

# Title 344 WAC

## OIL AND GAS CONSERVATION COMMITTEE

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**WAC 344-08-010 Appearance and practice before agency—Who may appear.** No person may appear in a representative capacity before the oil and gas conservation committee or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Regulation .08.010, filed 12/10/62.]

**WAC 344-08-020 Appearance and practice before agency--Appearance in certain proceedings may be limited to attorneys.** In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the oil and gas conservation committee or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the oil and gas conservation committee or its designated hearing officer may limit those who may appear in a representative capacity to attorneys at law.

[Regulation .08.020, filed 12/10/62.]

**WAC 344-08-040 Standards of ethical conduct.** All persons appearing in proceedings before the oil and gas conservation committee in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the oil and gas conservation committee may decline to permit such person to appear in a representative capacity in any proceeding before the department.

[Regulation .08.040, filed 12/10/62.]

**WAC 344-08-050 Standards of ethical conduct--Appearance by former employee of committee or former member of attorney general's staff.** No former employee of the oil and gas conservation committee or member of the attorney general's staff may at any time after severing his employment with the committee or the attorney general appear, except with the written permission of the department, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the committee.

[Regulation .08.050, filed 12/10/62.]

**WAC 344-08-060 Standards of ethical conduct--Former employee as expert witness.** No former employee of the oil and gas conservation committee shall at any time after severing his employment with the committee appear, except with the written permission of the committee, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the committee.

[Regulation .08.060, filed 12/10/62.]

**WAC 344-08-070 Computation of time.** In computing any period of time prescribed or allowed by the oil and gas conservation committee rules, by order of the committee or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of

time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Regulation .08.070, filed 12/10/62.]

**WAC 344-08-080 Notice and opportunity for hearing in contested cases.** In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by WAC 34.04.090(1).

[Regulation .08.080, filed 12/10/62.]

**WAC 344-08-090 Service of process--By whom served.** The oil and gas conservation committee shall cause to be served all orders, notices, and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Regulation .08.090, filed 12/10/62.]

**WAC 344-08-100 Service of process--Upon whom served.** All papers served by either the oil and gas conservation committee or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Regulation .08.100, filed 12/10/62.]

**WAC 344-08-110 Service of process--Service upon parties.** The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Regulation .08.110, filed 12/10/62.]

**WAC 344-08-120 Service of process--Method of service.** Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail, or by telegraph.

[Regulation .08.120, filed 12/10/62.]

**WAC 344-08-130 Service of process--When service complete.** Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Regulation .08.130, filed 12/10/62.]

**WAC 344-08-140 Service of process--Filing with agency.** Papers required to be filed with the oil and gas conservation committee shall be deemed filed upon actual receipt by the committee accompanied by proof of service upon parties required to be served.

[Regulation .08.140, filed 12/10/62.]

**WAC 344-08-150 Subpoenas--Where provided by law--Form.** Every subpoena shall be issued in the name of the oil and gas conservation committee and shall set forth the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

[Regulation .08.150, filed 12/10/62.]

**WAC 344-08-160 Subpoenas--Where provided by law--Issuance to parties.** Upon application of counsel for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The oil and gas conservation committee may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. No subpoena shall be issued except where authorized by statute.

[Regulation .08.160, filed 12/10/62.]

**WAC 344-08-170 Subpoenas--Where provided by law--Service.** Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage, as provided by WAC 344-08-180.

[Regulation .08.170, filed 12/10/62.]

**WAC 344-08-180 Subpoenas--Where provided by law--Fees.** Witnesses summoned before the oil and gas conservation committee shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington under like circumstances. In all other cases, witnesses summoned before the committee shall be paid by the party at whose instance they appear the same fees and mileage that are payable by law as subsistence allowance and mileage to officials and employees of the committee.

[Regulation .08.180, filed 12/10/62.]

**WAC 344-08-190 Subpoenas--Where provided by law--Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the oil and gas conservation committee or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the committee, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Regulation .08.190, filed 12/10/62.]

**WAC 344-08-200 Subpoenas--Where provided by law--Quashing.** Upon motion made promptly, and in any event at or before the time specified in the subpoena

for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the oil and gas conservation committee or its authorized members or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion just and reasonable conditions.

[Regulation .08.200, filed 12/10/62.]

**WAC 344-08-210 Subpoenas--Where provided by law--Enforcement.** Upon application for good cause shown, the oil and gas conservation committee will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Regulation .08.210, filed 12/10/62.]

**WAC 344-08-220 Subpoenas--Where provided by law--Geographical scope.** Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Regulation .08.220, filed 12/10/62.]

**WAC 344-08-230 Depositions and interrogatories in contested cases--Right to take.** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within ten days after service of original process. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Regulation .08.230, filed 12/10/62.]

**WAC 344-08-240 Depositions and interrogatories in contested cases--Scope.** Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Regulation .08.240, filed 12/10/62.]

**WAC 344-08-250 Depositions and interrogatories in contested cases--Officer before whom taken.** Within the United States or within a territory or insular possession subject to the domination of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the oil and gas conservation committee or agreed upon by the parties by stipulation in writing filed with the committee. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of

a party, or who is financially interested in the proceeding.

[Regulation .08.250, filed 12/10/62.]

**WAC 344-08-260 Depositions and interrogatories in contested cases—Authorization.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the oil and gas conservation committee and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Regulation .08.260, filed 12/10/62.]

**WAC 344-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.** After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the oil and gas conservation committee or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel or that after being sealed, the deposition shall be opened only by order of the committee, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the committee; or the committee may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the committee or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the committee. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

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[Regulation .08.270, filed 12/10/62.]

**WAC 344-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.** Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Regulation .08.280, filed 12/10/62.]

**WAC 344-08-290 Depositions and interrogatories in contested cases—Recordation.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire, record, or tape recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Regulation .08.290, filed 12/10/62.]

**WAC 344-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.** When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the committee holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the committee or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable

charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Regulation .08.300, filed 12/10/62.]

**WAC 344-08-310 Depositions and interrogatories in contested cases—Use and effect.** Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Regulation .08.310, filed 12/10/62.]

**WAC 344-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.** Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Regulation .08.320, filed 12/10/62.]

**WAC 344-08-330 Depositions upon interrogatories—Submission of interrogatories.** Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Regulation .08.330, filed 12/10/62.]

**WAC 344-08-340 Depositions upon interrogatories—Interrogation.** Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 344-08-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer, and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Regulation .08.340, filed 12/10/62.]

**WAC 344-08-350 Depositions upon interrogatories—Attestation and return.** The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent

was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer, and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the committee, or its designated hearing officer, one copy to the counsel who submitted the interrogatories, and another copy to the deponent.

[Regulation .08.350, filed 12/10/62.]

**WAC 344-08-360 Depositions upon interrogatories—Provisions of deposition rule.** In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Regulation .08.360, filed 12/10/62.]

**WAC 344-08-370 Official notice—Matters of law.** The oil and gas conservation committee or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals, and committee reports; decisions and administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders, and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states, and foreign nations;

(4) **Agency organization.** The oil and gas conservation committee's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Regulation .08.370, filed 12/10/62.]

**WAC 344-08-380 Official notice—Material facts.** In the absence of controverting evidence, the oil and gas conservation committee and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the department;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to

accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the committee as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities, or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the committee may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the committee rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the committee may consult any source of pertinent information, whether or not furnished as it may be, by any party, and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority, and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the committee or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Regulation .08.380, filed 12/10/62.]

**WAC 344-08-390 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the oil and gas conservation committee, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

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(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed, and delivered respectively to the post office, telegraph, cable, or radio company, or authorized common carrier of property with all postage, tolls, and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, elogned, suppressed, or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Regulation .08.390, filed 12/10/62.]

**WAC 344-08-400 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument, or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the oil and gas conservation committee that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Regulation .08.400, filed 12/10/62.]

**WAC 344-08-410 Form and content of decisions in contested cases.** Every decision and order, whether proposed, initial, or final shall:

(1) Be correctly captioned as to name of committee and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Regulation .08.410, filed 12/10/62.]

**WAC 344-08-420 Definition of issues before hearing.** In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

[Regulation .08.420, filed 12/10/62.]

**WAC 344-08-430 Prehearing conference rule—Authorized.** In any proceeding the oil and gas conservation committee or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider

(1) The simplification of the issues;

(2) The necessity of amendments to the pleadings;

(3) The possibility of obtaining stipulations, admissions of facts and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding.

[Regulation .08.430, filed 12/10/62.]

**WAC 344-08-440 Prehearing conference rule—Record of conference action.** The oil and gas conservation committee or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Regulation .08.440, filed 12/10/62.]

**WAC 344-08-450 Submission of documentary evidence in advance.** Where practicable the oil and gas conservation committee or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the

hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Regulation .08.450, filed 12/10/62.]

**WAC 344-08-460 Excerpts from documentary evidence.** When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Regulation .08.460, filed 12/10/62.]

**WAC 344-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications.** The hearing examiner or other appropriate officer in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, shall require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Regulation .08.470, filed 12/10/62.]

**WAC 344-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.** The hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, shall require, and when not so permissible, shall make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and

fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally. Witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Regulation .08.480, filed 12/10/62.]

**WAC 344-08-490 Expert or opinion testimony and testimony based on economic and statistical data--Supporting data.** That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 344-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record.

[Regulation .08.490, filed 12/10/62.]

**WAC 344-08-500 Expert or opinion testimony and testimony based on economic and statistical data--Effect of noncompliance with WAC 344-08-470 or 344-08-480.** Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 344-08-470 or 344-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Regulation .08.500, filed 12/10/62.]

**WAC 344-08-510 Continuances.** Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the oil and gas conservation committee or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The committee or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the committee or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Regulation .08.510, filed 12/10/62.]

[Title 344 WAC--p 8]

**WAC 344-08-520 Rules of evidence--Admissibility criteria.** Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Regulation .08.520, filed 12/10/62.]

**WAC 344-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Regulation .08.530, filed 12/10/62.]

**WAC 344-08-540 Petitions for rule making, amendment, or repeal--Who may petition.** Any interested person may petition the oil and gas conservation committee requesting the promulgation, amendment, or repeal of any rule.

[Regulation .08.540, filed 12/10/62.]

**WAC 344-08-550 Petitions for rule making, amendment, or repeal--Requisites.** Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amendment form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Regulation .08.550, filed 12/10/62.]

**WAC 344-08-560 Petitions for rule making, amendment, or repeal--Agency must consider.** All petitions shall be considered by the oil and gas conservation committee and it may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Regulation .08.560, filed 12/10/62.]

**WAC 344-08-570 Petitions for rule making, amendment, or repeal--Notice of disposition.** The oil and gas conservation committee shall notify the petitioning party within a reasonable time for the disposition, if any, of the petition.

[Regulation .08.570, filed 12/10/62.]

**WAC 344-08-580 Declaratory rulings.** As prescribed by RCW 34.04.080, any interested person may petition the oil and gas conservation committee for a declaratory ruling. The committee shall consider the petition and within a reasonable time it shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing as provided in subsection (3) is conducted, the committee shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued.

[Regulation .08.580, filed 12/10/62.]

**WAC 344-08-590 Forms.** (1) Any interested person petitioning the oil and gas conservation committee for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the oil and gas conservation committee, state of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and five legible copies shall be filed with the committee. Petitions shall be on white paper, 8 1/2 x 11" in size.

(2) Any interested person petitioning the oil and gas conservation committee requesting the promulgation, amendment, or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the oil and gas conservation committee, state of Washington." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name

and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and rule proposed to be repealed shall either be set forth in full or shall be referred to by committee rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and five legible copies of the petition shall be filed with the committee. Petitions shall be on white paper 8 1/2 x 11" in size.

[Regulation .08.590, filed 12/10/62.]

## Chapter 344-12 WAC GENERAL RULES

### WAC

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| 344-12-295 | Prior approval—Storage and pipelines.  |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|            |  |
|------------|--|
| 344-12-085 | Casing requirements. [Rule 15, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. Later promulgation, see WAC 344-12-087.  |
| 344-12-090 | Blowout prevention. [Rule 16, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. Later promulgation, see WAC 344-12-092.   |
| 344-12-100 | Well-head fittings. [Rule 18, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW.   |
| 344-12-105 | Tubing. [Rule 19, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW.   |
| 344-12-110 | Separators. [Rule 20, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW.   |
| 344-12-115 | Chokes. [Rule 21, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW.   |
| 344-12-120 | Agents to have access to all wells and well records, to witness or make well tests, and to measure production from wells. [Rule 22, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. Later promulgation, see WAC 344-12-112. |
| 344-12-130 | Procedure for plugging. [Rule 24, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. Later promulgation, see WAC 344-12-131.   |
| 344-12-135 | Seismic, core, and other exploratory holes to be plugged. [Rule 25, filed 3/23/60.] Repealed by 82-12-052 (Order 3, Resolution No. 7), filed 6/1/82. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW.   |

**WAC 344-12-001 Promulgation.** Pursuant to the power and authority delegated to the oil and gas conservation committee by the Oil and Gas Conservation Act, chapter 78.52 RCW, after due notice the oil and gas conservation committee, hereinafter designated as the committee, does hereby make, adopt, and promulgate the following general rules and regulations deemed by

the committee to be reasonably necessary for the proper administration and enforcement of the act.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-001, filed 6/1/82; Promulgation, filed 3/23/60.]

**WAC 344-12-010 General.** (1) The following rules and regulations have been adopted by the committee as general rules of state-wide application; these may be added to or changed, as required or deemed necessary by the committee, in accordance with RCW 78.52.050.

(2) Special rules, regulations, and orders will be adopted when required or deemed necessary and shall prevail as against general rules, regulations, and orders if in conflict therewith.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-010, filed 6/1/82; Rule 1, filed 3/23/60.]

**WAC 344-12-015 Rule making.** Notice of the intent to and the adoption of rules and regulations and their effective date shall be as provided in chapter 34.04 RCW, and RCW 78.52.050. An oral hearing shall be held for proposed rules and regulations.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-015, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-015, filed 6/1/82; Rule 2, filed 3/23/60.]

**WAC 344-12-020 Hearings.** (1) Hearings before the committee shall be open to the public. Hearings may be called by the committee, for the purpose of taking action in respect to any matter within its jurisdiction, upon its own motion or upon the petition of any interested party. Petitions for hearings shall be written and verified and may be in the form of a letter, shall be brief and concise, and shall state in general terms the matter upon which action of the committee is desired, the relief sought, and the reasons therefor.

(2) Contested case (adjudicatory) hearings before the committee shall be conducted under the procedures set forth in chapter 344-08 WAC and chapter 34.04 RCW.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-020, filed 6/1/82; Rule 3, filed 3/23/60.]

**WAC 344-12-025 Notice of hearings.** (1) In addition to notice as may otherwise be required by law notice of all hearings shall be given by publishing notice thereof not less than twenty days before the date of the hearing in a newspaper of general circulation in the state.

(2) The committee shall maintain a general mailing list and shall place thereon the names and addresses of all persons, firms, corporations, or governmental agencies who make request in writing to be included on such list. Each person, firm, corporation, and governmental agency on such mailing list shall be mailed at the address listed a copy of all rules, regulations, notices, and orders issued by the committee. Except as otherwise provided by law the failure to mail a copy of these to any such person, firm, corporation, or governmental

agency shall not affect the validity of any hearing held pursuant to the notice published in accordance with the preceding paragraph or any rule, regulation, or order issued pursuant to such hearing.

(3) Except as otherwise provided by law notices of hearing shall state the time and place of the hearing, whether called by the committee on its own motion or at the request of an interested party, naming the party making the request, and shall state briefly and in general terms the subject matter of the hearing and relief sought.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-025, filed 6/1/82; Rule 4, filed 3/23/60.]

**WAC 344-12-030 Hearings--Place of--Continuances--Action on.** (1) Hearings shall be held in Olympia, Washington unless otherwise ordered by the chairman. After notice of hearing is once given, the hearing may be continued to another day and from day to day and place to place by order of the committee.

(2) Except as otherwise provided by law, upon receipt of a proper request or application for hearing, the committee shall, if in its judgment a hearing is warranted and justifiable, promptly call a hearing, and after such hearing and with all convenient speed, and in any event within twenty days after the conclusion of the hearing, shall take action with regard to the subject matter thereof.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-030, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-030, filed 6/1/82; Rule 5, filed 3/23/60.]

**WAC 344-12-035 Administrative agent.** The department of natural resources is the designated agent of the committee for the purpose of carrying out the Oil and Gas Conservation Act. It shall be charged with the duty of administering and enforcing this act consistent with the policies adopted by the committee. It shall administer and enforce the policies adopted by the committee together with all rules and orders adopted and delegated by the committee including but not limited to issuing permits, enforcement action, and other activity authorized under this chapter. The department shall designate a state oil and gas supervisor.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-035, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-035, filed 6/1/82; Rule 6, filed 3/23/60.]

**WAC 344-12-040 Definitions.** Unless context otherwise requires, the words defined shall have the meaning set forth in RCW 78.52.010 and in the following definitions when found in these rules and regulations, to wit:

(1) "Barrel" means 42 United States gallons of oil at a temperature of 60 degrees Fahrenheit at atmospheric pressure.

(2) "Blowout" means an uncontrolled sudden or violent escape of oil, water, gas, or drilling fluid from a well.

(3) "Blowout preventer" means an effective casing-head control equipped with special gates, rams, and expansion type preventer which can be closed around the drill pipe, or which completely closes the top of the casing when the pipe is withdrawn.

(4) "Bottom-hole pressure" means the pressure in pounds per square inch or bars at the producing interval of an oil or gas well determined by means generally recognized as satisfactory by the oil and gas industry.

(5) "Casing pressure" means the pressure built up between the casing and tubing when the casing and tubing are packed off at the top of the well, or the pressure within the casing.

(6) "Casinghead gas" means any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil.

(7) "Christmas tree" means an assembly of valves and fittings at the head of the casing of a well to control the flow. Also spoken of as "well-head connections."

(8) "Condensate" means the liquid hydrocarbons recovered at the surface that result from condensation due to reduced pressure or temperature of petroleum hydrocarbons existing in a gaseous phase in the reservoir.

(9) "Cubic foot of gas" means the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be 14.73 pounds per square inch absolute and the standard temperature base shall be 60 degrees Fahrenheit. Conversions of values to conform with standard conditions shall be made in accordance with Ideal Gas Laws, corrected for deviation from Boyle's Gas Law when the pressure at the point of measurement is in excess of 200 psi gauge.

(10) "Day" means a period of twenty-four consecutive hours from 7:00 a.m. one day to 7:00 a.m. the following day.

(11) "Gas allowable" means the amount of natural gas authorized to be produced by order of the committee.

(12) "Gas lift" means any method of lifting liquid to the surface by injecting gas into the wellbore from which production is obtained.

(13) "Gas-oil ratio" means the relation of the gas in cubic feet to the production of oil in barrels, measured concurrently for a limited period; i.e. the number of cubic feet of gas as produced, divided by the number of barrels of oil as produced.

(14) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves (Regulation of public ground waters, chapter 90.44 RCW).

(15) "Month and calendar month" means the period or interval of time from 7:00 a.m. on the first day of any month of the calendar to 7:00 a.m. of the first day of the next succeeding month of the calendar.

(16) "Offset operator" means the operator, owner, or lessee of land contiguous to or cornering on land involved in oil and gas activities.

(17) "Oil allowable" means the amount of oil authorized to be produced by order of the committee.

(18) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind, and any governmental or political subdivision, or any agency thereof including any local state or federal government agency.

(19) "Pressure maintenance" means the introduction of gas or fluid to maintain the pressure of a reservoir.

(20) "Producer" means the owner or operator of a well or wells capable of producing oil or gas, or both.

(21) "Product" has the meaning set forth in RCW 78.52.010(18). It includes but is not limited to refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, propane, butane, gasoline, kerosene, benzene, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, and blends or mixtures of two or more liquid products or byproducts derived from oil or gas.

(22) "Purchaser" means any person who acquires title to oil or gas by purchase from a producer or other person.

(23) "Reasonable market demand" as to oil, means the amount of oil reasonably needed for current consumption and use, together with a reasonable amount of oil for storage and working stock; and as to gas, the term means the amount of gas of any type reasonably needed to supply the current consumption and use of such type of gas.

(24) "Reservoir pressure" means the static or stabilized pressure in pounds per square inch gauge existing at the face of the formation in one or more oil or gas wells as determined by commonly accepted engineering principles.

(25) "Separator" means an accepted field apparatus used in the industry for separating oil, gas, water, etc., with efficiency as it is produced.

(26) "Shut in pressure" means the surface pressure noted at the well head after the well is completely shut in.

(27) "State" means the state of Washington.

(28) "String" means a continuous length of connected sections of casing, liner, drill pipe, or tubing run into the well, including all attached equipment.

(29) "Surface water" means standing or free flowing fresh water at or above the ground surface, including springs, seeps, intermittent or perennial streams or creeks, rivers, lakes, ponds or wetlands.

(30) "Tender" means a permit or certificate of clearance, approved and issued or registered under the authority of the committee, for the transportation of oil, gas, or products.

(31) "Transporter" means and include any person engaged in the transportation of oil or gas.

(32) "Underground source of drinking water (USDW)" means ground waters which contain fewer

than 10,000 mg/L of total dissolved solids or which are obtainable for beneficial uses.

(33) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

(34) "Well history" or "well record" means the chronological written record of all operations, including formation tests, water shut-off tests, description of water, oil, or gas encountered in drilling a well, chemical composition and quantities of materials used in the drilling or treating of a well, with such additional information as to gas volumes, pressures, rate of fill-up, water depths, casing strata, casing record, etc., as is usually recorded in the normal procedure of drilling.

(35) "Well log" means a systematic, detailed, and correct record of formations encountered in drilling a well, and shall include all electric, radioactivity, and other logs, if run.

(36) "Wetlands" means those areas extending landward for two hundred feet (61 meters) in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas and floodplains associated with or influenced by any stream, river, lake, or tidal water, or combination thereof.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-040, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-040, filed 6/1/82; Rule 7, filed 3/23/60.]

**WAC 344-12-045 Development units.** As determined by competent geological, geophysical, engineering, or other scientific testimony, data, and evidence, the committee shall fix development units for the pool:

(1) No development unit in pool, deemed by the committee to be an oil reservoir, shall be larger than 160 acres (65 hectares) nor shall the well be located closer than 500 feet (152 meters) to the lease line nor closer than 1,000 feet (305 meters) to the nearest well drilling to or capable of producing from the same pool. The committee shall have the right to waive these limits in accordance with RCW 78.52.210.

(2) No development unit in a pool, deemed by the committee to be a gas reservoir, shall be larger than 640 acres (261 hectares) nor shall the well be located closer than 1,000 feet (305 meters) to the lease line nor closer than 2,000 feet (610 meters) to the nearest well drilling to or capable of producing from the sale pool. The committee shall have the right to waive these limits in accordance with RCW 78.52.210.

(3) If upon application, and after notice and hearing, the committee shall find that a well drilled at the location prescribed by any applicable rule of the committee would not produce in paying quantities or that surface conditions would substantially add to the burden or hazard of such well, the committee may enter an order permitting the well to be drilled at a location on which the applicant prima facie owns an ownership or contractual right to drill, other than that prescribed and shall include in such order suitable provisions to prevent the

production from that well of more than its just and equitable share of the oil and gas in the pool. Application for an exception shall set forth the names of the lessees or owners of contiguous or cornering properties and shall be accompanied by a plat or sketch map drawn to the scale of not smaller than one inch equalling 2,000 feet (610 meters) or as otherwise required, accurately showing to scale the property for which the exception is sought and accurately showing to scale all other completed and drilling wells on this property and accurately showing to scale all contiguous or cornering surrounding properties and wells. The application shall be verified by some person acquainted with the facts, stating that all facts therein stated are within the knowledge of the affiant and are true, and that the accompanying plat is accurately drawn to scale and correctly reflects pertinent and required data. Upon the filing of such application, the committee shall give notice of such filing by certified mail to all lessees and owners of lands towards whom the well is being moved, if closer to the proposed well than offset distances set forth in subsections (1) and (2) of this section.

(4) In filing a Form-1 (Application to drill, redrill, or deepen), the surface distance must be shown between the proposed location and other wells within a radius of 1,000 feet (305 meters) for oil tests, and 3,000 feet (914 meters) for gas tests.

(5) When a well completion report, Form-2, has been submitted to the department, and such well is not intended to be plugged or abandoned the department shall determine if a discovery has been made. The department shall forward its determination to the committee. If the department or the committee has determined a discovery has occurred the committee shall hold a hearing pursuant to RCW 78.52.205.

[Statutory Authority: RCW 78.52.050, 85-03-018 (Order 6, Resolution No. 10), § 344-12-045, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-045, filed 6/1/82.]

## DRILLING

**WAC 344-12-050 Application to drill, redrill, or deepen (Form-1).** (1) A person desiring to drill, redrill, or deepen a well in search of oil or gas shall for each such well:

- (a) Apply to the supervisor of such intent on Form-1;
- (b) Submit a completed environmental checklist;
- (c) Provide information on drill site layout, blowout prevention equipment details, mud program, casing and cementing program, and mud pit details;
- (d) Designate location and source of water supply;
- (e) Indicate topographic features of well site including drainage patterns, and any associated surface waters and wetlands;
- (f) Provide a narrative statement describing the proposed measures to be taken for protection of the environment, including, but not limited to, the prevention or control of:
  - (i) Fires;
  - (ii) Soil erosion;

- (iii) Pollution of surface and ground waters;
- (iv) Damage to fish and wildlife or other natural resources;
- (v) Air and noise pollution; and
- (vi) Hazards to public health and safety;
- (g) Provide such other pertinent information or data which the supervisor may require to support the application for the development of oil and gas resources and the protection of the environment including site reclamation procedures;
- (h) Designate methods and site for disposal of waste materials and drilling muds that contain heavy metals or are considered hazardous waste;
- (i) Notify the surface landowner, the landowners tenant, or other surface users in writing with a copy to the supervisor;
- (j) Shall pay a fee, which is not refundable, in the following amounts for each application:
  - (i) For each well the estimated depth of which is three thousand five hundred feet or less, two hundred fifty dollars;
  - (ii) From three thousand five hundred one feet to seven thousand feet, five hundred dollars;
  - (iii) From seven thousand one feet to twelve thousand feet, seven hundred fifty dollars; and
  - (iv) From twelve thousand one feet and deeper, one thousand dollars.

The fee shall accompany the application and be in cash or check, drawn upon or issued by a Washington state qualified public depository payable to state treasurer, state of Washington. Upon receipt of the application, the fee, and other specified information, the supervisor may issue to such person a permit to drill, after completion of an inspection of the proposed drill site, unless the drilling of the well is contrary to law, or to a rule, regulation, or order of the committee. The drilling of the well is prohibited until a permit to drill is obtained in accordance with the provisions of this section. If the permit is disallowed, the supervisor will immediately notify the person in writing the reasons therefor. The permit will be on such form containing such conditions as the committee may prescribe.

(2) An operator shall be required to obtain a permit to deepen a well. The fee, which is based on the estimated depth of the well as per subsection (1)(j) of this section, is required for the permit to deepen a well previously drilled under permit. No permit is required for workover so long as the well remains completed in the same pool, provided the casing above the fresh-water shut-off depth is not to be disturbed or altered by the redrilling, conditioning, or testing to be performed.

(3) A permit, for which a fee of one hundred dollars is required, shall be obtained for a relatively shallow well or wells (less than 2,000 feet) (610 meters) not drilled in search of oil and gas but solely to obtain subsurface geological data: *Provided*, That holes drilled for the purpose of obtaining information about or sampling of the offshore beds of ocean waters shall be governed by chapter 344-16 and 173-15 WAC. Applications for a permit for a shallow well or wells shall comply with the provisions of subsection (1) of this section.

(4) A blanket permit, for which a fee of one hundred dollars is required, shall be obtained for the shot holes necessary to conduct a seismic geophysical investigation of structure and stratigraphy. The application for such blanket permit shall contain information on the general location of the investigative work, the approximate number and depth of shot holes, an environmental checklist, the type and quantity of explosives to be used, and such other information as the supervisor may require.

(5) A copy of each application received shall be transmitted by the supervisor within ten days to the department of ecology, department of social and health services, and general purpose local governments of the jurisdiction in which the proposed activity would occur or in the case of a city or a town a well proposed within a three mile radius of its municipal boundaries and other affected agencies as deemed necessary by the supervisor.

(6) A person shall not be issued a permit unless that person holds an ownership or contractual right to locate and operate a drilling operation upon the proposed drilling site.

(7) Designated representatives of general purpose local governments are requested to inform the supervisor in writing within ten working days of those local government zoning ordinances, permit requirements, or other factors, if any, which may apply to a well proposed to be drilled, redrilled, or deepened.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-050, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-050, filed 6/1/82; § 8, Resolution No. 3 (codified as WAC 344-12-050(3)) filed 6/28/63; Rule 8 (codified as WAC 344-12-050 (1), (2), and (4)), filed 3/23/60.]

**WAC 344-12-055 Transfer of drilling permit.** Each person who succeeds to the rights under a drilling permit shall, within ten days after the rights are acquired, notify the supervisor in writing thereof. Such transfer shall not become effective until the bond requirements of WAC 344-12-063 have been met.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-055, filed 6/1/82; Rule 9, filed 3/23/60.]

**WAC 344-12-060 Bond to be furnished.** (1) The supervisor, except as hereinafter provided, shall require from the owner before a permit for drilling, redrilling, or deepening will be issued a good and sufficient bond in the sum of not less than \$50,000.00 for each well payable to the state of Washington, conditioned on compliance with chapter 78.52 RCW, permit conditions, the rules and regulations and orders of the committee. Said bond shall remain in force and effect until the plugging of said well is approved by the supervisor and all laws, permit conditions, rules and regulations and orders have been complied with. It is provided, however, that any owner in lieu of such bond may file with the supervisor a good and sufficient blanket bond in the principal sum of not less than \$250,000.00 covering all wells drilling or to be drilled.

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(2) Bond or bonds herein required shall be executed by the owner as principal and by a surety company acceptable to the DNR and authorized to do business in the state of Washington as surety. Should the surety on such bond fail or refuse to require compliance with the conditions of the bond to the satisfaction of the supervisor, such surety shall be liable to the state of Washington in such a sum, within the limits of the sum stated on the face of the bond, as will indemnify the state of Washington for the cost of requiring compliance with the conditions of the bond.

(3) In lieu of the bond required by this section the owner may file with the committee a cash deposit, or an assignment of a savings account or of a certificate of deposit in a Washington bank on an assignment form prescribed by the committee. In the event a certificate of deposit is provided in lieu of a bond the owner shall guarantee payment of principal in the event penalties are assessed for early redemption of the certificate.

(4) The amount of the bond to be furnished for permits required under WAC 344-12-050(3) shall be \$20,000.00.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-060, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-060, filed 6/1/82; Rule 10, filed 3/23/60.]

**WAC 344-12-063 Bond termination—Release.** (1) A bond or bonds as required by this chapter shall remain in force and effect until:

(a) The plugging of said well or wells and reclamation of the well site or sites has been completed and has been approved by the supervisor and all requirements of chapter 78.52 RCW, rules and regulations, permit conditions, and orders of the committee have been complied with to the satisfaction of the supervisor; or until

(b) A new bond has been filed by a successor in interest and approved by the supervisor.

(2) Transfer of property does not release the bond. If a transfer of property is made and the principal desires to be released from the bond:

(a) The principal shall notify the supervisor in writing in accordance with this chapter that the well or wells, describing each well by reference to its number and location on a forty-acre tract, section, township, and range, has or have been transferred to a named transferee for the purpose of ownership or operations;

(b) As a part of the same instrument the transferee must accept such transfer, assume all obligations and accept the responsibility of such well or wells under a new bond tendered therewith. When the supervisor has approved the transfer, the transferor may be released from the plugging responsibility of the well or wells and reclamation of the site or sites and other requirements, and if, such well or wells are now covered by the transferee's bond, the transferor's bond may be released by the supervisor.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-063, filed 6/1/82.]

(1986 Ed.)

**WAC 344-12-065 Identification of well.** Every person drilling for oil or gas or operating, owning, controlling, or in possession of any well drilled for oil or gas, shall post on the derrick or in a conspicuous place near the well, a sign in reasonably large and clear lettering, showing the name of the person drilling, operating, owning, or controlling the well; the name of the lease; the number of the well; the permit number; and the legal land description of the location by county, section, township, and range. Such sign shall be in place when drilling commences and shall be maintained until such time as the well is abandoned.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-065, filed 6/1/82; Rule 11, filed 3/23/60.]

**WAC 344-12-070 Well history or record and well log (Form-2).** (1) During the drilling, redrilling, or deepening of any well, except seismic, that penetrates into the bedrock below the unconsolidated surficial cover, the owner, operator, contractor, driller, or other person responsible for the conduct of the drilling operations shall keep at the well, or at his headquarters in the state, or otherwise conveniently available to the supervisor, a detailed and accurate record of the drilling operations and a log of the strata drilled, reduced to writing from day to day, which shall be accessible to the committee and its agents at all reasonable times. A copy of the well history or record and a copy of the well log shall be furnished to the supervisor upon Form-2, prescribed by the committee, within thirty days after the completion or abandonment of the well. The well history or record shall describe the progress of drilling, the water, oil, or gas encountered, and such additional information as to gas volumes, pressures, rate of fill-up, water depths, caving strata, casing record, shooting, perforating, chemical treatment, general chemical composition, and volumes used of drilling mud, description and results of water-shut-off tests, casing tests, drill-pipe packer tests, and other tests, as are usually recorded in the normal procedure of drilling. The well log shall progressively describe the strata and formations encountered. In the drilling of exploratory wells, a ditch sample shall be collected at ten-foot intervals for the state and furnished to the supervisor within six months after completion of the well as a dry hole or as a producing well. In the drilling of wells within development units, a ditch sample shall be collected as directed by the supervisor and furnished to the supervisor after completion of the well as a dry hole or as a producing well. Any electrical or radio-activity logging or surveying of the well shall also be recorded and a copy furnished the supervisor within six months after completion. A detailed description of lithology shall be furnished to the supervisor within thirty days after completion or abandonment of any exploratory or wildcat well.

(2) All well histories, and records, well logs, ditch samples, results of directional surveys, and other reports submitted under this rule shall be kept confidential by

the committee for a period of one year from date of filing if the well is a "wildcat" or "exploratory well" and if the operator so requests. (See RCW 78.52.260.)

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-070, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-070, filed 6/1/82; Rule 12, filed 3/23/60.]

**WAC 344-12-075 Deviation tests.** All wells must be drilled with due diligence to maintain a reasonably vertical well bore unless special circumstances require the bore to deviate from the vertical, in which instance permission to so deviate shall be obtained from the supervisor. The committee shall have the right to require the operator to make a directional survey of the hole, at the request of an off-set operator and at the expense of said off-set operator towards whom the well is being drilled prior to the completion of the well; and the committee shall have the right to require the operator to make a directional survey of the hole at any time, and at the expense of the operator, in order to ascertain that the well has not deviated beyond the boundaries of property on which well is located.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-075, filed 6/1/82; Rule 13, filed 3/23/60.]

**WAC 344-12-078 Directional drilling.** Before beginning directional drilling, other than sidetracking due to hole conditions, the operator shall file a request for same and obtain approval from the supervisor. Such request shall state name and address of operator, well name and number, drilling permit number, exact surface location of well bore and the proposed direction of deviation, proposed horizontal distance between bottom of the hole and the surface location, reason for directional drilling and a list of direct offset operators towards whom the well is being drilled, if any. Within sixty days after completion of the work an accurate and complete copy of the directional survey shall be filed with the supervisor.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-078, filed 6/1/82.]

**WAC 344-12-080 Sealing off strata.** (1) All underground sources of drinking water of present or potential future use for domestic, municipal, commercial, stock, or agricultural purposes shall be confined to their respective strata and shall be adequately protected.

(2) All oil, gas, and underground sources of drinking water above and below the producing horizon shall be sealed or separated in order to prevent their contents from passing into another stratum.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-080, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-080, filed 6/1/82; Rule 14, filed 3/23/60.]

**WAC 344-12-087 Well casing—Cementing.** (1) The owner shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to:

(a) Prevent release of fluids from any stratum through the wellbore (directly or indirectly) into any waters of the state;

(b) Prevent commingling between separate hydrocarbon-bearing strata and intermingling between hydrocarbon and underground sources of drinking water, and between separate water-bearing strata;

(c) Prevent contamination of potential fresh water strata, gas, or oil zones;

(d) Support unconsolidated sediments; and

(e) Otherwise provide a means of control of the formation pressures and fluids.

The owner shall install casing of sufficient strength and size to provide optimum well control while drilling and to assure safe operations for the life of the well.

(2) Conductor casing. Conductor casing shall be set before drilling into shallow formations known to contain oil or gas, if unknown, upon encountering such formation.

(3) Surface casing. Surface casing holes shall be logged with an induction electric log, or equivalent, prior to running surface casing.

(4) Cementing of casing. Conductor and surface casing strings shall be cemented with sufficient cement to fill the annular space from the shoe to surface. Production casing shall be cemented in a manner necessary to exclude, isolate, or segregate overlying formation fluids from the oil or gas zone and to prevent the movement of fluids into potential underground source of drinking water.

A temperature or cement bond log may be required by the supervisor if an unsatisfactory cementing job is indicated.

(5) Pressure testing. Prior to drilling out the casing shoe after cementing, all casing strings set to a depth of 500 feet (152 meters) or less except for conductor casing, shall be pressure tested to a minimum pressure of 500 psi (35 bars). Casing strings set to a depth of 500 feet (152 meters) or greater shall be pressure tested to a minimum pressure of 1,000 psi (69 bars) or 0.2 psi/ft (0.045 bars/meter) whichever is greater. Such test shall not exceed the rated working pressure of the casing or the blowout preventer stack assembly, whichever is less.

Unless otherwise provided by specific order of the supervisor for a particular well or wells or for a particular pool or parts thereof, cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch (21 bars): *Provided, however,* That no further operation shall be commenced until the cement has been in place for at least eight hours. The term "under pressure" as used herein shall be complied with if one float valve is used or if pressure is otherwise held.

All casing pressure tests shall be recorded in the driller's log.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-087, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-087, filed 6/1/82. Formerly WAC 344-12-085.]

**WAC 344-12-092 Blowout prevention.** Blowout prevention and related control equipment shall be installed and properly maintained ready for use until drilling operations are completed. The blowout prevention stack and related control equipment shall have a working pressure rating higher than the maximum anticipated wellhead surface pressure. Unless otherwise specified, blowout prevention equipment shall have a hydraulic actuating system and accumulator of sufficient capacity to close all of the hydraulically operated equipment and have a minimum pressure of 1,000 psi (69 bars) remaining on the accumulator. Dual control stations shall be installed and one control panel shall be located near the driller's station. Blowout prevention assemblies involving the use of air or other gaseous fluid drilling systems shall also include a rotating head. Exceptions to the requirements of this paragraph will be considered by the supervisor for areas of known surface stability and low subsurface formation pressure.

(1) Conductor or drive casing. A diverter and vent line may be required before drilling below the conductor or drive casing. If a full opening valve is installed in the vent line, it will be hooked up to automatically open when the diverter closes.

(2) Surface, intermediate and production casing. Prior to drilling below any of these strings, blowout prevention equipment shall include a minimum of:

(a) One expansion-type preventer and accumulator or a rotating head;

(b) A remotely controlled hydraulically operated double ram blowout preventer or two single ram type preventers, one equipped with pipe rams and the other equipped with blind rams. If abnormal pressures are anticipated, a third preventer, equipped with pipe rams, will be included;

(c) A drilling spool with two side outlets unless such side outlets are available in the blowout preventer stack;

(d) A fillup line;

(e) A kill line equipped with at least one valve; and

(f) A choke manifold system with suitable valves, chokes and lines. The lines to the pits or mud tanks will be securely anchored.

(3) Testing and maintenance. Ram-type blowout preventers and auxiliary equipment shall be tested to a minimum of 1,000 psi (69 bars) or to the working pressure of the casing or assembly, whichever is the lesser. Expansion-type blowout preventers shall be tested to seventy percent of the above pressure testing requirements.

(a) The blowout prevention equipment shall be pressure tested:

(i) When installed;

(ii) Prior to drilling out plugs and/or casing shoes;

(iii) Not less than once every three weeks; and

(iv) Following repairs that require disconnecting a pressure seal in the assembly.

(b) During drilling operations, blowout prevention equipment shall be actuated to test proper functioning as follows:

(i) Once each trip for blind rams and once each day for pipe rams; and

(ii) At least once each week on the drill pipe for expansion-type preventers.

All flange bolts shall be inspected at least weekly and retightened as necessary during drilling operations. Blowout prevention and auxiliary control equipment shall be cleaned, inspected and repaired, if necessary, prior to installation to assure proper functioning. Blowout prevention controls shall be plainly labeled. A blowout prevention drill shall be conducted weekly for each drilling crew. All blowout prevention tests and crew drills shall be recorded on the driller's log.

(4) Related well control equipment. A full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. An upper and lower full-opening kelly cock shall be installed above and below the kelly.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-092, filed 6/1/82. Formerly WAC 344-12-090.]

**WAC 344-12-095 Fire hazards.** Any rubbish or debris that might constitute a fire hazard in the operation of the well, tanks, separator, or other equipment shall be removed to a distance of at least 100 feet (30 meters) from the well location, tanks, and separators.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-095, filed 6/1/82; Rule 17, filed 3/23/60.]

**WAC 344-12-098 Drilling fluid.** The properties, use, and testing of drilling fluids and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to insure well control shall be maintained in the field area readily accessible for use at all times.

(1) Drilling fluid control. Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The hole shall be kept reasonably full at all times. Proper techniques shall be utilized when necessary to maintain mud characteristics for well control and hole conditioning. The conditions herein shall not apply when drilling with air or aerated fluids.

(2) Drilling fluid testing. Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations, with mud, occurring below the shoe of the conductor casing:

(a) High-low level mud pit indicator including a visual and audio-warning device, if applicable.

(b) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known by the supervisor to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

(c) Degassers shall be required if applicable, and below 7,500 feet (2286 meters) or in areas of known high pressure desilters and desanders if required for solids control.

(1986 Ed.)

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-098, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-098, filed 6/1/82.]

**WAC 344-12-102 Well logging.** All wells shall be logged with an induction electric log, radiation log, or equivalent from total depth to the shoe of the conductor casing. The supervisor may grant an exception to this rule in field wells when well conditions make it impractical or impossible to meet this requirement.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-102, filed 6/1/82.]

**WAC 344-12-107 Removal of casing.** (1) No person shall remove casing or any portion thereof from any well without first obtaining prior written approval from the supervisor. In a request to remove casing, the applicant must describe the condition of the well, the proposed casing to be removed, all casing in the hole, location of existing and proposed cement plugs, and perforations.

(2) Approval to recover casing will be given in the abandonment of wells where subsurface plugging can be done to the satisfaction of the supervisor.

(3) The hole shall be full of fluid prior to the detonation of any explosives in the hole. Such explosives shall be utilized only by a licensed handler with the required permits.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-107, filed 6/1/82.]

**WAC 344-12-112 Agents to have access to all wells, well records, witness tests or well production.** All operators of oil and gas exploratory and producing wells are required to permit the agents of the supervisor and the committee to witness all tests that may be required by the supervisor on any and all wells. The agents of the supervisor shall have access to all well records, and shall be permitted to come upon any lease or property to inspect any and all wells and to witness gauging of production therefrom at all times. All such information, at the moment obtained, shall be presumed to have been required, filed, and requested to be kept confidential within the meaning of RCW 78.52.260, and shall by all such persons so obtaining such information, be reported only to the supervisor and the committee, and shall be kept confidential in the same manner as provided in RCW 78.52.260 and WAC 344-12-070(2).

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-112, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-112, filed 6/1/82. Formerly WAC 344-12-120.]

**WAC 344-12-116 Sump pits.** (1) An earthen pit, or sump used for the handling, storage, or disposal of any deleterious substance produced, obtained, or used in conjunction with drilling or operation of wells, shall be constructed of, or sealed with, an impervious material, and shall be used and operated at all times so as to prevent any escape of any deleterious substances.

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(2) Every earthen pit, or sump shall be emptied and leveled within three months after drilling operations cease. For good cause shown by the operator, the supervisor may extend the period for emptying and leveling, but not to exceed six months.

(3) Except as to surface runoff from surface facilities, no earthen pit or sump shall be constructed or maintained so as to receive surface runoff and such pit shall be maintained at all times to provide reasonable safe fluid level control.

(4) An earthen pit or sump, at the discretion of the supervisor shall be flagged, screened, or otherwise protected from intrusions by wildlife before drilling operations begin and be maintained after operations cease, until such pits or sumps are reclaimed.

(5) No pit or sump shall be used for the ultimate disposal of salt water. Salt water and oil shall be periodically drained or removed, and properly disposed of, in accordance with methods and at locations approved by the department of ecology, from any pit or sump that is retained so the pit is kept reasonably free of salt water and oil.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-116, filed 6/1/82.]

**WAC 344-12-125 Notice of intention to abandon and plug (Form-3).** (1) The owner or operator shall not permit any well drilled for oil, gas, salt-water disposal, injection or any other purpose in connection with the exploration or production of oil and gas, to remain unplugged, except as otherwise provided in WAC 344-12-140, after such well is no longer to be used for the purpose for which it was drilled or converted.

(2) Before any work is commenced to abandon any well drilled for oil or gas, including any well drilled below the underground source of drinking water, the owner or operator thereof shall, prior to beginning operations of plugging the well, give notice to the supervisor or his representative of his intention to abandon such well, such notice shall be written, on Form-3 (Notice of intention to abandon and plug well), except that it shall be permissible to give oral notice followed within 24 hours by written confirmation on Form-3. Upon receipt of such notice, the supervisor or his duly authorized representative may elect to be present at the time indicated in such notice, to witness the plugging of the well.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-125, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-125, filed 6/1/82; Rule 23, filed 3/23/60.]

**WAC 344-12-131 Procedure for plugging.** Each abandoned well drilled for the discovery of oil or gas or for any other purpose related to the exploration including seismic and core holes or production of oil and gas shall be plugged by or on behalf of the owner, operator, or producer who is in charge of the well or wells and responsible therefor. In general, cement plugs will be placed across specified intervals to protect oil and gas

zones, to prevent degradation of potentially usable waters, and to protect surface conditions. Subject to approval of the supervisor, cement may be mixed with or replaced by other substances with adequate physical properties. The owner shall submit the proposed method and procedure for plugging to the supervisor on Form-3 (Notice of intention to abandon and plug well). Unless otherwise approved by the supervisor the method and procedure shall be as follows:

(1) Hole fluid. Drilling fluid having the proper weight and consistency to prevent movement of other fluids into the wellbore shall be placed in all intervals not plugged with cement, and shall be surface poured into all open annuli where required.

(2) Plugging by bailer. Placing of a cement plug by bailer shall not be permitted at a depth greater than 3,000 feet (914 meters). Water is the only permissible hole fluid in which a cement plug shall be placed by bailer.

(3) Surface pours. A surface cement-pour shall be permitted in an empty hole with a diameter of not less than 5 inches (12.7 centimeters). Depth limitations shall be determined on an individual well basis by the supervisor.

(4) Blowout prevention equipment. Blowout prevention equipment may be required during plugging and abandonment operations. Any blowout prevention equipment and inspection requirements deemed necessary by the supervisor shall appear on the approval issued by the supervisor.

(5) Junk in hole. Diligent effort shall be made to recover junk when such junk may prevent proper abandonment either in open hole or inside casing. In the event that junk cannot be removed from the hole and freshwater-saltwater contacts or oil or gas zones penetrated below cannot therefore be properly abandoned, cement shall be down-squeezed through or past the junk or a 100-foot (30-meter) cement plug shall be placed on top of the junk.

(6) A cement plug not less than 25 feet (7.6 meters) shall be placed in the hole and all annuli at the surface. All well casing shall be cut off at least 5 feet (1.5 meters) below the surface of the ground.

(7) Open hole.

(a) A cement plug shall be placed to extend from the total depth or at least 100 feet (30 meters) below the bottom of each oil or gas zone, whichever is less, to at least 100 feet (30 meters) above the top of each zone.

(b) A minimum 200-foot (61-meter) cement plug shall be placed across all underground source of drinking water-saltwater interfaces.

(c) An interface plug may be placed wholly within a thick shale if such shale separates the freshwater sands from the brackish or saltwater sands.

(d) The hole may be filled between plugs up to the base of the surface string, if this reaches below the freshwater zone, with approved heavy mud.

(8) Cased hole.

(a) All perforations shall be plugged with cement, and the plug shall extend 100 feet (30 meters) above the top of a landed liner, the uppermost perforations, the casing

cementing point, or water shut-off holes, whichever is highest.

(b) If there is cement behind the casing across the underground source of drinking water-saltwater interface, a 100-foot (30-meter) cement plug shall be placed inside the casing across the interface.

(c) If the top of the cement behind the casing is below the top of the highest saltwater sands, squeeze-cementing shall be required through perforations to protect the underground source of drinking water. In addition, a 100-foot (30-meter) cement plug shall be placed inside the casing across the underground source of drinking water-saltwater interface. Notwithstanding other provisions of this section, the supervisor may approve a cavity shot followed by cementing operations at the base of the underground source of drinking water sands. The cavity shall be filled with cement and capped with a cement plug extending 100 feet (30 meters) above the cavity shot.

(9) Special requirements.

(a) Where geologic or ground water conditions dictate, special plugging procedures shall be required to prevent contamination of potentially usable waters by downward percolation of poor quality waters, and to separate water zones of varying quality, or varying hydrostatic pressure, and to isolate dry permeable strata that are brought into hydraulic continuity with ground water aquifers.

(b) The supervisor may set forth other plugging and abandonment requirements or may establish field rules for the plugging and abandonment of wells. Such cases include, but are limited to:

(i) The plugging of a high-pressure saltwater zone.

(ii) Perforating and squeeze-cementing previously uncemented casing within and above a hydrocarbon zone.

(10) In all holes open below the casing shoe, a cement plug shall extend from at least 50 feet (15 meters) below to at least 50 feet (15 meters) above the shoe of any cemented casing. If the hole cannot be cleaned out to 50 feet (15 meters) below the shoe, a 100-foot (30-meter) cement plug shall be placed as deep as possible.

(11) A steel plate at least one-quarter inch (0.64 centimeter) thick shall be welded to the top of the surface string of casing. The steel plate shall bear the drilling permit number and date of abandonment.

(12) Within thirty days after plugging of any well, the owner, operator, or producer responsible therefor who plugged or caused to be plugged the well shall file with the supervisor an affidavit on Form-4 (report on results of plugging well) setting forth in detail the method used in plugging the well.

(13) Inspection of plugging and abandonment operations. All plugging and abandonment operations shall be witnessed and approved as deemed necessary by the supervisor.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-131, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-131, filed 6/1/82. Formerly WAC 344-12-130.]

**WAC 344-12-133 Unlawful abandonment.** A well shall be deemed unlawfully abandoned if not plugged and the lands involved are not reclaimed in compliance with the rules and regulations or orders of the supervisor or when operations on or at any well shall have ceased for a period of six months or more. If a determination of unlawful abandonment is made by the supervisor, the supervisor shall inform the owner, operator, or producer in writing directing immediate compliance with proper abandonment procedures. Failure to comply shall be cause for the supervisor to order proper abandonment utilizing the drilling and production bond on file with the supervisor. For good cause shown by the operator, the supervisor may extend the period for plugging and reclamation.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-133, filed 6/1/82.]

**WAC 344-12-140 Wells used for underground source of drinking water.** When the well to be plugged may safely be used as an underground source of drinking water well and such utilization is desired by the landowner and is authorized by the operator, the cement plug normally required at the top of the surface casing may be waived, and the well need not be filled above the required sealing plug set below underground source of drinking water: *Provided*, That written authority for such conversion is supplied by the landowner and authorization is obtained by the landowner from the state department of ecology and filed with the supervisor. Approval by the supervisor of the plugging accomplished or notice from the department of ecology of approval of the landowner's authorization as provided herein shall relieve the operator of further responsibility under the Oil and Gas Conservation Act and the supervisor shall release the bond once a water well has been satisfactorily completed.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-140, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-140, filed 6/1/82; Rule 26, filed 3/23/60.]

**WAC 344-12-145 Reclamation.** The supervisor shall establish guidelines for the reclamation of land impacted by oil and gas drilling and production activities.

The owner, operator, or producer of the well or wells shall develop a reclamation plan for the area disturbed in site preparation, drilling, completing, or producing a well or wells, and submit the reclamation plan to the supervisor for approval. The owner, operator, or producer shall, before the reclamation plan is implemented, consult affected state agencies, including the department of game, before submitting the reclamation plan to the supervisor. Reclamation shall be accomplished in accordance with the reclamation plan and the following:

(1) Within three months after the completion or abandonment of a well the operator shall fill all pits containing mud, cuttings, salt water and oil that are not needed for production purposes, or are not required or allowed by state or federal law or rule or regulation, and remove all concrete bases, drilling supplies, and drilling

equipment. Within such period the operator shall grade or terrace, and plant, seed, or sod the area disturbed, that is not required in production of the well, to bind the soil and prevent substantial erosion and sedimentation.

(2) Within three months after the plugging of a well, the operator shall remove all production and storage structures, supplies and equipment, and any oil, saltwater and debris and fill any remaining excavations. Within such period the operator shall grade or terrace, and plant, seed, or sod the area disturbed to bind the soil and prevent substantial erosion and sedimentation.

The supervisor may, upon written application by an operator, find reasonable cause to extend the period in which reclamation shall be completed, but not to exceed one year.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-145, filed 6/1/82.]

**WAC 344-12-150 Permit cancellation--Failure to drill.** A permit will be cancelled if drilling operations have not commenced within twelve months of date of issuance of the permit. Such cancellation will take effect thirty days after written notice has been sent to the operator by the supervisor. The supervisor may, for good cause, grant a reasonable extension, not to exceed six months.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-150, filed 6/1/82.]

**WAC 344-12-155 Permit suspension.** Drilling operations in violation of any applicable rules of law, rules or regulations, permit conditions, or any order of the committee shall be subject to suspension by order of the supervisor. A suspension shall remain in effect until the violations are corrected to the satisfaction of the supervisor. Any person adversely affected by a suspension order may apply for a hearing before the committee as provided in RCW 78.52.470.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-155, filed 6/1/82.]

## PRODUCTION

**WAC 344-12-200 Well-head fittings.** Christmas-tree fittings or well-head connections shall have a working pressure in keeping with the expected pressure of the well.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-200, filed 6/1/82.]

**WAC 344-12-205 Tubing.** Each flowing well shall be produced through tubing and shall be equipped with a master valve; however, a multiple completion is permissible when the production from each zone is kept separate.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-205, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-205, filed 6/1/82.]

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**WAC 344-12-210 Separators.** When good operating practice so requires, all flowing wells must be produced through suitable oil and gas separators or treaters.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-210, filed 6/1/82.]

**WAC 344-12-215 Chokes.** Each flowing well shall be equipped with an adequate choke or bean to control properly the flowing therefrom.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-215, filed 6/1/82.]

**WAC 344-12-225 Disposal of salt water or brine.** Disposal of salt water or other water containing minerals in such amount as to be unfit for domestic, stock, irrigation, or other general uses must be by means or methods specified and approved by the state department of ecology.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-225, filed 6/1/82.]

**WAC 344-12-230 Notification of fire, breaks, leaks, or blowouts.** All persons controlling or operating any oil and gas wells, or receiving tanks, storage tanks, or receiving and storage receptacles into which crude oil is produced, received, or stored, shall make all reasonable efforts to immediately notify the supervisor by telephone followed by a letter giving full details concerning all fires which occur at such oil or gas wells or tanks or receptacles on their property, and all such persons shall make all reasonable efforts to immediately report all tanks or receptacles struck by lightning and any other fire which destroys oil or gas, and shall make all reasonable efforts to immediately report any breaks, blowouts, or leaks in or from tanks or receptacles and gathering pipe lines from which oil or gas is escaping or has escaped. In all such reports of fires, breaks, leaks, or escapes, or other accidents of this nature, the location of the well, tank receptacle, or line break shall be given by section, township, range, and property so that the exact location thereof can be readily located on the ground. Such report shall likewise specify what steps have been taken or are in progress to remedy the situation reported and shall detail the quantity of oil or gas lost, destroyed, or permitted to escape. In case any tank or receptacle is permitted to run over, the escape thus occurring shall be reported as in the case of a leak. The report hereby required as to oil losses shall be necessary only in case such oil loss exceeds ten barrels in the aggregate. Compliance with this section does not relieve such persons from taking appropriate action and reporting oil or chemical spills or leaks as required by chapter 90.48 RCW and other applicable state and federal laws.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-230, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-230, filed 6/1/82.]

**WAC 344-12-235 Producing from different strata through the same casing string.** No well shall be permitted to produce either oil or gas from different strata

through the same string of casing without first receiving written permission from the committee.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-235, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-235, filed 6/1/82.]

**WAC 344-12-245 Determining and naming pools.**

Wells shall be classified as to the pool from which they produce, and pools shall be determined by the committee and named by the supervisor: *Provided*, That in the event any person is dissatisfied with any such classification or determination, an application may be made to the committee for such reclassification or determination as the applicant deems proper, and the committee will hear and determine the same.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-245, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-245, filed 6/1/82.]

**WAC 344-12-250 Report of production.** The producer or operator of each and every well or proration unit in all pools shall each month submit to the supervisor a sworn statement showing the amount of production made by each such well and by each such proration unit upon forms furnished therefor.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-250, filed 6/1/82.]

**WAC 344-12-255 Reservoir surveys.** By special order of the supervisor periodic surveys shall be made of the reservoirs in this state containing oil and gas. The condition of the reservoirs containing oil and gas and the practices and methods employed by the operators shall be investigated. The volume and source of crude oil and natural gas; the reservoir pressure of the reservoir as an average; the areas of regional or differential pressure; stabilized gas-oil ratios, and the producing characteristics of the field as a whole and the individual wells within the field shall be specifically included.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-255, filed 6/1/82.]

**WAC 344-12-260 Disposing of unwanted fluids encountered in oil and gas drilling and production.** Prior to disposing of unwanted fluids the operator shall identify geological formations to be used, maximum bottom hole pressure in pounds per square inch or bars and maximum rate of injection in barrels of liquid per day or cubic feet of gas per day, detailed identification of materials to be injected, including additives, filters, if any, the entire casing and cementing record of the wells to be used for injection, packers, and any special downhole equipment, certification that the mechanical integrity of the well has been tested, and facilities or systems to protect the integrity of geological target formation or to prevent fracturing of the confining strata. Prior to injection, the operator shall notify the supervisor. On acceptance of a completed permit application by the supervisor, the Washington department of ecology shall review, evaluate, and act upon the application in

accordance with the rules of WAC 173-218-060. The applicant shall have approval to operate when the Washington department of ecology has approved the permit.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-260, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-260, filed 6/1/82.]

**WAC 344-12-262 Underground injection control.**

Injection of any fluids to enhance recovery of oil or gas or for storage of liquid hydrocarbons is prohibited until such time as an application is made to do so. At that time the oil and gas conservation committee will promulgate rules and regulations that will conform with the underground injection control (UIC) program, chapter 173-218 WAC, which implement portions of the Safe Drinking Water Act (Public Law 93-523 as amended by Public Law 96-502).

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-262, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-262, filed 6/1/82.]

**WAC 344-12-265 Gas well open flow potential test.**

Initial potential tests may be reported on forms furnished by the supervisor using the "one-point" method with a 45 degree slope for the plot. After a market is obtained and a pipe line is connected to the well, upon request of the supervisor, an operator shall make a "four-point" potential test and report on forms furnished by the supervisor. To establish comparable open flow capacity the "four-point" back pressure flows shall be taken in sequence from low to high flow. In the event the supervisor approves an alternate method of testing, all wells producing from a pool shall be tested in a uniform and comparable manner. In a like manner all natural gas wells hereafter completed shall be tested and the potential test reported. Where it has been determined that a natural gas well in any pool has a potential of 400,000 cubic feet per day or less, further potential tests shall not be required provided the operator periodically reports the shut-in pressure of the well.

[Statutory Authority: RCW 78.52.050. 85-03-018 (Order 6, Resolution No. 10), § 344-12-265, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-265, filed 6/1/82.]

**WAC 344-12-270 Notice of tests.** Open-flow and pressure tests of gas wells may be witnessed or observed by a representative of any producer in the field. The supervisor and the owners of the adjoining or offset leases must be notified by the owner of the well on which the test is to be taken, stating the time when such test will commence provided that such notification will be made at least seventy-two hours in advance of such test.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW. 82-12-052 (Order 3, Resolution No. 7), § 344-12-270, filed 6/1/82.]

**WAC 344-12-275 Gas to be metered.** (1) Meters. All gas when produced or sold shall be metered with an approved meter of sufficient capacity, provided that gas

may be metered from a lease or unitized property as a whole if it is shown that ratable taking can be maintained.

(2) Meter charts and records. Purchasers shall keep, in a permanent file, for a period of at least two years, meter charts and records on gas purchased, and such information shall be made available to the supervisor.

(3) Bypasses. Bypasses shall not be connected around meters in such manner as to permit the improper taking of gas.

[Statutory Authority: RCW 78.52.050, 85-03-018 (Order 6, Resolution No. 10), § 344-12-275, filed 1/8/85. Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-275, filed 6/1/82.]

**WAC 344-12-280 Gas-oil ratio.** No well shall be permitted to produce gas in excess of the maximum ratio determined for a pool unless all gas produced in excess thereof is returned to the pool from which it was produced.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-280, filed 6/1/82.]

**WAC 344-12-290 Gas-oil ratio surveys and reports.** Gas-oil ratios and surveys shall be taken in the manner prescribed by the supervisor for individual fields which have established gas-oil ratio limits and in accordance with the rules prescribed for each individual pool.

(1) Flowing wells intermittently (stop-cocked) produced. In computing the operating gas-oil ratio, the total volume of gas and the total barrels of oil that are produced in order to obtain the daily oil allowable must be used regardless of the flowing time in the 24-hour period.

(2) Gas lift or jet wells. The total volume of gas to be used in computing the operating gas-oil ratio is the total output volume minus the total input volume.

(3) Pumping wells. In computing the gas-oil ratio, all gas withdrawn from the casing in an attempt to maintain a fluid seal, or for any other reason, must be added to gas produced through tubing.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-290, filed 6/1/82.]

**WAC 344-12-295 Prior approval--Storage and pipelines.** An operator shall submit a request and plans for approval to the supervisor prior to constructing any storage facilities, gathering lines, or pipelines not covered by chapter 80.50 RCW.

[Statutory Authority: RCW 78.52.050 and chapter 78.52 RCW, 82-12-052 (Order 3, Resolution No. 7), § 344-12-295, filed 6/1/82.]

## Chapter 344-16 WAC

### OFFSHORE SAMPLING PERMITS

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| 344-16-010 | Applications for permits.                       |
| 344-16-015 | Permits--Fee--Conditions of issuance--Duration. |
| 344-16-020 | Vessel must carry.                              |
| 344-16-025 | Permit shall require.                           |
| 344-16-030 | Drilling depth.                                 |
| 344-16-035 | Logging devices or equipment.                   |

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344-16-040 Violations.

**WAC 344-16-010 Applications for permits.** Any person desiring to drill a hole for the purpose of obtaining information about or sampling of the offshore beds of ocean waters within the state of Washington shall make application to the state oil and gas supervisor for a permit authorizing such operation. The supervisor may issue such permits under the terms and conditions of this resolution.

[Resolution No. 3, § 1, filed 6/28/63.]

**WAC 344-16-015 Permits--Fee--Conditions of issuance--Duration.** Drilling permits for offshore sampling shall be issued upon the payment of a fee of \$50.00. No permit shall be valid for a period longer than one year. As a condition of issuance, each permittee shall agree to pay to the supervisor, to defray the cost of observers required by this resolution;

(1) For each necessary observer, the sum of \$407.00 monthly in advance for each month or portion of the month during which drilling operations are to be conducted; and

(2) Such additional sum as equals the amount by which actual costs for observers exceed the sums paid in advance, said additional sums to be paid to the supervisor upon receipt of a statement therefor from the supervisor.

[Resolution No. 3, § 3, filed 6/28/63.]

**WAC 344-16-020 Vessel must carry.** Every boat, ship, or other water-borne vessel or other equipment outfitted with rotary drilling equipment for the purposes described in WAC 344-16-010 shall carry with it at all times during drilling operations:

(1) A valid drilling permit for offshore sampling;

(2) Mud, cement, and equipment which in accordance with good operating procedures would reasonably be deemed adequate to control and seal off any high pressure encountered; and

(3) An observer appointed and employed by the supervisor: *Provided*, That the supervisor for reasonable cause may waive compliance with this requirement for periods not to exceed twenty-one consecutive calendar days.

[Resolution No. 3, § 2, filed 6/28/63.]

**WAC 344-16-025 Permit shall require.** Each drilling permit for offshore sampling shall require that:

(1) Upon abandonment of any hole, all rigging and material used in drilling that would constitute a hazard to navigation shall be removed and the ocean floor shall be restored to substantially its original condition;

(2) Prompt notification shall be given to the observer or the supervisor upon any show of oil or gas encountered during drilling operations;

(3) Where a substantial amount of oil or gas is encountered during drilling operations, the hole shall be immediately plugged. Prompt notification shall be given to the supervisor of such plugging;

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(4) Drilling operations shall be stopped at any time the observer determines that operations are not in accordance with the permit, this resolution, or the oil and gas conservation act;

(5) Determination by an observer shall be final unless request for review is made to the supervisor.

[Resolution No. 3, § 4, filed 6/28/63.]

**WAC 344-16-030 Drilling depth.** Drilling permits for offshore sampling shall authorize drilling to a maximum depth of 500 feet below the ocean floor: *Provided*, That drilling may be continued to such additional depth, not to exceed 1,000 feet below the ocean floor, as is required to obtain a sample of consolidated rock: *Provided further*, That notice of intent to drill beyond 500 feet shall first be given the observer or supervisor. No hole drilled more than 500 feet below the ocean floor shall be drilled more than 20 feet into consolidated rock.

[Resolution No. 3, § 5, filed 6/28/63.]

**WAC 344-16-035 Logging devices or equipment.** Drilling permits for offshore sampling may authorize use of any type of logging devices or equipment (other than formation testing equipment) in holes drilled pursuant thereto.

[Resolution No. 3, § 6, filed 6/28/63.]

**WAC 344-16-040 Violations.** Any substantial violation of the terms of a permit, this resolution, or the Oil and Gas Conservation Act shall be cause for the termination of all rights granted under any existing permit.

[Resolution No. 3, § 7, filed 6/28/63.]

### Chapter 344-18 WAC

#### GUIDELINES INTERPRETING AND IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT

##### WAC

|            |  |
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| 344-18-020 | Adoption by reference.                             |
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**WAC 344-18-010 Authority.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-010, filed 1/7/85.]

**WAC 344-18-020 Adoption by reference.** Except as modified by this chapter, the committee adopts the SEPA rules, chapter 197-11 WAC, adopted by the

Washington department of ecology as modified or amended from time to time.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-020, filed 1/7/85.]

**WAC 344-18-030 Purpose.** This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the committee.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-030, filed 1/7/85.]

**WAC 344-18-040 Additional definitions.** In addition to the definitions contained in WAC 197-11-700 through 197-11-799, the following terms shall have the listed meanings:

(1) Commissioner means the commissioner of public lands who is the administrator of the department of natural resources as established by chapter 43.30 RCW.

(2) Committee means the oil and gas conservation committee.

(3) Department means the Washington state department of natural resources, acting solely as the designated agent of the committee, subject to the direction and control of the committee. All functions carried out under these rules by the department shall be considered those of the committee. Such functions may be directly performed by the committee.

(4) Environmental coordinator means the person who coordinates SEPA compliance procedures for the department and the committee.

(5) Supervisor means the state oil and gas supervisor who is designated by the department and is charged with duties as may be delegated by the department.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-040, filed 1/7/85.]

**WAC 344-18-055 Timing of the SEPA process.** (1) Distribution to planning commissions and advisory bodies. Environmental documents required to be submitted to the department of ecology under provisions of WAC 197-11-508 will also be submitted to affected planning commissions and similar advisory bodies within the respective time frames as established by these rules and chapter 197-11 WAC.

(2) Timing of review of proposals. Environmental review will be made upon receipt of a completed license application and environmental checklist.

(3) Additional timing considerations.

(a) Department staff receiving a license application will determine whether the proposal is an "action" and if so, whether it is "categorically exempt" from SEPA. If the proposal is an action and is not exempt, the staff person will ask the applicant to complete an environmental checklist. A checklist is not needed if the department and applicant agree an EIS is required, SEPA compliance has been completed, SEPA compliance has been initiated by another agency, or a checklist is included with the application.

(b) If an action is a decision on a license which requires detailed project plans and specifications, the department shall provide, upon request by the applicant,

preliminary environmental review prior to submittal of detailed plans and specifications. This preliminary review will be advisory only and not binding on the department. Final review and determination will be made only upon receipt of detailed project plans and specifications if these are essential to a meaningful environmental analysis.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-055, filed 1/7/85.]

**WAC 344-18-350 Mitigated DNS.** (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

- (a) Be written;
- (b) Follow submission of a license application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
- (c) Precede the department's actual threshold determination for the proposal.

(2) The responsible official or designee shall respond to the request; the response shall:

- (a) Be written;
- (b) State whether the department is considering issuance of a DS;
- (c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and
- (d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal.

(5) If the department's response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a determination of nonsignificance and circulate the DNS for comments as in WAC 197-11-340(2).

(6) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(7) The department or the committee may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarification or changes in its threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a license for all purposes, including enforcement of the license. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-350, filed 1/7/85.]

**WAC 344-18-420 EIS preparation.** For draft and final EISs and SEISs:

(1) Normally, the department will prepare EISs for its own proposals.

(2) For applicant proposals, the department normally will require the applicant to prepare or help prepare the EIS at the applicant's expense, under provisions of these rules and chapter 197-11 WAC.

(3) The department may require an applicant to provide information that the department does not possess, including specific investigations. The applicant is not required to supply information that is not required under these rules.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-420, filed 1/7/85.]

**WAC 344-18-504 Availability and costs of environmental documents.** (1) SEPA documents required by these rules shall be retained by the department at the department's SEPA public information center.

(2) The department shall make copies of environmental documents available in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. Allowable costs for environmental documents may be indicated in the documents and made payable to the department.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-504, filed 1/7/85.]

**WAC 344-18-510 Public notice requirements.** (1) The department shall give public notice when issuing a DNS under WAC 197-11-340(2), a mitigated DNS

under WAC 344-18-350, a scoping notice under WAC 344-18-360, or a draft EIS under WAC 197-11-455.

(2) Whenever possible, the department shall integrate the public notice required under this section with existing notice procedures for the required license.

(3) The department shall use one or more of the following reasonable methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the license, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Notifying persons or groups who have expressed interest in the proposal, in the type of proposal, or proposals in the geographic area in which the proposal will be implemented if approved;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property.

(4) The department may require an applicant to perform the public notice requirement at his or her expense.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-510, filed 1/7/85.]

**WAC 344-18-665 Policies for conditioning or denying licenses.** (1) Policies - General. The committee adopts by reference policies of the State Environmental Policy Act as expressed in RCW 43.21C.020.

(2) Policies - Specific. The committee and the department recognize the need to protect the public from oil and gas drilling effects such as but not limited to the contamination of the ground water, the surface water, the possibility of a blowout, fire hazards, drilling fluids contamination, and surface disturbance. The decision-maker may, when necessary, condition any license to mitigate specific adverse environmental impacts identified in an environmental document on a proposal. The decisionmaker may deny a license for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and denial is consistent with the oil and gas conservation act, the State Environmental Policy Act, and the public interest.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-665, filed 1/7/85.]

**WAC 344-18-910 Designation of responsible official.** (1) The responsible official for any action taken by the committee or department in connection with the implementation of chapter 78.52 RCW shall be the supervisor.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-910, filed 1/7/85.]

**WAC 344-18-950 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 43.21C.120. 85-03-016 (Order 5, Resolution No. 9), § 344-18-950, filed 1/7/85.]