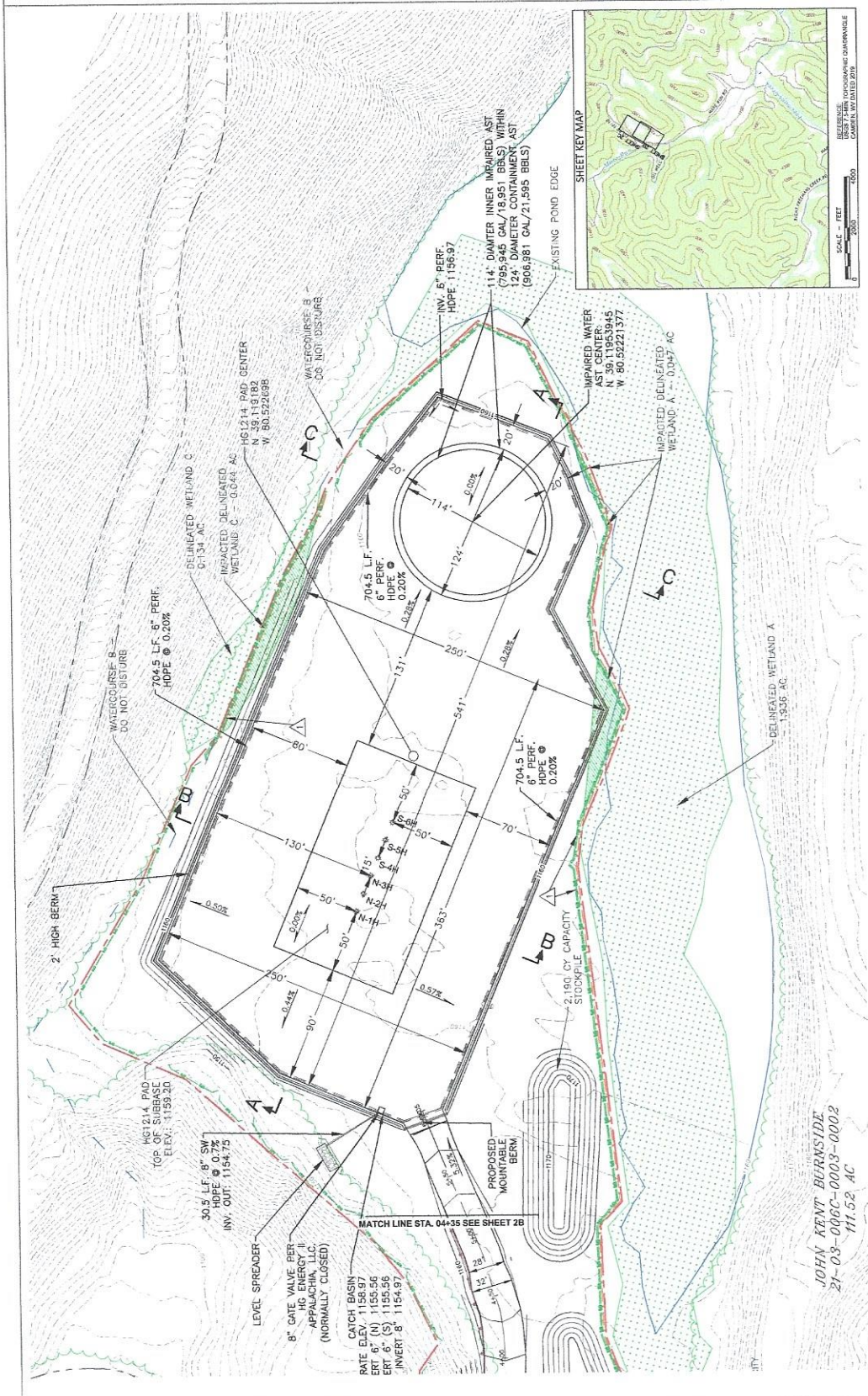
WITH EROSION AND SEDIMENTATION CONTROLS
HG 1214 PAD DISTRICT
FREEMANS CREEK DISTRICT
LEWIS COUNTY, WEST VIRGINIA

PREPARED FOR
HG ENERGY II APPALACHIA, LLC
PARKERSBURG, WEST VIRGINIA

PROJECT NO. 21-03-0003-0003-0002
DRAWN: [Name]
CHECKED: [Name]
DATE: 10/28/2020



111 FIRST COURT, PITTSBURGH, PA 15206
412-772-1222



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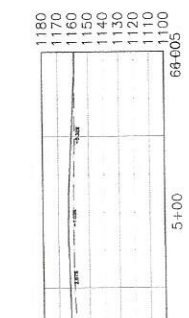
1114 DIAMETER INNER IMPAIRED AST
(795,945 GAL/18,951 BBS) WITHIN
124 DIAMETER CONTAINMENT AST
(906,981 GAL/21,585 BBS)

SHEET KEY MAP



SCALE - FEET
0 2000 4000

1114 DIAMETER INNER IMPAIRED AST
(795,945 GAL/18,951 BBS) WITHIN
124 DIAMETER CONTAINMENT AST
(906,981 GAL/21,585 BBS)



1214 ACCESS ROAD PROFILE

5+00
68+005

JOHN KENT BURNSIDE
21-03-0003-0003-0002
111-52 AC