

805 KAR 1:060. Plugging wells.

RELATES TO: KRS 211.892, 211.893, 353.120, 353.170, 353.180(1), 353.550, 353.990
STATUTORY AUTHORITY: KRS 353.560(1), 353.739

NECESSITY, FUNCTION, AND CONFORMITY: KRS 353.560(1) requires the department to promulgate administrative regulations to regulate the plugging of all wells. This administrative regulation establishes the minimum acceptable requirements to plug or temporarily abandon wells.

Section 1. Temporary Abandonment Permit. (1) An owner or operator shall not leave a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas unplugged after the well is no longer used for the purpose it was drilled or converted.

(2) An owner or operator who wants to temporarily abandon a well shall apply for a permit from the division on the Temporary Abandonment Permit form OG-12.

(3)(a)1. Nothing in this section shall prevent the division, upon application and for good cause shown, from issuing a temporary abandonment permit for a period not to exceed two (2) years.

2. Nothing in this section shall alter the provisions of KRS 353.170 relative to utilizing a well for the purpose of introducing air, gas, water, or other liquid pressure into or upon the producing strata for the purpose of recovering oil and gas.

3.a. The temporary abandonment permit may be renewed on or before the expiration of the two (2) year period.

b. To renew, the permittee shall reapply on the Temporary Abandonment Permit form OG-12.

(b) All wells on which a temporary abandonment permit has been issued shall be cased and capped prior to temporary abandonment in a manner to protect all potential oil, gas, and fresh water zones.

(4) Each oil and gas well drilled through coal bearing strata shall be cased and vented to prevent the accumulation of gas in the casing annulus or bore hole.

(5) Pursuant to KRS 353.739, the division shall order a well drilled through a workable coal bed to be plugged and abandoned if:

(a) The well's permit conditions cannot be satisfied by remediation; or

(b) The operator is not able to comply with the ordered remediation.

(6) If a well is ordered plugged and abandoned pursuant to KRS 353.739, then a temporary abandonment permit shall not be granted.

Section 2. Notice for Plugging an Oil or Gas Well. (1)(a) Before work is commenced to plug and abandon a well, the owner or operator shall give notice to the division of the intention to abandon the well.

(b) A representative of the division shall provide plugging and abandonment direction and may be present at the time of plugging the well.

(2) The notice for plugging a well shall include at a minimum:

(a) The permit number of the well;

(b) The location of the well; and

(c) A fixed time when the work of plugging and filling will be commenced. The time shall not be less than five (5) days after the day on which the notice is received by the division.

(3)(a) In addition to the requirements established in subsection (2) of this section, an operator of a well drilled through a workable coal bed shall notify, by certified mail, the owners of

record, lessee of record, and operators of the coal bed and the appropriate oil and gas inspector of the intention to plug and abandon the well.

(b) A representative of the coal operator or owner may be present at the plugging and filling of the well.

Section 3. Plugging an Oil and Gas Well in Non-coal Bearing Strata. A well drilled through non-coal bearing strata shall be plugged as established in subsections (1) through (6) of this section.

(1) The bottom of the hole shall be filled to the top of each producing formation, or a bridge shall be placed at the top of each producing formation, and in either event a cement plug not less than fifteen (15) feet in length shall be placed immediately above each producing formation if possible.

(2) A cement plug not less than fifteen (15) feet in length shall be placed immediately below all fresh water bearing strata.

(3)(a) A surface cement plug not less than fifteen (15) feet in length shall be placed at the top of the well and cemented to surface.

(b) The casing shall be cut off not less than three (3) feet below surface so as not to interfere with soil cultivation.

(4) Any well in which casing has been cemented from surface to total depth and casing cannot be pulled shall be plugged as established in paragraphs (a) and (b) of this subsection.

(a) The bottom of the hole shall be filled to the top of the producing formation and a cement plug not less than fifteen (15) feet in length shall be placed above this fill.

(b) A surface plug shall be placed as established in subsection (3) of this section. An intermediate plug shall not be required.

(5) The operator shall have the option as to the method of placing cement in the hole by:

(a) Dump bailer;

(b) Pumping through tubing; or

(c) Other method approved by the director to comply with the plugging requirements established in this administrative regulation to accommodate unforeseen well conditions.

(6) Within thirty (30) days after the plugging of a well has been completed, the owner or operator shall file with the division a completed and notarized Affidavit to Time and Manner of Plugging and Filling Well, Form OG-38.

Section 4. Plugging an Oil and Gas Well in Coal-bearing Strata. Each well drilled through a workable coal bed, including for the extraction of coal bed methane, shall be plugged and abandoned as established in subsections (1) through (7) of this section.

(1) A cement plug shall be placed to a point not less than forty (40) feet below the lowest workable coal bed.

(a) The hole shall be filled with cement from the bottom to a point twenty (20) feet above the top of the lowest oil, gas, or water-bearing strata; or

(b) A permanent bridge shall be anchored not less than thirty (30) feet below its lowest oil, gas, or water-bearing strata, and from the bridge it shall be filled with cement to a point not less than twenty (20) feet above the strata.

(2) Following compliance with the requirements of subsection (1)(a) or (b) of this section a cement plug shall be used to completely seal the hole.

(3)(a) Between the sealing plug as established in subsection (2) of this section and a point not less than twenty (20) feet above the next higher oil, gas, or water-bearing strata, the hole shall be plugged in accordance with subsections (1) and (2) of this section.

(b) Another cement plug shall be installed above this oil, gas, or water-bearing strata in ac-

cordance with subsection (2) of this section.

(4) In accordance with subsection (1) through (3) of this section, the hole shall be filled and plugged or bridged, filled, and plugged, in each of its oil, gas, or water-bearing strata. If these strata are not widely separated and are free from water, the strata may be grouped and treated as a single productive stratum.

(5) After plugging all strata, a final surface plug shall be anchored approximately ten (10) feet below the bottom of the largest casing in the well and from that point to the surface, the well shall be filled with cement.

(6) The operator shall place cement in the hole in one (1) of the following ways:

(a) Dump bailer;

(b) Pumping through tubing; or

(c) A method approved by the director to comply with the plugging requirements established in this administrative regulation to accommodate unforeseen well conditions.

(7) Within thirty (30) days after the plugging of a well has been completed, the owner or operator shall file with the division an Affidavit to Time and Manner of Plugging and Filling Well, Form OG-38.

(8) If any of the strata in the well have been completed or stimulated, creating cavities that cannot readily be filled in the manner established in subsections (1) through (7) of this section, the well operator shall follow either of the methods established in paragraphs (a) or (b) of this subsection.

(a) If the stratum that has been completed or stimulated is the lowest one in the well, there shall be placed, at the nearest suitable point but not less than twenty (20) feet above the stratum, a plug of cement or other suitable material that shall completely seal the hole; but if the completion or stimulation has been done above one (1) or more oil or gas-bearing strata in the well, plugging in the manner established shall be done at the nearest suitable point, but not less than twenty (20) feet below and above the stratum completed or stimulated.

(b) If the cavity is in the lowest oil or gas-bearing stratum in the well, a liner shall be placed that shall extend from below the stratum to a suitable point, but not less than twenty (20) feet above the stratum in which the completion or stimulation has been done; but if the completion or stimulation has been done above one (1) or more oil or gas-bearing strata in the well, the liner shall be placed so that it shall extend not less than twenty (20) feet above or less than twenty (20) feet below the stratum in which completion or stimulation has been done. After the liner is placed, it shall be compactly filled with cement, clay, or other nonporous sealing material.

(9)(a) Once a well drilled through coal-bearing strata has been filled and securely plugged to a point not less than forty (40) feet below the lowest workable coal bed, and in the judgment of the well operator, the coal operator, and the division, a permanent outlet to the surface is required, the outlet shall be provided as established in subparagraphs 1. through 3. of this paragraph.

1. A plug of cement shall be placed in the well at a depth not less than ten (10) feet below the lowest workable coal bed. In this plug and passing through the center of it shall be securely fastened an open pipe, not less than two (2) inches in diameter, which shall extend to the surface.

2. At or above the surface, the pipe shall be provided with a device that shall permit the free passage of gas and prevent obstruction.

3. After the plug and pipe are set, the hole shall be filled with cement to a point not less than ten (10) feet above the lowest workable coal bed.

(b)1. If there are additional overlying workable coal beds, they shall be treated similarly, if this treatment is necessary in the reasonable judgment of the well operator, the coal operator,

and the division.

2. If the parties cannot agree, the decision of the division shall control.

Section 5. Oil and Gas Wells used as Fresh Water Wells. (1) If a well drilled through non-coal-bearing strata is to be plugged and can safely be used as a fresh water well, and if the utilization is desired by the landowner, the well need not be filled above the required sealing plug set below fresh water. A written authority for the use shall be secured from the landowner and filed with the division.

(2)(a) If the well to be plugged is drilled through coal-bearing strata and can safely be used for a fresh water well, and the utilization is desired by the landowner and is agreeable to the owner or operator of all coal-bearing strata beneath the location of the well, the well shall not be filled above the required sealing plug set below fresh water. A written authority for the use shall be secured from the landowner and coal owner or operator, and filed with the division.

(b) In order for the operator to be released of any further plugging responsibility, the operator shall provide to the division evidence of compliance with the domestic water well construction requirements pursuant to 401 KAR 6:310 as administered by the Department for Environmental Protection.

Section 6. Downhole Disposal of TENORM Contaminated Material. (1) On-site downhole disposal of tubular goods, sludge, and scale containing TENORM shall be allowed by the Division of Oil and Gas in combination with plugging and abandonment of an oil or gas production well if an inspector from the Division of Oil and Gas is present for the duration of the disposal and plugging activity and the standards established in paragraphs (a) through (g) of this subsection are met.

(a) The operator shall certify that the owner of the oil and gas rights covering the depths and formations where the TENORM waste is proposed to be disposed has consented, by lease or other document, to allow the on-site disposal of TENORM waste.

(b) The TENORM waste shall be limited to that generated at the lease, pool, or unit where disposal is proposed.

(c) The TENORM waste shall be placed in the well at a depth of at least 200 feet below the base of the deepest encountered underground source of drinking water with a total dissolved solids concentration of 10,000 ppm or less.

(d) The TENORM waste shall be placed in the well in a manner approved by the division to ensure proper placement and containment.

(e) A cement plug shall be placed below the TENORM waste, isolating the waste from any producing formation and preventing migration of TENORM waste below the disposal interval. The well shall be cemented from above the TENORM waste to the top of the well.

(f) The cement of the surface plug shall be color dyed with red iron oxide.

(g) A permanent marker that shows the three (3) bladed radiation symbol shall be placed at the top of the surface cement plug or welded to a steel plate at the top of the well casing at ground level.

(2) The operator shall apply to dispose of TENORM downhole, on Application for Authorization for Down-hole Disposal of TENORM Materials in Well Plugging and Abandonment Operations, form ED-39, which shall, at a minimum, contain:

(a) A description of the type of TENORM waste disposed;

(b) The approximate volume of each type of waste disposed;

(c) Results of activity concentration analysis of combined Ra-226 and Ra-228 in picocuries per gram (pCi/g) or radiation exposure or dose rate measured through the use of portable radiation detector appropriate for the radiation being measured, calibrated at least annually, and

reported in microrentgen per hour ($\mu\text{R/hr}$) or microrem per hour ($\mu\text{rem/hr}$);

(d) The name, permit number, and GPS location of the well to be plugged in which TENORM waste is proposed to be disposed; and

(e) The formation or formations from which the TENORM waste originated.

(3) A copy of the Application for Authorization for Down-hole Disposal of TENORM Materials in Well Plugging and Abandonment Operations, form ED-39 shall be provided to the Cabinet for Health and Family Services, Radiation Control Branch, the owner of the oil and gas rights covering the depths and formations where the TENORM waste is proposed to be disposed, and to the owner of the surface estate at the time of filing of the application with the division.

(4) The division shall review the Application for Authorization for Down-hole Disposal of TENORM Materials in Well Plugging and Abandonment Operations, form ED-39 for completeness and for compliance with the information established in subsection (2) of this section in order to prevent migration of TENORM contaminated wastes from the borehole.

(5) The division shall provide written notice to the applicant of its approval or denial of the application. If the application is denied, the division shall notify the applicant in writing of the additional information necessary to satisfy the requirements of this section.

Section 7. If a person fails to comply with this administrative regulation, any person lawfully in possession of land adjacent to or in the neighborhood of the well may enter on the land upon which the well is located and plug the well in the manner established in KRS 353.180(1) or this administrative regulation, and may maintain a civil action against the owner or person abandoning the well, jointly or severally, to recover the cost of plugging the well. This section shall not apply to persons owning the land on which the well is situated and drilled by other persons.

Section 8. Well Plugging Prioritization. The prioritization for reclaiming abandoned storage tanks, properly plugging and abandoning eligible wells, and addressing imminent threats pursuant to KRS 353.562 shall be in accordance with the Kentucky Abandoned Storage Tank and Orphan Well Prioritization Schedule.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Affidavit to Time and Manner of Plugging and Filling Well", Form OG-38, June 2019;

(b) "Temporary Abandonment Permit", Form OG-12, June 2019;

(c) "Application for Authorization for Down-Hole Disposal of TENORM Materials in Well Plugging and Abandonment Operations", Form ED-39, September 2017; and

(d) "Kentucky Abandoned Storage Tank and Orphan Well Prioritization Schedule", June 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Oil and Gas, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Prevailing Time. (OAG-Rg-4; 1 Ky.R. 1069; eff. 6-11-1975; 44 Ky.R. 346, 1021 eff. 12-7-2017; Crt eff. 6-27-2018; 46 Ky.R. 667, 1493, 2054; eff. 2-3-2020.)