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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, July 24, 2023  
WELL WORK PLUGGING PERMIT  
Vertical Plugging

UNKNOWN - DEP PAID PLUGGING CONTRACT  
601 57TH STREET

CHARLESTON, WV 25304

Re: Permit approval for 2  
47-073-01274-00-00

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: FRESHWATER, BERTHA  
U.S. WELL NUMBER: 47-073-01274-00-00  
Vertical Plugging  
Date Issued: 7/24/2023

# 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.
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.

07/28/2023

JUN 16 2023

WW-4B  
Rev. 2/01

WV Department of  
Environmental Protection

1) Date June 6, 2023  
2) Operator's  
Well No. Bertha Freshwater No. 2  
3) API Well No. 47-073 - 01274

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 \_\_\_\_ or Underground storage \_\_\_\_ ) Deep \_\_\_\_ / Shallow X
- 5) Location: Elevation 645' Watershed Bull Creek of Ohio River  
District Grant County Pleasants Quadrangle Willow Island 7.5'
- 6) Well Operator Unknown- WV DEP Paid Plugging Contract 7) Designated Agent Jason Harmon  
Address 601 57th Street, SE Address 601 57th Street, SE  
Charleston, WV 25304 Charleston, WV 25304
- 8) Oil and Gas Inspector to be notified 9) Plugging Contractor  
Name Isaiah Richards Name Next LVL Energy  
Address 114 Turkey Lick Road Address 104 Heliport Loop  
West Union, WV 26456 Bridgeport, WV 26330

- 
- 10) Work Order: The work order for the manner of plugging this well is as follows:  
**See attached Work Procedure**

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

Work order approved by inspector



Date 06/14/2023

07/28/2023

SE

S

SW

120

150

180

210

☉ 167°S (T) LAT: 39.326601 LON: -81.341361 ±29ft ▲ 734ft



Well

9380  
26 May 2023 12:18:14



REVISED

Date 4/29/82

Operator's Well No. #2

Farm Freshwater

API No. 47 - 073 - 1274

State of West Virginia

Department of Mines  
Oil and Gas Division

RECEIVED

MAY 17 1982

OIL AND GAS DIVISION  
WV DEPARTMENT OF MINES

WELL OPERATOR'S REPORT  
OF

DRILLING, FRACTURING AND/OR STIMULATING, OR PHYSICAL CHANGE

WELL TYPE: Oil xx / Gas xx / Liquid Injection / Waste Disposal /  
(If "Gas," Production / Underground Storage // Deep / Shallow //)

LOCATION: Elevation: 638' Watershed Bill Creek  
District: Grant County Pleasants Quadrangle Willow Island

COMPANY Energy Unlimited, Inc.

ADDRESS 427 Second St. Marietta, OH 45750

DESIGNATED AGENT Dave Clovis

ADDRESS Union Trust Bldg. P'Burg, WV 26101

SURFACE OWNER B. Freshwater

ADDRESS Rt. #2 Waverly, WV

MINERAL RIGHTS OWNER same

ADDRESS

OIL AND GAS INSPECTOR FOR THIS WORK Phil

Tracy ADDRESS Rt. #3 Alma, WV

PERMIT ISSUED 7/30/81

DRILLING COMMENCED 8/13/81

DRILLING COMPLETED 8/18/81

IF APPLICABLE: PLUGGING OF DRY HOLE OR  
CONTINUOUS PROGRESSION FROM DRILLING OR  
REWORKING. VERBAL PERMISSION OBTAINED  
ON

Casing Tubing	Used in Drilling	Left in Well	Cement fill up Cu. ft.
Size 20-16 Cord.			
13-10"			
9.5/8			
8 5/8	255	255	100sx
7			
5 1/2			
4 1/2	2498	2498	250sx
3			
2			
Liners used			

GEOLOGICAL TARGET FORMATION Gordon Depth 2360'-2396' feet

Depth of completed well 2540 feet Rotary xx / Cable Tools

Water strata depth: Fresh 60' feet; Salt 1250' feet

Coal seam depths: none OPEN Is coal being mined in the area? no

OPEN FLOW DATA

Producing formation Gordon Pay zone depth 2360'2396' feet

Gas: Initial open flow 10 Mcf/d Oil: Initial open flow 0 Bbl/d

Final open flow 15M Mcf/d Final open flow 2 Bbl/d

Time of open flow between initial and final tests 24 hours

Static rock pressure 400 psig (surface measurement) after 12 hours shut in

(If applicable due to multiple completion --)

Second producing formation Pay zone depth feet

Gas: Initial open flow Mcf/d Oil: Initial open flow Bbl/d

Final open flow Mcf/d Oil: Final open flow Bbl/d

Time of open flow between initial and final tests hours

Static rock pressure psig (surface measurement) after hours shut in

(Continue on reverse side)

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JUN 16 2023

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Environmental Protection

IV-35  
Rev. 8-81

6/28/2023

DETAILS OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANGE, ETC.

FW 50,000# sand in 30,000 gal H2O with N2 thru 14 - 15 holes from 1990' to 2002'

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WELL LOG

FORMATION	COLOR	HARD OR SOFT	TOP FEET	BOTTOM FEET	REMARKS Including indication of all fresh and salt water, coal, oil and gas
soil		soft	0	10	
shale		soft	10	60	
sand		hard	60	78	freshwater
shale		soft	78	112	
sand		hard	112	142	freshwater
sandy-shale		soft	142	269	
sand		hard	269	285	
shale		soft	285	368	
sand		hard	368	407	
silty-shale		soft	407	513	
sand		hard	513	547	
shale		soft	547	722	
sand		hard	722	763	
sandy-shale		soft	763	954	
sand		hard	954	968	
shale		soft	968	1040	
sand		hard	1040	1074	
shale		soft	1074	1200	
shaly sand		medium	1200	1250	
Salt Sand		medium	1250	1264	salt water
silty-shale		medium	1264	1330	
Maxton		hard	1330	1370	salt water
shaly-sand		medium	1370	1428	
Keener		hard	1428	1436	salt water
shale		soft	1436	1460	
Big Injun		hard	1460	1674	salt water
silty-shale		medium	1674	1900	
Wells Stray		medium	1900	1906	little gas
shale		soft	1906	1992	
Berea		hard	1992	2004	show of gas & oil
silty-shale		medium	2004	2106	
Gantz		medium	2106	2113	little gas
silty shale		medium	2113	2236	
Thirty-Foot		medium	2236	2248	little gas
shale		soft	2248	2360	
Gordon		medium	2360	2396	show of oil & gas
shale		soft	2396	2540	T. D. 2540'

(Attach separate sheets as necessary)

Energy Unlimited, Inc.

Well Operator

By:

Date: Douglas M. Galloway

4/29/82

Note: Regular 02(i) provides as follows:  
"The term 'log' or 'well log' shall mean a systematic detailed geological record of all formations, including those encountered in the drilling of a well."

07/28/2023

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## PLUGGING PROGNOSIS

West Virginia, Pleasants County  
API # 47-073-001274

### Casing Schedule

8-5/8" csg @ 255' (cemented to Surface w/ 100 sx)  
4-1/2" csg @ 2498' (cemented to Surface w/ 250 sx)  
TD @ 2498'

**Completion:** 1990'-2002'

**Fresh Water:** 60'; 112'

**Saltwater:** 1250'; 1330'; 1428'; 1460'

**Coal:** None Reported

**Oil Show:** 1992'-2004'; 2360'-2396'

**Gas Show:** 1900'-1906'; 1992'-2004'; 2106'-2113'; 2236'-2248'; 2360'-2396'

**Elevation:** 638'

1. Notify inspector, Isaiah Richards @ (304) 205-3032, 48 hrs. prior to commencing operations.
2. Check wellhead pressure and kill well as needed.
3. Run wireline to check TD and 4-1/2" csg TOC/free point. Well Record data shows cement should be back to surface. If needed, cut and pull 4-1/2" csg as we plug out.
4. Run in to depth @ 2498'. Kill well as needed with 6% bentonite gel and fill rat hole. Pump at least 10 bbls gel. Pump 698' Class A/Class L cement plug from **2498' to 1800' (Hydrocarbon shows plug)**. Tag TOC. Top off as needed.
5. TOOH w/ tbg to 1800'. Pump 6% bentonite gel from 1800' to 1510'
6. TOOH w/ tbg to 1510'. Pump 310' Class A/Class L Cement plug from **1510' to 1200' (Salt water plug)**
7. TOOH w/ tbg to 1200'. Pump 6% bentonite gel from 1200' to 688'
8. TOOH w/ tbg to 688'. Pump 100' Class A/Class L Cement plug from **688' to 588' (Elevation plug)**
9. TOOH w/ tbg to 588'. Pump 6% bentonite gel from 588' to 305'
10. TOOH w/ tbg to 305'. Pump 305' Class A/Class L Cement plug from **305' to surface (8-5/8" csg show plug, fresh water, and surface plug)**.
11. Erect monument with API#.
12. Reclaim location and road to WV-DEP specifications.



06/14/2023

07/28/2023

WW-4A  
Revised 6-07

JUN 16 2023

WV Department of  
Environmental Protection

1) Date: June 6, 2023  
2) Operator's Well Number  
Bertha Freshwater No. 2  
3) API Well No.: 47 - 073 - 01274

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: (a) Name Lyle E. Brammer, Jr. Address 430 Walden Dr. Waverly, WV 26184 (b) Name Address (c) Name Address  
5) (a) Coal Operator Name N/A Address (b) Coal Owner(s) with Declaration Name No Declarations found Address (c) Coal Lessee with Declaration Name No Declarations found Address  
6) Inspector Isiah Richards Address 114 Turkey Lick Road West Union, WV 26456 Telephone 304-205-3032

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 Unknown - WVDEP Paid Plugging Contract  
By: Jason Harmon  
Its: WV Office of Oil & Gas Deputy Chief  
Address 601 57th Street, SE Charleston, WV 25304  
Telephone 304-926-0452

Subscribed and sworn before me this 21st day of June 2023  
Renae Dawn Whitlock Notary Public  
My Commission Expires April 6, 2027

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 [depprivacyoffier@wv.gov](mailto:depprivacyoffier@wv.gov).

07/28/2023





info@slsww.com  
www.slsww.com

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Office Of Oil and Gas

JUN 16 2023

WV Department of  
Environmental Protection

March 1, 2023

Lyle Brammer Jr  
430 Walden Dr  
Waverly WV, 26184

Mr. brammer,

Please find enclosed a Notice of Intent to Plug / Replug Abandoned Wells Form for 47-073-01274 in Pleasants County, WV, Map 7 Parcel 52, which records from the Pleasants County Courthouse indicate that you are the surface owner.

The well listed above is proposed to be plugged through the West Virginia DEP Paid Plugging Contract, orphaned and abandoned wells program. SLS Land & Energy Development has been contracted to obtain a plugging permit for this well. If you have a water well that you may want to have tested prior to the well plugging, please contact us.

If you have any other questions please do not hesitate to contact me.

Jim Mencer  
SLS Land & Development  
Permitting Tech.  
304-462-5634

12 Vanhorn Drive, Glenville, WV 26351  
1412 Kanawha Boulevard East, Charleston, WV 25301  
254 East Beckley Bypass, Beckley, WV 25801  
**304-462-5634**

07/28/2023



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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  
Charleston, WV 25304  
(304) 926-0450  
Fax: (304) 926-0452

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

**NOTICE OF INTENT  
TO PLUG / REPLUG  
ABANDONED WELL(S)**

Lyle Brammer Jr  
430 Walden Dr  
Waverly WV, 26184

You are hereby given a twenty-day notice, as required by West Virginia Code, Chapter 22, Article 10, Section 7, that the West Virginia Department of Environmental Protection, Office of Oil and Gas (OOG), intends to enter upon the following described premises where an abandoned well(s) is situated and plug or re-plug such well(s) and reclaim any area disturbed by the plugging or re-plugging. This notice should be construed only as a declared intent to plug such well(s); site-specific considerations or other factors may ultimately prevent the plugging or re-plugging at this time.

Description of premises: Grant Dist., Pleasants County WV, Map 7 Parcel 52  
40.117 Acres, Well API# 47-073-01274.

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The well(s) is considered “abandoned” within the meaning of W. Va. Code § 22-6-19 because it is a dry hole or because it has not been in use for a period of 12 consecutive months and no satisfactory proof of a “bona fide” future use for the well has been demonstrated to the OOG.

If you are a surface owner of the above described premises, be advised that surface owners have the right to repair of any damage or disturbance resulting from the well plugging or to compensation for (1) the reasonable cost of repairing or replacing any water well, (2) the reasonable value of any crops destroyed, damaged or prevented from reaching market, (3) the reasonable cost of repair to personal property up to the value of the replacement value of personal property of like age, wear and quality, (4) lost income or expenses incurred, and (5) reasonable costs to reclaim or repair real property, including roads. Additionally, the surface owners have the potential right to take any casing, equipment or other salvage not claimed in this notice. Please be advised that it is the intent of the OOG to take all casing, equipment, and other salvage from the subject well(s).

Please contact the OOG at 304-926-0450 if you have any questions regarding this notice.

Date Issued: \_\_\_\_\_ Date Served: \_\_\_\_\_

Name of person served \_\_\_\_\_

Service Address; \_\_\_\_\_

Certified Mail Receipt No. (if applicable) \_\_\_\_\_

Name of Person Making Personal Service (if applicable) \_\_\_\_\_

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Office Of Oil and Gas

JUN 16 2023

WV Department of  
Environmental Protection

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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**OFFICIAL USE**

Certified Mail Fee \$ 4.75

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 3.25

Return Receipt (electronic)

Certified Mail Restricted Delivery

Adult Signature Required

Adult Signature Restricted Delivery

Postage \$ 0.6

Total Postage and Fees \$ 5.10

Postmark  
Here

Sent to Lyle Brammer, JR.

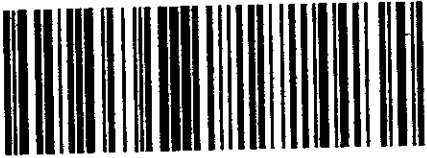
Street and Apt. No., or PO Box No. 430 Walden Dr.

City, State ZIP+4® Waverly WV, 26184

See Reverse for Instructions

7022 2410 0003 5359 3547

7022 2410 0003 5359 3547



**CERTIFIED MAIL**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

7022 2410 0003 5359 3547

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Office Of Oil and Gas

JUN 16 2023

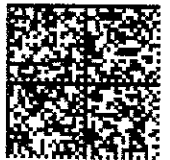
WV Department of  
Environmental Protection

PO Box 150  
GLENNVILLE, WV 26351



LYLE BRAMMER JR  
 430 WALDEN DR  
 WAVERLY WV, 26184

FIRST-CLASS



ZIP 26351  
 02 7H  
 0001267858  
 MAR 01 2023

\$ 008.100



US POSTAGE

07/28/2023



7022 2410 0003 5359 4490  
 7022 2410 0003 5359 4490

**OFFICIAL USE**

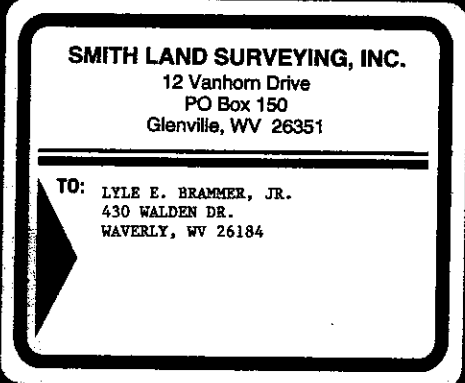
Postmark  
Name

Postage and Fees  
9.72

Send to: *Lyle E. Brammer, Jr.*  
 General Land Office  
 430 Walden Dr.  
 Waverly, WV 26184

Postage and Fees  
9.72

Send to: *Lyle E. Brammer, Jr.*  
 General Land Office  
 430 Walden Dr.  
 Waverly, WV 26184



7022 2410 0003 5359 4490

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 WV Department of  
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07/28/2023



info@slsww.com  
www.slsww.com

June 23, 2023

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JUN 16 2023

WV Department of  
Environmental Protection

Lyle E. Brammer, Jr.  
430 Walden Dr.  
Waverly, WV 26184

Mr. Brammer,

Please find enclosed a Permit Application to plug and abandon a Well for API# 47-073-01274, in Pleasants County, WV which records from the County Courthouse indicate that you are the surface owner. Through the West Virginia DEP Paid Plugging Contract, orphaned and abandoned wells have been proposed to be plugged. I have included an extra Surface owner signature form for you to sign if you approve of the proposed work, please sign and send it back to SLS Land & Energy Development in the self addressed envelope provided for you. The Permit Application is yours to keep for your records. If you have any questions please do not hesitate to contact me.

Jim Mencer  
SLS Land & Development  
Permitting Tech.  
304-462-5634

12 Vanhorn Drive, Glenville, WV 26351  
1412 Kanawha Boulevard East, Charleston, WV 25301  
254 East Beckley Bypass, Beckley, WV 25801  
**304-462-5634**

07/28/2023

RECEIVED JUN 12 2023

**SURFACE OWNER WAIVER**

47-073-01274

Operator's Well  
Number

Bertha Freshwater No. 2

**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:**

RECEIVED  
Office Of Oil and Gas

JUN 16 2023

WV Department of  
Environmental Protection

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

FOR EXECUTION BY A CORPORATION,

ETC

  
Signature

Date 8 June 2023 Name \_\_\_\_\_  
By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
Signature Date 07/28/2023



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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 )  
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.

Promoting a healthy environment.

07/28/2023



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.

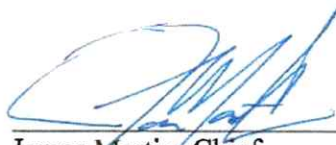
IN THE NAME OF THE STATE OF WEST VIRGINIA

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

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WV Department of  
Environmental Protection



James Martin, Chief  
Office of Oil and Gas

07/28/2023

WW-9  
(5/16)

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API Number 47 - 073 - 01274  
Operator's Well No. Bertha  
Freshwater No. 2

WV Department of  
Environmental Protection

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

Operator Name Unknown - WV DEP Paid Plugging Contract OP Code \_\_\_\_\_

Watershed (HUC 10) Bull Creek of Ohio River Quadrangle Willow Island 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: \_\_\_\_\_

Will a synthetic liner be used in the pit? Yes  No  If so, what ml.? \_\_\_\_\_

Proposed Disposal Method For Treated Pit Wastes:

- \_\_\_\_\_ Land Application (if selected provide a completed form WW-9-GPP)
- \_\_\_\_\_ Underground Injection ( UIC Permit Number #25-774 )
- \_\_\_\_\_ 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. Offsite

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

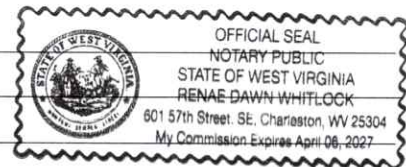
-Landfill or offsite name/permit number? N/A

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 Jason Harmon  
Company Official (Typed Name) Jason Harmon  
Company Official Title Deputy Chief



Subscribed and sworn before me this 21st day of June, 2023

Renae Dawn Whitlock Notary Public

My commission expires April 6, 2027

07/28/2023

JUN 16 2023

Form WW-9

WV Department of  
Environmental Protection

Operator's Well No. Bertha Freshwater No. 2

Proposed Revegetation Treatment: Acres Disturbed Less than an acre Prevegetation pH \_\_\_\_\_

Lime 3 Tons/acre or to correct to pH 6.0

Fertilizer type 20-20-20

Fertilizer amount 500 lbs/acre

Mulch 2-3 Tons/acre


Seed Mixtures

Temporary		Permanent	
Seed Type	lbs/acre	Seed Type	lbs/acre
		Fescue	30
		Clover	3
		Contractor Mix	10

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: No pit will be used.

Title: OOG Inspector

Date: 06/14/2023

Field Reviewed? ( ) Yes (  ) No

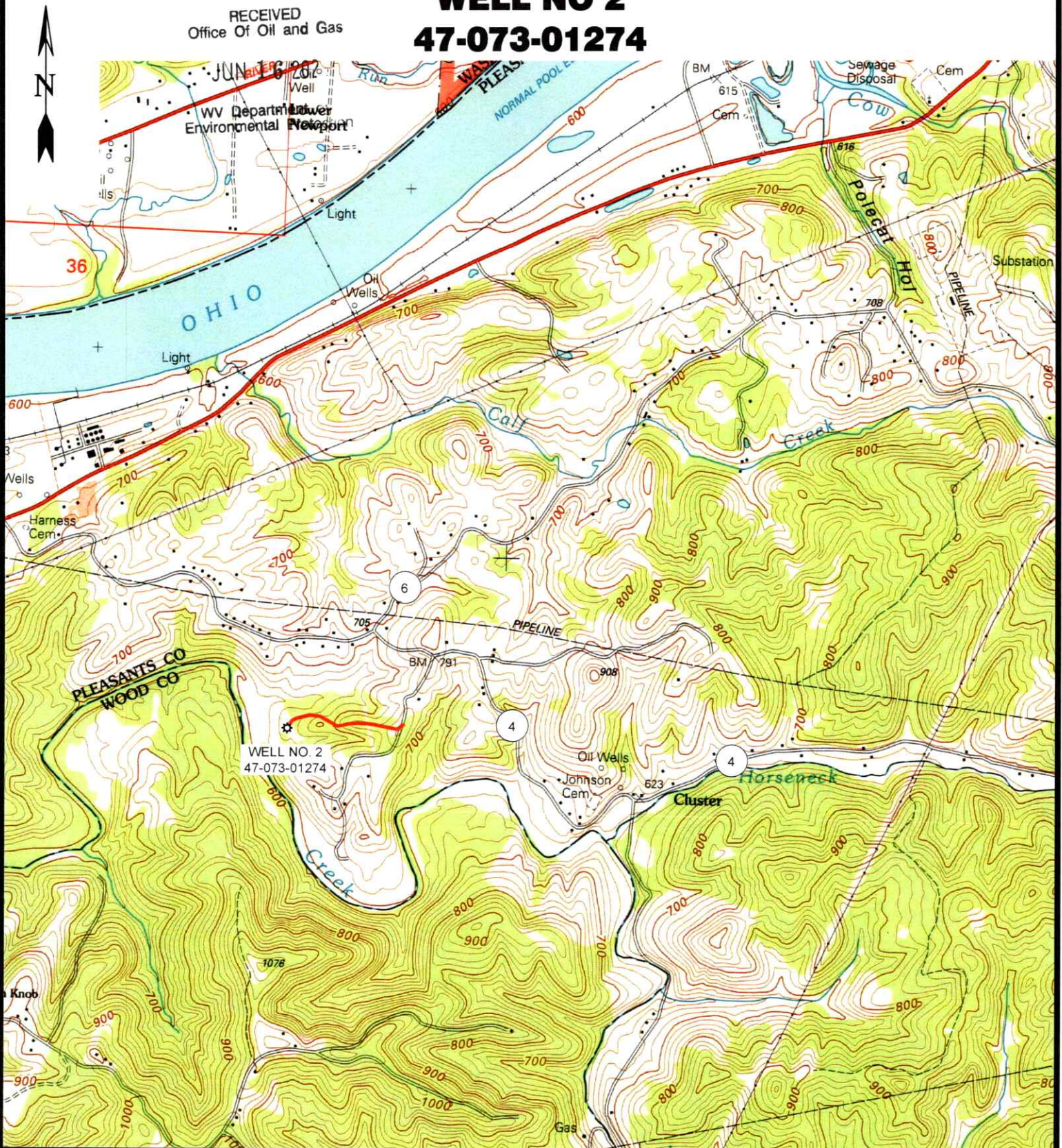
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## WELL NO 2 47-073-01274

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WV Department of Environmental Protection



12 Vanhorn Drive | P.O. Box 150 | Glenville, WV 26351 | 304.462.5634  
 1412 Kanawha Boulevard, East | Charleston, WV 25301 | 304.346.3952  
 254 East Beckley Bypass | Beckley, WV 25801 | 304.255.5296

slsvv.com

WILLOW ISLAND 7.5 ±

### SCALE: 1"=2000'

0'      2000'      4000'



DRAWN BY GF	FILE NO. 9380	DATE 6-05-23	CADD FILE: 9380-SURV-TOPO-ROO- GF-230605.DWG
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07/28/2023

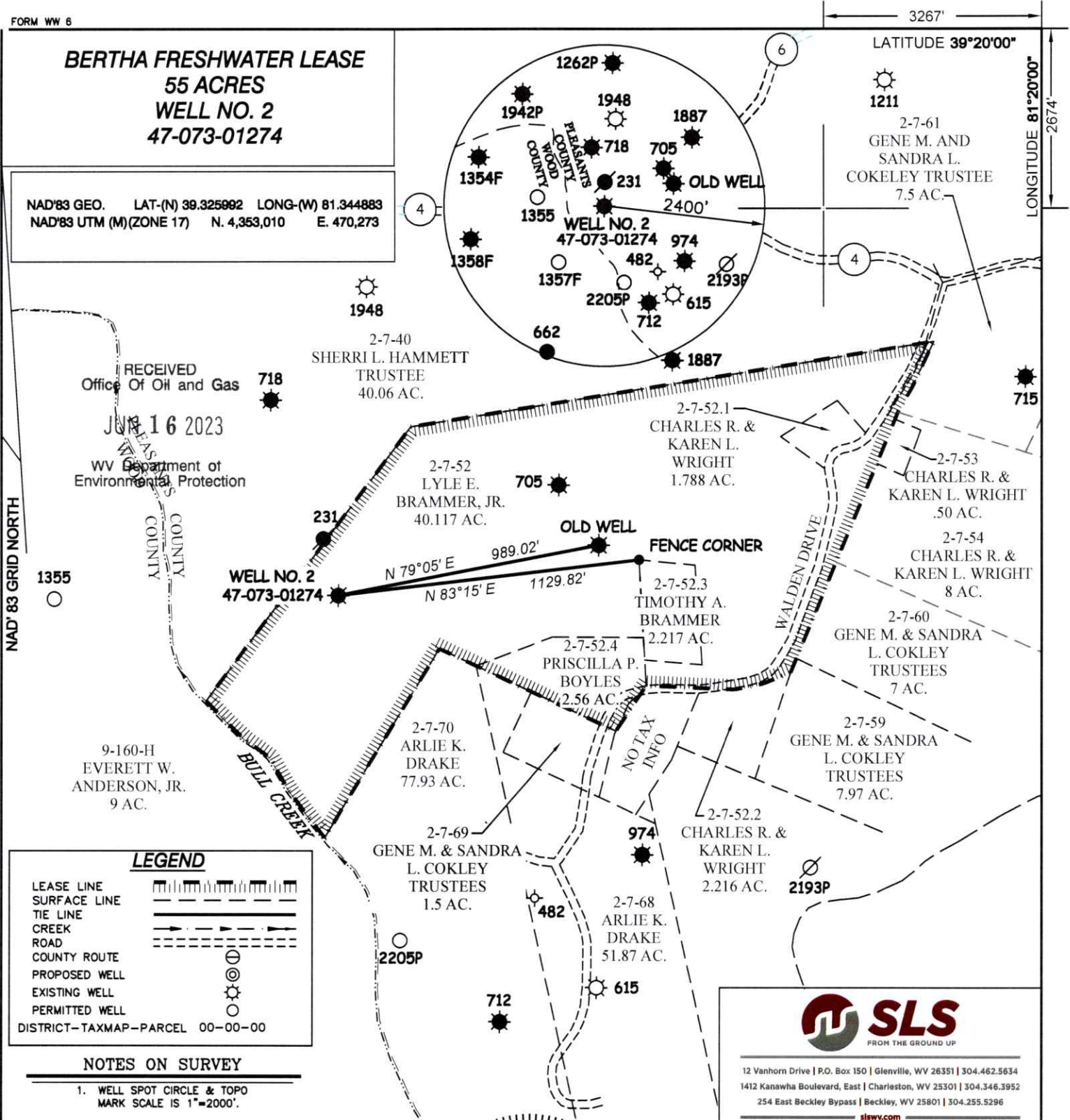
**BERTHA FRESHWATER LEASE**  
**55 ACRES**  
**WELL NO. 2**  
**47-073-01274**

NAD'83 GEO. LAT-(N) 39.325992 LONG-(W) 81.344883  
NAD'83 UTM (M)(ZONE 17) N. 4,353,010 E. 470,273

LATITUDE 39°20'00"

LONGITUDE 81°20'00"

NAD'83 GRID NORTH



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Environmental Protection

9-160-H  
EVERETT W.  
ANDERSON, JR.  
9 AC.

**LEGEND**

- LEASE LINE
- SURFACE LINE
- TIE LINE
- CREEK
- ROAD
- COUNTY ROUTE
- PROPOSED WELL
- EXISTING WELL
- PERMITTED WELL
- DISTRICT-TAXMAP-PARCEL 00-00-00

**NOTES ON SURVEY**

1. WELL SPOT CIRCLE & TOPO MARK SCALE IS 1"=2000'.



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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 JUNE 5, 20 23

REVISED \_\_\_\_\_, 20 \_\_\_\_\_

OPERATORS WELL NO. 2

API WELL NO. 47 - 073 - 01274-P  
STATE COUNTY PERMIT

MINIMUM DEGREE OF ACCURACY 1/200 FILE NO. 9380-SURV-4707301274-MT-R00-230606.dwg

HORIZONTAL & VERTICAL CONTROL DETERMINED BY DGPS (SUBMETER MAPPING GRADE TIE TO CORS NETWORK) 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 645' WATERSHED BULL CREEK OF OHIO RIVER

DISTRICT GRANT COUNTY PLEASANTS QUADRANGLE WILLOW ISLAND 7.5'

SURFACE OWNER LYLE E. BRAMMER JR. ACREAGE 40.117±

ROYALTY OWNER LYLE E. BRAMMER JR. ACREAGE 55±

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 GORDON

ESTIMATED DEPTH 2540'

WELL OPERATOR UNKNOWN WVDEP PAID PLUGGING CONTRACT DESIGNATED AGENT JASON HARMON, WVDEP

ADDRESS 601 57TH STREET ADDRESS 601 57TH STREET

CHARLESTON, WV 25304 (WVDEP) CHARLESTON, WV 25304

COUNTY NAME

PERMIT

07/28/2023

# BERTHA FRESHWATER LEASE WELL NO 2 47-073-01274



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Office Of Oil and Gas

JUN 16 2023

WV Department of  
Environmental Protection

WELL NO. 2  
47-073-01274

MEADOW

SEDIMENT  
BARRIER

CROSS  
DITCH

EXISTING 10"  
STEEL CULVERT

870 FEET± @  
0-5% GRADE

90 FEET± @  
5-10% GRADE

80 FEET± @  
5-10% GRADE

895 FEET± @  
0-5% GRADE

HOUSE

BUILDING

BUILDING

BUILDING

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 ENTRANCES AT COUNTY/STATE ROADS SHALL BE MAINTAINED IN ACCORDANCE WITH WV D.O.T. REGULATION. SEPARATE PERMITS MAY BE REQUIRED BY THE D.O.T.

SEDIMENT BASINS (TRAPS) AND APPROPRIATE EROSION CONTROL BARRIERS ARE TO BE CONSTRUCTED AT ALL CULVERT AND CROSS DRAIN INLETS AND OUTLETS AS REQUIRED IN THE WV D.E.P. OIL AND GAS BMP MANUAL. FIELD CONDITIONS (ROCK OUTCROPS AND BEDROCK) MAY PROHIBIT INLET 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 ALL 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 APPLIES).



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SCALE: 1"=200'



= EXISTING CULVERT

= PROPOSED CULVERT  
15' MIN. UNLESS OTHERWISE NOTED

= PROPOSED STREAM CROSSING

APPROXIMATE LIMITS OF DISTURBANCE

DRAWN BY: GF FILE NO.: 9380 DATE: 6-05-23 CADD FILE: 9380-SURV-REC-RD0-GF-230803.DWG

07/28/23

WW-4B

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Office Of Oil and Gas

JUN 16 2023

WV Department of  
Environmental Protection

API.No. 47-073-01274

Farm Name \_\_\_\_\_

Well No. Bertha Freshwater No. 2

**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 \_\_\_\_\_

07/28/2023



info@slsww.com  
www.slsww.com

June 14, 2023

Jason Harmon, Deputy Director  
WV Department of Environmental Protection  
Office of Oil & Gas  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345

RECEIVED  
Office Of Oil and Gas  
JUN 16 2023  
WV Department of  
Environmental Protection

Dear Mr. Harmon,

Please find enclosed a permit application to plug API# 47-073-01274 in Grant District, Pleasants County, WV. It is a part of the multi-well plugging contract for the Orphan and Abandoned Well Program for Region 1. The plugging contractor is Next Level Energy, operating under the Region 1 contract. The Inspector & Surface Owner has both signed off on the work to be performed and copies are included in the permit application. Copies of Intent notice and Surface Owner Mail receipts has also been included.

If you have any questions or comments please do not hesitate to contact me.

Jim Mencer  
Permitting Technician  
SLS Land & Energy Development  
304-462-5634

12 Vanhorn Drive, Glenville, WV 26351  
1412 Kanawha Boulevard East, Charleston, WV 25301  
254 East Beckley Bypass, Beckley, WV 25801  
**304-462-5634**

07/28/2023





Kennedy, James P &lt;james.p.kennedy@wv.gov&gt;

---

**plugging permits issued 4707300302 07300554 07301274**

2 messages

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

Mon, Jul 24, 2023 at 9:37 AM




To: Henry J Harmon &lt;henry.j.harmon@wv.gov&gt;, Chris Veazey &lt;CVeazey@dgoc.com&gt;, Austin Sutler &lt;asutler@nextlvenergy.com&gt;, Isaiah M Richards &lt;isaiah.m.richards@wv.gov&gt;, vgorrell@assessor.state.wv.us

To whom it may concern, plugging permits have been issued for 4707300302 07300554 07301274.

James Kennedy

WVDEP OOG

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**3 attachments** **4707300554.pdf**  
3717K **4707301274.pdf**  
3464K **4707300302.pdf**  
3743K

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**Chris Veazey** <CVeazey@dgoc.com>

Mon, Jul 24, 2023 at 9:41 AM

To: "Kennedy, James P" &lt;james.p.kennedy@wv.gov&gt;

Thank you, James. I'm back in the office. If you need anything, please let me know.

**Chris Veazey****Permitting Supervisor**[cveazey@dgoc.com](mailto:cveazey@dgoc.com)**304-590-7707 (mobile)**

[Quoted text hidden]

**07/28/2023**