

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

**FILED**

DEC 21 2007

IN THE MATTER OF THE APPEAL OF )	
PENNACO ENERGY, INC. OF )	Terri A. Lorenzon, Director
CONDITIONS IN REVEWAL OF )	Environmental Quality Council
WYPDES PERMIT NOS.WY0039721, )	Docket Nos. 07-3616
0039616, 0048461, 0052361 AND )	07-3617, 07-3618
0048283 )	07-3819, and 07-3620

**PETITION FOR LEAVE TO INTERVENE IN  
CONSOLIDATED APPEALS OF PENNACO ENERGY, INC.**

Pursuant to the Wyoming Department of Environmental Quality (“DEQ”) Rules of Practice and Procedure, Chapter 2, Section 7, Powder River Basin Resource Council, (“Intervenor”) hereby files this Petition for Leave to Intervene and respectfully request that the EQC allow intervention in the above-captioned matter.

**INTERVENOR**

Intervenor Powder River Basin Resource Council (“Powder River”) was founded in 1973 by ranchers and citizens dedicated to ensuring the viability of Wyoming’s agricultural heritage and rural lifestyle. Powder River is also dedicated to working for the careful and responsible development of Wyoming’s valuable and important mineral resources. The organization was instrumental in the passage of reasonable state and federal laws and regulations in the mid-seventies that provided for responsible development of coal strip mines. Today, Powder River has over 1000 members. Over the past several years, many of our members have been negatively impacted by coalbed methane development and many more will be directly and indirectly affected by the ongoing and expanding development of coalbed methane wells in the Powder River Basin.

Powder River’s members have historically strived to be careful and attentive stewards of the abundant natural resources on their ranches. Over generations they have learned that stewardship is necessary for maintaining a sustainable agricultural enterprise for the next generation.

Powder River Basin Resource Council's members are directly affected by the water discharge policies at issue. Powder River Basin Resource Council members Kenny Clabaugh and Bob Spellman, landowners on Wildhorse Creek; and Bill and Marge West on Spotted Horse Creek are specifically impacted by these permits.

2. The Intervenor filing this motion is:

Powder River Basin Resource Council  
934 N. Main St.  
Sheridan, WY 82801

3. Intervenor in this matter is represented by Kate M. Fox and Mark Stewart of Davis and Cannon, 422 West 26<sup>th</sup> Street, P.O. Box 43, Cheyenne, WY 82003. Correspondence and information related to this Motion should be served on Intervenor's counsel.

#### **INTERVENOR'S RIGHTS AFFECTED**

4. The issues raised in these consolidated permit appeals are central to the effectiveness of present and future WYPDES permitting, and determine whether permits issued by DEQ will be protective of the interest of PRBRC and its members in preventing the degradation of water quality on their lands. In particular, the EQC is asked to determine:

- A. Appropriate methodology for determining SAR and EC limits that are protective of crop and livestock production under Chapter 1, § 20 of Water Quality Rules.
- B. Reasonable and effective points for determining water quality compliance (i.e. end-of-pipe, ICP, or other).
- C. What size impoundments should be required.
- D. Whether § 20 standards should be applied without a showing that the existing discharges under the permit cause harm.
- E. Whether DEQ can apply its Agricultural Use Policy requirements without first adopting the policy as a rule.

#### **REQUEST FOR RELIEF**

5. For all the foregoing reasons, Intervenor respectfully requests that the EQC grant Intervenor's Petition for Leave to Intervene.

6. Intervenor is aware of the deadlines in the EQC's December 6, 2007 Scheduling Conference Order and will comply with them.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of December, 2007.

Kate M. Fox  
Kate M. Fox  
Mark Stewart  
Davis and Cannon  
422 West 26<sup>th</sup> Street  
P.O. Box 43  
Cheyenne, WY 82003  
307-634-3210

ATTORNEYS FOR INTERVENOR

**Certificate of Service**

I, Kate M. Fox, hereby certify that on this 21st day of December, 2007, an accurate copy of the foregoing Petition for Leave to Intervene in Consolidated Appeals of Pennaco Energy, Inc. was served via e-mail to the following:

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