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JAN 29 2007

Terri A. Lorenzon, Director
Environmental Quality Council

January 28, 2007

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

Re: Oppose Petition before EQC for Rulemaking by PRBRC to modify WQD Ch. 2.

Dear Mr. Gordon:

For introduction, I write to you from dual perspectives: (1) as a family man that is nearly an 8 year citizen of Gillette, proud of the growth, development, and prosperity that I've witnessed the City, County, and State enjoy and come to expect over that timeframe that in a large part (~1/3) is directly attributable to a healthy and economically sound methane component of localized businesses 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. ~~Changes to the WQD Ch. 2, as proposed in the PRBRC's Petition, will no doubt, gravely impact me and my wife's currently, until now, optimistic of desire of raising our only child in the fine CCSD system (supported by CBM taxes) & my seeking to attain retirement via a continued rewarding career within the methane business of the PRB; I am currently 45 years old. If the CBM industry can remain strong, without obstructionist-biased over regulation, another 20 years of foreseeable employment is well within expectational reason.~~

I generally don't discuss business at home, but when my wife asked why was I getting nervous about future employment, by making an off-the-cuff remark: "hope for the best, expect the worst", regarding the Petition's implications, all I had to do was read for her excerpts and interpret facts pointed out in the Jan. 5, 2007 letter written to your attention from John F. Wagner – DEQ, Administrator, where he keenly states: "*This language (of the Petition) would have the effect of prohibiting most, if not all CBM discharges to the surface.*" and "*...that no CBM operator can discharge effluent which meets the definition of 'pollution' or would cause 'pollution' in the receiving stream.*" Hence, my family: wife, daughter, and live-in father-in-law – all voice a silent yet similar opposition to PRBRC Petition in that they too have come to love their interactions within the small town, community feel of Gillette – and don't want to see it change in a way that passing of this Petition will affect not only our direct lives, but the community as a whole, should the CBM industry's economic viability (i.e., surface discharge) be removed, under an "unwritten" mandate implying continued development opportunity using only extremely costly operational injection or treatment systems, as discharge alternatives.

We came to Gillette from Houston, TX, as the CBM 'boom' was in full swing (1999), when most methane development was on Fee surface and before regulations became onerous in many areas. I have a MS in Geology and began working here for two jointly-owned companies: a local drilling contractor, Conquest Energy Services, LLC, and a small independent Operator, Big Basin Petroleum, LLC. My assigned tasks in the 3.5 years under their employment began: correlating from E-logs the expected coal depths and in the field picking the coal tops to secure an optimal casing set depth. Being

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small companies, this quickly migrated to a multitude of tasks and I wore many hats, giving me exposure to CBM's broad spectrum of necessitated activities for successful development. I was not only a geologist, but also the land/relations man for CES & BBP to the ranch owners, hired crews, and public meetings; a RRP permit agent - responsible for all WOGCC, SEO, DEQ, BLM permit acquisitions and compliance, etc.; and safety coordinator - designing and instigating a first-rate safety program for CES. For the last 3.5 years, I've enjoyed employment with the largest independent Operator in the PRB: Yates Petroleum Corporation, as Federal Regulatory Agent, liaison for the company to the BLM and landowners of surface containing Federal minerals. I produce the plan of development (POD) application packages and work with BLM and landowners to meet mutual objectives to acquire APDs and then see to it that each project's development is constructed and maintained as the POD plan prescribed. 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.

I've also seen the industry mature. Industries responsible operators and 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, that the local community drinking water supply's (Gillette & Buffalo) could not meet. WQD Ch. 20 already protects downstream users, so I take a moment here to also voice opposition to WYDEQ's proposal for rule change to have future and (retrofit) existing reservoirs to be built to contain the 50 yr/24 hr event in addition to produced water. It would protect against all waters, 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" and "retain economic viability" in creation of these mammoth structures that nobody wants for posterity?

My point is that the CBM industry is under enough governmental regulation, NOW! Implementation of 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.

Respectfully and very concerned,



Bob Irwin