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FEB - 8 2013

WATER RIGHTS  
PROGRAM

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EST. 1908

RETIRED  
DONN BENNETT

February 6, 2013

Eric Gronlund  
DENR - Water Rights Program  
523 East Capitol Ave., Joe Foss Bldg.  
Pierre, SD 57501-3182

**RE: IN THE MATTER OF 2012 GROUND WATER DISCHARGE  
PLAN APPLICATION - POWERTECH (USA) INC.;**  
**Our File No. 4500.035012.**

Dear Eric:

Enclosed for filing in the above-referenced matter is the original of  
POWERTECH'S ANSWER TO PETITIONS TO INITIATE CONTESTED CASE.

Thank you for your assistance.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.



Max Main

MM/ra

Enc.

cc (w/Enc.): Client

Everett Hoyt, Prehearing Chair  
Roxanne Giedd, Deputy Attorney General  
Diane Best, Assistant Attorney General  
Jeffrey Hallem, Assistant Attorney General

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WATER RIGHTS  
PROGRAM

STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
WATER MANAGEMENT BOARD

**IN THE MATTER OF THE 2012  
GROUND WATER DISCHARGE PLAN  
APPLICATION SUBMITTED BY  
POWERTECH (USA) INC.**

**POWERTECH'S  
ANSWER TO PETITIONS  
TO INITIATE  
CONTESTED CASE**

Pursuant to ARSD 74:50:02:04, applicant Powertech (USA) Inc. ("Powertech") answers the petitions to initiate a contested case ("petitions") filed in this matter as follows:

1. Powertech denies each and every allegation, statement and comment in the petitions that are contrary to the approval recommendation of the Secretary of the Department of Environment and Natural Resources in this matter.
2. Powertech's Ground Water Discharge Plan Application (the "Application") is procedurally complete.
3. A water quality variance permit, conditioned as recommended by the Ground Water Quality Program, can be issued to degrade the ambient water quality within the perimeter of operational pollution to the applicable standards, as justified by necessary economic or social development.
4. The implementation of the proposed monitoring plans, conditioned as recommended by the Ground Water Quality Program, is adequate for compliance monitoring to ensure beneficial uses will not be impaired and there will be no hazard to human health.
5. Powertech requests that the Water Management Board conditionally approve Powertech's Application by issuing appropriate water quality variance and ground water discharge facility construction permits, conditioned as recommended by the Ground Water Quality Program.

6. Powertech requests that the Water Management Board recommend that the Secretary of the Department of Environment and Natural Resources issue an appropriate ground water discharge permit to Powertech.

Dated this 6<sup>th</sup> day of February, 2013.

BENNETT, MAIN & GUBBRUD, P.C.  
Attorneys for Powertech

By Max Main  
Max Main  
618 State Street  
Belle Fourche, SD 57717-1489  
Telephone: 605.892.2011

**CERTIFICATE OF SERVICE**

I, MAX MAIN, one of the attorneys for Powertech (USA) Inc., do hereby certify that on February 6<sup>th</sup>, 2013, I caused the original of **POWERTECH'S ANSWER TO PETITIONS TO INITIATE CONTESTED CASE** to be filed as follows:

Eric Gronlund  
DENR – Water Rights Program  
523 East Capitol Ave., Joe Foss Bldg.  
Pierre, SD 57501-3182

and that I caused full, true and complete copies of said document to be served upon the following named persons at their last known mailing addresses, as follows:

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*Also see attached list.*

by depositing the same in the United States Mail in Belle Fourche, South Dakota with first class postage thereon fully prepaid, in envelopes addressed as above.

  
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HOT SPRINGS SD 57747

JUDITH KLEIN  
238 N 6<sup>TH</sup> ST  
HOT SPRINGS SD 57747

MICHELLE BROCK  
26846 HWY 385  
HOT SPRINGS SD 57747

RICH AND JACKIE GERICKE  
305 S 14<sup>TH</sup> STREET  
HOT SPRINGS SD 57747

KAREN YEKEL  
2455 MINNEKAHTA  
HOT SPRINGS SD 57747

PATRICIA HERNANDEZ  
246 SOUTH 6<sup>TH</sup> ST, APT 4  
HOT SPRINGS SD 57747

JAKE HAACKE  
1026 EVANSTON AVENUE  
HOT SPRINGS SD 57747

REX AND MILDRED PIPER  
12616 ARGYLE ROAD  
HOT SPRINGS SD 57747

J SMITH  
2728 HOT BROOK  
HOT SPRINGS SD 57747

MOSES AND CISER HERNANDEZ  
705 N RIVER ST  
HOT SPRINGS SD 57747

RICHARDO JACOUE  
601 ALBANY AVENUE  
HOT SPRINGS SD 57747

PAULA TONEMAH  
306 THOMPSON  
HOT SPRINGS SD 57747

EDDIE BERFORD  
241 GALVESTON AVENUE  
HOT SPRINGS SD 57747

DEANN MCCOMB  
PO BOX 254  
HOT SPRINGS SD 57747

JIM JOHNSON  
12569 W CASCADE MT RD  
HOT SPRINGS SD 57747

GARY MILES  
27582 RATHBUN RD  
HOT SPRINGS SD 57747

RAY POWELL  
2025 LINCOLN AVE  
HOT SPRINGS SD 57747

JOEL HAWKINS  
504 16<sup>TH</sup> ST  
HOT SPRINGS SD 57747

GRADY LOCKHART  
PO BOX 152  
OELRICHS SD 57652

W CINDY GILLIS  
GONZALEZ LAW FIRM  
522 7<sup>TH</sup> ST # 202  
RAPID CITY SD 57701

MARK & JENNIFER BELITZ  
28233 CASCADE RD  
HOT SPRINGS SD 57747

MARK TUBBS  
10891 RIVER RD  
EDGEMONT SD 57735

LARRY & DORIS BELITZ  
12747 OAK ROAD  
HOT SPRINGS SD 57747

CITY OF HOT SPRINGS  
DON DE VRIES  
303 N RIVER RD  
HOT SPRINGS SD 57747

EDWARD H BINNS  
408 N 17<sup>TH</sup> ST  
HOT SPRINGS SD 57747

KARL W BOTHUL  
338 S 17<sup>TH</sup>  
HOT SPRINGS SD 57747

NEAL MILLER  
486 ALMOND ST  
HOT SPRINGS SD 57747

DOROTHY RICHARDS  
340 N 23<sup>RD</sup> ST  
HOT SPRINGS SD 57747

PEGGY SEMLER  
PO BOX 27  
HOT SPRINGS SD 57747

MEL PENCE  
2330 WASHINGTON AVE  
HOT SPRINGS SD 57747

GARY SCHWEIGERT  
279 CASCADE RD  
HOT SPRINGS SD 57747

BETTY WELCH  
PO BOX 14  
EDGEMONT SD 57735

KELLEE WALTON  
1005 S RIVER ST  
HOT SPRINGS SD 57747

MILLI VONG  
333 N RIVER ST  
HOT SPRINGS SD 57747

LYLE JENSEN  
13167 FALL RIVER RD  
HOT SPRINGS SD 57747

LYNDA DAVIES  
PO BOX 1204  
HOT SPRINGS SD 57747

ALISON SWAN  
302 S 16<sup>TH</sup> ST  
HOT SPRINGS SD 57747

CALVIN LARIVE  
713 N RIVER ST  
HOT SPRINGS SD 57747

GARY FRIENDSHUH  
27098 ELK RD  
BUFFALO GAP SD 57722

LEORA & JOE DOPPEN  
13174 FALL RIVER RD  
HOT SPRINGS SD 57747

TRIP WILLIAMS  
27662 SCENIC RD  
HOT SPRINGS SD 57747

CRAIG ROMNEY  
342 N 4<sup>TH</sup>  
HOT SPRINGS SD 57747

NANCY BLATCHFORD  
441 S 4TH STREET  
HOT SPRINGS SD 57747

GEORGIANA CROSS  
2045 CANTON AVENUE #530  
HOT SPRINGS SD 57747

MIRIAM AND KEN MARTIN  
801 N RIVER STREET  
HOT SPRINGS SD 57747

BRIANNA BADURE  
PO BOX 971  
HOT SPRINGS SD 57747

STEVE  
2317 WASHINGTON  
HOT SPRINGS SD 57747

JIM RED CLOUD  
13084 GRAY DRIVE  
HOT SPRINGS SD 57747

SARAH AND AJ PHILLIPS  
705 N RIVER STREET, APT 1  
HOT SPRINGS SD 57747

JULIE AND EMILY CHRISTENSEN  
603 N RIVER STREET  
HOT SPRINGS SD 57747

LORAIN TUCKER  
PO BOX 1129  
HOT SPRINGS SD 57747

VERONICA HERANDEZ  
705 N RIVER ST  
HOT SPRINGS SD 57747

GAIL SAXONIS  
745 HAPPY HOLLOW  
HOT SPRINGS SD 57747

JAMES B WOODWARD  
PO BOX 599  
WELLINGTON CO 80549

JOE BASSINGHAM  
10985 PLEASANT VALLEY RD  
EDGEMONT SD 57735

TERRY HOLCOMB  
105 S 23<sup>RD</sup> ST  
HOT SPRINGS SD 57747

ROSE PETTRIS  
12544 WEST CASCADE RD  
HOT SPRINGS SD 57747

B J HUNTER  
353 BEARS AVE  
HOT SPRINGS SD 57747

MARION MUHM  
1614 COLDBROOK AVENUE  
HOT SPRINGS SD 57747

CINDY BRUNSON  
11122 FORT IGLOO RD  
EDGEMONT, SD 57735

ELAINE EVERHART  
ALLEN CHESSON  
545 N RIVER STREET  
HOT SPRINGS SD 57747

STACY REETZ  
546 JENNINGS AVE  
HOT SPRINGS, SD 57747

END OF LIST