



March 20, 2009

The Honorable Jean Hunhoff
South Dakota State Senator
2511 Mulligan Drive
Yankton SD 57078

Dear Senator Hunhoff:

As you know, the Department of Environment and Natural Resources (DENR) has been working on a draft air quality permit for the proposed Hyperion Energy Center in Union County. Highlights of the timeline for this permit, called a Prevention of Significant Deterioration preconstruction air quality permit, up to this point have been as follows:

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- January 8, 2009 – Jenner and Block, LLC, representing Sierra Club, Save Union County, and Citizens Opposed to Oil Pollution, petition to oppose the permit

Contested case hearings regarding draft air quality permits are held by the Board of Minerals and Environment, which by law is the state permit issuing authority. To prepare for the formal contested case hearings that are currently scheduled to begin during May 2009, the Board has scheduled an on-site tour of the proposed site and a public input meeting during April 15 and 16 in Elk Point. Please find enclosed a copy of the public notice that contains the agenda for this meeting that will be published in local newspapers. Because of the amount of public interest in this matter, DENR wanted to let you know about the next steps in case you are contacted by any of your constituents. Please give us a call here in DENR if you have any questions. Thank you.

Sincerely,

Steven M. Pirner, PE
Secretary

cc: Jim Fry, Executive Director, Legislative Research Council

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The Honorable Dan Lederman
South Dakota State Representative
725 Indian Wells Court
Dakota Dunes SD 57049


Dear Representative Lederman:

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The Honorable Eldon Nygaard
South Dakota State Representative
1419 East Cherry Street
Vermillion SD 57069

Dear Representative Nygaard:

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The Honorable Nick Moser
South Dakota State Representative
300 ½ West 4th Street
Yankton SD 57078

Dear Representative Moser:

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The Honorable Margaret Gillespie
South Dakota State Senator
29166 481st Avenue
Hudson SD 57034

Dear Senator Gillespie:

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The Honorable Ben Nesselhuf
South Dakota State Senator
PO Box 68
Vermillion SD 57069

Dear Senator Nesselhuf:

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The Honorable Bernie Hunhoff
South Dakota State Representative
PO Box 175
Yankton SD 57078-0175

Dear Representative Hunhoff:

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The Honorable Jamie Boomgarden
South Dakota State Representative
27348 461st Avenue
Chancellor SD 57015

Dear Representative Boomgarden:

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The Honorable Jim Bolin
South Dakota State Representative
403 West 11th Street
Canton SD 57013

Dear Representative Bolin:

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