

RECEIVED  
98 APR -8 AM 9 36  
OFFICE OF THE CLERK  
LEGISLATIVE SERVICE CENTER  
STATE HOUSE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 4711

(By Delegates Staton, Amores, Pino, Kominar,  
Coleman, L. White and Faircloth)



Passed March 14, 1998

In Effect Ninety Days from Passage



RECEIVED

98 APR -2 PM 9:36

OFFICE OF THE CLERK  
LEGISLATIVE DEPARTMENT  
STATE OF WEST VIRGINIA

## ENROLLED

# H. B. 4711

(BY DELEGATES STATON, AMORES, PINO, KOMINAR, COLEMAN,  
L. WHITE AND FAIRCLOTH)

---

[Passed March 14, 1998; in effect ninety days from passage.]

---

AN ACT to amend and reenact section two, article twenty-one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to environmental resources; coalbed methane wells and units; definitions; and modifying the definition of coalbed methane well.

*Be it enacted by the Legislature of West Virginia:*

That section two, article twenty-one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### **§22-21-2. Definitions.**

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

3 (a) "Review board" means the West Virginia coalbed  
4 methane review board which shall be comprised of the  
5 members of the West Virginia shallow gas well review  
6 board provided for in article eight, chapter twenty-two-c  
7 of this code, the state geologist, a representative of the  
8 United Mine Workers of America, an employee of the gas  
9 industry, and the director of the office of miners' health,  
10 safety and training, and the chairman of the review board

11 shall be the chairman of the West Virginia shallow gas  
12 review board;

13 (b) "Coalbed" or "coal seam" means a seam of coal,  
14 whether workable or unworkable, and the noncoal roof  
15 and floor of said seam of coal;

16 (c) "Coalbed methane" means gas which can be  
17 produced from a coal seam, the rock or other strata in  
18 communication with a coal seam, a mined-out area or a  
19 gob well;

20 (d) "Coalbed methane owner" means any owner of  
21 coalbed methane;

22 (e) "Coalbed methane well" means any hole or well  
23 sunk, drilled, bored or dug into the earth for the  
24 production of coalbed methane for consumption or sale,  
25 including a gob well. The term "well" shall mean a  
26 coalbed methane well unless the context indicates  
27 otherwise. The term "coalbed methane well" does not  
28 include any shaft, hole or well sunk, drilled, bored or dug  
29 into the earth for core drilling, production of coal or  
30 water, venting gas from a mine area, or degasification of a  
31 coal seam, or any coalbed methane well extending from  
32 the surface into, but not below, a coal seam being mined  
33 after such well or its horizontal extension has been plugged  
34 in accordance with section twenty-three of this article;

35 (f) "Coalbed methane well operator" or "well operator"  
36 means any person who has the right to operate or does  
37 operate a coalbed methane well;

38 (g) "Coal operator" means any person who proposes to  
39 or does operate a coal mine;

40 (h) "Coal owner" means any person who owns or  
41 leases a coal seam;

42 (i) "Chief" means the chief of the office of oil and gas  
43 of the division of environmental protection provided for  
44 in section eight, article one of this chapter;

45 (j) "Director" means the director of the division of  
46 environmental protection;

47 (k) "Division" means the division of environmental  
48 protection;

49 (l) "Gob well" means a well drilled or vent hole  
50 converted to a well pursuant to this article which produces  
51 or is capable of producing coalbed methane or other  
52 natural gas from a distressed zone created above and  
53 below a mined-out coal seam by any prior full seam  
54 extraction of the coal;

55 (m) "Mine" or "mine areas," including the  
56 sub-definitions under "mine areas," shall have the same  
57 definitions as are provided in section two, article one,  
58 chapter twenty-two-a of this code;

59 (n) "Office" means office of oil and gas provided for  
60 in section seven, article one of this chapter;

61 (o) "Person" means any natural person, corporation,  
62 firm, partnership, partnership association, venture, receiver,  
63 trustee, executor, administrator, guardian, fiduciary, other  
64 representative of any kind, any recognized legal entity, or  
65 political subdivision or agency thereof;

66 (p) "Stimulate" means any action taken to increase the  
67 natural flow of coalbed methane or the inherent  
68 productivity of a coalbed methane well, including, but not  
69 limited to, fracturing, shooting, acidizing or water  
70 flooding, but excluding cleaning out, bailing or workover  
71 operations;

72 (q) "Waste" means: (i) Physical waste as the term is  
73 generally understood in the gas industry and as provided  
74 for in article six of this chapter, but giving special  
75 consideration to coal mining operations and the safe  
76 recovery of coal; (ii) the locating, drilling, equipping,  
77 operating, producing or transporting coalbed methane in a  
78 manner that causes or tends to cause a substantial  
79 reduction in the quantity of coalbed methane recoverable  
80 from a pool under prudent and proper operations, or that  
81 causes or tends to cause a substantial or unnecessary or  
82 excessive surface loss of coalbed methane; (iii) the drilling  
83 of more wells than are reasonably required to recover  
84 efficiently and economically the maximum amount of

85 coalbed methane from a pool; or (iv) substantially  
86 inefficient, excessive or improper use, or the substantially  
87 unnecessary dissipation of reservoir pressure. Waste does  
88 not include coalbed methane vented or released from any  
89 mine area, the degasification of a coal seam for the  
90 purpose of mining coal, the plugging of coalbed methane  
91 wells for the purpose of mining coal, or the conversion of  
92 coalbed methane wells to vent holes for the purpose of  
93 mining coal;

94 (r) "Workable coalbed" or "workable coal seam" means  
95 any seam of coal twenty inches or more in thickness, or  
96 any seam of less thickness which is being commercially  
97 mined or can be shown to be capable of being  
98 commercially mined.

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

*Ray Scarborough*  
Chairman Senate Committee

*Mike Fantasia*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Robert E. Baker*  
Clerk of the Senate

*Bryony A. Berg*  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
President of the Senate

*[Signature]*  
Speaker of the House of Delegates

The within *approved* this the *7th*  
day of *April*, 1998.

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 7/6/98

Time 12:15pm