



west virginia department of environmental protection

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

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

May 28, 2013

Hand Delivered

The Honorable Jeffrey V. Kessler
Senate President
Building 1, Room 227-M
State Capitol Complex
Charleston, WV 25305

The Honorable Richard Thompson
Speaker of the House of Delegates
Building 1, Room 228-M
State Capitol Complex
Charleston, WV 25305

Re: W. Va. Code §22-6A-12(e) Noise, Light, Dust and Volatile Organic Compounds Study

Dear President Kessler and Speaker Thompson:

As directed by the Natural Gas Horizontal Well Control Act enacted by the West Virginia Legislature on December 14, 2011, please find enclosed the Department of Environmental Protection's (DEP) Office of Oil and Gas (OOG) report on noise, light, dust and volatile organic compounds generated by the drilling of horizontal wells as they relate to the well location restriction regarding occupied dwelling structures. See W. Va. Code § 22-6A-12(e). Also, please find enclosed the accompanying study documents by West Virginia University's (WVU) School of Public Health provided via contract under the administration of WVU's West Virginia Water Research Institute (WRI).

It should be emphasized that this study characterized activities, emissions, and exposures that will not be present continuously over a long period of time. There are no indications of a public health emergency or threat based on the data obtained from this study.

While the statutorily-specified location restriction is defined to be from the center of the well pad, there are a wide variety of pad sizes and configurations that may allow an occupied dwelling to be close to a well pad.¹ Because of the potential for different well pad geometries, DEP recommends that the Legislature reconsider the reference point (i.e., from the center of the well pad) for the location restriction to occupied dwellings to reduce potential exposures.

¹ Under W. Va. Code §22-6-21, no well shall be drilled nearer than two hundred feet from a dwelling without first obtaining the written consent of the owner of such dwelling.

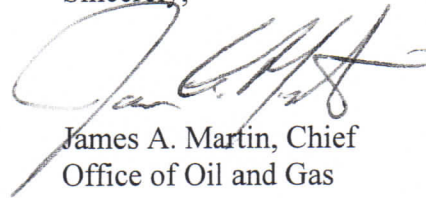
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The Honorable Richard Thompson
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One option to consider would be to establish a location restriction from the Limit of Disturbance (LOD) of the well pad to provide for a more consistent and protective safeguard for residents in affected areas. The outermost sediment control barrier establishes the LOD around the well pad.

DEP also continues to review its regulatory approach, as well as the authorities of its oil and gas and air quality programs, for further improvements even as implementation of current standards and practices remain in effect. The results of this WVU study will be used to inform the air quality report due to the Legislature by July 1, 2013. *See* W. Va. Code §22-6A-22.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Martin". The signature is fluid and cursive, with a large initial "J" and "M".

James A. Martin, Chief
Office of Oil and Gas

Enclosure: Report on Noise, Dust, Light, and Volatile Organic Compounds

cc (*with enclosures*):

Honorable Lynwood Ireland
Joseph A. Lazell, Chief Counsel to Senate Judiciary Committee
Joseph A. Altizer, Chief Counsel to House Judiciary Committee