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Resource council takes methane petition to court

By BRANTLEY HARGROVE, News-Record Writer

A conservation group whose petition for more stringent rules on coal-bed methane water discharge was rejected by Gov. Dave Freudenthal has taken its case to District Court in Laramie County on Tuesday.

The Powder River Basin Resource Council said in a press release that "Freudenthal's 'suspicions' and 'assumption' about the intent of the rule and its impact on coal-bed methane activity are insufficient reasons to block a narrowly targeted and carefully crafted rule that won Environmental Quality Council support. ..."

The rules the group had proposed, approved by the EQC in February, would have required operators to provide valid data supporting their applications for permits to discharge produced water. They would also have to show that the water would actually be put to some use for wildlife and livestock and that the quantity of water doesn't have an adverse effect on quality.

In Freudenthal's response to the group in late April, he seemed to have problems with the part of the rule pertaining to quantity, and saw it as a "backdoor" way for the Department of Environmental Quality to regulate quantity — something he thought exceeded the mandate laid down by the Environmental Quality Act.

If the District Court finds for the resource council, the water rules could become enforceable, marking a victory for some landowners damaged by coal-bed methane water and a blow to the industry that said the rules could, in effect, shut production down.