

House Amd #1 8/4 - Eliminate Oil and Gas Ex Board

Delegates Manchin, Fleischauer, Ireland, Anderson and Campbell move to amend the bill as follows:

To amend the title and enacting sections to repeal §22C-7-1, §22C-7-2 and §22C-7-3 of the code and to further amend said bill by inserting section 2, article 6 of said chapter 22, to be amended to read as follows:

1 **§22-6-2. Secretary -- Powers and duties generally;**
2 **department records open to public; inspectors.**

3 (a) The Secretary shall have as his or her duty the supervision of
4 the execution and enforcement of matters related to oil and gas
5 set out in this article and in articles eight and nine of this
6 chapter.

7 (b) The Secretary is authorized to propose rules for legislative
8 approval in accordance with the provisions of article three,
9 chapter twenty-nine-a of this code necessary to effectuate the
10 above stated purposes.

11 (c) The Secretary shall have full charge of the oil and gas
12 matters set out in this article and in articles eight and nine of
13 this chapter. In addition to all other powers and duties
14 conferred upon him or her, the Secretary shall have the power and
15 duty to:

16 (1) Supervise and direct the activities of the office of oil and
17 gas and see that the purposes set forth in subsections (a) and (b)
18 of this section are carried out;

1 ~~Employ a supervising oil and gas inspector and oil and gas~~
2 ~~inspectors~~ Determine the number of supervising oil and gas
3 inspectors and oil and gas inspectors needed to carry out the
4 purposes of this article and articles six-a, eight, nine, ten, and
5 twenty-one of this chapter and appoint them as such. All
6 appointees shall be qualified civil service employees, but no
7 person is eligible for appointment until he or she has served in a
8 probationary status for a period of six months to the satisfaction
9 of the Secretary;

10 (3) Supervise and direct such oil and gas inspectors and
11 supervising inspector in the performance of their duties;

12 ~~Suspend for good cause any oil and gas inspector or~~
13 ~~supervising inspector without compensation for a period not~~
14 ~~exceeding thirty days in any calendar year~~ Make investigations or
15 inspections necessary to ensure complete compliance with the
16 provisions of this code and enforce the provisions of this article
17 and articles six-a, eight, nine, ten, and twenty-one of this
18 chapter;

19 (5) Prepare report forms to be used by oil and gas inspectors or
20 the supervising inspector in making their findings, orders and
21 notices, upon inspections made in accordance with this article and
22 articles ~~seven,~~ six-a, eight, nine, ~~and~~ ten, ~~and~~ eleven of this
23 chapter;

24 (6) Employ a hearing officer and such clerks, stenographers and
25 other employees, as may be necessary to carry out his or her
26 duties and the purposes of the office of oil and gas and fix their
27 compensation;

1 (7) Hear and determine applications made by owners, well operators
2 and coal operators for the annulment or revision of orders made by
3 oil and gas inspectors or the supervising inspector, and to make
4 inspections, in accordance with the provisions of this article and
5 articles eight and nine of this chapter;

6 (8) Cause a properly indexed permanent and public record to be
7 kept of all inspections made by the Secretary or by oil and gas
8 inspectors or the supervising inspector;

9 (9) Conduct such research and studies as the Secretary shall deem
10 necessary to aid in protecting the health and safety of persons
11 employed within or at potential or existing oil or gas production
12 fields within this state, to improve drilling and production
13 methods and to provide for the more efficient protection and
14 preservation of oil and gas-bearing rock strata and property used
15 in connection therewith;

16 (10) Collect a permit fee of \$400 for each permit application
17 filed other than an application for a deep well, horizontal well,
18 or a coalbed methane well; and collect a permit fee of \$650 for
19 each permit application filed for a deep well: *Provided*, That no
20 permit application fee shall be required when an application is
21 submitted solely for the plugging or replugging of a well, or to
22 modify an existing application for which the operator previously
23 has submitted a permit fee under this section. All application
24 fees required hereunder shall be in lieu of and not in addition to
25 any fees imposed under article eleven of this chapter relating to
26 discharges of stormwater but shall be in addition to any other
27 fees required by the provisions of this article: *Provided*,

1 however, That upon a final determination by the United States
2 Environmental Protection Agency regarding the scope of the
3 exemption under section 402(1)(2) of the federal Clean Water Act
4 (33 U.S.C. 1342(1)(2)), which determination requires a "national
5 pollutant discharge elimination system" permit for stormwater
6 discharges from the oil and gas operations described therein, any
7 permit fees for stormwater permits required under article eleven
8 of this chapter for such operations shall not exceed \$100.

9 (11) Perform all other duties which are expressly imposed upon the
10 Secretary by the provisions of this chapter;

11 (12) Perform all duties as the permit issuing authority for the
12 state in all matters pertaining to the exploration, development,
13 production, storage and recovery of this state's oil and gas;

14 (13) Adopt rules with respect to the issuance, denial, retention,
15 suspension or revocation of permits, authorizations and
16 requirements of this chapter, which rules shall assure that the
17 rules, permits and authorizations issued by the Secretary are
18 adequate to satisfy the purposes of this article and articles six-
19 a, seven, eight, nine, ~~and~~ ten and twenty-one of this chapter
20 particularly with respect to the consolidation of the various
21 state and federal programs which place permitting requirements on
22 the exploration, development, production, storage and recovery of
23 this state's oil and gas: *Provided,* That notwithstanding any
24 provisions of this article and articles seven, eight, nine and ten
25 of this chapter to the contrary, the environmental quality board
26 shall have the sole authority pursuant to section three, article

1 three, chapter twenty-two-b to promulgate rules setting standards
2 of water quality applicable to waters of the state; and

3 (14) Perform such acts as may be necessary or appropriate to
4 secure to this state the benefits of federal legislation
5 establishing programs relating to the exploration, development,
6 production, storage and recovery of this state's oil and gas,
7 which programs are assumable by the state.

8 (d) The Secretary shall have authority to visit and inspect any
9 well or well site and any other oil or gas facility in this state
10 and may call for the assistance of any oil and gas inspector or
11 inspectors or supervising inspector whenever such assistance is
12 necessary in the inspection of any such well or well site or any
13 other oil or gas facility. Similarly, all oil and gas inspectors
14 and the supervising inspector shall have authority to visit and
15 inspect any well or well site and any other oil or gas facility in
16 this state. They shall make all necessary surveys and inspections
17 of oil and gas operations required by this article and articles
18 six-a, eight, nine, ten and twenty-one of this chapter; administer
19 and enforce all oil and gas laws and rules; and perform other
20 duties and services as may be prescribed by the secretary.
21 Inspectors shall give particular attention to all conditions of
22 each permit to ensure complete compliance therewith. They shall
23 note and describe all violations of this article and articles six-
24 a, eight, nine, ten or twenty-one of this chapter and immediately
25 report those violations to the secretary in writing, furnishing at
26 the same time a copy of the report to the operator concerned. Any
27 well operator, coal operator operating coal seams beneath the

1 tract of land, or the coal seam owner or lessee, if any, if said
2 owner or lessee is not yet operating said coal seams beneath said
3 tract of land may request the Secretary to have an immediate
4 inspection made. The operator or owner of every well or well site
5 or any other oil or gas facility shall cooperate with the
6 Secretary, all oil and gas inspectors and the supervising
7 inspector in making inspections or obtaining information.

8 ~~(e) Oil and gas inspectors shall devote their full time and~~
9 ~~undivided attention to the performance of their duties, and they~~
10 ~~shall be responsible for the inspection of all wells or well sites~~
11 ~~or other oil or gas facilities in their respective districts as~~
12 ~~often as may be required in the performance of their duties.~~

13 ~~(f)~~ (e) All records of the office shall be open to the
14 public.