

VIA FACSIMILE

January 26, 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**

**JAN 29 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 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 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 Pennaco 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 PRBRC, in my humble opinion, is a group of environmentalists with an unrealistic view of the world in which they live. They want natural gas, oil and coal energy to be available and convenient, but are opposed to responsible development of Wyoming's resource base. Their website says they are for responsible development, but I believe PRBRC's view of responsible is more like impossible.
- 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 307-660-0013 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