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west virginia department of environmental protection

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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)

Wednesday, October 12, 2022  
PERMIT MODIFICATION APPROVAL  
Vertical / Plugging

DIVERSIFIED PRODUCTION LLC  
101 MCQUISTON DRIVE

JACKSON CENTER, PA 16133

Re: Permit Modification Approval for BEAVER 135  
47-081-01086-00-00

DIVERSIFIED PRODUCTION LLC

The Office of Oil and Gas has reviewed the attached permit modification for the above referenced permit. The attached modification has been approved and well work may begin. Please be reminded that the oil and gas inspector is to be notified twenty-four (24) hours before permitted well work is commenced.

If there are any questions, please feel free to contact me at (304) 926- 0450.

James A. Martin  
Chief

A handwritten signature in blue ink, appearing to read "James A. Martin", is written over the typed name and title.

Operator's Well Number: BEAVER 135  
Farm Name: BEAVER COAL CO. LTD.  
U.S. WELL NUMBER: 47-081-01086-00-00  
Vertical Plugging  
Date Modification Issued:

Promoting a healthy environment.

10/14/2022



**DIVERSIFIED**  
energy

To Whom it May Concern,

Attached is an amendment that has been submitted to Chief of the office of oil and gas of the West Virginia Department of Environmental Protection. The subject well is listed within the letter to the Chief.

Thank You.

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9/16/2022

James Martin  
Office of Oil and Gas  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
(304)926-0450

Mr. Martin,

Due to our cement provider, LaFarge Holcem, discontinuing the manufacturing of Class A cement, DGOC will be utilizing Class L cement to plug the following well:

4708101086 BEAVER COAL CO LTD BEAVER 135

Attached is the approved variance order for use of Class L cement.

Sincerely,

Austin Sutler  
Asset Retirement Manager

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

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

**BEFORE THE OFFICE OF OIL AND GAS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE OF WEST VIRGINIA**

**IN THE MATTER OF A VARIANCE FROM )  
LEGISLATIVE RULE 35CSR4 )  
SECTION 14.1. AND LEGISLATIVE RULE )  
35CSR8 SECTION 20.1, )  
RELATING TO THE CEMENTING )  
OF OIL AND GAS WELLS )**

**ORDER NO. 2022-13**

**REPORT OF THE OFFICE**

In response to industry requests, the West Virginia Department of Environmental Protection, Office of Oil and Gas has reviewed the proposed use of American Petroleum Institute (API) Class L cement to be used in place of API Class A cement for well plugging.

**FINDINGS OF FACT**

1. On July 28, 2022, Diversified Gas & Oil Co. (DGO) submitted a variance request to Legislative Rule 35CSR4 for the use of API Class L cement in place of API Class A cement, relating to the plugging of conventional wells.
2. Laboratory analysis submitted by DGO on July 28, 2022, indicates API Class L cement is comparable to API Class A cement and thereby satisfies the requirements of the West Virginia Code.
3. Contemporaneously, the Chief of the Office of Oil and Gas also chose to consider a variance to Legislative Rule 35CSR8 Section 20.1., for the use of API Class L cement in place of API Class A cement, relating to the plugging of horizontal wells.

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4. On August 18, 2022, the Office of Oil and Gas provided public notice of acceptance of public comments on the variance consideration. During the 20-day public comment period, no comments were received.

### CONCLUSIONS OF LAW

Pursuant to Article 6 and Article 6A, Chapter 22 of the Code of West Virginia, the Office of Oil and Gas has jurisdiction over the subject matter, and the persons interested therein, and jurisdiction to promulgate the hereinafter prescribed Order.

Pursuant to Legislative Rule 35CSR4, Section 18 and Legislative Rule 35CSR8, Section 14, the Chief of the Office of Oil and Gas may grant a variance from any requirement of these rules.

### ORDER

It is ordered that the Class L cement product approved and monogrammed by API is approved for use in place of API Class A cement for well plugging subject to the provisions of Legislative Rule 35CSR4 and Legislative Rule 35CSR8.

Dated this, the 13th day of September, 2022.

IN THE NAME OF THE STATE OF WEST VIRGINIA

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



James Martin, Chief  
Office of Oil and Gas

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47-081-01086

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Beaver, WV 25813

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
<b>Total P</b>	<b>\$8.85</b>

0523  
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47-081-01086 Beaver #135 09/19/2022

Sent To: Beaver Coal Limited Company  
 Street: 354 Log Cabin Road  
 City, S: Beaver, WV 25813

PS For Instructions

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

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## Modification approval cement variance

1 message

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

Wed, Oct 12, 2022 at 10:41 AM

To: Austin Sutler <asutler@dgoc.com>, Phyllis Copley <pcopley@dgoc.com>, Gary L Kennedy <gary.l.kennedy@wv.gov>


To whom it may concern, a modification has been approved for plugging permits 4708101086, 08101063, 08100502.


James Kennedy


WVDEP OOG

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### 3 attachments

 **4708101086.pdf**  
781K

 **4708101063.pdf**  
818K

 **4708100502.pdf**  
776K

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