

APPENDIX D

REGULATORY COMPLIANCE CHECKLIST - WYOMING EXAMPLE

Federal, State, and County Permits, Approvals, and Authorizing Actions - Wyoming Example

Agency	Permit, Approval or Action	Authority
U.S. Forest Service (USFS)	Decision Record for Proposed Action. Evaluate environmental impacts of Proposed Action	National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) Council on Environmental Quality, 40 CFR 1501, 1502
	Approval of Plan of Development for surface use of well pad	FSM 1950
	Concurrence with BLM's APD approval process on USFS administered land	FSM 1500
	Special Use Permit for access road ROW, road decommissioning, and pipeline	Forest Service Handbook (FSH) 1509.11
	Special Use Permit to utility company for installation and operation of powerline	Federal Register Notice 5-22-95
	Antiquities and cultural resource permits on USFS-administered land	Antiquities Act of 1906, as amended (16 U.S.C. 431-433); Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. Sections 470aa-470ll); Preservation of American Antiquities, as amended (43 CFR 3)
Bureau of Land Management (BLM)	Decision Record for Proposed Action. Evaluate environmental impacts of Proposed Action tiered to EIS for resource management plan (land use plan), as amended	National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) Council on Environmental Quality, 40 CFR 1501, 1502; 43 CFR 1601 et seq.; FLPMA 43 U.S.C. 1701 et seq.

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	Permit to drill, deepen, or plug back on BLM-managed land or minerals (APD process)	Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.) Requirements for Operating Rights Owners and Operators, as amended (43 CFR 3101,3162,3164); Onshore Order #1, BLM Buffalo Field Office Coalbed Methane Well Application for Permit to Drill and Plan of Development Preparation Guide (updates Oil and Gas Surface Operating Standards "Gold Book")
	Rights-of-way grants and temporary use permits for pipelines and central tank battery on BLM-managed land or crossing lands managed by more than one federal agency; otherwise granted by appropriate surface management agency	Mineral Leasing Act of 1920, as amended (30 U.S.C. 185); 43 CFR 2880
	Rights-of-way grants for access roads on BLM-managed land	FLPMA (43 U.S.C. 1761-1771); 43 CFR 2800
	Authorization for flaring and venting of natural gas on BLM-managed land or minerals	Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); Requirements for Operating Rights Owners and Operators, as amended (43 CFR 3162)
	Plugging and abandonment of a well on BLM-managed land or minerals	Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); Requirements for Operating Rights Owners and Operators, as amended (43 CFR 3162)

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	Antiquities and cultural resource permits on BLM-managed land	Antiquities Act of 1906 (16 U.S.C. Section 431-433); Archaeological Resources Public Protection Act of 1979 (16 U.S.C. Sections 470aa-47011); 43 CFR 3
	Approval to dispose of produced water on BLM-managed land	Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.); 43 CFR 3164; Onshore Oil and Gas Order No. 7; CWA 401 certification by state under 33 U.S.C.1341; compliance with applicable water quality NPDES requirements (see WDEQ); may verify use of general permits under CWA section 404(e) (33 U.S.C. 1344(e)) following Corps delineation or concurrence of WUS, and coordinates with USACE and WSEO
	Use only BLM Approved Formulations of Herbicides on BLM lands. Ensure that a Pesticide Use Proposal is submitted and approved by the proper BLM authority. Ensure that a Pesticide Application Record is completed within 24 hours after the completion of the herbicide application on BLM lands and submitted to the proper BLM Office.	Requirements by the BLM Vegetation Treatment on BLM Lands in the Thirteen Western Station Final Environmental Impact Statement 1991 and BLM Manual 9011 Chemical Pest Control, BLM Handbook H-9011-1 Chemical Pest Control, and BLM Manual 9015 Integrated Weed Management
	BLM is required to protect/preserve wetlands and floodplains	<i>Exec. Order 11990 (May 24, 1977), BLM Manual Section 1737, rel. 1-1611 (12/10/92); Exec. Order 11988 of 1977</i>
Bureau of Indian Affairs (BIA) and/or Tribe	Approval of Utilization - Provide for efficient and timely development and production of tribal oil and gas leases; Consultation for impacts to tribal lands or resources from off-reservation activities	Indian Minerals Leasing Act of May 11, 1938, 25 U.S.C. 396a-396q, 25 CFR, Part 211. Act of March 3, 1909, 25 U.S.C. 396, 25 CFR, Part 212. Indian Mineral Development Act of December 22, 1982, 25 U.S.C. 21-02-2108, 25 CFR, Part 225; NHPA (16 U.S.C. 470 et seq.); DOI Departmental Manual and various bureau Manuals

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	Rights of Way - Grant rights-of-way and issue temporary permits	Act of March 3, 1901, c.832 ss4.31.Stat.1084. Also 209DM8 Secretaries Order 3150 and 3177, as amended, 10 BIAM, bulletin 13, as amended, and Albuquerque Area Addendum Release 9401
	Archaeological Clearance - Issue antiquities or archaeological resource permits to remove or excavate archaeological resources on land administered by BIA	Antiquities Act of 1906, 16 USC Secs. 431-433; Archaeological Resources Protection Act of 1979 (16 USC Secs. 470a-47011), 43 CFR, Parts 3 and 7; National Historic Preservation Act, Section 106 and 36 CFR Part 800
	Air emissions inventory data - Accumulating emissions data	Clean Air Act
U.S. Army Corps of Engineers (COE)	Section 404 permits and coordination regarding dams and dikes or placement of dredged or fill material in jurisdictional waters and adjacent wetlands; Delineation of Waters of the United States and wetlands (“jurisdictional waters”)	Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. 1344); 33 CFR 320-330; Section 404(b)(1) Guidelines for Specific Disposal Sites for Dredged or Filled Material, as amended (40 CFR 230)
U.S. Fish and Wildlife Service (USFWS)	Coordination, consultation, and impact review on federally listed threatened and endangered (T&E) species	Fish and Wildlife Coordination Act (16 U.S.C. 661-666c), Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536); enforcement of other ESA provisions (16 U.S.C. 1531 et seq.) ;Bald Eagle Protection Act (16 U.S.C. 668-668dd); other specialty wildlife protection Acts
	Migratory bird impact coordination	Migratory Bird Treaty Act (16 U.S.C. 704)
U.S. Department of Transportation (DOT)	Control pipeline maintenance and operation	Transportation of Natural and Other Gas by Pipeline, Annual Reports, Incident Reports, and Safety Related Condition Reports, as amended (49 CFR 191); Transportation of Natural and Other Gases by Pipeline: Minimum Safety Standards. as amended (49

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U.S. Environmental Protection Agency (EPA)	Spill Prevention Control and Countermeasure Plans (SPCCPs)	CFR 192) 40 CFR 112 (Oil Pollution Control program), under Clean Water Act (FWPCA) 33 U.S.C. 1321, 1361; see also 33 U.S.C. 2701 et seq. (33 CFR 135)
	Regulation of hazardous waste treatment, storage, and/or disposal	Resource Conservation and Recovery Act (42 U.S.C. Section 6901); CERCLA 42 U.S. C. 9601 et seq.
	Produced-Water Disposal - Issue permit to allow for underground injection of produced water	Safe Drinking Water Act (42 U.S.C. 300f=300j-26), 40 CFR Parts 144 and 147
Wyoming Department of Environmental Quality - Water Quality Division (WDEQ-WQD)	Permits to construct settling ponds and waste water treatment systems, including groundwater injection and disposal wells	Wyoming Environmental Quality Act, Article 3, Water Quality, as amended (W.S. 35-11-301 through 35-11-311); Federal Safe Drinking Water Act, as administered by states (42 U.S.C. 300f=300j-26)
	Regulate disposal of drilling fluids from abandoned reserve pits	Wyoming Environmental Quality Act, Article 3, Water Quality, as amended (W.S. 35-11-301 through 35-11-311)
	<p>NPDES permits for and stormwater runoff if greater than five acres of disturbance, and for discharging any produced water containing regulated pollutants into waters of the state or waters of the United States (“jurisdictional waters”);</p> <p>Clean Water Act section 401 certification for federal activities such as verification that a section 402 (NPDES) permit is not required for a federally-approved activity, and statewide certification that use of General or Statewide CWA section 404 permits promulgated by the Corps of Engineers will comply with federal and state requirements</p>	WDEQ-WQD Rules and Regulations, Chapter 18; Wyoming Environmental Quality Act, Article 3, Water Quality, as amended (W.S. 35-11-301 through 35-11-311); Section 405 of the Federal Water Pollution Control Act (Clean Water Act) (codified at 33 U.S.C. 1345); EPA-administered Permit Programs: NPDES, as amended (40 CFR 122); State Program Requirements (40 CFR 123); EPA Water Program Procedures for Decision-making, as amended (40 CFR 124); 33 U.S.C. 1341.

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	Approval for discharge of hydrostatic test	Wyoming Environmental Quality Act, Article 3, Water Quality, as amended (W.S. 35-11-301 through 35-11-311)
Wyoming Department of Environmental Quality - Air Quality Division (WDEQ-AQD)	Permits to construct and permits to operate	Clean Air Act, as amended (42 U.S.C. 7401 et seq.); Wyoming Environmental Quality Act, Article 2, Air Quality, as amended (W.S. 35-11-201 through 35-11-212)
Wyoming Department of Environmental Quality - Land Quality Division (WDEQ-LQD)	Mine permits, mine impoundments, and drill hole plugging on state lands	Wyoming Environmental Quality Act, Article 4, Land Quality, as amended (W.S. 35-11-401 through 35-11-437)
Wyoming Department of Environmental Quality - Solid Waste Division (WDEQ-SWD)	Construction fill permits and industrial waste facility permits for solid waste disposal during construction and operations	Wyoming Environmental Quality Act, Article 5, Solid Waste Management, as amended (W.S. 35-11-501 through 35-11-520); Resource Conservation and Recovery Act (42 U.S.C. Section 6901 et seq.)
Wyoming Department of Transportation (WDOT)	Permits for oversize, overlength, and overweight loads	Chapters 17 and 20 of the Wyoming Highway Department Rules and Regulations
	Access permits to state highways	Chapter 13 of the Wyoming Highway Department Rules and Regulations
Wyoming Board of Land Commissioners/ Land and Farm Loan Office	Approval of oil and gas leases, ROWs for long-term or permanent off-lease/off-unit roads and pipelines, temporary use permits, and developments on state lands	Public Utilities, W.S. 37-1-101 et seq.
Wyoming Oil and Gas Conservation Commission (WOGCC)	Permit to drill, deepen, or plug back (APD process) on state/fee minerals	WOGCC Regulations, Chapter 3, Operational and Drilling Rules, Section 2 Location of Wells
	Permit to use earthen pit (reserve pits) in off-channel areas outside of jurisdictional waters of the United States, over state/fee minerals	WOGCC Regulations, Chapter 4, Environmental Rules, Including Underground Injection Control Program Rules for Enhanced Recovery and Disposal Projects, Section 1, Pollution and Surface Damage (Forms 14A and 14B)

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	Authorization for flaring or venting of gas	WOGCC Regulations, Chapter 3, Operational and Drilling Rules, Section 45 Authorization for Flaring or Venting of gas
	Permit for Class II underground injection wells	Federal Safe Drinking Water Act, as administered by states (42 U.S.C. 300f-300j-26), Underground Injection Control Program: Criteria and Standards, as amended (40 CFR 146); state Underground Injection Control Programs, State-administered program - Class II Wells, as amended (40 C.F. R. 147.2551)
	Well plugging and abandonment	WOGCC Regulations, Chapter 3, Section 14, Reporting (Form 4); Section 15, Plugging of Wells, Stratigraphic Tests, Core, or Other Exploratory Holes (Form 4)
	Change in depletion plans	Wyoming Oil and Gas Act, as amended (Form W.S. 30-5-110)
Wyoming State Engineer's Office (WSEO)	Permits to appropriate groundwater (use, storage, wells, dewatering) or water stored in impoundments or reservoirs	W.S. 41-3-901 through 41-3-938, as amended (Form U.W. 5)
	Permits to construct or modify dams and on-channel reservoirs; change in use of existing reservoirs	W.S. 41-3-301 et seq., as amended (Forms SW3, SW4)
Wyoming State Historic Preservation Office (SHPO)	Cultural resource protection, programmatic agreements, consultation	Section 106 of National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) and Advisory Council Regulations on the Protection of Historic and Cultural Properties, as amended (36 CFR 800)
County (representative)	Construction/use permits	County Code and Zoning Resolution
	Conditional use permits	County Code and Zoning Resolution
	Road use agreements/oversize trip permits	County Code

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	County road crossing/access permits	County Code/Engineering Department
	Small wastewater permits	County Health Department
	Hazardous material recordation and storage	County Code
	Zone changes	Zoning Resolution
	Filing Fees	County Code
	Noxious weed control	County Code