

PETITION FOR HEARING

As an objector to the approval of surface bentonite permit TFN 7 1/018, I am appealing the decision of Wyoming Department of Environmental Quality Director Todd Parfitt to approve this permit.

My contact information:

Physical and mailing address

Donald Dihle  
19 Vista Grande Dr  
Pine Haven, WY 82721

Phone (307) 670-3860

Email [dondihlewyo@gmail.com](mailto:dondihlewyo@gmail.com)

This document is being filed with the Environmental Quality Council with copies sent to Todd Parfitt, Director, Wyoming Department of Environmental Quality and to Mike Thomas, Director Mining and Safety, Black Hills Bentonite LLC, the permit applicant.

I am filing this petition for hearing for myself as well as other concerned citizens of Pine Haven and nearby homeowners. Based on information from the Pine Haven Town Government, there are approximately 270 residences currently in the Town of Pine Haven, and I am estimating an additional 120 homes within three (3) miles of the proposed surface bentonite mine. The population of this area I have described is approximately eight hundred (800) people. Many of the residents are retirees. When I refer to the community in this document, I am referring to these 390 homes occupied by 800 people.

First, I feel no need to disparage Black Hills Bentonite LLC (BHB). This company has been in the business of mining bentonite for decades, they own a lease to the bentonite on the site in question and there is no zoning that would prevent this mine from being located on this site. I am not anti-mining nor are most of the residents here. Many in this community are current and former coal miners and others are or were formerly employed in the oil and gas industry. I will disagree with statements made in the application for this permit, but I have no issues with BHB, the company owners, or any of their personnel.

My issue is with the proposed location of this mine and the impacts it would have on this community. I believe that bentonite is not such a rare commodity in this part of the world that a much more appropriate site could be chosen for BHB's mining operation that would not have such a detrimental effect on the community I live in. The location of the proposed mine only 2 miles from the Town of Pine Haven, and virtually surrounded by rural homes is likely to cause a great deal of conflict, complaints, ill feelings, and very possibly litigation if the mining is allowed to proceed.

I also would like to comment on my interaction with the staff of the Wyoming Department of Environmental Quality. The staff members I have communicated with have all been courteous, professional, and helpful. I was extremely pleased that Kyle Wendtland, the Land Quality Division Administrator made the effort to hold a public meeting in Pine Haven concerning this permit. Several staff members from the regional DEQ office in Sheridan

were also there and I was impressed by all the DEQ personnel and their willingness to hear and interact with the large crowd of locals who attended that listening session.

The mine plan in question calls for removal of approximately thirty (30) feet of topsoil and overburden to reach a three (3) foot thick seam of bentonite from sixty-eight (68) acres, with the life of the mining operation, including reclamation activities anticipated to last approximately twenty (20) years. So, pretty typical surface mining activity, removing and piling topsoil, removing and piling overburden, removing the bentonite and field-drying, then reclamation, moving all that material back to the excavated area. Up to one thousand (1,000) belly-dump truckloads of twenty-five (25) or thirty-five (35) tons each would be hauled over county roads each year to an existing processing facility. According to the mine plan "Mining and reclamation activities will typically be conducted Monday through Friday from 7:00 A.M. until 5:00 P.M." Between overburden removal, field-drying, reclamation and hauling, the activity would be pretty much continuous year-round, based on information submitted in the mine plan.

There are many reasons I do not want this mining operation this close to my home. This type of surface mining creates a lot of dust, some of which is toxic. The dust cloud will be created from the mining activity, but it will not subside when the mining activity stops at the end of day because the wind will at times carry dust for miles from the various stockpiles of topsoil, overburden, bentonite and other disturbed areas. There will be a great deal of noise for 50 hours each week. Transporting the bentonite from this site to the processing facility creates another health and safety issue. There would be heavy equipment and fuel delivered to the site as well. In addition to the normal local traffic, there are numerous school bus stops along the route. During the summer there is a great deal of traffic along this route headed to Keyhole State Park, of which many are motor homes and other vehicles towing boats and campers. Keyhole Reservoir is very close to the proposed mine site. The noise and dust will very likely affect the recreation of those who frequent Keyhole State Park as well as those who make their livelihood from visitors to Keyhole State Park and Keyhole Reservoir. The airborne particulate blowing into the water and potential for sediment being washed into the reservoir when there are heavy rains is also a concern. The proposed site is state land, commonly called a "school section". This site is leased for grazing and frequently used for recreation and hunting by the public.

I take great exception to the Public Nuisance and Safety section of the Mine Plan submitted by Black Hills Bentonite. Specifically, the first sentence within section 5.1 which reads "Mining activities will not result in a public nuisance or endangerment to public safety, human or animal life, or property." The above statement is absolutely false and misleading, in my opinion. The noise of the mining activity will be a major public nuisance to the residents of Pine Haven and the surrounding area. The dust created will be a nuisance as well as a major health hazard to those with compromised respiratory systems, which includes many of the retirees in the Pine Haven area. The traffic, especially the haul trucks on Old Sundance Road and Pine Ridge Road with numerous curves and hills will be a danger to those who travel those roads. Nearby rural homeowners are concerned about the viability of their shallow water wells. There is a considerable risk that heavy rains will cause sediment to flow into Keyhole Reservoir and affect the quality of the fishing and recreation as well as those who make their livelihood from visitors to Keyhole Reservoir. The quality of the water released downstream to other states would be compromised as well. I anticipate property values will be adversely affected if this mine is allowed to operate in this location, as a direct result of the public nuisance and reduced quality of life the residents of Pine Haven and the surrounding area will experience.

For the reasons stated above, I request that this permit be denied. A public nuisance will result if this mine is allowed on this site, along with significant health risks and reduced water quality. Public safety on the roads is a

huge concern. Economic and quality of life issues include public recreation for locals and visitors which will be adversely affected, and local property values reduced.

For the reasons stated above, I am appealing the decision to approve the surface bentonite mine permit TFN 7 1/018 by Todd Parfitt, Director, Wyoming Department of Environmental Quality and hereby request a hearing before the Environmental Quality Council.

I also request that this hearing before the Council be held in Pine Haven, Wyoming. I believe the members of the Council would greatly benefit from seeing the proposed site, the community and surrounding area, the roads which would be traveled by the haul trucks, and the natural beauty of Keyhole State Park and Keyhole Reservoir. Understanding the many reasons those of us who have chosen to live in this peaceful setting in the trees is crucial those on the Council in making their decision on this proposed surface bentonite mine.

Respectfully,

A handwritten signature in cursive script that reads "Donald Dihle".

Donald Dihle

cc: Todd Parfitt, Director, Wyoming Department of Environmental Quality-Cheyenne

Mike Thomas, Director Mining and Safety, Black Hills Bentonite LLC, the permit applicant-Mills, WY