

EPA raises concerns about proposed rule affecting water quality

Coalbed proposal criticized

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CHEYENNE - The U.S. Environmental Protection Agency has joined critics of the Wyoming Department of Environmental Quality's proposed rule for ensuring the quality of water discharged from coalbed methane wells.

Meanwhile, the state Environmental Quality Council postponed any decision on the rule until Nov. 16. The council had been scheduled to decide on the rule this week.

The council is a governor-appointed board that approves state environmental rules and regulations. Last week, the Department of Environmental Quality withdrew its proposed coalbed methane water rule from consideration by the council.

The council's executive secretary, Jim Ruby, said the decision took the council by surprise.

"Instead of reacting on an emotional level or an uninformed level, they wanted to take some time to think through all the alternatives, or possible actions, or what they needed to do to respond," Ruby said Wednesday.

Consultants for the council have said the state's methods aren't scientifically valid. Gov. Dave Freudenthal was among those who said the department made the right decision to withdraw the proposed rule.

The EPA raised concerns in a letter to the council on Tuesday.

They include whether the state has clearly spelled out that crop irrigation and livestock watering are established uses of water under the federal Clean Water Act. The EPA also questioned the department's methods for gauging water quality and its sulfate threshold for coalbed methane water provided to livestock.

The letter followed a mid-September visit to Powder River Basin ranches by Carrol Rushin, the Denver-based acting regional administrator for the EPA, and other regional agency officials. They went on separate tours hosted by the DEQ and by the Powder River Basin Resource Council, a local environmental group.

The EPA was bound to weigh in on the proposed water quality rule sooner or later and the letter to the council offers helpful guidance, Ruby said.

Jill Morrison, an organizer for the Powder River Basin Resource Council, said the letter carries weight because of the EPA's oversight of state water quality programs.

Coalbed methane wells extract methane from coal seams by pumping groundwater off the seams and onto the surface.

Most of Wyoming's coalbed methane development has been in the Powder River Basin. Millions of gallons of extracted water have caused ephemeral streams in the region to flow year-round.

That has helped some ranchers, but others who've faced problems including salt buildup in their pasturelands have had little recourse, Morrison said.

"Landowners who've been struggling for years to try to get the state to take the lead and work with industry on trying to manage this water, have just gotten nowhere," she said. "It's disheartening that so much damage has had to occur before we try to get it right."