WEST VIRGINIA CODE: §22-6A-5

§22-6A-5. Application of article six of this chapter to horizontal wells subject to this article.

(a) To the extent that horizontal wells governed by this article are similar to conventional oil and gas wells regulated under article six of this chapter, the following sections of article six of this chapter are hereby incorporated by reference in this article:

(1) The provisions of §22-6-3 of this code relating to the findings and orders of inspectors concerning violations, the determination of reasonable time for abatement, extensions of time for abatement, special inspections and notice of findings and orders;

(2) The provisions of §22-6-4 of this code providing for the review of findings and orders by the secretary, special inspections and applications for annulment or revision of orders by the secretary;

(3) The provisions of §22-6-5 of this code relating to the requirements for findings, orders and notices, notice to the operator of findings and orders and judicial review of final orders of the secretary;

(4) The provisions of §22-6-7 of this code relating to the issuance of water pollution control permits, the powers and duties of the secretary related thereto and penalties for violations of the same;

(5) The provisions of §22-6-8 of this code of this chapter relating to the prohibition of permits for wells on flat well royalty leases and requirements for permits;

(6) The provisions of §22-6-12 of this code pertaining to plats prerequisite to drilling or fracturing wells, the preparation and contents thereof, notice furnished to coal operators, owners or lessees, the issuance of permits and required performance bonds, with the following exceptions:

(A) Under subsection (a), §22-6-12 of this code, the plat also shall identify all surface tract boundaries within the scope of the plat proposed to be crossed by the horizontal lateral of the horizontal well and the proposed path of such horizontal lateral, and

(B) Under subsection (b), §22-6-12 of this code, any reference to a time period shall be thirty days in lieu of fifteen days;

(7) The provisions of §22-6-13 of this code providing for notice of the operator's intention to fracture wells, with the exception that under the third paragraph of §22-6-13 of this code, the applicable periods shall be thirty days in lieu of fifteen days;

(8) The provisions of §22-6-14 of this code providing requirements related only to the

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introduction of liquids for the purposes for enhanced recovery, with the exception that the type of wells used for enhanced recovery referenced in §22-6-14(a) of this code shall also include the introduction of fluids or gases, not otherwise prohibited by law or rule, including carbon dioxide, for the purposes provided for in §22-6-25 of this code;

(9) The provisions of §22-6-15 of this code pertaining to objections to proposed deep well drilling sites above seam or seams of coal, with the exception that the applicable time for filing objections is within thirty days of receipt by the secretary of the required plat and/or notice in lieu of fifteen days;

(10) The provisions of §22-6-16 of this code pertaining to the process of issuing permits related only to the introduction of liquids or waste for the purposes for enhanced recovery, with the exception that the type of wells used for enhanced recovery referenced in §22-6-16 of this code shall also include the introduction of fluids or gases, not otherwise prohibited by law or rule, including carbon dioxide, for the purposes provided for in §22-6-25 of this code;

(11) The provisions of §22-6-17 of this code pertaining to drilling of shallow gas wells, notice to be provided to the chair of the review board, orders issued by the review board and permits issued for such drilling, with the exception that the applicable time for filing objections is thirty days from the date of receipt by the secretary of the required plat and notice in lieu of fifteen days;

(12) The provisions of §22-6-18 of this code providing for protective devices for when a well penetrates one or more workable coal beds and when gas is found beneath or between workable coal beds;

(13) The provisions of §22-6-19 of this code providing for protective devices during the life of the well and for dry or abandoned wells;

(14) The provisions of §22-6-20 of this code providing for protective devices when a well is drilled through the horizon of a coalbed from which the coal has been removed;

(15) The provisions of §22-6-21 of this code requiring the installation of fresh water casings;

(16) The provisions of §22-6-22 of this code relating to the filing of a well completion log and the contents thereof, confidentiality and permitted use and the secretary's authority to promulgate rules;

(17) The provisions of §22-6-25 of this code regarding the introduction of liquid pressure into producing strata to recover oil contained therein, with the exception that (i) the purposes of wells set forth in §22-6-25 of this code may also be for introducing fluid or gaseous pressure, including carbon dioxide, and (ii) the substance that is the subject of recovery also includes natural gas;

(18) The provisions of §22-6-27 of this code regarding a cause of action for damages caused by an explosion;

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(19) The provisions of §22-6-28 of this code of this chapter relating to supervision by the secretary over drilling and reclamation operations, the filing of complaints, hearings on the same and appeals;

(20) The provisions of §22-6-29 of this code providing for the Operating Permit and Processing Fund, the oil and gas reclamation fund and associated fees, with the exception that in the first paragraph of subsection (a), §22-6-29 of this code, the fees to be credited to the Oil and Gas Operating Permit and Processing Fund are the permit fees collected pursuant to section seven of this article;

(21) The provisions of §22-6-31 of this code providing for preventing waste of gas, plans of operation for wasting gas in the process of producing oil and the secretary's rejection thereof;

(22) The provisions of §22-6-32 of this code pertaining to the right of an adjacent owner or operator to prevent waste of gas and the recovery of costs;

(23) The provisions of §22-6-33 of this code relating to circuit court actions to restrain waste;

(24) The provisions of §22-6-36 of this code providing for the declaration of oil and gas notice by owners and lessees of coal seams and setting out the form of such notice;

(25) The provisions of §22-6-39 of this code relating to petitions for injunctive relief; and

(26) The provisions of §22-6-40 of this code of this chapter relating to appeals from orders issuing or refusing to issue a permit to drill or fracture, and the procedure therefore.

(b) Notwithstanding any other provision of this code to the contrary, no provision of article six of this chapter shall apply to horizontal wells subject to this article except as expressly incorporated by reference in this article. Any conflict between the provisions of article six and the provisions of this article shall be resolved in favor of this article.

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