

More area gravel-pit operators file suit against DEQ

By JODI HAUSEN Chronicle Staff Writer

Several area gravel-pit operators, hoping to obtain permits before Gallatin County commissioners can institute emergency zoning, have filed lawsuits against the Montana Department of Environmental Quality.

Lewis and Clark County District Court Judge Jeffrey M. Sherlock last week ordered the DEQ to issue a permit to Cameron Springs LLC, for a proposed gravel pit outside Belgrade. Several other gravel-pit operators have filed similar lawsuits, including one that was filed just Monday.

Their hope is to obtain permits before Gallatin County commissioners institute emergency zoning that could place restrictions on future operations. Commissioners are planning to vote on the issue at their May 7 meeting.

Two open-cut operators' cases will be heard by Judge Dorothy McCarter in District Court in Helena at 9 a.m., Tuesday, while another lawsuit was served on DEQ Monday by Three Way Mining and Construction, Inc., known locally as TMC, for two existing and one proposed pit.

Today's hearing involves a proposed pit on Highline Drive just inside the area where commissioners may adopt interim zoning. The second proposed pit, Spanish Peaks, is just across Cameron Bridge Road from the Cameron Springs pit.

On Monday, DEQ received yet another petition from TMC for amendments to increase the size and duration of operations at the 50-acre Storey Pit on Norris Road and 41-acre Nuss Pit and for a new operation of Morgan Family Pit about four miles north of Gallatin Gateway.

Sherlock decided on the side of Cameron Springs last week because the backlog of permit applications numbering nearly 100 with 15 in Gallatin County is contrary to the Opencut Act, which dictates permitting for gravel pits. DEQ, citing too little time and not sufficient staffing to conduct environmental assessments typically done prior to issuing permits, is unable to turn around applications with the mandated 60-day timeframe.

Neil Harrington, bureau chief with the DEQ, said Monday that a permit had not yet been issued to Cameron Springs but that, despite the lack of an environmental assessment, one would be forthcoming sometime this week. Judge Sherlock ordered DEQ to do so "forthwith" meaning "immediately or with all due diligence, which means it will be this week," Harrington said. The department will not be appealing the decision, he added.