

Senate Bill No. 513

(By Senator D. Hall)

[Introduced February 18, 2015; referred to the Committee on Energy, Industry and Mining; and

then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-6-42, relating to establishing minimum standards for unconventional well sites; and defining terms.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §22-6-42, to read as follows:

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

§22-6-42. Containment systems and practices at unconventional well sites; definitions.

(a) This section applies to unconventional well sites.

(b) For the purposes of this section:

(1) "Unconventional formation" means the geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally

1 cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal
2 well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other
3 techniques to expose more of the formation to the well bore.

4 (2) "Unconventional well" means a bore hole drilled or being drilled for the purpose of or to
5 be used for the production of natural gas from an unconventional formation.

6 (c) An unconventional well site shall be designed and constructed using containment systems
7 and practices that prevent spills of regulated substances to the ground surface and to prevent spills
8 from leaving the well site.

9 (d) All regulated substances, including solid wastes and other regulated substances in
10 equipment or vehicles, shall be managed within a containment system. This subsection does not
11 apply to fuel stored in equipment or vehicle fuel tanks unless the equipment or vehicle is being
12 refueled at the unconventional well site.

13 (e) Pits and centralized impoundments that comply with other requirements of this code are
14 deemed to meet the requirements of this section.

15 (f) Containment systems at unconventional well sites shall meet all of the following:

16 (1) Be used on the well site when any equipment that will be used for any phase of drilling,
17 casing, cementing, hydraulic fracturing or flow back operations is brought onto a well site and when
18 regulated substances including drilling mud, drilling mud additives, hydraulic oil, diesel fuel,
19 hydraulic fracturing additives or flow back are brought onto or generated at the well site.

20 (2) Have a coefficient of permeability no greater than 1×10^{-10} cm/sec. as measured by
21 ASTM Standard D4491. The thickness of the barrier liner shall have a minimum thickness of 24
22 mils, not including any attached or laminated geotextiles and the barrier liner shall have a minimum

1 puncture resistance of one hundred fifty pounds as measured by ASTM standard D4883.

2 (3) The physical and chemical characteristics of all liners, coatings or other materials used
3 as part of the system, that could potentially come into direct contact with regulated substances being
4 stored, shall be compatible with the regulated substance and be resistant to physical, chemical and
5 other failure during handling, installation and use. Liner compatibility shall satisfy ASTM Method
6 D5747, Compatibility Test for Wastes and Membrane Liners or other standards as approved by the
7 department.

8 (4) There may be no more than thirty percent of the total number of welds of the liner panels
9 done in the field. At least seventy percent should be completed in a controlled environment.

10 (g) *Secondary containment* -- An operator shall utilize secondary containment when storing
11 additives, chemicals, oils or fuels. The secondary containment shall have sufficient containment
12 capacity to hold the volume of the largest container within the secondary containment area plus ten
13 percent to allow for precipitation, unless the container is equipped with individual secondary
14 containment such as a double walled tank. Tanks that are manifolded together shall be designed in
15 a manner to prevent the uncontrolled discharge of multiple manifolded tanks. A well site liner that
16 is not used in conjunction with other containment systems does not constitute secondary
17 containment.

NOTE: The purpose of this bill is to establish minimum standards for unconventional well sites. The bill defines terms.

This section is new; therefore, strike-throughs and underscoring have been omitted.