

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 534

An Act to amend and reenact §§ 45.1-361.19 and 45.1-361.30 of the Code of Virginia, relating to notification under the Gas and Oil Act.

[S 586]

Approved March 10, 2008

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-361.19 and 45.1-361.30 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-361.19. Notice of hearing; standing; form of hearing.

A. Any person who applies for a hearing in front of the Board pursuant to the provisions of §§ 45.1-361.20, 45.1-361.21, or § 45.1-361.22 shall simultaneously with the filing of such application, provide notice by certified mail, return receipt requested, to each gas or oil owner, coal owner, or mineral owner having an interest underlying the tract which is the subject of the hearing, and to the operator of any gas storage field certificated by the State Corporation Commission as a public utility facility whose certificated area includes the tract which is the subject of the hearing. Whenever a hearing applicant is unable to provide such written notice because the identity or location of a person to whom notice is required to be given is unknown, the hearing applicant shall promptly notify the Board of such inability.

B. ~~Upon receipt of an application for a hearing, the~~ *At least 10 days prior to a hearing, the* Board shall ~~cause a notice of the hearing to be published in a newspaper of general circulation~~ *publish its agenda in newspapers of general circulation that are widely circulated in the county or city localities where the land or major portion thereof which is lands that are the subject of the hearing is are located.* Such notice shall be published at least twenty days in advance of the hearing date and ~~The agenda shall include, at a minimum, the name of the each applicant, a description of the location of the localities where the land which is lands that are the subject of the hearing are located, the purpose of the hearing, and the date, time and location thereof.~~

C. The Board shall conduct all hearings on applications made to it pursuant to the formal litigated issues hearing provisions of the Administrative Process Act (§ 2.2-4000 et seq.). The applicant and any person to whom notice is required to be given pursuant to the provisions of subsection A of this section shall have standing to be heard at the hearing. The Board shall render its decision on such applications within thirty days of the hearing's closing date and shall provide notification of its decision to all parties to the hearing pursuant to the provisions of the Administrative Process Act.

§ 45.1-361.30. Notice of permit applications and permit modification applications required; content.

A. Within one day of the day on which the application for a permit for a gas or oil operation is filed, the applicant shall provide notice of the application to the following persons:

1. All surface owners, coal owners, and mineral owners on the tract to be drilled;
2. Coal operators who have registered operation plans with the Department for activities located on the tract to be drilled;
3. All surface owners on tracts where the surface is to be disturbed;
4. All gas, oil, or royalty owners within one-half of the distance specified in § 45.1-361.17 for that type of well, or within one-half of the distance to the nearest well completed in the same pool, whichever is less, or within the boundaries of a drilling unit established pursuant to the provisions of this chapter;

5. All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts located within 500 feet of the proposed well location or in the case of a proposed coalbed methane gas well location, within 750 feet thereof;

6. All coal owners or mineral owners on tracts located within 500 feet of the proposed well location or in the case of a proposed coalbed methane gas well location, within 750 feet thereof; and

7. All operators of gas storage fields certificated by the State Corporation Commission as a public utility facility whose certificated area includes the well location, or whose certificated boundary is within 1,250 feet of the proposed well location.

B. Within one day of the day on which the application for a permit modification for a gas or oil operation is filed, the applicant requesting such permit modification shall provide notice of the application to all persons listed in subsection A of this section who may be directly affected by the proposed activity.

C. Within one day of the day on which the application for a permit for geophysical operations is submitted, the applicant shall provide notice to those persons listed in subdivisions 1, 2, and 3 of subsection A of this section.

D. All notices required to be given pursuant to subsections A, B, and C of this section shall contain a statement of the time within which objections may be made and the name and address of the person to whom objections shall be forwarded. Only those persons entitled to notice under subsections A, B, and C of this section shall have standing to object to the issuance of the proposed permit or permit modification for a gas, oil, or geophysical operation as the use may be. Upon receipt of notice, any person may waive in writing the time and right to object.

E. Within ~~one day~~ *seven days* of the day on which the application for a permit is filed, the applicant shall provide notice to (i) the local governing body or chief executive officer of the ~~county, city, or town in which~~ *locality where* the well is proposed to be located and (ii) the general public, through publication of a notice in at least one newspaper of general circulation ~~which is published that is widely circulated in the county, city or town~~ *locality where the well is proposed to be located*.

F. An applicant shall make a reasonable effort to provide the notices required under subsections A, B, and C. If an applicant is unable to identify or locate any person to whom notice is required, then the notice provided in clause (ii) of subsection E shall be considered sufficient notice to such persons and the date of notification shall be the date of publication.