

POWDER RIVER BASIN RESOURCE COUNCIL PRESS RELEASE

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For Immediate Release

LANDOWNERS: CLOSE CBM DISCHARGE WATER LOOPHOLE 'There is still time to get it right,' water quality rule-change petition declares

BUFFALO-Nineteen northeastern Wyoming landowners, along with the Powder River Basin Resource Council, today called on the state's Environmental Quality Council to amend Department of Environmental Quality rules to require true beneficial use of coalbed methane water that is discharged as a byproduct of the development process. They also asked that the DEQ begin addressing the critical issue of water quantity as a part of its mandate to regulate water quality.

In a rare citizen petition to amend state water quality rules, the landowners point out that the DEQ's policy of regulating only the quality of water discharged in CBM operations is based on an outdated assumption that the arid West needs, and can use, all the water that oil and gas operations can produce.

"That is no longer a valid assumption," the landowners' petition states, "and the DEQ must manage CBM discharge water by recognizing that it is not generally being used; it is being disposed of. The exclusion has become a loophole stretched so far that in application it has lost all relation to logic."

Disposing of that water, Powder River and the landowners argue, too often means flushing it down creek bottoms and draws that are normally dry during most of the year. The result is severe degradation of valuable grazing and forage grounds, loss of cattle crossings, and serious damage to groundwater and soils.

"Faced with huge amounts of water being produced with CBM," the landowners point out, "the Wyoming DEQ has allowed the unrestrained production, and waste, of unimaginable quantities of Wyoming water, without any adequate evaluation of the impact to, or protection of, the quality of the groundwater, surface water, and the agricultural and livestock production that depend upon water."

What's more, they warn, the flood of CBM discharge water has just barely begun.

"Wyoming CBM production to date is just a fraction of what is to come," the petition observes. "There is still time to get it right."

Getting it right, the Powder River Basin landowners maintain, means the EQC should adopt-and the DEQ must enforce-rules requiring that CBM discharge water actually be put to a beneficial use, not merely be suitable for use. That, they say, would be a dramatic improvement over current regulations and policies:

"When the permit applicant can show that water discharged is of sufficient quality (the standard is not high and can generally be met) for a cow or an antelope to drink, then the DEQ will not question how much the cows or antelope will actually drink. Huge quantities of water are then disposed of-that is, flushed down Wyoming's waterways in the guise of 'beneficial use.'

"The pretense of 'beneficial use' of CBM produced water must be abandoned. This is purely water disposal, and its disposal has impacts on the soils, crops and waterways of Wyoming that must no longer be ignored by the DEQ."

The rulemaking petition also proposes stricter CBM effluent limits for sulfates, barium and total dissolved solids when the water is discharged for beneficial use by livestock and wildlife to ensure the water is actually safe for consumption.

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Member statements

Bob LeResche

I'm Bob LeResche. I am a landowner in the Clear Creek Valley, and am the current chairman of the board of directors of the Powder River Basin Resource Council. The council is a broad organization of ranchers, landowners, and other concerned citizens dedicated to wise use of the rural Wyoming that we all love. The council has been active in resource issues since 1973.

First, I want to thank you all for coming this afternoon. There are six of us petitioners here today, and we want to keep our opening comments short and spend most of this time answering your questions. In addition, members of the Powder River staff who have been instrumental in preparing the petition are also present.

The purpose of the petition we are submitting is simple. As we speak, existing regulations are allowing a massive wastage of two assets Wyoming citizens have always valued above most others: our water and our land. Present rules say that the millions of gallons of water produced from coal bed methane wells in our state may be dumped on our land, allowed to destroy productive pastures and other ecosystems and sent out of state unused. This is allowed under the ludicrous logic that all water that is theoretically drinkable by stock or wildlife is by definition being put to a "beneficial use" by being pumped onto the ground.

We are requesting, for reasons we are eager to discuss with you today, that the state's Environmental Quality Council change the rules to reflect reality, to recognize that the quantity of water dumped on our lands is as important as the quality, and to increase the benefits all Wyoming citizens receive from production of our mineral resources.

We want to help the Department of Environmental Quality, and the important industry they help to regulate, find the framework to preserve the productivity of Wyoming's land and water as they produce natural gas, and to regulate the water production that accompanies that production. As we say in our petition to the Environmental Quality Council, there's still time to do it right. Projected on the screen are photos of CBM discharge water flooding Wildhorse Creek, where it has caused damage to soil and vegetation and problems with, not to mention a massive wasting of, precious water which has taken millions of years to accumulate. This petition suggests how the EQC can act to change the situation to the advantage of all of us.

On Clear Creek, where my wife and I live and work, we are just beginning to see the kinds of bottomland damages coal-bed methane development has already brought to so many other ranches around the Powder River Basin. But we are preparing to receive the CBM industry in our valley, and we know that without a commonsense approach to managing and regulating water quality—one that recognizes that quantity is an inseparable component of quality—we could lose our vegetable farm and our hay meadows and grazing pastures, as have others elsewhere. This is a critically important issue in our personal lives, as it is in the public policy life of our state.

Let me introduce Eric Barlow, a rancher and veterinarian in Campbell County, 40 miles west of Gillette, who can talk with you about Dead Horse Creek.

Eric Barlow

I've got to tell you that Bob has been lucky so far. Like he said, the impacts haven't hit him on Clear Creek yet. Where my family ranches on Dead Horse Creek, we've already had excess CBM discharge water come downstream, causing some damage to soils and vegetation, and the creation of boggy conditions that caused foot rot in several of our cattle.

Don't let anyone tell you that the quantity of water spilled onto the land has nothing to do with water quality-that's a fallacy.

Here are some pictures of CBM water pits above us on Dead Horse Creek and then some photos of the kind of salts and damage to the soil and vegetation from the discharge of this water down over our land.

We've been engaged in the DEQ process concerning CBM discharge water permits for seven years in trying to protect our land, and over that time we unfortunately have made no progress in stopping the problems from occurring. In fact, recent actions by the DEQ seem to be going backward in terms of protecting our land. This petition is an effort to address the root problems of CBM discharge water.

This petition is an attempt to wake up the Department of Environmental Quality and a lot of other people who should know better than to pretend that quantity isn't a quality issue. We also need to upgrade our standards to ensure that any of this water that is and will be used to water livestock and wildlife will be safe. Our standards now are outdated and unhealthy - so our petition proposes new levels for sulfates, barium and TDS.

Tooter Rogers

I'm Tooter Rogers, and my wife and I have a ranch on SA Creek. What bothers me most about all of this is the waste of water. Water's a valuable resource in my book, and I just don't see any beneficial use in sending it all down the creek and into the Powder River. This beneficial use idea has been stretched to the limit. On SA Creek where I live, we have been struggling with problems and damages from CBM discharge water for several years - it is time to make sure the water is put to a real beneficial use.

I have no problem with producing the gas and people having jobs, but I think we need to protect both resources-the water as well as the gas. And we have to treat them both equally.

The main thing is, we shouldn't waste one valuable resource to get at another. I don't know what we'll do in this country if we lose our water.

Marge West

Hi, I'm Marge West. My husband and I ranch along Spotted Horse Creek. Tooter says that beneficial use has been stretched to its limit, but it seems to me that beneficial use has been perverted beyond recognition. CBM discharge water has killed more than 200 old growth cottonwood trees on our ranch and left our best hay meadows damaged. Here are some pictures illustrating this damage. The resulting flooding left our meadows with an inability to grow native grasses and alfalfa. Our meadows now produce an impressive crop of kochia and other noxious weeds. So guess what: I don't call CBM discharge water beneficial.

Even the best of water can be harmful to plants and the ground if there is too much of it for too long. And believe me-CBM discharge water is not the best. CBM operators dumped their water into Spotted Horse Creek where it continuously flooded and froze our hay meadows for four months. The Department of Environmental Quality should ensure that CBM discharge water is discharged only when it truly is put to beneficial use.

Clay Rowley

I'm Clay Rowley and my wife and I own a ranch at the confluence of Clear Creek and Powder River. My grandparents settled there in 1892. My fellow landowners have pointed out the problems and concerns created by poorly managed surface discharge of groundwater produced during the recovery of coalbed methane natural gas. From my view as a landowner, geologist, and former DEQ employee, I believe this petition is a needed step for generating solutions that will eliminate the loss and waste of precious Wyoming water. There is a need to find actual beneficial use for Wyoming water, and put an end to wasteful surface dumping of huge quantities of groundwater simply because its quality allows cows and antelope to drink the water. Cow and antelope consumption won't solve water quantity and quality problems because the amount of water they consume is minuscule in comparison to the huge quantity of CBM water produced. We want to see that all CBM produced water is put to full and true beneficial use instead of being allowed to cause damage to drainages, soil, grassland, trees, and meadows. In addition, requiring true beneficial use will greatly decrease the loss and waste of a resource, and can have a positive influence on the loss of aesthetic values and market value of the land.

We are ready to take questions.