

WVONGA Comments

WVONGA appreciates the opportunity to participate in the Office of Oil and Gas Program Review process being conducted by the WV DEP. From an overall, general perspective, our position is three-fold. First, we feel strongly that any changes to the regulations, rules of operation and suggested legislation should be limited to horizontal well development. Second, changes and modifications should be considered with the intent of expediting the development of the Marcellus Shale and other shale formations which are so important to our country's energy self-reliance and our State's economic development. Finally, WVONGA would not be opposed to discussions about unifying under one roof and streamlining (e.g., through electronic permit filing) the oil and gas application and permitting process.

WVONGA supports a discussion regarding modification of the well application notice provisions and the comment period for DEP forms WW-2A and WW-2B.

WVONGA supports modifications to the allowance for timber as discussed by the WV Farm Bureau.

WVONGA supports clarification of the terms "shallow well" and "deep well" to allow a shallow well to be drilled to a depth no more than 100 feet into the Onondaga Formation, as long as the well is not completed in the Onondaga.

WVONGA supports "Forced Pooling" for horizontal wells and legislation to address the serious problems associated with co-tenancy ownership of minerals and is available to discuss language to include in the West Virginia Code or applicable rules.

WVONGA recognizes the challenges associated with water issues associated with horizontal drilling in the Marcellus and other shale formations. We support the DEP's efforts to collect data regarding the extraction, usage and disposition of water used in this process. We look forward to discussing detailed reporting criteria while continuing to work with experts on the appropriate techniques to employ for disposal or reuse of frac water. Additionally, WVONGA supports mandatory reporting and public posting of the ingredients used in hydraulic fracturing of shale formations, including additives used in the frac fluids in Marcellus wells.

WVONGA supports working with the WV DOT in developing plans for road repair and maintenance before, during and after production. We would consider as part of the mandatory submissions to the WV DEP permitting process acknowledgement of plans being developed for road usage with the WV DOT. We need to work out the details of road issues from a timing standpoint since a permit is only good for two years from date of approval.

WVONGA would appreciate discussing the streamlining of the various boards and/or commissions that have review and approval authority. Some definitional and cross industry approvals have resulted in confusion and animosity that should not have happened.

WVONGA supports the increase in fees that would be appropriate given the increased work that has been and will continue with the development of shale gas reserves in WV.

Finally, to the extent that it may be necessary, WVONGA supports clarification of or revisions to the West Virginia Code to assure that property rights can be acquired to build the infrastructure necessary to transport gas to market.