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WYOMING FARM BUREAU FEDERATION

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DEQ/Water Quality Division
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Jim Ruby, Executive Secretary
Environmental Quality Council

Dear Members of the EQC:

The following comments are provided to address the specific proposed language of Chapter 1 Appendix H which deal with the livestock water portion of the rules. The Wyoming Farm Bureau Federation participated in a public hearing of the Water and Waste Advisory Board which was held in Thermopolis as well as a video conference all dealing with the proposed standards for livestock water.

At the public hearing in Thermopolis, the Department and the Advisory Board members heard from affected landowners in the adjoining area about the impact that would occur should the wrong standard be applied for livestock. These members provided the Board with examples of how they were utilizing water with very poor water quality without significant impact to their operations. This hearing was held primarily to discuss the preliminary recommendations which were developed by the University of Wyoming Department of Veterinary Sciences, UW Department of Renewable Resources, Wyoming Game & Fish Department and the Wyoming Department of Environmental Quality. This study which has become known as the Raisbeck study reviewed the current literature available on impacts of the ingestion of certain constituents on livestock.

Significant testimony was provided by agricultural producers in the Big Horn Basin area on their concerns that should the standards not be flexible enough to allow the use of oil field produced water, they would lose the use of some pastures.

Water has been a limiting factor for livestock producers in Wyoming, with many agricultural producers spending significant amount of money to develop water which would allow for utilization of range resources or better utilization of range resources. When a useable water source is found, the economic benefit can be significant.

Some of the testimony pointed out that while the UW study reviewed the literature regarding livestock and water quality, it did not necessarily reflect the applications which ranchers sometimes faced. The study itself acknowledges that "sometimes the cow just didn't read the book". The study also acknowledged that "Safety margins are a matter of judgment rather than an exact science." When the Rasibeck study made recommendations on certain constituent levels, the agricultural community testified they have been able to utilize water with higher levels of contaminants, in an economical fashion, by adjusting their management to better utilize these lower quality water sources.

The management changes and the utilization of forage where it could not previously be utilized provided a significant economic incentive for these producers. Their ability to utilize these lower quality water sources has also resulted in economic benefit to the adjacent communities.

The testimony provided has helped the Department draft the current proposed rules. We support the efforts to allow as much flexibility as possible in these rules. The Department has separated the proposal into two parts. The first part is to be included as part of the rules and the second part is to be considered as policy. The proposal moves a section from the rules dealing with a livestock waiver to the policy section which we would urge be retained in the rules section.

The section which was removed reads as follows:

“Livestock watering waver. An exception to the limits above may be made whenever the background water quality of the receiving water is worse than the value listed for the associated pollutant or when the livestock producer requests use of the water and thereby accepts any potential risk to his livestock.”

We feel this section should be retained. In addition we suggest that the following wording be considered instead of the proposed language:

“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.”

We believe the proposed wording would provide the flexibility and protection needed by those producers who testified in Thermopolis.

We also suggest this same wording be considered for adoption in the implementation policy section.

Another suggestion for language we would like to propose would be added to subsection b of the livestock watering section. That language is as follows:

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.

This would ensure that it is clearly understood that the pre-1998 uses could continue.

We would like to take this opportunity to thank the efforts of the staff of DEQ and the Water and Waste Advisory Board for their efforts to craft language that will be flexible enough to allow livestock producers in the affected areas to continue to beneficially use water from other sources to better utilize the forage in large areas of the Big Horn Basin.

Sincerely,



Ken Hamilton
EVP

Cc Board
NER