

February 14, 2007

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

FILED

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Terri A. Lorenzon, Director
Environmental Quality Council

RE: PUBLIC COMMENT TO:

Citizen Petition for Rulemaking-Powder River Basin Resource Council et. Al-
Revision Version-WQD Chapter 2-"Ag-Use Policy"

Dear Mr. Gordon,

I would like to respectfully object to the current revisions that are proposed to the Council by a few landowners to make more strict limits on discharges from groundwater sources. Approval of this request would have very devastating effect on the CBM industry and supporting business' across the state. It would also require a much larger effort in manpower and resources to regulate the rules that are proposed. The rule as proposed will set water quality limits that are so stringent that water appropriation as we know it will cease.

As a Professional Engineer who was responsible for enforcing WDEQ Water Quality rules and regulations in the Powder River Basin over the past 5 years I cannot understand how new water quality limits can be considered based upon recommendations that seem to be "taken from the heart". Scientific research should be the only method for revisions to standards that have been in place and serving the Waters of State for over 20 years. I also cannot understand how the current process meets the requirements that govern the procedure to make changes to existing rules. The authority to make environmental policy as well as the procedure to change current rules is outlined in the Wyoming Quality Act, Title 35 of Wyoming State Statutes Article 11.

The Administrator's authority to recommend standards, rules, regulations or permits is specifically defined in *Wyoming State Statute 35-11-302 Part (a)*

(vi). This statute requires that *in recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all facts and circumstances bearing upon the reasonableness of the pollution involved including:*

- (A) *The character and degree of injury to or interference with the health and well being of the people, animals, wildlife, aquatic life and plant life affected;*
- (B) *The social and economic value of the source of pollution;*
- (C) *The priority of location in the area involved;*
- (D) *The technical practicability and economic reasonableness of reducing or eliminating the source of the pollution; and*
- (E) *The effect upon the environment.*

And

(v) Such reasonable time as may be necessary for owners and operators of pollution sources to comply with rules, regulations, standards or permits

Making this rule change will make all waters that are brought to the surface from an underground source a wastewater (pollution). Adoption of this policy to a rule at this time would not be based upon sound science. The information the Council is using to consider this rule is based upon studies from sources that are very limited in the number. The research is not clear as to how it compares to the area of consideration (Power River Basin).


I have a large stake in the result of your actions, I am now employed by a CRM production company. My kids are educated by the teachers in the new schools that continue to be funded by the industry that is targeted in this policy. Changing a rule to eliminate an industry, CBN, will also again push our young professionals to other states for meaningful employment.

I have worked the WDEQ regulation side of the arena and understand that defining any water as a waste without very sound scientific evidence will have negative results for the public and government. The State of Wyoming will monetarily and socially suffer from the result of foolish rule making that is not based upon the science.

Please carefully consider you vote on the Section 20 revisions proposed with the "Ag Use Policy". Consider *the technical practicability and economic reasonableness of reducing or eliminating the source of the pollution*. Just remember that the pollution here must first be defined.

Thank you

Sincerely,


Rick J. Estes, P.E.
Sheridan Wyoming