

National Parks Conservation Association

Mr. Kevin Frederick
Wyoming Department of Environmental Quality/WQD Administrator
200 West 17th Street
Cheyenne, WY 82002

RE: WYPDES Permit WY0002062

Dear Mr. Frederick,

Please accept comments on behalf of the National Parks Conservation Association (NPCA) in regard to Aetheon Energy Operating LLC (Aetheon) oil and gas field pollutant discharge renewal permit application. After review of the permit application NPCA has concluded that the renewal of the permit to discharge approximate 2 million gallons of oil and gas wastewater per day into Boysen Reservoir requires additional regulatory oversight and accountability. We oppose the renewal of the existing permit that approves the discharge of a potential oil and gas pollutant into a national park unit connected reservoir.

National Parks Conservation Association

The mission of the NPCA is to "protect and enhance America's National Park System for present and future generations." Founded in 1919, NPCA is the leading citizen voice for the national parks. We are a national nonprofit with headquarters in Washington, DC, and 27 regional and field offices across the country including our Grand Teton Field Office located in Jackson, Wyoming. NPCA represents thousands of Wyoming residents who, along with our 1.3 million members and supporters nationwide, understand the need to conserve and protect our National Park System throughout the country.

A top priority for NPCA is protecting the resources within parks, including the larger watersheds in which they are embedded. Poorly planned oil and gas development including the discharge of oil and gas byproducts and pollutants without full understanding of the potential negative impacts can result in significant impacts to national park resources. NPCA is working to ensure that oil and gas development on Wyoming's other public lands, including BLM lands connected to national park units is planned with consideration and care for the many non-drilling uses of the land as well as the potential impacts on park resources, visitor experience and human health.

Draft Permit fails to protect National Park units in Wyoming

The draft permit fails to adequately account for the impact to national park and would set an alarming precedent by continuing to discharge potentially contaminated water into the Greater Yellowstone River system. Big Horn National Recreation Area, a national park unit, would be potentially directly impacted considering the pollutant discharge of 2 million gallons of byproduct are connected to its watershed. Waters from Boysen Reservoir flows into the Bighorn River, a Class I Watershed and into the Wind River. This watershed and ecosystem, if contaminated, would reach far outside the boundaries of Boysen Reservoir and trigger serious immediate and long term impacts to public health, wildlife, and native trout connected to the larger ecosystem.

Before considering the any discharge associated with the pending permit, the state of Wyoming should promptly take steps to work with Aetheon to restore the existing damage that has resulted from increased salt loads, increased chloride discharge, pH and temperature imbalance, and any contamination that has resulted from previous permitted discharges into the watershed. In addition, the state should take immediate action to reduce the current permissible salt discharge as part of the 2 million gallon per day allowance. In the extended term, the state should implement a mandated compliance schedule of two years, rather than four years, to ensure the reduction of contaminants into Badwater Creek, specifically chloride. Four years to achieve the required compliance does not demonstrate compliance, rather through delay, further exacerbates the contamination of Badwater Creek. These continued risks are compounded by the lack of comprehensive planning or assessment of the potential cumulative impacts of produced water discharges to surface waters to Boysen Reservoir's watershed; or its downstream impacts. Permitting the daily discharge of a drilling waste product into public facing water resources without fully understanding existing relevant activities poses extreme risk to water quality.

Summary

Considering the weight of the risks of contamination of the west's most valuable resource, NPCA urges the state of Wyoming to not issue a permit until salt load discharge into Boysen Reservoir is reduced to natural levels and compliance of all existing discharge is scheduled for two year timeline. At a minimum, the state of Wyoming should prohibit any oil and gas byproduct to be dumped into Alkali and Badwater Creeks, which would exacerbate potential environmental risks and impacts.

As solution to the wastewater issue, we urge Aetheon and state of Wyoming to pursue 21st century solutions for disposal that will ensure protection of human health and our national parks as well as allowing for oil and gas development to occur where appropriate without immense risk to Wyoming's watershed. Use of state of the art water treatment facilities, technology and regulatory oversight, including whole effluent toxicity testing, full disclosure of chemicals to state regulators would aide in ensuring the protection of national parks and communities in the Yellowstone River watershed.

Collectively, moving forward with the permit by the state of Wyoming could compromise the critical importance, both legally and in the spirit of America's best idea, which national park units across the country rely on clean water.