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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)

Monday, February 13, 2023  
PERMIT MODIFICATION APPROVAL  
Vertical / Plugging

UNKNOWN - DEP PAID PLUGGING CONTRACT  
601 57TH STREET

CHARLESTON, WV 25304

Re: Permit Modification Approval for 2  
47-041-00237-00-00

**Class L Cement Variance**

UNKNOWN - DEP PAID PLUGGING CONTRACT

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

Operator's Well Number: 2  
Farm Name: LINGER, R. B.  
U.S. WELL NUMBER: 47-041-00237-00-00  
Vertical Plugging  
Date Modification Issued: 02/13/2023

Promoting a healthy environment.

02/17/2023



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

January 24, 2023

Monongahela Power Co  
C/O Tax Department, 800 Cabin Hill Dr.  
Greensburg, PA 15601

RE: 47-041-00228, 47-041-0229, 47-041-00237 plugging permit modification for Class L cement

Monongahela Power Co.,

According to records held by the Office of Oil and Gas, you are the landowner of the parcel(s) described formally as:

Parcel Description: MONOGAHELA POWER COMPANY LLC  
ID: 21-06-010J-0011-0000, DESC: 2363.74 AC STONE COAL CREEK

Parcel Description: MONONGAHELA POWER CO  
ID: 49-02-003H-0006-0000, DESC: SUR 284.93 STONE COAL

The Office of Oil and Gas has issued a permit to permanently plug well API# 47-041-00228, 47-041-00229, and 47-041-00237 on the above listed property, and now intends to modify that permit to allow for the use of Class L cement in place of Class A due to manufacturing shortage. Enclosed you will find the proposed modification to the plugging work order and a copy of the approved variance authorizing the use of Class L in this manner.

As the landowner of the affected parcel(s), you are entitled to submit comments to this modification of the existing permit. If you choose to waive this right, please sign and return the closed surface owner waiver at your earliest opportunity.

If you have any questions regarding this modification request please contact me at (304) 926-0499 ext. 41102.

Respectfully,

A handwritten signature in blue ink that reads 'Jason Harmon'. The signature is fluid and cursive, with the first name 'Jason' being larger and more prominent than the last name 'Harmon'.

Jason Harmon, Deputy Chief

V. REMEDIATION AND/OR PLUGGING WORK PLAN

Notify Inspector Specialist, Bryan Harris @ 304-553-6087.  
Notification is required 24 hrs prior to commencing plugging operations

1. Move in rig up to 6 5/8" casing. Pull 2" tubing.
  2. Run in hole with work string to TD. Fill hole with fresh water. Gel hole to 1000'.
  3. Set cement plug 4300' - 4000'. Pull work string, WOC. Tag plug, add cement if needed. Lay down work string.
  4. Pull 10 joints 6 5/8" casing. Run in hole with work string to 2100', set cement plug 2100' - 1900'. Pull work string, WOC. Tag plug, add cement if needed.
  5. Pull remaining 6 5/8" casing.
  6. Run in hole with work string to 1600'. Set cement plug 1600' to 1500'. WOC.
  7. Pull work string to 1200', set cement plug from 1200' to 1000'. WOC.
  8. Run in hole with work string, set cement plug from 500' - 400'. WOC, tag plug.
  9. Set cement plug from 200' to surface.
  10. Set monument. Reclaim
2. NOTE.. Any casing found in the well with out cement in the annulus that cannot be retrieved must be perforated and cement at all saltwater, freshwater, coal, oil, gas, casing shoe and elevation points.

RECEIVED  
Office of Oil & Gas  
NOV 17 2022

WV Department of  
Environmental Protection

\* Class L cement may be used in place of Class A



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601 57<sup>th</sup> Street, SE  
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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 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.

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

02/17/2023

**SURFACE OWNER WAIVER**

Operator's Well  
Number \_\_\_\_\_

**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 57<sup>th</sup> St. SE  
Charleston, WV 25304  
(304) 926-0450

**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

02/17/2023



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

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## Class L variance MODS 4704100229 04100228 04100237

1 message

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

Mon, Feb 13, 2023 at 10:15 AM

To: Bryan O Harris <bryan.o.harris@wv.gov>, Henry J Harmon <henry.j.harmon@wv.gov>


To whom it may concern, plugging mods have been issued for 4704100229 04100228 04100237.


James Kennedy


WVDEP OOG

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### 3 attachments

 **4704100229.pdf**  
596K

 **4704100228.pdf**  
594K

 **4704100237.pdf**  
587K

02/17/2023