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Jim Ruby, Executive Secretary
Environmental Quality Council

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

IN THE MATTER OF THE APPEAL OF)
POWDER RIVER BASIN RESOURCE) DOCKET NO. _____
COUNCIL, AND WILLIAM F. WEST)
RANCH, LLC FROM WYPDES)
PERMIT NO. WY0094056)

PETITION

POWDER RIVER BASIN RESOURCE COUNCIL, AND WILLIAM F. WEST RANCH, LLC, pursuant to Wyo. Stat. §35-11-112 (a)(iv) and Chapter 1, Sec. 16 of the Rules of Practice and Procedure of the Wyoming Department of Environmental Quality petition the Environmental Quality Council of the State of Wyoming as follows:

1. Name and Address of Protestants and Protestants' Attorney. The names and addresses of the Protestants are:

- a) POWDER RIVER BASIN RESOURCE COUNCIL (PRBRC), 934 North Main Street, Sheridan, WY 82801.
- b) WILLIAM F. WEST RANCH, LLC, (West's), c/o William F. West 628 S A Road, Arvada, WY 82831 USA.

The names of the Protestants' attorneys are Kate Fox and J. Mark Stewart, Davis & Cannon, LLP, whose address is P.O. Box 43, Cheyenne, WY 82003.

2. Action Upon Which Hearing Is Requested. This is an appeal from the issuance of WYPDES Permit No. WY0094056 issued to Cedar Ridge, LLC May 6, 2009 by the Director of the Wyoming Department of Environmental Quality (WDEQ).

3. Statement of Facts.

a. Powder River Resource Council (PRBRC) is an association of ranchers and citizens dedicated to ensuring the viability of Wyoming's agricultural

heritage and rural lifestyle and is also dedicated to working for the careful and responsible development of Wyoming's valuable and important mineral resources.

b. William F. West Ranch, LLC, (West) whose members and managers are Bill and Marge West, Trustees of the William F. West Revocable Trust, dated January 20, 2005 as amended, and the Marjorie E. West Revocable Trust, dated January 20, 2005, as amended, own and operate ranchlands in Campbell County, Wyoming, portions of which lie on Spotted Horse Creek, downstream of the location of the discharges permitted by WYPDES Permit No. WY0094056.

c. Bill and Marge West are members of the PRBRC.

d. On May 6, 2009, with the approval of the Administrator of WDEQ/WQD and the Director of WDEQ, WYPDES Permit No. WY0094056 (the Permit), was issued to Cedar Ridge, LLC (Cedar Ridge).

e. The Permit authorizes Cedar Ridge to discharge water from coalbed methane wells located upstream of lands owned by the Wests.

f. The Permit authorizes discharge into Spotted Horse Creek, which crosses the lands of the Wests.

g. The outfalls are located upstream of the Wests' property and water discharged under the permit could enter and cross the lands of the Wests.

h. Lands located on the Wests' property are subject to protection under Section III of WDEQ's Agricultural Use Protection Policy.

i. Constituents of concern for protection of irrigation, and that may be present in the effluent authorized to be discharged under the Permit, are Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR).

j. The effluent limitation for EC established in the Permit for protection of irrigation is derived from soil salinity data.

k. No background SAR has been determined, and the Permit establishes no effluent limit for SAR.

l. At the time the Permit was issued, the Wyoming Department of Environmental Quality (WDEQ) had knowledge that the use of soil salinity data to derive effluent limitations for EC and SAR was not based on sound science.

m. WDEQ's knowledge that the use of soil salinity data to derive effluent limitations for EC and SAR was not based on sound science was provided by, among others, Drs. Ginger Paige, Larry Munn and George Vance, professors at the University of Wyoming.

n. On April 8, 2009, Drs. Jan Hendrickx and Bruce Buchanan, who were commissioned by the Wyoming Environmental Quality Council (EQC) to provide an expert opinion on whether the use of soil salinity data is scientifically valid for determining the EC and SAR of water that can be discharged into ephemeral drainages in Wyoming, informed WDEQ via teleconference that such use was not scientifically valid.

o. On May 28, 2009, Drs. Jan Hendrickx and Bruce Buchanan submitted their report to the EQC stating that the use of soil salinity data to derive effluent limitations for EC and SAR is not scientifically valid nor scientifically defensible.

p. The Permit authorizes discharges that will not maintain the water supply at a quality which allows continued use of the water for agricultural purposes without a measurable decrease in production in violation of Water Quality Rules and Regulations, Chapter 1, Sec. 20.

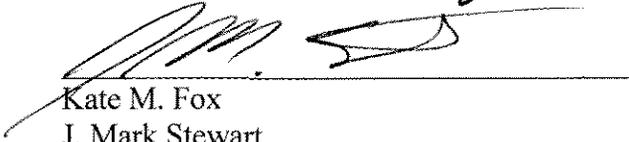
q. Limitations on the effluent constituents EC and Sodium Adsorption Ratio (SAR) have the reasonable potential to adversely impact the agricultural use of the receiving water. The numeric effluent limitations on EC and SAR in the Permit are not derived from appropriate scientific methods in violation of Water Quality Rules and Regulations, Chapter 2, Section 5(c)(iii)(C)(IV).

r. The Permit conditions do not provide compliance with the applicable requirements of W.S. 35-11-302 and the Water Quality Rules and Regulations in violation of Water Quality Rules and Regulations, Chapter 2, Sec. 9(a)(vi).

s. Issuance of the Permit is arbitrary, capricious and an abuse of discretion.

4. Request for hearing. PRBRC and the Wests request a hearing before the Environmental Quality Council (Council) and request that the Council reverse the decision to issue permit WY0094056 and to grant Protestants such other relief as Protestants are entitled to and which the Council deems just and proper.

Dated this 2nd day of July, 2009.


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CERTIFICATE OF SERVICE

I certify that on the 2nd day of July, 2009, I served a true and correct copy of the foregoing by U.S. registered mail, return receipt requested, postage prepaid and addressed to:

Cedar Ridge, LLC
484 Turner Drive, Building B, Suite 3
Durango, CO 81303

Chairman Environmental Quality Council
122 West 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002

Director, Department of Environmental Quality
122 West 25th Street
Herschler Building, 4th Floor West
Cheyenne, WY 82002



J. Mark Stewart