

Group appeals gov's decision to court

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Gov. Dave Freudenthal's dismissal of a rule by the Environmental Quality Council regarding coal-bed methane water will face a legal challenge.

Pleadings were filed this morning state District Court in Cheyenne by the Powder River Basin Resource Council, which petitioned for the rule change.

Freudenthal announced in April that he would not approve the proposed rule, which had cleared the Environmental Quality Council in February after more than a year of deliberation and revisions.

The rule would have required the Department of Environmental Quality to demand valid data in support of applications to discharge coal-bed methane water on the surface. The PRBRC and others supporting the measure sought assurances that the water actually be put to livestock or wildlife use during periods of discharge and that the quantity of water did not cause unacceptable water quality.

"The governor's conclusion that the rules reach beyond the statutory authority of the Environmental Quality Act is arbitrary, capricious, an abuse of discretion, not in accordance with the law and unsupported by substantial evidence," the PRBRC stated in its filing for review of the decision by the court.