

#### 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 www.dep.wv.gov

Friday, March 1, 2024
WELL WORK PLUGGING PERMIT
Vertical Plugging

WEST VIRGINIA LAND RESOURCES, INC. 46226 NATIONAL ROAD WEST

ST. CLAIRSVILLE, OH 43950

Re:

Permit approval for 21532 47-051-00718-00-00

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:

Farm Name: KUPFER, NORA

U.S. WELL NUMBER: 47-051-00718-00-00

Vertical Plugging Date Issued: 3/1/2024

## 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.

#### CONDITIONS

- 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.
- 4. 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.

WW-4B Rev. 2/01

1)Date	JANUA	RY 1	9,	20	24
2)Opera	tor's		_		
Well	No.		M-1	747	
3)API W	lell No	. 47-	051	_	00718

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

5)	Location: Elevation 1474.56	Watershed HARTS RUN OF PENNSYLVANIA FORK OF FISH CREEK
	District LIBERTY	County MARSHALL Quadrangle CAMERON WW,PA
6)	Well Operator WEST VIRGINIA LAND RESOURCES INC.	7) Designated Agent DAVID RODDY
	Address 1 BRIDGE STREET	Address 1 BRIDGE STREET
	MONONGAH, WV 26554	MONONGAH, WV 26554
8}	Oil and Gas Inspector to be notified	9)Plugging Contractor
	Name STRADER GOWER	Name
	Address 2525W ALEXANDER RD. VALLEY GROVE, WV 26060	Address
_	Work Order: The work order for the mann	emption
1	_	emption  1437)  Office Of Oil and Gas  FEB 2 1 2024
: !	See Exhibit No. 1 and MSHA 101-C Exe Marshall County Mine (MSHA ID# 46-01 MSHA 101-C Docket No. M-2016-016-C	PECEIVED Office Of Oil and Gas  FEB 2 1 2024  WV Department of Environmental Protection
1	See Exhibit No. 1 and MSHA 101-C Exe Marshall County Mine (MSHA ID# 46-01 MSHA 101-C Docket No. M-2016-016-C Approximate Surface Elevation	PECEIVED Office Of Oil and Gas  FEB 2 1 2024  WV Department of Environmental Protection
1	See Exhibit No. 1 and MSHA 101-C Exe Marshall County Mine (MSHA ID# 46-01 MSHA 101-C Docket No. M-2016-016-C	PECEIVED Office Of Oil and Gas  FEB 2 1 2024  WV Department of Environmental Protection
	See Exhibit No. 1 and MSHA 101-C Exe Marshall County Mine (MSHA ID# 46-01 MSHA 101-C Docket No. M-2016-016-C Approximate Surface Elevation Approximate Bottom Of Coal	PECEIVED Office Of Oil and Gas  FEB 2 1 2024  WV Department of Environmental Protection

Stratigraphy Production Select datatypes: (Check All) Owner/Completion ✓ Pay/Show/Water Location Select County: (051) Marshall Reset Enter Permit #: 00718 Get Data

Btm Hole Loc Plugging Sample Sample

WV Geological & Economic Survey:

Well: County = 51 Permit = 00718 Link to all digital records for well

Friday, March 01, 2024 9:41:10 AM

Report Time:

Location Information: View Map

API COUNTY PERMIT TAX DISTRICT QUAD 75 QUAD 15 LAT DD LON DD UTME UTMN
4705/100718 Marshall 718 Liberty Cameron Cameron 39,785222 -80,529495 540287,8 4404025,3

There is no Bottom Hole Location data for this well

Owner Information:

PROP\_VD PROP\_TRGT\_FM TFM\_EST\_PR LEASE NUM MINERAL OWN OPERATOR AT COMPLETION
2880 Tygart Resources Inc Columbia Natural Resources, Inc. (CNR)
2880 Tygart Resources Inc Columbia Natural Resources, Inc. (CNR) API CMP TO THE STATUS SURFACE OWNER WELL\_NUM CO\_NUM LEASE
4705100718 11/17/1997 Original Loc Completed Nora Mae Kupfer 21532 Emeral Coal
4705100718 8/30/1989 Plugging Completed Nora Mae Kupfer 21532

Completion Information:

API CMP\_DT SPUD\_DT ELEV DATUM FIELD DEEPEST\_FM DEEPEST\_FMT INITIAL\_CLASS FINAL\_CLASS TYPE RIG CMP\_MT 4705:100718 11/17/1987 11/13/1987 14/66 Ground Level Cameron Fifth Fifth Development Well Development Well Oil w/ Gas Show Rotary Acid+Fran 4705:100718 8/20/1989 8/29/1989 1470 Ground Level Cameron Fifth Fifth Development Well Development Well Oil w/ Gas Show Rotary Acid+Fran Acid+Fran Development Well Development Well Oil w/ Gas Show Rotary Acid+Fran Acid+F

Pay/Show/Water Information

 API
 CMP\_OT
 ACTIVITY
 PRODUCT
 SECTION DEPTH\_TOP
 FM\_TOP DEPTH\_BOT
 BOT G\_BEF G\_AFT
 GFF O\_AFT
 WATER\_QUITY

 4705:100718
 11/17/1987
 Pay
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 Gordon
 3374
 Fifth
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 4705:100718
 11/17/1987
 Show
 Gas
 Vertical
 3219
 Gordon
 3374
 Fifth
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There is no Production Gas data for this well

There is no Production Oil data for this well \*\* some operators may have reported NGL under Oil

There is no Production NGL data for this well \*\* some operators may have reported NGL under Oil

There is no Production Water data for this well

Stratigraphy Information:

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Wireline (E-Log) Information:

Scanned/Raster Log Information:
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4705100718 Regular Entry 50 3576 Gordon G\_IN\_D\_T, C., Y 50 3533 1308 3562 1300 3576 1316 3560 1330 3560 itized log file(s) to your PC for viewing. To do so, right-click the file of interest and select the save Deviloadable Log Images/Data: We advise you to save the scanned log or digitized log flets) to your Pour more in the file to a location of your choice. Please note the scanned log images vary in size and some may take several minutes to download. API STATUS LOG\_TOP LOG\_BOT DEEPEST\_FML LOGS 4705:100718 Regular Entry 50 3576 Gordon G.I.N.D Scanned/Raster Comment: "logs: tension, caliper, photoelectric Under is no Digitized/LAS Log data for this well

Quick Reference Guide for Log File Names For more into about WVGES scanned logs click here geologic log types:
d density, compensated density, density, density, density, grain density, matrix density, etc.) g gamma ray

canned/Raster

https://www.wvgs.wvnet.edu/oginfo/pipeline/pipeline2.asp

1/2

FILENAME 4705100718gdntc.tif 4705100718gjo.tif

i induction (includes dual induction, medium induction, deep induction, etc.) I lateriolog me dipreter in medinerer in neutron (includes neutron porosity, sidewall neutron-SWN, etc.)

o order!

s sonic or velocity
t emperature (includes borehole temperature, BHT, differential temperature, etc.)
z spontaneous potential
mechanical log types:
c caliper
o caliper
p perforation depth control or perforate

<sup>1</sup>other logs may include, but are not limited to, such curves as audio, bit size, CCL-casing collar locator, continuous meter, directional survey, gas detector, guard, NCTL-Nuclear Cement Top Locator, radioactive tracer, tension

There is no Sample data for this well



#### STATE OF WEST VIRGINIA

#### **DEPARTMENT OF ENERGY**

1818 WASHINGTON 1896. EAST 1666 AGE 1897. HOTSUSAND 11 C66 AGE 1897. TANNA 1997. TANNA 1897. TANNA 189

GASTON CAPERTON GOVERNOR

July 6, 1990

GEORGE E. DIALS
COMMISSIONER

COLUMBIA NATURAL RESOURCES, INC. P. O. Box 1273 Charleston West Virginia 25325

Mr. Joseph E. Campbell, Agent

IN RE:

PERMIT NO.: 051-0718

FARM: Nora Kupper

WELL NO.: 21532

DISTRICT: Liberty

COUNTY: Marshall

ISSUED: 8-21-89

#### Gentlemen:

The FINAL INSPECTION REPORT for the above captioned well has been received in this office. Your Affidavit of Plugging was received and reclamation requirements approved. The well designated by the above permit number has been released under your bond.

Sincerely,

Theodore M. Streit

Class

Director

Division of Oil and Gas

TMS/ff

#### State of West Virginia DEPARTMENT OF ENERGY Division of Oil and Gas

RECEIVED

INSPECTOR'S PERMIT SUMMARY FORM

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7/85





1) Date:	June 1	1	19 89
2) Operator's Well No.	21532		- · · · <u></u>
3) API Well No.	47 .	051	. 718 -P
<u>.</u> .	State	County	Permit

#### STATE OF WEST VIRGINIA

# DIVISION OF OIL & GAS DEPARTMENT OF ENERGY, OIL AND GAS DIVISION DEPARTMENT OF EMERGRATION FOR A PERMIT TO PLUG AND ABANDON A WELL

4) WELL TYPE: A Oil Gas B (If "Gas", Production 146( District: Liber*  6) WELL OPERATOR Columbia Natural Address P. O. Box 1273 Charleston, WV  8) OIL & GAS INSPECTOR TO BE NOTIFIED Name Mike Underwood Address Route 2, Box 138 Salem, WV 26426	X
10) WORK ORDER: The work order for the manne	
3) Re-run work string, tree-po 4) Pull work string and spot 5) Pull work string, set cem	ent plug from 1370'-900'. Spot 250' cement plug to surface.
• • • • • • • • • • • • • • • • • • •	
	OFFICE USE ONLY
	PLUGGING PERMIT
47-051-0718-P	August 21 19 89
	Date
quirements subject to the conditions contained herein a before actual permitted work has commenced.)  The permitted work is as described in t	n shown below is evidence of permission granted to plug in accordance with the pertinent legal re- nd on the reverse hereof. Notification must be given to the District Oil and Gas Inspector 24 hours the Notice and Application, plat, subject to any modifications and conditions on the
reverse hereof. Permit expires August 21, 1991	
Bond Agray Plat: Casin	we other land with due diligence
NOTE: Keep one copy of this permit posted at the pl	Director, Division of Oil & Gas FWe

FORM WW-4(A) Obverse



## DIVISION OF OIL & GAS DEPARTMENT OF ENERGY

1)	Date:	June 1	19 89
	Operator	<b>'</b> 6	 

2) Well No. 21532

3) API Well No. 47 - 51 - 718 -7

State County Permit

# STATE OF WEST VIRGINIA DIVISION OF OIL AND GAS, DEPARTMENT OF ENERGY NOTICE OF APPLICATION TO PLUG AND ABANDON A WELL

4) SUR	FACE OWNI	ER(S) OF RECORD TO BE SERVED	5 (i)	Consolidation Coal Company COAL OPERATOR Central Expl. Land Section
(1)	Name	Nora Mae Kupfer		Address 924 North Washington Road McMurray, PA 15317
	Address	RD #3, Pinehill Road Wheeling, WV 26003	5 (11)	COAL OWNER(S) WITH DECLARATION ON RECORD: NameTygart Resources, Inc.
(11)	Name			Address 108 McCurdy Drive
	Address			Pittsburgh, PA 15235
	-		5 (iii)	COAL LESSEE WITH DECLARATION ON RECORD:
(111)	Name			Name
	Address			Address
	_			
_				·

TO THE PERSON(5) MARKED ABOVE: Tou should have received this form and the following documents:

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

THE REASON TOU RECEIVED THESE DOCUMENTS IS THAT TOU HAVE RIGHTS RECARDING THE APPLICATION VALCE ARE SUMMARIZED IN THE "INSTRUCTIONS" ON THE REVERSE SIDE OF THE COPT OF THE APPLICATION (FORM WW-4(B)) DESIGNATED FOR YOU. HOWEVER, YOU ARE NOT REQUIRED TO TAKE ANY ACTION AT ALL.

Take notice that under Chapter 22B of the <u>Vest Virginia Code</u>, the undereigned well operator proposes to file or has filed this Notice and Application and accompanying documents for a Fermit to plug and abandon a well with the Director of the Division of Oil and Gas, West Virginia Department of Energy, with respect o 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 personial massed above (or by publication is certain mirrumstances) on or before the day of mailing or delivery to the Director.

The bould of the defendant of the second	WELL
The truth of the information on the Notice and Application is verified and sworn to and the	OPERATOR Columbia Natural Resources, Inc.
Notice is signed on behalf of the Well Operator in my County and State by	By Joseph Colonkell
Joseph E. Campbell,	Its Vice President, Drilling & Prod. Operations
This <u>5</u> day of <u>Tune</u> , 1989.	Address P. O. Box 1273
My commission expires May 25, 1998.	Charleston, WV 25325
Stephen V. Anolder	
Notary Public, Kanawha County,	Telephone 357-2000
State of W-Va.	
	OFFICIAL SEAL, NOTARY PUBLIC, STATE OF WEST VIRGINIA
	P. O. 80X 1273 CHARLESTON, W. VA. 25325
	MY COMMISSION EXPIRES 05-25-98

03/01/2024



IV-35 (Rev 8-81) SEP 1 6 1988

> DIVISION OF OIL & GAS DEPARTMENT OF ENERGY

### State of Mest Nirginia Bepartment of Mines Gil und Gas Bivision

Date	September 13, 1988	
Operator Well No	r's	
Farm_	Emerald Coal	
API No.	451 - 051 - 07	18_

WELL OPERATOR'S REPORT

DRILLING, FRICTIALING AND/OR STIMULATING, OR PHYSICAL CHANGE

:			(If "	Gas," Pr	oduct	ion_X	/ Undergro	Harts Ru	te Disposa ge/ Dee	ep/ Sha	llow_X	_/)
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DETAILS OF FERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC.

Perforuted - 1 shot/ft. - 3314, 3315, 3341, 3342, 3343, 3372, 3373, 3374. Perforated - 1 shot/ft. - 3219; 3220, 3221, 3222, 3278, 3286, 3287, 3288, 3294.

2000年 1981年 1981年 1982年 
Gordon Sand - 75 quality Foam Frac, 28% FE acid, 500 gals. @ 2200#, N<sub>2</sub> 707,184 scf, 20/40 sand 50,000#:

Fourth & Fifth Sand - 75 quality Foam Frac, 15% FE acid, 150 gals. @ 2300#, N<sub>2</sub> 496,584 scf, 20/40 sand 40,000#, 80/100 sand 2500#.

WELL LOG

<del></del>	D OR SOFT	TOP FLET	BOMOM FEET	REMARKS Including indication of all fresh and salt water, coal, oil and gas
Sand & Shale		0	97	Damp to 87'
Sand		97	140	· ·
Sand & Shale	• • •	140	180	***
Sand		180	. 190	3.716
Red Rock		190	. 197	Fresh Water
Sand & Shale	Total his	1 1 1	212	
Sand Pad Page		1:1 212	352	
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FIGURE TO STATE	i	1 11707 1	1337	Sugara es es
Sand & Shale		1337	1630	DIVISION OF OIL & GAS
Little, Dunkarp		1630	1644	DEPARTMENT OF ENERGY
Sand & Shale	!	1644	2057	
1st Salt Sand		2057	2081	
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Sand & Shale		2284	2366	
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(Attach separate sheets as nucessary)

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WV Department of Environmental Protection Note: Regulation 2.02(i) provides as follows:

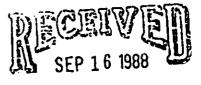
"The term 'log' or 'well log' shall mean a systematic detailed geological record of all formations, including that, encountered in the drilling of a well."

Sand & Shale	3302	3312
4th Sand	3312	3318
Sand & Shale	3318	3339
5th Sand	3339	3348
San ( & Shale	3348	3450
Sano & Shale	3450	3574

Driller T.D. - 3574

Logger T.D. - 3348

\* Note: Well was declared a dry hole on 3/21/88 and will be sold to Asia Oil.



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#### **EXHIBIT No.1**

From the experience and technology developed since 1970 in plugging oil and gas wells for the mining through, West Virginia Land Resources will utilize the following method to plug all future wells.

#### SOLID PLUG METHOD

Well Clean Out

- (a) If active well: Clean out to the total depth and plug back according to the state regulations to a minimum of 200 feet below the lowest minable coal seam.
- (b) If abandoned well: Clean out to the first plug 200 feet below the lowest

#### Cement

- (a) Circulate through the tubing or drill steel an expanding Class A cement plug from a minimum of 200 feet below the minable coal seam to a point 100 feet above the minable coal seam.
- (b) Circulate through the tubing or drill steel an expanding Class A cement plug from 100 feet above the coal seam to the surface

A monument will be installed with API number and stating "solid plug."

Marshall County 101C

Docket No. M-2016-016-C

Office Of Oil and Gas
FEB 2 1 2024

WV Department of Environmental Protection

#### 101C MSHA Petition Summary Marshall County Coal Ohio County Coal

#### I. Definitions

A. Diligent Effort is defined as pulling 150% casing weight and making at least 3 attempts. Assume casing is 3,000' when length is unknown.

#### II. Active Well

- A. Check for Methane
- B. Notify MSHA we are plugging an active well
- C. Kill Well
- D. Pull Sucker Rods and tubing
- E. Make Diligent Effort to Pull Casing
- F. If casing cannot be pulled...
  - i. Run Bond Log
- Log WV Department of Environmental Protection

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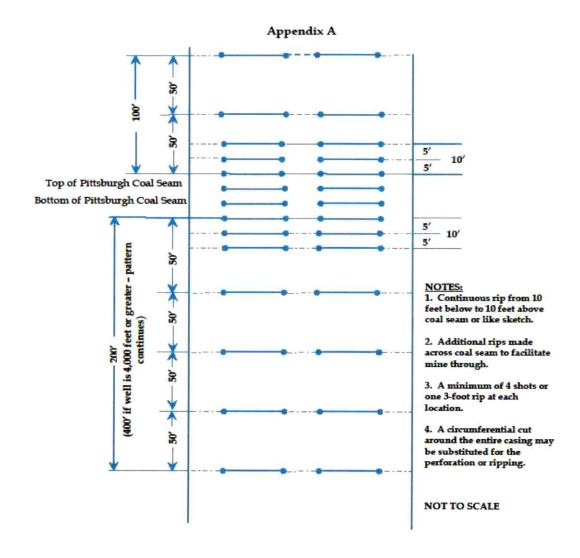
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- Discuss Action Plan with Mine Personal
   Notify MSHA that casing cannot be pulled
- iii. Cut, rip, or perforate every 200'. First cut will be 200' above the end of casing up to 200' below Pittsburgh coal
  - 1. MSHA can waive 200' cuts if bond log shows adequate material behind casing.
- iv. Cut, Rip, or Perforate every 50' from 200' below Pittsburgh to 100' above Pittsburgh (see Appendix A).
- v. Cut, Rip, or Perforate every 5' from 10' below Pittsburgh Coal to 10' above Pittsburgh (see Appendix A).
- G. Pump Class A Cement from TD to 200' below Pittsburgh
- H. Pump Thixotropic Cement from 200' below Pittsburgh to 100' above
- I. Pump Class A cement from 100' above Pittsburgh to surface.
- J. Install Well Marker

#### III. Abandoned Well

- A. Check for Methane
  - i. Notify MSHA if actively producing methane
- B. Kill Well
- C. If well is less than 4,000' deep, clean out well 220' below Pittsburgh (cleanout an extra 20' to allow for variance in coal elevation).
- D. If well has casing, make diligent effort to pull casing as defined above.
- E. If casing cannot be pulled...
  - i. Run Bond Log
  - ii. Notify MSHA that casing cannot be pulled
  - iii. Cut, Rip, or Perforate every 50' from 200' below Pittsburgh to 100' above Pittsburgh (see Appendix A).

- iv. Cut, Rip, or Perforate every 5' from 10' below Pittsburgh Coal to 10' above Pittsburgh (see Appendix A).
- F. Pump expanding cement under 200 PSI to form a plug 200' below Pittsburgh
- G. Verify plug
- H. Pump Class A Cement from verified plug to 200' below Pittsburgh
- I. Pump Thixotropic Cement from 200' below Pittsburgh to 100' above
- J. Pump Class A cement from 100' above Pittsburgh to surface.
- K. Install well marker



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\*\*\*If the depth is greater than 4,000 feet, all 200' number change to 400' respectively

WV Department of Environmental Protection In the matter of: The Marshall County Coal Company Marshall County Mine I.D. No. 46-01437

Petition for modification

Docket No. M-2016-016-C

#### **PROPOSED AMENDED DECISION AND ORDER**

On May 31, 2016, a Petition was filed seeking a modification of the application of 30 C.F.R. § 75.1700 to The Marshall County Coal Company's Marshall County Mine located in Marshall 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 wells into the underground coal seams. The Petitioner requests to amend their current PDO granted on May 15, 1989, under Docket M-1988-199-C formerly known as McElroy Coal Company, McElroy Mine to the alternate method stipulated in the April 29, 2013 PDO granted to ACI Tygart Valley, Leer Mine.

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:

#### § 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 replugging, 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 July 27, 2016, MSHA personnel conducted an investigation of the Petition and filed a report of their findings with the Administrator for Coal Mine Safety and Health. The modification granted under Docket No. M-1988-199-C will be superseded and replaced by this amended modification granted under Docket No. M-2016-016-C after this Proposed Amended Decision and Order becomes final.

The mine is represented by United Mine Workers of America (UMWA), AFL-CIO, CLC-1638 with miners' representatives and did not file any questions or comments on behalf of the miners.

After review of the parties' submissions and Joint Motion for Settlement, the following Decision and Order is issued.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Marshall County Mine employs approximately 712 miners and produces approximately 50,000 tons of bituminous coal per day from the Pittsburgh #8 coal seam with an average mine height of 66 inches. At this time, there are no coal seams being mined below (i.e., stratigraphically down section from) the Pittsburgh seam. The mine is accessed through 2 slope and 12 air shafts. The mine operates 3 production shifts per day, 5 days per week, on five working sections, two longwall and three advancing gate sections utilizing continuous mining machines. The mine liberates 11,659,131 cubic feet of methane on a daily basis.

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 #8 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 Decision and Order reflects the settlement between the Petitioner's proposal and the amended terms and conditions first set forth by MSHA, under the terms set forth below. The major points of compromise include the following:

1. Making a diligent effort to remove the casing to the original total depth. If all of the casing can be removed, or if the well contains no casing, the operator shall

prepare the well for plugging, and use seals described below, for wells less than 4,000' depth to seal to 200 feet below the coal seam to be mined, or the lowest mineable seam, whichever is lower, or for wells 4,000' deep or greater, seal 400 feet below the coal seam to be mined, or lowest mineable seam, whichever is lower. MSHA retains the right to review and direct the operator's sealing protocol, in the event geologic or well conditions require further measures. As used in this Proposed Amended Decision and Order, in order to make a diligent effort to remove the casing, the operator shall pull a minimum of 150% of casing string weight and/or have made at least three attempts to spear or overshot to grip the casing for the required minimum pull effort. Where casing string length is unknown, a 3,000' casing string will be assumed. The operator shall keep a record of these efforts, including casing length and weights, and make available for MSHA review. The District Manager reserves the right to require additional measures in efforts to remove casing, as appropriate.

- 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. MSHA and the operator will work cooperatively to establish a communications protocol, so that the operator may contact the District Manager while working outside normal working hours.
- 3. Cement. Cement is specified to be used as a plugging material, instead of an unnamed "approved equivalent," as requested by Petitioner.
- 4. Wells vary in depth. The terms and conditions required by MSHA will require operator to prepare these wells for safe intersection by making a diligent effort to remove casing to the total depth if possible, then: cleaning to and setting a plug at least 200' below the coal seam to be mined or lowest mineable seam, whichever is lower; or for wells 4,000' or greater, to at least 400 feet below the coal seam to be mined, or lowest mineable seam, whichever is lower. The operator will then plug from either the attainable bottom or the newly installed plug, as applicable, by pumping expanding cement slurry and pressurizing to at least 200 psi. If the total depth is not reached and casing cannot be removed, these alternative methods included in this proposed decision and order have proven to be safe and effective when properly implemented.
- Notification Where the operator is required to notify the District Manager
  pursuant to the terms of this Proposed Decision and Order, the method of
  notification will be set forth in the cut-through procedures for each well. The

District Manager agrees to provide a number wherein he or his designee is available at all times.

Therefore, the terms and conditions as amended will at all times guarantee no less than the same measure of protection afforded the miners under 30 C.F.R. § 75.1700 for all wells regardless of depth. On the basis of the Petition, comments received, the findings of MSHA's investigation, and the parties' Joint Motion for Settlement, the Marshall County Coal Company is granted a modification of the application of 30 C.F.R. § 75.1700 to its Marshall County Mine.

#### **ORDER**

Under the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, 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 The Marshall County Coal Company's Marshall County Mine is hereby:

GRANTED, subject to the following terms and conditions:

#### 1. <u>DISTRICT MANAGER APPROVAL REQUIRED</u>

- 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, the person at the mine who is in charge of health and safety at the mine, 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.

The affidavit or declaration must be accompanied by all logs, electronic or otherwise, 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. 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 the well is actively producing gas.

(1) A diligent effort shall be made to remove all the casing in the well and clean the well to 200'below the coal seam to be mined, or the lowest mineable coal seam, whichever is lower, or for wells 4,000' or greater, clean the well to 400'below the coal seam to be mined, or the lowest mineable coal seam, whichever is lower.

If 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 coal seam to be mined, 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 coal seam to be mined. Wells of this greater depth are under greater pressure, so the 400 feet requirement provides greater protection for miners. The operator shall make a diligent effort to 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.

Where active wells which are no longer producing are being cleaned and prepared subject to this order, the operator must: 1) attempt to remove all of the casing using a diligent effort, and comply with all other applicable provisions in this order, or 2) if the casing cannot be removed from the total depth, must be filled with cement from the lowest possible depth to 200 feet below the seam to be mined or lowest mineable coal seam, whichever is lower for wells less than 4,000′, or 400 feet below the seam to be mined or lowest mineable coal seam, whichever is lower, for wells 4,000′ or greater, and the other applicable provisions in this order still apply, or 3) if the casing cannot be removed it shall be perforated from 200 feet below the coal seam to be mined, or lowest mineable seam, whichever is lower, or 400 feet below the seam to be mined or lowest mineable coal seam, whichever is lower, for wells 4,000′ or greater, and the annuli shall be cemented or otherwise filled, and the other applicable provisions in this order still apply.

(2) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a bond log if appropriate, a deviation survey, and a gamma survey for determining the top, bottom, and thickness of all coal seams down to the coal seam to be mined, or the lowest mineable coal seam, whichever is lower, 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. Thereafter, the well should be plugged to the attainable bottom, at least 200 feet below the coal seam to be mined or lowest mineable seam, whichever is lower, 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 sufficient intervals 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. All casing remaining at the coal seam to be mined 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 mineable coal seam up to 100 feet above the uppermost mineable coal seam. For perforations in the Pittsburgh 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.

Jet/sand cutting is one method for ripping or perforating casing with three or more strings of casing in the Pittsburgh coal seam in preparation for mining. This method uses compressed nitrogen gas and sand to cut the well casings as outlined in Appendix A. On active wells cuts start at 200' above the bottom of the casing at 200' intervals, to 200' below the bottom of the Pittsburgh coal seam where Appendix A outlines cut interval minimums.

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 hydrocarbon producing strata.

(5) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the coal seam to be mined, or lowest mineable seam, whichever is lower, 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.

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 coal seam to be mined, or lowest mineable seam, whichever is lower, 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 coal seam to be mined, or lowest mineable seam, whichever is lower, (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 coal seam to be mined, or lowest mineable seam, whichever is lower, 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 4inch 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.
  - (iv) This provision does not apply to traditional degasification holes

which have not intersected the seam to be mined, have not commercially produced gas and have no API number.

# 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 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 coal seam to be mined, or lowest mineable seam, whichever is lower, 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 coal seam to be mined, or lowest mineable seam, whichever is lower, 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 coal seam to be mined, or lowest mineable seam, whichever is lower, 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 bond log if applicable, a deviation survey, and a gamma log for determining the top, bottom, and thickness of all coal seams down to the coal seam to be mined, or lowest mineable seam, whichever is lower, 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.
- 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 inby the well a sufficient distance to permit adequate ventilation around the area of the well.
- 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 available 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.
- 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 longwall panel or if a development section misses the anticipated intersection, the operator shall cease mining to examine for hazardous conditions at the projected location of the well, notify the District Manager, and take reasonable measures to locate the well, including visual observation/inspection or through survey data. Mining may resume if the well is located and no hazardous conditions exist. If the well cannot be located, the mine operator shall work with District Manager to resolve any issues before mining resumes.

- 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 replugging has been completed.
- 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.

SUBJECT TO THE ABOVE TERMS AND CONDITIONS, and under the authority delegated by the Secretary of Labor to the Administrator for Coal Mine Safety and Health, 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 The Marshall County Coal Company's Marshall County Mine is hereby **GRANTED**.

#### **DISTRIBUTION**

Winfield Wilson
Office of the Solicitor, U.S. Dept. of Labor
201 12th St S, Suite 401
Arlington, VA 22202

Christopher D. Pence Hardy Pence PLLC 500 Lee Street East, Suite 701 Charleston, WV 25301

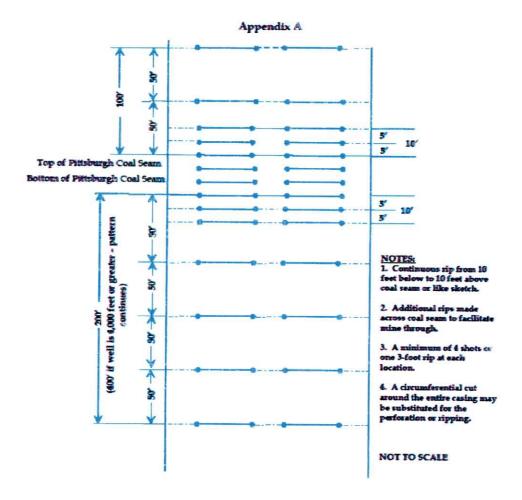
Stephen Gigliotti
Coal Mine Safety & Health, Safety Division
Mine Safety and Health Administration, U.S. Dept. of Labor
201 12th St S, Suite 401
Arlington, VA 22202

Sheila McConnell
Office of Standards Regulations and Variances
Mine Safety and Health Administration, U.S. Dept. of Labor
201 12th St S, Suite 401
Arlington, VA 22202

Jay Hores Marshall County Coal Company 1 Bridge Street Monongah, WV 26554

Greg J. Norman, Director West Virginia Office of Miners' Health Safety & Training #7 Players Club Dr. Suite 2 Charleston WV 25311

Jerry M. Blake UMWA Representative, Marshall County Coal Mine 902 Wheeling Avenue Glen Dale, West Virginia 26038



WW-4A	
Revised	6-07

1) Date:	JANUARY	19, 20	24	
2) Operator's Well Number	er			
,	M-174	<b>1</b> 7		_
3) API Well No.: 47 -	051	-	00718	

# STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS NOTICE 0F APPLICATION TO PLUG AND ABANDON A WELL

4)		ner(s) to be served:	5) (a) Coal Operator	
	(a) Name	JOHN E. ARTIMEZ JR. ET AL	Name	WEST VIRGINIA LAND RESOURCES INC.
	Address	P.O. BOX 726	Address	1 BRIDGE STREET
		MOUNDSVILLE, WV 26041		MONONGAH, WV 26554
	(b) Name		(b) Coal Own	ner(s) with Declaration
	Address		Name	
			Address	
				Office Of Oil and Gas
	(c) Name		Name	
	Address		Address	FEB <b>2 1</b> 2024
6) ]	Inspector	STRADER GOWER	(c) Coal Less	see with Declaration
	Address	2525W ALEXANDER RD.	Name	Environmental Protection
		VALLEY GROVE, WV 26060	Address	
	Telephone	(304) 993-6188		

#### 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.

CH WIST ME	JOHN PAUL MCFARLAND
E MARKETE	Notary Public Official Seal
	State of West Virginia
	My Comm. Expires Apr 24, 2028
6126 Ener	gy Drive Moundsville WV 26041

Well Operator	WEST VIRGINIA LAND RESOURCES INC.	
By:	JAY HORES	
Its:	PROJECT ENGINEER	
Address	6126 ENERGY ROAD	
	MOUNDSVILLE, WV 26041	
Telephone	(304) 843-3565	

Subscribed and sworm before me this 24TH day of	JANUARY 2024
My Commission Expires April 24 <sup>7H</sup> , 2028	Notary Public

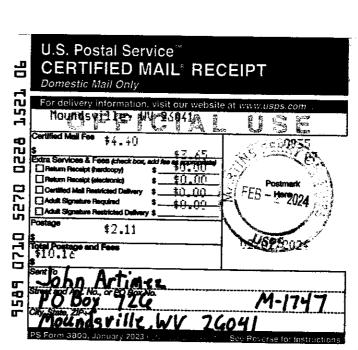
Oil and Gas Privacy Notice

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 <a href="deprivacyoffier@wv.gov">deprivacyoffier@wv.gov</a>.

RECEIVED
Office Of Oil and Gas

FEB 21 2024

WV Department of Environmental Protection



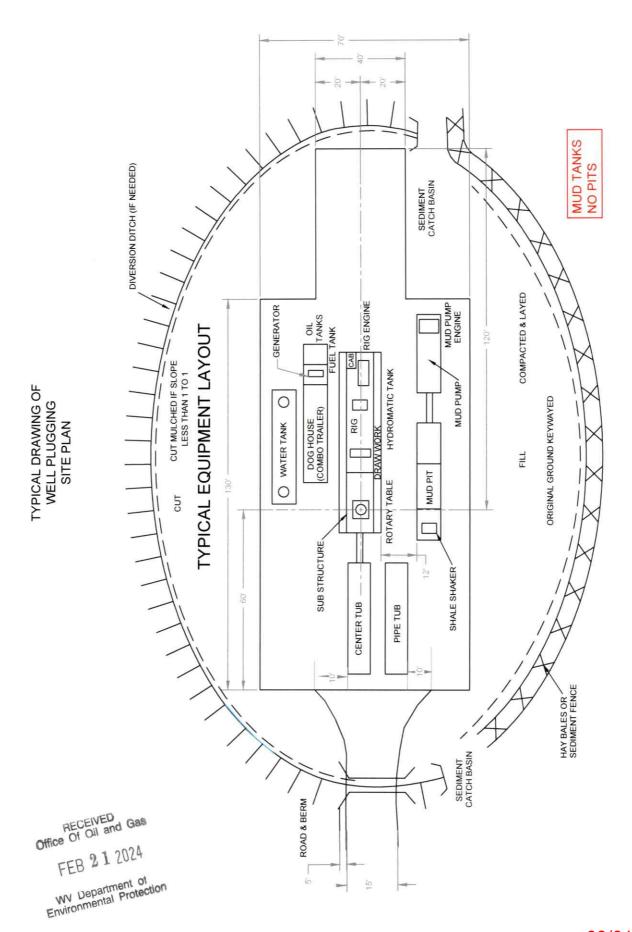
API Number 47 -	051	-	00718	
Operator's Well No.				

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

FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name WEST VIRGINIA LAND RESOURCES INC. OP Code	
Watershed (HUC 10) HARTS RUN OF PENNSYLVANIA FORK OF FISH CREEK Quadrangle CAMERON WV,PA	
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 No	_ 110
If so, please describe anticipated pit waste:	
Will a synthetic liner be used in the pit? Yes No If so, what ml.?	
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 Tanks, see attached letter	)
Will closed loop system be used? If so, describe: Yes. Gel circulated from tank thru well bore and returned to	o tank
Drilling medium anticipated for this well (vertical and horizontal)? Air, freshwater, oil based, etc. Gel or C	Dement
-If oil based, what type? Synthetic, petroleum, etc	
Additives to be used in drilling medium? Bentonite, Bicarbonate of Soda	RECEIVED
Drill cuttings disposal method? Leave in pit, landfill, removed offsite, etc. Shaker cutting buried on site.	Office Of Oil and Gas
-If left in pit and plan to solidify what medium will be used? (cement, lime, sawdust) N/A	FEB 2 1 2024
-Landfill or offsite name/permit number? N/A	WV Department of Environmental Protection
Permittee shall provide written notice to the Office of Oil and Gas of any load of drill cuttings or associate West Virginia solid waste facility. The notice shall be provided within 24 hours of rejection and the permitt where it was properly disposed.	d waste rejected at any
I certify that I understand and agree to the terms and conditions of the GENERAL WATER POL on April 1, 2016, by the Office of Oil and Gas of the West Virginia Department of Environmental Protect provisions of the permit are enforceable by law. Violations of any term or condition of the general permit as or regulation can lead to enforcement action.  I certify under penalty of law that I have personally examined and am familiar with the information form and all attachments thereto and that, based on my inquiry of those individuals immediately the information, I believe that the information is true, accurate, and complete. I am aware that there are submitting false information, including the possibility of fine or imprisonment.  Company Official Signature  Company Official Title  Project Engineer  day of January , 20 2 4	tion. I understand that the and/or other applicable law rmation submitted on this responsible for o btaining
Notary Puris	

	ment: Acres Disturbed 1	Preveg etation pH	
Lime 3	Tons/acre or to correct to pl	6.0	
Fertilizer type 10-2	0-20 or equivalent		
Fertilizer amount 50	00	bs/acre	
Mulch 2	Tons	/acre	
	Se	d Mixtures	
Ter	mporary	Permanent	
Seed Type	lbs/acre	Seed Type lbs/ac	
Seed Mix in accordar	_	Seed Mix in accordance with W	
and Gas, Erosion an	ia Seaiment Control	and Gas, Erosion and Sediment	Contro
Field Manual		Field Manual	
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Maps(s) of road, location, pit provided). If water from the pl. W), and area in acres, of the coopied section of involving the coopi	oit will be land applied, provide whe land application area.  yed 7.5' topographic sheet.	rater volume, include dimensions (L. W. D) of the p	na ve been pit, and dim
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### WEST VIRGINIA LAND RESOURCES

## WEST VIRGINIA LAND RESOURCES

46226 National Road St. Clairsville, OH 43950

**phone:** 304.843.3565 **fax:** 304.843.3546

e-mall: JayHores@acnrinc.com

**JAY HORES**Project Engineer

January 24, 2024

Department of Environmental Protection Office of Oil and Gas 601-57<sup>th</sup> Street Charleston, WV 25320

To Whom It May Concern,

As per the Division of Environmental Protection, Office of Oil and Gas request, West Virginia Land Resources submits the following procedures utilizing pit waste.

Upon submitting a well work application (without a general permit for Oil & Gas Pit Waste Discharge Application), West Virginia Land Resources will construct no pits, but instead will use mud tanks to contain all drilling muds.

Once the well is completed, that material (minus the cave material) will be trucked to the next well to be plugged or to DEP facilities number U-0033-83, O-1001-00, U-1035-91U-46-84, U-78-83, O-1044-9, or U-100-83.

Sincerely,

Jay Hores
Project Engineer

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Office Of Oil and Gas

FEB **2 1** 2024

wv Department of Environmental Protection N/A

Pa	ge		of	
API Number 47	051	_ <b>-</b> _	00718	
Operator's Well No.				

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

GROUNDWATER PROTECTION PLAN
erator Name; WEST VIRGINIA LAND RESOURCES INC.
atershed (HUC 10); HARTS RUN OF PENNSYLVANIA FORK OF FISH CREEK Quad; CAMERON WV,PA
m Name:
List the procedures used for the treatment and discharge of fluids. Include a list of all operations that could contaminate the groundwater.
Describe procedures and equipment used to protect groundwater quality from the list of potential contaminant sources above.
List the closest water body, distance to closest water body, and distance from closest Well Head Protection Area to the discharge area.
RECEIVED Office Of Oil and Gas
FEB <b>2 1</b> 2024
WV Department of Environmental Protection
Summarize all activities at your facility that are already regulated for groundwater protection.

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

W W-9- GPP Rev. 5/16	N/A	Page of
6. Provide a statement that n	o waste material will be used for deicing	g or fill material on the property.
7. Describe the groundwater provide direction on how	r protection instruction and training to to prevent groundwater contamination.	be provided to the employees. Job procedures shall
3. Provide provisions and fre	equency for inspections of all GPP eleme	ents and equipment.
Signature:		
		RECEIVED Office Of Oil and Gas
Daic.		FEB <b>2 1</b> 2024

WV Department of Environmental Protection



### West Virginia Department of Environmental Protection Office of Oil and Gas

### WELL LOCATION FORM: GPS

WEEL EGONTION TOTAL GIR	
API:47-051-00718 WELL NO.:_	M-1747
FARM NAME: NORA MAE KUPFER	
RESPONSIBLE PARTY NAME: WEST VIRGINIA LAND RE	SOURCES INC.
COUNTY: MARSHALL DISTRICT: LI	BERTY
QUADRANGLE: CAMERON WV,PA	
SURFACE OWNER: JOHN E. ARTIMEZ JR	. ET AL
ROYALTY OWNER:	
UTM GPS NORTHING: 4,404,045 M	
UTM GPS NORTHING: 540,268 m GPS ELEVATION GP	<sub>ION:</sub> 449 m
preparing a new well location plat for a plugging permit or assigned A above well. The Office of Oil and Gas will not accept GPS coordinate the following requirements:  1. Datum: NAD 1983, Zone: 17 North, Coordinate Units: me height above mean sea level (MSL) – meters.  2. Accuracy to Datum – 3.05 meters  3. Data Collection Method: Survey grade GPSX: Post Processed Differential  Real-Time DifferentialX	es that do not meet eters, Altitude:  Office Of Oil and Ga FEB 2 1 2024
Mapping Grade GPS: Post Processed Differential	WV Department of Environmental Protection
Real-Time Differential	
4. Letter size copy of the topography map showing the we I the undersigned, hereby certify this data is correct to the best of my belief and shows all the information required by law and the regulation prescribed by the Office of Oil and Gas.	knowledge and
13. £0 PS 2002	JANUARY 19, 2024
Signature Title	Date

