

Senate Bill No. 94

(By Senator Sypolt)

[Introduced January 14, 2011; referred to the Committee on
Energy, Industry and Mining; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §22-6-12 and §22-6-14 of the Code of
West Virginia, 1931, as amended, all relating to surveyors and
registered professional engineers; and plat preparation for
drilling or fracturing wells or introducing liquids or wastes
into wells.

Be it enacted by the Legislature of West Virginia:

That §22-6-12 and §22-6-14 of the Code of West Virginia, 1931,
as amended, be amended and reenacted, all to read as follows:

**ARTICLE 6. OFFICE OF OIL AND GAS; OIL AND GAS WELLS;
ADMINISTRATION; ENFORCEMENT.**

**§22-6-12. Plats prerequisite to drilling or fracturing wells;
preparation and contents; notice and information
furnished to coal operators, owners or lessees;
issuance of permits; performance bonds or securities**

1 **in lieu thereof; bond forfeiture.**

2 (a) Before drilling for oil or gas, or before fracturing or
3 stimulating a well on any tract of land, the well operator shall
4 have a plat prepared by a ~~licensed land~~ professional surveyor ~~or~~
5 ~~registered engineer~~ showing the district and county in which the
6 tract of land is located, the name and acreage of the same, the
7 names of the owners of adjacent tracts, the proposed or actual
8 location of the well determined by survey, the courses and
9 distances of such location from two permanent points or landmarks
10 on said tract and the number to be given the well. In the event
11 the tract of land on which the said well proposed to be drilled or
12 fractured is located is known to be underlain by one or more coal
13 seams, copies of the plat shall be forwarded by registered or
14 certified mail to each and every coal operator operating said coal
15 seams beneath said tract of land, who has mapped the same and filed
16 such maps with the Office of Miners' Health, Safety and Training in
17 accordance with chapter twenty-two-a of this code and the coal seam
18 owner of record and lessee of record, if any, if said owner or
19 lessee has recorded the declaration provided in section thirty-six
20 of this article, and if said owner or lessee is not yet operating
21 said coal seams beneath said tract of land. With each of ~~such~~ the
22 plats there shall be enclosed a notice (form for which shall be
23 furnished on request by the secretary) addressed to the secretary
24 and to each ~~such~~ coal operator, owner and lessee, if any, at their
25 respective addresses, informing them that ~~such~~ the plat and notice

1 are being mailed to them respectively by registered or certified
2 mail, pursuant to the requirements of this article.

3 (b) If no objections are made, or are found by the secretary,
4 to ~~such~~ the proposed location or proposed fracturing within fifteen
5 days from receipt of such plat and notice by the secretary, the
6 same shall be filed and become a permanent record of ~~such~~ the
7 location or fracturing subject to inspection at any time by any
8 interested person, and the secretary may ~~forthwith~~ immediately
9 issue to the well operator a permit reciting the filing of ~~such~~ the
10 plat, that no objections have been made by the coal operators,
11 owners and lessees, if any, or found thereto by the secretary, and
12 authorizing the well operator to drill at ~~such~~ the location, or to
13 fracture the well. Unless the secretary has objections to ~~such~~ the
14 proposed location or proposed fracturing or stimulating, ~~such~~ the
15 permit may be issued ~~prior to~~ before the expiration of ~~such~~ the
16 fifteen-day period upon the obtaining by the well operator of the
17 consent in writing of the coal operator or operators, owners and
18 lessees, if any, to whom copies of the plat and notice ~~shall~~ have
19 been mailed as herein required, and upon presentation of ~~such~~ the
20 written consent to the secretary. The notice above provided ~~for~~
21 may be given to the coal operator by delivering or mailing it by
22 registered or certified mail as above to any agent or
23 superintendent in actual charge of mines.

24 (c) A permit to drill, or to fracture or stimulate an oil or
25 gas well, ~~shall~~ may not be issued unless the application therefor

1 is accompanied by a bond as provided in section twenty-six of this
2 article.

3 **§22-6-14. Plats prerequisite to introducing liquids or waste into**
4 **wells; preparation and contents; notice and**
5 **information furnished to coal operators, owners or**
6 **lessees and director; issuance of permits; performance**
7 **bonds or security in lieu thereof.**

8 (a) Before drilling a well for the introduction of liquids for
9 the purposes provided ~~for~~ in section twenty-five of this article or
10 for the introduction of liquids for the disposal of pollutants or
11 the effluent therefrom on any tract of land, or before converting
12 an existing well for such purposes, the well operator shall have a
13 plat prepared by a ~~registered engineer or licensed land~~
14 professional surveyor showing the district and county in which the
15 tract of land is located, the name and acreage of the same, the
16 names of the owners of all adjacent tracts, the proposed or actual
17 location of the well or wells determined by a survey, the courses
18 and distances of ~~such~~ the location from two permanent points of
19 land marked on said tract and the number to be given to the well,
20 and shall forward by registered or certified mail the original and
21 one copy of the plat to the director. In addition, the well
22 operator shall provide the following information on the plat or by
23 way of attachment thereto to the director in the manner and form
24 prescribed by the director's rules: (1) The location of all wells,

1 abandoned or otherwise located within the area to be affected; (2)
2 where available, the casing records of all ~~such~~ those wells; (3)
3 where available, the drilling log of all ~~such~~ those wells; (4) the
4 maximum pressure to be introduced; (5) the geological formation
5 into which ~~such~~ that liquid or pressure is to be introduced; (6) a
6 general description of the liquids to be introduced; and (7) the
7 location of all water-bearing horizons above and below the
8 geological formation into which ~~such~~ that pressure, liquid or waste
9 is to be introduced; (8) ~~such~~ other information as the director
10 requires by rule. ~~may require~~

11 (b) ~~In the event~~ If the tract of land on which ~~said~~ the well
12 proposed to be drilled or converted for the purposes provided ~~for~~
13 in this section is located is known to be underlaid with coal
14 seams, copies of the plat and all information required by this
15 section shall be forwarded by the operator by registered or
16 certified mail to each and every coal operator operating coal seams
17 beneath ~~said~~ the tract of land, who has mapped the same and filed
18 such maps with the Office of Miners' Health, Safety and Training in
19 accordance with chapter twenty-two-a of this code, and the coal
20 seam owner of record and lessee of record, if any, if ~~said~~ the
21 owner or lessee has recorded the declaration provided in section
22 thirty-six of this article, and if ~~said~~ the owner or lessee is not
23 yet operating ~~said~~ those seams beneath ~~said~~ the tract of land.
24 With each of ~~such~~ the plats, there shall be enclosed a notice (form
25 for which shall be furnished on request by the director) addressed

1 to the director and to each ~~such~~ coal operator, owner or lessee, if
2 any, at their respective addresses, informing them that ~~such~~ the
3 plat and notice are being mailed to them, respectively, by
4 registered or certified mail, pursuant to the requirements of this
5 section.

6 (c) If no objections are made by any such coal operator, owner
7 or lessee, or the director, ~~such~~ the proposed drilling or
8 converting of the well or wells for the purposes provided ~~for~~ in
9 this section within thirty days from the receipt of ~~such~~ the plat
10 and notice by the director, the same shall be filed and become a
11 permanent record of ~~such~~ the location or well, subject to
12 inspection at any time by any interested person, and the director
13 may after public notice and opportunity to comment, issue ~~such~~ a
14 permit authorizing the well operator to drill at ~~such~~ the location
15 or convert ~~such~~ the existing well or wells for the purposes
16 provided ~~for~~ in this section. The notice above provided ~~for~~ may be
17 given to the coal operator by delivering or mailing it by
18 registered or certified mail as above to any agent or
19 superintendent in actual charge of the mines.

20 (d) A permit to drill a well or wells or convert an existing
21 well or wells for the purposes provided ~~for~~ in this section ~~shall~~
22 may not be issued until all of the bonding provisions required by
23 the provisions of section twelve of this article have been fully
24 complied with and all ~~such~~ those bonding provisions ~~shall~~ apply to
25 all wells drilled or converted for the purposes provided ~~for~~ in

1 this section as if ~~such~~ those wells had been drilled for the
2 purposes provided ~~for~~ in section twelve of this article, except
3 that ~~such~~ the bonds shall be conditioned upon full compliance with
4 all laws and rules relating to the drilling of a well or the
5 converting of an existing well for the purposes provided ~~for~~ in
6 ~~said~~ section twenty-five of this article, or introducing of liquids
7 for the disposal of pollutants including the redrilling, deepening,
8 casing, plugging or abandonment of all such wells.

NOTE: The purpose of this bill is to replace archaic terminology for surveyors and to eliminate the need for engineers to prepare certain plats.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.