

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 505

BY SENATORS SMITH AND SYPOLT

[Introduced March 3, 2017; Referred
to the Committee on Energy, Industry and Mining]

1 A BILL to amend and reenact §22-6A-14 of the Code of West Virginia, 1931, as amended, relating
 2 to providing a five-year reclamation period following completion of the construction of a
 3 well pad for well pads designed for multiple horizontal wells.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT.

§22-6A-14. Reclamation requirements.

1 (a) The operator of a horizontal well shall reclaim the land surface within the area disturbed
 2 in siting, drilling, completing or producing the well in accordance with the following requirements:

3 (1) Except as provided elsewhere in this article, within six months after a horizontal well is
 4 drilled and completed on a well pad designed for a single horizontal well, the operator shall fill all
 5 the pits and impoundments that are not required or allowed by state or federal law or rule or
 6 agreement between the operator and the surface owner that allows the impoundment to remain
 7 open for the use and benefit of the surface owner (i.e. a farm pond as described in section nine
 8 of this article) and remove all concrete bases, drilling supplies and drilling equipment: *Provided,*
 9 That impoundments or pits for which certificates have been approved pursuant to section nine of
 10 this article shall be reclaimed at a time and in a manner as provided in the applicable certificate
 11 and section nine. Within that six-month period, the operator shall grade or terrace and plant, seed
 12 or sod the area disturbed that is not required in production of the horizontal well in accordance
 13 with the erosion and sediment control plan. No pit may be used for the ultimate disposal of salt
 14 water. Salt water and oil shall be periodically drained or removed and properly disposed of from
 15 any pit that is retained so the pit is kept reasonably free of salt water and oil. Pits may not be left
 16 open permanently.

17 (2) For well pads designed to contain multiple horizontal wells, partial reclamation shall
 18 begin upon completion of the construction of the well pad. For purposes of this section, the term

19 partial reclamation means grading or terracing and planting, or seeding the area disturbed that is
20 not required in drilling, completing or producing any of the horizontal wells on the well pad in
21 accordance with the erosion and sediment control plan. This partial reclamation satisfies the
22 reclamation requirements of this section: ~~for a maximum of twenty-four months between the~~
23 ~~drilling of horizontal wells on a well pad designed to contain multiple horizontal wells~~ *Provided,*
24 That the maximum ~~aggregate~~ period in which partial reclamation satisfies the reclamation
25 requirements of this section is five years from completion of the construction of the well pad.
26 Within six months after ~~the completion of the final horizontal well on the pad or the~~ expiration of
27 the five-year maximum ~~aggregate~~ partial reclamation period, ~~whichever occurs first~~ the operator
28 shall complete final reclamation of the well pad as set forth in this subsection.

29 (3) Within six months after a horizontal well that has produced oil or gas is plugged or after
30 the plugging of a dry hole, the operator shall remove all production and storage structures,
31 supplies and equipment and any oil, salt water and debris and fill any remaining excavations.
32 Within that six-month period, the operator shall grade or terrace and plant, seed or sod the area
33 disturbed where necessary to bind the soil and prevent substantial erosion and sedimentation.

34 (4) The operator shall reclaim the area of land disturbed in siting, drilling, completing or
35 producing the horizontal well in accordance with the erosion and sediment control plans approved
36 by the secretary or the secretary's designee pursuant to this article.

37 (b) The secretary, upon written application by an operator showing reasonable cause, may
38 extend the period within which reclamation must be completed, but not to exceed a further six-
39 month period. If the secretary refuses to approve a request for extension, the refusal shall be by
40 order, which may be appealed pursuant to the provisions of subdivision twenty-three, subsection
41 (a), section five of this article.

NOTE: The purpose of this bill is to provide a five-year reclamation period following construction of a well pad designed for multiple horizontal wells.

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