

**Yelverton, Charles**

**From:** Yelverton, Charles  
**Sent:** Thursday, November 13, 2008 5:56 PM  
**To:** 'denrinternet@state.sd.us'  
**Subject:** hyperion air permit

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PROGRAM

Dear Director Pirner:

I am concerned about the air permit related to the Hyperion Energy Center. We know from previous EPA studies that the cancer rates will rise in the local area. Litigation that will undoubtedly occur due to less than adequate analysis may be avoided if your department does the right groundwork and offers a more intensive review of the impact this industrial center will have for area residents who are forced to live and work near the epicenter. Specifically EPA studies have been done showing increased childhood cancer rates when HAP (Hazardous Air Pollutants) levels are coupled with census data. What process and policy are you using to track and document the childhood leukemia rates?

Recent scientific research has concluded that Particulate Matter smaller than 2.5 microns (PM 2.5) is much more toxic than previously estimated. Small increases in PM 2.5 exposure will increase the potential for early death. How many deaths above baseline are you estimating for the ten mile radius around the Hyperion epicenter?

We know also that there is likely going to be an increase in the rate of preterm labor and delivery of pregnant patients living within the ten mile radius of the industrial zone. What analysis have you proposed for this issue? We know that the Human Exposure Model 3 (HEM-3) has vague and unknown inputs that would be totally inadequate for your analysis. I would expect that you would have consulted with a board certified occupational medicine team to help you with your investigation.


In your prebudget proposal to the state legislature for FY2009 you asked for \$ 96.3K in Engineering and Architectural Consultant fees for contracting environmental consultants with expertise in oil refineries, crude oil pipelines and other expansion in industries where DENR has little or no experience. You reported that the proposed Hyperion Oil Refinery will require just about every environmental permit that the DENR issues and that the permit applications are expected to be complex. You also said and this concerns me deeply given the gravity of harm a mistake in your calculations may afford our citizens that "the DENR has no experience permitting a refinery and may need outside experience to assist in evaluating the permit application."

Please report to me the amount spent to date and the individuals working as environmental consultants?

Have you billed the costs of the environmental consultants to Hyperion?

Your mission statement and responsibilities are to protect public health and the environment by providing natural resources assessment, financial assistance, and regulation in a manner that promotes a good business climate and exceeds the expectations of our customers. You will fail in your charge if you subordinate the public health and environment mandate to advance the business interest of outside entrepreneurs hoping to take advantage of your regulatory lenience which is exceeded by no other state. Without a thorough and thoughtful Environmental Impact Study you will not live up to the expectations of your customers, the citizens of South Dakota.

Sincerely

  
 Charles Yelverton MD  
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11/13/2008