



west virginia department of environmental protection

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

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 6, 2022

2021 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 2021 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 6th day of January 2022.

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, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
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**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: February 24, 2021
ORDER NO.: 2021-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 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 December 23, 2020, January 19, 22 and 25, 2021 Tug Hill submitted well work permit applications identified as API#s 47- 51-02347, 47-51-02348, 47-51-02349, 47-51-02350, 47-51-02351, 47-51-02352, 47-51-02353, 47-51-02354, 47-51-02355, 47-51-02356, 47-51-02357, 47-51-02358, 47-51-02359, 47-51-02360, 47-51-02361, 47-51-02362, 47-51-02363, 47-51-02364, 47-51-02365, 47-51-02366, 47-51-02367 and 47-51-02368. The wells are located on the Hunter Pethtel Pad in the Meade District of Marshall County, West Virginia.
4. On February 18, 2021 Tug Hill requested a waiver for Wetlands 03, 04, 07 and 08 as outlined in Attachment I, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s 47- 51-02347, 47-51-02348, 47-51-02349, 47-51-02350, 47-51-02351, 47-51-02352, 47-51-02353, 47-51-02354, 47-51-02355, 47-51-02356, 47-51-02357, 47-51-02358, 47-51-02359, 47-51-02360, 47-51-02361, 47-51-02362, 47-51-02363, 47-51-02364, 47-51-02365, 47-51-02366, 47-51-02367 and 47-51-02368. Wetland 03 will be excluded from the waiver due to their location inside of the construction area and total coverage under the ACOE permit.

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 04, 07 and 08 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s 47- 51-02347, 47-51-02348, 47-51-02349, 47-51-02350, 47-51-02351, 47-51-02352, 47-51-02353, 47-51-02354, 47-51-02355, 47-51-02356, 47-51-02357, 47-51-02358, 47-51-02359, 47-51-02360, 47-51-02361, 47-51-02362, 47-51-02363, 47-51-02364, 47-51-02365, 47-51-02366, 47-51-02367 and 47-51-02368. The Office of Oil and Gas hereby **ORDERS** that Tug Hill shall meet the following site construction and operational requirements for the Hunter Pethtel 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 04 and 08 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 24th day of February, 2021.

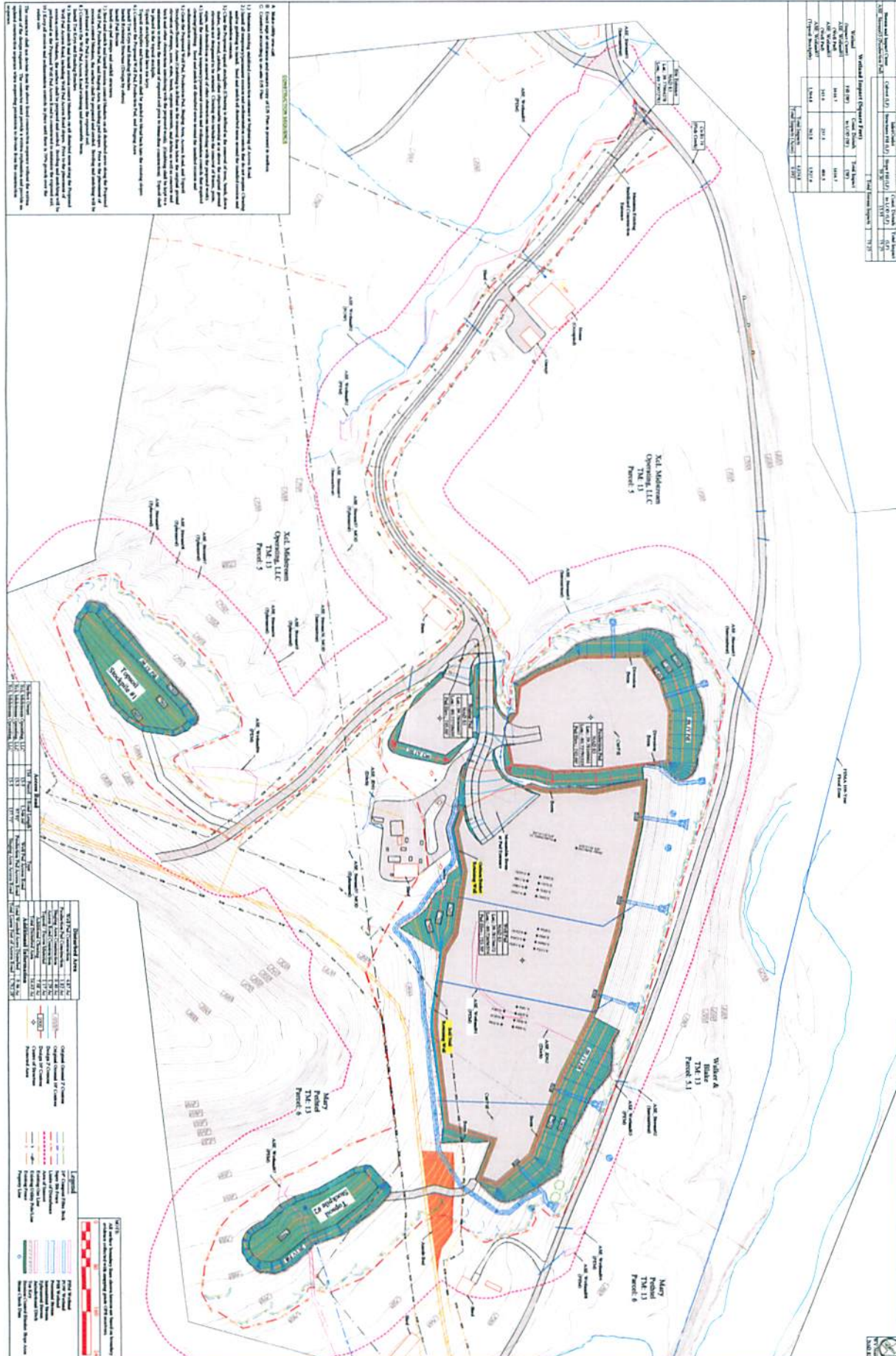
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: James Martin Digitally signed by James Martin
Date: 2021.02.24 13:14:36 -05'00'
JAMES A. MARTIN, CHIEF

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

Administrative Data		Project Information		Revision History	
Drawn by: [Name]	Checked by: [Name]	Project No.:	Revision No.:	Rev. No.:	Rev. Description:
Scale:	Sheet Size:	Project Name:	Project Location:	1	Initial Issue
Author:	Checker:	Client:	Contract No.:	2	Final Design Issue
Designer:	Reviewer:	Project Manager:	Project Start:	3	Final Design Issue
Project Engineer:	Project Manager:	Project Status:	Project End:	4	Final Design Issue
Project Director:	Project Manager:	Project Status:	Project End:	5	Final Design Issue



- CONSTRUCTION NOTES**
1. All construction shall be in accordance with the approved plans and specifications.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals.
 3. All construction shall be completed within the specified time frame.
 4. The contractor shall maintain access to all adjacent properties at all times.
 5. All construction shall be in accordance with all applicable laws and regulations.
 6. The contractor shall be responsible for the safety of all personnel and equipment on the site.
 7. All construction shall be in accordance with the approved plans and specifications.
 8. The contractor shall be responsible for obtaining all necessary permits and approvals.
 9. All construction shall be completed within the specified time frame.
 10. The contractor shall maintain access to all adjacent properties at all times.
 11. All construction shall be in accordance with all applicable laws and regulations.
 12. The contractor shall be responsible for the safety of all personnel and equipment on the site.

Overall Plan View
Hunter Pethel Well Site
 Meade District
 Marshall County, WV

TUG HILL OPERATING

KeySolutions

DATE: 11/20/2018
 TIME: 10:00 AM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]



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

Harold D. Ward, 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: April 27, 2021
ORDER NO.: 2021-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 March 22, 2021 Antero submitted a well work permit application identified as API# 47- 95-02736. The well is located on the Oiler Pad in the Ellsworth District of Tyler County, West Virginia.
4. On March 22, 2021 Antero requested a waiver for Wetland KLF_ WETLAND 13 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- 95-02736. Other wetlands shown on Attachment 1 are excluded from the waiver due to their location inside of the construction area and total coverage under the ACOE permit.

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 KLF_ WETLAND 13 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47- 95-02736. The Office of Oil and Gas hereby **ORDERS** that Antero shall meet the following site construction and operational requirements for the Oiler 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 KLF_ WETLAND is outside of the LOD on a slope where no runoff from the project can reach 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 27th day of April 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: 2021.04.27 13:53:28 -0400
JAMES A. MARTIN, CHIEF

