

FILED

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING**

APR 02 2007

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF THE APPEAL)
OF WILLIAM P. MAYCOCK)
FROM WYPDES PERMIT NO. WY0050857) Docket No. 06-3818

WILLIAM P. MAYCOCK'S MOTION FOR EXPEDITED HEARING

William P. Maycock moves the Environmental Quality Council for an expedited hearing in this matter. The grounds for this motion are as follows:

1. Because of the hearing held in Docket No. 05-3803 concerning WYPDES Permit No. WY0053171 issued to Williams Production RMT Company to discharge coalbed effluent into Barber Creek ("Barber Creek Permit"), the council knows that William P. Maycock is a rancher who owns a ranch in Campbell County, Wyoming. The Barber Creek drainage crosses Mr. Maycock's ranch about 8 1/2 to 9 stream miles from his east boundary to his west boundary. The South Prong of Barber Creek enters Mr. Maycock's property from the south and has its confluence with Barber Creek on the Maycock Ranch about 4 miles from Mr. Maycock's west boundary and about 1 1/4 miles from his south boundary.

2. Williams condemned an easement for a ditch across Mr. Maycock's ranch. This easement was limited to 20 feet in width. Williams has entered the South Prong and Barber Creek drainages and dug this ditch. A photograph of part of the ditch was an exhibit in Docket No. 05-3803.

3. During the hearing on the Barber Creek permit, this council heard testimony from Williams' expert Hugh Lowham that he had designed these ditches to have a capacity of 20 cubic feet per second, that there was no significant risk of erosion of the channel

during even significant storm events, that in the areas where Williams was going to construct the ditches, the soils were "very plastic" and would cling together to compact tightly, that a flow of 300 cubic feet per second would not cause significant erosion of the ditch, and that even a flow of 1,000 cubic feet per second would not cause significant erosion to the ditch. (Transcript pages 644, 646, 650, 684).

4. Of course, this council decided in November of 2006 in Docket No. 05-3803 to revoke Williams' Barber Creek Permit because the permit limits (EC of 1800 and SAR of 3000) were not protective of downstream water uses.

5. The permit which is the subject of this appeal is Williams' WYPDES Permit No. WY0050857 ("South Prong Permit") that allows Williams to discharge coalbed methane effluent into the South Prong of Barber Creek. The South Prong Permit sets effluent limits of 7500 for EC and no limits at all for SAR. Williams intends to run the effluent discharged under this permit into the Lowham designed serpentine ditch on Mr. Maycock's property.

6. A recent event occurring in the first week of March of this year shows how great the risk is to Mr. Maycock's property if Williams is allowed to discharge water onto the Maycock property while waiting for a hearing.

7. Williams made an illegal discharge of effluent into Barber Creek. This occurred about March 4, 2007. It appears that a water line carrying Williams' coalbed methane effluent broke on property above Mr. Maycock's ranch on the Barber Creek drainage. There was no flow in Barber Creek above the point of this break, and there was water in the drainage below the point of the break. Mr. Maycock has photographs documenting this situation. The water in the drainage was clearly coming from Williams'

pipeline. This effluent ran down Barber Creek toward the ditch designed by Mr. Lowham, the ditch that Lowham said would carry up to 20 c.f.s. The flow from this broken pipeline was far less than 20 c.f.s, yet this undiluted effluent flowed out of and around the ditch and spread out on Mr. Maycock's bottom land. Erosion was significant and obvious at the point the natural channel ended and Williams started its ditch. The effluent simply ran around the areas that Williams claimed it had designed to reduce headcuts and cut new channels. The ditch has filled with the highly erodible soil in several areas. The existence of the ditch is also causing small natural drainages that would normally just flow into the bottomlands to be intercepted by this ditch. As a result these small drainages are starting to erode back up the drainage. By cutting this ditch into this erodible soil, Williams has not only allowed undiluted effluent to run over the Maycock bottom lands but has also disturbed the natural balance in this area and created enormous erosion problems.

8. Attached to this motion are photographs showing the effects on the Maycock ranch of the flow from just this one pipeline break in the Barber Creek drainage.

Exhibit 1 shows the effluent flowing out of the ditch. The ditch is in the lower portion of the photograph. The pole is approximately 10 feet long. The water is flowing out of the ditch toward the top of the photograph. This photograph was taken on March 4, 2007 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 of Township 50 North, Range 76 West, 6th P.M.

Exhibit 2 shows another area in the ditch where the effluent is flowing out of the ditch. The same pole is pictured in the photograph. The effluent is escaping from the ditch and flowing toward the bottom of the picture.

Exhibit 3 shows the effluent spreading out on Mr. Maycock's bottom lands. The serpentine ditch that was supposed to contain the effluent is visible in the upper right hand

corner of the photograph immediately below the bluffs.

Exhibit 4 shows the point where the natural channel ends and the Williams ditch begins on the Maycock property. This photograph was taken on March 8, 2007 after the effluent flow stopped.

Exhibit 5 shows the structure Williams constructed to prevent head cutting. The photograph shows that the water just flowed around the structure and cut a channel that is eroding. This photograph was also taken on March 8, 2007.

Exhibit 6 shows the sediment that has already filled the ditch Williams cut in the Maycock Ranch. This photograph was also taken on March 8, 2007 after the flood event.

Exhibit 7 shows the small natural drainages that have been intercepted by the ditch and now starting to erode out of the ditch back up the small drainages.

9. These photographs of this event show the great risk that the Maycock property is subjected to by allowing Williams to discharge water with an EC limit of 7500 and no SAR limit into a drainage with a ditch which not only has been shown not to protect the Maycock property from undiluted effluent but also to increase the erosion occurring on the property. When the Environmental Quality Council has already determined that an EC limit of 1800 and an SAR limit of 3000 on the Barber Creek drainage is not protective, it is irresponsible for the DEQ to claim that a permit with an EC limit of 7500 and no SAR limit is protective.

10. It is critical that this matter be promptly set for hearing so that Williams cannot do any more damage to the Maycock property by discharging water into the South Prong of Barber Creek.

Dated this 2d day of April, 2007.

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Certificate of Service

I hereby certify that on the 2d day of April, 2007, I caused the foregoing to be served on the other parties by depositing a copy of the same in the United States mail, postage prepaid, at Sheridan, Wyoming, and duly addressed to:

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