

PAR Ranch
Gooseberry Creek
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Meeteetse, WY 82433
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November 4, 2008

Dennis M. Boal, Chairman
Environmental Quality Council
122 West 25th Street
Herschler Building, Room 1714
Cheyenne, Wyoming 82002

Re: Agricultural Use Protection

Dear Chairman Boal:

We are agricultural producers who are recipients of discharged produced water from traditional oil and gas operations in Park County, WY. We **strongly support** the following recommendations of the Water and Waste Advisory Board (WWAB) with regard to the proposed revision of the Chapter 1 rules and the Agricultural Use Protection Policy:

1. Current livestock watering standards **not** be changed by rule or policy and should remain at 5,000 mg/L TDS, 3,000 mg/L Sulfate, and 2000 mg/L Chloride. As well, I request that Chapter 1, Appendix H(b) be amended to clarify that no additional effluent limits be incorporated under the Agricultural Use Protection Policy.
2. Effluent limits on discharges that began prior to January 1, 1998, **not** be affected by Chapter 1, Appendix H. We request that Chapter 1, Appendix H(b) be amended to clarify that in drainages where pre-1998 discharges occur, background be considered to be pre-1998 effluent limits or background water quality, whichever is poorer.

We strongly **oppose** any provision in Appendix H that allows a landowner to block the flow of discharged produced water that meets livestock watering standards within the state's watercourse easement. The Department of Environmental Quality (DEQ) should be required to comply with waivers of the livestock watering effluent limits requested by landowners and livestock producers.

Furthermore, a 3-tiered approach should be considered for irrigation standards including defaults for electrical conductivity (EC) and sodium adsorption rate (SAR), background water quality, and no harm analysis. DEQ should be required to grant landowner waiver requests pertaining to irrigation effluent limits. A Reasonable Access Requirement

should be adopted is disallow one landowner from preventing discharge by refusing access.

Our ranching operation will be directly affected by any proposed change related to produced discharged water. Changes to water quality rules or policies which result in the loss or reduction of quantity of produced water will have an immediate adverse affect on our ranching operation.

Our operation has depended on and benefited from produced water for decades. Produced water is essential to our watershed as it increases the volume of water in the creek and replenishes springs throughout the stream bed allowing more water to be made available. This is especially important during the exceptional drought conditions we have been experiencing in the State of Wyoming. In some instances, produced water is the sole source of water between springs within the stream bed.

Produced water discharged down Gooseberry Creek provides habitat for a diverse population of wildlife including fish, birds, beaver, deer, elk, antelope, and moose. Produced water has enhanced native vegetation along the stream bed and throughout the riparian area, allowing for less crowding of livestock and wildlife. As well, produced water has increased the overall volume of water in Gooseberry Creek allowing for longer crop irrigation periods and increased water available for wildlife and livestock use and watering. Historically the produced water is of good quality and has caused no adverse reactions in livestock or wildlife populations.

Please consider the socio-economic impacts when considering limiting discharge water. The loss of produced discharge water would result in hardship for many ranching operations that have depended on this water for decades. Decreased water availability would result in lower market weights and reproductive efficiency in our livestock operation, while decreasing habitat available for both wildlife and aquatic life. Less overall water would be available in stream beds to aid in replenishing springs, thus diminishing riparian health. As well, oil and gas companies would face increased production costs which may result in decreased overall production causing potential tax revenue to be lost at both county and state levels. Businesses in surrounding communities would suffer the “trickle down effect.”

We would request that a **non-severability** request be made to the U. S. Environmental Protection Agency (EPA) when the Chapter 1 rules are submitted for final approval allowing that all rule and policy portions of the document remain intact.

Sincerely,

Rori Renner