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PROGRAM

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July 11, 2016

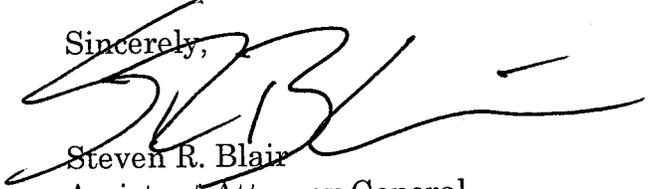
Dennis Landguth
613 Alta Vista Court
Rapid City, SD 57701

Re: Ring Neck Energy & Feed, LLC – Air Quality Construction Permit

Dear Mr. Landguth:

Enclosed is the Notice of Hearing issued by the undersigned on behalf of the Department and regarding the above referenced matter. The original of this pleading has been forwarded to Ms. Binegar for filing. True and correct copies have been sent to those individuals listed in the attached Certificate of Service.

Sincerely,


Steven R. Blair
Assistant Attorney General

Enclosures

SRB/mn

cc/encl: Brenda Binegar, DENR (original of enclosure sent for filing)
Parties on Attached Certificate of Service
Brian Gustafson, DENR Air Quality Program ✓

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF AIR QUALITY)	NOTICE
CONSTRUCTION PERMIT FOR)	OF
RING-NECK ENERGY & FEED, LLC,)	HEARING
ONIDA, SOUTH DAKOTA)	

TO ALL PARTIES OF RECORD:

Notice is hereby given that the Board of Minerals and Environment has scheduled a contested hearing in the above reference matter to be held on **Thursday, August 18, 2016**, at the **Matthews Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501**. The hearing is scheduled to begin at 10:00 a.m. central time, or as soon thereafter as the matter may be heard.

The hearing will be held pursuant to the authority and jurisdiction granted to the Board by SDCL ch 34A-1, and any applicable administrative rule of South Dakota, specifically including ARSD chs. 74:09:01 and 74:36:20. The hearing will be held to determine whether the applicant, Ring-Neck Energy & Feed, LLC, is qualified to receive an Air Quality Construction Permit for its planned operation at the following location:

E ½ SE ¼ NE ¼, Section 14, Township 114 N, Rang 77W, Onida, S.D.
57564

The hearing has been requested by the letters received from the following individuals that have been deemed to constitute petitions to initiate a contested hearing:

1. Clark & Lisa Guthmiller, 800 Redwood Ave., Onida, S.D. 57564; received on April 4, 2016;
2. Kathy Hyde, 18580 Hyde Place, Onida, S.D. 57564; received on April 7, 2016;
3. Clark Guthmiller, 800 Redwood Ave., Onida, S.D. 57564; received on April 11, 2016;

Pursuant to SDCL ch. 1-26 the hearing will be an adversarial proceeding at which all parties will have the right to be present and represented by legal counsel; as well as the right to introduce evidence, present testimony, call witnesses, cross examine all witnesses present, and to submit appropriate written argument. If any party does not exercise these and other due process rights they will be forfeited.

The hearing will be conducted before a quorum of the Board of Minerals and Environment. As previously noticed, Dennis Landguth has been appointed as Hearing Chair for this matter. The Board, after examining the testimony and evidence presented may take action to deny, grant, or conditionally grant the requested permit.

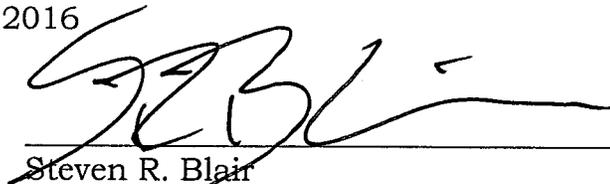
Due to the contested nature of this application, prior to this hearing, the parties should not communicate directly with Board members, including the Hearing Chair, unless all parties to the case are given notice and an opportunity to participate in the communication(s).

Ring-Neck Energy & Feed, LLC
Notice of Hearing

If the amount in controversy in this matter exceeds two thousand five hundred dollars, or if a property right may be terminated, any party to the contested action may require the agency to use the Office of Hearing Examiners by giving notice of that request to the agency no later than ten days after service of this Notice of Hearing.

Any final decision entered by the Board may be appealed to circuit court or the state Supreme Court as provided by law.

Dated this 11th day of July, 2016



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Counsel for DENR-Air Quality Program

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF AIR QUALITY)	CERTIFICATE
CONSTRUCTION PERMIT FOR RING-)	OF
NECK ENERGY & FEED, LLC, ONIDA,)	SERVICE
SOUTH DAKOTA)	

The undersigned hereby certifies that true and correct copies of the Department's Notice of Hearing were served by United States Mail, first class, postage prepaid upon the following parties on this 14th day of July, 2016:

Craig Smith
Neumayr & Smith
P.O. Box 205
Gettysburg, SD 57442
Counsel for Ring-Neck Energy

Dennis Landguth
613 Alta Vista Court
Rapid City, SD 57701
Hearing Chair

Peder A. Larson
Larkin, Hoffman, Daly & Lindgren, Ltd.
8300 Norman Center Dr., Suite 1000
Minneapolis, MN 55437-1060
Counsel for Ring-Neck Energy

Charles McGuigan
Chief Deputy Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501
Counsel for Brd. of Minerals & Environment

Kathy Hyde
18580 Hyde Place
Onida, SD 57564-6902
Petitioner

Clark & Lisa Guthmiller
800 Redwood Avenue
Onida, SD 57564
Petitioners

The original of the above referenced pleading was also filed with:

Brenda Binigar
Department of Environment & Natural Resources
523 E. Capitol Ave.
Pierre, SD 57501-3182



Steven R. Blair
Assistant Attorney General
steven.Blair@state.sd.us