

Group appeals gov's veto

By *DUSTIN BLEIZEFFER*
Star-Tribune energy reporter

A conservation group went to court Tuesday to challenge the legality of Gov. Dave Freudenthal's executive action against new rules guiding coal-bed methane water discharges.

Freudenthal announced in April that he would not approve the rule that had cleared the Environmental Quality Council in February after more than a year of deliberation and revisions. The rule would have required the Department of Environmental Quality to demand valid data in support of applications to discharge coal-bed methane water on the surface.

The Powder River Basin Resource Council and others supporting the measure sought assurances that the water actually be put to livestock or wildlife use during periods of discharge and that the quantity of water not cause unacceptable water quality. The group appealed the governor's decision to state District Court in Cheyenne.

Freudenthal and Attorney General Pat Crank maintain that only the state engineer has authority to regulate water quantity, although the state engineer has not elected to do so, nor has he been directed by the governor to do so.

The Petroleum Association of Wyoming issued this statement in support the governor's stance: "We believe the governor correctly identified that the regulation of water quantity was not in accordance with the Environmental Quality Act, but rather that authority has been constitutionally awarded to the State Engineer's Office."