

***SUBJECT:* Coal Bed Methane Policy**

***DATE:* Revised - March 23, 2020**

***APPROVAL:* Harold Ward – Director**

The West Virginia Surface Coal Mining and Reclamation Act (WVSCMRA) at §22-3-3(u), covers, among other things, surface disturbances associated with coal mining. Accordingly, sites for coal prospecting boreholes and degasification of coal mines for the purpose of mineral extraction are to be covered by the applicable mining permit. However, jurisdiction over exploration for coal bed methane and production wells for coal bed methane (CBM) gas, as defined at WV Code §22-21-2(e), is not subject to WVSCMRA. Specifically, WVSCMRA applies where coal seams are being processed (burned, heated, liquefied, etc.) in situ to extract the coal itself in a gaseous or liquid state and where degasification holes are solely for the purpose of ventilating an underground mine.

At the point these degas holes become CBM production wells they are no longer covered under WVSCMRA. If there is a WVSCMRA permit, the area, including the road to the well, can be deleted from the permit by changing the post mining land use and applying for release on the areas to be used.

If an entity proposes to flare coal bed methane outside of the conduct of mining operations from a WVSCMRA permitted underground coal mine, WVDEP will only require a permit revision to the subsidence control plan. The permit revision to the subsidence control plan shall address the location and the method for sealing, casing, lining, or otherwise managing the flare well to prevent acid or other toxic drainage from entering ground and surface waters, to minimize disturbance to the prevailing hydrologic balance, and to ensure safety of people, livestock, fish and wildlife, and machinery. The abandonment plan for a flare well is to state that the sealing of the well will be initiated immediately upon cessation of flaring operations for that particular well. The surface disturbance associated with this abandonment activity is not to be considered part of the WVSCMRA permitted area.

At the time of final release of the bond, the flare wells must either be sealed in a safe and environmentally sound manner or with the prior approval of WVDEP, be transferred to another party for further use. The conditions of the transfer shall comply with State and local laws, regulations, and other requirements.

This memo applies only to WVSCMRA. Permits issued by other divisions within DEP may be required such as groundwater protection, oil and gas, Construction Storm Water General permit, or DAQ to name a few. Also, authorization from WV Miner's Health, Safety, and Training and the federal Mine Safety and Health Administration may be required.