



west virginia department of environmental protection

Office of Oil and Gas
601 57th Street
Charleston, WV 25304
(304) 926-0450 fax (304) 926-0452

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

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

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

DATE: March 13, 2025

ORDER NO.: 2025-1

INTRODUCTION

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

FINDINGS OF FACT

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

1. OOG, an office within the West Virginia Department of Environmental Protection, is the agency with the duty and authority to execute and enforce W. Va. Code § 22-6-1 *et seq.*, and the rules and regulations promulgated thereunder.
2. Diversified is a “person” as defined by W. Va. Code § 22-6-1(n), with an official address registered with OOG as 101 McQuiston Drive Jackson Center, PA 16133.
3. Diversified is the “owner” as defined by W. Va. Code § 22-6-1(l) of well API number 47-005-01290.
4. On March 11, 2025, Diversified submitted a request to OOG for an emergency permit to plug well API number 47-005-01290 due to the well discharging water to the surface. A well plugging permit application was also submitted to OOG containing the proposed plugging procedure.

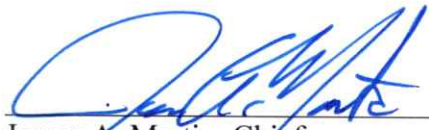
CONCLUSIONS OF LAW

1. West Virginia Code § 22-1-6(d) requires, in part, that “[i]n addition to other powers, duties and responsibilities granted and assigned to the secretary by this chapter, the secretary is authorized and empowered to...(3) Enter private lands to make surveys and inspections for environmental protection purposes; to investigate for violations of statutes or rules which the department is charged with enforcing; to serve and execute warrants and processes; to make arrests; issue orders, which for the purposes of this chapter include consent agreements; and to otherwise enforce the statutes or rules which the department is charged with enforcing...”
2. West Virginia Code § 22-6-6(g) provides that “[...]he director may waive the requirements of this section and sections nine, ten and eleven of this article in any emergency situation, if the director deems such action necessary. In such case the director may issue an emergency permit which would be effective for not more than thirty days, but which would be subject to reissuance by the director.”

ORDER FOR COMPLIANCE

Now therefore, in accordance with W. Va. Code §§ 22-1-6(d) and 22-6-6(g) it is hereby ORDERED by the Chief:

1. Diversified’s request for an emergency permit is granted.
2. Diversified shall plug well API number 47-005-01290 in compliance with the approved plan attached hereto as Exhibit A and all pertinent statute and rule requirements. Any variation to the approved plugging plan must have prior approval from OOG.



James A. Martin, Chief
Office of Oil and Gas

West Virginia Department of Environmental Protection

3-13-25

Date



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 21, 2025
WELL WORK PLUGGING PERMIT
Vertical Plugging

DIVERSIFIED PRODUCTION LLC
101 MCQUISTON DRIVE

JACKSON CENTER, PA 16133

Re: Permit approval for 8-44
47-005-01290-00-00

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

A handwritten signature in blue ink, appearing to read "James A. Martin", is written over a blue circular stamp.

Operator's Well Number:
Farm Name: POND FORK COAL CO.
U.S. WELL NUMBER: 47-005-01290-00-00
Vertical Plugging
Date Issued: 3/21/2025

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.

1) Date March 7, 2025
2) Operator's
Well No. Pond Fork 8-44
3) API Well No. 47-005 - 01290

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 756.65' Watershed Pond Fork
District Crook County Boone Quadrangle Peytona 7.5'
- 6) Well Operator Diversified Production, LLC 7) Designated Agent Chris Veazey
Address 414 Summers Street Address 414 Summers Street
Charleston, WV 25301 Charleston, WV 25301
- 8) Oil and Gas Inspector to be notified 9) Plugging Contractor
Name Terry Urban Name Next LVL Energy (Diversified Owned)
Address PO Box 1207 Address 104 Helliport Loop Rd
Clendenin, WV 25045 Bridgeport, WV 25330

10) Work Order: The work order for the manner of plugging this well is as follows:

See Attached

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Office Of Oil and Gas
MAR 11 2025
WV Department of
Environmental Protection

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

Work order approved by inspector _____ Date _____

03/28/2025

Exhibit A

Plugging Prognosis

API #: 47-005-01290

West Virginia, Boone County

Lat/Long – 38.XXXXXX, -81.XXXXXX

Nearest ER: Boone Memorial Hospital: Emergency Room – 701 Madison Ave, Madison, WV 25130

Casing Schedule

10" @ 24' – Cementing Information Unknown

8-1/4" @ 442' – Cementing Information Unknown, very hard to read record

6-5/8" @ 1710' – Cementing Information Unknown – Very hard to read record

2" @ 1905' (possibly 1985') – No packer or cementing information – Very hard to read record

TD @ 2430' – Very hard to read record

Completion: No Record of completion

Fresh Water: 844', 1349', 1370' – Very hard to read well record

Salt Water: 844', 1349', 1370' - Very hard to read well record

Gas Shows: 1730', Can not read other depth – Maybe 1850'?

Oil Shows: None Reported

Coal: None Reported

Open Mine: None Reported

Elevation: 750.75'

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MAR 11 2025

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1. Notify Inspector Terry Urban @ 304-549-5915, 48 hrs prior to commencing operations.
2. Install cellar and divert water away from wellhead.
3. Mat location.
4. MIRU service rig and ancillary equipment.
5. Check and record pressures on csg/tbg. Blow down and kill well as necessary.
6. Check TD w/ sandline/tbg.
7. Attempt to TOOH w/ 2" tbg, laying down.
8. At the earliest point possible, verify depth of water influx/bottom of mine shaft. If 6-5/8" still has integrity this will not be possible until 6-5/8" is removed down to and below point of water influx/mine shaft. This can be accomplished by TIH w/ tbg and observance of water flow up tbg and when it stops. If not, can pump dyed water down tbg and observe if dye returns to surface and when it stops returning to surface.
9. Once 2" tbg is out of well and if 6-5/8" is not parted at point of water influx, free point 6-5/8" csg. Record for later use.
10. Pump 6% Bentonite gel between each plug.
11. TIH w/ tbg to 2400'. Kill well as needed with 6% bentonite gel and fill rat hole with gel. Pump at least 40 bbls gel. Pump 800' Class L/Class A cement plug from 2400' to 1600' (Berea, Injun, Big Lime/Gas Show, & 6-5/8" Csg Shoe Plug). Approximately 245 sks @ 1.14 yield using 8" O.H. (Actual hole size unknown). WOC. Tag TOC. Top off as needed. Do not omit any plugs listed below. Perforate as needed (bottom 110' of 6-5/8" csg). Can break into two plugs if operationally necessary.
12. Depending on free point of 6-5/8" and if it's rotted off at point of water inflow or not, rip/shoot 6-5/8" csg and TOOH. Set 100' Class L/Class A cement plug across csg cut. 50'

See Additional Page

03/28/2025

- in/out of cut. TOOH w/ tbg to top of plug. Approximately 25 sks @ 1.14 yield. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed.**
13. This may be the first point where it's possible to verify depth of water influx/bottom of mine shaft.
 14. TIH w/ tbg to 1420'. Pump 626' Class L/Class A cement plug from **1420' to 794' (Water Show Plug)**. Approximately 192 sks @ 1.14 yield using 8" O.H. (Actual hole size unknown). WOC. Tag TOC. Top off as needed. **Do not omit any plugs listed below. Perforate as needed if 6-5/8" was not able to be removed.**
 15. TOOH w/ tbg.
 16. Perforate 8-1/4" csg @ 440', 420', 400', 380', 360', & 340'.
 17. TIH w/ tbg to 542'. Pump 200' Class L/Class A cement plug from **542' to 342' (8-1/4" Csg Shoe Plug)**. Approximately 82 sks @ 1.14 yield using 9-1/4" O.H. (Actual hole size unknown). WOC. Tag TOC. Top off as needed. **Do not omit any plugs listed below.**
 18. TOOH w/ tbg.
 19. Perforate 8-1/4" between collars 5'-10' above top of previous plug.
 20. TIH w/ tbg to perforations and squeeze 8-1/4" csg from approximately 332' to bottom of water influx/mine shaft. Approximately 30 sks @ 1.14 yield. Pump until you see cement coming back to surface in the water stream from the water influx. WOC. Tag TOC. Top off as needed. **Do not omit any plugs listed below.**
 21. TIH w/ tbg to TOC from previous plugs. Pump cement plug inside 8-1/4" to bottom of water influx/mine shaft.
 22. Fabricate wellhead to allow bullheading of cement down the 8-1/4".
 23. Shut in wellhead.
 24. Cement from top of water influx/top of mine shaft to surface on 8-1/4" by bullheading 100 sks **Expanding Class L/Class A** cement down 8-1/4" csg. Calculated @ approximately 25 sks @ 1.14 yield. WOC.
 25. Reclaim location and well road to WV DEP specifications and erect P&A well monument.

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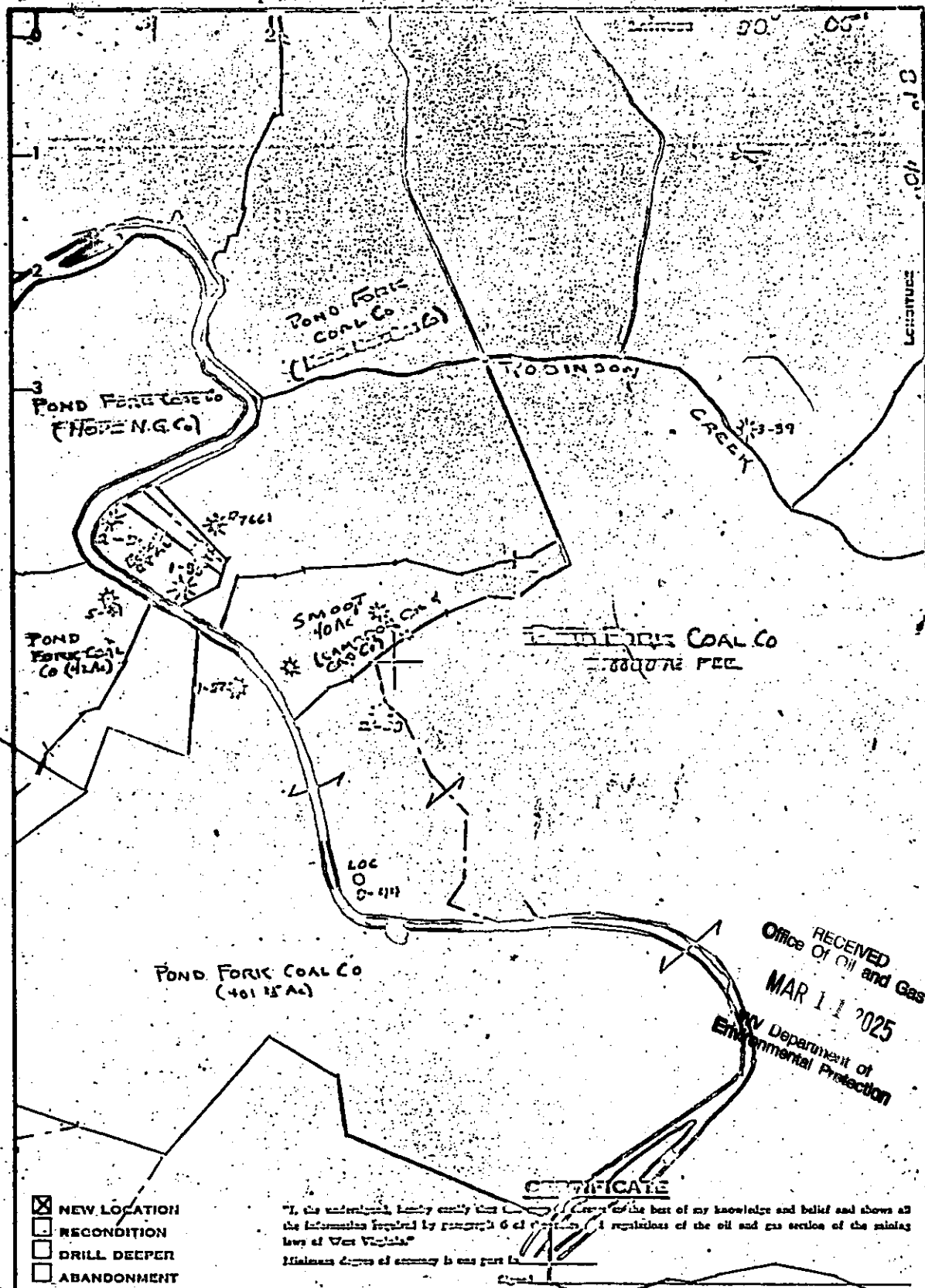
See Additional Page

03/28/2025 2

ONE of Records Say Berea Grit has been
Plugged back -- NEED to Dye +bg right off GET GO
this will tell your next step -- If It calculates
to be on Bottom without NO communication with
Dye - then procede with Gel & Cont plug - Calculations
on Cement would be consumed with BBL to Circulate

Now when you get big water (mine shaft)
this plan will probably be Day to Day to get
water shut off

Ray and Mike
3-11-25
If well is Flowing When well is removed this
Changes the plan -- Remove +bg & packer T1H with Work
String -- to TD & head with Gel & then set bottom plug



- ☒ NEW LOCATION
- ☐ RECONDITION
- ☐ DRILL DEEPER
- ☐ ABANDONMENT

"I, the undersigned, hereby certify that the above is a true and correct copy of the best of my knowledge and belief and shows all the information required by paragraph 6 of Chapter 11, Article 1, regulations of the oil and gas section of the mining laws of West Virginia."

Witness my hand and seal of office this 1st day of March, 1979.

COMPANY POND FORK OIL & GAS CO
 ADDRESS Box 800, S. CHARLESTON, W. VA. 25303
 FARM POND FORK COAL CO
 MAP 4401 ACRES 4401 LEASE NO. 1111
 WELL (FARM) NO. 2 SERIAL NO. 749 B
 ELEVATION (SPIRIT LEVEL) 749 B
 QUADRANGLE PRYORNA
 COUNTY BOONE DISTRICT GREENE
 POINT OF PROVEN ELEVATION
 FILE NO. (FEB 27, 1979) DRAWING NO. 102000
 DATE (FEB 27, 1979) SCALE 1" = 2000'

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

WELL LOCATION MAP

FILE NO. 005-1290

4 CORNER LOCATIONS OF TOWNS ON UNITED STATES TOPOGRAPHIC MAPS, SCALE 1" TO 62,500', LATITUDE AND LONGITUDE LINES BEING REPRESENTED BY BOLD LINES AS SHOWN.

4 CORNER LOCATIONS OF TOWNS ON UNITED STATES TOPOGRAPHIC MAPS, SCALE 1" TO 62,500', LATITUDE AND LONGITUDE LINES BEING REPRESENTED BY BOLD LINES AS SHOWN.

03/28/2025

Yorkoy No. 3 Yorkoy Oil Bo. 8005
 Crook District, Boone County, West Virginia S. Charleston, W.V. 25303
 Contractor: C.O. Nichols *Div 248.44 cu*
 Drillers: Jim Smith & M. McNamee *2-10-24*
 Commenced May, 26, 1923 Completed July 20, 1923. *28-50-44*
 Form: Pond Fork Coal Co. 8-44

Formation	Top	Bottom	Thickness	
Gravel & Sand	0	20	20	
Mud	20	25	5	
Slate & Lime	25	250	205	
Lime	230	305	75	Bailers water at 244
Sand	305	320	15	Bailers water at 1349
Slate & Lime	320	445	125	Hole full of water at 1370
Lime	445	535	90	
Grampus	535	753	203	Gas Show at 1730
Slate	736	750	12	Gas at 1650 11/10W"
Lime	760	780	10	
Slate	760	800	40	
Sand, etc.	800	950	150	
Slate	950	961	11	
Salt Sand	961	1160	219	
Slate	1170	1190	10	
Lime	1190	1200	10	
Slate	1200	1205	5	
Sand	1205	1211	6	
Slate	1211	1215	4	
Sand	1215	1221	6	
Slate & Lime	1221	1240	19	
Sand	1240	1438	198	
Slate	1438	1441	3	
Lime	1441	1443	2	
Red Rock	1440	1454	14	
Slate	1454	1475	21	
Murton	1475	1505	30	
Slate	1505	1533	33	
Lime	1533	1560	36	
Slate	1560	1593	33	
Little Lime	1593	1626	33	
Slate	1626	1630	4	
Lime	1630	1644	14	
Slate	1644	1647	3	
Lime	1647	1690	43	
Slate	1690	1694	4	
Pig Lime	1694	1805	111	
Upper Sand	1805	1833	28	
Slate & Shale	1833	2262	429	
Brown Shale	2262	2320	58	
Baren Grit	2320	2401	81	
Slate	2401	2430	29	

5 L
 - 1805
 + 249
 - 1136
 191

Casing Record		
Size	Ant. Used	Left In
10"	24'	21'
8-1/4"	442'	None
6-5/8"	1716'	1716'
2" tubing	1905	1905

005-1290

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1) Date: 3/7/2025
2) Operator's Well Number Pond Fork 8-44
3) API Well No.: 47 - 005 - 01290

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>Mitchell W. Smoot</u>	Name <u>Lexington Coal Company, LLC</u>
Address <u>428 King Ave.</u>	Address <u>1051 Main St. Ste 2</u>
<u>Madison, WV 25130</u>	<u>Milton, WV 25541</u>
(b) Name _____	(b) Coal Owner(s) with Declaration
Address _____	Name <u>Madison Coal Company, LLC</u>
	Address <u>201 2nd St. Ste 1200</u>
	<u>Macon, GA 31201</u>
(c) Name _____	Name _____
Address _____	Address _____
6) Inspector <u>Terry Urban</u>	(c) Coal Lessee with Declaration
Address <u>PO Box 1207</u>	Name _____
<u>Clendenin, WV 25045</u>	Address _____
Telephone <u>(304) 549-5915</u>	

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MAR 11 2025

TO THE PERSONS NAMED ABOVE: You should have received this Form and the following documents:
WV Department of
Environmental Protection

- (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 Diversified Production, LLC
By: Chris Veazey
Its: Director of Administration
Address 414 Summers Street
Charleston, WV 25301
Telephone 304-590-7707

Subscribed and sworn before me this 7th day of March, 2025
Jeffrey Bush Notary Public
My Commission Expires September 28, 2028

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.

03/28/2025

Diversified Gas & Oil Corporation
Permitting Department
414 SUMMERS STREET
2ND. FLOOR
CHARLESTON WV 25301

USPS CERTIFIED MAIL™



9407 1362 0855 1277 3507 04

MITCHELL W SMOOT
428 KING AVE
MADISON WV 25130-1616

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U.S. Department of
Environmental Protection

USPS
2025-03-10
25301
C4000004
Retail
4.0 OZ FLAT
POSTAGE AND FEES PAID
easypost
0901000010754

03/28/2025

Diversified Gas & Oil Corporation
Permitting Department
414 SUMMERS STREET
2ND FLOOR
CHARLESTON WV 25301

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USPS CERTIFIED MAIL™



9407 1362 0855 1277 3507 28



LEXINGTON COAL COMPANY LLC
1051 MAIN ST STE 2
MILTON WV 25541-1215

US POSTAGE AND FEES PAID
2025-03-10
25301
C40000004
Retail
4.0 OZ FLAT
0901000010754



03/28/2025

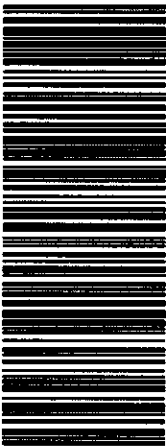
Diversified Gas & Oil Corporation
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9407 1362 0855 1277 3507 42

MADISON COAL COMPANY LLC
201 2ND ST STE 1200
MACON GA 31201-8272

US POSTAGE AND FEES PAID
2025-03-10
25301
C4000004
Retail
4.0 OZ FLAT



0901000010754

03/28/2025

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

Operator Name: Diversified Production, LLC OP Code 494524121

Watershed (HUC 10) Pond Fork Quadrangle Peytona 7.5'

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 ☒

If so, please describe anticipated pit waste: Production fluid and cement returns.

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

Proposed Disposal Method For Treated Pit Wastes:

- ☐ Land Application (if selected provide a completed form WW-9-GPP)
- ☒ * Underground Injection (UIC Permit Number 2D03902327 002)
- ☐ 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: N/A

Drilling medium anticipated for this well (vertical and horizontal)? Air, freshwater, oil based, etc. N/A

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

Additives to be used in drilling medium? N/A

Drill cuttings disposal method? Leave in pit, landfill, removed offsite, etc. N/A

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

-Landfill or offsite name/permit number? N/A

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 *Chris Veazey*

Company Official (Typed Name) Chris Veazey

Company Official Title Director of Administration



Subscribed and sworn before me this 7th day of March, 2025

Jeffrey Bush Notary Public

My commission expires September 8, 2028

03/28/2025

Proposed Revegetation Treatment: Acres Disturbed +/- 1 ac. Prevegetation pH N/ALime 3 Tons/acre or to correct to pH 6.5Fertilizer type 10-20-20 or EquivalentFertilizer amount 500 lbs/acreMulch 2 Tons/acre**Seed Mixtures**

Temporary		Permanent	
Seed Type	lbs/acre	Seed Type	lbs/acre
Red Fescue	40	Red Fescue	15
Alsike	5	Alsike Clover	5
Annual Rye	15		

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: _____

Comments: _____

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WV Department of
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Title: _____ Date: _____

Field Reviewed? (☐) Yes (☐) No

03/28/2025



DIVERSIFIED
energy

Date: 3/7/2025

James Martin
Office of Oil and Gas
601 57th 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:

API Number 4700501290 Well Name Pond Fork 8-44

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

Sincerely,

Diversified Energy Permitting Department

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03/28/2025



west virginia department of environmental protection

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

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

**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

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MAR 11 2025

WV Department of
Environmental Protection

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 from 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.

Promoting a healthy environment.

03/28/2025

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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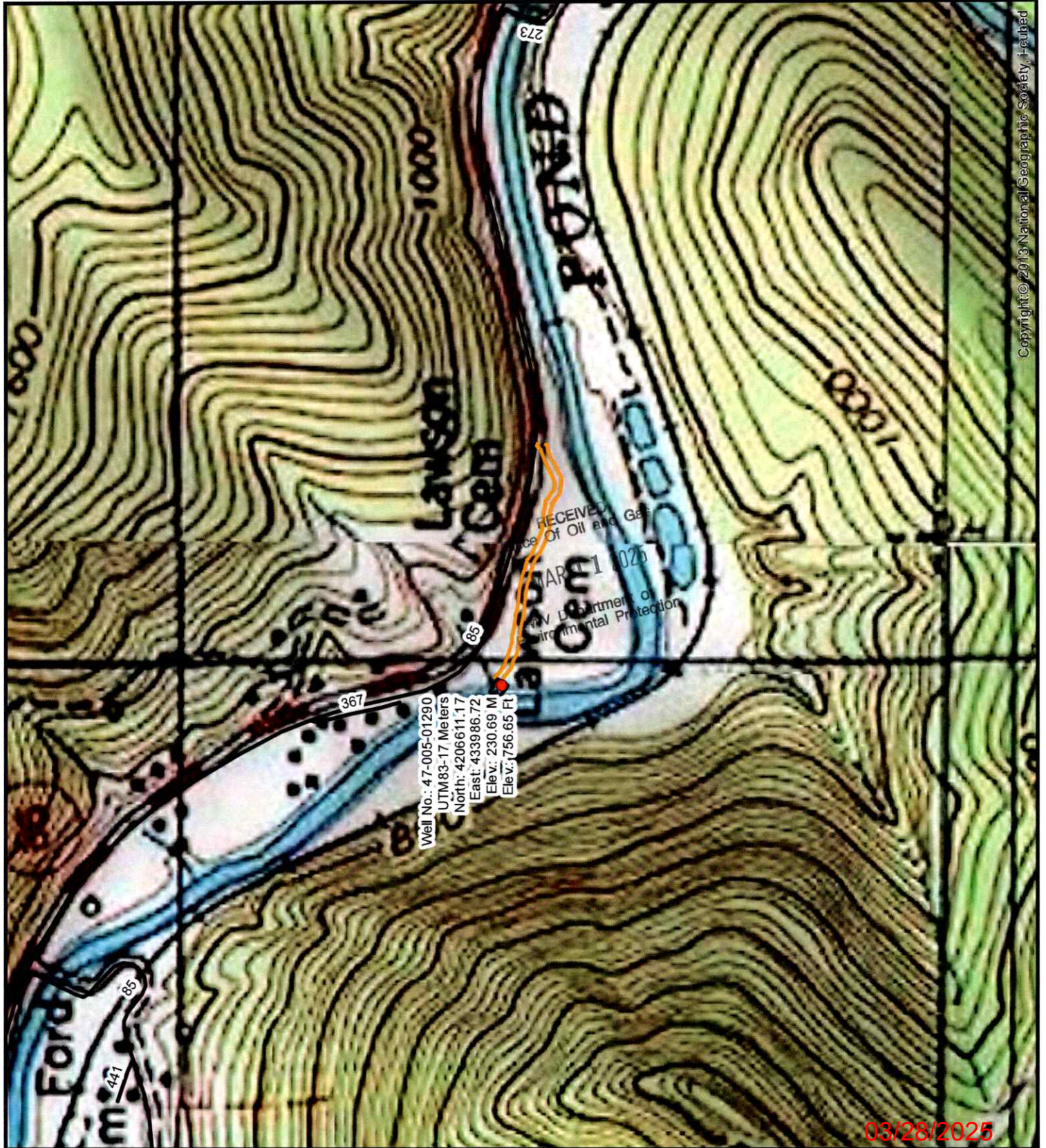
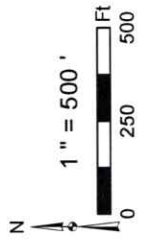
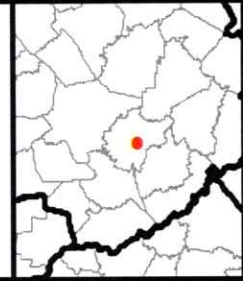
Diversified Gas & Oil
Corporation
100 Diversified Way
Pikeville KY, 41051

47-005-01290

Well Plugging Map

Legend

- Well
- Access Road
- Pits
- Pad
- Public Roads



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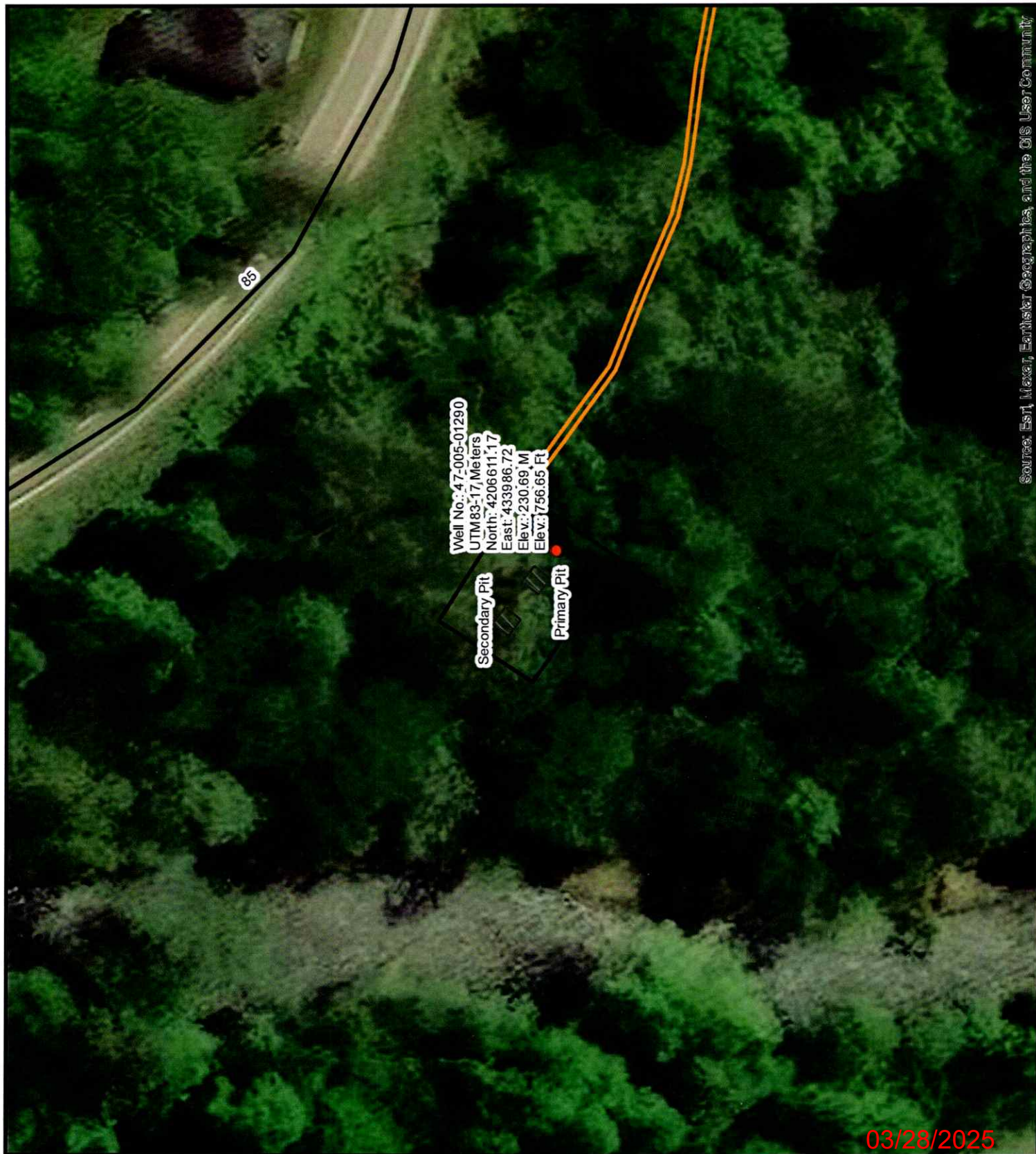
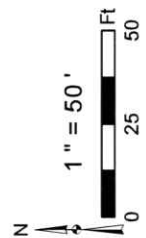
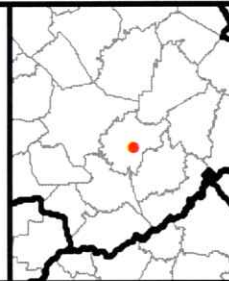
Diversified Gas & Oil
Corporation
100 Diversified Way
Pikeville KY, 41051

47-005-01290

Well Plugging Map

Legend

- Well
- Access Road
- Pits
- Pad
- Public Roads



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

03/28/2025

WW-7
8-30-06



West Virginia Department of Environmental Protection
Office of Oil and Gas
WELL LOCATION FORM: GPS

API: 4700501290 WELL NO.: Pond Fork 8-44

FARM NAME: Pond Fork Coal Co.

RESPONSIBLE PARTY NAME: Diversified Production, LLC

COUNTY: Boone DISTRICT: Crook

QUADRANGLE: Peytona 7.5'

SURFACE OWNER: Mitchell W. Smoot

ROYALTY OWNER: _____

UTM GPS NORTHING: 4206611.17

UTM GPS EASTING: 433986.72 GPS ELEVATION: 756.65'

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, Altitude: 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 X: Post Processed Differential X
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.

Chris Veazey
Signature

Chris Veazey - Director of Administration
Title

3/7/2025
Date

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WW-4B

API No.	4700501290
Farm Name	Pond Fork Coal Co.
Well No.	Pond Fork 8-44

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 ☐ / 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: _____

By: _____
Its _____

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SURFACE OWNER WAIVER

Operator's Well
Number

Pond Fork 8-44

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
601 57th 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	
		By	
		Its	Date

Signature

Date

03/28/2025

11/10/2016

PLUGGING PERMIT CHECKLIST
4700501290

Plugging Permit

- ☐ WW-4B
- ☐ WW-4B signed by inspector
- ☐ WW-4A
- ☐ SURFACE OWNER WAIVER or PROOF THAT APPLICATION WAS SENT BY REGISTERED OR CERTIFIED MAIL
- ☐ COAL OWNER/COAL OPERATOR/COAL LESSEE WAIVERS or PROOF THAT APPLICATION WAS SENT BY REGISTERED OR CERTIFIED MAIL
- ☐ WW-9 PAGE 1 (NOTARIZED)
- ☐ WW-9 PAGE 2 with attached drawing of road, location, pit and proposed area for land application
- ☐ WW-9 GPP PAGE 1 and 2 if well effluent will be land applied
- ☐ RECENT MYLAR PLAT OR WW-7
- ☐ WELL RECORDS/COMPLETION REPORT
- ☐ TOPOGRAPHIC MAP OF WELL, SHOWING PIT IF PIT IS USED
- ☐ MUST HAVE VALID BOND IN OPERATOR'S NAME
- ☐ CHECK FOR \$100 IF PIT IS USED

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

Plugging permit issued for 4700501290

1 message

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

Fri, Mar 21, 2025 at 10:19 AM

To: Terry W Urban <terry.w.urban@wv.gov>, Nicholas Bumgardner <nbumgardner@dgoc.com>, Chris Veazey <CVeazey@dgoc.com>, scook@wvassessor.com

To whom it may concern, a plugging permit has been issued for 4700501290.

James Kennedy

WVDEP OOG



4700501290.pdf

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03/28/2025