

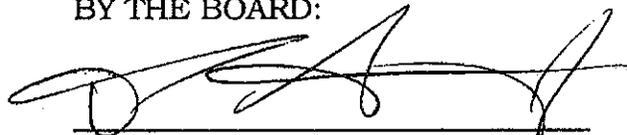
STATE OF SOUTH DAKOTA  
BEFORE THE WATER MANAGEMENT BOARD  
APPOINTMENT OF PREHEARING CHAIRMAN

For the efficient administration of matters coming before this Board, this Board hereby appoints Ev Hoyt to serve as a Prehearing Chairman until October 15, 2013. This appointment applies to all cases and controversies coming before the Board, unless the Board finds it appropriate to appoint a different Board member for a specific case. The function of the Prehearing Chairman is:

1. To rule on requests for appointment of hearing examiners under SDCL 1-26-18.3.
2. To establish procedural schedules, rule on procedural motions, and resolve discovery disputes as necessary for water permit hearings and other cases.
3. To hear motions on dispositive matters if the full Board is unable to convene to hear such a matter. In such cases, the Prehearing Chairman may recommend a decision for final Board action.

Dated this 3<sup>rd</sup> day of October, 2012.

BY THE BOARD:



Rodney Freeman, Chairman

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE 2012	)	APPOINTMENT OF WATER
GROUNDWATER DISCHARGE	)	MANAGEMENT BOARD TO
PLAN APPLICATION SUBMITTED	)	CONDUCT EVIDENTIARY HEARING
BY POWERTECH (USA), INC.	)	

Under SDCL 34A-2-36.1 and ARSD 74:54:02:14, the Secretary of the Department of Environment and Natural Resources (“Secretary”) issues groundwater discharge permits, which are the “final approval” of a groundwater discharge plan. Under ARSD 74:54:02:09, 74:54:02:11, 74:54:02:13, the South Dakota Water Management Board (“WMB”) issues initial approval of a groundwater discharge plan by “issuing all applicable permits described in §§ 74:54:02:11 [water quality variance permits] and 74:54:02:13 [groundwater discharge facility construction permits]”.

In order to promote administrative economy and to prevent the duplicative expenditure of resources by the parties to this proceeding, the Secretary hereby appoints the WMB to conduct the evidentiary hearing for the groundwater discharge permit required by SDCL 34A-2-36.1 and ARSD 74:54:02:14 along with the inter-related permits issued by the WMB under ARSD 74:54:02:09, 74:54:02:11 and 74:54:02:13, and to issue a

recommendation to the Secretary on Powertech (USA), Inc.'s ("Powertech") application for a groundwater discharge permit.

Upon receipt of the record from the WMB, including any permits it issues under ARSD 74:54:02:11 and 74:54:02:13 and its determination of whether to approve Powertech's application for a Groundwater Discharge Plan under ARSD 74:54:02:09, the Secretary will review the transcript of the proceeding, the exhibits admitted during the proceeding, the pleadings filed in the proceeding, and the recommendation made by the Water Management Board, and then issue a final decision as to whether to issue, deny, or issue with conditions the groundwater discharge permit requested by Powertech (USA), Inc.

 1/29/13

Steven Pirner, Secretary  
South Dakota Department of Environment and  
Natural Resources  
523 E. Capitol Ave.  
Pierre, SD 57501

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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

TO: ALL PERSONS ON ACCOMPANYING CERTIFICATE OF SERVICE:

NOTICE IS HEREBY GIVEN that the South Dakota Water Management Board (WMB") will consider the above entitled application for a groundwater discharge plan beginning at 8:30 AM on March 18, 2013 at the Best Western Ramkota Hotel, 2111 North LaCrosse Street, in Rapid City, South Dakota. This evidentiary hearing will be conducted under the procedures in SDCL 1-26-16 et. seq. and ARSD ch. 74:50:01.

This hearing is to consider the application filed by Powertech (USA), Inc. ("Powertech") for approval of a "Groundwater Discharge Plan" for a Land Application Disposal System under ARSD 74:54:02:09, for issuance of a "Water Quality Variance Permit" for the same under ARSD 74:54:02:11, for issuance of a "Groundwater Discharge Facility Construction Permit" for the same under SDCL 34A-2-27 and ARSD 74:54:02:13, and for a recommended decision to the Secretary of the Department of Environment and Natural Resources ("Secretary") regarding issuance of a "Groundwater Discharge Permit" for the same under SDCL 34A-2-36.1 and ARSD 74:54:02:14, which Permit constitutes

final approval of the Groundwater Discharge Plan under ARSD 74:54:02:14.

The Land Application Disposal System at issue in the application is part of Powertech's proposed uranium in situ leach mine and processing facility located about 13 miles northwest of Edgemont, SD. The legal location of the proposed operation is portions of section 20, 21, and 27-35; T6S-R1E, Custer County and portions of sections 1-5, 10-12, 14 and 15; T7S-R1E, Fall River County.

Powertech submitted a Groundwater Discharge Plan Application for discharges associated with the land application of treated wastewater from Powertech's proposed uranium in situ leach mine and processing facility on March 9, 2012. This Application includes applications for a water quality variance permit for a perimeter of operational pollution, a groundwater discharge facility construction permit, and a groundwater discharge permit. The purpose of a Groundwater Discharge Plan is to ensure the protection of ground water resources by monitoring and evaluating discharges to ground water from the land application of treated wastewater, establishing a groundwater protection plan, and, in the event of plan exceedances, establishing remediation requirements.

The Department of Environment and Natural Resources is recommending conditional approval of the Ground Water Discharge Plan and associated permits. Conditions of the Ground Water Discharge Plan consist of land application effluent requirements, effluent, soil, stream and ground water monitoring and reporting requirements, application rate requirements, runoff prevention, contingency plan requirements, and technical revision

authorization. The conditions have been previously publically noticed by the DENR and are available at DENR's website as well as upon request.

The conditions proposed by the DENR are not binding on the WMB or the Secretary and may be revised or rejected in whole or in part as a result of the contested case proceeding. As a result of the contested case proceeding, the WMB may grant, conditionally grant, or deny the application for a Groundwater Discharge Plan, a Water Quality Variance Permit, and/or a Groundwater Discharge Facility Construction Permit; and may recommend that the Secretary grant, conditionally grant, or deny the application for a Groundwater Discharge Permit. The Secretary may, as a result of the evidentiary hearing and recommended decision of the WMB, grant, conditionally grant, or deny the application for a Groundwater Discharge Permit.

The legal authority under which this hearing is to be held is SDCL 1-40-19, SDCL 34A-2-27, 34A-2-29, 34A-2-30, 34A-2-31, 34A-2-35, 34A-2-36.1, and ARSD chs. 74:54:01 and 74:54:02. The particular sections of the statutes involved are SDCL 34A-2-27, 34A-2-36.1 through SDCL 36A-2-39, and SDCL 34A-2-40. The particular sections of the rules involved are ARSD ch. 74:54:01 (specifically including ARSD 74:54:01:04 and 74:01:05) and all of ARSD ch. 74:54:02, particularly ARSD §§ 74:54:02:02, 74:54:02:06, 74:54:02:08, 74:54:02:09, 74:54:02:10, 74:54:02:11, 74:54:02:13, 74:54:02:14, 74:54:02:17, 74:54:02:18, 74:54:02:19, 74:54:02:20, 74:54:02:22, 74:54:02:23, 74:54:02:25, 74:54:02:26, 74:54:02:27 and 74:54:02:28(4)). In addition, the effluent limits in 10 CFR 20, Appendix B, Table 2, are involved.

Under ARSD 74:54:02:09, the WMB may conditionally approve the Groundwater Discharge Plan application by issuing all applicable permits described in §§ 74:54:02:11 and 74:54:02:13 if it finds that:

- (1) The application for a groundwater discharge plan is procedurally complete;
- (2) The ambient groundwater quality will not be degraded or a water quality variance permit can be issued to degrade the ambient water quality to the standards of §§ 74:54:01:04 and 74:54:01:05; and
- (3) The implementation of the proposed monitoring plan is adequate for compliance monitoring to ensure beneficial uses will not be impaired and there will be no hazard to human health.

Under ARSD 74:54:02:10, the WMB may disapprove the Groundwater Discharge Plan application if it finds that:

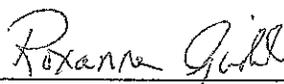
- (1) The application is procedurally incomplete;
- (2) The ambient groundwater quality will be degraded and a water quality variance permit cannot be issued to degrade the ambient water quality to the standards of §§ 74:54:01:04 and 74:54:01:05;
- (3) The beneficial uses of groundwater will be impaired or there is a hazard to human health from the potential discharge;
- (4) The application describes a discharge resulting from an accidental spill or leak or intentional dumping of a pollutant, unless the application is submitted as part of a remediation plan and if it has been shown by either study or practice that all reasonable other alternatives for groundwater clean-up will not result in further removal of contaminant concentrations from the groundwater; or
- (5) The application describes a discharge that will degrade groundwater quality to a level lower than the standards in §§ 74:54:01:04 and 74:54:01:05.

This contested case proceeding is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at

the hearing. Decisions of the Board and Secretary may be appealed to the Circuit Court and State Supreme Court as provided by law.

Under SDCL 1-26-17(6), notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." However, since this particular matter involves consideration of a Groundwater Discharge Plan and recommendation for a Groundwater Discharge Permit, a monetary controversy in excess of \$2,500.00 or termination of a property right is not involved. As a result, the DENR maintains that the hearing must be conducted by the WMB.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify Eric Gronlund of the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

 1-30-13  
\_\_\_\_\_  
Roxanne Giedd  
Deputy Attorney General  
Chief, Civil Litigation Division  
Attorney General's Office  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

*Counsel for Groundwater Discharge Program, DENR.*

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF WATER )  
PERMIT APPLICATIONS 2685-2 )  
and 2686-2, Powertech (USA), )  
Inc. )

MOTION TO CONSOLIDATE AND  
MOTION FOR PROCEDURAL  
ORDER

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

COMES NOW, the South Dakota Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program (hereinafter "DENR"), and asks that the Board's duly appointed Prehearing Chairman Everett Hoyt CONSOLIDATE the two applications pending before the Water Management Board ("WMB"), and ENTER A PROCEDURAL ORDER (as described more fully below) in the above matters.

In support of these Motions, the DENR submits the following:

- 1) Powertech (USA), Inc. ("Powertech") has submitted applications for water permits (applications 2685-2 and 2686-2), and an application for approval

of a Groundwater Discharge Plan by the WMB (which includes applications for a Water Quality Variance Permit, a Groundwater Discharge Facility Construction Permit) and a Groundwater Discharge Permit (which is issued by the Secretary of DENR). These applications concern Powertech's proposed uranium in situ leach mine and processing facility located near Edgemont, S.D.

- 2) The Secretary of DENR has issued an Appointment of Water Management Board to Conduct Evidentiary Hearing.
- 3) Board member Everett Hoyt was appointed on October 3, 2012 by the WMB to serve as pre-hearing chair in all matters pending before the WMB.
- 4) A Notice of Hearing was published for the above entitled water permit applications and the final date for intervention therein was November 26, 2012. There are numerous intervenors, some of whom requested additional time to prepare for hearing. An automatic continuance was issued pursuant to SDCL 46-2A-5.
- 5) The DENR Notice of Recommendation for the Groundwater Discharge Plan application was published and the final date for submitting a petition for a contested case proceeding on that application was January 18, 2013. Several hundred persons submitted petitions for a contested case proceeding on the Groundwater Discharge Plan application.
- 6) The DENR has scheduled a procedural hearing for February 8, 2013, for consideration of this Motion (and any other procedural motions that may be

made at that time). In addition to providing for the orderly disposition of both of the above entitled proceedings, the February 8, 2013 hearing fulfills the prehearing requirement of ARSD 74:50:02:10 for the Groundwater Discharge Plan application.

- 7) The DENR moves and proposes that the above entitled proceedings be consolidated and heard together in Rapid City, South Dakota from March 18-22, 2013. DENR submits that consolidation of these hearings will eliminate significant duplication of testimony and evidence concerning Powertech's proposed uranium in situ leach mine and processing facility, and will thereby promote administrative economy for the WMB, the DENR, Powertech, and all parties to the proceedings.
- 8) Upon information and belief, the DENR believes that many of the several hundred persons who filed petitions for a contested case proceeding on the Groundwater Discharge Plan are interested in submitting comments to the WMB, but not in participating as a Party in the proceeding. In matters that have been held before other boards where there have been significant numbers of interested persons involved, those boards have held a public hearing prior to the initiation of the formal contested case proceeding to take comments from interested persons. The DENR believes that this process may assist in orderly procedure on this matter. DENR therefore proposes that all petitioners make an Election of Participation by March 1, 2013 that conveys whether the petitioner wishes to participate as a full

party in the formal contested case proceeding; provide public comments during a public hearing held by the WMB prior to initiation of the formal contested case proceeding; or rely on his or her written petition already filed with the Board. A proposed Election of Participation form is attached to the draft Procedural Order submitted with this Motion.

- 9) The DENR requests that any Party who will be represented at the formal contested case proceeding by an attorney be required to have their attorney file a Notice of Appearance. All nonresident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2.
- 10) The DENR requests that any Party to the formal contested case proceeding who is a corporation, partnership, association, or other legal entity (including non-profit organizations) be required to be represented by an attorney.
- 11) The DENR requests that the following prehearing schedule be established and apply to all Parties to the formal contested case proceeding:
  - i) Disclosure of expert witnesses and exchange of expert reports—  
February 22, 2013.
  - ii) Disclosure of the names of witnesses each Party expects to call during the contested case proceeding – March 8, 2013.

- iii) A list identifying the exhibits each Party expects to offer into evidence during the contested case proceeding – March 8, 2013.
  - iv) All exhibits be marked in advance by each party and that each party be prepared to provide a sufficient number of copies for use at hearing, including 10 copies for use by the Board, its counsel, and court reporter, and copies for all Parties participating in the contested case proceeding.
  - v) Each Party shall contact Eric Gronlund, Water Rights Division, DENR at 605-773-3352 to obtain a block of Exhibit Numbers. DENR Water Rights has reserved Exhibit Numbers 1-99; DENR Groundwater Quality Program has reserved Exhibit Numbers 100-199; Powertech has reserved Exhibit Numbers 200-299.
  - vi) All original pleadings are to be sent by regular first class mail to Eric Gronlund, DENR, Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501-3182. Parties must serve copies on all other parties, the Prehearing Chair, Board Counsel Jeff Hallem, and undersigned counsel.
- 12) A draft procedural order is attached hereto for the Chair's consideration.
- 13) All persons who filed petitions to intervene in the water permit applications and all persons who petitioned for a contested case proceeding on the Groundwater Discharge Plan application are provided with copies of

this Motion, except to the extent that the petitioners' names or addresses were illegible and not available in routine directory information.

Dated this 30<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
Roxanne Giedd  
Deputy Attorney General  
Chief, Civil Litigation Division  
Attorney General's Office  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

*Counsel for Groundwater Discharge Program, DENR.*

Diane Best  
Assistant Attorney General  
South Dakota Office of Attorney General  
317 N. Main Avenue  
Sioux Falls SD 57104-6032

*Counsel for Water Rights Program, DENR.*

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF WATER )  
PERMIT APPLICATIONS 2685-2 )  
and 2686-2, Powertech (USA), )  
Inc. )

PROCEDURAL ORDER

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

Upon consideration of the Motions for Consolidation and Procedural Order filed by the Department of Environment and Natural Resources Water Rights Program and Groundwater Quality Program, and argument submitted by all parties and interested persons at the Procedural Hearing (Prehearing Conference) held on February 8, 2013, it is hereby ORDERED that:

- 1) The above-entitled matters are hereby consolidated.
- 2) All persons who have filed Petitions to Intervene or Petitions for a Contested Case in the above-entitled matters must file an Election of Participation using the enclosed form by March 1, 2013.
- 3) Attorneys who have not yet filed Notices of Appearance for persons who intend to participate in the formal contested case proceeding are directed to do so immediately. Nonresident counsel must be able to demonstrate compliance with the *pro hac vice* requirements of SDCL 16-18-2 to participate in this matter.

- 4) All corporations, partnerships, associations, and other legal entities (including non-profit associations) must be represented by counsel in this proceeding.
- 5) The following prehearing schedule applies:
  - i) Each Party will disclose, in writing sent to all other Parties, the names of expert witnesses, curricula vitae, and a copy of any expert report that it intends to offer to each party of record by February 22, 2013.
  - ii) Each Party will disclose, in writing sent to all other Parties, the names of witnesses each Party expects to call during the contested case proceeding by March 8, 2013.
  - iii) Each Party will provide, by writing sent to all other Parties, a list identifying the exhibits that Party expects to offer into evidence during the contested case proceeding by March 8, 2013.
  - iv) All exhibits shall be marked in advance by each party and that each party must be prepared to provide a sufficient number of copies for use at hearing, including 10 copies for use by the Board, its counsel, and court reporter, and copies for all Parties participating in the contested case proceeding.
  - v) Each Party shall contact Eric Gronlund, Water Rights Division, DENR at 605-773-3352 to obtain a block of Exhibit Numbers. DENR Water Rights has reserved Exhibit Numbers 1-99; DENR Groundwater Quality Program

has reserved Exhibit Numbers 100-199; Powertech has reserved Exhibit Numbers 200-299.

vi) All original pleadings are to be sent by regular first class mail to Eric Gronlund, DENR, Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501-3182. Parties must serve copies on all other parties, the Prehearing Chair, Board Counsel Jeff Hallem, and undersigned counsel.

6) The public hearing before the full Board will begin at 8:30 am on March 18, 2013 in Rapid City South Dakota at the following location: Best Western Ramkota, 2111 N. LaCrosse Street, Rapid City, South Dakota. The formal contested case proceeding will immediately follow the public hearing. It is anticipated the proceedings will take at least five days and will conclude on March 22, 2013. The order of the proceeding will be as follows:

- i) There will be a public hearing with participants making informal comments not to exceed 15 minutes each. Parties shall not participate in the public hearing, but shall reserve their comments for testimony during the formal contested case proceeding.
- ii) Once the public hearing is completed, the formal contested case proceeding will start with any preliminary motions from the Parties.
- iii) The Parties of record will make opening statements.
- iv) Witnesses and evidence will be taken subject to objection and cross examination, in the following order:

(a) Applicant Powertech (USA), Inc.;

(b) DENR Water Rights Program;

(c) DENR Groundwater Quality Program;

(d) Other Parties following an order established by the Chairman.

v) After the record is closed, the Parties will offer short closing arguments in the same order.

vi) At the conclusion of the proceedings, the Board may render a decision and direct the prevailing party to provide findings of fact and conclusions of law consistent with the decision. Other parties will be given an opportunity to file proposed findings of fact and conclusions of law for the record.

Alternatively, the Board may take the matter under advisement until its next Board meeting.

7) Questions concerning the arrangements for the public hearing or formal contested case proceeding, and requests for designation of exhibit numbers for the contested case proceeding, are to be made to DENR employee Eric Gronlund at [Eric.Gronlund@state.sd.us](mailto:Eric.Gronlund@state.sd.us) or 605-773-3352.

Dated this \_\_\_\_\_ day of January, 2013.

---

Everett Hoyt, Prehearing Chair  
South Dakota Water Management Board

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF WATER )  
PERMIT APPLICATIONS 2685-2 )  
and 2686-2, Powertech (USA), )  
Inc. )

ELECTION OF PARTICIPATION

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

*TO: All Persons who filed Petitions to Intervene or Petitions to Initiate a  
Contested Case in either of the above-entitled matters:*

You filed or signed a petition or sent comments to the Department of Environment and Natural Resources on one or both of the Powertech matters listed above pending before the Water Management Board. To clarify your intent, you must elect to: a) participate as a full party in the formal contested case proceeding, including presenting testimony subject to cross examination, offering exhibits, cross examining other witnesses, making and defending objections, addressing legal argument, and having the option to appeal to the courts if desired; OR b) provide public comments during a public hearing session before the formal contested case proceeding begins; OR c) rely on information you already filed. Election of (b) and (c) will waive some the rights you have if you participate as a Party under (a). You must return this form to the DENR on or before March 1, 2013. Failure to complete and return this

form by March 1, 2013 waives your right to participate as a full party in this proceeding.

Dated this \_\_\_\_\_ day of February, 2013.

\_\_\_\_\_  
Everett Hoyt, Prehearing Chair  
South Dakota Water Management Board

\*\*\*\*\*

\_\_\_\_\_ I wish to participate as a full party in this proceeding by presenting testimony subject to cross examination, offering exhibits, cross examining other witnesses, making and defending objections, addressing legal argument, and having the option to appeal to the courts if desired. I understand that if I am appearing on my own behalf, I do not need to be represented by a lawyer, but that all corporations, partnerships, nonprofit associations, and other legal entities must have a lawyer represent them if they participate as a party.

\_\_\_\_\_ I wish to provide public comments during a public hearing before the formal contested case evidentiary hearing begins. I understand that due to the large number of parties, I may be limited to 10-15 minutes.

\_\_\_\_\_ I wish to rely on the petition that I submitted or signed. I do not wish to testify or participate in person.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Mail to: Eric Gronlund, DENR, 523 E. Capitol Ave., Pierre, SD 57501

STATE OF SOUTH DAKOTA

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF WATER )  
PERMIT APPLICATIONS 2685-2 )  
and 2686-2, Powertech (USA), )  
Inc. )

NOTICE OF PROCEDURAL  
HEARING (PREHEARING  
CONFERENCE)

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

Notice is hereby given that a Procedural Hearing and Prehearing Conference will be held on February 8, 2013 at 1:00 o'clock p.m. before Everett Hoyt, the hearing Chair of the South Dakota Water Management Board, at the following location:  
Holiday Inn at Civic Center, 505 North Street, Rapid City, South Dakota.

The Prehearing Conference will address the Motion for Procedural Order filed by the Department of Environment and Natural Resources, as well as any other motion or issue raised by the Parties and interested persons at that time.

Dated this 30<sup>th</sup> day of January, 2013.



---

Roxanne Giedd  
Deputy Attorney General  
Chief, Civil Litigation Division  
Attorney General's Office  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

*Counsel for Groundwater Discharge Program, DENR.*

Diane Best  
Assistant Attorney General  
South Dakota Office of Attorney General  
317 N. Main Avenue  
Sioux Falls SD 57104-6032

*Counsel for Water Rights Program, DENR.*

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE 2012	)	ANSWER OF DENR
GROUNDWATER DISCHARGE	)	GROUNDWATER QUALITY
PLAN APPLICATION SUBMITTED	)	PROGRAM TO PETITIONS FOR
BY POWERTECH (USA), INC.	)	CONTESTED CASE

The Groundwater Quality Program of the Department of Environment and Natural Resources, pursuant to ARSD 74:50:02:04, hereby Answers the Petitions for Contested Case filed in the above-entitled matter as follows:

1. Over two hundred Petitions for Contested Case were filed in this proceeding. The number of petitions makes it impossible for the Groundwater Quality Program to respond to each and every allegation, contention or assertion raised in these Petitions in its Answer.
2. The Groundwater Quality Program therefore denies each and every factual allegation, contention or assertion raised in these Petitions, and its failure to respond to specific allegations or assertions shall not constitute an admission.

3. The Groundwater Quality Program asserts that the "Groundwater Discharge Plan" and its associated permit applications are procedurally complete.
4. The Groundwater Quality Program asserts that the "Water Quality Variance Permit" for a perimeter of operational pollution (POP) applied for by Powertech (USA), Inc., if conditioned as recommended by the Groundwater Quality Program, can be issued to degrade the ambient water quality to the standards of ARSD 74:54:01:04 and 74:54:01:05 in accordance with ARSD 74:54:02:11 and 74:54:92:17 upon Powertech's justification of necessary economic or social development.
5. The Groundwater Quality Program asserts that the implementation of the proposed monitoring plans contained in the "Groundwater Discharge Plan" and its associated permit applications, if conditioned as recommended by the Groundwater Quality Program, is adequate for compliance monitoring to ensure beneficial uses of the groundwater will not be impaired and there will be no hazard to human health.
6. The Groundwater Quality Program asserts that the "Groundwater Discharge Plan" and its associated permit applications, if conditioned as recommended by the Groundwater Quality Program, does not establish any of the conditions for which the applications may be denied under ARSD 74:54:02:10.

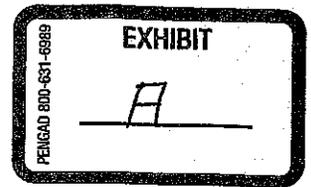
7. The Groundwater Quality Program desires, recommends and requests that the Water Management Board conditionally approve the “Groundwater Discharge Plan” application submitted by Powertech (USA), Inc. by conditionally issuing a “Water Quality Variance Permit” and a “Groundwater Discharge Facility Construction Permit”.
8. The Groundwater Quality Program also desires, recommends and requests that the Water Management Board recommend that the Secretary of DENR conditional issue a “Groundwater Discharge Permit” to Powertech (USA), Inc.
9. The conditions which the Groundwater Quality Program recommends be placed on the “Groundwater Discharge Plan” and its associated permits issued to Powertech (USA), Inc. are attached hereto as Exhibit A, and incorporated herein as if fully set out.
10. These conditions and recommendations were based upon the application materials and other submissions by Powertech (USA), Inc. and the analysis and the extensive procedural and substantive review performed by the DENR on the application materials and other submissions, on the statutes and regulations involved, and on other materials and documents on which DENR relies in the course of execution of its duties and responsibilities.

Dated this 30<sup>th</sup> day of January, 2013.



---

Roxanne Giedd  
Deputy Attorney General  
Chief, Civil Litigation Division  
Attorney General's Office  
1302 East Highway 14, Suite 1  
Pierre, SD 57501  
*Counsel for Groundwater Quality Program, DENR.*



**ATTACHMENT 4**  
**GWD 1-13 POWERTECH DEWEY-BURDOCK CONDITIONS**  
**FOR THE LAND APPLICATION DISPOSAL SYSTEM**  
December 12, 2012

1. The Ground Water Discharge Plan application, along with any amendments and technical revisions shall become part of these conditions, with the exception of those items specifically added, deleted, or amended in these conditions to the plan. The plan consists of a construction permit, ground water quality variance and a ground water discharge permit.
2. The plan is not effective until all other related state, federal and local permits and licenses that are required for operations are obtained.
3. Land application of liquid wastes may not occur if sufficient capacity is available to dispose of the liquid wastes via Class V UIC well(s) permitted through the United States Environmental Protection Agency. If insufficient Class V UIC capacity is available as determined by Powertech and demonstrated to the Department, the excess treated liquid wastes may be disposed via the land application system in accordance with the ground water discharge plan and conditions. (Refer to Section 1.0 of the ground water discharge plan, submitted on March 9, 2012.) Prior to commencing land application, Powertech shall provide written notification to the department.
4. The application rate at the land application sites shall be controlled so as to prevent any surface runoff of the effluent. Powertech must ensure the application rate does not cause water to accumulate in the catchment areas or excessive ponding in the land application areas during normal operations (i.e., dry conditions). To prevent ground saturation and runoff, no application is permitted during periods of heavy or prolonged precipitation. Land application may not take place when ground or soil conditions are frozen or covered with snow or ice, or will result in the land application water freezing at the surface. Any runoff leaving the catchment areas would be a violation of surface water rules and would require a separate surface water discharge permit. The land application equipment shall, to the extent feasible, be installed and operated in such a manner as to minimize wind drift of the effluent and formation of aerosols.
5. Leaks, spills or other releases from the well fields, Class V UIC well(s), processing facilities, ponds or associated appurtenances, and fertilizer applied at rates greater than recommended by the manufacturer or the South Dakota Department of Agriculture for agronomic purposes, do not constitute permitted discharges under the ground water discharge plan, and must be remediated to applicable state law, rules and standards.
6. The permitted allowable limit (PAL) for each of the parameters of concern must not be exceeded at the compliance points, and are set at the South Dakota Ground Water Quality Standard (ARSD 74:54:01:04)\*\*. For natural ambient concentrations that exceed the Standard, the PAL shall be set at the ambient concentration as outlined in the chart below. Permitted allowable limits will be updated once prior to land application operation in accordance with ARSD 74:54:02:18 and condition 7 to reflect natural variations in ground water quality.

	TDS	Sulfate	Chloride	Uranium (dissolved)	Gross Alpha	Radon
BC-1	3727 mg/L	2346 mg/L	250 mg/L	0.086 mg/L	76.61 pCi/L	1883 pCi/L
BC-2	3904 mg/L	2488 mg/L	250 mg/L	0.03 mg/L	24.8 pCi/L	2766 pCi/L
BC-3	3175 mg/L	2009 mg/L	250 mg/L	0.03 mg/L	30.7 pCi/L	1765 pCi/L
DC-1	6413 mg/L	4130 mg/L	250 mg/L	0.041mg/L	24.5 pCi/L	1962 pCi/L
DC-2	4646 mg/L	2129 mg/L	847 mg/L	0.03 mg/L	17.5 pCi/L	2132 pCi/L
DC-3*	11234 mg/L*	7508 mg/L*	822 mg/L*	0.03 mg/L*	21.2 pCi/L*	4478 pCi/L*
DC-4	11462 mg/L	7600 mg/L	250 mg/L	0.03 mg/L	25.9 pCi/L	4747 pCi/L

\* For compliance wells that are dry or contain insufficient water to collect at least three ambient samples, the ambient concentration for determining PALs shall be established as the arithmetic mean plus one standard deviation of the sample data from the two nearest alluvial wells. For DC-3, these wells are DC-2 and DC-4.

\*\* If the gross beta concentration, excluding naturally occurring potassium-40, is less than 50 pCi/L, gross beta will be considered in compliance with the ground water quality standard. If the concentration exceeds 50 pCi/L, then Powertech will analyze specific concentrations of beta particles and convert the concentrations from pCi/L to mrem/yr using the conversion tables in EPA 816-F-00-002 (March 2002), Appendix I.

7. Following the four months of ambient ground water monitoring as required by ARSD 74:54:02:18, Powertech will continue to collect monthly ground water samples from applicable wells for a total period of one year (eight months beyond initial four month ambient sampling period) and quarterly groundwater samples thereafter until mining commences. Thereafter regular sampling will be conducted in accordance with the monitoring plan outlined in Section 6 of the plan application. All samples collected prior to initial mining or land application will be used to update ambient ground water quality to reflect natural fluctuations in concentrations at that time. The arithmetic mean plus one standard deviation of the sample data shall represent the ambient concentrations for each of the parameters of concern. Subsequently, applicable permitted allowable limits will be updated in accordance with ARSD 74:54:02:18.
8. The ground water compliance monitoring points are: BC-1, BC-2, BC-3, DC-1, DC-2, DC-3 and DC-4. The compliance points are to be sampled in accordance with the monitoring plan outlined in Section 6 of the plan application. Monitoring results shall be submitted to the Ground Water Quality Program of the Department of Environment and Natural Resources within 10 days after Powertech's receipt from the laboratory.
9. Effluent shall not be applied with radionuclide concentrations above South Dakota Ground Water Quality Standards (ARSD 74:54:01:04, Table One) unless ambient alluvial radionuclide concentrations are above the standard. For radionuclides not listed in ARSD 74:54:01:04, Table One, effluent limits shall be set at the 10 CFR 20, Appendix B, Table 2, Column 2 limits as listed in the following table. Alluvial ambient for effluent limit determination is the arithmetic mean of all ambient based PALs for each radionuclide in the compliance point wells at each POP zone.

	SD ARSD 74:54:01:04	10 CFR 20, Appendix B
Beta particle and photon radioactivity (from man-made radionuclides)	4 mrem/yr <sup>3</sup>	N/A
Gross alpha particle activity, excluding radon and uranium	15 pCi/l	N/A
Radium (combined 226 and 228)	5 pCi/l <sup>1</sup>	N/A <sup>1</sup>
Radium 226	N/A <sup>1</sup>	60 pCi/l <sup>1</sup>
Radium 228	N/A <sup>1</sup>	60 pCi/l <sup>1</sup>
Radon	300 pCi/l	N/A
Uranium	0.03 mg/l <sup>2</sup>	300 pCi/l <sup>2</sup>
Lead-210	N/A	10 pCi/l
Polonium-210	N/A	40 pCi/l
Thorium-230	N/A	100 pCi/l

<sup>1</sup>Effluent is required to meet ARSD 74:54:01:04 for combined radium 226 and 228. If the alluvial ambient is above the standard of 5 pCi/l for either radium 226 or 228, the limits shall be separated and the alluvial ambient for each parameter shall be the effluent limits. No individual effluent limit will be set below the standard of 5 pCi/l. If the alluvial ambient is higher than the corresponding 10 CFR 20, Appendix B limit of 60 pCi/l, the effluent limit shall be 60 pCi/l.

<sup>2</sup>Uranium concentrations must meet both ARSD 74:54:01:04 ground water quality standard of 0.03 mg/l (or ambient) and 10 CFR 20, Appendix B limit of 300 pCi/l.

<sup>3</sup>If the gross beta concentration excluding naturally occurring potassium-40 is less than 50 pCi/L, the effluent will be deemed to be in compliance with the ground water quality standard. If the concentration exceeds 50 pCi/L, then Powertech will analyze specific concentrations of beta particles and convert the concentrations from pCi/L to mrem/yr using the conversion tables in EPA 816-F-00-002 (March 2002), Appendix I.

10. Soil samples are to be collected annually each fall from each of the land application pivot areas active during that year and analyzed for the parameters listed in Table 6.4-1 (updated August 2012) of the Plan application, with the addition of radium 228.
11. If monitoring shows extreme variability or unpredictability in analytical results, or if the reliability of the monitoring program or the parameters monitored are inappropriate or inadequate, the Department may require Powertech to submit a revised monitoring and treatment program to correct the identified deficiencies for Department review and approval.
12. In addition to the parameters listed in Table 6.2-2 of the Plan application, operational stream sampling shall include: total dissolved solids (TDS), total suspended solids (TSS), hardness, chloride, sulfate, arsenic, cadmium, chromium and selenium. Unless noted, the parameters are to be analyzed as dissolved. If monitoring on Beaver or Pass Creeks show sufficient variability between upgradient and downgradient monitoring sites that could indicate potential influence from the land application systems, Powertech shall immediately begin investigating and develop and implement a mitigation and remediation plan.
13. Prior to initiation of land application for the season, the effluent must be sampled by Powertech and analyzed for the parameters listed in Tables 6.1-3 (updated August 2012) and

6.3-1 of the Plan application, with the addition of radium 228. Powertech shall notify the Department at least 72 hours prior to the initiation of land application to provide the Department opportunity to take effluent samples for chemical characterization. Following initiation of land application for each season, the effluent will be sampled monthly in accordance with the Monitoring Plan (Section 6) of the Plan application until land application ceases for each season. The Department may conduct duplicate sampling during any regular sampling event and during the annual audit.

14. One to two monitoring well(s) shall be installed in each POP zone near the ponds in order to aid in differentiating potential impacts from the land application system verses potential leaks from the ponds. These wells are to be monitored on the same schedule as the interior monitoring wells outlined in Section 6 of the plan application. Should monitoring in these wells indicate leakage from the ponds could be influencing water quality in the POP zone, Powertech shall submit to the Department an investigative plan to determine the extent and magnitude of this influence and possible remediation options as required by condition 5.
15. Should the water quality in interior monitor wells indicate an increasing trend in constituent concentrations that could potentially trigger a permit limit violation at a compliance well, Powertech will implement a contingency plan as outlined in Section 8 of the Plan application.
16. In accordance with ARSD 74:54:02:23(4) the Department is authorized to approve technical revisions to a ground water discharge facility without the requirement of a permit modification or renewal. Such technical revisions include the following:
  - a. Monitoring plans or parameters;
  - b. Plans and specifications for permitted facilities;
  - c. Reasonable changes to the quality of discharged waste;
  - d. Reasonable changes in volume of discharged waste;
  - e. Quality control and quality assurance plans;
  - f. Any other changes that will not result in the degradation of the ground water above the South Dakota Water Quality Standards.

Technical revisions must be submitted to the Department in writing. The Department shall either approve, disapprove, conditionally approve, or request additional information within 30 days after receipt.

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF WATER )  
PERMIT APPLICATIONS 2685-2 )  
and 2686-2, Powertech (USA), )  
Inc. )

CERTIFICATE OF SERVICE

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

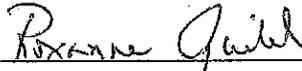
The undersigned hereby certifies that true and correct copies of the:  
Appointment of Prehearing Chairman; Appointment of Water Management  
Board to Conduct Evidentiary Hearing; Notice of Hearing on Groundwater  
Discharge Plan Application; Motion to Consolidate and Motion for Procedural  
Order (with Proposed Procedural Order and Election of Participation form);  
Notice of Procedural Hearing (Prehearing Conference); and Answer of DENR  
Groundwater Discharge Program; in *In the Matter of Water Permit Applications  
2685-2 and 2686-2* and/or *In the Matter of 2012 Groundwater Discharge Plan  
Application Submitted by Powertech (USA), Inc.* were served upon the following  
persons:

Eric Gronlund  
DENR  
Foss Building  
523 E. Capitol Ave.  
Pierre, SD 57501-3182

Jeffrey P. Hallem  
Attorney General's Office  
1302 E. Hwy. 14, Ste. 1  
Pierre, SD 57501

Everett Hoyt  
4422 Carriage Hills Drive  
Rapid City SD 57702

, and upon each of the persons shown in the attached lists on this 30<sup>th</sup> day of  
January 2013 by First Class Mail, postage pre-paid.



---

Roxanne Giedd  
Deputy Attorney General  
Chief, Civil Litigation Division  
Attorney General's Office  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Applicant:  
Powertech(USA)Inc.  
Richard Blubaugh  
5575 DTC Parkway # 140  
Greenwood Village CO 80111

Represented by:  
Max Main  
Bennett Main & Gubbrud  
618 State St  
Belle Fourche SD 57717

**Petitioners:**

Angela R Jarding  
Mike Jarding  
27201 Valley Rd  
Hot Springs, SD 57747

William Ing  
1446 Evanston Ave  
Hot Springs, SD 57747

Gail M Soave  
14249 Lyons St  
Livonia, MI 48154

Don Kelley  
Kim Kelley  
12637 Merritt-Estes Rd  
Deadwood, SD 57732

Jerry Bloomer  
2146 Minnekahta Ave  
Hot Springs, SD 57747

Virginia Panarella  
26979 SD HWY 89  
Hot Springs, SD 57747-6002

Mary Kay Carle  
5821 Michael Ct  
St Cloud, MN 56303

Kathryn Weller  
Jennifer Lena  
8812 Dunsmore Rd  
Rapid City, SD 57702

Cindy Rowe  
Cheryl A Rowe  
Roger Rowe  
7950 Dark Canyon Rd  
Rapid City, SD 57702

Judith R Van Cleave  
7711 Dark Canyon Rd  
Rapid City, SD 57702

Marsha Seabolt  
4435 Dolphin  
Rapid City, SD 57701

Cindy Powell  
1637 38<sup>th</sup> St  
Rapid City, SD 57702

Sandra Woodard  
PO Box 533  
Oglaga, SD 57764-0533

Susan Hey  
312 N 40<sup>th</sup> St  
Rapid City, SD 57702

John E Larson  
10374 Dryland Dr  
Edgemont, SD 57735

Dallas Keiswetter  
Bonnie Keiswetter  
12899 Sapphire Ln  
Hot Springs, SD 57747

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Judy Gaalswyk  
912 9<sup>th</sup> St  
Rapid City, SD 57701

Michael O'Rourke  
4513 Leo Dr #4  
Madison, WI 53716

Beth Audette  
1929 Evergreen Dr  
Rapid City, SD 57702

Sister Gabriella Crowley  
720 W Wiswall Place  
Sioux Falls, SD 57105

Gena Parkhurst  
PO Box 1914  
Rapid City, SD 57709

Mark Mason  
1161 Deadwood Ave #3  
Rapid City, SD 57702

Anna K Ball  
Po Box 46  
Piedmont, SD 57769

Ronald Fischer  
711 6<sup>th</sup> Ave E  
Mobridge, SD 57601

Charlene J Smith  
PO Box 481  
Rapid City, SD 57709

Eloise Kaneshiro  
Gwen E Kaneshiro  
1446 Evanston Ave  
Hot Springs, SD 57747

Shawntera Kennedy  
Corey Kennedy  
140 Adonia Lane  
Rapid City, SD 57701

Larry Tegantvoort  
10041 Ventura Ln  
Summerset, SD 57718

Bill Walsh  
7450 Dark Canyon Rd  
Rapid City, SD 57702

Rick Good Voice Flute  
Katherine L. Montague  
1216 Wambli Dr  
Rapid City, SD 57701

James R. McGrath  
Daria McGrath  
8403 Pioneer Circle  
Rapid City, SD 57702

Karen Pettigrew  
1203 St Cloud St  
Rapid City, SD 57701

Bette Wilkinson  
3718 Redwood St  
Rapid City, SD 57701

Kenneth D Anderson  
24035 Palmer Gulch Rd  
Hill City, SD 57745

Charleton T Reynar  
Antoinette Reyner  
28025 Cascade Rd  
Hot Springs, SD 57747

LaVella Birkland  
Jay Birkland  
301 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Stanley T Keys  
6595 Dark Canyon Rd  
Rapid City, SD 57702

Mark Boddicker  
13850 Battle Creek Rd  
Hermosa, SD 57744

Jeremy A Horton  
Roger Horton  
Jo Beth Troxel  
PO Box 629  
Edgemont, SD 57735

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

James L Olson  
Rev. Jodi Olson  
12350 Beaver Den Dr  
Custer, SD 57730

Regina A Koch  
515 N 1<sup>st</sup> St #1  
Rapid City, SD 57701

Julia Woodard  
Brandon Bad Wound  
639 Pahasapa Rd  
Rapid City, SD 57701

Dahl H McLean  
11853 Acorn Ridge Rd  
Spearfish, SD 57783

Cheryl Jarding  
John B Jarding  
202 E Nebraska St  
Rapid City, SD 57701

Marvin Kammerer  
22198 Elk Vale Rd  
Rapid City, SD 57701

Carol Merwin  
Carol Meson  
2247 Cedar Dr  
Rapid City, SD 57702

Irene Fandrich  
301 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Adrian Forette III  
119 S. Berrypine Rd.  
Rapid City, SD 57702-1911

Karen N Miller  
3119 Turtle Creek Ct  
Rapid City, SD 57703

Kim Alarie  
840 Spruce St Lot 320  
Rapid City, SD 57701

Jeremy Smith  
287 Evans Lane  
Spearfish, SD 57783

Patricia Jenkins  
284 Evans Lane  
Spearfish, SD 57783

Patricia E Ohliger  
Eileen Ohliger  
446 S 5<sup>th</sup> St  
Hot Springs, SD 57747

Annabelle Between Lodge  
PO Box 118  
Oglala, SD 57764

Anne Fields, Ph.D.  
2415 Amberbrooke Ln.  
Grayson, GA 30017

Barbara Sharp  
445 S 3<sup>rd</sup> St  
Hot Springs, SD 57747

Cynthia Messenger  
12750 Merchen Rd #18  
Hot Springs, SD 57747

Robin Wynia  
12750 Merchen Rd  
Hot Springs, SD 57747

Robert Lee  
338 S 5<sup>th</sup> St  
Hot Springs, SD 57747

Valerie J Naylor  
23201 Custer Trails Rd  
Rapid City, SD 57702

Jean Nachtigall  
12746 Country Rd  
Hot Springs, SD 57747

Linda M Styger  
11962 Sundance Dr  
Hot Springs, SD 57747

Debra J Weishaupl  
110 N 3<sup>rd</sup> St  
Hot Springs, SD 57747

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Karla R LaRive  
839 Almond St  
Hot Springs, SD 57747

Elray Rosaaen  
Twyla Amiotte  
PO Box 125  
Buffalo Gap SD 57722

Alan Walker  
303 Ceclea St  
Buffalo Gap, SD 57722

Jerry Simunter  
22769 Jenny Rd  
Hot Springs, SD 57747

Glen Graves  
George Ann Graves  
304 4<sup>th</sup> St  
Buffalo Gap, SD 57722

Joe W Montgomery  
210 Pine St  
Buffalo Gap, SD 57722

Luella J Hicks  
PO Box 144  
Buffalo Gap, SD 57722

Heather J Besco  
PO Box 82  
Buffalo Gap, SD 57722

Sharon & Alex Christie  
PO Box 74  
209 N 2<sup>nd</sup> St  
Buffalo Gap, SD 57722

Billy Jack McLaughlin  
PO Box 25  
Buffalo Gap, SD 57722

Laurence & Margaret Lamont  
PO Box 53  
Buffalo Gap, SD 57722

Susan R Henderson  
11507 HWY 471  
Edgemont, SD 57735

Brenda Gamache  
2337 Wilson Ave  
Hot Springs, SD 57747

Mary Ellen Uptain  
Douglas Uptain  
3213 W Main #112  
Rapid City, SD 57702

Linda L Smith  
947 S Chicago St  
Hot Springs, SD 57747

Bernard & Laurie Barnaud  
12129 Sagebrush Rd  
Nisland, SD 57762

Rebecca Michele Lord  
PO Box 952  
Hill City, SD 57745-0952

Judith A Joba  
3463 Elk Creek  
Piedmont, SD 57769

Frank J Kloucek  
2966 423<sup>rd</sup> Ave  
Scotland, SD 57059

Jon Fair  
Cheryl Fair  
12909 Sheps Canyon Rd  
Hot Springs, SD 57747

Barbara Cromwell  
2313 Cruz Dr  
Rapid City, SD 57702

Alison Swan  
703 N River St  
Hot Springs, SD 57747

Margaret Mary Keogh  
1851 City Springs Rd  
Rapid City, SD 57702-9602

Sudhi Baumberger  
12374 Baumberger Rd  
Deadwood, SD 57732

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Therese Marie Furois  
1851 City Springs Rd  
Rapid City, SD 57702

Francis Dicesare  
1501 11<sup>th</sup> St  
Rapid City, SD 57701

Jerri Baker  
Terri Baker  
705 N River St  
Hot Springs, SD 57747

Shirley Lautenschlager  
Robert Lautenschlager  
3507 Idlewild Ct  
Rapid City, SD 57702

Donna M Fischer  
12311 Whitetail Rd  
Deadwood, SD 57732

Bruce Ellison  
Law Office of Bruce Ellison  
PO Box 2508  
328 East NY St  
Rapid City, SD 57709

Lorna Jost  
21939 464<sup>th</sup> Ave  
Volga, SD 57071

Kathy Durrum  
10374 Dry Land Dr  
Edgemont, SD 57735

Ray Gellerman  
12349 Moss Rock Lane  
Custer, SD 57730

Dr. Suzan Nolan  
1164 Lookout Ln  
Rapid City, SD 57701

Mary R Burrows  
2309 Wilson Ave  
Hot Springs, SD 57747

Clifford H. Heinzen  
Virginia M Heinzen  
Kip Heinzen  
309 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Katie Roseland  
5811 Gemini St  
Rapid City, SD 57703

Mary Goulet  
338 S 5<sup>th</sup> St  
Hot Springs, SD 57747

Georgia Holmes  
838 Birch  
Hot Springs, SD 57747

Nancy C Magnuson  
PO Box 54  
Buffalo Gap, SD 57722

Elaine Noyers  
4104 Lakeview Dr  
Rapid City, SD 57702

M. Engle  
T. Engle  
115 Scott St  
Edgemont, SD 57735

Susan W Watt  
PO Box 790  
12163 Highland Rd.  
Hot Springs, SD 57747

B.R. Brygider  
104 Tulliamore Rd  
Gdn. City, NY 11530-2512

Dayton O Hyde  
Black Hills Wild Horse Sanctuary  
PO Box 932  
12165 Highland Rd  
Hot Springs, SD 57747

Lillas C Jarding  
PO Box 591  
Rapid City, SD 57709

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Charmaine White Face  
Defenders of the Black Hills  
He Sapa O'nakijin  
PO Box 2003  
Rapid City, SD 57709

Tom Emanuel  
South Dakota Peace & Justice Center  
19 N Pine St  
Vermillion, SD 57069  
Jeremiah J Davis  
130 E Centennial  
Rapid City, SD 57701

Sabrina King  
14705 Harter Ct  
Piedmont, SD 57769

Gary E Heckenlaible  
PO Box 422  
Rapid City, SD 57709

Shirley Frederick  
3411 Idlewild Ct  
Rapid City, SD 57702

Lilias C Jones-Jarding  
418 N 44<sup>th</sup> St  
Rapid City, SD 57702

Robert V Shannon  
24705 Timber Ridge Road  
Hermosa, SD 57744

Dennis & Penny Kouckles  
12484 Willow Creek Rd  
Custer, SD 57730

Angelia Baldwin  
PO Box 191  
307 3<sup>rd</sup> St  
Pierpont, SD 57468

Sarah Peterson  
510 Jennings  
Hot Springs, SD 57747

Rick Summerville  
Rebecca R Leas, Ph. D.  
6509 Seminole Lane  
Rapid City, SD 57702

Valerie A Parker, MD  
4814 Cliff Dr  
Rapid City, SD 57702

Mike Linderman  
446 Battle Mtn. Ave  
Hot Springs, SD 57747

Donald L Ackerman  
27128 Wonderland Rd  
Hot Springs, SD 57747

Rick Rewe  
28149 Shep's Canyon Rd  
Hot Springs, SD 57747

Rick Britton  
PO Box 53  
Hot Springs, SD 57747

Mary Solway  
Jason Solway  
910 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Hannah Bochert  
Sherman St  
Hot Springs, SD 57747

Bonnie Manity  
545 N River #313  
Hot Springs, SD 57747

Elton Zornes  
12742 HWY 18  
Hot Springs, SD 57747

Jana Firkins  
244 Galveston Ave  
Hot Springs, SD 57747

Russ Sisk  
12619 Brooke Canyon Rd  
Hot Springs, SD 57747

Alica  
Madeline Ortego  
PO Box 861  
Pine Ridge, SD 57773

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Frank Ruther  
545 N River St #413  
Hot Springs, SD 57747

Wendolyn Weimers  
306 N 19<sup>th</sup> St  
Hot Springs, SD 57747

Lisa Masterson  
445 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Margaret Ikonen  
28612 W South Shore Rd  
Hot Springs, SD 57747

Charles Cox  
2307 Jennings Ave  
Hot Springs, SD 57747

Susan Malewke  
545 N River St #401  
Hot Springs, SD 57747

Resident  
12560 Beaver Creek Rd  
Hot Springs, SD 57747

Rosie Elmore  
PO Box 886  
Hot Springs, SD 57747

Kristen Wilder  
506 Jennings Ave  
Hot Springs, SD 57747

Chris Pierce  
101 N Chicago  
Hot Springs, SD 57747

Amber Gill  
718 Harney  
Custer, SD 57730

Jason Nachtigall  
12749 County Rd  
Hot Springs, SD 57747

Stacy Reetz  
546 Jennings Ave  
Hot Springs, SD 57747

Glenn Mushaney  
PO Box 272  
Hot Springs, SD 57747

Grant Rush  
PO Box 712  
Hot Springs, SD 57747

Wade Evans  
27338 Taylor Ln  
Hot Springs, SD 57747

Betty Russell  
PO Box 836  
Hot Springs, SD 57747

Richard Stone  
12959 Buffalo Circle  
Hot Springs, SD 57747

Pam Ludweg  
810 Gordon  
Custer, SD 57730

Terry Johnson  
26680 Buffalo Butte Dr.  
Hot Springs, SD 57747

Darla Stevens  
1622 Evanston  
Hot Springs, SD 57747

Ellen Heafner  
504 S 19<sup>th</sup>  
Hot Springs, SD 57747

Russell D Witte  
301 S Chicago  
Hot Springs, SD 57747

Richard Nowlan  
202 Dakota St  
Hot Springs, SD 57747

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Dawn Johnson  
PO Box 1123  
Hot Springs, SD 57747

Barbara Walter  
545 N River St  
Apt #503  
Hot Springs, SD 57747

May Gozelet  
338 S River St  
Hot Springs, SD 57747

Jody McKean  
Jim McKean  
27317 Hidden Ct  
Hot Springs, SD 57747

Rube D.  
104 Jefferson St  
Edgemont, SD 57735

Judy Gaalaugh  
912 9<sup>th</sup> St  
Rapid City, SD 57701

Connlann Schochzented  
Connie Schwarzenbach  
John Schwarzenbach  
2229 Minnekahta Ave  
Hot Springs, SD 57747

Otis Osborn  
523 St Francis St  
Rapid City, SD 57701

Jacqueline Arpen  
2004 Maple Ave  
Rapid City, SD 57701

Lexxie & Steve Meyer  
13050 Lakeview Dr  
Hot Springs, SD 57747

Phil Heckman  
Juli Ames-Curtis  
11936 Hay Creek Rd  
Custer SD 57702

Susan Stareck  
PO Box 686  
Hot Springs, SD 57747

Cindy Brunson  
11122 Fort Igloo Rd  
Edgemont, SD 57735

Ed Harvey  
Edward Harvey  
1545 Albany Ave  
Hot Springs, SD 57747

Forest and Andy Johnson  
610 Nellie Lane  
Spearfish, SD 57783

Jeanie Tiff  
2342 Willson Ave  
Hot Springs, SD 57747

Sandra Woodward  
PO Box 533  
Oglala, SD 57764-0533

Karla Larive  
PO Box 752  
Hot Springs, SD 57747

Dale Steineke  
13130 Greg Dr  
Hot Springs, SD 57747

Peggy Detmers  
Joel Detmers  
13488 Shelter Dr  
Rapid City, SD 57702

Rodney Knudson  
PO Box 25  
Hulett, WY 85720

Jenna Shaw  
J&M Shaw  
12083 Beardsley Dr  
Hot Springs, SD 57747

Jillian Anawaty  
Dakota Rural Action  
2804 Willow Ave  
Rapid City, SD 57701

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Marsha Miller  
27316 Hidden Ct  
Hot Springs, SD 57747

Carrie Regelin  
2312 Serten Ave  
Rapid City, SD 57701

Jim Peterson  
1203 11<sup>th</sup> St  
Rapid City, SD 57701

George J. Corrigan  
446 S 5<sup>th</sup> St  
Hot Springs, SD 57747

Harold Arns  
22723 Tawney Ct  
Box Elder, SD 57719

Wally Cain  
690 S 6<sup>th</sup> St  
Hot Springs, SD 57747

Debra White Plume  
PO Box 71  
Manderson, SD 57756

Rick Draeger  
617 St Cloud  
Rapid City, SD 57701

Teresa Daiss  
Niklaus Towne  
28423 Old HWY 79  
Hot Springs, SD 57747

Matie Tyson  
2508 Crown Hill  
Rapid City, SD 57702

Greg Langer  
PO Box 141  
Buffalo Gap, SD 57722

Leora Drapper  
Joe Drapper  
13174 Fall River Rd  
Hot Springs, SD 57747

Diane Gross  
PO Box 389  
Hot Springs, SD 57747

Lisa Freshour  
2045 Canton Ave #535  
Hot Springs, SD 57747

Angie Balwin  
PO Box 191  
Pierpont, SD 57468

Betty Runzerel  
PO Box 836  
Hot Springs, SD 57747

Mary Boots  
Wayne Boots  
Ray Boots  
25588 Mt Shadow Rd  
Edgemont, SD 57735

Mary Helen Pederson  
PO Box 646  
Hot Springs, SD 57747

Jesse Grant  
1938 Detroit Ave  
Hot Springs, SD 57747

Ashley Fempson  
PO Box 587  
Hot Springs, SD 57747

Carla R. Marshall  
PO Box 3184  
Rapid City, SD 57709

Lila Streff  
12379 Beaver Den Dr  
Custer, SD 57730

Jeannie Fine  
Gardner & Lynn Gray  
PO Box 153  
Pringle, SD 57773

Interested Persons List for Ground Water Quality Plan 1-13-Powertech USA, Inc.

Maxine Jensen  
Donald Jensen  
806 Galveston  
Hot Springs, SD 57747

Keliee Walter  
Jason Parker  
1005 S River St  
Hot Springs, SD 57747

Kendra Dexter  
Ross Dexter  
23278 Pebble Ct  
Hot Springs, SD 57747

Dianna Jensen  
27999 Cascade Rd  
Hot Springs, SD 57747

Gerald Blidooe  
27635 View Rd  
Oral, SD 57766

Gary A McDowell  
107 South St Apt B  
Rapid City, SD 57701

Parties of Record List for Water Permit No. 2685-2 & 2586-2 – Powertech (USA) Inc

Applicant:

Powertech(USA)Inc.  
Richard Blubaugh  
5575 DTC Parkway # 140  
Greenwood Village CO 80111

Represented by:

Max Main  
Bennett Main & Gubbrud  
618 State St  
Belle Fourche SD 57717

Petitioners:

Dewane Stearns  
11500 Indian Canyon Rd  
Edgemont SD 57735

Jeremiah J Davis  
130 E Centennial  
Rapid City SD 57701

Tom Emanuel  
19 Pine St  
Vermillion SD 57069

Defenders of the Black Hills  
Charmaine White Face  
PO Box 2003  
Rapid City SD 57709

National Park Service-Water Resource Division  
William R Hansen  
1201 Oakridge Dr # 250  
Fort Collins CO 80525

Mark Tubbs  
10891 River Rd  
Edgemont SD 57735

Susan Henderson  
11507 Hwy 471  
Edgemont SD 57735

Jerri Baker  
705 N River St  
Hot Springs SD 57747

Bruce Ellison  
PO Box 2508  
Rapid City SD 57709

City of Hot Springs  
Don De Vries  
303 N River Rd  
Hot Springs SD 57747

Mark & Jennifer Belitz  
28233 Cascade Rd  
Hot Springs SD 57747

Rebecca R Leas Ph D  
6509 Seminole Lane  
Rapid City SD 57702

Cindy Brunson  
11122 Fort Igloo Rd  
Edgemont SD 57735

Barbara Cromwell  
2313 Cruz Dr  
Rapid City SD 57702

Parties of Record List for Water Permit No. 2685-2 & 2586-2 -- Powertech (USA) Inc

Donald H Kelley MD  
12637 Merritt Estes Rd  
Deadwood SD 57732

Karl W. Bothul  
338 S 17<sup>th</sup>  
Hot Springs SD 57747

Marvin Kammerer  
22198 Elk Vale Rd  
Rapid City SD 57701

Linda Pirales  
606 S River  
Hot Springs SD 57747

Larry & Doris Belitz  
12747 Oak Road  
Hot Springs SD 57747

Neal Miller  
486 Almond St  
Hot Springs SD 57747

Gena M Parkhurst  
PO Box 1914  
Rapid City SD 57709

Jewell Keown  
410 S 4<sup>th</sup> St  
Hot Springs SD 57747

Lilias Jarding  
418 N 44<sup>th</sup> St  
Rapid City SD 57702

Barbara Sharp  
445 S 3<sup>rd</sup>  
Hot Springs SD 57747

Jillian Anawaty  
2804 Willow Ave  
Rapid City SD 57701

Mary Goulet  
338 S 5<sup>th</sup> St  
Hot Springs SD 57747

Sabrina King  
14705 Halter Court  
Piedmont SD 57767

Dorothy Richards  
340 N 23<sup>rd</sup> St  
Hot Springs SD 57747

Gary Heckenlible  
PO Box 422  
Rapid City SD 57709

Raymond Palmer  
27221 Windy Rd  
Hot Springs SD 57747

SD Dept. of Game Fish & Parks  
Leslie Murphy – Sr Biologist  
523 E. Capitol Ave  
Pierre SD 57501

Jerry Bloomer  
2146 Minnekahta  
Hot Springs SD 57747

Edward H Binns  
408 N 17<sup>th</sup> St  
Hot Springs SD 57747

William Ing & Eloise Kaneshiro  
1446 Evanston Ave  
Hot Springs SD 57747

Fall River County Commission  
Michael P Ortner - Chairman  
906 N River St  
Hot Springs SD 57747

Peggy Semler  
PO Box 27  
Hot Springs SD 57747

Casey Neugebauer  
27552 S Buffalo Gap Rd  
Oral SD 57766

Parties of Record List for Water Permit No. 2685-2 & 2586-2 – Powertech (USA) Inc

Mel Pence  
2330 Washington Ave  
Hot Springs SD 57747

Louise Kursave  
27275 SD Hwy 79  
Buffalo Gap SD 57722

Betty Welch  
PO Box 14  
Edgemont SD 57735

Rusty Witte  
301 S Chicago  
Hot Springs SD 57747

Lennie Walleen  
446 S 16<sup>th</sup> St  
Hot Springs SD 57747

Dan Jensen  
806 Galveston Ave  
Hot Springs SD 57747

Gary Schweigert  
279 Cascade Rd  
Hot Springs SD 57747

Maura Smith  
306 Joplin # 8  
Hot Springs SD 57747

Kellee Walton  
1005 S River St  
Hot Springs SD 57747

Michelle Sugge  
PO Box 139  
Hot Springs SD 57747

Milli Vong  
333 N River St  
Hot Springs SD 57747

Linda L Smith  
947 S Chicago St  
Hot Springs SD 57747

Jerry & Ronald Baker  
705 N River St  
Hot Springs SD 57747

Jeanie Tiff  
2342 Wilson Ave  
Hot Springs SD 57747

Lyle Jensen  
13167 Fall River Rd  
Hot Springs SD 57747

Lynda Davies  
PO Box 1204  
Hot Springs SD 57747

Brenda Gamache  
2337 Wilson Ave  
Hot Springs SD 57747

Alison Swan  
302 S 16<sup>th</sup> St  
Hot Springs SD 57747

Donald & Bonnie Maritz  
545 N River St #313  
Hot Springs SD 57747

Calvin Larive  
713 N River St  
Hot Springs SD 57747

Sharon Parker  
1913 Jennings Ave  
Hot Springs SD 57747

Robert Lee  
338 S 5<sup>th</sup> St  
Hot Springs SD 57747

Gary Putnam  
204 4<sup>th</sup> Ave  
Edgemont SD 57735

Gary Friendshuh  
27098 Elk Rd  
Buffalo Gap SD 57722

Parties of Record List for Water Permit No. 2685-2 & 2586-2 – Powertech (USA) Inc

Dan Lang  
27564 Ponderosa Rd  
Hot Springs SD 57747

Dayton O Hyde  
PO Box 932  
Hot Springs SD 57747

Susan Watt  
PO Box 790  
Hot Springs SD 57747

Leora & Joe Doppen  
13174 Fall River Rd  
Hot Springs SD 57747

Susan Stolarcek  
PO Box 686  
Hot Springs SD 57747

Trip Williams  
27662 Scenic Rd  
Hot Springs SD 57747

Judith Klein  
238 N 6<sup>th</sup> St  
Hot Springs SD 57747

Craig Romey  
342 N 4<sup>th</sup>  
Hot Springs SD 57747

Michelle Brock  
26846 Hwy 385  
Hot Springs SD 57747

Nancy Blatchford  
441 S 4th Street  
Hot Spring SD 57747

Rich and Jackie Gericke  
305 S 14<sup>th</sup> Street  
Hot Springs SD 57747

Elaine Everhart  
545 N River Street  
Hot Springs SD 57747

Allen Chesson  
545 N River Street  
Hot Springs SD 57747

Gary Friedshuh  
22098 Elk Road  
Buffalo Gap SD 57722

Moses and Ciser Hernandez  
705 N River St  
Hot Springs SD 57747

Sarah and AJ Phillips  
705 N River Street, Apt 1  
Hot Springs SD 57747

Richardo Jacoue ?  
601 Albany Avenue  
Hot Springs SD 57747

Julie and Emily Christensen  
603 N River Street  
Hot Springs SD 57747

Paula Tonemah ?  
306 Thompson  
Hot Springs SD 57747

Lorraine Tucker  
PO Box 1129  
Hot Springs SD 57747

Eddie Berford  
241 Galveston Avenue  
Hot Springs SD 57747

Veronica Herandez  
705 N River St  
Hot Springs SD 57747

DeAnn McComb  
PO Box 254  
Hot Springs SD 57747

Georgiana Cross  
2045 Canton Avenue #530  
Hot Springs SD 57747

Parties of Record List for Water Permit No. 2685-2 & 2586-2 – Powertech (USA) Inc

Karen Yekel  
2455 Minnekahta  
Hot Springs SD 57747

Marion Muhm  
1614 Coldbrook Avenue  
Hot Springs SD 57747

Patricia Hernandez  
246 South 6<sup>th</sup> St, Apt 4  
Hot Springs SD 57747

Miriam and Ken Martin  
801 N River Street  
Hot Springs SD 57747

Jake Haacke  
1026 Evanston Avenue  
Hot Springs SD 57747

Brianna Badure  
PO Box 971  
Hot Springs SD 57747

Rex and Mildred Piper  
12616 Argyle Road  
Hot Springs SD 57747

Jim Red Cloud  
13084 Gray Drive  
Hot Springs SD 57747

J Smith  
2728 Hot Brook  
Hot Springs SD 57747

Steve ?  
2317 Washington  
Hot Springs SD 57747

B J Hunter  
353 Bears Ave  
Hot Springs SD 57747

Jim Johnson  
12569 W Cascade Mt Rd  
Hot Spring SD 57747

Gail Saxonis  
745 Happy Hollow  
Hot Spring SD 57747

Barbara Walter  
545 N River St # 503  
Hot Spring SD 57747

Carolyn Hertel  
27615 Country View Rd  
Hot Spring SD 57747

Gary Miles  
27582 Rathbun Rd  
Hot Spring SD 57747

Niklaus Towne  
28423 Old Hwy 79  
Hot Spring SD 57747

Ray Powell  
2025 Lincoln Ave  
Hot Spring SD 57747

Joe Bassingham  
10985 Pleasant Valley Rd  
Edgemont SD 57735

Joel Hawkins  
504 16<sup>th</sup> St  
Hot Spring SD 57747

Terry Holcomb  
105 S 23<sup>rd</sup> St  
Hot Spring SD 57747

Grady Lockhart  
PO Box 152  
Oelrichs SD 57652

Rose Pettris  
12544 West Cascade Rd  
Hot Spring SD 57747

Parties of Record List for Water Permit No. 2685-2 & 2586-2 – Powertech (USA) Inc

James B Woodward  
PO Box 599  
Wellington CO 80549

Jennie Sotherland  
27735 Cascade Rd  
Hot Springs SD 57747

**LATE FILED**

W Cindy Gillis  
Gonzalez Law Firm  
522 7<sup>th</sup> St # 202  
Rapid City SD 57701