



west virginia department of environmental protection

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

Harold D. Ward, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

Thursday, April 6, 2023

WELL WORK PLUGGING PERMIT  
Vertical Plugging

BOONE EAST DEVELOPMENT CO., LLC  
PO BOX 261

JULIAN, WV 25529

Re: Permit approval for 7-126  
47-005-00971-00-00

This well work permit is evidence of permission granted to perform the specified well work at the location described on the attached pages and located on the attached plat, subject to the provisions of Chapter 22 of the West Virginia Code of 1931, as amended, and all rules and regulations promulgated thereunder, and to any additional specific conditions and provisions outlined in the pages attached hereto. Notification shall be given by the operator to the Oil and Gas Inspector at least 24 hours prior to the construction of roads, locations, and/or pits for any permitted work. In addition, the well operator shall notify the same inspector 24 hours before any actual well work is commenced and prior to running and cementing casing. Spills or emergency discharges must be promptly reported by the operator to 1-800-642-3074 and to the Oil and Gas Inspector.

Upon completion of the plugging well work, the above named operator will reclaim the site according to the provisions of WV Code 22-6-30. Please be advised that form WR-38, Affidavit of Plugging and Filling Well, is to be submitted to this office within 90 days of completion of permitted well work, as should form WR-34 Discharge Monitoring Report within 30 days of discharge of pits, if applicable. Failure to abide by all statutory and regulatory provisions governing all duties and operations hereunder may result in suspension or revocation of this permit and, in addition, may result in civil and/or criminal penalties being imposed upon the operators.

Per 35 CSR 4-5.2.g this permit will expire in two (2) years from the issue date unless permitted well work is commenced. If there are any questions, please feel free to contact me at (304) 926- 0450.

James A. Martin  
Chief

Operator's Well Number: 7-126  
Farm Name: WESTERN POCAHONTAS CO.  
U.S. WELL NUMBER: 47-005-00971-00-00  
Vertical Plugging  
Date Issued: 4/6/2023

Promoting a healthy environment.

04/07/2023

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## PERMIT CONDITIONS

West Virginia Code § 22-6-11 allows the Office of Oil and Gas to place specific conditions upon this permit. Permit conditions have the same effect as law. Failure to adhere to the specified permit conditions may result in enforcement action.

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### CONDITIONS

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1. All pits must be lined with a minimum of 20 mil thickness synthetic liner.
2. In the event of an accident or explosion causing loss of life or serious personal injury in or about the well or while working on the well, the well operator or its contractor shall give notice, stating the particulars of the accident or explosion, to the oil and gas inspector and the Chief within twenty-four (24) hours.
3. Well work activities shall not constitute a hazard to the safety of persons.

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- 1) Date 01/30, 2023
- 2) Operator's Well No. 7-126
- 3) API Well No. 47-005 - 00971

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

APPLICATION FOR A PERMIT TO PLUG AND ABANDON

4) Well Type: Oil  / Gas  / Liquid injection  / Waste disposal  /  
(If "Gas, Production  or Underground storage  ) Deep  / Shallow

5) Location: Elevation 1447.99' Watershed Browns Branch of West Fork of Pond Creek  
District Crook County Boone Quadrangle Bald Knob Wharton 7.5' Quad.

6) Well Operator Boon East Development Co. LLC 7) Designated Agent Timothy McGrady  
Address 300 Running Right Way Address 300 Running Right Way  
Julian, WV 25529 Julian, WV 25529

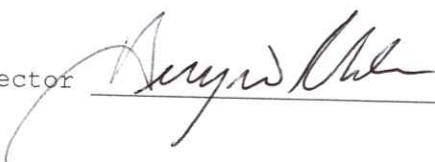
8) Oil and Gas Inspector to be notified Name Terry Urban  
Address P.O. Box 1207  
Clendenin, WV 25045

9) Plugging Contractor Name CJ's Well Service, Inc.  
Address P.O. Box 133  
Rowe, VA 24646

10) Work Order: The work order for the manner of plugging this well is as follows:  
Drill out old plug and replug API Well No. 47-005-00971 per MSHA approved 101(c) Petition.  
See attached MSHA approved 101(c) Petition.  
A Monument will be installed with API No. stating solid plug.

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Notification must be given to the district oil and gas inspector 24 hours before permitted work can commence.

Work order approved by inspector  Date 3-14-23

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**Plugging Prognosis**

3/13/2023

Well # 7-126  
 API# 47-005-00971  
 Crook District, Boone County WV

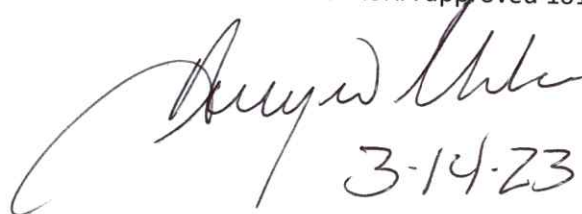
**Current Well Status**

Well type: Gas  
 Surface Elevation: 1447.99'  
 Total Depth of well: 3168' (Per Well Record)  
 Active: No  
 Plugged: Yes  
 Casing Left in Well (Per Well Record): 9 5/8" - 39'  
7" - 417'

Lowest mineable coal seam between: (Depth ~712.99') (Elev. ~735') Eagle Seam  
 Mineable coal seams are >24 inches or currently being mined (Eagle Seam).

**Procedure for Plugging**

- 1) Notify state inspector, Terry Urban, @ (304) 549-5915 [Terry.W.Urban@wv.gov](mailto:Terry.W.Urban@wv.gov) before starting.
- 2) Make diligent effort to drill out old plug and re-plug to 101C. Clean out well bore to original total depth and make diligent effort to remove all casing.
- 3) Plug to total depth by pumping expanding cement slurry and pressurizing to at least 200 psi, once well bore has been completely cleaned out to original depth and all casing removed. gwr
- 4) If total casing cannot be removed, it must be cut, milled, perforated, or ripped to 101C at all mineable coal seam levels to facilitate the removal of any remaining casing in the coal seam by the mining equipment. All casing remaining at mineable coal seam levels shall be perforated or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam.
- 5) Expanding cement will be set to the surface.
- 6) Depending on site conditions, plugging procedures may be modified after approval of the inspector.
- 7) All plugging procedures and changes will be noted in the plugging affidavit.
- 8) Erect permanent monument with API number.
- 9) Reclaim the site and access road.
- 10) All plugging procedures shall follow the MSHA approved 101C Modification and DEP Inspectors approval.

  
 3-14-23

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FORM 668

STATE OF WEST VIRGINIA  
DEPARTMENT OF MINES  
OIL AND GAS DIVISION

**AFFIDAVIT OF PLUGGING AND FILLING WELL**

AFFIDAVIT SHOULD BE MADE IN TRIPPLICATE, ONE COPY MAILED TO THE DEPARTMENT, ONE COPY TO BE RETAINED BY THE WELL OPERATOR AND THE THIRD COPY (AND EXTRA COPIES IF REQUIRED) SHOULD BE MAILED TO EACH COAL OPERATOR AT THEIR RESPECTIVE ADDRESSES.

Y & O Coal Company COAL OPERATOR OR OWNER Van, West Virginia ADDRESS	Peake Petroleum Company Kanawha Valley Building Charleston, West Virginia COMPLETE ADDRESS	July 16, 1965	WELL AND LOCATION
Oglebay Norton Coal Company COAL OPERATOR OR OWNER Rayford, West Virginia ADDRESS		Crook	District
Western Pocahontas Corporation P.O. Box 509 Huntington, West Virginia ADDRESS		Boone	County
		Well No. 7-126	
		W. P. C. Y & O Lands	Farm

STATE INSPECTOR SUPERVISING PLUGGING Mr. Glen Jones

**AFFIDAVIT**

STATE OF WEST VIRGINIA,

County of Kanawha

ss:

Robert E. Brookhart and Robert J. Radebaugh  
being first duly sworn according to law depose and say that they are experienced in the work of plugging and filling oil and gas wells and were employed by Brookhart-Newbold Well Service, well operator, and participated in the work of plugging and filling the above well, that said work was commenced on the 8th day of July, 1965, and that the well was plugged and filled in the following manner:

FORMATION	TOTAL DEPTH - 3168'	FILLING MATERIAL	PLUGS USED	CASING	
				SIZE & KIND	CSG PULLED / CSG LEFT IN
1. Fill w/clay from T.D. to 2897'		Neat cement from 2897' to 2892'	7. Fill w/clay from 970' to 770'		- 35' below coal seam
5' crushed stone on cement			Neat cement from 770' to 700'		
2. Fill w/clay from 2887' to 2484'		Neat cement from 2484' to 2474'	5' crushed stone on cement		
5' crushed stone on cement			8. Fill w/clay from 695' to 639'		- 30' below coal seam
3. Fill w/clay from 2469' to 2210'		Neat cement from 2210' to 2200'	Neat cement from 639' to 510'		
5' crushed stone on cement			5' crushed stone on cement		
4. Fill w/clay to 1760'		Neat cement from 1760' to 1750'	9. Fill w/clay from 505' to 305'		- 30' below coal seam
5' crushed stone on cement			Neat cement from 305' to surface		
5. Pull 1450' of 7" casing			10. Erect marker in compliance w/rule 18, 1963 Regulations		
6. Fill w/clay from 1745' to 1040'		Neat cement from 1040' to 975'			
5' crushed stone on cement					

(NAME)	DESCRIPTION OF MONUMENT
(NAME)	
(NAME)	
(NAME)	

and that the work of plugging and filling said well was completed on the 15th day of July, 1965.

And further deponents saith not.

Sworn to and subscribed before me this 16th day of July, 1965.

My commission expires: 2-18-75



*Robert E. Brookhart*  
*Robert J. Radebaugh*  
Notary Public  
Permit No. 800-971-Kat

04/07/2023



April 1, 2021

In the matter of:  
Marfork Coal Company, LLC  
Black Eagle  
I.D. No. 46-09550

101 C Exemption

Petition for Modification

Docket No. M-2019-057-C

**PROPOSED DECISION AND ORDER**

On November 4, 2019, a petition was filed seeking a modification of the application of 30 C.F.R. § 75.1700 to Marfork Coal Company, LLC's Black Eagle mine located in Raleigh County, West Virginia. The Petitioner filed the petition to permit an alternative method of compliance with the standard with respect to vertical oil and gas shale wells into the underground coal seams. The Petitioner alleges that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded miners under 30 C.F.R. § 75.1700 as that provided by the standard, which states:

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**§ 75.1700 Oil and gas wells.**

Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The petition addresses items for which District Manager approval is required, procedures for cleaning out and preparing oil and gas wells prior to plugging or re-plugging, procedures for plugging or re-plugging oil or gas wells to the surface, procedures for plugging or re-plugging oil or gas wells for use as degasification boreholes, alternative procedures for preparing and plugging or re-plugging oil or gas wells, and procedures after approval has been granted to mine through a plugged or re-plugged well.

On January 22, 2020, MSHA personnel conducted an investigation of the petition and filed a report of their findings with the Administrator for Mine Safety and Health Enforcement.

The miners at Black Eagle mine are not represented by a labor union. After a careful review of the entire record, including the petition, MSHA's investigative report this Proposed Decision and Order is issued.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

Mr. Mitchell Kalos, PE Chief Engineer for Marfork Coal Company, LLC indicated the main purpose for the proposed 101(c) Petition for Modification seeking to modify the application of 30 CFR 75.1700, is just in case the projections can't be changed to mine around a gas well or a safety barrier left around the well is not large enough as required by the District Manager. According to Mr. Kalos, they have no plans at this time to mine through any gas wells in the mine.

The mine is located in Raleigh County on Marsh Fork of Big Coal River near Whitesville, West Virginia and was started on December 21, 2018. The coal seam being mined is the Eagle seam with a predicted coal reserve height of 54-60 inches while the predicted mining height for the reserve is 60-72 inches. The mine has six (6) drift openings at the portal and has developed approximately 8700 feet underground with seven (7) entries. The operation consists of one super-section operating 2 shifts per day, 5 ½ days per week on day and evening shifts. They also have one maintenance crew operating 5 ½ days per week on the midnight shift. All shifts are scheduled for 9 hours. The mine currently employs 56 underground miners and 5 office/surface miners.

The mine currently has 28 gas wells identified within/near the mining projections. Some of these wells are active while other have been abandoned. The mine operator has not identified any gas wells at this time which will be mined through. Also, the operator is not aware of any oil wells located within the proposed mining area.

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The typical natural gas formations for this area are located in the Big Injun sandstone formation, the Weir sandstone formation, and the Berea sandstone formation. The depth of the formations range from approximately 2800 feet deep down to approximately 3500 feet deep, which is approximately 1600 feet to 2300 feet below the Eagle coal seam.

The mine operator is not aware of any natural gas and/ or condensate produced and/ or flared from this reservoir or any sour gas (hydrogen sulfide, H<sub>2</sub>S) encountered in any well. Also, the mine operator does not have any knowledge of the typical flow rates and pressures of the natural gas produced. Likewise, the mine operator does not have any of the wells abandonment pressures or the recharge potential of the reservoir. According to the mine operator, there are no known unconsolidated formations, karstic formations and/ or lost circulation zones in this area.

All of the mines located above in which the wells penetrate their coal seams are abandoned and all of those mines have mined around the wells leaving a barrier to protect it from subsidence according to the operator.

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In addition to the Eagle coal seam, the No. 5 Block, the Coalburg, the Upper Winifrede, the Lower Winifrede, the Upper Cedar Grove, the Lower Cedar Grove, the Peerless, and the Powellton coal seams have been mined or are mineable above within the mine's reserve. There is no known mining or mineable coal seams identified below the Eagle coal seam. The No. 5 Block coal seam is approximately 1050 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the No. 5 Block coal seam are abandoned. The Coalburg coal seam is located approximately 830 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Coalburg coal seam are abandoned. The Upper Winifrede coal seam is located approximately 740 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Upper Winifrede coal seam are abandoned. The Lower Winifrede coal seam is located approximately 720 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Lower Winifrede coal seam are abandoned. The Upper Cedar Gove coal seam is located approximately 460 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Upper Cedar Grove coal seam are abandoned. The Lower Cedar Grove coal seam is located approximately 360 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Lower Cedar Grove coal seam are abandoned. The Peerless coal seam is located approximately 295 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Peerless coal seam are abandoned. The Powellton coal seam is located approximately 180 feet above the Eagle coal seam and has been mined in areas overlying the mine workings/mine reserves. All of the mine workings in the Powellton coal seam are abandoned.

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On January 29, 2020, additional investigation meetings were conducted, to discuss the proposed petition with the employees of the mine. Meetings were held with the day shift crew employees (18 hourly, 4 management), midnight shift crew employees (8 hourly, 2 management), and the evening shift crew employees (13 hourly, 3 management), discussing the proposed petition with them during their safety meetings. In total, the proposed petition was reviewed with 48 employees and no questions or comments were received from any of them.

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The miners at the Black Eagle mine are not represented by a labor union; and do not have a miner's representative.

Although MSHA has granted modifications of this standard at different mines over the years, changing circumstances in oil and gas drilling technology and practices compels MSHA to reconsider the safest approach to mining around or through such wells. In recent years, changes in hydraulic fracturing (fracking) technology, marketplace and



resource conditions have led to an increase in the number and depth of oil and gas wells penetrating the Pittsburgh and other coal seams. Since deeper wells are usually associated with higher well pressures, modifications of § 75.1700 must include appropriate measures to better protect miners. In addition to the risks associated with higher well pressures, MSHA is concerned that operators may be preparing and plugging wells to inadequate depths for convenience or to lower costs, which may result in reduced safety for miners.

This PDO addresses these concerns as they affect the Black Eagle mine. There are several differences between the petitioner's proposal and the amended terms and conditions set forth by MSHA. The essential changes include:

1. Making a diligent effort to clean out the well bore to the original total depth. MSHA believes that cleaning wells to the original total depth provides miners with a higher degree of safety by ensuring all gas producing zones have been effectively sealed.
2. Unknown total depth: If the total depth of the well is unknown the operator must contact the District Manager before proceeding. MSHA believes, by including this step in the process, that miner safety will be better served because the petitioner and the District Manager can work together to evaluate the conditions of the well to be plugged as well as the safest way to accomplish the plugging.
3. Cement is specified to be used as a plugging material instead of an unnamed "approved equivalent."

Wells vary in depth. The petitioner's proposed alternate method does not specify the depths of wells to be plugged, only that the operator will plug wells to 200 feet below the lowest mineable coal seam. The terms and conditions required by MSHA will preserve these wells for safe intersection by making a diligent effort to clean the wells to the original total depth, removing all casing and plugging to the total depth by pumping expanding cement slurry and pressurizing to at least 200 psi. If the total depth cannot be reached and casing cannot be removed, these alternative methods included in the proposed decision and order have proven safe and effective when properly implemented.

Therefore, the terms and conditions as amended by MSHA will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.1700 for wells at least 2,000 to 4,000 feet or greater in depth. On the basis of the petition, comments received, and the findings of MSHA's investigation, Marfork Coal Company, LLC is granted a modification of the application of 30 C.F.R. § 75.1700 to its Black Eagle mine.

**ORDER**

Under the authority delegated by the Secretary of Labor to the Administrator for Mine Safety and Health Enforcement, and under § 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 811(c), and 30 C.F.R. Part 44, a modification of the application of 30 C.F.R. § 75.1700 at Marfork Coal Company, LLC's Black Eagle mine is hereby:

**GRANTED**, subject to the following terms and conditions:

**1. DISTRICT MANAGER APPROVAL REQUIRED**

- a. The type of oil or gas well that will be considered under this Petition includes wells that have been depleted of oil or gas production or have not produced oil or gas and may have been plugged, or active conventional vertical wells which are not producing gas or oil, subject to the provisions below. Unconventional wells in the Marcellus, Utica, and all other unconventional shale oil and gas wells are not subject to this modification. Nothing in these provisions is meant to lessen, diminish, or substitute any provision found in applicable state laws or regulations.
- b. A safety barrier of 300 feet in diameter (150 feet between any mined area and a well) shall be maintained around all oil and gas wells (defined herein to include all active, inactive, abandoned, shut-in, previously plugged wells, water injection wells, and carbon dioxide sequestration wells) until approval to proceed with mining has been obtained from the District Manager; Wells that were drilled into potential oil or gas producing formations that did not produce commercial quantities of either gas or oil (exploratory wells, wildcat wells or dry holes) are classified as oil or gas wells by MSHA.
- c. Prior to mining within the safety barrier around any well that the mine plans to intersect, the mine operator shall provide to the District Manager a sworn affidavit or declaration executed by a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of this order.

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The affidavit or declaration must be accompanied by all logs described in subparagraphs 2(a)(2) and 2(a)(3) below and any other records described in those subparagraphs which the District Manager may request. The District Manager will review the affidavit or declaration, the logs and any other records that have been requested, and may inspect the well itself, and will then determine if the operator has complied with the procedures for cleaning out, preparing, and plugging each well as described by the terms and conditions of

this Order. If the District Manager determines that the procedures have been complied with, he will provide his approval, and the mine operator may then mine within the safety barrier of the well, subject to the terms of this Order.

If well intersection is not planned, the mine operator may request a permit to reduce the 300 foot diameter of the safety barrier that does not include intersection of the well. The District Manager may require documents and information that help verify the accuracy of the location of the well in respect to the mine maps and mining projections. This information may include survey closure data, down-hole well deviation logs, historical well intersection location data and any additional data required by the District Manager. If the District Manager determines that the proposed barrier reduction is reasonable, he will provide his approval, and the mine operator may then mine within the safety barrier of the well.

- d. In the event an uncharted well is inadvertently mined into, mining shall cease immediately on the section, electrical power shall be deenergized in the affected area, and MSHA shall be notified immediately via the emergency phone number posted on MSHA’s website for reporting of this hazardous condition. In addition to its potential for liberating methane, the well may also be an open connection from the mine to the surface that presents a hazard to the mine and the environment. The District will respond with a timely investigation, issue a K Order if needed, and allow resumption of mining once a suitable action plan is in place.
- e. The terms and conditions of this Order apply to all types of underground coal mining.

2. **MANDATORY PROCEDURES FOR CLEANING OUT, PREPARING, PLUGGING, AND RE-PLUGGING OIL OR GAS WELLS**

a. **MANDATORY PROCEDURES FOR CLEANING OUT AND PREPARING VERTICAL OIL AND GAS WELLS PRIOR TO PLUGGING OR RE-PLUGGING**

The mine operator shall test for gas emissions inside the hole before cleaning out, preparing, plugging, and re-plugging oil and gas wells. The District Manager shall be contacted if gas is being produced.

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- (1) A diligent effort shall be made to clean the well to the original total depth. The mine operator shall contact the District Manager prior to stopping the operation to pull casing or clean out the total depth of the well.

If this depth cannot be reached, and the total depth of the well is less than 4,000 feet, the operator shall completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless the District Manager requires cleaning to a greater depth based on his judgment as to what is required due to the geological strata, or due to the pressure within the well. The operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. If the total depth of the well is 4,000 feet, or greater, the operator shall completely clean out the well from the surface to at least 400 feet below the base of the lowest mineable coal seam. Wells of this greater depth are under greater pressure, so the 400 feet requirement provides greater protection for miners. The operator shall remove all material from the entire diameter of the well, wall to wall. If the total depth of the well is unknown and there is no historical information, the mine operator must contact the District Manager before proceeding.

- (2) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. In addition, a journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any sections where casing was cut or milled; and other pertinent information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.
- (3) When cleaning out the well as provided for in subparagraph (a)(1), the operator shall make a diligent effort to remove all of the casing in the well. After the well is completely cleaned out and all the casing removed, the well should be plugged to the total depth by pumping expanding cement slurry and pressurizing to at least 200 psi. If the casing cannot be removed, it must be cut, milled, perforated or ripped at all mineable coal seam levels to facilitate the removal of any remaining casing in the coal seam by the mining equipment. Any casing which remains shall be perforated or ripped to permit the injection of cement into voids within and around the well. Any remaining at mineable coal seam levels shall be perforated or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam.

**Perforations or rips are required at least every 50 feet from 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest**

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**mineable coal seam up to 100 feet above the uppermost mineable coal seam. See Appendix A.** The mine operator must take appropriate steps to ensure that the annulus between the casing and the well walls are filled with expanding (minimum 0.5% expansion upon setting) cement and contain no voids.

If it is not possible to remove all of the casing, the operator shall notify the District Manager before any other work is performed. **If the well cannot be cleaned out or the casing removed, the operator shall prepare the well as described from the surface to at least 200 feet below the base of the lowest mineable coal seam for wells less than 4000 feet in depth and 400 feet below the lowest mineable coal seam for wells 4000 feet or greater, unless the District Manager requires cleaning out and removal of casing to a greater depth based on his judgement as to what is required due to geological strata, or due to the pressure within the well.**

If the operator, using a casing bond log can demonstrate to the satisfaction of the District Manager that all annuli in the well are already adequately sealed with cement, then the operator will not be required to perforate or rip the casing for that particular well. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(4) If the District Manager concludes that the completely cleaned-out well is emitting excessive amounts of gas, the operator must place a mechanical bridge plug in the well. **It must be placed in a competent stratum at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum, unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata, or due to the pressure within the well.** The operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used. The mine operator shall document what has been done to "kill the well" and plug the carbon producing strata.

(5) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the lowest minable coal seam, the operator shall properly place mechanical bridge plugs as described in subparagraph (a)(4) to isolate the hydrocarbon-producing stratum from the expanding cement plug.

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Nevertheless, the operator shall place a minimum of 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata, or due to the pressure within the well.

b. MANDATORY PROCEDURES FOR PLUGGING OR RE-PLUGGING OIL OR GAS WELLS TO THE SURFACE

After completely cleaning out the well as specified in paragraph 2(a) above, the following procedures shall be used to plug or re-plug wells:

- (1) The operator shall pump expanding cement slurry down the well to form a plug which runs from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam (or lower if required by the District Manager based on his judgment that a lower depth is required due to the geological strata, or due to the pressure within the well) to the surface. The expanding cement will be placed in the well under a pressure of at least 200 pounds per square inch.

Portland cement or a lightweight cement mixture may be used to fill the area from 100 feet above the top of the uppermost mineable coal seam (or higher if required by the District Manager based on his judgment that a higher distance is required due to the geological strata, or due to the pressure within the well) to the surface.

- (2) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger diameter casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (e.g. prime farmland), high-resolution GPS coordinates (one-half meter resolution) are required.

c. MANDATORY PROCEDURES FOR PLUGGING OR RE-PLUGGING OIL AND GAS WELLS FOR USE AS DEGASIFICATION WELLS

After completely cleaning out the well as specified in paragraph 2(a) above, the following procedures shall be utilized when plugging or re-plugging wells that are to be used as degasification wells:

- (1) The operator shall set a cement plug in the well by pumping an expanding cement slurry down the tubing to provide at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the

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**lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well.** The expanding cement will be placed in the well under a pressure of at least 200 pounds per square inch. The top of the expanding cement shall extend at least 50 feet above the top of the coal seam being mined, unless the District Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well.

- (2) The operator shall securely grout into the bedrock of the upper portion of the degasification well a suitable casing in order to protect it. The remainder of this well may be cased or uncased.
  - (3) The operator shall fit the top of the degasification casing with a wellhead equipped as required by the District Manager in the approved ventilation plan. Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.
  - (4) Operation of the degasification well shall be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentrations that may be extracted.
  - (5) After the area of the coal mine that is degassed by a well is sealed or the coal mine is abandoned, the operator must plug all degasification wells using the following procedures:
    - (i) The operator shall insert a tube to the bottom of the well or, if not possible, to within 100 feet above the coal seam being mined. Any blockage must be removed to ensure that the tube can be inserted to this depth.
    - (ii) The operator shall set a cement plug in the well by pumping Portland cement or a lightweight cement mixture down the tubing until the well is filled to the surface.
    - (iii) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.
- d. MANDATORY ALTERNATIVE PROCEDURES FOR PREPARING AND PLUGGING OR RE-PLUGGING OIL OR GAS WELLS

The following provisions apply to all wells which the operator determines, and

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with which the MSHA District Manager agrees, cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors.

- (1) **The operator shall drill a hole adjacent and parallel to the well, to a depth of at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well.**
- (2) The operator shall use a geophysical sensing device to locate any casing which may remain in the well.
- (3) If the well contains casing(s), the operator shall drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the operator shall perforate or rip all casings at least every 5 feet. **Beyond this distance, the operator shall perforate or rip at least every 50 feet from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the seam being mined, unless the District Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well.** The diagram shown in Appendix A is representative of the locations of the perforations or ripping that must be done. The operator shall fill the annulus between the casings and between the casings and the well wall with expanding (minimum 0.5% expansion upon setting) cement, and shall ensure that these areas contain no voids. If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the operator will not be required to perforate or rip the casing for that particular well, or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.
- (4) Where the operator determines, and the District Manager agrees, that there is insufficient casing in the well to allow the method outlined in subparagraph (d)(3) to be used, then the operator shall use a horizontal hydraulic fracturing technique to intercept the original well. **From at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, the operator shall fracture in at least six places at intervals to be agreed upon by the operator and the District Manager after considering the geological strata and the pressure within the well.** The operator shall then pump expanding cement into the fractured well in sufficient quantities and in a



manner which fills all intercepted voids.

- (5) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. The operator may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment necessary to obtain the log.
- (6) A journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any sections where casing was cut or milled; and other pertinent information concerning sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.
- (7) After the operator has plugged the well as described in subparagraphs (d)(3) and/or (d)(4), the operator shall plug the adjacent hole, from the bottom to the surface, with Portland cement or a lightweight cement mixture. The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level.

A combination of the methods outlined in subparagraphs (d)(3) and (d)(4) may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The operator and the District Manager shall discuss the nature of each hole.

The District Manager may require that more than one method be utilized. The mine operator may submit an alternative plan to the District Manager for approval to use different methods to address wells that cannot be completely cleaned out. The District Manager may require additional documentation and certification by a registered petroleum engineer to support the proposed alternative methods.

3. **MANDATORY PROCEDURES WHEN MINING WITHIN A 100-FOOT DIAMETER BARRIER AROUND WELL**

- a. A representative of the operator, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a

- conference be conducted prior to intersecting any plugged or re-plugged well. Upon receipt of any such request, the District Manager shall schedule such a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance related to the condition of the well or surrounding strata when such conditions are encountered.
- b. The operator shall intersect a well on a shift approved by the District Manager. The operator shall notify the District Manager and the miners' representative in sufficient time prior to intersecting a well in order to provide an opportunity to have representatives present.
  - c. When using continuous mining methods, the operator shall install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sites shall not be more than 50 feet from the well. When using longwall mining methods, distance markers shall be installed on 5-foot centers for a distance of 50 feet in advance of the well in the headgate entry and in the tailgate entry.
  - d. The operator shall ensure that fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection (when either the conventional or continuous mining method is used) is available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.
  - e. The operator shall ensure that sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.
  - f. On the shift prior to intersecting the well, the operator shall service all equipment and check it for permissibility. Water sprays, water pressures, and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.
  - g. The operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to intersecting the well.

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- h. When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed, and the area has been examined and declared safe. All workplace examinations on the return side of the shearer will be conducted while the shearer is idle. The operator's most current Approved Ventilation Plan will be followed at all times unless the District Manager deems a greater air velocity for the intersect is necessary.
- i. When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor to within 20 feet of the face when intersecting the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib, and floor up to both the headgate and tailgate gob.
- j. When the well is intersected, the operator shall de-energize all equipment, and thoroughly examine and determine the area to be safe before permitting mining to resume.
- k. After a well has been intersected and the working place determined to be safe, mining shall continue in by the well a sufficient distance to permit adequate ventilation around the area of the well.
- l. If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore and methane levels of less than 1.0% are present in all areas that will be exposed to flames and sparks from the torch. The operator shall apply a thick layer of rock dust to the roof, face, floor, ribs and any exposed coal within 20 feet of the casing prior to the use of torches.
- m. Non-sparking (brass) tools will be located on the working section and will be used exclusively to expose and examine cased wells.
- n. No person shall be permitted in the area of the well intersection except those actually engaged in the operation, including company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

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- o. The operator shall alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.
- p. The well intersection shall be under the direct supervision of a certified individual. Instructions concerning the well intersection shall be issued only by the certified individual in charge.
- q. If the mine operator cannot find the well in the middle of the panel or a gate section misses the anticipated intersection, mining shall cease and the District Manager shall be notified.
- r. The provisions of this Order do not impair the authority of representatives of MSHA to interrupt or halt the well intersection, and to issue a withdrawal order, when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either a verbal or written order to that effect to a representative of the operator, which order shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.
- s. A copy of this Order shall be maintained at the mine and be available to the miners.
- t. If the well is not plugged to the total depth of all minable coal seams identified in the core hole logs, any coal seams beneath the lowest plug will remain subject to the barrier requirements of 30 C.F.R. § 75.1700, should those coal seams be developed in the future.
- u. All necessary safety precautions and safe practices according to Industry Standards, required by MSHA regulations and State regulatory agencies having jurisdiction over the plugging site will be followed to provide the upmost protection to the miners involved in the process.
- v. All miners involved in the plugging or re-plugging operations will be trained on the contents of this petition prior to starting the process and a copy of this petition will be posted at the well site until the plugging or re-plugging has been completed.

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- w. Mechanical bridge plugs should incorporate the best available technologies that are either required or recognized by the State regulatory agency and/or oil and gas industry.
- x. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the Order. The operator shall provide all miners involved in well intersection with training on the requirements of this Order prior to mining within 150 feet of the next well intended to be mined through.
- y. The responsible person required under 30 C.F.R. § 75.1501 Emergency Evacuations, is responsible for well intersection emergencies. The well intersection procedures should be reviewed by the responsible person prior to any planned intersection.
- z. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required under 30 C.F.R § 75.1502. The operator will revise the program of instruction to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of submittal.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14, within 30 days. The request for hearing must be filed with the Administrator for Mine Safety and Health Enforcement, 201 12<sup>th</sup> Street South, Suite 401, Arlington, Virginia 22202-5452.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision.

A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

**TIMOTHY  
WATKINS**

Timothy R. Watkins  
Administrator for  
Mine Safety and Health Enforcement

Digitally signed by Timothy R. Watkins  
Date: 2021.04.01 15:00:50 -04'00'

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Certificate of Service

I hereby certify that a copy of this proposed decision was served personally or mailed, postage prepaid, or provided by other electronic means this 1st day of April 2021, to:

Mr. Mitchell Kalos, PE  
Chief Engineer  
Marfork Coal Company, LLC.  
P. O. Box 457  
Whitesville, WV 25209

Don Braenovich  
for

Digitally signed by Don  
Braenovich for  
Date: 2021.04.01 15:25:27 -04'00'

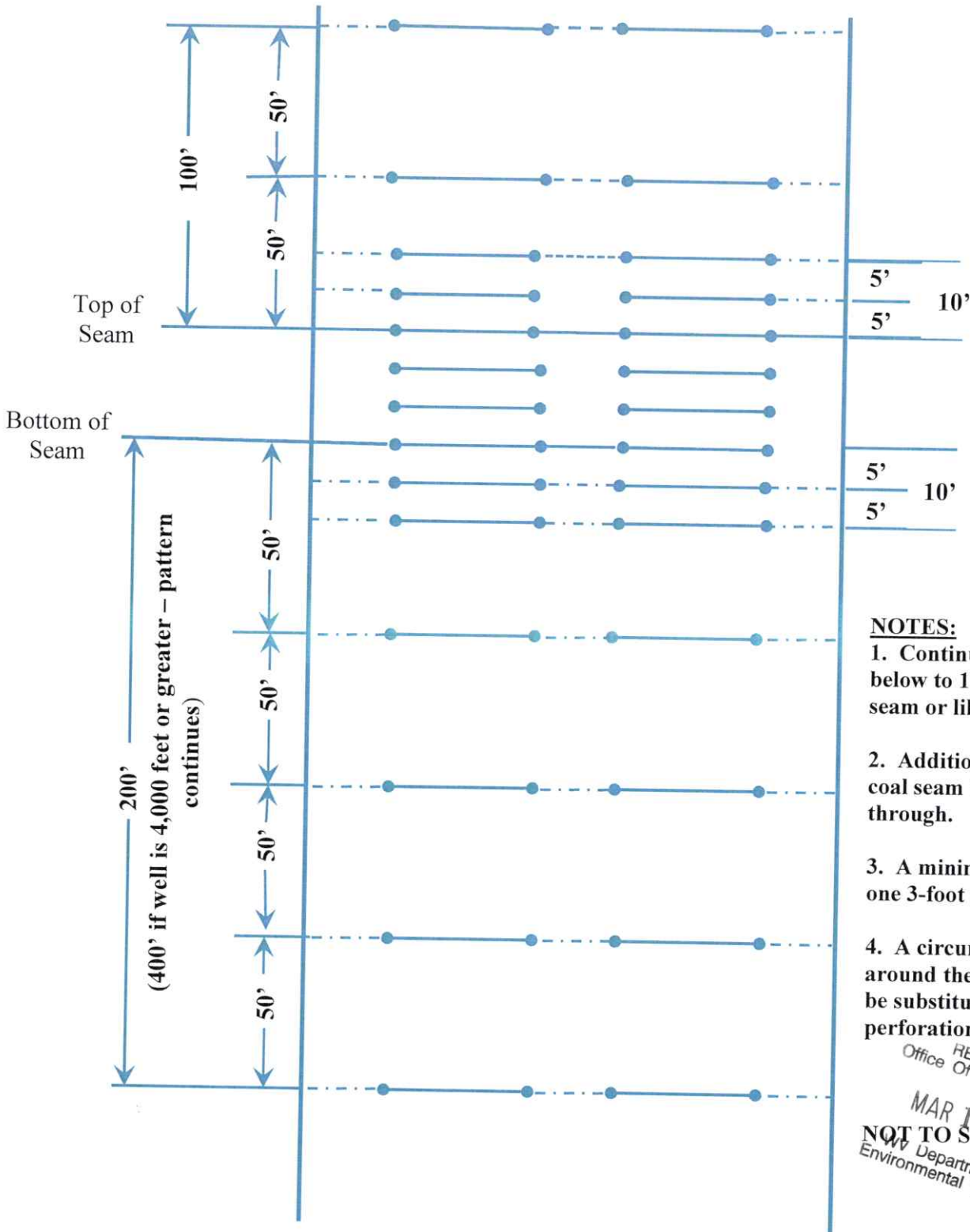
Don Vickers  
Safety and Health Specialist

cc: Eugene White, Director Office of Miners' Health Safety & Training #7 Players Club  
Dr. Suite 2, Charleston WV 25311  
[Eugene.E.White@wv.gov](mailto:Eugene.E.White@wv.gov)

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### Appendix A



- NOTES:**
1. Continuous rip from 10 feet below to 10 feet above coal seam or like sketch.
  2. Additional rips made across coal seam to facilitate mine through.
  3. A minimum of 4 shots or one 3-foot rip at each location.
  4. A circumferential cut around the entire casing may be substituted for the perforation or ripping.

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4700500971P

STATE OF WEST VIRGINIA  
DEPARTMENT OF MINES  
OIL AND GAS DIVISION /

Quadrangle BALD KNOB  
Permit No. BOJ-971

Drilled by Rotary

WELL RECORD

Oil or Gas Well Dry  
(KIND)

Company Peake Petroleum Company  
Address Kanawha Valley Bldg., Charleston, W.Va.  
Farm W. P. C. Y & O Lands Acres 7590.98  
Location (waters) Peter Cave Fork  
Well No. 7-126 Elev. 1457.39  
District Crock County Boone  
The surface of tract is owned in fee by Western  
Pocahontas Corporation Address Huntington, W.Va.  
Mineral same as above owned by Same as above  
Address \_\_\_\_\_

Drilling commenced 1-21-65  
Drilling completed 2-4-65  
Date Shot \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
With \_\_\_\_\_  
Open flow None /10ths Water in \_\_\_\_\_ Inch  
\_\_\_\_\_ /10ths Merc. in \_\_\_\_\_ Inch  
Volume None Cu. Ft.  
Rock Pressure \_\_\_\_\_ lbs.  
Oil \_\_\_\_\_ bbls. 1st 24 hrs.  
WELL ACIDIZED No  
WELL FRACTURED No

Casing and Tubing	Used in Drilling	Left in Well	Packers
Size			
16			Kind of Packer
13			None
<u>9 5/8"</u>	<u>39</u>	<u>39</u>	Size of
8 1/2			Depth set
<u>7"</u>	<u>2058</u>	<u>417</u>	
5 3/16			Perf. top <u>None</u>
3			Perf. bottom
2			Perf. top
Liners Used			Perf. bottom

CASING CEMENTED 7" SIZE 220 No. Ft. 1-31-65 Date

COAL WAS ENCOUNTERED AT 163 FEET 24 INCHES  
275 FEET 60 INCHES 530 FEET 60 INCHES  
721 FEET 24 INCHES 733 FEET 24 INCHES  
1000 Feet 50 inches

RESULT AFTER TREATMENT

ROCK PRESSURE AFTER TREATMENT

Fresh Water \_\_\_\_\_ Feet Salt Water \_\_\_\_\_ Feet

Formation	Color	Hard or Soft	Top	Bottom	Oil, Gas or Water	Depth	Remarks
Shale			0	20			
Sand			20	30			
Sand Rock			30	53			
Sand			53	75			
Sand & Shale			75	163			
Coal			163	165			
Sand			165	185			
Sand & Shale			185	275			
Coal			275	280			
Sand & Shale			280	455			
Sand			455	510			
Shale			510	530			
Coal			530	535			
Sand & Shale			535	721			
Coal			721	723			
Shale			723	733			
Coal			733	735			
Shale			735	745			
Sand			745	845			
Sand & Shale			845	1000			
Coal			1000	1005			
Sand			1005	1395			
Shale			1395	1435			
Sand			1435	1715			
Shale			1715	1740			
Sand & Shale			1740	1785			
SALT SAND			1785	1874			
Shale			1874	2009			
Lime			2009	2038			
Red Rock			2038	2053			



(over)

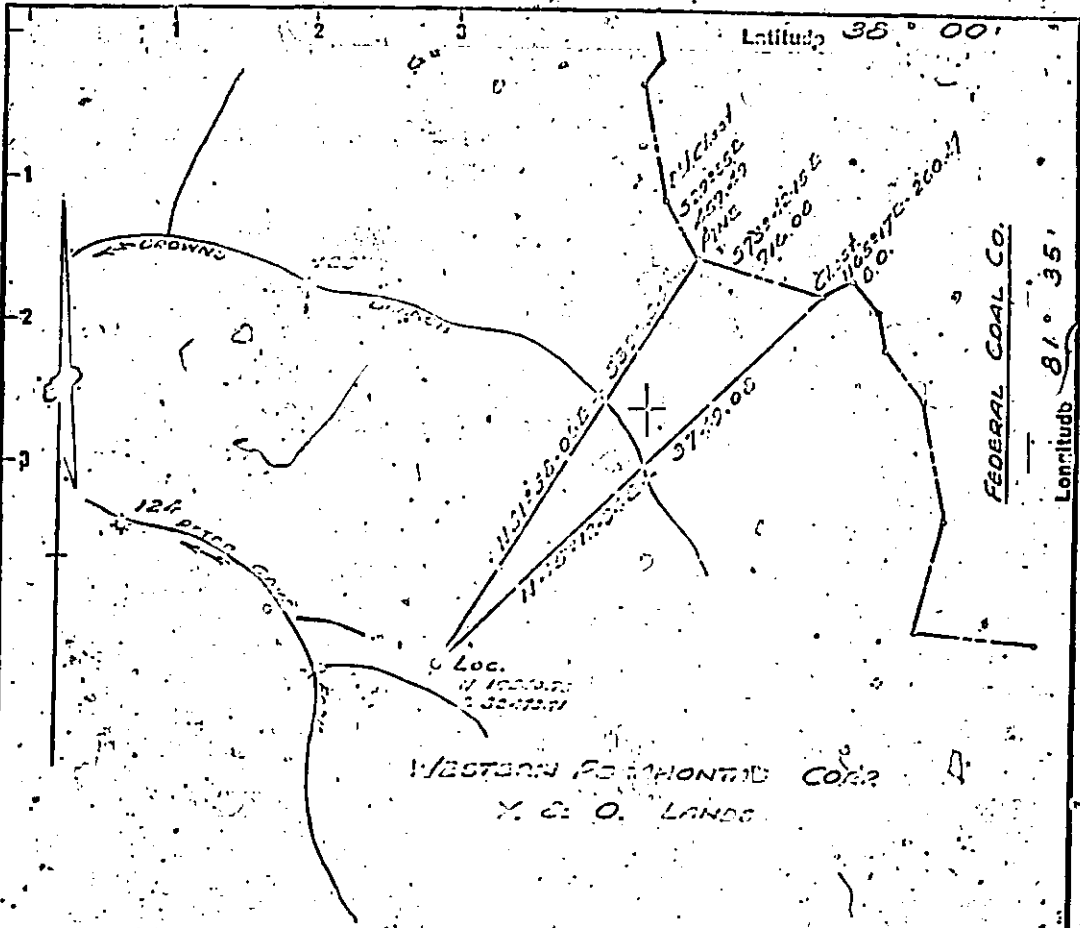


Formation	Color	Hard or Soft	Top /	Bottom	Oil, Gas or Water	Depth Found	Remarks
Shaley Sand			2056	2086			
Sand			2086	2129			
Shale			2129	2142			
Sand			2142	2156			
Shaley Sand			2156	2208			
Shale			2208	2230			
MAXON SAND			2230	2310			
Shale			2310	2396			
Shaley Lime			2396	2414			
Shale			2414	2466			
Little Lime			2466	2504			
BIG LIME			2504	2800			
Sandy Shale			2800	2917			
WEIR SAND			2917	3114			
Sandy Shale			3114				
TOTAL DEPTH			-	3168			

Logs:  
 Temperature 1810-3138  
 Induction 2042-3158  
 Densilog 1450-3156

Date May 11, 19 65

APPROVED Phillips Petroleum Co. Owner  
 By E. E. S. Atchell Manager  
 (Title)



NOTE: ELEVATION TAKEN FROM U.S.G.S. ELEV. OF 600' NEAR MOUTH OF WEST FORK OPPOSITE TOWN OF VAN.  
 THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS PRESCRIBED BY THE O&G DIV. OF THE DEPT. OF MINES.

I, THE UNDERSIGNED HEREBY CERTIFY THAT THIS MAP IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND SHOWS ALL THE INFORMATION REQUIRED BY PARA. 6 OF THE RULES AND REGULATIONS OF THE OIL AND GAS SECTION OF THE MINING LAWS OF WEST VIRGINIA.

How Location   
 Drill Deeper   
 Abandonment

Company PEAKE PETROLEUM CO.  
 Address KANAWHA VALLEY DIST. CHARLESTON, W.V.  
 Farm W.P.C. Y.C.O. LANDS  
 Tract \_\_\_\_\_ Acres 7520.22 Lease No. \_\_\_\_\_  
 Well (Farm) No. 7 Serial No. 126  
 Elevation (Spirit Level) 1457.39  
 Quadrangle BALD KNOB  
 County BOONE District CROOK  
 Engineer W.E. Johnston  
 Engineer's Registration No. 1332  
 File No. \_\_\_\_\_ Drawing No. \_\_\_\_\_  
 Date Aug 13 1944 Scale 1" = 1000'

STATE OF WEST VIRGINIA  
 DEPARTMENT OF MINES  
 OIL AND GAS DIVISION  
 CHARLESTON

WELL LOCATION MAP  
 FILE NO. D-22-971

• Denotes location of well on United States Topographic Maps, scale 1 to latitude and longitude lines being represented by border lines as shown.  
 — Denotes one inch spaces on border line of original tracing.

4700500971 P

WW-4A  
Revised 6-07

1) Date: 0 1/30/2023  
2) Operator's Well Number 7-126

3) API Well No.: 47 - 005 - 00971

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS  
NOTICE OF APPLICATION TO PLUG AND ABANDON A WELL

4) Surface Owner(s) to be served:	5) (a) Coal Operator
(a) Name <u>Western Pocahontas Property LP (NRP)</u>	Name <u>Marfork Coal Company</u>
Address <u>5260 Irwin Rd.</u>	Address <u>P.O. Box 457</u>
<u>Huntington, WV 25705</u>	<u>Whitesville, WV 25209</u>
(b) Name _____	(b) Coal Owner(s) with Declaration
Address _____	Name <u>WPP, LLC</u>
	Address <u>5260 Irwin Rd.</u>
	<u>Huntington, WV 25705</u>
(c) Name _____	Name _____
Address _____	Address _____
6) Inspector <u>Terry Urban</u>	(c) Coal Lessee with Declaration
Address <u>P.O. Box 1207</u>	Name <u>Boone East Development Co., LLC</u>
<u>Clendenin, WV 25045</u>	Address <u>300 Running Right Way</u>
Telephone <u>304-549-5915</u>	<u>Julian, WV 25529</u>

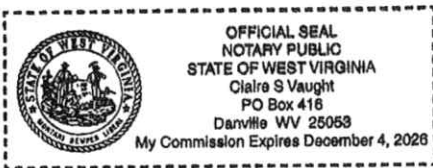
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TO THE PERSONS NAMED ABOVE: You should have received this Form and the following documents:

- (1) The application to Plug and Abandon a Well on Form WW-4B, which sets out the parties involved in the work and describes the well its and the plugging work order; and
- (2) The plat (surveyor's map) showing the well location on Form WW-6.

The reason you received these documents is that you have rights regarding the application which are summarized in the instructions on the reverses side. However, you are not required to take any action at all.

Take notice that under Chapter 22-6 of the West Virginia Code, the undersigned well operator proposes to file or has filed this Notice and Application and accompanying documents for a permit to plug and abandon a well with the Chief of the Office of Oil and Gas, West Virginia Department of Environmental Protection, with respect to the well at the location described on the attached Application and depicted on the attached Form WW-6. Copies of this Notice, the Application, and the plat have been mailed by registered or certified mail or delivered by hand to the person(s) named above (or by publication in certain circumstances) on or before the day of mailing or delivery to the Chief.



Well Operator: Boone East Development Co., LLC  
 By: Timothy Ryan McGrady  
 Its: Designated Agent  
 Address: 300 Running Right Way  
Julian, WV 25529  
 Telephone: 304-369-8670

Subscribed and sworn before me this 7<sup>th</sup> day of March, 2023  
Claire S. Vaught Notary Public  
My Commission Expires December 4, 2026

Oil and Gas Privacy Notice

The Office of Oil and Gas processes your personal information, such as name, address and phone number, as a part of our regulatory duties. Your personal information may be disclosed to other State agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. Our office will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact DEP's Chief Privacy Officer at [depprivacyofficer@wv.gov](mailto:depprivacyofficer@wv.gov).

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**SURFACE OWNER WAIVER**

Operator's Well  
Number

7-126

**INSTRUCTIONS TO SURFACE OWNERS NAMED ON PAGE WW4-A**

The well operator named on page WW-4A is applying for a permit from the State to plug and abandon a well. (Note: If the surface tract is owned by more than three persons, then these materials were served on you because your name appeared on the Sheriff's tax ticket on the land or because you actually occupy the surface tract. In either case, you may be the only owner who will actually receive these materials.) See Chapter 22 of the West Virginia Code. Well work permits are valid for 24 months. If you do not own any interest in the surface tract, please forward these materials to the true owner immediately if you know who it is. Also, please notify the well operator and the Office of Oil and Gas.

**NOTE: YOU ARE NOT REQUIRED TO FILE ANY COMMENT.  
WHERE TO FILE COMMENTS AND OBTAIN ADDITIONAL INFORMATION:**

Chief, Office of Oil and Gas  
Department of Environmental Protection and Gas  
601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
(304) 926-0450

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**Time Limits and methods for filing comments.** The law requires these materials to be served on or before the date the operator files his Application. You have **FIVE (5) DAYS** after the filing date to file your comments. Comments must be filed in person or received in the mail by the Chief's office by the time stated above. You may call the Chief's office to be sure of the date. Check with your postmaster to ensure adequate delivery time or to arrange special expedited handling. If you have been contacted by the well operator and you have signed a "voluntary statement of no objection" to the planned work described in these materials, then the permit may be issued at any time.

**Comments must be in writing.** Your comments must include your name, address and telephone number, the well operator's name and well number and the approximate location of the proposed well site including district and county from the application. You may add other documents, such as sketches, maps or photographs to support your comments.

The Chief has the power to deny or condition a well work permit based on comments on the following grounds:

- 1) The proposed well work will constitute a hazard to the safety of persons.
- 2) The soil erosion and sediment control plan is not adequate or effective;
- 3) Damage would occur to publicly owned lands or resources;
- 4) The proposed well work fails to protect fresh water sources or supplies;
- 5) The applicant has committed a substantial violation of a previous permit or a substantial violation of one or more of the rules promulgated under Chapter 22, and has failed to abate or seek review of the violation...".

**If you want a copy of the permit as it is issued or a copy of the order denying the permit, you should request a copy from the Chief.**

**VOLUNTARY STATEMENT OF NO OBJECTION**

I hereby state that I have read the instructions to surface owners and that I have received copies of a Notice and Application For A Permit To Plug And Abandon on Forms WW-4A and WW-4B, and a survey plat.

I further state that I have no objection to the planned work described in these materials, and I have no objection to a permit being issued on those materials.

FOR EXECUTION BY A NATURAL PERSON  
ETC.

FOR EXECUTION BY A CORPORATION,

\_\_\_\_\_  
Signature

Date

Name Western Pocahontas Properties Limited Partnership

By Greg Wooten

Its Executive Vice President, Chief Engineer Date 3/3/2023

  
\_\_\_\_\_  
Signature Date 3/3/2023

04/07/2023

API No. 4700500971P  
47-005-00971  
Farm Name Western Panhandle Property  
Well No. 7-126

**INSTRUCTIONS TO COAL OPERATORS  
OWNERS AND LESSEE**

The well operator named on the obverse side of WW-4 (B) is about to abandon the well described in the enclosed materials and will commence the work of plugging and abandoning said well on the date the inspector is notified. Which date shall not be less than five days after the day on which this notice and application so mailed is received, or in due course should be received by the Department of Environmental Protection Office of Oil & Gas.

This notice and application is given to you in order that your respective representatives may be present at the plugging and filling of said well. You are further notified that whether you are represented or not the operator will proceed to plug and fill said well in the manner required by Section 24, Article 6, Chapter 22 of the Code and given in detail on obverse side of this application.

NOTE: If you wish this well to be plugged according to 22-6-24(d) then as per Regulation 35CSR4-13.9 you must complete and return to this office on form OB-16 "Request by Coal Operator, Owner, or Lessee for plugging" prior to the issuance of this plugging permit.

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MAR 16 2023  
WV Department of  
Environmental Protection

**WAIVER**

The undersigned coal operator X / owner \_\_\_\_\_ / lessee \_\_\_\_\_ / of the coal under this well location has examined this proposed plugging work order. The undersigned has no objection to the work proposed to be done at this location, provided, the well operator has complied with all applicable requirements of the West Virginia Code and the governing regulations.

Date: 3-13-2023

  
By: Carl Lucas  
Its President MARFORK COAL Co.

4700500971P

WW-4B

API No. 47-005-00971

Farm Name Western Pocahontas Property

Well No. 7-126

### INSTRUCTIONS TO COAL OPERATORS OWNERS AND LESSEE

The well operator named on the obverse side of WW-4 (B) is about to abandon the well described in the enclosed materials and will commence the work of plugging and abandoning said well on the date the inspector is notified. Which date shall not be less than five days after the day on which this notice and application so mailed is received, or in due course should be received by the Department of Environmental Protection Office of Oil & Gas.

This notice and application is given to you in order that your respective representatives may be present at the plugging and filling of said well. You are further notified that whether you are represented or not the operator will proceed to plug and fill said well in the manner required by Section 24, Article 6, Chapter 22 of the Code and given in detail on obverse side of this application.

NOTE: If you wish this well to be plugged according to 22-6-24(d) then as per Regulation 35CSR4-13.9 you must complete and return to this office on form OB-16 "Request by Coal Operator, Owner, or Lessee for plugging" prior to the issuance of this plugging permit.

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### WAIVER

The undersigned coal operator \_\_\_\_\_ / owner X / lessee \_\_\_\_\_ / of the coal under this well location has examined this proposed plugging work order. The undersigned has no objection to the work proposed to be done at this location, provided, the well operator has complied with all applicable requirements of the West Virginia Code and the governing regulations.

Date: 3/23/2023

WPP LLC  
By: [Signature]  
Its: Senior Vice President - Chief Engineer

04/07/2023

4700500971P

WW-4B

API No. 47-005-00971  
Farm Name Western Piedmonts Property  
Well No. 7-126

**INSTRUCTIONS TO COAL OPERATORS  
OWNERS AND LESSEE**

The well operator named on the obverse side of WW-4 (B) is about to abandon the well described in the enclosed materials and will commence the work of plugging and abandoning said well on the date the inspector is notified. Which date shall not be less than five days after the day on which this notice and application so mailed is received, or in due course should be received by the Department of Environmental Protection Office of Oil & Gas.

This notice and application is given to you in order that your respective representatives may be present at the plugging and filling of said well. You are further notified that whether you are represented or not the operator will proceed to plug and fill said well in the manner required by Section 24, Article 6, Chapter 22 of the Code and given in detail on obverse side of this application.

NOTE: If you wish this well to be plugged according to 22-6-24(d) then as per Regulation 35CSR4-13.9 you must complete and return to this office on form OB-16 "Request by Coal Operator, Owner, or Lessee for plugging" prior to the issuance of this plugging permit.

**WAIVER**

The undersigned coal operator \_\_\_ / owner \_\_\_ / lessee X \_\_\_ / of the coal under this well location has examined this proposed plugging work order. The undersigned has no objection to the work proposed to be done at this location, provided, the well operator has complied with all applicable requirements of the West Virginia Code and the governing regulations.

Date: 3/7/23

By: Timothy K. Brady  
Its: Authorized Agent  
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MAR 16 2023  
Department of Environmental Protection

04/07/2023

WW-9  
(5/16)

4700500971P

API Number 47 - 005 - 00971

Operator's Well No. 7-126

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS  
FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name Boone East Development Co., LLC OP Code \_\_\_\_\_

Watershed (HUC 10) Peter Cave Fork of Browns Branch of West Fork of Pond Creek Quadrangle Bald Knob Wharton - 7.5' Quad

Do you anticipate using more than 5,000 bbls of water to complete the proposed well work? Yes  No

Will a pit be used? Yes  No  10 3-14-23

If so, please describe anticipated pit waste: Cement, drilling water, and residual material

Will a synthetic liner be used in the pit? Yes  No  If so, what ml.? 20ml

Proposed Disposal Method For Treated Pit Wastes:

- Land Application (if selected provide a completed form WW-9-GPP)
- Underground Injection ( UIC Permit Number \_\_\_\_\_ )
- Reuse (at API Number \_\_\_\_\_ )
- Off Site Disposal (Supply form WW-9 for disposal location)
- Other (Explain \_\_\_\_\_ )

Will closed loop system be used? If so, describe: No

Drilling medium anticipated for this well (vertical and horizontal)? Air, freshwater, oil based, etc. Fresh Water

-If oil based, what type? Synthetic, petroleum, etc.

Additives to be used in drilling medium? none

Drill cuttings disposal method? Leave in pit, landfill, removed offsite, etc. Leave in Pit

-If left in pit and plan to solidify what medium will be used? (cement, lime, sawdust) Cement

-Landfill or offsite name/permit number? \_\_\_\_\_

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MAR 16 2023  
WV Department of  
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Permittee shall provide written notice to the Office of Oil and Gas of any load of drill cuttings or associated waste rejected at any West Virginia solid waste facility. The notice shall be provided within 24 hours of rejection and the permittee shall also disclose where it was properly disposed.

I certify that I understand and agree to the terms and conditions of the GENERAL WATER POLLUTION PERMIT issued on April 1, 2016, by the Office of Oil and Gas of the West Virginia Department of Environmental Protection. I understand that the provisions of the permit are enforceable by law. Violations of any term or condition of the general permit and/or other applicable law or regulation can lead to enforcement action.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this application form and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Company Official Signature Nathan D. Woodrum

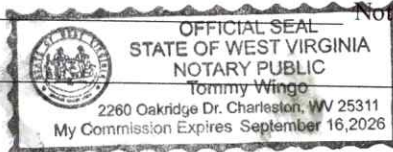
Company Official (Typed Name) Nathan Woodrum

Company Official Title Engineer

Subscribed and sworn before me this 10 day of March, 20 23

Tommy Wingo

My commission expires 09/16/2026



Notary Public

04/07/2023



Proposed Revegetation Treatment: Acres Disturbed 1-2 Prevegetation pH 4.3 - 5.3

Lime 2 Tons/acre or to correct to pH Min 5.0 to Max 7.5

Fertilizer type 10-20-10 or equivalent

Fertilizer amount 200 - 300 lbs/acre

Mulch Straw or 1000 lbs hydroseed mulch Tons/acre

**Seed Mixtures**

**Temporary**

**Permanent**

Seed Type lbs/acre

Seed Type lbs/acre

Perennial Rye Grass 10 lbs/acre

White Clover 3 lbs/acre

Winter Wheat or Oats 10 lbs/acre

**Attach:**

Maps(s) of road, location, pit and proposed area for land application (unless engineered plans including this info have been provided). If water from the pit will be land applied, provide water volume, include dimensions (L, W, D) of the pit, and dimensions (L, W), and area in acres, of the land application area.

Photocopied section of involved 7.5' topographic sheet.

Plan Approved by: [Signature]

Comments: \_\_\_\_\_

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WV Department of  
Environmental Protection

Title: Inspector DEEGAS

Date: 3-14-23

Field Reviewed?

Yes

No

# 47-005-00971 (7-126)

## 1447.99

4700500971P

PIT LOCATION MAP

Any remaining pit water will be tested by a certified lab and treated if necessary. Pit water to be sprayed on the hillside and hatched area after being deemed safe to do so by the lab.

Proposed Lined Pit  
Dim: 25'L x 10'W x 5'H

17934 Sq. Feet  
0.4117 Acres

*Jawm*

# PLUGGED LOCATION FROM F

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WV Department of Environmental Protection

Note: Slopes along location and roads to be seeded when construction is finished. Will install culverts, waterbars, rock and silt fence if needed.  
Inlets and outlets will be protected by crushed stone. Straw bales and or silt fence will be utilized to control sediment and run-off.

-  ACTIVE GAS WELL
-  INTERMITTENT STREAM
-  POWER LINES
-  ROADS
-  TOPO CONTOURS
-  PROPOSED PIT
-  LAND APPLICATION AREA

DRAWN	
3/13/23	NDW
REVISED	
APPROVED	
DATE	NAME

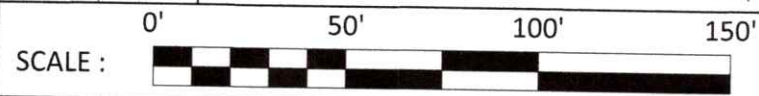


**MARFORK COAL COMPANY**  
 BLACK EAGLE MINE  
 MSHA ID# 46-09550 / STATE ID # U-3001-18  
 API 47-005-00971  
 PIT LOCATION MAP - FORM WW-9

**CONFIDENTIALITY STATEMENT**

Confidential - This drawing and all information and designs thereon are the property of Marfork Coal Company. This drawing is confidential and must not be made public or copied without prior written authorization from Marfork Coal Company except as allowed by governing laws. No use of this drawing or any information or designs thereon is permitted except, as is specifically authorized in writing by Marfork Coal Company. Acceptances of possession of this drawing constitutes full agreement with the above conditions.

P.O. BOX 457, WHITESVILLE, WV 25209



04/07/2023

DRAWING NO: 1 of 1

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

Operator Name: Boone East Development Co., LLC

Watershed (HUC 10): Peter Cave Fork of Browns Branch of West Fork of Pond Creek Quad: Bald Knob Wharton - 7.5' Quad

Farm Name: Western Pashantis Property

1. List the procedures used for the treatment and discharge of fluids. Include a list of all operations that could contaminate the groundwater.

Re-plugging of a gas well (plug to 101c standards to mine through the well). Water used during the plugging is pumped through a pipe and discharged into a lined pit. The pit is designed to hold approximately 110% of the anticipated drilling water. The pit contents (drilling water and residual materials) in the pit will be allowed to solidify and any remaining water will be sampled before the pit is reclaimed. Brine water is not expected to be encountered while plugging the well.

2. Describe procedures and equipment used to protect groundwater quality from the list of potential contaminant sources above.

Water used during the plugging is pumped through a pipe and discharged into a lined pit. The pit is designed to hold approximately 110% of the anticipated drilling water. The pit contents (drilling water and residual materials) in the pit will be allowed to solidify and any remaining water will be sampled before the pit is reclaimed. Straw bales, oil absorption pads, and silt fencing will be available on the mine property in case of spills or contaminations.

3. List the closest water body, distance to closest water body, and distance from closest Well Head Protection Area to the discharge area.

The closest body of water is West Fork of Pond Fork approximately 2 miles away from the well site and anticipated pit.

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Environmental Protection

4. Summarize all activities at your facility that are already regulated for groundwater protection.

Mining operations-storage tanks regulated under a GPP plan.

5. Discuss any existing groundwater quality data for your facility or an adjacent property.

None for West Fork of Pond Fork. Adjacent watersheds are sampled bimonthly for the mining operations. The results of the bimonthly samplings are submitted to the WVDEP.

6. Provide a statement that no waste material will be used for deicing or fill material on the property.

No waste material will be used for deicing or fill material.

7. Describe the groundwater protection instruction and training to be provided to the employees. Job procedures shall provide direction on how to prevent groundwater contamination.

Each employee and contractor involved in plugging the well will be trained on the proper environmental procedures of the job. The pit and area around the pit will be visually examined daily for leaks and tears. If a leak or tear is observed, discharge to the pit will cease until proper repairs can be made to the pit or liner. Drilling equipment will be inspected each day before work begins to ensure there are no fluid leaks. Straw bales, oil absorption pads, and silt fencing will be available on the mine property in case of spills. Any contaminated materials will be properly disposed of in specially marked containers. If there is any remaining water in the pit once plugging is complete, it will be analyzed before the pit is reclaimed.

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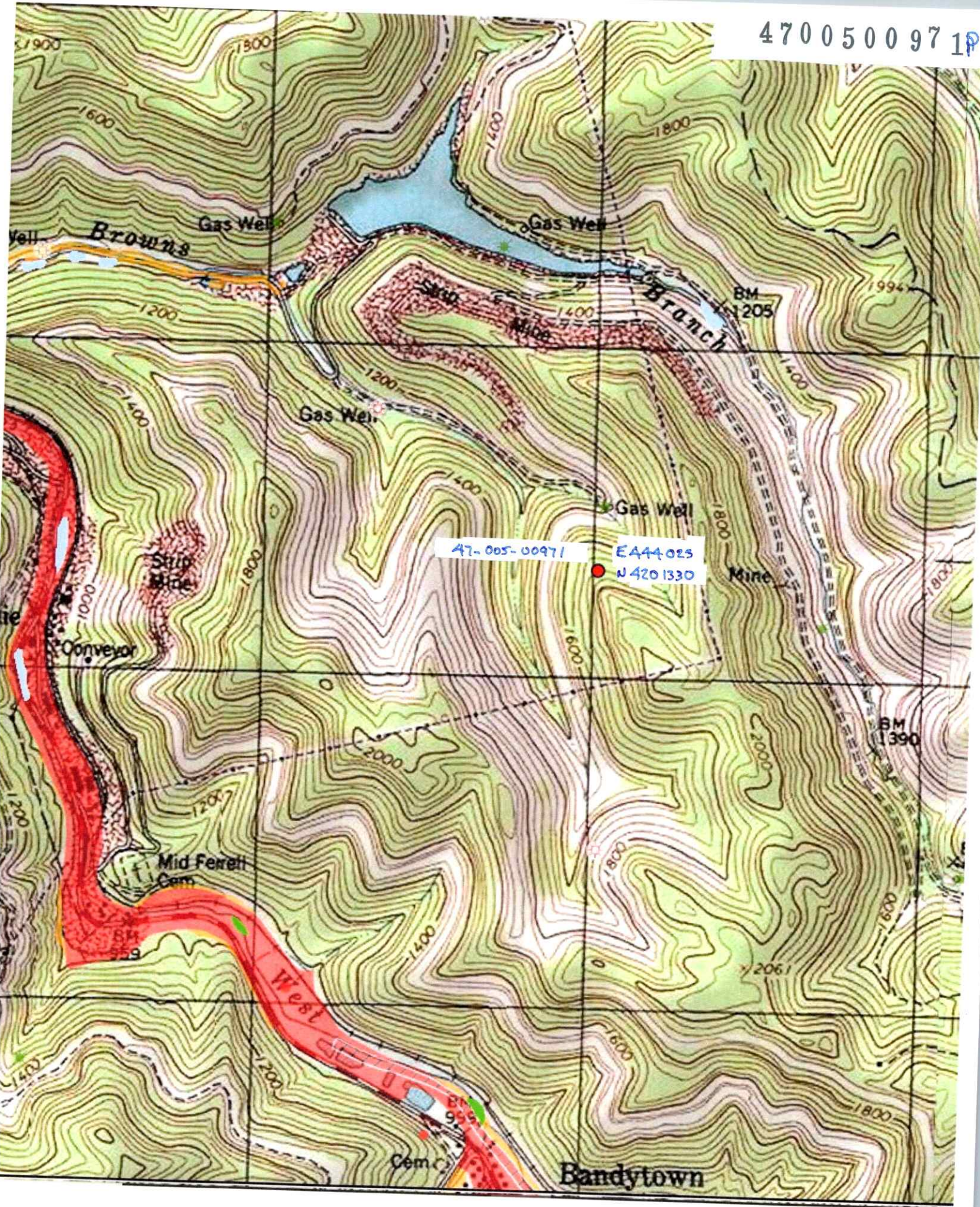
8. Provide provisions and frequency for inspections of all GPP elements and equipment.

The pit and area around the pit will be visually examined daily for leaks and tears. If a leak or tear is observed, discharge to the pit will cease until proper repairs can be made to the pit or liner. Drilling equipment will be inspected each day before work begins to ensure there are no fluid leaks. Straw bales, oil absorption pads, and silt fencing will be available on the mine property in case of spills. Any contaminated materials will be properly disposed of in specially marked containers. If there is any remaining water in the pit once plugging is complete, it will be analyzed before the pit is reclaimed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

04/07/2023



47-005-00971  
E444.025  
N 420 1330

WW-7  
8-30-06

4700500971P



West Virginia Department of Environmental Protection  
Office of Oil and Gas

**WELL LOCATION FORM: GPS**

API: 47-005-00971 WELL NO.: 7-126

FARM NAME: Western Pocahontas Property LP

RESPONSIBLE PARTY NAME: Boone East Development Co., LLC

COUNTY: Boone DISTRICT: Crook

QUADRANGLE: Bald Knob Wharton - 7.5' Quad

SURFACE OWNER: Western Pocahontas Property LP

ROYALTY OWNER: WPP, LLC

UTM GPS NORTHING: 4201329.5528m

UTM GPS EASTING: 444023.2600m GPS ELEVATION: 1447.9900' 441.3474(m)

The Responsible Party named above has chosen to submit GPS coordinates in lieu of preparing a new well location plat for a plugging permit or assigned API number on the above well. The Office of Oil and Gas will not accept GPS coordinates that do not meet the following requirements:

1. Datum: NAD 1983, Zone: 17 North, Coordinate Units: meters, <sup>Altitude</sup> height above mean sea level (MSL) – meters.
2. Accuracy to Datum – 3.05 meters
3. Data Collection Method:

Survey grade GPS  : Post Processed Differential   
Real-Time Differential

Mapping Grade GPS  : Post Processed Differential   
Real-Time Differential

4. **Letter size copy of the topography map showing the well location.**

I the undersigned, hereby certify this data is correct to the best of my knowledge and belief and shows all the information required by law and the regulations issued and prescribed by the Office of Oil and Gas.

Nathan W. Warden Engineer  
Signature Title

3/10/2023  
Date

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MAR 16 2023  
WV Department of  
Environmental Protection

04/07/2023

4700500971P

CK # 34412  
Date: 2/9/23  
\$100.00 Pit Fee/land app



March 13, 2023

WV DEP  
Office of Oil and Gas  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345

Re: Well Work Permit  
Vertical / Plugging  
101c Exemption  
Well API: 47-005-00971

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MAR 16 2023  
WV Department of  
Environmental Protection

Dear Sir:

Please find for your review and approval, a well plugging permit. This attached well plugging permit proposes to re-plug gas well API: 47-005-00971 per the approved MSHA 101c exemption. A copy of the approved MSHA 101c exemption has also been attached to this permit.

If you have any questions or concerns on this matter, please feel free to contact me at your convenience at (304)854-3025 or NWoodrum@alphametresources.com.

Respectfully Submitted,  
Marfork Coal Company, Inc.

Nathan D. Woodrum  
Marfork Coal Company  
Mine Engineer

**MARFORK COAL COMPANY, LLC**

P. O. Box 457, Whitesville, WV 25209  
(304) 854-1852 | [AlphaMetResources.com](http://AlphaMetResources.com)

04/07/2023



Kennedy, James P <james.p.kennedy@wv.gov>

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## plugging permit issued 4700500971

1 message

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**Kennedy, James P** <james.p.kennedy@wv.gov>

Thu, Apr 6, 2023 at 10:12 AM

To: Nathan Woodrum <nwoodrum@alphametresources.com>, Terry W Urban <terry.w.urban@wv.gov>, scook@wvassessor.com


To whom it may concern, a plugging permit has been issued for 4700500971

James Kennedy

WVDEP OOG

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### 2 attachments

 **ir-8 4700500971.pdf**  
120K

 **4700500971.pdf**  
8468K

04/07/2023