

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 Oil and Gas Operations within Coal Permit Boundaries. Staff shall make no significant deviations from this policy without the prior approval of the District Supervisor and the Administrator.

Signed this _____ day of _____, 2002

Richard A. Chancellor
Administrator
Land Quality Division

COAL STANDARD OPERATING PROCEDURE NO. 3.2

Land Quality Division

SUBJECT: Oil and Gas Operations within Coal Permit Boundaries

I. Introduction

- A. W.S. § 35-11-1104 restricts the DEQ from limiting or interfering with the jurisdiction, duties, or authority of the Oil and Gas Supervisor and the Oil and Gas Conservation Commission. The Land Quality Division (LQD) has no authority over any oil and gas activity unless it includes the mining of a mineral for use on roads or other portions of that operation.
- B. To resolve and clarify any potential conflicts concerning oil and gas activities conducted within coal mine permit boundaries, the Land Quality Division will follow the procedures outlined below.

II. Procedures

- A. The mine operator is responsible for conducting mining operations within the confines of his permit boundary in compliance with the Act, LQD Coal Rules and Regulations, and his permit. Disturbances within the permit boundary found to be in violation may be held against the operator. If the disturbance is caused by oil and gas activity, the operator will not be held responsible. The mine operator holds the burden of proof to demonstrate to the Division that such disturbances were caused by oil and gas activity and not by the mine operator. Since the LQD lacks jurisdiction over oil and gas activities, any discussion concerning such activities must be conducted through the mine operator.
- B. To facilitate this demonstration, the mine operator will be encouraged to provide to the Division details of the oil and gas activity prior to its initiation. The details should, at a minimum, include the following:
 - 1. A general map of the mine permit area showing the location of the oil and gas activity, including all access routes.
 - 2. A plot or diagram of the oil and gas site showing any ponds or stockpiles so as not to be confused with structures belonging to the mine operator.
 - 3. It is recommended that the mine operator construct a fence around the oil and gas site to prevent unnecessary disturbance and access to the rest of the permit area.

III. Site Reclamation

- A. Reclamation of the site, unless re-disturbed by the mine operator, shall be the responsibility of the oil and gas operator under the jurisdiction of the Oil and Gas Commission. If re-affected by the mine operator, the site shall be reclaimed in accordance with the approved reclamation plan and LQD Standards.
- B. Secondary degradation of other parts of the mine site caused by pollution or erosion, etc. originating from the oil and gas site shall be viewed as a property issue. The mine operator shall be responsible for contacting the oil and gas operator or Oil and Gas Commission to mitigate the problem. If the mine operator does not attempt to correct the problem by contacting the above parties, the operator may be liable for failure to comply with the Environmental Quality Act.