

**IN THE MATTER OF THE
HYPERION PSD PERMIT
PROCESS**

**AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES**

I, Kyrik Rombough, under oath, do swear, that on December 19, 2008, I emailed several interested parties. A copy of an email and a copy of the list of the interested parties are attached to this affidavit. The interested parties submitted comments on the draft Prevention of Significant Deterioration preconstruction air quality permit for the Hyperion's proposed oil refinery project. I further swear that a copy of the email has been maintained within the Department of Environment and Natural Resources.



Kyrik Rombough

Subscribed and sworn to

before me this 6 day

of January, 2009.



Notary Public - South Dakota

(Seal)

My Commission expires
_____, 20____.

BRENDA ANDERSON, Notary Public
My Commission Expires
October 26, 2010

Rombough, Kyrik

From: Rombough, Kyrik
Sent: Friday, December 19, 2008 8:52 AM
To: 'averyter@aol.com'
Cc: Rombough, Kyrik
Subject: Hyperion Proposed Permit

December 18, 2008

Mark and Terry Avery
averyter@aol.com

Dear Mr. and Ms. Avery

Thank you for submitting comments on the draft Prevention of Significant Deterioration (PSD) preconstruction air quality permit for Hyperion's proposed energy center. Hyperion proposes to construct and operate a petroleum refinery and power plant in Union County, South Dakota.

The Department of Environment and Natural Resources (DENR) received comments from approximately 3,000 individuals, small businesses, environmental groups, the U. S. Environmental Protection Agency, the U.S. National Park Service, Hyperion, and others. DENR has reviewed and responded to those comments in a 110 plus page document, and where appropriate, incorporated changes into the air quality permit based on those comments. Please find copies attached.

Hyperion has requested the Board of Minerals and Environment hold a "Contested Case Hearing" on the air quality permit. If you desire to participate in this "Contested Case Hearing", as a formal party to the proceedings, you must submit a Motion to Intervene or submit a Petition for a Contested Case and DENR must receive the Motion or Petition within 30 days of your receipt of this letter. A petition to contest must comply with the Administrative Rules of South Dakota 74:09:01:01 (copy attached). In addition, as requested by the Board of Minerals and Environment, a copy of its Notice of the "Contested Case Hearing" has been attached as well.

If you choose not to be a formal party, you can still attend as the hearing will be open to the public.

If you have any questions, please do not hesitate to give us a call at 605-773-3151. Again, I want to thank you for submitting comments and for your cooperation during the public review process.

Sincerely,

Kyrik

Kyrik Rombough
Natural Resource Engineering Director
Air Quality Program

12/19/2008

Mark and Terri Avery
averyter@aol.com

Mary Bennett
mary-bennett@uiowa.edu

Jennifer Boyle
jenboyle3@hotmail.com

Scott Boyle
ScottBoyle1974@aol.com

Carolyn Carlson
c.carlson11@yahool.com

Michelle Croy
michellecroy@yahoo.com

M. and M. Dahlhoff
Mark.Dahlhoff@usd.edu

Diane Grayson
liane.grayson@gmail.com

James Hoefelmeyer
jdhoefelmeyer@gmail.com

Josh Hofland
jhofland@gmail.com

Elaine Knudson
e_knudson@yahoo.com

Tom Ronan
tronan1@nd.edu

Marguerite Shaddy
mashaddy@hotmail.com

Dave Wilson
davewonline@gmail.com

Marc Ellwein
Marc.Ellwein@va.gov