

VIA FACSIMILE

January 29, 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 etal-  
Revised Version-WQD Chapter 2

Dear Mr. Gordon,

- I am a Materials Administrative Specialist working for PSN, Inc. contracted with Pennaco/Marathon Oil Company in Gillette, WY. I am a Wyoming Native and have lived in this State for the majority of my life. I am 51 years old and a recent Widow trying to make a living for myself. I have always been very supportive of conserving our Natural Resources and taking care of our environment for the benefit of all Wyoming Citizens. For the following reasons I **CANNOT** support this **Citizen Petition for Rulemaking**.
- If this rule is passed, in any form, the financial ramifications to me, my fellow employees, my company and everyone in this whole area 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. In my opinion, their view of rights they are owed is skewed beyond all reasonableness.

- There are workable solutions to address all their concerns and many options are available and have been offered for conflict resolutions concerning the petitioners. These offers always seem to fall on deaf ears. The petitioners seem opposed to anything but a fight. Changing water quality rules is not a fix for those issues.
- I oppose any rulemaking that reduces or eliminates the ability for coalbed produced water to be discharged and thus available for beneficial use to ranchers, livestock, and wildlife. Water has to be in the stream and constantly available if it is to be beneficially re-used.

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

- I am in full agreement with Mr. John Wagner when he states in his letter that it is premature for the Council to change effluent limits when a rigorous and thorough evaluation of this issue is only six months away.
- This ruling could have a very huge, severe economic impact on the majority of Powder River Basin residents and virtually state wide. Any changes need to be derived from complete and thorough information collected from studies that are conducted in Wyoming, with Wyoming soil.
- 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 307-685-1112 if you have any questions regarding my opinion. I love Wyoming and want to see it grow and be developed responsibly for all of it's residents. Not just a select few. It is a wonderful state!

Sincerely,



Kathy L. Spear