

# Gas Well Workshop

## West Virginia Laws

West Virginia law relating to oil and gas activities exists in two forms – code and regulations. Regulations are based on the requirements of code passed by the state legislature and are created by departments within the executive branch. The Office of Oil and Gas, part of the Department of Environmental Protection, creates regulations that are authorized by the legislature.

The primary section of state code, §22-6, that relates to oil and gas can be found on the website of the West Virginia Legislature:

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=22&art=6#06>

The new Horizontal Well Act is also part of the state code, §22-6A:

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=22&art=6A#06>

### **Office of Oil and Gas regulations are:**

35CSR1 – *Miscellaneous Water Pollution Control Rules*

35CSR2 – *Oil and Gas Operations – Solid Waste Rule*

35CSR3 – *Coalbed Methane Wells Rule*

35CSR4 – *Oil and Gas Wells and Other Wells*

35CSR5 – *Designation of Future Use and Inactive Status for Oil and Gas Rule*

35CSR6 – *Abandoned Wells Rule*

35CSR7 – *Certification of Gas Wells*

35CSR8 – *Rules Governing Horizontal Well Development*

[CSR stands for Code of State Rules (or Regulations). CFR stands for Code of Federal Rules (or Regulations).]

### **Condensate storage tank secondary containment.**

35CSR1.7 requires secondary containment for condensate storage tanks. Must be “sufficiently impervious.” Must have a rainwater drain.

The Office of Oil and Gas’ *Erosion and Sediment Control Field Manual* states the containment must be able to hold 110% of tank’s contents.

Federal law, 40CFR112, states that tanks holding 1320 gallons or more of diesel or condensate, on or near navigable waters used for interstate commerce or their tributaries, must have secondary containment and emergency response plan.

### **API number**

35CSR4.5 requires the correct API number on all active or plugged wells. The number includes state (47) – county – and state assigned well numbers.

### **Pit freeboard**

35CSR4 requires at least 2 feet of freeboard on pits holding drill or fracture waste.

**Other useful state regulations:**

47CSR2 – *Requirements Governing Water Quality Standards* [includes chronic and acute concentrations for surface water]

47CSR12 – *Requirements Governing Groundwater Standards* [includes MCLs for groundwater]

47CSR58 – *Groundwater Protection Rule* [includes secondary containment for aboveground tanks and other requirements]

58CSR35 – *Rules for Conditions Upon Which Oil and Gas Operators May Access State Forests*

60CSR3 – *Voluntary Remediation and Redevelopment Rule* [includes soil screening levels]

Copies of state rules can be downloaded from the Secretary of State's website:  
<http://apps.sos.wv.gov/adlaw/csr/index.aspx>