

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

## ENROLLED

SENATE BILL NO. 24

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

PASSED March 8, 1969

In Effect July 1, 1969 ~~Passage~~

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-17-69

#24

## ENROLLED

# Senate Bill No. 24

(By MR. JACKSON, MR. PRESIDENT, and MR. GAINER)

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

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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  
2 different meaning, as used in this article:

3 (a) "Deputy director" shall mean the deputy director  
4 for oil and gas;

5 (b) "Well" shall mean any shaft or hole sunk, drilled,  
6 bored or dug into the earth or into underground strata for  
7 the extraction or injection or placement of any liquid or

8 gas, or any shaft or hole sunk or used in conjunction with  
9 such extraction or injection or placement. The term  
10 "well" shall not have included within its meaning any  
11 shaft or hole sunk, drilled, bored or dug into the earth for  
12 the sole purpose of core drilling or pumping or extracting  
13 therefrom potable, fresh or usable water for household,  
14 domestic, industrial, agricultural or public use;

15 (c) "Facility" shall mean any facility utilized in the oil  
16 and gas industry in this state and specifically named or re-  
17 ferred to in this article or in articles five or seven of this  
18 chapter, other than a well or well site;

19 (d) "Owner" when used with reference to any such  
20 well, shall include any person or persons, firm, partner-  
21 ship, partnership association or corporation that owns,  
22 manages, operates, controls or possesses such well as  
23 principals, or as lessee or contractor, employee or agent  
24 of such principal;

25 (e) "Well operator" or "operator" shall include any  
26 person or persons, firm, partnership, partnership associa-  
27 tion or corporation that proposes to or does locate, drill,  
28 operate or abandon any well as herein defined;

29 (f) "Chief" shall mean chief of the division of water  
30 resources of the department of natural resources;

31 (g) "Coal operator" shall include any person or per-  
32 sons, firm, partnership, partnership association or corpora-  
33 tion that proposes to or does operate a coal mine;

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

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

39 (j) "Casing" means a string or strings of pipe com-  
40 monly placed in wells drilled for natural gas or petroleum  
41 or both;

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

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

46 (m) "Workable coal bed" means a coal bed in fact  
47 being operated commercially, or which, in the judgment  
48 of the department of mines, can, and that it is reasonably  
49 to be expected will, be so operated, and which, when

50 operated, will require protection if wells are drilled  
51 through it.

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

1 There shall be an employee of the department whose  
2 title shall be "deputy director for oil and gas," who shall  
3 be appointed by the director to serve at the will and  
4 pleasure of the director. The deputy director for oil and  
5 gas shall have full charge of the oil and gas matters set  
6 out in this article and in articles five and seven of this  
7 chapter, subject always to the direct supervision and  
8 control of the director of the department of mines. As  
9 such, the deputy director for oil and gas shall have the  
10 power and duty to:

11 (1) Supervise and direct the execution and enforce-  
12 ment of the provisions of this article and articles five  
13 and seven of this chapter;

14 (2) Employ a supervising oil and gas inspector and  
15 not more than eight district oil and gas inspectors upon  
16 approval by the director, such clerks, stenographers and

17 other employees as may be approved by the director,  
18 at compensation fixed by the director, except as otherwise  
19 provided in this article;

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

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

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

30 (6) Hear and determine applications made by owners,  
31 well operators, and coal operators for the annulment or  
32 revision of orders made by oil and gas inspectors or the  
33 supervising inspector, and to make inspections, in ac-  
34 cordance with the provisions of this article and articles  
35 five and seven of this chapter;

36 (7) Cause a properly indexed permanent and public  
37 record to be kept of all inspections made by himself or by  
38 oil and gas inspectors or the supervising inspector;

39       (8) Make annually a full and complete written report  
40 to the director of the department of mines in such form  
41 and detail as the director may from time to time request,  
42 so that the director can complete the preparation of the  
43 director's annual report to the governor of the state;

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

52       (10) Perform all other duties which are expressly im-  
53 posed upon him by the provisions of this chapter, as well  
54 as duties assigned to him by the director of the depart-  
55 ment of mines.

56       All records of the department shall be open to the  
57 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.**

1       The deputy director for oil and gas of the department

2 of mines shall have authority to visit and inspect any  
3 well or well site and any other oil and/or gas facility  
4 in this state and may call for the assistance of any oil  
5 and gas inspector or inspectors or supervising inspector  
6 whenever such assistance is necessary in the inspection of  
7 any such well or well site or any other oil and/or gas  
8 facility. Similarly, all oil and gas inspectors and the  
9 supervising inspector shall have authority to visit and  
10 inspect any well or well site and any other oil and/or gas  
11 facility in this state. The operator or owner of every  
12 well or well site or any other oil and/or gas facility shall  
13 cooperate with the deputy director for oil and gas, all oil  
14 and gas inspectors and the supervising inspector in mak-  
15 ing inspections or obtaining information.

16 Oil and gas inspectors shall devote their full time and  
17 undivided attention to the performance of their duties,  
18 and they shall be responsible for the inspection of all  
19 wells or well sites or other oil and/or gas facilities in  
20 their respective districts as often as may be required in  
21 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.**

1     (a) If an oil and gas inspector, upon making an in-  
2     spection of a well or well site or any other oil and/or gas  
3     facility, as authorized by this article, finds that any pro-  
4     vision of this article is being violated, he shall determine  
5     what would be a reasonable period of time within which  
6     such violation should be totally abated. Such findings  
7     shall contain reference to the provisions of this article  
8     which he finds are being violated, and a detailed descrip-  
9     tion of the conditions which cause and constitute such  
10    violation.

11    (b) The period of time so found by such oil and gas  
12    inspector to be a reasonable period of time may be ex-  
13    tended by such inspector, or by any other oil and gas  
14    inspector duly authorized by the deputy director for oil  
15    and gas, from time to time, but on not more than three  
16    occasions, upon the making of a special inspection to  
17    ascertain whether or not such violation has been totally

18 abated. The deputy director for oil and gas shall cause  
19 a special inspection to be made: (A) Whenever an oper-  
20 ator of a well or well site or any other oil and/or gas  
21 facility, prior to the expiration of any such period of  
22 time, requests him to cause a special inspection to be  
23 made at such well or well site or any other oil and/or gas  
24 facility; and (B) upon expiration of such period of time  
25 as originally fixed or as extended, unless the deputy di-  
26 rector for oil and gas is satisfied that the violation has  
27 been abated. Upon making such special inspection, such  
28 oil and gas inspector shall determine whether or not such  
29 violation has been totally abated. If he determines that  
30 such violation has not been totally abated, he shall de-  
31 termine whether or not such period of time as originally  
32 fixed, or as so fixed and extended, should be extended.  
33 If he determines that such period of time should be ex-  
34 tended, he shall determine what a reasonable extension  
35 would be. If he determines that such violation has not  
36 been totally abated, and if such period of time as orig-  
37 inally fixed, or as so fixed and extended, has then expired,  
38 and if he also determines that such period of time should

39 not be further extended, he shall thereupon make an  
40 order requiring the operator of such well or well site or  
41 other oil and/or gas facility to cease further operations  
42 of such well, well site or facility, as the case may be.  
43 Such findings and order shall contain reference to the  
44 specific provisions of this article which are being violated.

45 (c) Notice of each finding and order made under this  
46 section shall promptly be given to the operator of the  
47 well or well site or other oil and/or gas facility to which  
48 it pertains, by the person making such finding or order.

49 (d) No order shall be issued under the authority of  
50 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.**

1 Any operator of a well or well site or other oil and/or  
2 gas facility notified of findings or an order made by an oil  
3 and gas inspector pursuant to section one-g of this article,  
4 may apply to the deputy director for oil and gas for  
5 annulment or revision of such order. Upon receipt of  
6 such application the deputy director for oil and gas shall

7 make a special inspection of the well, well site or other  
8 oil and/or gas facility affected by such order, or cause  
9 two duly authorized oil and gas inspectors, other than  
10 the oil and gas inspector who made such order or the  
11 supervising inspector and one duly authorized oil and gas  
12 inspector other than the oil and gas inspector who made  
13 such order, to make such inspection of such well, or well  
14 site or other oil and/or gas facility and to report thereon  
15 to him. Upon making such special inspection himself, or  
16 upon receiving the report of such special inspection, as the  
17 case may be, the deputy director for oil and gas shall  
18 make an order which shall include his findings and shall  
19 annul, revise or affirm the order of the oil and gas in-  
20 spector.

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

26 At any time while an order made pursuant to section  
27 one-g of this article is in effect, the operator of the well,

28 well site or other oil and/or gas facility affected by such  
29 order may apply to the deputy director for oil and gas  
30 for annulment or revision of such order. The deputy  
31 director for oil and gas shall thereupon proceed to act  
32 upon such application in the manner provided in this  
33 section.

34 In view of the urgent need for prompt decision of  
35 matters submitted to the deputy director for oil and gas  
36 under this article, all actions which he, or oil and gas in-  
37 spectors, or the supervising inspector, is required to take  
38 under this article, shall be taken as rapidly as practicable,  
39 consistent with adequate consideration of the issues in-  
40 volved.

**§22-4-1i. Requirements for findings, orders and notices; post-  
ing of findings and orders.**

1 (a) All findings and orders made pursuant to sections  
2 one-g or one-h of this article, and all notices required to  
3 be given of the making of such findings and orders, shall  
4 be in writing. All such findings and orders shall be signed  
5 by the person making them, and all such notices shall  
6 be signed by the person charged with the duty of giv-

7 ing the notice. All such notices shall contain a copy of  
8 the findings and orders referred to therein.

9 (b) Notice of any finding or order required by sections  
10 one-g or one-h of this article to be given to an operator  
11 shall be given by causing such notice, addressed to the  
12 operator of the well, well site or other oil and/or gas  
13 facility to which such finding or order pertains, to be  
14 delivered to such operator by causing a copy thereof to  
15 be sent by registered mail to the permanent address of  
16 such operator as filed with the department of mines and  
17 by causing a copy thereof to be posted upon the drilling  
18 rig or other equipment at the well, well site or other oil  
19 and/or gas facility, as the case may be. The requirement  
20 of this article that a notice shall be "addressed to the  
21 operator of the well, well site or other oil and/or gas  
22 facility to which such finding or order pertains," shall not  
23 require that the name of the operator for whom it is in-  
24 tended shall be specifically set out in such address. Ad-  
25 dressing such notice to "Operator of . . .," specifying the  
26 well, well site or other oil and/or gas facility sufficiently  
27 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,  
2 deepened, fractured, pressured, converted or combined  
3 unless a permit therefor has been issued by the depart-  
4 ment. An application for any such permit shall be filed  
5 with the deputy director and shall contain the following:

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

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

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

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

14 (e) The proposed casing program of such well includ-  
15 ing the sizes of all such casing, the depth to which all  
16 casing is to be run and the extent to which such casing  
17 is to be cemented; and,

18 (f) Any other information which the deputy director  
19 by rule or regulation may require.

20 If the well operator named in such application is a corp-  
21 oration, partnership or a nonresident of the state of West  
22 Virginia, then there shall be designated the name and  
23 address of an agent for such operator who shall be the  
24 attorney in fact for the operator and who shall be a resi-  
25 dent of the state of West Virginia upon whom notices,  
26 orders or other communications issued pursuant to this  
27 article or article five-a, chapter twenty, may be served,  
28 and upon whom process may be served. Every well  
29 operator required to designate an agent under this section  
30 shall within five days after the termination of such  
31 designation notify the department of such termination and  
32 designate a new agent.

33 The deputy director shall issue with the permit a metal  
34 plate containing the drilling permit number as designated  
35 by him, which plate shall be permanently affixed in the  
36 manner prescribed by the deputy director to the well site  
37 upon the completion of the drilling of such well. The  
38 metal plate required to be issued by the deputy director  
39 shall be of a size and dimension of such material as he  
40 shall establish by rule and regulation.

41 For the purpose of ascertaining whether or not issuance  
42 of any permit to drill, redrill, deepen, case, fracture, pres-  
43 sure, operate, plug, abandon, convert or combine any well  
44 will contribute to an existing pollution problem, the deputy  
45 director shall have the right and it shall be his duty to con-  
46 sult with the director of the department of natural re-  
47 sources. In the event the issuance of any such permit may  
48 reasonably be expected to contribute to any such exist-  
49 ing pollution then the deputy director will not issue such  
50 permit.

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

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

1 Before drilling for oil or gas, or before fracturing a well  
2 originally drilled before the fifth day of June, one thous-  
3 and nine hundred twenty-nine, on any tract of land, the

4 well operator shall have a plat prepared by a competent  
5 land surveyor or engineer showing the district and county  
6 in which the tract of land is located, the name and acreage  
7 of the same, the names of the owners of adjacent tracts,  
8 the proposed or actual location of the well determined  
9 by survey, the courses and distances of such location  
10 from two permanent points or landmarks on said tract  
11 and the number to be given the well (and the date of  
12 drilling completion of a well originally drilled before  
13 the fifth day of June, one thousand nine hundred twenty-  
14 nine, when it is proposed that such well be fractured),  
15 and shall forward by registered mail a copy of the plat  
16 to the department of mines. In the event the tract of  
17 land on which the said well proposed to be drilled or  
18 fractured is located is known to be underlaid with one  
19 or more workable beds of coal, copies of the plat shall  
20 be forwarded by registered mail to each and every coal  
21 operator, if any, operating said beds of coal beneath  
22 said tract of land, or within five hundred feet of the  
23 boundaries of the same, who has mapped the same and  
24 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-

46 tion or proposed fracturing, such permit may be issued  
47 prior to the expiration of such ten-day period upon the  
48 obtaining by the well operator of the consent in writ-  
49 ing of the coal operator or operators to whom copies  
50 of the plat and notice shall have been mailed as herein  
51 required, and upon presentation of such written consent  
52 to the department. The notice above provided for may  
53 be given to the coal operator by delivering or mailing  
54 it as above to any agent or superintendent in actual  
55 charge of mines.

56 A permit to drill, or to fracture an oil and/or gas well  
57 originally drilled before the fifth day of June, one thou-  
58 sand nine hundred twenty-nine, shall not be issued  
59 unless the application therefor is accompanied by a  
60 bond of the operator in the sum of one thousand dollars,  
61 payable to the state of West Virginia, with a corporate  
62 bonding and/or surety company authorized to do busi-  
63 ness in this state as surety thereon, conditioned on full  
64 compliance with all laws, rules and regulations relating  
65 to the drilling, redrilling, deepening, casing, plugging  
66 and abandonment of wells and for furnishing such reports

67 and information as may be required by the department:  
68 *Provided, however,* That when such operator makes or  
69 has made application for permits to drill a number of  
70 wells and/or fracture a well or wells originally drilled  
71 before the fifth day of June, one thousand nine hundred  
72 twenty-nine, the operator may in lieu of furnishing a  
73 separate bond furnish a blanket bond in the sum of ten  
74 thousand dollars, payable to the state of West Virginia,  
75 with a corporate bonding or surety company authorized  
76 to do business in this state as surety thereon, and con-  
77 ditioned as aforesaid: *Provided further,* That in lieu of  
78 corporate surety on a separate or blanket bond, as the  
79 case may be, the operator may elect to deposit with the  
80 deputy director for oil and gas cash or the following  
81 collateral securities or any combination thereof: (1)  
82 Bonds of the United States or agency thereof, or those  
83 guaranteed by, or for which the credit of the United  
84 States or agency thereof is pledged for the payment of  
85 the principal and interest thereof; (2) direct general  
86 obligation bonds of this state, or any other state, or  
87 territory of the United States, or the District of Co-

88 lumbia, unconditionally guaranteed as to the principal  
89 and interest by such other state or territory of the  
90 United States, or the District of Columbia if such other  
91 state, territory, or the District of Columbia has the power  
92 to levy taxes for the payment of the principal and in-  
93 terest of such securities, and if at the time of the deposit  
94 such other state, territory, or the District of Columbia  
95 is not in default in the payment of any part of the  
96 principal or interest owing by it upon any part of its  
97 funded indebtedness; (3) direct general obligation bonds  
98 of any county, district, city, town, village, school district  
99 or other political subdivision of this state issued pur-  
100 suant to law and payable from ad valorem taxes levied  
101 on all the taxable property located therein, provided that  
102 the total indebtedness after deducting sinking funds  
103 and all debts incurred for self-sustaining public works  
104 does not exceed five percent of the assessed value of all  
105 taxable property therein at the time of the last assess-  
106 ment made before the date of such deposit, and pro-  
107 vided that the issuer has not, within five years prior to  
108 the making thereof, been in default for more than ninety

109 days in the payment of any part of the principal or  
110 interest on any debt evidenced by its bonds; (4) revenue  
111 bonds issued by this state or any agency of this state  
112 when such bonds are payable from revenues or earnings  
113 specifically pledged for the payment of principal and  
114 interest, and a lawful sinking fund or reserve fund has  
115 been established and is being maintained for the pay-  
116 ment of such bonds; (5) revenue bonds issued by a  
117 municipality in this state for the acquisition, construc-  
118 tion, improvement, or extension of a waterworks system,  
119 or a sewerage system, or a combined waterworks and  
120 sewerage system, when such bonds are payable from  
121 revenue or earnings specifically pledged for the pay-  
122 ment of principal and interest, and a lawful sinking fund  
123 or reserve fund has been established and is being main-  
124 tained for the payment of such bonds; (6) revenue bonds  
125 issued by a public service board of a public service  
126 district in this state for the acquisition, construction,  
127 improvement or extension of any public service prop-  
128 erties, or for the reimbursement or payment of the costs  
129 and expenses of creating the district, when such bonds

130 are payable from revenue or earnings specifically pledged  
131 for the payment of principal and interest, and a lawful  
132 sinking fund or reserve fund has been established and  
133 is being maintained for the payment of such bonds; (7)  
134 revenue bonds issued by a board of trustees of a sanitary  
135 district in this state for the corporate purposes of such  
136 district, when such bonds are payable from revenue or  
137 earnings specifically pledged for the payment of principal  
138 and interest, and a lawful sinking fund or reserve fund  
139 has been established and is being maintained for the  
140 payment of such bonds; and (8) bonds issued by a federal  
141 land bank or home owners' loan corporation. The cash  
142 deposit and/or market value of the collateral securities  
143 shall be equal to or greater than the penalty of the  
144 separate or blanket bond, as the case may be. Upon re-  
145 ceipt of any such deposit or cash or collateral securi-  
146 ties, the deputy director for oil and gas shall immediately  
147 deliver the same to the treasurer of the state of West  
148 Virginia. The treasurer shall determine whether any such  
149 securities satisfy the requirements of this section. If  
150 the securities are approved they shall be accepted by

151 the treasurer. If the securities are not approved, they  
152 shall be rejected and returned to the operator and no  
153 permit shall be issued until a corporate surety bond is  
154 filed or cash or proper collateral securities are filed in  
155 lieu of such surety. The treasurer shall hold any cash  
156 or securities in the name of the state in trust for the  
157 purposes for which the deposit was made. The operator  
158 shall be entitled to all interest and income earned on  
159 the collateral securities filed by such operator so long  
160 as the operator is in full compliance with all laws, rules  
161 and regulations relating to the drilling, redrilling, deep-  
162 ening, casing, plugging and abandonment of wells and  
163 for furnishing such reports and information as may be  
164 required by the department. The operator making the  
165 deposit shall be entitled from time to time to receive  
166 from the treasurer, upon the written order of the deputy  
167 director for oil and gas, the whole or any portion of  
168 such securities upon depositing with the treasurer in  
169 lieu thereof cash equal to or greater than the penalty  
170 of the bond, or other approved securities of the classes  
171 herein specified having a market value equal to or greater

172 than the penalty of the bond, or a corporate surety bond.

173 Any such bond shall remain in force until released by  
174 the department and the department shall release the  
175 same when it is satisfied the conditions thereof have  
176 been fully performed. Upon the release of any such  
177 bond, any cash or collateral securities deposited shall  
178 be returned by the deputy director for oil and gas to  
179 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.**

1 Before fracturing any well originally drilled on and  
2 after the fifth day of June, one thousand nine hundred  
3 twenty-nine, and before the effective date of this act,  
4 and which is located on any tract of land known to be  
5 underlaid with one or more workable beds of coal, the  
6 well operator shall, by registered mail, forward a notice  
7 of intention to fracture such well to the department of  
8 mines and to each and every coal operator operating said  
9 beds of coal beneath said tract of land, or within five  
10 hundred feet of the boundaries of the same, who has

11 mapped the same and filed his maps as required by law.

12     Nothing contained in this article shall under any cir-  
13 cumstances be construed to require any well operator to  
14 give a notice of intention to fracture, or to obtain a  
15 permit to fracture, a well drilled on and after the effec-  
16 tive date of this act. The notice shall be addressed to the  
17 department of mines and to each such coal operator at  
18 their respective addresses, shall contain the number of  
19 the drilling permit for such well and such other in-  
20 formation as may be required by the department to en-  
21 able the department and the coal operators to locate and  
22 identify such well and shall inform them that such  
23 notice is being mailed to them respectively by registered  
24 mail, pursuant to the requirements of this article. (The  
25 form for such notice of intention shall be furnished on  
26 request by the department of mines.) If no objections are  
27 made, or are found by the department, to such proposed  
28 fracturing within ten days from receipt of such notice by  
29 the department of mines, the same shall be filed and be-  
30 come a permanent record of such fracturing, subject to  
31 inspection at any time by any interested person, and the

32 department shall forthwith issue to the well operator a  
33 permit reciting the filing of such notice, that no objections  
34 have been made by the coal operators, or found thereto  
35 by the department, and authorizing the well operator to  
36 fracture such well. Unless the department has objections  
37 to such proposed fracturing, such permit shall be issued  
38 prior to the expiration of such ten-day period upon the  
39 obtaining by the well operator of the consent in writing of  
40 the coal operator or operators to whom notice of inten-  
41 tion to fracture shall have been mailed as herein re-  
42 quired, and upon presentation of such written consent  
43 to the department. The notice above provided for may  
44 be given to the coal operator by delivering or mailing  
45 it as above to any agent or superintendent in actual  
46 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; per-  
formance bonds of security in lieu thereof.**

1 Before drilling a well for the introduction of liquids  
2 for the purposes provided for in section ten-a of this

3 article or for the introduction of liquids for the disposal  
4 of sewage, industrial waste or other waste or the effluent  
5 therefrom on any tract of land, or before converting an  
6 existing well for such purposes, the well operator shall  
7 have a plat prepared by a competent engineer showing  
8 the district and county in which the tract of land is  
9 located, the name and acreage of the same, the names  
10 of the owners of all adjacent tracts, the proposed or actual  
11 location of the well or wells determined by a survey,  
12 the courses and distances of such location from two  
13 permanent points of land marked on said tract and the  
14 number to be given to the well, and shall forward by  
15 registered or certified mail the original and one copy of  
16 the plat to the department of mines. In addition, the well  
17 operator shall provide the following information on the  
18 plat or by way of attachment thereto to the department in  
19 the manner and form prescribed by the department's  
20 rules and regulations: (a) the location of all wells, aban-  
21 doned or otherwise located within the area to be affect-  
22 ed; (b) where available, the casing records of all such  
23 wells; (c) where available, the drilling log of all such

24 wells; (d) the maximum pressure to be introduced; (e)  
25 the geological formation into which such liquid or pres-  
26 sure is to be introduced; (f) a general description of the  
27 liquids to be introduced; (g) the location of all water  
28 bearing horizons above and below the geological forma-  
29 tion into which such pressure, liquid or waste is to be  
30 introduced; and (h) such other information as the deputy  
31 director by rule and regulation may require.

32 In the event the tract of land on which said well pro-  
33 posed to be drilled or converted for the purposes pro-  
34 vided for in this section is located is known to be  
35 underlaid with one or more workable beds of coal, copies  
36 of the plat and all information required by this section  
37 shall be forwarded by the operator by registered or certi-  
38 fied mail to each and every coal operator, if any, operating  
39 said beds of coal beneath said tracts of land, or within five  
40 hundred feet of the boundaries of the same, who has  
41 mapped the same and filed his maps as required by law.  
42 With each of such plats, there shall be enclosed a notice  
43 (form for which shall be furnished on request by the de-  
44 partment of mines) addressed to the department of mines

45 and to each such coal operator, if any, at their respective  
46 addresses, informing them that such plat and notice are  
47 being mailed to them respectively by registered or certi-  
48 fied mail, pursuant to the requirements of this section. The  
49 deputy director shall forward a copy of the plat, notice  
50 and all other information required by this section to the  
51 chief of the division of water resources of the department  
52 of natural resources.

53 If no objections are made by any such coal operator or  
54 such chief, or are found by the department to such  
55 proposed drilling or converting of the well or wells for  
56 the purposes provided for in this section within thirty  
57 days from the receipt of such plat and notice by the de-  
58 partment of mines, the same shall be filed and become a  
59 permanent record of such location or well, subject to  
60 inspection at any time by any interested person, and  
61 the department shall forthwith issue to the well operator  
62 a permit reciting the filing of such plat and notice, that  
63 no objections have been made by the coal operators,  
64 if any, or found thereto by the department of mines or  
65 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

87 wells had been drilled for the purposes provided for in  
88 section two of this article, except that such bonds shall  
89 be conditioned upon full compliance with all laws, rules  
90 and regulations relating to the drilling of a well or the  
91 converting of an existing well for the purposes provided  
92 for in said section ten-a, or introducing of liquids for the  
93 disposal of sewage, industrial waste or other waste or the  
94 effluent therefrom including the redrilling, deepening,  
95 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.**

1 In any case wherein a well is proposed to be drilled or  
2 converted for the purposes provided for in section two-b  
3 of this article and is above or in close proximity to any  
4 mine opening, shaft, entry, traveling, air, haulage, drain-  
5 age or other passageway, or to any proposed extension  
6 thereof, in any operated and abandoned or operating

7 coal mine or coal mine already surveyed and platted, but  
8 not yet being operated, so that such well or wells or the  
9 pillar of coal about such well or wells necessary to the  
10 protection of the mine and of such well itself when drilled  
11 or subjected to the introduction of liquid for the purposes  
12 provided for in section ten-a of this article or subjected  
13 to the introduction of liquid for the disposal of sewage,  
14 industrial waste or other waste or the effluent therefrom  
15 will interfere with or endanger the use of such mine  
16 opening, entries or ways, then the coal operator or oper-  
17 ators affected may, and shall, if the drilling or introducing  
18 of any and all such liquids of or into a well at such loca-  
19 tion will cause a dangerous condition in their mines, file  
20 objections in writing (forms for which will be furnished  
21 by the department on request) within thirty days from  
22 the receipt by the department of mines of the plat and  
23 notice required by section two-b of this article to such  
24 proposed drilling or converting for the purposes provided  
25 for in section two-b of this article, setting out therein as  
26 definitely as is reasonably possible the ground or grounds  
27 on which such objections are based and, in the case of

28 drilling a well for the purposes provided for in section  
29 two-b, where necessary, such coal operator shall indicate  
30 the direction and distance from the location shown on the  
31 plat from the location originally shown on the plat as the  
32 proposed well location is suggested as a new location  
33 where such proposed well may be drilled in order to over-  
34 come such coal operators objections, and in the case of  
35 converting an existing well for such purposes, such  
36 objecting coal operator shall indicate the conditions for  
37 the protection of life and property under which the well  
38 or wells should be converted or liquid introduced into  
39 such well to overcome such objections.

40 In any case wherein a well proposed to be drilled or  
41 converted for the purposes provided for in section two-b  
42 of this article shall, in the opinion of the chief of the  
43 division of water resources of the department of natural  
44 resources, affect detrimentally the reasonable standards  
45 of purity and quality of the waters of the state, such chief  
46 shall, within thirty days from the receipt of the plats and  
47 notices required by said section two-b, file with the deputy  
48 director his objections in writing to such proposed drilling

49 or conversion, setting out therein as definitely as is rea-  
50 sonably possible the ground or grounds upon which such  
51 objections are based and indicating the conditions, con-  
52 sistent with the provisions of this article and the rules  
53 or regulations promulgated thereunder, as may be neces-  
54 sary for the protection of the reasonable standards of the  
55 purity and quality of such waters under which such  
56 proposed drilling or conversion may be completed to  
57 overcome such objections.

58 If any objection or objections are so filed by any such  
59 coal operator or such chief or are made by the department  
60 of mines, the department shall notify the well operator  
61 of the character of the objections and by whom made  
62 and fix a time and place, not less than ten days from the  
63 end of such thirty-day period, at which such objections  
64 will be considered, of which time and place the well  
65 operator and such chief and all coal operators to whom a  
66 copy of the plat and notice required by said section two-b  
67 was mailed, whether objecting or not objecting to the  
68 proposed drilling or conversion, shall be given at least  
69 five days' written notice by the department, by registered

70 or certified mail, and summoned to appear, and, in the  
71 case of coal operators, bringing with them their maps  
72 and plans showing their mines and mine workings and,  
73 in the case of proposed drilling to be prepared to ap-  
74 prove or except to such location or locations as the de-  
75 partment may, after hearing, approve or itself fix in case  
76 no agreement is reached, and, in the case of proposed  
77 conversion of a well for the purposes provided for in said  
78 section two-b, to be prepared to approve or to except to  
79 any conditions under which the conversion is to take  
80 place as the department may, for the protection of life  
81 and property or for the protection of reasonable standards  
82 of purity and quality of the waters of the state, after  
83 hearing, approve or itself fix in case no agreement is  
84 reached. In the case of proposed drilling or converting  
85 of a well for the purposes provided for in said section  
86 two-b, at the time and place so fixed, the well operator  
87 and the interested coal operators and the chief, or such  
88 of them as are present or represented, shall proceed to  
89 consider the objections and agree upon either the location  
90 (in the case of drilling) as made or so moved as to

91 satisfy all objections and meet the approval of the de-  
92 partment, and any change in the original location (in  
93 case of drilling) so agreed upon and approved by the  
94 department shall be indicated on said plat on file with  
95 the department, and the distances and direction of the  
96 location of the new location from the original location  
97 shall be shown, and, as so altered, the plat shall be filed  
98 and become a permanent record, and in the case of pro-  
99 posed conversion, to agree upon conditions under which  
100 the well is to be converted which will satisfy all objec-  
101 tions and meet the approval of the department, at which  
102 time the plat and notice required by said section two-b  
103 shall be filed and become a permanent record. Whereupon  
104 the department shall forthwith issue to the well operator  
105 a permit to drill or convert the well or wells, as the case  
106 may be, for the purposes provided for in said section  
107 two-b, reciting the filing of the plat and notice required  
108 by said section two-b, that at a hearing duly held a loca-  
109 tion as shown on the plat or the conditions under which  
110 the conversion is to take place for the protection of life  
111 and property and the reasonable standards of purity and

112 quality of the waters of the state were agreed upon and  
113 approved, and that the well operator is authorized to  
114 drill at such location or to convert at the site shown on  
115 such plat, as the case may be.

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

131 In case the well operator and the coal operator and the  
132 chief, or such of them as are present or represented at

133 such hearing are unable to agree upon the conditions  
134 under which a well is to be converted so as to protect life  
135 and property and the reasonable standards of purity and  
136 quality of the waters of the state, or upon such conditions  
137 of converting that meet the approval of the department  
138 of mines, then the department shall fix the conditions  
139 under which the well is to be converted, provided the  
140 well can be converted safely, taking into consideration  
141 the dangers from creeps, squeezes, or other disturbances  
142 and taking into consideration the protection of life and  
143 property and the reasonable standards of the purity and  
144 quality of the waters of the state. Such new drilling  
145 location shall be indicated on the plat on file with the  
146 department as provided herein, and the department shall  
147 forthwith tender to the operator a permit to drill at such  
148 location or to convert for the purposes provided for in  
149 section two-b of this article at the site shown on the plat,  
150 as the case may be, which permit the well operator may  
151 accept or refuse to accept and if it accepts such permit,  
152 such coal operators or chief having filed objections and  
153 appearing or being represented at such hearing may ex-

154 cept to such location or conversion or to the issuance of  
155 such drilling or converting permit; and the well operator  
156 accepting the same may require the record of the hearing  
157 to show that it accepts such drilling permit at the location  
158 made by the department as a new or additional location  
159 and not in lieu of its original location, or that it accepts  
160 such converting permit as to the conditions under which  
161 the well is to be converted as fixed by the department  
162 as new conditions and not in lieu of the conditions pre-  
163 ferred by it, and that it reserved the right to appeal to  
164 the circuit court of the county in which its original  
165 drilling location, or its conversion site, lies for relief, and  
166 that it excepts to the refusal of the department to ap-  
167 prove such original location substantially as made or to  
168 approve the conditions of converting preferred. In any  
169 case, in addition to taking into consideration the dangers  
170 from creeps, squeezes or other disturbances, the depart-  
171 ment shall at all times consider the protection of life  
172 and property and the protection of the reasonable stan-  
173 dards of quality and purity of the waters of the state.  
174 In any case, either the well operator or the coal operator  
175 or the chief may reserve the right to appeal to the circuit

176 court of the county in which the original drilling location  
177 or conversion site lies for relief.

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

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

1 Any coal operator or the chief of the division of water

2 resources of the department of natural resources ex-  
3 cepting to any drilling location for the purposes pro-  
4 vided for in said section two-b fixed or approved or to  
5 the issuance of any drilling permit for such purposes, or  
6 other conditions under which a well is to be converted  
7 for such purposes as fixed or approved by the depart-  
8 ment of mines for the protection of life and property and  
9 the reasonable standards of quality and purity of the  
10 waters of the state or any other issuance of any such  
11 converting permit and any well operator excepting to the  
12 refusal of the department to grant any drilling permit  
13 for the purposes provided for in said section two-b at  
14 the location shown in the plat mailed to the department  
15 as provided in said section two-b, or such location so shift-  
16 ed as to be substantially the same or the equivalent there-  
17 of, or to the refusal of the department to grant such con-  
18 verting permit in accordance with the conditions of such  
19 converting preferred by the well operator, may at any  
20 time within ten days of the taking of such action by the  
21 department of mines appeal to the circuit court of the  
22 county in which such proposed drilling location or site in-

23    involved lies. The procedure shall be by petition and ans-  
24    wer, duly verified, and naming the department as one  
25    of the respondents. The petition shall briefly set forth  
26    the matter in controversy, the ruling of the department  
27    and the relief sought. The well operator, the coal operator  
28    or the chief making such appeal shall forthwith send a  
29    copy of such petition for appeal, by registered or certi-  
30    fied mail, to the deputy director for oil and gas. Upon  
31    receipt of such copy of such petition for appeal the deputy  
32    director for oil and gas shall promptly certify and file in  
33    such court a complete transcript of the record upon  
34    which the ruling complained of was made, as well as  
35    copies of all papers filed with the department. The costs  
36    of such transcripts shall be paid by the party making  
37    the appeal. The respondents shall be required to answer  
38    under oath within ten days after service of copies of the  
39    petition upon them, and the procedure shall be expedited,  
40    as far as is reasonably possible, having regard to possible  
41    drainage or loss of title by the well operator through its  
42    failure to complete or convert a well or through its  
43    failure to introduce liquids for the purposes provided

44 for in section ten-a of this article within the period fixed  
45 by the terms of the lease under which it holds. The court  
46 may, by preliminary order, upon proper proof of the  
47 necessity therefor and the giving of proper security, stay  
48 the drilling or converting of any well, or stay the intro-  
49 duction of liquid for the purposes provided for in said  
50 section ten-a or stay the disposal of sewage, industrial  
51 waste or other waste or the effluent therefrom, until a  
52 final decision on the appeal, and after a final hearing,  
53 at which any competent and relevant evidence may be  
54 introduced, may set aside any action or order of the de-  
55 partment and enter such final order and decree as in its  
56 judgment is just and right and will best carry out the  
57 provisions of this article. From such final orders and  
58 decrees of the circuit court an appeal may be taken to  
59 the supreme court of appeals. During vacation periods  
60 or when for any reason the circuit court is not in session,  
61 such proceedings shall be before the judge of an adjoin-  
62 ing circuit, who may act until the return of the regular  
63 judge to his circuit, whereupon all further proceedings  
64 shall be had before the regular judge or circuit court

65 having initial jurisdiction therein, and all proceedings in  
66 vacation shall be of like force and effect as if before the  
67 court in term.

**§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  
2 gas or petroleum, or is drilled for or converted for the  
3 introduction of pressure, whether liquid or gas, or for  
4 the introduction of liquid for the purposes provided for in  
5 section ten-a of this article or for the disposal of sewage,  
6 industrial waste or other wastes or the effluent there-  
7 from, all coal-protecting strings of casing and all water-  
8 protecting strings of casing shall remain in place until  
9 the well is plugged or abandoned. During the life of the  
10 well the annular spaces between the various strings of  
11 casing adjacent to workable beds of coal shall be kept  
12 open, and the top ends of all such strings shall be pro-  
13 vided with casing heads, or such other suitable devices  
14 as will permit the free passage of gas and prevent filling  
15 of such annular spaces with dirt or debris.

16 Any well which is completed as a dry hole or which is

17 not in use for a period of twelve consecutive months shall  
18 be presumed to have been abandoned and shall promptly  
19 be plugged by the operator in accordance with the provi-  
20 sions of this article, unless the operator furnishes satis-  
21 factory proof to the deputy director that there is a bona  
22 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  
2 oil or gas well or both, each well operator shall run and  
3 permanently cement a string of casing in the hole through  
4 the fresh water bearing strata in such a manner and to  
5 the extent provided for in rules and regulations pro-  
6 mulgated by the director of the department of mines  
7 in accordance with the provisions of chapter twenty-  
8 nine-a.

**§22-4-9. Plugging and abandonment of well; notice of inten-  
tion; performance bonds or securities in lieu there-  
of; affidavit showing time and manner.**

1 All dry or abandoned wells or wells presumed to be  
2 abandoned under the provisions of section seven of this  
3 article shall be plugged in accordance with this section

4 and the other provisions of this article and in accord-  
5 ance with the rules and regulations promulgated by  
6 the deputy director.

7 Prior to the abandonment of any well, the well op-  
8 erator shall notify, by registered or certified mail, the  
9 department of mines and the coal operator or operators,  
10 if any, to whom notices are required to be given by sec-  
11 tion two of this article and the coal operator or operators  
12 to whom notices are required to be given by section  
13 two-a of this article of its intention to plug and abandon  
14 any such well (using such form of notice as the depart-  
15 ment may provide), giving the number of the well and  
16 its location and fixing the time at which the work of  
17 plugging and filling will be commenced, which time shall  
18 be not less than five days after the day on which such  
19 notice so mailed is received or in due course should be  
20 received by the department of mines, in order that a  
21 representative or representatives of the department and  
22 the coal operator or operators, if any or of both, may be  
23 present at the plugging and filling of the well. Whether  
24 such representatives appear or do not appear, the well

25 operator may proceed at the time fixed to plug and fill  
26 the well in the manner hereinafter described. Notwith-  
27 standing the foregoing, a well operator may proceed  
28 to plug and fill a well at any time without giving the  
29 aforesaid notice of intention if such operator has first  
30 obtained in writing the approval of the department of  
31 mines and the coal operator or operators, if any, to  
32 whom notices are required to be given by section two  
33 of this article and the coal operator or operators to whom  
34 notices are required to be given by section two-a of this  
35 article. No well shall be plugged or abandoned unless  
36 the department is furnished a bond of the operator in  
37 the sum of one thousand dollars, payable to the state  
38 of West Virginia, with a corporate bonding or surety  
39 company authorized to do business in this state as surety  
40 thereon, conditioned on full compliance with all laws,  
41 rules and regulations relating to the casing, plugging  
42 and abandonment of wells and for furnishing such re-  
43 ports and information as may be required by the de-  
44 partment. When a number of wells are involved, the  
45 operator may in lieu of furnishing a separate bond fur-

46 nish a blanket bond in the sum of ten thousand dollars,  
47 payable to the state of West Virginia, with a corporate  
48 bonding or surety company authorized to do business  
49 in this state as surety thereon, and conditioned as afore-  
50 said. In lieu of corporate surety on a separate or blanket  
51 bond, as the case may be, the operator may elect to  
52 deposit with the deputy director for oil and gas cash or  
53 collateral securities as specified in section two of this  
54 article. All of the provisions of section two dealing with  
55 cash or collateral securities in lieu of corporate surety  
56 shall be fully applicable hereto except for the condition  
57 of the bond with respect to which the operator must  
58 be in full compliance in order to be entitled to the interest  
59 and income earned on such securities. The operator shall  
60 be entitled to such interest and income under this sec-  
61 tion so long as the operator is in full compliance with all  
62 laws, rules and regulations relating to the casing, plug-  
63 ging and abandonment of wells and for furnishing such  
64 reports and information as may be required by the  
65 department. Any such bond shall remain in force until  
66 released by the department and the department shall

67 release the same when it is satisfied the conditions thereof  
68 have been fully performed. Notwithstanding the fore-  
69 going provisions, any operator who, in accordance with  
70 section two of this article, has furnished a separate bond,  
71 which has not been released by the department, for the  
72 drilling, converting or drilling for the introduction of  
73 liquids, for the disposal of sewage, industrial waste or  
74 other waste or the effluent therefrom, or introducing  
75 pressure, whether liquid or gas, or introducing liquid  
76 for the purposes provided for in section ten-a of this  
77 article or fracturing of the well it is now proposed be  
78 plugged and abandoned, or who, in accordance with the  
79 provisions of said section two of this article, has fur-  
80 nished a blanket bond which has not been released by  
81 the department shall not be required by this section  
82 nine to furnish any other bond. When the plugging and  
83 filling of a well have been completed, an affidavit, in  
84 triplicate, shall be made (on a form to be furnished by  
85 the department) by two experienced men who partici-  
86 pated in the work, in which affidavit shall be set forth  
87 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,

17 clay or other nonporous material to a point twenty feet  
18 above such stratum; at this point there shall be placed  
19 a plug of cement or other suitable material which will  
20 completely seal the hole. Between this sealing plug and  
21 a point twenty feet above the next higher oil, gas or  
22 water-bearing stratum, the hole shall either be filled, or  
23 bridged and filled, in the manner just described; and at  
24 such point there shall be placed another plug of cement  
25 or other suitable material which will completely seal the  
26 hole. In like manner the hole shall be filled and plugged,  
27 or bridged, filled and plugged with reference to each of  
28 its oil, gas or water-bearing strata. However, whenever  
29 such strata are not widely separated and are free from  
30 water, they may be grouped and treated as a single sand,  
31 gas or petroleum horizon, and the aforesaid filling and  
32 plugging be performed as though there were but one  
33 horizon. After the plugging of all oil, gas or water-  
34 bearing strata, as aforesaid, a final plug shall be anchored  
35 approximately ten feet below the bottom of the largest  
36 casing in the well; from this point to the surface the well  
37 shall be filled with mud, clay or other nonporous material.

38 In case any of the oil or gas-bearing strata in a well shall  
39 have been shot, thereby creating cavities which cannot  
40 readily be filled in the manner above described, the well  
41 operator shall follow either of the following methods:

42 (1) Should the stratum which has been shot be the  
43 lowest one in the well, there shall be placed, at the  
44 nearest suitable point, but not less than twenty feet above  
45 the stratum, a plug of cement or other suitable material  
46 which will completely seal the hole. In the event, how-  
47 ever, that the shooting has been done above one or more  
48 oil or gas-bearing strata in the well, plugging in the  
49 manner specified shall be done at the nearest suitable  
50 points, but not less than twenty feet below and above  
51 the stratum shot. Or (2), when such cavity shall be in  
52 the lowest oil or gas-bearing stratum in the well, a liner  
53 shall be placed which shall extend from below the  
54 stratum to a suitable point, but not less than twenty feet  
55 above the stratum in which shooting has been done. In  
56 the event, however, that the shooting has been done above  
57 one or more oil or gas-bearing strata in the well, the liner  
58 shall be so placed that it will extend not less than twenty

59 feet above, nor less than twenty feet below, the stratum  
60 in which shooting has been done. Following the placing  
61 of the liner in the manner here specified it shall be com-  
62 pactly filled with cement, mud, clay or other nonporous  
63 sealing material;

64 (b) Where the well has penetrated one or more work-  
65 able coal beds, it shall be filled and securely plugged in  
66 the manner aforesaid, to a point forty feet below the  
67 lowest workable coal bed. If, in the judgment of the well  
68 operator, the coal operator and the department of mines,  
69 a permanent outlet to the surface is required, such outlet  
70 shall be provided in the following manner: A plug of  
71 cement, or other suitable material, shall be placed in the  
72 well at a suitable point, not less than thirty feet below  
73 the lowest workable coal bed. In this plug and passing  
74 through the center of it shall be securely fastened an  
75 open pipe not less than two inches in diameter, which  
76 shall extend to the surface. At or above the surface the  
77 pipe shall be provided with a device which will permit  
78 the free passage of gas, and prevent obstruction of the  
79 same. Following the setting of the cement plug and

80 outlet pipe as aforesaid, the hole shall be filled with  
81 cement to a point twenty feet above the lowest workable  
82 coal bed. From this point the hole shall be filled with  
83 mud, clay or other nonporous material to a point thirty  
84 feet beneath the next overlying workable coal bed, if  
85 such there be, and the next succeeding fifty feet of the  
86 hole filled with cement, and similarly, in case there are  
87 more overlying workable coal beds. If, in the judgment  
88 of the well operator, the coal operator and the depart-  
89 ment of mines, no outlet to the surface is considered  
90 necessary, the plugging, filling and cementing shall be  
91 as last above described.

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

1 The owner or operator of any well or wells which pro-  
2 duce oil or gas may allow such well or wells to remain  
3 open for the purpose of introducing water or other  
4 liquid pressure into and upon the producing strata for  
5 the purpose of recovering the oil contained therein, and  
6 may drill additional wells for like purposes, provided  
7 that the introduction of such water or other liquid pres-

8 sure shall be controlled as to volume and pressure and  
9 shall be through casing or tubing which shall be so  
10 anchored and packed that no water bearing strata or  
11 other oil, or gas-bearing sand or producing stratum, above  
12 or below the producing strata into and upon which such  
13 pressure is introduced, shall be affected thereby.

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

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

10 There is hereby created within the treasury of the state  
11 of West Virginia a special fund to be known as the oil and  
12 gas reclamation fund, and the deputy director shall de-  
13 posit with the state treasurer to the credit of such special  
14 fund all special reclamation fees collected. The proceeds

15 of any bond forfeited under the provisions of this article  
16 shall inure to the benefit of and shall be deposited in  
17 such oil and gas reclamation fund. If at the end of any  
18 fiscal year the total amount in the oil and gas reclamation  
19 fund is in excess of two hundred thousand dollars, the  
20 amount of such excess shall be paid into the general  
21 revenue fund.

22 The oil and gas reclamation fund shall be administered  
23 by the director of the department of mines. The deputy  
24 director for oil and gas shall cause to be prepared plans  
25 for the plugging of abandoned wells which have not been  
26 plugged or which have been improperly plugged. The  
27 director of the department of mines, as funds become  
28 available in the oil and gas reclamation fund, shall re-  
29 claim, and properly plug all abandoned wells in accord-  
30 ance with said plans and specifications and in accordance  
31 with the provisions of this article relating to the plugging  
32 of wells and all rules and regulations promulgated there-  
33 under. Such funds may also be utilized for the purchase  
34 of abandoned wells, where such purchase is necessary,

35 and for the reclamation of such abandoned wells, and for  
36 any engineering, administrative and research costs as  
37 may be necessary to properly effectuate the plugging of  
38 all wells, abandoned or otherwise.

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

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

50 All wells shall be plugged by contract entered into by  
51 the director on a competitive bid basis as provided for  
52 under the provisions of article three, chapter five-a of  
53 this code and the rules and regulations promulgated  
54 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,  
2     the department shall prescribe rules of procedure and  
3     for offering evidence in all matters brought before it, and  
4     shall prepare and, on request, furnish to applicants copies  
5     of forms of notices and of other forms that the depart-  
6     ment may require to be used, and prescribe the manner  
7     of serving the same. The department may also promul-  
8     gate such other rules and regulations as it may deem  
9     necessary or helpful in securing uniformity of procedure  
10    in the administration of this article. Any matter in con-  
11    troversy before the department shall, after hearing or  
12    hearings, of which all persons interested have had due  
13    notice and at which they have been given an opportunity  
14    to appear and be heard and to offer evidence and to make  
15    argument by counsel if desired, be decided by the de-  
16    partment as may seem to it to be just and reasonable  
17    and necessary or desirable for the proper enforcement of  
18    the provisions of this article.

19    Whether or not it be so expressly stated, an appeal

20 from any final decision or action by the department  
21 in administering the provisions of this article may be  
22 taken by any aggrieved person within ten days of notice  
23 of such action or decision, to the circuit court of the  
24 county in which the subject matter of such decision  
25 or action is located, and in all cases of appeals to the cir-  
26 cuit court, that court shall certify its decisions to the  
27 department of mines, and to all such final decisions an  
28 appeal shall lie to the supreme court of appeals as now  
29 provided by law in cases in equity. Any party feeling  
30 aggrieved by the final order of the circuit court affect-  
31 ing him or it, may present his or its petition in writing  
32 to the supreme court of appeals, or to a judge thereof in  
33 vacation, within twenty days after the entry of such  
34 order, praying for the suspension or modification of  
35 such final order. The applicant shall deliver a copy of  
36 such petition to the department of mines and to all other  
37 parties of record, before presenting the same to the court  
38 or judge. The court or judge shall fix a time for the hear-  
39 ing on the application, but such hearing shall not be held  
40 sooner than seven days, unless by agreement of the par-

41 ties, after its presentation, and notice of the time and place  
42 of such hearing shall be forthwith given to the department  
43 of mines and to all other parties of record. If the court or  
44 judge, after such hearing, be of opinion that such final  
45 order should be suspended or modified, the court or the  
46 judge may require bond, upon such conditions and in  
47 such penalty, and impose such terms and conditions upon  
48 the petitioner as are just and reasonable. For such hear-  
49 ing the entire record before the circuit court, or a certified  
50 copy thereof, shall be filed in the supreme court, and that  
51 court, upon such papers, shall promptly decide the matter  
52 in controversy as may seem to it to be just and right,  
53 and may award costs in each case as to it may seem just  
54 and equitable.

**§22-4-17. Offenses; penalties.**

1 Any person or persons, firm, partnership, partnership  
2 association or corporation violating any provision of this  
3 article or rule or regulation promulgated by virtue of  
4 this article, for which violation there is no penalty pre-  
5 scribed, or any person or persons, firm, partnership,  
6 partnership association or corporation wilfully violating

7 any of the provisions of this article which prescribe the  
8 manner of drilling and casing or plugging and filling any  
9 well, or which prescribe the methods of conserving gas  
10 from waste, or which fix the distance from wells within  
11 which mining operations shall not be conducted without  
12 the approval of the department, or violating the terms of  
13 any order of the department allowing mining operations  
14 within a lesser distance of any well than that prescribed  
15 by the article, shall be guilty of a misdemeanor, and, upon  
16 conviction thereof, shall be punished by a fine not exceed-  
17 ing two thousand dollars, or imprisonment in jail for not  
18 exceeding twelve months, or both, in the discretion of  
19 the court, and prosecutions under this section may be  
20 brought in the name of the state of West Virginia in the  
21 court exercising criminal jurisdiction in the county in  
22 which the violation of such provisions of the article or  
23 terms of such order was committed, and at the instance  
24 and upon the relation of any citizens of this state.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*William Tamm*

Chairman Senate Committee

*Clayton C. Davidson*

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969.

*Harvard Muse*

Clerk of the Senate

*CA Blankenship*

Clerk of the House of Delegates

*Landis Jackson*

President of the Senate

*Ivor F. Boiarsky*

Speaker House of Delegates

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

*Arch A. Moore Jr.*

Governor



PRESENTED TO THE  
GOVERNOR

Date 3/14/69

Time 2:20 pm