

## Coalbed permits criticized

Group wants DEQ to retract OK given to methane producers

By The Associated Press

CASPER - Soil scientists at the University of Wyoming and from New Mexico say the Wyoming Department of Environmental Quality apparently issued several water discharge permits to coalbed methane producers based on a flawed formula and bogus science.

That's prompting a landowner group to ask the department to recall those permits. The Powder River Basin Resource Council also wants pollution limits adjusted to protect agriculture in the Powder River Basin.

In addition, the council has asked the U.S. Environmental Protection Agency to make sure the state applies the right science in regulating coalbed methane.

"We are requesting EPA's immediate oversight of this critical issue, in the hope that we can stop the destruction of our soils and vegetation and bring Wyoming's regulatory regime into compliance with the Clean Water Act," council Chairman Robert LeResche said in a letter to EPA's Region 8 office in Denver.

However, the state, not the EPA, is responsible for enforcing the Clean Water Act in Wyoming.

Department of Environmental Quality officials say the miscalculations have not resulted in any soil pollution.

"Any of those permits that show discharges where water quality exceeds the new formula, then we will go ahead and take a hard look at those permits and determine if corrective action is needed," said John Wagner, administrator of the department's Water Quality Division.

The department's governing body, the Wyoming Environmental Quality Council, has wrestled since 2005 with rules to protect agriculture from coalbed methane development.

Drilling for coalbed methane involves pumping groundwater out of saturated coal seams, depressurizing the seams and causing methane to condense out of the water. The process brings to the surface groundwater that often is contaminated by salt and other minerals harmful to grass and other plant life.

While gathering information and testimony for its rule-making process, the council discovered that the department based salinity pollution limits on a miscalculation. The department's method of determining soil quality before exposure to coalbed methane water also was deemed flawed.

The department "could be more sophisticated" in its evaluations, said Larry C. Munn, professor of renewable resources at the University of Wyoming.

"They want to think this is simple, and it is not," he said.

Munn and other UW scientists alerted the council to the flawed science in testimony last year.

The council then hired soil consultants Bruce Buchanan and Jan M.H. Hendrickx of New Mexico to study the department's scientific rationale. In a preliminary report earlier this month, Buchanan and Hendrickx gave the same assessment.

"There seems to be a lack of intention to monitor these systems, that Wyoming can set limits in a permit and walk away and the system will work," Buchanan said in a teleconference with council members April 9.

Department Director John Corra said it's unlikely his agency will have to recall any of the permits based on the flawed science. Water discharges are being monitored and pollution limits in the permits can be adjusted at any time, he said.

Corra estimated about 12 permits were issued using the flawed science.

"So since December 2008 we've been using a correct formula," Corra said. "Prior to that - the incorrect formula - we are keeping track of those permits."