



## Wyoming Outdoor Council

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Administrator Nancy Nuttbrock  
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Wyoming Department of Environmental Quality  
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**FILED**

OCT 23 2013

Jim Ruby, Executive Secretary  
Environmental Quality Council

RE: Public notice – Linc Energy Operations, Inc. application for underground coal gasification research and development license

Dear Administrator Nuttbrock,

The Wyoming Outdoor Council is Wyoming's oldest environmental advocacy organization. We have been working to protect Wyoming's people, wildlife and lands since 1967. We write to express our concern with Linc Energy Operations, Inc.'s recent application for an underground coal gasification research and development license.

Specifically, we are concerned with the request for an aquifer exemption within the Fort Union Formation. We believe that granting such an exemption is a violation of the Safe Drinking Water Act (SDWA).

The application cites the following as reason for an aquifer exemption to be granted under the Underground Injection Control program:

The aquifer exemption is being requested under the following criteria:

- a) It does not currently serve as a source of drinking water; and
- b) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

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~~This interpretation of the SDWA exemption criteria is far too narrow and interprets the law counter to the true intention of the SDWA. The EPA's policy priority is to protect groundwater aquifers that are current sources of drinking water or aquifers that are capable of being future sources of drinking water. It is a twisted misinterpretation of the law to allow an exemption when~~  
1.) The exemption area in question is within a heavily relied upon aquifer regionally and

contamination cannot be guaranteed to remain only within the exemption area boundaries and 2.) The quality of the water within the proposed exemption area is not prohibitive to its future use as an underground source of drinking water.

**The Fort Union Formation, within which the exemption is proposed, is a heavily used, regional aquifer.** The Fort Union Formation is used by private water users as well as by the City of Gillette as a primary water source<sup>1</sup> in an already water-scarce region.<sup>2</sup> Linc Energy Operations cannot demonstrate that their activities will not result in contamination spreading beyond the specified area of the aquifer to other portions of the Fort Union Formation that are used as a drinking water supply or could be used as a drinking water supply. This uncertainty is acknowledged within the Linc Energy Operation's application itself, "[o]ne of the research and development objectives of the project is to refine techniques and procedures to establish hydraulic control of not only the Gasifier 6 cavity but also of the pressures within the surrounding groundwater system" (Linc Application at 13.14-13).

**Furthermore, the water quality in the area of the aquifer proposed for exemption from SDWA is of good enough quality and is relatively shallow enough to be feasibly used as a source of drinking water in the future;** something that may be of particular importance in the already water-scarce Powder River Basin. Linc's own water quality testing acknowledges that the water is of good enough quality that it wouldn't be economically infeasible to treat (Linc Application at 13.14-6). Additionally, given the current status of the Fort Union Formation as a principle source of water for the City of Gillette shows that clearly, water taken from the Fort Union Formation is of good enough quality for human consumption. To exempt an aquifer with such favorable conditions is in clear opposition to the EPA's policy priority stated above, "to protect groundwater aquifers that are capable of being future sources of drinking water."

Thank you for the opportunity to provide our input. We look forward to following the review of Linc Energy Operations's application throughout the process.

Sincerely,



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<sup>1</sup> HKM Engineering. *Northeast Wyoming River Basins Water Plan*, Appendix E. Web.  
<http://waterplan.state.wy.us/plan/newy/techmemos/muniuse.html>

<sup>2</sup> Due to concerns about water shortage, the state of Wyoming and City of Gillette chose to invest in a 217 million dollar pipeline to pipe water 42 miles to Gillette from a well in the Madison formation.