

Two-year fight over water goes to court

By The News-Record staff

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A two-year legal fight with long-range implications to coal-bed methane operators in the Powder River Basin is coming to a head this week in Cheyenne, with a final decision by Wyoming's Environmental Quality Council expected Thursday or Friday.

At issue is the fate of what are called "general discharge permits," which were first issued by the Department of Environmental Quality in 2006. Because of a 2006 lawsuit against the DEQ, at least 22 other watersheds in the Powder River Basin are awaiting a general discharge permit.

If the lawsuit is settled in favor of the DEQ, it will streamline the permitting process. One of the end results would be that coal-bed methane operators do not need to apply for a permit everytime they drill a new well.

Environmental Quality Council Hearing Examiner Dennis A. Boal is presiding over the hearing.

Before 2006, coal-bed methane operators applied for individual discharge permits each time they built a new well and that permit would determine how much water the operator could discharge and the quality of that water.

But in 2006, the agency issued its first general permit to cover individual creek drainages instead of giving applicants permits on a case-by-case basis.

Two creeks in northeastern Wyoming that drain into the Powder River were named in the permit — Willow Creek and Pumpkin Creek, both in Johnson County.

According to court documents, the Wyoming Outdoor Council sued the DEQ with claims that the new permits do not require any water quality treatments and do not protect the native grasses and foliage in the creek bottoms that are critical to many ranchers, along with other similar allegations.

The DEQ claims that the general permits are adequate to protect environmental quality. Three coal-bed methane operators, including Marathon Oil Co. with an office in Gillette, are intervenors in the lawsuit, claiming that their "ability to protect their interests" is at stake.