

**TETRA TECH EC, INC.**

VIA FACSIMILE

February 14, 2007

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Terri A. Lorenzon, Director
Environmental Quality Council

Mr. Mark Gordon, Chairman
Wyoming Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Room 1714
Cheyenne, WY 82002
Fax - 307-777-6134

Subject: Wyoming DEQ's Proposed Rule/Policy (Appendix H) regarding Chapter 1,
Section 20.

Dear Mr. Gordon:

I am a Professional Engineer working on water management solutions for several CBM operators in the Powder River Basin. I am a registered Geologist and Engineer in the state of Wyoming and have worked in the energy industry for over 25 years. I believe that the Coal Bed Methane industry is good for Wyoming and the land owners and ranchers of the state.

- I am opposed to the Department of Environmental Quality's proposed Rule (Appendix H) regarding Chapter 1, Section 20.
- I oppose state rulemaking that reduces the ability to use CBM produced water for beneficial use.
- Such uses of CBM water include livestock and wildlife watering and crop irrigation which have proven to be beneficial to the state.

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

- Appendix H will eliminate a source of water needed by ranchers and will negatively affect livestock and wildlife watering.
- If a rancher wants water to flow down his drainage, he may be prohibited to do so if WYDEQ arbitrarily sets SAR and EC limits that cannot be met.
- The section on "Naturally Irrigated Lands" would allow a single landowner or even a third party to deprive landowners from beneficial use of water suitable for wildlife and livestock.
- Natural rainwater flowing down the drainages during storms does not always meet the default limits spelled out in the Draft Section 20 rule/Policy.
- This policy/rule has the effect of limiting the jurisdiction of the State Engineer and appropriated water rights.
- The Water and Waste Advisory Board has suggested that WYDEQ consider water quality standards based on the Bridger Montana Study which is more appropriate to the state of Wyoming than the California study currently used. The California soil model is not representative of Wyoming soil and does not produce representative results.
- This Rule/Policy places the Operator in a position where existing water management plans and structures such as reservoirs are made obsolete, which will result in substantial costs to replace making many CBM fields uneconomical.




Mr. Mark Gordon
February 14, 2007
Page 2

- Operators recognize water management is a critical path to their development plans. Operators will not likely drill/construct projects until a viable water management plan can be developed. This policy/rule will likely have a negative effect on future development of CBM resources in the Powder River Basin.
- The CBM industry is already carrying a sizable regulatory and financial burden. These proposed rules will put future production at jeopardy and will likely have an economic impact to the state.
- Water management decisions need to be left to responsible landowners and operators.

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 303-980-3544 with questions or comments.

Sincerely,
Tetra Tech EC, Inc.



Keith S. Davidson PG, PE
Principal Engineer

KD:bl
Cc: Project File