

# Committee kills CBM water bill

---

By BEN NEARY

Associated Press writer

Tuesday, January 27, 2009 8:38 PM MST

CHEYENNE -- A bill that would have allowed the state to regulate the amount of water discharged from coal-bed methane wells has died in committee.

The House Agriculture, State and Public Lands and Water Resources Committee voted unanimously Tuesday to defeat House Bill 14. The bill would have limited coal-bed methane water discharge to the natural capacity of streambeds and other drainages.

Committee members say they voted against the bill after hearing that flooding from coal-bed methane wells has decreased in recent years. Gas drilling produces the water as a byproduct.

Committee Chairman Rep. Mark Semlek, R-Moorcroft, said the committee heard testimony last week from many people who said that the bill was coming years too late to be useful.

"The conclusion that many of the committee members come to following listening to the testimony was that we were encouraged that the system out there between coal-bed methane industry and the landowners seemed to be working pretty good right now," Semlek said.

Semlek said that many landowners testified that they had seen flooding problems decrease in recent years, particularly in the Powder River Basin of northeastern Wyoming.

"This process is driven by constituents and we just didn't have a single person come to the committee this year, during the hearing on this bill, saying, 'we need to do something,'" Semlek said.

Under the bill, the State Engineer's Office could have ordered 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, the bill would have allowed the state to shut off the newest wells until the water flow receded to acceptable levels.

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 he was sorry to see the bill's defeat Tuesday.

"I was disappointed because of all the work that went into the bill," Tyrrell said. "We worked on that thing for half a year in task force, and then over the interim."

Asked whether his office believes that the problem of flooding is in the past, Tyrrell said, "As recently as two years ago, it was certainly an issue to some people. To say that it's entirely in the past are the words of others, and not me."

But Rep. Sue Wallis, R-Recluse, said it was clear in the committee hearing that the time for the bill had passed.

"It would have been a great idea 10 years ago, probably would have done some good five years ago," Wallis said. "But now, those situations that it addressed directly have pretty much resolved themselves, so I think we're all pretty much in a mood to perhaps move to a more positive direction."

Rather than presenting a problem of flooding, Wallis said many people are putting the CBM water to good use. She said some people are using the water to get three crops of alfalfa a year when they used to be lucky to get one.

"So that water's being used, and it's being used for good, beneficial purposes," Wallis said. "And I think,

where there are still problems remaining, we just need to work together to figure out what the best solution is, or quite frankly, get the water to someplace where somebody will put it to good use."

The Powder River Basin Resource Council has lobbied to address the CBM discharge issue. Shannon Anderson, council organizer, said Tuesday the group is pleased the bill died.

"Our members really agree that this bill wasn't the right action to give them solutions that they need in the Powder River Basin," Anderson said. "There are still a lot of problems related to discharged water related to CBM, but this bill wasn't the answer."

Anderson said the bill was limited to the problem of flooding from overflowing ephemeral channels.

"Importantly, the bill doesn't address the larger problem of the waste of the water, and putting the water to beneficial use," Anderson said. "I think we'd like the legislators to continue to work on proposals and continue to work on solutions. I think addressing the waste of the water and addressing problems of flooding and erosion are important to our members."