Brian & Tracy Smith
31744 471st Ave
Burbank, SD 57010

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SEP 29 2008
AIR QUALITY
PROGRAM

DENR
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

September 24, 2008

Re: Proposed Draft Air Permit
Hyperion Energy Center
Union County, South Dakota

Gentlemen:

We have reviewed your Draft Permit and found it difficult to understand in layman's terms. We would request that you publish a simplified list of permitted contaminants with anticipated yearly totals requested with your estimates of proposed limits for each.

We have the following comments and respectfully request your response for the following:

1) We do not believe the roads and streets within the project should remain unpaved for up to one year with the emission control systems listed..
2) We believe that the monitoring systems listed are not the best available as required by the EPA.
3) We believe that the refinery flares should be included in the recovery and monitoring systems even for "upsets".
4) We believe that all pipelines and transportation systems (rail, etc.) should be included in your draft permit.
5) We believe that the required reporting needs to be sooner than the time limits noted and an independent third party be required to verify such.

We also respectfully request that the final Air Permit be delayed until you receive an Environmental Impact Statement that you should request from an independent third party (and bill such to Hyperion as required by South Dakota law) to more fully understand the full environmental and socio-economic impact of the proposed project.

Sincerely,

Brian E. Smith Tracy A. Smith