



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

6/28/2012 8:24:52 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY

Oil And Gas

TITLE NUMBER

35

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

Yes

**W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)**

SERIES NUMBER OF RULE BEING AMENDED 08

COMMENTS LIMITED TO

Oral And Written

DATE OF PUBLIC HEARING

Tuesday, July 31, 2012 6:00 PM

LOCATION OF PUBLIC HEARING

Department of Environmental Protection

Cooper's Rock Room

601 57th Street, SE

Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS

Tuesday, July 31, 2012 7:00 PM

WRITTEN COMMENTS MAY BE MAILED TO

Department of Environmental Protection

attn: Public Information Office

601 57th Street, SE

Charleston, WV 25304

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 35-08



Rule Id: 6578



Document 23825



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY

Oil And Gas

RULE TYPE

Legislative

AMENDMENT TO EXISTING RULE

Yes

SERIES NUMBER OF RULE BEING AMENDED 08

TITLE NUMBER

35

CITE AUTHORITY

**W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

This is a new rule, necessitated by the passage of House Bill 401 on December 14, 2011, which amended and reenacted Chapter 22 of the West Virginia Code to add a new Article 6A to govern the development of horizontal oil or natural gas wells. The agency has taken the applicable sections of the existing rule governing conventional oil and natural gas wells (35 CSR 4 Oil and Gas Wells and Other Wells) and transferred them to this new rule, and further expanded on the new Natural Gas Horizontal Well Control Act in the following areas: erosion and sediment control plan; site construction plan; water management plan; well site safety plan; casing and cementing standards; well records, including records and disclosure of chemicals used in the hydraulic fracturing process; water supply testing; and construction standards for large wastewater pits and freshwater impoundments.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY

Oil And Gas

RULE TYPE

Legislative

AMENDMENT TO EXISTING RULE

Yes

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CITE AUTHORITY

**W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)**

**SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE
ON COSTS AND REVENUES OF STATE GOVERNMENT.**

This rule will have no impact on the costs or revenues of State Government.

**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY

Oil And Gas

TITLE NUMBER

35

RULE TYPE

AMENDMENT TO EXISTING RULE

CITE AUTHORITY

Legislative

Yes

W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)

SERIES NUMBER OF RULE BEING AMENDED 08

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

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TITLE NUMBER

35

CITE AUTHORITY

**W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

This proposed new rule (35 C.S.R. 8) is necessitated by the passage of House Bill 401 on December 14, 2011, which created a new Article (6A) in Chapter 22 of the West Virginia Code, known as the Natural Gas Horizontal Well Control Act. The Act requires the Secretary to propose Legislative rules to carry out its provisions. The fiscal impact of the new statutory and regulatory scheme was addressed in the Fiscal Note submitted with the legislation in December. This proposed new rule has no additional fiscal impact on the costs or revenues of State government.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

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RULE TYPE

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TITLE NUMBER

35

CITE AUTHORITY

**W. Va. Code §§ 22-6A-6(a)(4)
and 22-11-4(a)(16)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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APPENDIX A

The symbols shall be as follows:

New Drilling Location:	- 
New Fracturing or Stimulating Location:	-  F/S
Cancelled Application or Permit:	-  CNC
Oil Well:	- 
Gas Well:	- 
Dry Hole:	- 
Liquid Injection Well:	-  LI
Waste Disposal Well:	-  WD
Abandoned Well:	-  -  -  LI -  WD