

**I. Call to Order**

The meeting was called to order by Commission Chair, Larry Malone.

**II. Roll Call**

The following commissioner members attended the meeting. A quorum was established.

Larry Malone	Mike McCown
Thomas Raught	James Martin – designee for Secretary Randy Huffman
Bob Orndorff	Kenneth Tyree – designee for Secretary Joe Thornton
Chris Flanagan	Josh Jarrell - designee for Secretary Keith Burdette
Allen Nelson	Senator Jack Yost
Mary Friend	Delegate Woody Ireland
Letha Haas	Delegate Patsy Trecoast

The following commission members were absent.

Senator Jeff Mullins  
Bryan Christian  
Ben Hardesty  
Secretary Paul Mattox

**III. Approval of Minutes from October 22<sup>nd</sup> Commission Meeting**

Bob Orndorff moved to approve meeting minutes. Motion was seconded by Mike McCown. Motion was carried and adopted.

**IV. Subcommittees' Findings**

Commission members discussed findings from the following subcommittees: Regulations & Investigation, Safety Training & Best Practices, Emergency Response & Notification, and Transportation.

**V. Recommendations to the Governor**

The Commission discussed a series of recommendations based on the subcommittees' findings. Letha Haas moved to adopt the Commission's recommendations. Mike McCown seconded her motion.

Mike McCown then moved to adopt an additional recommendation. Bob Orndorff seconded the motion. The motion was carried and adopted.

Letha Haas moved the commission recommend Governor Tomblin extend the term of the study group through 2016, with the commission convening in June and then December 2016 to receive status reports on implementation of the Commission's recommendations. Motion was seconded by Kenneth Tyree. Motion was carried.

Oil and Natural Gas Industry Safety Commission  
November 12, 2015 Meeting Minutes  
Governor's Cabinet and Conference Room  
State Capitol, Charleston, WV

Letha Haas moved to adopt the amended set of recommendations of the Commission with the provision that the Chairman will finalize non-substantive wording of the recommendations before submission to the Governor. Motion was seconded by Mike McCown. Motion was carried and adopted. The amended recommendations are provided in Attachment A.

## **VI. Adjourn**

Mary Friend moved to adjourn meeting. Motion was seconded by Letha Haas. Motion carried and meeting adjourned.

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Lawrence J. Malone, Chair,  
W.Va. Oil and Natural Gas Industry Safety  
Commission

**Attachment A: Final Recommendations**  
**West Virginia Oil & Natural Gas Industry Safety Commission**

- The Governor should propose legislation to require the state’s natural gas and hazardous liquid pipelines become members of the state’s 811 one-call system, with membership based on certain pipeline diameter and pressure. Additional requirements should be evaluated for natural gas and hazardous liquids gathering lines within the boundaries of incorporated municipalities.
- The Governor’s Office should develop legislation to require that drilling and pipeline construction activities are subject to the state’s 15-minute notification law (WV Code 15-5B-3a (b)(1)). Provisions may apply to fires, explosions, and similar emergency events (confirmed emergencies) at drilling and pipeline construction sites (with greater than 3-inch lines). Provisions also should consider situations when gaps in communications present a challenge to meet the notification time limit.
- Under the direction of the Governor’s Office, the state should establish a database to track incidents and accidents at and associated with natural gas and hazardous liquid drilling and pipeline sites statewide. The state will monitor the database to look for trends that might require additional efforts to mitigate future issues. The W.Va. Division of Homeland Security & Emergency Management (WVDHSEM) also should map out, review and affirm “natural gas and hazardous liquid incident” notification/communications protocols within state government.
- WVDHSEM and the Public Service Commission of West Virginia (PSCWV) will conduct an evaluation of a web-based pipeline mapping system for access by the appropriate regulatory agencies and emergency responders (at least 911 centers). Such a system should have limited access and robust security. As part of this, WVDHSEM and W.Va. PSC should work with operators to determine a mutually acceptable reporting process and methods to populate and update the system. Appropriate pipeline emergency training should be developed for dispatchers.
- The PSCWV, in consultation with the WVDHSEM, will study and develop safety plan requirements on pipeline construction activities. These requirements should incorporate sufficient preplanning and notification requirements to enhance emergency response (county emergency managers or 911 centers).
- The West Virginia Fire Marshall will conduct an evaluation to assess the need (current and future) for fire/emergency responder training and equipment. Presently, county fire/emergency responders benefit from several sources, including voluntary support from oil and natural gas companies. Consideration of any new fee related to “fire service” for emergency responders should be done prudently on a case-by-case basis at the local level.
- WVDEP and PSCWV will establish a requirement that safety/emergency contact information be posted at nearest entrance from a public road or an access point leading to a drilling site or a pipeline construction location. This signage should contain certain information such as: Oil and natural gas drilling - Signage and information should be of sufficient size to be easily visible and legible. The information should include such things as the operator name, operator emergency contact number, pad name, DEP emergency (spill) notification number, and physical address.
  - Pipeline - Signage and information should be of sufficient size to be easily visible and legible. The information should include such things as the operator name, operator emergency contact number, name of access road or other geographic location information, and DEP emergency (spill) notification number.

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**West Virginia Oil & Natural Gas Industry Safety Commission**

- WVDEP will oversee development of best practices, particularly for horizontal well activities, for the monitoring of natural gas, hydrocarbon vapors and other sources using properly calibrated equipment (gas monitors).
- The WV Fire Marshall will oversee development of best practices on educating first responders about (now and future):
  - their roles and responsibilities in the event of emergency event at horizontal drilling sites, pipelines or natural gas processing plants, and
  - how companies will manage and fulfill fire control and suppression capabilities and practices.
- The West Virginia Department of Transportation (WVDOT) will examine the development of recommendations on truck tracking technologies and proper training related to the delivery of refined, highly flammable liquids to rural sites that are unmanned.
- WVU Safety and Health Extension will work with stakeholders (i.e., Appalachian STEPS network) and examine the development of the following to enhance safety training and improve industry workplace safety:
  - Develop a central list of oil and natural gas safety training courses that serve as best practices and suggested training programs (OSHA 10-hour), and these resources should consider various tracks (i.e., site preparation, drilling, production, etc.); Identify an agency to approve curriculum / verify quality of instruction;
  - Include an evaluation component to measure the true impact of the training program on worksite safety; and
  - Encourage the industry to have its employees, management and field workers at all levels knowledgeable of OSHA safety regulations and requirements.
  - The commission affirmed blow-out prevention (BOP) existing regulations, which are in the state's horizontal well rule (35 CSR 8), and are related to having certain training/certification for well drilling personnel.
- The W.Va. Department of Transportation will develop a collection point for industry-related traffic accidents with data to come from its divisions as well as from among law enforcement and the PSC.
- WVDOT will review existing federal regulations to determine whether additional best practices or requirements should be developed to ensure compliance related to 16-hour work periods (8 hours of downtime).+
- WVDOT will oversee continual safety training and compliance with motor vehicle laws that focus on the use of seat belts and to refrain from distracted driving.
- The West Virginia Division of Highways will continue to work with the oil and natural gas industry through the Division's Oil and Gas Policy. Since 2011, the Oil and Gas industry has contributed \$49 million to 137 roadway projects. These projects are located throughout 17 oil and natural gas producing counties in the State. These upgrades have been made to various county routes so that oil and gas industry traffic can safely use these routes.

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- The Commission recommends the Governor should give consideration to legislation that would create a self-critical analysis privilege to encourage the state oil and natural gas industry to conduct meaningful internal safety reviews, both ongoing and post-incident. A significant deterrent to such in-depth analysis is the reality that they (e.g., communications, written reports or analysis) can be misconstrued and/or otherwise used against a company in litigation. Creating a self-critical analysis privilege, like the privilege that exists presently under West Virginia law for health care peer review, would reduce these concerns and incentivize the industry to monitor its safety efforts and conduct detailed investigations regarding any safety-related incidents, which will promote worker health and compliance with statutory and regulatory requirements.
- The Commission recommends Governor Tomblin extend the term of the study group through 2016, with the commission convening in June and then December 2016 to receive status reports on completion of its recommendations.