



# JOHNSON COUNTY COMMISSIONERS

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Gerald E. Fink Chairman

Delbert Eitel, Vice

Smokey Wildeman

October 20, 2009

**FILED**

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Jim Ruby, Executive Secretary  
Environmental Quality Council

John Corra  
Director  
Wyoming Department of Environmental Quality  
122 West 25th St  
Herschler Building, 4<sup>th</sup> Floor West  
Cheyenne, WY 82002

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

Dear Mr. Corra:

In your letter to the Environmental Quality Council ("EQC") dated September 23, 2009, you stated the Department of Environmental Quality ("DEQ") intends to establish a work group to further study WYPDES permitting methods for coalbed natural gas ("CBNG") produced water discharges. We understand that you are currently forming that group and that it will be comprised of an equal number of persons recommended by the environmental community, the oil and gas industry, and state and federal government agencies.

By this letter, the Johnson County Commissioners request that the DEQ reserve an equal number of seats on the work group for representatives of County Commissions from the Powder River Basin and the Big Horn Basin. While it appears DEQ is attempting to focus solely on CBNG produced water discharges, we believe the comments made during the Chapter 1, Appendix H rulemaking proceeding have made it very apparent that any changes to the state water quality standards will also impact conventional production in counties in the Big Horn and Powder River Basins. Both at the DEQ/Water and Waste Advisory Board proceedings and at the EQC hearings, our constituents and taxpayers testified regarding potential and probable adverse social and economic impacts they would experience if the state's water quality standards are changed. As you know, we feel it is your duty to consider such impacts throughout the rulemaking process.

In closing, we were encouraged by DEQ's withdrawal of the Chapter 1, Appendix H rule and the recognition that it needs more work. However, we continue to believe that any rulemaking decisions must involve a threshold inquiry and evaluation of the social and economic values of

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the regulated industry, the role of the industry and regulation in local communities and economies, and the net environmental impacts involved. We request that you allow the counties equal representation on the work group to ensure those issues are adequately addressed in DEQ's further study of WYPDES permitting.

Sincerely,



Chairman



Commissioner



Commissioner

cc: Governor Dave Freudenthal  
State Capitol  
200 West 24th Street  
Cheyenne, WY 82002-0010

Dennis Boal, Chairman  
Environmental Quality Council  
122 W. 25th Street, Herschler Bldg., Rm. 1714  
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