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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 2, 2009

Mr. Mark Hollenbeck, Project Manager
Powertech (USA), Inc.
P.O. Box 812
Edgemont, SD 57735

Re: Powertech Dewey-Burdock Project, Land Application of Wastewater,
Custer & Fall River Counties, South Dakota

Dear Mr. Hollenbeck:

In follow-up to our conference call of September 24, 2009, concerning land application of wastewater, the South Dakota Department of Environment and Natural Resources (Department) has the following comments:

1. If Powertech decides to dispose of its wastewater via land application a ground water discharge permit will be required. ARSD 74:54:02:06 (see enclosure) outlines the information required for a complete ground water discharge permit application. In addition, the requirements in the Mined Land Reclamation Rules, ARSD 74:29:05:14 through 74:29:05:20 (see enclosure), must be addressed in the state mine permit application and also be submitted as part of the ground water discharge permit application. The application form for a ground water discharge permit can be found on the Department's website at the following location:

http://denr.sd.gov/des/gw/GWDischarge/GW_Discharge_Permit.aspx

2. In accordance with 74:29:05:14(4) land application areas are prohibited from discharging into water of the state.
3. As discussed during the conference call, there will be a series of ponds where wastewater will be stored prior to land application. The Department does not require a surface water permit for these types of ponds if there will not be a discharge from these ponds. However, the Department does recommend that Powertech apply for a "No Discharge" permit. A no discharge permit does not allow routine surface water discharges, however it does include provisions for an emergency discharge. This ensures Powertech would have a mechanism for discharging in case of flooding or dike failure. For further information concerning a surface water permit, please contact Kelli Buscher of the Surface Water Quality Program at 605-773-3351.

If you have any additional questions concerning this letter, please contact Gary Haag of my staff at 605-773-3296.

Sincerely,



Bill Markley, Administrator
Ground Water Quality Program

Enclosures

c: (w/o enclosures)

Kelli Buscher, DENR, Surface Water Quality Program, Pierre, SD
Jim Wendte, DENR, Waste Management Program, Pierre, SD
Mike Cepak, DENR, Minerals and Mining Program, Pierre, SD