

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

APR 22 2010

Jim Ruby, Executive Secretary  
Environmental Quality Council

Docket No. 09-3802

IN THE MATTER OF THE APPEAL )  
OF POWDER RIVER BASIN )  
RESOURCE COUNCIL, )  
BERNADETTE BARLOW, )  
BERNADETTE BARLOW TRUST, )  
WILLIAM L. BARLOW TRUST )  
AND ERIC BARLOW FROM )  
WYPDES PERMIT NO. WY0052299 )

**BILL BARRETT CORPORATION'S REQUEST FOR ENVIRONMENTAL QUALITY  
COUNCIL TO TAKE NOTICE OF REPORT AND AUDIO FILE**

Bill Barrett Corporation (BBC), by and through undersigned counsel, hereby respectfully asks the Environmental Quality Council (EQC) to take official notice of certain contents of its administrative records and files in other proceedings before the EQC, pursuant to the authority vested in the EQC by the Wyoming Administrative Procedure Act, § 16-3-108(d) Wyo. Stat. 1977, as amended, and Rule 201 of the Wyoming Rules of Evidence.

Specifically, BBC requests that the EQC take administrative notice of Hendrickx & Buchanan, Expert Scientific Opinion on the Tier-2 Methodology – Report to the Wyoming Environmental Quality Council, May 2009 and the related audio file of the April 8, 2009, Conference Call, identified as the “preliminary report...in reference to the WQD Rulemaking of Chapter 1, Section 20, Ag Use Protection Policy, EQC Docket No. 08-3101” (see Meeting Minutes, attached as Exhibit A), which was held prior to submittal of the Hendrickx/Buchanan report (audio file available at the following link: <http://deq.state.wy.us/eqc/audio.html>). Said report and audio file contain information directly relevant to the matters now pending before the EQC.

WHEREFORE, BBC respectfully requests the EQC take official notice of the contents of the above described report and audio file.

DATED this 22nd day of April, 2010.

A handwritten signature in black ink, reading "Jack D. Palma II". The signature is written in a cursive style and is positioned above a horizontal line.

Jack D. Palma, II, P.C.  
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ATTORNEYS FOR BILL BARRETT  
CORPORATION

**CERTIFICATE OF SERVICE**

I certify that on April 22, 2010, a copy of the foregoing document was filed with the Environmental Quality Council, and served on the following by e-mail:

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A handwritten signature in black ink, reading "Lynda Zeringue", written over a horizontal line.

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**ENVIRONMENTAL QUALITY COUNCIL**  
**Conference Call Meeting Minutes**  
**Cheyenne, WY**  
**April 8, 2009**

**Members Present:** Dennis Boal, Chairman, John Morris, Tim Flitner, Vice-Chairman, Dave Searle, Tom Coverdale, Secretary, Cathy Guschewsky, Dr. Fred Ogden

**Others Present:** Jim Ruby, Executive Secretary, Environmental Quality Council; Joe Girardin, Paralegal, Environmental Quality Council; Kim Waring, Executive Assistant, Environmental Quality Council; Marion Yoder, Sr. Asst. Attorney General; Dr. Jan Hendrickx, Consultant; Bruce Buchanan, Consultant; Luke Esche, Asst. Attorney General; PRBRC Representative; Jack Palma, Holland & Hart; Lisa Norton, Yates Petroleum; Duane Siler, Patton & Boggs; John Wagner, Bill DiRienzo, Jason Thomas, David Waterstreet, DEQ/Water Quality Division; John Burbidge, Sr. Asst. Attorney General; Dustin Bleizeffer, Casper Star Tribune; Ken Harvey; Nick Agopeon; Chris Johnston, Sheridan; John Corra, Director of the Department of Environmental Quality.

**1. Call to Order:**

Chairman Boal reviewed the procedures of the conference call with the participants.

**2. Consultants Preliminary Report**

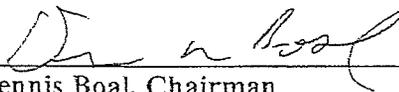
Mr. Ruby did a roll call of Council members. He also introduced the consultants and reminded the participants that there would be no public comments. This preliminary report is in reference to the WQD Rulemaking of Chapter 1, Section 20, Ag Use Protection Policy, EQC Docket No. 08-3101. Mr. Ruby also reviewed the scope of the contract and the preliminary's of the report.

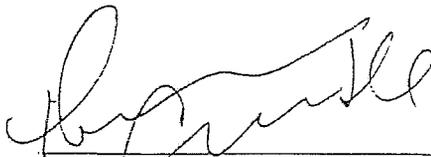
Dr. Jan Hendrickx and Bruce Buchanan gave their preliminary report with questioning from the Council members.

Mr. Ruby turned the meeting back over to Chairman Boal.

Chairman Boal adjourned the meeting.

**APPROVED BY:**

  
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Dennis Boal, Chairman

  
\_\_\_\_\_  
Thomas Coverdale  
Secretary

6/4/09  
\_\_\_\_\_  
Date

