

**§9.39 Reclamation requirements.**

(a) Within the time specified by the reclamation provisions of the plan of operations, which shall be as soon as possible after completion of approved operations and shall not be later than six (6) months thereafter unless a longer period of time is authorized in writing by the Regional Director, each operator shall initiate reclamation as follows:

(1) Where the Federal government does not own the surface estate, the operator shall at a minimum:

(i) Remove or neutralize any contaminating substances; and

(ii) Rehabilitate the area of operations to a condition which would not constitute a nuisance or would not adversely affect, injure, or damage federally-owned lands or waters, including removal of above ground structures and equipment used for operations, except that such structures and equipment may remain where they are to be used for continuing operations which are the subject of another approved plan of operations or of a plan which has been submitted for approval.

(2) On any site where the surface estate is owned or controlled by the Federal government, each operator must take steps to restore natural conditions and processes. These steps shall include but are not limited to:

(i) Removing all above ground structures, equipment and roads used for operations, except that such structures, equipment and roads may remain where they are to be used for continuing operations which are the subject of another approved plan of operations or of a plan which has been submitted for approval, or unless otherwise authorized by the Regional Director consistent with the unit purpose and management objectives;

(ii) Removing all other man-made debris resulting from operations;

(iii) Removing or neutralizing any contaminating substances;

(iv) Plugging and capping all non-productive wells and filling dump holes, ditches, reserve pits and other excavations;

(v) Grading to reasonably conform the contour of the area of operations to a contour similar to that which existed prior to the initiation of operations,

where such grading will not jeopardize reclamation;

(vi) Replacing the natural topsoil necessary for vegetative restoration; and

(vii) Reestablishing native vegetative communities.

(b) Reclamation under paragraph (a)(2) of this section is unacceptable unless it provides for the safe movement of native wildlife, the reestablishment of native vegetative communities, the normal flow of surface and reasonable flow of subsurface waters, and the return of the area to a condition which does not jeopardize visitor safety or public use of the unit.

**§9.40 Supplementation or revision of plan of operations.**

(a) A proposal to supplement or revise an approved plan of operations may be made by either the operator or the Regional Director to adjust the plan to changed conditions or to address conditions not previously contemplated by notifying the appropriate party in writing of the proposed alteration and the justification therefore.

(b) Any proposed supplementation or revision of a plan of operations initiated under paragraph (a) of this section by either party shall be reviewed and acted on by the Regional Director in accordance with §9.37. If failure to implement proposed changes would not pose an immediate threat of significant injury to federally-owned or controlled lands or waters, the operator will be notified in writing sixty (60) days prior to the date such changes become effective, during which time the operator may submit comments on proposed changes. If failure to implement proposed changes would pose immediate threat of significant injury to federally-owned or controlled lands or waters, the provisions of §9.33(c) apply.

**§9.41 Operating standards.**

The following standards shall apply to operations within a unit:

(a) Surface operations shall at no time be conducted within 500 feet of the banks of perennial, intermittent or ephemeral watercourses; or within 500 feet of the high pool shoreline of natural or man-made impoundments; or within 500 feet of the mean high

## §9.42

tideline; or within 500 feet of any structure or facility (excluding roads) used for unit interpretation, public recreation or for administration of the unit, unless specifically authorized by an approved plan of operations.

(b) The operator shall protect all survey monuments, witness corners, reference monuments and bearing trees against destruction, obliteration, or damage from operations and shall be responsible for the reestablishment, restoration, or referencing of any monuments, corners and bearing trees which are destroyed, obliterated, or damaged by such operations.

(c) Whenever drilling or producing operations are suspended for 24 hours or more, but less than 30 days, the wells shall be shut in by closing well-head valves or blowout prevention equipment. When producing operations are suspended for 30 days or more, a suitable plug or other fittings acceptable to the Superintendent shall be used to close the wells.

(d) The operator shall mark each and every operating derrick or well in a conspicuous place with his name or the name of the owner, and the number and location of the well, and shall take all necessary means and precautions to preserve these markings.

(e) Around existing or future installations, e.g., well, storage tanks, all high pressure facilities, fences shall be built for protection of unit visitors and wildlife, and protection of said facilities unless otherwise authorized by the Superintendent. Fences erected for protection of unit visitors and wildlife shall be of a design and material acceptable to the Superintendent, and where appropriate, shall have at least one gate which is of sufficient width to allow access by fire trucks. Hazards within visitor use areas will be clearly marked with warning signs acceptable to the Superintendent.

(f) The operator shall carry on all operations and maintain the site at all times in a safe and workmanlike manner, having due regard for the preservation of the environment of the unit. The operator shall take reasonable steps to prevent and shall remove accumulations of oil or other materials deemed to be fire hazards from the vicinity of well locations and lease

## 36 CFR Ch. I (7-1-08 Edition)

tanks, and shall remove from the property or store in an orderly manner all scrap or other materials not in use.

(g) Operators will be held fully accountable for their contractor's or subcontractor's compliance with the requirements of the approved plan of operations.

[43 FR 57825, Dec. 8, 1978; 44 FR 37915, June 29, 1979]

### §9.42 Well records and reports, plots and maps, samples, tests and surveys.

Any technical data gathered during the drilling of any well, including daily drilling reports and geological reports, which are submitted to the State pursuant to State regulations, or to any other bureau or agency of the Federal government shall be available for inspection by the Superintendent upon his request.

### §9.43 Precautions necessary in areas where high pressures are likely to exist.

When drilling in "wildcat" territory, or in any field where high pressures are likely to exist, the operator shall take all necessary precautions for keeping the well under control at all times and shall install and maintain the proper high-pressure fittings and equipment to assure proper well control. Under such conditions the surface string must be cemented through its length, unless another procedure is authorized or prescribed by the Superintendent, and all strings of casing must be securely anchored.

### §9.44 Open flows and control of "wild" wells.

The operator shall take all technologically feasible precautions to prevent any oil, gas, or water well from blowing open or becoming "wild," and shall take immediate steps and exercise due diligence to bring under control any "wild" well, or burning oil or gas well.

### §9.45 Handling of wastes.

Oilfield brine, and all other waste and contaminating substances must be kept in the smallest practicable area, must be confined so as to prevent escape as a result of percolation, rain,