



## AMERICAN FISHERIES SOCIETY MONTANA CHAPTER

1716 West Main St.  
Bozeman, MT 59715

April 2, 2007

Alan Olson  
Federal Relations, Energy, and Telecommunications Committee Chair  
Montana House  
PO Box 200500  
Helena, MT 59620-0500

Dear Mr. Olson,

The Montana Chapter of the American Fisheries Society (MCAFS) appreciates the opportunity to comment on SB407 to allow discharge of coal bed methane effluent into existing impoundments. The American Fisheries Society is the oldest professional society in North America dealing with the natural resources, was organized in 1870. The MCAFS was chartered in 1967 soon after Chapters were recognized in 1962. Among its objectives are conservation, development and wise utilization of the fisheries, promotion of the educational, scientific and technological development and advancement of all branches of fisheries science and practice, and exchange and dissemination of knowledge about fish, fisheries and related subject. The MCAFS is an organization of professional fisheries scientists and students from multiple agencies, universities, and the private sector across Montana. MCAFS has several comments regarding the potential impacts of this bill on Montana's fisheries.

Review of SB407 indicates that this bill would allow coal bed methane producers to discharge water into impoundments for livestock and wildlife use. However, the bill does not note whether the impoundments must be closed or if they can have inlets and outlets. Coal bed methane production is occurring in primarily arid areas of Montana where perennial streams are a rarity. Many impoundments in the arid regions seek to impound seasonally available runoff to preserve a source of surface water for livestock. Although it may seem to be a good idea to add more water to seasonal impoundments or even to dry draws, often the coal bed effluent is not equivalent to natural runoff water. If the amount of coal bed methane water added to an impoundment creates flow downstream of the impoundment, then the water is carried into Montana's surface water, or streams and rivers.

The original draft of the bill used the word "emergency" to qualify when these discharges could occur. The current version (04/02/07) has removed this term which leads the reader to understand that these discharges could occur whenever the operator needed to get rid of excess effluent. The bill also notes that the water must meet standards for watering livestock. However, the main pollutants of concern in coal bed methane effluent do not have numeric water quality standards

(DEQ 2006- Montana Water Quality Standards). In fact, there are many parameters that may have negative effects to beneficial uses, but do not have numeric water quality standards. These include sulfate, total dissolved solids (that may be expressed as electrical conductivity or salinity), chloride, pesticides and sodium adsorption ratio. These parameters are often the major concerns for the quality of coal bed methane effluent. The narrative “free from<sup>1</sup>” standards are intended to protect beneficial uses from discharges or activities that may cause excessive levels of these parameters. In many cases, best professional judgment based on reference conditions or literature and modeled conditions are the principal means of establishing acceptable levels of these parameters. Therefore, it would be difficult for DEQ to show definitively that coal bed effluent did not meet water quality standards for these parameters.

Our concern for the bill stems from its lack of language related to where the water can go. The bill does state that the effluent must go into an existing impoundment, but if the impoundment has a connection to surface water, then the pollutants of concern could affect fisheries downstream. In addition, any time groundwater is removed from a system, it affects the amount and quality of surface water in the surrounding watershed. Therefore, allowing greater discharge of coal bed effluent, which comes from groundwater, would reduce the total amount of water stored in a watershed and would have the potential to affect the amount of seepage or base flow in intermittent and perennial streams in the area.

In summary, SB407 would:

- Reduce controls on coal bed methane effluent discharge
- Mislead the public to believe that water quality standards would dictate whether coal bed methane discharge would be allowed since not numeric standards exist to judge the effluent by.
- Potentially allow large amounts of coal bed methane effluent to enter surface waters.
- Remove ground water from arid regions that depend upon base flow and ground water seepage to augment seasonal flows.
- Potentially reduce the quality and health of the streams that are so important to the character of Montana and to the health of the environment enjoyed by all Montanans.

Because of these reasons and the current pressure for coal bed methane development across eastern Montana, MCAFS encourages you to oppose this bill as written Thank you for your interest and work toward conserving and improving Montana’s aquatic natural resources.

Sincerely,

Leanne Roulson, President  
Montana Chapter of the American Fisheries Society

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<sup>1</sup> Narrative standards have been developed for substances or conditions for which sufficient information does not exist to develop specific numeric standards. The term “Narrative Standards” commonly refers to the General Prohibitions defined in ARM 17.30.637 and other descriptive portions of the surface water quality standards. The General Prohibitions are also called the “free from” standards; that is, the surface waters of the state must be free from substances attributable to discharges, including thermal pollution, that impair the beneficial uses of a water body. Uses may be impaired by toxic or harmful conditions (from one or a combination of parameters) or conditions that produce undesirable aquatic life. Undesirable aquatic life includes bacteria, fungi and algae.