

Bentonite

Continued from A1

Different grades of bentonite are used for different products, for which the demand varies from year to year, the companies told the board. Bentonite mines have to be left open from year to year to meet market demands, they said.

Present rules require mine reclamation to start within 180 days after mineral production has ceased. But the companies want the state to let them leave the pits open until at least 75 percent of the mineral deposit is mined. If reclamation hasn't started within five years, the company must tell the DEQ why it hasn't.

The companies also want greater flexibility in telling DEQ where they will mine from year to year, instead of giving DEQ a long-range schedule several years in advance.

They also want a "grandfather

clause" to exempt currently-operating mines from rules adopted in the future, according to association attorney Brent Kunz.

BUT WELDON CALDBECK, assistant state attorney general, told the board his office worries the proposal is an attempt to dilute the state's environmental laws.

John Huss, staff member of the Powder River Basin Resource Council (PRBRC), said the only chance ranchers have to comment on mines on their property is through the DEQ's permitting process. If those rules are relaxed, landowners will be hurt, he said.

Under the producers' proposal, ranchers may plan to graze livestock on a certain area, only to be told by a bentonite company they can't because it will be mined, Huss said.

Tom Thorson, president of Black Hills Bentonite Co., of Casper, said, "I think the landowner situation is being blown out of proportion. If we have mineral in that pit, we're going to try to move it if we can.

"We are proud of our reclamation, and I take a bit of offense at the suggestion we are trying to get away with something," Thorson said.

Thorson also said the plans the mining companies now have to submit quickly become outdated because of market conditions.

Bentonite companies now are required to submit a schedule for the life of the mine, but must often ask the DEQ for permission to depart from it because of market conditions, he said.

BUT WALTER ACKERMAN, head of the DEQ division that oversees mine reclamation, said the

rest of the mining industry works well within existing rules.

"This (bentonite) industry seems to think their hole in the ground is different from anybody else's hole in the ground," Ackerman said.

Advisory board member John Morris asked, "What's this going to lead to? To having a different set of rules for every mineral — for coal, for uranium, for gravel, for trona? Everyone will be going his own way."

"We have different circumstances," Thorson said.

Tim Dyhr of Federal Bentonite Co. said conflicts will occur between surface owners and mining companies because the two have different goals. But those conflicts should be worked out between the landowners and the mining companies, without involving state officials, he said.

Reclamation Issues Not Resolved

Clipped By:



seabix1

Thu, Apr 30, 2020