

Well Operator: \_\_\_\_\_

Well Number: \_\_\_\_\_ Well Pad Name: \_\_\_\_\_

County, District, Quadrangle of Well Location: \_\_\_\_\_

**Answer the questions below to request a waiver from West Virginia Department of Environmental Protection for any wetlands or perennial streams which lie within one hundred feet of proposed project Limit of Disturbance (LOD), which includes any erosion and sediment control devices to be used.**

**This waiver shall be requested pursuant to Chapter 22 Article 6A Section 12 of West Virginia Code, which states:**

§22-6A-12(b) No well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the department shall be measured as follows:

- (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir.
- (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake.
- (3) For a groundwater source, the distance shall be measured from the wellhead or spring.

The department may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.

§22-6A-12(c) Notwithstanding the foregoing provisions of this section, nothing contained in this section prevents an operator from conducting the activities permitted or authorized by a Clean Water Act Section 404 permit or other approval from the United States Army Corps of Engineers within any waters of the state or within the restricted areas referenced in this section.

11/3/14

Wetland and Perennial Stream Waiver Request

API Number: \_\_\_\_\_

Operator's Well Number: \_\_\_\_\_

**Answer in the space provided, or use additional pages as necessary to fully answer the questions below:**

1. **Describe the proposed project location, including unique identifying names of all wetlands, and the names of perennial streams for which the waiver is sought.**

2. **Justify the proposed activity by describing alternatives to this project that were considered.**

- a. Include a No-Action Alternative as to show "the future without the project"
- b. Location Alternatives must be shown
- c. Must demonstrate why a one hundred foot buffer cannot be maintained
- d. Describe how the proposed project is the least environmentally damaging practicable alternative

- 3. Identify sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. This description should include all additional erosion and sediment control measures and devices that will be used.**

- 4. Provide mapping, plans, specifications and design analysis for the preferred alternative to the project.**

- a. Specify in writing what additional controls, measures, devices, monitoring, etc. will be used to protect these wetlands and/or perennial streams for which the waiver is sought.