

STATE OF SOUTH DAKOTA  
COUNTY OF HUGHES

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

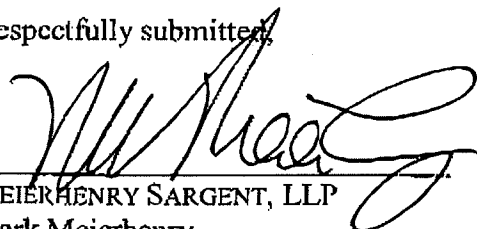
IN RE IN THE MATTER OF THE  
PREVENTION OF SIGNIFICANT  
DETERIORATION (PSD) AIR  
QUALITY PERMIT APPLICATION  
OF HYPERION ENERGY CENTER  
HYPERION REFINING LLC  
PERMIT #28.0701-PSD

CIV. NO. 09-407

NOTICE OF APPEAL

Notice is hereby given that Hyperion Refining, LLC ("Hyperion") respectfully appeals the Final Decision and Findings of Fact and Conclusions of Law issued by the Board of Mineral and Environment ("Board") regarding Permit #28.0701-PSD on August 20, 2009 as well as Permit #28.0701-PSD as issued by the Board.

Respectfully submitted,



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STATE OF SOUTH DAKOTA  
CIRCUIT COURT, HUGHES CO.

**FILED**

SEP 18 2009

*Judy Anderson* Clerk

By *[Signature]* Deputy

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served via E-mail and United States Mail, postage prepaid, on this 18th day of September 2009, to:

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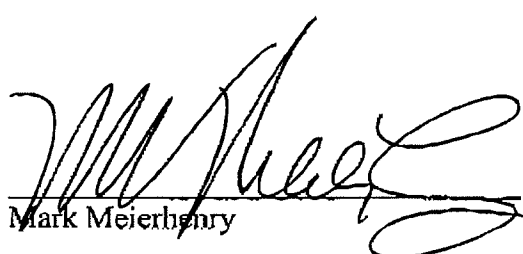
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