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west virginia department of environmental protection

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Earl Ray Tomblin, Governor  
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October 29, 2013

Hand Delivered

The Honorable Jeffrey V. Kessler  
Senate President  
Building 1, Room 227-M  
State Capitol Complex  
Charleston, WV 25305

The Honorable Tim Miley  
Speaker of the House of Delegates  
Building 1, Room 418-M  
State Capitol Complex  
Charleston, WV 25305

***Re: W. Va. Code §22-6A-23 Supplemental Water Sampling Data in support of Impoundment and Pit Safety Study***

Dear President Kessler and Speaker Miley:

As directed by the Natural Gas Horizontal Well Control Act, the Department of Environmental Protection's (DEP) Office of Oil and Gas (OOG) submitted a March 7, 2013 report to the Legislature pursuant to § 22-6A-23 on the safety of large pits and impoundments (W. Va. Code § 22-6A-9) used in the drilling of horizontal natural gas wells that are not associated with a specific well work permit. Late in the sampling and data collection phase of that study, an additional newly constructed large capacity pit and impoundment associated with a well work permit were added to the project in order to include examples of the latest design standards in the dataset. Groundwater monitoring well sampling around these new structures and from nearby surface water, as well as additional groundwater monitoring around the large pits from the original study were conducted after the report was submitted to the Legislature. This data was collected by the West Virginia University's (WVU) West Virginia Water Research Institute (WRI) under the auspices of the original contract with no additional expenditure of funds.

WRI determined that no further recommendations beyond that from the original study were necessary. Based on the agency's review of the supplemental data, we concur with WRI that no further recommendations are necessary. The agency further concludes that the overall finding of this supplemental study was that there was no evidence of pit or impoundment leakage and that neither surface nor groundwater was being adversely affected. The supplemental data

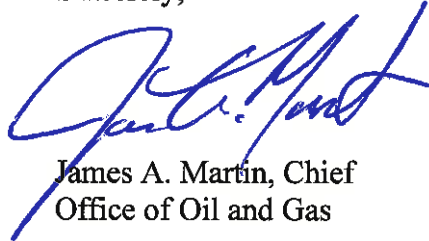
Promoting a healthy environment.

The Honorable Jeffrey V. Kessler &  
The Honorable Tim Miley  
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and report do not alter our original conclusion that no additional rules are immediately necessary for the design and construction of these large pits and impoundments. The existing regulatory framework continues to provide a basis for implementation of requirements to minimize and mitigate human health and environmental impacts. We have continued to internally and externally provide training and raise awareness of the issues identified in the original study regarding pit design, construction, and maintenance.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "James A. Martin". The signature is stylized and cursive.

James A. Martin, Chief  
Office of Oil and Gas

Enclosure: *Water Quality Literature Review and Field Monitoring of Active Shale Gas Wells Phase II*

*with enclosure*

cc: Joseph A. Lazell, Chief Counsel to Senate Judiciary Committee  
Joseph A. Altizer, Chief Counsel to House Judiciary Committee