


CBM Associates, Inc.

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GROUNDWATER & SURFACE WATER HYDROLOGY • WATER RESOURCE MANAGEMENT • ENVIRONMENTAL PERMITTING & COMPLIANCE

January 29, 2007

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

FILED

JAN 29 2007

 Terri A. Lorenzon, Director
 Environmental Quality Council

VIA FACSIMILE AND U.S. MAIL

Re: Citizen Petition for Rulemaking – Powder River Basin Resource Council et al – WDEQ-Water Quality Rules and Regulations, Chapter 2

Dear Mr. Gordon:

My name is Tom Nissen. I am the Operations Manager of the CBM Associates, Inc. (CBMA) Buffalo, Wyoming office. CBMA specializes in permitting, water resource management, and environmental compliance for the CBM industry. My wife, my children and I are active members of the Buffalo community. We call Buffalo our home.

I have reviewed the Citizen Petition for Rulemaking to Amend Chapter 2 of the Wyoming Water Quality Rules and Regulations (the Petition) as well as the letter of advisement from Mr. John Wagner, Administrator, WDEQ-WQD to you dated January 5, 2007. I share Mr. Wagner's technical and regulatory concerns with this Petition. The proposed amendment to the rule, if passed, would essentially prohibit all discharge of CBM water to the surface and effectively shut down the CBM industry in the Powder River Basin. I strongly oppose the Petition because it lacks sound technical basis, is administratively unfair, and would have catastrophic economic effects on the State of Wyoming, Johnson County, the City of Buffalo, CBMA, and me personally.

To set standards for CBM discharges that are more restrictive than for any other permitted discharges in Wyoming is unfair, arbitrary and capricious. I am not aware of any risks to human health or the environment that would warrant amending the rules as proposed. Finally, I understand that the EQC must consider economics in its decision-making process. The loss of tax revenue to the State, counties and municipalities would be tremendous as a result of the extermination of the CBM industry. Additionally, the dollars earned by people who make their living from the CBM industry circulate through their communities many times over at businesses that do not derive their revenues directly from the energy sector. Not only would the proposed rule shut down the CBM Industry if passed, it would also kill countless other small businesses.

In closing, I urge the EQC to disapprove the Petition as proposed for the reasons given above. I thank you for the opportunity to comment, and for serving the public in a difficult and contentious position. If you have any questions, or would like to discuss my position further, please feel free to contact me at (307) 684-0252.

Respectfully submitted,

 CBM Associates, Inc.
 Thomas C. Nissen, P.G., C.H.M.M

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