

Wyoming Environmental Quality Council

2300 Capitol Ave.

Hathaway Bldg. 1st, Room 136

Cheyenne, WY 82002

RE: Black Hills Bentonite, LLC, Application for a surface Bentonite Mine Permit TFV 7 1/018

Dear Members of the Wyoming Environmental Quality Council:

This letter constitutes my protest of the permit referenced above. I understand that this permit approval is through the Land Quality Division, and before Black Hills Bentonite, LLC (BHB, LLC) can initiate construction and operations of the mine site they will also be required to obtain an Air Quality Permit and a Water Quality Permit. For those reasons, I have tried to focus my protest basis on issues directly overseen by the Land Quality Division, specifically Title 35, Chapter 11, Article 4 - 35-11-401 through 35-11-409.

35-11-406, (a), (ix), (A) states names, addresses and boundary lines of the present surface owners and occupants on the adjacent land to be affected must be on the permit. There are (6) adjacent landowners to the proposed mine site, shown in Exhibit A. Are all these adjacent landowners listed on the permit? There is no reference to them on the Mining Plan, and I was not able to access BHB LLC's permit application through WYDEQ's "submit request" program.

35-11-406, (m), (v) states the permit can be denied if the proposed mining operation will cause pollution of any waters in violation of the laws of this state or of the federal government. The boundary of the permit lies only 684 feet from Mule Creek and only 1500 feet from the shores of Keyhole Reservoir, both shown in Exhibit B. Also shown in Exhibit B, are several ponds within the permit boundary as well as immediately adjacent to the permit boundary, all of which drain into Mule Creek, which directly feeds into Keyhole Reservoir. Several contaminants could derive from BHB, LLC's operations from hydrocarbons, the bentonite itself, and solid waste. Bentonite can be highly polluting to water if it is released into the environment. Bentonite in water can affect the pH, turbidity and other water quality parameters and micro-particles of bentonite can attach to the gills of fish and cause suffocation. A bentonite mining operation in such close proximity to one of Wyoming's major bodies of water should be regarded as an obvious risk to Wyoming's natural resources.

35-11-406, (m), (vii) states the permit can be denied if the proposed operation constitutes a public nuisance or endangers the public health and safety. BHB, LLC addresses this seemingly very general topic in section 5.1 of their Mining Plan by describing the mine site's remoteness, coupled with the small size and scope of the operation, while also noting its location to be 2 ½ miles from the town of Pine Haven. 2 ½ miles from a town center is not "remote" and it should be noted that two (2) Pine Haven businesses (both are located within the city limits of Pine Haven) are only 1 ½ miles away from the NW boundary of the permit area and one adjacent landowner's occupied residence is only 246 feet away from the eastern edge of the permit area. Outside of the city limits of Pine Haven, several hundred

occupied homes sit within a two-mile radius of the permit area. See Exhibit C. Hours of operation, haul routes, traffic, dust and noise should all be important variables affecting BHB, LLC's ability to realistically avoid being a public nuisance and endangerment over the course of a 20 year permit.

35-11-406, (m), (viii) states the permit can be denied if the affected land lies within three hundred (300) feet of any existing occupied dwelling, home, public building, school, church community or institutional building, park or cemetery, unless the landowner's consent has been obtained. East of the permitted area lies 386.99 acres of private land owned by Anderson Robin L Revocable Trust. The Anderson's occupied home sits only 246 feet off the boundary of the permitted area. No consent from the landowner has been issued which could be grounds for immediate denial of the permit. BHB, LLC's Mining Plan addresses this topic in section 5.2 by claiming the nearest occupied dwelling is 400 feet from the lands affected by the mining area. These details should be reviewed. I do not know anyone who would want to occupy a home 400 feet from an active bentonite mine and certainly not 246 feet. See Exhibit D.

I request that a hearing be held in the community of Pine Haven with the Members of the Wyoming Environmental Quality Council. I understand the bentonite 35 feet below the surface of this land is valuable, but that value cannot possibly be more than the value of Wyoming residents' livelihoods and health as well as the value of the water, wildlife and natural resources in the immediate vicinity of this mine. I believe the summary of the four aforementioned issues in my protest fairly represent genuine concerns for human health, way of life, wildlife and natural resources that would be put at risk by this mining operation. There is an abundance of bentonite in the great state of Wyoming and alternative locations for mining operations could be negotiated that would create less risk towards humans and natural resources and be less detrimental to this State overall.

Respectively,



Tara Wineteer

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Attachments:

Cc: Todd Parfitt, Director, Wyoming Department of Environmental Quality
David Dewald, Senior Assistant Attorney General
Mark Rogaczewski, LQD District 3 Supervisor
Mike Thomas, Director Mining Safety, Black Hills Bentonite, LLC
Chip Neiman, Representative House District 01

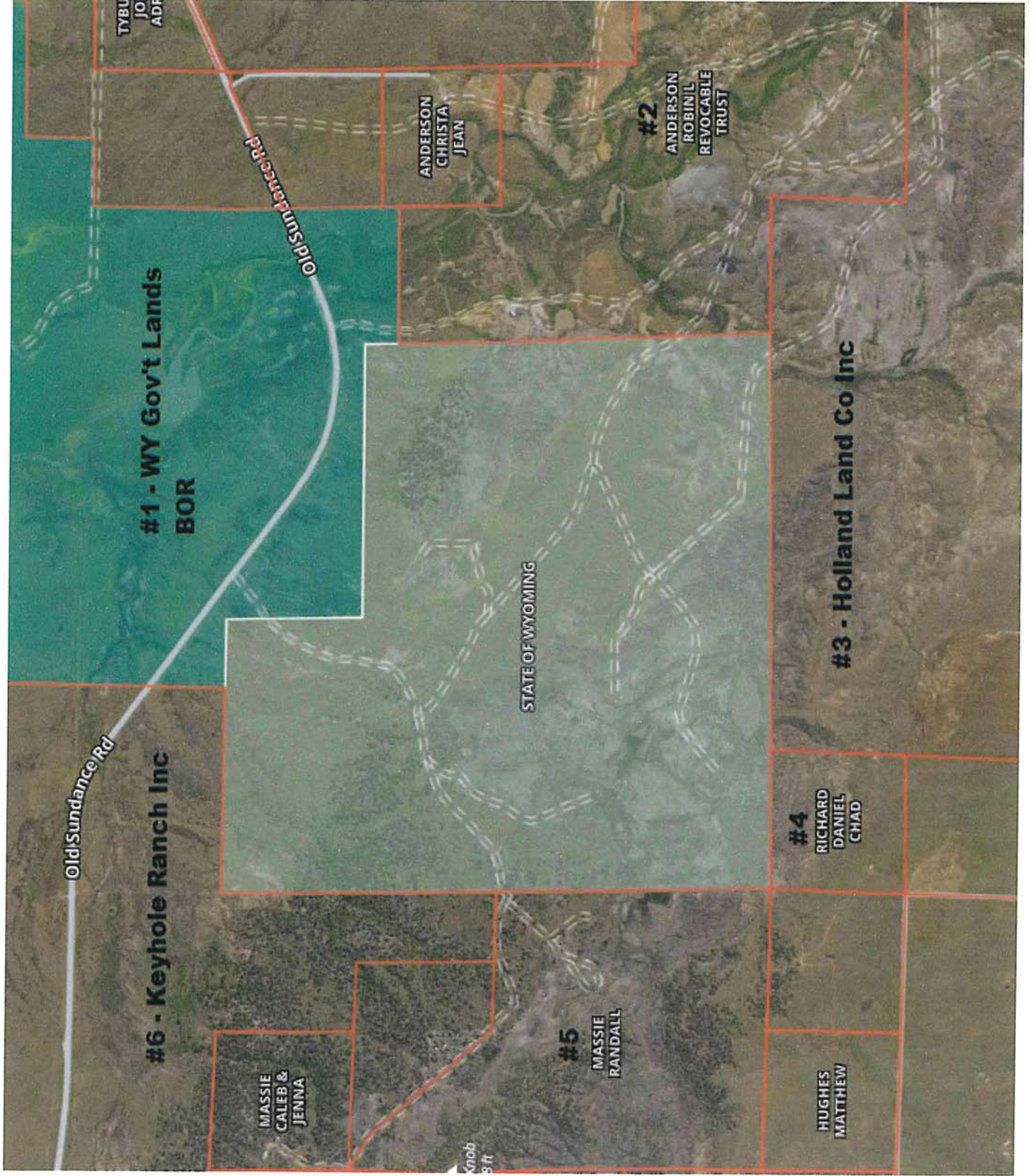


Exhibit A

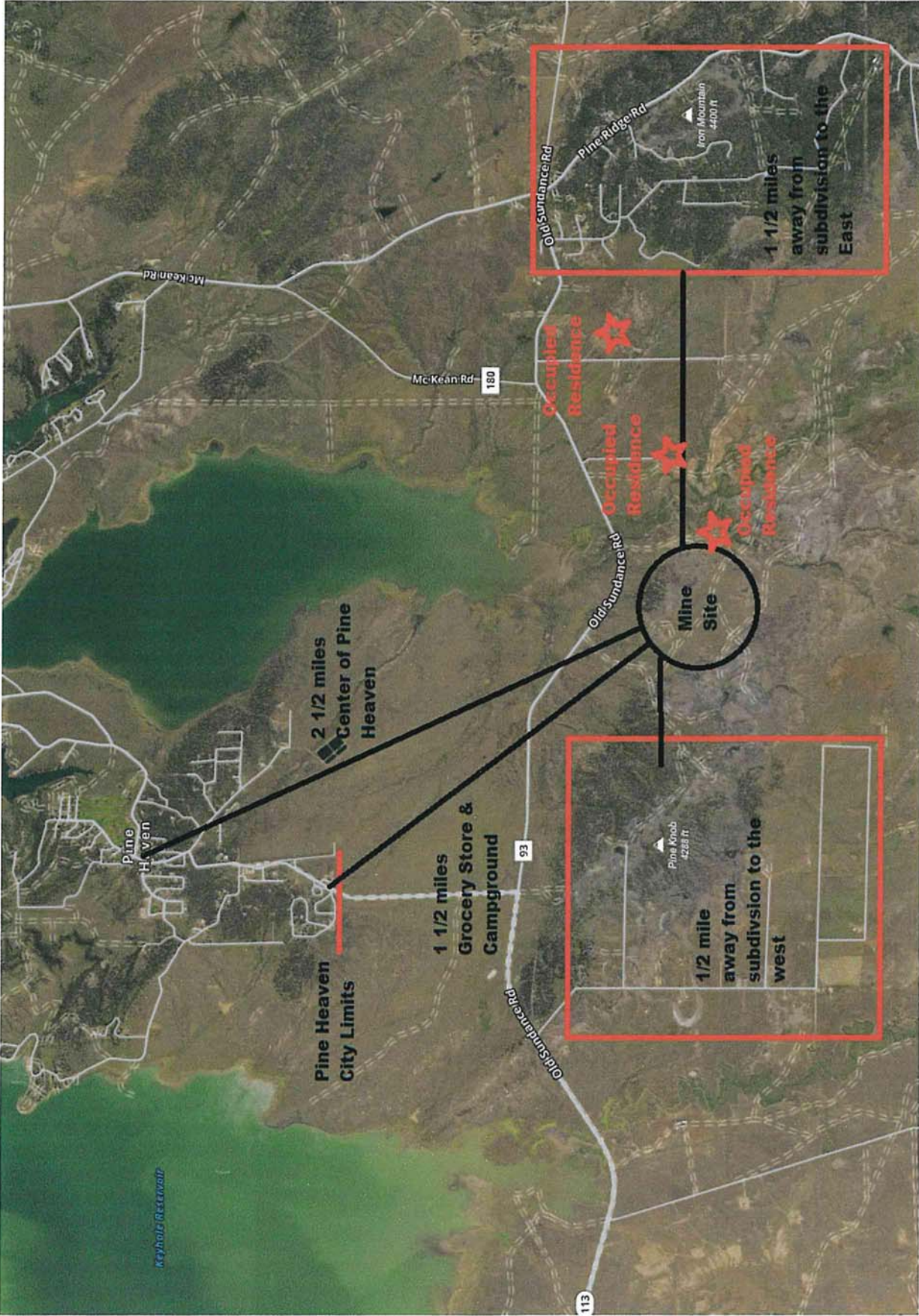


EXHIBIT C

**Occupied
Residence off
Eastern Boundary
of affected lands
is 80.9 yards
away = 243 feet**

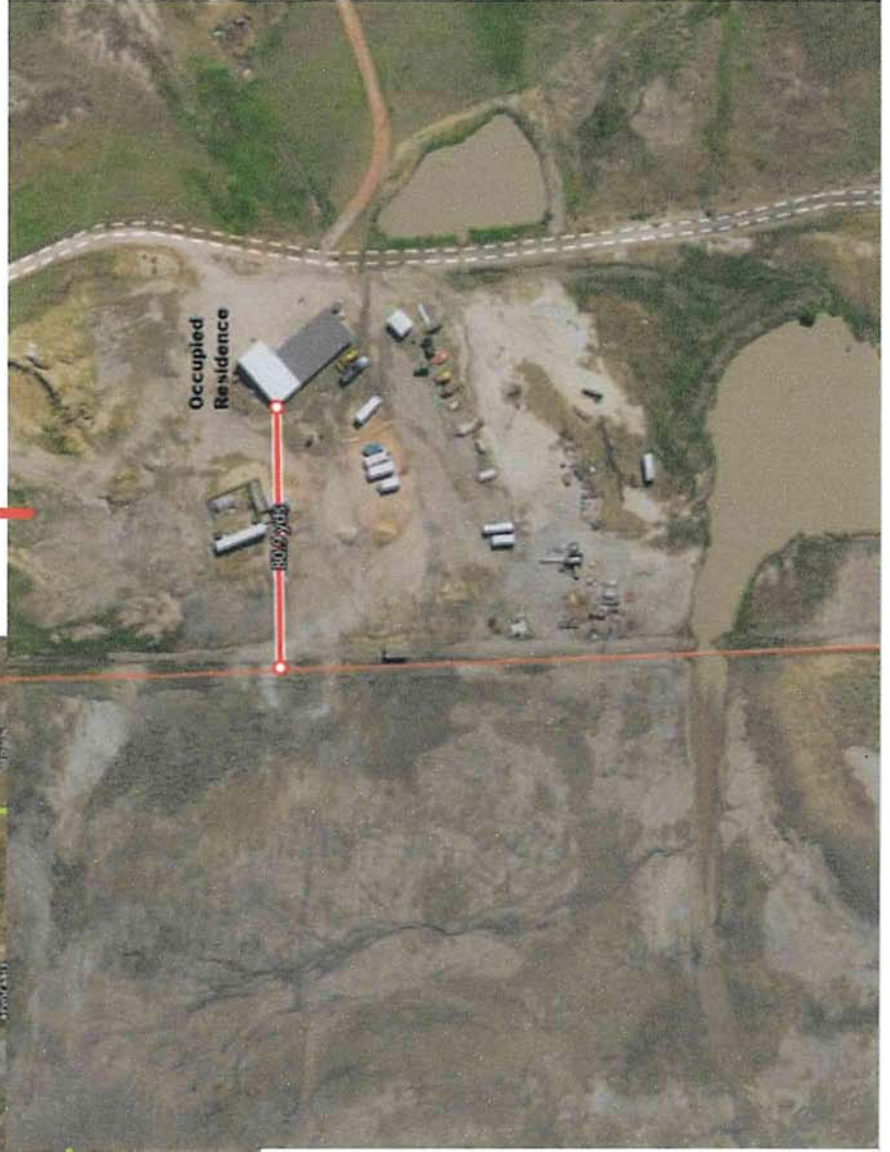


Exhibit D