

CBM discharge up for debate

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CHEYENNE -- The Wyoming Legislature once again will consider whether to regulate the amount of water that may be discharged from coal-bed methane wells.

House Bill 14, sponsored by the interim committee that oversees water resources, would limit the amount of water that could be discharged from CBM wells to the natural capacity of streambeds and other drainages.

Supporters say the bill would address long-standing complaints from some ranchers in Wyoming's Powder River Basin who say CBM water -- a byproduct of drilling for the gas -- has flooded and damaged their lands.

A similar bill died in the Legislature last year. A state task force made up of landowners, industry representatives and state officials had recommended it.

Wyoming State Engineer Patrick T. Tyrrell said his agency supports the new version of the bill. Wyoming now sets essentially no limit on the amount of water that can be discharged into ephemeral or intermittent drainages, he said.

"(The bill) targets at least a couple of issues related to discharged water that people have concerns about," he said. "It doesn't solve everything."

Under the proposal, the State Engineer's Office could order a halt or reduction in production if the flow of water from CBM wells exceeded the capacity of streambeds to carry it away. If more than one well were responsible, it would allow the office to close the newest wells until the water flow receded to acceptable levels.

The Powder River Basin Resource Council lobbied for the bill last year and will push for it again, council organizer Shannon Anderson said.

"It will be a step forward from what we have right now, which is basically nothing to address the problems," Anderson said. "Now there are essentially perennial rivers in the Powder River Basin carrying discharged CBM water. There's no requirement now that the amount of water produced stays in that channel."

Anderson said her group believes the bill also needs to require energy companies to post bonds to make sure they cover any damage to private property.

Bruce Hinchey, president of the Petroleum Association of Wyoming, said his group doesn't favor the bill. He says his group favors another bill, House Bill 7, that would give the state's Water Development Commission authority to remove sediment from streambeds to restore their "natural carrying capacity" so they can carry more water. The interim committee that handles water resource issues also has endorsed that bill.

House Bill 7 would not give the State Engineer's Office authority to shut down CBM wells to reduce water production. It says that restoring channels would be deemed adequate to mitigate "any damages and disruption of the landowner's operations resulting from the development of the new source of supply."

Hinchey said that bill would allow the Water Development Commission to act quickly to address CBM water issues.

Hinchey also said he believes that reports of flooding of private property are overblown and said some landowners have built illegal diversions to direct CBM water onto their land. He said he doesn't believe CBM water has flooded private property in about 10 years.

The West family of Campbell County would take issue with that. Marjorie West said her family has lost nearly 80 acres of alfalfa fields because of flooding by saline water from CBM production near their home, which is about 20 miles north of Recluse. She supports giving the State Engineer's Office authority to regulate the discharge.

"Of course, the CBM (companies) take absolutely no responsibility for the damage, so my husband has spent the last eight years trying to mitigate the damages," West said.

West said her husband has brought in soil from elsewhere and spread it out over the land but still has trouble with weeds and lower hay production.

West said the CBM industry has tried to spread fear among people in western Wyoming that regulating water from

CBM production would mean that none of the water would be available for other uses. Although the quality of CBM water is good enough for irrigation in some areas, she said it's of poor quality in her area.

West said her family isn't trying to stop methane development. "What we're trying to do is make methane development be responsible," she said.