

Gathering Pipeline Rules

The driller must comply with rules of the West Virginia Department of Environmental Protection, Office of Oil and Gas, regarding the “gathering pipelines that lead from your well.

If you have particular concerns that can be addressed by the driller's compliance with these regulations before drilling, make those concerns a part of your comments on the permit application. If the driller is not complying with these regulations, make a complaint to the Office of Oil and Gas in Charleston.

Those rules are set out below:

TITLE 35 LEGISLATIVE RULE DIVISION OF ENVIRONMENTAL PROTECTION OFFICE OF OIL AND GAS

SERIES 4 OIL AND GAS WELLS AND OTHER WELLS

7. Requirements for Production and Gathering Pipelines.

16.7.a. This rule prescribes the minimum requirements for the safe and efficient installation of all production and gathering pipelines installed, relocated or replaced after June 9, 1983, which are not regulated by the United States Department of Transportation minimum safety standards applicable to pipelines.

16.7.b. The chief reserves the right to direct the burial of any line installed under this rule to protect the public safety, by order issued after notice and hearing under the office's rules.

16.7.c. Subject to the reservation in subdivision 16.7.b. of production and gathering lines subject to this rule shall conform with the following:

16.7.c.1. Lines shall be buried where practical and reasonable; and practical and reasonable shall be construed to mean lines should be buried in the following situations:

16.7.c.1.A. Where the line crosses agricultural land as defined in W. Va. Code §19-19-2; *[See below.]*

16.7.c.1.B. Where an unburied line would prohibit use of a pre-existing private roadway or other means of access to a part of or all of surface land;

16.7.c.1.C. Where the line cannot more practically and reasonably be securely suspended to cross stream beds;

16.7.c.1.D. Where the line crosses a public road, in which event it shall be buried and otherwise installed in accordance with the rules of the public agency having jurisdiction over the road; and

16.7.c.1.E. Where the chief decides prior to installation that burial would be practical and reasonable.

16.7.c.2. All buried lines shall be installed with a minimum of eighteen (18) inches of cover, except where solid rock is encountered in which case the minimum cover shall be six (6) inches;

16.7.c.3. Whenever a buried line crosses a pre-existing public or private roadway, the location of the line shall be clearly marked at the point of crossing by an appropriate marker; and

16.7.c.4. A suitable conductive wire shall be installed with plastic pipe to facilitate locating it with an electronic pipe locator; provided, that any other suitable material or means for accomplishing this purpose may be employed.

16.7.d. Notwithstanding subdivision 16.7.c of this rule, the surface owner(s) of record of any tract subject to the provisions of W. Va. Code §22-6-30(d), shall have the right to prescribe that a pipeline or specified parts thereof need not be buried. The prescription shall be on Form WR-75, "Permission Not to Bury Production or Gathering Line," unless it is included in the recorded right-of-way or lease under which pipeline is to be installed, which right-of-way or lease was granted by the then surface owner of record. Once executed and delivered to the person who proposed to install and operate the line, the prescription may not be revoked by any subsequent surface owner(s) of record.

16.7.e. This rule shall not be construed to prohibit a surface owner from preparing a safe crossing of a pipeline for a new means to access of another part of his tract.

[See 16.7.c.1.A. above for significance of statute below:]

WEST'S ANNOTATED CODE OF WEST VIRGINIA

CHAPTER 19. AGRICULTURE

ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION

Current through H.B. 4040 of 2010 Reg. Sess.

§ 19-19-2. Definitions

For the purposes of this article:

(a) "Agriculture" shall mean the production of food, fiber and woodland products, by means of cultivation, tillage of the soil and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry, and the practice of forestry, silviculture, horticulture, or any other plant or animal production and all farm practices related, usual or incidental thereto, including the storage, packing, shipping and marketing, but not including any manufacturing, milling or processing of such products by other than the producer thereof.

(b) "Agricultural land" shall mean not less than five acres of land and the improvements thereupon, used or usable in the production of food, fiber or woodland products of an annual value of one thousand dollars or more, by the conduct of the business of agriculture, as defined in subsection (a) of this section.