

# WEST VIRGINIA

## Administration

1. Agency regulating oil and gas exploration/production:  
[West Virginia Oil and Gas Conservation Commission](#) and [Department of Environmental Protection, Office of Oil and Gas](#), both located at 601 57<sup>th</sup> Street, SE, Charleston, WV 25304. Phone: (304) 926-0450, Fax: (304) 926-0452.
2. Contact for regulatory updates: James Martin.
3. Docketing procedure: (a) Monthly meeting of Commission, (b) Hearing upon application not less than 20 days nor more than 45 days following receipt, time and location of hearing specified in notice; proposed order 30 days following hearing; opportunity to comment 15 days following proposed order; thereafter issue order as appropriate.
  - a. Emergency orders: Yes.
  - b. Notice: 10 days. Certified mail to well operators and pertinent coal operators, and regular mail to all parties requesting receipt of notice.
4. Agency regulating air emissions: [WV Department of Environmental Protection Division of Air Quality](#).
5. Agency regulating water quality: [WV Department of Environmental Protection Division of Water and Waste Management](#).

## License

1. License required: N/A
2. Conditions of license: N/A

## Bond/Surety

1. Purpose of surety: N/A
2. Plugging and restoration: N/A
3. Compliance bond required: Yes.
4. Types of surety accepted: N/A
5. Conditions of bond: Bond is for the life of the well through plugging and reclamation.

- a. Amount per well: \$5,000 and \$50,000 (wells under [W.Va. Code § 22-6](#) and [W.Va. Code § 22-21.](#))
- b. Amount of blanket bond: \$50,000 and \$250,000 (wells under [W.Va. Code § 22-6A.](#))

#### Land Leasing Information

1. Leasing method: N/A
2. Notice method: N/A
3. Minimum bidding \$ (per acre): N/A
4. Qualification of the bidder: N/A
5. State statutes: N/A
6. Maximum acres: N/A
7. Royalty rates: N/A
8. Agency in control of leasing: [WV Division of Natural Resources](#)

#### Setbacks

1. What rules/regulations/policies does your jurisdiction have regarding well setbacks from private residences and/or other habitable structures for use by humans or animals? [W.Va Code § 22-6-21](#) (conventional wells); no oil or gas well shall be drilled nearer than 200' from an existing water well or dwelling.  
  
[W.Va Code § 22-6A-12](#) (horizontal well act); wells may not be drilled within 250' of an existing water well or developed spring; center of well pads may not be located within 625' of an occupied dwelling structure or a building 2500 sq. ft. or larger used to house or shelter dairy cattle or poultry husbandry; wells may not be drilled within 100' from a perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within 300' of a naturally reproducing trout stream; no well pad may be located within 1000' of a surface or ground water intake of a public water supply.
2. Are there other sources of information on this matter that you could identify?  
No.

#### Spacing

1. Spacing requirements

General rule: deep wells; 3,000' from existing wells and permitted locations, producing from, or capable of producing from, the same formation and 400' from lease line; shallow wells; under certain circumstances, 1000' for wells less than 3000' deep and 1500' for wells greater than 3,000' deep, and for which an objection has been made by a coal entity. Coalbed methane wells; 1600' without consent from coal owner/operator between wells and 100' from lease line.

- a. Density: Maximum - 640 acres for gas wells and 160 acres for oil wells in a unit.
  - b. Lineal: Deep wells only 3,000' from wells producing from the same formation except by special field rules; none for shallow wells for gas or oil.
2. Exceptions: Yes
- a. Basis: Economic, geological or topographic or reservoir necessity.
  - b. Approval: By application, hearing and order.

#### Pooling

1. Authority to establish voluntary: Yes.
2. Authority to establish compulsory: Yes, Oil and Gas Conservation Commission, Deep wells in primary production; all wells in enhanced recovery. CBM wells and the Coalbed Methane Review Board.

#### Unitization

1. Compulsory unitization of all or part of a pool or common source of supply: N/A
2. Minimum percentage of voluntary agreement before approval of compulsory unitization:
  - a. Working interest: N/A
  - b. Royalty interest: N/A

#### Drilling Permit

1. Permits required for:
  - a. Drilling a producing or service well: Yes.
  - b. Seismic drilling: No.
  - c. Recompletion: Yes.

- d. Plugging and abandoning: Yes.
2. Permit fee: (see below)
    - a. Drilling: \$400.00.
    - b. Seismic drilling: N/A
    - c. Recompletion: \$400.00.
    - d. Plugging and abandoning: \$0.00.

A well work fee for shallow well work except plugging.	\$400*
A fee for permit to construct a pit and/or dispose of well work wastes.	\$100
A well fee to go into the reclamation fund.	\$150

*\*For wells under [W.Va. Code § 22-6A](#) this fee is \$10,000 for the first well on the pad and \$5,000 for subsequent wells.*

3. Require filing report of work performed: Yes.
4. Sundry notices used: N/A

#### Vertical Deviation

1. Regulation requirement: Yes.
  - a. When is a directional survey necessary: Deep wells. Additionally, as-drilled wellbore location information for horizontal wells per [W.Va. Legislative Rule § 35-8](#).
  - b. Filing of survey required: Yes, if performed (for instance, directional drilling).
  - c. Format of filing: N/A

#### Casing and Tubing

1. Minimum amount required:
  - a. Surface casing: below fresh water.
  - b. Production casing: No.
2. Minimum amount of cement required:
  - a. Surface casing: To surface

- b. Production casing: Adequate for separation of producing zones and high pressure zones. Additionally, to a point at least 500' above the shallowest producing zone for wells permitted under [W. Va. Code § 22-6A](#).
  - c. Setting time: Yes. Minimum of 8 hours and 500lb. compressive strength.
3. Tubing requirements:
- a. Oil wells: No.
  - b. Gas wells: No.

### Hydraulic Fracturing

1. Permitting: Covered in drilling permit
- a. Before drilling:
  - b. Before fracing:
  - c. How long before:
2. Reporting requirements:
- a. Where reported: [WVDEP Office of Oil and Gas](#).
  - b. When reported: within 90 days of completion of permitted well work.
3. Source water requirements: Yes for wells under [W.Va. Code § 22-6A](#).
4. Mechanical integrity:
- a. Cementing log required: Can be required.
  - b. Pressure testing: Can be required under [W.Va. Legislative Rule § 35-8](#).
  - c. Pressure monitoring:
  - d. Blowout preventer required: Yes.
5. Disposal of flowback fluids:
- a. Retaining pits: Yes.
  - b. Tanks: Yes.
  - c. Approved discharge to surface water: No.
  - d. Underground injection: Yes.

6. Chemical disclosure requirement:
  - a. Mandatory: Yes for wells under [W.Va. Code § 22-6A](#).
  - b. Where disclosed: Disclosed in the permit application and completion report.
  - c. When disclosed (pre-fracing, post-fracing, both): Both.
  - d. Time limit to disclose: 90 Days.
  - e. Information required to be disclosed: Chemicals, other than trade secrets, CAS registry number and concentrations.
  - f. Trade secret protection: Yes, if provided.
  - g. Required disclosure to health/emergency personnel: Yes, in an emergency

#### Underground Injection

1. Agencies that control the underground injection of fluid by well class: WVDEP Office of Oil and Gas (Class 2 and 3). WVDEP Division of Water and Waste Management (Class 1 and 5).

#### Completion

1. Completion report required: Yes.
  - a. Time limit: 90 days.
  - b. Where submitted: [Department of Environmental Protection, Office of Oil and Gas](#).
2. Well logs required to be filed: Deep wells only.
  - a. Time limit: 90 days.
  - b. Where submitted: Oil and Gas Conservation Commission.
  - c. Confidential time period: Yes. One year, additionally to three total years for good cause.
  - d. Available for public use: Yes.
  - e. Log catalog available: Yes.
3. Multiple completion regulation: Yes, deep wells.
  - a. Approval obtained: Justification at hearing.

4. Commingling in well bore: Yes.
  - a. Approval obtained: Justification at hearing.

#### Oil Production

1. Definition of an oil well: "Oil Well" shall mean any well which produces less than 6,000 cubic feet of gas to each barrel of oil on the basis of initial gas-oil ratio test, defining oil and gas as in the Statute.
2. Potential tests required: GOR.
  - a. Time interval: 24 hour minimum.
  - b. Witness required: No.
3. Maximum gas-oil ratio: Less than 6,000 cubic feet of gas to one barrel of oil.
  - a. Provision for limiting gas-oil ratio: No.
  - b. Exception to limiting gas-oil ratio: No.
4. Bottom-hole pressure test reports required: No.
  - a. Periodical bottom-hole pressure surveys: No.
5. Commingling oil in common facilities: No.
6. Measurement involving meters: No.
7. Production reports:
  - a. By lease: Yes, for secondary recovery fields; otherwise, no.
  - b. By well: Yes.
  - c. Time limit: Annually before March 31 of following year.

#### Gas Production

1. Definition of a gas well: "Gas Well" shall mean any well which produces 6,000 cubic feet or more of gas to each barrel of oil on the basis of the initial gas-oil ratio test, defining oil and gas in the Statute.
2. Pressure base 14.73 psia @ 60 degrees F.
3. Initial potential tests: Yes.
  - a. Time interval: Not less than 24 hours.

- b. Witness required: No.
- 4. Bottom-hole pressure test reports required: No.
  - a. Periodical bottom-hole pressure surveys: No.
- 5. Commingling of gas in common facilities: No.
- 6. Measurement involving meters: Yes.
- 7. Production reports:
  - a. By lease: Yes, for secondary recovery fields; otherwise, no.
  - b. By well: Yes, MCF.
  - c. Time limits: Annually before March 31 of following year.