



PETROLEUM ASSOCIATION OF WYOMING

951 Werner Court, Suite 100
Casper, Wyoming 82601
(307) 234-5333

fax (307) 266-2189
e-mail: paw@pawyo.org
www.pawyo.org

October 8, 2018

Mr. Jesse Pritts
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 4303T
Washington, DC 20460

Electronically Submitted:
regulations.gov

RE: Stakeholder Comments:
Study of Oil and Gas Extraction Wastewater Management
Docket ID: EPA-HQ-OW-2018-0618

Dear Mr. Pritts:

The Petroleum Association of Wyoming (PAW) represents over 90% of the oil and gas producers in the State of Wyoming. It is our understanding that the United States Environmental Protection Agency (USEPA) is currently conducting a study to evaluate whether additional or modified Federal regulations might result in more effective or broader utilization of produced water from the onshore oil and gas industry. PAW is a significant stakeholder in this matter, as most of our members operate conventional oil and gas facilities in which large amounts of produced water are generated and have been appropriately managed for many decades.

PAW, and several of its members, welcomed the opportunity to participate in the USEPA June 2018 information gathering meeting in Denver. Our members very clearly articulated that not all produced water can be characterized as a high total dissolved solids (TDS) wastewater. In fact, the vast majority of produced water in Wyoming comes from conventional operations and is classified as fresh water, which is suitable for beneficial use by agricultural and wildlife following hydrocarbon separation. Wyoming oil and gas operators have been relying on the beneficial use provisions of Subcategory E of the Oil and Gas Effluent Limit Guideline (ELG) for decades to effectively manage produced water resulting in significant environmental and socio-economic benefits. As our contingent stressed at the meeting:

Nothing should be done in the course of this study or any subsequent rule-making process that could potentially jeopardize the ability oil and gas

producers to discharge produced water under Subcategory E west of the 98th meridian.

Wyoming's produced water is "water that works" - from the point of discharge and along its entire flowpath. The effluent from these facilities permitted under Subcategory E is entirely consumed in this arid environment, is crucial to many agricultural operations, and has created very significant wildlife habitat. For example, consider the beneficial use of produced water documented by just one of our members (Merit Energy Company) where their fresh produced water discharges (with TDS as low as 600 mg/L) have been subjected to water right filings for irrigation and stock watering and have resulted in over 140 miles of perennial streams across an otherwise arid landscape, the creation of 876 acres of wetlands, 3,946 acres of riparian habitat, and sustains nearly 785 acres of lacustrine habitat.

Therefore, PAW, its membership, and the multitude of beneficial users of this water are absolutely opposed to any action that may potentially jeopardize our ability to discharge fresh water which is suitable for agricultural, wildlife, or habitat enrichment under Subcategory E. We understand that the USEPA is intending to evaluate potential regulatory solutions that may result in broader benefits of produced water to areas east of the 98th meridian, and/or through additional pre-treatment processes, centralized facilities, or existing wastewater treatment plants. However, the potential for unintended consequences of this study to diminish the utility of Subcategory E, or result in additional regulations are of great concern. It is of paramount importance that all existing and future produced water discharges on the arid landscape be protected.

In summary, it is the position of PAW that:

1. No action shall be taken which may result in any change to Subcategory E of the ELG. Any consideration of expanding or opening Subcategory E for modification is unacceptable.
2. No additional constituents, or effluent limits will be acceptable at the ELG level, as the provisions of the National Pollutant Discharge Elimination System (NPDES) permits have proven to effectively regulate water quality.
3. Any additional pre-treatment or centralized treatment requirements are unnecessary for producers with permitted discharges and will result in diminished water availability, degraded habitat, uneconomic oilfields, reduced revenue, and other socio-economic impacts.
4. PAW and its membership, along with other western stakeholders stress that any action taken resulting from the produced water study must be specifically limited to unconventional oil and gas facilities, and/or discharges east of the 98th meridian.

Your recognition of how critical this matter is to our many stakeholders is greatly appreciated. Thank you for your cooperation to ensure that the many benefits of produced water discharge under Subcategory E remain intact.

Sincerely,


John Robitaille, Vice President