



# Department of Environmental Quality

1099

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



**Matthew H. Mead, Governor**

**John Corra, Director**

May 17, 2011

Kellie Roadifer  
Bureau of Land Management  
Pinedale Field Office  
PO Box 768  
Pinedale, WY 82941

RE: Scoping for the Normally Pressurized Lance Project

Dear Kellie,

Thank you for the opportunity to supply scoping comments related to the proposed Normally Pressurized Lance Project. The following concerns of the Wyoming Department of Environmental Quality Water Quality Division (WQD) relate to protecting surface and ground waters of the state.

We request the BLM build on the lessons learned from the Pinedale Anticline and Jonah Field developments to design and implement monitoring plans, and to require resource protections to protect all waters of the state, including wetlands and groundwater.

The WQD supports the recent BLM/USGS document "Regional Framework for Water Resources Monitoring Related to Energy Exploration and Development" (Framework). This guidance document provides a 7 step framework for developing a monitoring strategy for measuring and mitigating water resource damage. The framework should be specifically referenced in the EIS and the monitoring framework should be followed to develop a monitoring plan for both surface and groundwater prior to any development. Additionally, baseline monitoring data should be collected early in the planning process to help guide development and any necessary mitigation.

In our experience, roads in areas of energy development are often designed and built for high volumes of vehicular traffic associated with well drilling, rather than the low volumes of traffic associated with production. It is not uncommon to have a wide crown and ditch road going into a producing well, even though the road has less than daily traffic. The BLM should analyze an alternative which minimizes surface disturbance and only builds roads to the minimal standard necessary for the production phase. Additionally, the EIS should analyze requiring all produced water and condensate be piped to centralized gathering facilities to reduce the need for roads designed for frequent large truck traffic. Roads should be also be designed so that surface water running off or across the road is not concentrated in a way that causes erosion. Runoff and erosion from roads, culverts and ephemeral channel crossings can compound and cause significant sediment loading as well as channel alteration both upstream and downstream of the crossings. It is important that all these locations are monitored so that any erosion can be mitigated before growing into larger erosion problems.

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ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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The EIS needs to analyze alternatives which minimize the amount of surface disturbance and topsoil removal. Pipelines should be co-located with roads, pipelines should be installed with techniques such as plowing whenever possible, and vegetation should be mowed rather than bladed to minimize soil disturbance.

Soils which remain in place, even when compacted, can often be reclaimed more quickly and successfully than soils which have been removed and replaced. The BLM should consider analyzing the feasibility of using mats or similar techniques to reduce temporary surface disturbance. The analysis should include the cost of reclamation, long term monitoring, and other costs associated with surface disturbance.

Because of the dry climate, short growing season and poorly developed soils, reclamation in Wyoming is often difficult, expensive and time consuming; therefore, there will likely be several years before sufficient vegetation is established to buffer overland flows and erosion potential from the disturbed areas. The reclamation plan must comply with the Wyoming Reclamation Policy and should be clearly described in the EIS, including measures to monitor success and revegetate where needed. An alternative should be developed with both long-term and short term disturbance caps to encourage minimization of surface disturbance, as well as rapid and successful reclamation.

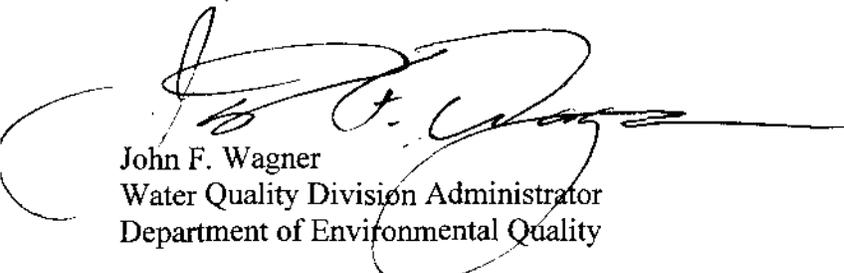
There are several permits and other requirements that may apply to the project, depending on the eventual scope of the project.

- Storm Water Associated with Construction Activities. This permit is required any time a project results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and maintenance areas and any other disturbed areas associated with construction. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.
- Discharge Permit. Any discharges to "waters of the state", including discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters must be permitted under the Wyoming Pollutant Discharge Elimination System (WYPDES) program. This program is part of the federal Clean Water Act, but is administered by the WQD. For clarification waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. This permit will require some sampling and will incorporate effluent limits for any constituents of concern. Roland Peterson (307-777-7090) can provide additional information.
- Temporary Turbidity Variance. Wyoming has turbidity criteria for waters designated as fisheries or drinking water supplies. Any type of construction activity within these streams is likely to result in an exceedence of these criteria. However, in accordance with Section 23(c)(2) of the Chapter 1 Surface Water Quality Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. While it is not required to get this authorization, this project has the potential to exceed the turbidity criteria and a variance is recommended. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place. This process generally takes about 45 days. Please contact Jeff Clark at 307-777-6891 for more information.

- Spill Reporting. Chapter 4 of the WDEQ Water Quality Rules and Regulations requires that the WQD be notified of spills or releases of chemicals and petroleum products. The EIS should reiterate this and explain how soils, groundwater and surface water impacted by spills, leaks and releases of chemicals, petroleum products and produced water will be restored.
- Water Supply Wells. The WQD would like to remind the BLM that the Wyoming State Engineer (SEO) has regulations governing the sanitary construction of water supply wells and the Wyoming Oil and Gas Conservation Commission (WOGCC) has regulations governing the siting and construction of water supply wells proximal to oil and gas exploration and production facilities.
- Section 404. While not a state permit, this project may require a section 404 permit from the US Army Corps of Engineers. Any time work occurs within waters of the US a 404 permit may be required. Please contact the Corps (307-772-2300) for specific information regarding jurisdiction and requirements.

In summary, we request that the BLM follow the 7 step monitoring framework to develop a monitoring plan to detect and mitigate any impacts to groundwater and surface water quality; surface disturbance should be minimized and planned with reclamation in mind; and, roads should be designed to maintain natural hydrologic function. We look forward to working with the BLM as cooperators on this project.

Sincerely,



John F. Wagner  
Water Quality Division Administrator  
Department of Environmental Quality

JFW/MAC/rm/11-0461

cc: Governor's Policy Office, Herschler Bldg 2-E