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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

July 8, 2016

Brenda Binegar, DENR  
Foss Building  
523 East Capitol Avenue  
Pierre, SD 57501

**RE: In the Matter of the Air Quality Construction Permit for Ring-Neck  
Energy and Feed, LLC, Onida, South Dakota**

Dear Brenda,

Enclosed is a copy of the Scheduling Order and Order Denying Motion to Dismiss and original Certificate of Service. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles D. McGuigan".

Charles D. McGuigan  
Chief Deputy Attorney General

CDM/lde  
Enc.

cc w/enc: Craig Smith  
Dennis Landguth  
Peder A. Larson  
Steve Blair  
Kathy Hyde  
Clark and Lisa Guthmiller  
Brian Gustafson

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF AIR QUALITY     )     SCHEDULING ORDER AND ORDER  
CONSTRUCTION PERMIT FOR         )     DENYING MOTION TO DISMISS  
RING-NECK ENERGY AND FEED     )  
LLC, ONIDA, SOUTH DAKOTA        )

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On May 27, 2016, Applicant Ring-Neck Energy filed a Motion to Dismiss. On June 8, 2016, Ring-Neck Energy filed a Motion for Scheduling Order and Pending Motion. A telephonic hearing was held before Hearing Chairman Dennis Landguth on July 6, 2016. Applicant Ring-Neck Energy was represented by Craig E. Smith and Peder A. Larson. The Department of Environment and Natural Resources was represented by Assistant Attorney General Steven R. Blair. Petitioner Kathy Hyde and Petitioner Clark Guthmiller both appeared and provided argument on their own behalf.

Upon consideration of the motions filed by the Applicant Ring-Neck Energy, and argument submitted by all parties and interested persons at the prehearing conference held in this matter, and otherwise being fully informed as to matters pertinent thereto, the following Order shall be entered in the above captioned action.

It is ORDERED:

1. The Petitions to Intervene submitted by Kathy Hyde and Clark and Lisa Guthmiller substantially complied with the requirements of ARSD 74:09 and ARSD 74:36. Further, Kathy Hyde and the Guthmillers substantially complied with

the service requirements set forth in the administrative rules. Therefore, the Petitions to Intervene of Kathy Hyde and Clark and Lisa Guthmiller in this matter are granted.

2. Applicant Ring-Neck Energy may file an Answer to the petitions within 20 days of receipt of this Order.

3. Each party shall disclose in writing, no later than August 12, 2016, the name, address, and contact information for any and all witnesses that party expects to call during the hearing of this matter. This disclosure must include a brief one or two sentence summary of each witnesses expected testimony.

4. Each party shall provide in writing, no later than August 12, 2016, a list identifying all exhibits that party intends to offer into evidence in its case in chief at the hearing.

5. All original documents shall be sent by first class mail to Brenda Binegar, DENR, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501-3182. Parties must serve copies of all documents on all other parties, including the Hearing Chair, Dennis Landguth, and Board Counsel, Charles McGuigan. The addresses are as follows:

Craig Smith  
Neumayr and Smith  
P.O. Box 205  
Gettysburg, SD 57442

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

Peder A. Larson  
Larkin, Hoffman, Daly and Lindgren, LTD  
8300 Norman Center Drive, Suite 1000  
Minneapolis, MN 55437 – 1060

Steven R. Blair  
Assistant Attorney General  
1302 E. Highway 14, Suite 1  
Pierre, SD 57501

Kathy Hyde  
18580 Hyde Place  
Onida, SD 57564-6902

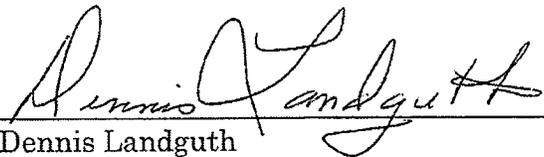
Clark and Lisa Guthmiller  
800 Redwood Avenue  
Onida, SD 57564

Charles D. McGuigan  
Board Counsel  
1302 E. highway 14, Suite 1  
Pierre, SD 57501

6. The contested case hearing before the Board of Minerals and Environment shall commence on or about 10 A.M. CDT on Thursday, August 18, 2016, at the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre, South Dakota.

7. The Department of Environment and Natural Resources shall prepare the Notice of Hearing and serve it upon the parties.

Dated this 7<sup>th</sup> day of July, 2016.

  
Dennis Landguth  
Hearing Chair  
Board of Minerals and Environment

STATE OF SOUTH OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

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

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The undersigned hereby certifies that a true and correct copy of the  
SCHEDULING ORDER AND ORDER DENYING MOTION TO DISMISS in the  
above entitled matter was served by first class U.S. Postal Service Mail, postage  
pre-paid, upon:

Craig Smith  
Neumayr and 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 and Lindgren, LTD  
8300 Norman Center Drive, Suite 1000  
Minneapolis, MN 55437 – 1060  
*Counsel for Ring-Neck Energy*

Steven R. Blair  
Assistant Attorney General  
1302 E. Highway 14, Suite 1  
Pierre, SD 57501  
*Counsel for Department of  
Environment and Natural  
Resources*

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

Clark and Lisa Guthmiller  
800 Redwood Avenue  
Onida, SD 57564  
*Petitioner*

The original of the above referenced pleadings were also filed with:

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

Dated this 8<sup>th</sup> day of July, 2016



Charles D. McGuigan  
Chief Deputy Attorney General  
*Counsel for the Board of Minerals and  
Environment*

Attorney General's Office  
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Pierre, SD 57501  
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E-Mail: [charles.mcguigan@state.sd.us](mailto:charles.mcguigan@state.sd.us)