

COMMENTS – FEBRUARY 15 & 16, 2007

**Industry Employees, Concerned Citizens, and
Small Business Owners**

Environmental Quality Council Hearings

CHAPTER 1 WATER QUALITY RULES AND REGULATIONS

Resubmitted by

PETROLEUM ASSOCIATION OF WYOMING

August 26, 2008

FILED

February 14, 2007

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax: 307-777-6134

Re: Proposed Rulemaking on Chapter 1, Section 20 – “Ag Use Protection Policy”

Dear Mr. Gordon,

I am writing to you today to voice my concern in regards to the proposed “Ag Use Protection Policy”. I strongly oppose this rule because it places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, potentially resulting in substantial costs to replace and possibly making fields uneconomical.

Water management decisions need to be left to landowners and operators. Reservoirs need to remain a viable water management tool without being required to contain the 50 year / 24 hour flood event and all produced water. The CBM industry is already carrying a sizable regulatory burden. This rule/policy would add further regulatory and economic burden.

Please don't allow this rule/policy making happen. If this passes the operators will go elsewhere and so will the jobs and people.

Thank You,



Stacy S. Amus
2 Arrow Blvd.
Gillette, WY 82716

February 14, 2007

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
Chairman
122 W. 25th Street
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

RE: Citizen Petition for Rulemaking – Ag Use Protection Policy

Dear Mr. Gordon:

I am writing to voice my concern with the upcoming rulemaking and policy decisions relating to Appendix H of section 20, Chapter 1 of the Wyoming Water Quality Rules and Regulation

This policy would disallow the use of a large number of existing and proposed reservoir locations in the Powder River Basin, and place substantial restrictions on how reservoirs can be used to contain produced water. Further, these decisions propose to set water quality limits that CBM produced water cannot meet

Reservoirs containing CBNG produced water are beneficial to both the surface owner and wildlife in most situations. A wide variety of wildlife can benefit from the additional water sources including small non-game species. Attached with this FAX is a copy of the *Northern Leopard Frog Monitoring (Year Two)* report, prepared by Thunderbird Jones & Stokes for J.M. Huber Corporation's Cufier Draw POD, a CBNG project in Campbell County. This five year survey was a condition of approval by the BLM to monitor the potential project impacts to a BLM sensitive species. After the second year of surveys, this case study states that the data "may also suggest that certain CBNG reservoirs properly placed within the appropriate watershed could possibly have substantial benefits for several amphibian species and the overall diversity of aquatic wildlife". I present this to you so that you are aware of the extent that reservoirs containing CBNG produced water are monitored, along with the encouraging results in this particular case.

Finally, I am greatly concerned that this rule making would halt CBNG development in the Powder River Basin. The negative result would be staggering to the local and state economy, and is unjustified.

Thank you for considering my concerns to this policy.

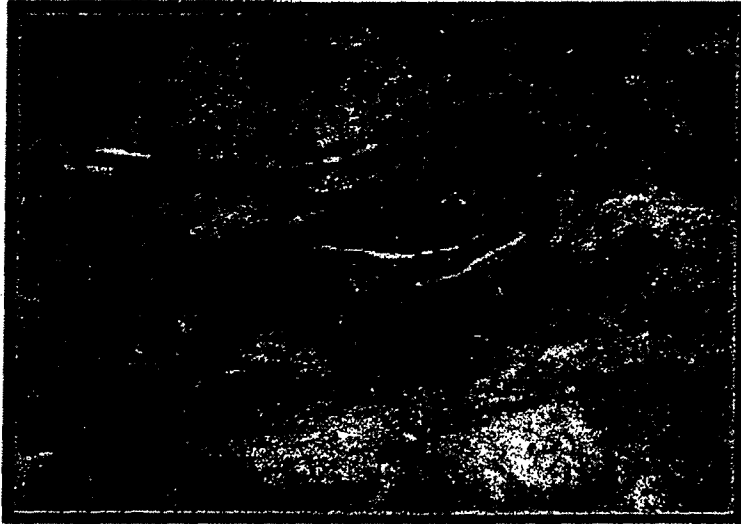
Sincerely



John Vaselin
211 McKinney
Buffalo, WY 82834

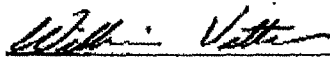
ATTACHMENT (15 PAGES)

**J.M. HUBER CORPORATION
CUTLER DRAW PLAN-OF-DEVELOPMENT
NORTHERN LEOPARD FROG MONITORING
(YEAR TWO)**



Prepared for:
J.M. Huber Corporation
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Prepared by:
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30 November 2006

INTRODUCTION

J.M. Huber Corporation's approved Cutler Draw plan-of-development (POD) includes approximately 12 wells for extraction of federally owned coal bed natural gas (CBNG) underlying private and federal lands in northwest Campbell County, Wyoming. The Cutler Draw POD also includes the discharge of groundwater, a byproduct of gas extraction, via pipelines into new and existing reservoirs in the area. The potential effects of discharged CBNG water to local wildlife populations are not yet fully understood, but the Powder River Basin Final Environmental Impact Statement (FEIS), Biological Opinion (BO), and Biological Assessment (BA) acknowledge the potential for both benefits and negative impacts.

The effects of proposed CBNG development on the northern leopard frog (*Rana pipiens*) (a special status species for the Bureau of Land Management's (BLM) Buffalo Field Office area) in particular, are largely unknown. Negative influences such as water management instability and water contamination have led to declines in northern leopard frogs elsewhere and may have contributed to documented declines in Wyoming over the last two decades. The discharge of CBNG water may exacerbate those conditions. However, habitat loss has also negatively influenced leopard frog populations in many western states, and CBNG-related water resources may provide significant increases in amphibian breeding habitat. Inventories and long-term monitoring of northern leopard frog populations in areas of CBNG development may help define the impacts of those activities in the Powder River Basin.

Northern leopard frogs were documented at a single location within the Cutler Draw POD on 9 September 2004, and the conditions of approval for the project stipulate that a monitoring plan be implemented (starting in 2005) to evaluate the potential project impacts on that species. In accordance with that stipulation, J.M. Huber contracted Thunderbird -- Jones & Stokes (formerly Thunderbird Wildlife Consulting) in December 2004 to design and implement a monitoring protocol to quantify the presence and reproductive status/success of leopard frogs within the Cutler Draw POD. The protocol (*Cutler Draw Plan-of-Development Northern Leopard Frog (Rana pipiens) Monitoring Plan*, February 2005) was approved by BLM, Buffalo Field Office biologist Bill Ostheimer. The monitoring plan may be adapted, as required by the BFO, based on their review of the annual reports. After three years, the results and objectives of the study will be reevaluated, but it is expected to continue for five years (through 2009).

METHODS

In the first year of monitoring (2005), we inventoried the wetland habitats within the Cutler Draw POD in early April to identify potential survey sites. The entire POD was searched, with additional emphasis on drainages and existing or new/improved reservoirs. At that time, four survey sites were identified. During 2005, and in conjunction with the on-going development of the Cutler Draw POD, three additional survey sites were established and included.

Because of on-going construction during spring 2006, we re-inventoried wetland habitats within the POD on 13 April to confirm that all possible wetland sites were included in the monitoring program. At that time, one additional survey site (8) was established and information (a qualitative description of the vegetation, general topography, and water availability and quality) similar to that collected for the previous seven sites (see *Cutler Draw Plan-of-Development Northern Leopard Frog Monitoring - Year One* report for description and photographs of those sites) was recorded. In addition, universal transverse mercator (UTM) coordinates were recorded at the survey point using a hand-held global positioning system (GPS) receiver, and photographs were taken to document the overall wetland conditions (Figure 1). Of the eight sites surveyed during 2006, three (5, 7, and 8) were impoundments constructed or improved to contain CBNG water discharge, three (1, 2, and 6) were historic impoundments primarily fed by precipitation runoff or a natural spring, and two (3 and 4) were located along a creek supplemented by CBNG discharge (Exhibit 1).

Two nocturnal call surveys were conducted during the period of spring emergence (approximately 10° C water temperature) between sunset and four hours after sunset on 26 April and 11 May 2006. Surveys were conducted when favorable listening conditions and mild weather prevailed (i.e., calm winds and no precipitation). All eight sites were surveyed on 26 April, and all but site 6 were surveyed on 11 May.

Each call survey was initiated with a five-minute waiting period and followed by a five-minute listening/recording period. A simplified call index was used to measure the relative abundance of all calling male anurans by recording either the estimated number of individuals determined from non-overlapping calls, the estimated number of individuals from distinguishable but overlapping calls, or an undetermined amount of individuals from a continuous chorus of overlapping and indistinguishable calls. Although light conditions

decreased the potential for visual detections, all amphibians (and other vertebrates not targeted by the surveys) seen were documented. After each survey, habitat and survey conditions (water temperature, flow, clarity, turbidity, and estimated maximum depth, emergent vegetative cover, air temperature, wind speed, and cloud cover/precipitation) were recorded.

Diurnal visual surveys occurred from one-half hour to six hours after sunrise on 20 May and 9 August 2006. As no suitable wetland habitat was present at site 2 on the final date or at site 6 on either date, no visual surveys were conducted at those locations during those times. All other sites were included in both the 20 May and 9 August 2006 surveys.

Visual surveys were also conducted during mild weather conditions (i.e., light to moderate winds and no precipitation) and consisted of a careful pedestrian search around the perimeter of each wetland to search for mature frogs, tadpoles, and egg masses. Survey sites along the creek were inventoried by walking 50 m along the creek contour in both directions of the survey point. Search effort was standardized, but total survey time varied for each site due to the size of the wetland and the attributes of the habitat. Shallow sunlit areas were targeted for egg mass searches, and areas of submersed and emergent vegetation were examined for tadpoles. Observations of all amphibians (adult, young of the year, tadpoles or larvae, egg masses, and dead) were recorded. All water, air, and habitat variables described for the call surveys were recorded at the end of each visual survey. The primary water source (CBNG or natural), maximum water depth, substrate, and wetland persistence (permanent or ephemeral) were also documented during the last visual survey.

RESULTS

Habitat and Weather Conditions

A summary of the surveys conducted and the habitat data collected at each of the eight sites in 2006 along with changes in the wetland habitats (water depth and percent vegetation cover) from year one (2005) are provided in Table 1. Surface water levels were slightly more consistent in year two, with overall increased water availability at all previous sites except 2 and 6. The percent of wetland vegetative cover was similar to year one for most sites, but noticeably greater at sites 2 and 3.

As in the first year of monitoring, not all sites were suitable for surveys during each visit in 2006 due to fluctuations in surface water levels throughout the area. Sites 1, 3, 4, 7, and 8



Figure 1. Northern leopard frog survey site 8 (August 9, 2006) at the Cutler Draw POD.

were surveyed on all visits (two call surveys and two visual surveys). Suitable wetland habitat and available surface water were present at sites 2 and 5 on all but one survey date. Although significant wetland vegetation remained, the substrate at site 2 was cracked and completely dry during the final visual survey. During the second call survey, little surface water (<8 ft²) and no surrounding wetland vegetation was present at site 5. Although surveys were conducted at both sites on the respective dates, the results of those surveys were likely indicative of the lack of suitable wetland habitat at that time and the results were omitted from the overall analysis. Finally, site 6 was completely dry during all surveys except for the first call survey.

Both call surveys were conducted under clear skies with a combined average air temperature of 11.4° C, water temperature of 14.0° C, and wind speed of 0.4 knots. Both visual surveys were also conducted under clear skies with a combined average air temperature of 23.5° C, water temperature of 17.8° C, and wind speed of 1.3 knots.

Northern Leopard Frogs

A total of 85 leopard frogs were documented (heard and/or seen) at five of the eight survey sites during all surveys at the Cutler Draw POD in 2006 (Table 2). By comparison, only 18 leopard frogs were documented at three sites during 2005. As with year one, breeding northern leopard frogs (calling males) were confirmed only at site 1. Nearly half (41 of 85) of all

Table 1. Summary of surveys conducted and habitat data collected in 2006 and the difference in wetland habitat from year one (2005) at eight survey sites on the Cutler Draw POD in northwest Campbell County, Wyoming.

Survey Sites	Water feature/primary source	Wetland persistence	Call surveys	Visual surveys	Flow	Estimated range/average water depth	Change in average water depth from 2005	Water quality	Estimated range/average vegetation cover	Change in average % vegetation cover from 2005
1*	Impoundment, fed by spring	Permanent	2	2	None	62 to 67 inches, 63 inches	+ 5 inches	Clean and clear	1-10%, 6%	- 1%
2	Impoundment, fed by runoff	Ephemeral	2	1	None	0 to 14 inches, 7 inches	- 2 inches	Clear and stained	50-85%, 71%	+ 45%
3*	Creek, supplemented by CBNG discharge	Permanent	2	2	Slow to moderate	14 to 19 inches, 15 inches	+ 2 inches	Clear to cloudy and stained	5-70%, 49%	+ 26%
4*	Creek, supplemented by CBNG discharge	Permanent	2	2	Slow to moderate	12 to 24 inches, 17 inches	+ 8 inches	Clear to cloudy and clean to stained	10-45%, 31%	+ 1%
5*	Impoundment, supplemented by CBNG discharge	Semi-permanent	2	2	None	5 to 40 inches, 28 inches	+21 inches	Clear to cloudy and clean to stained	0-40%, 14%	+ 1%
6	Impoundment, fed by runoff	Ephemeral	1	0	None	0 to 14 inches, 3 inches	-4 inches	Clean and clear	0-25%, 9%	- 5%
7*	Impoundment, fed by CBNG discharge	Permanent	2	2	None	66 to 72 inches, 67 inches	+ 13 inches	Clean and clear to cloudy	5-20%, 13%	- 2%
8	Impoundment, fed by CBNG discharge	Permanent	2	2	None	10 to 66 inches, 46 inches	NA (not established in 2005)	Clear to cloudy and clean to stained	5-35%, 15%	NA (not established in 2005)

* Sites with documented northern leopard frog occurrence in 2006.

1 M. Hubert, Department of Water from Northern Inland Flycatcher Pond

Table 2. Northern leopard frog occurrence during the first two years of monitoring at eight survey sites on the Cutler Draw POD in northwest Campbell County, Wyoming.

Survey site	Year	1 st call survey	2 nd call survey	1 st visual survey	2 nd visual survey	Total leopard frogs
1	2006	1 calling male	0	6 adults	1 adult, 8 juveniles	16
	2005	0	2 calling males	4 adults	2 adults, 2 juveniles	14*
2	2006	0	0	0	No habitat present	0
	2005	0	0	0	3 juveniles	3
3	2006	0	0	0	1 adult, 6 juveniles	7
	2005	0	0	0	0	0
4	2006	0	0	1 adult	2 adults, 7 juveniles	10
	2005	0	0	0	0	0
5	2006	0	No habitat present	0	8 adults, 3 juveniles	11
	2005	No habitat present	0	0	No habitat present	0
6	2006	0	No habitat present	No habitat present	No habitat present	0
	2005	No habitat present	No habitat present	0	No habitat present	0
7	2006	0	0	4 adults	4 adults, 33 juveniles	41
	2005	No habitat present	No habitat present	No habitat present	1 adult	1
8	2006	0	0	0	0	0
	2005	No habitat present	No habitat present	No habitat present	No habitat present	0

* Includes four leopard frogs observed at site 1 during the habitat inventory on 12 April 2005.

leopard frogs documented in 2006 occurred at site 7, and 33 of those were young of the year observed during the last visual survey. However, seven or more combined adult and juvenile leopard frogs were also recorded in 2006 at sites 1, 3, 4, and 5.

Leopard frogs were not recorded at three survey sites during 2006. Those included site 8, which was a recently constructed CBNG reservoir; and sites 2 and 6, which were dry during some or most of the surveys. However, leopard frogs were recorded at site 2 during the first year of monitoring when surface water was sustained throughout the entire survey period.

As in year one, tadpoles were abundant during the first visual survey (20 May), but many more were likely undetected because of turbid waters at most sites that resulted from the previous night's rain. As species identification at the tadpole stage is challenging and requires close visual inspection (i.e., mouth parts, digestive structures, and orientation of the eye), we did not attempt to identify all individuals that were seen. In addition, no egg masses were identified during either of the visual surveys in 2006. Visibility of egg masses during the first visual survey was also likely hindered by cloudy water conditions at most sites.

Diversity and Relative Abundance

Six amphibian species have been recorded during the first two years of monitoring at the Cutler Draw POD, and the results at each survey site are detailed in Figure 2. Northern leopard frogs and four other species of amphibians were documented during 2006. Those include the boreal chorus frog (*Pseudacris triseriata*), Woodhouse's toad (*Bufo woodhousii*), plains spadefoot (*Scaphiopus bombifrons*), and tiger salamander (*Ambystoma tigrinum*). The only species documented in 2005 and not 2006 was the Great Plains toads (*Bufo cognatus*). In addition to numerous unidentified tadpoles, nine unknown adult frogs/toads and one likely unknown juvenile were observed escaping into deeper water before they could be identified. No anuran egg masses were found during either of the visual surveys in 2006, but water conditions were less than ideal during the first survey.

Site 2 exhibited the greatest species richness in the first year of monitoring, but was among the lowest in 2006. In 2006, the greatest species richness was recorded at sites 4 (along the creek) and 7 (a recently constructed CBNG reservoir) with four and five total species, respectively. All six amphibian species documented on the Cutler Draw POD in two years of monitoring have been recorded between sites 4 and 7, which share a common drainage and are

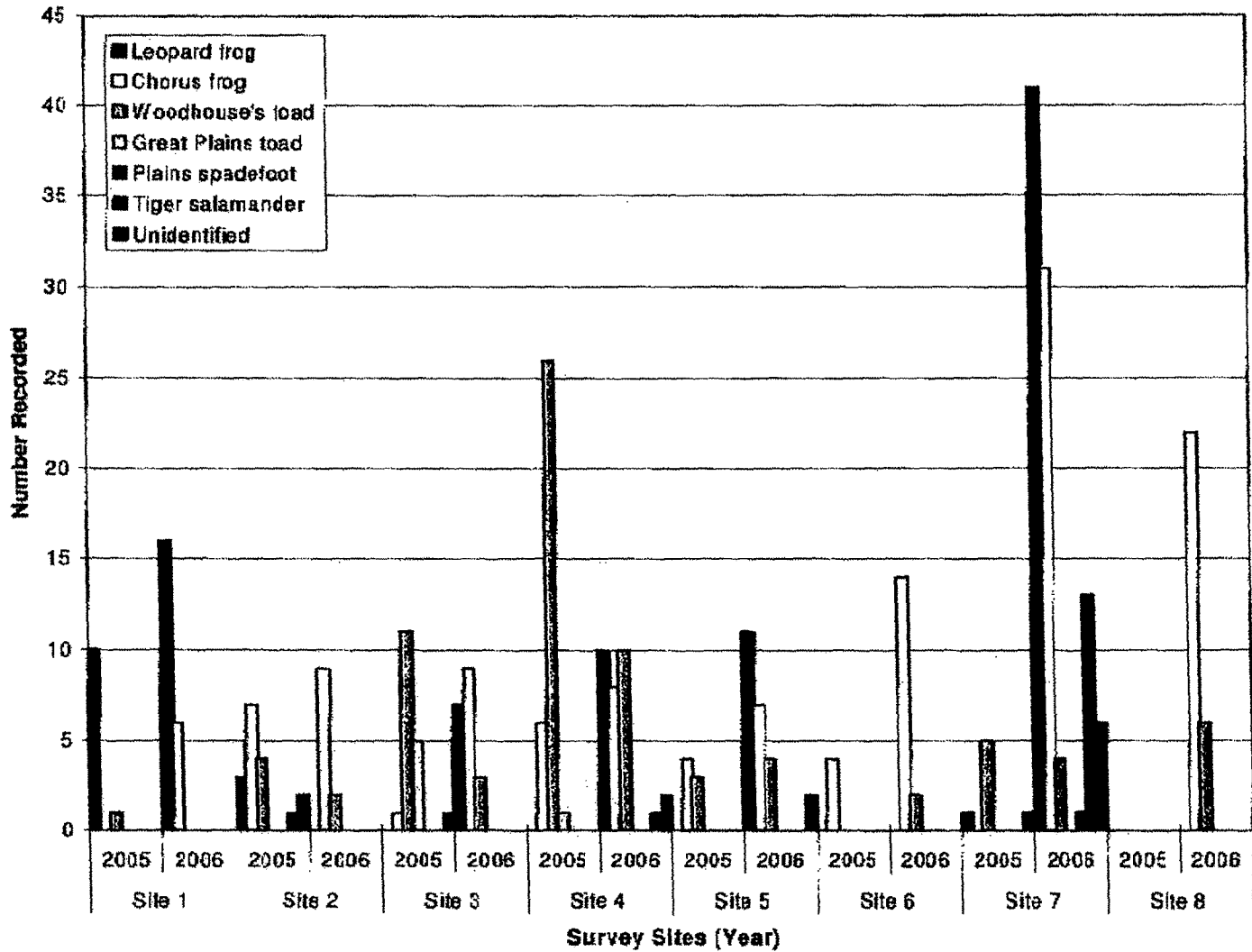


Figure 2. Amphibians recorded during northern leopard frog monitoring (2005-2006) at eight survey sites at the Cutler Draw POD in northwest Campbell County, Wyoming.

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in relatively close proximity (~ 0.3 mile apart). With the exception of site 2, where two fewer species (leopard frog and tiger salamander) were recorded in 2006, species richness at all sites was similar (sites 1 & 3) or higher (sites 4 - 7) than in year one. However, the species composition varied between years at sites 1 and 3.

The overall relative abundance of amphibians at each survey site (standardized by search time) in the first two years of monitoring at the Cutler Draw POD is detailed in Table 3. The greatest numbers of calling male amphibians were at site 5 in year one. In 2006, site 5 was much less productive with only three chorus frogs recorded during both call surveys. Interestingly, two Woodhouse's toads were observed copulating at that site during the visual survey on 20 May. Although only one call survey (26 April) was conducted at site 6 in 2006, it hosted the most calling anurans. Other sites with relatively high abundance during call surveys in 2006 included sites 7 and 8.

In addition to numerous living amphibians recorded during the visual surveys in 2006, several dead individuals were also documented. On 20 May, 13 dead tiger salamanders (1 adult and 12 large larval/neotenic stage) were found floating or beached at site 7. The cause of mortality for all could not be discerned, but the adult was relatively desiccated and appeared to have been dead for an extended period. The larval/neotenic salamanders were better preserved, as they were primarily in the water, and appeared to be more recently deceased (< 1 week). Also on that date, a dead adult salamander was recorded along the north shore of the creek at site 4. Past disturbance of the surrounding wetland vegetation indicated recent human foot traffic and the cause of mortality appeared to be from trampling. One dead adult Woodhouse's toad was also observed nearby at site 4, but it had become quite desiccated and the cause of mortality could not be determined. Finally, an additional adult Woodhouse's toad was found on the northeast shoreline of the site 8 reservoir. The cause of mortality for that individual was also unknown, as it was desiccated and appeared to have been dead for an extended period.

After standardizing for search time during visual surveys in 2006, salamanders and mature or metamorphosed frog/toads were seen most frequently at site 7. That was largely due to the number of dead tiger salamanders recorded during the first visual survey on 20 May, but also reflected the numerous adult and juvenile leopard frogs (4 and 33, respectively) documented during the second survey on 9 August. In year one, the greatest rate of visual amphibian encounters occurred at site 4, where numerous juvenile Woodhouse's toads were recorded on

Table 3. Relative abundance¹ of all amphibians in the first two years of monitoring at eight survey sites on the Cutler Draw POD in northwest Campbell County, Wyoming.

Survey sites and size of wetland survey area	Type of survey ²	Amphibians recorded per minute of survey time ³	
		2006	2005
1 (0.6 acres)	Call surveys (4)	0.70	0.20
	Visual surveys (4)	0.25	0.15
2 (0.5 acres)	Call surveys (4)	1.10	0.40
	Visual surveys (3)	0	0.26
3 (includes 50m upstream and downstream, ~ 0.3 acres)	Call surveys (4)	1.10	0.70
	Visual surveys (4)	0.19	0.15
4 (includes 50m upstream and downstream, ~ 0.3 acres)	Call surveys (4)	1.00	1.10
	Visual surveys (4)	0.35	0.34
5 (1.1 acres)	Call surveys (2)	0.30	1.40
	Visual surveys (3)	0.31	0
6 (2.4 acres)	Call surveys (1)	3.20	0.16
	Visual surveys (1)	—	—
7 (2.3 acres)	Call surveys (2)	2.70	—
	Visual surveys (3)	0.78	0.28
8 (2.3 acres)	Call surveys (2)	2.20	—
	Visual surveys (2)	0.07	—

- ¹ Tiger salamanders do not vocalize and cannot be detected during call surveys.
- ² Due to periodic dry conditions that eliminate suitable wetland habitat and the on-going construction on the POD, not all call and visual surveys were conducted at each site in the first two years of monitoring. The numbers in () indicate the combined total surveys conducted to date for each type of survey.
- ³ Standardized across survey sites by search time. All call surveys included a five-minute listening period, but visual surveys differed in time due to wetland size, shape, and the surrounding habitat. Detection rates do not include observations of tadpoles.

the last survey. Site 4 again had a high rate of visual detections in 2006, but was more uniformly divided between leopard frogs and Woodhouse's toads. Relative abundance during visual surveys in 2006 generally increased from year one at all sites except # 2, and was considerably higher at sites 5 and 7.

Overall tadpole counts during the first visual survey on 20 May were slightly less than in the first year of monitoring. As mentioned above, those results were likely influenced by murky water conditions at most sites that resulted from heavy rain runoff during the previous night. In the first year of monitoring, the greatest numbers of tadpoles (>1000) were observed at site 5. However, water conditions at that site during the first visual survey in 2006 were possibly the worst of all the sites and no tadpoles were observed. The greatest number of tadpoles (>1000) documented in 2006 occurred at site 8, where shallow, flooded upland grasslands hosted numerous individuals. Sites along the Quarter Circle Prong of Bitter Creek (3 and 4) also hosted significant numbers of tadpoles (67 and 128, respectively) on that date.

Other poikilothermic (cold-blooded) vertebrates documented during surveys in 2006 included Western painted turtles (*Chrysemys picta belli*) seen at sites 1, 7, and 8. On 20 May, two painted turtles were observed at site 1 and three others were recorded at site 8. On 9 August, one painted turtle was documented at site 7.

CONCLUSIONS

Although the occurrence of northern leopard frogs at the Cutler Draw POD in the first year of monitoring was relatively limited, colonization and/or migration to new sites within the POD was considerable in 2006. The total number of leopard frogs recorded during the course of surveys in spring/summer 2006 represented a 472% increase over 2005 results. Additionally, three new sites (3, 4, and 5) hosted leopard frogs in 2006, amounting to six of the eight total survey sites utilized by leopard frogs during the first two year of monitoring. Interestingly, several leopard frogs were recorded at the creek sites (3 and 4) in 2006. While those individuals were found primarily adjacent to pools and the slower waters along the creek, their occurrence there is noteworthy because the species is generally not associated with lotic (moving) waters during emergence and cannot effectively winter in those habitats (Wagner 1997 and Wright and Wright 1995, but also see Kendall 2002). Documented breeding (calling males) of northern leopard frogs was again minimal in 2006 (recorded at only site 1 in both years), but the presence

of adult leopard frogs during visual surveys at several other sites suggests greater breeding efforts than revealed by the call surveys alone. Considerable numbers of adult leopard frogs (> 2) were documented at three sites (1, 5, and 7) in 2006, with lower totals (< 2) recorded at two additional sites (3 and 4). Furthermore, several of the reservoirs associated with the Cutler Draw POD were sufficiently deep to potentially host wintering leopard frogs.

The only site where leopard frogs were documented in 2005 and not 2006 was site 2. Although wetland vegetation was more prevalent at site 2 in 2006, availability of surface water declined dramatically after call surveys and the site was completely dry during the last visual survey. In addition, cattle were present at or near the site during three of the four surveys and evidence of heavy cattle use (tracks, trampled vegetation, feces, stained water) was present in and around the wetland on all visits.

No leopard frogs were documented in either of the first two years of monitoring at sites 6 and 8. Site 6 has only hosted surface water and suitable wetland habitat during two of the eight survey dates in those years. Site 8 was the most recently established suitable habitat, as it was constructed and did not begin receiving discharge water until after the 2005 surveys.

As in the first year of monitoring, the relative abundance of other amphibian species at the Cutler Draw POD in 2006 was not strongly correlated with the relative abundance of northern leopard frogs. Although most sites where leopard frogs occurred in 2006 (with the exception of site 1) generally hosted several other species (primarily chorus frogs and Woodhouse's toads), the greatest species richness did not necessarily coincide with greater occurrences of leopard frogs. While site 7 boasted the highest diversity and the greatest number of leopard frogs, the site with the second highest leopard frog counts (16) hosted only one additional species.

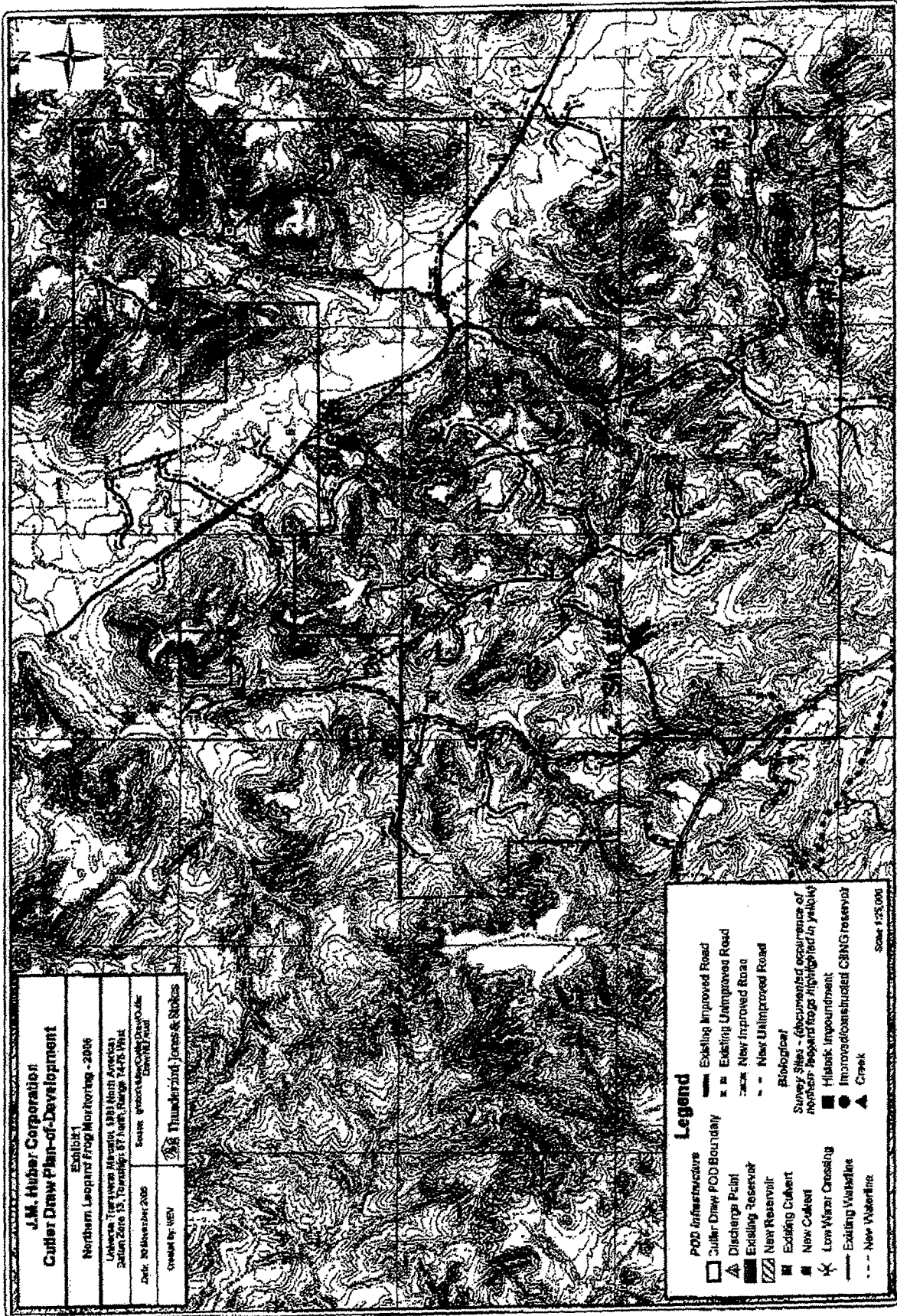
All sites except site 2 boasted equal or increased species richness during the second year of surveys. Sites 4 and 7 were particularly rich, with every amphibian species expected in the region occurring between those two sites. More importantly, it may also suggest that certain CBNG reservoirs properly placed within the appropriate watershed could possibly have substantial benefits for several amphibian species and the overall diversity of aquatic wildlife.

As stated in the previous report, several aspects of this project constrain present and future analyses, and the potential for extrapolating results across a broader geographical range. Without statistical compensation for the differences in detectability among habitats, species, and

even life stages of a single species, comparisons among those factors must be done with caution. Moreover, this study design has a limited capacity to address mechanisms (CBNG related or otherwise) that may regulate amphibian populations. Effects specific to water chemistry, parasite loading, pathogens, and predation are important considerations that are beyond the scope of this project.

LITERATURE CITED

- Kendall, K. 2002. Survey protocol for the northern leopard frog. Alberta Sustainable Resource Development, Fish and Wildlife Division, Alberta Species at Risk Report No. 43, Edmonton, Alberta. 30 pages.
- Wagner, G. 1997. Status of the Northern Leopard Frog (*Rana pipiens*) in Alberta. Alberta Environmental Protection, Wildlife Management Division, Wildlife Status Report No. 9, Edmonton, Alberta. 46 pages.
- Wright, A. H. & Wright, A. A. 1995. Handbook of frogs and toads of the United States and Canada. Comstock Publishing Company, Ithaca, New York. 640 pages.



J.M. Huber Corporation
Culter Draw Plan-of-Development
 Exhibit 1
 Northern Leopards Frog Mortaring - 2006
 University of Wyoming, 1001 North American
 Station, Suite 15, Torrington WY 82401
 Date: 20 November 2005
 Source: Google Earth Data
 Created by: WBY
 Prepared by: Jones & Stokes

- Legend**
- POB Infrastructure
 - Culter Draw POB Boundary
 - ▲ Discharge Point
 - ▨ Existing Reservoir
 - ▩ New Reservoir
 - ▧ Existing Culvert
 - New Culvert
 - ✦ Low Water Crossing
 - Existing Waterline
 - - - New Waterline
 - Existing Improved Road
 - ▤ Existing Unimproved Road
 - - - New Improved Road
 - - - New Unimproved Road
 - Biological
 - Survey Sites - (documented occurrence of northern leopard frog highlighted in yellow)
 - Historic Impoundment
 - Impoundment/consistent CSING reservoir
 - ▲ Creek
- Scale: 1:25,000

Andrew Strike
Project Hydrogeologist
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FEB 14 2007

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Mr. Mark Gordon, Chairman
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Fax - 307.777-6134

Dear Mr. Chairman:

I am writing to voice my opinion concerning the Chapter 1, Section 20, "Ag Use Protection Policy", currently under consideration by your Board. It is my opinion, and the opinion of many landowners currently receiving discharged CBM-related water, that the rule will create more damage than good throughout the Powder River Basin. I am against instituting this policy without further review of the effects of the decision.

I am a graduate of the University of Wyoming, having been awarded dual bachelors in Environmental Geology/Geohydrology and Geology, with a masters degree in Structural Geology/Tectonics. I manage an engineering firm based in Lander, and help to oversee a 20-person firm of employees and contractors involved in assessing and instituting water management plans in the Gillette Area for numerous CBM operators. This work has been underway for approximately 8 years, during which we have surveyed, designed, permitted, and had a large hand in constructing thousands of discharge-related reservoirs.

Many of these structures were existing, and required upgrade to meet already stringent regulation by the DEQ, State Engineer's Office and Wyoming Oil and Gas Conservation Commission. While the work has had the effect of servicing the needs of operators for water-storage, we have always made an attempt to maximize involvement by the landowners in placing reservoirs to most effectively utilize the storage for them for long-term operation of their ranch. Landowners have not traditionally had the resources to develop/build reservoirs to store runoff in a safe manner under the current regulations of the State. Because many landowners do not have mineral rights under their property, this is a very effective way of maintaining the value of the development on their property. However, the section of the policy related to the protection of "naturally irrigated lands" is scientifically flawed and would bring to a halt all the most useful reservoir-enhancement projects we have ever done.

The concept of natural irrigation is wonderful, and, were it present and active on a regular basis, would no doubt make these arid lands of the State a boon to the landowner such that they could subsist nicely without any reservoirs at all. However, and I am sure this point will be made

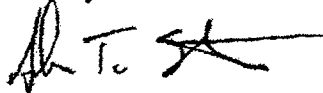
during tomorrow and Friday's presentations, it does not occur the way you have been led to believe. The stream channels in the Gillette area normally consist of either: 1) swales that do not see enough runoff to develop a channel, or 2) narrow, deep channels that get a high volume of flow for very short durations. The grasses along the banks of the second type of channel are not irrigated consistently or with enough duration to allow for grass growth. For these types of channel systems to irrigate land, they require installation of a spreader dike or check dam to spread the flow overbank and allow for slow inundation (typically 6-hours at a minimum). These structures allow for beneficial use of the water and have to be permitted with the State Engineer's Office. The SEO decides whether or not the system will be allowed based on the amount of irrigation currently under development, and in accord with the numerous Compacts we have with adjacent States. It also requires an orderly review system within the drainage, establishment of a water right, and a defined amount of water that can be used from the system

However, the manmade system described is currently being threatened by your policy. It can now be brought before your council that lands under anyone's ownership in any drainage "might" be naturally irrigated and thus need "protection" from the effects of CBM water. They want upstream landowners to store a 50 yr-24 hour storm event in reservoirs upstream (in addition to the water stored for CBM development). Not only is this proposed storm event arbitrary and capricious, in most cases, if a reservoir is built in a position that is good for the landowner long-term (approx 1/2 sq-mile in drainage area), there is no way to store the volume of a 50-yr event in the reservoir. Even if such a structure can be built, it is left mostly empty. Storm events will occur, and might fill the site up, but none of that water will make it down to the potentially irrigated section. How is that protecting the irrigation use? It seems more likely to me that this is a way to stop reservoir construction --- also known as...my livelihood.

My wife is currently attending law school in Wyoming, and we both have plans to stay in this state and become productive, influential people in our communities. Thus far, we have been lucky enough to do this based solely on the compensation I have been receiving for doing my job, and doing it with respect for the landowners that live in this area. Now you are proposing I tell these landowners that in order to develop minerals and fill the coffers of our state on their property, we will need to treat the water to levels more stringent than the water we drink, dump it in the creek, send it to a neighboring state, and never utilize it on their property. I think this a direct threat to my job, a slap in the face to the landowners that benefit from this development, and a threat to future prosperity for our state as a whole. I thus request that you suspend instituting this policy until such time as we can go forward in a manner that actually takes into account some basic, scientifically defensible, assumptions.

Please contact me for additional testimony, research, or clarification of any questions you might have concerning this issue.

Thank you for consideration of my comment,



2-14-2007

Andrew Strike

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002
By Fax and Hard Copy

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

I am writing this letter with concern. I am concerned about the Ag Use Protection Policy / Rule and the effects it will have on landowners in the state of Wyoming. This policy / rule does not protect the beneficially used reservoirs that are already in place and would inhibit the future construction of these valuable resources. Many if not all of these reservoirs would have to remain empty or hold a very small amount of produced water in order to contain the 50 year / 24 hour storm event. In essence, these reservoirs would be empty until such an event occurs. Many landowners rely on these reservoirs to water their livestock and wildlife and cannot wait in terms of years for water. While the reservoir does not have to be removed, it also can't be used. According to the policy/ rule, water meeting extremely stringent limits could be used in reservoirs not required to contain the 50 year / 24 hour storm event, or the water could be sent to off channel pits. Landowners do not generally want pits or reservoirs that do not capture drainage water. This proposed policy / rule would require operators to build structures that would not be beneficial to landowners after there is no produced water, or after produced water has declined in flow. These structures would then have to be reclaimed. While current reservoirs, for the most part, would be vastly beneficial to landowners even if there was no produced water in them.

In order to use these reservoirs, water quality limits that are unreasonable must be met. The proposed water quality limits would be too stringent to economically meet in an industry that already has vast regulatory requirements. These proposed limits, are not even reached with natural flow. Almost any storm that flows down drainage and into these reservoirs could not meet the E.C. limit proposed.

The theory of this policy / rule is to protect "Ag Use", but in reality what it does is eliminate the beneficial use of reservoirs to landowners. An empty reservoir, waiting to be filled by a 50 year / 24 hour storm event, is a detriment to a landowner not a benefit. Another possibly unseen effect of the policy / rule would be that a single landowner downstream of many others could be responsible for how the upstream landowners would be required to manage water on their own property, even if not a drop of water was to pass over the property line. This would not let landowners manage their own property.

The water management of coal bed natural gas needs to be regulated by landowners and operators with beneficial use in mind. Reservoirs can be a benefit for many years to come, even after coal bed natural gas produced water is gone. In order for those reservoirs to be a benefit, they must be able to capture natural flow. This proposal would effectively stop the construction of this type of containment structure and force most existing reservoirs to be removed and reclaimed. Removing these structures would stop benefits from natural flows from helping landowners with water needs for years to come.

Thank you for taking the time to review this letter.

Sincerely,



Cassidy Westbrook
1215 Middle Fork Drive
Gillette, Wyoming 82718
Email: cswestbrook@hotmail.com

February 14, 2007

Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY. 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Gordon,


I oppose the rulemaking suggestions entitled Chapter 1 Section 20 rulemaking. I was actively involved in the Oil & Gas Industry for 27 years. I lost my husband to stomach cancer in 2003 so at that time I moved somewhat away from the industry. Since I am a resident of Campbell County it is just natural that I have come full circle and am now involved in the Energy Industry again. The impact of the rulemaking would effectively shut the CBM industry in the Basin once again destroying economic futures of thousands of people in the surrounding area and eventually destroy the economy of the State of Wyoming.

Please base your rulemaking on the Montana soil samples and not the samples from California. Using California samples is like comparing apples to oranges. I understand that Industry needs policies and procedures to follow but lets me rational and adult about the policies.

Asking industry to prepare for the 50 year/ 24 hour rain event is ludicrous. If this type event would ever occur most people would be watching there homes, outbuildings, and vehicles float down the drainages at that point and would not really be really concerned about water quality only about quantity.

In summary, please do not incorporate the rulemaking suggestions that have been put before you. The Operators in the Basin have enough regulatory burden already. They to are a business that looks after the bottom line also; after a time they to will be forced to close the doors and the economic impact will truly shake the nation. In a time of war it seems impractical to be putting ourselves in a position where we really do have to rely on imported fuel.

Respectfully,


Shirley Schafer
PO Box 2680
Gillette, WY 82717
307-686-2398

cc: Governors Office
State Senator

February 14, 2007

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FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Policy/Rulemaking on Chapter 1, Section 20- "Ag Use Protection Policy"

Dear Mr. Gordon,

I am writing to voice my opinion about the above issue. I feel that water management decisions need to be left to the landowners and operators. Reservoirs need to remain a viable water management tool without being required to contain the 50 year/24 hour flood event and all of produced water.

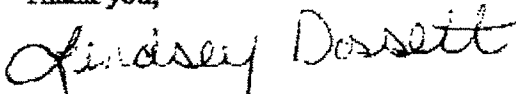
The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should consider the advice of the WWAB.

The "Ag Use Protection Policy" will make it difficult for operators to drill or construct projects until they have a water management plan that they count on. That will make operators go away, and which in turn will make jobs go away.

I am not a surface owner, I am not a mineral owner, and I am a person that has a job mapping for the CBM industry. My job is providing me with the security to be a first time home buyer, and to be the best provider I can be to my soon to be daughter.

I strongly feel that this policy/rule should not be able to go through. I appreciate your time in hearing my thought and opinions.

Thank you,



Lindsey Dossett

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W 25th St
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: PUBLIC COMMENT TO:

Citizen Petition for Rulemaking-Powder River Basin Resource Council et. Al-
Revision Version-WQD Chapter 2-"Ag-Use Policy"

Dear Mr. Gordon,

I would like to respectfully object to the current revisions that are proposed to the Council by a few landowners to make more strict limits on discharges from groundwater sources. Approval of this request would have very devastating effect on the CBM industry and supporting business' across the state. It would also require a much larger effort in manpower and resources to regulate the rules that are proposed. The rule as proposed will set water quality limits that are so stringent that water appropriation as we know it will cease.

As a Professional Engineer who was responsible for enforcing WDEQ Water Quality rules and regulations in the Powder River Basin over the past 5 years I cannot understand how new water quality limits can be considered based upon recommendations that seem to be "taken from the heart". Scientific research should be the only method for revisions to standards that have been in place and serving the Waters of State for over 20 years. I also cannot understand how the current process meets the requirements that govern the procedure to make changes to existing rules. The authority to make environmental policy as well as the procedure to change current rules is outlined in the Wyoming Quality Act, Title 35 of Wyoming State Statutes Article 11.

The Administrator's authority to recommend standards, rules, regulations or permits is specifically defined in *Wyoming State Statute 35-11-302 Part (a)*

(vi). This statute requires that in recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all facts and circumstances bearing upon the reasonableness of the pollution involved including:

- (A) The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected;*
- (B) The social and economic value of the source of pollution;*
- (C) The priority of location in the area involved;*
- (D) The technical practicability and economic reasonableness of reducing or eliminating the source of the pollution; and*
- (E) The effect upon the environment.*

And

(v) Such reasonable time as may be necessary for owners and operators of pollution sources to comply with rules, regulations, standards or permits

Making this rule change will make all waters that are brought to the surface from an underground source a wastewater (pollution). Adoption of this policy to a rule at this time would not be based upon sound science. The information the Council is using to consider this rule is based upon studies from sources that are very limited in the number. The research is not clear as to how it compares to the area of consideration (Power River Basin).

I have a large stake in the result of your actions, I am now employed by a CRM production company. My kids are educated by the teachers in the new schools that continue to be funded by the industry that is targeted in this policy. Changing a rule to eliminate an industry, CBN, will also again push our young professionals to other states for meaningful employment.

I have worked the WDEQ regulation side of the arena and understand that defining any water as a waste without very sound scientific evidence will have negative results for the public and government. The State of Wyoming will monetarily and socially suffer from the result of foolish rule making that is not based upon the science.

Please carefully consider you vote on the Section 20 revisions proposed with the "Ag Use Policy". Consider *the technical practicability and economic reasonableness of reducing or eliminating the source of the pollution*. Just remember that the pollution here must first be defined.

Thank you

Sincerely,



Rick J. Estes, P.E.
Sheridan Wyoming

February 14, 2007

Mr. Mark Gordon
Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007
Terri A. Lorenzon, Director
Environmental Quality Council

Wyoming Department of Environmental Quality
Water Quality Division - Attention Bill Dirienzo
Herschler Building, 4th Floor West
122 West 25th Street
Cheyenne, Wyoming 82002
Fax - 307-777-5973

RE: Proposed rulemaking to Chapter 1, Section 20

Dear Mr. Gordon and Mr. Dirienzo:

I have recently learned of the proposed rulemaking to chapter 1, section 20 (referred to as the Ag Protection Policy). As I looked over the facts surrounding this issue I became very concerned about the potential effects this could have on CBM producers and current users of produced CBM discharge.

This policy has set default limits for EC and SAR based on a study of California soils and vegetation, and it has ignored data from a study which uses similar soils and vegetation (performed in Bridger Montana). The Bridger Montana study has concluded that soils, similar to what we have in Wyoming, have the ability to accept water of higher EC and SAR values and still maintain their productivity. The higher EC and SAR values would not allow discharge of any produced water; however, the limits would be far more economic for the majority of the Basin's outfalls.

Coal Bed Methane is an important natural resource that provides large revenues for the Federal and State governments and supports many private individuals. Economics are an important consideration in any business venture; as operators are forced to spend more to produce the same amount of gas the economics diminish their ability to produce this gas. In the event that operators are forced to treat all of their produced water, many fields would become uneconomic and their gas resource would be lost. The landowners right to use the produced water from these fields would also be lost.

This proposed rulemaking also states that if the default limits cannot be met the produced water could be contained in a reservoir if enough freeboard is left to contain the 50 year 24 hour storm event. This was proposed to protect the downstream irrigation from the produced water contained in the reservoirs. This seems contradictory; if enough freeboard is left to contain the 50 year event no water will reach the downstream

irrigation during the storm event. Instead of protecting the downstream irrigation this policy effectively eliminates it.

Under the policy an operator can treat their produced water and discharge it into a reservoir without maintaining the 50 year freeboard. The economics of treating water and then discharging it into a reservoir, that had substantial cost associated with its construction, do not add up to the cost effective production of gas. This seems to me that it would eliminate the use of reservoirs as operators could not afford to both treat water and build reservoirs. Under this new scenario I see two different options for the downstream irrigators; either they receive no water (with reservoirs with enough freeboard for the 50 year storm), or they have a continual stream of water flowing over their bottomlands (from the treatment facilities). Neither of these options seem to me as a protection for the downstream irrigators.

I would encourage you to look at the studies that were performed on similar soils and vegetation; I think these are the most accurate representation of the situation we are facing in the Powder River Basin. I support the idea of developing these natural resources in a responsible manner; however, I don't see this policy as ensuring responsible development. I see this policy as limiting the beneficial use of the water resource for many landowners that have come to depend on it.

Thank you for taking the time to read my comment.

Respectfully,

Jebediah Tachick
Regulatory Agent
Yates Petroleum

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

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

Mr. Mark Gordon:

I am against the content in Senate File 0055. It behooves us to wait and hear what the recommendations of the Coal Bed Methane Task Force are. This is not something to rush into. The decisions made here will have far reaching and lasting effects.

There are other entities involved here also. I would certainly hope common sense, in short supply these days, would hold sway.

We must remember this is Wyoming and not California. What works there probably won't fit Wyoming's various types of soils, climate, plants and animals. Wildlife, for one, in this state, have lived on this water for eons. To think that now they can't drink the water they've always had available is ludicrous.

Countless jobs and futures of the people of Wyoming depend on these decisions. They shouldn't be taken lightly.

Sincerely,
Sandra J. Smith

Sandra J. Smith

February 14, 2007

Mr. Mark Gordon
Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg. Rm. 1714
Cheyenne, WY 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Proposed Section 20, Appendix H – Agricultural Use Protection

Dear Mr. Gordon;

I respectfully submit for your consideration the following comments regarding Section 20 Agricultural Use Protection Policy.

I have been a Campbell County resident my entire life of 45 years. I have worked for a Wyoming Company, Energy Laboratories, Inc. (E.L.I.), for 23 years, the past 20 years serving as the Laboratory Manager. This company is a full service environmental laboratory. As a lifetime Wyoming resident I have great respect for the environment and all of the wonderful activities that it provides along with a wonderful place to raise a family. I take great pride in helping many industries and individuals solve their environmental issues. I firmly believe that the CBM industry should be very closely regulated as not to damage any part of the environment. That being said, it must be done in a fair and responsible manner. During my 23 year employment with ELI, I have analyzed and studied thousands of water, soil, oil & gas, hazardous waste etc. samples and projects.

First, there has not been enough scientific study or investigation to support the effluent contaminant levels proposed and furthermore much of what is used isn't pertinent to this area, our climate, nor the plants grown here. I won't list the many concerns I have with these limits but here is one example. The proposed limit for Barium is 200 ug/L. The "Safe Water Drinking Act" has a limit of 2,000 ug/L. Wyoming Chapter 1 Rule, Quality Standards for Wyoming Surface Waters; Non-Priority Pollutants, has a limit of 2,000 ug/L. Wyoming Chapter 8 Rule, Quality Standards for Wyoming Groundwaters, does not list a limit for livestock classification period.

Second, I personally witnessed Mrs. Glessie Clabaugh say "I never verbally, written or otherwise agreed to be a part of the Petition to Amend Wyoming Water Quality Rule, Chapter 2, Appendix H. My son and daughter work in the CBM industry and are doing well. I have no problem with the Methane. I found out my name was on the petition when a friend pointed it out to me." I cannot help but wonder if the other nine Landowners are of similar consequence. Furthermore, how much should be made of a petition that clearly has no credibility?

Third, DEQ Director John Corra in a letter dated January 24, 2007 wrote, "Unless it is the Council's intent to prohibit surface discharge of CBM water to the surface, the proposed rule is unworkable." According to most operators there isn't an economical way of managing the water in the manner described in this petition. Therefore this petition would likely have the effect of shutting down this industry, its jobs, and eliminate enormous revenue to the state of Wyoming. I respectfully remind you that Methane is a clean burning fuel. America is the world's largest energy consumer and will get it from somewhere; I suggest we utilize the cleanest possible fuels available.

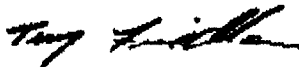
Fourth, I have heard testimony from many Landowners that believe this petition will also have the affect of severely limiting their resource management capabilities such as forage, wildlife, recreation, soil quality, etc. as well as the water which, by the way, is the only resource of consideration in the petition. It is a well-known fact amongst environmentalists, landowners, agriculturalists, and scientists, among others, that ALL resources be managed in conjunction as they each affect the others. I urge you to talk with many of them to ascertain their mainstream concerns, ideas, and beliefs.

Fifth, the 50-year containment option is simply absurd and has no legal or factual basis. The CBM industry most definitely does not even have a 50-year life in the Powder River Basin. The DEQ has failed to consider the *technical practicability and economic reasonableness* of requiring 50-year containment according to W.S. 35-11-302(a)(vi)(D).

Sixth, I ask you what is the difference between the water produced by the CBM industry and the water produced by the Agricultural industry for watering livestock and irrigation? Allow me to answer that armed with water analysis data from thousands of waters in either category. First, a note: A very large portion of the Agricultural water produced for livestock watering and irrigation is of unknown quality, as it is not regulated and thereby not analyzed. In general there is Agricultural water of higher quality than the typical CBM water, the same quality as it is produced from the same coal zones, and much lower quality. Without querying all of the data in our database I want to be a bit careful with this statement, however I'm certain that a high percentage of the Agricultural and rural private produced water fits into the latter, lower quality, category. I would gladly put together unbiased water quality data given more time, and written permission from the ownership of said data.

I would like to thank you for your time and consideration of my letter and for the service you provide as councilmen and woman. You are tasked with incredibly difficult decisions that affect thousands of people and likely do not get the respect you rightfully deserve.

Best Regards,



Terry Friedlan
Energy Laboratories, Inc.
Laboratory Manager

February 14, 2007
Via Facsimile (307-777-6134) and regular Mail

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FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W 25th St, Herschler Building, Room 1714
Cheyenne, Wy 82002

Terri A. Lorenzon, Director
Environmental Quality Council

Re: Proposed Section 20, Agricultural Use Protection Policy

Dear Mr. Gordon

I respectfully submit for your consideration the following comments regarding the proposed changes to the Section 20, Agricultural Use Protection Policy.

Please use the recommendations from Mr. Harvey's (KC Harvey, LLC) study in the process of decision making for establishing the EC and SAR default limits for end of pipe water quality. Overly restrictive water quality limits have the potential of causing current discharges and future discharges of water to no longer be available for providing water to livestock, wildlife, and for irrigation without additional treatment. The water that is being pumped to the surface from the coal is of better quality in many instances than the water that has been used in the past prior to coal bed natural gas development and the idea of having to possibly treat to meet overly restrictive regulations is a waste of additional resources.

The Water and Waste Advisory Board suggested to WYDEQ that they consider water quality standards based on the Bridger Montana Study. As the Board pointed out this study at Bridger would definitely be more representative of the soils found here in our State vs. the State of California. Please consider the good advice of the Water and Waste Water Advisory Board in your decision making.

The proposed rule seems to be inconsiderate of the property owners that have use for the water and want to continue there right to do so. As proposed Appendix H will interfere with the livelihoods of many land owners who currently rely on the produced water to enhance ranching operations. The proposed idea of building reservoir sites in the drainages that will contain a 50 yr/ 24 hr precipitation event and the produced water is just not reasonable. Many of the areas that land owners would prefer operators build reservoirs would be eliminated as an option because of this rule. The property owners ability to manage the water resource and grazing of there pastures would be significantly impacted by this rule. Please keep in mind the operators and property owners need water management tools they can work with to compliment each other, and this proposed rule is not that tool.

Thank you for the opportunity to comment.
Sincerely,


Boyd Abelseth

3417 Cameo Ct.
Gillette, WY 82718
February 14, 2007

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FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 West 25th St.
Herschler Building, Room 1714
Cheyenne, WY 82002

Terri A. Lorenzon, Director
Environmental Quality Council

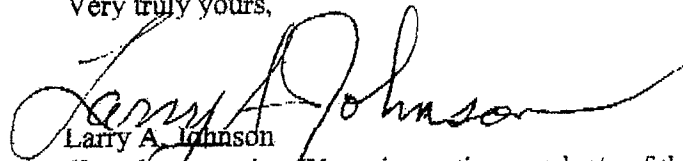
Re: Citizen Petition for Rulemaking – Powder River Basin Resource Council

Dear Mr. Gordon:

Unless it is your intent to prohibit the surface discharge of CBM water I believe the EQC has no choice but to deny the PRBRC's Citizen Petition for Rulemaking.

You've heard all of the testimony and read the letters from Mr. Cora and his crew at the WYDEQ and, possibly, even a few letters from a pro-CBM law firm or two. Out of all of this information we have heard recently, it appears to me that even the current WYDEQ rules are suspect given (1) the effluent limits from the Water Quality Division were based *not* on tolerances of native Wyoming plants, but on tolerances of plants grown in California soils, or (2) basing reservoir containment volumes on 50 year events where there is absolutely no basis for that. It is clear to me that no one knows the true and correct answers of the cumulative effects of water discharges, CBM or otherwise. To compensate for our collective lack of knowledge, someone picks a number and then makes it 30% more conservative just to cover their unknowns. My hope is that common sense will prevail and I encourage you and the EQC to use your common sense and keep Wyoming moving forward.

Very truly yours,



Larry A. Johnson

(Fourth generation Wyoming native; graduate of the University of Wyoming; worked in the Wyoming oil and gas industry over 32 years.)

cc: Mr. Dirienzo, WYDEQ WQD

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FEB 14 2007 February 14, 2007

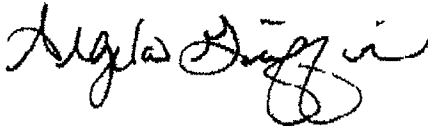
Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

Mr. Mark Gordon:

I am opposed to the section 20 rule because of the harm that it will cause to the economy and State of Wyoming. The CBM industry has provided numerous jobs for Sheridan and the state of Wyoming. It's very simple: more jobs = more money. All businesses have increased profits by the increased cash flow from the industry. This rule will not only effect CBM industry, but harm ranchers as well. Once again, I strongly oppose the section 20 rule.

Angela Griffin



14 February, 2007

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

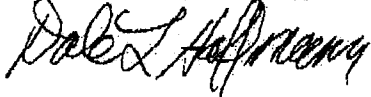
FAX: 307-777-6134

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations – will not allow any discharge of produced water. Period. None of the CBM water in the Powder River Basin or even groundwater elsewhere in Wyoming – including that in existing ranch stock tanks used for stock watering will meet proposed water quality standards. This means those ranchers, CBM producers, or any other party who discharges groundwater to the surface in Wyoming will no longer be able to continue doing so.

Mr. Mark Gordon,

I am against this proposed rule change. It would have a negative effect on my employment in the CBM industry, and any other person that produces ground water for beneficial use. What about all the natural occurring spring water? Are they proposing to stop that also?

Dale L. Hoffmann, P.E.



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FEB 14 2007

Terri A. Lorenzen, Director
Environmental Quality Council

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Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
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FAX: 307-777-6134

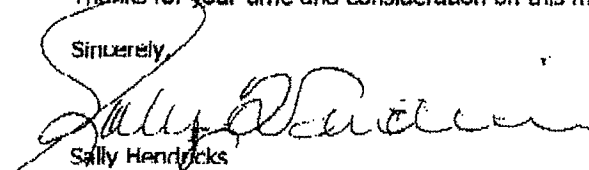
RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations - will not allow any discharge of produced water. Period. None of the CBM water in the Powder River Basin or even groundwater elsewhere in WY - including that in existing ranch stock tanks used for stock watering - will meet proposed water quality standards. This means that ranchers, CBM producers, or any other party who discharges groundwater to the surface in Wyoming will no longer be able to continue doing so.

Mr. Mark Gordon,

I oppose this rule it threatens my job and my family's well being. CBM has brought so much growth to the State of Wyoming and not to mention all the REVUENUE, which Wyoming now enjoys. Schools, roads, housing and so many jobs are being created by the ability to use/produce materials or contained in the ground her in Wyoming.

Thanks for your time and consideration on this matter.

Sincerely,



Sally Hendricks
Working, living, playing and paying taxes in Sheridan, Wyoming

**Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002**

FAX: 307-777-6134

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations

Mr. Mark Gordon,

I am opposed to the proposed section 20 rule changes because it puts my career in jeopardy and I have a hungry family to feed and support. Furthermore, this will cause great harm to the agricultural community.

Thanks for your considerations on this matter.

Sincerely,



Ricky Hendricks
42 Lower Prairie Dog Road
Sheridan, WY 82801

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

FAX: 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations - will not allow any discharge of produced water. Period. None of the CBM water in the Powder River Basin or even groundwater elsewhere in WY including that in existing ranch stock tanks used for stock watering - will meet proposed water quality standards. This means that ranchers, CBM producers, or any other party who discharges groundwater to the surface in Wyoming will no longer be able to continue doing so.

Mr. Mark Gordon,

Stop this action and send a message to the Powder River Basin Resource Council that Wyoming is interested in developing a sound Coal Bed Methane industry based on science and engineering and not on fear or personal feelings. CBM is both, good for the State of Wyoming and the people who live and work here. Jobs, taxes, and opportunities are abundant in a thriving economy, which Wyoming now enjoys, in part thanks to CBM. Schools, roads, housing and jobs are being built and created by the ability to use and produce materials provided or contained in the ground here in Wyoming.

The Powder River Basin Resource Council is trying to stop CBM development and in turn ruin the ability of the Wyoming farm and ranch community from raising and caring for their crops or livestock operations, which in turn, provides a living and a way of life for their families.

Look at Senate File 055, which was voted down on January 19, 2007. The members of that committee stated that the CBM Task Force was addressing the issue and their recommendations would be used.

The water produced from CBM benefits both the agricultural industry and the Wyoming wildlife. Water is put to good use as stock and wildlife water and crop or range irrigation. The science is in place, which allows the land application of this water to not only raise a crop but to increase the protein content and the amount of harvestable product. The soils are treated and enhanced and life goes on. The wildlife utilizes the water and feed and thus thrives. Streams are not degraded, as the PRBRC wants us to believe. There are no significant changes in stream water, which would harm or threaten Wyoming's wildlife or the agricultural industry.

Thanks for your considerations on this matter.

Sincerely,



Sally Hendricks

Working, living, playing and paying taxes in Sheridan, Wyoming

February 14, 2007

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FEB 14 2007

Attention:
Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

Terri A. Lorenzon, Director
Environmental Quality Council

My name is Mark van Houten. I am the Production Analyst for Baker Energy and am very much opposed to the proposed section 20 rule changes. The Coal Bed Methane industry pays by bills and generates much need funds for the economy of Wyoming. The proposed section 20 rule changes have the following big implications: My job and my co-workers jobs are being put in jeopardy as well as many in the agricultural and ranching communities. The infrastructure of Wyoming would suffer greatly without the finding generated by the coal-bed methane industry. These proposed section 20 rule changes appear to cater to a few disgruntled people who think that shutting down the coal-bed methane industry will solve all of their problems. What they fail to see due to their very narrow viewpoint is that they will be creating far more problems than they are solving. I strongly urge you to vote no to the proposed section 20 rule changes.

Sincerely,


Mark D. van Houten

February 14, 2007

Mike and Beth Jaeger
2614 Arrowhead Drive
Rapid, City SD 57702

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Gordon:

We have reviewed the proposed Section 20 rule changes. We are in opposition to the Section 20 proposed rule changes for the following reasons:

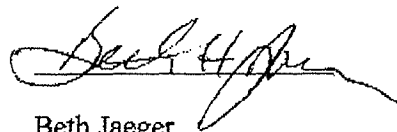
- Several members of our family are employed in the CBM industry, and we are thankful for the job opportunity which allows us to meet our financial obligations. The proposed Section 20 rule changes places ours and many other families' financial stability at risk. Ultimately this will cause great harm to the economy in the state of Wyoming.
- Ranchers work extremely hard to realize a financial profit in their businesses and the proposed Section 20 rule changes will not allow them to have the liberty to utilize resources that belong to them; namely their own water on their own land as they see fit. The rule changes will hinder, not help current agricultural practices in the state. Using their own resources as they see fit has allowed many ranchers to stay in business and avoid foreclosure, especially since the current drought has been of such long duration.

We appreciate you passing our opposition and comments on to the appropriate party.

Sincerely,



Mike Jaeger



Beth Jaeger

222 S. GILLETTE AVE., STE. 502
GILLETTE, WY 82716

OFFICE: 307-686-2082
FAX: 307-686-0565



COLEMAN OIL & GAS, INC.

February 14, 2007

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 W 25th St.
Herschler Building, Room 1714
Cheyenne, WY 82002

Re: Citizen Petition for Rulemaking
Powder River Basin Resource Council
et al - Revised Version - WQD Chapter 2

Dear Mr. Gordon:

This is my second letter to you regarding the PRBRC's proposed rule change. I am against amending the Wyoming Water Quality Rules.

The proposed rule has dire consequences for the coal bed methane industry in the Power River Basin. In many instances the consequences will be equally dire on local ranches.

Coleman Oil and Gas has operated in the Powder River Basin for the past eight years, although I have been a Campbell County resident for thirty years. Last year we paid about two million dollars to Campbell County in personal property and ad valorem tax; this payment is solely from our CBM operation.

It is my opinion that the petition is directed exclusively at the development in northeast Wyoming for the sole purpose of stopping development. Coal bed methane is a very valuable resource for the nation and I think we have shown from the past eight year history that we can develop it responsibly.

If you would like to discuss this matter with me personally, please feel free to contact me at 307-686-2082.

Sincerely,

Robert G. Vergnani
Operations Manager
Coleman Oil and Gas, Inc.



Weatherford
Artificial Lift Systems

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

2-14-07

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
172 W 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax 307.777.6134

Subject: Chapter 1, Section 20 and Ag Use Protection Policy

Mr. Mark Gordon

I am writing this letter to express my opposition to proposed changes regarding Chapter 1, Section 20 and the Ag Use Protection Policy. I am the Business Development Manger-Coal Bed Methane Solutions for a large service. We have grown our company in Gillette from a struggling six employee operation to a thriving thirty-two employee business due in large part to the CBM Industry.

I am extremely concerned that the proposed changes would not allow our CBM producing customers the ability to produce their wells. If our customers are not producing their wells then there is no need for our service company. Our employees, their spouses and their children's lively hood are at stake.

I am also concerned the increased regulatory issues resulting in increased operating costs are going to push the CBM Operators to move their operations to other parts of the Rocky Mountains were is easier to produce CBM wells.

Thank you and please reconsider the proposed changes.

Sincerely,

Ray Hawk
Business Development Manager
Coal Bed Methane Solutions

3307 East 2nd Street
Gillette, WY 82716
USA

Tel. 307-682-8086
Fax 307-682-1513

ray.hawk@weatherford.com

Ray Hawk
Business Development Manager-CBM Solutions

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

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Terri A. Lorenzon, Director
Environmental Quality Council

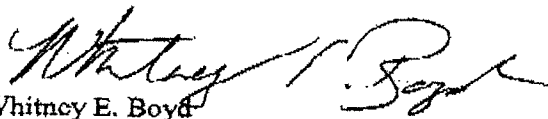
Dear Mr. Gordon-

I am writing in concern to the proposed section 20 rule. I am a Wyoming native and am also employed by the CBM industry. I have seen the tremendous benefits of the CBM industry in all aspects of life in Wyoming: significant increases in educational funding, increased production by farmers and ranchers due to the availability of water for livestock and crops, and increased stability for small business owners.

This industry has enabled many young people to buy their own home, pay off school loans and other debts, provide a more financially stable environment for their families, and stay in Wyoming. It is crucial to weigh all of these factors when considering this proposal, and more importantly, the fate of each factor, should CBM operations be forced to shut down.

Thank you for your time and consideration.

Sincerely,


Whitney E. Boyd

.....

February 14, 2007

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FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax (307) 777-6134

Terri A. Lorenzon, Director
Environmental Quality Council

RE: PUBLIC COMMENT TO: Citizen Petition for Rulemaking-Powder River Basin Resource Council et. Al-Revision Version-WQD Chapter 2-"Ag-Use Policy"

Dear Mr. Gordon,

I am writing to stress my opposition to the Powder River Resource Council Citizen petition for rulemaking. I strongly and positively oppose the section 20 rule change and feel that it poses a long term threat on landowners, farmers, families, and the CBM industry. The language in the petition is confusing in content as it leads me to believe all or nearly all CBM discharges to the surface would be forbidden based on the standards proposed in the petition. This includes ranchers (property owners) who should be allowed to use their own permitted reservoirs.

If this proposed section 20 rule change is accepted several family members and friends will be out of work. I am asking, at the least, to give the families, communities, ranchers, teachers, and industry, scientific fact based information and give the regulatory agencies a chance to do their job.

Sincerely,

Brooke E. McCoy

Brooke E. McCoy
P.O. Box 7200
Sheridan WY 82801

.....

**JIM'S WATER SERVICE, INC
COALBED METHANE DIVISION**

1409 Echeta Road, Suite B
Gillette, Wyoming 82716
Office: 307-682-1813
Fax: 307-682-1834
Email: jbl.jwscbm@vcn.com

February 14, 2007

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FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Building, Room 1714
Cheyenne, Wyoming 82002
Fax: 307-777-6134

Terri A. Lorenzon, Director
Environmental Quality Council

Re: Proposed Rule / Policy Chapter 1 Section 20 (Appendix H)

FACSIMILE CORRESPONDENCE
HARD COPY TO FOLLOW VIA UNITED STATES POSTAL SERVICE
CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear Mr. Gordon:

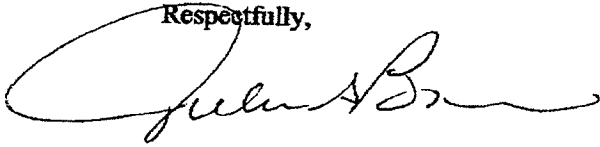
Jims Water Service, Inc is a Wyoming Corporation that has done business in this state as operator, owner/operator in the CBM / Oil and Gas Industry as well as construction, and water hauling among numerous other entities for over 30 years. Currently we have pulling units, roustabout crews, pipeline crews, drilling rigs, OTR and Local trucking, Water Enhancement (FRAC) tanks and rentals, rental properties (commercial, industrial and residential) averaging 50 - 75 plus employees utilizing 100-150 local and state vendors over the 2006 year with a work area covering all of the Powder River Basin and greater. It is our opinion and history that we as a corporation have made a major impact throughout our journey in the Industry through the good years and the bad, Boom or Bust, you might say. JWS has weathered monumental changes in rules and regulations over the years, and we are still in operation. This doesn't hold true for a monumental amount of other small companies. We have seen them come in fast and go out just as quickly for various reasons. After 30 plus years, we as a corporation, our employees, contractors, sub-contractors nor our vendors want to see this happen to us.

After extensive review and meditation, Jims Water Service, Inc adamantly opposes the Department of Environmental Quality's proposed rule changes for Chapter 1 Section 20, more specifically your Agricultural Use Protection further known as Appendix H. Any rulemaking that reduces or eliminates the ability for coalbed methane production water to be discharged due to such stringent criteria, eliminates the beneficial use of such production water and therefore results in eliminating the economic feasibility and possibility of methane production! Production water is a constant and reliable source of water needed by ranchers, landowners, livestock, wildlife, aquatic life as well as the use for agriculture and this is in addition to waters in reservoirs, streams, lakes and rivers.

Water management plans and plans of development have been implemented and continue to be required, regulated and monitored for specific reasons and results. These results of which JWS and other operators have achieved and exceeded.

Thank you for the opportunity to comment on the proposed rule changes. Please note our opposition.

Respectfully,



Julia Brown, CBM Division
Jims Water Service, Inc

JWS/jb



Weatherford

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

To whom it may concern,

My name is Joseph Feeley. I work for Weatherford CPS and have seven years with this company. My role is the CBM shop manager here in Gillette and have seen this business grow over my three years in this city.

Bringing my family here from Colorado has worked out well for my family of five. Excellent schools and abundant job opportunities make Gillette a wonderful place to live.

Of course all of this will be ruined if I lose my job due to a ridiculous ruling pertaining to the quality of CBM discharge water. I agree that this water needs to be monitored and it needs to be clean, but according to the information that I have read, the Gillette city drinking water does not meet these requirements for barium content. And I was told that when rainwater falls onto the ground and travels a few feet, this water does not meet the stringent requirements set forth!

I have to ask that you please consider the negative impact that will result from the passing of this AG use protection policy. The passing of this policy will not only affect me directly and everyone here working in the coal bed methane industry in the entire powder river basin, but also will negatively affect the ranchers and the entire social structure in this large area. If this policy passes, producers will go elsewhere or out of business. The city of Gillette may never recover from the passing of this unfair proposed water quality and regulation policy.

Signed, *Joe Feeley*

Joseph P. Feeley
3307 East 2nd Street
Gillette, Wyoming. 82718.
307-682-8056.



Weatherford

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

To whom it may concern,

My name is Mario R. Rivera Jr.. I am a twenty-nine year old male who is concern about this situation pertaining to the quality of the CBM discharge water. I understand that the water needs to be cleaned and monitored which I know it is.

The reason I'm concern is my family which is my wife and son. Were from the state of TEXAS which is hard to find a good job like the one I have here in Weatherford. That's why I came up here to Wyoming to make a better life for me and the main reason for my wife and son. Here in Gillette I will give my son evrey-thing that I never had which I never got back home in Texas. Gillette is a wonderful community and that a plus. So please reconsider on not passing the AG use protection policy a lot of jobs are at risk here .

This is Mario R. Rivera ESP TECH Thank You !!!

Mario R. Rivera Jr.
3307 East 2nd Street
Gillette, Wyoming. 82718
307-8056.

To whom it may concern,

I am deeply concerned by the bill at hand. This is not a very well thought out plan. The well being of Wyoming, Campbell County, and the people that live here are in jeopardy. The methane field is the biggest booming industry in Wyoming at the present time. The oil and coal industries have pretty much leveled off but the methane still continues to rise. Now what happens to the economy of Wyoming, not to mention the economy of the states that receive the gas? There will be no natural gas for heating of homes, businesses, and so forth. Thousands of people will be without employment, and live stock will be without water. Without live stock ranchers will have to sell out and the beef market tumbles.

It is in the greatest interest of everyone that you do not go through with this plan. You will most certainly put a very large burden on the shoulders of not only the methane workers, but those in the oil and coal industry as well.

With deepest concerns,

Garrett S. Giddens

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

To Whom It May Concern:

In regards to the new water management by the EQC please do not let a couple of disgruntled landowners ruin the industry for the rest of us. We all live and work in this community and it is a big part of our lives. It does not affect just the CBM or the landowners; it will affect the whole entire community. Not only does it affect the job market; it affects the revenue of the county and state, the realtors, the other landowners, the schools, and businesses that are supported by this industry.

As a landowner with the lack of moisture in this area over that last couple of years I think the value of the water being put into reservoirs, treated or reinjected by the companies shows that they are willing to try and help with this problem. As an employee of a CBM company I have seen and heard them try and work with the landowners to develop a solution for all concerned in regards to right of ways, roads, livestock watering, etc.

This is not a fly by night operation that will last for a year but has been developing and studied for several years now. Let the landowners and the companies work this out as they each know what they need and do care about the future of this community.

Thank you,
Harold Jacquot
Gillette, Wyoming

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council



Weatherford

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

To: Mark Gordon, Chairman
Wyoming Environmental Quality Council
123 W. 25th St, Herschler Building Room 1714
Cheyenne, WY 82002
Bill Dirienzo, Water Quality Division, WDEQ

February 14, 2007

From Jim Gossens,
District Manager, Weatherford CPS
Gillette Wyoming
Subject: AG Use Protection Policy

Mark, Bill,

I am the District Manager with Weatherford CPS in Gillette Wyoming. I am writing this letter as a response to the possible passing of the AG Use Protection Policy currently the EQC considering making rule changes.

As I see the policy all water that will be discharged from all CBM well needs to meet, the levels set forth by this Council. The limits under this policy are such that the city of Gillette Drinking water, irrigation for parks, rain run-off cannot meet this stringent level I am hoping that the Council takes in account how this will affect the Landowners, Producers, Service Companies, and the thousands of people working in this industry.

Probably the biggest effect would be in the Mineral Tax base, a large amount of tax money would be lost if such a policy is approved, companies would have to shut down production thus laying off people and effecting the amount of money Wyoming collects on Mineral Royalties and Sales Tax, I believe would also pay the councils salaries since they are I believe are under the budget of the Governor's office.

I have been involved in the CBM Industry for nine years as a field service level, a sales level and now a manager for Weatherford CPS and watched how the water is used and how not having the water can the landowners in drought years. Being an active person in hunting and fishing, I am very aware of wildlife and I have seen no negative effects of water to the wildlife resources but exactly the opposite.

I currently have 32 employees at my location, which are at some level connected to the CBM Industry in Gillette. Along with those 32 people employed here, they have families, which number around 100 individuals directly involved in this industry.

I do not believe the DEQ and the EQC have evaluated the social and economic impacts this would have on the CBM Industry and the Powder River Basin.

I cannot speak for my employees but I know them well enough to say we all do not agree with the AG Use Protection Policy.

Thank you the opportunity to comment on this policy.

James. E. Gossens
District Manager, Weatherford CPS
Gillette, Wy 82718

Baker Energy
A Unit of Michael Baker Corporation
POB 827
Sheridan, WY 82801
307.675.6400 Phone
307.675.6430 Fax

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Fax

To: Mr. Mark Gordon **Company:** Wyoming Environmental Quality Council

Fax: 307-777-6134 **Phone:**

From: Ace Armann **Date:** 1/23/2007
Baker Energy

Pages to 1 **Re:** Appendix H of Section 20
Follow: Wyoming water quality rules & regulations

Urgent For Review Please Comment Please Reply Please Recycle

Mr. Gordon

I would like to voice my concerns about the petition By the PRBRC to make changes to Appendix H of section 20 Wyoming water quality rules and regulations.

I am opposed to the proposed section 20 rule change.

This rule change will also cost me my job and thousands of other people their jobs. My family relies on me to provide for them food, shelter clothing not to mention their education.

It will also cost the State of Wyoming millions if not billions of dollars in tax revenues. I believe that state employees are paid their salaries from tax revenues so ultimately it will end up affecting the jobs of STATE EMPLOYEES as well? Where does it stop?

I have been involved in the CBNG industry for 7 years. I have seen numerous beneficial uses for produced CBNG water. When produced responsibly everyone can benefit from this produced water being discharged!

Baker

The State of Wyoming should use **science** to make decisions of this magnitude and not be motivated by the emotions of special interest groups like the PRBRC!

I personally have developed wells on lands owned by PRBRC board members. I find it ironic that they continually blast the same industry that pays them royalties from agreements that they have signed. All too often they exaggerate the **facts** in the press. Just a few weeks ago we had a request from a PRBRC board member to give them water for their cattle. Now that's **IRONIC** when they are trying to stop all discharges.

Lets stick to the facts not fiction.

Thanks for your time.



H.E. "Ace" Armann
Field Operations Superintendent
Baker Energy
Cell 307-752-6368
Office 307-675-6413
aarmann@mbakercorp.com

Bob and Roni Irwin
4 Fawn Court
Gillette, WY 82718
(307) 686-8660
brirwin@vcn.com

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Bldg., Rm. 1714
Cheyenne, WY 82002

Re: Oppose Action before EQC for Policy/Rulemaking on revising the
WQD's Chapter 1, Section 20, Appendix H, aka: "Ag Use Protection Policy"

Dear Mr. Gordon:

I wrote to you a little over 2-wks ago, opposing the PRBRC's Petition of WQD Chapter 2 revision. I hope the EQC board uses their head & hearts when making that issue's recommendation later this week.

In that letter, I introduced myself and I will not reiterate, but have it suffice that I again write from dual perspectives: (1) as a family man, 8 year citizen of Gillette, fearful of economic downturn and impact the both referenced adoptions could make into reality and (2) as a professional, tax-paying citizen, whose future of gainful employment in Wyoming is highly dependent on the continued viability of the CBM industry here in the Powder River Basin.

I am compelled to write again to vehemently protest and have my voice heard, too. I know the changes to the WQD Ch. 1, Sec. 20, Appendix H (and/or Ch. 2), as proposed, will no doubt, gravely impact me and my family's optimism of the PRB CBM industry remaining strong, and our well being and retirement planning via another +20 years of foreseeable employment with the CBM industry.

This methane/CBM Play's BOOM, *which is within your power to KILL, was founded on economics*. In the early 1990s, Martins & Peck, discovered the technique establishing cheap, economic recovery of methane gas contained within the coal aquifers. Operators have to produce water, to lower pressure, to facilitate gas extraction from the coal. It desorbs out from within the coal, there is no gas cap or trap. Once out of the coal it migrates in the coal toward lowest pressure source, the well bore. Surface discharge of the good water was not a problem then and shouldn't be now – there are established techniques and BMPs in-place or available, but not currently permit-able that can manage problems.

Cheap economics, propelled the BOOM – as the CBM wells are nothing more than converted, simple water wells dually capturing gas. Today, similar wells have quadrupled in cost. Ancillary services for most permitting, materials, and labor have increased up to 10-fold. The economics of the CBM Play are already heavily taxed.

Deletion of Operator's surface discharge option, mandating expensive treatments and or injection, effectively will BUST the CBM Play; if your decision is to make this trial-Policy, a Rule.

Bob and Roni Irwin
4 Fawn Court
Gillette, WY 82718
(307) 686-8660
brirwin@yvcn.com

Passing this Policy into Rule presents an "unwritten" mandate implying continued development opportunity using extremely costly operational injection or treatment systems, as the only permit-able discharge alternatives. Passing, as is, directly affects my family life and the community of Gillette, should industry's economic viability (i.e., surface discharge) be removed.

Yes, there were/are water problems and some necessary rules have been adopted (these on EQC's table are not needed!), and there were/are Rogue Operators that don't play by the Rules, but they are few and eventually get caught. The Oil & Gas Industry has been around for over 100-yrs and for the 1st 75-yrs, policed themselves. In the past 25-yrs, the Industry has become one of the most, if not THE MOST regulated in history. We don't need MORE rules, especially ones that are unattainable in compliance and politically motivated – in this case, to STOP CBM development, as we know it.

The way I see it, *we don't have a water quality or quantity issue. We have a water management issue*, nothing more than what industry policed years ago – except then it was oil management, not water.

Quality standards are already conservative, and waters above that standard are already being treated. Economics in those treatment areas are already difficult to maintain profit. To impose a 10 times more stringent standard will not work. It does no good – may be met at End-of-pipe, but to run it down the draw any distance to an ICP, because of the soluble soils, concentrations revert back to pre-treatment levels. **There is a natural balance these soils and waters attain.**

In my opinion, a ridiculous aspect of the proposed Rule change is that the new standards under consideration are derived from a California-based soils study. **Why not use local soils for any guideline change?** – as per the WWAB's suggestion for EQC to consider that any revisionment of WY water quality standards be based the Bridger, MT Study; not Californian soil/water.

Quantity isn't the real issue, either. Albeit, there have been manageable problems. Many potential beneficial uses of the water are not considered because existing regulation makes it libelous for prosecution, because *there is no good way to transfer control to a landowner for their use and/or it is cost prohibitive, often both.* If you want to perform good Rule-making, figure THAT ability out!

Landowners have always asked for water to isolated, float-activated **fire tanks** – industry can no longer provide these because of *the liability* should it ever drop one drop on the ground. They've asked for water to establish **tree farms and wildlife shelters; can't do**, for same reason. They've asked, "*Why do all the Operators on my place have to have separate reservoirs?*" and often simultaneously point out, "*Operator A built this near empty reservoir, you can put your water there.*" No can do; not with current Rules that have forced Operators, because of *the harsh liabilities*, to form separate WMP strategies.

In the 8 years I've been living in Gillette and working the PRB CBM Play, I've seen every applicable agency alter and modify "Rules" under their guidance and each time it puts one more layer of industry expense or accountability in the name of some protection, deemed necessary generally as a result of Rogue independent's action or to satisfy a begrudged landowner.

**FILED**

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Bldg., Room 1714
Cheyenne, WY 82002**RE: Citizen Petition for Rulemaking - PRBRC et al - WQD Chapter 1, Section 20**

Dear Mr. Gordon,

PRB Energy, Inc. ("PRB") is a relatively new CBM operator in the Powder River Basin. For the past several months we have been trying to summarize the impact of proposed policy and rule changes as submitted to the WEQC by the PRBRC. In previous correspondence to the WEQC, I had mentioned the potential for our company to drill approximately 250-300 CBM wells to a deeper coal in the eastern edge of the basin. In trying to evaluate the impact to our company of the petition, it is most probable that any "new" policy or rule changes will have a severe economical impact to us.

PRB is a relatively small operator with only 600 CBM wells in the basin and therefore we operate on a very small capital budget in comparison to some of the larger operators in the area. It appears, in summarizing the petition, any changes in applying for or the renewal of a CBM discharge permits will have a financial impact to our company. If the WEQC acts favorable for the present petition, it is apparent the cost to handle the discharge of CBM water in our operations will rise substantially. These are costs a small company like ours cannot absorb in our budget and would therefore have a significant impact to our proposed drilling program and our future in the State of Wyoming.

As stated in previous correspondence, PRB has a great working relationship with the landowners we presently operate on. All of our landowners have indicated to PRB that they want to continue to utilize CBM water discharged on their land and several have even asked for additional water. If PRB is successful in developing the deeper coals on our leases, we will be able to supply a water source to our landowners for the future. If the petition is successful in getting rule and policy changes, it appears PRB will not be able to supply a water source to our landowners for their beneficial use. More significantly, PRB will most likely not be able to economically develop the deeper coals if the industry is not permitted to discharge CBM water at the surface.

Thank you again for your valuable time and please feel free to call me anytime if you may have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Larry E. Sarc".
Larry E. Sarc812 E. 4th Street • Gillette, Wyoming 82716
P.O. Box 2668 • Gillette, Wyoming 82717
Phone: 307-686-3797 • Fax: 307-686-3743



OWNED AND OPERATED BY
WESTERN FUELS-WYOMING, INC.

P.O. BOX 1809
GILLETTE, WYOMING 82717-1809

TELEPHONE 307/683-2830

February 14, 2007

Mr. Mark Gordon, Chairman
Environmental Quality Council
Herschler Building - Rm 1/14
122 W. 25th Street
Cheyenne, WY 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Re: WQD Proposed Agriculture Use Protection Policy, Docket No. 06-3819

Dear Chairman Gordon,

Western Fuels-Wyoming, Inc. is the owner and operator of the Dry Fork Mine in Gillette, Wyoming. We are commenting today on the proposal before the Environmental Quality Council to approve the Agricultural Use Protection Policy as a Policy or Rule. It is our understanding that the EQC has four options before them today: approve this as a policy, approve it as a rule, approve it as a policy or rule with modifications, or disapprove of it altogether.

The Dry Fork Mine WDEQ/LQD permit contains a unique set of agreements which are intended to benefit a local stream (Moyer Creek). While the proposed policy/rule appears to intend that our operation's historical discharges are exempt from the agricultural use policy, we are concerned that during implementation of the policy or rule, an assertive regulator could misconstrue the language to force its implementation on some or all of our future discharges. If the proposed language were inadvertently applied to our agreement to *continuously* supplement flows in this Creek, we might not be able to comply at all times with the discharge standards contained in this proposed policy/rule without installing/operating a very costly water treatment system. Further, even with such a treatment system, upset conditions are not exempt under the current proposed policy/rule. One of the only sure things in life is that equipment will fail and will need to be occasionally taken offline to be maintained. During that period, our continuous discharge water may not meet these standards.

We also would like the Council to be aware that these treatment systems are not as simple as relocating a Texas-designed oilfield water treatment system to Wyoming and plugging it in. They require large heated and pressurized buildings, significant electrical infrastructure to operate the motors, compressors, and heaters, compressed air water blowout systems, MSHA approved motors and electrical disconnects, and MSHA specified and trained operators. The supplemental heating and safety related equipment typically far outweighs the treatment system itself in cost. Just having a system of this magnitude available requires us to spend thousands each month to keep the power available "on-demand" and the ever-changing labor force operators trained. There must also be roads and systems to dispose of waste sludge.

February 14, 2007, Docket No. 06-3819

Page 2

We are concerned that, if applied to us, the policy/rule may cause us to abandon our voluntary agreements to supplement flows to this Creek. Doing so would have a negative impact on local wildlife and downstream users, and could impact the viability of our LQD permit to mine. If we must limit or curtail our legal and high quality discharges into this creek, it may impact our operation to the point of reducing our ability to recover all our leased and legally mineable coal. Ultimately, this may result in a takings issue. Worse, if coal recovery were impacted, each ton of coal lost would reduce revenues to the federal, state and local economy by approximately \$1.86¹. Losses to our mine employees would be on the order of an additional \$1/ton. Treating prior to supplementing flows into the Spring could severely impact our ability to compete with other mines in the PRB. Because of these reasons, we specifically request that our supplemental flows into Moyer Creek be exempted from this rule.

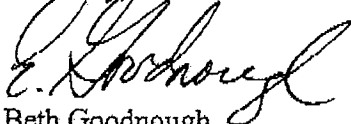
If our activities at this Creek cannot be specifically exempted, we believe this policy/rule needs to at least be modified. The policy/rule should be modified to make allowances for upset conditions, in order to exempt all operators who might be inadvertently discharging while their treatment systems were unknowingly out of service.

We request that this proposed policy/rule not be implemented as currently written for the following reasons:

- This policy/rule appears to be very costly to implement. A cost/benefit analysis should accompany a proposal of this magnitude.
- This policy/rule is more stringent than Federal rules; therefore, it could impact the ability of Wyoming coal to compete.
- This policy/rule impacts different areas of the State more than others and again could impact the ability of certain mines to compete against other mines within the State.
- As this program appears to benefit only a few agricultural producers, perhaps it would be less costly for the State or a group of operators to pay the cost for treatment systems at a few sites downstream of a group of wellfields or at a few sites upstream of a few ranches, rather than at each individual discharge point. We question whether this is the right solution to what appears to be a very a limited problem.

While leaving it as a policy will be preferable than implementing it as a rule, it is nonetheless a high impact program whose benefits seem to be overwhelmingly outweighed by the costs. For that reason, it should not be approved as currently proposed.

Sincerely,



Beth Goodnough
Director of Regulatory Affairs

¹ "A Concise Guide to Wyoming Coal 2006", Wyoming Coal Information Committee, Wyoming Mining Association.

Carola Schmidt
610 S. Jefferson St.
Sheridan, WY 82801
307/672-5793
cschmidt@vcn.com

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street
Herschler Building, Room 1714
Cheyenne, WY 82002

RE: Proposed changes to Appendix H – Section 20, Wyo. Water Quality Rules

Dear Mr. Gordon:

With regard to the changes as proposed by the Powder River Resource Council to Section 20 as stated above, I wish to state my fervent objections.

I am employed by Baker Energy and know how much the CBM industry has contributed to our State's current financial wellbeing. Most states in our nation would love to be in our position. I truly believe that most people in Wyoming strongly support the CBM industry, however it is always the negative minority who speak the loudest. In my humble opinion, the PRPRC "lost its way" years ago and objects to just about any industry in our State. They do not speak for the majority of us.

We trust you will continue to maintain our State's best interests at heart when you make your decisions.

Sincerely,


Carola Schmidt

To Whom It May Concern:

I feel that if this bill is passed, it very well could cause a more negative effect than good. If passed: I, the majority of my friends and families, and thousands of other people would be left without jobs and a way to support themselves and their families.

I am currently employed by Weatherford CPS in the 185 product line, I am part of a crew who constructs methane gas separators, plainly put- methane gas is our life, if they shut down methane, they shut down our shop. I with many other people will lose a job, Please do your best to keep myself and my friends in our positions with today's workforce.

Thank you,
William Porter

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

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February 14, 2007

FEB 14 2007

To All Concerned Parties:

Terri A. Lorenzon, Director
Environmental Quality Council

My name is Victor Partida; I am an ESP Supervisor of the Weatherford Company. Having been with my company for one and a half years, I relocated to the Gillette area from Texas with my wife and two daughters due to better opportunities and improved schooling. I have chosen to write this letter in concern for the rising debates over Methane Site closer. It is my belief that a drastic measure such as this would have long-term ramifications to the economical foundation of Gillette.

So saying, I am also able to understand public concern over potential problems with the water. Just as closer of Methane Sites will have economical effects, so too difficulties in and with the produced water could also prove damaging to our community. Neither of these circumstances would be beneficial or satisfactory to the public.

Although my situation does leave me in a biased position, I do express and feel that mutually advantageous goals can be reached if all concerned parties are willing to work diligently toward possible solutions. We must bear in mind that our ultimate priority should be the welfare and security of the entire community of Gillette, our home.

Very sincerely,



Victor Partida

To Whom It May Concern:

This letter may be short and sweet, but I believe that the words that I speak will explain themselves.

If this bill passes it will greatly effect my life and the ones around me, I work hard to pay my bills, this job is what I have, obviously if this bill passes I will have no job. I am not the only one that will be affected, many families will be without, and I hope that we can find a way to stop this bill from passing.

Please take into great consideration the effect this bill will have not just on people like me but our community as a whole.

Thank You,
Zachariah Cook

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Terri A. Lorenzon, Director
Environmental Quality Council

Mark Gordon,

I am opposed to the proposed section 20 rule changes because it puts my career in jeopardy and I have a family and bills to pay, it will hurt the economy of Wyoming and could Bankrupt, Ranches, Families, business's. I know for a fact that it has help out the Ranchers and farmers due to the water that CBM provides for them and income. I was a water well driller in Sheridan, Wyoming for 10 years before working in the CBM industry, and now visiting with my previous customers that had ranches without CBM and now has CBM development on there ranches really like the water we provide them, They have Healthier cows,crops,ect, it has never been better for them.

John Steir
Production Supervisor
Storm Cat Energy Corporation
307-752-6198(Cell)
307 675 6482(Office)

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

February 14, 2007

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mark Goodman:
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

I am opposed to the proposed section 20 rule changes because it puts my career in jeopardy and I have a family to feed, this will cause great harm to the economy of the State of Wyoming.

I am also opposed to the proposed section 20 rule changes because it will harm many agricultural operations rather than help them.



Sincerely,

Chuck Turner
NBU Supply Chain Manager
2266 N. Main
Sheridan, Wyoming 82801
Office: 307-673-8800 ext. 207
Fax: 307-673-8800
Cell: 307-751-0134

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

FAX: 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations - will not allow any discharge of produced water. Period. None of the CBM water in the Powder River Basin or even groundwater elsewhere in WY - including that in existing ranch stock tanks used for stock watering - will meet proposed water quality standards. This means that ranchers, CBM producers, or any other party who discharges groundwater to the surface in Wyoming will no longer be able to continue doing so.

Mr. Mark Gordon,

Stop this action and send a message to the Powder River Basin Resource Council that Wyoming is interested in developing a sound Coal Bed Methane industry based on science and engineering and not on fear or personal feelings. CBM is both, good for the State of Wyoming and the people who live and work here. Jobs, taxes, and opportunities are abundant in a thriving economy, which Wyoming now enjoys, in part thanks to CBM. Schools, roads, housing and jobs are being built and created by the ability to use and produce materials provided or contained in the ground here in Wyoming.

The Powder River Basin Resource Council is trying to stop CBM development and in turn ruin the ability of the Wyoming farm and ranch community from raising and caring for their crops or livestock operations, which in turn, provides a living and a way of life for their families.

Look at Senate File 055, which was voted down on January 19, 2007. The members of that committee stated that the CBM Task Force was addressing the issue and their recommendations would be used.

The water produced from CBM benefits both the agricultural industry and the Wyoming wildlife. Water is put to good use as stock and wildlife water and crop or range irrigation. The science is in place, which allows the land application of this water to not only raise a crop but to increase the protein content and the amount of harvestable product. The soils are treated and enhanced and life goes on. The wildlife utilizes the water and feed and thus thrives. Streams are not degraded, as the PRBRC wants us to believe. There are no significant changes in stream water, which would harm or threaten Wyoming's wildlife or the agricultural industry.

Thanks for your considerations on this matter.

Sincerely,



Larry W. Bridger, PE
Working, living, playing and paying taxes in Sheridan, Wyoming

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am an HES Professional working for Pennaco/Marathon Oil Company in Gillette, WY, working in the Coal Bed Methane Industry. I have lived in Wyoming for the past 26 years, 25 of them with mining companies. I have seen the PRC oppose the mining industry when I worked for them and when they couldn't succeed there; I see they are now picking on the CBM Industry. We (the CBM industry) are being very proactive in the methods we are trying to come up with to control the water issues at hand. By allowing the PRC to pass this petition, this would be very detrimental to the economy of WY, not to mention the economic devastation it would have to Gillette, Buffalo, Sheridan and other surrounding areas.

The governor has encouraged the Powder River Safety Council to come up with training, propose new regulations, etc. from our newly formed Safety Group because there are no current OSHA regulations that apply specifically to the CBM industry. If the governor is asking for our help, how can your department allow this small group from the PRC to counteract the governor's initiatives to help support the Coal Bed Methane Industry???

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

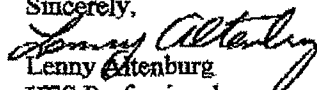
I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.

- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-5623 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,


Lenny Altenburg
EFS Professional
Marathon Oil Company

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Admin. Assistant for Marathon Oil Corporation. A long time resident of Campbell County of 25 years. My family homesteaded here. We have a ranch south of Gillette, a lot of coalbed methane wells & reservoirs on the ranch. The reservoirs have done well, as well as the outfalls. They supply water every year when there's not a good melt off in the spring and when we are in drought in the summer, livestock and wildlife have benefited towards the reservoirs always being full.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

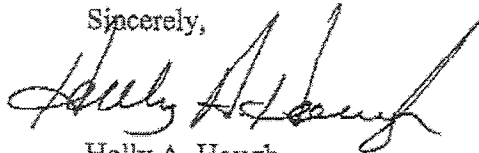
I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
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- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Holly A. Hough

February 14, 2007

Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY. 82002

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Gordon,

My name is Jim Nies; I work for Yates Petroleum as a drilling superintendent in charge of hiring rigs and contractors to oversee and perform various services that are needed for the completion of these wells.

I am concerned about the Chapter 1, Section 20 rulemaking changes that are being presented to the EQC. I feel this will affect agriculture waters as it exists, will restrict future water management for CBM development and the beneficial wildlife uses.

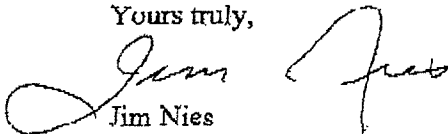
I believe it is overkill to design reservoirs to contain the 50 year/ 24 hour storm event. The financial burden to build a reservoir to contain such an event would soon destroy the bottom line of any CBM Operator no matter privately held or publicly traded. The amount of surface disturbance related to containing the 50 year/ 24 hour storm event in most cases would not be allowed by the BLM on Federal Projects. The private landowners would not want a reservoir that is capable of holding 12 acre feet of water to only have 1 acre feet of water in it. Not to mention the threat of West Nile that would lurk in a reservoir with such little water in it.

Treating produced water with technology that is available today is cost prohibitive, as the minute the treated water is put in contact with the soil it quickly becomes laden with salts from the soil and would once again not meet end of pipe testing.

In conclusion, please consider all aspects of the proposed rule changes before making the tough decisions that face you and your fellow council members.

Thank you for allowing me to comment on this issue

Yours truly,


Jim Nies

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

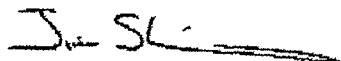
I represent an environmental engineering firm currently providing water management support to CBM producers in the Powder River Basin. Our firm, ATC Associates Inc., employs approximately 20 full-time employees, many based in our Gillette office, which are solely dedicated to providing environmental solutions to CBM production in Wyoming. On behalf of my employees, I would like the opportunity to submit my opinion and to represent our firm's interests in respect to the proposed rule change.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20. I oppose rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used by Wyoming ranchers and landowners. Water has to be in the stream and reliably available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule's applicability in respect to CBM water reuse. If passed, Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses. Additionally, Chapter 1, Section 20 and the Ag Use Protection Policy do not protect existing uses of CBM produced waters.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 406-860-4771 concerning my opinion.

Sincerely,



James Sullivan
ATC Associates Inc.
3250 Hackathorn Lane
Gillette, WY 82716

Buster Ivory
1413 Carmel Ct
Gillette, WY 82716

February 14, 2007

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Dear Mr. Gordon:

Thank you for the opportunity to comment on the Policy/Rulemaking on Chapter 1, Section 20 - "Ag Use Protection Policy." I oppose Appendix H which will eliminate the use of an important water resource for many agricultural operations and prevent the use of what is often the best water management tool for the CBM industry. Over the past five years I have been in contact with hundreds of landowners in the Powder River Basin. I have worked closely with more than fifty to develop water management strategies that benefited them as a rancher as well as enabled companies to produce gas. Together we have worked together to resolve issues and form plans that worked for both parties. I have made changes in strategies at every stage of planning to comply with landowners concerns. I am not writing to speak on the behalf of these landowners, but to let you know how the policy has affected my ability to develop plans which comply with their requests. If this rule is made the problem will be much worse.

I cannot think of one problem, real or perceived, that I have seen or heard about that has been solved by the policy or would be solved if the rule was made. I am certain that many new problems will be created by the rule.

Here are some of the most common requests I hear when meeting with ranchers to development water management strategies and the difficulties this rule will present:

- **Please use all of our existing reservoirs for water storage. We will benefit from stock water at these locations in this time of drought.** This rule will make this impossible in most cases as the existing sites generally have large drainages above them and cannot contain the fifty year event.
- **Please use on-channel impoundments rather than off-channel.** The rule would encourage just the opposite.
- **Please site some reservoirs lower in the drainage so they will receive natural runoff and be useful to me after the CBM industry is gone.** Again the rule discourages building reservoirs in any locations except extreme headwaters because they are unable to contain the event. Reservoir construction is an expensive undertaking and landowners would like to build some in locations that improve the long term value of the ranch and its grazing.

Overall, my most common reply to what I believe are reasonable requests for water management by landowners is, "current regulations will or may not allow us to do that."

Some additional areas of concern are:

- This will affect current discharges already in use as well as future discharges.
- Existing reservoirs may have to be abandoned. Construction of new facilities will cause unnecessary disturbance.
- Limits are currently based on California studies and not the available and more appropriate Bridger study.
- Containment of the 50 year event requires either pits or large, partially filled reservoirs. Neither scenario is appealing to the majority of landowners I interact with to form plans.
- Having taken hundreds of samples from natural runoff and helped to run stream gauging stations within the Powder River Basin, I know that natural water flowing in the basin will not meet these standards in many if not most cases.
- The majority of the CBM wells in the basin have a stock water appropriation, filed with the State Engineer, associated with them. This rule infringes upon that right.

This rule will not solve any problems. If passed it will only result in removing water management planning decisions from the private property owners' hands and denying their use of an important resource available to them.

Sincerely,



Buster Ivory

To Whom It May Concern:

My name is Scott Azure and I live in Gillette Wyoming, I am writing this letter to you about the water bill you are voting on this Friday. I am a welder/pipe fitter for Weatherford CPS in the 185 product line and have worked in and around the methane field for 10 years. A very large amount of my friends and family work on or in the gas fields of Campbell Co. But I am not the exception, a good share of this county counts on the methane gas fields to provide for their families.

I do think that there should be regulations on the water but to make it ten times cleaner than our drinking water is crazy. The produced water from methane wells helps a lot in providing water to livestock, where do to our drought, was none before. I can tell you that my family own a ranch in Recluse, Wyo. And depends on the water from the wells drilled on our land. I believe that many others also depend on produced water, not only for livestock to drink but to be used to grow vegetation for that livestock to eat. Its not just livestock that are benefiting from this water, it's the wild animals who are even more affected by the drought that we are fighting.

In short my girlfriend and I have 3 children together, all of our lives count on my job to provide food, shelter, clothing, etc. If this bill passes, I will lose my job, my kids won't understand why they can have something to eat, or why they can't have that new toy. Please think about that, and thank you for not voting in favor of this bill.

Thank You,
Scott Azure

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Bob and Roni Irwin
 4 Fawn Court
 Gillette, WY 82718
 (307) 686-8660
brirwin@vcn.com

I've also seen the CBM Industry mature. Industries responsible Operators & their sub-Contractors have had success conforming to most of the "Rule" changes within economic reasonableness and utilized an industry driven "peer pressure" to modify practices to accommodate most all landowner voiced complaints, primarily related to constructional surface disturbance excess. Migration of developments onto Federal minerals (78% of the PRB), all under BLM regulational guidance, has made all companies aware and forced them to address rectification of these past (early play, Fee minerals dominantly) practice grievances to where: now, the known modus operandi of "minimize disturbance" is the norm, irregardless of mineral status (Fee, Federal, or State). The DEQ has already severely restricted surface discharge to meet limits via Whole Effluent Toxicity (WET) Testing in a large sector, in the heart of the Play. The local community drinking water supply's (Gillette & Buffalo) have much higher tolerance.

WQD Ch. 20 already protects downstream users, so I voice opposition to WYDEQ's proposal for this Policy to Rule change – to have future and existing reservoirs to be built (retrofit) to contain the huge 50 yr/24 hr event, **in addition to produced water**. It definitely would protect against all water's, methane-generated included, migration across lands; but...

How could it still allow usage of upstream runoff-derived waters, when they are all held back; or meet companies dual mandates of "minimize disturbance" & "retain economic viability" in creation of these mammoth structures that nobody wants for posterity?

My 1st point is: that the CBM Industry is under enough governmental regulation, NOW! Implementation of either Appendix H or the Ch. 2 Petition will kill the play as we know it. Water has always ruled the West. We've been in a drought for over 7 years, with CBM waters being the only source providing "life's blood" to the majority of landowners that want the waters. Don't cut off the hand that delivers.

My 2nd point is: that **We have a water management issue**, nothing more, as stated, than what industry policed years ago – except then it was oil management, not water. Evidence is this: *At one time, it was OK to run crude oil in a ditch* (ephemeral drainage). Such action today is, across the board, viewed absurd. Environmental awareness infiltrated the industry to make that kind of change via peer pressure.

Today, Industry-accepted "peer-Policy" is that having crude on the ground is a **Not-to-be-performed SOP** (standard operating practice). Similarly, with respect to the water issues that need management. We need a change in game planning. **We need a united Operator, Contractor, Landowner, and and All-Agency Regulatory Front (with "whistle-blower immunity"), to identify and sanction minority Rogues giving the CBM industry a black eye**. All Operators must comply with existing regulations and collectively work to make amends and seek solutions to the aggrieved landowner's issues.

Operators and Contractors can, should, and I'm sure most will, now, apply their internal industry peer pressure and make operating practice adjustments. Landowners can continue to express their desire for achieving optimal beneficial use of the waters they desire to manage as their lands steward. Regulators need to heed those majority landowner desires and work practicable mitigation to the non-desire folks.

Bob and Roni Irwin
4 Fawn Court
Gillette, WY 82718
(307) 686-8660
brirwin@vcn.com

Regulators can and need to seek to find ways to promote more cooperation vs. the adversarial tone most all Policies/Rules have propagated – the “*what is good for me*” or “*my Agency’s*” pigeon-holed vision of how their Rules apply, only; all under the guise of universal protectionism w/ a politically correct (PC)-ring to the name of the action – and not considering side effects of those actions/Rules to the big picture, of regional economics and total Range benefits; not considering the majority or drought, etc.

Case in point – the Ag Use Protection Policy. Who’s NOT in favor of protecting Ag Use?

All-Regulatory Agencies wanting to make Rule changes need to re-examine the existing rules, first!! There is plenty of latitude to make productive changes so industry can continue the PRB CBM Play. Killing anything doesn’t generally create a viable solution to any problem – often it is called murder, which in most civil societies is shunned. Again, back to peer-pressure – it works!

All Agencies need to seek input on how to manage these necessary waters AND keep the Play alive. I alone could have written 20 pages of suggestive commentary, regarding known areas of bureaucratic red-tape with inter-disciplinary overlap that needs addressing.

I believe the CBM industry’s eyes have been opened wide by this potential KILL action before your board, and will be openly willing to promote all positive and productive Rule-making reform.

Seek these positive, industry promotional commentaries out – come to Gillette to hear from the affected Peoples – and they will be given!

The actions before you now, promote the exact opposite!

Respectfully and very concerned,



Bob Irwin

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

PS: Happy Valentines Day!!

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

February 14, 2007
Wyoming Environmental Quality Council
122 W. 25th St., Herschler Bldg., Room 1714
Cheyenne, WY 82002

Dear Chairman Gordon,

I offer the following comments on the Environmental Quality Council's consideration of the WQD, Chapter 1, Surface Water Standards Rulemaking, Docket No. 06-3819.

The EQC should reject rulemaking, specifically the Agricultural Use Protection Policy (AUPP) Section 20 revisions for the following reasons:

1. The WDEQ have not met the burden of proof by providing credible, peer reviewed scientific evidence for the default limits proposed, followed by public review.
2. The consequences to operators and landowners who desire the use of CBNG and/or other sources of produced water far outweigh any as yet unproven benefits by the proposed rule.
3. The WDEQ has repeatedly told legislators, landowners, operators and other regulatory bodies that the AUPP is a "policy" not a rule, with no consequences to those outside of the coalbed natural gas arena. In other words, the WDEQ has changed horses in mid-stream with no notice or opportunity for additional input.
4. Adopting the rule proposed by the WDEQ may provide a "feel-good" answer, but in the end will not alleviate future conflicts. One downstream landowner will have the power to dictate a watershed, depriving those who want the use of produced water.

Burden of proof

I have personally attended every hearing on the above-mentioned proposed rulemaking and have reviewed all of the information submitted by the WDEQ. Additionally, I have the benefit of having researched and written about CBNG production in the Powder River Basin for my own publication as well as others, both local and regional, for the better part of a decade. I have, in many cases, both first-hand knowledge of historic events and documents retrieved from public information and testimony that led to the discussion and Section 20 revisions.

The evidence relied upon by the WDEQ provides little in the way of standard scientific data collection and robust review by a team of qualified scientists. The WDEQ has chosen instead to base the AUPP on what has been termed "erring on the side of conservatism." The WDEQ should be held to the highest standard of proof and accountability.

Unintended consequences

By now, the EQC has heard testimony from scores of landowners both in and out of the Powder River Basin who have been or are using produced water in their agricultural operations to their benefit. A statewide rule with general applications will not fit the majority of landowners, and will deny adjudicated water rights to those who depend upon produced water for their operations. Producers given "default limits" in the permit for EC and SAR that CBM produced water typically cannot meet, unless the Producer is willing and can convince the landowner that all reservoirs they discharge into would contain all of the produced water and all of the 50 year/ 24 hour flood event. Or the producer can conduct extensive downstream soil and vegetation and water quality "Section 20" work to essentially prove to WYDEQ that the limits they set in the default are too conservative. WY DEQ has stated that they know the default limits are very conservative. The operator has to do this even if they are never going to see reservoirs overtop except during rain or snow melt events. For example, a reservoir receives CBM discharge 12 stream miles above a location that has either permitted or non-permitted irrigation or someone (anyone) has said that there is a location where natural irrigation (say of alfalfa) is occurring. The water has conductivity of 1800 and has an SAR of 12. The reservoir never overtops during dry conditions but might during rain events. Water from this reservoir never leaves the upstream ranch. The reservoir drains about a square mile of drainage and was put in by a previous landowner back in the 1930s. The CBM company permitted it and brought it up to current standards when the present

landowner agreed to its use for CBM. The permit would renew (or be issued) with an SAR limit at end of pipe of ~6.5 - 7.5 and an EC of ~1330. The produced water can't meet the limits. The reservoir cannot be designed to contain the 50y/24hr flood event plus the produced water. The result is that the landowner cannot utilize the produced water going into that reservoir. As one rancher, David Flitner of Shell Wyoming, observed, the results of adopting the proposed rules to the agricultural community will create chaos. Surely there is a better answer.

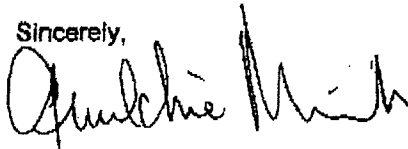
Public input

The changes and various modifications to the AUPP have been difficult for the public to follow. The request for rulemaking as reported in mainstream media and in public meetings has been confusing and contradictory. The EQC must carefully consider how the proposed rule will play out in other scenarios and in other Basins, and must notice the rule with the appropriate period of review and discussion.

Providing real solutions

If the goal of the EQC is to provide solutions rather than a feel-good political compromise, one answer might lie with mediation for the minority of landowners who say they are affected. The state has a duty to protect the rights of those to enjoy the benefits of produced water, without the fruitless efforts of rulemaking that will surely be overturned later. Operators have been willing and able to seek communication and solutions for affected landowners, but have been rebuffed. A mediation program could mean a new start in crafting solutions that are beneficial for everyone involved, providing the parties approach the issue from the standpoint of honest cooperation and a desire to see the conflicts resolved.

Sincerely,



Geraldine Minick
Publisher
Rocky Mountain Energy Reporter
PO Box 1510
Casper, WY 82601

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Facilities Engineer working in the Powder River Basin Coal Bed Methane Industry. I am a Wyoming native and have been employed in the CBM industry since 1999 and have witnessed a continuous change throughout the past years concerning the business. Most of which are good and necessary but the DEQ rule change now proposed for this industry will have a substantial impact on both producers and land owners that benefit from the production of CBM waters.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.

- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-660-1328 if you have any questions regarding my opinion.

Sincerely,



William P. Pritchard

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

**Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002**

FAX: 307-777-6134

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations

Mr. Mark Gordon,

This letter is to provide comments opposing the proposed rule change(s) with respect to Section 20, Chapter 1 Wyoming Water Quality Rules and Regulations.

Many ranchers in Wyoming have benefited tremendously from CBM discharge water due to drought conditions. Without this ability, Wyoming farmers and ranchers will have a difficult time caring for livestock and crops.

I have been a resident in the state of Wyoming for the last two years. As a parent of three children, I am impressed with how much money the CBM industry has poured into education. As a teacher of 17 years, I know first hand how important it is to have money flowing into the system. Without this money in education, programs that help our children are hindered.

Please consider the how many individuals will be affected without the water produced as a result of CBM development.
Thanks for your consideration on this matter.

Sincerely,



Gina Rougeau
14 Deer Run
Big Horn, WY 82833

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzen, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a business owner in Gillette, WY I have 9 children in Campbell County School District, I employ 20 people who's families depend on the CBM industry. I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be formed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-0453 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,

Jonathan R. ...

Midnight Oil Field Service

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th Street
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Mr. Gordon,

Terri A. Lorenzon, Director
Environmental Quality Council


My name is Annette Hoffman. This is my second letter to you concerning the Citizen Petition for Rulemaking. I moved to Gillette, WY. one year ago. I love this community. I have a good-paying job in the CBM industry. I have worked since I was 13 years old. The job I have now in the CBM industry is the first one I have ever held that paid more than 30K a year. I have struggled as a single parent for over 20 years. I went back to college in 2002 to earn my Bachelors Degree in Environmental Studies. My job in the CBM industry allows me to live without government assistance, help my daughter go to college, pay my bills, and STILL have something to put away for retirement.

I am very concerned about the environment. Not just here in NE Wyoming, but in all areas. I was born and raised just 200 miles northwest of Gillette, WY. CBM water is not the enemy. Water management, or lack of, is the true culprit. There are many, MANY options to handling this discharge water. Please be reasonable in the decisions that affect so many of us on a personal level. Let us try to leave out emotions and look at the hard scientific facts that can be held up to any tests yet developed.

To cut off all the water output from CBM development is not a feasible nor responsible solution. I have seen firsthand the beneficial uses for this discharge water. I have been in CBM fields and the benefits have far out-weighed any detriments to the land. There are more ranchers who will suffer consequences from *stopping* CBM discharges than the few ranchers and landowners who are supporting this petition. At a meeting just last night in Gillette, a landowner stood and related the fact that her name was put on the Citizen petition without her knowledge or permission. How are we now supposed to believe that anyone whose name is on that petition is genuine?

NE Wyoming needs CBM development. Stopping discharge waters or applying unreasonable limits to the constituent limits is not the solution. I understand there are problems with some individuals; however, changing the WDEQ rules is not a fix for those solutions.

Thank you for the opportunity to comment on this petition.


Annette Hoffman
aghoffman61@msn.com
406-281-2885
307-299-6381

Rick D. Briscoe
P. O. Box 6690
Sheridan, WY 82801

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FEB 14 2007

February 14, 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Via Facsimile 307/777-6134
and US Mail To:
Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

RE: Appendix II of Section 20, Chapter 1,
Wyoming Water Quality Rules and
Regulations

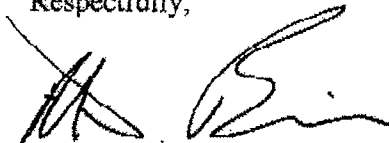
Dear Mr. Gordon,

Please be advised that I adamantly oppose the proposed rule changes regarding the referenced. As a member of the energy community in this state and having moved here by choice to live, work and enjoy Wyoming I find it offensive that the Powder River Basin Resources Council may have the ability to influence the change of policies based on sound science through their rhetorical propaganda.

I believe agriculture stands to lose as much, if not more, than the energy industry if the proposed rule changes are implemented. Many historical stock watering practices will no longer be permissible. Agriculture and industry are being targeted now and this, I believe, will escalate in the future.

As an energy industry professional, a conservationist and a Wyoming resident by choice, I strongly urge you to also oppose the proposed rule changes to Appendix H of Section 20, Chapter 1 of the Wyoming Water Quality Rules and Regulations.

Respectfully,



Rick D. Briscoe



Phone
307.682.1661

Toll Free
800.589.1661

Fax
307.682.1660

209 N. Works Avenue
Gillette, Wyoming 82716

LSinfo@landsurveyingincorporated.com

February 14, 2007

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FEB 14 2007

**Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax: 307-777-6134**

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

Re: Opposition of Proposed Section 20, Appendix H – Ag Use Protection Policy

Dear Mr. Gordon:

By way of introduction, I am a Professional Land Surveyor licensed in the State of Wyoming. So you might ask yourself why I would be in opposition to the **Proposed Section 20, Appendix H – Ag Use Protection Policy**? Because I take pride in the relationships that our surveying firm (Land Surveying Incorporated) has created with landowners throughout the Powder River Basin. I support all the individuals and ranchers that benefit from discharged CBM waters.

I have seen first hand the ranchers that became accustom to CBM discharge water flowing down their drainages or being stored in reservoirs. Most are more than thankful of any water that they can use for livestock or irrigation in such times as drought. It is one less worry that ranchers have to deal with day to day. Water is being offered to livestock in those portions of pastures that were once never fully grazed. Several of the producers have not only created irrigation systems, they also carry the expense of daily operations including harvesting the forage that was grown from produced water. The only expense the rancher has acquired is the actual feeding of the harvested hay. The Rule/Policy will put the producers in a position where they can no longer offer such wonderful benefits created by discharged waters.

Please take into consideration the property rights of each landowner and do not make changes solely based upon eleven people's opinion, the population of this State is much greater. Water management decisions need to be left to individual landowners and producers, realizing there are waters produced that require treatment and not all waters are created equal.

Thank you again for the opportunity to speak my mind and pass along my thoughts and please make the correct decision and oppose any changes. If you have any questions, please do not hesitate to call or write.

Respectfully,

Cevin C. Imus, LS
Vice President
Land Surveying Incorporated

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Senior Planner working for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming off and on for the past 13 years. During my previous assignments for an Industrial Contractor, my duties were assigned in several cities and states, basically I was working on the road away from my permanent residence for more than 15 years. I have since accepted this position, a long term project in the Powder River Basin. This position has pleased my family including my wife, step children, and grand children, that I am residing in one location. I have a mortgage, several vehicles and the Gillette area benefits because a large portion of my income returns to the local economy.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.

- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-299-3579 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Cal Butterfield

FILED

FEB 14 2007

Dear Friends,

I am writing this letter in regards to the upcoming vote ^{Terri A. Lorenzon, Director} ~~in all context~~ ^{Quality Council} does in fact decide the very fate of our community. My name is Tyler Dabney, I am the Project Manager for the 185 product line belonging to Weatherford CPS. (I myself have been involved and employed in the coal bed methane gas field for 6 years now and have gathered a usable amount of knowledge therein). My product line is charged with designing and fabricating methane gas separators for the coal bed gas industry, which alone should attest to the amount of concern we are all sharing at this time. As of now I have 5 electricians and/or apprentices, 5 hands/welders, 1 secretary, 1 Shop Forman/inventory control, and entire crew of subcontractors, and of course myself, for a grand total of thirteen families JUST IN MY FACILITY in the direct path of the decisions to come in two days time. Folks I can assure you that the quality of our discharge water is of my utmost concern, but let us be reasonable about this. *To say that the quality of discharge water is to be ten times the quality of that which we drink is absurd!!* I am not saying that there should not be quality control issues, I am saying that there is absolutely NO REASON for this Tree Hugging Absurdity!

I myself am part of a family that takes ownership in a ranch, (the Double E Ranch of Recluse Wyo.), I firsthand have seen the effects of coal bed methane, and can say that I am not at all in disagreement with the things that I have witnessed upon my own land, let alone that of others. Produced water that is being stored in our new reservoirs has provided Vital Nutrients and sustenance to the cattle that graze upon *what is left of our grass in light of our ongoing drought*. That water is in short, a lifeline to those cattle, and the revenue from said drilling has been a lifeline not only to our ranch, but to my grandmother of 73 years young. The production from our wells has brought new life to our land- and to our family. We are seeing new GREEN grass, healthy cattle, and a somewhat comfortable living. What else can one ask for?

This letter is presented to you, to give you my thoughts and concerns involving the upcoming vote. Do we need quality control implementations targeted at our Produced Water? Absolutely. But the proposal at hand, Ladies and Gentlemen, is not the answer. Not only will it jeopardize the well being of ones self and ones subordinates, thought needs to be taken in context relating to the thousands of jobs, and hundreds of millions of dollars that will be lost in Campbell County alone. I cannot begin to fathom the amount of jobs and revenue throughout the United States that will be forfeited due solely to what I deem as poor judgment and narrow mindedness, on the shoulders, of dare I say- a few Extremists led astray.

If we allow this Absurdity to pass, not only are we allowing others to tell us how to think, live, work, act, we are forever bowing down to those who have absolutely No Idea how the real world works. For those executive type environmentalist who have never set foot in the methane field, never turned a wrench, or in most cases never made a living the hard way. This seems to be the logical choice, we need to enlighten them as to the workings of life a few tiers down. *May this letter bring us the fuel needed to accomplish our goal of preserving a way of life, (And More Importantly Our Jobs!!!)*

Very Sincerely, Tyler J. Dabney
Project Mgr. Fabrication, Weatherford CPS

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a cost analyst working capital and expense budgets, as well as administrative supervision issues for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming for the past 6 years. I have a mortgage, am a tax payer, a registered voter, and active within my community. My husband also works for the CBNG industry as a production operator for Anadarko.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

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appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DRQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-5116 if you have any questions regarding my opinion. I wish to continue working in Wyoming and contributing our significant wages to the Wyoming economy. However, if policies are changed and limitations set so stringently that our own drinking water cannot meet the specs, we will be forced to leave this wonderful state and pursue other opportunities. I cannot envision the large unemployment, abandoned homes, and destructive economic impact the proposals before you could ultimately bring.

Sincerely,



Becky R. Mitchell

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Information Technology Consultant working on computer systems for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming for the past 21 years. I own two houses, a camper and 3 vehicles of course I pay taxes on all of them in the state of Wyoming. I am an active sport enthusiast participating in such activities as Golf, camping, hiking, fishing, and hunting in Wyoming.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:


- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more

appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-660-0013 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,


David A. King, ITC



GREENE ENTERPRISES, INC.

WELL SERVICING EXCELLENCE

P.O. BOX 1686

GILLETTE, WYOMING 82717

307-682-7380

FAX 307-686-2692

February 14, 2007

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FEB 14 2007

Wyoming Department of Environmental Quality
Water Quality Division - Attention Bill Dirienzo
Herschler Bldg., 4th Floor West
122 W. 25th St.
Cheyenne, WY 82002
VIA FACSIMILE: 307-777-5973
HARD COPY TO FOLLOW

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Dirienzo,

My name is Lee Greene, and I am the proud owner of Greene Enterprises, Inc., a coal bed methane well service company. I have been in this line of business for over six years, and have seen a lot with regards to regulations and policies. However, this particular policy, the "Ag Use Protection Policy," is highly unreasonable and unattainable.

The "Ag Use Protection Policy" is unreasonable for many reasons. First, this policy does not only affect the alleged "evil gas companies" or the "evil contractors", but it has an effect on many others, including family and friends that are employed by Greene Enterprises, Inc. Those names are:

Alejandro Barrera
Aureliano Estrada
Brett Egberto
Chris Cox
Chris Greene
Curtis Greene

Darrel Sutherland
Francisco Reyes
Jason Sindelar
Jesse Simons
Jimmy Moore
JoAnna Greene

Kelly Ramsdell
Kristain Schutt
Matt Miller
Timothy Worden
Tony Hanson
Travis Egberto

The policy also has an effect on the employee's families, their home mortgage companies that they pay bills to, the car companies, local business such as Wal-Mart, the stores on Main Street; this policy affects the Wyoming economy as a whole.

Landowners are also affected by this policy. Coal bed methane water is a source used by the landowners for irrigation and watering livestock. This policy would cause the landowners to no longer be able to use CBM water as a source. In return this would

result in causing the landowners many problems. First, the landowners' crops would not be receiving the water needed. Further, livestock, especially during the drought, would have complications from the lack of water in the reservoirs. Lastly, the landowners would be losing money from either having to find other ways to irrigate or water their livestock or having acreage taken away from them by having bigger reservoirs built to hold the water capacity required.

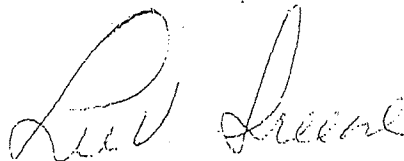
The "Ag Use Protection Policy" causes problems for the wildlife as well. For instance, the irrigated crops provide food, water, and shelter for much wildlife. If there is not any water to irrigate the crops, then those crops will no longer be able to provide that protection and food to the wildlife. The same can be said about trying to build bigger reservoirs. The wildlife that surrounds and inhabits those areas will also be losing protection, food and water. The Department of Environmental Quality and Environmental Quality Control strive for the protection and preservation of wildlife, and the "Ag Use Protection Policy" would be disrupting that.

The "Ag Use Protection Policy" is also unreasonable for the simple fact that all involved would be required to meet a water quality that is truly unattainable. The current Drinking water requirement is 2000 PPB, and the current CBM water standard is 1800 PPB. This policy would require that the standard for CBM be 200 PPB. Now why is it that the current standard for CBM is higher than the standard for Drinking water and that the new standard that would be implemented is even higher than that? There are many samples of water that can be taken that would fail this requirement. For instance, a sample of rain water would fail the current and the proposed standards. Further, the stock water wells would not even meet the "Ag Use" Protection Policy requirements.

The "Ag Use Protection Policy" is not protecting anyone. It does not protect the jobs of the thousands of employees working for the coal bed methane industry. It does not protect those employees' wives or children that depend on this job. It does not protect the economy, the "mom and pop" stores that strive on a strong economy. It does not protect the landowners from drought, dehydration, or loss of land. It does not protect the wildlife from losing shelter, food, and water. The only thing this "Ag Use Protection Policy" protects are those people who want coal bed methane drilling to cease altogether because if this policy passes it will. The requirements proposed in this policy would be nearly unattainable and are highly unreasonable. This is why I am strongly opposed to the "Ag Use Protection Policy."

Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee V. Greene".

Lee V. Greene
President of Greene Enterprises, Inc.

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED
FEB 14 2007
Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Professional Landman working Surface issues for Pennaco/ Marathon Oil Company in Gillette, WY. I have lived in Wyoming since October of 2003. I have a wife, a mortgage and three (3) vehicles. My wife works for the Women's Resource Center in Gillette and we attend and are active participants at Gillette Christian Center.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used. There are many ranchers who depend heavily on cbm water in their ranch operations.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more

appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-5095 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Gregory A. Reeves, CPI

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am an Adv. Facilities Specialist working Methane Gas Gathering issues for Pennaco/Marathon Oil Company in Gillette, WY and have 30+ years with Marathon. I am 51 and a Wyoming Native and have been fortunate enough to live in State for all but 6 years. I presently have a mortgage, 2 vehicles, and a vested interest in Gillette, Campbell County, and Wyoming. I also plan on retiring in Wyoming within the next 5 years.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

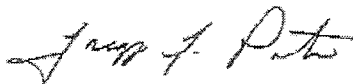
- Appendix II will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.

Terri A. Lorenzon

- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307 682 1275 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Gregg G. Putman

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am an Administrative Specialist working in the Safety Department for Permoco/Marathon Oil Company in Gillette, WY. I grew up in Wyoming and moved back to the state after losing my job in Denver in June 2004. I moved back here because I love living here and was tired of big city living.

I would like to make the following points about this rule:

- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
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- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy.

Sincerely,

Mary Sue Redle
Mary Sue Redle

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Mining Engineer working as a Project Manager for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming for the past 11 years after seeking refuge from an overcrowded Colorado. The first five of those years I spent self employed after starting a small retail business in Buffalo, WY. During this time of self employment, life was extremely difficult due to scraping a living in a poor economy. I was forced to liquidate my business and relocate to Gillette where jobs could be found. After working five years with a small Civil Engineering firm, I was hired into my present job where for the first time since moving to Wyoming, I am fairly compensated. My wife of 28 years and two daughters have made these adjustments as well. All three have been assimilated into the community with work, school and church. We all do weekly volunteer work.

Although the following opposition statement has been reported by others, I fully agree with its contents and believe that the passing of this ruling will have a negative affect not only CBM operators, but ranchers, wildlife and the public in general.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

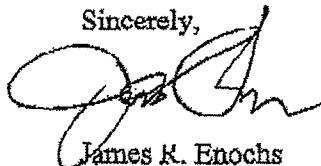
I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.

- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-5078 if you have any questions regarding my opinion. I have appreciated living in the beautiful state of Wyoming and desire to see it preserved for countless generations to follow.

Sincerely,



James K. Enochs
Project Manager

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am currently working as a Project Manager for Pennaco/Marathon Oil Company in Gillette, WY. I just moved to Wyoming after 8+ years with Marathon. I have been vacationing in Wyoming since I was 9 years old and have family that visits every year. Living in Wyoming is a dream come true for my wife and me. My family has been in the drilling business for almost 30 years in PA, and I finally reached my goal of being in the same business. I have a mortgage, 2 vehicles, a camper for vacationing in this beautiful state, and a wife that will be working in the Campbell County School System. I also have grandparents that are very active in the Churches and family counseling in Casper. They also do home study sessions in Casper and Cody.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
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- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.

- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.
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- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-685-5065 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Brian Boyer, PM/Geologist

N
INDUSTRIAL
SPECIALTIES L.L.C.

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

PO Box 1886 - 1088 Robertson Circle - Gillette, WY 82718 * Tel: 307-682-2063 Fax: 307-682-0977
E-mail • info@nisprocess.com

January 29, 2007

Bill Dirienzo
Wyoming Department of Environmental Quality - Water Quality Division
122 W. 25th St.
Herschler Bldg., 4th Floor West
Cheyenne, WY 82002
Fax: 307-777-5973

RE: Comments pertaining to the proposed Chapter 1, Section 20, Appendix H Ag Use Protection Policy

To: The Chairman of the WFQC,

Northland Industrial Specialties, LLC would like to take this opportunity to comment on and express our opposition in regards to the proposed Chapter 1, Section 20, Appendix H - Ag Use Protection Policy Rulemaking Decision.

It is our understanding that Appendix H would eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses due to the overly stringent criteria that would be enforced for CBM produced water discharge. We are firm believers in proper responsibility and management of produced water development, however to place excessive regulation for such permitting seems damaging to our economy and rights as landowners. The relationship between CBM producers and landowners should be left in place to manage the produced water discharge and use. These are the ones affected by the policy and thus should be allowed the right to manage as best seen fit.

The limits that are being set for SAR and FC seem to be unattainable as natural rainwater runoff does not typically meet the default limits spelled out in the policy. The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on Bridger, Montana Study. This study would seem to be more appropriate for use in Wyoming as the study makes use of soils similar in our state, rather than the California study currently being used.

What sets the precedence for a 50 year/24 hour flood event and why is this the criteria for management of the landowners' reservoirs? Why not a 5 year event or a 1 year event? It would seem that if there was such an event there may not be many places that could contain what mother-nature could do.

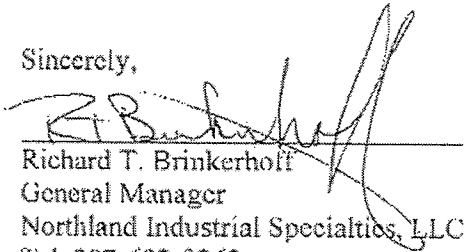
Assuming that this policy were to advance to the point of becoming a Rule of WDEQ. Who would be responsible for the compensation of the landowners who would be negatively impacted

by the loss of water used for irrigation, and livestock. Would it be the State? Thus the tax payers (individual and business)?

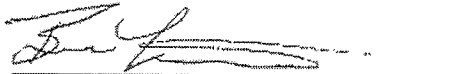
While it is understood that there have been isolated problems with some land owners/ranchers, there is a vast majority that have benefited from the use of the CBM discharged water for irrigation, livestock and wildlife drinking water in locations that had little or none due to current weather conditions.

In summary we oppose the proposed Appendix H Rulemaking decision. We thank you for the opportunity to comment on the ruling and respectfully ask that our comments be submitted into the records.

Sincerely,



Richard T. Brinkerhoff
General Manager
Northland Industrial Specialties, LLC
Tel: 307-682-0263
Fax: 307-682-0977



Brian M. Norstegaard
Field Construction Supervisor / Owner
Northland Industrial Specialties, LLC

Cc: NIS, LLC Owners
NPS, LLC
Ridge Runners Investments, LLC

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Production Supervisor working Water Management issues for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming for the past 7 years. I have a mortgage, 2 vehicles, 1 child in the Campbell County School System. I will have a my daughter enrolled in school next year.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in

Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-660-0013 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Paul R. Beacham

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Self employed Field Manager in the methane fields. I have lived in Gillette, Wy for the past 26 years. I have raised 4 children and have 1 still in elementary school. I attend church at Trinity Lutheran. Our family is involved in many community functions. **I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.**

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

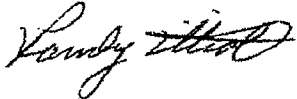
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Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-660-9612 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,
R&B Enterprise

Randy Elliott Owner/Operator



VIA FACSIMILE

FILED

February 14, 2007

FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a pumper in the methane field I have lived in Gillette for 9 years.
I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

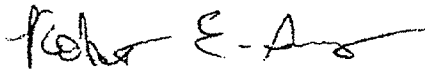
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Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-689-1212 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,
Robert E. Avery



VIA FACSIMILE

FILED

February 14, 2007

FEB 14 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am an Administrative Assistant working for Pennaco/Marathon Oil Company in Gillette, WY. I moved to Wyoming in 1989 with my two daughters. I have enjoyed my time in Wyoming and now have grandchildren who also live here. I have received the following information from our water management group and sincerely hope the correct decision is made regarding this issue. Many people benefit from and make their daily living from the CBM business.

Oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- Oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

Note the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
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- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307.685.5088 if you have any questions regarding my opinion. *I love Wyoming and do not want to lose my ability to make a living in this wonderful state!*

Sincerely,



Vicki Butterfield

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

FAX: 307-777-6134

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations

Mr. Mark Gordon,

I am writing to provide comments **opposing** the proposed rule change(s) with respect to Section 20, Chapter 1 Wyoming Water Quality Rules and Regulations. It is clear that the proposed changes will do little more than harm the State of Wyoming on multiple levels. Simple cow calf ranching operations will literally dry up and blow away, as such minute elements as windmill or water well operated stock tanks will no longer be permissible means to water livestock. Their overflowing discharges will not meet the proposed standards. Furthermore, similar instances where the overflow fills and associated reservoir will no longer be permissible either. This state has been in a prolonged period of drought and were it not for CBM discharge water, many small ranching operations would have already gone under.

The Powder River Basin Resource Council is trying to stop CBM development and in turn ruin the ability of the Wyoming farm and ranch community to raise and care for their crops and livestock operations. In one motion, the PRBRC stands to kill both industry and agriculture all together. For too long the voice of a vocal minority has been dictating the actions of the silent majority. The views of the petitioners are not the views of the people of Wyoming who choose to make it their home. I am one of many University of Wyoming graduates (I personally have a Master's Degree in Environmental Economics) who want to remain in their home state and invest their productive lives into making it their home. I make a good income, pay all of my bills on time, and I pay my taxes. How do the petitioners expect the economy of Wyoming to remain intact if their proposed rule changes get adopted? Are they going to make up the fiscal difference out of their own pockets? You and I both know the answer to that.

The water produced from CBM benefits both the agricultural industry and the Wyoming wildlife. Water is put to good use as stock and wildlife water and irrigation. The science is in place allowing land application of this water with proper oversight and management. The soils are treated and enhanced and life goes on. Wildlife and livestock have flourished in the presence of CBM produced water. You can even discuss this with the BLM wildlife biologists if you like.

Thanks for your consideration on this matter.

Sincerely,



Jonathan Gates - Lifelong Wyoming resident
191 Fish Hatchery Rd.
Story, WY 82842

February 14th, 2007

Stacy Koloski
P.O. Box 3385
Gillette, WY 82717

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg. Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Mr. Bill DiRienzo
Wyoming Department of Environmental Quality
Water Quality Division
Herschler Building, 4th Floor West
122 West 25th St.
Cheyenne, Wyoming 82002

RE: Policy/Rulemaking on Chapter 1, Section 20 - "Ag Use Protection Policy"

Dear Mr. Gordon,

Thank you for the opportunity to comment on this issue. I am opposed to Appendix H because I feel it would eliminate the use of a very important water resource. This existing Policy and proposed Rulemaking (if passed) has the potential of affecting current discharges already in use as well as future discharges. Existing reservoirs will be affected and may have to be abandoned and construction of new reservoirs or facilities will cause unnecessary disturbance. I personally do not see how this would benefit landowners in any way, shape or form. I feel that it should be up to private property landowners to establish water management plans that are acceptable and useful with their CBM Service providers to meet their individual needs. Passing this Policy/Rule would deny landowners that opportunity and their right to choose the flow needed for good livestock and wildlife water. Containment of the 50 year event will require either pits or partially filled reservoirs and neither of these would benefit landowners, wildlife or livestock either. Landowners will lose their right of choice. The majority of the CBM wells in the basin have a stock water appropriation, filed with the State Engineer, associated with when. This rule infringes upon that right.

The limits proposed have been currently based on California studies and not the more appropriate Bridger study and it seems odd to me that even natural water flowing in the basin would not meet these default limits.

This rule will not solve any problems, but will create new ones. If this is passed, it will deny private property landowners the ability to make decisions concerning their own land and it will eliminate a valuable resource that should be available to them.

Thank you for your time.

Regards,

Stacy Koloski
Stacy Koloski

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

J. Dean Boese

P.O. Box 1436

Gillette, Wyo 82717

(307) 660-2007

Wyoming Environmental Quality Council

122 W. 25th St.

Herschler Bldg, Room 1714

Cheyenne, Wyo. 82002

Fax 307-777-6134

MARK GORDON, Chairman

I am a concerned resident of Campbell County for 37 years, making a living in the oilfield and coal Bed Methane Industry.

I oppose the petition on rulemaking - WDEQ - "Ag use protection policy" on water discharge permits before the E.Q.C. (Chapter 1, Section 20, Appendix H) and oppose the rulemaking - Powder River Basin Resource Council etc. WDEQ, Chapter 2.

If this rule were to administer water discharge on the surface, that livestock & wild life drink, and be lost to injection, without being of benefit to anyone. The C.B.M. Reservoir, by my land, has been stocked with Trout and are doing well.

concerned, and Thank You,

J. Dean Boese

P.O. Box 1436

Gillette, Wyo. 82717

February 14, 2007

Todd Merchen
6410 Hudson Ave.
Gillette, Wyoming 82718
307-686-0692

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg, Room 1714
Cheyenne, WY 82002

Re: Proposed Section 20, Appendix H – Agricultural Use Protection

Mr. Gordon:

I previously contacted you about Citizen Petition for Rulemaking – Powder River Basin Resource Council et al- WQD Chapter 2. That letter was dated January 26, 2007. As I stated in that letter, I live with my family in Gillette, Wyoming and am employed as a registered professional engineer and registered professional geologist by Lowham Engineering LLC. Gillette is our home and where we want to stay. My employment in the CBM industry is critical to supporting my family. The CBM industry is also critical to sustaining this community.

Last night I attended a meeting of concerned citizens about the proposed Section 20, Appendix H – Agricultural Use Protection rule making. I sat with several ranchers who depend on the CBM water to sustain their operation. These are folks I have worked with in the development of the gas and water resource and have become friends with. As I discussed in my previous letter, they are receiving a substantial benefit from these waters.

The rule, or fear of its implementation, has already impacted our business and has stymied development of one of our nation's critical natural resources.

There appears to be no scientific basis for the establishment of the 50 year event throughout the Powder River Basin as the controlling storm event to protect "Naturally irrigated Lands". It is a lazy way, and deceptive way, of trying to cripple the industry. Some natural land use has been impacted because of irresponsible development, however, these impacts are localized and not basin wide. These should be addressed individually and not by a blanket rule that injures so many.

Please carefully consider this Ag Use Protection rule, it is too general, without scientific basis, and will likely injure many landowners in the guise of protecting a few.

Respectfully,



Todd Merchen PE, PG

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a pumper in the methane fields I have lived in Gillette all my life. I have been in this line of work for 5 years.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
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- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-299-4009 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,
Tanya Elliott

Tanya Elliott

February 14, 2007

FILED

FEB 14 2007

Wyoming Department of Environmental Quality
Water Quality Division – Attention Bill Dirienzo
Herschler Building, 4th Floor West
122 W. 25th St.
Cheyenne, WY 82002

Terri A. Lorenzon, Director
Environmental Quality Council

Re: Proposed Section 20, Appendix H – Agricultural Use Protection

Dear Mr. Dirienzo:

After attending last night's CBM meeting regarding the Ag Use Protection Policy we felt compelled to write a letter.

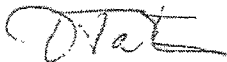
First, we were very disappointed to hear and read the letter from a rancher whose name was put on this petition without her knowledge. That puts the petition on shaky ground for us.

Secondly to hear that the water being discharged would have higher water quality than the water we drink (if this rule passes) was astonishing. This leads us to believe that the citizen's petition was introduced to not just improve the water quality, but to stop the discharging of water. It very well would if this rule is passed as it would be very hard for the water to meet these new expectations.

Lastly, to hear a landowner speak about how this rule would affect him (when this is supposed to protect him) was what sealed the deal. Taking the discharge water away is not going to do any good for most landowners. When we see landowners that are against this cause that is supposed to protect them, we see the real truth of the matter.

When you see the papers upon papers that CBM companies already go through to get permits etc... You see that they are doing everything in their power to keep the land, vegetation, wildlife, and water in the very best shape it can possibly be. There is no reason to add another rule that would end up taking away a very important resource to most landowners which in turn would make the rest of the land suffer.

Sincerely,



David Tate
Yates Petroleum



Holly Tate

**TETRA TECH EC, INC.**

VIA FACSIMILE

February 14, 2007
TTDN-MOC/GEN-07-113(X)**FILED**

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Subject: Wyoming DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1,
Section 20.

Dear Mr. Gordon:

I am a Professional Engineer working on water management solutions for several CBM operators in the Powder River Basin. I am a registered Geologist and Engineer in the state of Wyoming and have worked in the energy industry for over 25 years. I believe that the Coal Bed Methane industry is good for Wyoming and the land owners and ranchers of the state.

- I am opposed to the Department of Environmental Quality's proposed Rule (Appendix H) regarding Chapter 1, Section 20.
- I oppose state rulemaking that reduces the ability to use CBM produced water for beneficial use.
- Such uses of CBM water include livestock and wildlife watering and crop irrigation which have proven to be beneficial to the state.

I would also like to make the following points about this rule.

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife watering.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that cannot be met.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not always meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board has suggested that WYDEQ consider water quality standards based on the Bridger Montana Study which is more appropriate to the state of Wyoming than the California study currently used. The California soil model is not representative of Wyoming soil and does not produce representative results.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, which will result in substantial costs to replace making many CBM fields uneconomical.



Mr. Mark Gordon
February 14, 2007
Page 2

- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a viable water management plan can be developed. This policy/rule will likely have a negative effect on future development of CBM resources in the Powder River Basin.
- The CBM industry is already carrying a sizable regulatory and financial burden. These proposed rules will put future production at jeopardy and will likely have an economic impact to the state.
- Water management decisions need to be left to responsible landowners and operators.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 303-980-3544 with questions or comments.

Sincerely,
Tetra Tech EC, Inc.



Keith S. Davidson PG, PE
Principal Engineer

KD:bl
Cc: Project File



Brennan Engineering & Instrumentation

February 14, 2007

David D. Brennan
Brennan Engineering and Instrumentation
5700 Antelope Valley St
Gillette, WY 82718
Phone: 307-685-2987

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Mark Gordon
Chairman
Wyoming Environmental Quality Council
122 West 25th Street
Herschler Bldg, Room 1714
Cheyenne, WY 82002

Re: Opposition to Chapter 1, Section 20, Appendix H of the "Ag Use Protection Policy"

Dear Mr. Gordon

Please do not let Chapter 1, Section 20, Appendix H of the "Ag Use Protection Policy" pass your approval. The CBM industry has been working hard to comply with all the rules and policies set by WYEQC and the WYDEQ. This policy not only puts tighter restrictions on CBM water discharges but it also effects the rights of ranchers and landowners from discharging water on their own property. Please do not let this policy become a rule. We think that it should be up to the DEQ's discretion and let each decision be site specific.

Sincerely,

David Brennan
BEI

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

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- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/ development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy.

Sincerely,



Jim Tumlinson

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Citizen Petition for Rulemaking-Powder River Basin Resource Council et al-
Revised Version-WQD Chapter 2

Dear Mr. Gordon,

I work for Pennaco/Marathon Oil Company in Gillette, WY. I supervise completion work on newly drilled wells. I have worked in the oil & gas industry for 34 years. I moved back to Gillette, after an absence of 7 years, from Texas to be a part of coal bed natural gas development. I have resettled here with a mortgage, 2 autos, and other financial responsibilities.

I oppose the Citizen Petition for Rulemaking - Powder River Basin Resource Council et al - WQD chapter 2.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- If this rule is passed, in any form, the financial ramifications to me, my family, my fellow employees and my company will be devastating. In addition, the loss of tax revenue to the county and state from the tremendous reduction in Coal Bed Natural Gas production will change Wyoming's revenue picture from having a surplus to a deficit.
- John Wagner, Administrator of the DEQ's Water Quality Division, has written to the EQC with his understanding of the effects of the proposed rule. Mr. Wagner stated the rule will have the effect of prohibiting most, if not all CBM produced water discharges.
- I oppose any rule that would set stricter standards for Powder River CBM produced water than the existing WYPDES standards for Conventional Oil and Gas Operations. The concept of a standard is self-explanatory...it should be applied over the entire state. The Powder and Tongue Rivers are not any different from the Wind/Big Horn or Shoshone rivers. This rule is bound to be struck down as arbitrary and capricious upon appeal.

- It is well understood by the Permian and other CBNG operators in the basin that problems with CBM water on some individuals' properties might exist. I have personally dealt with many of these individuals...in my opinion, their view of rights they are owed is skewed beyond all reasonableness. There are many options available for conflict resolutions that are not being pursued by the petitioners. Changing water quality rules is not a fix for those issues. In nearly every case an engineered solution has been offered to the petitioners. The petitioners seem opposed to anything but a fight.
- The Attorney General's office has repeatedly cautioned the EQC against this petition and the rule it proposes. The EQC would be wise to heed their attorney's advice. Again, upon appeal this rule will be struck down as arbitrary and capricious.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy.

Please feel free to contact me at 307-660-4670 if you have any questions regarding my opinion. I was born and reared in Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,

Charles H Haskins Jr.

Charles H Haskins Jr.

February 14, 2007
Via Facsimile (307-777-6134) and regular Mail

Mr. Bill DiRienzo
Water Quality Division
Wyoming Department of Environmental Quality
Herschler Building, 4th Floor West
122 West 25th Street
Cheyenne, Wyoming 82002

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Re: Proposed Section 20, Agricultural Use Protection Policy

Dear Mr. DiRienzo

I respectfully submit for your consideration the following comments regarding the proposed changes to the Section 20, Agricultural Use Protection Policy.

Please use the recommendations from Mr. Harvey's (KC Harvey, LLC) study in the process of decision making for establishing the EC and SAR default limits for end of pipe water quality. Overly restrictive water quality limits have the potential of causing current discharges and future discharges of water to no longer be available for providing water to livestock, wildlife, and for irrigation without additional treatment. The water that is being pumped to the surface from the coal is of better quality in many instances than the water that has been used in the past prior to coal bed natural gas development and the idea of having to possibly treat to meet overly restrictive regulations is a waste of additional resources.

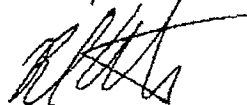
The Water and Waste Advisory Board suggested to WYDEQ that they consider water quality standards based on the Bridger Montana Study. As the Board pointed out this study at Bridger would definitely be more representative of the soils found here in our State vs. the State of California. Please consider the good advice of the Water and Waste Water Advisory Board in your decision making.

The proposed rule seems to be inconsiderate of the property owners that have use for the water and want to continue there right to do so. As proposed Appendix H will interfere with the livelihoods of many land owners who currently rely on the produced water to enhance ranching operations. The proposed idea of building reservoir sites in the drainages that will contain a 50 yr/ 24 hr precipitation event and the produced water is just not reasonable. Many of the areas that land owners would prefer operators build reservoirs would be eliminated as an option because of this rule. The property owners ability to manage the water resource and grazing of there pastures would be significantly impacted by this rule. Please keep in mind the operators and property owners need water management tools they can work with to compliment each other, and this proposed rule is not that tool.

Thank you for the opportunity to comment.

Sincerely,

Boyd Abelson



ATTN: Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002
FAX: 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

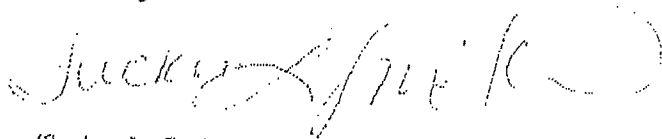
RE: Proposed Section 20

I am opposed to the proposed section 20 rule changes because it will cause great harm to the economy of the State of Wyoming. It will decrease career opportunities as well as have a long term effect on other jobs, such as real estate, that are not directly related to coal bed methane development.

The proposed section 20 wouldn't allow ranchers to use reservoirs they already have permitted to feed livestock. It will have a negative effect on their livelihood as well as cause major price increases in the cattle market as decreasing water supply would also decrease herd size. Many ranchers were able to continue production without having to file bankruptcy due to the positive effects of coal bed methane development.

Overall, proposed section 20 is extremely cost inefficient. It would hinder the economy, increase bankruptcy filings and lower the average income rate of Wyomingites.

Best Regards,



Tucker I. Smith
Sheridan, Wyoming

February 14, 2007

**Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002**

FAX: 307-777-6134

FILED
FEB 14 2007
Terri A. Lorenzon, Director
Environmental Quality Council

RE: Appendix H of section 20, Chapter 1 Wyoming Water Quality Rules and Regulations

Mr. Mark Gordon,

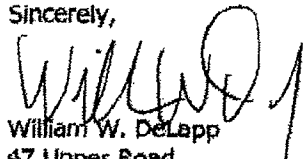
I am writing to provide comments **opposing** the proposed rule change(s) with respect to Section 20, Chapter 1 Wyoming Water Quality Rules and Regulations. It is clear that the proposed changes would be damaging to Wyoming and the majority of its residents. Ranchers would lose the ability to beneficially use CBM produced water for anything simply at the demand of some downstream landowner who perceived that it might damage his land. The head of DEQ has stated that virtually all discharges of CBM water would not be able to be permitted under the proposed limits.

The Powder River Basin Resource Council is trying to stop CBM development. For too long the voice of a vocal minority has been dictating the actions of the silent majority. The views of the petitioners are not the views of the people of Wyoming who choose to make it their home. I am one of many longtime Wyoming residents who want to remain here and invest their productive lives into making it their home. The proposed changes would very likely eliminate my job and the jobs of thousands of other residents who make their living in the CBM industry.

As manager of operations for the company I work for, I can tell you that if surface discharge of CBM produced water is not permitted, we will lose approximately ninety percent of our 100mmctd natural gas production.

Thank you for your consideration.

Sincerely,


William W. DeLapp
47 Upper Road
Sheridan, WY 82801

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

February 14, 2007

Mr. Mark Gordon
Wyoming Environmental Quality Council
122 West 25th Street, Herschler Building, Room 1714
Cheyenne, WY 82002

Dear Mr. Gordon:

For a multitude of reasons, I am opposed to the proposed section 20 rule changes:

1. This rule/policy would add further regulatory and economic burdens to the CBM industry which is already heavily burdened with regulatory requirements.
2. Appendix H will eliminate a source of water needed by ranchers and have a negative impact on livestock and wildlife needs.
3. Existing uses of CBM produced waters are not protected by this rule/policy.
4. Landowners seeking beneficial use of water suitable for wildlife and livestock may be deprived of the ability to use this water by a single landowner or third party because of the section on "Naturally Irrigated Lands".
5. Ranchers may be prohibited from allowing water to flow down their drainage systems if WYDEQ sets SAR and EC limits that CBM produced water cannot meet.
6. This rule/policy will financially devastate both ranchers and the CBM industry; this devastation will directly translate to an overall decline in the prosperity of the State of Wyoming as a whole.

The complications created from this proposed "solution" will create problems far greater than what the original "problem" ever contained. If approved, this rule/policy will immediately cause significant loss amongst the general populace of Wyoming: loss of jobs/livelihoods, loss of industry, loss of revenue, loss of ranches, loss of livestock, loss of wildlife, etc.

Ultimately, the addenda's of a few individuals with "special interests" should not be permitted to adversely affect the needs of the many individuals who will be severely impacted by the approval of the proposed section 20 rule changes.

Thank you very much for your time and attention.

Sincerely,



Debbie George
Sheridan, Wyoming

February 14, 2007

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Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY. 82002

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

Wyoming DEQ/ Water Quality Division
122 W. 25th St.
Herschler Bldg., 4th Floor West
Cheyenne, WY. 82002

Dear Mr. Gordon & Mr. Dirienzo

I oppose the proposal put before you known as Chapter 1, Section 20 aka the "Ag Use Protection Policy". It seems to me the only protection this offers to Agriculture lands and the associated stewards is similar to the protection an umbrella gives a water thirsty salt cedar tree in the desert. Literally taking available water away from Ag lands is unacceptable as we plod our way into the seventh year of a drought.

I, like most Powder River Basin area citizens do not envy your position. The position you have been appointed to is a huge contentious responsibility. I only hope that you have the ability to weigh in on all points of view. I know you have heard economic impacts, social impacts, agriculture impacts, etc... As a council the redundancy of the comments must be almost numbing but please remember we are the silent majority. We are the working class middle man who puts in the 40 to 80 hour work week and we all just want to go home and enjoy our families; not fight the battles, one at a time, that help us assure we will have jobs at the end of your rulemaking decisions.

Thank you for suffering through yet one more letter. The decisions before you are not in fact "Ag Use Protection Policy" in reality it is "Ag Use Prevention" of produced water.

Happy Valentines Day,

Saunda Phillips
P.O. Box 1103
Gillette, WY. 82717
307-660-3836

cc: Governor Dave Freudenthal
Senator John Hines
Senator Michael VonFlatern
Representative Sue Wallis
Representative Timothy Haillinan
Representative Tom Lubnau

VIA FACSIMILE

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

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FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

RE: DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1, Section 20.

Dear Mr. Gordon,

I am a Professional Geologist working Water Management issues for Pennaco/Marathon Oil Company in Gillette, WY. I have lived in Wyoming for the past 6 years. I have a mortgage, 3 vehicles, 3 children in the Campbell County School System. I also have 1 child who is a freshman at the University of Wyoming. I am very active in music in the area and I attend the Wesleyan Church in Gillette.

I oppose the Department of Environmental Quality's proposed Rule (Appendix H) or Policy regarding Chapter 1, Section 20.

- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus beneficially used.
- Water has to be in the stream and constantly available to ranchers, livestock and wildlife if it is to be beneficially re-used.

I would also like to make the following points about this rule:

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife uses
- Chapter 1, Section 20 and the Ag Use Protection Policy does not protect existing uses of CBM produced waters.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that CBM produced water cannot meet.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not typically meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board suggested to WYDEQ that it consider water quality standards based on the Bridger Montana Study. This study is more

appropriate for use in Wyoming as the study makes use of soils similar to that in Wyoming, rather than the California study currently being used. DEQ should heed the advice of the WWAB.

- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, resulting in substantial costs to replace, possibly making fields uneconomical.
- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a water management plan can be firmed up. This policy/rule will likely have a negative effect on future development of CBNG resources in the Powder River Basin.
- CBNG industry is already carrying a sizable regulatory burden. Further regulation puts further production at jeopardy. If further production/development is in jeopardy economic impacts are likely to follow.
- Water management decisions need to be left to responsible landowners and operators. Don't take away use of reservoirs (which may not be capable of containing the 50 year/24 hour event and all produced water) as a viable water management tool.

Thank you for the opportunity to comment on this rule. Again, please register my opposition to making this a rule or policy. Please feel free to contact me at 307-660-0013 if you have any questions regarding my opinion. I love Wyoming and do not want to lose my ability to make a living in this wonderful state!

Sincerely,



Gregory A. Smith, PG

FILED

FEB 14 2007

Terri A. Lorenzon, Director
Environmental Quality Council

February 14, 2007

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
Herschler Bldg., Rm. 1714
Cheyenne, Wy. 82002

Dear Mr. Gordon,

By way of introduction, my name is Daniel J. Kaufmann. I have been a resident of Campbell County Wy. Since 1991. I have been a resident of Wy. Since 1975. I have been involved in Gas and Oil exploration, production, monitoring, testing, and compliance since that time. I am currently employed by Energy Laboratories Inc., Gillette, and Wy.

I am writing this letter in concerning the proposed regulatory changes involving Chapter 1, Section 20- Appendix H " Ag Use Protection Policy". I won't burden you with comments concerning the importance of Energy Production in Wy.

In a letter to John Corra, from DEQ Director from Bill DiRienzo WYPDES Manager, Mr. DiRienzo states reminds us that the Environmental Quality Act contains definitions for " credible data", " pollution" and other information for the purpose of designating the uses of surface water and assessing the attainment of those designated uses. If Chapter 1, Section 20 – Appendix H is implemented, the following may result:

1. Elimination of a source of water currently used beneficially by a large number of ranchers. (This may affect Livestock as well as Wildlife.)
2. Could change requirements for existing water management.
3. If the implementation of a requirement to build or maintain reservoirs capable of containing a " 50 year / 24 hour" flood event plus produced water, ranchers and operators will not be able to logistically or economically comply.
4. If the implementation of a requirement to build or maintain reservoirs capable of containing a " 50 year / 24 hour" flood event plus produced water, the natural rainwater flowing down the drainages during storms would not typically meet the default limits.
5. Ranchers and operators would lose a system currently used, which lets the Rancher, and operators make water management decisions, in a teamwork approach. (This system currently offers several options, solutions, etc. for both parties)

I appreciate the due diligence and work concerning ALL of Wyoming's natural resources. If a change occurs which takes decision making away from the landowner, will everyone involved feel they have reached a fair decision?

Thanks For Your Consideration,
Daniel J. Kaufmann

