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west virginia department of environmental protection

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

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

January 9, 2015

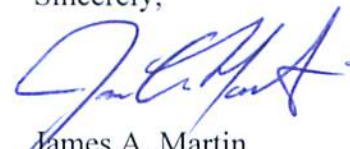
The Honorable Jeffrey V. Kessler  
Senate President  
Building 1, Room 227M  
State Capitol Complex  
Charleston, WV 25305

The Honorable Tim Miley  
Speaker of the House of Delegates  
Building 1, Room 228M  
State Capitol Complex  
Charleston, WV 25305

Dear President Kessler and Speaker Miley:

Enclosed with this letter of transmittal is the West Virginia Department of Environmental Protection's (DEP's) 2014 Waiver Report pursuant to W.Va. Code § 22-6A-2(a)(6). Should you have any questions or require additional information, please do not hesitate to contact me at 304-926-0450.

Sincerely,



James A. Martin  
Chief

Enclosures



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west virginia department of environmental protection

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Office of Oil and Gas  
601 57<sup>th</sup> Street, S.E.  
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January 9, 2015

## 2014 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 2014 calendar year, the Office of Oil and Gas granted six (6) 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 9th day of January 2015.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:   
JAMES A. MARTIN, CHIEF

Promoting a healthy environment.



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west virginia department of environmental protection

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Office of Oil and Gas  
601 57<sup>th</sup> 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: Jay-Bee Oil and Gas  
R1 1 Box 5  
Cairo, WV 26337

DATE: January 29, 2014  
ORDER NO.: 2014-W-1

CC: Jay-Bee Oil and Gas  
1720 Rt. 22E  
Union, NJ 07083

**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 Jay-Bee Oil & Gas (hereinafter “Jay-Bee” or “Operator”), collectively the “Parties.”

**FINDINGS OF FACT**

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. Jay-Bee is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as Jay-Bee Oil and Gas; 1720 Rt. 22E; Union, NJ 07083.
3. On December 26, 2012, Jay-Bee submitted applications for gas wells identified as API# 47-95-02091, API# 47-95-02094, API# 47-95-02093, API# 47-95-02092; and on January 22, 2013, Jay-Bee submitted applications for gas wells identified as API# 47-95-02101, API# 47-95-02100, API# 47-95-02102, located on the T1-03 Lisby Pad in Tyler County, West Virginia.
4. On January 7, 2014, Jay-Bee requested a waiver, outlined in Exhibit 1 pertaining to Big Run, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API# 47-95-02091, API# 47-95-02094, API# 47-95-02093, API# 47-95-02092, API# 47-95-02101, API# 47-95-02100, API# 47-95-02102, located on the T1-03 Lisby Pad in Tyler County, West Virginia.

## CONCLUSIONS OF LAW

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

**ORDER**


Therefore, the Office of Oil and Gas grants Jay-Bee Oil and Gas a waiver for Big Run from well location restriction requirements in W. Va. Code § 22-6A-12(b) for gas well permit applications identified as API# 47-95-02091, API# 47-95-02094, API# 47-95-02093, API# 47-95-02092, API# 47-95-02101, API# 47-95-02100, and API# 47-95-02102, located on the T1-03 Lisby Pad in Tyler County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Jay-Bee Oil and Gas shall meet the following site construction and operational requirements for the T1-03 Lisby well pad:

- a. Above-ground storage tank adjacent to Big Run shall be used to store fresh water only;
- b. Big Run shall have a reinforced silt fence installed no closer than 27 feet from the stream;
- c. Weekly site inspections shall be conducted to monitor and maintain the integrity of the reinforced silt fence;
- 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. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- f. 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;
- g. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- h. All records from inspections shall be maintained on site for the life of the project and be available upon request.
- i. Drilling muds shall be disposed of in a permitted landfill;
- j. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;

Thus ORDERED, the 29<sup>th</sup> day of January, 2014.

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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west virginia department of environmental protection

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

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

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

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

DATE: May 16, 2014  
ORDER NO.: 2014-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 Northeast Natural Energy, LLC (hereinafter “Northeast Natural Energy” or “Operator”), collectively the “Parties.”

**FINDINGS OF FACT**

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. Northeast Natural Energy is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 707 Virginia Street East, Suite 1200, Charleston, WV 25301.
3. On March 20, 2014, Northeast Natural Energy submitted permit applications for gas wells identified as API numbers 47-061-01670, 47-061-01671 and 47-061-01673, located on the Yost Pad in Clay District, Monongalia County, West Virginia.
4. On March 20, 2014 Northeast Natural Energy requested a waiver for Wetlands #1 and #2, outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers: 47-061-01670, 47-061-01671 and 47-061-01673, located on the Yost Pad in Clay District, Monongalia County, West Virginia.

## CONCLUSIONS OF LAW

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

## ORDER

Therefore, the Office of Oil and Gas grants Northeast Natural Energy, LLC a waiver for Wetlands #1 and #2 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 47-061-01670, 47-061-01671 and 47-061-01673 located on the Yost Pad in Monongalia County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Northeast Natural Energy, LLC shall meet the following site construction and operational requirements for the Yost well pad:


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

Thus ORDERED, the 16<sup>th</sup> day of May, 2014.

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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west virginia department of environmental protection

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

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

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

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

**DATE:** July 24, 2014  
**ORDER NO.:** 2014-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 Northeast Natural Energy, LLC (hereinafter “Northeast Natural Energy” or “Operator”), collectively the “Parties.”

**FINDINGS OF FACT**

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. Northeast Natural Energy is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 707 Virginia Street East, Suite 1200, Charleston, WV 25301.
3. On April 25, 2014, Northeast Natural Energy submitted permit applications for gas wells identified as API numbers 47-061-01677, and 47-061-01678, located on the Campbell Pad in Clay District, Monongalia County, West Virginia.
4. On April 25, 2014 Northeast Natural Energy requested a waiver for Wetland #1, outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers: 47-061-01677 and 47-061-01678, located on the Campbell Pad in Clay District, Monongalia County, West Virginia.

## CONCLUSIONS OF LAW

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

## ORDER

Therefore, the Office of Oil and Gas grants Northeast Natural Energy, LLC a waiver for Wetland #1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 47-061-01677 and 47-061-01678, located on the Campbell Pad in Clay District, Monongalia County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Northeast Natural Energy, LLC shall meet the following site construction and operational requirements for the Campbell well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Orange safety fencing shall be installed on the project boundary to ensure no encroachment onto wetland area;
- c. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- d. Compost filter socks and super silt fences shall be installed along all slopes and down gradient locations of the pad adjacent to Wetland #1;
- e. As stated by Northeast Natural Energy, a geotechnical inspector will be on site to insure the recommended construction techniques are followed as laid out in the completed geotechnical report.
- f. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- g. Drilling muds shall be disposed of in a permitted landfill;
- h. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- i. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- j. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- k. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- l. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- m. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 24<sup>th</sup> day of July, 2014.

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

# CAMPBELL WELL PAD CLAY DISTRICT, MONONGALIA COUNTY, WV APRIL 2014

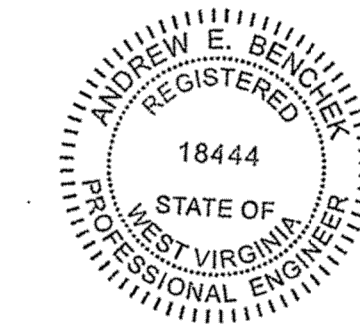
API#6101677

PLANS PREPARED BY:

**BOORD BENCHEK & ASSOCIATES, INC.**  
ENGINEERING, SURVEYING, CONSTRUCTION AND MINING SERVICES  
SOUTHPOINTE, PA 15317 PHONE: 724-746-1055

SHEET INDEX	
1.	TITLE SHEET
2-3.	EVACUATION ROUTE/PREVAILING WIND
4.	E&S CONTROL LAYOUT OVERVIEW
5-15.	E&S CONTROL LAYOUT
16.	E&S CONTROL AND SITE PLAN OVERVIEW
17-27.	E&S CONTROL AND SITE PLAN
28.	WELL PAD CROSS-SECTIONS
29.	COASTAL ACCESS ROAD PROFILE
30.	COASTAL ACCESS ROAD AND CAMPBELL ACCESS ROAD PROFILES
31.	CAMPBELL ACCESS ROAD PROFILE
32-37.	COASTAL ACCESS ROAD CROSS-SECTIONS
38-43.	CAMPBELL ACCESS ROAD CROSS-SECTIONS
44-46.	DETAIL SHEET
47.	JERSEY BARRIER INSTALLATION PLAN
48.	CROSS-SECTIONS C-C', D-D' & E-E'
49.	RECLAMATION PLAN OVERVIEW
50-60.	RECLAMATION PLAN

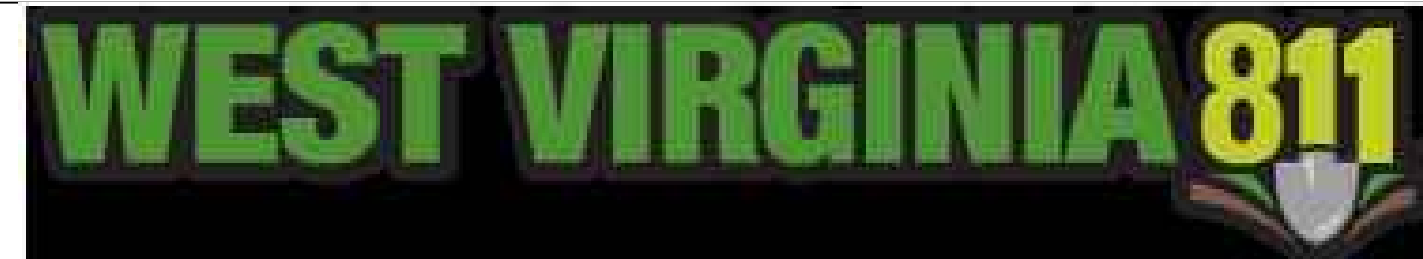
TOTAL DISTURBED AREA: 72.1 AC.  
ROAD DISTURBED AREA: 59.4 AC.  
WELL PAD DISTURBED AREA: 12.7 AC.



*Andrew Benchek* 4-10-14

ANDREW BENCHEK  
P.E.

Electronic Version of These Plans May Be Viewed at: [Q:\OIL GAS\SAY FILES\REVIEWS](#)



TWO WORKING DAYS PRIOR TO EXCAVATION, THE CONTRACTOR MUST CONTACT THE WV ONE CALL SYSTEM, INC., 1-800-245-4848 (WV ONE CALL TICKET#1404402841)

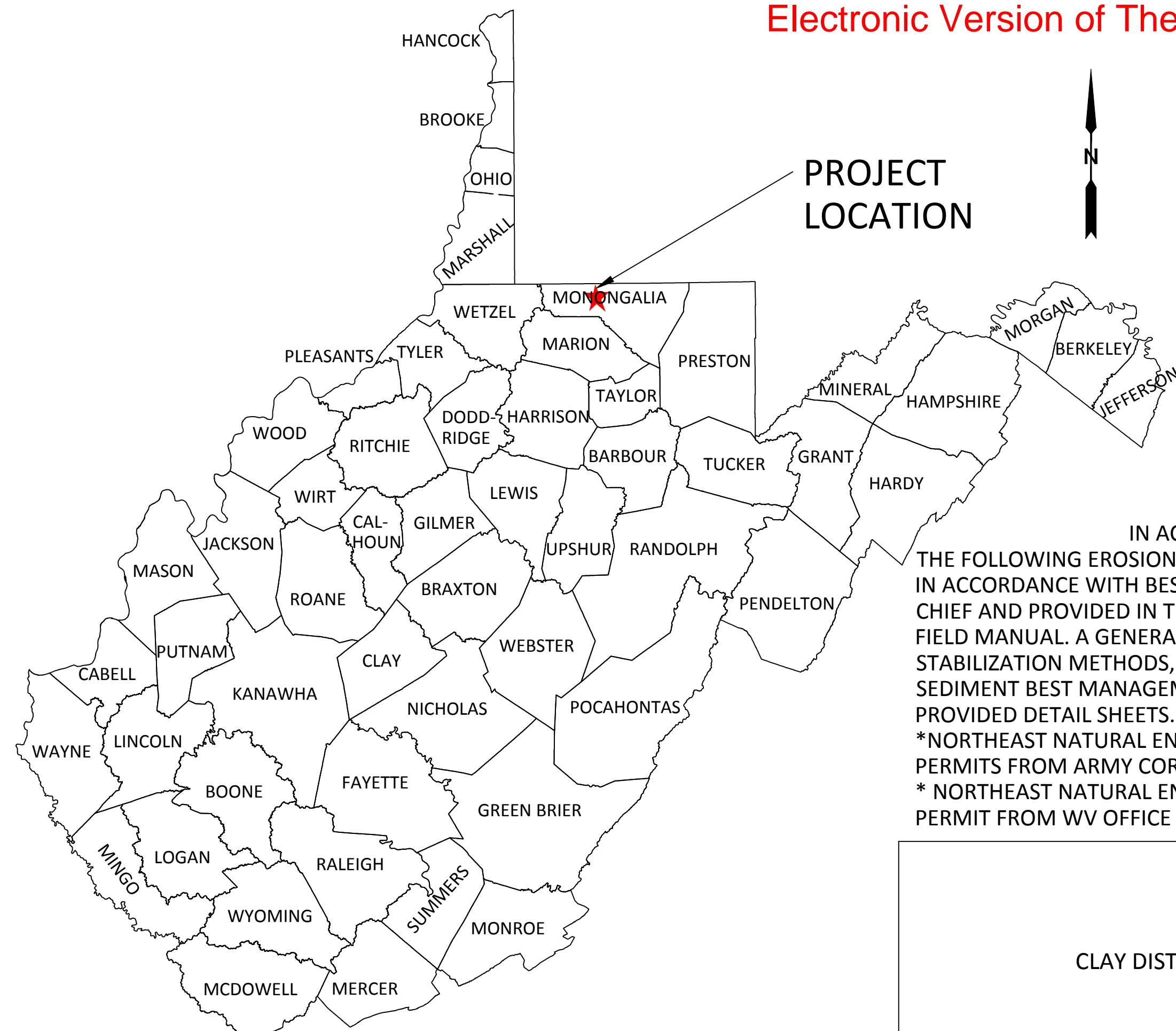
OWNER



## northeast

NATURAL ENERGY

NORTHEAST NATURAL ENERGY, LLC  
707 VIRGINIA STREET SUITE 1200  
CHARLESTON, WV 253 01



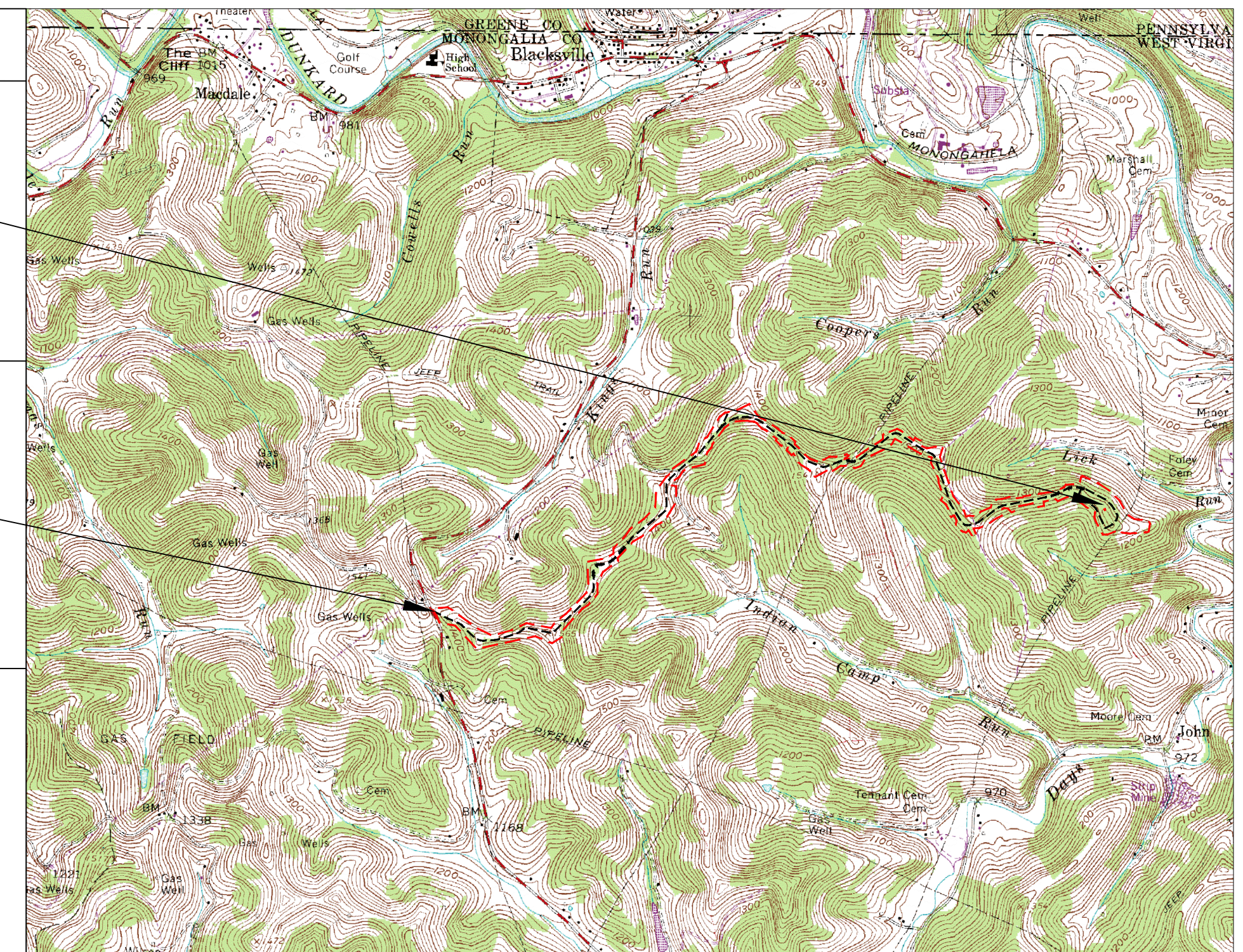
PROJECT LOCATION

IN ACCORDANCE WITH WV 35 CSR 8 THE FOLLOWING EROSION & SEDIMENT CONTROL PLAN HAS BEEN DESIGNED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES ESTABLISHED BY THE CHIEF AND PROVIDED IN THE OFFICE'S EROSION AND SEDIMENT CONTROL FIELD MANUAL. A GENERAL CONSTRUCTION SEQUENCE, DESCRIPTION OF STABILIZATION METHODS, AND DETAILS & SPECIFICATIONS FOR EROSION & SEDIMENT BEST MANAGEMENT PRACTICES HAVE BEEN INCLUDED IN THE PROVIDED DETAIL SHEETS.  
\*NORTHEAST NATURAL ENERGY, LLC. TO OBTAIN NWP-39 AND NWP-14 PERMITS FROM ARMY CORPS OF ENGINEERS AS NECESSARY.  
\* NORTHEAST NATURAL ENERGY, LLC. TO OBTAIN STREAM ENCROACHMENT PERMIT FROM WV OFFICE OF LAND AND STREAMS AS NECESSARY.

### COORDINATES

CENTER OF WELLS  
(NAD 83)  
LAT: 39° 41' 59.6"  
LONG: 80° 11' 01.7"  
(NAD 27)  
LAT: 39° 41' 59.0"  
LONG: 80° 11' 02.2"

SITE ENTRANCE  
(NAD 83)  
LAT: 39° 41' 42.7"  
LONG: 80° 13' 22.7"  
(NAD 27)  
LAT: 39° 41' 41.9"  
LONG: 80° 13' 23.1"



1"=2000'



**TITLE SHEET**  
CAMPBELL WELL PAD  
CLAY DISTRICT, MONONGALIA COUNTY, WV

**SHEET**  
1  
OF  
60

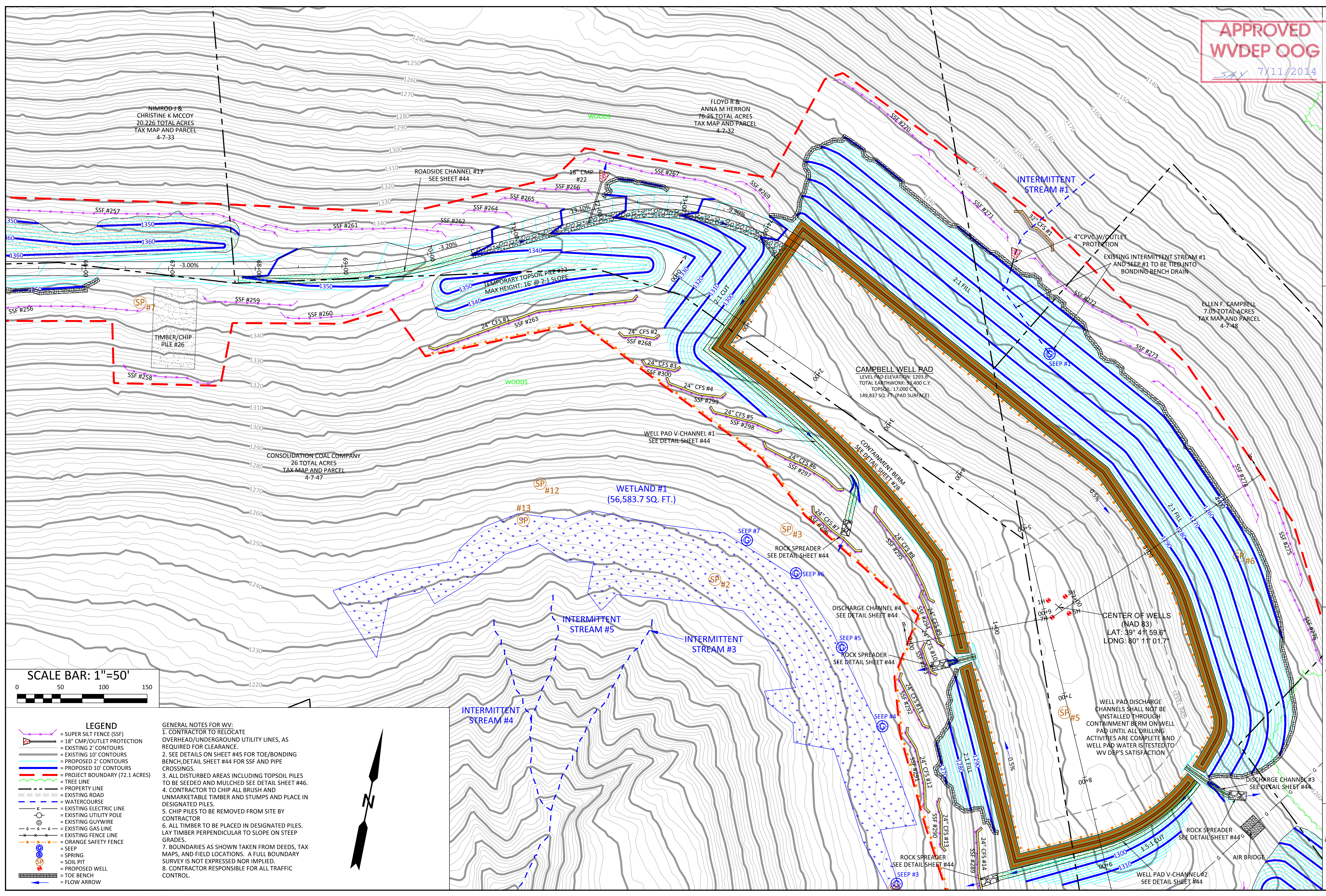
APPROVED  
WVDEP OOG  
SAY 7/11/2014

BOORD, BENCHEK and ASSOC., INC.  
Engineering, Surveying, Construction,  
and Mining Services  
Southpointe, PA 15317 Phone: 724-746-1055

E&S CONTROL AND SITE PLAN

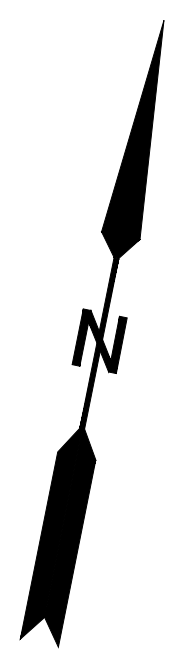
THIS DOCUMENT WAS PREPARED BY:  
BOORD, BENCHEK AND ASSOC., INC.  
FOR: NORTHEAST NATURAL ENERGY, LLC.

DATE:  
APRIL 2014  
CAMPBELL WELL PAD  
CLAY DISTRICT,  
MONONGALIA  
COUNTY, WV



- LEGEND**
- = SUPER SILT FENCE (SSF)
  - = 18" CMP/OUTLET PROTECTION
  - = EXISTING 2' CONTOURS
  - = EXISTING 10' CONTOURS
  - = PROPOSED 2' CONTOURS
  - = PROPOSED 10' CONTOURS
  - = PROJECT BOUNDARY (72.1 ACRES)
  - = TREE LINE
  - = PROPERTY LINE
  - = EXISTING ROAD
  - = WATERCOURSE
  - = EXISTING ELECTRIC LINE
  - = EXISTING UTILITY POLE
  - = EXISTING GUYWIRE
  - = EXISTING GAS LINE
  - = EXISTING FENCE LINE
  - = ORANGE SAFETY FENCE
  - = SEEP
  - = SPRING
  - = SOIL PIT
  - = PROPOSED WELL
  - = TOE BENCH
  - = FLOW ARROW

- GENERAL NOTES FOR WV:**
1. CONTRACTOR TO RELOCATE OVERHEAD/UNDERGROUND UTILITY LINES, AS REQUIRED FOR CLEARANCE.
  2. SEE DETAILS ON SHEET #45 FOR TOE/BONDING BENCH, DETAIL SHEET #44 FOR SSF AND PIPE CROSSINGS.
  3. ALL DISTURBED AREAS INCLUDING TOPSOIL PILES TO BE SEEDED AND MULCHED SEE DETAIL SHEET #46.
  4. CONTRACTOR TO CHIP ALL BRUSH AND UNMARKETABLE TIMBER AND STUMPS AND PLACE IN DESIGNATED PILES.
  5. CHIP PILES TO BE REMOVED FROM SITE BY CONTRACTOR
  6. ALL TIMBER TO BE PLACED IN DESIGNATED PILES. LAY TIMBER PERPENDICULAR TO SLOPE ON STEEP GRADES.
  7. BOUNDARIES AS SHOWN TAKEN FROM DEEDS, TAX MAPS, AND FIELD LOCATIONS. A FULL BOUNDARY SURVEY IS NOT EXPRESSED NOR IMPLIED.
  8. CONTRACTOR RESPONSIBLE FOR ALL TRAFFIC CONTROL.





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west virginia department of environmental protection

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Office of Oil and Gas  
601 57<sup>th</sup> 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:** Jay-Bee Oil and Gas  
R1 1 Box 5  
Cairo, WV 26337

**DATE:** October 8, 2014  
**ORDER NO.:** 2014-W-5

**CC:** Jay-Bee Oil and Gas  
1720 Rt. 22E  
Union, NJ 07083

**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.*, and Jay-Bee Oil & Gas (hereinafter “Jay-Bee” or “Operator”), collectively the “Parties.”

**FINDINGS OF FACT**

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. Jay-Bee Oil & Gas is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 1720 Rt. 22E; Union, NJ 07083.
3. On January 2<sup>nd</sup>, 2014, Jay-Bee Oil & Gas submitted permit applications for gas wells identified as API numbers 47-095-02147 and 47-095-02148, located on the Happy Pad, McElroy District, Tyler County, West Virginia.
4. On August 5<sup>th</sup>, 2014 Jay-Bee Oil & Gas requested a waiver for Wetland 20 and Wetland 21, outlined in Exhibit A, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers: 47-095-02147 and 47-095-02148, located on the Happy Pad, McElroy District, Tyler County, West Virginia.

## CONCLUSIONS OF LAW

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

## ORDER

Therefore, the Office of Oil and Gas grants Jay-Bee Oil & Gas a waiver for Wetland 20 and Wetland 21 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 47-095-02147 and 47-095-02148, located on the Happy Pad, McElroy District, Tyler County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that Jay-Bee Oil & Gas shall meet the following site construction and operational requirements for the Happy well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Orange safety fencing shall be installed on the project boundary to ensure no encroachment onto wetland area;
- c. Super silt fence and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- d. Super silt fences shall be installed along all slopes and down gradient locations of the pad adjacent to Wetland 20 and Wetland 21;
- e. Jay-Bee Oil & Gas Field Supervisors will mark erosion and sediment control devices adjacent to Wetland 20 and Wetland 21 with wetland delineated tape, and view these controls weekly after construction.
- f. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- g. Drilling muds shall be disposed of in a permitted landfill;
- h. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- i. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- j. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- k. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- l. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- m. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 8<sup>th</sup> day of October, 2014.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

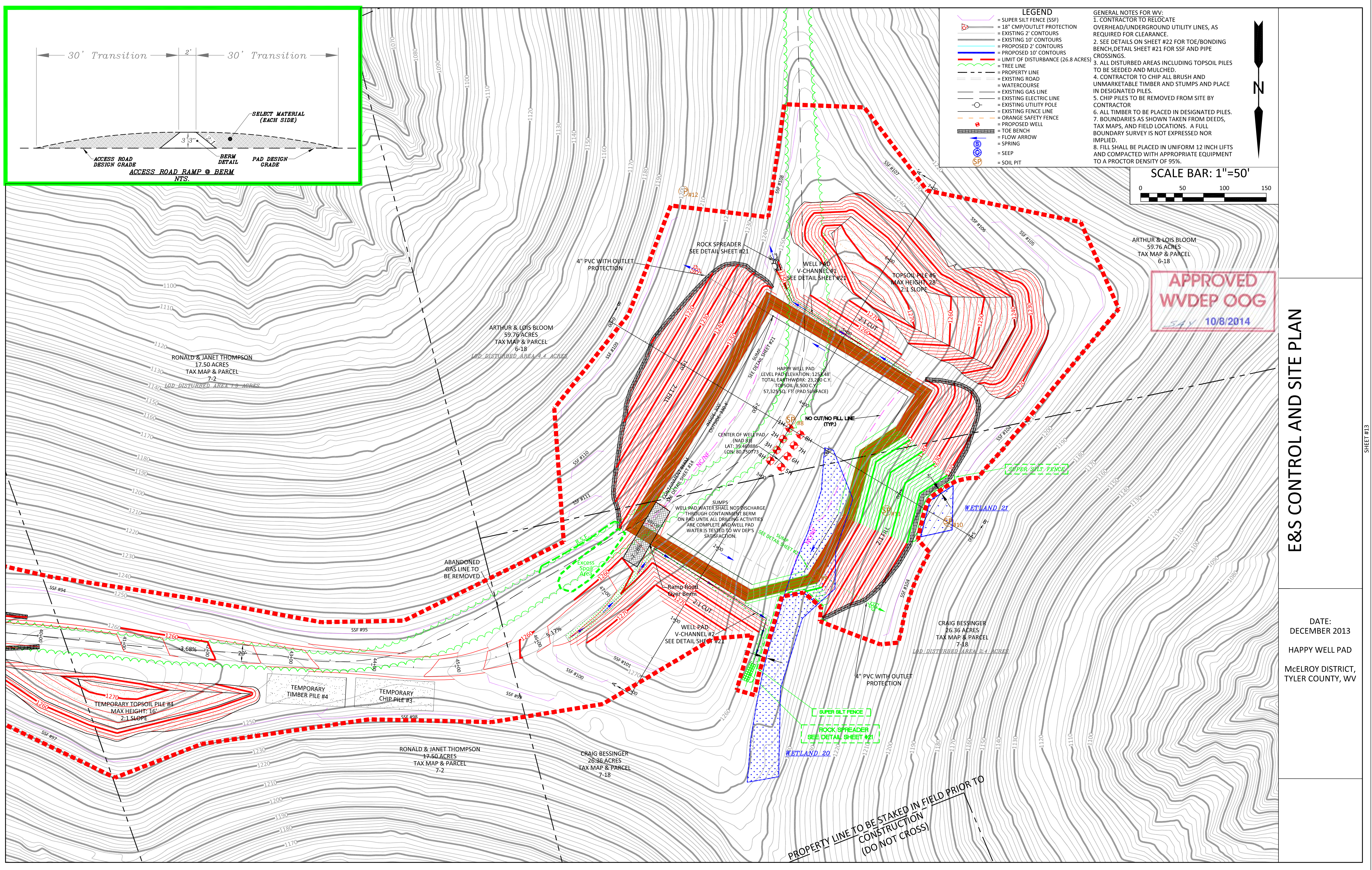
OFFICE OF OIL AND GAS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE OF WEST VIRGINIA

By: \_\_\_\_\_

JAMES A. MARTIN, CHIEF

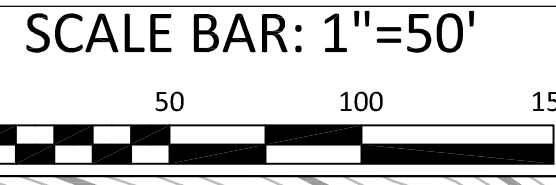


# Exhibit A



- LEGEND**
- = SUPER SILT FENCE (SSF)
  - = 18" CMP/OUTLET PROTECTION
  - = EXISTING 2' CONTOURS
  - = EXISTING 10' CONTOURS
  - = PROPOSED 2' CONTOURS
  - = PROPOSED 10' CONTOURS
  - = LIMIT OF DISTURBANCE (26.8 ACRES)
  - = TREE LINE
  - = PROPERTY LINE
  - = EXISTING ROAD
  - = WATERCOURSE
  - = EXISTING GAS LINE
  - = EXISTING ELECTRIC LINE
  - = EXISTING UTILITY POLE
  - = EXISTING FENCE LINE
  - = PROPOSED FENCE
  - = PROPOSED WELL
  - = TOE BENCH
  - = FLOW ARROW
  - = SPRING
  - = SEEP
  - = SOIL PIT

- GENERAL NOTES FOR WV:**
1. CONTRACTOR TO RELOCATE OVERHEAD/UNDERGROUND UTILITY LINES, AS REQUIRED FOR CLEARANCE.
  2. SEE DETAILS ON SHEET #22 FOR TOE/BONDING BENCH, DETAIL SHEET #21 FOR SSF AND PIPE CROSSINGS.
  3. ALL DISTURBED AREAS INCLUDING TOPSOIL PILES TO BE SEEDED AND MULCHED.
  4. CONTRACTOR TO CHIP ALL BRUSH AND UNMARKETABLE TIMBER AND STUMPS AND PLACE IN DESIGNATED PILES.
  5. CHIP PILES TO BE REMOVED FROM SITE BY CONTRACTOR
  6. ALL TIMBER TO BE PLACED IN DESIGNATED PILES.
  7. BOUNDARIES AS SHOWN TAKEN FROM DEEDS, TAX MAPS AND FIELD LOCATIONS. A FULL BOUNDARY SURVEY IS NOT EXPRESSED NOR IMPLIED.
  8. FILL SHALL BE PLACED IN UNIFORM 12 INCH LIFTS AND COMPACTED WITH APPROPRIATE EQUIPMENT TO A PROCTOR DENSITY OF 95%.



**APPROVED WVDEP OOG**  
10/8/2014

**E&S CONTROL AND SITE PLAN**

DATE: DECEMBER 2013  
HAPPY WELL PAD  
McELROY DISTRICT, TYLER COUNTY, WV

SHEET #13

PROPERTY LINE TO BE STAKED IN FIELD PRIOR TO CONSTRUCTION (DO NOT CROSS)



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west virginia department of environmental protection

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Office of Oil and Gas  
601 57<sup>th</sup> 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  
P.O. Box 280  
Bridgeport, WV 26330

DATE: November 13, 2014  
ORDER NO: 2014-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.*, by 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 PO Box 280, Bridgeport, WV 26330
3. On March 17, 2014, EQT submitted an application for a gas well identified as API number 47-103-02984, located on the BIG177 Pad in Grant District of Wetzel County, West Virginia.
4. On August 14, 2014, EQT requested a waiver for Wetland 1, outlined in Exhibit A, from well location restriction requirements in W. Va. Code § 22-6A-12(b) for a well work permit identified as API# 47-103-02984, located on the BIG177 Pad in Grant District of Wetzel County, West Virginia.

## CONCLUSIONS OF LAW

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

## ORDER

Therefore, the Office of Oil and Gas grants EQT Production Company a waiver for Wetland 1 from well location restriction requirements in W. Va. Code § 22-6A-12(b) for a gas well work permit identified as API# 47-103-02984, located on the BIG177 Pad in Grant District of Wetzel County, West Virginia. The Office of Oil and Gas hereby **ORDERS** that EQT Production Company shall meet the following site construction and operational requirements for the BIG177 well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland1 shall have a triple compost filter sock stack installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 13<sup>th</sup> day of November, 2014

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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west virginia department of environmental protection

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

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

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

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

DATE: November 5, 2014  
ORDER NO.: 2014-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 CNX Gas Company, LLC (hereinafter “CNX” or “Operator”), collectively the “Parties.”

**FINDINGS OF FACT**

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

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. CNX is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as P.O. Box 1248, Jane Lew, WV 26378.
3. On July 28, 2014, CNX submitted applications for gas wells identified as API numbers 33-05832, 33-05833, 33-05834, 33-05835, 33-05836, 33-05837 and 33-05838, located on the KST4HS Pad in Harrison County, West Virginia.
4. On October 3, 2014, CNX requested a waiver for Wetland #3 and Wetland #7, outlined in Exhibit 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 33-05832, 33-05833, 33-05834, 33-05835, 33-05836, 33-05837 and 33-05838, located on the KST4HS Pad in Harrison County, Union District, West Virginia.

## CONCLUSIONS OF LAW

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

**ORDER**

Therefore, the Office of Oil and Gas grants CNX a waiver for Wetland #3 and Wetland #7 from well location restriction requirements in W. Va. Code §22-6A-12(b) for gas well permit applications identified as API numbers 33-05832, 33-05833, 33-05834, 33-05835, 33-05836, 33-05837 and 33-05838, located on the KST4HS Pad in Harrison County, Union District, West Virginia. The Office of Oil and Gas hereby **ORDERS** that CNX Gas Company, LLC shall meet the following site construction and operational requirements for the KST4HS well pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least two feet (2') in height;
- b. Filter/silt socks and erosion control blankets shall be installed on all slopes and down gradient locations of the pad and topsoil pile areas as erosion and sediment controlling BMPs;
- c. Wetland #3 and Wetland #7 shall have two rows of triple compost filter sock stack installed adjacent to the wetland;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drilling muds shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (1/2") rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 5<sup>th</sup> day of November, 2014.

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