

DEQ/ Water Quality Division
Attn: Bill DiRienzo
Herschler Building- 4W, 122 W. 25th Street
Cheyenne, WY 82002

February 12, 2007
FILED
FEB 13 2007

Dear Mr. DiRienzo

Terri A. Lorenzon, Director
Environmental Quality Council

My name is Philip Hoy. I wish to again inform the Environmental Quality Council of the problems I have had with CBM water. Please forward my comments to the EQC.

First I would like to say that the CBM industry is needed and wanted in Wyoming. I do not wish to put them out of business. What is needed are laws, regulations that they may operate without harming the people, other business and our environment. We have such regulations for other industry. The industry screams that we are being unreasonable and will put them out of business. I don't believe this. **WE ASK FOR RESPONSIBLE DEVELOPMENT!**

THE PROBLEM --- CBM water is permitted to be discharged by the state. CBM water is permitted to be held in on and off channel reservoirs. These permits are being issued without regard to down stream landowners, businesses or land use.

WHAT I HAVE EXPERIENCED, LOSS

White minerals on top of the ground, leaching up from below. Sometimes in excess or 1/4 inch. This white mineral is in our homes and we must breathe it.

Trees and grass killed.

Loss of 3 leach fields for my trailer park.

My water well went dry. I had to drill a new one. (There is a law that states that if a coal mine affects your water well they must replace it. Why not the same law for the CBM Industry?)

Due to high ground water levels caused by CBM discharge I had to build and now maintain a sewage treatment plant.

My home broken apart. This is caused by water levels rising and falling, soils expanding & contracting.

Shop and outbuilding foundations and secondary containment cracked.

Underground water lines broken.

Ground water at 10 inches in springtime and 30 inches the rest of the time.

This high ground water level in some of the driest years ever.

The loss of my grandchildren's education!

NINE YEARS of my life and profits from my business GONE.

Why, So that the State of Wyoming and CBM companies could prosper, at my expense!

What if your home broke apart?

What if when you turned the tap, you could not drink?

What if when you wanted to flush, you could not?

What if you wasted 9 years of your life?

What if your children could not go to college?

Do you cough continually from dust in the air?

WHAT I HAVE DONE.

I have had 9 years in the legal system trying to protect my property.

Documented losses on my property has exceeded over \$1,250,000.00

Operations of the sewage treatment plant will continue to cost me \$1500 or more per month. This does not include the cost of rebuilding the plant when it becomes old.

I have lost all attempts to stop damage to my property. Damages continue today.

One of the great problems in proving a legal case is that you have no pre event data which was documented by scientists or qualified professionals. The courts will not listen to data from individuals that have lived on the land for years.

When you show up to court with one attorney & expert witness the CBM Industry shows up with 3 attorneys and 20 expert witnesses. This is part of the CBM Industries plan, to make litigation so expensive that the normal individual cannot afford to fight them. Our government to this point has not helped at all!

I JUST DON'T UNDERSTAND --- We could not even get the court or CBM companies to believe that millions of gallons of water RUN DOWN HILL. Water does run down hill doesn't it? Our ground water levels at 10 inches in a drought year. This water just appeared by magic?

THE FIX TO MY PROBLEM, simple

Drain or line the reservoir and install an overflow pipe with a lower water level.

IS IT TO MUCH TO ASK?

THE GREATEST DEMOCRACY IN THE WORLD, United States of America, A government of the people, by the people and for the people DOES NOT WORK!

I NOW UNDERSTAND WHY WE HAVE TERRORISTS! Understand my RAGE at a government that has allowed the destruction of my home, shops, business and life's work. Understand my RAGE at an industry that does not care about MY LIFE.

Understand my RAGE at a legal system that does not work and costs so much that an individual cannot prevail against the government or an industry.

This Environmental Quality Council rule making appears to be one of our last chances to save our way of life. I ask YOU to PROTECT US!

1. Include default limits for CBM discharges that do not exceed an EC of 1,300 and SAR of 5 to ensure protection of soils, grazing lands and irrigated lands.
2. I believe it is wrong for the government to allow the quantity and quality of this water to destroy my property and livelihood.
3. I ask you to include ALL ephemeral drainages and bottomlands regardless of their size and location from the discharge of CBM water.
4. Require discharge water to meet irrigation water quality at the point of use, not at the end of pipe discharge.
5. Make the industry prove that they will not harm existing uses, rather than having the burden of proof fall on the landowner.

6. The EQC should require EC and SAR limits that are well published and well known to provide protection for plants and soils. I recommend that you reject the use of a Tier 2 & 3 alternative analysis.
7. Reject the new category of effluent dependent waters. The effluent discharges should not be categorized as an "environmental benefit" which would allow more pollution and damages to our ephemeral drainages.

THE GOVERNMENT allowed this to happen. The government should pay for the damages already done.

In the past the Government has listened to the people and enacted laws to govern the coal mining industry. This industry has not disappeared but flourished. Its time that we gave the same environmental and property protection laws for the CBM Industry.

I am happy that at least the system allows me to have a voice. I only wish that this letter could **SCREAM** and you could feel my **RAGE** at Government and Industry for their failure to protect the people and environment that they serve.

Sincerely

Philip Hoy, business owner Gillette, Wyoming