west virginia department of environmental protection

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

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

Monday, March 10, 2025

WELL WORK PLUGGING PERMIT
Coal Bed Methane Well Plugging

PANTHER CREEK MINING, LLC
205 W. MAIN ST., SUITE 2000

LEXINGTON, KY 40475

Re: Permit approval for LCHC-002D
47-109-02218-00-00

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: POCAHONTAS LAND CORP.
U.S. WELL NUMBER: 47-109-02218-00-00
Coal Bed Methane Well Plugging
Date Issued: 3/10/2025

03/14/2025

PERMIT CONDITIONS

West Virginia Code §22-6-11 allows the Office of Oil and Gas to place specific conditions upon this permit. Permit conditions have the same effect as law. Failure to adhere to the specified permit conditions may result in enforcement action.

CONDITIONS

1. All pits must be lined with a minimum of 20 mil thickness synthetic liner.
2. In the event of an accident or explosion causing loss of life or serious personal injury in or about the well or while working on the well, the well operator or its contractor shall give notice, stating the particulars of the accident or explosion, to the oil and gas inspector and the Chief within twenty-four (24) hours.
3. Well work activities shall not constitute a hazard to the safety of persons.
4. Notification shall be given by the operator to the Oil and Gas Inspector at least 24 hours prior to the construction of roads, locations and/or pits for any permitted work. In addition, the well operator shall notify the same inspector 24 hours before any actual well work is commenced and prior to running and cementing casing.

03/14/2025

WW-4B
Rev. 2/01

1) Date 12/5, 2024
2) Operator's
Well No. LCHC-002AD
3) API Well No. 47- 109 - 02210

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 ____

5) Location: Elevation 2463.96 Watershed Crane Fork of Clear Fork
District Oceana County Wyoming Quadrangle Pilot Knob

6) Well Operator Panther Creek Mining, LLC
Address 205 W. Main St., Suite 2000
Lexington, Ky 40475

7) Designated Agent William B. Stapleton
Address PO Box 57 54912 Pond Fk RD
Wharton, WV 25208

8) Oil and Gas Inspector to be notified
Name Christian Porter
Address PO Box 181
Holden, WV 25625

9) Plugging Contractor
Name R&J Well Services, Inc.
Address 1087 Raccoon Rd.
Hueysville, KY 41640

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

Notify State Inspector, Christian Porter, at 304-541-0079. notification must be given at least 24 hrs. to start of any permitted work.

Move to site and construct appropriate pit with a minimum 20 mil synthetic liner.

Follow all plugging procedures specified by MSHA 101C Exemption, provided as an attachment.

See attachment with specific well plugging procedures.

RECEIVED
Office Of Oil and Gas
FEB 14 2025
WV Department of
Environmental Protection

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

Work order approved by inspector _____ Date 1-30-25

03/14/2025

Attachment

Gas Well Plugging – Work Order

API Well No. 47-109-02218

03/14/2025

47-109-02218
LCHC-002D

Elevation: 2463.94'
TD: 1834'

Fresh Water: None Reported
Salt Water: None Reported
Coal: 1818', 1604.5' to 1602.5', 1250'-1248', 1150.5'-1148.5', 506.5'-504.5', 480.5'-477.5', 240.5'-239'

Producing Formation: Lower Beckley and Penn Coals (Production via LCHC-002A)

Casing Schedule:

12 ¾" @ 22'
9 5/8" @ 316' (CTS with 142 Cu ft)
7" @ 1594' (CTS with 385 Cu Ft)

1) Notify WV State Oil & Gas Inspector Christian Porter 304-541-0079, 24 hrs. prior to commencing plugging operations.
2) Record pressures on casing.
3) TOOH with any production equipment (rods/tubing). Load wellbore with 6% gel water with a minimum of 125% capacity (520 bbls).
4) Verify 7" casing is CTS. If casing is not CTS, cut/pull casing at free-point. If casing is unable to be pulled, perforate casing per MSHA Standards thru all coal seams.
5) TIH with tubing with work string to 1818'. Circulate Class A Expandable or Class L Expandable to surface. (Can break into two plugs if needed). TOOH with tubing.
6) Install monument, top off with cement, RDMO equipment.

03/14/2025

WR-35

DATE: 01/28/2004
API#:: 4710902218C

State of West Virginia
Division of Environmental Production
Section of Oil and Gas

Well Operator's Report of Well Work

Farm Name Pocahontas Land Corporation — Operator Well No.: LCHC-002D

LOCATION: Elevation: 2461.09 — Quadrangle: Pilot Knob 7 1/2'

District: Oceana — County: Wyoming

Latitude: 11250 Feet South of 37 Deg. 47 Min. 30 Sec.

Longitude: 4600 Feet West of 81 Deg. 30 Min. 00 Sec.

Company: Penn Virginia Oil & Gas Corporation	Casing and Tubing	Used in drilling	Left in well	Cement fill up Cu. Ft.
Address: 2550 East Stone Drive, Suite 110	12 3/4"	22'	22'	0
Kingsport, TN 37660	9 5/8"	316'	316'	142
Agent: Harry Jewell	7"	1594'	1594'	385
Inspector: Ronald Scott				
Date Permit Issued: 01/06/2003				
Date Well Work Commenced: 01/07/2003				
Date Well Work Completed: 05/03/2003				
Verbal Plugging:				
Date Permission granted on:				
Rotary X Cable Rig				
Total Depth (feet): 1,834				
Fresh Water Depth (ft):				
Salt Water Depth (ft):				
Is coal being mined in area (N/Y)? N				
Coal Depths (ft): 239.0-241.5, 477.5-480.5, 504.5-506.5, 1148.5-1150.5, 1248.0-1250.0, 1602.5-1604.5, 1818.0				

RECEIVED
Office of Oil & Gas
JAN 30 2004
WV Department of
Environmental Protection

OPEN FLOW DATA

Producing formation Lower Beckley & Penn Coals (Production via LCHC-002A) Pay zone depth (ft) _____

Gas: Initial open flow _____ MCF/d Oil: Initial open flow _____ Bbl/d

Final open flow _____ MCF/d Final open flow _____ Bbl/d

Time of open flow between initial and final tests: _____ Hours

Static rock pressure _____ psig (surface pressure) after _____ Hours

Second producing formation _____ Pay zone depth (ft) _____

Gas: Initial open flow _____ MCF/d Oil: Initial open flow _____ Bbl/d

Final open flow _____ MCF/d Final open flow _____ Bbl/d

Time of open flow between initial and final tests: _____ Hours

Static rock pressure _____ psig (surface pressure) after _____ Hours

NOTE: ON BACK OF THIS FORM PUT THE FOLLOWING: 1). DETAILS OF PERFORATED INTERVALS, FRACTURING OR STIMULATING, PHYSICAL CHANE, TEC. 2). THE WELL LOG WHICH IS A SYSTEMATIC DETAILED GEOLOGICAL RECORD OF ALL FORMATIONS, INCLUDING COAL ENCOUNTERED BY THE WELLBORE.

Signed: Michael C. Lamper

By: _____

Date: 1/28/2004

WYOM. 2218 C

FEB 13 2004

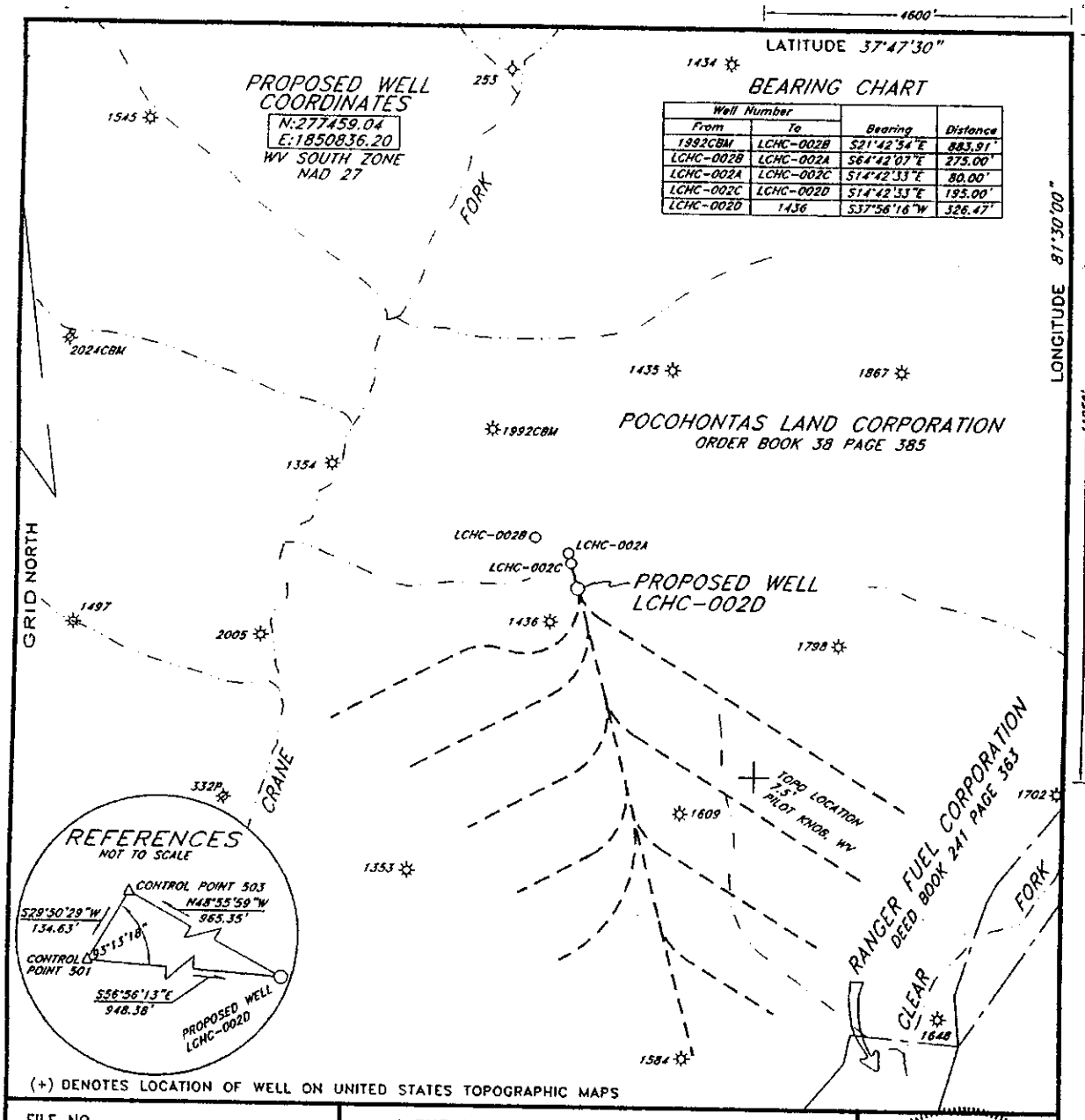
03/14/2025

FORM WR-35R
(REVERSE)

PERMIT # 4710902218C
WELL #: LCHC-002D

DETAILS OF PERFORATIONS, FRACTURING, OR PHYSICAL CHANGE, ETC.

FORMATIONS	TOP	BOTTOM	REMARKS
Sandstone & Shale	0	239	239
Coal	239	241.5	
Sandstone & Shale	241.5	477.5	
Coal	477.5	480.5	
Sandstone & Shale	480.5	504.5	
Coal	504.5	506.5	
Sandstone & Shale	506.5	1148.5	
Coal	1148.5	1150.5	
Sandstone & Shale	1150.5	1248	
Coal	1248	1250	
Sandstone & Shale	1250	1602.5	
Coal	1602.5	1604.5	
Sandstone & Shale	1604.5	1818	
Coal	1818		



FILE NO. _____
DRAWING NO. _____
SCALE 1"=1000'
MINIMUM DEGREE OF ACCURACY 1:50000
PROVEN SOURCE OF ELEVATION GPS DISK NO. 4
ELEVATION 2420.92

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION.
(SIGNED) Bryant W. Bowman
R.P.E. _____ L.L.S. 736

BRYANT W. BOWMAN
LICENSED
NO. 736
STATE OF
WEST VIRGINIA
LAND SURVEYOR
PLACE SEAL HERE

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

DATE NOVEMBER 11, 2002
OPERATOR'S WELL NO. LCHC-002D
API WELL NO.
47 - 109 - 02218C
STATE COUNTY PERMIT

WELL TYPE: OIL___ GAS___ LIQUID INJECTION___ WASTE DISPOSAL___
(IF "GAS,") PRODUCTION___ STORAGE___ DEEP___ SHALLOW___
LOCATION: ELEVATION 2461.09 WATERSHED CRANE FORK OF CLEAR FORK
DISTRICT OCEANA COUNTY WYOMING
QUADRANGLE PILOT KNOB, WV
SURFACE OWNER POCAHONTAS LAND CORPORATION ACREAGE 29500±
OIL & GAS ROYALTY OWNER PENN VIRGINIA OIL & GAS CORPORATION LEASE ACREAGE 29500±
LEASE NO. _____
PROPOSED WORK: DRILL X CONVERT___ DRILL DEEPER___ REDRILL___ FRACTURE OR STIMULATE___ PLUG OFF OLD FORMATION___ PERFORATE NEW FORMATION___ OTHER PHYSICAL CHANGE IN WELL (SPECIFY) _____
PLUG AND ABANDON___ CLEAN OUT AND REPLUG___
TARGET FORMATION _____ ESTIMATED DEPTH _____
WELL OPERATOR PENN VIRGINIA OIL & GAS CORPORATION DESIGNATED AGENT MR. HARRY JEWEL
ADDRESS 2550 EAST STONE DRIVE SUITE 110 ADDRESS PO BOX 460
KINGSPORT, TN 37660 RAVENCLIFF, WV 25913

FORM WW-6

WW0 2218C

03/14/2025

west virginia department of environmental protection

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

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

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

IN THE MATTER OF A VARIANCE FROM LEGISLATIVE RULE 35CSR4 SECTION 14.1. AND LEGISLATIVE RULE 35CSR8 SECTION 20.1, RELATING TO THE CEMENTING OF OIL AND GAS WELLS	))))))	**ORDER NO. 2022-13**

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 monogramed 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

Attachment

MSHA 101C Petition – with MSHA Gas Well Plugging Guidelines

API Well No. 47-109-02218

03/14/2025

Petition for Modification of Application of Existing Mandatory Safety Standards

A Notice by the Mine Safety and Health Administration on 10/08/2024

This document has a comment period that ends in 24 days. (11/07/2024)

PUBLISHED CONTENT - DOCUMENT DETAILS

Agencies: Department of LaborMine Safety and Health Administration
Document Citation: 89 FR 81567
Document Number: 2024-23246
Document Type: Notice
Pages: 81567-81572 (6 pages)
Publication Date: 10/08/2024

PUBLISHED DOCUMENT: 2024-23246 (89 FR 81567)

DOCUMENT HEADINGS

Department of Labor

AGENCY:

Mine Safety and Health Administration, Labor.

ACTION:

Notice.

SUMMARY:

This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Rockwell Mining LLC.

DATES:

All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before November 7, 2024.

ADDRESSES:

You may submit comments identified by Docket No. MSHA-2024-0029 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov (https://www.regulations.gov).* Follow the instructions for submitting comments for MSHA-2024-0029.

2. *Fax:* 202-693-9441.

3. *Email: petitioncomments@dol.gov (mailto:petitioncomments@dol.gov).*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202-5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk, 4th Floor West. Individuals may inspect copies of the petition and comments during normal

business hours at the address listed above. Before visiting MSHA in person, call 202-693-9455 to make an appointment, in keeping with the Department of Labor's COVID-19 (🗋 print page 81568) policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT:

S. Aromie Noe, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), *Petitionsformodification@dol.gov (mailto:Petitionsformodification@dol.gov)* (email), or 202-693-9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (https://www.ecfr.gov/current/title-30) (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M-2024-012-C.

Petitioner: Rockwell Mining, LLC, 4619 Bolt Road, Bolt, WV 25817.

Mine: Eagle #3 Mine, MSHA ID No. 46-09427, located in Wyoming County, West Virginia.

*Regulation Affected:*30 CFR 75.1700 (https://www.ecfr.gov/current/title-30/section-75.1700), Oil and gas wells.

Modification Request: The petitioner requests a modification of 30 CFR 75.1700 (https://www.ecfr.gov/current/title-30/section-75.1700) as it relates to oil and gas wells at the mine. Specifically, the petitioner is petitioning to mine within the 300-feet barrier established by 30 CFR 75.1700 (https://www.ecfr.gov/current/title-30/section-75.1700).

The petitioner states that:

(a) Rockwell operates one continuous miner super section with two continuous miners. The mining is in the lower Eagle seam. There is no undermining at Eagle #3 mine. In the area of the gas wells, there is overmining in the No. 2 gas seam by Kopperston No. 2 mine. There is over mining in the Upper Eagle seam but not in the area of the wells.

(b) The planning and configuration of a set of the mains entries is between two abandoned mines. Such mains will encounter three and perhaps more gas wells drilled through lower Eagle coal seam. One such well is active and two are abandoned. All such wells will need to be plugged so that they can be mined through.

(c) Rockwell expects to encounter such wells within 6 months.

(d) The petition addresses items for which District Manager approval is required: procedures for cleaning out and preparing oil and gas wells prior to plugging or re-plugging; procedures for plugging or re-plugging oil or gas wells to the surface; procedures for plugging or re-plugging oil or gas wells for use as degasification boreholes, alternative procedures for preparing and plugging or re-plugging oil or gas wells; and procedures after approval has been granted to mine through a plugged or re- plugged well.

(e) The type of oil or gas well that will be considered under this Petition includes: wells that have been depleted of oil or gas production or have not produced oil or gas and that may have been plugged; or active conventional vertical wells which are not producing gas or oil, subject to the provisions below. Unconventional wells in the Marcellus or Utica and all

other unconventional shale oil and gas wells are not subject to this modification. Nothing in these provisions is meant to lessen, diminish, or substitute any provision found in applicable state laws or regulations.

(f) Although some gas wells were present in the northern reserve, the mine plan includes the use and maintenance of barriers in accordance with state and federal regulations. At that time, the mine reserve was large enough to allow for mining "around" the established barriers. Now that mining in the northern reserve has been exhausted, the additional mining will be completed in the southern portion of the reserve. The mine is actively developing a new center ridge corridor between an older abandoned mine (Ranger Fuel Corp. E- Mine) and the coal seam outcrop. Maintaining a 300-foot barrier in this area makes it impossible to gain access to the remaining reserves in the mine. The map titled "Eagle No. 3 Mine—MINE MAP" shows the current mining in this area with the projected mining inby the gas wells. The corridor development will cease at break 29 until a Proposed Decision and Order (PDO) is granted by MSHA. Until such time, the active producing section (MMU-001 and MMU-002) will relocate to a small reserve area outby the active faces. Rockwell Mining, LLC, is submitting a petition for modification to allow for the plugging of and mining through these gas wells and to significantly reduce the barrier and mine around the wells, if possible. The alternative method of plugging the wells shall not compromise the protection to miners. The plugging of wells to this excepted standard ensures the safety of our miners and extends the life of the mine. Without the ability to extend the corridor to the south, the mine will cease operations sooner than anticipated, after it has exhausted the reserves outby break 29.

(g) The alternative method provides an equivalent level of protection as many previous petitions. It permits identification of wells and contains provisions that prevent the introduction of methane or natural gas within the mine by appropriate and extensive plugging of the wells. Additional precautions provide for the detection of gas and the prevention of accumulations of gas with oversight by MSHA.

The petitioner proposes the following alternative method:

(a) A safety barrier of 300 feet in diameter (150 feet between any mined area and a well) shall be maintained around all oil and gas wells (defined herein to include all active, inactive, abandoned, shut-in, previously plugged wells, water injection wells, and carbon

dioxide sequestration wells) until approval to proceed with mining has been obtained from the District Manager.

(b) Prior to mining within the 300-feet safety barrier around any well that the mine plans to intersect, the mine operator shall provide to the District Manager a sworn affidavit or declaration executed by a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of the PDO granted by MSHA. The affidavit or declaration must be accompanied by all logs described in the PDO granted by MSHA and any other records that the District Manager may request. Once approved by the District Manager, the mine operator may mine within the safety barrier of the well, subject to the terms of the PDO granted by MSHA.

(c) If well intersection is not planned, the mine operator may request a permit to reduce the 300-feet diameter of the safety barrier that does not include intersection of the well. The District Manager may require documents and information that help verify the accuracy of the location of the well with respect to the mine maps and mining projections, including survey closure data, down-hole well deviation logs, historical well intersection location data. If the District Manager approves, (🗋 print page 81569) the mine operator may then mine within the safety barrier of the well.

(d) In the event an uncharted well is inadvertently mined into, mining shall cease immediately on the section, electrical power shall be deenergized in the affected area, and MSHA shall be notified immediately via the emergency phone number posted on MSHA's website for reporting of this hazardous condition. In addition to its potential for liberating methane, the well may also be an open connection from the mine to the surface that presents a hazard to the mine and the environment. The District will respond with a timely investigation, issue a K Order if needed, and allow resumption of mining once a suitable action plan is in place.

(e) The terms and conditions of the PDO granted by MSHA shall apply to all types of underground coal mining.

(f) The following procedures shall be followed for cleaning out and preparing vertical oil and gas wells prior to plugging or re-plugging:

(1) The mine operator shall test for gas emissions inside the hole before cleaning out, preparing, plugging, and re-plugging oil and gas wells. The District Manager shall be contacted if gas is being produced.

(2) A diligent effort shall be made to clean the well to the original total depth. The mine operator shall contact the District Manager prior to stopping the operation to pull casing or clean out the total depth of the well. If this depth cannot be reached, and the total depth of the well is less than 4,000 feet, the operator shall completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless the District Manager requires cleaning to a greater depth based on the geological strata or pressure within the well. The operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. If the total depth of the well is 4,000 feet, or greater, the operator shall completely clean out the well from the surface to at least 400 feet below the base of the lowest mineable coal seam. The operator shall remove all material from the entire diameter of the well, wall to wall. If the total depth of the well is unknown and there is no historical information, the mine operator must contact the District Manager before proceeding.

(3) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. In addition, a journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any section where casing was cut or milled; and other pertinent information concerning cleaning and sealing the well. Invoices, workorders, and other records relating to all work on the well shall be maintained as part of the logs and provided to MSHA upon request.

(4) When cleaning out the well as detailed in subparagraph (f)(2), the operator shall make a diligent effort to remove all of the casing in the well. After the well is completely cleaned out and all the casing removed, the well should be plugged to the total depth by pumping expanding cement slurry and pressurizing to at least 200 pounds per square inch (psi). If the casing cannot be removed, it must be cut, milled, perforated or ripped at all mineable

coal seam levels to facilitate the removal of any remaining casing in the coal seam by the mining equipment. Any casing which remains shall be perforated or ripped to permit the injection of cement into voids within and around the well. All casing remaining at mineable coal seam levels shall be perforated or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam.

(5) Perforations or rips are required at least every 50 feet from 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the uppermost mineable coal seam. The mine operator shall take appropriate steps to ensure that the annulus between the casing and the well walls are filled with expanding (minimum 0.5 percent expansion upon setting) cement and contain no voids.

(6) If it is not possible to remove all of the casing, the operator shall notify the District Manager before any other work is performed. If the well cannot be cleaned out or the casing removed, the operator shall prepare the well as described from the surface to at least 200 feet below the base of the lowest mineable coal seam for wells less than 4,000 feet in depth and 400 feet below the lowest mineable coal seam for wells 4,000 feet or greater, unless the District Manager requires cleaning out and removal of casing to a greater depth based on geological strata or the pressure within the well.

(7) If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that all annuli in the well are already adequately sealed with cement, the operator will not be required to perforate or rip the casing for that particular well. When multiple casing and tubing strings are present in the coal horizon(s), any remaining casing shall be ripped or perforated; then it shall be filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(8) If the District Manager concludes that the completely cleaned out well is emitting excessive amounts of gas, the operator must place a mechanical bridge plug in the well. It must be placed in a competent stratum at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum, unless the District Manager requires a greater distance based on geological strata the pressure within the well. The operator shall provide the District Manager with all information it possesses concerning the geological

nature of the strata and the pressure of the well. If it is not possible to set a mechanical bridge plug, an appropriately sized packer shall be used. The mine operator shall document what has been done to "kill the well" and plug the carbon producing strata.

(9) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the lowest minable coal seam, the operator shall properly place mechanical bridge plugs as described in subparagraph (f)(8) to isolate the hydrocarbon- producing stratum from the expanding cement plug. The operator shall place a minimum of 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater distance based on the geological strata or the pressure within the well.

(g) The following procedures shall be followed for plugging or re-plugging oil or gas wells to the surface after completely cleaning out the well as previously specified:

(1) The operator shall pump expanding cement slurry down the well to form a plug which runs from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam (or lower if required by the District Manager based on the geological strata or the pressure within the well) to the (🗋 print page 81570) surface. The expanding cement shall be placed in the well under a pressure of at least 200 psi.

(2) Portland cement or a lightweight cement mixture shall be used to fill the area from 100 feet above the top of the uppermost mineable coal seam (or higher if required by the District Manager that a higher distance is required due to the geological strata or the pressure within the well) to the surface.

(3) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger diameter casing, set in cement, shall extend at least 36 inches above the ground level with the American Petroleum Institute (API) well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (*e.g.*, prime farmland), high-resolution GPS coordinates (one-half meter resolution) shall be required.

(h) The following procedures shall be followed for plugging or re-plugging oil and gas wells for use as degasification wells after completely cleaning out the well as previously specified:

(1) The operator shall set a cement plug in the well by pumping an expanding cement slurry down the tubing to provide at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater depth based on the geological strata or the pressure within the well. The expanding cement shall be placed in the well under a pressure of at least 200 psi. The top of the expanding cement shall extend at least 50 feet above the top of the coal seam being mined, unless the District Manager requires a greater distance based on the geological strata or the pressure within the well.

(2) The operator shall securely grout into the bedrock of the upper portion of the degasification well a suitable casing to protect it. The remainder of this well may be cased or uncased.

(3) The operator shall fit the top of the degasification casing with a wellhead equipped as required by the District Manager in the approved ventilation plan. Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(4) Operation of the degasification well shall be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentrations that may be extracted.

(5) After the area of the coal mine that is degassed by a well is sealed or the coal mine is abandoned, the operator must plug all degasification wells using the following procedures:

(i) The operator shall insert a tube to the bottom of the well or, if not possible, to within 100 feet above the coal seam being mined. Any blockage must be removed to ensure that the tube can be inserted to this depth.

(ii) The operator shall set a cement plug in the well by pumping Portland cement or a lightweight cement mixture down the tubing until the well is filled to the surface.

(iii) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.

(i) The following provisions apply to all wells which the operator determines, and with which the MSHA District Manager agrees, cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors.

(1) The operator shall drill a hole adjacent and parallel to the well, to a depth of at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the lowest mineable coal seam, unless the District Manager requires a greater depth based on the geological strata or the pressure within the well.

(2) The operator shall use a geophysical sensing device to locate any casing which may remain in the well.

(3) If the well contains casing(s), the operator shall drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the operator shall perforate or rip all casings at least every 5 feet. Beyond this distance, the operator shall perforate or rip at least every 50 feet from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the seam being mined, unless the District Manager requires a greater distance based on the geological strata or the pressure within the well. The operator shall fill the annulus between the casings and between the casings and the well wall with expanding (minimum 0.5 percent expansion upon setting) cement and shall ensure that these areas contain no voids. If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the operator shall not be required to perforate or rip the casing for that particular well or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated. An acceptable casing bond log for each casing and tubing string shall be made if this used in lieu of ripping or perforating multiple strings.

(4) Where the operator determines, and the District Manager agrees, that there is insufficient casing in the well to allow the method outlined to be used, then the operator shall use a horizontal hydraulic fracturing technique to intercept the original well. From at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, the operator shall fracture in at least six places at intervals to be agreed upon by the operator and the District Manager after considering the geological strata and the pressure within the well. The operator shall pump expanding cement into the fractured well in sufficient quantities and in a manner which fills all intercepted voids.

(5) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. The operator may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment necessary to obtain the log.

(6) A journal shall be maintained that describes: the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any sections where casing was cut or milled; and other pertinent information concerning sealing the well. Invoices, workorders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(7) After the operator has plugged the well, the operator shall plug the adjacent hole, from the bottom to the surface, with Portland cement or a lightweight cement mixture. The operator shall embed steel turnings or other small magnetic particles in the top (❐ print page 81571) of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level. A combination of the methods outlined previously may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The operator and the District Manager shall discuss the nature of each hole and if the District Manager requires more than one method be utilized.

The mine operator may submit an alternative plan to the District Manager for approval to use different methods including certification by a registered petroleum engineer to support the proposed alternative methods to address wells that cannot be completely cleaned out.

(j) The following procedures shall be followed when mining within a 100-feet diameter barrier around a well.

(1) A representative of the operator, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a conference be conducted prior to intersecting any plugged or re-plugged well. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance related to the condition of the well or surrounding strata when such conditions are encountered.

(2) The operator shall intersect a well on a shift approved by the District Manager. The operator shall notify the District Manager and the miners' representative in sufficient time prior to intersecting a well to provide an opportunity to have representatives present.

(3) When using continuous mining methods, the operator shall install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sites shall not be more than 50 feet from the well. When using longwall mining methods, distance markers shall be installed on 5-foot centers for a distance of 50 feet in advance of the well in the headgate entry and in the tailgate entry.

(4) The operator shall ensure that fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection (when either the conventional or continuous mining method is used) is available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.

(5) The operator shall ensure that sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

(6) On the shift prior to intersecting the well, the operator shall service all equipment and check it for permissibility. Water sprays, water pressures, and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

(7) The operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to intersecting the well.

(8) When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed and the area has been examined and declared safe. All workplace examinations on the return side of the shearer shall be conducted while the shearer is idle. The operator's most current approved ventilation plan shall be followed at all times unless the District Manager requires a greater air velocity for the intersect.

(9) When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor to within 20 feet of the face when intersecting the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib, and floor up to both the headgate and tailgate gob.

(10) When the well is intersected, the operator shall de-energize all equipment, and thoroughly examine and determine the area to be safe before permitting mining to resume.

(11) After a well has been intersected and the working place determined to be safe, mining shall continue inby the well a sufficient distance to permit adequate ventilation around the area of the well.

(12) When necessary, torches shall be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. The operator shall apply a thick layer of rock dust to the roof, face, floor, ribs and any exposed coal within 20 feet of the casing prior to the use of torches.

(13) Non-sparking (brass) tools shall be located on the working section and shall be used exclusively to expose and examine cased wells.

(14) No person shall be permitted in the area of the well intersection except those engaged in the operation, company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) The operator shall alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

(16) The well intersection shall be under the direct supervision of a certified individual. Instructions concerning the well intersection shall be issued only by the certified individual in charge.

(17) If the mine operator cannot find the well in the middle of the panel or a gate section misses the anticipated intersection, mining shall cease and the District Manager shall be notified.

(18) A copy of the PDO granted by MSHA shall be maintained at the mine and be available to the miners.

(19) If the well is not plugged to the total depth of all minable coal seams identified in the core hole logs, any coal seams beneath the lowest plug shall remain subject to the barrier requirements of 30 CFR 75.1700 (https://www.ecfr.gov/current/title-30/section-75.1700).

(20) All necessary safety precautions and safe practices required by MSHA regulations and State regulatory agencies having jurisdiction over the plugging site shall be followed.

(21) All miners involved in the plugging or re-plugging operations shall be trained on the contents of the PDO granted by MSHA prior to starting the process.

(22) Mechanical bridge plugs should incorporate the best available technologies required or recognized by the State regulatory agency and/or oil and gas industry.
(🗋 print page 81572)

(23) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 (https://www.ecfr.gov/current/title-30/part-48) training plan to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the PDO granted by MSHA. The operator shall provide all miners involved in well intersection with training on the requirements of the PDO granted by MSHA prior to mining within 150 feet of a well intended to be mined through.

(24) The responsible person required under 30 CFR 75.1501 (https://www.ecfr.gov/current/title-30/section-75.1501) shall be responsible for well intersection emergencies. The well intersection procedures shall be reviewed by the responsible person prior to any planned intersection.

(25) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required under 30 CFR 75.1502 (https://www.ecfr.gov/current/title-30/section-75.1502). The operator shall revise the program of instruction to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised plan within 30 days of submittal.

(k) The miners at the Eagle #3 mine are not represented by a labor union and do not have a miner's representative. The petition is posted at the mine.

In support of the proposed alternative method, the petitioner has also submitted: mine maps indicating well locations, current mining in the area and projected mining inby the gas wells; well production records and charts; schematics showing general cross-sections of casing and tubing; and other relevant facts.

The petitioner asserts that the alternative method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024-23246 (/d/2024-23246) Filed 10-7-24; 8:45 am]

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Attachment

MSHA Proposed Decision and Order Docket No. 2024-12-C

API Well No. 47-109-02218

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South, Suite 401
Arlington, Virginia 22202-5452

02/04/2025

In the matter of:
Rockwell Mining, LLC
Eagle #3 Mine
I.D. No. 46-09427

Petition for Modification

Docket No. M-2024-12-C

PROPOSED DECISION AND ORDER

Rockwell Mining, LLC filed a petition seeking modification of the application of 30 C.F.R. § 75.1700 to its Eagle #3 Mine located on Knob Fork of Clear Fork of the Guyandotte River near Kopperston, Wyoming County, West Virginia. The referenced petition for modification is dated April 19, 2024, and MSHA subsequently acknowledged receipt in a letter dated September 3, 2024. The Petitioner filed the petition to permit an alternative method of compliance with the standard with respect to vertical oil and gas wells into the underground coal seams. The Petitioner alleges that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded miners under 30 C.F.R. § 75.1700 as that provided by the standard, which states:

> **§ 75.1700 Oil and gas wells.**
> Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barriers shall not be less than 300 feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations where such lesser barrier will be adequate to protect against hazards from such wells to the miners in such mine, or unless the Secretary or his authorized representative requires a greater barrier where the depth of the mine, other geologic conditions, or other factors warrant such a greater barrier.

The petition addresses items for which District Manager approval is required, procedures for cleaning out and preparing oil and gas wells prior to plugging or re-plugging, procedures for plugging or re-plugging oil or gas wells to the surface, procedures for plugging or re-plugging oil or gas wells for use as degasification boreholes, alternative procedures for preparing and plugging or re-plugging oil or gas wells, mandatory procedures when mining within a 100-foot diameter barrier around the well, and procedures after approval has been granted to mine through a plugged or re-plugged well.

On December 18, 2024, MSHA personnel conducted an investigation of the petition, however, a meeting with the employees of the mine could not be arranged on this date to discuss the petition. Additional investigation meetings were conducted on January 13, 2025, and January 16, 2025, to discuss the proposed petition with the employees of the mine during their safety meetings. No questions or comments were received from the miners concerning the proposed petition. The mine currently employs 62 miners, with 5 surface employees and 57 underground employees. After a careful review of the entire record, including the petition and MSHA's investigative report this Proposed Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Eagle #3 Mine is located on Knob Fork of Clear Fork of the Guyandotte River near Kopperston, Wyoming County, West Virginia and was started on or around September 10, 2012. The coal seam currently being mined is the Lower Eagle coal seam with a mining height of approximately 5 feet. The mine has three (3) drift openings at the portal and has developed underground with nine (9) entries. The operation consists of one (1) continuous miner super-section, producing coal 2 shifts per day, 6 days per week on day and evening shifts. They also have one (1) maintenance crew operating 6 days per week on the midnight shift. Production shifts are scheduled for 10 hours, and the maintenance shift is scheduled for 8 hours. The mine currently has approximately seven (7) gas wells identified within/near the life of mine projections. The mine operator has identified three (3) gas wells, at this time, which will be mined through or within a safety barrier surrounding a well less than the District Manager will approve, unless adverse geologic conditions (poor roof conditions, seam washouts, faults, etc.) dictate the need for additional wells, as plugging a well to the 101(c) petition's requirements is expensive. Also, the operator is not aware of any oil, Enhanced Oil Recovery (EOR), or Coalbed Methane (CBM) wells located within the proposed mining area.

The miners at Eagle #3 Mine are not represented by a labor union and do not have a miners' representatives.

A copy of the petition for modification was posted on the bulletin board at the mine site during the investigation.

Mr. William Stapleton, Chief Engineer for Rockwell Mining, LLC indicated the main purpose for the proposed 101(c) Petition for Modification seeking to modify the application of 30 CFR 75.1700, is in the event the projections cannot be changed to mine around a gas well or a safety barrier left around a well is less than required by the District Manager, due to geologic conditions. The mine may have to mine through or within a safety barrier surrounding a well less than the

District Manager will approve, at the southernmost end of the reserve, due to being constrained by the seam outcrop on the west and adjacent mining to the east. According to Mr. Stapleton, they would prefer to mine around any wells, if possible.

The predominant natural gas formations within the mining area are in the Greenbrier limestone formation and the Gordon sandstone formations. The depth of the formations ranges from approximately 3,400 feet deep down to approximately 4,600 feet deep, which is approximately 3,150 feet to 4,150 feet below the Lower Eagle coal seam. Additionally, Coalbed Methane wells were developed in the Beckley coal seam, at an approximate depth of 1,850 feet, which is approximately 1,600 feet below the Lower Eagle coal seam.

The mine operator is not aware of any natural gas flared from this reservoir, production of condensate or any sour gas (hydrogen sulfide, H2S) encountered in any well. The mine operator has no knowledge of the typical flow rates, pressures of the natural gas produced, abandonment pressures or the recharge potential of the reservoir. According to the mine operator, there are no known unconsolidated formations, karstic formations, or lost circulation zones in this area.

There are no underground mines below the mine within the projected reserve area. All the underground mines located above, in which the wells penetrate their coal seams, are abandoned and have left a barrier to protect them from subsidence according to the operator.

In addition to the Lower Eagle coal seam, the Upper Eagle and No. 2 Gas coal seams have been mined or are mineable above the mine's reserve. There is no known mining identified below the Eagle #3 Mine; however, the mine workings/mine reserves are underlain by the Beckley coal seam. The Upper Eagle coal seam is approximately 30-35 feet above the Lower Eagle coal seam. All mine workings in the Upper Eagle coal seam are abandoned. The No. 2 Gas coal seam is approximately 225 feet above the Lower Eagle coal seam. All mine workings in the No. 2 Gas coal seam are abandoned.

Therefore, the terms and conditions will, at all times, guarantee no less than the same measure of protection afforded the miners under 30 CFR 75.1700 for wells the identified wells. On the basis of the petition, comments received, and the findings of MSHA's investigation, Rockwell Mining, LLC is granted a modification of the application of 30 C.F.R. § 75.1700 to its Eagle #3 Mine.

ORDER

Under the authority delegated by the Secretary of Labor to the Administrator for Mine Safety and Health Enforcement, and under § 101(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 811(c), and 30 C.F.R. Part 44, a modification of the application of 30 C.F.R. § 75.1700 at Rockwell Mining, LLC's Eagle #3 Mine mine is hereby:

GRANTED, subject to the following terms and conditions:

1. DISTRICT MANAGER APPROVAL REQUIRED

a. The type of oil or gas well that will be considered under this Petition includes wells that have been depleted of oil or gas production or have not produced oil or gas and may have been plugged, or active conventional vertical wells which are not producing gas or oil, subject to the provisions below. Unconventional wells in the Marcellus, Utica, and all other unconventional shale oil and gas wells are not subject to this modification. Nothing in these provisions is meant to lessen, diminish, or substitute any provision found in applicable state laws or regulations.

b. A safety barrier of 300 feet in diameter (150 feet between any mined area and a well) shall be maintained around all oil and gas wells (defined herein to include all active, inactive, abandoned, shut-in, previously plugged wells, water injection wells, and carbon dioxide sequestration wells) until approval to proceed with mining has been obtained from the District Manager. Wells that were drilled into potential oil or gas producing formations that did not produce commercial quantities of either gas or oil (exploratory wells, wildcat wells or dry holes) are classified as oil or gas wells by MSHA.

c. Prior to mining within the safety barrier around any well that the mine plans to intersect, the mine operator shall provide to the District Manager a sworn affidavit or declaration executed by a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of this order.

The affidavit or declaration must be accompanied by all logs described in subparagraphs 2(a)(2) and 2(a)(3) below and any other records described in those subparagraphs which the District Manager may request. The District Manager will review the affidavit or declaration, the logs and any other records that have been requested, and may

inspect the well itself, and will then determine if the operator has complied with the procedures for cleaning out, preparing, and plugging each well as described by the terms and conditions of this Order. If the District Manager determines that the procedures have been complied with, he will provide his approval, and the mine operator may then mine within the safety barrier of the well, subject to the terms of this Order.

If well intersection is not planned, the mine operator may request a permit to reduce the 300 foot diameter of the safety barrier that does not include intersection of the well. The District Manager may require documents and information that help verify the accuracy of the location of the well in respect to the mine maps and mining projections. This information may include survey closure data, down-hole well deviation logs, historical well intersection location data and any additional data required by the District Manager. If the District Manager determines that the proposed barrier reduction is reasonable, he will provide his approval, and the mine operator may then mine within the safety barrier of the well.

d. In the event an uncharted well is inadvertently mined into, mining shall cease immediately on the section, electrical power shall be de-energized in the affected area, and MSHA shall be notified immediately via the emergency phone number posted on MSHA's website for reporting of this hazardous condition. In addition the well has the potential for liberation of methane, it is an open connection from the mine to the surface which presents a hazard to the mine and the environment. The district will respond with a timely investigation, issue a K Order if needed, and allow resumption of mining once a suitable action plan is in place.

e. The terms and conditions of this Order apply to all types of underground coal mining.

2. MANDATORY PROCEDURES FOR CLEANING OUT, PREPARING, PLUGGING, AND RE-PLUGGING OIL OR GAS WELLS

a. MANDATORY PROCEDURES FOR CLEANING OUT AND PREPARING VERTICAL OIL AND GAS WELLS PRIOR TO PLUGGING OR RE-PLUGGING

The mine operator shall test for gas emissions inside the hole before cleaning out, preparing, plugging, and re-plugging oil and gas wells. The District Manager shall be contacted if gas is being produced.

(1) A diligent effort shall be made to clean the well to the original total depth. The mine operator shall contact the District Manager prior to stopping the operation to pull casing or clean out the total depth of the well.

If this depth cannot be reached, and the total depth of the well is less than 4,000 feet, the operator shall completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless the District Manager requires cleaning to a greater depth based on his judgment as to what is required due to the geological strata, or due to the pressure within the well. The operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. **If the total depth of the well is 4,000 feet, or greater, the operator shall completely clean out the well from the surface to at least 400 feet below the base of the lowest mineable coal seam. Wells of this greater depth are under greater pressure, so the 400 feet requirement provides greater protection for miners.** The operator shall remove all material from the entire diameter of the well, wall to wall. If the total depth of the well is unknown and there is no historical information, the mine operator must contact the District Manager before proceeding.

(2) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. In addition, a journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any sections where casing was cut or milled; and other pertinent information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(3) When cleaning out the well as provided for in subparagraph (a)(1), the operator shall make a diligent effort to remove all of the casing in the well. After the well is completely cleaned out and all the casing removed, the well should be plugged to the total depth by pumping expanding cement slurry and pressurizing to at least 200 psi. If the

casing cannot be removed, it must be cut, milled, perforated or ripped at all mineable coal seam levels to facilitate the removal of any remaining casing in the coal seam by the mining equipment. Any casing which remains shall be perforated or ripped to permit the injection of cement into voids within and around the well. All casing remaining at mineable coal seam levels shall be perforated or ripped at least every 5 feet from 10 feet below the coal seam to 10 feet above the coal seam.

Perforations or rips are required at least every 50 feet from 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the uppermost mineable coal seam. See Appendix A. The mine operator must take appropriate steps to ensure that the annulus between the casing and the well walls are filled with expanding (minimum 0.5% expansion upon setting) cement and contain no voids.

If it is not possible to remove all of the casing, the operator shall notify the District Manager before any other work is performed. **If the well cannot be cleaned out or the casing removed, the operator shall prepare the well as described from the surface to at least 200 feet below the base of the lowest mineable coal seam for wells less than 4000 feet in depth and 400 feet below the lowest mineable coal seam for wells 4000 feet or greater, unless the District Manager requires cleaning out and removal of casing to a greater depth based on his judgement as to what is required due to geological strata, or due to the pressure within the well.**

If the operator, using a casing bond log can demonstrate to the satisfaction of the District Manager that all annuli in the well are already adequately sealed with cement, then the operator will not be required to perforate or rip the casing for that particular well. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(4) If the District Manager concludes that the completely cleaned-out well is emitting excessive amounts of gas, the operator must place a mechanical bridge plug in the well. **It must be placed in a competent stratum at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam, but above the top of the uppermost hydrocarbon-producing stratum,**

unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata, or due to the pressure within the well. The operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used. The mine operator shall document what has been done to "kill the well" and plug the carbon producing strata.

(5) If the upper-most hydrocarbon-producing stratum is within 300 feet of the base of the lowest minable coal seam, the operator shall properly place mechanical bridge plugs as described in subparagraph (a)(4) to isolate the hydrocarbon-producing stratum from the expanding cement plug.
Nevertheless, the operator shall place a minimum of 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata, or due to the pressure within the well.

b. MANDATORY PROCEDURES FOR PLUGGING OR RE-PLUGGING OIL OR GAS WELLS TO THE SURFACE

After completely cleaning out the well as specified in paragraph 2(a) above, the following procedures shall be used to plug or re-plug wells:

(1) **The operator shall pump expanding cement slurry down the well to form a plug which runs from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam (or lower if required by the District Manager based on his judgment that a lower depth is required due to the geological strata, or due to the pressure within the well) to the surface.** The expanding cement will be placed in the well under a pressure of at least 200 pounds per square inch.

Portland cement or a lightweight cement mixture may be used to fill the area from 100 feet above the top of the uppermost mineable coal seam (or higher if required by the District Manager based on his judgment that a higher distance is required due to the geological strata, or due to the pressure within the well) to the surface.

(2) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a

permanent magnetic monument of the well. In the alternative, a 4-inch or larger diameter casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (e.g. prime farmland), high-resolution GPS coordinates (one-half meter resolution) are required.

c. MANDATORY PROCEDURES FOR PLUGGING OR RE-PLUGGING OIL AND GAS WELLS FOR USE AS DEGASIFICATION WELLS

After completely cleaning out the well as specified in paragraph 2(a) above, the following procedures shall be utilized when plugging or re-plugging wells that are to be used as degasification wells:

(1) **The operator shall set a cement plug in the well by pumping an expanding cement slurry down the tubing to provide at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well.** The expanding cement will be placed in the well under a pressure of at least 200 pounds per square inch. The top of the expanding cement shall extend at least 50 feet above the top of the coal seam being mined, unless the District Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well.

(2) The operator shall securely grout into the bedrock of the upper portion of the degasification well a suitable casing in order to protect it. The remainder of this well may be cased or uncased.

(3) The operator shall fit the top of the degasification casing with a wellhead equipped as required by the District Manager in the approved ventilation plan. Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(4) Operation of the degasification well shall be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentrations that may be extracted.

(5) After the area of the coal mine that is degassed by a well is sealed or the coal mine is abandoned, the operator must plug all degasification

wells using the following procedures:

(i) The operator shall insert a tube to the bottom of the well or, if not possible, to within 100 feet above the coal seam being mined. Any blockage must be removed to ensure that the tube can be inserted to this depth.

(ii) The operator shall set a cement plug in the well by pumping Portland cement or a lightweight cement mixture down the tubing until the well is filled to the surface.

(iii) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.

d. MANDATORY ALTERNATIVE PROCEDURES FOR PREPARING AND PLUGGING OR RE-PLUGGING OIL OR GAS WELLS

The following provisions apply to all wells which the operator determines, and with which the MSHA District Manager agrees, cannot be completely cleaned out due to damage to the well caused by subsidence, caving, or other factors.

(1) The operator shall drill a hole adjacent and parallel to the well, to a depth of at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well.

(2) The operator shall use a geophysical sensing device to locate any casing which may remain in the well.

(3) If the well contains casing(s), the operator shall drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the operator shall perforate or rip all casings at least every 5 feet. **Beyond this distance, the operator shall perforate or rip at least every 50 feet from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the seam being mined, unless the District**

Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well. The diagram shown in Appendix A is representative of the locations of the perforations or ripping that must be done. The operator shall fill the annulus between the casings and between the casings and the well wall with expanding (minimum 0.5% expansion upon setting) cement, and shall ensure that these areas contain no voids. If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the operator will not be required to perforate or rip the casing for that particular well, or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(4) Where the operator determines, and the District Manager agrees, that there is insufficient casing in the well to allow the method outlined in subparagraph (d)(3) to be used, then the operator shall use a horizontal hydraulic fracturing technique to intercept the original well. **From at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, the operator shall fracture in at least six places at intervals to be agreed upon by the operator and the District Manager after considering the geological strata and the pressure within the well.** The operator shall then pump expanding cement into the fractured well in sufficient quantities and in a manner which fills all intercepted voids.

(5) The operator shall prepare down-hole logs for each well. Logs shall consist of a caliper survey, a gamma log, a bond log and a deviation survey for determining the top, bottom, and thickness of all coal seams down to the lowest minable coal seam, potential hydrocarbon producing strata and the location of any existing bridge plug. The operator may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment necessary to obtain the log.

(6) A journal shall be maintained describing the depth of each material encountered; the nature of each material encountered; bit size and type used to drill each portion of the hole; length and type of each material

used to plug the well; length of casing(s) removed, perforated or ripped or left in place; any sections where casing was cut or milled; and other pertinent information concerning sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(7) After the operator has plugged the well as described in subparagraphs (d)(3) and/or (d)(4), the operator shall plug the adjacent hole, from the bottom to the surface, with Portland cement or a lightweight cement mixture. The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4-inch or larger casing, set in cement, shall extend at least 36 inches above the ground level.

A combination of the methods outlined in subparagraphs (d)(3) and (d)(4) may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The operator and the District Manager shall discuss the nature of each hole.

The District Manager may require that more than one method be utilized. The mine operator may submit an alternative plan to the District Manager for approval to use different methods to address wells that cannot be completely cleaned out. The District Manager may require additional documentation and certification by a registered petroleum engineer to support the proposed alternative methods.

3. MANDATORY PROCEDURES WHEN MINING WITHIN A 100-FOOT DIAMETER BARRIER AROUND WELL

a. A representative of the operator, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a conference be conducted prior to intersecting any plugged or re-plugged well. Upon receipt of any such request, the District Manager shall schedule such a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance related to the condition of the well or surrounding strata when such conditions are encountered.

b. The operator shall intersect a well on a shift approved by the District Manager. The operator shall notify the District Manager and the miners' representative in sufficient time prior to intersecting a well in order to provide an opportunity to have representatives present.

c. When using continuous mining methods, the operator shall install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sites shall not be more than 50 feet from the well. When using longwall mining methods, distance markers shall be installed on 5-foot centers for a distance of 50 feet in advance of the well in the headgate entry and in the tailgate entry.

d. The operator shall ensure that fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection (when either the conventional or continuous mining method is used) is available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.

e. The operator shall ensure that sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

f. On the shift prior to intersecting the well, the operator shall service all equipment and check it for permissibility. Water sprays, water pressures, and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

g. The operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to intersecting the well.

h. When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed, and the

area has been examined and declared safe. All workplace examinations on the return side of the shearer will be conducted while the shearer is idle. The operator's most current Approved Ventilation Plan will be followed at all times unless the District Manager deems a greater air velocity for the intersect is necessary.

i. When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib, and floor to within 20 feet of the face when intersecting the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib, and floor up to both the headgate and tailgate gob.

j. When the well is intersected, the operator shall de-energize all equipment, and thoroughly examine and determine the area to be safe before permitting mining to resume.

k. After a well has been intersected and the working place determined to be safe, mining shall continue inby the well a sufficient distance to permit adequate ventilation around the area of the well.

l. If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around the well bore and methane levels of less than 1.0% are present in all areas that will be exposed to flames and sparks from the torch. The operator shall apply a thick layer of rock dust to the roof, face, floor, ribs and any exposed coal within 20 feet of the casing prior to the use of torches.

m. Non-sparking (brass) tools will be located on the working section and will be used exclusively to expose and examine cased wells.

n. No person shall be permitted in the area of the well intersection except those actually engaged in the operation, including company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

o. The operator shall alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

p. The well intersection shall be under the direct supervision of a certified individual. Instructions concerning the well intersection shall be issued only by the certified individual in charge.

q. If the mine operator cannot find the well in the middle of the panel or a gate section misses the anticipated intersection, mining shall cease and the District Manager shall be notified.

r. The provisions of this Order do not impair the authority of representatives of MSHA to interrupt or halt the well intersection, and to issue a withdrawal order, when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either a verbal or written order to that effect to a representative of the operator, which order shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.

s. A copy of this Order shall be maintained at the mine and be available to the miners.

t. If the well is not plugged to the total depth of all minable coal seams identified in the core hole logs, any coal seams beneath the lowest plug will remain subject to the barrier requirements of 30 C.F.R. § 75.1700, should those coal seams be developed in the future.

u. All necessary safety precautions and safe practices according to Industry Standards, required by MSHA regulations and State regulatory agencies having jurisdiction over the plugging site will be followed to provide the upmost protection to the miners involved in the process.

v. All miners involved in the plugging or re-plugging operations will be trained on the contents of this petition prior to starting the process and a copy of this petition will be posted at the well site until the plugging or re-plugging has been completed.

w. Mechanical bridge plugs should incorporate the best available technologies that are either required or recognized by the State regulatory agency and/or oil and gas industry.

x. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved 30 C.F.R. Part 48 training plan to the District Manager. These proposed revisions shall include initial and refresher training on compliance with the terms and conditions stated in the Order. The operator shall provide all miners involved in well intersection with training on the requirements of this Order prior to mining within 150 feet of the next well intended to be mined through.

y. The responsible person required under 30 C.F.R. § 75.1501 Emergency Evacuations, is responsible for well intersection emergencies. The well intersection procedures should be reviewed by the responsible person prior to any planned intersection.

z. Within 30 days after this Order becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting program of instruction required under 30 C.F.R § 75.1502. The operator will revise the program of instruction to include the hazards and evacuation procedures to be used for well intersections. All underground miners will be trained in this revised plan within 30 days of submittal.

Any party to this action desiring a hearing on this matter must file in accordance with 30 C.F.R. § 44.14, within 30 days. The request for hearing must be filed with the Administrator for Mine Safety and Health Enforcement, 201 12th Street South, Suite 401, Arlington, Virginia 22202-5452.

If a hearing is requested, the request shall contain a concise summary of position on the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the proposed decision.

A party other than Petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition, and any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, the Decision and Order will become final and must be posted by the operator on the mine bulletin board at the mine.

Digitally signed by BRIAN GOEPFERT
Date: 2025.02.04 10:52:27 -05'00'

Brian Goepfert
Administrator for
Mine Safety and Health Enforcement

Certificate of Service

I hereby certify that a copy of this proposed decision was served personally or mailed, postage paid, or provided by other electronic means this 4th day of February, 2025, to:

R. Henry Moore
Fisher & Phillips LLP
Six PPG Place
Suite 830
Pittsburgh, PA 15222
hmoore@fisherphillips.com
Counsel for Rockwell Mining, LLC

Mark Morris, P.E.
Director of Technical Support
Rockwell Mining, LLC
54912 Pond Fork Road
Wharton, WV 25208
mmorris@blackhawkmining.com

ERROL ARNETT
Digitally signed by ERROL ARNETT
Date: 2025.02.04 11:49:18 -05'00'

Errol Scott Arnett
Mine Safety and Health Specialist

cc: Mr. McKennis Browning, Acting Director, Office of Miners' Health Safety & Training, #7 Players Club Dr. Suite 2, Charleston, WV 25311
McKennis.P.Browning@wv.gov

WW-4A
Revised 6-07

1) Date: 12/5/2024
2) Operator's Well Number
LCHC-002D

3) API Well No.: 47 - 109 - 02218

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OIL AND GAS
NOTICE 0F APPLICATION TO PLUG AND ABANDON A WELL

4) Surface Owner(s) to be served:
(a) Name: Pocahontas Land Corp.
Address: 800 Princeton Avenue
Bluefield, WV 24701
(b) Name:
Address:
(c) Name:
Address:

6) Inspector: Christian Porter
Address: PO Box 181
Holden, WV 25625
Telephone: 304-541-0079

5) (a) Coal Operator
Name: Rockwell Mining, LLC
Address: 54912 Pond fork Road, PO Box 57
Wharton, WV 25208
(b) Coal Owner(s) with Declaration
Name: Pocahontas Land Corp.
Address: 800 Princeton Avenue
Bluefield, WV 24701
Name:
Address:
(c) Coal Lessee with Declaration
Name: Rockwell Mining, LLC
Address: 54912 Pond fork Road, PO Box 57
Wharton, WV 25208

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: Panther Creek Mining, LLC
By: D. Edward Brown Signature:
Its: Senior VP
Address: 250 W. Main St., Suite 2000
Lexington, Ky 40475
Telephone: 859-543-0515

RECEIVED
Office Of Oil and Gas
FEB 14 2025
WV Department of
Environmental Protection

Subscribed and sworn before me this 16th day of December, 2024
Notary Public
My Commission Expires 11/09/2027

KELLY MARIE SHORT
ONLINE NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
Commission #KYNP79221
My Commission Expires 11/9/2027

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 deppriva cyoffier@wv.gov.

03/14/2025

WW-4B

API No. 47-109-02218
Farm Name
Well No. LCHC-002D

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 then 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 X / owner ____ / lessee X / 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: 12/16/2024

By: D. Edward Brown
Its Senior Vice President

RECEIVED
Office Of Oil and Gas
FEB 14 2025
WV Department of
Environmental Protection

03/14/2025

WW-9
(5/16)

API Number 47 - 109 - 02218
Operator's Well No. _____

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

Operator Name Panther Creek Mining, LLC OP Code 494515447

Watershed (HUC 10) Crane Fork of Clear Fork Quadrangle Pilot Knob

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

Will a pit be used? Yes ☑ No ☐

If so, please describe anticipated pit waste: Production Fluids 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 34-167-2-9707-00-00)
_____ 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 _____ RECEIVED Office Of Oil and Gas

Company Official (Typed Name) D. Edward Brown FEB 14 2025

Company Official Title Senior Vice President WV Department of Environmental Protection

Subscribed and sworn before me this 16th day of December, 20 24

_____ Notary Public

My commission expires 11/09/2027

KELLY MARIE SHORT
ONLINE NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
Commission #KYNP79221
My Commission Expires 11/9/2027

03/14/2025

Form WW-9

Operator's Well No.__________

Proposed Revegetation Treatment: Acres Disturbed 1 Prevegetation pH __________

Lime 3 Tons/acre or to correct to pH 6.0

Fertilizer type 10-20-20

Fertilizer amount 500 lbs/acre

Mulch 2 Tons/acre

Seed Mixtures

Temporary		Permanent	
Seed Type	lbs/acre	Seed Type	lbs/acre
Fescue	400		
Clover	5		
Ryegrass	5		

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: Christian Porter, WVDEP Oil and Gas Inspector

Comments: Well to be mined through.

Operator to cover with cement all oil & gas formations including Salt, elevator, coals and freshwater

Office of Oil and Gas
RECEIVED
FEB 14 2025
WV Department of
Environmental Protection

Title: Inspector Date: 1-28-25

Field Reviewed? (✓) Yes ( ) No

03/14/2025

WW-9- GPP
Rev. 5/16

Page _____ of _____
API Number 47 - 109 - 02218
Operator's Well No. _____

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

Operator Name: Panther Creek Mining, LLC

Watershed (HUC 10): Crane Fork of Clear Fork Quad: Pilot Knob

Farm Name: _____

1. List the procedures used for the treatment and discharge of fluids. Include a list of all operations that could contaminate the groundwater.

2. Describe procedures and equipment used to protect groundwater quality from the list of potential contaminant sources above.

3. List the closest water body, distance to closest water body, and distance from closest Well Head Protection Area to the discharge area.

4. Summarize all activities at your facility that are already regulated for groundwater protection.

5. Discuss any existing groundwater quality data for your facility or an adjacent property.

6. Provide a statement that no waste material will be used for deicing or fill material on the property.

7. Describe the groundwater protection instruction and training to be provided to the employees. Job procedures shall provide direction on how to prevent groundwater contamination.

8. Provide provisions and frequency for inspections of all GPP elements and equipment.

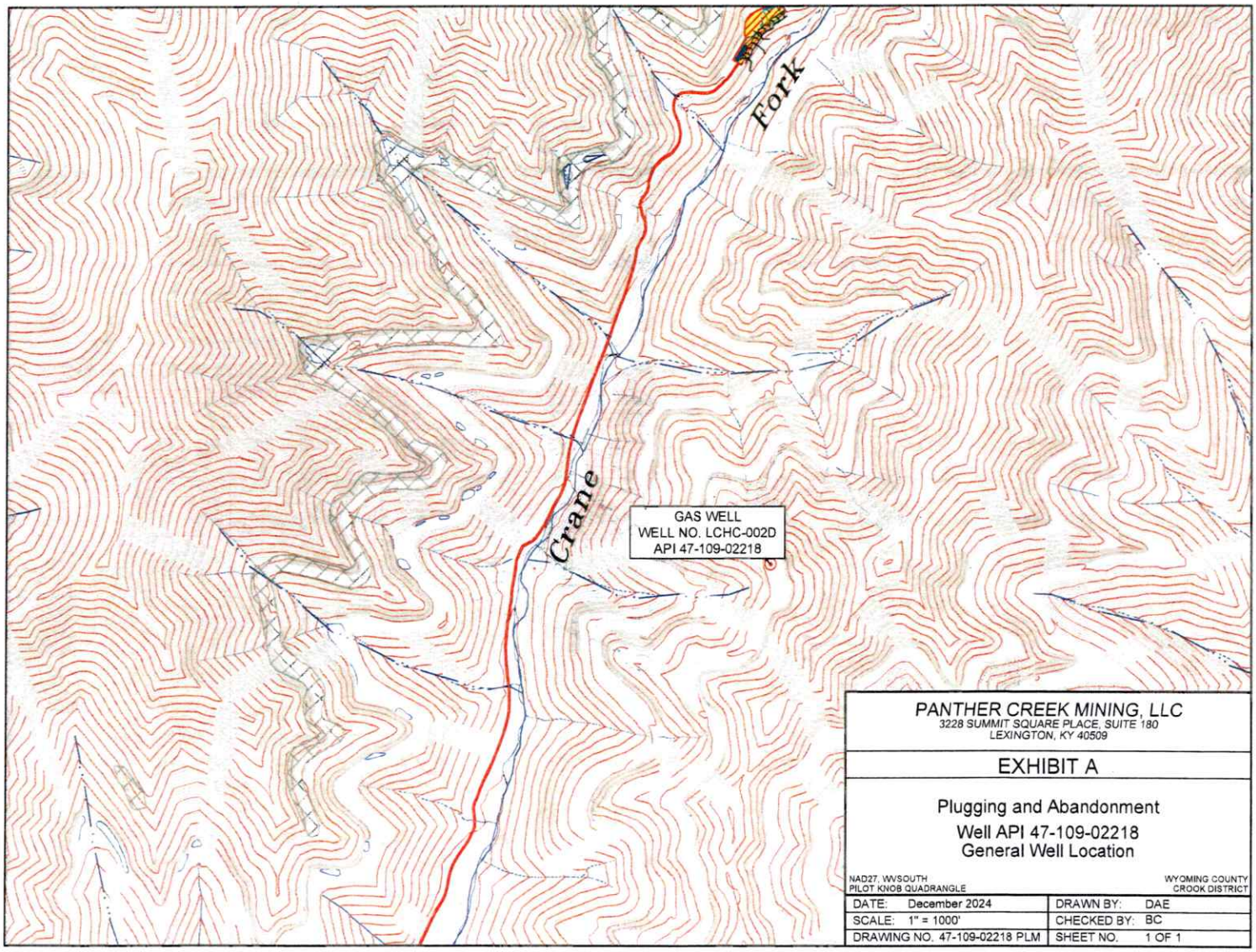
Signature: _____

Date: _____

Exhibit A

General Location Map

API Well No. 47-109-02218



PANTHER CREEK MINING, LLC
3228 SUMMIT SQUARE PLACE, SUITE 180
LEXINGTON, KY 40509

EXHIBIT A

Plugging and Abandonment
Well API 47-109-02218
General Well Location

NAD27, WVSOUTH
PILOT KNOB QUADRANGLE

WYOMING COUNTY
CROOK DISTRICT

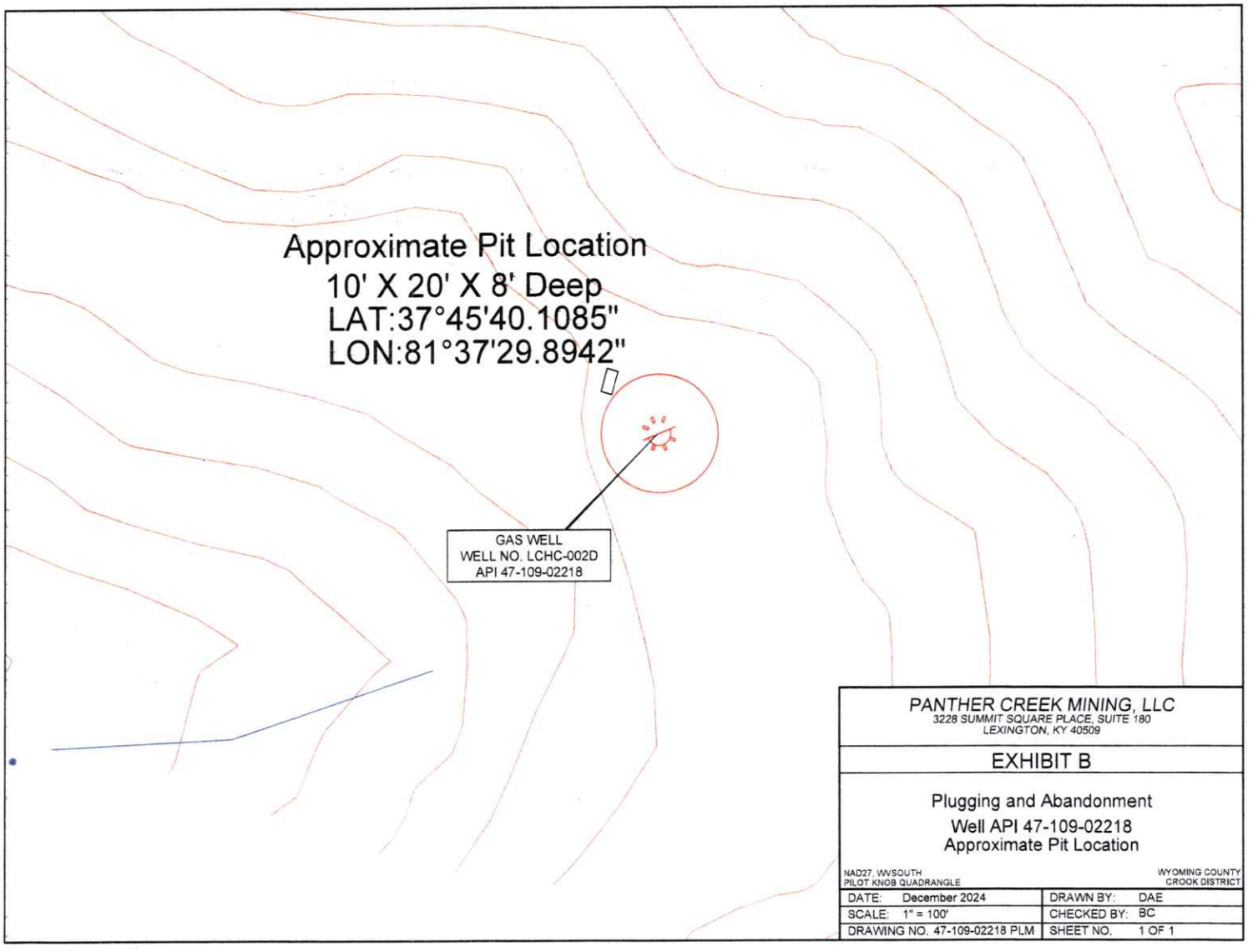
DATE: December 2024	DRAWN BY: DAE
SCALE: 1" = 1000'	CHECKED BY: BC
DRAWING NO. 47-109-02218 PLM	SHEET NO. 1 OF 1

03/14/2025

Exhibit B

Approximate Pit Location Map

API Well No. 47-109-02218



PANTHER CREEK MINING, LLC
3228 SUMMIT SQUARE PLACE, SUITE 180
LEXINGTON, KY 40509

EXHIBIT B

Plugging and Abandonment
Well API 47-109-02218
Approximate Pit Location

NAD27, WVSOUTH
PILOT KNOB QUADRANGLE

WYOMING COUNTY
CROOK DISTRICT

DATE: December 2024	DRAWN BY: DAE
SCALE: 1" = 100'	CHECKED BY: BC
DRAWING NO. 47-109-02218 PLM	SHEET NO. 1 OF 1

03/14/2025

WW-7
8-30-06

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

API: 47-109-02218 **WELL NO.:** LCHC-002D

FARM NAME: Pocahontas Land Corp.

RESPONSIBLE PARTY NAME: Panther Creek Mining, LLC

COUNTY: Wyoming **DISTRICT:** Oceana

QUADRANGLE: Pilot Knob

SURFACE OWNER: Pocahontas Land Corp.

ROYALTY OWNER: _____

UTM GPS NORTHING: 4179413.39

UTM GPS EASTING: 454565.16 **GPS ELEVATION:** 2463.94

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 X

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.

Brian P. Chapman — Signature

Senior Engineer — Title

12/19/2024 — Date

03/14/2025

SURFACE OWNER WAIVER

Operator's Well Number LCHC-002D

INSTRUCTIONS TO SURFACE OWNERS NAMED ON PAGE WW4-A

The well operator named on page WW-4A is applying for a permit from the State to plug and abandon a well. (Note: If the surface tract is owned by more than three persons, then these materials were served on you because your name appeared on the Sheriff's tax ticket on the land or because you actually occupy the surface tract. In either case, you may be the only owner who will actually receive these materials.) See Chapter 22 of the West Virginia Code. Well work permits are valid for 24 months. If you do not own any interest in the surface tract, please forward these materials to the true owner immediately if you know who it is. Also, please notify the well operator and the Office of Oil and Gas.

NOTE: YOU ARE NOT REQUIRED TO FILE ANY COMMENT.

WHERE TO FILE COMMENTS AND OBTAIN ADDITIONAL INFORMATION:

Chief, Office of Oil and Gas
Department of Environmental Protection
601 57th St. SE
Charleston, WV 25304
(304) 926-0450

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.

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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.

_____ Date _____
Signature

FOR EXECUTION BY A CORPORATION,

Name _____
By _____
Its _____ Date _____

Signature Date

03/14/2025

11/10/2016 PLUGGING PERMIT CHECKLIST

Plugging Permit 47-109-02218

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

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

plugging permits issued for 4710901436 10902215 10902218

1 message

Kennedy, James P <james.p.kennedy@wv.gov> Mon, Mar 10, 2025 at 10:58 AM
To: "Brian Chapman, P.E." <bchapman@nreiwv.com>, Alvis C Porter <alvis.c.porter@wv.gov>, mecook2@assessor.state.wv.us

To whom it may concern, plugging permits for 4710901436 10902215 10902218.

James Kennedy

WVDEP OOG

3 attachments

4710902218.pdf
2718K

4710902215.pdf
3206K

4710901436.pdf
2926K

03/14/2025