



west virginia department of environmental protection

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Earl Ray Tomblin, Governor
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June 28, 2013

Hand Delivered

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

The Honorable Tim Miley
Speaker of the House of Delegates
Building 1, Room 418-M
State Capitol Complex
Charleston, WV 25305

Re: W. Va. Code §22-6A-22 Air Quality Impacts Occurring from Horizontal Well Drilling and Related Activities

Dear President Kessler and Speaker Miley:

As directed by the Natural Gas Horizontal Well Control Act passed 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 air quality impacts occurring from horizontal well drilling and related activities. *See*, W. Va. Code § 22-6A-22. This report relies in part upon sampling and data analyses performed by the faculty and students of West Virginia University's (WVU) School of Public Health, via contract under the administration of WVU's West Virginia Water Research Institute (WRI) pursuant to a noise, light, dust and volatile organic compounds study directed by the Legislature. *See* W. Va. Code §22-6A-12(e).

OOG submitted to the Legislature on May 28, 2013 a report on the "Noise, Light, Dust and Volatile Organic Compounds Generated by the Drilling of Horizontal Wells Related to the Well Location Restriction Regarding Occupied Dwelling Structures." This report found that while there were no indications of a public health emergency or threat based on the air data obtained in the study, potential impacts from various well pad geometries existed. W. Va. Code §22-6A-12 established a number of siting criteria for horizontal wells, including a 625-foot distance from the well pad center to an occupied dwelling. The agency stated:

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

Promoting a healthy environment.

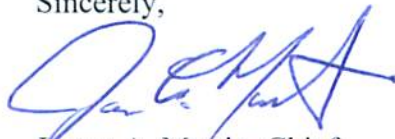
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The Honorable Tim Miley
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may allow an occupied dwelling to be close to a well pad.¹ Because of the potential for different well pad geometries, DEP recommends that the Legislature reconsider the reference point (i.e., from the center of the well pad) for the location restriction to occupied dwellings to reduce potential exposures. 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.

Based on a review of several completed air studies to date, including the results from the well pad development monitoring conducted in West Virginia's Brooke, Marion, and Wetzel Counties, no additional legislative rules establishing special requirements need to be promulgated at this time. The existing regulatory framework provides a basis for implementation of requirements to minimize and mitigate human health and environmental impacts.

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

Sincerely,



James A. Martin, Chief
Office of Oil and Gas

Enclosure: Report on Air Quality Impacts Occurring from Horizontal Well Drilling and Related Activities

with enclosure

cc: Joseph A. Lazell, Chief Counsel to Senate Judiciary Committee
Joseph A. Altizer, Chief Counsel to House Judiciary Committee

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.