

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL & GAS**

**GENERAL WATER POLLUTION CONTROL PERMIT  
Permit Number: GP-WV-1-07**

Subject: Permit for the Land Application of Water Produced from Coalbed Methane Wells

Issue Date:  
Effective Date:  
Expiration Date:

To Whom It May Concern:

This is to certify that any oil and/or gas entity or other person agreeing to be regulated under the terms of this general permit ("the permittee") is hereby granted a Water Pollution Control Permit to acquire, construct, install, modify and operate a system or parts thereof for the discharge to land of treated or untreated water produced by coalbed methane wells.

This permit is subject to the following terms and conditions: (1) The information submitted on and with the site registration/application form (WW-8) and all plans, specifications and procedures submitted by or on behalf of the permittee, as if all such information were set forth herein; (2) the approval of such form, plans, specifications and procedures by the Office of Oil and Gas ("OOG"); and, (3) all requirements set forth in Sections A, B, C, D, E, F, G and H of this permit.

Operators may apply for coverage under this general permit by submitting to the OOG a site registration application containing the information required by the OOG. Upon approval of such registration by the OOG, the operator may begin discharging in accordance with this permit. The operator shall file any revised site registration/application form with the OOG and serve a copy of that revised form on the surface owner of record at least 15 days prior to actual discharge.

This permit shall be subject to renewal by the OOG, subsequent to public notice and comment. Such public notice and comment opportunity shall be announced at least 30 days prior to planned renewal.

## **A. DEFINITIONS**

1. "Daily discharge" means the discharge of a pollutant measured during a calendar day or within any specified period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over one day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
2. "Daily Maximum discharge limitation" means the highest allowable daily discharge.
3. "Grab Sample" is an individual sample collected in less than 15 minutes.
4. "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.
5. "Land Application" means a discharge of effluent directly to the soil.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility; and
7. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
8. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
9. "Waters of the State" means any and all water on or beneath the surface of the ground, whether percolating, standing, diffused or flowing, wholly or partially within this state, or bordering this state and within its jurisdiction, and includes, without limiting the generality of the foregoing, natural or artificial lakes, rivers, streams, creeks, branches, brooks, ponds (except farm ponds, industrial settling basins and ponds and water treatment facilities), impounding reservoirs, springs, wells, water courses and wetlands.

## B. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the term of this permit the permittee is authorized to discharge water produced from coalbed methane wells<sup>1</sup>. Such discharges shall be limited and monitored by the permittee as required in this permit:

<b>Effluent Characteristics</b>	<b>Discharge Limitation (Daily Maximum)</b>	<b>Measurement Frequency</b>	<b>Sample Type</b>
Volume, gallons	Site Specific As Approved	Daily	Calculated** or Measured
Iron (Dissolved) (mg/l)	1.5 (with groundwater monitoring, maximum 5)*	Monthly	Grab
Chloride (mg/l)	250 (with groundwater monitoring, maximum 1,000)*	Monthly	Grab
Barium (mg/l)	2	Monthly	Grab
Calcium (mg/l)	(monitor only)	Monthly	Grab
Magnesium (mg/l)	(monitor only)	Monthly	Grab
Potassium (mg/l)	(monitor only)	Monthly	Grab
Sodium (mg/l)	(monitor only)	Monthly	Grab
pH, S U.	6 to 10	Monthly	Grab
Total Dissolved Solids (mg/l)	1,000 (with groundwater monitoring, monitor only)*	Monthly	Grab
Aluminum (Dissolved) (mg/l)	0.75 (with groundwater monitoring, maximum 2.5)*	Monthly	Grab
Sulfates (mg/l)	250 (with groundwater monitoring, maximum 1,000)*	Monthly	Grab
Manganese (Dissolved) (mg/l)	1.0 (with groundwater monitoring, maximum 3.3)*	Monthly	Grab
Mercury (Total) (µg/l)	2***	Monthly	Grab
Selenium (Dissolved) (mg/l)	0.05	Monthly	Grab

\* This limit is applicable only if the conditions relating to groundwater monitoring found in H.12 are met

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<sup>1</sup> This permit shall not be granted for waters produced from wells which have been fractured by using diesel fuel or hydrocarbons with the potential of remaining in the formation and leak back to surface attached to the effluent.

\*\* Based on duration of pump operation and maximum pump capacity

\*\*\* Effluent monitoring for mercury shall be conducted using the most sensitive methods and detection levels commercially available and economically feasible. Either one of the following methods are to be used unless the permittee desires to use an EPA-Approved Test Method with a listed lower method detection level.

Parameter	EPA Method No.	Recommended Detection Level (µg/l)
Mercury, Total	245.7	0.0018
Mercury, Total	1631	0.0002

### C. SCHEDULE OF COMPLIANCE

The permittee shall comply with all provisions for waste treatment and the predischARGE and discharge limitations and monitoring requirements specified in this permit from the effective date of the site registration approval.

### D. MANAGEMENT CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Noncompliance constitutes a violation of West Virginia Code, Chapter, 22, Article 6, Section 7.

#### 2. Continuation of this general permit and Duty to reapply

A permittee currently registered under the General Permit **GP-WV-1-07** shall have a 90-day transition period in which to apply for coverage under any new or reissued version of such permit. During that period the permittee may continue to operate under that permit.

If this general permit is not reissued or replaced prior to the expiration date, it may be administratively continued and remain in full force and effect pending reissuance or replacement.

The foregoing notwithstanding, authority to operate under this general permit shall terminate at the earliest of:

- (a) Approval of the permittee's request for coverage under a new or reissued general permit;
- (b) Submittal by the permittee of notification that the covered facility has ceased operations and has been dismantled;
- (c) Issuance or denial of an individual permit for the facility's discharge; or

- (d) Issuance of a formal decision by the OOG not to reissue this general permit, and the expiration of any period granted in that decision for permittees under this permit to seek coverage under an alternative general permit or an individual permit.

3. Modification

Upon review of information submitted under terms and conditions of this permit, the permit may be modified by the OOG to effectuate its administration.

4. Duty to mitigate

The permittee shall take all reasonable steps to prevent any discharge in violation of this permit.

5. Permit Actions

Authority to operate under this permit may be modified, suspended or revoked for cause. The filing of a request by the permittee for a change in its authorization, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

7. Signatory Requirements

All site registration applications, reports or information submitted to the Chief shall be signed and certified as follows:

- (a) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

- (b) All reports required by permits, and all other information requested by the Chief, shall be signed by a person described in paragraph (a), or by a duly

authorized representative of that person. A person is a duly authorized person only if:

- (1) The authorization, in writing by a person described in paragraph (a) of this section, is submitted to the Chief.
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
- (c) If an authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Chief prior to or together with any reports, information, or applications to be signed by an authorized representative.
- (d) Any authorized person signing a document under paragraphs (a), (b) or (c) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### 8. Transfers

This permit is not transferable, except upon approval by the Chief. The Chief may require modification or revocation and re-issuance of the permit to change the name of the permittee and may incorporate such other requirements as the Chief may deem necessary.

#### 9. Duty to Provide Information

The permittee shall furnish to the Chief, within a specified time, any information which the Chief may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Chief, upon request, and within a specified time, copies of records required to be kept by this permit.

#### 10. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a site registration/application form, or submitted incorrect information in a site registration/application form or in any report to the Chief, it shall promptly submit a revised site registration form or modified report, with an explanation of all revisions and modifications.

11. Inspection and Entry

The permittee shall allow the Chief, or an authorized representative, to:

- (a) Enter upon or through any premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy any records that must be kept under the conditions of this permit;
- (c) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by West Virginia Code Chapter 22, Article 6, any streams in the area and ground water as well as any effluent which the permittee is required to sample.

12. Water Quality

No activities covered under this permit may cause a violation of surface or ground water quality standards.

13. Approval Identification

The site registration approval number shall be prominently displayed at the discharge location.

**E. OPERATION AND MAINTENANCE**

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Along with the application, the permittee shall also submit a complete Maintenance Plan for the facility specifying operation and inspection procedures, proper application of chemicals used in water treatment (according to manufacturer's recommendations) and all generated waste streams, according to the requirements in section E.5, below. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. All sample analyses shall be performed by a State of West Virginia certified lab.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass

(a) If required for essential maintenance to assure efficient operation, the permittee may allow a bypass which does not cause effluent limitations to be exceeded. Such bypass is not subject to the provisions of E.3.b. and E.3.c., below:

(b) (1) If the permittee knows in advance of the need for a bypass, notice shall be submitted at least five days before the date of the bypass.

(2) If the permittee does not know in advance of the need for a bypass, notice shall be submitted as required in G.2.b. of this permit.

(c) Except as allowed under Section E.3.a above, a bypass is permitted only under the following conditions, and the Chief may take enforcement action against a permittee for the bypass unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, shut down of facilities or maintenance during normal periods of equipment downtime. (This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance); and

(3) The permittee submitted notices as required under E.3.b. of this permit.

(d) The Chief may approve an anticipated bypass, after considering its adverse effects, if the Chief determines that it will meet the three conditions listed in E.3.c. of this permit.

4. Upset

(a) An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of E.4.b. are met. Determinations made during administrative review of claims that noncompliance was caused by upset, and made before initiation of any enforcement action for noncompliance, are not final administrative actions subject to judicial review.



- (b) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence, that:
  - (1) An upset occurred;
  - (2) The specific causes(s) of the upset;
  - (3) The permitted facility was at the time being properly operated;
  - (4) The permittee submitted notice of the upset as required in G.2 of this permit; and
  - (5) The permittee complied with any measures required under D.4 of this permit.
- (c) In any enforcement proceedings, the permittee seeking to establish the occurrence of an upset, and has complied with E.4.b. above, has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in such a manner as to prevent any pollutant from such materials from violating water quality standards and in accordance with all other rules of the Department of Environmental Protection and the laws of the State of West Virginia. The applicant shall track all waste streams and keep records as to the disposition of all wastes generated as a result of any activity covered under this general permit. Such records shall be made available to the OOG upon request.

6. Other considerations

All appropriate precautions to prevent release of sediment, substances used for water treatment and toxic materials into the soils or waters of the state, shall be taken during construction, operation and maintenance.

Waste oils, construction materials or other potentially harmful materials shall not be left on site for more than 30 days. If left on site temporarily, such materials shall be stored in acceptable containers and handled in a manner that shall prevent them from entering the soils or waters of the state. Final disposal shall be in accordance with law.

7. Dismantling

The permittee shall dismantle and remove all the equipment related to the discharge facility, no later than 90 days after the coverage of this permit expires or the facility has not been used for 6 consecutive months.

## **F. MONITORING AND REPORTING**

### **1. Representative Sampling**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples required to be analyzed under this permit, unless otherwise noted, shall be analyzed by a West Virginia Certified Laboratory.
- (b) Samples taken in compliance with the discharge monitoring requirements shown in the table in Section B shall be taken at the location(s) specified in the site registration/application.
- (c) In incidences where a specific test method is not defined, the permittee shall utilize an EPA-approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If an MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA-approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.

### **2. Protection of standards**

The permittee shall conduct surface and ground water sampling as directed by the OOG to assure discharges are not causing a violation of water quality standards.

### **3. Reporting**

- (a) The permittee shall submit monitoring reports in accordance with the schedule provided below:

<b>Report</b>	<b>Frequency</b>
The permittee shall submit a fully completed Discharge Monitoring Report for the applied water following site registration.	Monthly, no more than 30 days after samples were taken.
Ground water monitoring report for each selected site according to the Groundwater Monitoring Plan required on H.12 and sent with the application.	Twice a year, after land application had started.
Soil sampling report according to H.3 and H.11	Twice a year (Spring and Fall seasons)*
Vegetation survey according to the vegetation study plan required in H.11	Twice a year (Spring and Fall seasons)*

<b>Report (cont.)</b>	<b>Frequency (cont.)</b>
Monitoring report of surface waters in accordance with H.11	Twice a year, after land application had started.
Maintenance log	Upon request

\* Studies must be conducted at least 5 months apart, but within the specified spring and fall seasons.

- (b) Metals (Al, Fe, Se, Mn and Hg) will be monitored with the same frequency of other parameters during the first year from the date the authorization to discharge under this permit is granted; the parameters that consistently show values “Below Detection Limit” (BDL) will be subject to a different monitoring frequency upon operator’s request to the chief. After request is granted, such metals will be monitored and reported to DEP with the same frequency used for the soil and vegetation studies. Metals that are not BDL or for which request to change frequency has not been granted will be monitored with the initial frequency (monthly).

- (c) The required reports must specify general permit number and shall be submitted no later than 30 days following the sampling date.

- (1) If submitted by email, attached reports shall include the phrase ‘CBM’ in the subject line and be remitted to:

DEPOOGEP@wv.gov

- (2) If submitted by mail, reports shall be addressed to:

Chief, Office of Oil and Gas  
 Attention: CBM - Discharge Monitoring Reports  
 West Virginia Department of Environmental Protection  
 601 57th Street, SE  
 Charleston, West Virginia 25304

#### 4. Test Procedures

Final samples shall be collected, handled, preserved and analyzed in accordance with the latest version of 40 C.F.R. Part 136 (as it is in effect at the time the samples are collected, handled, preserved and analyzed) unless other test procedures have been specified elsewhere in this permit. However, final samples may be analyzed for pH using field test kits.

#### 5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- (a) The date, exact place, and time of sampling or measurement;

- (b) The site registration approval number for which sample or measurement is taken;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the sampling or measurement;
- (e) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
- (f) The analytical techniques or methods used; and
- (g) The results of such analyses.

This information is not to be submitted to this agency unless requested, but is to be retained as required in F.7.

#### 6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall be clearly indicated. Calculating for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

#### 7. Records Retention

The permittee shall retain records of all maintenance activities, all monitoring information, including all calibration records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by the Chief at any time. Such records shall be made readily available for inspection by DEP upon request. Copies shall be provided to DEP upon request.

### **G. OTHER REPORTING**

#### 1. Reporting Spills and Accidental Discharge

- (a) Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to Title 35, Series 1, Section 3, of the West Virginia Legislative Rules [C.S.R. 35-1-3].
- (b) The permittee should refer to the West Virginia DEP Emergency Response Spill Alert System for complying with Series 1, Section 3 of the rules as they pertain to the reporting of spills and accidental discharges.

#### 2. Reporting Deadlines

- (a) The permittee shall orally report all upsets to the OOG at (304)-926-0450 within one business day.
  - (b) The permittee shall orally report any noncompliance that may endanger health or the environment immediately after becoming aware of the circumstances by using the DEP's designated spill alert telephone number (1-800-642-3074). The permittee shall also notify the OOG by telephone by the next business day.
  - (c) A written submission shall be provided within five days of the time the permittee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its causes; the location and any affected water bodies; the period of noncompliance, including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - (d) The Chief may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.
3. Noncompliance

All instances of noncompliance which are not reported under the above paragraphs shall be reported at the time monitoring reports are submitted.

## **H. OTHER REQUIREMENTS**

- 1. The discharge of treated or untreated wastewater into waters of the state is prohibited, except as allowed by this permit. No discharge shall flow or be allowed to flow directly to a surface water body that is not part of the treatment process itself.
- 2. The land application area boundary shall not be placed within one thousand (1,000) feet of a domestic water supply. Permit shall not be granted and no discharge will be allowed for land application over areas with Karst topography.
- 3. The permittee shall comply with the plan submitted with the site registration/application and approved by the OOG for monitoring contaminant concentrations in soils. Should the permittee determine in the course of such monitoring that contamination of groundwater attributable to activities under this permit is occurring or is threatened to occur, the permittee shall immediately notify the OOG and cease all discharges pursuant to this permit. Should the permittee wish to resume discharge operations, the permittee shall submit a revised permit registration which modifies its land application methods to assure that the threatened contamination does not occur. Land application of produced water is defined as a discharge of effluent directly to the soil.
- 4. Each coalbed methane well covered under this general permit shall be graphically displayed on a map accompanying the application for this permit.

5. No land application shall be made to cultivated garden plots regardless of season.
6. There shall be no discharge of floating solids, visible foam or free oil in other than trace amounts.
7. The discharged water shall be applied at a rate that, given the characteristics of the land, shall not cause ponding or erosion.
8. The discharged water shall be applied at a rate that does not cause an adverse impact on surface water quality.
9. No discharge of produced waters may occur within 25 feet of the down-gradient outermost boundary for the land application area described in the registration/application. No specific method must be followed for land application produced water under this permit so long as the method in the approved registration/application is followed and all other substantive requirements of this permit are satisfied.
10. No substances other than water removed from the wells and water treatment chemicals may be discharged.
11. All storage facilities must meet all applicable requirements pertaining to onsite storage of fluids including, but not limited to, the Aboveground Storage Tank Act (W. Va. Code § 22-30-1 et Seq.) and corresponding rule Title 47, Series 63 of the West Virginia Legislative Rules [C.S.R. 47-63-1 et. Seq] and Title 35, Series 1, Section 7 of the West Virginia Legislative Rules [C.S.R. 35-1-7], where appropriate.
12. Along with each site registration form, the applicant shall include:
  - (a) Background sampling of surface water taken downslope from the land application area (if surface waters are present). These points are to be used later as control points to ensure there is no impact on surface waters.
  - (b) A soil monitoring plan, and a vegetation study plan, which must be approved by the OOG. These plans must include background sampling to be used as baseline for the facility.
  - (c) Maintenance Plan for the facility and wells registered with it (as required in E.1).
13. Any Operator who has one or more facilities registered under GP-WV-1-07 on or before October 17, 2009, and who wishes to operate that facility, or those facilities, under the upper discharge limits identified in Section B, must submit the following information for a representative sample of at least 20% of the Operator's facilities for which the upper limits are desired. The following information also must be submitted for all new facilities that any operator desires to operate under the upper discharge limits identified in Section B.
  - (a) Hydrogeology study describing types and quality of aquifers present in the area, levels, flow direction, water wells (and production aquifers) within a

one thousand five hundred (1,500) foot radius of the discharge area, and vulnerability evaluation of aquifers to damage and contamination.

- (b) Hydrogeology map accompanied by a profile indicating the conceptual hydrogeological model of the area.
  - (c) Operators may propose alternatives to parts (a) and (b) in this section during the application process for coverage under this permit, as long as the alternative approach performs at least as well as the required study. The agency will evaluate the alternatives in a case to case basis.
  - (d) A groundwater monitoring plan that includes enough monitoring wells of the aquifers determined to be receiving the discharge and a control well in the same aquifers, but outside the influence of the discharge area. This plan must be designed in a manner that shows that each discharge is protective of groundwater and that the discharge is not adversely affecting the groundwater. The maximum limits for those parameters listed in Section B can be found in Section 8 of the Fact Sheet and Rationale Document. Background sampling for groundwater shall be carried on and results of this activity must be submitted with application; following the commencement of land application of produced water, the permittee shall provide an updated status report, including monitoring results to the OOG every six months (According to F.3).
14. In addition to the soil and vegetation monitoring areas described in the application, a control area with the purpose of baseline comparison must be marked and included in the vegetation and soil studies. This area must be within the limits of the area covered by this facility, cannot be used for discharge of water and has to have similar characteristics (topographical features, soil types and vegetation types) to the areas used for discharge.
15. Nothing in this general permit shall be deemed in any way to create new, or enlarge existing rights of riparian owners or others. The issuance of this general permit does not convey any property rights of any sort, nor shall the issuance of this general permit give any presumptions of law or findings of fact inuring to or for the benefit of persons other than the state of West Virginia.
16. To be covered by this general permit, the operator of a facility or discharge site shall file a site registration/application form, with surface owner approval<sup>2</sup>, along with a filing fee with the OOG, in a variable amount depending on the number of wells the facility will cover:

\$ 3,750	1 to 5 wells
\$ 5,000	6 to 20 wells
\$ 10,000	More than 20 wells

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<sup>2</sup> The operator shall be responsible for completing the site registration/application form and serving it on the surface owner of record for approval.

17. Conditions imposed by this permit should be protective of the environment. However, certain site-specific circumstances may be such that the permit conditions will not be adequate. In such cases, the Chief may temporarily suspend the coverage of the general permit to said site and may require site-specific changes in the permit conditions to address such circumstances.
18. The activity authorized by this permit is to be constructed, installed, operated, used and maintained strictly in accordance with the terms and conditions of this permit, with any plans, specifications, and information submitted with the individual site registration/application form, with any plan of maintenance and method of operation submitted, and with any applicable rules and regulations promulgated by WVDEP. At any permitted facility only produced water from wells operated by the permittee shall be discharged.
19. The permittee must obtain prior approval from the Chief to perform any physical alterations or additions to the permitted facility or to make any changes in the method of operating the facility and may be required to submit a revised site registration application and obtain surface owner consent.
20. Failure to comply with the terms and conditions of this permit and all relevant plans, specifications and information submitted shall constitute grounds for revocation or suspension of the registration and may result in the initiation of enforcement procedures set forth in Article 6, Chapter 22 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Article 6, Chapter 22 of the Code of West Virginia and may be modified, suspended, or revoked in accordance with said Article 6.

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**James Martin, Chief**  
Office of Oil and Gas