

## NOTICE OF PUBLIC INPUT HEARING

### ON HYPERION REFINING LLC'S DRAFT PREVENTION OF SIGNIFICANT

### DETERIORATION PRECONSTRUCTION AIR QUALITY PERMIT

Notice is hereby given that, as part of its regularly scheduled April 2009 meeting, a public input hearing will be held by the South Dakota Board of Minerals and Environment at the Elk Point-Jefferson High School, 402 South Douglas, Elk Point, South Dakota on Wednesday, April 15, 2009, and Thursday, April 16, 2009, to accept public comment on the pending air quality permit application and draft permit for the proposed Hyperion Energy Center project. This project consists of the proposed construction and operation of a 400,000-barrel per day petroleum refinery, an integrated gasification combined cycle power plant, and ancillary equipment. The entire file for the draft air quality permit is available on the Department of Environment and Natural Resources (DENR) web site at <http://denr.sd.gov/hyperion.aspx> or it can be viewed at DENR's Geological Survey office in the Akeley-Lawrence Science Center on the USD campus, 414 E. Clark Street, Vermillion, South Dakota. While it may change to fit the circumstances, the board's schedule for the entire meeting in Elk Point is as follows:

#### **April 15, 2009**

- 10:00 AM – Roll Call; Minutes; Mining Issues; Case # 1-2009, Citation Oil and Gas Corporation, Houston, Texas; and Motions Hearing/Prehearing Conference for the upcoming contested case hearing for the Hyperion Energy Center
- 12:00 PM – Adjourn for lunch
- 1:15 PM – Site tour of the proposed location for the Hyperion Energy Center. The public may follow, but will not be able to participate.
- 3:00 PM – Accept public comment on the proposed Hyperion Energy Center
- 5:00 PM – Adjourn for dinner
- 7:00 PM – Reconvene for accepting public comment on the Hyperion proposal
- 9:00 PM – Adjourn for the evening

#### **April 16, 2009**

- 9:00 AM – Reconvene for accepting public comment on the proposed Hyperion Energy Center. The hearing will continue until no more public comments are submitted or 5:00 PM, whichever comes first.

DENR issued its final agency proposed permit decision in December 2008. A contested case hearing before the Board of Minerals and Environment was requested by Hyperion Refining, Citizens Opposed to Oil Pollution, Save Union County, and the Sierra Club. The contested case hearing is scheduled to begin the week of May 19, 2009, in Pierre, SD. Only the established parties will be heard at the contested case hearing. Therefore, the board has scheduled this meeting to take public input from persons who are not formal parties to the contested case proceeding. Comments regarding the air quality permit applications and the proposed permit may be provided to the board at the public input hearing in Elk Point on April 15-16, 2009, by appearing in person or by submitting written comments.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify DENR at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3151. Thank you.

Steven M. Pirner, Secretary  
Department of Environment and Natural Resources