



west virginia department of environmental protection

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

January 24, 2020

2019 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 2019 calendar year, the Office of Oil and Gas granted fourteen (14) 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 24th day of January 2019.

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: American Petroleum Partners Operating, LLC
4600 J. Barry Court Suite 310
Canonsburg, PA 15317

DATE: January 2, 2019
ORDER NO.: 2019-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 American Petroleum Partners Operating, LLC (hereinafter “APP” 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. APP is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 4600 J. Barry Court Suite 310, Canonsburg, PA 15317.
3. On July 30, 2018 APP submitted a well work permit applications identified as API# 47-051-02090 and 47-051-02091. The proposed wells are to be located on the Harrenhal Pad in Webster District of Marshall County, West Virginia.
4. On July 30, 2018 APP requested a waiver for Wetlands W-180419-1320 and W-180419-1450 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# 47-051-02090 and 47-051-02091.

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 W-180419-1320 and W-180419-1450 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# 47-051-02090 and 47-051-02091. The Office of Oil and Gas hereby **ORDERS** that APP shall meet the following site construction and operational requirements for the Harrenhal 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-180419-1320 shall have a layer of super silt fence and a layer of thirty-two inch (23”) compost filter sock to prevent sediment from reaching the wetlands.
- d. Wetland W-180419-1450 is above the construction and will not be impacted by sediment.
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 2nd day of January, 2019.

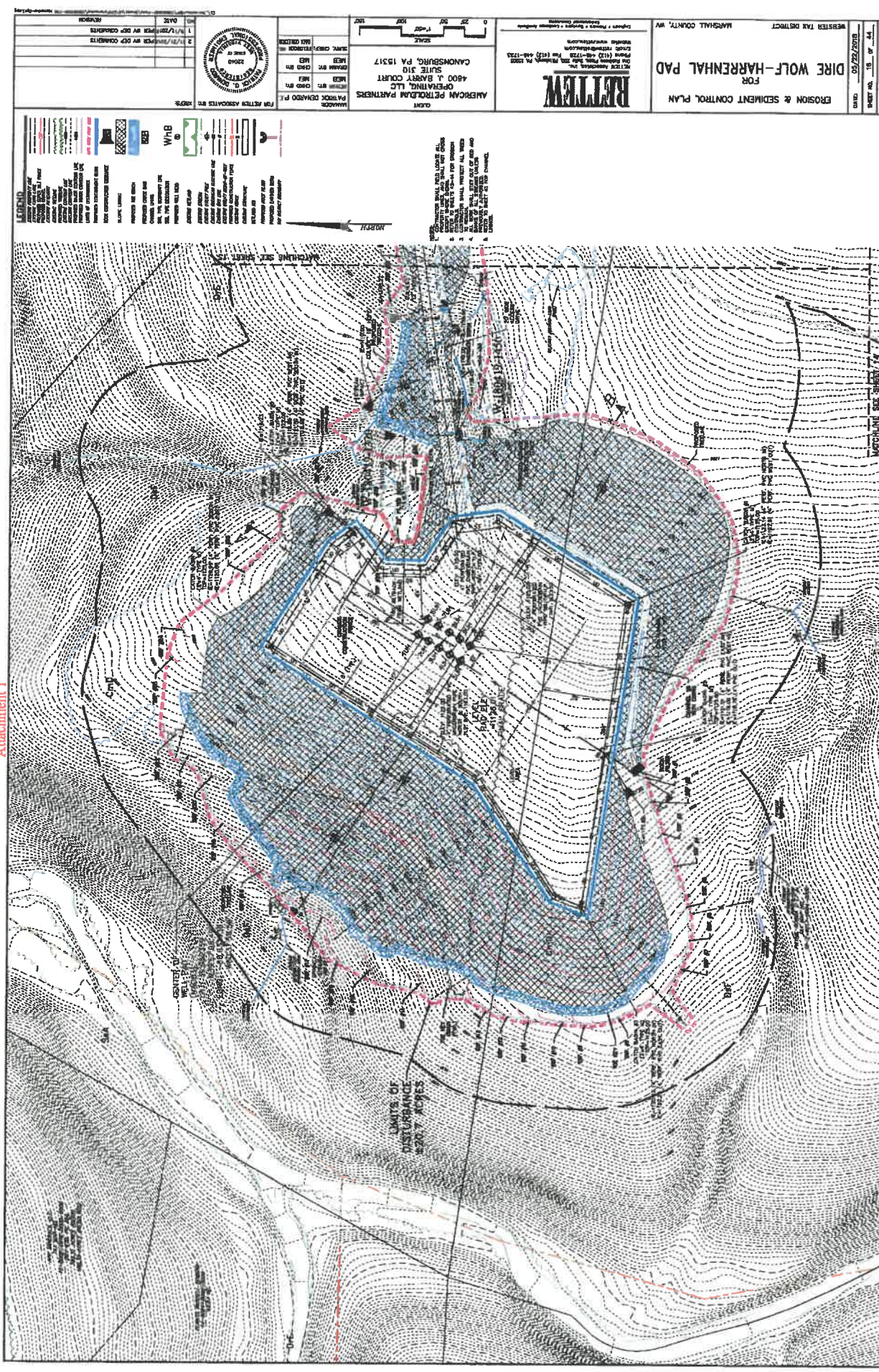
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



JAMES A. MARTIN, CHIEF



LEGEND

EXISTING CONTOUR LINES	PROPOSED CONTOUR LINES
EXISTING DRAINAGE	PROPOSED DRAINAGE
EXISTING EROSION CONTROL	PROPOSED EROSION CONTROL
EXISTING SEDIMENT CONTROL	PROPOSED SEDIMENT CONTROL
EXISTING UTILITIES	PROPOSED UTILITIES
EXISTING STRUCTURES	PROPOSED STRUCTURES
EXISTING ROADS	PROPOSED ROADS
EXISTING FENCES	PROPOSED FENCES
EXISTING POWER LINES	PROPOSED POWER LINES
EXISTING TELEPHONE LINES	PROPOSED TELEPHONE LINES
EXISTING WATER LINES	PROPOSED WATER LINES
EXISTING SEWER LINES	PROPOSED SEWER LINES
EXISTING GAS LINES	PROPOSED GAS LINES
EXISTING CABLE LINES	PROPOSED CABLE LINES
EXISTING FIBER OPTIC LINES	PROPOSED FIBER OPTIC LINES
EXISTING RAILROADS	PROPOSED RAILROADS
EXISTING AIRCRAFT TAKEOFF AND LANDING AREAS	PROPOSED AIRCRAFT TAKEOFF AND LANDING AREAS
EXISTING AIRCRAFT OBSTACLE CLEARANCE SURFACES	PROPOSED AIRCRAFT OBSTACLE CLEARANCE SURFACES
EXISTING AIRCRAFT OBSTACLE CLEARANCE SURFACES	PROPOSED AIRCRAFT OBSTACLE CLEARANCE SURFACES
EXISTING AIRCRAFT OBSTACLE CLEARANCE SURFACES	PROPOSED AIRCRAFT OBSTACLE CLEARANCE SURFACES
EXISTING AIRCRAFT OBSTACLE CLEARANCE SURFACES	PROPOSED AIRCRAFT OBSTACLE CLEARANCE SURFACES

CLIENT
AMERICAN PETROLEUM PARTNERS
PATRICK DEVARDO P.E.
4800 J. BARRY COURT
SUITE 310
CAMANSBURG, PA 15317

SCALE
0 25' 50' 100'

DATE
02/22/2018

DRAWN BY
JWB

CHECKED BY
JWB

DATE
02/22/2018

PROJECT INFORMATION
EROSION & SEDIMENT CONTROL PLAN
FOR
DIRE WOLF-HARENHAL PAD
MARSHALL COUNTY, WV
WESTER TAX DISTRICT

OWNER
BETWEEN

DESIGNER
AMERICAN PETROLEUM PARTNERS
PATRICK DEVARDO P.E.
4800 J. BARRY COURT
SUITE 310
CAMANSBURG, PA 15317

DATE
02/22/2018

PROJECT NO.
18-001

SHEET NO.
15 OF 44

DRAWN BY
JWB

CHECKED BY
JWB

NOT FOR CONSTRUCTION/NOT FOR BIDDING



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: Arsenal Resources
6031 Wallace Road Extension Suite 603
Wexford, Pa 15090

DATE: January 28, 2019
ORDER NO.: 2019-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 Arsenal Resources (hereinafter “Arsenal” 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. Arsenal is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 6031 Wallace Road Extension Suite 603, Wexford, PA 15090.
3. On October 3, 2018 Arsenal submitted a well work permit application identified as API# 47-091-01349. The proposed well is to be located on the M Stout TCP55 Pad in the Court House District of Taylor County, West Virginia.
4. On October 3, 2018 Arsenal requested a waiver for perennial streams Gabe’s Fork and UNT-7 along with Wetlands F, G, I and O 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# 47-091-01349.

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 perennial streams Gabe’s Fork and UNT-7 along with Wetlands F, G, I and O from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-091-01349. The Office of Oil and Gas hereby **ORDERS** that Arsenal shall meet the following site construction and operational requirements for the M Stout TCP55 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. Streams Gabe’s Fork and UNT-7 shall be protected by diversion ditches and double twelve inch (12”) compost filter sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching the streams;
- d. Wetland F, G and I shall be protected by diversion ditches and double twelve inch (12”) compost filter sock. This along rip-rap outlets, temporary and permanent vegetative cover will prevent sediment from reaching the wetlands;
- e. Wetland O is located above a cut line and will not be impacted by sediment.
- f. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- g. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- h. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- i. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- j. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- k. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- l. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- m. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 28th day of January, 2019.

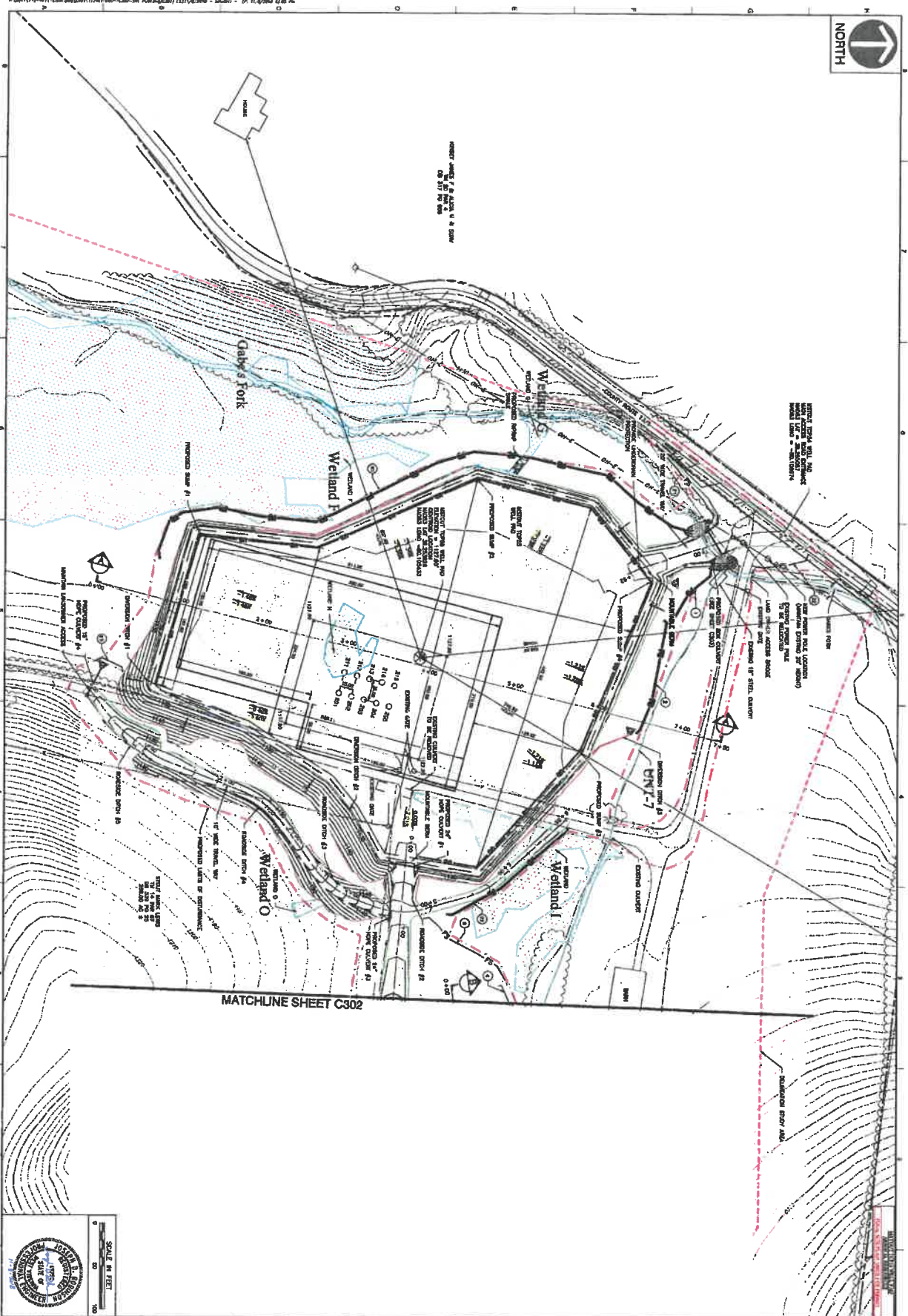
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

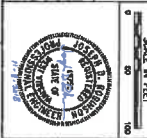
By:



JAMES A. MARTIN, CHIEF



Attachment 1



C301	SITE PLAN		
	DATE: JULY 2019	DRAWN BY: PBC	
	DESIGNED BY: ABE	CHECKED BY: JDR	
	PROJECT NO: 174-01	DATE: 7/2019	

**ARSENAL RESOURCES
MSTOUT TCP65 WELL PAD
COURT HOUSE DISTRICT
TAYLOR CO, WEST VIRGINIA**

CEC
Civil & Environmental Consultants, Inc.
600 Marketplace Ave • Suite 500 • Bridgeport, WV 26300
Ph: 304.933.2118 • Fax: 304.933.2118 • www.cecinc.com

REVISION RECORD		
NO.	DATE	DESCRIPTION



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: Arsenal Resources
6031 Wallace Road Extension Suite 603
Wexford, Pa 15090

DATE: February 5, 2019
ORDER NO.: 2019-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 Arsenal Resources (hereinafter “Arsenal” 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. Arsenal is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 6031 Wallace Road Extension Suite 603, Wexford, PA 15090.
3. On October 10, 2018 Arsenal submitted a well work permit application identified as API# 47-091-01350. The proposed well is to be located on the Drainer TCP23 Pad in the Flemington District of Taylor County, West Virginia.
4. On October 10, 2018 Arsenal requested a waiver for Wetland H 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# 47-091-01350.

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 H from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-091-01350. The Office of Oil and Gas hereby **ORDERS** that Arsenal shall meet the following site construction and operational requirements for the Drainer TCP23 Well Pad:

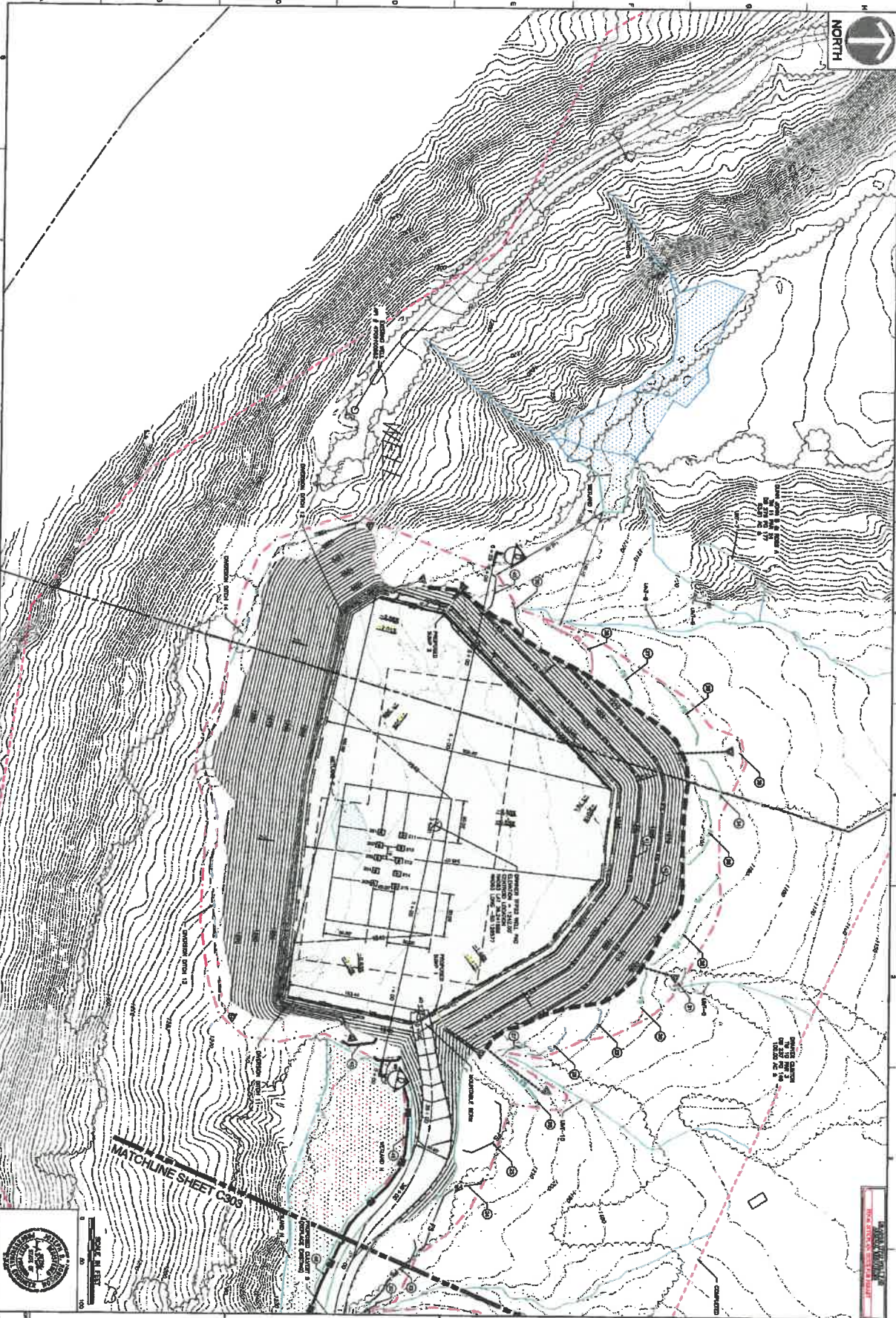
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland H shall be protected by diversion ditches and double twelve inch (12”) compost filter sock. This along rip-rap outlets, 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 5th day of February, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By: 
JAMES A. MARTIN, CHIEF



Attachment 1



C304	SITE PLAN
	DATE: SEPTEMBER 2014 (Revised) BY: [Signature]
	DRAWN SCALE: AS SHOWN (Revised) BY: [Signature]
	PROJECT NO: 1173-0017 APPROVED BY: [Signature]

**ARSENAL RESOURCES
DRAINER TFP23 WELL PAD
FLEMINGTON DISTRICT
TAYLOR CO, WEST VIRGINIA**

CEC
Civil & Environmental Consultants, Inc.
 600 Marlinton Ave. Suite 200 • Bridgeport, WV 26300
 P.O. Box 2119 • 800.686.3000 • Fax: 304.883.0827
 www.cecnc.com

REVISION RECORD	
NO.	DESCRIPTION



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: Arsenal Resources
6031 Wallace Road Extension Suite 603
Wexford, PA 15090

DATE: February 12, 2019
ORDER NO.: 2019-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 Arsenal Resources (hereinafter “Arsenal” 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. Arsenal is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 6031 Wallace Road Extension Suite 603, Wexford, PA 15090.
3. On October 25, 2018 Arsenal submitted a well work permit applications identified as API# 47-091-01351, 47-091-01352, 47-091-01353, 47-091-01354, 47-091-01355 and 47-091-01356. The proposed wells are to be located on the Johnson TFP40 Pad in the Rosemount District of Taylor County, West Virginia.
4. On October 25, 2018 Arsenal requested a waiver for Wetlands W, X, Y and BB as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# 47-091-01351, 47-091-01352, 47-091-01353, 47-091-01354, 47-091-01355 and 47-091-01356. The perennial stream Beards Run is more than 100’ from the LOD of the well pad so it will not be included in this order.

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 W, X, Y and BB well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-091-01351, 47-091-01352, 47-091-01353, 47-091-01354, 47-091-01355 and 47-091-01356. The Office of Oil and Gas hereby **ORDERS** that Arsenal shall meet the following site construction and operational requirements for the Johnson TFP40 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, X, and Y shall be protected by double twelve inch (12”) compost filter sock. This along rip-rap outlets, temporary and permanent vegetative cover will prevent sediment from reaching the wetlands;
- d. Wetland BB shall be protected by double layers of super silt fence. This along rip-rap outlets, temporary and permanent vegetative cover will prevent sediment from reaching the wetlands;
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 12th day of February, 2019.

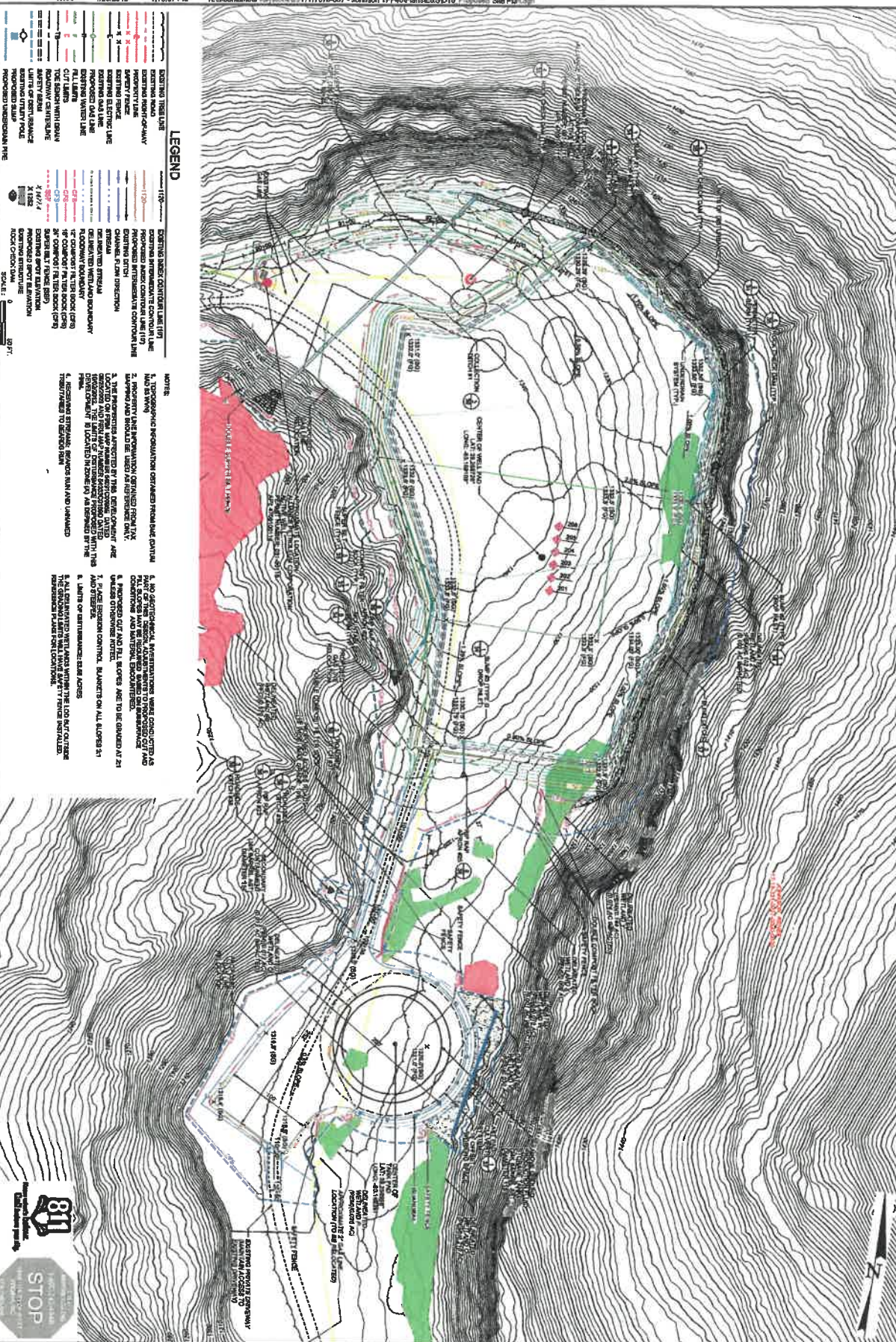
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



JAMES A. MARTIN, CHIEF

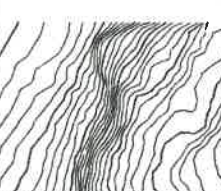
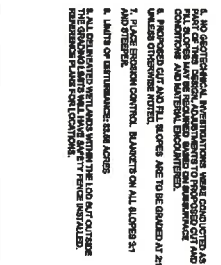


- ### LEGEND
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- ### NOTES
1. THE PROPOSED DEVELOPMENT IS BASED ON THE DATA PROVIDED BY THE CLIENT AND THE FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THIS DATA.
 2. THE PROPOSED DEVELOPMENT IS BASED ON THE DATA PROVIDED BY THE CLIENT AND THE FIELD SURVEY. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THIS DATA.
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0 32.77'

Scale: 1" = 32.77'



NO.	DATE	DESCRIPTION
1	05/20/19	ISSUED FOR PERMITTING
2	06/20/19	REVISED PER COMMENTS
3	06/20/19	REVISED PER COMMENTS
4	06/20/19	REVISED PER COMMENTS

18

PROPOSED SITE PLAN

JOHNSON TFP40 WELL SITE

DIFFENBAUGH & HERTZ, LLC

1866 Chesapeake Road, Suite 200
 Maryland, MD 21084
 www.diffenbaugh.com
 P: 304.343.2555 F: 304.988.9557



west virginia department of environmental protection

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

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.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 24, 2019
ORDER NO.: 2019-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 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 December 17, 2018, Chevron Appalachia, LLC submitted well work permit applications identified as API#s 47-051-02142, 47-051-02143, 47-051-02145, 47-051-02146, 47-051-02148, 47-051-02151, 47-051-02153 and 47-051-02154. The proposed wells are to be located on the Freeland Pad in Clay District of Marshall County, West Virginia.
4. On February 20, 2019, Chevron Appalachia, LLC requested a waiver for Wetlands 1A, 1B, 2 and 4 outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s s 47-051-02142, 47-051-02143, 47-051-02145, 47-051-02146, 47-051-02148, 47-051-02151, 47-051-02153 and 47-051-02154.

CONCLUSIONS OF LAW

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

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetlands 1A 1B, 2 and 4 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s s 47-051-02142, 47-051-02143, 47-051-02145, 47-051-02146, 47-051-02148, 47-051-02151, 47-051-02153 and 47-051-02154. The Office of Oil and Gas hereby **ORDERS** that Chevron Appalachia, LLC shall meet the following site construction and operational requirements for the Freeland 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 1A, 1B and 2 shall have both a compost filter sock trap and a layer of thirty two-inch (32”) compost filter sock 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. Wetland 4 shall have a compost filter sock trap and a layer of thirty two-inch (32”) compost filter sock or a layer of eighteen-inch (18”) compost filter sock to prevent any sediment from reaching the wetland from the well pad. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetland.
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 24th day of February, 2019.

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: XTO Energy, Inc.
810 Houston Street
Fort Worth, TX 76102

DATE: March 11, 2019
ORDER NO.: 2019-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 XTO Energy, Inc. (hereinafter "XTO" 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. XTO is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 810 Houston Street, Fort Worth, Texas 76102
3. On November 20, 2018, XTO submitted well work permit applications identified as API# 47-049-02491, 47-049-049-02492, 47-049-049-02493 and 47-049-049-02494. Then on January 10, 2019 XTO Energy, Inc. also submitted a well work permit application identified as API#s 47-049-02495. The proposed wells are to be located on the Sands Pad in Lincoln District of Marion County, West Virginia.
4. On November 20, 2018, XTO requested a waiver for wetland A and perennial stream 4 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s 47-049-02491, 47-049-049-02492, 47-049-049-02493, 47-049-049-02494 and 47-049-02495.

Promoting a healthy environment.

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 A and perennial stream 4 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API#s 47-049-02491, 47-049-049-02492, 47-049-049-02493, 47-049-049-02494 and 47-049-02495. The Office of Oil and Gas hereby **ORDERS** that XTO shall meet the following site construction and operational requirements for the Sands 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 A is not at risk sedimentation due to its location upslope of the well pad.
- d. Perennial stream 4 shall have a compost filter sock trap and a layer of twelve-inch (12”) compost filter sock or double layers of twenty-four inch (24”) compost filter sock to prevent any sediment from reaching the perennial stream from the well pad. This along with temporary and permanent vegetative cover will prevent sediment from reaching the perennial stream.
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 11th day of March, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



A handwritten signature in blue ink, appearing to read 'James A. Martin', is written over a horizontal line.

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: Tug Hill Operating
380 Southpointe Boulevard, Plaza II, Suite 200
Cannonsburg, PA 15317

DATE: March 29, 2019
ORDER NO.: 2019-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 Tug Hill Operating (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, Cannonsburg, PA 15317.
3. On January 28, 2019 Tug Hill submitted well work permit applications identified as API# 47-051-02174, 47-051-02175, 47-051-02176 and 47-051-02177. The proposed wells are to be located on the Hansen Pad in the Franklin District of Marshall County, West Virginia.
4. On January 28, 2019 Tug Hill requested a waiver for Wetland W1 as outlined in Exhibit B, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# 47-051-02174, 47-051-02175, 47-051-02176 and 47-051-0217.

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 W1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# 47-051-02174, 47-051-02175, 47-051-02176 and 47-051-02177. The Office of Oil and Gas hereby **ORDERS** that Tug Hill shall meet the following site construction and operational requirements for the Hansen 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 W1 shall be protected by twenty-four-inch (24”) compost filter sock and super silt fence. 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 29th day of March, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

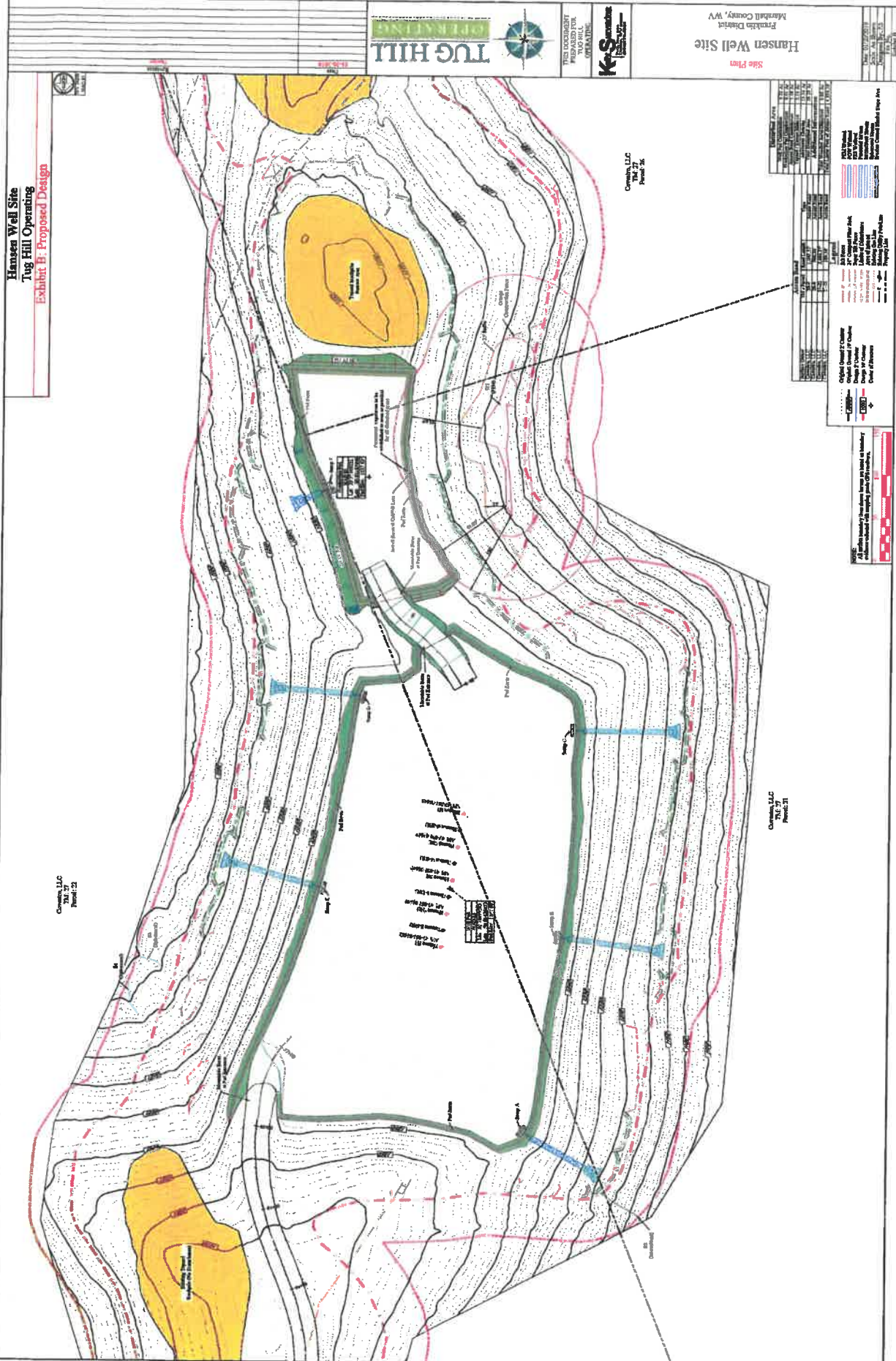
OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF

Hansen Well Site
Tug Hill Operating
Exhibit B: Proposed Design



THE DOCUMENT
PAGES 10 THROUGH
13 IS
OPERATING

TUG HILL
OPERATING

K&S
CONSULTANTS
INC.

Hansen Well Site
Franklin County,
West Virginia

NO.	DESCRIPTION	DATE
1	Issue for Review	11/11/14
2	Issue for Review	11/11/14
3	Issue for Review	11/11/14
4	Issue for Review	11/11/14
5	Issue for Review	11/11/14
6	Issue for Review	11/11/14
7	Issue for Review	11/11/14
8	Issue for Review	11/11/14
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17	Issue for Review	11/11/14
18	Issue for Review	11/11/14
19	Issue for Review	11/11/14
20	Issue for Review	11/11/14

Legend

- Proposed Road
- Proposed Structure
- Proposed Utility
- Proposed Fence
- Proposed Boundary
- Proposed Contour
- Proposed Spot Height
- Proposed Elevation
- Proposed Area
- Proposed Point
- Proposed Line
- Proposed Circle
- Proposed Square
- Proposed Triangle
- Proposed Diamond
- Proposed Hexagon
- Proposed Octagon
- Proposed Star
- Proposed Circle with Cross
- Proposed Circle with Dot
- Proposed Circle with Square
- Proposed Circle with Triangle
- Proposed Circle with Diamond
- Proposed Circle with Hexagon
- Proposed Circle with Octagon
- Proposed Circle with Star
- Proposed Circle with Circle with Cross
- Proposed Circle with Circle with Dot
- Proposed Circle with Circle with Square
- Proposed Circle with Circle with Triangle
- Proposed Circle with Circle with Diamond
- Proposed Circle with Circle with Hexagon
- Proposed Circle with Circle with Octagon
- Proposed Circle with Circle with Star

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Cornish, LLC
Tract 27
Permit 22

Cornish, LLC
Tract 27
Permit 21

Cornish, LLC
Tract 27
Permit 25

TUG HILL
OPERATING

K&S
CONSULTANTS
INC.

Hansen Well Site
Franklin County,
West Virginia

Cornish, LLC
Tract 27
Permit 22

Cornish, LLC
Tract 27
Permit 21

Cornish, LLC
Tract 27
Permit 25

TUG HILL
OPERATING

K&S
CONSULTANTS
INC.

Hansen Well Site
Franklin County,
West Virginia

Cornish, LLC
Tract 27
Permit 22

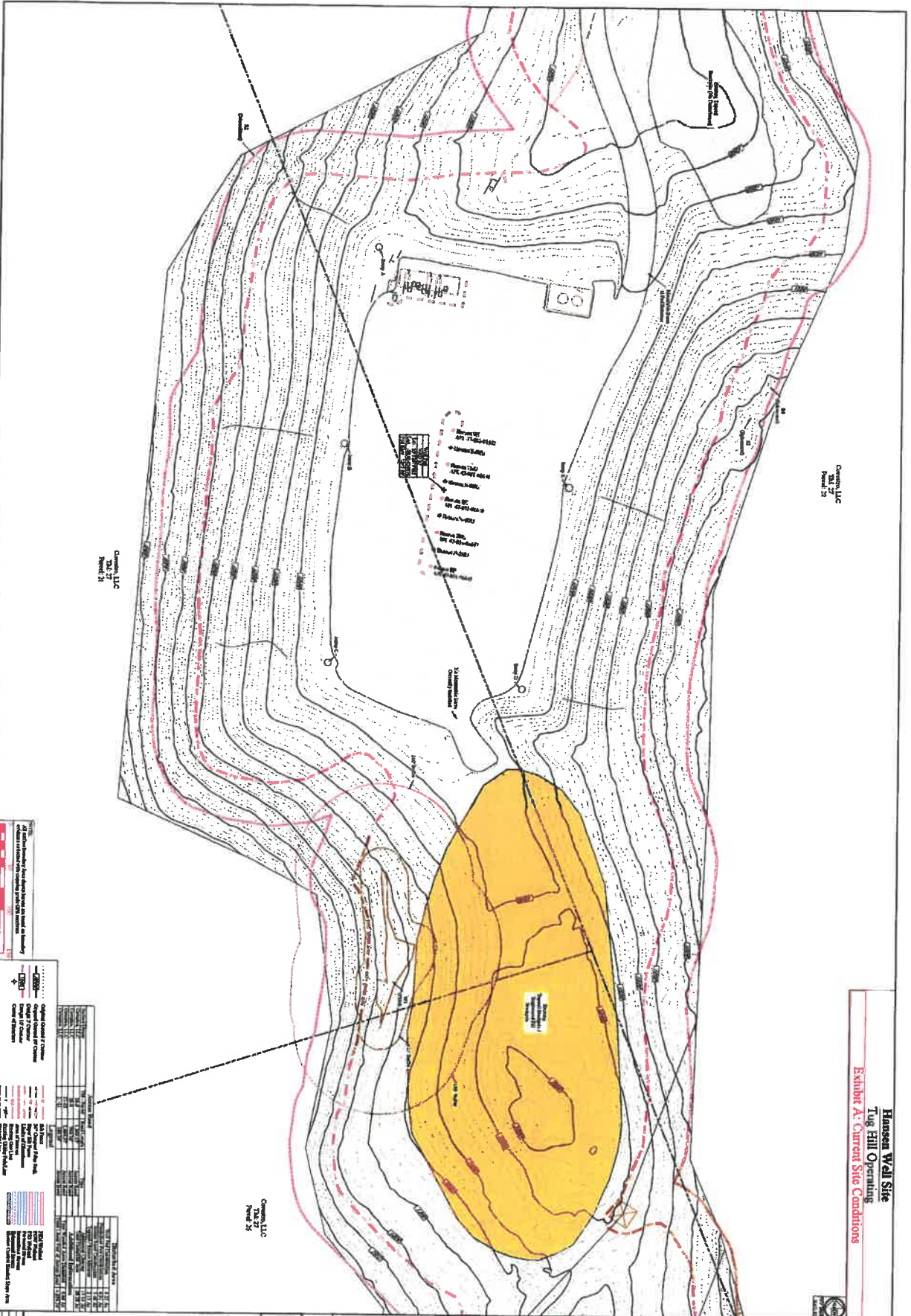
Cornish, LLC
Tract 27
Permit 21

Cornish, LLC
Tract 27
Permit 25

TUG HILL
OPERATING

K&S
CONSULTANTS
INC.

Hansen Well Site
Franklin County,
West Virginia



Hansen Well Site
 Tug Hill Operating
 Exhibit A: Current Site Conditions

Symbol	Description
[Symbol]	Proposed Well Location
[Symbol]	Existing Well Location
[Symbol]	Proposed Access Road
[Symbol]	Existing Access Road
[Symbol]	Proposed Utility Line
[Symbol]	Existing Utility Line
[Symbol]	Proposed Structure
[Symbol]	Existing Structure
[Symbol]	Proposed Boundary
[Symbol]	Existing Boundary
[Symbol]	Proposed Easement
[Symbol]	Existing Easement
[Symbol]	Proposed Right-of-Way
[Symbol]	Existing Right-of-Way
[Symbol]	Proposed Survey Line
[Symbol]	Existing Survey Line
[Symbol]	Proposed Contour Line
[Symbol]	Existing Contour Line



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 29, 2019
ORDER NO.: 2019-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 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 February 26, 2019 Antero submitted a well work permit application identified as API# 47-095-02602. The proposed well is to be located on the Colorado West Pad in the McElroy District of Tyler County, West Virginia.
4. On February 26, 2019 Antero requested a waiver for Wetlands 1, 2 and 3 along with perennial stream Pratt Run as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-095-02602. Wetland 3 and perennial stream Pratt Run will be excluded from this waiver due to the distance from the LOD of the well pad being more than 100’ in distance.

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# 47-095-02602. The Office of Oil and Gas hereby **ORDERS** that Antero shall meet the following site construction and operational requirements for the Colorado West 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 shall be protected by triple stacked thirty-two (32”) compost filter sock and Smart Fence HD. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- d. Wetlands 2 shall be protected by Smart Fence HD. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- e. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- f. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- g. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- h. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- i. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- j. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- k. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- l. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 29th day of March, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

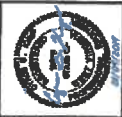
By:



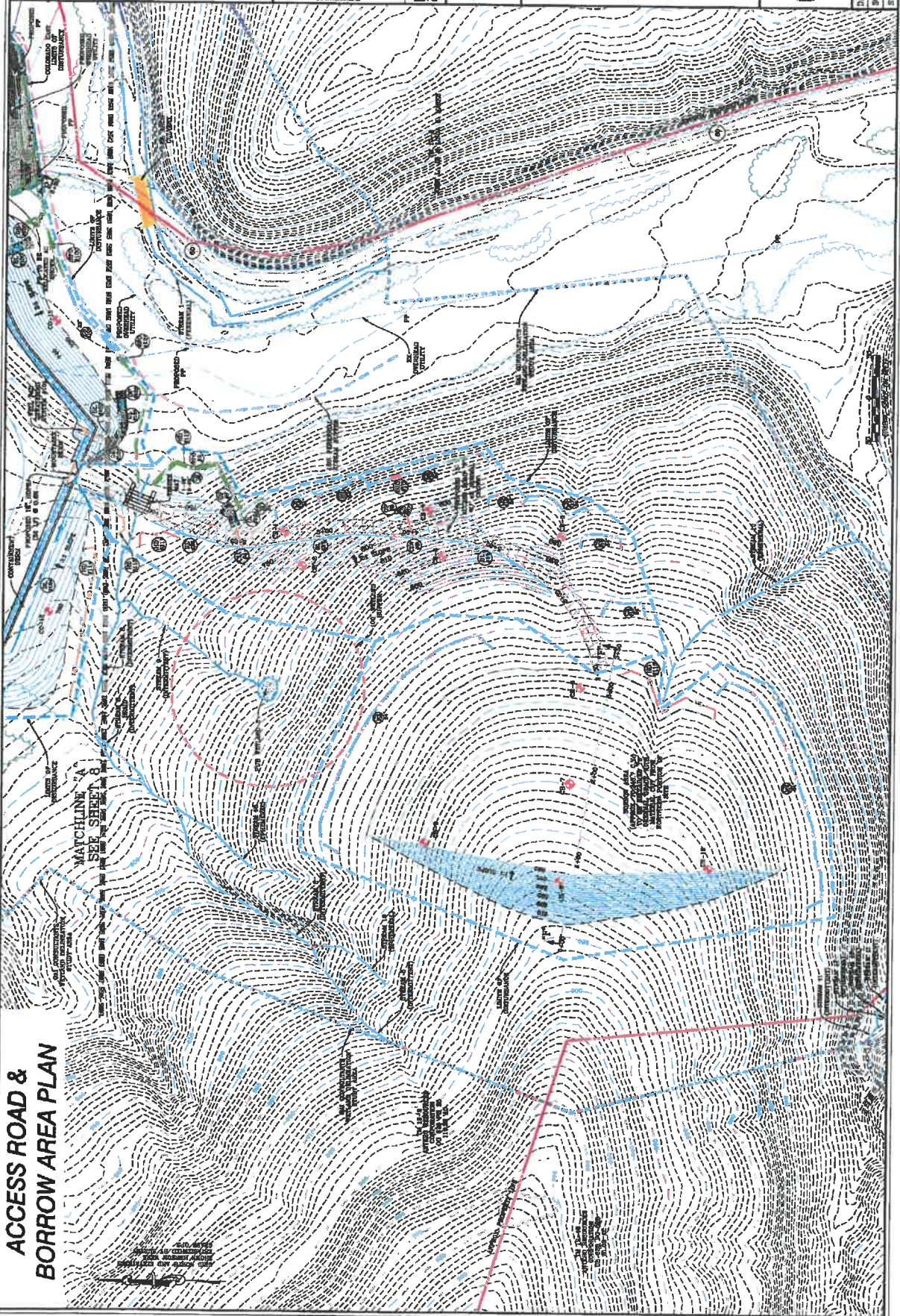
JAMES A. MARTIN, CHIEF

REVISION	DATE

WELL PAD & WATER CONTAINMENT PAD PLAN
COLORADO WEST
MELROY DISTRICT
TYLER COUNTY, WEST VIRGINIA



DATE: 01/09/2018
SCALE: 1" = 50'
SHEET 9 OF 83



Attachment 1

**ACCESS ROAD &
BORROW AREA PLAN**

THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE OTHER PLANS AND SPECIFICATIONS FOR THIS PROJECT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



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: XTO Energy, Inc.
810 Houston Street
Fort Worth, TX 76102

DATE: May 28, 2019
ORDER NO.: 2019-W-9

INTRODUCTION

This Order (hereinafter “Order”) is issued by the Office of Oil and Gas (hereinafter “OOG”), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to XTO Energy, Inc. (hereinafter “XTO” 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. XTO is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 810 Houston Street, Fort Worth, Texas 76102
3. On November 19, 2018, XTO submitted well work permit applications identified as API numbers 47-049-049-02486, 47-049-049-02487, 47-049-049-02488, 47-049-049-02489 and 47-049-049-02490. The proposed wells are to be located on the Sands Pad in Lincoln District of Marion County, West Virginia.
4. On November 19, 2018, XTO requested a waiver for wetlands A, B, C, D and F as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API numbers 47-049-049-02486, 47-049-049-02487, 47-049-049-02488, 47-049-049-02489 and 47-049-049-02490.

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, B, C, D and F from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API numbers 47-049-049-02486, 47-049-049-02487, 47-049-049-02488, 47-049-049-02489 and 47-049-049-02490. The Office of Oil and Gas hereby **ORDERS** that XTO shall meet the following site construction and operational requirements for the Crim 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, B, C, D and F are not at risk for sedimentation due to the location upslope of the well pad.
- 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 28th day of May, 2019.

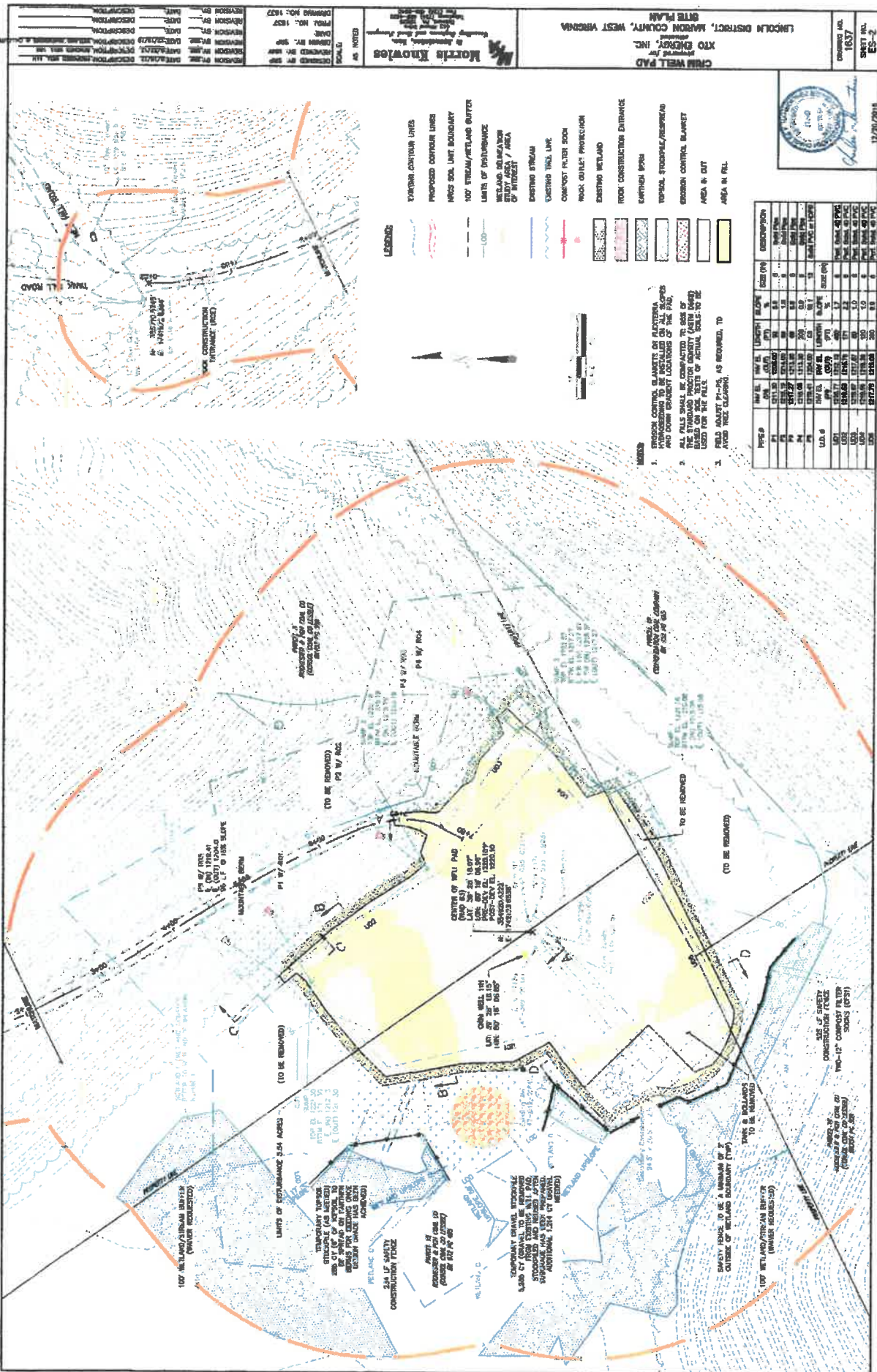
IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



JAMES A. MARTIN, CHIEF



Scale: 1" = 100'-0" (Vertical Scale) 1" = 200'-0" (Horizontal Scale)



west virginia department of environmental protection

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

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.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: June 14, 2019
ORDER NO.: 2019-W-10

INTRODUCTION

This Order (hereinafter “Order”) is issued by the Office of Oil and Gas (hereinafter “OOG”), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Chevron Appalachia, LLC (hereinafter “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# 47-051-02210. The proposed well is to be located on the Otte Pad in the Washington District of Marshall County, West Virginia.
4. On April 30, 2019, Chevron Appalachia, LLC requested a waiver for Wetland 1B 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# 47-051-02210. Wetland 1A will be impacted and subject to USACE Nationwide Permit 39.

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 1B from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-051-02210. The Office of Oil and Gas hereby **ORDERS** that Chevron Appalachia, LLC shall meet the following site construction and operational requirements for the Otte Well Pad:

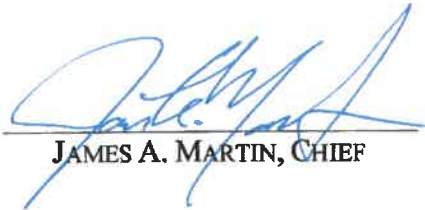
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland 1B shall have two layers of eighteen-inch (18”) compost filter sock and two layers of twenty-four (24”) compost filter sock further down slope 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 14th day of June, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



A handwritten signature in blue ink, appearing to read "James A. Martin", is written over a horizontal line.

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

DATE: June 18, 2019
ORDER NO.: 2019-W-11

INTRODUCTION

This Order (hereinafter “Order”) is issued by the Office of Oil and Gas (hereinafter “OOG”), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to CNX Gas Company, 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. CNX Gas Company, LLC 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 May 22, 2019, CNX Gas Company, LLC submitted a well work permit application identified as API# 47-061-01849. The proposed well is to be located on the WDTN 6 Pad in the Battelle District of Monongalia County, West Virginia.
4. On May 22, 2019, CNX Gas Company, LLC requested a waiver for Wetlands B 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# 47-061-01849. Wetland D will be permanently impacted and subject to USACE Nationwide Permit 39.

CONCLUSIONS OF LAW

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

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “[n]o well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetlands B and C from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-061-01849. The Office of Oil and Gas hereby **ORDERS** that CNX Gas Company, LLC shall meet the following site construction and operational requirements for the WDTN 6 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 and C shall have a triple CFS stack consisting of two (2) rows of twenty-four (24”) compost filter sock and one (1) row of eighteen-inch (18”) compost filter sock 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 18th day of June, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



A handwritten signature in blue ink, appearing to read 'James A. Martin', is written over a horizontal line.

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: Arsenal Resources
6031 Wallace Road Extension Suite 603
Wexford, Pa 15090

DATE: August 6, 2019
ORDER NO.: 2019-W-12

INTRODUCTION

This Order (hereinafter “Order”) is issued by the Office of Oil and Gas (hereinafter “OOG”), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Arsenal Resources (hereinafter “Arsenal” 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. Arsenal is a “person” as defined by W. Va. Code §22-6-1(n), with a corporate address as 6031 Wallace Road Extension Suite 603, Wexford, PA 15090.
3. On May 10, 2019 Arsenal submitted a well work permit application identified as API# 47-091-01361. The proposed well is to be located on the Drainer 2 TCP24 Pad in the Flemington District of Taylor County, West Virginia.
4. On May 10, 2019 Arsenal requested a waiver for Wetland P 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# 47-091-01361.

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 P from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-091-01361. The Office of Oil and Gas hereby **ORDERS** that Arsenal shall meet the following site construction and operational requirements for the Drainer 2 TCP24 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 P shall be protected by double twelve inch (18”) compost filter sock. This along rip-rap outlets, 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 6th day of August, 2019.

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

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

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

DATE: October 16, 2019
ORDER NO.: 2019-W-13

INTRODUCTION

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

FINDINGS OF THE CHIEF

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

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. HG Energy 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 August 16, 2019 HG Energy submitted a well work permit application identified as API# 47-041-05701. The proposed well is to be located on the McDonald 1211 Pad in the Freemans Creek District of Lewis County, West Virginia.
4. On August 16, 2019 HG Energy requested a waiver for Wetland K 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# 47-041-05701.

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 K from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-041-05701. The Office of Oil and Gas hereby **ORDERS** that HG Energy shall meet the following site construction and operational requirements for the McDonald 1211 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 K is above the cut slope from the proposed well pad thus no run off from construction will 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.

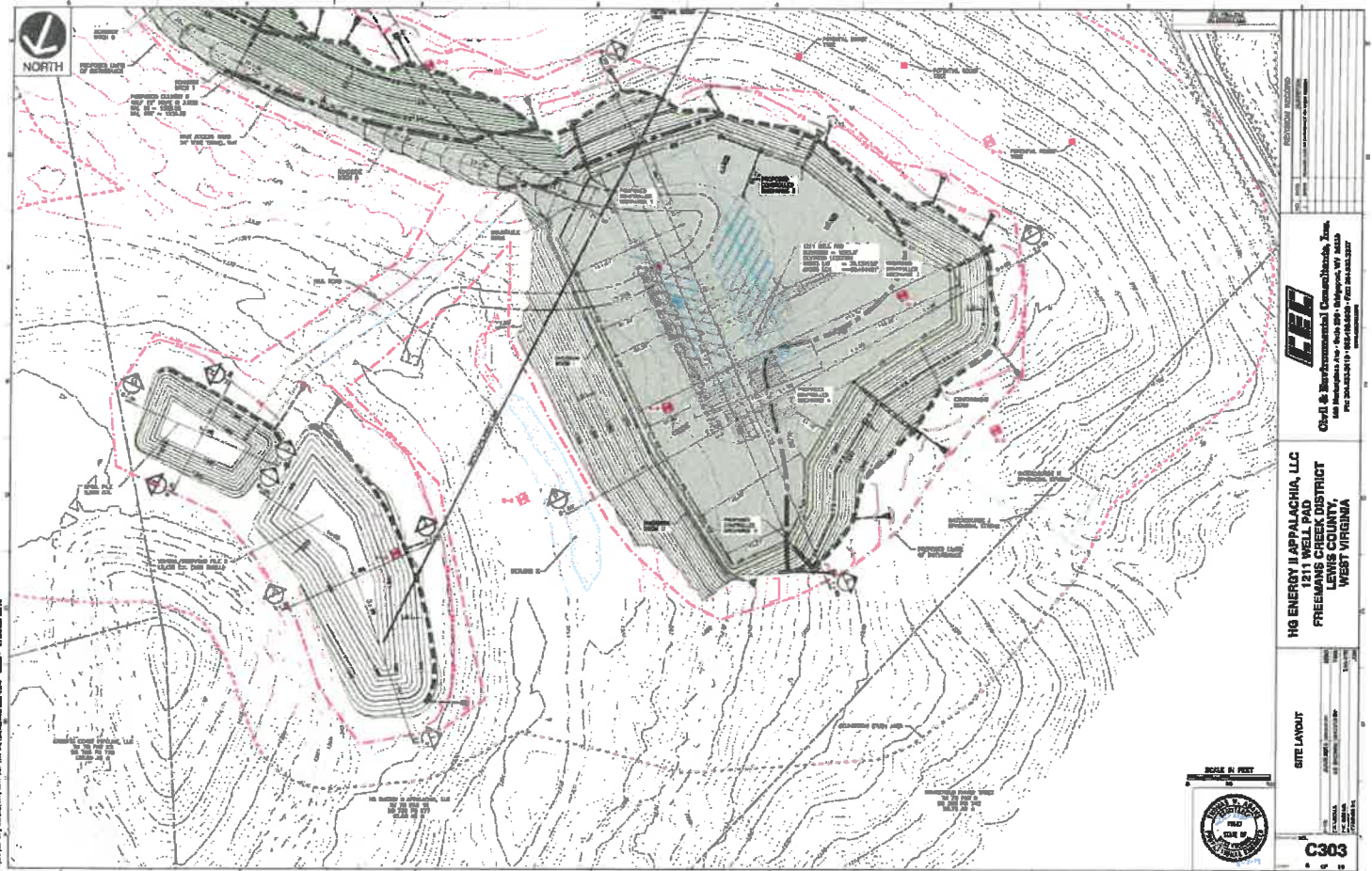
Thus ORDERED, the 16th day of October, 2019.

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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Gas
AUG 16 2019



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
380 Southpointe Boulevard, Plaza II, Suite 200
Cannonsburg, Pa 15317

DATE: November 1, 2019
ORDER NO.: 2019-W-14

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 (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, Cannonsburg, Pa 15317.
3. On June 24, 2019 Tug Hill submitted well work permit applications identified as APIS# 47-051-02248, 47-051-02249, 47-051-02250, and 47-051-02251. The proposed wells are to be located on the Hudson Pad in the Meade District of Marshall County, West Virginia.
4. On June 24, 2019 Tug Hill requested a waiver for Wetlands 1 and 3 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# # 47-051-02248, 47-051-02249, 47-051-02250, and 47-051-02251.

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 3 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit applications identified as API# # 47-051-02248, 47-051-02249, 47-051-02250, and 47-051-02251. The Office of Oil and Gas hereby **ORDERS** that Tug Hill shall meet the following site construction and operational requirements for the Hudson 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 1 and 3 shall be protected by both super silt fence and twenty-four inch (24”) compost filter sock. This along rip-rap outlets, 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 November, 2019.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

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

By:



JAMES A. MARTIN, CHIEF

Attachment 1

