

Hot Springs County Natural Resource Planning Committee
415 Arapahoe, Thermopolis WY 82443
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Jason Thomas
Wyoming DEQ Water Quality Division
200 W. 17th St.
Cheyenne, WY 82002

July 2, 2019

Re: Comment letter – Aethon Energy Operating LLC – WYPDES Permit WY0002062

Dear Mr. Thomas:

The Natural Resource Planning Committee (NRPC) is an advisory board to the Hot Springs County Commissioners, on matters affecting countywide resources and State and Federal lands. Following our review of the Water Quality Compliance Analysis for Aethon Energy's Moneta Divide Project (ERM, April 2018), the Hot Springs County Natural Resource Planning Committee (NRPC) wished to submit the following comments:

1. The Executive Summary mentions, in its opening statement, that the Wind River and Big Horn River below Boysen Dam is a Class 1 water. The Water Quality Compliance Analysis fails to confirm that the Class 1 waters below the dam will not be degraded.
2. DEQ's Anti-degradation Policy (2013 Wyoming Surface Water Quality Standards), states that no permit shall degrade water quality in any tributary to Class 1 waters. By approving this Discharge Permit, DEQ would violate its own Anti-degradation Policy.
3. The Executive Summary only addresses methodology, and does not summarize the findings or conclusions of the Water Quality Compliance Analysis. It is a prelude to, rather than a summary, of the main document. The Executive Summary should conclude with a summary of the findings of the Water Quality Compliance Analysis.
4. The last paragraph of the Executive Summary on Page 22 states "Chronic water quality criteria outside the mixing zone (Badwater Bay) within the reservoir is met in all three flow conditions." This assumes that mixing is thorough and

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5. instantaneous beyond Badwater Bay, and also ignores the effects of stratification – a known factor in Boysen Reservoir. These questions raise significant concerns about future water quality in future dam releases.
6. Irrigators below the dam are already troubled by high salt content in irrigation water from the Big Horn River. This proposal would cause DEQ to raise the upper limit of allowed levels of chloride in Boysen. Elevated salinity would be detrimental to downstream agriculture.

Please also note the following policies, taken from the Water Resources section of the *2014 Hot Springs County Natural Resources Plan for State & Federal Lands*, and found on p. 52 of that document (which was drafted for the Hot Springs County Commissioners by the Natural Resources Planning Committee):

- **Water Resources Policy 3.** Water Resources, surface and subsurface, are paramount to the welfare of Hot Springs County residents. Therefore, the County asserts its right to be a part of any regulatory determination or process within its borders. The County urges any regulatory agency which may lawfully promulgate rules, without County involvement, to inform the County as to any impact it may have; e.g. suspension of a water discharge permit as a by-product of oil production.
- **Water Resources Policy 5.** The County will support efforts to supply potable water to County residents, preserve the quantity and quality of water in cooperation with local, State, regional, and Federal authorities, and if necessary utilize its police powers to enhance the health and safety of residents in all water matters.
- **Water Resources Policy 10.** Any future well drilling, including but not limited to agricultural, road construction, drainage projects, and mineral projects on public lands in the County must take into consideration their effects on public as well as private water sources.

In conclusion, it is our belief that Aethon's proposed method of discharge for produced water is unacceptable. We note that Hot Springs County was notified by DEQ in March of 2014 that this project (under Encana) would discharge **treated Class 1 water via pipeline** into Boysen, and has not since been notified of the change in proposed discharge. Hot Springs County would be supportive of this 4,250-well project, if the discharge of untreated water was handled as proposed in 2014.

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We thank you for your consideration of these comments. Please feel free to contact me if you have any questions concerning these comments.

Sincerely,

Toddi Darlington, Chairman
Hot Springs County Natural Resources Planning Committee

CC: County Commissioners
Penny Herdt, BOCC Admin. Asst.
Rose DeSeyn, HSC County Clerk
Jill Logan, HSC County Attorney