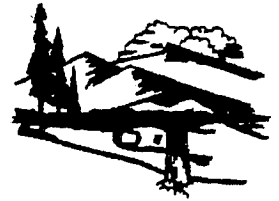


# Department of Environmental Quality



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

April 26, 2007

USDA- Forest Service  
Bridger-Teton National Forest  
Attn: Greg Clark, District Ranger  
P.O. Box 218  
Big Piney, WY 83113

RE: Eagle Prospect Draft Environmental Impact Statement (DEIS)

Dear Mr. Clark:

These comments are in response to the Eagle Prospect DEIS and are specific to this agency's mission within State government which is protection of public health and the environment. In that regard, these comments are meant to, in association with all other agency comments, assist in defining the Official State Position.

WYPDES Stormwater Permitting requirements should be referenced throughout the document. Wherever the management of surface disturbing activities is discussed, this regulatory requirement needs to be mentioned along with BMPs. This reference is most notably missing in the Environmental Consequences section for Water Resources (4.3.2).

There are three Water Quality Division (WQD) permits that will most likely apply to the project. Any or all of them may apply depending on the eventual scope of the project.

- Discharge Permit. Any discharges to "waters of the state" must be permitted under the Wyoming Pollutant Discharge Elimination System (WYPDES) program. This program is part of the federal Clean Water Act, but is administered by the WQD. Coverage is required for discharges from cofferdam dewatering, discharges from hydrostatic pipeline testing, or discharge of other waste waters to waters of the state. For clarification waters of the state include rivers, streams, dry draws, wetlands, lakes, reservoirs and even stock ponds. This permit will require some sampling and will incorporate effluent limits for any constituents of concern. Leah Krafft (307-777-7093) can provide additional information.
- Storm Water Associated with Construction Activities. This permit is required any time a project results in clearing, grading, or otherwise disturbing one or more acres. The disturbed area does not need to be contiguous. The permit is required for surface disturbances associated with construction of the project, access roads, construction of wetland mitigation sites, borrow and stockpiling areas, equipment staging and

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>



maintenance areas and any other disturbed areas associated with construction. A general permit has been established for this purpose and either the project sponsor or general contractor is responsible for filing a Notice of Intent (NOI) and complying with the provisions of the general permit. The NOI should be filed no later than 30 days prior to the start of construction activity. Please contact Barb Sahl at 307-777-7570.

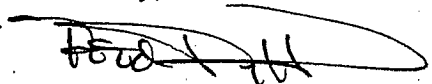
- ❑ UIC. The Underground Injection Control (UIC) Program was established in 1982 when Congress passed the Safe Drinking Water Act. This program regulates, to one degree or the other, every "injection" of "fluid" into the subsurface. An "injection" is the emplacement of "fluids" regardless of whether the injection requires the application of pressure or not, and a fluid is defined as any liquid, gas or semisolid which can be made to flow. Please contact John Passehl at (307) 777-5623 for more information.
- ❑ Section 404. While not a state permit, this project may require a section 404 permit from the US Army Corps of Engineers. Any time work occurs within waters of the US a 404 permit may be required. Please contact the Corps (307-772-2300) for specific information regarding jurisdiction and requirements.

In addition, water supply wells drilled to provide water for pad construction, dust control and drilling operations must be properly constructed following Wyoming State Engineers Office requirements, and properly operated, including the use of back flow or siphoning prevention.

The Department of Environmental Quality would like to see the NEPA analysis and resulting project address any potential effects to surface water quality that may occur as a result of existing or proposed construction practices in riparian areas, including efforts to prevent erosion. Special attention should be given to the proposed water handling and disposal methods, as each method may have different regulatory requirements.

Additional comments specific to the content of the DEIS are attached in table format. Thank you for the opportunity to provide comments. Please feel free to contact Jeremy Lyon at 307-777-7588 or Kelly Bott at 307-777-6088 with any questions.

Sincerely,



Todd Parfitt  
Deputy Director

Attachments (1)

cc: Governor's Planning Office  
Jeremy Lyon, WQD  
Mark Thiesse, WQD  
Kelly Bott, AQD

**Comments**  
**Eagle Prospect Exploratory Wells Project Draft Environmental Impact Statement**  
**Wyoming Department of Environmental Quality, Air Quality Division**  
**April 23, 2007**

Prepared by: Kelly Bott, Air Quality Division, 307.777.6088, [kbott@state.wy.us](mailto:kbott@state.wy.us)  
Mark Thiesse, Water Quality Division, 307-332-3144, [mtheis@state.wy.us](mailto:mtheis@state.wy.us)  
Jeremy Lyon, Water Quality Division, 307-777-7588, [jlyon@state.wy.us](mailto:jlyon@state.wy.us)

Page	Section	Line	Comment
<b>Air Quality</b>			
1-19	1.10.1	2 <sup>nd</sup> sentence	Please change "Section 21" to Chapter 6, Section 2.
2-38	Table 2-4	4 <sup>th</sup> Row	Please change "od" to "of"
3-9	Table 3-6	Table 3-6	Please include a disclaimer that states "All NEPA analysis comparisons to the PSD increments are intended to evaluate a threshold of concern and do not represent a regulatory PSD Increment Consumption Analysis."
3-10	Table 3-7	Table 3-7	Please remove reference to 1-hour Averaging Time for Ozone. EPA published a final rule on August 3, 2005 identifying areas for which the 1-hour ozone standard was revoked. In that notice, the 1-hour ozone standard was revoked, effective June 15, 2005, for all areas of Wyoming. The WDEQ-AQD then completed the process to remove the 1-hour standard from Wyoming Air Quality Standards & Regulations. That action was completed and the effective date for the removal from the regulations was January 30, 2006. As a result, there is no federal 1-hour ozone standard that applies to Wyoming and there is no state 1-hour ozone standard that applied to Wyoming.
3-10	Table 3-7	Table 3-7	On December 18, 2006, revisions to the National Ambient Air Quality Standards for particulate matter took effect, including strengthening the 24-hour PM2.5 standard from 65 to 35 ug/m3 and revoking the annual PM10 standard of 50 ug/m3. The State of Wyoming will enter into rulemaking to revise the Wyoming Ambient Air Quality Standards. However, as the Wyoming Ambient Air Quality Standards have not yet been revised, the WAAQS Value for 24-hour PM2.5 should be listed as 65 ug/m3.
4-4	4.3.1	Last Paragraph, last sentence	Please change "Appendix G" to "Appendix F", which is the actual appendix where example calculations are presented.
<b>Water Quality</b>			
	4.3.2		Reference to Stormwater permitting requirements should be referenced throughout this section. Wherever the management of surface disturbing activities is discussed, this regulatory requirement need to be mentioned along with BMPs.
4-18	4.3.2	4 <sup>th</sup> Full Paragraph	The potential for spills and releases to impact groundwater is discussed. It should be noted that Water Quality Division Rules and Regulations (WQRR), Chapter 4, defines a release as:  <i>(d) "Release" includes, but is not limited to,</i>

**Comments**

**Eagle Prospect Exploratory Wells Project Draft Environmental Impact Statement  
Wyoming Department of Environmental Quality, Air Quality Division**

**April 23, 2007**

Prepared by: Kelly Bott, Air Quality Division, 307.777.6088, [kbott@state.wy.us](mailto:kbott@state.wy.us)  
Mark Thiesse, Water Quality Division, 307-332-3144, [mtheis@state.wy.us](mailto:mtheis@state.wy.us)  
Jeremy Lyon, Water Quality Division, 307-777-7588, [jlyon@state.wy.us](mailto:jlyon@state.wy.us)

			<p><i>any sudden spilling, leaking, pumping, pouring, emptying, emitting, discharging, dumping, addition of, escaping, leaching, or unauthorized disposal of any oil or hazardous substance which enters, or threatens to enter, waters of the state.</i></p> <p><i>It should also be noted that a hazardous substance release in any amount which enters, or threatens to enter, waters of the state shall be reported, contained, removed, and disposed of in accordance with WQRR Chapter 4.</i></p>
--	--	--	---