



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, SE
Charleston, WV 25304
Phone (304) 926-0450

Harold D. Ward, Cabinet Secretary
dep.wv.gov

February 19, 2025

2024 Waiver Report

Pursuant to W.Va. Code § 22-6A-2(a)(6), commencing on January 1, 2013 and each year thereafter, the Office of Oil and Gas shall submit to the Legislature a written report of the number of waivers of certain minimum requirements of Chapter 22, Article 6A granted by the Secretary during the preceding year. During the 2024 calendar year, the Office of Oil and Gas granted five (5) waivers from the site restriction requirements of W.Va. Code § 22-6A-12(b), which states:

No well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream...or a wetland...The department may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.

Copies of the Orders granting the waivers are attached.

Thus submitted, the 19th day of February, 2025.

IN THE NAME OF THE STATE OF WEST VIRGINIA:
OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, STATE OF WEST VIRGINIA

By: 
JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Arsenal Resources, LLC
6031 Wallace Rd Ext., Suite 101
Wexford PA 15090

DATE: January 5, 2024
ORDER NO.: 2024-W-1

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Arsenal Resources, LLC (hereinafter "Arsenal" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Arsenal is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 6031 Wallace Rd Ext., Suite 101, Wexford PA 15090.
3. On November 13, 2023, Arsenal submitted a well work permit application identified as API# 47-033-06023. The well is located on the LGD Pad in the Clark District of Harrison County, West Virginia.
4. On November 13, 2023, Arsenal requested a waiver for Wetland 4 and Perennial Stream 1 as outlined in Attachment I, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06023.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”

2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”

3. West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetland 4 and Perennial Stream 1 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06023. The Office of Oil and Gas hereby **ORDERS** that Arsenal shall meet the following site construction and operational requirements for the LGD Well Pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetland 4 and Perennial Stream 1 shall be protected by the pad perimeter berm and two rows of twelve-inch (12”) Compost Filter Sock. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands and stream;
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 5th day of January 2024.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF

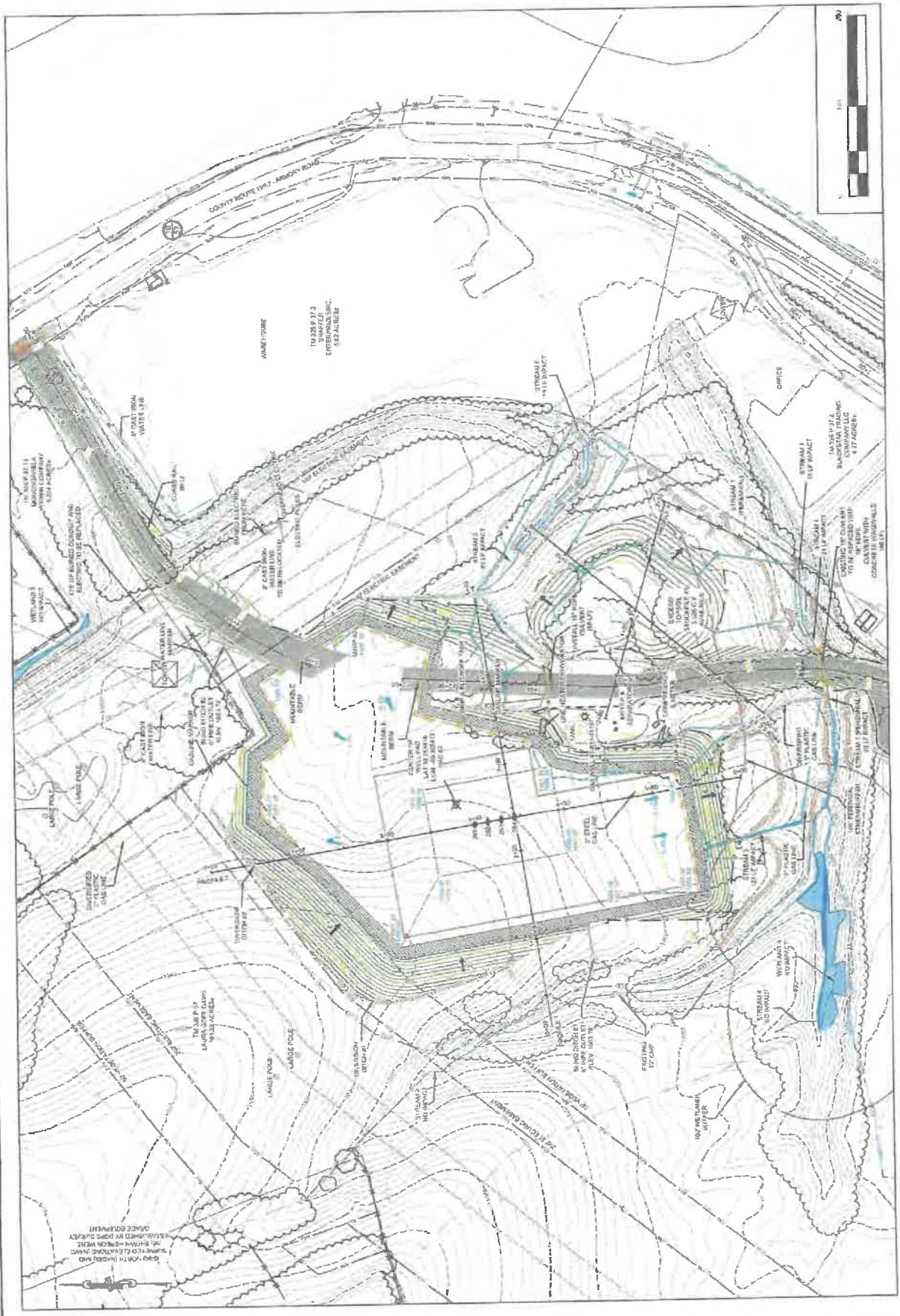


DESIGNED BY SLS
PREPARED BY SLS
CHECKED BY SLS
DATE: 08/11/2011
SCALE: AS SHOWN
PROJECT: LGD PAD
DRAWING NO. 0422
SHEET 7 OF 31

WELL PAD/STOCKPILE #1/ACCESS ROAD #2
LGD PAD
CLARK DISTRICT
HARRISON COUNTY, WA



Attachment 1





west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Diversified Production, LLC
101 McQuiston Drive
Jackson Center, PA 16133

DATE: January 5, 2024
ORDER NO.: 2024-W-2

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Diversified Production, LLC (hereinafter "Diversified" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Diversified is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 101 McQuiston Drive, Jackson Center, PA 16133.
3. On December 1, 2023, Diversified submitted a well work permit application identified as API# 47-033-06024. The well is located on the Country Pad in the Clay District of Harrison County, West Virginia.
4. On December 1, 2023, Diversified requested a waiver for Wetlands WL-6 and WL-8 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06024. The waiver request also included Thomas Fork, Wetland WL-1, Wetland WL-9 and Wetland WL-10, which will be excluded from this waiver because they are more than 100' from the limits of disturbance of the well pad.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”

2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”

3. West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetlands WL-6 and WL-8 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06024. The Office of Oil and Gas hereby **ORDERS** that Diversified shall meet the following site construction and operational requirements for the Fiber II Well Pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetlands WL-6 and WL-8 shall be protected by the pad perimeter berm and two rows of forty-two inch (42”) Smart Fence. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 5th day of January 2024.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



A handwritten signature in blue ink, appearing to read 'J. A. Martin', is written over a horizontal line.

JAMES A. MARTIN, CHIEF



November 28, 2023

Charles T. Brewer
Assistant Chief – Office of Oil and Gas
601 57th Street SE
Charleston, WV 25304

RE: Sound and Light Reduction Measures for Country Pad

Taylor,

On behalf of Diversified Production, LLC and Long Ridge West Virginia, Aux Energy is writing to inform you about the proactive measures that our company will be undertaking to mitigate potential noise and light associated with operations.

As a responsible company, we acknowledge the importance of being considerate towards the communities in which we operate. In this regard, we will be implementing sound wall mitigation and crown lights on our rigs to reduce noise levels and light.

On the auxiliary pad, we will be installing a sound wall on the South side of the pad by the house. On the well pad, we will be installing the wall on the West side of the pad. These walls will be constructed using high-quality materials specially designed for noise absorption and reflection. The sound wall plan is subject to change based on actual operations.

To address the concerns related to light, we will be equipping our drilling rig with crown lights that are designed to direct light onto the wellpad and reduce the number of light plants used. The implementation of crown lights will enable us to maintain a safe working environment while minimizing the impact on the surrounding area.

We will also make every effort to place the production equipment on the auxiliary pad as far as possible from the residence that is located next to the pad.

We are committed to complying with all applicable regulations and best industry practices to safeguard the environmental and social well-being of the regions where we operate. Our goal is to establish a mutual understanding and cooperation with the community.

Thank you for your attention to this matter. Should you have any further questions or require additional information, please do not hesitate to contact me.

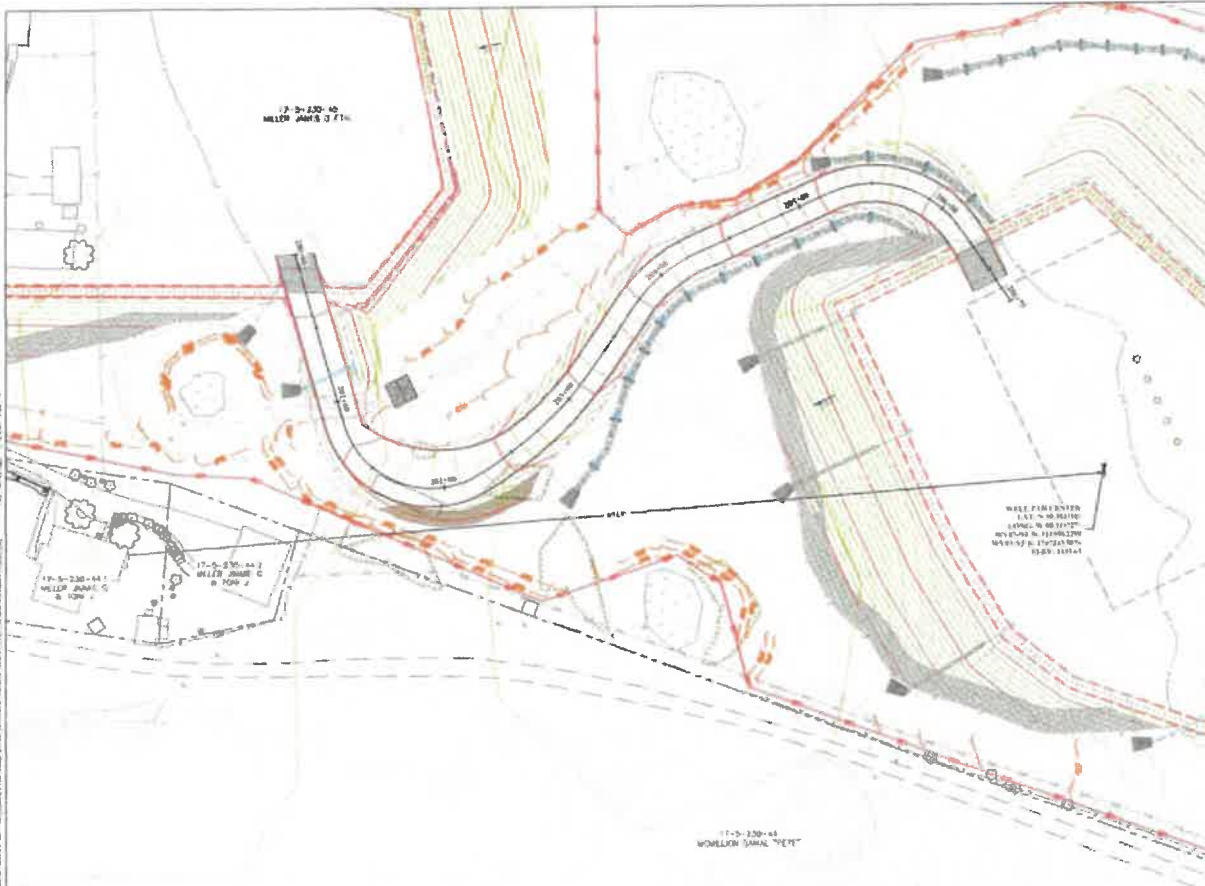
Very truly yours,

Chad Perkins
President, Aux Energy
Project Manager for Diversified Production and Long Ridge West Virginia

RECEIVED
Office of Oil and Gas

DEC 01 2023

WV Department of
Environmental Protection



THE INFORMATION CONTAINED HEREIN IS OF THE PROPERTY OF THRASHER GROUP INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THRASHER GROUP INC.

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
2	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
3	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
4	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
5	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
6	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
7	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
8	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
9	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD
10	11/11/11	ISSUED FOR PERMITTING PLANS FOR THE COUNTRY WELL PAD

Diversified Production LLC

DATE	11/11/11
PROJECT	COUNTRY WELL PAD
CLIENT	THRASHER GROUP INC.
SCALE	AS SHOWN
DRAWN BY	[Name]
CHECKED BY	[Name]
DATE	11/11/11

THRASHER
The Energy Group Inc.
770-11130

PROJECT NO.	770-11130
DATE	11/11/11

DIVERSIFIED PRODUCTION, LLC
ISSUED FOR PERMITTING PLANS FOR THE
COUNTRY WELL PAD
HARRISON COUNTY, WV
LANDOWNER DISTANCE EXHIBIT

EX2



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Antero Resources Corporation
1615 Wynkoop Street
Denver, CO 80202

DATE: January 24, 2024
ORDER NO.: 2024-W-3

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Antero Resources Corporation (hereinafter "Antero" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Antero is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 1615 Wynkoop Street, Denver, CO 80202.
3. On December 8, 2023, Antero submitted a well work permit application identified as API# 47-095-02873. The well is located on the Mary Patterson Pad in the Union District of Tyler County, West Virginia.
4. On January 12, 2024, Antero requested a waiver for Wetlands K, S, W and V as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-095-02873.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for Wetlands K, S, W and V from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-095-02873. The Office of Oil and Gas hereby **ORDERS** that Antero shall meet the following site construction and operational requirements for the Mary Patterson Well Pad:

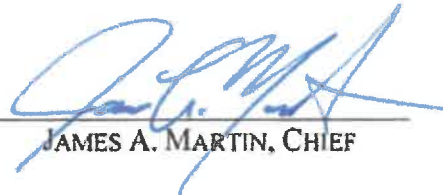
- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. Wetlands K, S, W and V shall be protected by the pad perimeter berm and two rows of forty-two inch (42”) SMART Fence. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 24th day of January 2024.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

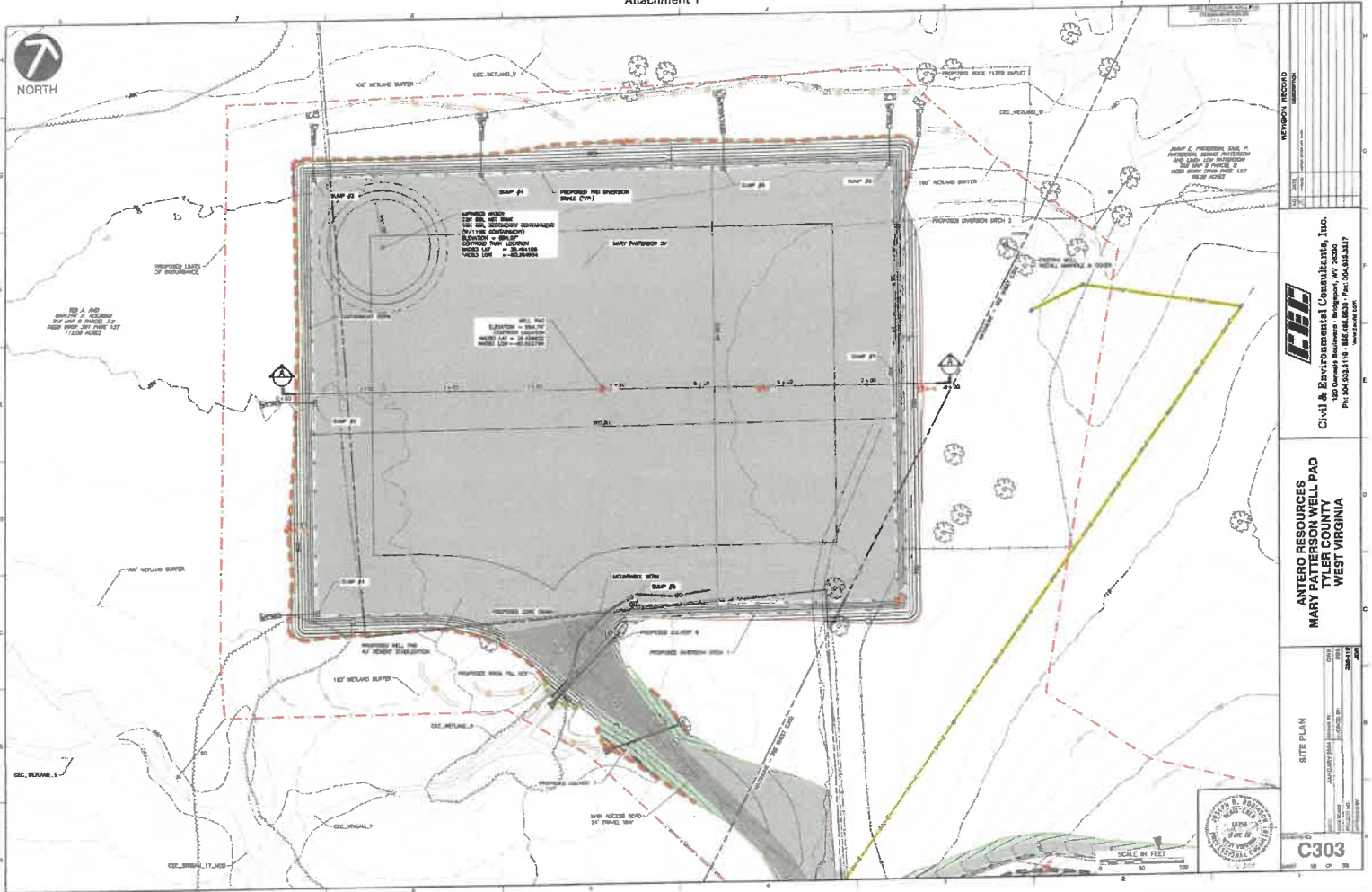
OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF

Attachment 1



ANTERO RESOURCES
MARY PATERSON WELL PAD
 WEST VIRGINIA

Site Plan

C303

PROJECT NO. _____
 SHEET NO. _____
 DATE _____
 DRAWN BY _____
 CHECKED BY _____
 APPROVED BY _____

ANTERO RESOURCES
 Civil & Environmental Consultants, Inc.
 120 Quaker Settlement - Ridgely, NY 24320
 PH: 800.632.1110 • 866.686.8822 • FAX: 504.032.5217
 www.arteroresources.com



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Diversified Production, LLC
101 McQuiston Drive
Jackson Center, PA 16133

DATE: November 15, 2024
ORDER NO.: 2024-W-4

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Diversified Production, LLC (hereinafter "Diversified" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Diversified is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 101 McQuiston Drive, Jackson Center, PA 16133.
3. On October 4, 2024, Diversified submitted a well work permit application identified as API# 47-033-06043. The well is located on the Abbey Pad in the Clay District of Harrison County, West Virginia.
4. On October 4, 2024, Diversified requested a waiver for perennial stream Booths Creek, as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06043.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to... (3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

47 03306043

West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for the perennial stream Booths Creek from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-033-06043. The Office of Oil and Gas hereby **ORDERS** that Diversified shall meet the following site construction and operational requirements for the Abbey Well Pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. The perennial stream Booths Creek shall be protected by the pad perimeter berm eighteen inch (18”) Compost Filter Sock and forty-two inch (42”) Smart Fence. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

4703306043

Thus ORDERED, the 15th day of November 2024.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street, S.E.
Charleston, WV 25304
(304) 926-0450
Fax: (304) 926-0452

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**ORDER
ISSUED UNDER
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 6A**

TO: Antero Resources Corporation
1615 Wynkoop Street
Denver, CO 80202

DATE: December 6, 2024
ORDER NO.: 2024-W-5

INTRODUCTION

This Order (hereinafter "Order") is issued by the Office of Oil and Gas (hereinafter "OOG"), by and through its Chief, pursuant to the authority of W. Va. Code §§ 22-1-1, 22-6-1 and 22-6A-1 *et seq.* to Antero Resources Corporation (hereinafter "Antero" or "Operator"), collectively the "Parties."

FINDINGS OF THE CHIEF

In support of this Order, the Chief hereby finds the following:

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code §22-6-1 and §22-6A-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Antero is a "person" as defined by W. Va. Code §22-6-1(n), with a corporate address as 1615 Wynkoop Street, Denver, CO 80202.
3. On October 24, 2024, Antero submitted a well work permit application identified as API# 47-103-03689. The well is located on the Harbour Pad in the Green District of Wetzel County, West Virginia.
4. On December 3, 2024, Antero requested a waiver for RTW_Wetland 11 as outlined in Attachment 1, from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-103-03689. RTW_Wetlands 2, 3, 4, 5, 6 and 12 will be impacted during construction and will be permitted through appropriate agencies.

CONCLUSIONS OF LAW

1. West Virginia Code §22-1-6(d) requires, in part, that “in addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the Office of Oil and Gas is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the Office of Oil and Gas is charged with enforcing.”
2. West Virginia Code §22-6A-2(a)(6) requires, in part, that “Concomitant with the broad powers to condition the issuance of well work permits, the secretary should also have broad authority to waive certain minimum requirements of this article when, in his or her discretion, such waiver is appropriate: *Provided*, That the secretary shall submit a written report of the number of waivers granted to the Legislature commencing January 1, 2013, and each year thereafter.”
3. West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within three hundred feet of a naturally reproducing trout stream. No well pad may be located within one thousand feet of a surface or ground water intake of a public water supply. The distance from the public water supply as identified by the Office of Oil and Gas shall be measured as follows: (1) For a surface water intake on a lake or reservoir, the distance shall be measured from the boundary of the lake or reservoir. (2) For a surface water intake on a flowing stream, the distance shall be measured from a semicircular radius extending upstream of the surface water intake. (3) For a groundwater source, the distance shall be measured from the wellhead or spring. The Office of Oil and Gas may, in its discretion, waive these distance restrictions upon submission of a plan identifying sufficient measures, facilities or practices to be employed during well site construction, drilling and operations to protect the waters of the state. A waiver, if granted, shall impose any permit conditions as the secretary considers necessary.”

ORDER

West Virginia Code §22-6A-12(b) requires, in part, that “no well pad may be prepared or well drilled within one hundred feet measured horizontally from any perennial stream, natural or artificial lake, pond or reservoir, or a wetland. The Office of Oil and Gas grants the request for a waiver for RTW_Wetland 11 from well location restriction requirements in W. Va. Code §22-6A-12(b) for the well work permit application identified as API# 47-103-03689. The Office of Oil and Gas hereby **ORDERS** that Antero shall meet the following site construction and operational requirements for the Harbour Well Pad:

- a. A berm shall be constructed around the perimeter of the pad to contain any potential spills and storm water runoff. Berm is to be at least twenty-four inches (24”) in height;
- b. Erosion control blankets shall be installed on all slopes and down gradient locations of the pad as erosion and sediment controlling BMPs;
- c. RTW_Wetland 11 shall be protected by the pad perimeter berm, FB SMART Fence (similar to standard silt fence) and HD SMART Fence. This along with temporary and permanent vegetative cover will prevent sediment from reaching the wetlands
- d. Disturbed areas not used for operations shall be seeded and mulched per the seeding tables in the WVDEP-OOG Erosion and Sediment Control Manual;
- e. Drill cuttings and associated drilling mud shall be disposed of in a permitted landfill;
- f. Waste generated by the flowback treatment systems shall be sent to offsite disposal at a permitted landfill;
- g. Weekly site inspections shall be conducted to monitor and maintain the integrity of the BMP storm water controls;
- h. Weekly storm water and spill prevention inspections shall be conducted focusing on storm water and spill prevention BMPs and maintenance of these BMPs;
- i. Inspections of the storm water and spill prevention measures shall be conducted after any major storm event defined as a half inch (½”) rain within any twenty-four (24) hour period;
- j. Pad inspections shall be conducted no less than once a week to identify and mitigate potential deficiencies;
- k. All records from inspections shall be maintained on site for the life of the project and be available upon request.

Thus ORDERED, the 6th day of December 2024.

IN THE NAME OF THE STATE OF WEST VIRGINIA:

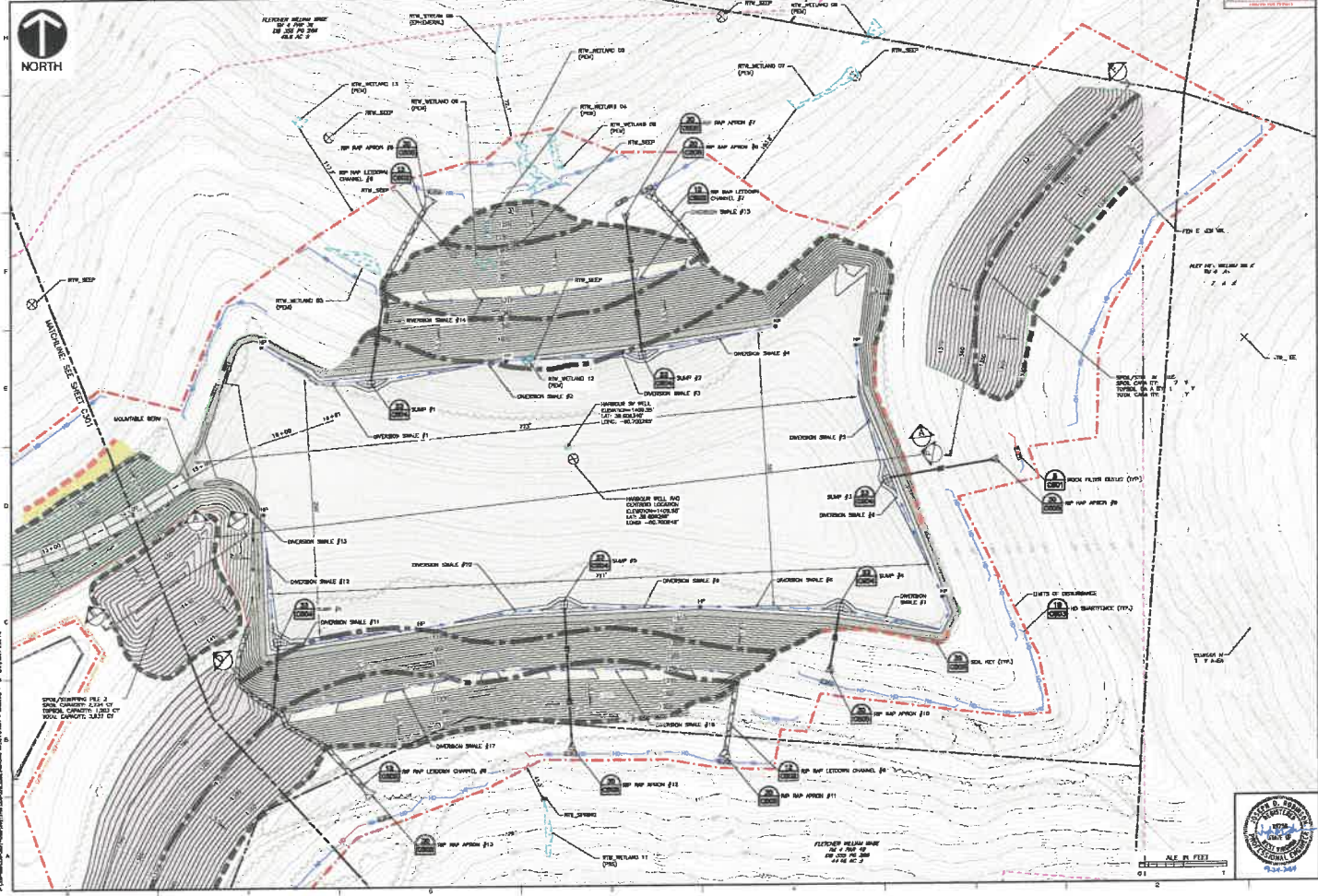
OFFICE OF OIL AND GAS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF WEST VIRGINIA

By:



JAMES A. MARTIN, CHIEF

Attachment 1



<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>		NO.	DATE	DESCRIPTION												
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<p>120 Genesi Boulevard Bridgeport, WV 26130 Ph: 304.931.3119 www.cadinc.com</p>																
<p>CAD INC. Civil & Environmental Consultants, Inc.</p>																
<p>ANTERO RESOURCES CORPORATION HARBOUR WELLS PAD WETZEL COUNTY WEST VIRGINIA</p>																
<p>SITE PLAN</p> <table border="1"> <tr><td>DATE:</td><td> </td></tr> <tr><td>SCALE:</td><td> </td></tr> <tr><td>PROJECT:</td><td> </td></tr> <tr><td>DRAWN BY:</td><td> </td></tr> <tr><td>CHECKED BY:</td><td> </td></tr> <tr><td>DATE:</td><td> </td></tr> </table>		DATE:		SCALE:		PROJECT:		DRAWN BY:		CHECKED BY:		DATE:				
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