

PAR Ranch  
Gooseberry Creek  
P.O. Box 154  
Meeteetse, WY 82433  
307-868-2355

September 18, 2009

Dennis M. Boal, Chairman  
Environmental Quality Council  
122 West 25<sup>th</sup> Street  
Herschler Building, Room 1714  
Cheyenne, Wyoming 82002  
[kwarin@wyo.gov](mailto:kwarin@wyo.gov)

Re: EQC Docket ID No. 08-3101

Dear Chairman Boal:

We are agricultural producers who are recipients of discharged produced water from traditional oil operations in Park County, WY. It is somewhat ironic that we are discussing revision of the Agricultural Use Protection Policy and my entire letter is imploring the EQC **not** change existing produced water discharge standards for traditional oil operations in the Big Horn Basin. The vast majority, if not all, produced water discharge recipients in the Big Horn Basin are **grateful** for the 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 and prolonged 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. 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 livestock use and watering. Historically the produced water is of good quality and has caused no adverse reactions in livestock or wildlife populations or harm to irrigated forage.

I would request the EQC remand the proposed rule to the Water and Waste Advisory Board (WWAB) to allow further review and public comment.

I would request the EQC consider a grandfathering exemption for pre-1998 produced water discharges from oil operations in the Big Horn Basin and other parts of the state. I strongly support the WWAB's recommendation that 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. If more stringent levels were adopted, the produced discharged water we depend on from the North Sunshine field would be in violation of the rule as the sulfate discharge is 2500 mg/L vs. Dr. Raisbeck's recommendation of 1000 mg/L sulfate.

I would request EQC remand the irrigation section back to WWAB and DEQ for revision so a workable Tier 2 methodology may be developed. The initial focus of the rule revision was coal bed methane natural gas production in the Powder River Basin, not oil discharges in the Big Horn Basin. However, the Big Horn Basin stands to suffer tremendous consequences as a result of these rule revisions aimed at an industry 200 miles away. A "one size fits all" approach is not only not fair, it is not logical or workable when considering produced water discharges from such diverse operations and diverse areas throughout the state.

I would request the landowner waiver be retained in both the livestock watering and irrigation sections of the rule.

I would request the EQC please consider the socio-economic impacts when considering limiting discharge water and perform a cost/benefit analysis. 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." I am having a very difficult time understanding why we are eroding our tax base, the same tax base that funds absolutely everything in this state.

I would request that the EQC insert a **non-severability** provision when the proposed rules are submitted to the U. S. Environmental Protection Agency (EPA) for final approval allowing that all rule and policy portions of the document remain intact.

Thank you for considering my comments.

Sincerely,

Rori Renner

