

DEQ continues issuing permits to coal-bed methane producers using 'flawed' formula

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CHEYENNE -- Wyoming environmental regulators are still reviewing an independent report that found flaws in how the state determines pollution limits in certain coal-bed methane discharge water.

"We are taking a very serious look at that consultants' report," John Corra, director of the state Department of Environmental Quality, said Tuesday. "It's new information for us, and we want to dig into it. And we're just not ready yet to say much about it."

Meantime, the state continues to review and issue water discharge permits that some contend will result in damage to agriculture land.

"We haven't seen anything from DEQ other than business as usual, using the same scientifically invalid methodology," said Jill Morrison, an organizer with the Sheridan-based Powder River Basin Resource Council.

Corra said his agency eventually will submit comment to the state Environmental Quality Council about the report. The council is accepting public comment until Sept. 30.

Some farmers, ranchers and conservation groups contend the state allows coal-bed methane developers to discharge water with too much sodium and salt, which can damage land and vegetation.

The issue is important because stricter controls on salt and sodium could force industry to undertake more costly measures in handling the water.

The issue has been debated over the past few years as the Environmental Quality Council undertook an effort to rework state environmental regulations on the hundreds of millions of gallons of water discharged each year through coal-bed methane development. Groundwater is pumped to the surface in order to capture the methane, or natural gas, trapped in deep coal seams.

Part of the proposed rules the council is considering attempts to provide specific guidelines on how much salt and sodium the discharged water can contain without damaging agriculture land and crops.

But when the council received conflicting expert testimony on the state's formula for determining salt and sodium levels in the water, it decided last year to hire a team of independent consultants to help resolve the differences. The consultants recently issued their report, saying the state's formula was scientifically flawed.

The independent report was the first ever requested by the council, which was created in 1973, according to council staff.

The council is now accepting public comment on the consultants' report and will reopen the overall rulemaking process when that is done, council Chairman Dennis Boal said.

"We thought it was only fair to let all the parties that have been involved in this process for a long time the opportunity to evaluate that report, its conclusions and make any comments they wish to regarding that," Boal said.

Morrison said the public comment merely delays the process while the "damage continues."

Ed Swartz, a rancher north of Gillette and a member of the Powder River Basin Resource Council, said coal-bed methane companies will simply take advantage of the extended process to dump more polluted water in creeks and streams.

"They've been killing my ranch since 1999," Swartz said.

Corra said DEQ needs to talk to the consultants who issued the report "to make sure we fully understand what the consultants are telling us."

The Powder River Basin Resource Council has asked the Environmental Protection Agency to stop the state from issuing some coal-bed methane water discharge permits because of the questionable formula.

Morrison said the organization has been in contact with the EPA but nothing has come of its request yet.