

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF GAS AND OIL

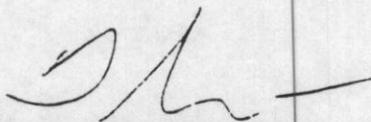
PAULINE CHILDRESS)
Plaintiff)
v.) BEFORE THE GAS AND
OXY USA, INC.; CBM - S15B,) OIL INSPECTOR
Defendant) DOCKET #IFFH 6993

PETITION FOR APPEAL

Comes now Pauline Childress, by counsel, and appeals the decision of the Director, Division of Gas and Oil, Byron T. Fulmer, dated March 30, 1993 in this matter and as grounds therefore states that the Director improperly failed to find that the operations plan for soil erosion and sediment control was inadequate and ineffective, failed to find that there were additional measures required to protect fresh water bearing strata, failed to find that the permit to work constitutes a hazard to safety of persons and failed to order appropriate corrective action to be taken or to take action revoking the permit.

Pauline Childress hereby requests a hearing before the full board.

PAULINE CHILDRESS
- by counsel -



Thomas C. Antenucci, Esq.
COPELAND, MOLINARY, BIEGER & LEONARD, P.C.
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Counsel for Pauline Childress

measures in accordance with the approved operations plan, which resulted in small amounts of soil migration from the site;

(e) That testimony and evidence presented at the hearing by the objecting party was based upon post operations of the permitted site and the current conditions of the site;

(f) and, testimony nor evidence was given as to the inadequacy of the operations plan as submitted in the Oxy application for proposed well CBM S-15B.

DECISION OF THE INSPECTOR:

The Director finds that the objecting party has not established reasonable grounds that the application's soil erosion and sediment control plan is inadequate; that the water-protection string requires further measures in addition to the proposal by Oxy; nor that the permitted work would constitute a hazard to the safety of any person. The issuance of the violation does not constitute an inadequacy of the operations plan. As to the matter of the Notice of Violation, the operator was issued a notice of failure to maintain the approved soil erosion and sediment control structure. In this particular case silt fencing was inadequately maintained after the fencing was damaged due to high levels of rainfall during a short period of time.

THEREFORE, it is the decision of the Director that objecting party has not substantiated its objections to the issuance of the permit application in accordance with § 45.1-361.35.B of the Code of Virginia. The Director finds that the permit application in regards to the operations plan is adequate and in compliance with the laws and regulation governing gas and oil operations.

RIGHT OF APPEAL:

Any party aggrieved by a decision of the Director of the Division of Gas and Oil may appeal the decision to the Virginia Gas and Oil Board by filing a petition with the Board within ten days following the receipt of the decision. No petition of appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by application or by objections, proposals or claims made and specified in writing at the informal fact finding hearing.

SIGNED this 30th day of March, 1993

Byron J. Fisher
Director, Division of Gas and Oil

COPELAND, MOLINARY, BIEGER & LEONARD, P.C.

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OF COUNSEL
JO D. MOLINARY
GILBERT K. DAVIS

April 8, 1993

**Byron T. Fulmer, Inspector
Division of Gas and Oil
P.O. Box 1416
Abingdon, VA 24210**

**RE: Pauline Childress v. Oxy USA, Inc.; CBM - S15B, Permit #2212
Docket # IFFH 6993**

Dear Mr. Fulmer:

Please find enclosed Pauline Childress's Petition for Appeal. Should you have any questions, please do not hesitate to contact my office.

**Sincerely,
COPELAND, MOLINARY, BIEGER & LEONARD, P.C.**



**Thomas C. Antenucci
Attorney at Law**

TCA/fmc

Enclosure

cc w/enc: Pauline Childress



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