

Foreword

The attached Standard Operating Procedure is the internal policy of the Land Quality Division of the Wyoming Department of Environmental Quality covering the topic of Abandoned Drill Hole Reporting and Bond Release Procedures. Staff shall make no significant deviations from this policy without the prior approval of the District Supervisor and the Administrator.

Signed this _____ day of _____, 2000.

Richard A. Chancellor
Administrator
Land Quality Division

COAL STANDARD OPERATING PROCEDURE NO. 7.2

Land Quality Division

SUBJECT: Abandoned Drill Hole Reporting and Bond Release Procedures

I. Introduction

- A. The purpose of this Operating Procedure is to provide instruction on abandoned drill hole reporting and bond release procedures. W.S. §35-11-404(e) and (f) require the filing of a drill hole report one year after completion and proper abandonment. Coal Rules Chapter 14, Section 5(a) requires the Administrator to evaluate the compliance of the operation within one year of receipt of this report. The Administrator has the authority to institute bond forfeiture proceedings if proper abandonment is not achieved.

All holes drilled in conjunction with development within an existing permitted coal mine operation should be reported and bonded via the Annual Report/Reclamation Bond process.

- B. The determination to institute bond release will be made based on the following procedures.

II. Procedures

- A. Upon receipt of the operator's abandoned drill hole report (W.S. §35-11-404(e)) the appropriate District Supervisor will respond with a letter of receipt (See sample letter, Attachment A).
- B. If the operator desires a bond release, a written request must be submitted to LQD prior to the scheduled inspection. Upon receipt of the written bond release request the appropriate District Supervisor will respond with a letter of receipt (See sample letter, Attachment B)
- C. Using random selection the inspector shall inspect a reasonable sample of holes (about 20% or 20 holes - whichever is less). Sites inspected should be specifically listed and fully documented. If discrepancies are identified, the number of samples should increase. Documentation should consist of a report with photos of representative sites with more intense photographing of violations.

On projects with thousands of holes the inspections should be divided into more manageable increments. For example, if an area has 1,000 holes, it could be divided into 5 areas of 200 holes each. These 5 areas could then be released from bond one by one as the inspections are completed.

- D. In instances where a written request for bond release (either full or partial) has been received prior to the inspection, an inspection report with a cover letter shall be sent to the operator via registered mail (W.S. §35-11-423(c)). In this report the operator should be informed of any deficiencies identified in the inspection, what corrective action(s) are needed, and the abatement date for these deficiencies. Any letter releasing all or part of the bond must be signed by the Administrator. Other letters may be signed by the Inspector or District supervisor.
- E. Reports for inspections that were not specified for bond release must nevertheless document compliance with Coal Chapter 14, Section 5(a), enabling the Administrator to make a determination between bond release or forfeiture. Inspection reports for these situations should conclude with one of the following statements:
 - 1. "If the sites inspected are representative of all the areas covered by the bond, bond release could be recommended" or
 - 2. "Failure to correct the deficiencies noted before ____Date____ may result in enforcement action and possible bond forfeiture."

- F. Upon expiration of time allowed for correction of deficiencies another inspection shall be scheduled and the above listed procedure shall be repeated.

- G. This procedure should not be considered determinate as to whether or not enforcement action is necessary. Enforcement actions should be dealt with separately in accordance with W.S. §35-11-404(k) and (m) and W.S. §35-11-901.

ATTACHMENT A

Date

Operator

RE: CN _____

Dear _____:

The Land Quality Division has received your abandoned drill hole report.

(It is in order.)

(It needs the following corrections:)

An inspection will be scheduled to evaluate the compliance of the operation as required by Wyoming Land Quality Division Coal Rules and Regulations Chapter 14, Section 5(a).

_____ will contact you concerning the exact date, so that you may participate if you desire.

The inspection will not be for bond release unless you request bond release in writing prior to the scheduled date of the inspection to either _____ or this office. The results of the inspection will be used to evaluate the adequacy of your bond and the conditions of the sites in relation to requirements of W.S. §35-11-404 and Coal Chapter 14 of the Land Quality Rules and Regulations.

Sincerely,

District Supervisor

ATTACHMENT B

Date

Operator

**RE: Bond Release Request for _____ Coal Notification
No. _____(____ CN); TFN _____**

Dear _____:

I have your letter of _____ requesting full release of your reclamation performance bond and termination of ____CN. Our records indicate that all drilling was conducted between 19____-20____ and that all holes are located within Section _____ or the _____¹/₄ of Section _____, T.____N, R.____W. If any other drilling was conducted under ____CN these activities must be immediately reported to the Land Quality Division.

I desire to conduct the bond release inspection on _____, if possible. I request that you furnish a field representative to assist me with this inspection. Please contact me on or before _____ so that we may determine a mutually agreeable date and time to conduct this inspection. *(In addition, given that portions of these lands involve federal surface and/or minerals, it is likely that BLM/Forest Service personnel may wish to accompany us during this inspection.)

Prior to this bond release inspection I request that you submit "Landowner Statement of Satisfactory Reclamation" forms (copy attached) for all private lands affected by ____CN exploration activities.

If you have any questions please feel free to contact me.

Sincerely,

District Supervisor

***NOTE: Alternative language if federal surface and/or minerals are involved**

initials/
attachment

cc: Rick Chancellor - LQD/Cheyenne w/attach.
Deanna Hill - LQD/Cheyenne w/o attach.