

Task force begins work on solving decade-old issues

## Pressure's on to modify CBM water regs

By DUSTIN BLEIZEFFER - Star-Tribune energy reporter | Posted: Thursday, December 3, 2009 12:00 am |

GILLETTE -- Coal-bed methane gas producers and state regulators are in a scramble to satisfy concerns listed by the U.S. Environmental Protection Agency regarding the discharge of groundwater on the surface in the Powder River Basin.

The EPA recently put a hold on a handful of water discharge permit applications with the Wyoming Department of Environmental Quality.

In a series of recent letters, the EPA has noted that Wyoming regulators appear to be using a permit scheme that does not meet Wyoming's own water quality standard intended to protect agricultural uses. That criticism follows a September report by two New Mexico scientists also indicating that Wyoming's water discharge permit scheme is based on flawed science.

In response, the DEQ has convened a working group of industry leaders and landowners -- many of whom have haggled over these and other contentious coal-bed methane water issues for more than 10 years.

"I felt it prudent to reset -- to convene a working group and go at this one more time," said Wyoming DEQ Administrator John Corra.

The group met for the first time Wednesday in Gillette. The focus was to define the problem and set out a process for agreement on potential solutions. But a lot of paths going forward are paths these landowners, regulators and industry representatives have traveled before.

"My reaction is sort of one of despair. The speakers from the state agencies spoke as if this is the way things are and they can't be changed," said Bob LeResche of the Powder River Basin Resource Council.

### CBM complications

Water must be pumped from coal seams in order to reduce the hydrostatic pressure that holds the methane in place. In the 1990s, the Wyoming State Engineer determined that the production of methane gas is a beneficial use of that water.

That's something that should be on the table for discussion, said LeResche.

"I would hope that the ground rules would be anything can be changed," said LeResche.

Coal-bed methane gas operators pump about 650 million barrels of water from coal aquifers each year. About 80 percent of that water is not put to any specific beneficial use, and in some cases turns ephemeral drainages into year-long flows.

One of the main complications for all stakeholders involved is that there is no real limitation placed on the volume of water discharged.

Matters of water quantity typically lie with the state engineer while matters of water quality lie with the Wyoming DEQ.

In fact, a lengthy citizens' petition process was put to the Wyoming Environmental Quality Council -- which governs the Wyoming DEQ -- several years ago resulting in an order essentially expanding the DEQ's water discharging process to consider water quantity. When it arrived on Gov. Dave Freudenthal's desk in 2007 for final approval, he refused to sign it.

In the meantime, the Wyoming DEQ and the state engineer have refined their oversight of coal-bed methane water management. However, the EPA made clear it is not satisfied that Wyoming's surface discharge program meets the Clean Water Act or even Wyoming's own agricultural protection standards.

"We are asking Wyoming DEQ to review the science behind their analysis. The state will have to respond to EPA's comments before issuing these permits," said Sandra Stavnes, chief of the wastewater unit at the EPA's Region 8 office in Denver.

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