

# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

**FILED**

SEP 23 2009

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

9/23/09

Mr. Dennis Boal  
Chairman  
Wyoming Environmental Quality Council

RE: Water Quality Rules and Regulations, Chapter 1, Appendix H

Dear Chairman Boal:

The purpose of this letter is to inform you and the Council members that the Department has decided to withdraw from consideration the above referenced rule. This rule was to be considered for action by the Council during your meeting on September 30 and October 1 in Cheyenne.

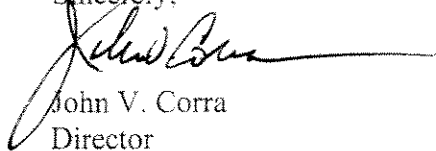
The body of information continues to grow suggesting that the rule as proposed may need to be re-evaluated or revised to ensure irrigated agriculture below CBM discharges is provided the appropriate level of protection. For example, the most recent report by consultants Jan Hendrickx and Bruce Buchanan states that the critical link between the salinity of irrigation water and root zone salinity is not effluent quality, but water management. This study is another element in the diverse and growing body of knowledge on the subject.

Since irrigation water management involves numerous factors in addition to water quality (water volume, timing of water application, crop type, soil type, climate, etc.) we believe it is prudent to withdraw the proposed rule and re-evaluate to what extent the DEQ may or may not be able to address these other factors. Specifically, we intend to establish a work group of experts in the field to determine ways, including on-site monitoring, in which the WYPDES permitting program may be able to more effectively regulate CBM discharges.

Please note that there will be an interim period while the work group is deliberating, but during which new CBM applications will be received. During this period we will issue discharge permits using currently available tools and information to meet Chapter 1, Section 20 objectives for surface discharge water quality. However, these permits will contain language which may require re-opening of the permits if appropriate methodology is developed by the work group. We expect that this work may eventually result in modification of the CBM effluent limits in Chapter 2 of our Water Quality Rules.



Sincerely,



John V. Corra  
Director

cc: Governor Dave Freudenthal  
John Wagner, WQD Cheyenne  
Bill DiRienzo, WQD Cheyenne  
David Waterstreet, WQD Cheyenne  
Pete Michael, WY Attorney General's Office – Cheyenne  
Mike Barrash, WY Attorney General's Office – Cheyenne  
Jim Ruby – EQC Cheyenne

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