

**FILED**

JAN 25 2006

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**Terri A. Lorenzon, Director  
Environmental Quality Council**

**In the Matter of 4W Ranch Objections )  
to Bill Barrett NPDES Permits Nos. ) Docket No. 04-3801  
WY0051217, WY0051233, WY0051373 )**

**DEQ'S RESPONSE TO APPEAL BY 4W RANCH**

Respondent Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) pursuant to the Environmental Quality Council's (Council) January 10, 2006 Order, responds as follows to Petitioner 4W Ranch's appeal in the above-captioned matter. For the purpose of this response, the "contested permits" refer to Bill Barrett WYPDES Permits Nos. WY0051217, WY0051233, and WY0051373.

1. Petitioner's 2 June 2004 letter to the Council alleges that granting the contested WYPDES permits to discharge coal bed methane (CBM) water into the Cheyenne River drainage will be in direct violation of the Wyoming Water Quality Rules & Regulations (WQ Rules), Chapter 1, Section 20 requirement prohibiting degradation which will cause a measurable decrease in crop or livestock production. Respondent DEQ/WQD believes that discharges in compliance with the contested permits will meet the requirements of WQ Rules, Chapter 1, Section 20.

2. Petitioner's 2 June 2004 letter to the Council alleges that granting the contested WYPDES permits to discharge CBM water into the Cheyenne River drainage will be in direct violation of the WQ Rules, Chapter 1, Section 8(a)(ii) requirement that a new source of pollution must ensure that all existing water uses are fully maintained and protected. Respondent DEQ/WQD believes that discharges in compliance with the contested permits will meet the requirements of WQ Rules, Chapter 1, Section 8(a)(ii).

3. Petitioner's 2 June 2004 letter to the Council alleges that granting the contested NPDES permits to discharge CBM water into the Cheyenne River drainage will be in direct violation of "[s]everal sections in Chapter 1" which "allude to 'esthetic degradation.'" Respondent DEQ/WQD believes that discharges in compliance with the contested permits will meet the requirements of WQ Rules, Chapter 1.

4. Petitioner's 2 June 2004 letter to the Council alleges that granting the contested NPDES permits to discharge CBM water into the Cheyenne River drainage will be in direct violation of "Part II; Sec B. Responsibilities; Para 10. Property Rights" in the permits, which provides that the issuance of this permit does not convey any property rights nor authorize any injury to private property. Respondent DEQ/WQD does not believe that issuance of the contested permits will be in violation of "Part II; Sec B. Responsibilities; Para 10. Property Rights."

5. Petitioner's 2 June 2004 letter to the Council alleges that the discharge of CBM water into the Cheyenne River drainage upstream from the 4W Ranch has the potential to deny the 4W Ranch owners their historic irrigation water rights and permanently damage their personal property. Respondent DEQ/WQD does not believe that the contested permits deny the 4W Ranch owners their historic irrigation water rights or authorize damage to their personal property.

DATED this 25th day of January, 2006.



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**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing **DEQ'S RESPONSE TO APPEAL BY 4W RANCH** was served this 25th day of January, 2006 by United States mail, first class postage prepaid, addressed as follows:

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