WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 60
(By Mr. Wesley, original sponsor)

PASSED ________ April 16 ________ 1973
In Effect 90 Days from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/4/73
AN ACT to amend and reenact sections one, one-c, one-e, one-k, two, two-a, two-b, eight-a, nine, ten and ten-a, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend article four of said chapter twenty-two by adding thereto a new section, designated section nineteen, all relating to oil and gas wells; giving additional duties to examining board, increasing the scope of article to include any physical damage to well and providing limits for the drilling of wells near fresh water wells; increasing amounts of bond; requiring additional notice to be given; requiring plats to be made by registered engineer or licensed land surveyor; and increasing the scope of article to provide rebuttable presumption in actions for contamination or deprivation of fresh water source or supply.

Be it enacted by the Legislature of West Virginia:

That sections one, one-c, one-e, one-k, two, two-a, two-b, eight-a, nine, ten and ten-a, 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 article four of said chapter twenty-two be further amended by adding thereto a new section, designated section nineteen, to read as follows:

ARTICLE 4. OIL AND GAS WELLS.

§22-4-1. Definitions.

1 Unless the context in which used clearly requires a dif-
ferent meaning, as used in this article:
(a) “Deputy director” shall mean the deputy director for oil and gas;
(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 plumbing 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;

(n) "Stimulate" means any action taken by any well operator to increase oil or gas production from any oil or gas well, including fracturing, shooting or acidizing, but excluding cleaning out or bailing operations.

§22-4-1c. Oil and gas inspectors; supervising inspectors; tenure; oath and bond.

Notwithstanding any other provisions of law, oil and gas inspectors shall be selected, serve and be removed as in this article provided.

The deputy director for oil and gas shall divide the state into not more than eight oil and gas districts, so as to equalize, as far as practical, the work of each oil and gas inspector. He may designate a supervising inspector and other inspectors as may be necessary, and may designate their places of abode, at points convenient to the accomplishment of their work.

The deputy director for oil and gas shall make each appointment from among the three qualified eligible candidates on the register having the highest grades. The director of the department of mines or the deputy director for oil and gas may, for good cause, at least thirty days prior to making an appointment, strike any name from the register. Upon striking any name from the register, the director or deputy director, as the case may be, shall immediately notify in writing each member of the oil and gas inspectors' examining board of his action, together with a detailed statement of the reasons therefor. Thereafter, the oil and gas inspectors' examining board, after hearing, if it finds that the action of striking such name was arbitrary or unreasonable, may order the name of any candidate so stricken from the register to be reinstated thereon. Such reinstate-
Any candidate passed over for appointment for three years shall be automatically stricken from the register.

After having served for a probationary period of one year to the satisfaction of the deputy director for oil and gas and the director, an oil and gas inspector or supervising inspector shall have permanent tenure until he becomes seventy years of age, subject only to dismissal for cause in accordance with the provisions of section one-d of this article. No oil and gas inspector or supervising inspector while in office shall be directly or indirectly interested as owner, lessor, operator, stockholder, superintendent or engineer of any oil or gas drilling or producing venture or of any coal mine in this state. Before entering upon the discharge of his duties as an oil and gas inspector or supervising inspector, he shall take the oath of office prescribed by the constitution, and shall execute a bond in the penalty of two thousand dollars, with security to be approved by the director of the department of mines, conditioned upon the faithful discharge of his duties, a certificate of which oath and bond shall be filed in the office of the secretary of state.

The supervising inspector and oil and gas inspectors shall perform such duties as are imposed upon them by this chapter, and related duties assigned by the deputy director for oil and gas upon approval of the director.

§22-4-1e. Oil and gas inspectors' examining board created; composition; appointment, term and compensation of members; chairman; oaths of members; meetings; powers and duties generally.

There is hereby created an oil and gas inspectors' examining board consisting of five members who, except for the public representative on such board, shall be appointed by the governor, by and with the advice and consent of the Senate. Members may be removed only for the same causes and like manner as elective state officers. One member of the board who shall be the representative of the public, shall be a professor in the petroleum engineering department of the school of mines at West Virginia University appointed by the dean of said school; two members shall be persons
who by reason of previous training and experience may reasonably be said to represent the viewpoint of independent oil and gas operators; and two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of major oil and gas producers.

The deputy director for oil and gas shall be an ex officio member of the board, and shall serve as secretary of the board without additional compensation, but he shall have no right to vote with respect to any matter before the board.

The members of the board, except the public representative, shall be appointed for overlapping terms of eight years, except that the original appointments shall be for terms of two, four, six and eight years, respectively. Any member whose term expires may be reappointed by the governor.

Each member of the board shall receive fifty dollars per diem while actually engaged in the performance of the work of the board; and shall receive mileage at the rate of ten cents for each mile actually traveled going from the home of the member to the place of the meeting of the board and returning therefrom, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such members of the board.

The public member shall serve as chairman of the board.

Members of the board, before performing any duty shall take and subscribe to the oath required by section five, article IV of the constitution of West Virginia.

The board shall meet at such times and places as shall be designated by the chairman. It shall be the duty of the chairman to call a meeting of the board on the written request of two members, or on the written request of the deputy director for oil and gas or the director of the department of mines. Notice of each meeting shall be given in writing to each member by the secretary at least five days in advance of the meeting. Three voting members shall constitute a quorum for the transaction of business.

In addition to other powers and duties expressly set forth elsewhere in this article, the board shall:

(1) Establish, and from time to time revise, forms of application for employment as an oil and gas inspector
(2) Adopt and promulgate reasonable rules and regulations relating to the examination, qualification and certification of candidates for appointment, and relating to hearings for removal of inspectors or the supervising inspector, required to be held by this article. All of such rules and regulations shall be printed and a copy thereof furnished by the secretary of the board to any person upon request;

(3) Conduct, after public notice of the time and place thereof, examinations of candidates for appointment. By unanimous agreement of all members of the board, one or more members of the board or an employee of the department of mines may be designated to give to a candidate the written portion of the examination;

(4) Prepare and certify to the deputy director for oil and gas and the director of the department of mines a register of qualified eligible candidates for appointment as oil and gas inspectors or as supervising inspectors, with such differentiation, if any, between the certification of candidates for oil and gas inspectors and for supervising inspector as the board may from time to time deem necessary or advisable. The register shall list all qualified eligible candidates in the order of their grades, the candidate with the highest grade appearing at the top of the list. After each meeting of the board held to examine such candidates and at least annually, the board shall prepare and submit to the deputy director for oil and gas and the director of the department of mines a revised and corrected register of qualified eligible candidates for appointment, deleting from such revised register all persons (a) who are no longer residents of West Virginia, (b) who have allowed a calendar year to expire without, in writing, indicating their continued availability for such appointment, (c) who have been passed over for appointment for three years, (d) who have become ineligible for appointment since the board originally certified that such persons were qualified and eligible for appointment, or (e) who, in the judgment of at least three members of the board, should be removed from the register.
(5) Cause the secretary of the board to keep and preserve the written examination papers, manuscripts, grading sheets and other papers of all applicants for appointment for such period of time as may be established by the board. Specimens of the examinations given, together with the correct solution of each question, shall be preserved permanently by the secretary of the board;

(6) Issue a letter or written notice of qualification to each successful eligible candidate;

(7) Hear and determine proceedings for the removal of inspectors or the supervising inspector in accordance with the provisions of this article;

(8) Hear and determine appeals of inspectors or the supervising inspector from suspension orders made by the deputy director for oil and gas pursuant to the provisions of section one-a of this article: Provided, That in order to appeal from any order of suspension, an aggrieved inspector or supervising inspector shall file such appeal in writing with the oil and gas inspectors' examining board not later than ten days after receipt of the notice of suspension. On such appeal the board shall affirm the action of the deputy director for oil and gas unless it be satisfied from a clear preponderance of the evidence that the deputy director for oil and gas has acted arbitrarily;

(9) Make an annual report to the governor concerning the administration of oil and gas inspection personnel in the state service; making such recommendations as the board considers to be in the public interest; and

(10) Render such advice and assistance to the deputy director for oil and gas as he shall from time to time determine necessary or desirable in the performance of his duties.

§22-4-1k. Permits required; application for permit; information; responsible agent; drilling permit number; when permits not to be issued; penalty.

It shall be unlawful for any well to be drilled, redrilled, deepened, fractured, stimulated, plugged, pressured, converted, combined or physically changed to allow the migration of fluid from one formation to another 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 corpo-
ration, 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 opera-
tor 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 well owner or operator shall install the permit
number as issued by the deputy director in a legible and
permanent manner to the well upon completion of any
permitted work. The dimensions, specifications and manner
of installation shall be in accordance with the administra-
tive rules and regulations of the department.

For the purpose of ascertaining whether or not issuance of
any permit to drill, redrill, deepen, case, fracture, stimulate,
pressure, operate, plug, abandon, convert or combine
any well, or physically change any well to allow the
migration of fluid from one formation to another, 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 misdeameanor, 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; per­
formance bonds or securities in lieu thereof; bond
forfeiture.

Before drilling for oil or gas, or before fracturing or
stimulating a well on any tract of land, the well operator
shall have a plat prepared by a licensed land surveyor or
registered 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 pro­
posed or actual location of the well determined by survey,
the courses and distances of such location from two perma­
nent points or landmarks on said tract and the number to be
given the well and the date of drilling completion of a well
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 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 mail, pursuant to the requirements of this
article. If no objections are made, or are found by the
department, to such proposed location or proposed fractur-
ing within ten days from receipt of such plat and
notice by the department of mines, the same shall be filed
and become a permanent record of such location or fractur-
ing subject to inspection at any time by any interested
person, and the department may forthwith issue to the well
operator a permit reciting the filing of such plat, that no
objections have been made by the coal operators, if any,
or found thereto by the department, and authorizing the
well operator to drill at such location, or to fracture the
well. Unless the department has objections to such pro-
posed location or proposed fracturing or stimulating, 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 pro-
vided 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 or stimulate an oil or
gas well, shall not be issued unless the application therefor
is accompanied by a bond of the operator in the sum of
two thousand five hundred 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 drilling, redrilling, deepening,
casing, plugging and abandonment of wells and for furnish-
ing such reports and information as may be required by the
department: Provided, That when such operator makes or
has made application for permits to drill a number of wells
or fracture or stimulate a well or wells the operator may in
lieu of furnishing a separate bond furnish a blanket bond
in the sum of fifteen thousand dollars, payable to the state
of West Virginia, with a corporate bonding or surety com-
pany authorized to do business in this state as surety
thereon, and conditioned as aforesaid: Provided, however,
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 Columbia, 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, 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 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 or market value, or both, 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 receipt of any such deposit or cash or collateral securities, 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.

If any of the requirements of this article or rules and regulations promulgated pursuant thereto or the orders of the deputy director for oil and gas have not been complied with within the time limit set by the violation notice as defined in sections one-g, one-h and one-i, article four, chapter twenty-two of this code the performance bond shall then be forfeited.

When any bond is forfeited pursuant to the provisions of this article or rules and regulations promulgated pursuant thereto the deputy director shall give notice to the attorney general who shall collect the forfeiture without delay.

All forfeitures shall be deposited in the treasury of the state of West Virginia in the special reclamation fund as defined in section twelve-a, article four, chapter twenty-two of this code.

§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 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.

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 information as may be required by the
department to enable the department and the coal opera-
tors 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 become 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; perform-
ance 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 there-
from on any tract of land, or before converting an existing
well for such purposes, the well operator shall have a plat
prepared by a registered engineer or licensed land sur-
veyor 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 certified 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 department 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 at such location or convert such existing well or wells for the purposes provided for in this section. Such permit shall be issued prior to the expiration of such thirty-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 notices must have been mailed as herein required and upon obtaining the consent in writing of the chief, and upon presentation of such written consent in writing of the chief, and upon presentation of such written consent to the department. The notices 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 the mines.

A permit to drill a well or wells or convert an existing well or wells for the purposes provided for in this section shall not be issued until all of the bonding provisions required by the provisions of section two of this article have been fully complied with and all such bonding provisions shall apply to all wells drilled or converted 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.

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

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.

No oil or gas well shall be drilled nearer than two hun-
dred feet from an existing water well or dwelling without
first obtaining the written consent of the owner of such
water well or dwelling.

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

All dry or abandoned wells or wells presumed to be aban-
donied 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 commencement of plugging operations and
the abandonment of any well, the well operator shall either
(a) 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: Provided, That 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, or (b) first obtain the written ap-
proval 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, or (c) in the event the well
to be plugged and abandoned is one on which drilling or reworking operations have been continuously progressing pursuant to authorization granted by the department, first obtain the verbal permission of the deputy director for oil and gas or his designated representative to plug and abandon such well, except, that the well operator, shall, within a reasonable period not to exceed five days after the commencement of such plugging operations, give the written notices required by subdivision (a) above.

No well shall be plugged or abandoned unless prior to the commencement of plugging operations and the abandonment of any well the department is furnished a bond of the operator in the sum of two thousand five hundred 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 reports and information as may be required by the department. When a number of wells are involved, the operator may in lieu of furnishing a separate bond furnish a blanket bond in the sum of fifteen 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. 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 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 filled. One copy of this affidavit shall be retained by the well operator, another (or true copies of same) shall be mailed to the coal operator or operators, if any, and the third to the department of mines.

§22-4-10. Methods of plugging well.

Upon the abandonment or cessation of the operation of any well drilled for natural gas or petroleum, or drilled 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 waste or the effluent therefrom, the well operator, at the time of such abandonment or cessation, shall fill and plug the well in the following manner:

(a) Where the well does not penetrate workable coal beds, it shall either be filled with mud, clay or other non-porous material from the bottom of the well to a point twenty feet above the top of its lowest oil, gas or water-bearing stratum; or a permanent bridge shall be anchored thirty feet below its lowest oil, gas or water-bearing stratum, and from such bridge it shall be filled with mud, clay or other non-porous 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 compactly filled with cement, mud, clay or other nonporous sealing material;

(b) Where the well has penetrated one or more workable 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 judgement 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.

Where a coal protection string of casing has been cemented in and circulated to the surface, if a coal outlet pipe is not required in a well which penetrates one or more workable coal beds, then a fifty foot cement plug shall be placed from thirty feet below the casing seat. The well shall than be filled to twenty feet of surface with nonporous material, and cement plug with the monument installed in cement from twenty feet to the surface and extending thirty inches above ground level.

Where a coal protection string of casing has been cemented in and circulated to the surface, if a coal outlet pipe is required in a well which penetrates one or more workable coal beds, then a fifty foot cement plug shall be placed in the well from thirty feet to eighty feet below casing
The outlet pipe shall be placed twenty feet below the casing seat centrally located in the casing. A cement basket shall be installed on the outlet pipe and placed ten feet above the casing seat with twenty feet of cement in the annulus between the outlet pipe and the casing. The remaining annulus shall be filled with nonporous material to ten feet of surface. The outlet pipe and monument shall then be cemented from ten feet to the surface with a bleeder pipe which will permit the free passage of gas and prevent obstructions of the same.

§22-4-10-a. 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 pressure 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, fulfilling requirements as set forth under section two-b.

§22-4-19. Civil action for contamination or deprivation of fresh water source or supply; presumption.

In any action for contamination or deprivation of a fresh water source or supply within 1,000 feet of the site of drilling for an oil or gas well, there shall be a rebuttable presumption that such drilling, and such oil or gas well, or either, was the proximate cause of the contamination or deprivation of such fresh water source or supply.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 24th day of April, 1973.

Governor
PRESENTED TO THE GOVERNOR

Date 4/24/73
Time 2:34 p.m.