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November 12, 2008

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Steven Pirner, Secretary
South Dakota Department of Environment
& Natural Resources
State of South Dakota
Foss Building; 523 East Capitol
Pierre, South Dakota 57501

DEPT. OF ENVIRONMENT AND
NATURAL RESOURCES,
SECRETARY'S OFFICE

Re: Hyperion Application for a Permit to Release Pollutants and Construct Refinery, IGCC and Related Facilities

Dear Secretary Pirner:

For 34 years I have lived on a homestead west of the Spink/Akron exit. As a resident of Clay County I was unable to vote on the Union County Referendum, and yet I am directly affected by the proposed Hyperion Project, more so than many Union County residents.

I write to bring your attention to issues in the application of Hyperion for the air pollution permit that are either ignored or dealt with inadequately. I request specific and satisfactory responses to my concerns *before* you allow this permit application to proceed.

First, missing is a comprehensive examination of the human, public health and environmental impacts that this project will have on a region of the state that is devoted to agriculture and is only lightly developed. A reading of the Hyperion application is noteworthy not for what is included but for what is excluded. Before proceeding, I request that your office undertake a full assessment of the cumulative effects that this project will have on our home region, and that citizens be provided full opportunity to participate in that assessment from the first to the last day.

Second, the application does not address directly the cumulative chronic and acute effects that air, waste and water pollutants have on public health. Many of the chemical releases which you are being asked to authorize are of substances known to be either hazardous or toxic. Some of the risks we will be asked to suffer are cancer-related, but others cover a range of health concerns. For example, I am concerned about the health effects of particulates, but find very little in the application to inform me.

Wishing and hoping does not make it so! We may wish that that these many substances do not cause disease or have other health effects, but all human experience is to the contrary, and health risk assessments must occur in a real world. I request that before you allow this permit to proceed, the citizens of the region have the benefit of a full and *independent* health risk assessment.

Third, I am concerned about the many sources of air pollution that will be *spawned* by the refinery and IGCC but which are not mentioned or made subject to the proposed air pollution permit. Examples seem too many to list here, but topics such as railroads, waste water ponds, loading docks and various associated industries are useful examples. A particular concern is dust and vehicle emissions from increased traffic on both paved and unpaved roads; these are understood universally to be major sources of harmful air pollution, but go unmentioned in this permit.

Fourth, the issue of odor is not addressed in the permit application, despite the fact that hydrogen sulfides and other well known sources of nuisance odor are listed repeatedly as emissions. For those of us who live and work in the pollution shadow of this facility, odor will be an immediate and constant effect, yet it appears that your Department intends to ignore it.

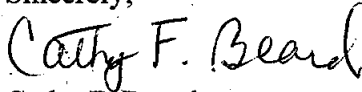
Fifth, I am concerned about the effect of light pollution from this facility. In our area we enjoy a relatively dark and clear night sky, and this will end forever if you license this facility.

Sixth, there is no mention of water pollution and the enormous hydrologic alterations which must inevitably accompany this facility. The general location includes wetlands, Brule Creek, the Big Sioux River as well as the Missouri. What will be the fate of these waterways, in a region where every water resource has unique and special value? Will potential *air* contaminants simply be transferred to waterways?

Seventh, this project will result in the loss of untold thousands of acres of prime farmland. The right place for a facility of this type is on a tract that has been converted previously to industrial use. I repeat, the right place for a facility of this type is on a tract that has been converted previously to industrial use.

Finally, as a citizen, I am compelled to remind you just who it is you serve. The pollution laws and the other laws which are administered by your Department are not on the books in order to protect Texas oil interests or international investors; they are on the books to protect citizens of the State, and I am one of them.

Sincerely;



Cathy F. Beard

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