Filed: 8/29/2016 4:01:55 PM WEQC

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

| IN THE MATTER OF THE BOND |) | |
|--------------------------------|---|---------------------------|
| FORFEITURE PROCEEDINGS |) | |
| AGAINST THE BONDS OF |) | DOCKET NO. 16-3501 |
| PATRIOT ENERGY RESOURCES, LLC. |) | |

MOTION FOR BOND FORFEITURE

The Department of Environmental Quality, Water Quality Division ("Department"), through the Office of the Attorney General, hereby moves the Environmental Quality Council ("Council") for an order forfeiting Patriot Energy Resources, LLC's ("Patriot") reclamation performance bonds and in support of this motion states as follows:

- 1. From 2005 until 2013, Patriot operated coal bed methane production facilities throughout the Powder River Basin and discharged produced water to surface impoundments under a number of Wyoming Pollution Discharge Elimination System Permits ("WYPDES"). In early 2013, Patriot ceased its operations and by December 28, 2013, the Department terminated all of Patriot's WYPDES permits.
- 2. The following table identifies the subject WYPDES permit numbers under which reservoirs were bonded by the Department and termination dates:

| Wyoming Permit Numbers | Permit Termination Date |
|------------------------|-------------------------|
| WY0052647 | 6/30/2011 |
| WY0049492 | 8/31/2012 |
| WY0037699 | 12/31/2012 |
| WY0039152 | 12/31/2012 |
| WY0047759 | 4/15/2013 |
| WY0036188 | 12/16/2013 |
| WY0036285 | 12/16/2013 |
| WY0036293 | 12/16/2013 |
| WY0036374 | 12/16/2013 |
| WY0037711 | 12/16/2013 |

| WY0038610 | 12/16/2013 |
|-----------|------------|
| WY0039951 | 12/16/2013 |
| WY0039985 | 12/16/2013 |
| WY0048011 | 12/16/2013 |
| WY0049686 | 12/16/2013 |

- 3. These permits permitted Patriot to develop and operate up to eighty-nine (89) reservoirs located on private lands throughout the Powder River Basin. Pursuant to these permits, the Department required Patriot to post reclamation performance bonds as financial assurance for the reclamation of the reservoirs. Patriot posted the reclamation performance bonds in the form of cash. The cash reclamation performance bonds held by the Department under these permits total \$1,213,856.77.
- 4. During the past three years, the Department attempted to work with Patriot to reclaim the reservoirs. Despite these attempts, Patriot failed to satisfy its obligations to reclaim these reservoirs. There has been no reclamation activity on these reservoirs and to date, the reservoirs remain unreclaimed.
- 5. Based on these facts, the Department determined that the reclamation performance bonds should be forfeited. On June 16, 2016, the Council approved the Department's request to initiate bond forfeiture proceedings against Patriot. See Exhibit A.
- 6. The Department then requested that the Office of Attorney General begin the forfeiture proceeding.
- 7. On July 12, 2016, the Office of Attorney General sent notice to Patriot, and upon information and belief, all subsequent owners of the Patriot wells by certified mail notice of the forfeiture proceedings. That notice stated that the Council would enter an order forfeiting Patriot's reclamation performance bonds unless Patriot, or another appropriate party, demanded a hearing before the Council within thirty (30) days. See Exhibit B.

8. Ed Presley, last known owner and operator of Patriot received notice on or about July 18, 2016. The potential subsequent owners of the Patriot wells received notice on or about July 15, 2016 and July 18, 2016. See Exhibit C.

9. Neither the Office of the Attorney General nor the Council has a record of a request for hearing before the Council from Patriot.

10. Wyoming Statute § 35-11-421(b) states that if no demand is made by the operator within thirty (30) days of the receipt of the notice, then Council shall order the bond forfeited.

11. Based on the foregoing facts, the Department has satisfied all statutory prerequisites to the forfeiture of Patriot's reclamation performance bonds and Patriot's reclamation performance bonds should be forfeited.

WHEREFORE, the Department respectfully requests that the Council enter an order forfeiting Patriot's reclamation performance bonds totaling \$1,213,856.77 to be used by the Department to reclaim the reservoirs developed under the WYPDES permits discussed herein.

Dated the 29 day of August, 2016

FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

Eva La

Assistant Attorney General

2320 Capitol Ave.

Cheyenne, WY 82002

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing Motion to Enforce Settlement Agreement was served this Agreement was served this day of August, 2016 by United States Mail at the following addresses:

Ed Presley

77 E. Ridge Rd. Sheridan, WY 82801

Bravo Two Zero Partners, LLC

c/o Robert Mitchell 8090 South Monaco Cir. Centennial, CO 80122

Emerald Operating Company

c/o Mike Perry 1908 Thomas Ave. Cheyenne, WY 82001

Mary Throne

1810 Pioneer Ave. Cheyenne, WY 82003

Wyoming Attorney General's Office



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parlitt, Director

MEMORANDUM

TO:

Environmental Quality Council

FROM:

Todd Parfitt, Director - Department of Environmental Quality

MAY 1 1 2016

DATE:

May 11, 2016

Jim Ruby, Executive Secretary **Environmental Quality Council**

SUBJECT:

Bond Forfeiture - Patriot Energy Resources, LLC, Coal Bed Methane Reservoir

Reclamation

Attached is information relating to the failure of Patriot Energy Resources, LLC (Patriot) to reclaim numerous CBM containment reservoirs. Patriot ceased all CBM operations in the first quarter of 2013 and the last of their WYPDES permits were terminated on December 23, 2013. No reservoir reclamation has occurred to date and there is currently no responsible party willing or able to complete reclamation.

I have determined that a cash bond in the amount of \$1,213,856 submitted by Patriot should be forseited. I therefore seek your approval to request that the Attorney General begin bond forseiture proceedings.

Should you have any questions, please contact Kevin Frederick, WQD Administrator

cc:

Eva La, Attorney General's Office (w/attachments)

Bill DiRienzo, WQD

Attachments: WOD Memo

Patriot Energy Resources, LLC Bond Status Sheet

Bonded Reservoir List and Bond Amount

List and Status of Patriot Permits

October 11, 2013 - Conceptual Reclamation Plan

October 23, 2013 – Email Request to Terminate Permits

October 25, 2013 - Notice of Permit Termination

November 26, 2013 - Public Notice of Permit Termination

Patriot Energy Resources, LLC Dissolution - Wyoming Secretary of State

lun 16,2016

Approved

Chairman, EOC

WJD/rm/16-0486



Office of the Attorney General

Governor Matthew H. Mead

Attorney General Peter K. Michael Water and Natural Resources Division Kendrick Building 2320 Capitol Avenue Cheyenne, Wyoming 82002 307-777-6946 Telephone 307-777-3542 Fax

Chief Deputy Attorney General John G. Knepper

> Division Deputy James Kaste

July 12, 2016

CERTIFIED MAIL NOs: 7003 1690 0007 0340; 3057, 3064; 3011; 3084; 3015; 3095; 3101 RETURN RECEIPT REQUESTED

Patriot Energy Resources, LLC 500 Corporate Cir., Suite C Golden, CO 80401

P.O. Box 7070 Gillette, WY 82717

1590 Sugarland Dr. St. B-210 Sheridan, WY 82801

Ed Presley 77 E. Ridge Rd. Sheridan, WY 82801 Bravo Two Zero Partners, LLC c/o Robert Mitchell 8090 South Monaco Cir. Centennial, CO 80122

Emerald Operating Company c/o Mike Perry 1908 Thomas Ave. Cheyenne, WY 82001

Mary Throne 1810 Pioneer Ave. Cheyenne, WY 82003

RE: Notice of Proposed Bond Forfeiture Relating to Certain Terminated WYPDES
Discharge Permits

Dear Messrs Presley, Mitchell, and Perry and Ms. Throne:

The Wyoming Department of Environmental Quality, Water Quality Division, terminated the following WYPDES Coalbed Methane discharge permits held by Patriot Energy Resources, LLC as follows:

Patriot Energy Resources, LLC July 12, 2016 Page 2 of 2

| Wyoming Permit Numbers | Permit Termination Date |
|------------------------|-------------------------|
| WY0052647 | 6/30/2011 |
| WY0049492 | 8/31/2012 |
| WY0037699 | 12/31/2012 |
| WY0039152 | 12/31/2012 |
| WY0047759 | 4/15/2013 |
| WY0036188 | 12/16/2013 |
| WY0036285 | 12/16/2013 |
| WY0036293 | 12/16/2013 |
| WY0036374 | 12/16/2013 |
| WY0037711 | 12/16/2013 |
| WY0038610 | 12/16/2013 |
| WY0039951 | 12/16/2013 |
| WY0039985 | 12/16/2013 |
| WY0048011 | 12/16/2013 |
| WY0049689 | 12/16/2013 |

During the past three years, DEQ attempted to work with Patriot to reclaim the reservoirs developed under the above permits. However, Patriot failed to satisfy its obligations to reclaim these reservoirs. As such, DEQ seeks to forfeit the reclamation performance bonds Patriot posted to fund its reclamation obligations. As a result, on May 11, 2016, DEQ sought approval from the Wyoming Environmental Quality Council to initiate bond forfeiture proceedings. The Council approved DEQ's request on June 15, 2016.

Accordingly, the Wyoming Attorney General's Office is hereby notifying you that DEQ seeks an order from the Council to forfeit Patriot's reclamation performance bonds, Instrument Nos. 149076, 151310, 151735, 152526, and 018322. These are cash bonds totaling One Million, Two Hundred Thirteen Thousand, Eight Hundred Fifty-Six Dollars and Seventy-Seven Cents (\$1,213,856.77). The Council will order these bonds forfeited unless you make a written demand for a hearing to the Council within thirty (30) days after receiving this notice. If the bonds are forfeited, DEQ will apply the proceeds to Patriot's reservoir reclamation obligations.

If you have any questions concerning this matter, please feel free to contact me at (307)-777-7376 or eva.la@wyo.gov.

Assistant Attorney General

cc: Kevin Frederick Bill DiRienzo file

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