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RECEIVED

AUG 15 2016

**AIR QUALITY
PROGRAM**

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

August 12, 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 are DENR's Witness List, including attached Expert Declarations, and DENR's proposed Exhibit List. The original of these pleadings have 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

SRB/jmm

Enclosures

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)	DENR
CONSTRUCTION PERMIT FOR)	AIR QUALITY PROGRAM
RING-NECK ENERGY & FEED, LLC,)	WITNESS LIST
ONIDA, SOUTH DAKOTA)	

The Department of Environment and Natural Resources (DENR), Air Quality Program, hereby discloses that it intends to call the following witnesses in its case in chief in the above-captioned matter: **Kyrik Rombough**, and **Ashley Brakke**.

These witnesses are expected to testify primarily as fact witnesses regarding DENR's Air Quality Program, clean air provisions of both federal and state law, review of Ring-Neck Energy & Feed's permit application, and the drafting and issuance of DENR's Statement of Basis concerning said application as well as the Draft Permit. It is recognized that some inherent opinion testimony will be elicited. As a result, DENR is hereby disclosing the above mentioned as expert witnesses. These witnesses have not prepared expert reports that DENR intends to offer as part of, or rely upon in, its case in chief. Copies of the witnesses' expert declarations are attached.

DENR reserves the right to designate further expert witnesses should the need arise. Further DENR reserves the right to call other witnesses not disclosed by this pleading should it be determined that such witnesses are necessary. DENR also reserves the right to call any rebuttal witnesses, expert or otherwise, as may be necessitated by the testimony and evidence presented during the hearing of this matter.

Dated this Dated this 12th day of August, 2016.



Steven R. Blair
Assistant Attorney General
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STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

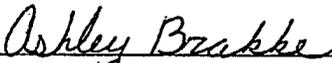
BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF AIR QUALITY)	Expert Declaration
CONSTRUCTION PERMIT FOR)	of
RING-NECK ENERGY & FEED, LLC,)	Ashley Brakke
ONIDA, SOUTH DAKOTA)	

- A. Ashley Brakke, Engineer II with the Air Quality Program of the South Dakota Department of Environment and Natural Resources. A copy of my curriculum vitae is attached to this declaration.
- B. The general subject matters on which I may testify are: 1.) my general duties in the Air Quality program including in Air Quality program permitting and compliance with both state and federal air quality regulations; 2.) my general knowledge and understanding of state air quality statutes and administrative rules, as well as the federal Clean Air Act and any other applicable clean air regulation; 3.) my general knowledge of, and review of, the application submitted by Ring-Neck Energy & Feed, LLC; 4.) the completeness review that was conducted of Ring Neck's Air Quality construction permit application; 5.) the procedural steps taken to process the submitted application; 6.) the drafting of DENR's Statement of Basis, Draft Permit, and response to comments.
- C. I assisted in the processing and review of the application submitted by Ring-Neck. This process and review involved both a completeness review (to determine if the submitted application materials meet the requirements of state statute or administrative rule), and a technical review (which analyzes the submitted materials in relation to the requirements for issuance of an Air Quality construction permit). I am familiar with state and federal regulations regarding the protection of air quality in South Dakota. I also assisted in the drafting of DENR's Statement of Basis and Draft Permit regarding the proposed Ring-Neck facility, and further assisted in drafting responses to any comments received from other parties regarding the proposed facility.
- D. It is the opinion of DENR that the draft permit contains adequate specifications, limitations, and conditions to ensure that the proposed facility may be operated in a manner that will not prevent interference with the attainment or maintenance of any applicable national ambient air quality

standard, and may be operated in a manner consistent with all federal and state clean air regulations.

Dated this 11th day of August, 2016

A handwritten signature in cursive script that reads "Ashley Brakke". The signature is written in black ink and is positioned above a horizontal line.

Ashley Brakke

Engineer II

Department of Environment and Natural Resources

BRAKKE, ASHLEY E.

Ashley.Brakke@state.sd.us
523 East Capitol Avenue, Pierre, South Dakota 57501
(605) 773-3151

EDUCATION

South Dakota School of Mines and Technology, Rapid City, South Dakota
December 2011 Bachelor of Science: Chemical Engineering

Lyman High School, Presho, South Dakota
May 2006 High School Diploma

EXPERIENCE

South Dakota Department of Environment and Natural Resources, Pierre, South Dakota

Engineer I *July 2012 - November 2014*

- Review air quality permits applications
- Write air quality permits (Minor, Title V, and Construction)
- Conduct air quality inspections
- Write air quality enforcement documents
- Train air quality field inspection personnel

Engineer II *November 2014 - Current*

- Review air quality permits applications
- Write air quality permits (Minor, Title V, Construction, and PSD)
- Conduct air quality inspections
- Write air quality enforcement documents
- Train air quality field inspection personnel
- Review air quality personnel inspection reports
- Train air quality permit writing personnel
- Conduct Smoke School class

WORK TRAINING AND CERTIFICATIONS

- Compliance Assurance & Title V Monitoring Training – November 2012
- Lakes Environmental AERMOD and CALPUFF Training – September 2013
- Intermediate NSR/PSD Training – March 2014
- Monitoring Compliance Test and Source Test Observation Training – April 2016
- Smoke School Certification : EPA Method 9 – October 2012 - Current

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

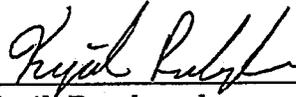
IN THE MATTER OF AIR QUALITY)	Expert Declaration
CONSTRUCTION PERMIT FOR)	of
RING-NECK ENERGY & FEED, LLC,)	Kyrik Rombough
ONIDA, SOUTH DAKOTA)	

- A. Kyrik Rombough, Engineer Manager I/Natural Resources Engineering Director, with the Air Quality Program of the South Dakota Department of Environment and Natural Resources. A copy of my curriculum vitae is attached to this declaration.
- B. The general subject matters on which I may testify are: 1.) my general duties in the Air Quality program including Air Quality program permitting and compliance with both state and federal air quality regulations; 2.) my general knowledge and understanding of state air quality statutes and administrative rules, as well as the federal Clean Air Act and any other applicable clean air regulation; 3.) my general knowledge of and review of the application submitted by Ring-Neck Energy & Feed, LLC; and 4.) the comparative analysis that was conducted between other existing emission sources in South Dakota and Ring-Neck Energy's proposed facility; 5.) the drafting of DENR's Statement of Basis, Draft Permit, and response to comments.
- C. I assisted in the processing and review of the application submitted by Ring-Neck. This process and review involved both a completeness review (to determine if the submitted application materials meet the requirements of state statute or administrative rule), and a technical review (which analyzes the submitted materials in relation to the requirements for issuance of an Air Quality construction permit). I am familiar with state and federal regulations regarding the protection of air quality in South Dakota. I undertook and completed a comparative analysis of the proposed Ring-Neck facility and other emission sources in South Dakota to determine if the emissions from the Ring-Neck facility would be expected to interfere with maintenance or attainment of any National Ambient Air Quality Standard, or if the proposed facility would be expected to exceed any other emission regulation imposed by state or federal law. I also assisted in the drafting of DENR's Statement of Basis and Draft Permit regarding the proposed Ring

Neck Facility, and further assisted in drafting responses to any comments received from other parties regarding the proposed facility.

- D. It is the opinion of DENR that the draft permit contains adequate specifications, limitations, and conditions to ensure that the proposed facility may be operated in a manner that will not prevent interference with the attainment or maintenance of any applicable national ambient air quality standard, and may be operated in a manner consistent will all federal and state clean air regulations.

Dated this 11th day of August, 2016



Kyrik Rombough
Engineer Manager I/Nat. Res. Engineering Director
Department of Environment and Natural Resources

Kyrik N. Rombough

HOME ADDRESS

1637 Circle Drive
Pierre, South Dakota 57501
(605) 224-7625
klrombough@pie.midco.net

WORK ADDRESS

523 East Capitol.
Pierre, South Dakota 57501
(605) 773-5708
Kyrik.Rombough@state.sd.us

EDUCATION

Bachelor of Science, Chemical Engineering

South Dakota School of Mines and Technology (SDSM&T), Rapid City, South Dakota
Graduation Date: May 1999

High School Diploma

Miller High School, Miller, South Dakota
Graduation Date: May 1995

CERTIFICATIONS

May 1999 to April 2008 – Smoke School Certification; EPA Method 9
June 1999 – Engineer in Training; Enrollment Number E-8366
May 2016 – Professional Engineer; Registration Number 12929

WORK EXPERIENCE

SOUTH DAKOTA DEPARTMENT of ENVIRONMENT AND NATURAL RESOURCES

Engineering Manager I / Natural Resources Engineering Director

July 2007 to Present

- Team Leader of Air Quality Permitting Program
- Plans and assigns work, provides staff guidance and support to ensure the objectives of the permitting group are met
- Establish goals with staff and provide feedback to improve performance, address performance issues, and evaluate job performance
- Work on staffing the permitting group with competent and motivated individuals with the appropriate and applicable capabilities
- Identify and address on-going training and development needs to increase staff performance and promote professional growth
- Monitor expenditures, oversees the use of supplies, equipment, and facilities
- Maintains systems to collect and store data, analyzes data and prepares reports, and ensures information technology needs of the permitting group are met

SOUTH DAKOTA DEPARTMENT of ENVIRONMENT AND NATURAL RESOURCES

Natural Resources Engineering Specialist December 2001 to July 2007

- Review air quality permits applications
- Write air quality permits (Minor, Title V, and PSD)
- Train air quality permit writing personnel
- Conduct air quality inspections
- Write air quality enforcement documents
- Train air quality field inspection personnel
- Review air quality field inspection personnel's inspection reports
- Conduct Smoke School class
- Revise South Dakota's Air Quality rules

SOUTH DAKOTA DEPARTMENT of ENVIRONMENT AND NATURAL RESOURCES

Natural Resources Project Engineer January 2001 to December 2001

- Review air quality permits applications
- Write air quality permits (Minor and Title V)
- Conduct air quality inspections
- Write air quality enforcement documents
- Train air quality field inspection personnel
- Review air quality field inspection personnel's inspection reports
- Prepare South Dakota's Toxic Inventory and Report
- Prepare South Dakota's Criteria Pollutant Inventory

SOUTH DAKOTA DEPARTMENT of ENVIRONMENT AND NATURAL RESOURCES

Natural Resources Engineer I May 1999 to January 2001

- Review air quality permits applications
- Write air quality permits (Minor and Title V)
- Conduct air quality inspections
- Write air quality enforcement documents
- Prepare South Dakota's Toxic Inventory and Report

SOUTH DAKOTA DEPARTMENT of TRANSPORTATION

Summer Employment Summers of 1996, 1997 and 1998

- Participate in preliminary surveys, bench levels, blue topping, drainage surveys, right-of-way slope staking, and station running
- Inspect sampling, testing, and analyzing Asphalt Roads, Concrete Roads and Bridges
- Conduct road maintenance, asphalt patching, right-of-way maintenance and sign replacement
- Conduct yard and vehicle maintenance, painting, mowing, and other misc. projects

WORK TRAINING

- October 2012 – EPA/States Permit Manager’s Meeting
- March 2010 – EPA NSR Enforcement Seminar
- February 2006 – Governors Ethanol Coalition Meeting
- March 2005 – Air Dispersion Modeling
- March 2005 – PSD Reform Initiative Meeting
- January 2005 – PSD Reform Initiative Meeting
- September 2004 – PSD Reform Initiative Meeting
- January 2004 -- Brainstorming NSR/PSD Implementation Options
- September 2003 -- Fall Technical Conference on PSD Increment Tracking and Cumulative Effects Modeling
- November 2001 -- Understanding and Controlling the Impact of Air Deposition on Water Quality
- July 2001 – Coating Cleaning: Small Businesses and Air Emission Coating Rules
- February 2000 – EPA Region VIII Continuous Emission Monitoring Meeting

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF AIR QUALITY) CONSTRUCTION PERMIT FOR) RING-NECK ENERGY & FEED, LLC,) ONIDA, SOUTH DAKOTA)	DENR AIR QUALITY PROGRAM EXHIBIT LIST
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The Department of Environment and Natural Resources (DENR), Air Quality Program, provides the following list of exhibits that DENR may seek to introduce into evidence in its case in chief in the above-captioned matter.

<u>EX. #</u>	<u>DESCRIPTION</u>	<u>Off.</u>	<u>Obj.</u>	<u>Rec.</u>
<u>1.</u>	DENR Air Quality Program file re: Ring-Neck Energy & Feed, LLC's Application for an Air Quality Construction Permit			
<u>2.</u>	Air Quality Program's Statement of Basis			
<u>3.</u>	Air Quality Program's Draft Permit			
<u>4.</u>	Air Quality Program's Response to Comments			
<u>5.</u>	PowerPoint presentation of Kyrik Rombough			
<u>6.</u>	PowerPoint presentation of Ashley Brakke			
<u>7.</u>	Statement of Basis, Prevention of Significant Deterioration (PSD) Permit # 28.0503-PSD, VeraSun Aurora Corporation			
<u>8.</u>	Statement of Basis, Construction Deadline Extension Request for PSD Permit #28.0701-PSD, Hyperion Energy Center			
<u>9.</u>	Statement of Basis, PSD Permit #28.0701-PSD, Hyperion Energy Center			

DENR reserves the right to designate further exhibits should the need arise, and DENR further reserves the right to introduce any exhibit in rebuttal that may be necessitated by the testimony and evidence presented during the hearing of this matter.

Dated this 17th day of August, 2016

A handwritten signature in black ink, appearing to read 'S. Blair', written over a horizontal line.

Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Steven.Blair@state.sd.us

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)	OF
RING-NECK ENERGY & FEED, LLC,)	SERVICE
ONIDA, SOUTH DAKOTA)	

The undersigned hereby certifies that true and correct copies of DENR's proposed Witness List, including attached Expert Declarations, as well as DENR's proposed Exhibit List, were served by United States Mail, first class, postage prepaid upon the following parties on this 12th day of August, 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 pleadings were also filed with:

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



Steven R. Blair
Assistant Attorney General