

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 505

BY SENATORS SMITH AND SYPOLT

[Originating in the Committee on Energy, Industry and

Mining; reported on March 8, 2017]

1 A BILL to amend and reenact §22-6A-14 of the Code of West Virginia, 1931, as amended, relating
2 to providing a five-year reclamation period following completion of the construction of a
3 well pad for well pads designed for multiple horizontal wells.

Be it enacted by the Legislature of West Virginia:

1 That §22-6A-14 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT.

§22-6A-14. Reclamation requirements.

1 (a) The operator of a horizontal well shall reclaim the land surface within the area disturbed
2 in siting, drilling, completing or producing the well in accordance with the following requirements:

3 (1) Except as provided elsewhere in this article, within six months after a horizontal well is
4 drilled and completed on a well pad designed for a single horizontal well, the operator shall fill all
5 the pits and impoundments that are not required or allowed by state or federal law or rule or
6 agreement between the operator and the surface owner that allows the impoundment to remain
7 open for the use and benefit of the surface owner (i.e. a farm pond as described in section nine
8 of this article) and remove all concrete bases, drilling supplies and drilling equipment: *Provided,*
9 That impoundments or pits for which certificates have been approved pursuant to section nine of
10 this article shall be reclaimed at a time and in a manner as provided in the applicable certificate
11 and said section. Within that six-month period, the operator shall grade or terrace and plant, seed
12 or sod the area disturbed that is not required in production of the horizontal well in accordance
13 with the erosion and sediment control plan. No pit may be used for the ultimate disposal of salt
14 water. Salt water and oil shall be periodically drained or removed and properly disposed of from
15 any pit that is retained so the pit is kept reasonably free of salt water and oil. Pits may not be left
16 open permanently.

17 (2) For well pads designed to contain multiple horizontal wells, partial reclamation shall
18 begin upon completion of the construction of the well pad. For purposes of this section, the term

19 “partial reclamation” means grading or terracing and planting or seeding the area disturbed that
20 is not required in drilling, completing or producing any of the horizontal wells on the well pad in
21 accordance with the erosion and sediment control plan. This partial reclamation satisfies the
22 reclamation requirements of this section ~~for a maximum of twenty-four months between the drilling~~
23 ~~of horizontal wells on a well pad designed to contain multiple horizontal wells: *Provided*, That the~~
24 maximum aggregate period in which partial reclamation satisfies the reclamation requirements of
25 this section is five years from completion of the construction of the well pad. For purposes of this
26 subdivision, construction of a well pad will be deemed to be complete twelve months after
27 construction is commenced if construction of the well pad is not actually completed prior to that
28 date. Within six months after ~~the completion of the final horizontal well on the pad or the expiration~~
29 of the five-year maximum aggregate partial reclamation period, ~~whichever occurs first~~ the operator
30 shall complete final reclamation of the well pad as set forth in this subsection.

31 (3) Within six months after a horizontal well that has produced oil or gas is plugged or after
32 the plugging of a dry hole, the operator shall remove all production and storage structures,
33 supplies and equipment and any oil, salt water and debris and fill any remaining excavations.
34 Within that six-month period, the operator shall grade or terrace and plant, seed or sod the area
35 disturbed where necessary to bind the soil and prevent substantial erosion and sedimentation.

36 (4) The operator shall reclaim the area of land disturbed in siting, drilling, completing or
37 producing the horizontal well in accordance with the erosion and sediment control plans approved
38 by the secretary or the secretary’s designee pursuant to this article.

39 (b) The secretary, upon written application by an operator showing reasonable cause, may
40 extend the period within which reclamation must be completed, but not to exceed a further six-
41 month period. If the secretary refuses to approve a request for extension, the refusal shall be by
42 order, which may be appealed pursuant to the provisions of subdivision (23), subsection (a),
43 section five of this article.

NOTE: The purpose of this bill is to provide a five-year reclamation period following construction of a well pad designed for multiple horizontal wells.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.