



WYOMING MINING ASSOCIATION

Physical Address

2601 Central Avenue
Cheyenne, WY 82001

Phone: 307.635.0331

Mailing Address

PO Box 866
Cheyenne, WY 82003

Fax: 307.778.6240

February 25, 2016

Wyoming Environmental Quality Council
200 West 17th Street
Cheyenne, Wyoming 82002

Council Members:

The Wyoming Mining Association (WMA) is a statewide trade organization that represents and advocates for 39 mining company members producing bentonite, coal, trona and uranium, as well as one company developing a rare earth element mine. WMA also represents 129 associate member companies, two railroads and 180 individual members.

WMA has a few concerns with the language of Chapter 14 primarily in clarifying certain provisions of the regulations. Our membership has discussed these concerns with the Land Quality Division staff, and generally reached agreement regarding the intent of the regulations. Our comments below are intended to explain the concerns of our members and the understandings reached with Land Quality Division staff, or the proposed changes we recommend.

Applicability

Chapter 1(b) of the proposed rule provides guidance as to when the rule is applicable. The language in this section states the following:

“The requirements of this Chapter shall apply to exploration drilling within and outside of the permit area of a surface coal mining and reclamation operation. The requirements of the chapter shall not apply to backfill wells.”

However, in Section 6 (Exceptions) there seems to be contradictory language or language that may lead to confusion as to when the exception applies:

“This Chapter shall not apply to holes drilled in conjunction with development within the permit area of a surface coal mining and reclamation operation...”

It appears that there are two key terms that must be understood to determine when the regulation is applicable. The terms are “development” and “exploration”. “Development” is not defined in the LQD Coal Rules and Regulations. However, the term “developmental drilling” is defined and means “...drilling down to and including the lowest coal seam to be mined which occurs in or within 500 feet of an active pit.”(emphasis ours). “Exploration drilling” is not specifically defined either. However, “exploration by drilling” is defined as “... any exploration drilling for the purpose of gathering subsurface geologic, physical or chemical data to determine the location, quantity or quality of the natural mineral deposit of an area, excluding holes drilled for use as water wells.”

In order to provide clarification as to when the exception in Section 6 applies, WMA requests that Chapter 14 use the terms that are already defined. Therefore “exploration drilling” should be changed to “exploration by drilling” and “development” should be changed to “developmental drilling”.

It may also be appropriate to include the following language in Section 6 so that it is clear when the rule exception applies.

“The term developmental drilling is defined in Chapter 1 (aj) of the LQD Coal Rules and Regulations.”

Disposal of Drill Cuttings

In discussions between Land Quality Division staff and WMA membership, it is clear that the current practice of trying to return all drill cuttings into the hole and then scattering the leftover dry cuttings no more than 1" thick in the area around the hole has been, and remains the preferred practice. It is recognized and agreed that digging a pit for retaining dry cuttings would disturb more land than otherwise necessary, and would be more damaging to the soils around the hole. We understand that the LQD's intent is to ensure that drilling fluids are retained in a special mud pit, which is then allowed to dry out, and be either disposed in the hole or buried under previously salvaged topsoil.

WMA is concerned that a strict reading of the draft language appears to conflict with the historical and industry/DEQ accepted practice of handling dry cuttings. The revised rule appears to specify that all drill cuttings, dry or wet, must be confined and buried below grade. To remove the apparent conflict, we recommend that the phrase "...drill cuttings and geologic samples..." be removed from the first sentence in draft Section 3(b) of the proposed rule. We believe the remaining language, which would still specify that drilling fluids be confined and buried below grade, adequately meets the LQD's intent.

Topsoil Removal for Ancillary Roads

Section 3(d) of the proposed rule requires topsoil removal and stockpiling for drill sites and associated ancillary roads in a manner consistent with Chapter 4, Section 2(c) and 2(j). Customary practice for drilling operations is to minimize disturbance, utilizing existing roads as much as possible and "trunk off" to the individual drill sites. The topsoil is not generally removed from these road areas, and roads are generally not constructed. This practice has minimized the disturbance footprint and with the minimal access requirements associated with coal drilling, maintained the vegetative cover and protected the surface from erosion. In most cases, removing topsoil for these "trunk" roads could be more harmful than the actual use of the road.

WMA members recognize that performance standards in Chapter 4 allow the Administrator, at his/her discretion, to authorize that topsoil be left in place where minor disturbances will occur. As a stand-alone document, Chapter 14 as proposed seems to require that topsoil removal is required for these roads. In discussions, we have recommended that LQD add clarifying language in Chapter 14 to address the long-accepted customary practice of leaving topsoil in place, in most cases.

Land Quality Division has acknowledged that in many cases, leaving the topsoil in place is the best practice for minimizing disturbance. Land Quality Division staff has suggested, and Wyoming Mining Association members agree that, that clarifying the specifics of topsoil removal might be most readily accomplished in the coal notification (CN) form filed for the proposed drilling program.

Wyoming Mining Association appreciates the time extended by Land Quality Division staff to discuss and explain the intent behind these regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Downing". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

Jonathan Downing
Executive Director