

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

March 2, 2016



IN THE MATTER OF THE)
PROPOSED REVISION OF)
THE LAND QUALITY)
DIVISION RULES RELATED)
TO THE REGULATION OF)
COAL MINING)

ANALYSIS OF COMMENTS

DOCKET #: 16-4101

Coal Rules and Regulations, Chapter 14
Exploration for Coal by Drilling

The following is the analysis of comments received on the proposed revisions to the Land Quality Division’s (LQD), Coal Chapter 14 Rules and Regulations. The LQD received one set of comments on the proposed rules during the public comment period which ran from January 11, 2016 until February 26, 2016. The Wyoming Mining Association (WMA) submitted comments through the Department of Environmental Quality’s electronic comment portal on February 25, 2016. Below is a discussion of the WMA’s comments and the LQD’s response to each comment made.

Applicability

WMA Comment: Requested that the LQD use terms that have already been defined in the LQD’s regulations “in order to provide clarification as to when the exception in Section 6 applies”. Specifically, their concern is distinguishing between “exploration by drilling” and “developmental drilling”, as defined in Chapter 1 of the Coal Rules and Regulations.

LQD Response: The LQD agrees that consistently using defined terms in Chapter 14 adds clarification. The LQD has drafted revisions to Section 1 and Section 6 in the proposed rules which make use of defined terms. The LQD proposes to revise Section 1(b) to clarify that the requirements are applicable to “exploration by drilling”, but not backfill wells or “developmental drilling”. The LQD also proposes to add Section 1(c) to clarify requirements for exploration by drilling within a permit area, and to be explicit when drilling is “exploration by drilling” as

distinguished from “developmental drilling”. The LQD also proposes to revise Section 6 to remove the exception language regarding developmental drilling, as this is now included in Section 1, while leaving the exemption of drilling in conjunction with oil and gas exploration.

Disposal of Drill Cuttings

WMA Comment: Requested that Section 3(b) be revised to clarify the intent of that section in regards to the LQD’s current policy and practice to allow drill cuttings to be scattered on the surface of the area around the drill hole no more than 1” thick. The WMA proposed removing the phrase “drill cuttings and geologic samples” from section 3(b) to clarify that only drilling fluids be confined and buried below grade.

LQD Response: The LQD agrees that section 3(b) should be revised to recognize the LQD’s current practice and policy as it relates to excess drill cuttings which may not practicably be placed within the drill hole. In order to clarify under what circumstances the operator may place excess drill cuttings around the area of the drill hole, the LQD proposes to split Section 3(b) into two subsections:

First, the LQD proposes to revise Section 3(b) to include a Subsection (i) to include a reference to Section 2(h) of Chapter 14. Section 2(h) describes abandonment procedures for drill holes that are drilled without the use of drilling fluids. In this instance “remaining drill cuttings may be spread on the surface in such a manner as to prevent impairment of vegetation.” It is the LQD’s belief that this would recognize those situations when “dry cuttings” could be spread on the surface without the need to disturb additional land for reclamations of the drill site.

Second, the LQD proposes to revise Section 3(b) to include a Subsection (ii) to address those instances when drilling fluids are used and therefore additional disturbance may be required to properly dispose of the materials generated at the drill site.

Topsoil Removal for Ancillary Roads

WMA Comment: Requested additional clarification and recognition of the LQD’s policy and practice to not require topsoil stripping for ancillary roads used to access the drill sites as is allowed under Chapter 4 of the Land Quality Division Coal regulations. WMA suggested this could be accomplished by revising the Coal Notification application form.

LQD Response: The LQD agrees that the best way to address the WMA’s comment is to revise the Coal Notification form regarding topsoil stripping. The LQD Administrator has discretion under Chapter 4, Section 2(c)(i)(A) to “authorize topsoil to remain on areas where minor disturbance will occur such as...light traffic...or drilling”. LQD will modify the application form to allow for the operator to list when the topsoil will be left in place. It is the LQD’s belief that the revision to the form will address the WMA’s comment.