

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN RE HEARING FOR REISSUING)	
THE GENERAL WATER POLLUTION)	
CONTROL PERMIT FOR)	MOTION REQUESTING
CONCENTRATED ANIMAL FEEDING)	CLARIFICATION OF THE ORDER
OPERATIONS)	THE PARTIES WILL PRESENT AT
		THE SEPTEMBER HEARING

The Department of Environment and Natural Resources (DENR) Feedlot Permit Program hereby moves for entry of an order outlining the order in which the parties will present their respective cases-in-chief at the hearing scheduled for September 27-29.

Background

The South Dakota DENR Feedlot Permit Program publically noticed a draft of the General Water Pollution Control Permit for Concentrated Animal Feeding Operations on October 8, 2015. Eleven parties timely intervened to participate in the contested case hearing initially scheduled for December 2015. A motion for continuance was granted and the hearing was rescheduled for September 2016. Pursuant to a March 2016 scheduling order, the parties were required to disclose witnesses, expert witnesses, and exhibits by August 29, 2016. The following parties disclosed witnesses and exhibits: the DENR Feedlot Permit Program, Dakota Rural Action, South Dakota Cattlemen's Association, South Dakota Dairy Producers, South Dakota Pork Producers Council, and Sonstegard Foods Company.

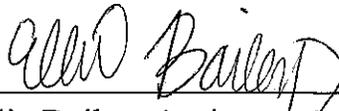
Proposal

In light of these disclosures, DENR assumes that the parties who failed to disclose witnesses and exhibits do not intend to present evidence at the hearing. As such, DENR proposes the parties present their respective cases-in-chief in the following order:

1. South Dakota DENR Feedlot Permit Program
2. Dakota Rural Action
3. South Dakota Cattlemen's Association
4. South Dakota Dairy Producers
5. South Dakota Pork Producers Council
6. Sonstegard Foods Company

DENR would similarly propose that rebuttal cases be allowed to proceed in the same order at the conclusion of the final case-in-chief. I am authorized to say that counsel for South Dakota Cattlemen's Association, South Dakota Dairy Producers, South Dakota Pork Producers Council, and Sonstegard Foods Company do not object to the proposed order of parties as provided above.

Dated this 15th day of September, 2016.



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STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN RE HEARING FOR REISSUING)
 THE GENERAL WATER POLLUTION) CERTIFICATE OF SERVICE
 CONTROL PERMIT FOR)
 CONCENTRATED ANIMAL FEEDING)
 OPERATIONS)

The undersigned hereby certifies that a true and correct copy of the *Motion for Narrative Testimony and Motion Requesting Clarification of the Order the Parties will Present at the September Hearing* were filed today in the above-entitled matter and served by email upon the following individuals:

Catherine Duenwald Office of Hearing Examiners 523 E. Capitol Ave. Pierre, SD 57501	Steven M. Pirner, Secretary DENR Hearing Chairman 523 E. Capitol Pierre, SD 57501
Anthony Helland 1013 W. 20th Street Sioux Falls, SD 57105	Kelsea K. Sutton Counsel for Dakota Rural Action 405 Main Street, P.O. Box 149 Gregory, SD 57533
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Brian Donahoe Donahoe Law Firm, PC Counsel for South Dakota Pork Producers Council & Sonstegard Foods Company 401 E. 8th Street, Suite 215 Sioux Falls, SD 57103	Todd Wilkinson Wilkinson & Wilkinson Counsel for South Dakota Cattlemen's Association and South Dakota Dairy Producers P.O. Box 29 DeSmet, SD 57231

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/s/ Ellie J. Bailey
Ellie J. Bailey
Assistant Attorney General
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