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Environmental Quality Council  
c/o DEQ/Water Quality Division  
ATTN: David Waterstreet  
122 West 25th Street  
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Cheyenne, WY 82002

**FILED**  
AUG 25 2008  
Jim Ruby, Executive Secretary  
Environmental Quality Council

RE: Ag Protection Policy - Appendix H

Dear EQC Members,

The DEQ will not protect wildlife and agricultural lands if this new policy, Appendix H, is implemented. We hope that the EQC will see the weaknesses in this appendix and amend it so that it will provide real protection for Wyoming wildlife and landowners whose soil, grass, trees and animals are being damaged by CBM water discharges.

We believe that the Powder River Basin Resource Council has made valuable comments that will ensure that Wyoming's wildlife and landowners are not victimized by the CBM industries' disregard for the health and well-being of our citizens.

We endorse the following recommendations offered by the PRBRC:

- **Ensure protection of agricultural uses for livestock, soils and vegetation. The DEQ Ag protection policy should avoid impacts to these resources as the top priority.**

- **Set water quality discharge standards at safe levels for livestock and wildlife, as recommended by the University of Wyoming study, The levels recommended by UW are:**

Sulfur <1,000 mg/l to avoid livestock health problems

Total Dissolved Solids < 500 mg/l

Fluoride should not exceed 2,000 ug/l

Sodium should be less than 1,000 mg/l (dissolved)

DEQ should list specific standards for animal health for all relevant chemical elements.

- **Water quality limits for SAR and EC limits MUST be applied to ALL “Naturally Irrigated Lands” whether there is an established stream channel present or not.**

Small drainage bottoms are valued and critically important for livestock grazing and wildlife use and should not be ignored due to size. Arbitrary limits on size (20 acres and 50 feet wide) should not be imposed. Size does matter, large and small acreages are significant to agricultural production!

- **Limits should be applied “year-round” to protect artificially and naturally irrigated lands.**

- **Require limits for discharges not to exceed an EC of 1330 or SAR of 5.**

- **Require that protective Tier 1 limits “shall” also be set where background water quality is of significantly higher quality than effluent.**

- **Eliminate the implementation of “Tier 2 and Tier 3” studies proposed in Appendix H.** These are simply methods devised by the CBM industry that will institutionalize and allow the use of shoddy science and subjective soil sampling to

justify the discharge of higher levels of sodium and salt. To date, the use of Tier 2 soil sampling approved by DEQ has permitted SAR of 26 and EC over 6,000 as “protective”. These high levels of salinity and sodium pollute drainages and damage soil and water quality in good bottomlands, even where irrigation use is pre-existing.

- **Oppose “irrigation waivers” that will allow irrigation use of CBM effluent but do not prevent this water from damaging private land downstream.** Use of damaging CBM discharges for irrigation that exceed water quality standards should only be allowed if it can be completely contained on that private land. Discharge downstream is a violation of the Clean Water Act.

- **Eliminate the “Reasonable Access Requirement” which denies Wyoming landowners protections unless you allow industry on your property to conduct soil sampling which is now being used to facilitate non-scientific Tier 2 and Tier 3 studies.**

The CBM industry should be held accountable. Do not let them make their profits at the expense of Wyoming’s landowners and wildlife. Their industry can be required to protect Wyoming’s land and water. We all need to acknowledge that protecting our environment costs money, and we all need to “pony up.” You of the EQC must see that weP are required to do just that!

Sincerely,

Neil O. and Jennifer S. Miller

