WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED
SENATE BILL NO. 24

(By Mr. Jackson, the President,
and Mr. Gavies)

PASSED.............................. March 8, 1969

In Effect............................. July 1, 1969

FILED IN THE OFFICE
JOHN D. ROYAL, IV
SECRETARY OF STATE
THIS DATE 3-12-69

#24
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Senate Bill No. 24

(By Mr. Jackson, Mr. President, and Mr. Gainer)

[Passed March 8, 1969; in effect July 1, 1969.]

AN ACT to amend and reenact sections one, one-a, one-f, one-g, one-h, one-i, two, two-a, seven, nine, ten, ten-a, thirteen and seventeen, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto six new sections, designated sections one-k, two-b, three-a, four-a, eight-a and twelve-a, all relating to oil and gas wells and certain other wells, defining the powers and duties of the department of mines and the deputy director for oil and gas with regard to such wells, establishing administrative procedures with regard to the drilling, fracturing and flooding of such wells, the disposal of industrial waste into such wells, the manner in which
such wells shall be plugged, cased or abandoned, establishment of an oil and gas reclamation fund and providing for penalties for violations of this article.

Be it enacted by the Legislature of West Virginia:

That sections one, one-a, one-f, one-g, one-h, one-i, two, two-a, seven, nine, ten, ten-a, thirteen and seventeen, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto six new sections, designated sections one-k, two-b, three-a, four-a, eight-a and twelve-a, all to read as follows:

ARTICLE 4. OIL AND GAS WELLS.

§22-4-1. Definitions.

1 Unless the context in which used clearly requires a different meaning, as used in this article:

3 (a) “Deputy director” shall mean the deputy director for oil and gas;

5 (b) “Well” shall mean any shaft or hole sunk, drilled, bored or dug into the earth or into underground strata for the extraction or injection or placement of any liquid or
gas, or any shaft or hole sunk or used in conjunction with such extraction or injection or placement. The term “well” shall not have included within its meaning any shaft or hole sunk, drilled, bored or dug into the earth for the sole purpose of core drilling or pumping or extracting therefrom potable, fresh or usable water for household, domestic, industrial, agricultural or public use;

(c) “Facility” shall mean any facility utilized in the oil and gas industry in this state and specifically named or referred to in this article or in articles five or seven of this chapter, other than a well or well site;

(d) “Owner” when used with reference to any such well, shall include any person or persons, firm, partnership, partnership association or corporation that owns, manages, operates, controls or possesses such well as principals, or as lessee or contractor, employee or agent of such principal;

(e) “Well operator” or “operator” shall include any person or persons, firm, partnership, partnership association or corporation that proposes to or does locate, drill, operate or abandon any well as herein defined;
(f) "Chief" shall mean chief of the division of water resources of the department of natural resources;

(g) "Coal operator" shall include any person or persons, firm, partnership, partnership association or corporation that proposes to or does operate a coal mine;

(h) "Department" or "department of mines" includes the duly constituted authorities under the laws of this state having jurisdiction over coal mining operations;

(i) "Plat" means a map, drawing or print showing the location of a well or wells as herein defined;

(j) "Casing" means a string or strings of pipe commonly placed in wells drilled for natural gas or petroleum or both;

(k) "Oil" and "gas" are synonyms for petroleum and natural gas respectively;

(l) "Cement" means hydraulic cement properly mixed with water only;

(m) "Workable coal bed" means a coal bed in fact being operated commercially, or which, in the judgment of the department of mines, can, and that it is reasonably to be expected will, be so operated, and which, when
operated, will require protection if wells are drilled through it.

§22-4-1a. Deputy director for oil and gas—appointment; powers and duties generally; departmental records open to public.

There shall be an employee of the department whose title shall be “deputy director for oil and gas,” who shall be appointed by the director to serve at the will and pleasure of the director. The deputy director for oil and gas shall have full charge of the oil and gas matters set out in this article and in articles five and seven of this chapter, subject always to the direct supervision and control of the director of the department of mines. As such, the deputy director for oil and gas shall have the power and duty to:

(1) Supervise and direct the execution and enforcement of the provisions of this article and articles five and seven of this chapter;

(2) Employ a supervising oil and gas inspector and not more than eight district oil and gas inspectors upon approval by the director, such clerks, stenographers and
other employees as may be approved by the director, at compensation fixed by the director, except as otherwise provided in this article;

(3) Supervise and direct such oil and gas inspectors and supervising inspector in the performance of their duties;

(4) Suspend for good cause any oil and gas inspector or supervising inspector without compensation for a period not exceeding thirty days in any calendar year;

(5) Prepare report forms to be used by oil and gas inspectors or the supervising inspector in making their findings, orders and notices, upon inspections made in accordance with this chapter;

(6) Hear and determine applications made by owners, well operators, and coal operators for the annulment or revision of orders made by oil and gas inspectors or the supervising inspector, and to make inspections, in accordance with the provisions of this article and articles five and seven of this chapter;

(7) Cause a properly indexed permanent and public record to be kept of all inspections made by himself or by oil and gas inspectors or the supervising inspector;
(8) Make annually a full and complete written report to the director of the department of mines in such form and detail as the director may from time to time request, so that the director can complete the preparation of the director's annual report to the governor of the state;

(9) Conduct such research and studies as the director shall deem necessary to aid in protecting the health and safety of persons employed within or at potential or existing oil or gas production fields within this state, to improve drilling and production methods and to provide for the more efficient protection and preservation of oil and gas-bearing rock strata and property used in connection therewith;

(10) Perform all other duties which are expressly imposed upon him by the provisions of this chapter, as well as duties assigned to him by the director of the department of mines.

All records of the department shall be open to the public.

§22-4-1f. Authority and duty of deputy director and inspectors to visit and inspect wells and facilities; inspectors to devote full time to duties.

The deputy director for oil and gas of the department
of mines shall have authority to visit and inspect any well or well site and any other oil and/or gas facility in this state and may call for the assistance of any oil and gas inspector or inspectors or supervising inspector whenever such assistance is necessary in the inspection of any such well or well site or any other oil and/or gas facility. Similarly, all oil and gas inspectors and the supervising inspector shall have authority to visit and inspect any well or well site and any other oil and/or gas facility in this state. The operator or owner of every well or well site or any other oil and/or gas facility shall cooperate with the deputy director for oil and gas, all oil and gas inspectors and the supervising inspector in making inspections or obtaining information.

Oil and gas inspectors shall devote their full time and undivided attention to the performance of their duties, and they shall be responsible for the inspection of all wells or well sites or other oil and/or gas facilities in their respective districts as often as may be required in the performance of their duties.
§22-4-1g. Findings and orders of inspectors concerning violations; determination of reasonable time for abatement; extensions of time for abatement; special inspections; notice of findings and orders.

(a) If an oil and gas inspector, upon making an inspection of a well or well site or any other oil and/or gas facility, as authorized by this article, finds that any provision of this article is being violated, he shall determine what would be a reasonable period of time within which such violation should be totally abated. Such findings shall contain reference to the provisions of this article which he finds are being violated, and a detailed description of the conditions which cause and constitute such violation.

(b) The period of time so found by such oil and gas inspector to be a reasonable period of time may be extended by such inspector, or by any other oil and gas inspector duly authorized by the deputy director for oil and gas, from time to time, but on not more than three occasions, upon the making of a special inspection to ascertain whether or not such violation has been totally
abated. The deputy director for oil and gas shall cause
a special inspection to be made: (A) Whenever an oper-
ator of a well or well site or any other oil and/or gas
facility, prior to the expiration of any such period of
time, requests him to cause a special inspection to be
made at such well or well site or any other oil and/or gas
facility; and (B) upon expiration of such period of time
as originally fixed or as extended, unless the deputy di-
rector for oil and gas is satisfied that the violation has
been abated. Upon making such special inspection, such
oil and gas inspector shall determine whether or not such
violation has been totally abated. If he determines that
such violation has not been totally abated, he shall de-
termine whether or not such period of time as originally
fixed, or as so fixed and extended, should be extended.
If he determines that such period of time should be ex-
tended, he shall determine what a reasonable extension
would be. If he determines that such violation has not
been totally abated, and if such period of time as origi-
ally fixed, or as so fixed and extended, has then expired,
and if he also determines that such period of time should
not be further extended, he shall thereupon make an
order requiring the operator of such well or well site or
other oil and/or gas facility to cease further operations
of such well, well site or facility, as the case may be.
Such findings and order shall contain reference to the
specific provisions of this article which are being violated.
(c) Notice of each finding and order made under this
section shall promptly be given to the operator of the
well or well site or other oil and/or gas facility to which
it pertains, by the person making such finding or order.
(d) No order shall be issued under the authority of
this section which is not expressly authorized herein.
§22-4-1h. Review of findings and orders by deputy director for
oil and gas; special inspection; annulment, revision, etc., of order; notice.
Any operator of a well or well site or other oil and/or
gas facility notified of findings or an order made by an oil
and gas inspector pursuant to section one-g of this article,
may apply to the deputy director for oil and gas for
annulment or revision of such order. Upon receipt of
such application the deputy director for oil and gas shall
make a special inspection of the well, well site or other oil and/or gas facility affected by such order, or cause two duly authorized oil and gas inspectors, other than the oil and gas inspector who made such order or the supervising inspector and one duly authorized oil and gas inspector other than the oil and gas inspector who made such order, to make such inspection of such well, or well site or other oil and/or gas facility and to report thereon to him. Upon making such special inspection himself, or upon receiving the report of such special inspection, as the case may be, the deputy director for oil and gas shall make an order which shall include his findings and shall annul, revise or affirm the order of the oil and gas inspector.

The deputy director for oil and gas shall cause notice of each finding and order made under this section to be given promptly to the operator of the well, well site or other oil and/or gas facility to which such findings and order pertain.

At any time while an order made pursuant to section one-g of this article is in effect, the operator of the well,
all actions which he, or oil and gas inspectors, or the supervising inspector, is required to take under this article, shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved.

§22-4-li. Requirements for findings, orders and notices; posting of findings and orders.

(a) All findings and orders made pursuant to sections one-g or one-h of this article, and all notices required to be given of the making of such findings and orders, shall be in writing. All such findings and orders shall be signed by the person making them, and all such notices shall be signed by the person charged with the duty of giv-
ing the notice. All such notices shall contain a copy of
the findings and orders referred to therein.
(b) Notice of any finding or order required by sections
one-g or one-h of this article to be given to an operator
shall be given by causing such notice, addressed to the
operator of the well, well site or other oil and/or gas
facility to which such finding or order pertains, to be
delivered to such operator by causing a copy thereof to
be sent by registered mail to the permanent address of
such operator as filed with the department of mines and
by causing a copy thereof to be posted upon the drilling
rig or other equipment at the well, well site or other oil
and/or gas facility, as the case may be. The requirement
of this article that a notice shall be “addressed to the
operator of the well, well site or other oil and/or gas
facility to which such finding or order pertains,” shall not
require that the name of the operator for whom it is in-
tended shall be specifically set out in such address. Ad-
dressing such notice to “Operator of . . .,” specifying the
well, well site or other oil and/or gas facility sufficiently
to identify it, shall satisfy such requirement.
§22-4-1k. Permits required; application for permit; information; responsible agent; drilling permit number; when permits not to be issued.

1 It shall be unlawful for any well to be drilled, redrilled, deepened, fractured, pressured, converted or combined unless a permit therefor has been issued by the department. An application for any such permit shall be filed with the deputy director and shall contain the following:

(a) The name and address of the well operator;

(b) The name and address of the owner of the surface lands upon which the well is or may be located;

(c) The name and address of the agent of the well operator, if any such agent is required to be designated under the provisions of this section;

(d) The approximate depth to which the well is to be drilled;

(e) The proposed casing program of such well including the sizes of all such casing, the depth to which all casing is to be run and the extent to which such casing is to be cemented; and,

(f) Any other information which the deputy director by rule or regulation may require.
If the well operator named in such application is a corporation, partnership or a nonresident of the state of West Virginia, then there shall be designated the name and address of an agent for such operator who shall be the attorney in fact for the operator and who shall be a resident of the state of West Virginia upon whom notices, orders or other communications issued pursuant to this article or article five-a, chapter twenty, may be served, and upon whom process may be served. Every well operator required to designate an agent under this section shall within five days after the termination of such designation notify the department of such termination and designate a new agent.

The deputy director shall issue with the permit a metal plate containing the drilling permit number as designated by him, which plate shall be permanently affixed in the manner prescribed by the deputy director to the well site upon the completion of the drilling of such well. The metal plate required to be issued by the deputy director shall be of a size and dimension of such material as he shall establish by rule and regulation.
For the purpose of ascertaining whether or not issuance of any permit to drill, redrill, deepen, case, fracture, pressure, operate, plug, abandon, convert or combine any well will contribute to an existing pollution problem, the deputy director shall have the right and it shall be his duty to consult with the director of the department of natural resources. In the event the issuance of any such permit may reasonably be expected to contribute to any such existing pollution then the deputy director will not issue such permit.

Any person who violates any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding two thousand dollars, or imprisonment in jail for not exceeding twelve months, or both such fine and imprisonment.

§22-4-2. Plats prerequisite to drilling or fracturing wells; preparation and contents; notice and information furnished to coal operators; issuance of permits; performance bonds or securities in lieu thereof.

Before drilling for oil or gas, or before fracturing a well originally drilled before the fifth day of June, one thousand and nine hundred twenty-nine, on any tract of land, the
well operator shall have a plat prepared by a competent land surveyor or engineer showing the district and county in which the tract of land is located, the name and acreage of the same, the names of the owners of adjacent tracts, the proposed or actual location of the well determined by survey, the courses and distances of such location from two permanent points or landmarks on said tract and the number to be given the well (and the date of drilling completion of a well originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, when it is proposed that such well be fractured), and shall forward by registered mail a copy of the plat to the department of mines. In the event the tract of land on which the said well proposed to be drilled or fractured is located is known to be underlaid with one or more workable beds of coal, copies of the plat shall be forwarded by registered mail to each and every coal operator, if any, operating said beds of coal beneath said tract of land, or within five hundred feet of the boundaries of the same, who has mapped the same and filed his maps as required by law. With each of such
25 plats there shall be enclosed a notice (form for which
26 shall be furnished on request by the department of mines)
27 addressed to the department of mines and to each such
28 coal operator, if any, at their respective addresses, in-
29 forming them that such plat and notice are being mailed
30 to them respectively by registered mail, pursuant to
31 the requirements of this article. If no objections are
32 made, or are found by the department, to such pro-
33 posed location or proposed fracturing within ten days
34 from receipt of such plat and notice by the department
35 of mines, the same shall be filed and become a perma-
36 nent record of such location or fracturing subject to
37 inspection at any time by any interested person, and the
38 department may forthwith issue to the well operator
39 a permit reciting the filing of such plat, that no objec-
40 tions have been made by the coal operators, if any, or
41 found thereto by the department, and authorizing the
42 well operator to drill at such location, or to fracture the
43 well originally drilled before the fifth day of June, one
44 thousand nine hundred twenty-nine: Provided, That un-
45 less the department has objections to such proposed loca-
tion or proposed fracturing, such permit may be issued prior to the expiration of such ten-day period upon the obtaining by the well operator of the consent in writing of the coal operator or operators to whom copies of the plat and notice shall have been mailed as herein required, and upon presentation of such written consent to the department. The notice above provided for may be given to the coal operator by delivering or mailing it as above to any agent or superintendent in actual charge of mines.

A permit to drill, or to fracture an oil and/or gas well originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, shall not be issued unless the application therefor is accompanied by a bond of the operator in the sum of one thousand dollars, payable to the state of West Virginia, with a corporate bonding and/or surety company authorized to do business in this state as surety thereon, conditioned on full compliance with all laws, rules and regulations relating to the drilling, redrilling, deepening, casing, plugging and abandonment of wells and for furnishing such reports
and information as may be required by the department:

Provided, however, That when such operator makes or has made application for permits to drill a number of wells and/or fracture a well or wells originally drilled before the fifth day of June, one thousand nine hundred twenty-nine, the operator may in lieu of furnishing a separate bond furnish a blanket bond in the sum of ten thousand dollars, payable to the state of West Virginia, with a corporate bonding or surety company authorized to do business in this state as surety thereon, and conditioned as aforesaid: Provided further, That in lieu of corporate surety on a separate or blanket bond, as the case may be, the operator may elect to deposit with the deputy director for oil and gas cash or the following collateral securities or any combination thereof: (1) Bonds of the United States or agency thereof, or those guaranteed by, or for which the credit of the United States or agency thereof is pledged for the payment of the principal and interest thereof; (2) direct general obligation bonds of this state, or any other state, or territory of the United States, or the District of Co-
lumbia, unconditionally guaranteed as to the principal and interest by such other state or territory of the United States, or the District of Columbia if such other state, territory, or the District of Columbia has the power to levy taxes for the payment of the principal and interest of such securities, and if at the time of the deposit such other state, territory, or the District of Columbia is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness; (3) direct general obligation bonds of any county, district, city, town, village, school district or other political subdivision of this state issued pursuant to law and payable from ad valorem taxes levied on all the taxable property located therein, provided that the total indebtedness after deducting sinking funds and all debts incurred for self-sustaining public works does not exceed five percent of the assessed value of all taxable property therein at the time of the last assessment made before the date of such deposit, and provided that the issuer has not, within five years prior to the making thereof, been in default for more than ninety
days in the payment of any part of the principal or interest on any debt evidenced by its bonds; (4) revenue bonds issued by this state or any agency of this state when such bonds are payable from revenues or earnings specifically pledged for the payment of principal and interest, and a lawful sinking fund or reserve fund has been established and is being maintained for the payment of such bonds; (5) revenue bonds issued by a municipality in this state for the acquisition, construction, improvement, or extension of a waterworks system, or a sewerage system, or a combined waterworks and sewerage system, when such bonds are payable from revenue or earnings specifically pledged for the payment of principal and interest, and a lawful sinking fund or reserve fund has been established and is being maintained for the payment of such bonds; (6) revenue bonds issued by a public service board of a public service district in this state for the acquisition, construction, improvement or extension of any public service properties, or for the reimbursement or payment of the costs and expenses of creating the district, when such bonds
are payable from revenue or earnings specifically pledged
for the payment of principal and interest, and a lawful
sinking fund or reserve fund has been established and
is being maintained for the payment of such bonds; (7)
revenue bonds issued by a board of trustees of a sanitary
district in this state for the corporate purposes of such
district, when such bonds are payable from revenue or
earnings specifically pledged for the payment of principal
and interest, and a lawful sinking fund or reserve fund
has been established and is being maintained for the
payment of such bonds; and (8) bonds issued by a federal
land bank or home owners' loan corporation. The cash
deposit and/or market value of the collateral securities
shall be equal to or greater than the penalty of the
separate or blanket bond, as the case may be. Upon re-
ceipt of any such deposit or cash or collateral securi-
ties, the deputy director for oil and gas shall immediately
deliver the same to the treasurer of the state of West
Virginia. The treasurer shall determine whether any such
securities satisfy the requirements of this section. If
the securities are approved they shall be accepted by
the treasurer. If the securities are not approved, they shall be rejected and returned to the operator and no permit shall be issued until a corporate surety bond is filed or cash or proper collateral securities are filed in lieu of such surety. The treasurer shall hold any cash or securities in the name of the state in trust for the purposes for which the deposit was made. The operator shall be entitled to all interest and income earned on the collateral securities filed by such operator so long as the operator is in full compliance with all laws, rules and regulations relating to the drilling, redrilling, deepening, casing, plugging and abandonment of wells and for furnishing such reports and information as may be required by the department. The operator making the deposit shall be entitled from time to time to receive from the treasurer, upon the written order of the deputy director for oil and gas, the whole or any portion of such securities upon depositing with the treasurer in lieu thereof cash equal to or greater than the penalty of the bond, or other approved securities of the classes herein specified having a market value equal to or greater
than the penalty of the bond, or a corporate surety bond. Any such bond shall remain in force until released by the department and the department shall release the same when it is satisfied the conditions thereof have been fully performed. Upon the release of any such bond, any cash or collateral securities deposited shall be returned by the deputy director for oil and gas to the operator who deposited same.

§22-4-2a. Notice to coal operators and department of mines of intention to fracture certain other wells; contents of such notice; permit required.

Before fracturing any well originally drilled on and after the fifth day of June, one thousand nine hundred twenty-nine, and before the effective date of this act, and which is located on any tract of land known to be underlaid with one or more workable beds of coal, the well operator shall, by registered mail, forward a notice of intention to fracture such well to the department of mines and to each and every coal operator operating said beds of coal beneath said tract of land, or within five hundred feet of the boundaries of the same, who has
mapped the same and filed his maps as required by law.

Nothing contained in this article shall under any circum-
cumstances be construed to require any well operator to
give a notice of intention to fracture, or to obtain a
permit to fracture, a well drilled on and after the effec-
tive date of this act. The notice shall be addressed to the
department of mines and to each such coal operator at
their respective addresses, shall contain the number of
the drilling permit for such well and such other in-
formation as may be required by the department to en-
able the department and the coal operators to locate and
identify such well and shall inform them that such
notice is being mailed to them respectively by registered
mail, pursuant to the requirements of this article. (The
form for such notice of intention shall be furnished on
request by the department of mines.) If no objections are
made, or are found by the department, to such proposed
fracturing within ten days from receipt of such notice by
the department of mines, the same shall be filed and be-
come a permanent record of such fracturing, subject to
inspection at any time by any interested person, and the
department shall forthwith issue to the well operator a permit reciting the filing of such notice, that no objections have been made by the coal operators, or found thereto by the department, and authorizing the well operator to fracture such well. Unless the department has objections to such proposed fracturing, such permit shall be issued prior to the expiration of such ten-day period upon the obtaining by the well operator of the consent in writing of the coal operator or operators to whom notice of intention to fracture shall have been mailed as herein required, and upon presentation of such written consent to the department. The notice above provided for may be given to the coal operator by delivering or mailing it as above to any agent or superintendent in actual charge of mines.

§22-4-2b. Plats prerequisite to introducing liquids or waste into wells; preparation and contents; notices and information furnished to coal operators and chief of water resources; issuance of permits; performance bonds of security in lieu thereof.

Before drilling a well for the introduction of liquids for the purposes provided for in section ten-a of this
article or for the introduction of liquids for the disposal of sewage, industrial waste or other waste or the effluent therefrom on any tract of land, or before converting an existing well for such purposes, the well operator shall have a plat prepared by a competent engineer showing the district and county in which the tract of land is located, the name and acreage of the same, the names of the owners of all adjacent tracts, the proposed or actual location of the well or wells determined by a survey, the courses and distances of such location from two permanent points of land marked on said tract and the number to be given to the well, and shall forward by registered or certified mail the original and one copy of the plat to the department of mines. In addition, the well operator shall provide the following information on the plat or by way of attachment thereto to the department in the manner and form prescribed by the department's rules and regulations: (a) the location of all wells, abandoned or otherwise located within the area to be affected; (b) where available, the casing records of all such wells; (c) where available, the drilling log of all such
wells; (d) the maximum pressure to be introduced; (e) the geological formation into which such liquid or pressure is to be introduced; (f) a general description of the liquids to be introduced; (g) the location of all water bearing horizons above and below the geological formation into which such pressure, liquid or waste is to be introduced; and (h) such other information as the deputy director by rule and regulation may require.

In the event the tract of land on which said well proposed to be drilled or converted for the purposes provided for in this section is located is known to be underlaid with one or more workable beds of coal, copies of the plat and all information required by this section shall be forwarded by the operator by registered or certified mail to each and every coal operator, if any, operating said beds of coal beneath said tracts of land, or within five hundred feet of the boundaries of the same, who has mapped the same and filed his maps as required by law.

With each of such plats, there shall be enclosed a notice (form for which shall be furnished on request by the department of mines) addressed to the department of mines
and to each such coal operator, if any, at their respective
addresses, informing them that such plat and notice are
being mailed to them respectively by registered or certi-
$\text{fied mail, pursuant to the requirements of this section. The}
deputy director shall forward a copy of the plat, notice
and all other information required by this section to the
chief of the division of water resources of the department
of natural resources.

If no objections are made by any such coal operator or
such chief, or are found by the department to such
proposed drilling or converting of the well or wells for
the purposes provided for in this section within thirty
days from the receipt of such plat and notice by the de-
partment of mines, the same shall be filed and become a
permanent record of such location or well, subject to
inspection at any time by any interested person, and
the department shall forthwith issue to the well operator
a permit reciting the filing of such plat and notice, that
no objections have been made by the coal operators,
if any, or found thereto by the department of mines or
by the chief, and authorizing the well operator to drill
66 at such location or convert such existing well or wells
67 for the purposes provided for in this section. Such per-
68 mit shall be issued prior to the expiration of such
69 thirty-day period upon the obtaining by the well oper-
70 ator of the consent in writing of the coal operator or
71 operators to whom copies of the plat and notices must
72 have been mailed as herein required and upon obtaining
73 the consent in writing of the chief, and upon presenta-
74 tion of such written consent in writing of the chief,
75 and upon presentation of such written consent to the
76 department. The notices above provided for may be given
77 to the coal operator by delivering or mailing it as above
78 to any agent or superintendent in actual charge of the
79 mines.
80 A permit to drill a well or wells or convert an existing
81 well or wells for the purposes provided for in this sec-
82 tion shall not be issued until all of the bonding provi-
83 sions required by the provisions of section two of this
84 article have been fully complied with and all such bond-
85 ing provisions shall apply to all wells drilled or converted
86 for the purposes provided for in this section as if such
wells had been drilled for the purposes provided for in
section two of this article, except that such bonds shall
be conditioned upon full compliance with all laws, rules
and regulations relating to the drilling of a well or the
converting of an existing well for the purposes provided
for in said section ten-a, or introducing of liquids for the
disposal of sewage, industrial waste or other waste or the
effluent therefrom including the redrilling, deepening,
casing, plugging, or abandonment of all such wells.

§22-4-3a. Objections to proposed drilling or converting for in-

troducing liquids or waste into wells; notices and
hearings; agreed location or conditions; location
or conditions fixed by the department of mines;
indication of changes on plats, etc.; issuance of per-
mits; docket of proceeding.

In any case wherein a well is proposed to be drilled or
converted for the purposes provided for in section two-b
of this article and is above or in close proximity to any
mine opening, shaft, entry, traveling, air, haulage, drain-
age or other passageway, or to any proposed extension
thereof, in any operated and abandoned or operating
coal mine or coal mine already surveyed and platted, but
not yet being operated, so that such well or wells or the
pillar of coal about such well or wells necessary to the
protection of the mine and of such well itself when drilled
or subjected to the introduction of liquid for the purposes
provided for in section ten-a of this article or subjected
to the introduction of liquid for the disposal of sewage,
industrial waste or other waste or the effluent therefrom
will interfere with or endanger the use of such mine
opening, entries or ways, then the coal operator or oper-
tors affected may, and shall, if the drilling or introducing
of any and all such liquids of or into a well at such loca-
tion will cause a dangerous condition in their mines, file
objections in writing (forms for which will be furnished
by the department on request) within thirty days from
the receipt by the department of mines of the plat and
notice required by section two-b of this article to such
proposed drilling or converting for the purposes provided
for in section two-b of this article, setting out therein as
definitely as is reasonably possible the ground or grounds
on which such objections are based and, in the case of
drilling a well for the purposes provided for in section two-b, where necessary, such coal operator shall indicate the direction and distance from the location shown on the plat from the location originally shown on the plat as the proposed well location is suggested as a new location where such proposed well may be drilled in order to overcome such coal operators objections, and in the case of converting an existing well for such purposes, such objecting coal operator shall indicate the conditions for the protection of life and property under which the well or wells should be converted or liquid introduced into such well to overcome such objections.

In any case wherein a well proposed to be drilled or converted for the purposes provided for in section two-b of this article shall, in the opinion of the chief of the division of water resources of the department of natural resources, affect detrimentally the reasonable standards of purity and quality of the waters of the state, such chief shall, within thirty days from the receipt of the plats and notices required by said section two-b, file with the deputy director his objections in writing to such proposed drilling
or conversion, setting out therein as definitely as is rea-
sonably possible the ground or grounds upon which such
objections are based and indicating the conditions, con-
sistent with the provisions of this article and the rules
or regulations promulgated thereunder, as may be neces-
sary for the protection of the reasonable standards of the
purity and quality of such waters under which such
proposed drilling or conversion may be completed to
overcome such objections.

If any objection or objections are so filed by any such
clad operator or such chief or are made by the department
of mines, the department shall notify the well operator
of the character of the objections and by whom made
and fix a time and place, not less than ten days from the
end of such thirty-day period, at which such objections
will be considered, of which time and place the well
operator and such chief and all coal operators to whom a
copy of the plat and notice required by said section two-b
was mailed, whether objecting or not objecting to the
proposed drilling or conversion, shall be given at least
five days' written notice by the department, by registered
or certified mail, and summoned to appear, and, in the

case of coal operators, bringing with them their maps
and plans showing their mines and mine workings and,
in the case of proposed drilling to be prepared to ap-
prove or except to such location or locations as the de-
partment may, after hearing, approve or itself fix in case
no agreement is reached, and, in the case of proposed
conversion of a well for the purposes provided for in said
section two-b, to be prepared to approve or to except to
any conditions under which the conversion is to take
place as the department may, for the protection of life
and property or for the protection of reasonable standards
of purity and quality of the waters of the state, after
hearing, approve or itself fix in case no agreement is
reached. In the case of proposed drilling or converting
of a well for the purposes provided for in said section
two-b, at the time and place so fixed, the well operator
and the interested coal operators and the chief, or such
of them as are present or represented, shall proceed to
consider the objections and agree upon either the location
(in the case of drilling) as made or so moved as to
satisfy all objections and meet the approval of the department, and any change in the original location (in case of drilling) so agreed upon and approved by the department shall be indicated on said plat on file with the department, and the distances and direction of the location of the new location from the original location shall be shown, and, as so altered, the plat shall be filed and become a permanent record, and in the case of proposed conversion, to agree upon conditions under which the well is to be converted which will satisfy all objections and meet the approval of the department, at which time the plat and notice required by said section two-b shall be filed and become a permanent record. Whereupon the department shall forthwith issue to the well operator a permit to drill or convert the well or wells, as the case may be, for the purposes provided for in said section two-b, reciting the filing of the plat and notice required by said section two-b, that at a hearing duly held a location as shown on the plat or the conditions under which the conversion is to take place for the protection of life and property and the reasonable standards of purity and
quality of the waters of the state were agreed upon and
approved, and that the well operator is authorized to
drill at such location or to convert at the site shown on
such plat, as the case may be.

In case the well operator and the coal operator and
the chief, or such of them as are present or represented
at such hearing are unable to agree upon a drilling loca-
tion, or upon a drilling location that meets the approval
of the department of mines, then the department shall
fix a drilling location on such tract of land as near to the
original location as possible in a pillar of suitable size,
through which the well can be drilled safely, taking into
consideration the dangers from creeps, squeezes or other
disturbances, due to the extraction of coal. Should no
such pillar exist, however, the well may be located and
drilled through open workings where, in the judgment
of the department of mines, it is practicable and safe to
do so, taking into consideration the dangers from creeps,
squeezes, or other disturbances.

In case the well operator and the coal operator and the
chief, or such of them as are present or represented at
such hearing are unable to agree upon the conditions under which a well is to be converted so as to protect life and property and the reasonable standards of purity and quality of the waters of the state, or upon such conditions of converting that meet the approval of the department of mines, then the department shall fix the conditions under which the well is to be converted, provided the well can be converted safely, taking into consideration the dangers from creeps, squeezes, or other disturbances and taking into consideration the protection of life and property and the reasonable standards of the purity and quality of the waters of the state. Such new drilling location shall be indicated on the plat on file with the department as provided herein, and the department shall forthwith tender to the operator a permit to drill at such location or to convert for the purposes provided for in section two-b of this article at the site shown on the plat, as the case may be, which permit the well operator may accept or refuse to accept and if it accepts such permit, such coal operators or chief having filed objections and appearing or being represented at such hearing may ex-
cept to such location or conversion or to the issuance of such drilling or converting permit; and the well operator accepting the same may require the record of the hearing to show that it accepts such drilling permit at the location made by the department as a new or additional location and not in lieu of its original location, or that it accepts such converting permit as to the conditions under which the well is to be converted as fixed by the department as new conditions and not in lieu of the conditions preferred by it, and that it reserved the right to appeal to the circuit court of the county in which its original drilling location, or its conversion site, lies for relief, and that it excepts to the refusal of the department to approve such original location substantially as made or to approve the conditions of converting preferred. In any case, in addition to taking into consideration the dangers from creeps, squeezes or other disturbances, the department shall at all times consider the protection of life and property and the protection of the reasonable standards of quality and purity of the waters of the state. In any case, either the well operator or the coal operator or the chief may reserve the right to appeal to the circuit
court of the county in which the original drilling location or conversion site lies for relief.

The department of mines shall number and keep an index of and docket each plat and notice mailed to it as provided in said section two-b, entering in such docket the name of the well operator, names of the coal operators notified and their addresses, the date of receipt of any such plat and notice required by said section two-b, the date and circumstances of a forwarding of a copy of such plat and notice to the chief of the division of water resources, and of all objections filed, dates of hearings and all actions taken by the department, permits issued or refused, which docket shall be open to inspection by the public, and, together with the papers filed, shall constitute the record of each such proceeding before the department.

§22-4-4a. Appeal by coal operator, well operator or chief of the division of water resources from drilling location for introducing of liquids or waste fixed or approved or from the conditions of converting fixed or approved; procedure.

Any coal operator or the chief of the division of water
resources of the department of natural resources excepting to any drilling location for the purposes provided for in said section two-b fixed or approved or to the issuance of any drilling permit for such purposes, or other conditions under which a well is to be converted for such purposes as fixed or approved by the department of mines for the protection of life and property and the reasonable standards of quality and purity of the waters of the state or any other issuance of any such converting permit and any well operator excepting to the refusal of the department to grant any drilling permit for the purposes provided for in said section two-b at the location shown in the plat mailed to the department as provided in said section two-b, or such location so shifted as to be substantially the same or the equivalent thereof, or to the refusal of the department to grant such converting permit in accordance with the conditions of such converting preferred by the well operator, may at any time within ten days of the taking of such action by the department of mines appeal to the circuit court of the county in which such proposed drilling location or site in-
The procedure shall be by petition and answer, duly verified, and naming the department as one of the respondents. The petition shall briefly set forth the matter in controversy, the ruling of the department and the relief sought. The well operator, the coal operator or the chief making such appeal shall forthwith send a copy of such petition for appeal, by registered or certified mail, to the deputy director for oil and gas. Upon receipt of such copy of such petition for appeal the deputy director for oil and gas shall promptly certify and file in such court a complete transcript of the record upon which the ruling complained of was made, as well as copies of all papers filed with the department. The costs of such transcripts shall be paid by the party making the appeal. The respondents shall be required to answer under oath within ten days after service of copies of the petition upon them, and the procedure shall be expedited, as far as is reasonably possible, having regard to possible drainage or loss of title by the well operator through its failure to complete or convert a well or through its failure to introduce liquids for the purposes provided
for in section ten-a of this article within the period fixed
by the terms of the lease under which it holds. The court
may, by preliminary order, upon proper proof of the
necessity therefor and the giving of proper security, stay
the drilling or converting of any well, or stay the intro-
duction of liquid for the purposes provided for in said
section ten-a or stay the disposal of sewage, industrial
waste or other waste or the effluent therefrom, until a
final decision on the appeal, and after a final hearing,
at which any competent and relevant evidence may be
introduced, may set aside any action or order of the de-
partment and enter such final order and decree as in its
judgment is just and right and will best carry out the
provisions of this article. From such final orders and
decrees of the circuit court an appeal may be taken to
the supreme court of appeals. During vacation periods
or when for any reason the circuit court is not in session,
such proceedings shall be before the judge of an adjoin-
ing circuit, who may act until the return of the regular
judge to his circuit, whereupon all further proceedings
shall be had before the regular judge or circuit court
§22-4-7. Protective devices—continuance during life of well; dry or abandoned wells.

1 In the event that a well becomes productive of natural gas or petroleum, or is drilled for or converted for the introduction of pressure, whether liquid or gas, or for the introduction of liquid for the purposes provided for in section ten-a of this article or for the disposal of sewage, industrial waste or other wastes or the effluent therefrom, all coal-protecting strings of casing and all water-protecting strings of casing shall remain in place until the well is plugged or abandoned. During the life of the well the annular spaces between the various strings of casing adjacent to workable beds of coal shall be kept open, and the top ends of all such strings shall be provided with casing heads, or such other suitable devices as will permit the free passage of gas and prevent filling of such annular spaces with dirt or debris.

Any well which is completed as a dry hole or which is
not in use for a period of twelve consecutive months shall be presumed to have been abandoned and shall promptly be plugged by the operator in accordance with the provisions of this article, unless the operator furnishes satisfactory proof to the deputy director that there is a bona fide future use for such well.

§22-4-8a. Installation of fresh water casings.

1. When a permit has been issued for the drilling of an oil or gas well or both, each well operator shall run and permanently cement a string of casing in the hole through the fresh water bearing strata in such a manner and to the extent provided for in rules and regulations promulgated by the director of the department of mines in accordance with the provisions of chapter twenty-nine-a.

§22-4-9. Plugging and abandonment of well; notice of intention; performance bonds or securities in lieu thereof; affidavit showing time and manner.

1. All dry or abandoned wells or wells presumed to be abandoned under the provisions of section seven of this article shall be plugged in accordance with this section
and the other provisions of this article and in accordance with the rules and regulations promulgated by the deputy director.

Prior to the abandonment of any well, the well operator shall notify, by registered or certified mail, the department of mines and the coal operator or operators, if any, to whom notices are required to be given by section two of this article and the coal operator or operators to whom notices are required to be given by section two-a of this article of its intention to plug and abandon any such well (using such form of notice as the department may provide), giving the number of the well and its location and fixing the time at which the work of plugging and filling will be commenced, which time shall be not less than five days after the day on which such notice so mailed is received or in due course should be received by the department of mines, in order that a representative or representatives of the department and the coal operator or operators, if any or of both, may be present at the plugging and filling of the well. Whether such representatives appear or do not appear, the well
operator may proceed at the time fixed to plug and fill
the well in the manner hereinafter described. Notwith-
standing the foregoing, a well operator may proceed
to plug and fill a well at any time without giving the
aforesaid notice of intention if such operator has first
obtained in writing the approval of the department of
mines and the coal operator or operators, if any, to
whom notices are required to be given by section two
of this article and the coal operator or operators to whom
notices are required to be given by section two-a of this
article. No well shall be plugged or abandoned unless
the department is furnished a bond of the operator in
the sum of one thousand dollars, payable to the state
of West Virginia, with a corporate bonding or surety
company authorized to do business in this state as surety
thereon, conditioned on full compliance with all laws,
rules and regulations relating to the casing, plugging
and abandonment of wells and for furnishing such re-
ports and information as may be required by the de-
partment. When a number of wells are involved, the
operator may in lieu of furnishing a separate bond fur-
inish a blanket bond in the sum of ten thousand dollars, payable to the state of West Virginia, with a corporate bonding or surety company authorized to do business in this state as surety thereon, and conditioned as afore-said. In lieu of corporate surety on a separate or blanket bond, as the case may be, the operator may elect to deposit with the deputy director for oil and gas cash or collateral securities as specified in section two of this article. All of the provisions of section two dealing with cash or collateral securities in lieu of corporate surety shall be fully applicable hereto except for the condition of the bond with respect to which the operator must be in full compliance in order to be entitled to the interest and income earned on such securities. The operator shall be entitled to such interest and income under this section so long as the operator is in full compliance with all laws, rules and regulations relating to the casing, plugging and abandonment of wells and for furnishing such reports and information as may be required by the department. Any such bond shall remain in force until released by the department and the department shall
release the same when it is satisfied the conditions thereof have been fully performed. Notwithstanding the foregoing provisions, any operator who, in accordance with section two of this article, has furnished a separate bond, which has not been released by the department, for the drilling, converting or drilling for the introduction of liquids, for the disposal of sewage, industrial waste or other waste or the effluent therefrom, or introducing pressure, whether liquid or gas, or introducing liquid for the purposes provided for in section ten-a of this article or fracturing of the well it is now proposed be plugged and abandoned, or who, in accordance with the provisions of said section two of this article, has furnished a blanket bond which has not been released by the department shall not be required by this section nine to furnish any other bond. When the plugging and filling of a well have been completed, an affidavit, in triplicate, shall be made (on a form to be furnished by the department) by two experienced men who participated in the work, in which affidavit shall be set forth the time and manner in which the well was plugged and
88 filled. One copy of this affidavit shall be retained by the
89 well operator, another (or true copies of same) shall be
90 mailed to the coal operator or operators, if any, and
91 the third to the department of mines.

§22-4-10. Methods of plugging well.

1 Upon the abandonment or cessation of the operation
2 of any well drilled for natural gas or petroleum, or drilled
3 or converted for the introduction of pressure, whether
4 liquid or gas, or for the introduction of liquid for the
5 purposes provided for in section ten-a of this article or
6 for the disposal of sewage, industrial waste or other
7 waste or the effluent therefrom the well operator, at
8 the time of such abandonment, or cessation, shall fill and
9 plug the well in the following manner:
10 (a) Where the well does not penetrate workable coal
11 beds, it shall either be filled with mud, clay or other non-
12 porous material from the bottom of the well to a point
13 twenty feet above the top of its lowest oil, gas or water-
14 bearing stratum; or a permanent bridge shall be anchored
15 thirty feet below its lowest oil, gas or water-bearing
16 stratum, and from such bridge it shall be filled with mud,
clay or other nonporous material to a point twenty feet above such stratum; at this point there shall be placed a plug of cement or other suitable material which will completely seal the hole. Between this sealing plug and a point twenty feet above the next higher oil, gas or water-bearing stratum, the hole shall either be filled, or bridged and filled, in the manner just described; and at such point there shall be placed another plug of cement or other suitable material which will completely seal the hole. In like manner the hole shall be filled and plugged, or bridged, filled and plugged with reference to each of its oil, gas or water-bearing strata. However, whenever such strata are not widely separated and are free from water, they may be grouped and treated as a single sand, gas or petroleum horizon, and the aforesaid filling and plugging be performed as though there were but one horizon. After the plugging of all oil, gas or water-bearing strata, as aforesaid, a final plug shall be anchored approximately ten feet below the bottom of the largest casing in the well; from this point to the surface the well shall be filled with mud, clay or other nonporous material.
In case any of the oil or gas-bearing strata in a well shall have been shot, thereby creating cavities which cannot readily be filled in the manner above described, the well operator shall follow either of the following methods:

(1) Should the stratum which has been shot be the lowest one in the well, there shall be placed, at the nearest suitable point, but not less than twenty feet above the stratum, a plug of cement or other suitable material which will completely seal the hole. In the event, however, that the shooting has been done above one or more oil or gas-bearing strata in the well, plugging in the manner specified shall be done at the nearest suitable points, but not less than twenty feet below and above the stratum shot. Or (2), when such cavity shall be in the lowest oil or gas-bearing stratum in the well, a liner shall be placed which shall extend from below the stratum to a suitable point, but not less than twenty feet above the stratum in which shooting has been done. In the event, however, that the shooting has been done above one or more oil or gas-bearing strata in the well, the liner shall be so placed that it will extend not less than twenty
feet above, nor less than twenty feet below, the stratum
in which shooting has been done. Following the placing
of the liner in the manner here specified it shall be com-
pactly filled with cement, mud, clay or other nonporous
sealing material;
(b) Where the well has penetrated one or more work-
able coal beds, it shall be filled and securely plugged in
the manner aforesaid, to a point forty feet below the
lowest workable coal bed. If, in the judgment of the well
operator, the coal operator and the department of mines,
a permanent outlet to the surface is required, such outlet
shall be provided in the following manner: A plug of
cement, or other suitable material, shall be placed in the
well at a suitable point, not less than thirty feet below
the lowest workable coal bed. In this plug and passing
through the center of it shall be securely fastened an
open pipe not less than two inches in diameter, which
shall extend to the surface. At or above the surface the
pipe shall be provided with a device which will permit
the free passage of gas, and prevent obstruction of the
same. Following the setting of the cement plug and
outlet pipe as aforesaid, the hole shall be filled with cement to a point twenty feet above the lowest workable coal bed. From this point the hole shall be filled with mud, clay or other nonporous material to a point thirty feet beneath the next overlying workable coal bed, if such there be, and the next succeeding fifty feet of the hole filled with cement, and similarly, in case there are more overlying workable coal beds. If, in the judgment of the well operator, the coal operator and the department of mines, no outlet to the surface is considered necessary, the plugging, filling and cementing shall be as last above described.

§22-4-10a. Introducing liquid pressure into producing strata to recover oil contained therein.

The owner or operator of any well or wells which produce oil or gas may allow such well or wells to remain open for the purpose of introducing water or other liquid pressure into and upon the producing strata for the purpose of recovering the oil contained therein, and may drill additional wells for like purposes, provided that the introduction of such water or other liquid pres-
sure shall be controlled as to volume and pressure and
shall be through casing or tubing which shall be so
anchored and packed that no water bearing strata or
other oil, or gas-bearing sand or producing stratum, above
or below the producing strata into and upon which such
pressure is introduced, shall be affected thereby.

§22-4-12a. Special reclamation fund; fees.

In addition to any other fees required by the provisions
of this article, every applicant for a permit to drill a well
shall, before the permit is issued, pay to the deputy di-
rector for oil and gas a special reclamation fee of one
hundred dollars for each well to be drilled. Such special
reclamation fee shall be paid at the time the application
for a drilling permit is filed with the deputy director and
the payment of such reclamation fee shall be a condition
precedent to the issuance of said permit.

There is hereby created within the treasury of the state
of West Virginia a special fund to be known as the oil and
gas reclamation fund, and the deputy director shall de-
posit with the state treasurer to the credit of such special
fund all special reclamation fees collected. The proceeds
of any bond forfeited under the provisions of this article shall inure to the benefit of and shall be deposited in such oil and gas reclamation fund. If at the end of any fiscal year the total amount in the oil and gas reclamation fund is in excess of two hundred thousand dollars, the amount of such excess shall be paid into the general revenue fund.

The oil and gas reclamation fund shall be administered by the director of the department of mines. The deputy director for oil and gas shall cause to be prepared plans for the plugging of abandoned wells which have not been plugged or which have been improperly plugged. The director of the department of mines, as funds become available in the oil and gas reclamation fund, shall reclaim, and properly plug all abandoned wells in accordance with said plans and specifications and in accordance with the provisions of this article relating to the plugging of wells and all rules and regulations promulgated thereunder. Such funds may also be utilized for the purchase of abandoned wells, where such purchase is necessary,
and for the reclamation of such abandoned wells, and for
any engineering, administrative and research costs as
may be necessary to properly effectuate the plugging of
all wells, abandoned or otherwise.

The director may avail himself of any federal funds
provided on a matching basis that may be made available
for the purpose of plugging any wells.

The director shall make an annual report to the gov-
ernor and to the Legislature setting forth the number of
wells plugged through the use of the oil and gas reclama-
tion fund provided for herein. Such report shall identify
each such plugging project, state the number of wells
plugged thereby, show the county wherein such wells
are located and shall make a detailed accounting of all
expenditures from the oil and gas reclamation fund.

All wells shall be plugged by contract entered into by
the director on a competitive bid basis as provided for
under the provisions of article three, chapter five-a of
this code and the rules and regulations promulgated
thereunder.
§22-4-13. Rules and regulations; hearings before department of mines; appeals.

1 Except as provided for in section eight-a of this article, the department shall prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to applicants copies of forms of notices and of other forms that the department may require to be used, and prescribe the manner of serving the same. The department may also promulgate such other rules and regulations as it may deem necessary or helpful in securing uniformity of procedure in the administration of this article. Any matter in controversy before the department shall, after hearing or hearings, of which all persons interested have had due notice and at which they have been given an opportunity to appear and be heard and to offer evidence and to make argument by counsel if desired, be decided by the department as may seem to it to be just and reasonable and necessary or desirable for the proper enforcement of the provisions of this article.

19 Whether or not it be so expressly stated, an appeal
from any final decision or action by the department in administering the provisions of this article may be taken by any aggrieved person within ten days of notice of such action or decision, to the circuit court of the county in which the subject matter of such decision or action is located, and in all cases of appeals to the circuit court, that court shall certify its decisions to the department of mines, and to all such final decisions an appeal shall lie to the supreme court of appeals as now provided by law in cases in equity. Any party feeling aggrieved by the final order of the circuit court affecting him or it, may present his or its petition in writing to the supreme court of appeals, or to a judge thereof in vacation, within twenty days after the entry of such order, praying for the suspension or modification of such final order. The applicant shall deliver a copy of such petition to the department of mines and to all other parties of record, before presenting the same to the court or judge. The court or judge shall fix a time for the hearing on the application, but such hearing shall not be held sooner than seven days, unless by agreement of the par-
ties, after its presentation, and notice of the time and place
of such hearing shall be forthwith given to the department
of mines and to all other parties of record. If the court or
judge, after such hearing, be of opinion that such final
order should be suspended or modified, the court or the
judge may require bond, upon such conditions and in
such penalty, and impose such terms and conditions upon
the petitioner as are just and reasonable. For such hear-
ing the entire record before the circuit court, or a certified
copy thereof, shall be filed in the supreme court, and that
court, upon such papers, shall promptly decide the matter
in controversy as may seem to it to be just and right,
and may award costs in each case as to it may seem just
and equitable.

§22-4-17. Offenses; penalties.

1 Any person or persons, firm, partnership, partnership
association or corporation violating any provision of this
article or rule or regulation promulgated by virtue of
this article, for which violation there is no penalty pre-
scribed, or any person or persons, firm, partnership,
partnership association or corporation wilfully violating
any of the provisions of this article which prescribe the manner of drilling and casing or plugging and filling any well, or which prescribe the methods of conserving gas from waste, or which fix the distance from wells within which mining operations shall not be conducted without the approval of the department, or violating the terms of any order of the department allowing mining operations within a lesser distance of any well than that prescribed by the article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding two thousand dollars, or imprisonment in jail for not exceeding twelve months, or both, in the discretion of the court, and prosecutions under this section may be brought in the name of the state of West Virginia in the court exercising criminal jurisdiction in the county in which the violation of such provisions of the article or terms of such order was committed, and at the instance and upon the relation of any citizens of this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Willaim T. Winder
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

G. Warren hyp.
Clerk of the Senate

[ A Blankenship ]
Clerk of the House of Delegates

[....................]
President of the Senate

[........ Ivor T. Boisarsky]
Speaker House of Delegates

The within ____________________________ this the 17th day of March, 1969.

[.................................]
Governor
PRESENTED TO THE GOVERNOR

Date 3/14/69
Time 2:20 P.M.