

NIOBARRA COUNTY COMMISSIONERS

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Terri A. Lorenzon, Director
Environmental Quality Council

Terri A. Lorenzon, Director
Wyo Environmental Quality Council
122 West 25th – Room 1714
Cheyenne, WY 82002

RE: NPDES Permits: WY0046132, WY0046141, WY0046159, WY0046477,
WY0046493, WY0046507, WY0046582, WY0046612, WY0046621,
WY0036765, WY0037320, WY0037338, WY0037052

WY0036765, WY0037320, WY0037338, WY0037052

Dear Ms. Lorenzon:

Please consider this letter an official appeal to the Environmental Quality Council on the DEQ/Water Quality decision to issue permits on November 28-29th and December 11th on the above-entitled applications. The reasons for this appeal are as follows:

1. What State Agency is responsible for "quantity" of water?
 - DEQ declines this responsibility
 - State Engineer declines this responsibility

When sufficient "quantity" of water begins to affect "quality", isn't this DEQ's responsibility?

2. Unknown quantity of water being discharged into the tributaries of the Cheyenne River. In September 2001 I requested and received from the DEQ a list of the current permits to discharge CBM water into the

tributaries of the Cheyenne River. As of the date of the printout, there were 282 active permits. The list inaccurately lists some of the permits in Natrona, Crook, Weston and Converse Counties. The above-entitled permits are additional.

When requesting "quantities" of discharge, I get three (3) different stories:

- One – The "quantity" is not a requirement of the NPDES permit process, but is a requirement of the monthly reporting to the Wyoming Oil & Gas Commission.
- Two – "quantity" is a requirement of the NPDES permit process, but the applicants do not complete it.
- Three – "quantity" is a requirement of the NPDES permit process, but DEQ keeps no records.

Why doesn't DEQ maintain adequate records so that "quantity" is a consideration every time an application is considered?

In response to a clarification for five (5) NPDES permits for oil production, DEQ advised me that the applications were 30 miles upstream and produced from 0.02 to 0.004 million gallons per day and therefore, insignificant to the Cheyenne River. However, in total combination couldn't it become significant?

In January 2001 an injection permit was issued with an SAR over 180 and the authorization letter states "there is no limit on SAR". In clarifying, the DEQ states that only "other oil & gas producers, surface and water rights owners within one-half mile are notified for an injection application". Also, there is "no minimum depth" for injection. What is this doing to the soils? What is the quantity?

3. No science to determine potential adverse short/long-term effects to soils, crops/vegetation, or ground water. According to the Niobrara County Conservation District, SAR's have risen on the Cheyenne River since CBM water has been discharged.
 - Concentrations of saline and sodium from evaporation and ice jams are potential hazards.

4. No mitigation required in permit application for damages to down-stream private/county property.

- Potential adverse affects to fences, roads, bridges, culverts, and general agricultural operations

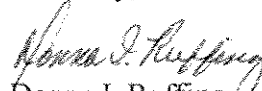
My concerns regarding the above-referenced proposals are valid. I also refer you to South Dakota's comments and concerns on the CBM discharge in the Cheyenne River drainages.

I, further, appeal to the EQC to place a moratorium on the issuance of any additional permits to discharge CBM water into the tributaries of the Cheyenne River for the same reasons as listed above:

- determine which State agency is responsible for the "quantity" of water being discharged.
- develop a procedure to include "quantity" of discharge in the permit consideration.
- determine exactly the total amount of current discharges
- develop mitigation agreements between affected down-stream private/county property owners and the producers.

Please advise when this matter will be heard by EQC so that I can attend the meeting.

Sincerely,


Donna I. Ruffing
Chairman

c: Gary Beach/DEQ
Steve Reynolds/Wyo Energy Commission
Lisa Shaw/Niobrara Co Conservation District