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RECEIVED
AUG 26 2013
WATER RIGHTS
PROGRAM

MARTY J. JACKLEY
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CHIEF DEPUTY ATTORNEY GENERAL

August 23, 2013

Bruce H. Ellison
Ellison Law Office
P.O. Box 2508
Rapid City, SD 57709

Michael M. Hickey
Bangs McCullen Law Firm
P.O. Box 2670
Rapid City, SD 57709

Re: *Powertech (USA) Inc.*

Gentlemen:

Enclosed please find a copy of *DENR's Second Response to Wild Horse Sanctuary, Susan Watt & Dayton Hyde's First Set of Interrogatories and Request for Production and Clean Water Alliance's First Set of Interrogatories and Request for Production* with corresponding discs in regards to the above-entitled matter. Also enclosed, please find a copy of *Ground Water Quality Program Disclosure of Expert Report and Water Rights Program Disclosure of Experts* in regards to the above-entitled matter.

If you have any questions, please give our office a call.

Sincerely,


Roxanne Giedd
Deputy Attorney General

RG/jm
Enclosures

cc/encl: All Parties of Record Noted in Certificate of Service

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AUG 26 2013
WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)
PERMIT APPLICATION NOS.)
2685-2 and 2686, POWERTECH)
(USA) INC,)

DENR GROUND WATER QUALITY
PROGRAM DISCLOSURE OF
EXPERT REPORT

IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE)
PLAN APPLICATION SUBMITTED)
BY POWERTECH (USA), INC.)

The Groundwater Quality Program ("GWQ") of the South Dakota Department of Environment and Natural Resources ("GWQ"), hereby discloses that it intends to call Matt Hicks to testify in the above entitled matter. Mr. Hicks, as disclosed in discovery and more fully in the attached Expert Report, is the GWQ person who was primarily responsible for processing Powertech's application for a Groundwater Discharge Plan. Mr. Hicks will testify as a factual witness with regard to the processing of the application. He will also testify regarding the conditional recommendation provided by GWQ and the basis therefore. While he will not be asked to opine regarding hypothetical situations, some inherent opinion testimony will be elicited in his testimony.

As a result, the GWQ Program is hereby disclosing him as an expert witness. His Expert Report is attached hereto as Attachment A; his CV is attached as Attachment B.

Dated this 23rd day of August, 2013.



Roxanne Giedd
Deputy Attorney General
*Counsel for Ground Water Quality Program,
Department of Environment and Natural Resources*
Attorney General's Office
1302 E. Highway 14, Suite 1
Pierre, S.D. 57501

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the *DENR Ground Water Quality Disclosure* in the above entitled matter was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail, at Pierre, South Dakota, on this 23rd day of August, 2013:

Michael M. Hickey
Attorney at Law
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Fall River County State's Attorney
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Attn: Cindy Messenger
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2005 Library Dr.
Hot Springs, SD 57747

Attn: Doris Ann Mertz
Custer County Library
447 Crooks Street, Suite 4
Custer, SD 57730

Attn: Michelle May
Woksape Tipi
Oglala Lakota College
P.O. Box 310
Kyle, SD 57752

And the original of the same was filed on the same date with Eric Gronlund,
Joe Foss Building, 523 E. Capitol Ave, Pierre, SD 57501; and a copy of the same
was similarly filed with Jeffrey P. Hallem, Assistant Attorney General, Attorney
General's Office, 1302 E. Highway 14, Suite 1, Pierre, SD 57501.



Roxanne Gledde
Deputy Attorney General
Office of the Attorney General
1302 E. HWY 14, Suite 1
Pierre, SD 57501
Telephone: (605) 773-3215

Matthew Hicks: Expert Report

- A. Matthew Hicks, BS in Geoscience from the University of Iowa, employed by Department of Environment and Natural Resources (DENR) since June 2008 where I have worked as a Hydrologist, Senior Hydrologist and an Environmental Scientist II. I am presently an Environmental Scientist II (Senior Hydrologist). My current duties include: team lead on ground water discharge plans, quality assurance officer for the Ground Water Quality Program, project manager on assigned spill remediations, feedlots, and environmental assessments.
- B. The subject matter on which I will testify are: the Ground Water Discharge Plan regulatory program; how applications for ground water discharge plans are processed, how ground water discharge plans are monitored for compliance after issuance; the application for a Ground Water Discharge Plan submitted by Powertech; the completeness and technical review of Powertech's application for a Ground Water Discharge Plan, including the drafting and analysis of conditions; the processing of Powertech's application for a Ground Water Discharge Plan; the recommendation of DENR on Powertech's application and the reasons therefor, including conditions proposed by the DENR.
- C. The substance of the facts and opinions to which I expect to testify and a summary of the grounds for those opinions are set forth below:
 - a. The Ground Water Discharge Plan is established by administrative rules of South Dakota (ARSD) at 74:54:02. These plans are designed for facilities that by nature of their operation may discharge waste into groundwater (ARSD 74:54:02:02); they are not allowed to be used to authorize spills per ARSD 74:54:02:03 and 10(4), or facilities that will not degrade ground water quality above standards as described in ARSD 74:54:02:04(1) and 10(5). Ground water is required to meet state ground water standards or permitted allowable limits at the compliance points (ARSD 74:54:02:17). These Plans have three separate permits that may be required depending on the operation being proposed (ARSD 74:54:02:13, 14 and 17).
 - b. The Ground water Discharge Plan would cover only Powertech's proposed land application system.
 - c. I processed the Powertech Ground Water Discharge Plan application. Processing involves both a completeness review to determine if the submitted application materials meet the requirements of ARSD 74:54:02:06, a technical review, and public notice (ARSD 74:54:02:08). The technical review analyzes the materials submitted in the permit application, including supplemental application materials, responses to technical questions, and other technical reports relating to the proposed ground water discharge plan, to determine if the proposed operation will meet the groundwater discharge plan issuance requirements of ARSD 74:54:02:09 and ground water variance permit requirements of ARSD 74:54:02:17, or meet the disapproval criteria of ARSD 74:54:02:10. A summary of the technical review appears on DENR's "Technical Review Analysis and Fact Statement" (GWQ AR Exh. 138), incorporated herein as if fully set out. During the technical review, DENR begins drafting conditions and discusses those draft conditions with the applicant. DENR then issued a final recommendation and recommended conditions (ARSD 74:54:02:08). Notice of the recommendation was provided to an interested persons mailing list and was published on or before December 19, 2012, in six newspapers (Black Hills Pioneer, Custer County Chronicle, Edgemont

Herald-Tribune, Hot Springs Star, Lakota Country Times, and Rapid City Journal), which included newspapers located within one or both of the two affected counties (Custer and Fall River Counties) per ARSD 74:54:02:08; and on the DENR website.

- d. DENR recommends conditional approval of the application as set out in GWQ AR Exh. 137, incorporated herein as if fully set out, which contains the Plan, associated permits, and conditions to the Plan. The conditions being proposed were developed by myself and other staff in the Ground Water Quality Program, with additional input from staff in the Minerals and Mining and Surface Water Quality Programs; comments from Powertech on draft conditions were received and some changes were made as a result.
 1. Condition 1 is a standard condition incorporated into all ground water discharge plans. The intent of the condition is to require that the proposed activities stated in the plan application, including, but not necessarily limited to monitoring, discharge minimization measures and contingency plans, become requirements of the plan without restating the application in the conditions. Similarly, any future technical revision or amendments shall be treated as if they are a condition of the plan.
 2. Condition 2 prevents land application from occurring prior to the issuance of other permits required for the operation. Additionally, condition 3 is related to condition 2, as the discharge criteria for land application stipulated under condition 3 are directly related to the disposal capacity of an Environmental Protection Agency (EPA) issued Class V underground injection control (UIC) permit.
 3. Condition 3 was added as the land application system is a backup to the primary disposal means via Class V UIC wells. The plan application states in Section 1.0, that "The first and preferred alternative is treatment followed by injection in Class V wells completed in the Minnelusa or Deadwood Formations" and "In the event that the Class V UIC permit is not approved or insufficient disposal capacity is available, Powertech (USA) proposes to treat the liquid waste and dispose it in land application systems permitted under a Groundwater Discharge Plan through the South Dakota Department of Environment and Natural Resources (DENR)".
 4. Condition 4 was added after consulting with staff from the Surface Water Quality Program, as Surface Water Quality Program has previously permitted land application systems at wastewater collection and treatment facilities under surface water discharge permits. This condition comes from standard wording used in these surface water discharge permits and ultimately comes from the DENR publication: *Recommended Design Criteria Manual for Wastewater Collection and Treatment Facilities*.
 5. Condition 5 establishes that accidental and non-regulated releases are not permitted under the plan. The plan is regulating only land application of treated wastewater that would occur during normal operations at the site. The intent of this condition is to clarify that accidental releases or intentional dumping are not approved under ARSD 74:54:02:03, are not automatic or preapproved with the issuance of this plan, and must be cleaned up or remediated as required under South Dakota codified law (SDCL) 34A-2-48. The application of fertilizer

was included after Powertech mentioned the possibility of using fertilizer to assist crops grown in the land application pivot sites.

6. Condition 6 was added, in part, as a standard requirement of the ground water discharge permit under ARSD 74:54:02:14 and to comply with the compliance point water quality limits established through the issuance of a water quality variance under ARSD 74:54:02:17. As the required four monthly ambient ground water monitoring at the compliance points showed existing ground water quality concentrations for certain parameters already exceeded the numeric ground water quality standards (ARSD 74:54:01:04), ambient concentrations were calculated using the method established under ARSD 74:54:02:18. These calculated ambient concentrations were set as the permitted allowable limits per ARSD 74:54:01:04. The remaining part of this condition, that "Permitted allowable limits will be updated once prior to land application operation in accordance with ARSD 74:54:02:18", was added based on the understanding that the facility would not be constructed for at least another year due to the permitting and licensing schedule of the various state and federal permits and license, allowing for additional sampling; and that ARSD 74:54:02:18 allows for updating the ambient concentrations to account for natural variations after plan issuance. Footnote 1 (*) was included because that during the required four monthly ambient monitoring events, compliance point well DC-3 did not yield enough water to analyze the full suite of parameters. It was believed by DENR that the well may potentially yield more water during subsequent monitoring. The well is situated in an optimum location to intercept groundwater movement from the land application area, and the bottom of the well is completed at the alluvial and Graneros Group contact. A statistical analysis of the nearest two wells was used to calculate a probable ambient concentration using the calculation method established under ARSD 74:54:02:18. Footnote 2 (***) was included based on a review of beta particles (man-made) under ARSD 74:54:01:04, which states a standard of 4 mrem/yr. This standard was adopted, based on EPA's Drinking Water Standards. However, unlike most standards, the mrem/yr is a dosage rate rather than volumetric concentration; which could be difficult to quantify in water that is non-potable. Therefore an EPA recommended alternate screening method for determining beta particle compliance was investigated. This footnote was developed based on guidance from 40 CFR 141.26, which governs monitoring and compliance for radionuclides in community drinking water systems, and EPA publications: *Implementation Guidance for Radionuclides*; and EPA 816-F-00-002 (March 2002), Appendix I.
7. Condition 7 is based on the understanding that the facility would not be constructed for at least another year due to the permitting and licensing schedule of the various state and federal permits and license, allowing for additional monitoring; and that ARSD 74:54:02:18 allows for updating the ambient concentrations to account for natural variations after plan issuance. Although not required by ARSD 74:54:02:18, it is believed that at least a full year of monitoring data will yield a larger dataset in which to conduct the ambient

statistical calculation, and also provide indications of seasonal variations in the natural ground water.

8. Condition 8 is a standard requirement of the water quality variance permit under ARSD 74:54:02:11, facility construction permit under ARSD 74:54:02:13 and periodic submission of monitoring reports under ARSD 74:54:02:20.
9. Condition 9 was added to further protect ground water. Footnote 1 was included because the radium standard under ARSD 74:54:01:04 is for combined radium 226 and 228, whereas effluent limits stated under 10 CFR 20, Appendix B, Table 2, Column 2 are separate for the radium 226 and 228 isotopes. Footnote 2 was included because the unit of compliance for uranium under ARSD 74:54:01:04 is mass per volume (mg/L), and the unit of compliance under 10 CFR 20, Appendix B, Table 2, Column 2 is radioactivity per volume of (pCi/L). While DENR is aware of conversion formulas between mg/L and pCi/L, DENR research yielded differing conversion formulas; therefore, both compliance units are listed. Footnote 3 was included based on a review of beta particles (man-made) under ARSD 74:54:01:04, which states a standard of 4 mrem/yr. This standard was adopted, based on EPA's Drinking Water Standards. However, unlike most standards, the mrem/yr is a dosage rate rather than volumetric concentration; which could be difficult to quantify in water that is non-potable. Therefore an alternate method for determining beta particle compliance was investigated. This footnote was developed based on guidance from 40 CFR 141.26, which governs monitoring and compliance for radionuclides in community drinking water systems, and EPA publications: *Implementation Guidance for Radionuclides*; and *EPA 816-F-00-002* (March 2002), Appendix I.
10. Condition 10 was added to expand upon the soil monitoring plan outlined in Section 6.4 of the plan application, by specifying the time of year to collect the soil samples. The schedule was set for the fall in order to gauge the soil loading at, or near the end of each growing season, and during the months of more average seasonal precipitation according to Table 3.1-5 of the plan application.
11. Condition 11 is a standard condition incorporated into all ground water discharge plans. The intent for this condition is to account for potential unknowns or unanticipated changes that may arise after the plan is issued, and to correct these issues should they occur. This condition is intended to work similar to ARSD 74:54:02:22, with the intent to correct any issues prior to, and prevent a plan violation, rather than after a violation has occurred.
12. Condition 12 was added to strengthen the surface water monitoring plan outlined in Section 6.2 of the plan application. After consulting with Surface Water Quality Program staff, additional parameters were added to those listed on Table 6.2-2 in the plan application, based on those parameters on Table 5.8-2 that are estimated to be above the numeric ground water standards (ARSD 74:54:01:04) in the land application effluent.
13. Condition 13 is a modification of a standard condition incorporated into all ground water discharge plans at mine sites. The intent of this condition is to determine effluent quality prior to initiation of land application and to allow for

DENR to conduct simultaneous quality control sampling at any of the regularly scheduled sampling events.

14. Condition 14 was added due to the proximity of process and holding ponds to the land application pivots and catchment areas, and the location of some of the ponds within the perimeter of operational pollution (POP) zone. The ponds are not regulated under the plan; however, their proximity has the potential to influence ground water within the POP zone, should a leak in the ponds occur. The monitoring wells under this condition would aid in differentiating potential impacts from the land application system verses potential leaks from the ponds.
 15. Condition 15 is intended to work similar to ARSD 74:54:02:22, with the intent to correct any issues prior to, and prevent a plan violation, rather than after a violation has occurred.
 16. Condition 16 is a standard condition incorporated into all ground water discharge plans which allows DENR to approve specific technical revisions outlined under ARSD 74:54:02:23(4).
- e. DENR initially considered requiring Powertech to submit a surety bond or other financial assurance for the Ground Water Discharge Plan. However, the department decided to remove that draft condition based on the fact that neither SDCL 34A-10-2.1 nor ARSD 74:07:01:02 requires financial assurance on ground water discharge plans; discussions between the Department and the Nuclear Regulatory Commission (NRC) determined that NRC is also requiring financial assurance covering the land application system that is proposed to be permitted under the ground water discharge plan, and therefore this system is already covered by financial assurance and that, if NRC held the only bond over these activities, NRC would be responsible for remediating the site should Powertech fail to remediate and remedial expenses exceed the bond held.
 - f. In DENR's determination, the application for a Ground Water Discharge Plan submitted by Powertech is complete per ARSD 74:54:02:06 and, as conditioned, meets the requirements established in ARSD 74:54:02, particularly :02:09, :02:17 and :02:18, for conditional approval, for the reasons set forth in the DENR's "Technical Review Analysis and Fact Statement" (GWQ AR Exh. 138), information contained in the "Signed Landowner Consent Forms" (GWQ AR Exh. 114), and as described above.

Matthew P. Hicks

EDUCATION:

Bachelor of Science Degree in Geoscience December 2002
The University of Iowa, Iowa City, Iowa

Associate of Arts Degree in Communications Media/Public Relations May 1998
Kirkwood Community College, Cedar Rapids, Iowa

WORK EXPERIENCES:

Senior Hydrologist/Environmental Scientist II, South Dakota Department of Environment and Natural Resources June 2008 – Present
Team lead on ground water discharge plans and related permits, quality assurance officer for the Ground Water Quality Program, project manager on assigned spill remediations, feedlots, and environmental assessments.

Environmental Specialist, Missouri Department of Natural Resources March 2008 – June 2008
Disinfection byproduct coordinator for the Kansas City Regional Office's Public Drinking Water unit, determine compliance with state and federal public drinking water regulations, and conduct onsite inspections of public water supply systems.

Geologist, Missouri Department of Natural Resources Nov. 2006 – March 2008
Primary staff Geologist for determining well casing points, issuing variances, GIS mapping using ArcMap, and public correspondence. Additionally responsible for certifying various types of wells, wellhead protection regulation compliance and enforcement, field investigations, and public demonstrations.

Freelance Photographer, Hicks' Photographic Studios 1994 – June 2005, April 2009 – Present
Fine art photography, specializing in dramatic scenic, wildlife and macro photography for use in public or private galleries. Occasionally providing photographic services for advertisement, wedding, theatrical production, public/political speaker and sporting event. Location, salary and hours varies greatly

Merchandise Stocker/Sales Associate, Menards April 2005 – Oct. 2006
Cedar Rapids, Iowa Hours: part time

Photography Editor, *Cedar Valley Divide* (1996). Aug. 1995–May 1996
Responsible for editing of photographs and assisting in the editing of literature.
Cedar Rapids, Iowa Salary: College credit, minimum wage for overtime. Hours: part time

Volunteer Work

Emergency Operations Center Point of Contact, served as a Point of Contact between county emergency managers and the South Dakota Emergency Operations Center throughout the duration of the 2011 Missouri River flooding. (Paid volunteer)

Geologist, Assisted several classes of high school students in fossil identification, and geological history interpretation on a field trip to the Devonian Fossil Gorge.

Computer Virus and Spyware Removal Specialist (Trusted Advisor) at spywareinfoforum.com (2003-2006)

Computer Antivirus/Antispyware Researcher (Analyzing Member) at malware-research.co.uk (2004-2006)

ACHIEVEMENTS:

HAZWOPER 40 hour certified and up to date through March 2014

WMD Radiological/Nuclear Awareness AWR140-W course, May 2013

Self-Published: *The Photographic Artwork of Matthew P. Hicks, Selected Works from 2009 to 2011*, December 2011

Incident Command System and National Incident Management System certified, October 2008

Licensed Well Driller, State of Missouri, Permit Number: 4271-WPMH (Restricted), 2007-2008

Member Sigma Gamma Epsilon National Earth Science Honor Society

Member Quill and Scroll International Journalism Honor Society

Dean's List May 2002, December 1995

Member ASAP, Alliance of Security Analysis Professionals, 2006

FCC Licensed Amateur Radio Operator, Technician Class, February 1999, December 2008

NWS trained severe storm and tornado spotter, February 2004, April 2011

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BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER)
PERMIT APPLICATION NOS.)
2685-2 and 2686-2, POWERTECH)
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IN THE MATTER OF THE 2012)
GROUNDWATER DISCHARGE)
PLAN APPLICATION SUBMITTED)
BY POWERTECH (USA), INC.)

WATER RIGHTS PROGRAM
DISCLOSURE OF
EXPERTS

The Water Rights Program ("WR") of the South Dakota Department of Environment and Natural Resources ("DENR"), hereby discloses its experts.

Ken Buhler. Mr. Buhler's expert reports were disclosed in discovery as part of the Water Rights Administrative Record (WR-AR 32 and WR-AR 33). They are also on the DENR website at <http://denr.sd.gov/powertech/wr/2685-2%20Report%20and%20Recommendation.pdf> and at <http://denr.sd.gov/powertech/wr/2686-2%20Report%20and%20Recommendation.pdf> Mr. Buhler's CV has been disclosed as WR-AR 34. Mr. Buhler is the expert in the Water Rights Program who will testify as to (a) whether there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, (b) that he has examined the best information reasonably available and that it is not

probable that the application to appropriate groundwater (if approved) would result in a situation where the quantity of water withdrawn annually from the groundwater sources involved (Madison and Inyan Kara aquifers) would exceed the quantity of the average estimated annual recharge of water to those groundwater sources, (c) that the proposed use can be developed without impairment of existing water rights, and (d) as to proposed qualifications recommended for the proposed applications.

Chief Engineer Jeanne Goodman. Ms. Goodman may testify regarding her recommendations in the Water Permit Applications 2685-2 and 2686-2, including the proposed qualifications. The Chief Engineer's Recommendations were previously disclosed within WR-AR 32 and WR-AR 33 and are on the websites identified above. Ms. Goodman has not prepared an expert report; her statutory duty is to make a nonbinding recommendation to the Board on the specific permits at issue. As a result, the WR Program is hereby disclosing her as an expert witness. Her CV is attached.

Dated this 23rd day of August, 2013.



Diane Best
Assistant Attorney General
Counsel for Water Rights Program,
Department of Environment and Natural Resources
Attorney General's Office
317 N. Main Ave.
Sioux Falls, SD 57103

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the *DENR Water Rights Program Disclosure of Experts* in the above entitled matter were served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on this 23rd day of August, 2013:

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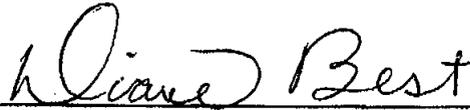
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Attn: Doris Ann Mertz
Custer County Library
447 Crooks Street, Suite 4
Custer, SD 57730

And on the same date the original was mailed to Eric Gronlund, Joe Foss Building.

523 E. Capitol Ave, Pierre, SD 57501 and a copy was filed with Jeffrey P. Hallem,
Assistant Attorney General, Attorney General's Office, 1302 E. Highway 14, Suite 1,
Pierre, SD 57501.

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

Diane Best
Assistant Attorney General
Office of the Attorney General
317 N. Main Ave.
Sioux Falls, SD 57104
Telephone: (605) 367-5880 Ext. 105

JEANNE GOODMAN, P.E.
CHIEF ENGINEER

EDUCATION

Bachelor of Science Degree in Geological Engineering, South Dakota School of Mines and Technology 1979

REGISTRATIONS, PROFESSIONAL SOCIETIES, AND AWARDS

1. South Dakota Registered Professional Engineer
2. South Dakota Engineering Society
3. Central Chapter SD Engineering Society Outstanding Engineer of 1995
4. Central Chapter SD Engineering Society Young Engineer of the Year 1986

CAREER EXPERIENCE

April 2013 – present – Chief Engineer, Water Rights Program, DENR. Administer the Program, which coordinates the appropriation of water resources in South Dakota to protect the public welfare and interest in the development of the water resources and determine in what way the water of the state should be developed for the greatest public benefit.

2000 – 2013 - Natural Resources Administrator, Surface Water Quality Program, DENR. Administer the Surface Water Quality program, which coordinates the prevention, reduction, measurement, and control of water pollutants to maintain water quality that is protective of the public's health and safety and the beneficial uses of the state's lakes and streams.

1997 – 2000 - Natural Resources Administrator, Air Quality Program, DENR. Administer the Air Quality program, which coordinates the prevention, reduction, measurement, and control of air pollutants to maintain air quality that is protective of the public's health and safety.

1987 – 1997 – Natural Resources Engineer IV, Ground Water Quality Program, DENR. Team Leader for ground-water discharge plans and enforcement of ground-water quality standards, Underground Injection Control, pesticides in Ground Water, and Wellhead Protection staff. Review storage tank plans and specifications. Supervise special water quality studies and the review of numerous regulated substance release assessments and remediations.

1981 – 1987 – Natural Resources Engineer/Hydrologist, Ground Water Quality Program, DWNR. Participated in writing Rural Clean Water Program/Comprehensive Monitoring and Evaluation proposal and workplan; reviewed mineral exploration permits for impacts to ground water; identified aquifers and compiled well data for Corps studies. Supervised staff and participated in ground water studies and investigations by installing and sampling monitoring wells; contributed sections to the Big Sioux Aquifer Water Quality study; prepared all contracts for Comprehensive Monitoring and Evaluation project, and assisted in installation of monitoring systems.

1979 – 1980 – Natural Resources Engineer I, Water Rights Program, DWNR. Investigated water rights complaints; reviewed water right applications; supervised installation of observation wells; prepared a report on flowing artesian wells.

TESTIMONY

Board of Water Management – In various capacities and responsibilities with DENR, provided testimony regarding permit application review and water use, water quality, and water monitoring relative to water right permit applications, General Water Pollution Control Permits for Concentrated Animal Feeding Operations, and ground water discharge plan applications, and proposed and modifications to Administrative Rules of South Dakota for ground water and surface water quality standards, beneficial use classifications for water bodies in South Dakota, and ground water and surface water discharge permits.

Board of Minerals and Environment – In various capacities and responsibilities with DENR, provided testimony regarding water use, water quality, and water monitoring relative to mineral and oil and gas exploration and development permits.

Court matters since 2008 - In re: *Veblen West Dairy, LLP, Chapter 11, Debtor. Bankr. No. 10-10071*. United States Bankruptcy Court, D. South Dakota (court testimony).
Storbeck, et. al. v. State of South Dakota, Third Judicial Circuit, Kingsbury County Civ. No. 07-69 (deposition).

MAJOR PUBLICATIONS

1. "South Dakota Ground-Water Quality" w/ Koch and Lawrence -USGS
USGS Open-file Report 87-0752, Goodman and Pirner - SDDWNR
2. "Agricultural Sources of Nitrate Contamination in a Shallow Sand and Gravel Aquifer in Eastern South Dakota", in Perspectives on Nonpoint Source Pollution, EPA 440/5-85-001.
3. "Non-Point Source Pesticide Contamination of Shallow Ground Water", ASTM Paper No. 892529, St. Joseph, Missouri, Kimball and Goodman.
4. "Nitrate and Pesticide Occurrence in Shallow Groundwater During the Oakwood Lakes-Poinsett RCWP Project", in The National Rural Clean Water Program Symposium, EPA/625/R-92/006.
5. "Coordination is the Project Cornerstone", in The National Rural Clean Water Program Symposium, EPA/625/R-92/006, Kuck and Goodman.
6. "Ground Water Monitoring – A Guide to Monitoring for Agricultural Nonpoint Source Pollution Projects", USDA-FSA, Huron, SD. Goodman, German, and Bischoff, January 1996.