



Safe,
Healthy
Food
Begins with
Secure,
Profitable
Farm and
Ranch
Families

FILED

AUG 26 2008

August 25, 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

Mr. Waterstreet;

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AUG 26 2008
WATER QUALITY DIVISION
WYOMING

Here are the comments of Rocky Mountain Farmers Union on the proposed revisions to Chapter 1 Wyoming Water Quality Rules and Regulations- Surface Water Quality Standards.

In general we support the proposed changes to the remanded Chapter 1, Agricultural Use Protection Policy as proposed by DEQ and approved by the Waste and Water Advisory Board.

We do have some minor amendments to clarify language. The first one is in Appendix H Subsection b of the Agricultural Use Protection. We would like to see "*and will cause a measurable decrease in livestock production, and no livestock watering waiver has been submitted.*" added to the end of the first sentence in the second paragraph. The paragraph would then read:

In addition to the basic effluent limitations above, the Agricultural Use Protection Policy includes additional limits for livestock protection which may be incorporated into WYPDES permits when there is reason to believe they may be associated with a discharge and will cause a measurable decrease in livestock production, and no livestock watering waiver has been submitted.

We feel by adding the above language it clarifies that no additional effluent limits will be incorporated into permits unless it has been demonstrated that a discharge has or will cause a measurable decrease in livestock production and no livestock watering waiver has been submitted. In addition we would suggest the following paragraph to clarify that discharges existing before 1998 will not be required to meet the proposed effluent limits.

When background water quality is demonstrated to be of poorer quality than the limits listed in Section (b) above, effluent limits may be set to background water quality. In drainages where there were pre-1998 discharges, background will be considered to be the pre-1998 effluent limits or background water quality, whichever is poorer.

We would like to see a mechanism that would allow a landowner or livestock owner to accept water for his livestock of poorer quality if he feels there is little or no risk to his animals as long as no other landowner objects. We would offer the following as a sample proposed waiver;



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Livestock watering waiver – An exception to the limits above may be made whenever the background water quality of the receiving water is of poorer quality than the value listed for the associated pollutant or a landowner or livestock producer provides a written statement accepting the potential risk to his livestock and no other landowner or livestock producer who is reasonably expected to have direct flow from the discharge submits a written objection providing evidence demonstrating probable harm to his livestock.

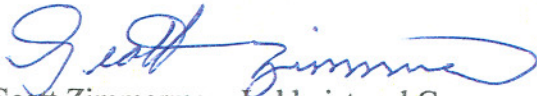
Landowners have been able to waive water quality standards since the 1970s. The right of a landowner to waive the water quality standards should be incorporated into the Chapter 1, Appendix H rules and should not be changed to a policy.

The evidence proves that landowner waivers of water quality standards have not caused harm to livestock or wildlife. In fact, the evidence indicates that produced water discharged under a landowner waiver improves the condition of riparian areas and wildlife habitat, and increases the diversity of wildlife species and populations.

Agriculture producers are adept at assessing a wide range of risks to production and deciding which risks are acceptable. The EQC should not interfere with a landowner's decision to waive water quality standards.

In summary we support the proposed changes made by DEQ with the amendments we have offered. We feel with these amendments, landowners and livestock producers will be assured of continuing to use produced water as they have for in some cases forty plus years.

Thank you for the opportunity to comment and answer any questions you may have.



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