



west virginia department of environmental protection

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

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

Tuesday, January 3, 2023  
WELL WORK PLUGGING PERMIT  
Vertical Plugging

DIVERSIFIED PRODUCTION LLC  
101 MCQUISTON DRIVE

JACKSON CENTER, PA 16133

Re: Permit approval for M-11  
47-039-03170-00-00

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: BORSTEIN CORP.  
U.S. WELL NUMBER: 47-039-03170-00-00  
Vertical Plugging  
Date Issued: 1/3/2023

Promoting a healthy environment.

01/06/2023



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

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## plugging permit has been issued for 4703903170

1 message

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

Tue, Jan 3, 2023 at 1:39 PM

To: Terry W Urban <terry.w.urban@wv.gov>, Austin Sutler <asutler@dgoc.com>, Phyllis Copley <pcopley@dgoc.com>, sallierobinson@kanawha.us


To whom it may concern, a plugging permit has been issued for 4703903170.


James Kennedy

WVDEP OOG

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### 2 attachments

 **ir-8 4703903170.pdf**  
120K

 **4703903170.pdf**  
2555K

01/06/2023

# 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

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

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 X / Liquid injection \_\_\_ / Waste disposal \_\_\_ /  
(If "Gas, Production X or Underground storage \_\_\_) Deep \_\_\_ / Shallow X

5) Location: Elevation 783.25 feet Watershed Kanawha River  
District Cabin Creek County Kanawha Quadrangle Cedar Grove

6) Well Operator Diversified Production, LLC 7) Designated Agent Charles Shafer  
Address 414 Summers Street Address 414 Summers Street  
Charleston, WV 25301 Charleston, WV 25301

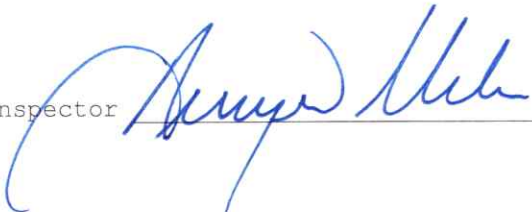
8) Oil and Gas Inspector to be notified 9) Plugging Contractor  
Name Terry Urban Name Next LVL Energy  
Address P.O. Box 1207 Address 1951 Pleasantview Ridge Road  
Clendenin, WV 25045 Ravenswood, WV 26164

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

See Attached

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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 12-2-22

01/06/2023

Plugging Prognosis

4703903170

API #: 4703903170

West Virginia, Kanawha Co.

Lat/Long: 38.20717, -81.38474

Nearest ER: CAMC Memorial Hospital 3200 MacCorkle Ave SE, Charleston, WV 25304

Casing Schedule:

- 10" @ 390' (no cement record listed)
- 8-1/4" @ 1080' (no cement record listed)
- 6-5/8" @ 1598' (no cement record listed)
- 3" @ 2037' (Set @ 1838' on 3x6-5/8"x16 Anchor Packer)
- TD @ 2028'

*Operator to pull free pipe*

Completion: 2018'; 1975'

Fresh Water: None listed

Salt Water: 800'

Gas Shows: 1858'-1860'; 1891'-1894'; 1915'-1922'; 1958'-1978'; 1981'-1985'

Oil Shows: None listed

Coal: 60'-68'; 370'-373'

Elevation: 1,086'

*Operator to cover with Cement all Oil & Gas production including Salt, Elevation, Coals & Freshwater*

1. Notify Inspector Terry Urban @ 304-549-5915, 48 hrs prior to commencing operations.
2. Check and record pressures on csg/tbg.
3. Release packer, pull and lay down 3" tbg.
4. Check TD w/ wireline and run CBL on 6-5/8" csg.
5. Run in to depth @ 1985'. Kill well as needed with 6% bentonite gel. Pump at least 10 bbls gel. Pump 227' C1A/Class L cement plug from **1985' to 1758' (Gas shows and perfs plug)** Tag TOC. Top off as needed.
6. TOOH w/ tbg to 1758'. Pump 6% bentonite gel from 1758' to 1648'.
7. TOOH w/ tbg to 1648'. Pump 100' C1A/Class L cement plug from **1648' to 1,548' (6-5/8" csg shoe plug)**
8. Free point 6-5/8" csg. Cut and TOOH. Set 100' C1A/Class L cement plug across csg cut. 50' in/out of cut. **Do not omit any plugs listed below. Perforate as needed.**
9. TOOH w/ tbg to 1548'. Pump 6% bentonite gel from 1,548' to 1,130'.
10. TOOH w/ tbg to 1,130'. Pump 144' C1A/Class L cement plug from **1,130' to 986' (8-1/4" csg shoe and elevation plug)**
11. TOOH w/ tbg to 986'. Pump 6% bentonite gel from 986' to 850'.
12. Free point 8-1/4" csg. Cut and TOOH. Set 100' C1A/Class L cement plug across csg cut. 50' in/out of cut. **Do not omit any plugs listed below. Perforate as needed.**
13. TOOH w/ tbg to 850'. Pump 100' C1A/Class L cement plug from **850' to 750' (saltwater plug)**
14. TOOH w/ tbg to 750'. Pump 6% bentonite gel from 750' to 440'.
15. TOOH w/ tbg to 440'. Pump 120' C1A/Class L cement plug from **440' to 320' (coal show and csg plug)**
16. TOOH w/ tbg to 320'. Pump 6% bentonite gel from 320' to 118'.
17. TOOH w/ tbg to 118'. Pump 118' C1A/Class L cement plug from **118' to surface (coal show and surface plug)**
18. Reclaim location and well road to WV DEP specifications and erect P&A well monument.

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*[Handwritten signature]*  
12-2-22

01/06/2023



4703903170

WW-4A  
Revised 6-07

1) Date: November 28, 2022  
2) Operator's Well Number  
1  
3) API Well No.: 47 - 039 - 03170

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>Brent &amp; Sharon Samples</u> | Name <u>None</u>                                |
| Address <u>P.O. Box 173</u>                | Address _____                                   |
| <u>Pratt, WV 25162</u>                     | _____   |
| (b) Name _____                             | (b) Coal Owner(s) with Declaration              |
| Address _____                              | Name <u>Eastern Associated Coal Corporation</u> |
| _____                                      | Address <u>P.O. Box 1001</u>                    |
| (c) Name _____                             | <u>Scott Depot, WV 25560</u>                    |
| Address _____                              | Name _____                                      |
| _____                                      | Address _____                                   |
| 6) Inspector <u>Terry Urban</u>            | (c) Coal Lessee with Declaration                |
| Address <u>P.O. Box 1207</u>               | Name <u>No Declaration</u>                      |
| <u>Clendenin, WV 25045</u>                 | Address _____                                   |
| Telephone <u>304-549-5915</u>              | _____   |

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

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

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

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



Well Operator Diversified Production, LLC  
 By: Austin Suttler  
 Its: Plugging Manager  
 Address 414 Summers Street  
Charleston, WV 25301  
 Telephone 304-419-2562

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Subscribed and sworn before me this 28th day of November, 2022  
Phyllis Copley Notary Public  
 My Commission Expires September 16, 2023

DEC 05 2022

WV Department of  
Environmental Protection

Oil and Gas Privacy Notice

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

01/06/2023

47-039-03170

7022 1670 0001 8750 6075

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Scott Depot, WV 25560

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|--|---------|------------|
| Certified Mail Fee   | \$4.00  | 0523       |
| Extra Services & Fees (check box, add fees as appropriate)   | \$3.25  | 03         |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00  |            |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00  | Postmark   |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00  | Here       |
| <input type="checkbox"/> Adult Signature Required            | \$0.00  |            |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00  |            |
| Postage  | \$1.68  |            |
| Total  | \$10.93 | 11/29/2022 |

Sent Eastern Associated Coal Corporation  
P.O. Box 1001  
Street Scott Depot, WV 25560  
City

PS See reverse for instructions

7022 1670 0001 8750 6082

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Pratt, WV 25162

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|  |         |            |
|--|---------|------------|
| Certified Mail Fee   | \$4.00  | 0523       |
| Extra Services & Fees (check box, add fees as appropriate)   | \$3.25  | 03         |
| <input type="checkbox"/> Return Receipt (hardcopy)           | \$0.00  |            |
| <input type="checkbox"/> Return Receipt (electronic)         | \$0.00  | Postmark   |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | \$0.00  | Here       |
| <input type="checkbox"/> Adult Signature Required            | \$0.00  |            |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00  |            |
| Postage  | \$1.68  |            |
| Total  | \$10.93 | 11/29/2022 |

Sent Brent & Sharon Samples  
P.O. Box 173  
Street Pratt, WV 25162  
City

PS See reverse for instructions

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4703903170

WW-9  
(5/16)

API Number 47 - 039 - 03170  
Operator's Well No. 1

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) Kanawha River Quadrangle Cedar Grove

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: Produced 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 WC Booker #1 47-039-12327 -- UIC2D0392327 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.

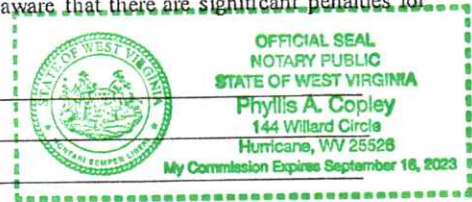
I certify that I understand and agree to the terms and conditions of the GENERAL WATER POLLUTION PERMIT issued on April 1, 2016, by the Office of Oil and Gas of the West Virginia Department of Environmental Protection. I understand that the provisions of the permit are enforceable by law. Violations 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 Austin Suttler

Company Official (Typed Name) Austin Suttler

Company Official Title Plugging Manager



Subscribed and sworn before me this 28th day of November, 2022

Phyllis A. Copley

Notary Public

My commission expires September 16, 2023

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Proposed Revegetation Treatment: Acres Disturbed 1 +/- Prevegetation pH \_\_\_\_\_

Lime 3 Tons/acre or to correct to pH 6.5

Fertilizer type \_\_\_\_\_ 10-20-20 or equivalent

Fertilizer amount \_\_\_\_\_ lbs/acre

Mulch 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: [Signature]

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

Title: Inspector DeLEGAS

Date: 12.2.22

Field Reviewed?  Yes  No

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4703903170

WW-7  
8-30-06



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

API: 4703903170 WELL NO.: 1

FARM NAME: Paint Creek Terminal

RESPONSIBLE PARTY NAME: Diversified Production LLC

COUNTY: Kanawha DISTRICT: Cabin Creek

QUADRANGLE: Cedar Grove

SURFACE OWNER: Brent & Sharon Samples

ROYALTY OWNER: Pardee Oil and Gas

UTM GPS NORTHING: 4228850.86

UTM GPS EASTING: 466453.69 GPS ELEVATION: 783.25'

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  : Post Processed Differential

Real-Time Differential

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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.

Digitally signed by Austin Suttler  
Date: 2022.07.22 12:45:26  
-04'00'

Plugging Manager

7/22/2022

Signature

Title

Date

01/06/2023



**DIVERSIFIED**  
energy  
100 Diversified Way  
Pikeville KY, 41051

47-039-03170

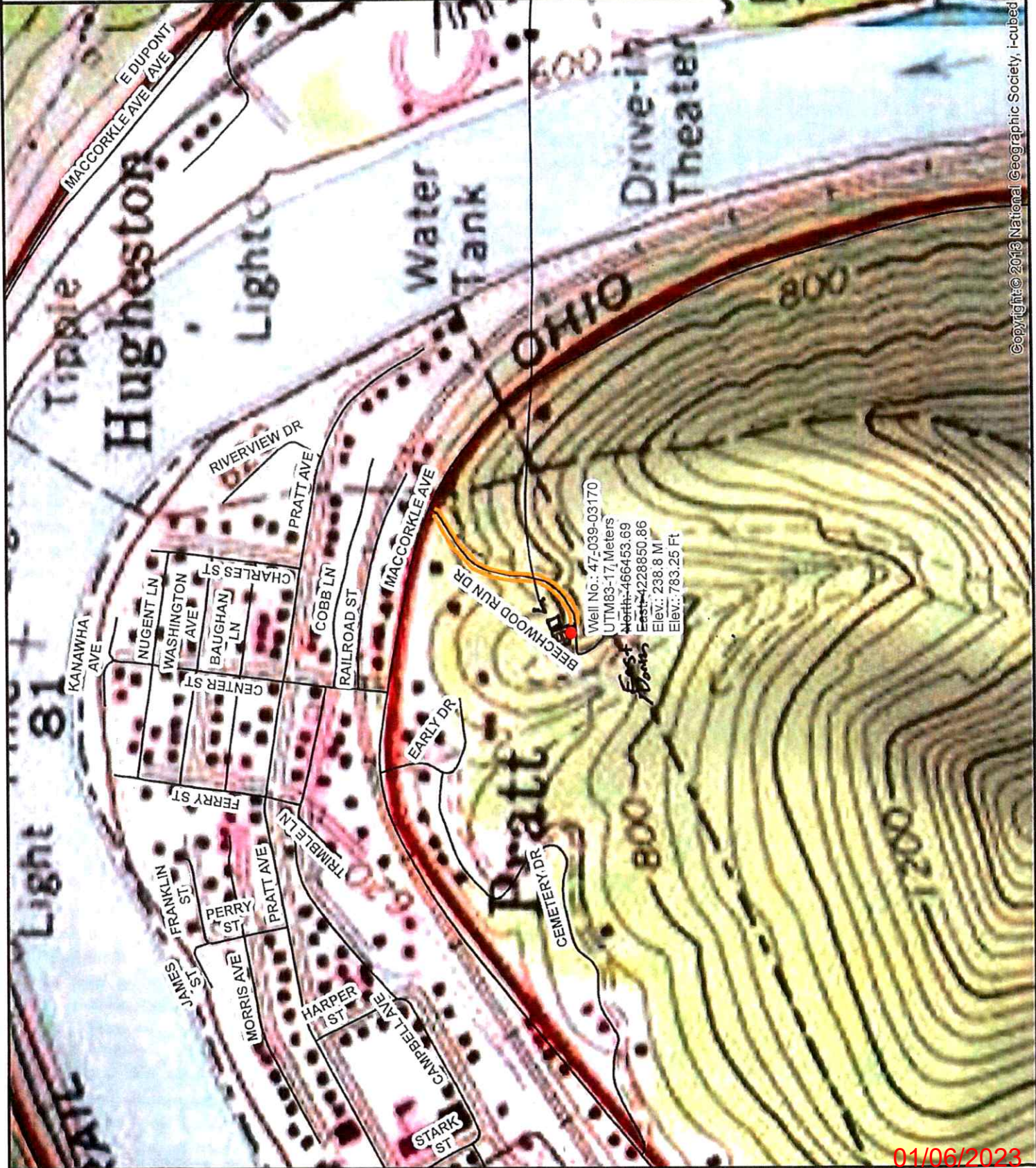
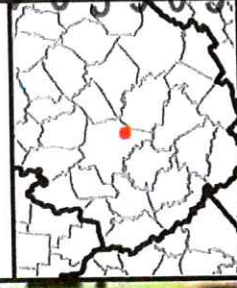
Plugging Map

**Legend**

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

77 pit  
10' W  
20' L  
8' D  
285 b61

4703903170



Well No.: 47-039-03170  
UTM83-17, Meters  
North: 466453.69  
East: 4228850.86  
Elev.: 238.8 M  
Elev.: 783.25 Ft

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47 0 3 9 0 3 1 7 0

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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energy

47 0 3 9 0 3 1 7 0

11/29/2022

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:

47-039-03170                      Paint Creek Terminal                      Well 1

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

Sincerely,

Austin Sutler  
Asset Retirement Manager

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west virginia department of environmental protection

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 ) ORDER NO. 2022-13  
SECTION 14.1. AND LEGISLATIVE RULE )  
35CSR8 SECTION 20.1, )  
RELATING TO THE CEMENTING )  
OF OIL AND GAS WELLS )**

**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.

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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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