

THE STATE



OF WYOMING

Dave Freudenthal
GOVERNOR



Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMINISTRATION	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZARDOUS WASTE	WATER QUALITY
(307) 777-7758 FAX 777-7882	(307) 777-6145 FAX 634-3793	(307) 777-7391 FAX 777-6618	(307) 777-7368 FAX 777-8937	(307) 777-7756 FAX 634-3790	(307) 777-7762 FAX 777-6973	(307) 777-7731 FAX 777-6973

December 19, 2003

RE: Permits to Construct for Coal Bed Methane Produced Water Treatment Plants:

Dear Sir or Madam:

The purpose of this letter is to inform you of a change in policy for the Water Quality Division of the Wyoming Department of Environmental Quality. Specifically, I wish to inform you that as of January 1, 2004, this agency will require "Permits to Construct" for coal bed methane (CBM) produced water treatment plants. Section 35-11-103(a)(iii) of the Wyoming Environmental Quality Act requires a permit to "Construct, install, modify, or operate any treatment works, disposal system, or other facility capable of causing or contributing to pollution".

For the purpose of this directive, a "CBM produced water treatment plant" shall be defined as any treatment plant or works (including its associated piping and storage etc.) which is designed to alter the physical or chemical quality of the produced water. Such plants include ion exchange units, reverse osmosis units, facilities which inject liquid or gas into the water, and similar types of operations. If the treated water from the plant is land applied, the land application portion of the operation will be permitted along with the plant. This directive does not apply to well fracturing, acidization, or other treatments associated with down hole operations.

At this time, this agency is not requiring permits to construct for stand alone land application operations, irrigation systems, "misterters", pits, ponds, or similar facilities. As long as there are no treatment facilities which would alter the physical or chemical quality of the water before it is land applied or otherwise discharged, no construction permit is now being required.

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I wish to emphasize that current operators of CBM produced water treatment plants are not now considered to be in violation of Wyoming law. However, owners and operators of existing treatment facilities must submit "as built" plans and specifications to the agency no later than April 1, 2004. No new CBM produced water treatment plants may be constructed after January 1, 2004 without first obtaining a permit to construct. It is our expectation that plants, which are of a standardized design and which may vary only in size and location, will eventually be permitted through a "statewide" permit, or other expedited process.

If you currently own or operate a CBM produced water treatment plant, or if you have plans to install one, you should immediately contact the appropriate District Engineer. Information on contacting our District Engineers can be obtained at <http://deq.state.wy.us/> and clicking on the "Water Quality" link followed by the "Water and Wastewater" link, followed by the "District Engineers" link. Those operators in the Powder River Basin will be contacting Dennis Lamb at 307-473-3465 (dlamb@state.wy.us).

If you have questions regarding the decision of the agency to require permits to construct for CBM produced water treatment plants, you may contact me at 307-777-7072 (jwagne@state.wy.us).

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Wagner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John F. Wagner, Administrator
Water Quality Division

JFW/mad/3-1287-ltr