



Proposed Regulation Agency Background Document

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| Agency name | Department of Mines, Minerals, & Energy |
| Virginia Administrative Code (VAC) citation | 4 VAC 25 -150 |
| Regulation title | Gas and Oil Regulations |
| Action title | Amendments regarding the regulation of Gas & Oil |
| Date this document prepared | February 2, 2009 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

As a result of periodic review, the Department of Mines, Minerals and Energy is amending 4VAC25-150, Virginia Gas & Oil Regulation. Sections within 4VAC25-150 will be amended to correct technical areas for accuracy, improve worker safety, and provide clarity. These amendments will aid the gas and oil industry and the Gas & Oil Board in the review and regulation of gas and oil permits. Amending parts of Section 4VAC25-150-150 will reduce workload and increase efficiency for applicants by providing flexibility and economy to the permit process. Section 4VAC25-150-90 will be updated to include symbols that are consistent with current industry usage and available CAD technology. Amendments to sections 4VAC25-150-80, 4VAC25-150-260, 4VAC25-150-300, 4VAC25-150-380, and 4VAC25-150-630 will protect the safety and health of oil and gas industry employees. An amendment to 4VAC25-150-90 is being made to bring consistency to data submission requirements for the Division of Gas & Oil.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The Department of Mines, Minerals and Energy (DMME) has authority to promulgate this regulation under authority found in § 45.1-161.3, Powers of the Department, § 45.1-361.27, Duties, responsibilities and authority of the Director, and §.

- Section 45.1-161.3 of the Code of Virginia empowers DMME, with the approval of the Director, to promulgate regulations necessary or incidental to the performance of duties or execution of powers under Title 45.1 of the Code of Virginia.
- Section 45.1-361.27 of the Code of Virginia empowers the Director to promulgate and enforce rules, regulations and orders necessary to ensure the safe and efficient development and production of gas and oil resources located in the Commonwealth

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Department of Mines, Minerals, and Energy has determined the proposed regulatory amendments to various sections of 4VAC25-150 are necessary to protect the health, welfare, and safety of citizens, reduce workload and increase efficiency for permit applicants. Technical corrections are necessary for accuracy and to provide clear language consistent with state law. These amendments will aid the gas and oil industry and the Virginia Gas & Oil Board in the approval and regulation of gas and oil permits.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

As a result of periodic review, the Department of Mines, Minerals and Energy is amending 4VAC25-150, Virginia Gas & Oil Regulation. Sections of 4VAC25-150 will be amended to correct technical areas for accuracy, improve worker safety, and provide clarity. These amendments will aid the gas and oil industry and the Gas & Oil Board in the review and regulation of gas and oil permits.

Amending parts of Section 4VAC25-150-150 will reduce workload and increase efficiency for applicants by providing flexibility and economy to the permit process. Section 4VAC25-150-90 will be updated to include symbols that are consistent with current industry usage and available CAD technology.

Amendments to sections 4VAC25-150-80, 4VAC25-150-260, 4VAC25-150-300, 4VAC25-150-380, and 4VAC25-150-630 will protect the safety and health of oil and gas industry employees.

An amendment to 4VAC25-150-90 is being made to bring consistency to data submission requirements for the Division of Gas & Oil. The use of latitude and longitude and the Virginia Coordinate System of 1927 have been replaced by the Virginia Coordinate System of 1983 in other Division of Gas & Oil regulations. Current industry practice is to use the more modern 1983 coordinate system for describing the locations of wells and core holes. Applicants for permits under this chapter must currently convert their coordinates back to the 1927 system, as required by the regulation, in order to submit them to the Department of Mines, Minerals and Energy’s Division of Gas & Oil. The amendment will allow applicants to use the updated 1983 coordinate system.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

These regulatory actions are expected to provide technical corrections, improve clarity, increase efficiency, and to restore consistency with other chapters of regulation. These amendments regarding process will aid the gas and oil industry, as well as the Gas & Oil Board in the review and regulation of gas and oil permits. Reduced workload and increased efficiency for applicants will occur by providing flexibility and economy in the permit process.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no proposed requirements which are stricter than the federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities foreseen to be particularly affected by the proposed regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to **Tabitha Hibbitts Peace, Policy Analyst, P.O. Drawer 900, Big Stone Gap, VA 24219, phone 276-523-8212, fax 276-523-8148, or Tabitha.Peace@dmme.virginia.gov.** Written comments must include the name and address of the commenter. To be considered, comments must be received by the last day of the public comment period.

A public hearing will not be held unless a request for a hearing is received from 25 or more persons.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

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| Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures | \$0 |
| Projected cost of the regulation on localities | \$0 |
| Description of the individuals, businesses or other entities likely to be affected by the regulation | Gas and oil exploration and production companies |
| Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. | Four companies drill most oil and gas wells in Virginia. An unknown number of other companies may also undertake such activities from time to time. None of these would be defined as small businesses. |
| All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. | Amendments regarding process will aid the gas and oil industry, as well as the Gas & Oil Board in the approval and regulation of gas and oil permits. Reduced workload and increased efficiency for applicants will occur by providing flexibility and economy in the permit process. No increased costs are anticipated as a result of these actions. |

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

No other alternative would meet the essential purposes of the proposed actions.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

No other alternative would meet the essential purposes of the proposed regulatory actions.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

| Commenter | Comment | Agency response |
|-------------------------------|--|---|
| Catherine Jewell: Bristol, VA | Comments in regard to forced pooling: “The numerous tax advantages of oil and gas drilling, the Act of 1990, the Virginia Gas & Oil Regulations, and the Virginia Gas & Oil Board Regulations have been a godsend to the Gas Companies operating in the Commonwealth. However, at the same time the Act and regulations have been a detriment to many of the gas owners and surface owners. These collective regulations and the way they have been enforced has amounted to taking private property rights and giving them to the gas companies.” | The Department administers permits under authority granted in the Code of Virginia. Forced pooling, the subject of the comment, is covered under the statutory Virginia Gas and Oil Act (§45.1-361.1 <i>et seq</i>) and the Virginia Gas and Oil Board regulations (4VAC25-160). The chapter under consideration in this action does not deal with forced pooling. |

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory actions will have no impact on the family or family stability.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The Department of Mines, Minerals and Energy is proposing amendments to sections of 4VAC25-150, Gas and Oil Regulations as described in the following table.

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|-------------------------------|---|--|--|
| 4VAC25-150-10 | N/A | Section defines terms used in the regulation | Multiple clarifications and additions to definitions; <i>clarification and correction of terms used</i> |
| 4VAC25-150-60 A. | N/A | Specification of due dates for submitting requests and various reports when the date falls on a weekend or any day that the Division of Gas and Oil office is not open | Delete list of specific requests and reports and replace with “any required report”; <i>clarification that regulation applies to any document due to the agency</i> |
| 4VAC25-150-80 C. | N/A | Specifies information required in application for a permit. | Add provision for electronic receipt of delivery of certified mail; clarify requirement to provide notice to affected parties under a permit revision;; <i>clarification and update to facilitate the use of electronic communications</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|---|
| 4VAC25-150-80 D. | N/A | New subsection D. | Add requirement for electronic applications after 7/1/09; <i>update to facilitate use of electronic application</i> |
| 4VAC25-150-90 A. | N/A | Applicant shall file an accurate plat with permit application | Clarifies that plat should show drilling unit approved by the board; <i>clarification</i> |
| 4VAC25-150-90 B. | N/A | Plat shall show property lines | Add requirement that property lines shown on plat shall agree with those used in county records; <i>consistency of permit land records with tax records</i> |
| 4VAC25-150-90 D.1. | N/A | Specifies well location survey requirements for the plat | Add option to use GPS survey; <i>modification for new technology.</i> |
| 4VAC25-150-90 D.4. | N/A | Well symbols for plats appear in an outdated format | Update symbols to current industry standard CAD template; <i>technical correction</i> |
| 4VAC25-150-100 B. | N/A | Specifies that operations plans submitted with permit application shall indicate how public safety risks will be managed | Add requirement that operations plan specify "red zone" areas, which are defined in section 150-10; <i>new requirement for public safety</i> |
| 4VAC25-150-110 A.1. | N/A | A permit supplement can be submitted when the new work doesn't change either the originally permitted area or the originally permitted activities | Delete "either" and "or" so that a supplement can only be used when both the area and the activities do not change; <i>clarification</i> |
| 4VAC25-150-110 A.2. | N/A | Specifies permit supplement requirements for emergencies involving danger to public safety | Clarify that, in emergencies, activities and areas not covered in the original permit may be engaged to abate the conditions causing the emergency; also clarifies that emergency permit supplement should contain a description of the emergency and action taken, and that these changes are temporary until a permit modification is submitted; <i>clarification</i> |
| 4VAC25-150-110 B.4. | N/A | Specifies required information to be contained in an application for permit modification. | Add, "As appropriate," before list of requirements to allow for requirements that may not be applicable; also add an additional regulation section citation to list of requirements; <i>clarification</i> |
| 4VAC25-150-120 B. | N/A | Application fee of \$65 for transfer of permit rights | Application fee of \$75 for transfer of permit rights; <i>fee increase</i> |
| 4VAC25-150-120 C. | N/A | Specifies standards for the director to approve a transfer of permit rights. | Reword to change from negative phrasing to positive; <i>clarification</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|--|
| 4VAC25-150-135 | N/A | Department can rely on right to objection waiver. | Change “department” to “division”; <i>clarification</i> |
| 4VAC25-150-140 A. | N/A | Requirement for notification of affected parties is not currently defined | Insert “The director shall notify affected parties of an objection as soon as practicable.”; <i>modification</i> |
| 4VAC25-150-150 A.1. | N/A | Hearing shall be in accordance with the APA. | Correct APA code citation; <i>technical correction</i> |
| 4VAC25-150-150 B. | N/A | The director shall mail the decision, or a summary of the decision, to all other persons given notice of the hearing. | Eliminate requirement for decision to be sent to all persons receiving notice; only parties to hearing are required to receive decision; <i>clarification</i> |
| 4VAC25-150-150 C. | N/A | N/A | New subsection requires director to send notice of permit denial to all parties receiving notice of permit; <i>clarification of notice requirements</i> |
| 4VAC25-150-160 | N/A | Specifies conditions for director to approve permits. | Adds “permit renewals” to items subject to these requirements; also change “department” to “division”; <i>clarification</i> |
| 4VAC25-150-180 | N/A | Sets out requirements for notices of violation. | Change “should” to “shall” in subsection F; <i>clarification</i> ; correct APA citation in subsection H; <i>technical correction</i> |
| 4VAC25-150-190 | N/A | Sets out requirements for closure orders. | Correct one APA citation in subsection I; <i>technical correction</i> |
| 4VAC25-150-190 | N/A | Sets out requirements for show cause orders. | Correct one APA citation in subsection D; <i>technical correction</i> |
| 4VAC25-150-210 A. | N/A | Specifies requirements for monthly reports | Change deadline from 45 days to 90 days; <i>modification per recommendation of advisory panel</i> |
| 4VAC25-150-220 B. | N/A | Specifies required contents for annual reports. | Add subsection to require certification that bonds on file with the director have not been changed; <i>modification to assure bonding</i> |
| 4VAC25-150-230 | N/A | Specifies required notification of ground-disturbing activity. | Change “two working days” to “48 hours”; <i>clarification</i> . Change “permit number” to “operation name”; <i>clarification</i> . Add requirement to notify the division if activity does not commence as originally planned; change “may” to “shall”; <i>modifications for improved safety</i> |
| 4VAC25-150-240 | N/A | Specifies requirements for signs | Add a subsection “C” requiring red zones to be indicated by reflective or lighted signs; <i>modification for improved safety</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|---|
| 4VAC25-150-250 C-G | N/A | Specifies requirements for blasting and explosives | Strike all indicated subsections and direct the use of 4VAC25-110, Regulations Governing Blasting in Surface Mining Operations; <i>modification for consistency and improved safety</i> |
| 4VAC25-150-260 C.1.b. | N/A | Specifies soil replacement requirements during construction | Reduce specificity of topsoil requirement so that any soil suitable for stabilizing the site with vegetation can be used; <i>modification per recommendation of advisory panel</i> |
| 4VAC25-150-260 D.2. | N/A | Sets out reclamation standards for abandoning pipelines | Set out more specific requirements for abandoning pipelines and notifying the division; <i>clarification for improved safety</i> |
| 4VAC25-150-260 D.5. | N/A | If land is not to be reclaimed with permanent vegetation, the permittee must request a variance in the operations plan. | Strike "in the operations plan," allowing for any form of variance request; <i>clarification per recommendation of advisory panel</i> |
| 4VAC25-150-280 B | N/A | Specifies logging and notification requirements for drilling or deepening a well or corehole where coal seams are present | Change each instance of "borehole" to "well or corehole"; <i>clarification</i> . In subsection B.3., improve the drilling requirements for coal seams beyond a designation of just "active"; <i>clarification for improved safety</i> |
| 4VAC25-150-300 A.1. | N/A | 1. Pits are to be temporary in nature and are to be reclaimed when the operations using the pit are complete. | Add "All pits shall be reclaimed within 90 days unless a variance is granted by the field inspector."; <i>clarification to ensure pits are temporary in nature</i> |
| 4VAC25-150-300 B. | N/A | B. Technical requirements. 1. Pits shall be constructed of sufficient size and shape to contain all fluids and maintain a two-foot freeboard. 2. Pits shall be lined in accordance with the requirements for liners in subdivision A 3 of this section. If solids are not to be disposed of in the pit, the permittee may request a variance to the liner specifications. | Move section B1 to new A4; strike current section B; label current section C as section B; <i>modification to correct redundancy</i> |
| 4VAC25-150-310 C. | N/A | C. Every permanent tank or battery of tanks shall be surrounded by a containment dike or firewall with a capacity of 1½ times the volume of the single tank or largest tank in a battery of tanks. | Adding language to require secondary containment and accommodate double wall tanks and multiple tanks plumbed as one unit; <i>modification for improved safety</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|--|---|
| 4VAC25-150-340 B.1. | N/A | Not changing requirements; only rearranging order of requirements for clarification | Add sub-section designation of "c" before "If, after a diligent search, a groundwater source"; <i>accuracy</i> ; Add sub-section d to clarify drilling water analysis requirements and timelines; <i>clarification</i> |
| 4VAC25-150-360 A. | N/A | A. Each permittee conducting drilling shall file, on a form prescribed by the director, a drilling report within 30 days after a well reaches total depth. | Change 30 days to 90 days; Allow for electronic submissions of drilling reports; <i>modification</i> |
| 4VAC25-150-360 B. | N/A | B. Each permittee drilling a well shall file, on a form prescribed by the director, a completion report within 30 days after the well is completed. | Change 30 days to 90 days; <i>modification</i> |
| 4VAC25-150-380 | N/A | Current title of Section is "Accidents" | Change "Accidents" in title to "Incidents"; <i>clarification</i> |
| 4VAC25-150-380 A. | N/A | <p>Current title of section is "Accidents, spills and unpermitted discharges."</p> <p>A. Accidents. A permittee shall, by the quickest available means, notify the director in the event of any fire, blowout, pit failure, hydrogen sulfide release, unanticipated loss of drilling fluids, or other accident resulting in an actual or potential imminent danger to the environment, <u>public safety or welfare</u>. The permittee shall take immediate action to abate the actual or potential danger. The permittee shall submit a written report within seven days of the incident containing:</p> <ol style="list-style-type: none"> 1. A description of the incident and its cause; 2. The date, time and duration of the incident; 3. A description of the steps that have been taken to date; and 4. A description of the steps planned to be taken to prevent a recurrence of the incident. | Change "accidents" to "incidents"; move first paragraph one line below title header; after "public safety or welfare", add "or results in serious personal injury"; add section 5 to read "other agencies notified"; <i>clarification</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|--|
| 4VAC25-150-390 | N/A | A. If a well is shut-in or otherwise not produced for a period of 12 consecutive months, the permittee shall measure the shut-in pressure on the production string or strings. If the well is producing on the backside or otherwise through the casing, the permittee shall measure the shut-in pressure on the annular space. | Strengthen requirements to control shut-in wells by reducing the length of time before pressures must be monitored, defining the frequency and reporting requirements for monitoring, Add new section C defining the length of time the well can remain shut in without a requirement for plugging; <i>clarification</i> |
| 4VAC25-150-420 D.1. | N/A | 1. Fluids to be land-applied shall meet the parameters listed in the Department of Environmental Quality's "Water Quality Criteria for Groundwater" (9VAC25-260-230 et seq.). | 1. Fluids to be land-applied shall meet the following criteria: Acidity: <alkalinity Alkalinity: >acidity Chlorides: <5,000 mg/l Iron: <7 mg/l Manganese: <4 mg/l Oil and Grease: < 15 mg/l pH: 6-9 Standard Units Sodium Balance: SAR of 8-12 |
| 4VAC25-150-420 E.2. | N/A | 2. Each permittee using an off-site facility for disposal of fluids shall use a waste-tracking system to document the movement of fluids off of a permitted site to their final disposition. Records compiled by this system shall be available for inspection on request. | Add a record retention limit, utilizing EPA's record retention requirements as a guide; <i>modification</i> |
| 4VAC25-150-460 B. | N/A | B. A permittee may apply for a variance from the director to use alternate permanent markers. Such alternate markers shall provide sufficient information for locating the abandoned well or corehole. Provisions shall also be made to provide for the physical detection of the abandoned well or corehole from the surface by magnetic or other means. | Add allowance for the burial and remote sensing of a well head; <i>technical correction</i> |
| 4VAC25-150-490 | N/A | Current title of section is "Applicability" | After "applicability", insert "Conventional Gas & Oil Wells & Class II Injection Wells"; <i>technical correction</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|--|---|
| 4VAC25-150-490 B. | N/A | B. Permittees must comply with the standards of general applicability in Part I of this chapter and with the standards for conventional gas and oil and Class II injection wells in this part, except that whenever the Environmental Protection Agency imposes a requirement under the Underground Injection Control (UIC) Program, 40 CFR Part 146, Sections 146.3, 146.4, 146.5, 146.6, 146.7, 146.8, 146.22 and 146.23 that governs an activity also governed by this chapter, the Environmental Protection Agency requirement shall control <u>and become part of</u> the permit issued under this chapter. | Strike, "and become part of"; <i>clarification</i> |
| 4VAC25-150-500 | N/A | Current title of section is "Application For A Permit" | After "Application For A Permit", add, "Conventional Well or Class II Injection Well" to title; <i>clarification</i> |
| 4VAC25-150-500 A. | N/A | Application for a permit or permit modification are not currently required to submit an explanation of the procedures to be followed to protect the safety of persons working in an underground coal mine for any coalbed methane gas well to be drilled within 200 feet of or into any area of an active underground coal mine | Add new 4VAC25-150-560A7 below as new section A5; <i>modification</i> |
| 4VAC25-150-510 | N/A | Current section title is "Plats" | After "Plats" add ", Conventional Well or Class II Injection Well" to title; <i>clarification</i> |
| 4VAC25-150-520 | N/A | Current section title is "Setback Restrictions" | After "Setback Restrictions", add add ", Conventional Well or Class II Injection Well" to title; <i>clarification</i> |
| 4VAC25-150-530 E.1. | N/A | 1. When a well is drilled through a void, the hole shall be drilled at least 30 feet below the void, the annular space shall be cemented from the base of the casing up to the void and to the surface from the top of the void, or it shall be cemented at least 50 feet into the next higher string or strings of casing that are cemented to the surface and be verified by a cement top log. | After "casing up to the void", add "every reasonable attempt shall be made to fill the annular space from the top of the void to the surface"; strike "and to the surface from the top of the void"; <i>clarification</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|--|---|
| 4VAC25-150-550 | N/A | <p>Current title of section is "Applicability"</p> <p>Part III of this chapter sets forth requirements unique to coalbed methane gas wells. Permittees must comply with the standards of general applicability in Part I of this chapter and with the standards for coalbed methane gas wells in this part.</p> | <p>After "applicability", insert "Coal Bed Methane Wells"; strike "Part III of this chapter", insert "This section"; <i>clarification</i></p> |
| 4VAC25-150-560 | N/A | <p>Current title of section is "Application for a permit"</p> | <p>After "Application for a permit", insert "Coal Bed Methane Wells"; <i>clarification</i></p> |
| 4VAC25-150-560 A.7. | N/A | <p>7. An explanation of the procedures to be followed to protect the safety of persons working in an underground coal mine for any coalbed methane gas well to be drilled within 200 feet of or into any <u>area of an active underground coal mine</u>; which shall, at a minimum, require that notice of such drilling be given by the permittee to the mine operator and the Chief at least two working days prior to drilling within 200 feet of or into the mine; and</p> | <p>Strike, "area of an active underground coal mine", insert "<u>areas where workers are assigned or travel, as well as any connected sealed or gob areas, or where a one year mine plan is on file with the Division of Mines</u>" to clarify term as used; increase notice required from 2 to 10 days; <i>clarification</i></p> |
| 4VAC25-150-590 | N/A | <p>Current title of section is "Plats"</p> | <p>After "Plats", insert ", coal bed methane wells"; <i>clarification</i></p> |
| 4VAC25-150-590 A.8. | N/A | <p>8. Any inhabited building, highway, railroad, stream, surface mine or mine opening within 500 feet of the proposed well.</p> | <p>Insert "permitted" before "mine opening"; <i>clarification</i></p> |
| 4VAC25-150-600 | N/A | <p>Current title of section is "Setback restrictions"</p> | <p>After "Setback restrictions", insert "Coal Bed Methane Wells"; <i>clarification</i></p> |
| 4VAC25-150-610 A.1. | N/A | <p>1. Except as provided in subdivision A 5 of this section, the permittee shall set a water-protection string set to a point at least 300 feet below the surface or 50 feet below the <u>lowest</u> groundwater horizon, whichever is deeper, circulated and cemented to the surface. If cement does not return to the surface, every reasonable effort shall be made to fill the annular space by introducing cement from the surface.</p> | <p>Strike "lowest", insert "deepest known"; <i>modification</i></p> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|---|---|
| 4VAC25-150-610 E.1. | N/A | 1. When a well is drilled through a void, the hole shall be drilled at least 30 feet below the void. The annular space shall be cemented from the base of the <u>casing up to the void, and to the surface from the top of the void</u> ; or it shall be cemented at least 50 feet into the next higher string or strings of casing that are cemented to the surface, and shall be verified by a cement top log. | After "casing up to the void", add "every reasonable attempt shall be made to fill the annular space from the top of the void to the surface"; strike "and to the surface from the top of the void"; <i>clarification</i> |
| 4VAC25-150-620 | N/A | Wellhead equipment and facilities installed on any gob well or on any coalbed methane gas well subject to the requirements of §§ 45.1-161.121 and 45.1-161.292 of the Code of Virginia addressing mining near or through a well shall include, but are not limited to, flame arrestors, back-pressure systems, pressure-relief systems, vent systems and fire-fighting equipment. The director may require additional safety equipment to be installed on a case-by-case basis. | Add requirements for safety precaution plans submitted to the director; <i>clarification</i> |
| 4VAC25-150-630 | N/A | Current section title is "Report of produced waters" | After "Report of produced waters", insert "Coal Bed Methane Wells"; <i>clarification</i> |
| 4VAC25-150-630 | N/A | All coalbed methane gas well operators are required to submit monthly reports of total produced waters withdrawn from coalbed methane gas wells, in barrels, on a well-by-well basis, with the monthly report submitted under 4VAC25-150-210 of this chapter. The report shall show monthly produced water withdrawals and cumulative produced water withdrawals. | Add a record retention limit, utilizing EPA's record retention requirements as a guide; <i>clarification</i> |
| 4VAC25-150-650 | N/A | Section title is "Abandonment through conversion to a vertical ventilation hole". A permittee wishing to abandon a coalbed methane gas well as a vertical ventilation hole shall submit an application for a permit modification which includes approval from the chief of the Division of Mines. | Title change to "Conversion of a coalbed methane well to a vertical ventilation hole"; Clarify the process for conversion and permit release; <i>clarification</i> |
| 4VAC25-150-660 | N/A | Current section title is "Applicability" | After "Applicability", insert "Ground Disturbing Geophysical Activity"; clarify the regulation as it pertains to core holes; <i>clarification</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
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| 4VAC25-150-670 | N/A | Current section title is "Application for a permit" | After "Application for a permit", Insert "Geophysical Activity or Core Holes"; <i>clarification</i> |
| 4VAC25-150-670 B. | N/A | Application for a permit or permit modification are not currently required to submit an explanation of the procedures to be followed to protect the safety of persons working in an underground coal mine for any coalbed methane gas well to be drilled within 200 feet of or into any area of an active underground coal mine. | Add new 4VAC25-150-560A7 below as new section B5; <i>modification</i> |
| 4VAC25-150-680 | N/A | Current section title is "Plats" | After "Plats" , insert "Core Holes" in title; <i>clarification</i> |
| 4VAC25-150-680 A.5. | N/A | 5. Any inhabited building, highway, railroad, stream, surface mine or mine opening within 500 feet of the proposed corehole. | Insert "permitted" before "surface mine"; insert "permitted" before "mine opening"; <i>clarification</i> |
| 4VAC25-150-690 | N/A | Current section title is "Operation Plans" | After "Operation Plans", insert "Core Holes"; <i>clarification</i> |
| 4VAC25-150-700 | N/A | Current section title is "Set Back Restrictions" | After "Set Back Restrictions", insert "Core Holes"; <i>clarification</i> |
| 4VAC25-150-711 | N/A | Current section title is "Voids and lost circular zones" | Change title, "circular" to "circulation"; <i>accuracy</i> |
| 4VAC25-150-711 A.1. | N/A | 1. When a corehole is drilled through a void, the hole shall be drilled at least 30 feet below the void. The annular space shall be cemented from the base of the casing up to the void and to the surface from the top of the void; or it shall be cemented at least 50 feet into the next higher string or strings of casing that are cemented to the surface and be verified by a cement top log. | After "casing up to the void", add "every reasonable attempt shall be made to fill the annular space from the top of the void to the surface"; strike "and to the surface from the top of the void"; <i>clarification</i> |
| 4VAC25-150-720 | N/A | Current section title is "Applicability" | After "applicability" in title and insert "Gathering Pipelines"; <i>clarification</i> |
| 4VAC25-150-730 | N/A | Current title of section is "General Requirements" Section regulates gathering pipeline | After "General Requirements", insert "for Gathering Pipelines"; Expand regulation of gathering pipeline from 50 to 100 feet for installation boundaries, including railways in boundary, and omitting requirements for agreements with building inhabitants; <i>modification</i> |
| 4VAC25-150-740 | N/A | Current section title is "Operations plans" | After "Operations plans", insert "for Gathering Pipelines"; <i>clarification</i> |

| Current section number | Proposed new section number, if applicable | Current requirement | Proposed change and rationale |
|------------------------|--|--|---|
| 4VAC25-150-750 | N/A | Current section title is "Inspections" | After "Inspections", insert "for Gathering Pipelines"; <i>clarification</i> |