

February 14, 2007

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

**FILED**

FEB 14 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

RE: Proposed Section 20, Appendix H – Agricultural Use Protection

Dear Mr. Gordon;

I respectfully submit for your consideration the following comments regarding Section 20 Agricultural Use Protection Policy.

I have been a Campbell County resident my entire life of 45 years. I have worked for a Wyoming Company, Energy Laboratories, Inc. (ELI), for 23 years, the past 20 years serving as the Laboratory Manager. This company is a full service environmental laboratory. As a lifetime Wyoming resident I have great respect for the environment and all of the wonderful activities that it provides along with a wonderful place to raise a family. I take great pride in helping many industries and individuals solve their environmental issues. I firmly believe that the CBM industry should be very closely regulated as not to damage any part of the environment. That being said, it must be done in a fair and responsible manner. During my 23 year employment with ELI, I have analyzed and studied thousands of water, soil, oil & gas, hazardous waste etc. samples and projects.

First, there has not been enough scientific study or investigation to support the effluent contaminant levels proposed and furthermore much of what is used isn't pertinent to this area, our climate, nor the plants grown here. I won't list the many concerns I have with these limits but here is one example. The proposed limit for Barium is 200 ug/L. The "Safe Water Drinking Act" has a limit of 2,000 ug/L. Wyoming Chapter 1 Rule, Quality Standards for Wyoming Surface Waters; Non-Priority Pollutants, has a limit of 2,000 ug/L. Wyoming Chapter 8 Rule, Quality Standards for Wyoming Groundwaters, does not list a limit for livestock classification period.

Second, I personally witnessed Mrs. Glessie Clabaugh say "I never verbally, written or otherwise agreed to be a part of the Petition to Amend Wyoming Water Quality Rule, Chapter 2, Appendix H. My son and daughter work in the CBM industry and are doing well. I have no problem with the Methane. I found out my name was on the petition when a friend pointed it out to me." I cannot help but wonder if the other nine Landowners are of similar consequence. Furthermore, how much should be made of a petition that clearly has no credibility?

Third, DEQ Director John Corra in a letter dated January 24, 2007 wrote, "Unless it is the Council's intent to prohibit surface discharge of CBM water to the surface, the proposed rule is unworkable." According to most operators there isn't an economical way of managing the water in the manner described in this petition. Therefore this petition would likely have the effect of shutting down this industry, its jobs, and eliminate enormous revenue to the state of Wyoming. I respectfully remind you that Methane is a clean burning fuel. America is the world's largest energy consumer and will get it from somewhere; I suggest we utilize the cleanest possible fuels available.

Fourth, I have heard testimony from many Landowners that believe this petition will also have the affect of severely limiting their resource management capabilities such as forage, wildlife, recreation, soil quality, etc. as well as the water which, by the way, is the only resource of consideration in the petition. It is a well-known fact amongst environmentalists, landowners, agriculturalists, and scientists, among others, that ALL resources be managed in conjunction as they each affect the others. I urge you to talk with many of them to ascertain their mainstream concerns, ideas, and beliefs.

Fifth, the 50-year containment option is simply absurd and has no legal or factual basis. The CBM industry most definitely does not even have a 50-year life in the Powder River Basin. The DEQ has failed to consider the *technical practicability and economic reasonableness* of requiring 50-year containment according to W.S. 35-11-302(a)(vi)(D).

Sixth, I ask you what is the difference between the water produced by the CBM industry and the water produced by the Agricultural industry for watering livestock and irrigation? Allow me to answer that armed with water analysis data from thousands of waters in either category. First, a note: A very large portion of the Agricultural water produced for livestock watering and irrigation is of unknown quality, as it is not regulated and thereby not analyzed. In general there is Agricultural water of higher quality than the typical CBM water, the same quality as it is produced from the same coal zones, and much lower quality. Without querying all of the data in our database I want to be a bit careful with this statement, however I'm certain that a high percentage of the Agricultural and rural private produced water fits into the latter, lower quality, category. I would gladly put together unbiased water quality data given more time, and written permission from the ownership of said data.

I would like to thank you for your time and consideration of my letter and for the service you provide as councilmen and woman. You are tasked with incredibly difficult decisions that affect thousands of people and likely do not get the respect you rightfully deserve.

Best Regards,



Terry Friedlan  
Energy Laboratories, Inc.  
Laboratory Manager