

1 well operators shall submit the following information to the Office
2 of Oil and Gas on a form prescribed by the Office of Oil and Gas:

3 (1) The type of water source, such as surface, underground or
4 groundwater, the county of each source to be used by the operation
5 for water withdrawals and the latitude and longitude of each
6 anticipated withdrawal location;

7 (2) The anticipated volume of each water withdrawal;

8 (3) The anticipated months when water withdrawals will be
9 made;

10 (4) The planned management and disposition of wastewater from
11 the fracturing, stimulation and production activities;

12 (5) A listing of the additives as presented on material safety
13 data sheets that are used in water used for fracturing or
14 stimulating the well;

15 (6) For all surface water withdrawals, a water resources
16 protection plan that shall include the information requested in
17 subdivisions (1) through (5) of this subsection and includes
18 documentation of measures that will be taken to allow the state to
19 manage the quantity of its waters for present and future use and
20 enjoyment and for the protection of the environment. The plan
21 shall include the following:

22 (A) Identification of the current designated and existing
23 water uses including any public water intakes within one mile
24 downstream of the withdrawal location;

1 (B) For surface waters, a demonstration that a sufficient
2 instream flow will be available immediately downstream of the point
3 of withdrawal. A sufficient instream flow is available when a
4 passby flow is maintained immediately downstream of the point of
5 withdrawal and that is protective of the environment.

6 (C) Methods to be used for surface water withdrawal to
7 minimize the impact of entrainment and impingement of fish.

8 (b) For all water used for hydraulic fracturing and for
9 flowback water from hydraulic fracturing activities and produced
10 water from production activities, gas well operators shall comply
11 with the following recordkeeping and reporting requirements:

12 (1) For production activities, the following information shall
13 be recorded and maintained by the well operator:

14 (A) The quantity of flowback water from hydraulic fracturing
15 the well;

16 (B) The quantity of produced water from the well; and

17 (C) The method of management or disposal of the flowback and
18 produced well water.

19 (2) For transportation activities, the following information
20 shall be recorded and maintained by the well operator:

21 (A) The quantity of water transported;

22 (B) The collection and delivery or disposal locations of
23 water; and

24 (C) The name and address of the water hauler and the company

1 for which the hauler was hauling the water.

2 (3) The information maintained pursuant to this subsection by
3 the gas well operator shall be available for reasonable inspection
4 by the Office of Oil and Gas along with other required permits and
5 records and maintained for three years after the water withdrawal
6 activity.

7 (c) This section is intended to be consistent with and does
8 not supersede, revise, repeal or otherwise modify, articles eleven
9 and twenty-six of this chapter and does not revise, repeal or
10 otherwise modify the common law doctrine of riparian rights under
11 West Virginia law.

NOTE: The purpose of this bill is to establish requirements for use of water resources at Marcellus gas well operations.

This section is new; therefore, it has been completely underscored.