

**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.jwsbcm@vcn.com

1/25/07

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

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:

Jims Water Service, Inc would like to take this opportunity to present our opinion and information regarding the above mentioned Citizens Petition to Amend Wyoming Water Quality Rule, Chapter 2, Appendix H filed December 7, 2005 by the Powder River Basin Resource Council and several of its members.

Upon extensive review of the proposed Petition, I would like to begin with the Beneficial Use issue of water quantity and quality.

Each WYPDES Permit issued by the Department of Environmental Quality is meticulously reviewed before approval. Research data is required by "ALL" parties involved in this process and once approved, permits are issued with a Water Quantity (Flow in mmgd) limit as well as Water Quality (constituent limits) specific to the area outlined in the permit. Under the approved permit(s) issued, each operator is regulated and required to monitor and comply with very stringent rules and guidelines. The operator employs and contracts numerous engineers, hydrologists, geologists and other experienced and expert personnel to track, monitor and report to the appropriate governing agencies the required data as outlined in the WYPDES Permit. Inspections are made randomly and at times without notice by DEQ staff to assure compliance with CBM produced water containment and overflow should the operator be permitted to do so, samples are pulled in the field and constituent levels are monitored very closely within the confines of the permit. The Operator is required under the permit to acquire and maintain Statements of Beneficial Use from each Landowner involved and that Landowner has extreme input as to whether or not they want the water contained in a reservoir, for stock watering, for irrigation etc. and holds the right to say whether or not they want the production water at all. The Landowner and the Operator have the responsibility to see to it that the Beneficial Use of Production Water is controlled and maintained as agreed upon and the Operator has the responsibility of compliance with the WYPDES permit itself. Therefore, water quantity and quality are both supported by the rules and regulations, statutes and governing law making DEQ's

regulation and permitting very effective for CBM produced water. We respectfully ask that Council DENY the Citizens Petition to modify the language in Chapter 2 Appendix H, Permit Regulations for Discharges to Wyoming Surface Waters...

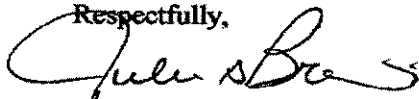
Now, let's address the Effluent Limits portion of this PRBRC Petition. There are currently limits imposed for Barium and written in the WYPDES Permit as regulated and required. The Council must consider the facts on this issue and not be swayed by public intimidation, erroneous accusations and assumptions. All I will say at this point is refer to W.S. 35-11-302 (a) (vi). The statute is clearly stated.

When you look at the overall, long term effects of this Petition, the PRBRC is basically trying to shut down CBM operations by proposing rule changes that will be detrimental to the CBM Industry, the State of Wyoming and its' population. Millions have been disbursed on water quality and quantity technology to aide the industry in trying to remain compliant with ALL governing agencies criteria. Thousands of citizens will be affected in numerous ways that will be devastating for cities, counties, schools and the State as well as operators, producers, contractors, employees and their families. The full economic impact remains unknown, but guaranteed futures would certainly be grim and the impact phenomenal.

Given the extensive review and consideration these issues have already received during the rulemaking efforts, Jims Water Service, Inc respectfully requests the EQC deny the proposed petition to amend the Chapter 2 regulations.

We appreciate this opportunity to comment and thank you for your consideration of these comments.

Respectfully,



Julia A. Brown, CBM Division
Jims Water Service, Inc
A Wyoming Corporation

JWS/jb