WEST VIRGINIA

I. 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 57th 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.

II. License

1. License required: N/A

2. Conditions of license: N/A

III. Bond/Surety

1. Purpose of surety: N/A

2. Plugging and restoration: N/A

3. Compliance bond required: Yes.
4. Types of surety accepted: Surety bonds; collateral bonds (including cash and securities); letters of credit; establishment of an escrow account; self-bonding

5. Conditions of bond: Bond is for the life of the well through plugging and reclamation.
   b. Amount of blanket bond: $50,000 and $250,000 (wells under W.Va. Code § 22-6A.)

IV. 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

V. 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.

VI. **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.

VII. **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.

VIII. **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

IX. 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

X. Vertical Deviation

1. Regulation requirement: Yes.
   a. When is a directional survey necessary: Deep wells. Additionally, asdrilled 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
XI. **Casing and Tubing**

1. Minimum amount required:
   a. Surface casing: at least 30 ft. below fresh water for conventional wells and at least 50 ft. below freshwater for wells under W.Va. Code § 22-6A.
   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 500 lb. compressive strength.

3. Tubing requirements:
   a. Oil wells: No.
   b. Gas wells: No.

XII. **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.


4. Mechanical integrity:
   a. Cementing log required: Can be required.
b. Pressure testing: Can be required under \textit{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:


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

\textbf{XIII. 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).

\textbf{XIV. 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.

   XV. 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.

7. Production reports:
   a. By lease: Yes, for secondary recovery fields; otherwise, no.
   b. By well: Yes.
   c. Time limit: Annually by March 31 of following year.

XVI. 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.


7. Production reports:
   a. By lease: Yes, for secondary recovery fields; otherwise, no.
   b. By well: Yes.
   c. Time limits: Annually by March 31 of following year.