



west virginia department of environmental protection

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

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

October 17, 2013

WELL WORK PERMIT

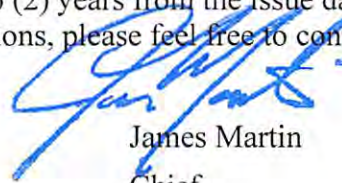
Vertical Well

This permit, API Well Number: 47-4105684, issued to ENERGY CORPORATION OF AMERICA, 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 all 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.

Please be advised that form WR-35, Well Operators Report of Well Work is to be submitted to this office within 90 days 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.

In addition to the applicable requirements of this permit, and the statutes and rules governing oil and gas activity in WV, this permit may contain specific conditions which must be followed. Permit conditions are attached to this cover letter.

Per 35CSR-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) 926-0499 ext. 1654.



James Martin
Chief

Operator's Well No: MAXWELL 5
Farm Name: NEWSWANGER, DAVID
API Well Number: 47-4105684
Permit Type: Vertical Well
Date Issued: 10/17/2013

Promoting a healthy environment.

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. If the operator encounters an unanticipated void, or an anticipated void at an unanticipated depth, the operator shall notify the inspector within 24 hours. Modifications to the casing program may be necessary to comply with W. Va. Code § 22-6-20, which requires drilling to a minimum depth of thirty feet below the bottom of the void, and installing a minimum of twenty (20) feet of casing. Under no circumstance should the operator drill more than fifty (50) feet below the bottom of the void or install less than twenty (20) feet of casing below the bottom of the void.
2. Pursuant to 35 CSR § 4-19.1.a, at the request of the surface owner all water wells or springs within 1000 feet of the proposed well that are actually utilized for human consumption, domestic animals or other general use shall be sampled and analyzed.
3. Pursuant to 35 CSR § 4-19.1.c, if the operator is unable to sample and analyze any water well or spring within one thousand (1,000) feet of the permitted well location, the Office of Oil and Gas requires the operator to sample, at a minimum, one water well or spring located between one thousand (1,000) feet and two thousand (2,000) feet of the permitted well location.
4. All pits must be lined with a minimum of 20 mil thickness synthetic liner.
5. 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.
6. During the surface casing and cementing process, in the event cement does not return to the surface, or any other casing string that is permitted to circulate cement to the surface and does not return to the surface, the oil and gas inspector shall be notified within twenty-four (24) hours.
7. Well work activities shall not constitute a hazard to the safety of persons.

WW-2A
(Rev. 6-07)

1). Date: 8/13/13
2.) Operator's Well Number Maxwell #5
State County Permit
3.) API Well No.: 47- 41 - 05684

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE AND APPLICATION FOR A WELL WORK PERMIT

4) Surface Owner(s) to be served: (a) Name David Newswanger, Address 700 East Main St., Myerstown, PA 17067. (b) Name, Address. (c) Name, Address. 5) (a) Coal Operator Name, Address. (b) Coal Owner(s) with Declaration Name Franklin Maxwell Heirs Limited Partnership No. 1, Address P.O. Box 659, Wichita Falls, TX 76307. (c) Coal Lessee with Declaration Name, Address. 6) Inspector Barry Stallings, Address P.O. Box 1228, Chapmanville, WV 25508, Telephone 304-552-4194.

TO THE PERSONS NAMED ABOVE TAKE NOTICE THAT:

Included is the lease or leases or other continuing contract or contracts by which I hold the right to extract oil and gas OR X Included is the information required by Chapter 22, Article 6, Section 8(d) of the Code of West Virginia (see page 2) I certify that as required under Chapter 22-6 of the West Virginia Code I have served copies of this notice and application, a location plat, and accompanying documents pages 1 through on the above named parties by:

- Personal Service (Affidavit attached)
x Certified Mail (Postmarked postal receipt attached)
Publication (Notice of Publication attached)

I have read and understand Chapter 22-6 and 35 CSR 4, and I agree to the terms and conditions of any permit issued under this application. 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, 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 and imprisonment.

Well Operator Energy Corporation of America
By: Rodney A. Winters
Its: Vice President of Land
Address: 501 56th Street SE, Charleston, Wv 25304
Telephone: 304-925-6100

Subscribed and sworn before me this 17th day of October, 2013.
Antoinette Rutledge, Notary Public
My Commission Expires March 11, 2022

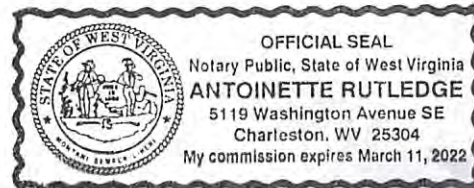
Oil and Gas Privacy Notice

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

RECEIVED
Office of Oil and Gas

OCT 17 2013

WV Department of
Environmental Protection



WW-2A
(Rev. 6-07)

1.) Date: 8/13/13
2.) Operator's Well Number Maxwell #5
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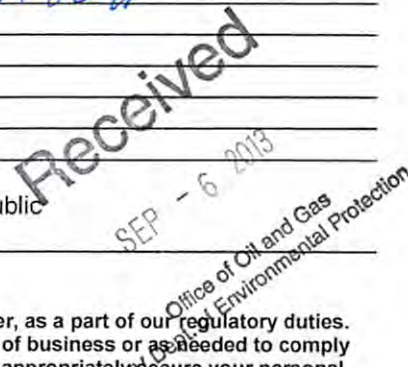
Subscribed and sworn before me this ___ day of ___

Notary Public

My Commission Expires

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



4105684

WW-2A1
(Rev. 1/11)

Operator's Well Number Maxwell #5

**INFORMATION SUPPLIED UNDER WEST VIRGINIA CODE
Chapter 22, Article 6, Section 8(d)
IN LIEU OF FILING LEASE(S) AND OTHER CONTINUING CONTRACT(S)**

Under the oath required to make the verification on page 1 of this Notice and Application, I depose and say that I am the person who signed the Notice and Application for the Applicant, and that -

- (1) the tract of land is the same tract described in this Application, partly or wholly depicted in the accompanying plat, and described in the Construction and Reclamation Plan;
- (2) the parties and recordation data (if recorded) for lease(s) or other continuing contract(s) by which the Applicant claims the right to extract, produce or market the oil or gas are as follows:

Grantor, Lessor, etc.	Grantee, Lessee, etc.	Royalty	Book/Page
W.B. Maxwell	Equitable Gas Company	1/8	65/581
Farm-Out Equitable Gas Company	To EAEC DBA ECA	1/8	81/375

**Acknowledgement of Possible Permitting/Approval
In Addition to the Office of Oil and Gas**

The permit applicant for the proposed well work addressed in this application hereby acknowledges the possibility of the need for permits and/or approvals from local, state, or federal entities in addition to the DEP, Office of Oil and Gas, including but not limited to the following:

- WV Division of Water and Waste Management
- WV Division of Natural Resources
- WV Division of Highways
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- County Floodplain Coordinator

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Office of Oil and Gas
OCT 17 2013
WV Department of
Environmental Protection

The applicant further acknowledges that any Office of Oil and Gas permit in no way overrides, replaces, or nullifies the need for other permits/approvals that may be necessary and further affirms that all needed permits/approvals should be acquired from the appropriate authority before the affected activity is initiated.

Well Operator: Energy Corporation of America
 By: Its: Rodney A. Winters
Vice President of Land

State of West Virginia
County of Kanawha

VICE PRESIDENT

On this the 17th day of October, 2013, before me, the undersigned officer, personally appeared **Rodney A. Winters**, who acknowledged himself to be the **Director** of Land of **Energy Corporation of America**, a West Virginia corporation, and that he is authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation.

In witness whereof, I hereunto set my hand and official seal.

My commission expires March 11, 2022.

Antoinette Rutledge
Notary Public



4105684

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- (2) the parties and recordation data (if recorded) for lease(s) or other continuing contract(s) by which the Applicant claims the right to extract, produce or market the oil or gas are as follows:

Grantor, Lessor, etc.	Grantee, Lessee, etc.	Royalty	Book/Page
W.B. Maxwell	Equitable Gas Company	1/8	85/581
Farm-Out Equitable Gas Company	To EAEC DBA ECA	1/8	81/375

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Well Operator: Energy Corporation of America
 By: Its: Rodney A. Winters
Vice President of Land

Received
 SEP - 6 2013
 Office of Oil and Gas
 WV Dept. of Environmental Protection

4105684

WW-2B1
(5-12)

Well No. Maxwell #5

West Virginia Department of Environmental Protection
Office of Oil and Gas

NOTICE TO SURFACE OWNERS

The well operator named below is preparing to file for a permit from the state to drill a new well. Before a well work permit can be filed with the Chief of the Office of Oil and Gas, the well operator is required to have given notice of the right to request water well or spring analytical testing. This notice shall be given to the owners or occupants of land which have a water well or spring being utilized for human consumption, domestic animals, or other general use and which is located within 1000 feet of the proposed well site.

With this form, the operator is giving you notice of your right to request analytical testing. The operator is required to sample and analyze the water wells or springs of all owners or occupants who request it. Therefore, if you wish to have your water well or spring tested, contact the operator named below.

All sampling shall be completed prior to drilling. Within thirty (30) days of the receipt of such sample analyses the operator shall submit the results to the Chief of the Office of Oil and Gas and to the owners or occupants who may have requested them.

Be advised, you have the right to sample and analyze any water supply at your own expense.

Listed below is the laboratory chosen by operator to perform analysis, and contactor chosen to collect sample.

Certified Laboratory Name Reliance Laboratories
Sampling Contractor Smith Land Surveying, Inc. - Environmental Division

Well Operator Energy Corporation of America
Address 501 56th Street
Charleston, WV 25304
Telephone 304-925-6100

FOR OPERATOR'S USE ONLY: Below, or on an attached page, list those persons which were given this notice. Place an asterisk beside the one(s) that contacted you and requested sampling and analyses. If there were no requests made, indicate by underling which one you have selected to sample and analyze. If there are no water wells or springs within 1000 feet of the proposed site, the Chief may require the operator to test wells up to 2000 feet from the proposed site.

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SEP - 6 2013
Office of Oil and Gas
WV Dept. of Environmental Protection



SMITH LAND SURVEYING, INC.

P.O. BOX 150, GLENVILLE, WV 26351

(304) 462-5634 • FAX 462-5656

OPERATOR: Energy Corporation of America

LEASE NAME AND NUMBER: Maxwell Lease Well # 5

COMMENTS

The initial mapping review of the area surrounding the proposed well site revealed the below listed surface owner(s) that were potentially utilizing groundwater (potable) for Human Consumption or other purposes within 1000' of the proposed well site. The following landowners will be notified of the opportunity to request a water sample.

*Please note that the following information is subject to change upon field inspection.

INDIVIDUAL CONTACTED OR NOTIFIED

Owner/Occupant: David N Newswanger

Address: 700 E. Main St. Myerstown, PA 17067 Letter/Notice Date: _____

Comments: Tax Map 1G, Par. 10

Owner/Occupant: _____

Address: _____ Letter/Notice Date: _____

Comments: _____

Owner/Occupant: _____

Address: _____ Letter/Notice Date: _____

Comments: _____

Owner/Occupant: _____

Address: _____ Letter/Notice Date: _____

Comments: _____

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Comments: _____

Received
SEP - 6 2013

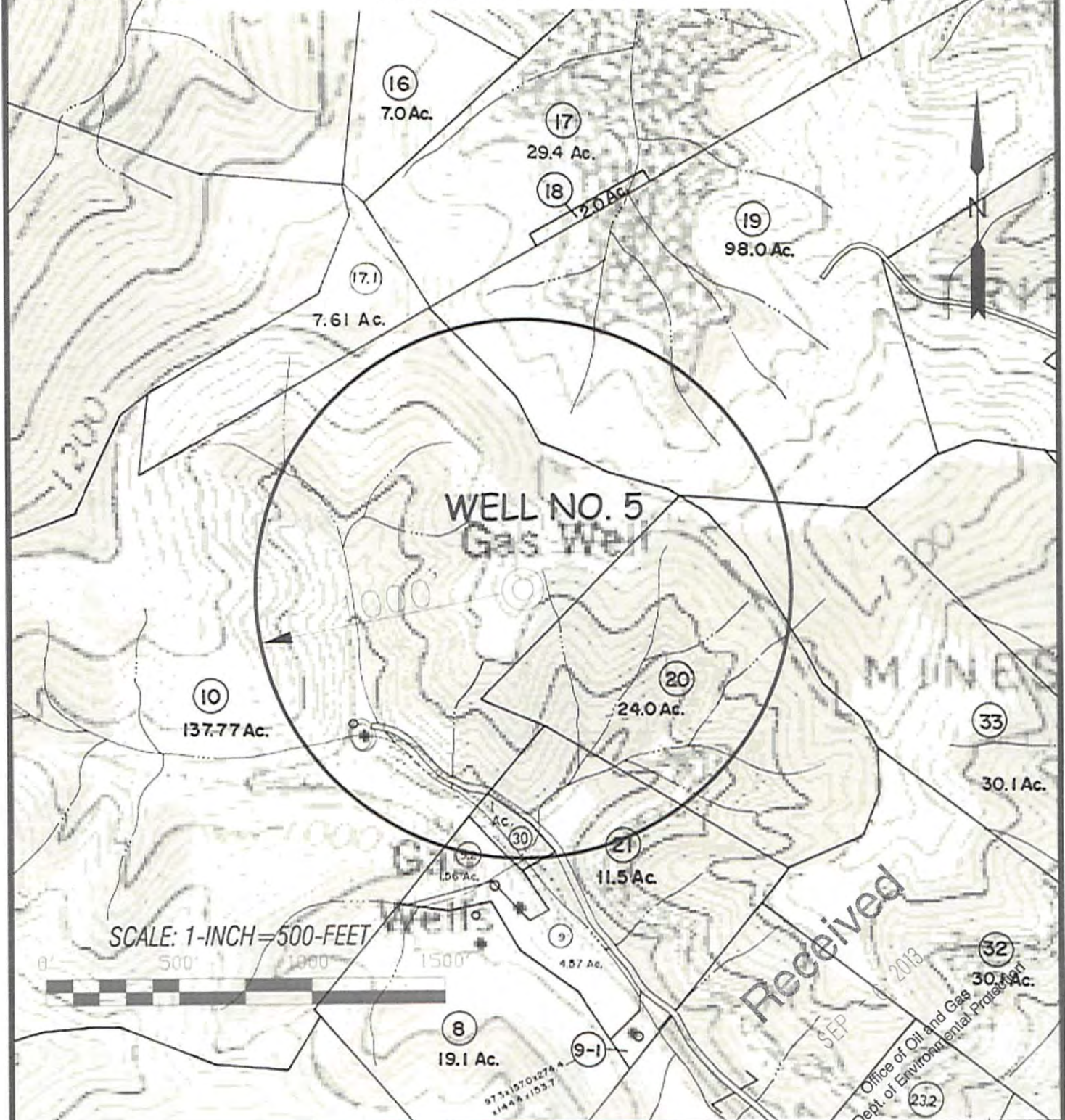
WV Dept. of Oil and Gas
Office of Environmental Protection

WATER SAMPLES

page of

90.9 Tot. Ac.

MAXWELL LEASE WELL NO. 5



Professional Energy Consultants
A Division of SLS

SLS

2000 West 10th Street
P.O. Box 180
Martinsburg, WV 26150
Phone: 304.263.1111
Fax: 304.263.1112

Professional Energy Consultants

TOP SECTION OF
VALENTINE COAL

B.S. 8-30-13

COUNTY	DISTRICT	TAX MAP	PARCEL NO.
FW	FREEMAN'S CREEK	16	10

OPERATOR:
ENERGY CORPORATION OF AMERICA
501 56TH STREET S.E.
CHARLESTON, WV 25304

4105684

WW-9
(5/13)

Page _____ of _____
API Number 47-041
Operator's Well No. Maxwell #6 _____

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

FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name Energy Corporation of America OP Code 306345

Watershed (HUC 10) Tributary to Leading Creek Quadrangle Vadis 7.5

Elevation 1,155' County Lewis District Freemans Creek

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

Will a pit be used for drill cuttings? Yes X No _____

If so, please describe anticipated pit waste: Drill water and cuttings from various formations

Will a synthetic liner be used in the pit? Yes X No _____ If so, what ml.? 30

Proposed Disposal Method For Treated Pit Wastes:

- Land Application
- Underground Injection (UIC Permit Number _____)
- Reuse (at API Number _____)
- Off Site Disposal (Supply form WW-9 for disposal location)
- Other (Explain _____)

Will closed loop system be used? No

Drilling medium anticipated for this well? Air, freshwater, oil based, etc. Air/Water

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

Additives to be used in drilling medium? Soap?Klstay

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

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

-Landfill or offsite name/permit number? _____

I certify that I understand and agree to the terms and conditions of the GENERAL WATER POLLUTION PERMIT issued on August 1, 2005, 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 [Signature]

Company Official (Typed Name) Rodney A. Winters

Company Official Title Vice President of Land

Subscribed and sworn before me this 17TH day of October, 20 13

[Signature] Notary Public

My commission expires March 11, 2022

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Office of Oil and Gas

OCT 17 2013

WV Department of
Environmental Protection



4105684

WW-9
(5/13)

Page _____ of _____
API Number 47 - 041 - _____
Operator's Well No. Maxwell #5 _____

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

FLUIDS/ CUTTINGS DISPOSAL & RECLAMATION PLAN

Operator Name Energy Corporation of America OP Code 306345

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

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Company Official Signature _____

Company Official (Typed Name) Rodney A. Winters

Company Official Title Vice President of Land

Subscribed and sworn before me this _____ day of _____, 20____

Notary Public

My commission expires _____

Received
SEP - 6 2013
Office of Oil and Gas
WV Dept. of Environmental Protection

Form WW-9

Operator's Well No. _____

Proposed Revegetation Treatment: Acres Disturbed 4.8 +/- Prevegetation pH _____

Lime 3 Tons/acre or to correct to pH 6.5

Fertilizer (10-20-20 or equivalent) 1/3 ton lbs/acre (500 lbs minimum)

Mulch Hay 2 Tons/acre

Seed Mixtures

Area I		Area II	
Seed Type	lbs/acre	Seed Type	lbs/acre
Ky-31	40	Orchard Grass	15
Alsike Clover	5	Alsike Clover	5
Annual Rye	15		

Attach:
Drawing(s) of road, location, pit and proposed area for land application.

Photocopied section of involved 7.5' topographic sheet.

Plan Approved by: Bary Sillings

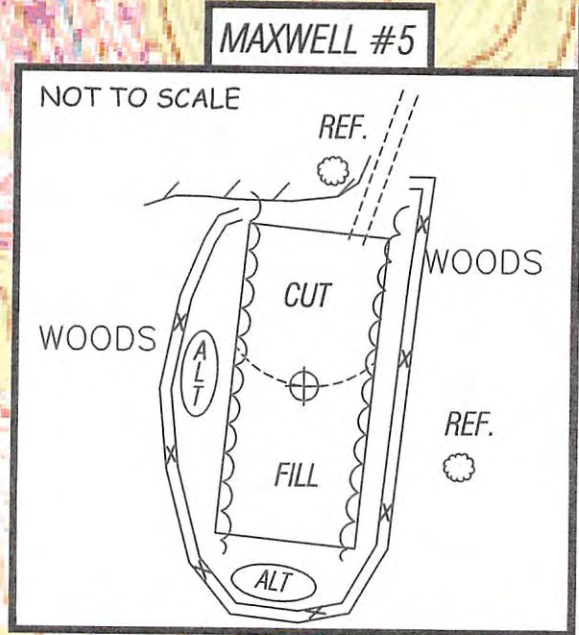
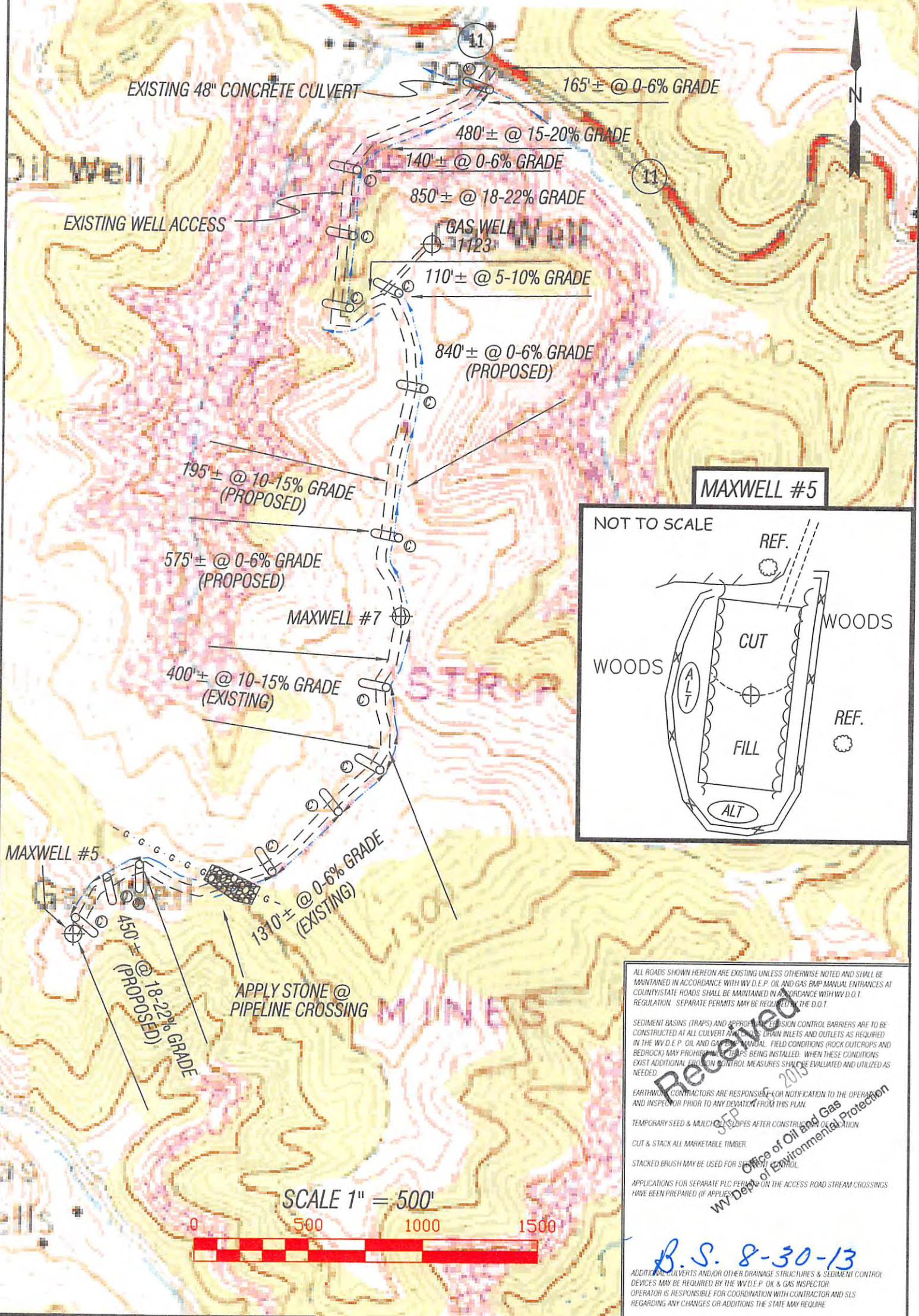
Comments: _____

Title: inspector Date: 8-30-13

Field Reviewed? Yes No

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SEP - 6 2013
Office of Oil and Gas
WV Dept. of Environmental Protection

MAXWELL LEASE WELL NO. 5



ALL ROADS SHOWN HEREON ARE EXISTING UNLESS OTHERWISE NOTED AND SHALL BE MAINTAINED IN ACCORDANCE WITH WV D.E.P. OIL AND GAS BMP MANUAL ENTRIES AS REQUIRED IN THE WV D.E.P. OIL AND GAS BMP MANUAL. FIELD CONDITIONS (ROCK OUTCROPS AND BEDROCK) MAY PROHIBIT FULLY TRAPS BEING INSTALLED. WHEN THESE CONDITIONS EXIST ADDITIONAL EROSION CONTROL MEASURES SHALL BE EVALUATED AND UTILIZED AS NEEDED.

EARTHWORK CONTRACTORS ARE RESPONSIBLE FOR NOTIFICATION TO THE OPERATOR AND INSPECTOR PRIOR TO ANY DEVIATION FROM THIS PLAN.

TEMPORARY SEED & MULCH SLOPES AFTER CONSTRUCTION OF LOCATION.

CUT & STACK ALL MARKETABLE TIMBER.

STACKED BRUSH MAY BE USED FOR SEDIMENT CONTROL.

APPLICATIONS FOR SEPARATE PLC PERMITS ON THE ACCESS ROAD STREAM CROSSINGS HAVE BEEN PREPARED (IF APPLICABLE).

Approved
SEP 2013
Office of Oil and Gas
WV Dept. of Environmental Protection



Professional Energy Consultants
A DIVISION OF SMITH LAND SURVEYING

SLS

SURVEYORS PROJECT MGMT. ENGINEERS ENVIRONMENTAL

226 West Main St. P.O. Box 150 Glenville, WV 26351 (304) 462-5634

56065 Diles Bottom Road Shayside, OH 42947 (740) 871-9911

HONESTY, INTEGRITY, QUALITY

DRAWN BY: K.D.W. FILE NO.: 7778 DATE: 07-29-13 CADD FILE: 7778REC5.DWG

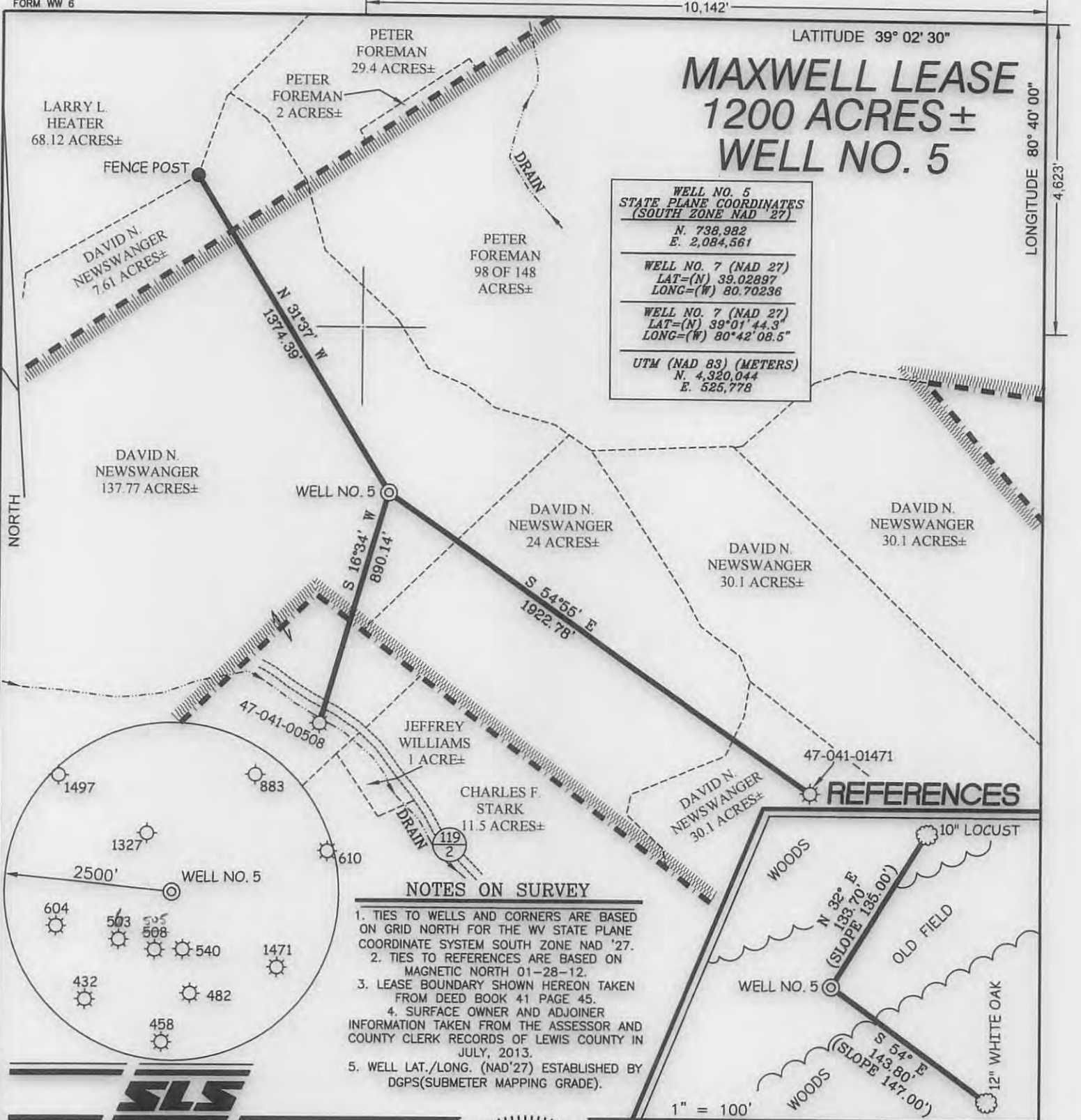
TOPO SECTION OF USGS VADIS 7.5' QUADRANGLE

= EXISTING CULVERT

= PROPOSED CULVERT 12" MIN. UNLESS OTHERWISE NOTED

B.S. 8-30-13

MAXWELL LEASE 1200 ACRES± WELL NO. 5



WELL NO. 5
STATE PLANE COORDINATES
(SOUTH ZONE NAD '27)
N. 738,982
E. 2,084,561

WELL NO. 7 (NAD 27)
LAT=(N) 39.02897
LONG=(W) 80.70236

WELL NO. 7 (NAD 27)
LAT=(N) 39°01'44.3"
LONG=(W) 80°42'08.5"

UTM (NAD 83) (METERS)
N. 4,320,044
E. 525,778

- ### NOTES ON SURVEY
1. TIES TO WELLS AND CORNERS ARE BASED ON GRID NORTH FOR THE WV STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD '27.
 2. TIES TO REFERENCES ARE BASED ON MAGNETIC NORTH 01-28-12.
 3. LEASE BOUNDARY SHOWN HEREON TAKEN FROM DEED BOOK 41 PAGE 45.
 4. SURFACE OWNER AND ADJOINER INFORMATION TAKEN FROM THE ASSESSOR AND COUNTY CLERK RECORDS OF LEWIS COUNTY IN JULY, 2013.
 5. WELL LAT./LONG. (NAD'27) ESTABLISHED BY DGPS(SUBMETER MAPPING GRADE).



I THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT 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 DIVISION OF ENVIRONMENTAL PROTECTION.

P.S. 677

Gregory A. Smith



(+) DENOTES LOCATION OF WELL ON UNITED STATES TOPOGRAPHIC MAPS.
DATE JULY 29, 20 13
OPERATORS WELL NO. MAXWELL #5
API WELL NO. 47 — 041 — 05684
STATE COUNTY PERMIT

MINIMUM DEGREE OF ACCURACY 1 / 200 FILE NO. 7778P5(465-68)
PROVEN SOURCE OF ELEVATION DGPS (SUBMETER MAPPING GRADE) SCALE 1" = 500'

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

WELL TYPE: OIL GAS LIQUID INJECTION WASTE DISPOSAL IF "GAS" PRODUCTION STORAGE DEEP SHALLOW

LOCATION: ELEVATION 1,155' WATERSHED TRIBUTARY TO LEADING CREEK
DISTRICT FREEMANS CREEK COUNTY LEWIS QUADRANGLE VADIS 7.5'

SURFACE OWNER DAVID NEWSWANGER ACREAGE 137.77±
ROYALTY OWNER W B MAXWELL HEIRS LEASE ACREAGE 1200±

PROPOSED WORK: LEASE NO. _____
DRILL CONVERT DRILL DEEPER REDRILL FRACTURE OR STIMULATE PLUG OFF OLD FORMATION
PERFORATE NEW FORMATION PLUG AND ABANDON CLEAN OUT AND REPLUG OTHER
PHYSICAL CHANGE IN WELL (SPECIFY) _____ TARGET FORMATION BALLTOWN
ESTIMATED DEPTH 3,860'

WELL OPERATOR ENERGY CORPORATION OF AMERICA DESIGNATED AGENT RODNEY A. WINTERS
ADDRESS 501 56TH STREET S.E. ADDRESS 501 56TH STREET S.E.
CHARLESTON, WV 25304 CHARLESTON, WV 25304

COUNTY NAME
PERMIT

