

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2022

By Delegate Hansen

[Introduced January 11, 2023; Referred to the
Committee on Energy and Manufacturing then the
Judiciary]

1 A BILL to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended, relating
 2 to well location restrictions for natural gas wells; and providing that the limit of disturbance
 3 of a well site may not be closer to an occupied building than 2,500 feet.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6A. NATURAL GAS HORIZONTAL WELL CONTROL ACT.

§22-6A-12. Well location restrictions.

1 (a) Wells may not be drilled within 250 feet measured horizontally from any existing water
 2 well or developed spring used for human or domestic animal consumption. ~~The center of well pads~~
 3 ~~may not be located within six hundred twenty-five feet of~~ The limit of disturbance of a well site may
 4 not be closer than 2,500 feet from an occupied dwelling structure, or a building 2,500 square feet
 5 or larger used to house or shelter dairy cattle or poultry husbandry. This limitation is applicable to
 6 those wells, developed springs, dwellings or agricultural buildings that existed on the date a notice
 7 to the surface owner of planned entry for surveying or staking as provided in §22-6A-10 of this
 8 code or a notice of intent to drill a horizontal well as provided in §22-6A-16(b) of this code, ~~was~~
 9 ~~provided~~ whichever occurs first, and to any dwelling under construction prior to that date. This
 10 limitation may be waived by written consent of the surface owner transmitted to the department
 11 and recorded in the real property records maintained by the clerk of the county commission for the
 12 county in which ~~such~~ the property is located. Furthermore, the well operator may be granted a
 13 variance by the secretary from these distance restrictions upon submission of a plan which
 14 identifies the sufficient measures, facilities, or practices to be employed during well site
 15 construction, drilling and operations. The variance, if granted, shall include terms and conditions
 16 the department requires to ensure the safety and protection of affected persons and property. The
 17 terms and conditions may include insurance, bonding, and indemnification, as well as technical
 18 requirements.

19 (b) No well pad may be prepared or well drilled within 100 feet measured horizontally from
 20 any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within 300 feet of

21 a naturally reproducing trout stream. No well pad may be located within 1,000 feet of a surface or
22 ground water intake of a public water supply. The distance from the public water supply as
23 identified by the department shall be measured as follows:

24 (1) For a surface water intake on a lake or reservoir, the distance shall be measured from
25 the boundary of the lake or reservoir.

26 (2) For a surface water intake on a flowing stream, the distance shall be measured from a
27 semicircular radius extending upstream of the surface water intake.

28 (3) For a groundwater source, the distance shall be measured from the wellhead or spring.
29 The department may, in its discretion, waive these distance restrictions upon submission of a plan
30 identifying sufficient measures, facilities or practices to be employed during well site construction,
31 drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any
32 permit conditions as the secretary considers necessary.

33 (c) Notwithstanding the foregoing provisions of this section, nothing contained in this
34 section prevents an operator from conducting the activities permitted or authorized by a Clean
35 Water Act Section 404 permit or other approval from the United States Army Corps of Engineers
36 within any waters of the state or within the restricted areas referenced in this section.

37 (d) The well location restrictions set forth in this section shall may not apply to any well on a
38 multiple well pad if at least one of the wells was permitted or has an application pending prior to the
39 effective date of this article.

40 (e) The secretary shall, by December 31, 2012, report to the Legislature on the noise, light,
41 dust, and volatile organic compounds generated by the drilling of horizontal wells as they relate to
42 the well location restrictions regarding occupied dwelling structures pursuant to this section. Upon
43 a finding, if any, by the secretary that the well location restrictions regarding occupied dwelling
44 structures are inadequate or otherwise require alteration to address the items examined in the
45 study required by this subsection, the secretary shall ~~have the authority to~~ may propose for
46 promulgation legislative rules establishing guidelines and procedures regarding reasonable levels

47 of noise, light, dust, and volatile organic compounds relating to drilling horizontal wells, including
48 reasonable means of mitigating such factors, if necessary.

NOTE: The purpose of this bill is to provide that the limit of disturbance of a well site may not be closer to an occupied building than 2,500 feet.

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