

**WS Ranch  
Lindy Burgess  
P.O. Box 80  
Wyarno, WY 82845**

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

January 4, 2007

Mark Gordon, Chair  
Wyoming Environmental Quality Council  
Herschler Building  
122 W. 25<sup>th</sup> St., Room 1714  
Cheyenne, WY 82002

Dear Mark and members of the Council,

I would like to offer the following comments concerning the proposed rule changes to Chapter 2 of Wyoming's Water Quality Rules and Regulations which will come before the Council on January 17<sup>th</sup>.

- The Petition by the Powder River Resource Council, et al., does not adequately represent my views as a rancher/landowner with CBM development.
- The paragraph revision (d)(i) of Appendix H which adds language 'to the extent discharge water is actually used by livestock/ or wildlife' seems to require that all discharge water made available to animals must be utilized by such animals and must therefore be quantified. What is important is that our livestock have access to *plenty* of clean, fresh water on a year round basis. This might include the storing or release of more water than animals are actually consuming at any one point in time. The Agricultural Use Policy should adequately address effluent quality and problems of erosion and encroachment of these waters into main stream channels or shallow aquifers.
- I disagree with the Petitioner's contention that evaluation of and impact to surface water is not being dealt with. We have many 'monitoring' wells in place to do just that. Downstream testing of CBM discharge water is a current and necessary requirement.

- The Petitioner's statement that water 'quantity' is an issue is not news. When quantity of produced water is too great then problems do indeed arise. If we assure that the rules pertaining to such problems are adequate, then the process will work. Most of us have surface and damage agreements which not only utilize the standards in the Agricultural Use Policy but go even farther. Preserve our power to negotiate these agreements to curtail production of water as problems arise.
- The Petitioner's contend that *bonding and "implementation guidance" concerning reclamation of lands under impoundments is inadequate*. If true, then I agree this language should be strengthened to require successful reclamation.
- I firmly believe that Industry and Agriculture can choose the best methodology for water production on a case by case basis. Rules that essentially force re-injection might well prove imprudent in areas of certain geology.
- There are many inherent problems with water treatment, soil amendment and other approaches. Preserve our ability to negotiate the best solution on a case by case basis while following appropriate guidelines.
- The proposed changes to maximum levels of sulfates, total dissolved solids and barium seem too stringent. A quick internet search yields recommendations which are more lenient and defensible. Let the CBM Water Taskforce which is working on these issues in Wyoming report their findings and hold off on limit changes until they do.
- Making the Agricultural Use Protection policy a 'rule' is not a bad idea *per se* but the limits contained therein must be well documented and defensible. I believe such limits should apply to all produced water and not just to CBM water. Anything less is capricious. We, and others, have utilized natural spring water for years with Sulfate and TDS levels far above the proposed limits with no adverse effects to our livestock. A maximum is a level above which effluent becomes clearly inadequate, it is not an ideal.
- I find no credible documentation supporting the Barium limit. There is no mention of Barium toxicity in the Merck Veterinary Manual or the Enzinger Stockman's Handbook. I find no mention of livestock limits on the EPA site. I do find evidence that Barium salts are usually insoluble and that Barium toxicity poses little threat to livestock and humans. The petition inaccurately describes



*hypokalemia* as a reduction of Phosphorus in the blood. It is in fact a reduction of Potassium in the blood. It is not hard to understand why this rule change seems completely arbitrary and capricious. It seems to have been brought up by those with little understanding of the science and questionable documentation.

In conclusion, it is not hard to understand the frustrations of a few who have had bad experiences with Coal Bed Methane water discharge. But there are many more of us who have had excellent experiences and wish to preserve our ability to continue to use this resource in a responsible and environmentally sound way.

Thank you,

A handwritten signature in cursive script that reads "Lindy Burgess". The signature is fluid and includes a long, sweeping tail on the letter "s".

Lindy Burgess