

Court hears arguments in appeal of water rules

By MEAD GRUVER - Associated Press writer | Posted: Friday, October 23, 2009 12:00 am |

CHEYENNE -- The Wyoming Supreme Court is considering whether to allow a court challenge to the state's water quality rules or dismiss the challenge on a technicality.

The rules approved by the Environmental Quality Council and Gov. Dave Freudenthal in 2007 significantly changed state standards for pollution discharged into streams.

The Wyoming Outdoor Council opposed the reclassification of many streams that previously had the highest level of protection as recreational waters.

The council also targeted new regulations for streams that had started flowing year-round as a result of water discharged by coal-bed methane wells.

The justices heard arguments Thursday over whether the council should have included the Wyoming Environmental Quality Council in the legal action.

The council named the Department of Environmental Quality in the appeal but didn't include its rule-making body, the Environmental Quality Council.

The omission prompted Laramie County District Judge Edward Grant to dismiss the case in February, saying he didn't have jurisdiction.

Steve Jones, an attorney for the Outdoor Council, told the Supreme Court justices Thursday that including the quality panel wasn't legally necessary because the department, not the panel, implements environmental regulations.

An attorney for the department, John Burbridge, said the justices shouldn't overlook the Environmental Quality Council's role in approving regulations.

"We feel they are a necessary and important party in the appeal," he said.

The Supreme Court took the arguments under advisement and plans to issue a written ruling later.