



Natural Gas Horizontal Well Control Act

Bonding & Notice Provisions

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Bonding

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New Bond Requirements

22-6A-15(b)

INDIVIDUAL BONDS

Bond amount increased from:
\$5,000 to **\$50,000**

22-6A-15(c)

BLANKET BONDS

Blanket Bond amount increased
from: \$50,000 to **\$250,000**

22-6A-15(h)(1)

ASSIGNMENT OR TRANSFER

Whenever the right to operate a well is assigned or otherwise transferred, the assignor or transferor shall notify the department of the name and address of the assignee or transferee by registered mail or by any method of delivery that requires a receipt or signature confirmation **not later than thirty (30) days after the date of the assignment or transfer.**

22-6A-15(f)

NEW BLANKET BOND MUST BE FURNISHED

Any blanket bond (COVERING A HORIZONTAL WELL) furnished prior to the effective date of this article shall be replaced with a new blanket bond conforming to the requirements of this section,

- at which time the prior bond is discharged by operation of law; and
- if the secretary determines that any operator has not furnished a new blanket bond, the secretary shall notify the operator by registered mail or by any method of delivery that requires a receipt or signature confirmation of the requirement for a new blanket bond, and
- failure to submit a new blanket bond within **sixty (60)** days after receipt of the notice from the secretary works “as” a **forfeiture** under subsection (i) of this section of the blanket bond furnished prior to the effective date of this article.

Notice

Provisions & Forms

NOTICE #1

22-6A-10(j)

SEISMIC ACTIVITY NOTICE

Type of Notice: Prior to conducting any seismic activity for seismic exploration for natural gas to be extracted using horizontal drilling methods...

Time Period: The notice shall be provided:

AT LEAST THREE (3) DAYS PRIOR to commencement of the seismic activity.

Who is noticed?

the company or person performing the activity shall provide notice to:

1. Miss Utility of West Virginia Inc.,
2. to all surface owners,
3. coal owners and lessees, and
4. natural gas storage field operators on whose property blasting, percussion or other seismic-related activities will occur.

Notice Shall Include:

1. a **reclamation plan** in accordance with the erosion and sediment control manual that provides for the reclamation of any areas disturbed as a result of the seismic activity, including filling of shotholes used for blasting. *(applicant must attach)*

AND as required by 22-6A-10a

2. Notice shall provide that further information may be obtained from the agency's website.
(stated in notice form)

Delivery Method: See: **22-6A-10a** , 22-6A-10(b)

The applicant...as required by this article shall deliver:

- by personal service or
- by registered mail or
- by any method of delivery that requires a receipt or signature confirmation.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF SEISMIC ACTIVITY

Notice Time Requirement: The notice shall be provided at least **THREE (3) DAYS** prior to commencement of the seismic activity.

Date of Notice: _____ **Date of Seismic Activity:** _____



Fill in Dates

Delivery method pursuant to West Virginia Code § 22-6A-10a

- PERSONAL SERVICE
- REGISTERED MAIL
- METHOD OF DELIVERY THAT REQUIRES A RECEIPT OR SIGNATURE CONFIRMATION



Check Delivery Method

Pursuant to West Virginia Code § 22-6A-10(j), (1) Prior to conducting any seismic activity for seismic exploration for natural gas to be extracted using horizontal drilling methods, the company or person performing the activity shall provide notice to Miss Utility of West Virginia Inc. and to all surface owners, coal owners and lessees, and natural gas storage field operators on whose property blasting, percussion or other seismic-related activities will occur. (2) The notice shall be provided at least three days prior to commencement of the seismic activity. (3) The notice shall also include a reclamation plan in accordance with the erosion and sediment control manual that provides for the reclamation of any areas disturbed as a result of the seismic activity, including filling of shotholes used for blasting. (4) Nothing in this subsection decides questions as to whether seismic activity may be secured by mineral owners, surface owners or other ownership interests.

Notice is hereby provided to:

- MISS UTILITY OF WEST VIRGINIA INC.

Address: _____

- COAL OWNER OR LESSEE

Name: _____
Address: _____

- SURFACE OWNER(s)

Name: _____
Address: _____

- NATURAL GAS STORAGE FIELD OPERATOR

Name: _____
Address: _____

Name: _____
Address: _____



Check All Parties Noticed & Include Information

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-10(j), notice is hereby given that the undersigned well operator will be conducting seismic related activities for seismic exploration for natural gas to be extracted using horizontal drilling methods on the tract of land as follows:

State: _____;	Approximate Latitude & Longitude: _____;
County: _____;	Public Road Access: _____;
District: _____;	Watershed: _____;
Quadrangle: _____;	Generally used farm name: _____.



Fill Out All Location Information

This Notice Shall Include:

Pursuant to West Virginia Code § 22-6A-10(j)(3), this notice shall include a reclamation plan in accordance with the erosion and sediment control manual that provides for the reclamation of any areas disturbed as a result of the seismic activity, including filling of shotholes used for blasting. Additional information related to horizontal drilling may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450) or by visiting www.dep.wv.gov/oil-and-gas/nages/default.aspx.

Notice is hereby given by:

Well Operator: _____	Address: _____
Telephone: _____	Facsimile: _____
Email: _____	



Applicant Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

NOTICE OF ENTRY FOR PLAT SURVEY

Type of Notice: the operator shall provide:

notice of **planned entry on to the surface tract to conduct any plat surveys** required pursuant to this article.

Time Period: PRIOR to filing a permit application... Such notice shall be provided at least

- **SEVEN (7) DAYS** but
- no more than **FORTY-FIVE (45)** days prior to such entry...

Who is noticed?

1. The **surface owner** of such tract;
2. to **any owner or lessee of coal seams** beneath such tract that has filed a declaration pursuant to section thirty-six, article six, chapter twenty-two of this code; and
3. **any owner of minerals** underlying such tract in the county tax records.

Notice Shall Include:

1. a statement that copies of the state **Erosion and Sediment Control Manual** and the **statutes and rules** related to oil and gas exploration and production may be obtained from the Secretary, which statement shall include contact information, including the address for a web page on the Secretary's web site, to enable the surface owner to obtain copies from the secretary, *(stated in notice form)*

AND as required by **22-6A-10a**

2. Notice shall provide that further information may be obtained from the agency's website. *(stated in notice form)*

Delivery Method: See: **22-6A-10a** , 22-6A-10(b)

- by personal service or
- by registered mail or
- by any method of delivery that requires a receipt or signature confirmation.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF ENTRY FOR PLAT SURVEY

Notice Time Requirement: Notice shall be provided at least SEVEN (7) days but no more than FORTY-FIVE (45) days prior to entry

Date of Notice: _____ **Date of Planned Entry:** _____



Fill in Dates

Delivery method pursuant to West Virginia Code § 22-6A-10a

- PERSONAL SERVICE
- REGISTERED MAIL
- METHOD OF DELIVERY THAT REQUIRES A RECEIPT OR SIGNATURE CONFIRMATION



Check Delivery Method

Pursuant to West Virginia Code § 22-6A-10(a), Prior to filing a permit application, the operator shall provide notice of planned entry on to the surface tract to conduct any plat surveys required pursuant to this article. Such notice shall be provided at least seven days but no more than forty-five days prior to such entry to: (1) The surface owner of such tract; (2) to any owner or lessee of coal seams beneath such tract that has filed a declaration pursuant to section thirty-six, article six, chapter twenty-two of this code; and (3) any owner of minerals underlying such tract in the county tax records. The notice shall include a statement that copies of the state Erosion and Sediment Control Manual and the statutes and rules related to oil and gas exploration and production may be obtained from the Secretary, which statement shall include contact information, including the address for a web page on the Secretary's web site, to enable the surface owner to obtain copies from the secretary.

Notice is hereby provided to:

SURFACE OWNER(s)

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

COAL OWNER OR LESSEE

Name: _____

Address: _____

MINERAL OWNER(s)

Name: _____

Address: _____

*please attach additional forms if necessary



Check All Parties Noticed & Include Information

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-10(a), notice is hereby given that the undersigned well operator is planning entry to conduct a plat survey on the tract of land as follows:

State: _____; Approximate Latitude & Longitude: _____;

County: _____; Public Road Access: _____;

District: _____; Watershed: _____;

Quadrangle: _____; Generally used farm name: _____.



Fill Out All Location Information

Copies of the state Erosion and Sediment Control Manual and the statutes and rules related to oil and gas exploration and production may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450). Copies of such documents or additional information related to horizontal drilling may be obtained from the Secretary by visiting www.deo.wv.gov/oil-and-gas/pages/default.aspx.

Notice is hereby given by:

Well Operator: _____ Address: _____

Telephone: _____ Facsimile: _____

Email: _____



Applicant Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

22-6A-10(a)

NOTICE OF ENTRY FOR PLAT SURVEY

FAQs

QUESTION: *If an operator is permitting the second well on the pad, does the operator need to send out a new **Notice of Entry for Plat Survey** to the coal/surface/mineral owner(s) 7-45 days before entering onto the property?*

ANSWER: The operator must send a new **Notice of Entry for Plat Survey** for every well that the operator enters the surface tract to conduct a plat survey. However, if a plat is completed without entering the surface tract again to conduct an additional plat survey, the operator would only submit a **Notice of Intent to Drill** or obtain its associated waiver.

QUESTION: *Does the **Notice of Entry for Plat Survey** to mineral owners apply to only the tract being surveyed or the land the lateral leg touches?*

ANSWER: The notice to mineral owners only applies to the specific surface tract where that specific plat survey is being conducted.

QUESTION: *If an operator calls to provide 7 day advance notice to a surface owner, and the surface owner gives their permission for entry, is the operator still required to wait 7 days?*

ANSWER: Notice shall be provided at least 7 days prior to entry, therefore the operator must wait 7 days. There is also no waiver available for this notice.

22-6A-10(a)

NOTICE OF ENTRY FOR PLAT SURVEY

FAQs continued...

QUESTION: *Does an operator need to notice the coal, surface, and oil and gas owners for a preliminary review of the lands? Is field checking going to be considered "plat survey work"?*

ANSWER: Yes, this falls under the Notice of Entry for Plat Survey.

QUESTION: *If an operator enters a property to conduct a plat survey even though it will only be a boundary survey for the end of a horizontal well (not the surface tract where any earth disturbance will take place), will the operator still need to notice more than just the surface owner (Coal, Coal lessee, Mineral)?*

ANSWER: No, notice is only required for the specific tract where the plat is located.

QUESTION: When is "notice" deemed to have been given (upon mailing or proof of delivery)?

ANSWER: The Notice requirement is satisfied at the time of delivery.

QUESTION: What is to be submitted to DEP as proof of notice?

ANSWER: The executed form serves as proof and the certification of notice to the person may be made by:

1. affidavit of personal service,
2. the return receipt card, OR
3. other postal receipt for certified mailing.

NOTICE #3A

22-6A-16(b)

NOTICE OF INTENT TO DRILL

(only used if no 22-6A-10(a) notice or if no surface owner waiver)

- notice given pursuant to **22-6A-10(a)** satisfies the requirements of this subsection as of the date the notice was provided to the surface owner: **OR**
- That the notice requirements of this subsection *may be waived in writing by the surface owner.*

Type of Notice: An operator shall give the surface owner notice of its intent to enter upon the surface owner's land for the purpose of drilling a horizontal well:

Time Period: At least TEN (10) DAYS PRIOR to filing a permit application,

Who is noticed? Surface Owner

Notice, if required, shall include:

1. the name,
2. address,
3. telephone number, and
4. if available, facsimile number and electronic mail address of the operator and the operator's authorized representative.

AND as required by 22-6A-10a

5. Notice shall provide that further information may be obtained from the agency's website.

Delivery Method:

- by certified mail return receipt requested or
- hand delivery...

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF INTENT TO DRILL

Pursuant to W. Va. Code § 22-6A-16(b), the Notice of Intent to Drill is only required if the notice requirements of W. Va. Code § 22-6A-10(a) have NOT been met or if the Notice of Intent to Drill requirement has NOT been waived in writing by the surface owner.

Notice Time Requirement: Notice shall be provided at least TEN (10) days prior to filing a permit application.
Date of Notice: _____ **Date Permit Application Filed:** _____



Fill in Dates

Delivery method pursuant to West Virginia Code § 22-6A-16(b)

HAND DELIVERY CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Check Delivery Method

Pursuant to W. Va. Code § 22-6A-16(b), at least ten days prior to filing a permit application, an operator shall, by certified mail return receipt requested or hand delivery, give the surface owner notice of its intent to enter upon the surface owner's land for the purpose of drilling a horizontal well: *Provided*, That notice given pursuant to subsection (a), section ten of this article satisfies the requirements of this subsection as of the date the notice was provided to the surface owner: *Provided, however*, That the notice requirements of this subsection may be waived in writing by the surface owner. The notice, if required, shall include the name, address, telephone number, and if available, facsimile number and electronic mail address of the operator and the operator's authorized representative.

Notice is hereby provided to the SURFACE OWNER(s):

Name: _____ Name: _____
Address: _____ Address: _____



Surface Owner Information

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-16(b), notice is hereby given that the undersigned well operator has an intent to enter upon the surface owner's land for the purpose of drilling a horizontal well on the tract of land as follows:

State: _____; UTM NAD83 Easting: _____;
County: _____; Public Road Access: _____;
District: _____; Watershed: _____;
Quadrangle: _____; Generally used farm name: _____;
UTM NAD83 Northing: _____;



Fill Out All Location Information

This Notice Shall Include:

Pursuant to West Virginia Code § 22-6A-16(b), this notice shall include the name, address, telephone number, and if available, facsimile number and electronic mail address of the operator and the operator's authorized representative. Additional information related to horizontal drilling may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450) or by visiting www.dep.wv.gov/oil-and-gas/pages/default.aspx.

Notice is hereby given by:

Well Operator: _____ Authorized Representative: _____
Address: _____ Address: _____

Telephone: _____ Telephone: _____
Email: _____ Email: _____
Facsimile: _____ Facsimile: _____



Applicant Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF INTENT TO DRILL

WAIVER

Pursuant to W. Va. Code § 22-6A-16(b), at least ten days prior to filing a permit application, an operator shall, by certified mail return receipt requested or hand delivery, give the surface owner notice of its intent to enter upon the surface owner's land for the purpose of drilling a horizontal well: *Provided*, That notice given pursuant to subsection (a), section ten of this article satisfies the requirements of this subsection as of the date the notice was provided to the surface owner: *Provided, however*, That the notice requirements of this subsection may be waived in writing by the surface owner. The notice, if required, shall include the name, address, telephone number, and if available, facsimile number and electronic mail address of the operator and the operator's authorized representative.

Surface Owner Waiver:

I, _____, hereby state that I have read the notice provisions listed above and hereby waive the notice requirements under West Virginia Code § 22-6A-16(b) for the tract of land as follows:

State: _____; UTM NAD83 Easting: _____
County: _____; Public Road Access: _____
District: _____; Watershed: _____
Quadrangle: _____; Generally used farm name: _____
UTM NAD83 Northing: _____;

Name: _____; Signature: _____
Address: _____; Date: _____

Fill Out All
Location
Information

Surface Owner
Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

PUBLIC NOTICE

Type of Notice: Prior to filing an application for a permit for a horizontal well under this article, the applicant shall publish in the county in which the well is located or is proposed to be located a **Class II legal advertisement** as described in **59-3-2** (*published once a week for two successive weeks*).

Time Period: The first publication date being at least **TEN (10) DAYS PRIOR** to the filing of the permit application.

Public Notice shall include:

1. notice of the public website required to be established and maintained pursuant to section twenty-one of this article and
2. language indicating the ability of the public to submit written comments on the proposed permit....

The secretary shall consider, in the same manner required by subsection (f), section eight of this article and subdivision one, subsection (c), section eleven of this article, **written comments submitted in response to the legal advertisement received by the secretary within thirty days following the last required publication date:** *Provided*, That such parties submitting written comments pursuant to this subsection are not entitled to participate in the processes and proceedings that exist under sections fifteen, seventeen or forty, article six of this chapter, as applicable and incorporated into this article by section five of this article.

**Horizontal Natural Gas Well Work Permit
Application Notice By Publication**

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-10(e), prior to filing an application for a permit for a horizontal well the applicant shall publish in the county in which the well is located or is proposed to be located a Class II legal advertisement.

Paper: _____

Public Notice Date: _____



Paper Information

The following applicant intends to apply for a horizontal natural gas well work permit which disturbs three acres or more of surface excluding pipelines, gathering lines and roads or utilizes more than two hundred ten thousand gallons of water in any thirty day period.

Applicant: _____ Well Number: _____

Address: _____



Applicant
Information

Business Conducted: Natural gas production.

Location:

State: _____

County: _____

District: _____

Quadrangle: _____

Approximate UTM NAD83 Northing: _____

Approximate UTM NAD83 Easting: _____

Watershed : _____



Fill Out All
Location
Information

Any interested person may submit written comments or request a copy of the proposed permit application by emailing dep.oogcomments@wv.gov, sending a letter to Permit Review, Office of Oil and Gas, 601 57th Street, SE, Charleston, WV 25304, or calling 304-926-0450. Emailed or written comments must reference the county, well number, and operator and be received by _____. (30 days from the date of the second publication of this ad)



Written Comment
Date

Copies of the proposed permit application may be reviewed at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450). Full copies or scans of the proposed permit application will cost \$15.00, whether mailed or obtained at DEP headquarters.

For information related to horizontal drilling, and all horizontal well applications filed in this state, visit: www.dep.wv.gov/oil-and-gas/pages/default.aspx

22-6A-10(e)

PUBLIC NOTICE

FAQs

QUESTION: *Can an operator place the Public Notice in the newspaper quarterly? The Act requires a minimum of 10 days prior to filing a permit but it does not state a maximum number of days allowable.*

ANSWER: The Public Notice should be placed in the newspaper at the time when the operator is ready to submit the application to the Office of Oil and Gas. It should be published very closely to the 10 day filing requirement.

QUESTION: *Can an operator submit proof of publication or can an operator wait until the second publication and submit the affidavit of publication?*

ANSWER: The operator can use either a clipping of the newspaper notice (with publication date) or the affidavit of publication. OOG would prefer that the form of proof be submitted at the time the application is submitted.

QUESTION: *When does the public comment period begin?*

ANSWER: Written comments submitted in response to the legal advertisement received by the secretary within thirty days following the last required publication date.

NOTICE OF PLANNED OPERATION

Type of Notice: An operator shall give the **surface owner** whose land will be used for the drilling of a horizontal well **notice of the planned operation**.

Time Period: No later than the **FILING DATE OF PERMIT APPLICATION**.

Who is noticed? **Surface Owner** at the address listed in the records of the sheriff at the time of notice.

Notice Shall Include:

1. A copy of this code section (*applicant must attach*);
2. The information required to be provided by **22-6A-10(b)** to a surface owner whose land will be used in conjunction with the drilling of a horizontal well(*applicant must attach*);
3. A proposed surface use and compensation agreement containing an offer of compensation for damages to the surface affected by oil and gas operations to the extent the damages are compensable under article six-b of this chapter(*applicant must attach*).

AND as required by 22-6A-10a

4. Notice shall provide that further information may be obtained from the agency's website.
(*stated in notice form*)

Delivery Method:

- by certified mail return receipt requested or
- hand delivery

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF PLANNED OPERATION

Notice Time Requirement: notice shall be provided no later than the filing date of permit application.
Date of Notice: _____ Date Permit Application Filed: _____



Fill in Dates

Delivery method pursuant to West Virginia Code § 22-6A-16(c)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HAND
DELIVERY



Check Delivery
Method

Pursuant to W. Va. Code § 22-6A-16(c), no later than the date for filing the permit application, an operator shall, by certified mail return receipt requested or hand delivery, give the surface owner whose land will be used for the drilling of a horizontal well notice of the planned operation. The notice required by this subsection shall include: (1) A copy of this code section; (2) The information required to be provided by subsection (b), section ten of this article to a surface owner whose land will be used in conjunction with the drilling of a horizontal well; and (3) A proposed surface use and compensation agreement containing an offer of compensation for damages to the surface affected by oil and gas operations to the extent the damages are compensable under article six-b of this chapter. (d) The notices required by this section shall be given to the surface owner at the address listed in the records of the sheriff at the time of notice.

Notice is hereby provided to the SURFACE OWNER(s)
(at the address listed in the records of the sheriff at the time of notice):

Name: _____ Name: _____
Address: _____ Address: _____



Surface Owner
Information

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-16(c), notice is hereby given that the undersigned well operator has developed a planned operation on the surface owner's land for the purpose of drilling a horizontal well on the tract of land as follows:

State: _____; UTM NAD83 Easting: _____;
County: _____; Public Road Access: _____;
District: _____; Watershed: _____;
Quadrangle: _____; Generally used farm name: _____;
UTM NAD83 Northing: _____;



Fill Out All
Location
Information

This Notice Shall Include:

Pursuant to West Virginia Code § 22-6A-16(c), this notice shall include: (1) A copy of this code section; (2) The information required to be provided by W. Va. Code § 22-6A-10(b) to a surface owner whose land will be used in conjunction with the drilling of a horizontal well; and (3) A proposed surface use and compensation agreement containing an offer of compensation for damages to the surface affected by oil and gas operations to the extent the damages are compensable under article six-b of this chapter. Additional information related to horizontal drilling may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450) or by visiting www.dep.wv.gov/oil-and-gas/bases/default.aspx.

Notice is hereby given by:

Well Operator: _____ Address: _____
Telephone: _____
Email: _____ Facsimile: _____



Applicant
Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

NOTICE OF APPLICATION

Type of Notice: permit for any well work OR certificate of approval for the construction of an impoundment or pit

Time Period: No later than the **FILING DATE OF APPLICATION.**

Notice shall include:

1. copies of the application,
2. the erosion and sediment control plan required by section seven of this article, and
3. the well plat (*applicant must attach 1-3*)

AND as required by 22-6A-10(f)

4. a statement of the time limits for filing written comments,
5. who may file written comments,
6. the name and address of the secretary for the purpose of filing the comments and obtaining additional information, and
7. a statement that the persons may request, at the time of submitting written comments, notice of the permit decision and a list of persons qualified to test water.

AND as required by 22-6A-10a

8. Notice shall provide that further information may be obtained from the agency's website.

AND as required by 22-6A-10(d)

9. Information for those persons indicating their rights under 22-6A-11 and 22-6A-12 and
10. The opportunity for testing their water wells. (*4-10 within notice*)

NOTICE #4B

22-6A-10(b)

NOTICE OF APPLICATION continued...

Who is noticed?

1. The **owners of record of the surface of the tract** on which the well is or is proposed to be located;
2. The **owners of record of the surface tract or tracts overlying the oil and gas leasehold** being developed by the proposed well work, if the surface tract is to be [used for roads or other land disturbance](#) as described in the erosion and sediment control plan submitted pursuant to **22-6A-7(c)**;
3. The **coal owner, operator or lessee**, in the event the tract of land on which the well proposed to be drilled is located [sic] is known to be underlain by one or more coal seams;
4. The **owners of record of the surface tract or tracts overlying the oil and gas leasehold** being developed by the proposed well work, if the surface tract is to be [used for the placement, construction, enlargement, alteration, repair, removal or abandonment of any impoundment or pit](#) as described in section nine of this article;
5. Any **surface owner or water purveyor** who is known to the applicant to have a water well, spring or water supply source located within one thousand five hundred feet of the center of the well pad which is used to provide water for consumption by humans or domestic animals; and
6. The **operator of any natural gas storage field** within which the proposed well work activity is to take place.

Delivery Method: The applicant shall deliver:

- by personal service or
- by registered mail or
- by any method of delivery that requires a receipt or signature confirmation.

22-6A-10(c)

(c)(1) If more than three tenants in common or other co-owners of interests described in subsection (b) of this section hold interests in the lands, the applicant may serve the documents required upon the person described in the records of the sheriff required to be maintained pursuant to section eight, article one, chapter eleven-a of this code.

(2) Notwithstanding any provision of this article to the contrary, notice to a lien holder is not notice to a landowner, *unless* the lien holder is the landowner.

**THIRTY DAY (30)
WRITTEN COMMENT PERIOD**

22-6A-11(a)

All persons described in **22-6A-10(b)** may file written comments with the secretary as to the location or construction of the applicant's proposed well work within thirty days after the application is filed with the secretary

VOLUNTARY STATEMENT OF NO OBJECTION

22-6A-8(b)

No permit may be issued less than thirty days after the filing date of the application for any well work except plugging or replugging; and no permit for plugging or replugging may be issued less than five days after the filing date of the application except a permit for plugging or replugging a dry hole: *Provided*, That if the applicant certifies that all persons entitled to notice of the application under the provisions of subsection (b), section ten of this article have been served in person or by certified mail, return receipt requested, with a copy of the well work application, including the erosion and sediment control plan, if required, and the well plat, **and further files written statements of no objection by all such persons**, the secretary may issue the well work permit at any time.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF APPLICATION

Notice Time Requirement: notice shall be provided no later than the **filing date of permit application.**

Date of Notice: _____ **Date Permit Application Filed:** _____



Fill in Dates

Notice of:

- PERMIT FOR ANY WELL WORK
- CERTIFICATE OF APPROVAL FOR THE CONSTRUCTION OF AN IMPOUNDMENT OR PIT



Check Type of Notice

Delivery method pursuant to West Virginia Code § 22-6A-10(b)

- PERSONAL SERVICE
- REGISTERED MAIL
- METHOD OF DELIVERY THAT REQUIRES A RECEIPT OR SIGNATURE CONFIRMATION



Check Delivery Method

Pursuant to W. Va. Code § 22-6A-10(b), no later than the filing date of the application, the applicant for a permit for any well work or for a certificate of approval for the construction of an impoundment or pit as required by this article shall deliver, by personal service or by registered mail or by any method of delivery that requires a receipt or signature confirmation, copies of the application, the erosion and sediment control plan required by section seven of this article, and the well plat to each of the following persons: (1) The owners of record of the surface of the tract on which the well is or is proposed to be located; (2) The owners of record of the surface tract or tracts overlying the oil and gas leasehold being developed by the proposed well work, if the surface tract is to be used for roads or other land disturbance as described in the erosion and sediment control plan submitted pursuant to subsection (c), section seven of this article; (3) The coal owner, operator or lessee, in the event the tract of land on which the well proposed to be drilled is located [sic] is known to be underlain by one or more coal seams; (4) The owners of record of the surface tract or tracts overlying the oil and gas leasehold being developed by the proposed well work, if the surface tract is to be used for the placement, construction, enlargement, alteration, repair, removal or abandonment of any impoundment or pit as described in section nine of this article; (5) Any surface owner or water purveyor who is known to the applicant to have a water well, spring or water supply source located within one thousand five hundred feet of the center of the well pad which is used to provide water for consumption by humans or domestic animals; and (6) The operator of any natural gas storage field within which the proposed well work activity is to take place. (c)(1) If more than three tenants in common or other co-owners of interests described in subsection (b) of this section hold interests in the lands, the applicant may serve the documents required upon the person described in the records of the sheriff required to be maintained pursuant to section eight, article one, chapter eleven-a of this code. (2) Notwithstanding any provision of this article to the contrary, notice to a lien holder is not notice to a landowner, unless the lien holder is the landowner.

Notice is hereby provided to:

SURFACE OWNER(s)
Name: _____
Address: _____

COAL OWNER OR LESSEE
Name: _____
Address: _____

Name: _____
Address: _____

COAL OPERATOR
Name: _____
Address: _____

SURFACE OWNER(s) (Road and/or Other Disturbance)
Name: _____
Address: _____

WATER PURVEYOR(s)
Name: _____
Address: _____

Name: _____
Address: _____

OPERATOR OF ANY NATURAL GAS STORAGE FIELD
Name: _____
Address: _____



Check All Parties Noticed & Include Information

SURFACE OWNER(s) (Impoundments/Pits)
Name: _____
Address: _____

*Please attach additional forms if necessary

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-10(b), notice is hereby given that the undersigned well operator has applied for a permit for well work or for a certificate of approval for the construction of an impoundment or pit.

This Notice Shall Include:

Pursuant to W. Va. Code § 22-6A-10(b), this notice shall include: (1) copies of the application; (2) the erosion and sediment control plan required by section seven of this article; and (3) the well plat.

Pursuant to W. Va. Code § 22-6A-10(f), this notice shall also include: (1) a statement of the time limits for filing written comments; (2) who may file written comments; (3) the name and address of the secretary for the purpose of filing the comments and obtaining additional information; and (4) a statement that the persons may request, at the time of submitting written comments, notice of the permit decision and a list of persons qualified to test water.

Additional information related to horizontal drilling may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450) or by visiting www.dep.wv.gov/oil-and-gas/pages/default.aspx.

Water Well Testing:

Pursuant to West Virginia Code § 22-6A-10(d), notification shall be made, with respect to surface landowners identified in subsection (b) or water purveyors identified in subdivision (5), subsection (b) of this section, of the opportunity for testing their water well.

Water Testing Laboratories:

Pursuant to West Virginia Code § 22-6A-10(i), persons entitled to notice pursuant to subsection (b) of this section may contact the department to ascertain the names and locations of water testing laboratories in the subject area capable and qualified to test water supplies in accordance with standard accepted methods. In compiling that list of names the department shall consult with the state Bureau for Public Health and local health departments.

Well Location Restrictions

Pursuant to W. Va. Code § 22-6A-12, Wells may not be drilled within two hundred fifty feet measured horizontally from any existing water well or developed spring used for human or domestic animal consumption. The center of well pads may not be located within six hundred twenty-five feet of an occupied dwelling structure, or a building two thousand five hundred square feet or larger used to house or shelter dairy cattle or poultry husbandry. This limitation is applicable to those wells, developed springs, dwellings or agricultural buildings that existed on the date a notice to the surface owner of planned entry for surveying or staking as provided in section ten of this article or a notice of intent to drill a horizontal well as provided in subsection (b), section sixteen of this article was provided, whichever occurs first, and to any dwelling under construction prior to that date. This limitation may be waived by written consent of the surface owner transmitted to the department and recorded in the real property records maintained by the clerk of the county commission for the county in which such property is located. Furthermore, the well operator may be granted a variance by the secretary from these distance restrictions upon submission of a plan which identifies the sufficient measures, facilities or practices to be employed during well site construction, drilling and operations. The variance, if granted, shall include terms and conditions the department requires to ensure the safety and protection of affected persons and property. The terms and conditions may include insurance, bonding and indemnification, as well as technical requirements. (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 wellpad 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. (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. (d) The well location restrictions set forth in this section shall not apply to any well on a multiple well pad if at least one of the wells was permitted prior to the effective date of this article. (e) The secretary shall, by December 31, 2012, report to the Legislature on the noise, light, dust and volatile organic compounds generated by the drilling of horizontal wells as they relate to the well location restrictions regarding occupied dwelling structures pursuant to this section. Upon a finding, if any, by the secretary that the well location restrictions regarding occupied dwelling structures are inadequate or otherwise require alteration to address the items examined in the study required by this subsection, the secretary shall have the authority to propose for promulgation legislative rules establishing guidelines and procedures regarding reasonable levels of noise, light, dust and volatile organic compounds relating to drilling horizontal wells, including reasonable means of mitigating such factors, if necessary.



Notice Shall Include



Water Testing Information



Well Location Restrictions

Written Comment:

Pursuant to West Virginia Code § 22-6A-11(a), all persons described in subsection (b), section ten of this article may file written comments with the secretary as to the location or construction of the applicant's proposed well work within thirty days after the application is filed with the secretary. All persons described in West Virginia Code § 22-6A-10(b) may file written comments as to the location or construction of the applicant's proposed well work to the Secretary at:

Chief, Office of Oil and Gas
Department of Environmental Protection
601 57th St. SE
Charleston, WV 25304
(304) 926-0450



Written Comment Information

Such persons may request, at the time of submitting written comments, notice of the permit decision and a list of persons qualified to test water. **NOTE: YOU ARE NOT REQUIRED TO FILE ANY COMMENT.**

Time Limits and Methods for Filing Comments.

The law requires these materials to be served on or before the date the operator files its Application. You have **THIRTY (30) DAYS** after the filing date to file your comments. Comments must be filed in person or received in the mail by the Chief's office by the time stated above. You may call the Chief's office to be sure of the date. Check with your postmaster to ensure adequate delivery time or to arrange special expedited handling. If you have been contacted by the well operator and you have signed a "voluntary statement of no objection" to the planned work described in these materials, then the permit may be issued at any time.

Pursuant to West Virginia Code § 22-6A-11(c)(2), Any objections of the affected coal operators and coal seam owners and lessees shall be addressed through the processes and procedures that exist under sections fifteen, seventeen and forty, article six of this chapter, as applicable and as incorporated into this article by section five of this article. The written comments filed by the parties entitled to notice under subdivisions (1), (2), (4), (5) and (6), subsection (b), section ten of this article shall be considered by the secretary in the permit issuance process, but the parties are not entitled to participate in the processes and proceedings that exist under sections fifteen, seventeen or forty, article six of this chapter, as applicable and as incorporated into this article by section five of this article.

Comment Requirements

Your comments must be in writing and include your name, address and telephone number, the well operator's name and well number and the approximate location of the proposed well site including district and county from the application. You may add other documents, such as sketches, maps or photographs to support your comments.

Permit Denial or Condition

The Chief has the power to deny or condition a well work permit. Pursuant to West Virginia Code § 22-6A-8(d), the permit may not be issued or be conditioned, including conditions with respect to the location of the well and access roads prior to issuance if the director determines that:

- (1) The proposed well work will constitute a hazard to the safety of persons;
- (2) The plan for soil erosion and sediment control is not adequate or effective;
- (3) Damage would occur to publicly owned lands or resources; or
- (4) The proposed well work fails to protect fresh water sources or supplies.

A permit may also be denied under West Virginia Code § 22-6A-7(k), the secretary shall deny the issuance of a permit if the secretary determines that the applicant has committed a substantial violation of a previously issued permit for a horizontal well, including the applicable erosion and sediment control plan associated with the previously issued permit, or a substantial violation of one or more of the rules promulgated under this article, and in each instance has failed to abate or seek review of the violation within the time prescribed by the secretary pursuant to the provisions of subdivisions (1) and (2), subsection (a), section five of this article and the rules promulgated hereunder, which time may not be unreasonable.

Pursuant to West Virginia Code § 22-6A-10(g), any person entitled to submit written comments to the secretary pursuant to subsection (a), section eleven of this article, shall also be entitled to receive from the secretary a copy of the permit as issued or a copy of the order modifying or denying the permit if the person requests receipt of them as a part of the written comments submitted concerning the permit application. Such persons may request, at the time of submitting written comments, notice of the permit decision and a list of persons qualified to test water.

Applicant Information



Notice is hereby given by:

Well Operator: _____ Address: _____
Telephone: _____
Email: _____ Facsimile: _____

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
VOLUNTARY STATEMENT OF NO OBJECTION

Instructions to Persons Named on Page WW-6A

The well operator named on page WW-6A is applying for a permit from the State of West Virginia to conduct oil or gas well work. Well work permits are valid for twenty-four (24) months. Please contact the listed well operator and the Office of Oil and Gas if you do not own any interest in the listed surface tract.

Comment and Waiver Provisions

Pursuant to West Virginia Code § 22-6A-11(a), all persons described in subsection (b), section ten of this article may file written comments with the secretary as to the location or construction of the applicant's proposed well work within thirty days after the application is filed with the secretary.

Pursuant to West Virginia Code § 22-6A-8(b) No permit may be issued less than thirty days after the filing date of the application for any well work except plugging or replugging; and no permit for plugging or replugging may be issued less than five days after the filing date of the application except a permit for plugging or replugging a dry hole: *Provided*, That if the applicant certifies that all persons entitled to notice of the application under the provisions of subsection (b), section ten of this article have been served in person or by certified mail, return receipt requested, with a copy of the well work application, including the erosion and sediment control plan, if required, and the well plat, and further files written statements of no objection by all such persons, the secretary may issue the well work permit at any time.

VOLUNTARY STATEMENT OF NO OBJECTION

I, _____, hereby state that I have read the Instructions to Persons Named on Page WW-6A and the associated provisions listed above, and that I have received copies of a Notice of Application, an Application for a Well Work Permit on Form WW-6A and attachments consisting of pages one (1) through _____, including the erosion and sediment control plan, if required, and the well plat, all for proposed well work on the tract of land as follows:

State: _____; UTM NAD83 Easting: _____;
County: _____; Public Road Access: _____;
District: _____; Watershed: _____;
Quadrangle: _____; Generally used farm name: _____
UTM NAD83 Northing: _____;



Fill Out All
Location
Information

I further state that I have no objection to the planned work described in these materials, and I have no objection to a permit being issued on those materials.

*Please check the box that applies

- SURFACE OWNER
- SURFACE OWNER (Road and/or Other Disturbance)
- SURFACE OWNER (Impoundments/Pits)
- COAL OWNER OR LESSEE
- COAL OPERATOR
- WATER PURVEYOR
- OPERATOR OF ANY NATURAL GAS STORAGE FIELD

FOR EXECUTION BY A NATURAL PERSON

Signature: _____
Print Name: _____
Date: _____

FOR EXECUTION BY A CORPORATION, ETC.

Company: _____
By: _____
Its: _____

Signature: _____
Date: _____



Check Type
Of Party



Party
Information

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
WELL LOCATION RESTRICTION WAIVER

Instructions to Persons Named on Page WW-6A

The well operator named on page WW-6A is applying for a permit from the State of West Virginia to conduct oil or gas well work. Well work permits are valid for twenty-four (24) months. Please contact the listed well operator and the Office of Oil and Gas if you do not own any interest in the listed surface tract.

Well Location Restrictions

Pursuant to West Virginia Code § 22-6A-12(a), Wells may not be drilled within two hundred fifty feet measured horizontally from any existing water well or developed spring used for human or domestic animal consumption. The center of well pads may not be located within six hundred twenty-five feet of an occupied dwelling structure, or a building two thousand five hundred square feet or larger used to house or shelter dairy cattle or poultry husbandry. This limitation is applicable to those wells, developed springs, dwellings or agricultural buildings that existed on the date a notice to the surface owner of planned entry for surveying or staking as provided in section ten of this article or a notice of intent to drill a horizontal well as provided in subsection (b), section sixteen of this article was provided, whichever occurs first, and to any dwelling under construction prior to that date. This limitation may be waived by written consent of the surface owner transmitted to the department and recorded in the real property records maintained by the clerk of the county commission for the county in which such property is located. Furthermore, the well operator may be granted a variance by the secretary from these distance restrictions upon submission of a plan which identifies the sufficient measures, facilities or practices to be employed during well site construction, drilling and operations. The variance, if granted, shall include terms and conditions the department requires to ensure the safety and protection of affected persons and property. The terms and conditions may include insurance, bonding and indemnification, as well as technical requirements.

WAIVER

I, _____, hereby state that I have read the Instructions to Persons Named on Page WW-6A and the associated provisions listed above, and that I have received copies of a Notice of Application, an Application for a Well Work Permit on Form WW-6A and attachments consisting of pages one (1) through _____, including the erosion and sediment control plan, if required, and the well plat, all for proposed well work on the tract of land as follows:

State: _____; UTM NAD83 Easting: _____;
County: _____; Public Road Access: _____;
District: _____; Watershed: _____;
Quadrangle: _____; Generally used farm name: _____;
UTM NAD83 Northing: _____;



Fill Out All
Location
Information

I further state that I have no objection to the planned work described in these materials, and I have no objection to a permit being issued on those materials and I therefore waive all well site restrictions listed under West Virginia Code § 22-6A-12(a).

<p>WELL SITE RESTRICTIONS BEING WAIVED *Please check all that apply</p> <p><input type="checkbox"/> EXISTING WATER WELLS</p> <p><input type="checkbox"/> DEVELOPED SPRINGS</p> <p><input type="checkbox"/> DWELLINGS</p> <p><input type="checkbox"/> AGRICULTURAL BUILDINGS</p>	<p>FOR EXECUTION BY A NATURAL PERSON Signature: _____ Print Name: _____ Date: _____</p> <p>FOR EXECUTION BY A CORPORATION, ETC. Company: _____ By: _____ Its: _____</p> <p>Signature: _____ Date: _____</p>
--	---



Check Type
Of Waiver



Party Information

Oil and Gas Privacy Notice:
The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

NOTICE #5

22-6A-10(h)

WELL WORK OR SITE PREPARATION

Type of Notice: before commencement of:

- well work or
- site preparation work that involves any disturbance of land is expected to commence.

Time Period: notice within:

- **SEVEN DAYS**
- *but no less than* **TWO DAYS**

See: **22-6A-10a** AND Notice shall provide that further information may be obtained from the agency's website.

Who is Noticed? The surface owners described in subdivisions (1), (2) and (4), subsection (b) of this section, and the coal owner, operator or lessee described in subdivision (3) of that subsection is also entitled to receive notice:

See 22-6A-10(b):

1. The **owners of record of the surface of the tract** on which the well is or is proposed to be located;
2. The **owners of record of the surface tract or tracts overlying the oil and gas leasehold** being developed by the proposed well work, if the surface tract is to be used for roads or other land disturbance as described in the erosion and sediment control plan submitted pursuant to subsection (c), section seven of this article;
3. The **coal owner, operator or lessee**, in the event the tract of land on which the well proposed to be drilled is located [sic] is known to be underlain by one or more coal seams;
4. The **owners of record of the surface tract or tracts overlying the oil and gas leasehold** being developed by the proposed well work, if the surface tract is to be used for the placement, construction, enlargement, alteration, repair, removal or abandonment of any impoundment or pit as described in section nine of this article;

Delivery Method: 22-6A-10(b)

- by personal service or
- by registered mail or
- by any method of delivery that requires a receipt or signature confirmation.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE OF WELL WORK OR SITE PREPARATION

Notice Time Requirement: The notice shall be provided within SEVEN (7) days but no less than TWO (2) days before commencement.

Date of Notice: _____ **Date of Well Work/Site Preparation:** _____



Fill in Dates

Delivery method pursuant to West Virginia Code § 22-6A-10a

- PERSONAL SERVICE
- REGISTERED MAIL
- METHOD OF DELIVERY THAT REQUIRES A RECEIPT OR SIGNATURE CONFIRMATION



Check Delivery Method

Pursuant to West Virginia Code § 22-6A-10(h), the surface owners described in subdivisions (1), (2) and (4), subsection (b) of this section, and the coal owner, operator or lessee described in subdivision (3) of that subsection is also entitled to receive notice within seven days but no less than two days before commencement that well work or site preparation work that involves any disturbance of land is expected to commence.

Pursuant to W. Va. Code § 22-6A-10(h), the following, as described in W. Va. Code § 22-6A-10(b), must be noticed: (1) The owners of record of the surface of the tract on which the well is or is proposed to be located; (2) The owners of record of the surface tract or tracts overlying the oil and gas leasehold being developed by the proposed well work, if the surface tract is to be used for roads or other land disturbance as described in the erosion and sediment control plan submitted pursuant to subsection (c), section seven of this article; (4) The owners of record of the surface tract or tracts overlying the oil and gas leasehold being developed by the proposed well work, if the surface tract is to be used for the placement, construction, enlargement, alteration, repair, removal or abandonment of any impoundment or pit as described in section nine of this article; and (3) The coal owner, operator or lessee, in the event the tract of land on which the well proposed to be drilled is located [sic] is known to be underlain by one or more coal seams.

Notice is hereby provided to:

- | | |
|--|--|
| <input type="checkbox"/> SURFACE OWNER(s)
Name: _____
Address: _____ | <input type="checkbox"/> SURFACE OWNER(s) (Impoundments/Pits)
Name: _____
Address: _____ |
| <input type="checkbox"/> SURFACE OWNER(s) (Road and/or Other Disturbance)
Name: _____
Address: _____ | <input type="checkbox"/> COAL OWNER, OPERATOR OR LESSEE
Name: _____
Address: _____ |



Check All Parties Noticed & Include Information

*Please attach additional forms if necessary

Notice is hereby given:

Pursuant to West Virginia Code § 22-6A-10(h), notice is hereby given that the undersigned well operator will be commencing well work or site preparation work that involves a disturbance of land.

Notice is hereby given by:

Well Operator: _____ Address: _____
Telephone: _____
Email: _____ Facsimile: _____



Applicant Information

Additional information related to horizontal drilling may be obtained from the Secretary, at the WV Department of Environmental Protection headquarters, located at 601 57th Street, SE, Charleston, WV 25304 (304-926-0450) or by visiting www.dep.wv.gov/oil-and-gas/pages/default.aspx.

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

22-6A-7(b) and 22-6A-11(b)
NOTICE CERTIFICATION

22-6A-7(b)

Every permit application filed under this section shall be on a form as may be prescribed by the secretary, shall be verified and **shall contain the following information:**

22-6A-7(b)(14) A certification from the operator that:

1. it has provided the owners of the surface described in 22-6A-10(b)(1), (2) and (4), the information required by 22-6A-16(b) **NOTICE OF INTENT TO DRILL** and 22-6A-16(c) **NOTICE OF PLANNED OPERATION**;
2. that the requirement was deemed satisfied as a result of giving the surface owner notice of entry to survey pursuant to 22-6A-10(a) **ENTRY FOR PLAT SURVEYS**; OR
3. the notice requirements of 22-6A-16(b) were **waived in writing** by the surface owner.

22-6A-11(b)

The applicant shall:

- **Tender proof of and**
- **Certify to the secretary...**

That the notice requirements of **22-6A-10** have been completed by the applicant.

The certification of notice to the person may be made by:

1. affidavit of personal service,
2. the return receipt card, OR
3. other postal receipt for certified mailing.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE CERTIFICATION

Date of Notice Certification: _____

API No. 47- _____ - _____
Operator's Well No. _____
Well Pad Name: _____

Fill in Dates

Notice has been given:

Pursuant to the provisions in West Virginia Code § 22-6A, the Operator has provided the required parties with the Notice Forms listed below for the tract of land as follows:

State: _____; UTM NAD83 Easting: _____;
County: _____; Public Road Access: _____;
District: _____; Watershed: _____;
Quadrangle: _____; Generally used farm name: _____;
UTM NAD83 Northing: _____;

Fill Out All
Location
Information

Pursuant to West Virginia Code § 22-6A-7(b), every permit application filed under this section shall be on a form as may be prescribed by the secretary, shall be verified and shall contain the following information: (14) A certification from the operator that (i) it has provided the owners of the surface described in subdivisions (1), (2) and (4), subsection (b), section ten of this article, the information required by subsections (b) and (c), section sixteen of this article; (ii) that the requirement was deemed satisfied as a result of giving the surface owner notice of entry to survey pursuant to subsection (a), section ten of this article six-a; or (iii) the notice requirements of subsection (b), section sixteen of this article were waived in writing by the surface owner; and Pursuant to West Virginia Code § 22-6A-11(b), the applicant shall tender proof of and certify to the secretary that the notice requirements of section ten of this article have been completed by the applicant.

Pursuant to West Virginia Code § 22-6A, the Operator has attached proof to this Notice Certification that the Operator has properly served the required parties with the following:	
*PLEASE CHECK ALL THAT APPLY	
<input type="checkbox"/> 1. NOTICE OF SEISMIC ACTIVITY or <input type="checkbox"/> NOTICE NOT REQUIRED BECAUSE NO SEISMIC ACTIVITY WAS CONDUCTED	<input type="checkbox"/> RECEIVED/ NOT REQUIRED
<input type="checkbox"/> 2. NOTICE OF ENTRY FOR PLAT SURVEY	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> 3. NOTICE OF INTENT TO DRILL or <input type="checkbox"/> NOTICE NOT REQUIRED BECAUSE NOTICE OF ENTRY FOR PLAT SURVEY WAS CONDUCTED or <input type="checkbox"/> WRITTEN WAIVER BY SURFACE OWNER (PLEASE ATTACH)	<input type="checkbox"/> RECEIVED/ NOT REQUIRED
<input type="checkbox"/> 4. NOTICE OF PLANNED OPERATION	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> 5. PUBLIC NOTICE	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> 6. NOTICE OF APPLICATION	<input type="checkbox"/> RECEIVED

Check All Types of
Notice Delivered

Required Attachments:

The Operator shall attach to this Notice Certification Form all Notice Forms and Certifications of Notice that have been provided to the required parties and/or any associated written waivers. For the Public Notice, the operator shall attach a copy of the Class II Legal Advertisement with publication date verification or the associated Affidavit of Publication. The attached Notice Forms and Certifications of Notice shall serve as proof that the required parties have been noticed as required under West Virginia Code § 22-6A. Pursuant to West Virginia Code § 22-6A-11(b), the Certification of Notice to the person may be made by affidavit of personal service, the return receipt card or other postal receipt for certified mailing.

Required
Attachments

Certification of Notice is hereby given:

THEREFORE, I _____, have read and understand the notice requirements within West Virginia Code § 22-6A. I certify that as required under West Virginia Code § 22-6A, I have served the attached copies of the Notice Forms, identified above, to the required parties through personal service, by registered mail or by any method of delivery that requires a receipt or signature confirmation. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this Notice Certification and all attachments, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Well Operator: _____ Address: _____
By: _____
Its: _____ Facsimile: _____
Telephone: _____ Email: _____

NOTARY SEAL

Subscribed and sworn before me this ____ day of _____,

Notary Public
My Commission Expires _____

Oil and Gas Privacy Notice:

The Office of Oil and Gas processes your personal information, such as name, address and telephone number, as part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use or your personal information, please contact DEP's Chief Privacy Officer at depprivacyofficer@wv.gov.

Applicant
Information



Notary



All Notice forms, along with certification for each individual form shall be attached to Certification Form WW-6AC and submitted to OOG at the time the application is filed.

TYPE OF NOTICE	TIME REQUIREMENT
1. SEISMIC ACTIVITY NOTICE	AT LEAST THREE (3) DAYS PRIOR
2. ENTRY FOR PLAT SURVEY NOTICE	AT LEAST SEVEN (7) DAYS but NO MORE THAN FORTY-FIVE (45) DAYS PRIOR TO SUCH ENTRY
3. NOTICE OF INTENT TO DRILL	AT LEAST TEN (10) DAYS PRIOR TO FILING PERMIT APPLICATION
4. PUBLIC NOTICE	AT LEAST TEN (10) DAYS PRIOR TO FILING PERMIT APPLICATION
5. NOTICE OF PLANNED OPERATION	NO LATER THAN FILING DATE OF PERMIT APPLICATION
6. NOTICE OF APPLICATION	NO LATER THAN FILING DATE OF PERMIT APPLICATION
7. NOTICE OF WELL WORK OR SITE PREPARATION	WITHIN SEVEN (7) DAYS but NO LESS THAN TWO (2) DAYS

Questions?



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BONDING

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