1 PUBLIC HEARING FOR THE
2 DEWEY-BURDOCK UNDERGROUND
3 INJECTION CONTROL DRAFT PERMITS
4 AND PROPOSED AQUIFER EXEMPTION
5
6
7 May 9, 2017
8 1:00 p.m. to 8:00 p.m.
9
10 The Best Western Ramkota Hotel
11 2111 N. LaCrosse Street
12 Rapid City, SD 57701
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1 REGIONAL JUDICIAL OFFICER SUTIN: Good
2 afternoon, everyone. We are going to get
3 started. Thank you. Thank you all for coming
4 today.
5 My name is Elyana Sutin, and I am the
6 Regional Judicial Officer with the Environmental
7 Protection Agency in Denver, Colorado. And I
8 will be chairing the hearing today.
9 In addition to myself, there are other EPA
10 staff here that are helping to assist in making
11 sure everyone has the opportunity to speak today
12 that would like to. So I want to introduce them
13 to you. If you have any questions, you can
14 approach any of them.
15 Douglas Minter is standing in the back.
16 Douglas is the Manager of the Underground
17 Injection Control Unit, Office of Water
18 Protection of EPA.
19 Valois Shea is standing to my right. Valois
20 also works with Douglas in the Underground
21 Injection Unit.

22 Lynne Newton is at the registration desk,

23 and she can help you if you have any questions

24 during the hearing.

25 Lisa Vanderpool-McClain, who is standing at

1 the back of the room next to Douglas, she is our
2 Public Affairs Specialist in the Office of
3 Communications.
4 And then Sisay Ashenafi is also up at the
5 registration table. If you need to speak with
6 him, he is in our -- he is a Community
7 Involvement Specialist.
8 So on March 6, 2017, EPA issued two draft
9 Underground Injection Control, or UIC, area
10 permits to Powertech USA, Inc., for injection
11 activities related to uranium recovery near
12 Edgemont, South Dakota.
13 The draft permits include a UIC Class III
14 area permit for injection wells for the in-situ
15 recovery of uranium, and a UIC Class V area
16 permit for deep injection wells for disposal of
17 treated in-situ recovery process waste fluids.
18 The EPA is also proposing an aquifer
19 exemption approval in connection with the draft
20 UIC Class III area permit.
21 We are here today to listen to your comments

22 on these area permits and aquifer exemption.

23 The public comment period is open until May 19,

24 2017. In addition to this hearing today, there

25 will be two more hearings this week. We have

1 held -- we will have held five in total.
2 The hearing tomorrow, May 10th, will be in
3 Hot Springs, South Dakota at the Mueller Center,
4 and then on May 11th in Edgemont at the
5 St. James Catholic Church. For more information
6 on the time and location addresses, please visit
7 the registration table or EPA's Website.
8 In a moment, Ms. Shea will explain in more
9 detail what was proposed in the notice. But
10 before I turn it over to her, I want to explain
11 a little bit about how today's hearing will
12 work.
13 We will be taking testimony today from 2:00
14 until 5:00. We might stop for a short break, a
15 ten-minute break during that time. And then we
16 will take a break from 5:00 to 6:00, and start
17 again with testimony from 6:00 until 8:00 p.m.
18 tonight.
19 I will call speakers to the microphone here
20 at the front who have filled out a card at the
21 registration table. When it is your turn to

22 speak, please state your name before you begin

23 your testimony.

24 In order to be fair to everyone, we will

25 limit testimony to five minutes each. We will

1 signal to you when you have one minute left to
2 speak, and then when your five minutes has
3 passed, I will ask you to complete your
4 testimony.
5 Please try to be as succinct and on point as
6 you can. If I find that you are straying from
7 the topic at hand, I will interrupt and ask that
8 you please return to the issue before us.
9 If we have time at the end and everyone has
10 had the chance to speak and you have more to say
11 than the five minutes you were given, then I
12 will allow people to get back up and finish
13 their comments.
14 After you finish your testimony, members of
15 the panel may ask clarifying questions. We are
16 not here to explain the basis of the proposal.
17 The notice does that. Nor can we engage in a
18 back-and-forth discussion of the proposal or
19 respond to your comments during this hearing.
20 The purpose of the hearing is to receive
21 your input. We will consider and then respond

22 to all comments received during the hearing as

23 well as -- excuse me.

24 We will consider and respond to all comments

25 received during this hearing, as well as all

1 written comments, in the final permits and
2 aquifer exemption determination. We will not be
3 answering any questions during this hearing, as
4 I stated.
5 We are recording the hearing today, so be
6 assured that your comments will be considered.
7 The court reporter sitting to my left will be
8 preparing a transcript of today's proceeding
9 that will be available for anyone who wants to
10 see it.
11 She is an independent contractor to EPA, so
12 if she is not looking at you while you are
13 speaking, it is because she is intently taking
14 down every word. Valois and I are here to
15 listen directly to your comments.
16 The transcript is part of the record and
17 will be included in the docket for this matter.
18 The docket is where EPA collects materials it
19 considers in its action, including the public
20 comments.
21 The docket is available on the internet for

22 review, or you can view a hard copy in EPA's

23 Denver office. The transcript of the hearing

24 will also be available in the docket.

25 If you have written copies of your

1 testimony, please give a copy to our staff.
2 This will help us as we prepare the transcript.
3 If you have other written comments or
4 supporting documentation, you may leave these at
5 the registration table or with us, and we will
6 make sure they are entered into the docket for
7 this proposed action.
8 You also may submit written comments
9 directly to the docket through May 19th.
10 Instruction for submitting comments can be found
11 at the registration table.
12 Once the final permits are issued and the
13 aquifer exemption determination has been made,
14 anyone who participated in these hearings,
15 either through oral testimony or written
16 comments, has the right to appeal the Agency's
17 decision to the Environmental Appeals Board.
18 I will now ask Ms. Shea to provide you with
19 more information.
20 MS. SHEA: I just want to thank everyone for
21 being here this afternoon and participating in

22 our public hearing. I'm just going to give a

23 brief presentation to go over the more

24 large-scale points of our --

25 AUDIENCE MEMBER: I'm disabled. I don't

1 hear very well. There are probably many people
2 in here that don't hear as well, too. So during
3 this time, if anyone who speaks could speak
4 loudly and clearly, I'd appreciate it.
5 MS. SHEA: Okay. I will do that. Thank
6 you. I know I'm told I don't speak loud enough,
7 so I will now. Okay.
8 So I'm just going to give a brief
9 presentation to give you an overview of the
10 documents we have for your review and to receive
11 comments from you about.
12 I wanted to start with giving you some
13 background on the Underground Injection Control
14 Program. It's authorized under the Safe
15 Drinking Water Act. Our mission is protect
16 underground sources of drinking water from
17 contamination from injection activities through
18 injection wells.
19 I want to give you a definition for
20 underground sources of drinking water from our
21 regulations, which is defined as an aquifer or a

22 portion of an aquifer which supplies any public
23 water supply, or which contains a sufficient
24 quantity of water to supply a public water
25 system, and currently supplies drinking water

1 for human consumption, contains fewer than
2 10,000 milligrams per liter total dissolved
3 solids.
4 The UIC program classifies injection wells
5 into six classes depending on the type of
6 injection activity and the injectate. UIC
7 regulations also allow the EPA to exempt a
8 portion of an underground source of drinking
9 water from protection under the Safe Drinking
10 Water Act for a number of -- based on a certain
11 criteria, including whether there's an ore
12 deposit that can be developed.
13 So as Judge Sutin mentioned, the EPA issued
14 two draft area permits on March 6, 2017. One
15 was for Class III wells, which are used in the
16 solution mining of minerals. And these would be
17 used for the recovery of uranium in Inyan Kara
18 aquifers.
19 The second draft permit is a Class V permit
20 for the disposal of ISR waste fluids that have
21 been treated to meet radioactive waste standards

22 and hazardous waste standards.

23 The EPA is also proposing an aquifer

24 exemption approval of the uranium-bearing

25 portions of the Inyan Kara aquifers. We have a

1 draft record of decision that documents the
2 basis on which we are proposing this approval,
3 and that is also open for your review and
4 comment.
5 In addition, we prepared other documents for
6 review and comment, including an Environmental
7 Justice Analysis, a Cumulative Effects Analysis,
8 and then a draft document explaining the process
9 and our considerations for tribal consultation.
10 Our tribal consultation process is
11 undergoing and will be for quite some time, and
12 we also would appreciate any comments on your
13 review of these documents as well.
14 There are other agencies who regulate the
15 site. The Nuclear Regulatory Commission has
16 already issued their materials license for the
17 site. The South Dakota Department of Natural --
18 Environment and Natural Resources has proposed a
19 large mine permit for the entire site. They are
20 going to complete their public review process in
21 the future.

22 The Bureau of Land Management has a plan of
23 operations for the portions of the site that are
24 on their land. And then there is an additional
25 permit for the groundwater discharge of land

1 application of treated ISR waste fluids proposed
2 by the DENR.
3 So this map just shows you the
4 Dewey-Burdock -- proposed Dewey-Burdock site.
5 This is the permit boundary. It's divided into
6 the Dewey area and the Burdock area. There are
7 four proposed well fields in the Dewey area and
8 ten proposed well fields in the Burdock area.
9 The color codes indicate which of the Inyan
10 Kara aquifers are being targeted, where the
11 uranium deposits occur within the Inyan Kara
12 aquifers, and then this is the location of one
13 of the proposed deep injection wells. This one
14 in the Burdock area, and this one in the Dewey
15 area. The dotted -- I mean, the dashed green
16 line is the aquifer exemption boundary.
17 So just to talk in a little more detail
18 about the aquifer exemption area. This is one
19 of the proposed well fields, this pattern shows
20 the injection wells and the production wells.
21 These wells tend to change roles between

22 production and injection throughout the life of
23 the well field, so the EPA is regulating both
24 production and injection wells as injection
25 wells throughout the life of the well.

1 This line represents a perimeter monitoring
2 well ring that will detect if any fluid movement
3 is going out towards the boundary of the well
4 field, and then the aquifer exemption boundary
5 is 120 feet away from the perimeter monitoring
6 well ring. And the EPA's compliance boundary
7 would be at this aquifer exemption boundary.
8 The permit does not allow any contaminants
9 from ISR mining to cross this aquifer exemption
10 boundary. And then these symbols show where
11 there are overlying monitoring wells and
12 underlying monitoring wells above -- and
13 aquifers above and below where the uranium
14 deposit is located.
15 I want to talk a little bit about the water
16 quality of the Inyan Kara, where the uranium
17 deposits occur and where they do not. Under
18 normal conditions, the Inyan Kara groundwater is
19 high in sulfate and manganese and in some places
20 iron. So for human consumption, it has to be
21 treated with reverse osmosis to make it taste

22 okay to drink.

23 Inyan Kara water where the ore deposits are

24 located is high in gross alpha, radium, and

25 radon. The natural radioactive decay of uranium

1 eventually results in radium, and then that
2 quickly decays to radon in a series of daughter
3 elements that emit alpha radiation.
4 The human skin can ward off the effects of
5 alpha radiation. But if this water is used
6 inside the household, like for showering or
7 laundering or washing your dishes, then these
8 daughter products are emitted and you can
9 breathe them in, and your lungs don't have that
10 protection against alpha radiation.
11 So the bottom line here is the EPA, based on
12 the data we've reviewed, does not think that
13 this -- the quality of groundwater in the
14 aquifer exemption area is acceptable for
15 drinking without treatment.
16 This shows a vertical cross-section of the
17 Inyan Kara aquifers. And the Chilson is a
18 sandstone that's divided into three sections
19 over some of the area; two sections, the upper
20 and middle, over some of the area; and the ore
21 deposits occur within the middle Chilson, as

22 color-coded here. The other aquifer is the Fall

23 River formation.

24 So this is the well field, again with our

25 pattern of injection wells and production wells,

1 and this graphic shows a vertical cross-section
2 of how the ISR process works. So the lixiviant
3 is piped into the injection wells. The
4 lixiviant is composed of groundwater from the
5 Inyan Kara aquifers with carbon dioxide and
6 oxygen added.
7 Once this fluid goes into the uranium ore
8 deposit, it mobilizes the uranium out of the ore
9 deposit, and then moves to the production wells
10 where it's pumped to the central processing
11 plant and the uranium is removed.
12 Most of the water is recycled back into the
13 aquifer. So although you hear that there's a
14 proposed groundwater flow of 8,000 gallons per
15 minute, actually only a small part of that is
16 not recycled back through the aquifer.
17 One important point that we want to
18 emphasize is if the EPA were to issue final
19 permits, that does not mean that Powertech can
20 begin injecting into injection wells. First
21 they have to have -- they have to conduct a

22 rigorous program of characterization for geology
23 and hydrology for each well field.
24 And what we're looking for is data that
25 demonstrates that the uranium-bearing fluids can

1 be contained within the injection interval, both
2 horizontally and vertically.
3 The well field pump test is an important
4 part of that whole program, and this is the best
5 way to determine if there are any breaches in
6 the confining zones, such as improperly plugged
7 historic boreholes or any fractures or faults.
8 These lines represent the groundwater
9 surface inside an aquifer. If you were to put a
10 well inside one of these aquifers, over most of
11 the Dewey-Burdock area, the pressure inside the
12 aquifer is high enough so that it actually flows
13 at the surface and the groundwater level is
14 actually above the surface.
15 If a well field pump test can demonstrate
16 that the aquifer surface can be drawn down in
17 the area of a well field, then that demonstrates
18 that you can have horizontal control of these
19 well field areas in limiting the mobilization of
20 uranium within the ore deposit, and then also
21 vertical containment because you're getting this

22 drawdown, and water is not flowing into the

23 aquifer during the pump test.

24 Similarly under well field operation, we

25 want to see that same scenario. If there's

1 drawdown of the aquifer, we know that the --
2 it's pulling the groundwater inward towards the
3 well field from all directions, and that shows
4 that they contain the fluid inside the proposed
5 injection zone.
6 If fluids start to migrate out, we'll see
7 that in the monitoring wells, the perimeter
8 monitoring wells that we saw in the other well
9 field diagram. If any rise in water level is
10 detected in these wells, that's an early
11 detection system that tells them they need to
12 pull back that plume so no contaminants will
13 cross out into the perimeter monitoring well
14 ring.
15 So as I mentioned before, there's a number
16 of rigorous tests that Powertech will have to
17 conduct before we would authorize injection into
18 injection wells, and one of them is to map all
19 the plugged and abandoned exploration drill
20 holes within the well field perimeter monitoring
21 ring and identify any of these that had to be

22 replugged.

23 The best way to identify improperly plugged

24 boreholes is through that pump test. So that's

25 when they would be identified, and then

1 Powertech would replug them.
2 We also are asking for copies of any new or
3 historic drill hole logs that have been
4 annotated to show the presence of a fracture or
5 fault in any of the drill holes inside the
6 monitoring well ring.
7 The UIC regulations do allow ISR activities
8 to occur in areas where breaches do occur within
9 the confining zones. In these situations, the
10 permit will require extra monitoring.
11 So for example, if there is an unplugged
12 borehole that can't be fixed -- that's not
13 something we anticipate happening, but I'm using
14 it here for an illustration -- we would require
15 more monitoring wells in that specific area in
16 the overlying aquifer.
17 So this represents the uranium ore deposit
18 where the injection would occur, and we would be
19 monitoring this area more closely to make sure
20 that these fluids do not move into an overlying
21 aquifer.

22 Probably the most important part of this
23 permit is the post-restoration monitoring that
24 the EPA is requiring. The NRC requires that
25 this interior portion of the well field is

1 restored, so there's a whole set of regulations
2 under the NRC for restoring the groundwater
3 where the uranium has been mobilized.
4 After that has been completed, then the EPA
5 permit requires that the post-restoration
6 monitoring plan be put into place. And we --
7 we're requiring the installation of these
8 post-restoration monitoring wells before the
9 well pump tests begin. So that includes
10 establishing a boundary that no contaminants can
11 cross.
12 We have set that boundary inside the aquifer
13 exemption boundary because we want to make sure
14 if there are any contaminants leaving the well
15 field, that we catch them early and require
16 cleanup, and then another set of monitoring
17 wells so that any -- any contaminants can be
18 addressed before they actually cross the aquifer
19 exemption boundary and become a violation of the
20 permit.
21 So this includes developing baseline

22 constituents of the Inyan Kara groundwater
23 before it's impacted. And the baseline
24 monitoring begins at the time the well field
25 pump tests -- or well field wells are installed.

1 And then the strategy for establishing a
2 baseline is based on a document, a statistical
3 document developed under the Resource
4 Conservation and Reclamation Act and has been
5 shown to be successful over many years of
6 testing RCRA sites.
7 Now I'll move to the deep Class V injection
8 wells. These are Class V wells because they are
9 injecting above the Madison USDW, but we are
10 requiring that the most protective well
11 construction standards, which are those for
12 Class I, will be used in their construction.
13 As with the Class III permit, there are a
14 number of requirements for rigorous geologic and
15 hydrologic characterization before we would
16 allow injection.
17 One of the things that Powertech must
18 demonstrate is that the Minnelusa is not an
19 underground source of drinking water, so that
20 means it has to have TD -- a total dissolved
21 solids above 10,000 milligrams per liter. If it

22 turns out that it does not, then the permit does
23 not authorize any injection into the underground
24 source of drinking water.
25 And then the Class V permit also requires

1 the injectate to be treated below the
2 radioactive and hazardous waste standards.
3 This is a geologic cross-section of the
4 whole area starting with the Precambrian
5 basement. This is the Minnelusa -- I'm sorry --
6 the Madison underground source of drinking
7 water. This is the lower confining zone that
8 separates the Minnelusa injection zone from the
9 Madison aquifer.
10 And then this is the overlying confining
11 zone that separates the Minnelusa injection zone
12 from the underground sources of drinking water
13 that are closer to the surface, and those are
14 the Sundance and Unkpapa aquifers. And then
15 these are the Inyan Kara group aquifers where
16 the uranium deposits occur.
17 So this diagram is a cross-section that
18 shows the formation -- how the formation of the
19 breccia pipes occur. Near the outcrop of the
20 Minnelusa where it can be seen at the surface,
21 the pressure of the Madison aquifer can work its

22 way through fractures in the Minnelusa and
23 actually dissolve out a mineral called
24 anhydrite, which is a sulfate mineral, and cause
25 the collapse features to occur.

1 There's a boundary that's been identified by
2 the USGS where this is actually occurring. And
3 downgradient from that boundary where the
4 anhydrite is, there are no breccia pipes. So
5 this, the anhydrite is what causes the total
6 dissolved solids in the Minnelusa to be high and
7 prevent it from being an underground source of
8 drinking water.
9 So this is a map of where that dissolution
10 zone is occurring, where the anhydrite is being
11 dissolved away. The Dewey-Burdock site is six
12 miles away from that. So in this area, we
13 expect there to be a good confinement zone
14 because there are no breccia pipes southwest of
15 this line.
16 Another way to look for that is to look at
17 each of the -- each of these dots represents
18 historic plugged oil and gas wells or actual
19 active oil and gas wells in the Minnelusa
20 aquifer. This is the dissolution zone, so
21 southwest of this area.

22 In the logs of these oil and gas wells, you
23 can actually see that the anhydrite is present
24 and that there is a good confinement above the
25 Minnelusa injection zone.

1 So we have added an extra set of
2 requirements for -- to examine more carefully
3 that overlying injection zone for the Minnelusa.
4 We're going to have the logs for the deep Class
5 V wells and then the plugged oil and gas wells
6 that were shown in the previous slide where
7 we'll actually see the -- locate the depth and
8 the thickness of that confining zone.
9 We'll look at the groundwater levels in the
10 Minnelusa and Madison. And I mentioned that the
11 Madison is a very high-pressure aquifer, so its
12 surface is above the ground. If you were to
13 punch a well into the Madison aquifer over much
14 of the area -- sorry -- you would see that it's
15 actually flowing at the ground.
16 The Minnelusa does not have that much
17 pressure, and the fact that there are two
18 different water levels in these aquifers shows
19 that it does have a very good confining zone in
20 between them.
21 We're also looking at the sulfate

22 concentration. Where that anhydrite is present

23 in creating that good confining zone, you'll see

24 high sulfate.

25 And then the last aspect is looking at the

1 water chemistry of the Madison and the Minnelusa
2 aquifers. They are very different where the
3 confining zone is in place. But closer to the
4 outcrop where the Minnelusa is low in sulfate,
5 the chemistry of the Madison and the Minnelusa
6 aquifers are very much the same.
7 So when you hear that the Minnelusa is not a
8 USDW, it's in that area where it's high in
9 sulfate. Where that sulfate is -- where the
10 anhydrite is gone closer to the outcrop, that is
11 where you see the Minnelusa wells being used for
12 drinking water.
13 I wanted to mention just a little bit about
14 the treatment ponds. The only radioactive
15 constiuent that is expected to be found in ISR
16 waste fluids is radium, and this can be removed
17 by adding barium chloride to the waste fluids.
18 And then -- then that fluid goes into these
19 settling ponds where the barium will react with
20 the radium and settle it out into a solvent at
21 the bottom of the pond. Then the injectate will

22 be moved into these outlet ponds, which then are

23 connected to the deep disposal wells.

24 In closing, I would just like to tell you

25 that we do really appreciate you being here

1 today. We do value your comments. The public
2 process -- or the public comment period is an
3 important part of our process.
4 We issue a draft permit for your review.
5 We've done the best we can to think of all the
6 protective requirements that can be authorized
7 under our regulations, but we know that we can't
8 think of everything, and that's where you come
9 in.
10 So we issue draft permits to begin the
11 public review process. But EPA regulations
12 require a 30-day public comment period, but we
13 know we've given you a lot of material to read,
14 so we have a longer public comment period that
15 started on March 6th and is going through May
16 19th.
17 We're also required to hold a public hearing
18 if there is interest or request from the public,
19 but we wanted to make sure there were plenty of
20 opportunities and locations for people to attend
21 public hearings. So we -- as Judge Sutin said,

22 we scheduled five days of public hearings.

23 So now we want to hear from you, and thank

24 you once again for commenting.

25 REGIONAL JUDICIAL OFFICER SUTIN: Okay.

1 We're going to get started.
2 Is Michael Milk in the room?
3 Our first speaker is Harold Frazier.
4 HAROLD FRAZIER: Thank you. One of the
5 things I've noticed is, there's no schedule for
6 tribal consultation. And I do -- and you're
7 aware under NEPA you are required government- --
8 government-to-government consultation with
9 tribes, and I see no schedule for that. And I
10 don't even know if anything has been done in the
11 area of consultation.
12 So my question to you, are you going to
13 issue these permits before tribal consultation
14 is completed or not?
15 REGIONAL JUDICIAL OFFICER SUTIN: We're not
16 here to answer questions right now. I'm sorry.
17 HAROLD FRAZIER: Why not?
18 REGIONAL JUDICIAL OFFICER SUTIN: This
19 hearing is for the purpose of getting
20 information from you all.
21 HAROLD FRAZIER: Okay. You are using all my

22 five minutes.

23 REGIONAL JUDICIAL OFFICER SUTIN: Go ahead.

24 HAROLD FRAZIER: Thank you.

25 You know, we've -- we Indian people, Lakota

1 people, we look at the water as life. And we
2 know that it is life, and it needs to be
3 protected. What is the purpose of this uranium?
4 Is this uranium going to be given to North
5 Korea so they can bomb our people? There's a
6 lot of questions that need to be answered. Why
7 all of a sudden there's interest in uranium.
8 What is Trump up to?
9 You know, our area has been under attack for
10 several years. They are out to destroy our
11 water. You look at Dakota Access Pipeline,
12 Keystone, uranium, nuclear waste test site in
13 Haakon County. What have we done to cause this?
14 You know, you look at our treaties, and I
15 know you guys recognize our treaties. I always
16 said in prior meetings with government
17 officials, when an Indian violates federal law,
18 you throw us into Leavenworth or some federal
19 prison; but when you violate federal law,
20 nothing happens. And this action is in
21 violation of federal law because the treaty is

22 law, a contract.

23 Now, as I asked -- I asked, and I know you

24 won't answer this question. But do you live and

25 promote the United States Constitution? If so,

1 Article VI should be adhered to. Our treaties
2 are the supreme law of the land.
3 And I don't even know why you guys are doing
4 this, because we own everything underneath. We
5 even own Spearfish because we've never been paid
6 for it. You guys come in, took our lands, and
7 you justify it by bringing a treaty to our
8 people, a peace treaty, telling us where we can
9 live, where we can, you know, work, what we can
10 do and can't do. Promises made that were never
11 kept.
12 So these are all violations of federal law,
13 but yet none of you will see or sit behind bars.
14 But if an Indian did, we would be. Shame on the
15 federal government. The federal government has
16 always failed us. Always has and always will.
17 You know, this is going to end up in court.
18 That's the only way I see. Or any frontline
19 action necessary to try to stop this.
20 Because you guys will come and come and
21 come. And we always -- if you look back and

22 understand who we truly are, we are powerful
23 people, and we're just standing up to protect
24 our future, your future as well if you live
25 here.

1 And I'll just close by saying, you know,
2 remember that water is life. Someday you will
3 understand. Hopefully it won't be too late. We
4 need to understand the meaning of Mni Wiconi.
5 Thank you.
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
7 Mr. Frazier.
8 Boyd Andrew Catt-Iron Shell.
9 BOYD ANDREW CATT-IRON SHELL: Good
10 afternoon, Your Honor and community members.
11 My name is Andrew Catt-Iron Shell. I'm an
12 enrolled member of the Eastern Band of Cherokee
13 Indians who has been raised among the Lakota
14 Nation. I'm here today to express my feelings
15 against uranium mining in the Black Hills and
16 against uranium mining overall, that that should
17 be left in the ground.
18 And there really is no purpose. You know,
19 Chairman Frazier asked why, and we know why.
20 Because America was built off the natural
21 resources of Indian country, and they are

22 still -- we are still under attack. We are
23 still looked at as only a natural resource in
24 this country. We are still not looked at as
25 human beings.

1 That said, again, Chairman Frazier brought
2 up the issue of the United States government
3 breaking the law in this process by not holding
4 true consultation hearings with the governance
5 of the Lakota tribes in this area.
6 And that is the law. That's on the rule
7 books. And like he said, if we don't follow the
8 law, we go to jail. We get punished for not
9 following the U.S. Constitution.
10 But even though this process is a nice way
11 to show, maybe, a dog and pony show, we know
12 that in this process, our words are often put on
13 the congressional record just for archives for,
14 you know, later on, some historical data about,
15 oh, the Indians didn't really like that, but
16 they did it anyways.
17 We know that corporations over time have
18 benefited off our communities, first with the
19 railroad. They were the first monopoly to come
20 into this territory and make the same, similar
21 claims that, "We only want to use a little bit

22 of your land. We only want to take a little bit

23 of your water."

24 Now we are at this time in history where we

25 are under full-fledged attack. So when we speak

1 about the EPA holding quality assurance of this
2 process, we know today that Trump is trying to
3 undermine the EPA by -- through budget cuts and
4 just eliminating who is going to oversee this
5 process.
6 The EPA may not be here this time next year,
7 and yet we're going to stand in here and say
8 that the EPA is going to watch over the quality
9 of your groundwater. No, they're not. They
10 don't have the capacity today, and they haven't
11 had the capacity up to this point in history.
12 We know that our water is poisoned. You can
13 look at our epi profile. You can see the cancer
14 rates. You can see all of the illnesses that
15 are related to poisoned water in our bodies --
16 in our bodies, in our spirit because of the
17 mining that has already taken place in this
18 territory, and the -- the environment of this
19 Americanized life.
20 Uranium mining does not make America great
21 again. The mining that is going to happen in

22 the uranium field, that's to sell uranium to
23 Japan and Russia, Korea. That is not for the
24 benefit of South Dakotans. It's not for the
25 benefit of Americans.

1 So I would like to go on the record to say
2 that I am against the uranium mining, and I
3 would also like to suggest that if the time
4 comes for frontliners to set up camps, to set up
5 first line direct actions against uranium
6 mining, that I hope you don't send the
7 Pennington County sheriffs with their rubber
8 bullets and their water cannons again, and that
9 you use our law enforcement for what they are
10 supposed to do, protect and serve community
11 members, not to protect corporations, not to
12 protect the poisonous act of genocide that we
13 call uranium mining.
14 Thank you for your time.
15 REGIONAL JUDICIAL OFFICER SUTIN: Kathleen
16 Bailey.
17 KATHLEEN BAILEY: I, Kathleen Bailey, from
18 Englewood, Colorado, stand here today to loudly
19 and clearly oppose the proposed aquifer
20 exemption decision for the Dewey-Burdock uranium
21 in-situ recovery site located near Edgemont,

22 South Dakota under the authority of the Safe
23 Drinking Water Act and UIC program regulations
24 in connection with Class III area permit to
25 exempt uranium-bearing portions of the Inyan

1 Kara aquifers.
2 The EPA has proven itself to have devolved
3 into nothing more than an $8 billion agency
4 dedicated to supporting and promoting exemptions
5 for the very industries that continue to cause
6 massive environmental contamination, the legacy
7 of which is left to the local residents for
8 generations.
9 At issue, the portions of Inyan Kara
10 aquifers the EPA proposes to exempt have
11 historically been used as a source of drinking
12 water, are currently used as a source of
13 drinking water, and can be a future source of
14 drinking water.
15 EPA's own current Title 40 146.4 declares
16 the proposed aquifer exemption area must not be
17 a current or future source of drinking water
18 using the criteria under 40 C.F.R. 146.4.
19 This latest grotesque and alarming action by
20 the EPA to propose this exemption for these
21 portions of the Inyan Kara aquifers blatantly

22 ignores the existing original EPA aquifer
23 exemption criteria found in Title 40 146.4 and
24 sets a disastrous new precedence for opening up
25 ever more scarce and precious life-sustaining

1 clean water aquifers that can be used as a
2 source of drinking water to permanent
3 contamination from oil and gas hydraulic
4 fracturing using the UIC recovery and disposal
5 wells, from uranium and other ISR mining
6 activities that also utilize hydraulic
7 fracturing for their UIC recovery and disposal
8 well activities, and in any other in-situ
9 solution mining.
10 The evidence of the convoluted joint efforts
11 between the EPA and Azarga/Powertech to set this
12 precedent in order to change the current aquifer
13 exemption criteria is spelled out in the EPA's
14 own November 17, 2016 Aquifer Exemption
15 Technical Memorandum done by Valois Shea.
16 As recorded in this memorandum, EPA and
17 Powertech work cooperatively to manipulate the
18 status of the current drinking water use of
19 water from targeted portions in the Inyan Kara
20 group in order to eliminate the current use
21 protection from exemption under the current 40

22 146.4 criteria, and then intend to eliminate the
23 "or future source of drinking water" criteria by
24 simply not considering future source of drinking
25 water with this aquifer exemption proposal.

1 If this proposed aquifer exemption were
2 allowed to go through, future source of drinking
3 water protection will be eliminated by this
4 precedent-setting aquifer exemption.
5 Currently by this study there are multiple
6 wells drawn from the targeted portion of the
7 Inyan Kara group aquifers that were historically
8 and currently used for both human and livestock
9 consumption. Many of these residences are
10 currently abandoned, and therefore, EPA and
11 Azarga/Powertech can say they are not currently
12 using the water for drinking.
13 But at least one residence continues to use
14 the well water, Well 16, from the targeted
15 portion of the aquifer.
16 To create a no-current-use status from which
17 the EPA and Azarga/Powertech are trying to base
18 this aquifer exemption proposal, Powertech
19 promised to permanently provide the resident
20 with bottled water for drinking if they agreed
21 to let Powertech sever and seal off the

22 waterline from the well to their home.

23 Well, 16 continues to be used for this

24 resident's livestock, which under South Dakota

25 laws is still considered the same as water used

1 for human consumption, a fact that EPA in
2 November 2016 was willing to ignore.
3 Their conclusion for that memorandum was
4 based on CZA calculations, the EPA has concluded
5 that the portions of the Inyan Kara aquifers
6 proposed for exemption do not currently serve as
7 a source of drinking water.
8 Since the November '16 memorandum, in March
9 of 2017 they tried to get around this -- the
10 concern they realized they faced with the Well
11 16 by removing the two fields associated with
12 Well 16 from being mined, as if the
13 contamination that results from all the other
14 fields all around the two fields removed, will
15 not migrate into the well that feeds 16, and
16 also does not address the wells that are simply
17 currently not being used that feed from all the
18 other parts of the Inyan Kara aquifer.
19 REGIONAL JUDICIAL OFFICER SUTIN:
20 Ms. Bailey, I need you to wrap up. Your five
21 minutes are up.

22 KATHLEEN BAILEY: Certainly.

23 I wish to add two more facts. What the EPA

24 won't tell you is that uranium in-situ recovery

25 mining has consistently resulted in

1 contamination. And per the USGS, to date there
2 had been no successful mitigation of the
3 contamination resulting from in-situ recovery
4 mining, so your current status of future source
5 of drinking water will be permanently lost if
6 this exemption is approved.
7 Despite all your monitoring, what the EPA
8 has also not disclosed to local residents is
9 that once approved, per NRC declaration, the
10 Nuclear Regulatory agency, the Class III
11 underground injection disposal wells approved
12 for uranium mining wastewater disposal will also
13 be made available, without their independent
14 application, for injection disposal for other
15 radioactive waste fluids from other sources,
16 such as municipal water treatment plants, well
17 past when uranium mining activities stop.
18 REGIONAL JUDICIAL OFFICER SUTIN:
19 Ms. Bailey, I really need you to wrap up.
20 KATHLEEN BAILEY: I'm done. Thank you.
21 REGIONAL JUDICIAL OFFICER SUTIN: Henry

22 Quick Bear.

23 HENRY QUICK BEAR, SR.: (Speaking in

24 indigenous language.)

25 My relatives, I greet all of you. Good

1 afternoon. I am Henry Quick Bear. I'm a member
2 of the Rosebud Sioux Tribe. I am currently on
3 the Treaty Council, and I'll like to read
4 something for you guys.
5 The impact to tribal lands could be
6 catastrophic if uranium mining is allowed on or
7 near the reservations. History has shown that
8 uranium on or near the Pine Ridge and Cheyenne
9 River Reservations has caused irreversible
10 contamination of both surface and groundwater
11 necessary for human consumption, community
12 gardens, and agriculture throughout the Black
13 Hills and the Badlands.
14 Water samples taken from the Cheyenne River
15 have revealed levels of alpha radiation above
16 the EPA's maximum contaminant level. This
17 testing caused the EPA to post unhealthy dangers
18 of ingesting the water and using the river for
19 swimming and recreational pursuits. The
20 contamination has resulted in the high
21 proportions of cancer-related illnesses and

22 birth defects.

23 Throughout Indian country in South Dakota,

24 there are thousands of abandoned and unmarked

25 open pit uranium mines as well as exploration

1 holes going to the depths of 800 feet. These
2 exploratory holes allow radioactive pollutants
3 to contaminate underground water sources
4 critical to providing drinking water for the
5 surrounding communities.
6 Beyond the direct human consumption, the
7 area of concern regarding uranium mining has
8 been called the breadbasket of the world. The
9 resultant runoff of abandoned open pit mines,
10 processing sites, and waste dumps have been so
11 severe that it has also taken coal and uranium
12 and radiation that has gone to and continues to
13 go to eastern power plants. Contamination is
14 seen to be nonlocalized as the Cheyenne River
15 flows into the Lake Oahe Reservoir of the
16 Missouri River.
17 So as far as this -- the Treaty Council
18 goes, we oppose uranium mining. I am here -- I
19 ask all of you to think of your children, the
20 sicknesses that this can cause. We, as Lakota
21 people, we take care of Unci Maka, Mother Earth.

22 And for digging uranium mines or anything done
23 to Mother Earth is like poking needles in your
24 own body. I mean, if you can put yourself in
25 that position, then you would be able to

1 understand all of this.
2 And as far as our history goes, there are a
3 lot of underground channels and chambers that
4 can lead to the reservation and also can lead in
5 to the Ogallala aquifer. So please put into
6 consideration that Mni Wiconi, water is life.
7 So we -- as a Treaty Council from Sicangu Oyate,
8 we oppose uranium mining.
9 And as a Treaty Council, we have given you
10 the -- our paperwork through e-mail, and on
11 behalf of the Lakota people, we also oppose
12 uranium mining. So I humbly ask you, EPA, to
13 reject the proposed permits for this uranium
14 mine. I humbly ask you. Thank you.
15 (Speaking in indigenous language.)
16 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
17 Mr. Quick Bear.
18 Brandon Sazue.
19 BRANDON SAZUE, SR.: Good afternoon. My
20 name is Brandon Sazue. I'm Chairman of the Crow
21 Creek Sioux Tribe.

22 The United States of America is absolutely,
23 unequivocally nuts, plumb crazy. I sat here,
24 and I watched this lady over here give this
25 whole thing on this is what we're going to do to

1 the earth, this is what they plan on doing to
2 the earth, injecting this in here, and injecting
3 that in there, and coming out of here and, oh,
4 radon and all this stuff. That's nuts. That's
5 absolutely crazy.
6 With the way the United States is going
7 right now, you've got oil pipelines, you've got
8 corporations beating the normal people down.
9 You've got people changing regulations that are
10 in high power. You've got all that just for
11 money. Can you eat or drink money? No, we
12 can't. No, we can't.
13 You know, we're here for the future of our
14 children, we're here for the future of this
15 planet, we're here for the future of this earth
16 and everybody in it. You as EPA, you're going
17 down. You're going to go down because of this
18 administration.
19 But why not go down fighting? Go down
20 fighting with us. Do what you believe in. And
21 you know as well as we do that this is wrong,

22 that this isn't right. Because after you,

23 there's war. This is real. This is the truth.

24 It's coming. It will come.

25 So what I want to say to you is, go down

1 fighting. Fight for what you believe in. Stop
2 this madness. Stop this craziness. Why is it
3 that we're here? Why is it that we're speaking
4 to you? Why is it that some of us traveled long
5 ways to talk to you? Why are we even here
6 today?
7 This is madness. This world is full of
8 madness. Here we are, going to let a company
9 halfway across the world or across the world
10 drill right here in South Dakota and put -- put
11 uranium in there, mess with drinking water.
12 This is supposed to be the United States of your
13 America, our America, not theirs.
14 I'm going to stand for what I believe in,
15 and I hope you stand for what you believe in.
16 So each one of us in this room is only worth
17 five minutes of your time. Each human being in
18 this room who gets up here and talks is only
19 five minutes of your time. Think about that.
20 This is a comment period. Where is the
21 tribal consultation? Come to our tribes and

22 talk to us. Let us talk to you from the heart

23 instead of on a piece of paper.

24 You know, that's how we operate. We put too

25 many rules and regulations in front. You know,

1 I probably heard 50 rules and regulations you
2 just cited before we even started. Is that
3 to -- is that just the way the government works?
4 Is that how we're supposed to be stopped not to
5 go on and tell you from our hearts what's going
6 on?
7 You know, before I would write stuff down.
8 Now I'm just speaking from my heart. Because
9 this means the end, this means the apocalypse.
10 I'm sure you've read the Bible. I'm sure you've
11 read all that stuff. You're just helping it
12 come true. Our government is helping that come
13 true.
14 War with North Korea, the Russians hacking
15 the United States, but yet we're allowing
16 foreign countries to come in here and inject
17 your lands, inject our lands with poison.
18 But we say we're going to regulate it.
19 We're going to do this, and we're going to keep
20 it confined, and it's not going to get out.
21 Haven't you been reading the news lately?

22 All those oil spills, all those leaks, those are
23 real. Those are real. So that's what I want to
24 talk to you about and hopefully get it -- get it
25 through to your hearts, into your minds.

1 When you go to bed and sleep at night, can
2 you honestly say -- go to bed and go to sleep at
3 night knowing that this is what companies are
4 doing? I can honestly go to bed and sleep at
5 night and say, Well, I stood up for our
6 children, I stood up for what I believe in. I
7 could sleep good at night, but I'll have
8 nightmares because of this.
9 I want you to go to bed and think tonight
10 before you go to bed. Go down fighting. Don't
11 give up. Stand with us. Let's not stand
12 against each other. I wish I had more than five
13 minutes. Thank you.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
15 Mr. Sazue.
16 Carol Merwin.
17 CAROL MERWIN: I'm Carol Merwin. And I was
18 at home thinking I was going to clean up my
19 house and get the paper out of there. In my
20 white privilege thought, well, the Native people
21 and the Audubon and the Sierra Club and Dakota

22 Rural Action and the Clean Water Alliance will

23 take care of it.

24 And then I heard on the radio that at

25 Hanford, Washington this morning, there were

1 rail cars crushed in by a tunnel collapsing. So
2 more of the radio- -- the uranium waste is
3 coming out again. And I thought, I have to
4 come.
5 So with that paper that I was getting rid of
6 this morning, I have articles that are all from
7 the Rapid City Journal, not one of them is even
8 a year old, and I just want to read a little bit
9 of each one.
10 There is no safe place to store uranium
11 waste and I don't want uranium weapons. And
12 since there's no safe place to store it, I don't
13 see that it can be used for anything except
14 maybe medical purposes. And you have to be
15 really careful with that.
16 So, "Study Raises Uranium Concerns":
17 Abandoned uranium mines are contributing to
18 elevated uranium levels in Angostura Reservoir
19 in the southern Black Hills. Ripples from
20 nuclear plant closings overwhelm towns.
21 "We have become a de facto nuclear waste

22 dump. It just sits there and sits there for

23 ever." This is the mayor of Zion, Illinois, a

24 quote from him.

25 Montana authorities learning how to respond

1 to nuclear theft. No control whatsoever.
2 Uranium miner agrees to fix sludge leaks.
3 This is: A uranium mining company has
4 agreed to corrective measures after two spills
5 of radioactive sludge. Cheyenne, Wyoming.
6 Nebraska utility head recommends closing
7 small nuclear power plant. It doesn't make
8 economic sense to keep it open.
9 Thank you.
10 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
11 Ms. Merwin.
12 Barbara Dunfee.
13 BARBARA DUNFEE: Hello. I'm not used to a
14 mic. This is going to be interesting. And I'm
15 going to try and be organized and not babble.
16 I'm starting with something that sounds like
17 it's off-topic, but I'm going to try to pull it
18 back in. We have a Superfund site up in the
19 Northern Hills. It's not connected to uranium.
20 It's connected with the Gilt Edge Mine, which
21 was a heap-leach gold mine that was owned by

22 Brohm.

23 And they -- in the 1980s, heap-leach

24 suddenly became the thing because the price of

25 gold had skyrocketed, and it made sense to start

1 trying to get as much gold as possible out.
2 Heap-leaching uses cyanide, and they have
3 this plan that they'd have a clay-lined pit and
4 that everything would be sealed and it wouldn't
5 leak.
6 And the Black Hills Alliance at the time
7 objected. They said that all the heap-leach
8 sites that were around so far had leaked, that
9 this was a bad plan, and everyone was sort of
10 like, oh, no, this is anti-business and you're a
11 bunch of tree-hugger hippies, and so on and so
12 forth.
13 And the State had Brohm put up some money,
14 but they didn't put up that much because they
15 didn't want to be seen as anti-mining. And by
16 the late '80s -- or the late '90s, Brohm had
17 become insolvent. It went into bankruptcy.
18 They abandoned the Gilt Edge in 1999, and
19 indeed, they started to have leaking of things
20 up there, and it became a Superfund site. Brohm
21 forfeited $6.4 million of their mining bond,

22 which didn't cover -- even come close to

23 covering things.

24 Four other corporations contributed another

25 $30 million, but the current cost of estimated

1 cleanup is at $89 million. And this is sort of
2 what happens with corporations in South Dakota
3 doing mining and cleanup.
4 So down at Edgemont, to get back to what's
5 going on with uranium, back in the 1950s was
6 when the boom started, and a company called
7 Susquehanna Corporation came in. Their
8 subsidiaries are Susquehanna Western and Mines
9 Development. And those are the two that
10 actually did a lot down at Edgemont, were the
11 subsidiaries.
12 As I said, the mining started in the '50s,
13 it continued through the '60s, and by the 1970s,
14 things were closing down, partly because the --
15 there had been thought that we'd all go into
16 nuclear reactors for energy, and that didn't
17 happen, partly because the Cold War was sort of
18 winding down, we weren't doing as much with
19 nuclear weapons, and partly because we started
20 to see a lot more environmental, just activism.
21 The EPA starts in 1970. We start to worry

22 about what we're doing because there haven't
23 been that much regulation through the '60s, all
24 through the '60s.
25 So one of the things that had happened down

1 there at Edgemont was they had tailings sitting
2 around, just kind of loose. There was this big
3 pile of -- they estimated it to be 40 to 50 feet
4 tall. And it's just out there.
5 And people have been freighting it and using
6 it for filler around their houses. They figured
7 there were about 60 houses that had used it. So
8 by the early '70s, Susquehanna's -- one of its
9 subsidiaries had been a really bad investment,
10 and it was bleeding money, and it was
11 threatening to bankrupt Susquehanna.
12 And so Susquehanna starts to sell off
13 subsidiaries, trying to shore themselves up and
14 save -- basically, save the company. And in the
15 process, they sell off Mines Development. Mines
16 Development closed down the mill in Edgemont in
17 '72. They sold off the rights to TVA in '74.
18 In 1975, Susquehanna sells Susquehanna
19 Western, and then both Susquehanna Western and
20 Mines Development were dissolved in 1978.
21 By the 19- -- oh, and then Susquehanna

22 itself went through some changes, finally was

23 sold to a French company and was dissolved by

24 1994.

25 REGIONAL JUDICIAL OFFICER SUTIN:

1 Ms. Dunfee, your five minutes are up. I need
2 you to wrap it.
3 BARBARA DUNFEE: Oh, dear. I'll try to tie
4 this up.
5 So corporations go through things. In the
6 meantime, the 1980s, they finally decided we
7 have to do something about this pile of
8 tailings. Susquehanna's gone through stuff,
9 there's no one to go back on.
10 And so what happens is the TVA puts money
11 into fixing it. The Department of Energy
12 puts -- reimburses them, and in the end, it's
13 the American taxpayer who foots all this for the
14 bill.
15 And with this stuff, we don't know what's
16 going to happen ten years down the line. We
17 don't know what's going to happen 50 or 100
18 years down the line. And we don't know that
19 these companies are -- obviously not even going
20 to necessarily be around ten years down the
21 line, much less 20 or 50. Who is going to do

22 the cleanup?

23 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

24 Anna Robinson.

25 ANNA ROBINSON: Hello. My name is Anna

1 Robinson, and I live here in Rapid City. I'm a
2 young professional and a transplant. This is
3 the third time I've moved to the state of
4 South Dakota. I never planned it, but I found
5 myself coming back here time and time again
6 because there's something special about this
7 state, and now I feel like I found a home in the
8 Black Hills.
9 I'd also like to point out I am overcoming
10 my fear of public speaking in order to voice my
11 opposition to this.
12 You've heard many testimonies addressing
13 treaties, ranches, concerns about the mining
14 process, the environment, the water, concerns
15 about the company, the beauty and sacredness of
16 this land. And, frankly, I think all of those
17 reasons are reason enough not to allow this
18 permit. But in any case, I have some additional
19 thoughts.
20 I represent a growing population of young
21 people in this country who are continually

22 seeking out untouched, natural land. You may
23 call us wanderlust-driven, adventurer-obsessed,
24 outdoor enthusiasts. There are many names for
25 us.

1 We seek this untouched land, not to destroy
2 it, but to enjoy it, to breathe its clean air,
3 to escape the noise and congestion of the
4 growing urban communities. And we seek it to
5 connect to something we know is disappearing.
6 It's us who are also trying to preserve and
7 protect these untouched lands. We are
8 prioritizing the environment, human connections,
9 and sustainable futures over temporary,
10 out-of-date, get-rich schemes like mining. And
11 it's this young population who will eventually
12 replace you in your offices, in your homes, and
13 in your communities. The Black Hills is a
14 destination for this large population of young
15 people.
16 And I had some more thoughts that I had
17 written out after listening to the comments
18 yesterday, but then I read on my phone just
19 minutes before we started here, the headline
20 that's breaking across the nation, "Emergency
21 declared after nuclear waste tunnel collapses in

22 Washington."

23 By the way, if Rapid City Journal is

24 publishing a story on the environment, then you

25 know it's bad.

1 And I can't help but read that and think, if
2 that headline had come out today and
3 "Washington" was replaced with "South Dakota,"
4 our tourism season just started, and that is a
5 majority -- well, maybe not -- you know, I'm not
6 an expert in economics, but that is a good
7 portion of our economy around here.
8 It provides jobs. It gives us a name. And
9 I just -- that has me worried. And I do have
10 some numbers on tourism locally.
11 A recent report shows that there are about
12 4.5 million visitors to South Dakota's national
13 parks in 2016. They spent almost $300 million
14 in the communities near the parks, which
15 supported over 4,900 jobs in those local
16 communities, and the spending had a cumulative
17 local benefit of $377 million.
18 So we rely on that. And if the headline was
19 to go out about our area like this, then we
20 would take a huge hit. And this is a vulnerable
21 state. South Dakota is a poor state. It has a

22 very sometimes dark and difficult, complex
23 history. There are very vulnerable people here
24 that need to be heard and needs -- whose lives
25 need to be taken into account.

1 Someone spoke yesterday about how the
2 company is going to come in and do this and
3 wouldn't have the money to clean it up if
4 something were to happen. And South Dakota
5 doesn't have the money to do anything about it.
6 So to wrap up, I guess, I may be one of many
7 young adventure-seekers, but the qualities that
8 make us such adventurers are fearlessness and
9 determination, and that's what you'll be facing
10 if you approve this permit. Please do not allow
11 uranium mining in the Black Hills.
12 And one final comment, please consult the
13 tribes. They know this land better than anyone.
14 Thank you.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
16 Ms. Robinson.
17 Lilias Jarding.
18 LILIAS JARDING: Greetings. My name is
19 Dr. Lilias Jarding. I live in Rapid City. My
20 Ph.D. is in political science with an emphasis
21 on environmental policy.

22 I started studying uranium mining in 1979,
23 when about two dozen large corporations that
24 wanted to mine uranium here were convinced to
25 leave empty-handed. In recent years, 11 uranium

1 companies have expressed an interest in the
2 Black Hills.
3 My dissertation considered tribal, federal,
4 state, government relationships around natural
5 resources. Part of that research was conducted
6 under an EPA fellowship. I have published on
7 these topics in peer-reviewed journals and
8 presented the results of my research at a number
9 of professional conferences.
10 I focus on policy and the roles of the
11 government agencies on the uranium issue. I am
12 on my third day of observing your hearings on
13 the Dewey-Burdock proposal, and I have read
14 large chunks of the related documents.
15 My preliminary conclusion is that some of
16 the EPA has been captured by the uranium
17 industry. For those in the audience who don't
18 know this term, when I say "captured," I mean
19 that the Agency has come to relate too closely
20 to the companies it regulates to the detriment
21 of the general public. This is a difficult

22 thing to say, and you deserve to hear my reasons

23 for this conclusion.

24 The first reason I say this is the use of

25 language by representatives of the Agency at

1 these hearings. Instead of saying that parts of
2 the Inyan Kara aquifers are under consideration
3 for exemption, your staff said, and I quote,
4 "the areas that we are exempting," unquote, as
5 if the exemption has already been granted or at
6 least as if the decision has already been made.
7 In the PowerPoint that I have now observed
8 several times, the slide on the roles of the
9 various agencies makes it sound as if the
10 permitting process is all but complete.
11 In fact, the NRC license is under
12 litigation. The state DENR has only held one
13 week of hearings on the proposed large-scale
14 mining permit, and that happened several years
15 ago. In fact, the process has been on hold
16 since then.
17 The second reason I say that some of the EPA
18 has been captured can be found on the
19 information sheets that have been passed out to
20 the public at these hearings. One of them is
21 titled, "How Much Groundwater Will Be Lost From

22 The Inyan Kara Aquifers?"

23 This sheet, as well as the information

24 presented with the PowerPoint, indicate that

25 only, quote, "a small percentage," end quote of

1 Inyan Kara water will be consumed. This follows
2 the company's line, but it does not fit the
3 facts.
4 The Inyan Kara water that is being used for
5 mining will be run through the reverse osmosis
6 process. It is common knowledge that reverse
7 osmosis is an inefficient way to purify water
8 because it turns at least 30 percent of the
9 water it handles into wastewater.
10 This means that at least 30 percent of Inyan
11 Kara water used by the proposed mine would
12 become waste, not that 1 percent or the 3
13 percent that the company and the EPA claim.
14 The EPA maps make the barrier layer between
15 the Minnelusa and Madison aquifers unnaturally
16 large and consistent and minimize the size and
17 importance of the Madison aquifer.
18 The EPA fails to acknowledge the dozens of
19 violations and reportable incidents at just one
20 in-situ leach mine, the Crow Butte Mine, or to
21 talk realistically about the fact that

22 excursions and leaks are normal for in-situ

23 mines.

24 In fact, at least two ISL mines, excursions

25 have reached outside the mine boundary.

1 Instead, the public is presented with a
2 sanitized, ready-for-prime-time version of the
3 ISL process that can be displayed by neat
4 drawings. This lack of realistic consideration
5 of in-situ leach mining process bodes poorly for
6 the public as it increases the probability that
7 the Agency will issue final permits without ever
8 having given a hard look at the proposal.
9 I know that the Agency is likely to get sued
10 whether it issues final permits or not. But
11 this one-sided consideration of the situation
12 simply increases the probability of extended
13 litigation, at taxpayers' expense. So does the
14 lack of proper tribal consultation, which has
15 caused the NRC endless headaches. You can't
16 start tribal consultation partway through the
17 process. It needed to be completed years ago.
18 I would strongly suggest that the EPA
19 refocus its efforts with full consideration of
20 the easily available information on the problems
21 associated with ISL uranium mining and the deep

22 disposal wells.

23 As I think has been abundantly clear during

24 these hearings, only then can the Agency really

25 do its job to the benefit of the public rather

1 than a foreign corporation. You are supposed to
2 be accountable to us.
3 Thank you for this opportunity to comment.
4 I plan to submit further comments by May 19th.
5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
6 very much.
7 Next if we can have Keith Janis. Not sure
8 I'm saying that right. Janis. Thank you.
9 Keith Janis? Is he here?
10 KEITH JANIS: Okay. Thanks for allowing me
11 the time to speak. I just want to start off
12 first about this area, Inyan -- I think
13 everybody is saying "Inyan" -- Inyan Kara.
14 But I'm a person that likes to uphold the
15 rights and the proper perspective of our Lakota
16 terms and sacred places. And Inyan Kara is a
17 beautiful place we are talking about. It is
18 traditionally known as Inyan Kara. It means
19 it's the home of the stone -- home of the stone
20 people. Inyan Kara.
21 Now, you know, first -- in my first comment,

22 I have to just only just talk for Unci Maka,

23 which means Mother Earth. We all have a common

24 link to this mother, and we also have a common

25 responsibility to protect her and to make sure

1 that several generations of our children coming
2 behind us, that we hand this earth to them in
3 better condition than we received it.
4 And honestly, it's a really -- it's a sin
5 how we are handing the earth to our future
6 generations, and shame on -- shame on us. We
7 shouldn't do that. Now -- so I just want to say
8 that first, you know, that we -- in my comments
9 first that I spoke for the earth and for our
10 children.
11 And second, I have done a number of these
12 kind of scoping meetings, and I'm kind of
13 familiar with them. And, you know, when you
14 leave, you're going to count the comments and
15 the number that actually supported the treaty
16 and the NEPA process and tribal historic rights.
17 And so before I continue on, I want you to take
18 a note of a silent vote from the people here.
19 And so I'm asking the people here standing
20 behind to show your hand if you support the 1868
21 Treaty of the Lakota people and raise your hand.

22 So I'd like you to take note that the
23 majority of people here who might not mention
24 that did, in fact, vote in favor of you
25 recognizing the working power and authority of

1 the 1868 Treaty.
2 And next I would like to talk about the --
3 this National Environmental Protection Act, the
4 NEPA process, and that you are supposed to have
5 consulted with the tribe all along in
6 determining any kind of development within our
7 territorial homelands, and you have not done
8 that, and that's illegal.
9 And so I would like to have another silent
10 vote from the audience to raise your hands that
11 you support that the EPA and any corporations
12 that come here have to undergo and respect the
13 NEPA process with respect to the tribes whose
14 land they are on.
15 Next, I would like you to take note that the
16 United States or its signators to the 1974
17 Self-Determination Act of the indigenous people
18 of this country known as United States, and by
19 doing so, that gave us a constitutional right
20 under the U.S. Constitution and the recognition
21 of the sovereign authority of the indigenous

22 peoples wherever they live. And so I would like
23 you to take note of that.
24 And then also, I want to -- I think it's
25 important that you understand also that there's

1 also not only the previous violations that I
2 spoke of, where you had the show of hands,
3 silent vote in favor of those comments of mine,
4 but you also need to recognize international law
5 and the rights of indigenous people under the
6 United Nations Declaration on the Rights of
7 Indigenous Populations [sic], which the United
8 States is a signator to.
9 So I want to read that to you as quickly as
10 I can before I lose my time. The United Nations
11 Declaration on the Rights of Indigenous
12 Populations [sic]. Article 27, Adjudication:
13 "States shall establish and implement, in
14 conjunction with indigenous peoples concerned, a
15 fair, independent, impartial, open, and
16 transparent process, giving due recognition to
17 indigenous peoples' laws, traditions, customs,
18 and land tenure systems, to recognize and
19 adjudicate the rights of indigenous peoples
20 pertaining to their lands, territories, and
21 resources, including those which were

22 traditionally owned or otherwise occupied or

23 used. Indigenous peoples shall have the right

24 to participate in this process."

25 Article 25 of the U.N. Declaration on the

1 Rights of Indigenous Peoples, a Distinctive
2 Relationship: "Indigenous peoples have the
3 right to maintain and strengthen their
4 distinctive spiritual relationship with their
5 traditionally owned or otherwise occupied and
6 used lands, territories, waters, and coastal
7 seas and other resources and to uphold their
8 responsibilities to future generations in this
9 regard."
10 Article 26 of the same document --
11 REGIONAL JUDICIAL OFFICER SUTIN: Mr. Janis,
12 I need you to wrap up, please.
13 KEITH JANIS: I will right now.
14 Use and Ownership: "Indigenous peoples have
15 the right to the lands, territories, and
16 resources which they have traditionally owned,
17 occupied, or otherwise used or acquired.
18 Indigenous peoples have the right to own, use,
19 develop, and control the lands, territories, and
20 resources that they possess by reason of
21 traditional ownership or other traditional

22 occupation or use, as well as those which they

23 have otherwise acquired."

24 And: "States shall give legal recognition

25 and protection to these lands, territories, and

1 resources. Such recognition shall be conducted
2 with due respect to the customs, traditions, and
3 land tenure systems of the indigenous people
4 concerned."
5 Thank you. Mni Wiconi.
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
7 Julie Santella. Go ahead.
8 JULIE SANTELLA: Hi. My name is Julie
9 Santella. I'm a graduate student in geography
10 at the University of Minnesota in Minneapolis.
11 I grew up in Sioux Falls, eastern part of the
12 state. And I am humbled by all the people who
13 have spoken yesterday and today, and a lot of
14 what I am going to say is to reiterate what
15 other folks have said.
16 And while the stated focus of these public
17 hearings is on these draft permits and the
18 exemption from the Safe Drinking Water Act for
19 parts of the Inyan Kara aquifer, I want to focus
20 my comments on another draft document being
21 presented, the so-called Environmental Justice

22 Analysis for this proposed project.

23 I'm troubled by the way that public input on

24 the EPA's EJ and tribal consultation processes

25 has been underemphasized here when, in fact,

1 these proposed permits and proposed aquifer
2 exemption are questions of environmental justice
3 in really important ways, and these
4 considerations of environmental justice or
5 injustice ought not to be bracketed off from the
6 rest of the project approval process.
7 So my concerns with the EJ process are many.
8 First, as many people have been noting yesterday
9 and today, the proposed project area as well as
10 this place where we are meeting today is
11 contained within treaty territory, as defined by
12 the 1851 and 1868 Fort Laramie Treaties.
13 And therefore, when developing the National
14 Historic Preservation Act draft compliance and
15 Environmental Justice draft analysis documents,
16 the EPA's analysis is already flawed in saying
17 that the site in question is not located on
18 tribal lands.
19 I find the EPA's acknowledgement of the
20 cultural importance of the Black Hills to,
21 quote, "many Native American tribes" and

22 associated consultation processes inadequate and
23 disappointing, as many people have noted today.
24 In the -- from the National Historic
25 Preservation Act document that was offered on

1 the website, the -- the -- it was noted that the
2 Oglala Sioux Tribe considered
3 government-to-government consultation attempts
4 to be inform-and-educate meetings. So when you
5 have one side considering meetings to be
6 government-to-government consultation and
7 another side seeing those meetings as being
8 inform-and-educate from one side, that's a
9 problem.
10 So even if I agreed with the bounded nature
11 of the EPA's considerations with regard to
12 environmental justice, considering only a
13 20-mile buffer zone around the proposed project
14 area, even within those bounds I would consider
15 its environmental justice process inadequate.
16 But I don't agree with those boundaries.
17 And I'm concerned about the way that this
18 analysis for environmental justice fails to
19 account for potential impacts of this project
20 beyond these geographic boundaries, and also the
21 failure to recognize the way the environmental

22 follow-up in this project stands to build upon
23 layers of historic environmental injustice
24 experienced in this region.
25 I'm not convinced that, given the highly

1 fractured nature of the hydrogeology in the
2 southern Black Hills, the 7,500 exploratory
3 boreholes left by TVA's exploration in the '70s
4 and '80s, and what the Geological Service calls
5 relatively fast-flow velocities of groundwater
6 movement, given all of that, I'm not convinced
7 that it makes sense to say that contamination
8 won't occur as a result of this proposed
9 project.
10 I am no expert when it comes to geology, and
11 I'm hopeful that you will listen to the many
12 scientists, hydrologists, geologists who are
13 working hard to understand the geology of this
14 region better and have reason to question the
15 safety of this proposed project and its -- and
16 its ramifications for communities beyond this
17 bounded 20-mile area.
18 But I'm also concerned about the EPA's
19 failure to recognize that the communities who
20 stand to be harmed by this project have
21 experienced significant historic injustice when

22 it comes to land and resource development. Even
23 if we look only to past uranium projects, we
24 find a more nuanced understanding of injustice
25 in this region.

1 Just yesterday we heard further confirmation
2 that the Cheyenne River is in fact polluted as a
3 result of past mining activities with impacts
4 for downstream communities, including
5 Pine Ridge, Cheyenne River, and other Native
6 communities. We know that Cameco's operations
7 in Crow Butte, Nebraska have negatively impacted
8 the water on Pine Ridge.
9 This came out in expert testimony both on
10 the matter of license renewal for Crow Butte as
11 well as the hearings for the NRC permit for this
12 proposed project.
13 I'm also not -- no expert on lived
14 experience of these layers of injustices, and
15 this is not just as a result of uranium mining,
16 but of land theft, logging activities, other
17 mining operations that all over have been,
18 continued to be made possible by colonial
19 dispossession of native lands and resources.
20 And my hope is that you will listen to all
21 these people gathered here today, explaining

22 these layered impacts of these projects on their
23 communities. I hope that you will listen when
24 they tell you that your mechanisms for tribal
25 consultation are inadequate at best and

1 insulting at worst. And I hope you will rethink
2 your definition of environmental justice.
3 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
4 Ms. Santella.
5 Next if we can have Kai Bosworth.
6 KAI BOSWORTH: Okay. Thanks a lot for
7 allowing me to speak today. My name is Kai
8 Bosworth. I'm also a graduate student in the
9 Department of Geography at the University of
10 Minnesota. I hold an M.A. in Environmental
11 Studies with an interdisciplinary focus on
12 Environmental Justice from Macalester College,
13 as well as a B.A. from the University of
14 Minnesota. And I grew up in Spearfish,
15 South Dakota.
16 So today I also want to make comments with
17 respect to the draft Environmental Justice
18 Analysis that the EPA produced for this project.
19 Environmental justice is defined by the EPA
20 as "the fair treatment and meaningful
21 involvement of all people regardless of race,

22 color, national origin, or income, with respect
23 to the development, implementation, and
24 enforcement of environmental laws, regulations,
25 and policies."

1 But the concept and definition of
2 environmental justice were developed not by the
3 EPA itself, but by social movements led by
4 Native nations, black activists, migrants, poor
5 people, and women, namely the people standing
6 behind me here today.
7 Environmental justice was institutionalized
8 via executive order in 1994 and '95 and
9 developed and expanded via agency plans. But
10 while the EPA's definition of environmental
11 justice has narrowed significantly, ours, for
12 those social movements, has expanded
13 drastically.
14 The two parts to the EPA's Analysis of the
15 Dewey-Burdock Project on Environmental Justice
16 primarily concern first the assessment of the
17 project area, which is defined as 20 miles
18 surrounding the Dewey-Burdock project itself,
19 and even within this area that includes the
20 community of Edgemont, the EPA concludes that
21 there are, in fact, communities that qualify as

22 overburdened and face -- have significant health
23 impacts related to past environmental activities
24 on the land.
25 But mostly what I want to talk about today

1 is whether participation and consultation are
2 adequate to the EPA's stated standards of fair
3 treatment and meaningful involvement of the
4 folks who have gathered here today.
5 And so I guess my question, my main question
6 is why limit environmental justice analysis to
7 these communities, the 20 miles surrounding
8 Dewey-Burdock, when historically and legally, we
9 all know that this is tribal land and, at the
10 very least, that the project does indeed impact
11 Native nations.
12 The EPA, it seems to me, implicitly agrees
13 with this sentiment for in the EJ analysis, in
14 the second part, they attempt -- they state that
15 they attempt to take enhanced measures to
16 collect input from Native peoples, including,
17 they argue, these very public participation
18 meetings today which were located, supposedly,
19 closer to tribal communities so that -- to
20 facilitate their appearance here today.
21 Many speakers have already commented on

22 consultation, and I think that they are far more
23 qualified to do so than I. So I just want to
24 use my remaining time to comment on public
25 participation in environmental review.

1 And I think what we need to ask ourselves
2 is -- and the EPA, is whether participation
3 today qualifies as meaningful. What is a
4 meaningful contribution and comment to this
5 project?
6 The gracious EPA agents are at pains to tell
7 us that we -- that our comments are being
8 listened to and heard and will be responded to
9 in the final permits that they will grant, but
10 we all know that actions speak louder than
11 words.
12 And the inadequacy of the EPA analysis could
13 be fixed based on our comments that we give
14 today, but I hope you understand our extreme
15 skepticism that it will be. For example, after
16 the head of the EPA's EJ division, Mustafa Ali,
17 resigned two months ago and indicated that the
18 department's future could be at risk under the
19 current administration.
20 So to me and many EJ scholars, what
21 meaningful commitment and -- or, comment and

22 participation might do would recognize the
23 participants who are speaking here today,
24 especially those who come from Native nations,
25 as the experts on the region, its water and its

1 land.
2 And possible conditions that you could all
3 attach to future permitting that would create
4 meaningful participation would recognize this:
5 By expending -- expanding the spatial and
6 historical parameters of the Environmental
7 Justice Analysis beyond the immediate 20-mile
8 radius; to include the long history of
9 dispossession, broken treaties, and
10 contamination of Native land and bodies.
11 This would recognize that what justice means
12 is something far more than what goes on in this
13 five-minute speech or anything like that, but
14 much longer, a process of redress and
15 reconciliation.
16 I think that in order to do this, you would
17 have to recognize that the expert analysts are
18 the people in this room and who have spoken to
19 you over the last few days and not the experts
20 from Powertech and their consultants.
21 So I suggest that perhaps one thing you

22 might think about doing is, instead of using us
23 and our free time to supplement their income and
24 projects, is instead to hire everyone in this
25 room to complete the consultation process of the

1 environmental justice draft permit. I think
2 that this would begin to develop a meaningful
3 participation by including us in a real
4 dialogue.
5 Thank you to everyone who has spoken today,
6 and I look forward to submitting longer written
7 comments to this panel.
8 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
9 Mr. Bosworth.
10 Cheryl Anne Ruebner-Malroy.
11 CHERYL ANNE RUEBNER-MALROY: Hello.
12 So when I walked into this room, I found a
13 whole bunch of papers with some semi-laymen's
14 terms, scientific information about what is
15 planned to be done with this uranium mining
16 project.
17 But I very soon realized, after sitting down
18 to read them, that I don't have to read them and
19 nobody else has to read them because there's no
20 reason for any of this to be happening in the
21 first place.

22 And, yeah, we could -- we could all come up
23 here and advocate for the rights of the people
24 that have lived on this land, and we should.
25 But when it comes down to it, whoever is making

1 these unilateral decisions should take into
2 account their own survival.
3 Because when you're dealing with bullies,
4 ethics doesn't come into play. You can't
5 convince bullies to care about anything except
6 for themselves.
7 So what I propose to the EPA, who I
8 understand is an organization that is in a tough
9 spot because you've chosen to protect the
10 environment, but yet you're still withheld by
11 these laws of the federal government that you
12 are a part of.
13 So as double agents, I urge you to please
14 take into account your own future. Because
15 these water jugs in the back here that we're all
16 drinking out of are clean right now. But soon
17 they won't be.
18 It doesn't make any sense to me how anybody
19 could be considering these deep, heavy metal
20 mining projects when we're already dealing with
21 wildfires and contaminating bursts from all the

22 oil pipelines that have been installed. There
23 have been hundreds of leaks and explosions
24 within the past few years. Many people have
25 died on the site of these explosions.

1 Why are we trying to drill more holes? It
2 doesn't even matter if the small bits of
3 proposed leakage might not cause any damage.
4 Okay. So say if we can use these other
5 chemicals to neutralize the radioactivity, what
6 if -- okay, say, imagine if the radioactivity
7 has no effect at all. We're still on fault
8 lines.
9 Hello? I think that the microphone went
10 off. On, no, it didn't. Maybe Mercury is in
11 retrograde. It's not, though.
12 Anyway, say if all of this radioactivity
13 could be hypothetically neutralized. When it
14 comes down to it, all of the water is shared by
15 a collective water table. There might be
16 pockets of geographical boundaries, but the
17 water all eventually seeps into all the other
18 water, whether it's underground or whether it's
19 from the rain falling down; right?
20 So there's the water. There's also the fact
21 that by causing vibration in the earth, we

22 create an exponential butterfly effect. It
23 happens with water, and it happens with earth.
24 This is how tidal waves are created, and this is
25 how earthquakes are created. This is how

1 volcanoes begin to erupt. This how the earth
2 might begin to shake.
3 So this is really serious business here, and
4 it doesn't -- we can't point at any individual
5 person or any individual group and -- because
6 we're all sharing all of these things; right?
7 We and everybody that's here in this room, I'm
8 assuming, was born on this planet, born on this
9 land. It doesn't make any sense to me.
10 I feel like -- sometimes I feel like this
11 whole -- the government and these companies that
12 are trying to do this are like school yard
13 bullies sitting the little ones down and saying,
14 Okay, you have to play by these rules now, you
15 have to bring me this, you have to do this, or I
16 won't provide this for you.
17 But you know what? When it comes down to
18 it, once there's only a very small amount of
19 clean water left, it doesn't matter who's the
20 bully and who's not the bully, because we're all
21 just going to have one little cup of water to

22 share. I really hope that's not going to

23 happen.

24 What I'm hoping to see from the EPA or

25 anybody that has the ability to make unilateral

1 decisions is, instead of bickering over whether
2 or not we should dive into the earth for these
3 radioactive materials, we should start figuring
4 out, How do we clean up what we already messed
5 up?
6 There's a teenage boy a number of years ago
7 that invented a way to clean the oceans of the
8 oil and the trash. After I heard about it
9 awhile back, I never heard anything again.
10 So the last thing I'm going to say here is
11 that the only heavy metal we need is the heavy
12 metal that has a bass guitar, drums, a guitar,
13 and a lead singer. Thank you.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
15 Christopher Joe Ruebner-Malroy.
16 CHRISTOPHER JOE RUEBNER-MALROY: I am a
17 Shawnee native. I don't need to use the
18 microphone because I know how to speak loud
19 enough. That's what I learned by being Shawnee.
20 You guys are about to see your water rise.
21 Your caps are melting. Antarctica is about to

22 lose its shelf. The Mississippi just flooded.

23 All the rivers stemming from the Mississippi are

24 rising.

25 I don't understand why you want to go play

1 with your aquifer. The Ogallala aquifer belongs
2 to the Lakota people, and they will defend it.
3 It's the last fully functional aquifer in this
4 country. All the oceans are going to rise 5 to
5 10 feet in no time. You're going to be
6 evacuating your coast just to come inland. This
7 is all you have left.
8 Okay. So you go pollute these two aquifers.
9 You got two separates aquifers; they all go to
10 the same place. In fact, Ogallala aquifer is
11 being purified by the mountain ranges in the --
12 in the -- almost going to be exploding volcano
13 if you allow it to get to this point.
14 All that radioactivity will travel north,
15 what I have learned by watching the Mississippi
16 rise and fall and rise and fall over a decade of
17 living there. The southern winds have increased
18 up the Gulf of Mexico. Emissions is energy with
19 a mission. It goes somewhere.
20 So since the eclipses have occurred,
21 something has happened in the Mississippi

22 causing the waters to rush north. This is south
23 of the Ogallala, is it not? What if the waters
24 here go north? The whole aquifer will be
25 contaminated.

1 All these people live off the land. They
2 belong to the land, so do you. We all belong to
3 the land. You cannot put a boundary, a barrier
4 in between water. Water knows no boundary.
5 Red Cloud is Lakota. He was trying to get a
6 treaty, but it was the other people who were
7 trying to get the treaty. He just wanted
8 hunting lands. He wanted some food for his
9 people. He didn't even want to consider the
10 part of the treaty that says that your country
11 was going to give him all the means to provide
12 that food by growing it out of the ground, out
13 of the land.
14 You should honor that part of the treaty
15 before you consider putting anything in the
16 earth. The sulfuric acid, whenever you put
17 hydrochloric acid into the ground to cause a
18 fracture, and that's what causes it, along with
19 radon and all these other things. That's what
20 they use to make sure the fracture.
21 When it comes back up, it has so much

22 sulfuric acid in it. You are talking about you
23 got a problem with sulfur. You're about to put
24 sulfur in sulfur. You're going to have a big
25 problem. You cannot get rid of it.

1 I've traveled the country many times with
2 the Rainbow Family. I have seen the creeks, the
3 red sulfur at the bottom of the creek. You have
4 to go upstream or you have no clean water. You
5 can't drink from the bottom. But now the top is
6 the bottom. You want to put something in here,
7 it's going to go that way.
8 All these people are going to suffer, all
9 their children. Look. Look at all these
10 people. They have kids, like you. All of them,
11 families. They are one big family because they
12 had to stick together and unite against -- where
13 were you for the pipeline? Your own president
14 doesn't honor you. He signed an executive order
15 saying you have no power. So who do you
16 represent? Who represents you?
17 That's what I'm trying to say. I represent
18 these people. I represent the Shawnee. We
19 stopped fracking for the most part there. We
20 ran Peabody coal out. They're gone now. They
21 filled that hole. And now they are trying to

22 get a bankruptcy notice. Bankruptcy.

23 Flint River, those people are paying for

24 poisoned water. They are made to leave their

25 homes. They're not even -- they have nowhere to

1 go. So you got the Great Lakes. You got all
2 the coast. Did you see the hurricane come
3 through Florida? Did you hear about the
4 flooding in the southeast?
5 These are clues to tell you that the entire
6 southeast portion of the country could be
7 underwater soon. All those people are going to
8 come here, and you're going to put that in the
9 ground?
10 You should be growing hemp. You should be
11 growing food. We've got a food crisis. I can't
12 buy the lettuce at the store, it's $5 a head.
13 Why? We should be growing our own food. You're
14 going to have millions of millions of people
15 starving soon. They're already there. They
16 already got lead poisoning. Their children are
17 already suffer from lead poisoning for the rest
18 of their life.
19 This is real. Okay. So now the hunting
20 land is cattle land. So now the cattle eat your
21 grass that is polluted with all your radioactive

22 sulfur, radon, everything else. Now you're
23 going to eat that cattle. You should be testing
24 your cattle. I'm sorry.
25 REGIONAL JUDICIAL OFFICER SUTIN: Your time

1 is up, Mr. Ruebner-Malroy. I need you to wrap
2 up.
3 CHRISTOPHER JOE RUEBNER-MALROY: Thank you.
4 One last thought. There's a war in the
5 Japan Sea right now. They are threatening to
6 bomb a ship that was sent over there, never
7 should have been sent because you didn't finish
8 the war here on water.
9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
10 Sophia Black Cloud. I'll come back to her.
11 AUDIENCE MEMBER: She's parking her car.
12 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
13 I'll come back to her.
14 Sage Trudell.
15 SAGE TRUDELL: Hello. My name is Sage
16 Trudell. I'm Miniconjou Lakota from Cheyenne
17 River. I was born and raised here in
18 South Dakota. I was born in 1981. Prior to my
19 birth, my mom and dad were both -- belonged to
20 the Black Hills Alliance, fighting for this
21 exact same thing.

22 I'm 36 years old. For many, many years you
23 have been warned. We have told you repeatedly
24 everything that you have been told today. And
25 it feels like we're not being heard, we're not

1 being listened to.
2 I grew up on waters that are polluted.
3 Minor, you know, but to me it's like you're
4 trying to pollute water and then clean it up,
5 repollute water, clean it up, and give it back
6 to us.
7 You know, you give us all these reasons
8 about how you can guarantee this isn't going to
9 happen, but there's never been an instance that
10 it hasn't. When are you going to clean up
11 what's already happened? What's going to happen
12 when you run out of water, you know? We're --
13 we -- you may be doing this on indigenous land,
14 but the water affects everybody. Water really
15 is life. When you think about it, you're born
16 from it, you go back to it.
17 One thing that bothers me is that the tribes
18 haven't been consultated and -- consulted, and
19 it bothers me because in the presentations that
20 you give, you give us the appearance like it
21 has. You're withholding information, and I

22 don't really feel like you're being completely
23 honest, and I don't feel like you ever will be.
24 There's a lot of times -- I haven't heard
25 one reason come from the EPA in any of these

1 hearings -- and I sat here, and I was here
2 yesterday, and I followed the points and I
3 listened to the people speak -- but you never
4 one time gave us how it would be a danger to our
5 environment or our water.
6 You told us how you could keep it from
7 contaminating, but you've never been able to do
8 that. And you can't control the earth. You
9 can't control where it goes. You can't control
10 what happens. That is something that is -- you
11 can't control the power.
12 See, you guys have a false perception of
13 what that is, and I really wish that you would
14 value life over money. Because I come from a
15 poor nation. You do not have the right to tell
16 me that I can't afford to have clean drinking
17 water, and that my children don't have a right
18 to live.
19 What happens when it becomes your water?
20 What happens when you step away from the
21 reservation and it's in your city or where

22 you're from?

23 You know, we've been standing for our water

24 for a long time. I feel like our people are

25 being attacked. We're not being respected.

1 We're not being listened to, and our life value
2 doesn't amount to yours because we're
3 indigenous, we're poor, we're on a reservation,
4 we don't -- it's like you're -- it's like you're
5 not respecting.
6 See, it all boils down to respect. Would
7 you feed your children the same water that
8 you're trying to feed us? Every time you take a
9 drink of that bottled water, where do you think
10 that came from? It's probably stolen from
11 indigenous lands. Every time you drink that
12 coffee, it's made with the water, you know?
13 What's happening there? I was in Standing Rock.
14 You guys folded.
15 When is it really about the environment?
16 Isn't that what EPA stands for, the
17 Environmental Protection Agency? Who's
18 protecting the earth on your side? Because I
19 don't want them -- I'm just standing for them.
20 We are all water-protectors. We are all
21 earth-defenders. See, because without her, we

22 have nothing. What happens when we use

23 everything she has?

24 You know, we think we have control. You

25 don't know what control is. That's -- that's

1 false. It's not real. It's something that you
2 tell us. See, we come in, and you guys are this
3 civilized entity that's going to teach us
4 savages how to behave, but it seems like you're
5 the savages.
6 You come in here and rape the land, pollute
7 the water. But do you really listen to anything
8 that's being said? Like I said, I'm 36 years
9 old. My mom and dad stood for this exact same
10 thing in the '80s. Never once did you listen
11 then. Don't come here to pacify us. Come to
12 truly listen. Participate.
13 You know, a lot of people were right, your
14 guys' decision basically has already been made.
15 Because if it wasn't, the tribes would have been
16 involved in the beginning. See, Cheyenne River,
17 you guys are trying to border our land. Do you
18 know that we have pipelines trying to go through
19 our land? They are trying to bury nuclear waste
20 on my reservation?
21 And then you guys are going to come in with

22 the uranium mining? What about my children?
23 You know, you may not care about my kids, but I
24 care about yours. I'm going to stand on this
25 side and defend the water for you since you seem

1 incapable of doing that on your own.
2 And I'm not putting -- placing a specific
3 blame on you, but you're the representatives of
4 the entity we stand against. And it's really
5 sad that the people are standing -- have to
6 stand against the EPA for the same thing that
7 you guys should be standing with us for. You
8 know, I'm going to pray for you.
9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
10 Ms. Trudell.
11 Sophia Black Cloud. Has she come back?
12 Wiyaka Luta.
13 WIYAKA LUTA: (Speaking in indigenous
14 language.)
15 How many of you are supporting us on this
16 water? These corporations, these ones that want
17 to come in and dig, how many of them are for
18 saving the water? I grew up traditional. I
19 learned your guys' language, so I'm going to
20 speak it today.
21 I want to know why you guys -- I mean, why

22 they want to destroy everything, and why are
23 they attacking our reservation? Is it because
24 they used up all their resources? Why is it
25 that they are attacking our reservation? I want

1 to know. And up here, too, why are they trying
2 to dump the wastewater on the reservation?
3 I mean, why are they doing this? Why are
4 they doing this to the land? I want to know. I
5 mean, you know, my grandparents, they fought so
6 hard for this land so that I can grow up free.
7 I mean, us Indians, we can dig up, we can
8 build, and we can take it apart and put it back
9 into the ground.
10 So now you want to come in with all these
11 corporations and dig these holes that make all
12 these buildings. Now you guys are polluting --
13 you guys -- is that why you guys -- is that why
14 they poisoned our water, so they can come in and
15 dig? If they kill me, then they kill my future
16 generation now by poisoning the water.
17 So I'd like to say thank you to them for
18 destroying the next gen- -- the next seven
19 generations. What are we going to drink? What
20 are they going to drink? And why do we have to
21 pay for water when it's poison and it's not

22 drinkable no more?

23 How many of these tribal workers here, how

24 many of them are supporting the water? The ones

25 supporting the water are sitting here, my oyate,

1 my people. And then I got -- there's another
2 room where they're all sitting. Why is it that
3 you guys want this land? Why do they want this
4 land to destroy it so bad when this is the
5 sacred grounds?
6 (Speaking in indigenous language.)
7 This -- this thing right here just murdered
8 the future generation. Our waters are poisoned.
9 You know what? We were put here to take care of
10 this land. We don't own this land. Nobody owns
11 this land. We all belong to this land. When we
12 die, we go back to the land.
13 Why is it so important for you guys to come
14 and do all this stuff on our land? And then
15 again, I'm going to get mad at you ones that
16 support this. My people, I'm going to say
17 something.
18 (Speaking in indigenous language.)
19 Lakota, we have a reservation. Now they
20 went us to be quiet. I don't know anything
21 about your guys' -- I learned your language, and

22 I like a lot of your language, how you guys do

23 things.

24 I'm a Lakota. I'm not educated. I never

25 went to your schools, and I don't want to learn

1 anymore. It just destroys my people. It's
2 destroying my culture.
3 I can't even speak to my grandkids because
4 the government, everybody says we have to speak
5 your language. Like I myself say, I'm not like
6 you guys. I'm my own person. I grew up on this
7 land. I don't want your education.
8 (Speaking in indigenous language.)
9 If you want to bring in businesses to the
10 reservation -- no, that's a sovereign nation.
11 If you want to be like these white people and
12 you love money, leave the reservation. Get the
13 hell out and go live with them out here. Leave
14 my reservation pure.
15 So when you get tired of being a Wasicu, you
16 can come home and be a Lakota. Don't bring that
17 stuff into the reservation. If you want money
18 and you want to be like these white people, look
19 it, there's a whole land out here. Come out
20 here.
21 Okay, my people. That's what I'm telling

22 you now. If you want to be Wasicus, get off
23 that land and be Wasicus out here. Leave that
24 reservation the way it is.
25 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Luta,

1 your time is up. I need you to wrap up.
2 WIYAKA LUTA: That's what I want to say. To
3 my people that are here, remember that.
4 (Speaking in indigenous language).
5 They are in that other room, the tribal
6 president.
7 (Speaking in indigenous language.)
8 They came and poisoned our waters. They can
9 come and take the land and dig it up. Thank you
10 for doing that, you know. Because one day it's
11 going to all come back on these corporations.
12 And one day it's going to be coming to me to try
13 to live. I'll be waiting for you guys.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
15 Ms. Luta.
16 Lydia Bear Killer.
17 LYDIA BEAR KILLER: Good afternoon. My name
18 is Lydia Bear Killer, and I currently serve on
19 the Oglala Sioux Tribal Council. I come here
20 today and recognize this as just a listening
21 session, and because there is violations of

22 federal laws that you people are supposed to

23 protect and pursue, and it's your responsibility

24 to take care of those federal laws.

25 Today, like we said, you know, the chairman

1 before me, he said the NEPA, NHPA, all the
2 federal laws that your government is supposed to
3 protect for the people is not happening. So
4 today, for the record, and your record, I'm
5 going to say that there was never no true
6 meaningful consultation on these issues.
7 And stand up for and with the people and
8 everybody that's here. I oppose it. And I'm
9 sure that everybody that got up here is opposing
10 it. And I hope you're counting each person that
11 comes up here and makes a statement, that they
12 are in opposition to this.
13 I, too, feel like everything that you guys
14 put on the earth, the video that we all saw, I
15 feel like it's all a done deal again. And it
16 has been. And I served, since 1990 on -- I
17 mean, 2000 on Tribal Council. And there was
18 never no true meaningful consultation for our
19 tribes.
20 The federal government comes in, they have
21 all this planned. And they sit there and they

22 listen, and they say this is a consultation.

23 Whether we agree or disagree, it happens anyway.

24 When it's all -- it's all pre-done. Everything

25 is done already. And then it's given to the

1 people like it's happening right here today.
2 So I -- and like with the rest of them that
3 are saying, you know, EPA failed on the Standing
4 Rock issue. There was supposed to be a full
5 environmental impact statement study that was
6 supposed to be done, and it didn't happen.
7 Because your president, your United States
8 President came in, and he's going to continue
9 abolishing and, you know, pawing through his
10 laws against the people of these United States
11 and our Indian people.
12 There's a lot of irreparable harm to our
13 health that's already happened, and I don't
14 think that any federal government can repair
15 irreparable harm. With uranium, I don't care
16 how safe you say it is, how contained it is, how
17 good it is, it is not safe.
18 And the scientists, the ladies before us,
19 you know, they put it in terms on how it's going
20 to still affect our people. And you know, the
21 EPA, your duty, the Environmental Protection

22 Agency, your duty, I think right now, United
23 States citizens, you know, should demand this
24 Agency to file, to go after Japan for Fukushima.
25 You know, that bomb, whatever, blew up over

1 there, that's contaminating that water. And
2 it's coming, and everybody is going to be
3 affected by that contamination of that water.
4 That's what you guys are proposing here against
5 our own people.
6 So just -- this afternoon or this evening,
7 you know, I, too, come here, and I oppose it.
8 And as a part of the Oglala Sioux Tribe, we
9 opposed it by resolution, and we're going to
10 continue opposing it. And for your record,
11 there was no true meaningful consultation on
12 this issue.
13 So today that's for me to speak on. But
14 also, I, too, am a mother, and I am a
15 grandmother, and I believe that we need to take
16 care of Mother Earth. And I don't see where our
17 federal laws are protecting our own environment.
18 And it isn't safe.
19 You know, I still don't see where anything
20 that was ever done where a federal agency says
21 it's safe, it's okay, and we'll clean up, we'll

22 do this. You know, all these corporations
23 coming in, they are all from the different
24 countries. They are from Canada, they're from
25 China, Russia, everybody.

1 They're coming in, and they're using our
2 resources, which, you know, in long term it's
3 damaging this earth that we live in.
4 So today, you know, I come -- I put it on
5 record, you know. Oglala Sioux Tribe is the
6 largest Sioux Tribe in South Dakota. However,
7 we have other Sioux tribes, like Rosebud. We
8 have Cheyenne River, we have Lower Brule,
9 Standing Rock. We have all these tribes
10 opposing any kind of decisions that you, the
11 EPA, are going to make.
12 And I hope you oppose and I hope you don't
13 go along with the request that these
14 corporations are asking for. I'm asking that --
15 that in the presence of people, everybody that's
16 here, everybody that's stayed and put their
17 comments on the record, that you consider each
18 one of them and that you oppose and do not honor
19 the request from this Powertech or whoever is
20 asking for this license.
21 I hope you guys put a stop to it and not

22 allow it to happen.

23 (Speaking in indigenous language.)

24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

25 Ms. Bear Killer.

1 Next if we can have Wankinya Ho Waste. I'm
2 sorry if I didn't get that right.
3 WANKINYA HO WASTE: (Speaking in indigenous
4 language.)
5 As I stand here today, I'm standing with 500
6 years of resistance. I'm speaking in a
7 500-year-old voice that's still speaking
8 resistance. When I speak up here, I'm speaking
9 for the water, the earth, the sky, the land we
10 walk upon.
11 I'm speaking for your God that you settlers
12 killed a long time ago. I'm speaking for your
13 Jesus that you settlers hung on the cross and
14 that still hangs there today.
15 When you are here, I want to remind you
16 whose land you're on. It's not mine and its
17 none of these people. It's Mother Earth's. I'm
18 only here for opposing something that is very
19 detrimental for the environment. Or in deeper
20 terms, you're trying to kill our mother.
21 You can make all the plans that you want

22 about how safe it is, but why not let us make
23 plans. I want you to tell that foreign country
24 to take their asses back to their own lands and
25 fix their own air and water.

1 I know -- everybody knows damn well Japan
2 can't breathe their own air. They have to buy
3 it from Australia and Canada. Turtle Island,
4 this land, that's what it's called --
5 REGIONAL JUDICIAL OFFICER SUTIN: Excuse me.
6 No, no, no. One second.
7 I'm hearing conversations in the room, and
8 it's very distracting and not fair to the people
9 speaking. So if you need to have conversations,
10 please leave the hearing room and have them out
11 in the hall. Thank you.
12 Go ahead, and I'll give you a little more
13 time.
14 WANKINYA HO WASTE: All right.
15 Again, this land you're on is called Turtle
16 Island, Keya Wita. The Black Hills is the heart
17 of this nation. And if you was to lay the
18 cancer you call uranium on that heart, you will
19 kill all future representations of the culture
20 in this state, which is our seventh generation.
21 You'd be doing the same -- if I was to lay

22 uranium in your backyard, you'd be doing the
23 same protection. But I'm not allowed to do that
24 because I'm an Indian. I have no rights on your
25 land, so why not -- why should you have rights

1 on mine?
2 By treaties, you have no rights. And by --
3 if the settlers learned from us, we would still
4 be drinking out of the rivers that flow today.
5 But yet we are still looking for gasses that
6 still support our cars that we drive. We still
7 look for ways to destroy the land without even
8 knowing it.
9 But I want you to realize that Mother Earth
10 is a human being, not the way we see human, but
11 she is a living, well entity. And if you keep
12 throwing your cancer at her, she will throw an
13 antibiotic right back, and she will wipe the
14 human being out, which is us.
15 I'm not trying to blame anybody for
16 anything, but I want them to wake up and realize
17 that this is all we have. We have nowhere else
18 to go. Find it in your heart. Remind yourself
19 why. Why kill lands for money?
20 And even you coming here today, I want you
21 to realize you've been programmed to work in the

22 society. You've been programmed all your life
23 to find this American Dream. Your jobs that you
24 get paid for is all programmed.
25 It's a false reality when, in actuality, the

1 real reality is outside of your homes with the
2 land. And the water we drink is our -- should
3 be our reality right now. We should be building
4 the relationship to this earth rather than to
5 economic systems and government systems.
6 And I know for sure that you don't want to
7 be traveling. I know that you don't have to be
8 here, but you could be traveling. But you've
9 been paid to be here. You've been paid to hear
10 crying voices that's been crying for 500 years,
11 and I want you -- I want to get you -- I want to
12 remind you why we are here, and it's for Mother
13 Earth.
14 And I hope you guys are well-educated about
15 geological -- of the plate tectonics. And the
16 plate tectonics are always moving. So even with
17 her plans about keeping it contained, it will
18 never stay contained because by the plate
19 tectonic theory, the earth is always moving.
20 And the earth is always growing itself, and
21 it will -- any earthquake can occur, and it will

22 split anything. And you digging as far
23 underground, you could speed up that process.
24 And even contaminating water and overusage of
25 the water and you pulling that water out of the

1 land, then putting it back in can create
2 carbons, and it will collapse. That's what you
3 call a sinkhole. And that's a geological term.
4 And I'm sorry to all the uncis here that I'm
5 speaking English language, but it's what I grew
6 up on. Thank you.
7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
8 Mountain Man Scout -- Scott. Sorry.
9 Mountain Man Scott.
10 MOUNTAIN MAN SCOTT: My name given at birth
11 is Scott Burt Putnick. My birth waters are
12 along what they call Long Island Sound in
13 Connecticut. I'm here because I was invited. I
14 was asked to come.
15 I'm a water-protector, but more than that,
16 I'm just a protector, as are all of us. It's
17 the only true job I have in this world.
18 I'm a grandfather. I'm a father. I'm a
19 son. I'm an uncle. I have a responsibility to
20 my family and to all life, to protect those
21 things that I know and understand to be sacred.

22 Water is sacred. These lands are sacred. Each
23 and every life on this planet is sacred.
24 Water is life. Without it, no life will
25 exist. These lands all around here, these lands

are sacred. There are burial sites for these beautiful people's families. Throughout history, their history, their ancestors have lived for many years in peace and harmony with these lands.

And then for many -- about 500 years, if not more, a great deal of conflict and pain. But they're still here. They're still here and they're strong. And it's an honor to be here amongst them, and it's an honor to have been called here. I thank you for allowing me to speak today.

You can't contain these poisons. I worked in the oil and gas industry for a number of years. My job title was cleanup and reclamation. It's a lie. You can't clean these things up. You can cover them up. They say that they can purify the water. The water was perfect before it was touched.

It was perfect. There was nothing that the hands of man have touched that we can make

22 perfect ever again. I plead with you for the
23 lives of these people, for the lives of all our
24 relations out here, for their grandchildren's
25 grandchildren, and more importantly to you, for

1 your lives, for your children, for your
2 grandchildren, because this affects you, too.
3 It affects everyone on this planet. Do not
4 allow this to happen.
5 And on top of that, the Environmental
6 Protection Agency is supposed to protect, as
7 we've heard. What about the 10,000-plus uranium
8 mines that are already out there? Many of them,
9 there's no sign. There's no anything. They're
10 wide open. They're leaking and leaching toxins
11 now. So if you truly want to do your job, begin
12 cleaning up the mess that's already there.
13 Do not bring more into it. Do not bring
14 more toxins in here. Do not pollute any more
15 water. Do not steal any more land. This isn't
16 your land to steal. This land doesn't belong to
17 anyone, like what she said. The land cannot be
18 bought and sold. I'm sorry. That's true.
19 On paper you may so say. If you really want
20 me to tell you what that paper is good for, I
21 will: fire starter, for one; and to clean your

22 bum for another. That's it.

23 Thank you for your time. Mni Wiconi.

24 REGIONAL JUDICIAL OFFICER SUTIN: Cheryl

25 Rowe.

1 CHERYL ROWE: Hi. My name is Cheryl Rowe.
2 That's C-H-E-R-Y-L, R-O-W-E.
3 And I believe I speak for many that cannot
4 be here today. They just simply could not take
5 off work or they have family obligations.
6 Having hearings during the week when people have
7 to work makes it very difficult. I wonder if a
8 lot of the frustration we have here is because
9 people are frustrated that they have to fight
10 for what is rightfully theirs.
11 Water is the most important ingredient to
12 life. We cannot survive without good water.
13 Everyone in this room knows the pitfalls and
14 dangers to our water this project possesses.
15 The amount of water asked for by this foreign
16 company for free is ridiculous. City residents
17 pay for their water use. Why should we give it
18 away to a foreign company?
19 To give away so much water in a semi-arid
20 region that suffers from drought more often than
21 not is a disaster in the making. We rely

22 heavily on our aquifers. The Ogallala aquifer
23 is important to the plains states. It is a
24 vital resource we cannot squander.
25 Humans demand -- human demands on this water

1 that sprawls underneath parts of eight states
2 from South Dakota to Texas, and landowners are
3 striving to conserve what's left, they face a
4 tug of war between economic growth and the
5 declining natural resources. We should not give
6 so much away to a foreign company.
7 They claim there is no connectivity between
8 the aquifers and their project is completely
9 contained. Spelunkers thought they'd reached
10 the end of the third largest cave in the world,
11 Jewel Cave, which is north of the project. The
12 spelunkers were thrilled when they squeezed
13 through a very tight space and found yet more
14 huge caverns.
15 We are not confident that Powertech or
16 Azarga's claim of knowing what lies beneath.
17 Dr. LaGarry has done extensive research, and his
18 work was submitted during the NRC hearing, and I
19 beg you to look at his findings.
20 Transportation and disposal of all related
21 waste is an issue far-reaching compromises to

22 the environment and contains its own very long
23 list of concerns. We have found radioactive
24 fracking socks discarded in North Dakota
25 illegally. So is there any wonder that we are

1 all skeptical of another extractive business?
2 You have already heard other testimony that
3 we cannot trust this company.
4 Powertech/Azarga's lobbyist wrote legislation
5 and got it passed, whether by ignorance or
6 corruption, that has made the project a
7 self-monitoring operation. This was
8 intentionally introduced to make it easier for
9 them to self-monitor.
10 This was an underhanded and arrogant thing
11 to do to South Dakotans. How can we ever trust
12 them when they had this kind of dishonest
13 intentions?
14 Why, if the process is, to quote
15 Mr. Hollenbeck, "safe and benign," would they
16 need to change the rules to make it easier for a
17 company to destroy an area and then walk away
18 without paying the consequences? Asking for an
19 aquifer exemption should certainly make clear
20 their intentions.
21 Many people use the very same Inyan Kara

22 aquifer that the mining will be done in and --

23 or, at lower elevations. The deep disposal of

24 waste into the lower aquifers is just an easy

25 means for disposal of toxic waste, out of sight,

1 out of mind, and too deep to be monitored.
2 Will it flow into other aquifers? What
3 happens after they are finished and long gone?
4 Who monitors it then? Who cleans up any leaks
5 or excursions from waste disposal ponds? Who
6 pays for it? Once stirred up, this process
7 continues, leaching forever into the
8 groundwater, around the project area, into
9 Beaver Creek, which flows into the Cheyenne
10 River, which flows into Angostura Reservoir,
11 where people swim, fish, and enjoy the outdoors.
12 Since the recovery of the uranium is not 100
13 percent and they are not holding the other
14 harmful elements out for production, arsenic,
15 which is a known cancer-causing metal and
16 contaminates wells, molybdenum and vanadium, et
17 cetera, are other elements that could be
18 extracted, but I see no indication within
19 permits to recover anything other than uranium.
20 All that would be waste. We recycle
21 plastics, glass, and cardboard. Why wouldn't it

22 be feasible to insist on the recovery of all

23 heavy metals and elements that are extractable

24 from this process?

25 The market for uranium is at an all-time low

1 thanks to the ongoing fiasco of Fukushima and
2 the shift to new renewable technology on the
3 rise. Why would we risk contamination of a more
4 precious resource for uranium that may not be
5 used for energy in our future? Again, is it
6 worth the risk? Here I would like to remind you
7 that the half-life of uranium is 4.5 billion
8 years.
9 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Rowe,
10 your time is up, so I need you to wrap up,
11 please.
12 CHERYL ROWE: At this time, it's not
13 economically feasible at $22.50 a pound.
14 Perhaps Mr. Hollenbeck with his organic farming
15 background should look at a more economic and
16 ecologically sound idea for creating jobs in
17 Edgemont. Maybe grow hemp. That's worth far
18 more than uranium.
19 And I'm also very concerned about the
20 shipping of it outside into the national --
21 international market because of North Korea,

22 China, and the threats. I have more, but I'll

23 stop.

24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you

25 very much.

1 Tasina Sapewin? Tasina Sapewin?
2 Kenneth Hargens.
3 KENNETH HARGENS: Good afternoon. Thank you
4 all for giving me the opportunity to speak here.
5 I hadn't really intended on saying anything. I
6 just came out here to see what was going on.
7 But I did bring a piece of paper with me
8 that addresses some of the scientific aspects of
9 this project. But first of all, I've got to say
10 that before the Army sent me to Vietnam, I was
11 drilling oil wells over in Wyoming. And just an
12 indication of the fact that, with all of our
13 scientific knowledge, we really don't know what
14 goes on underneath the ground.
15 And with my education at the School of
16 Mines, I learned a lot of things, and there's a
17 lot of things I didn't learn. But anyway, when
18 we drilled oil wells, we would have a pit in the
19 ground. It's called a mud pit. And it was a
20 lubricant. It's still bentonite and water
21 lubricating the drill pipe.

22 And one of my jobs was to monitor the level
23 of mud in there, and periodically it would just
24 disappear. It'd go out. And at that time, we
25 had to call Halliburton or Dowell, and they'd

1 come in with the lost circulation equipment and
2 plug the hole underneath the ground.
3 And I belong to the geological society, and
4 we've had several speakers. And one of them, a
5 couple years ago, addressed the fact that they
6 did a study, they drilled a borehole, and they
7 injected ionized water into it.
8 And there was a series of monitoring wells
9 around it. And in a very, very short period of
10 time, what they injected in that well spread a
11 great distance, 4,000 feet.
12 Another indication we don't know what's
13 underneath the ground is down to -- by Fall
14 River, Cascade Falls, the spring comes out of
15 the ground. Near there one day they were
16 drilling a water well and -- through that red
17 dirt down there, and the water in the Cascade
18 Spring turned red. So there's something
19 underneath the ground. There's a fissure or
20 something that caused the water flow.
21 Also, a friend of mine that lives in

22 Lithograph Canyon not far from the Dewey and
23 Burdock test sites there, he decided to drill a
24 water well on his property, and his drill pipe
25 went out of sight.

1 The superintendent from Jewel Cave went over
2 there and dropped a fiberoptic camera down
3 there. And somebody said, "Well, what does it
4 look like down there?" He said, "It looks just
5 like Jewel Cave." So once again, we don't know
6 what goes on underneath there.
7 Many years ago, the Homestake Mining Company
8 drilled core drills over towards Maitland. So
9 they decided to drill a tunnel over there to
10 extract the gold. They drilled that tunnel two
11 and a half miles, and when they got there, there
12 wasn't any gold there. There was no gold ore
13 there. Once again, we don't know what goes on
14 underneath the ground.
15 This piece of paper that I brought with me
16 is further indication that we don't know what
17 goes on underneath the ground. And on page --
18 page 3, this is a document that was copied from
19 the Geological Survey files. The Geological
20 Survey wrote this document.
21 On page 3 it says: "After an extensive

22 study of deep injection wells across the country
23 by the U.S. Environmental Protection Agency, it
24 was concluded that this procedure is effective
25 and protective of the environment."

1 What they're talking about here is deep well
2 injection wells. This particular document was
3 initially downloaded in 2011. I don't know when
4 it was printed or when the study was done.
5 But anyway, it goes -- what happened is that
6 Rocky Mountain Nuclear Arsenal -- Rocky Mountain
7 Arsenal down by Denver, they decided to get rid
8 of some of their nuclear waste.
9 So they drilled a deep hole in the ground.
10 They drilled this hole in 1961, and -- okay.
11 They started -- they drilled the hole in 1961.
12 They started injecting nuclear waste and liquid
13 waste into this hole in March of 1961.
14 The first earthquake happened down there on
15 the 24th of April, 1961, very shortly after they
16 started injecting in there. From 1963 to 1967
17 there was 1,300 earthquakes that were felt all
18 the way from Laramie, Wyoming clear down to
19 Trinidad, which is south of Pueblo.
20 They stopped pumping nuclear waste and
21 liquid waste into this borehole in March of

22 1966. The last quake was one of the most
23 severe, and that was in August of 1967, and it
24 registered 5.3.
25 Okay. In 1985, several years after they

1 quit pumping, they decided to plug the well, and
2 they plugged it with bentonite and concrete.
3 But all of this is indicative of the fact that I
4 think this is a ridiculous proposal and it
5 shouldn't happen in our state. I'm sure that if
6 it was given to a vote of the people, the people
7 wouldn't vote for this.
8 As far as these graphics go, these maps and
9 stuff right here, we have a -- we have a saying
10 in the Army that if you can't dazzle them with
11 brilliance, you baffle them with B.S., and I
12 think that's what some of that stuff is.
13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
14 Carla Castaway. Carla Castaway.
15 Joni Tobacco.
16 JONI TOBACCO: Good afternoon. I want to
17 welcome you to Lakota territory.
18 (Speaking in indigenous language.)
19 My name is Joni Tobacco. I am an enrolled
20 member of the Oglala Sioux Tribe, and I'm also
21 an employee with the Tribe's Natural Resources

22 Regulatory Agency. I want to make some comments
23 and express my concerns about this draft permit.
24 You've issued a 151-page draft Cumulative
25 Effects Analysis. I was hoping to see more than

1 seven sentences on tribal concerns. Seven
2 sentences is what was given to the Great Sioux
3 Nation.
4 Dakota Access, Keystone XL, Crow Butte, and
5 Powertech, where is the cumulative effects
6 analysis for all of the permits and aquifer
7 exemptions that have the potential to impact the
8 tribes of the Great Sioux Nation? I don't see
9 your Agency fulfilling any type of trust
10 responsibilities in this regard, and it falls on
11 us to fight. It seems that all we do is fight
12 for our water, for environment, for our
13 survival.
14 Do you have any idea the impacts that has on
15 a society of people? I don't see that in your
16 socioeconomic impacts analysis. I want to make
17 a request, that you do an assessment of the
18 psychological impacts your Agency's actions, and
19 maybe inactions, have on the Great Sioux Nation.
20 Also, please consider the impacts these
21 mining activities have on the cottonwood forests

22 on the Cheyenne River and the White River.

23 Our tribe struggles with identifying whose

24 responsibility it is to identify these impacts,

25 these cumulative impacts on our tribe when it

1 comes to these two mines, one in Crow Butte,
2 Nebraska, and one -- the one up here.
3 Is it the NRC? Is it the EPA? It's unclear
4 at this point. And I think it's the federal
5 government's responsibility to figure out whose
6 job it is to identify just how your actions are
7 impacting my people.
8 In 2007, the Oglala Sioux Tribe declared the
9 Pine Ridge Reservation a nuclear-free zone. I
10 know that the EPA knows about respecting the
11 environment -- the environmental quality across
12 jurisdictions.
13 After the publication titled "Stream
14 sediment geochemistry of the upper Cheyenne
15 River watershed within the abandoned uranium
16 mining region of the Southern Black Hills, South
17 Dakota, USA" was released, how was this draft
18 permit for further uranium mining respectful of
19 my tribe's wish to be a nuclear-free zone?
20 You know, one of our state senators told you
21 yesterday that South Dakota is not a nuclear

22 waste dump. And it seems like with your
23 knowledge of water shortage in Colorado, you
24 would take into consideration the lack of water
25 we have up here.

1 I want to support the comments from the two
2 University of Minnesota students on your
3 analysis of environmental justice. You need to
4 look at how your Agency's actions, your permits,
5 your inactions are affecting or how they are not
6 considering an already marginalized people.
7 You want to segregate us and call us the
8 Oglala Sioux Tribe, the Rosebud Sioux Tribe, the
9 Cheyenne River Sioux Tribe, the Standing Rock
10 Sioux Tribe, go ahead. But you also need to
11 consider that we are the Great Sioux Nation and
12 think about how you're impacting us.
13 Thank you.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
15 Ms. Tobacco.
16 Nancy Hilding.
17 NANCY HILDING: My name is Nancy Hilding
18 from Black Hawk. I'm the president of
19 Prairie-Hills Audubon Society, which is an
20 environmental group in western South Dakota, and
21 I'm speaking on behalf of the society.

22 Got several points to raise. I'll begin

23 with 42 U.S.C. 4321 or 40 C.F.R. 1500-1508, the

24 NEPA regulations, and the Council on

25 Environmental Quality rules to execute those.

1 I'm aware that the EPA has gotten exempted
2 of the Clean Water Act and the Clean Air Act
3 from having to do NEPA analysis. I've not been
4 able to find that you're exempted under the Safe
5 Drinking Water Act or under RCRA. Maybe you
6 are, and I just haven't looked hard enough. But
7 I didn't find it, and I didn't find it in your
8 rules under your NEPA enforcement. So maybe I
9 just don't know better.
10 But the GEIS on in-situ leach uranium mining
11 by the NRC just has the cooperating agency, one
12 of the Wyoming agencies, the DEQ or the EQC, I
13 forget which. And the cooperating agency on the
14 SEIS on Dewey-Burdock was the Bureau of Land
15 Management. There was no EPA as the cooperating
16 agency, and you were not a cosignator, that I'm
17 aware of, to any of those frauds.
18 So ir- -- I don't know whether you should
19 have or not. I'm asking you. Are you exempted
20 under the Safe Drinking Water Act and RCRA? So
21 whether it's you, or you and the NRC, I believe

22 these are failings in those documents.

23 You're supposed -- they're the -- that --

24 either the draft or the final had 642 wells as

25 part of the well fields and the 8 for the deep

1 injection. I've heard that the proposal lists
2 4,000 wells that you guys are writing up
3 recently. That was not one of the action
4 alternatives. That's a much bigger footprint
5 than was in the action alternative in the SEIS.
6 All right. I've heard that there are --
7 also is now third-party waste being -- in-situ
8 leach waste being allowed by the NRC. That was
9 not part of the action alternative in the SEIS
10 or the GEIS. Okay. So this is a NEPA
11 oversight. Whether it's your responsibility or
12 the NRC, who knows -- and the BLM. Okay.
13 I have a question. When you're being
14 allowed these third-party waste disposal
15 actions, there are other forms of in-situ mining
16 besides uranium. It's been used for copper,
17 potash, experimentally for gold. I've read also
18 possible nickel, manganese.
19 When there's this variance being allowed for
20 this to be a waste disposal site instead of a
21 mine, is that just limited to in-situ leach

22 uranium, or is it other forms of in-situ?

23 However, if the second option is, that is

24 not discussed in the NRC, NEPA documents. And

25 they don't have authority over that anyways, and

1 they couldn't. That would rest with you. So if
2 the NRC is allowing third-party waste disposal
3 from -- not related to the radiation exercises,
4 where's the NEPA document on that?
5 Okay. So this gets into this insufficiency
6 of the NEPA documents the NRC did. We're very
7 concerned about failure in -- either in the
8 cumulative effects discussion or the connected
9 actions to not consider as a cumulative effect
10 or a connected action the eventual deposition of
11 the radioactive waste that could come once --
12 and if you dig it out of the ground, somebody is
13 going to use it, and they are going to end up
14 with a radioactive waste. So why isn't that
15 either a cumulative action -- cumulative impact
16 or connected action?
17 And, you know, somebody mentioned Hanford
18 today. But we have here in South Dakota, up in
19 Haakon County, the Department of Energy proposal
20 to do research into a deep borehole deposition
21 of radioactive waste here in South Dakota in the

22 project area of the SEIS and the GEIS. So this

23 is either a connected action or a cumulative

24 action that's not being discussed.

25 And you also can get into thermonuclear

1 global war, a nuclear winter that cured global
2 warming -- I'm joking, okay -- or just depleted
3 uranium and munitions scattered all over the war
4 zones of the world.
5 Connected actions and -- connected actions
6 and cumulative effects not discussed in the
7 DEISs -- or SEISs.
8 REGIONAL JUDICIAL OFFICER SUTIN:
9 Ms. Hilding, your time is up, so I need you to
10 wrap up, please.
11 NANCY HILDING: Quickly, Trump doesn't like
12 NAFTA and the TPP. Having foreign companies
13 default and leaving Superfund sites is a
14 desirable thing that he would like.
15 The sturgeon chub, which is a fish in the
16 Cheyenne River, was petitioned for listing in
17 August of 2016. And when Linsey McLean -- she's
18 a member of ours that we're very proud of --
19 when she talks to you about adequate testing for
20 speciation analysis of chemicals and concerns
21 about -- when -- the ion exchange, the glorified

22 water purifiers are going to have a hard time

23 with elements and metals that are organic. I

24 hope you'll listen to Linsey.

25 Thank you.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
2 Sophia Black Cloud, has she come back?
3 SOPHIA BLACK CLOUD: Hello. And thank you
4 for calling my name again. I am a mother first
5 and foremost, so that's why I wasn't here, I
6 guess, when you called my name the first couple
7 of times. So thank you.
8 Again, my name is Sophia Black Cloud, and I
9 am a descendent of Sitting Bull's tribe. My
10 father is full Lakota Hunkpapa Sioux, and my
11 mother is Aztec. And with that being said, I
12 was born in Mobridge, South Dakota. And,
13 quickly, two of my mother's family from Santa
14 Barbara, California was taken off of the
15 reservation for reasons of my mother's family's
16 doings.
17 So I was raised in Santa Barbara, California
18 where as a child I was raised on the beach and
19 in the mountains and had a father who was not
20 around physically, but very much so in my ear
21 and in my heart, and we wrote and spoke quite

22 often.

23 And being raised in California gave me the

24 opportunity to see the drilling offshore and the

25 drilling in our mountains. And as a child, swam

1 amongst pipelines in our ocean that leaked just
2 horrible toxins into the water we were literally
3 swimming in.
4 So I started to question that as a very
5 young child. And then in elementary school, my
6 first recollection of being introduced to
7 knowledge of the Sioux Indians, as my elementary
8 schoolbooks wrote, was horrific. And so I
9 remember as a young child being turned off
10 altogether to the white man's way of learning.
11 It didn't explain who I was at all. It was just
12 incredible the things that were written in my
13 elementary schoolbook.
14 And so anyway, so growing up in California,
15 again, was able to see those things. And then
16 became a woman and started having children
17 and -- sorry, that clock is -- then started
18 having children of my own and wanting to teach
19 them who I was and where I came from.
20 And after my father showing up on my
21 doorstep after 20-some-odd years and reminding

22 who I was after I had had children and that I
23 wasn't teaching them truths and things that he
24 had been teaching me my whole life, he then
25 brought me back home to the Standing Rock

1 Reservation, Fort Yates, North Dakota.
2 And I fell in love. I fell in love with
3 everything about who I was, who my family was.
4 But then I started to take a good look around at
5 what was really going on, and to who I was, and
6 started reading and teaching myself what the
7 school systems had failed to teach me about
8 water and things like the Fort Laramie Treaty.
9 And then when I looked into my genealogy,
10 found that my great-great-grandfather was a
11 warrior, Akicita, and fought for my grandfather
12 and father's right to these treaties that they
13 signed with you guys.
14 And I'm not sure that you've read them,
15 honestly, because if you guys have read these
16 treaties, you would understand what you're doing
17 is just simply wrong in every sense of the word.
18 And so now looking into things and trying to
19 get my children -- I now am a resident here in
20 Rapid City, all the way from California, and
21 trying to get to my hometown in North Dakota.

22 And then seeing what's going on there, I just
23 feel like -- it's like the blind leading the
24 blind. You just don't know what you are doing.
25 My great-great-grandfather fought for me to

1 have these Black Hills. They are in our name,
2 my last name. We belong to those Black Hills.
3 You guys belong to the Black Hills. And the
4 fact that you're willing to jeopardize that --
5 my three-year-old daughter was here. She is a
6 water-protector. She knows how important water
7 and those Black Hills mean to our family.
8 You know, we go there to touch the ground
9 and the water. And to think that I heard the
10 lady yesterday say that those waters are dirty
11 and contaminated, it just -- because you take a
12 dump, you just don't not wipe again. Do you
13 know what I mean?
14 You just -- you don't keep contaminating
15 things. You clean up the messes you guys have
16 already created, and you help us protect these
17 rights that you guys gave us, that we allowed
18 you to give us.
19 So I can see my time is up, and that's all
20 I've been able to concentrate -- I could go on
21 forever and a day. But I'm here fighting for my

22 great-great-grandfather who fought for me to be
23 here and to protect those Black Hills, and
24 that's exactly what I'm going to do.
25 I'm going to protect these free rights, and

1 my children are going to do the same. So, my
2 father fought in 1981 that uranium, and they
3 won. And that's what we intend to do today.
4 REGIONAL JUDICIAL OFFICER SUTIN: Did Tasina
5 Sapewin come back?
6 What about Carla Castaway?
7 Next is Marvin Kammerer.
8 MARVIN KAMMERER: Here I am again.
9 I still don't believe that you're really
10 listening. The name Kammerer comes from a
11 German name, a long ways back. It's kind of
12 like the janitor or the custodian, but I imagine
13 we were known as the family who followed the
14 lord's horses with shovels.
15 Having said that, that was a way of
16 stewardship, and I'm still a steward of the
17 land. I'm a Wasicu. I know there's not many
18 with cowboy boots and hats whose land is treaty
19 land. I'm here. And my brothers and sisters,
20 all of them out here, they are my brothers and
21 sisters.

22 And we have to take care of the land. I'm
23 getting sick and tired of corporations coming in
24 here from other lands and telling us what a good
25 thing they've got with jobs, caring about our

1 environment. When they're through harvesting
2 what they want to harvest and it's not
3 profitable anymore, they pull out. And the
4 Superfunds have to take over, if we have any.
5 Knowing the outfit we've got running the country
6 now, we probably won't have that. We'll have to
7 live with the crap they leave us.
8 And you're going to see, if that dam that
9 they're building down there and will build to
10 hold nuclear waste and water, before they
11 process it, whatever -- once in a while, we get
12 terrific storms, piles of rain. And especially
13 lately in the last several years, it's getting
14 worse.
15 I could just see what would happen when that
16 water hits the Cheyenne and into Angostura. And
17 my friends and some of my relation who raise
18 cattle on that river, and the word goes out,
19 don't buy any of these beef, shut them down,
20 fence them off.
21 And these people who want this project have

22 to be responsible for that, and you don't have
23 near enough money in bonds to begin to cover it.
24 None. Show me one where they have.
25 A few years back, this gentleman here was in

1 the legislature, and he encouraged a lot of
2 people to buy stock. And then they come up with
3 this bill, Senate Bill 158, I believe, where the
4 state gave away its water to foreign
5 corporations.
6 Now, I'm sure all of you in your own
7 hometown, wherever you live, get a water bill
8 every month. And you pay it because you're
9 trusting them to bring you safe water, and it's
10 there always. These people gave it away. Our
11 legislature in this state gave it away to
12 foreign corporations. Powertech is one of them,
13 Azarga.
14 This thing, when it gets away, puts it down
15 underground, and there's people up here
16 saying -- and there's some good scientists
17 that's given evidence here. We don't know
18 what's going on under there. It's a guessing
19 game.
20 And if it gets over into the Igloo area,
21 where these people already testified what's

22 buried there -- and we don't even know where

23 it's buried -- contaminates, Katy, bar the door.

24 I'm getting tired of corporations coming in

25 here, into this state, that will sell their

1 mother for another buck. I'm getting sick and
2 tired as a person who has paid their dues here,
3 and so have these people -- my God Almighty what
4 they have given us, what we've taken -- I'm
5 getting sick and tired of corporations coming
6 into this state and when they're pissing on my
7 back, telling me it's only rain.
8 Thank you.
9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
10 Mr. Kammerer.
11 Terri Hulm.
12 TERRI HULM: Good evening. I know it's your
13 last night, and you guys have already heard
14 about the ethics of Azarga and Powertech, so you
15 already have that on record, how unethical they
16 are. And you've heard all the scientific proof
17 of that, how bad this is and how bad this is
18 going to be to people.
19 So I was praying about this this morning.
20 And you know, I've had cancer. My daughter has
21 cancer. My grandmother died from cancer. The

22 Cheyenne River is already polluted. And you
23 guys monitor. You monitor. You know it's
24 polluted. You watch it. But you don't do
25 anything about it.

1 It's not cleaned up to this day. It's not
2 cleaned up at all, you know. And you gave up
3 your environmental impact statement up at
4 Standing Rock, just let them roll over you. You
5 know, you don't do your job and protect and
6 clean up.
7 You might give a little, teeny fine to a
8 company, but that's about it. And they continue
9 doing what they want to do, and they leave
10 behind their mess. And all of us in this room
11 and everyone we care about, and our family and
12 our tribe are all collateral damage for a
13 corporation to make a buck.
14 And what we're asking you today is to be a
15 decent human being and please just deny these
16 permits. Because the plan that you put up
17 there, while it was well-researched, all it does
18 is monitor. Is there any barrier? Have you got
19 anything that's going to stop this from
20 communicating and getting in the water? No.
21 You monitor. Okay.

22 Now it's in your water. What do you do?
23 You going to give Powertech a fine? And it's
24 still in the water. And nothing is going to
25 happen. Do you know how many Superfund sites

1 you guys have that you know are sites but no
2 cleanup is happening? Is there any cleanup
3 happening on the Cheyenne River? No.
4 And you guys want to continue putting more
5 and more contamination in, and everyone is just
6 collateral damage so a company out of Hong Kong
7 can make a buck. That's un-American, that's
8 unhuman, and that's indecent.
9 And all we're asking is that you just be
10 decent human beings and deny these permits and
11 allow us to have our kind-of contaminated water
12 so it isn't really contaminated later. Thank
13 you.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
15 Ms. Hulm.
16 It is 5:00, so we will be taking a dinner
17 break. We will be back at 6:00 and continue
18 with the testimony. Thank you.
19 We are off the record.
20 (A recess was taken from
21 5:00 p.m. to 6:00 p.m.)

22 REGIONAL JUDICIAL OFFICER SUTIN: Okay. We
23 are going to get started. We're going to go
24 back on the record.
25 We are here for the draft permits for Class

1 III and Class V UIC wells for the Dewey-Burdock
2 site. And in order to make sure -- there aren't
3 a lot of people here at the moment, but we do
4 have a lot of people who signed up to speak, and
5 we want to make sure that everybody has the
6 opportunity to get through their comments this
7 evening, if they would like to.
8 So we are going to not do the opening
9 remarks that we did earlier today, in hopes that
10 most folks were able to see it, and try and get
11 through the testimony. If we do not get through
12 everyone's testimony this evening, please, I
13 just want to remind everyone, that we are having
14 hearings again tomorrow and Thursday. In
15 Hot Springs tomorrow, and Edgemont on Thursday.
16 So there's plenty of opportunity for folks to
17 come to those hearings if they are not able to
18 testify today.
19 So with that, we will get started.
20 First speaker is Jerry Meyer.
21 JERRY MEYER: I'm here.

22 REGIONAL JUDICIAL OFFICER SUTIN: Great.

23 JERRY MEYER: Thank you. However, seems

24 kind of anticlimactic without --

25 MS. SHEA: Without a crowd.

1 JERRY MEYER: -- hardly anyone here to
2 listen.
3 AUDIENCE MEMBER: I think they are waiting
4 for you to do your 20-minute introduction.
5 MS. SHEA: Does that mean they didn't want
6 to hear me again? I'm just kidding. Okay.
7 Should we announce outside that we're
8 starting the hearing?
9 REGIONAL JUDICIAL OFFICER SUTIN: Why don't
10 we do that. Hold on one second.
11 (Pause in the proceeding.)
12 REGIONAL JUDICIAL OFFICER SUTIN: Go ahead,
13 Mr. Meyer.
14 JERRY MEYER: Okay. First of all, my name
15 is Jerry Meyer. I'm 68 years old; born in North
16 Central South Dakota; lived in the Black Hills
17 area most of my of life, since 1966.
18 I've been through this process before 40
19 years ago when uranium mining was initially
20 being proposed for this Black Hills area. I
21 opposed it then, I oppose it now.

22 I worked for 30 years as a social worker.

23 In graduate school I learned the value of

24 thorough and complete assessments, and my

25 assessment of the value and the worth versus the

1 risk and the harm to our environment from
2 uranium mining in general is not worth it.
3 And secondly, for these two draft
4 exclusions, I guess, one for hazardous waste
5 disposal, I believe, and the other to continue
6 mining, I'm adamantly opposed to.
7 There were a couple of speakers yesterday
8 who talked about one young woman who either
9 worked for or attended the School of Mines,
10 saying she supported nuclear power because it
11 was clean energy but was opposed to uranium
12 mining, which is a contradictory statement in my
13 view.
14 But it's clean energy that leaves nuclear
15 waste, which our world has not yet figured out
16 how to dispose of in an effective and safe
17 manner. So we have places like Hanford Nuclear
18 Facility, where I think it's nuclear weapons
19 waste that is being stored that has leaked, and
20 today one or two other people mentioned that.
21 One of the storage tunnels housing railroad

22 cars full of nuclear waste collapsed. And I
23 know that Hanford site has had contaminated
24 water leak into the groundwater in that area as
25 well as into the Columbia River in the past. So

1 a result of nuclear weapons production.
2 In addition, nuclear weapons are used to
3 kill a lot of people as evidenced by Nagasaki
4 and Hiroshima in Japan.
5 The damage that can be done by nuclear power
6 facilities is demonstrated by, in this country,
7 Three Mile Island some many years ago in the
8 eastern U.S., Chernobyl on the Ukraine-Russian
9 border, and most recently by the Fukushima
10 Daiichi disaster, the result of a nuclear power
11 plant being destroyed via a -- I think a tidal
12 wave or a hurricane or something like that.
13 A case study in how the in-situ uranium
14 mining can go awry is of the Christensen Family
15 south of Gillette, Wyoming about 40 miles. They
16 first homesteaded that land, the grandfather,
17 John Christensen back 100 years ago, basically.
18 And John was raising sheep and cattle, was
19 struggling with a drought in dry conditions in
20 that area, and so chose to both help the U.S.
21 energy cause and develop another source of

22 income by selling his mineral rights to gas,
23 oil, and uranium mining companies, thinking they
24 would still have the 35,000 acres with aquifers
25 underneath them that would be safe to use for

1 their livestock and for their personal use.
2 Well, the in-situ mining wells in that area
3 did have excursions. He said he was never told
4 about excursions. They did contaminate the
5 shallowest of the aquifers at that point in
6 time, and it was no longer usable for his
7 livestock.
8 In addition, when he first started mining,
9 it was a South African company that owned the
10 mineral rights and did the mining. That
11 changed, I think, three times during the time he
12 had been there, two where Uranium One now is the
13 primary owner of the mining that occurs on his
14 property.
15 And Uranium One is 94.3988 percent owned by
16 Rosatom, a major Russian corporation, energy
17 corporation and development, confirming my fears
18 that Vladimir Putin is indeed, according to one
19 of our Dakota Rural Action members who was from
20 Belarus and is a freelance journalist, wanting
21 to have Russia dominate control of nuclear

22 energy production and nuclear weapons

23 production.

24 So I feel that by us supporting

25 international corporations to do this kind of

1 work, for one thing, pollutes our local water
2 tables, aquifers, surface water through disposal
3 and injection; and gives foreign corporations,
4 who seem to be fly-by-night, the opportunity to
5 capitalize and, in the case of Russia, dominate
6 maybe worldwide this scary type of energy
7 development and weapons development.
8 Thanks for listening.
9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
10 very much, Mr. Meyer.
11 Kelly Corwin.
12 KELLY CORWIN: Hi. Thanks for giving me the
13 chance to speak. My name is Kelly Corwin, and I
14 live in Rapid City.
15 My comments are mainly to add to and support
16 the other voices we've heard today. Clean water
17 is honestly nearly nonexistent in the United
18 States right now, and it's -- the situation is
19 becoming worse every year.
20 It's well established historically that this
21 project will -- not could, but will -- cause

22 environmental contamination.

23 I'm thinking about the history of the EPA.

24 Why was the EPA created? The EPA is charged

25 with protecting the environment and protecting

1 people. I don't believe that the EPA's mission
2 should be to experiment with how much
3 environmental destruction can we accomplish
4 before we all die.
5 Unfortunately, we won't see this in the 24/7
6 media, but you actually don't have to look for
7 and research to find that this is already
8 happening. We've got documented cases and rates
9 of cancer or other toxicity-related illnesses
10 not just in older people, but young children,
11 babies born with birth defects. These are all
12 correlated with areas that have had
13 environmental impacts similar to what would come
14 out of this project.
15 Another thing I've been thinking about is
16 that scientists and engineers draw these types
17 of maps, the maps we've seen of the aquifers and
18 the wells. We draw these maps to define
19 boundaries. Here's one aquifer, here's another
20 aquifer, here's where they're connected or
21 here's the ways that they're not connected.

22 We've already heard some testimony on how we
23 really don't know what's going on underground.
24 None of us has lived underground where these
25 things are, so we don't really know firsthand.

1 And I will say, as a scientist myself, that
2 while these analyses have their purposes, they
3 have their useful purposes, they are still only
4 approximations of reality.
5 This is the earth we're taking about.
6 Everything, everything, everything is connected,
7 as multiple speakers today have already stated.
8 The idea of containing contamination from a
9 project is only an optimistic dream. It's not
10 reality.
11 We've got so many people here willing to put
12 their names on the line and spend hours and days
13 out of their week attending these hearings,
14 making these comments, not to mention the time
15 spent organizing, reading the published
16 documents and policies to put together these
17 comments, and et cetera.
18 The current story of our nation, the United
19 States, seems to be that a project is set up;
20 the real people, the local people who are
21 affected show up and give their voice when

22 they're allowed to do so; and the people with
23 the money and the power steamroll ahead anyway.
24 However, people young and old are coming up,
25 getting involved, and showing up to do the work

1 that will make this cultural shift from valuing
2 money -- which, if you ever took economics, you
3 know money is an arbitrary, imaginary concept --
4 to valuing human life, to valuing nature, to
5 valuing connections -- connections between
6 people, connections between people and nature --
7 valuing what is really important to human life,
8 to finding the meaning of life.
9 The meaning of life to American culture
10 seems mysterious and out of reach, but there are
11 plenty of people around who have a grasp of it.
12 It's just that those people, by their exact
13 nature, are considered to be the quiet ones.
14 They're not the ones who become famous or go on
15 TV media or whatever.
16 So I join with the other voices from today
17 to urge you to listen, as many of the speakers
18 have already said. Listen to the people here
19 when you make your decisions. Seek the input of
20 the tribes and truly listen to them. Listen to
21 your own hearts, what matters to you.

22 Does your children's future matter to you,
23 or does money matter to you? Which is going to
24 last longer? Which one is something that you'll
25 want to look back on at the end of your life?

1 Thank you.
2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
3 Ms. Corwin.
4 Next, if we can have Patrice Vacek. Patrice
5 Vacek?
6 Ray Greff.
7 RAY GREFF: My name is Ray Greff, and I
8 thank you very much for putting on this hearing
9 and accepting comments from people like me.
10 Does anyone remember The Crying Indian, Iron
11 Eyes Cody, and the pollution ad that first aired
12 on TV in 1971? Glad a few of you remember that.
13 Anyway -- and there's an argument on the
14 internet right now, was Iron Eyes Cody actually
15 Indian? Apparently, he's Sicilian or Italian.
16 They are fighting on that on the internet.
17 But anyway, that ad made a big impression on
18 me. And to this day, I don't litter the tiniest
19 piece of paper. I'll go to the house and throw
20 it in the garbage. And when I'm out hiking and
21 hunting, I'll often pick up cans and garbage and

22 throw them where they should have been thrown in

23 the first place.

24 This is a quote from David Brower, former

25 head of the Sierra Club from his book, For

1 Earth's Sake: "While the death of young man --
2 while the death of young men in war is
3 unfortunate, it is no more serious than the
4 touching of mountains and wilderness areas by
5 humankind."
6 And I wanted to bring that out just to show
7 what, to me, is the radical nature of the
8 environmentalist versus the conservationist that
9 I consider myself. I have a 1981 B.S. degree in
10 mining engineering from the School of Mines
11 here. And the old joke about the
12 environmentalist, that's a guy who already has
13 his cabin in the hills.
14 And anyway, has anybody ever driven the
15 million-dollar highway between Durango and
16 Ouray, Colorado? Okay. Beautiful, isn't it?
17 And I loved it. And to me, mining is a great
18 attraction to me, and I like the old mining
19 sites. They provide mineral collecting and
20 other exciting opportunities, for those that
21 haven't been squeezed out or, you know, covered

22 off.

23 But anyway, the worst part of that drive to

24 me was, you have the beautiful waterfall coming

25 down cliffs all along the road, and there'd be a

1 house on either side of the waterfall. It's
2 those houses to me that are going to be there
3 forever, unlike a reclaimed mine, that is the
4 pollution to me.
5 Okay. Is there anything in this room that
6 anyone can point out that hasn't been mined or
7 grown? If there is, I'd like to know about it.
8 And my point in asking that question is, you
9 know, we have to mine. It's basic. None of us
10 got here with a vehicle without the steel in our
11 car, right, or truck. So mining is good. It's
12 got a horrible rep, but mining is good and
13 necessary for civilization.
14 I'm not bothered at all by the extremely
15 minimal surface disturbance of the Dewey-Burdock
16 project. What a beautiful thing to be able to
17 mine underground without going underground
18 yourself. Very cheap way to do it and
19 efficient, and I like that.
20 I heard "baseline" mentioned yesterday and a
21 little bit today. When I was mining engineering

22 at the Black Thunder Coal Mine in Wyoming, we
23 had to put -- plant -- replant sagebrush, and
24 there's a question whether that sagebrush got
25 there in the first place from overgrazing of

1 sheep when the white man first came through.
2 So the baseline is kind of an ephemeral idea
3 that way. But I contend the baseline, you're
4 not going to put this room back as it was, just
5 from people breathing and being in here, exactly
6 like it was. So I hope that the baseline isn't
7 too tough on this project either.
8 I contend Yellow Thunder Camp by Victoria in
9 the Black Hills or that North Dakota protest
10 over Dakota Access Pipeline would be a lot
11 tougher to put back to baseline than a lot of
12 things.
13 Talking about disturbance of mining, Cameco,
14 near Crow Butte -- or Crow Butte project down by
15 Crawford, Nebraska has been quietly mining
16 in-situ uranium the same way since 1991.
17 Nothing earth-shattering that I've heard out
18 from them. Pumpkin Buttes, Wyoming and places
19 in Texas, the same way.
20 Let's talk about water, seems to be a big
21 concern. The water within the aquifer exemption

22 areas is currently unfit for human consumption.

23 So the beauty of this project is it is going to

24 remove the uranium from that water. And there's

25 some EPA literature I hope you read here. It's

1 good.
2 But the NRC has said with -- in approving
3 this project in 2014, like they did -- I see my
4 time is up. I'm going to go over maybe a
5 minute. I saw somebody go over about five
6 minutes earlier today, if that's okay.
7 REGIONAL JUDICIAL OFFICER SUTIN: Not five
8 minutes, but you can try and wrap up.
9 RAY GREFF: Okay. The report concludes that
10 there are no environmental impacts that would
11 preclude licensing the facility. That's from
12 the National -- or Nuclear Regulatory
13 Commission, the NRC. I assume they are the
14 professionals on this. And here we're getting a
15 lot of heartfelt, novice, amateur hour, not as
16 scientifically based.
17 To me, Jimmy Carter had a chance as a
18 nuclear engineer to put the fear of uranium away
19 from the country, failed to do so. So people
20 are afraid of the unknown, and uranium is
21 unknown to people.

22 But to me, environmentalists are missing the
23 boat by not clamoring for more nuclear power
24 that is an amazingly dense, God-given,
25 emission-free way to generate electricity.

1 I would much rather have the Dewey-Burdock
2 project mine its uranium here than buy it from
3 the Russians elsewhere. Thank you very much for
4 the time.
5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
6 Mr. Greff.
7 Linsey McLean.
8 LINSEY MCLEAN: Thank you for having me, and
9 I'll need a minute or two extra, too. And I am
10 science based.
11 My name is Linsey McLean, and I am an
12 environmental biochemist in toxicology for the
13 last 40 years. I was born and raised in Flint,
14 Michigan, and lived there for the first 55 years
15 of my life with over 450 Class VII industrial
16 dump sites in each of the counties of southwest
17 Michigan, so I am well acquainted with
18 environmental contamination of all kinds.
19 In fact, this is the reason, actually, that
20 I sought my course of study and pursued a career
21 in the effects of environmental pollution on the

22 living body of both animals and people. I am
23 also a federally approved expert witness.
24 The history of the Dewey-Burdock area as far
25 back as the 1950s is well known. But what is

1 not well known is the summary of the
2 explorations and subsequent 7,650 old boreholes
3 left by the TVA unclosed or improperly closed in
4 two different explorations over ten years, which
5 says, "The aquifer test results indicate that
6 the Fuson Member of the Lakota formation is a
7 leaky aquitard separating the Fall River and
8 Lakota aquifers; thus the ability to dewater the
9 area for mining was impossible and the site was
10 abandoned twice."
11 The understanding was that even if the
12 boreholes were closed, there are still enough
13 geologic anomalies to prevent effective
14 confinement of rock layers for ISL mining or
15 dewatering for tunnel mining.
16 Powertech knew this when they first
17 concocted this business, but failed to disclose
18 to the NRC, the EPA, and the public.
19 The fact that the permit papers filed with
20 the State of South Dakota featuring tested
21 uranium concentrations in the area show the

22 highest levels in the alluvial aquifers, which
23 are essentially runoff from the old roll front
24 that was completely mined out back in the '50s
25 and '60s in the open pit mines left there and

1 not able to be mined due to lack of confinement.
2 There's essentially no economically
3 recoverable uranium left in the area to mine and
4 why the TVA abandoned the site twice. This roll
5 front is gone, mined out.
6 And as stated by others, the business model
7 of Powertech is not actually uranium mining.
8 But by their own admission, they lack funds to
9 mine and even fulfill the requirements of the
10 NRC, before they can mine, of closing those
11 boreholes.
12 So the business of hazardous waste
13 deposition becomes the only way to make money
14 and likely why the original request of eight
15 hazardous waste injection wells was done.
16 Normally mines like this need only one.
17 So still, the request for four Class V wells
18 is still ridiculous. And without the ability or
19 clear permit to mine and they say they need two
20 right away, what in the world for?
21 The ability to purify the wastewater to

22 Class V standards is not being considered.

23 Simply putting the wastewater in a pond to air

24 out the radon gas and then precipitating out the

25 radium with barium chloride does not remove the

1 other radioactive and toxic components.
2 The toxic metals that have been mobilized
3 are still there. And that includes vanadium,
4 strontium, thallium, thorium, some radioactive
5 forms of lead, and organified uranium that has
6 been documented to build up in recycled
7 wastewater and is not recoverable by ion
8 exchange. And all are radioactive as well as
9 toxic as heavy metals in biochemistry.
10 This does not constitute the level of safety
11 equal to stormwater or sewage effluent that a
12 Class V well is limited to. If Powertech were
13 able to clean this water to levels they boasted
14 about in the NRC and ASLB hearing, so pure you
15 could almost swim in it, then that water would
16 be valuable for agriculture, irrigation, and
17 farm use in this high, dry area of the country.
18 It does not meet the qualifications for a
19 Class V UIC, not for the concentration of toxic
20 metals and radioactivity of such.
21 There are usable Minnelusa wells in the

22 southern Black Hills downgradient from

23 Dewey-Burdock. The state DENR says they know of

24 thousands of current Minnelusa wells under use

25 there; however, there are many older wells not

1 registered by the state where the owners do not
2 even know what aquifer they are in or how deep
3 their water is.
4 They will not know they are sucking up
5 hazardous waste, radioactive heavy metals until
6 they get cancer and their cattle die.
7 Then comes the class action lawsuits to both
8 EPA and Powertech, who will undoubtedly bail and
9 file bankruptcy and walk away from the mess,
10 leaving EPA holding the bag because you were
11 informed of these private wells before these
12 permits were even issued and did it anyway.
13 If these permits are issued, the Council for
14 Responsible Mining will begin getting baseline
15 testing and monitoring of these wells for class
16 action lawsuits that will surely follow as the
17 plumes flow south and east through Igloo and
18 beyond.
19 Which brings me to the subject of Igloo.
20 The proximity of Igloo, the 367,000 tons of
21 various nerve gases known to be unstable in old

22 metal containers that are self-igniting and both
23 water-soluble and oil-soluble buried in over 200
24 miles in both naturally occurring and man-made
25 tunnels presents a unique hazard of epic

1 proportions on the planet if flooded by highly
2 oxidative lixiviants or disturbed by siesmic
3 activity known to be caused by injection wells.
4 This alone should negate the Dewey-Burdock site
5 for any and all mining activity.
6 And regulations? IUC [sic] wells are
7 required to treated waste acceptable -- to
8 acceptable levels of toxicity or prove there is
9 no migration of the waste. The wells are
10 designed so that if they happen to fail, the
11 waste would be confined to the injection zone.
12 No migration means the waste will not affect
13 an underground water supply for 10,000 years or
14 until the waste is not harmful.
15 To ensure this, the EPA mandates that there
16 are no faults or other adverse geological
17 features presents in the area, that the well
18 injects into layers that do not currently hold
19 water, but have the current features of porosity
20 and permeability and that are below a confining
21 layer.

22 In no way does the Dewey-Burdock site comply
23 with these regulations. In this case, the
24 metals are quite immortal. They do not break
25 down and do not detoxify.

1 REGIONAL JUDICIAL OFFICER SUTIN:
2 Ms. McLean, your time is up, so I need you to
3 wrap up, please.
4 LINSEY MCLEAN: Okay. I've just got a
5 little bit more.
6 The lack of oversight. I quote a report
7 that criticizes EPA of oversight injection wells
8 from ProPublica published in 2014. "The
9 Government Accountability Office says
10 environmental regulators are failing to
11 adequately enforce rules for wells used to
12 dispose of toxic waste from drilling." It goes
13 on to say, "Injection wells used to dispose of
14 the nation's most toxic waste are showing
15 increasing signs of stress as regulatory
16 oversight falls short and scientific assumptions
17 prove flawed."
18 The report says that the -- let's see --
19 REGIONAL JUDICIAL OFFICER SUTIN:
20 Ms. McLean, I'm sorry. I do need you to wrap
21 up. If you want to continue your testimony, if

22 there's time at the end, I'm happy to have you
23 come up and finish, but it's not fair to others
24 if they don't have the time.
25 LINSEY MCLEAN: Okay. And I will.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
2 Did Patrice Vacek come in?
3 Frank DiCesare.
4 FRANK DICESARE: Good evening. Frank
5 DiCesare.
6 REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry.
7 FRANK DICESARE: That's quite all right. It
8 happens to me all the time.
9 First, I want to thank you for your service
10 to the people of the United States and for
11 conducting these hearings here. Secondly, I'd
12 like to state that in general I'm not opposed to
13 mining, but this type of ISR mining that's
14 proposed here, that I'm opposed to, primarily
15 because it does affect the water. I won't
16 elaborate on that in detail. Many other people
17 already have.
18 I work as a land surveyor out of the town of
19 Deadwood. And part of our surveying
20 responsibilities include mineral claims
21 surveying and mining site surveying. We have,

22 on occasion, actually gone out and surveyed and
23 delineated limits of defined Superfund sites in
24 the hills, of which there are several, as I'm
25 sure you're aware.

1 One of these Superfund sites was actually in
2 the town of Whitewood, South Dakota, a small
3 town off of Exit 25 on I-90. Many of the toxic
4 elements within that Superfund site affect
5 private property to the point where, whenever we
6 plat or provide property survey for homeowners
7 in that area, by regulation, local regulation,
8 we have to show the defined area on their plat
9 if it is indeed part of their property.
10 It's -- the county will not issue a building
11 permit for any location within this defined area
12 as a precaution, but the private property rights
13 have already been violated.
14 The mining company that caused these heavy
15 metals to be dislodged and wash downstream and
16 settle in this town, did they ever anticipate
17 this? I don't know. Maybe not.
18 But too many Superfund sites already exist
19 where mining companies and other types of toxic
20 operations were simply walked away from only
21 because it was financially possible to do so

22 because the bonding that was posted for cleanup
23 and reclamation was just insignificant as far as
24 they were concerned. It would have been more
25 costly to stay around.

1 One other issue I would like to address here
2 is the EPA's aquifer exemption. I know by
3 regulation you're allowed to do this. I recall
4 back in the 1970s when the EPA was first formed.
5 There were, I don't know how many, numerous
6 toxic sites, polluted sites around the country,
7 and the EPA really did, over the years, a really
8 good job of getting a lot of these cleaned up,
9 increasing public awareness, and creating
10 regulations by which the industry and other
11 companies had to abide in order to keep the
12 environment clean.
13 But somewhere along the line, it seems like,
14 with all respect, you may have violated the
15 public trust by including regulations that now
16 allow certain areas, aquifers, whatever to be
17 polluted.
18 With all respect, I would suggest that these
19 regulations be revisited and serious
20 reconsideration be given to them.
21 Thank you very much.

22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

23 Mr. DiCesare.

24 Carla Rae Marshall.

25 CARLA RAE MARSHALL: Hello. Thank you for

1 coming here and doing public comments. I just
2 want to say that I understand the EPA is only
3 appropriated so much money and struggling to
4 help keep the environment clean. You guys are
5 struggling; our tribes are struggling.
6 My name is Carla Rae Marshall, and I am a
7 resident of Rapid City here. I've been living
8 here for many, many years. I am an enrolled
9 member of the Cheyenne River Sioux Tribe;
10 however, this is not tribal consultation. I
11 just want to make that clear.
12 I am a mother and a grandmother, and I am
13 deeply concerned about what the future -- what
14 future we are leaving for the next generation,
15 the future generations. As Lakota people, we
16 say seven generations we have to think of, and
17 each generation thinks of seven generations. So
18 it keeps going on.
19 I say no to this proposed uranium in-situ
20 recovery project operation in the Dewey-Burdock.
21 I say no to granting Powertech USA, Inc., which,

22 by the way, shouldn't the permit application be
23 in the name of Azarga Uranium since now the
24 Dewey-Burdock project is 100 percent owned by
25 Azarga? Which they do name that on their --

1 Azarga's website. They say, We're 100 percent
2 owned, the Dewey-Burdock area.
3 So should that be changed over? Shouldn't
4 Azarga have to start from A to Z like Powertech?
5 They came in, and they applied for applications
6 under their name. Now it's changed over to --
7 changed hands.
8 I say no that -- no to either one of these
9 companies, whoever they are. No more raping of
10 Mother Earth. This is not in our best interest,
11 not in our nation's best interest, nor is it in
12 the best interest of South Dakota.
13 So each one of us must protect Mother Earth
14 and her life blood, which is water. When we say
15 Mni Wiconi, "Mni" is water, "Wiconi" is life.
16 That's why Mni Wiconi.
17 I believe -- let's see. Regardless of what
18 the company is called, the process of extracting
19 this uranium out of Mother Earth, then allowing
20 them to shoot their radon-tainted wastewater
21 into her, into the Inyan Kara in Fall River

22 County would put our livelihood in danger from
23 here all to the way to the Missouri River,
24 because these -- the aquifer waters come through
25 the Cheyenne River to Angostura, back to

1 Cheyenne River, and all the way down to the
2 Missouri River.
3 So, I grew up on the Cheyenne River. I swam
4 in the Cheyenne River. I fish out of the
5 Cheyenne River. I also grew up around the
6 Little Missouri, too -- or lived along the
7 Little Missouri, and my kids swam in there.
8 These waters need to be healed. They are
9 not being allowed to be healed. So no to this
10 uranium mining, no to any of this pollution
11 that's going on.
12 The other reason is that the He Sapa, or the
13 Black Hills, is treaty territory. Under the
14 1851/1868 Fort Laramie Treaty and under law, it
15 is mandated to consult with the tribal
16 governments as government-to-government
17 relations.
18 This includes following the National
19 Historical Preservation Act rules and
20 regulations with the tribes. However,
21 South Dakota and federal agencies involved in

22 permitting this uranium mining have continuously
23 ignored tribal nations and their expert
24 testimony regarding cultural properties and
25 sacred sites.

1 And speaking of sacred sites, if you look at
2 the aquifers, there is a whole precious
3 ecosystem within these aquifers. There's
4 microorganisms that are down there, and when
5 they get disturbed by trying to inject this
6 tainted water, that's going to disturb the whole
7 process, the whole whatever is down there that's
8 needed.
9 I know you guys are all smart people, you
10 know. You have scientists and all coming in.
11 This is not, you know, brain surgery, rocket
12 scientists or whatever, and that's what they're
13 going to use it for.
14 And that's the other thing is, this is a
15 China-based company. You don't know where that
16 uranium is going to go. Once it's out of the
17 Black Hills, it's going to go to China. We're
18 going to have another Fukushima on our hands.
19 So I say, you know, them wantonly wanting to
20 contaminate our groundwater will leave thousands
21 of people and their livestock without valuable

22 water sources. They will also leave millions of
23 wildlife species that depend on the aquifers
24 that nobody talks about, you know, the deer, the
25 antelope, the eagles, everything. Everything

1 depends on this.
2 In the news, I -- don't know if anybody seen
3 this yet, but emergency -- just today, emergency
4 declared at nuclear contaminated sites in
5 Washington state where underground containment
6 system, it fell through.
7 So you're looking at the Dewey-Burdock area
8 that has been out there for, I don't know, since
9 what, the '40s, '50s, that hasn't been cleaned
10 up. So we have 167 mines that have not been
11 cleaned up. We have over a thousand in the
12 Missouri Basin area that have not been cleaned
13 up.
14 So when we say water is life, no radiation
15 in my water, just say no. I mean, this is it.
16 It's game over. You know, people, young people
17 got up here and spoke today, and I was so proud
18 of them because, you guys have to understand
19 this, we are protecting everybody's water.
20 Everything on this earth depends on water.
21 I was at the bank one day, and I sat there,

22 and this woman who had her window open and I had
23 my window open, only she was in a convertible.
24 She sat there, and she was telling on the phone,
25 "I just washed my car and" --

1 REGIONAL JUDICIAL OFFICER SUTIN: Ms.
2 Marshall, I need you to wrap up. Your time --
3 your time is up.
4 CARLA RAE MARSHALL: Okay. So she's
5 standing there, you know, "I just washed my car
6 and now I have to go do the dishes. Then I'm
7 going to do the laundry, and then I'm going to
8 water the lawn." You know, everything she said
9 she was going to do that day involved water.
10 So thank you for your time. Appreciate it.
11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
12 Jacquelyn White Hat. Jacquelyn White Hat?
13 Justin Roland.
14 Bernita In the Woods.
15 BERNITA IN THE WOODS: Thank you. Good
16 evening. I'm from the Cheyenne River Sioux
17 Tribe, and again, this is not consultation. And
18 I do serve on the Tribal Council, but my brother
19 did come yesterday as well, and he's more of the
20 eloquent speaker.
21 It just seems like we have these hearings

22 all the time, and you hear all of this over and
23 over and over, that it seems like you do this on
24 purpose to become callous. And it's frustrating
25 for the tribes, especially because the water is

1 life for us, and we depend on that for our
2 future of our children, and not just our Native
3 American population, but all races in our
4 nation.
5 And it just seems like -- it's like we're
6 constantly having to fight over and over and
7 over just to live, and it's frustrating.
8 So I believe that you failed on providing
9 meaningful consultation from the tribes, and
10 that still needs to happen. So I'm requesting
11 that that happen, that meaningful consultation
12 does happen with the people. I mean, it affects
13 all of us, I know, but we see it coming close to
14 our reservation, especially to some of our
15 sacred lands where a lot of our medicine, our
16 traditional medicines and ceremonial practices,
17 where those all take place, and it's near that
18 part.
19 So we are going to fight. We are going to
20 fight, and we will continue to fight at this
21 until we can't anymore. But it's never going to

22 be over. So, I'm not very good at speaking in
23 public, but I just want to let you know that
24 we're never going to stop this fight. And Mni
25 Wiconi. And we will always be here. You'll

1 never get rid of us.
2 Even though this is probably one tactic that
3 may be affecting our future of our people, but
4 we'll stop it. We will. We'll stop it. But
5 that meaningful tribal consultation has to
6 happen. And please, please -- it just seems
7 like -- don't become callous because, you know
8 what, it's your kids, too, and your grandkids
9 and their grandkids. And everyone is going to
10 be affected by it. So that's all I wanted to
11 say.
12 Thank you.
13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
14 Earl Tall.
15 EARL TALL: Hello. I'm Earl Tall. I've
16 been in North Dakota recently. I was also a
17 former resident of Yellow Thunder Camp. Where's
18 the gentleman that was over there?
19 A couple years ago, they had a hearing in
20 Hot Springs. I think it was a National
21 Regulatory Commission, and they talked about

22 water then. And the majority of the people

23 there disagreed with what they were proposing,

24 and yet the -- the permit was issued.

25 And again, we heard people talk today about

1 this seems like a done deal already. Saw one
2 lady clap for the gentleman that was here. Only
3 one. Is this already a done deal? Because if
4 it is, then where do we go from here? We need
5 to -- what's the next steps for -- what's the
6 next steps for the people?
7 AUDIENCE MEMBER: Another Standing Rock.
8 EARL TALL: Because --
9 AUDIENCE MEMBER: We have land down there.
10 EARL TALL: Our relatives were shot with
11 rubber bullets.
12 REGIONAL JUDICIAL OFFICER SUTIN: I'd ask
13 that you don't interrupt testimony, please.
14 EARL TALL: Our relatives were shot with
15 rubber bullets in Standing Rock. We were
16 threatened in Yellow Thunder, in Yellow Thunder
17 Camp. And how many of you people are willing to
18 get shot with rubber bullets?
19 AUDIENCE MEMBER: Right here.
20 EARL TALL: You know, I think it's going to
21 have to probably come down to that again.

22 AUDIENCE MEMBER: Oh, yeah. That's true.

23 EARL TALL: And it was a peaceful camp in

24 North Dakota, but that's how they treated us.

25 I would like to say also that when the

1 Anglos first came into this country, they came
2 with a black book. They called it a Bible. And
3 when they came again -- when they came to the
4 Lakota people, they gave us that Bible, told us
5 to read it.
6 Some of the things that was in there was,
7 "Thou shalt not steal," and then they stole our
8 land, all our minerals, everything you see.
9 Another -- another one was, "Thou shalt not
10 kill." They killed our women and children in
11 Wounded Knee. Other places, they were massacred
12 after they were disarmed.
13 Today we have a Bible. Everything else is
14 gone. But we still claim this. It still
15 belongs to us. And the Supreme Court decision
16 on the Black Hills proved it, told everybody
17 this land was stolen. And they try to offer us
18 money for it. Today that money is still sitting
19 there, wherever, in the Treasury with maybe
20 several billion dollars with interest now. We
21 still didn't touch it.

22 That's what this -- that's what this land
23 means to us, the Lakota people. We'll never
24 sell it. And so we've just got -- I just want
25 to say it's time to get ready for what's the

1 next plan because, like was said, it seems like
2 it's a done deal already. Permits are probably
3 being issued again, so we need to start thinking
4 about this, our next step here.
5 (Speaking in indigenous language.)
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
7 Sarah Keppen.
8 SARAH KEPPEN: Good afternoon. Can you hear
9 me okay?
10 So my name is Sarah Keppen, and I'm a
11 concerned citizen here in Rapid City. I'm also
12 a science enthusiast, and I was co-organizer of
13 our local Rapid City March for Science that we
14 did in conjunction with the National March for
15 Science on April 21st.
16 So I stand before you today as a concerned
17 citizen hoping that you will have done all your
18 appropriate things from your end. As
19 scientists, I entrust that you have researched
20 the data and have looked at all the facts.
21 Well, I come to you today as a personal

22 matter, that this affects me locally, and this
23 affects everyone in this room, and it affects
24 many more people that you will not see or hear
25 from that will show up that just hope there are

1 plenty of facts.
2 We have seen many locations all over the
3 country -- one all the way up in New Mexico --
4 of uranium mining being done and affecting the
5 local water. And it's inevitable that these
6 things are going to happen, that you are not
7 going to be able to prevent in every instance of
8 an -- of the environmental impacts, that
9 something is going to happen, because it will if
10 there is any kind of spillage from the mine.
11 This is going to affect our agriculture.
12 The market value on agricultural products sold
13 in Fall River, Custer, and Shannon Counties was
14 sold directly via the -- in the direct path of
15 this uranium mine is one point -- $31.1 million
16 in 2007.
17 This is going to directly affect agriculture
18 if there's any kind of spillage from the mine,
19 which is one of our largest -- which is one of
20 our largest industries here in South Dakota.
21 This is also going to affect our tourism.

22 If we have any kind of impact, it's not just
23 going to affect people right here in South
24 Dakota, it is going to affect our tourism
25 industry. That is also one of our largest

1 industries, especially here in the Black Hills.
2 Annual tourism in the Black Hills was $1.4
3 billion dollars in 2012, a rate of 5 percent per
4 year. So this is not only affecting us; this is
5 going to affect our tourism.
6 I work for one of the largest employers here
7 in the area, Regional Health, and we depend
8 greatly on tourism dollars as they come in
9 through the summer, especially during the rally.
10 We have tour- -- we have special meetings
11 that different operational staff are involved in
12 to help prepare for this. And so we do, as a
13 local employer, greatly depend on those tourism
14 dollars, as does everyone in this area depend on
15 those tourism dollars.
16 And I just want you to think of the impact
17 not only to us as local citizens, but how that
18 is going to affect other people as they come
19 into this area, the environmental impact.
20 Thank you so much for your time.
21 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

22 Patrice Vacek. Is she here?

23 Justin Roland?

24 AUDIENCE MEMBER: He's still eating, so

25 he'll come back.

1 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
2 Jacquelyn White Hat.
3 AUDIENCE MEMBER: She's eating, too. Sorry.
4 They just left there.
5 AUDIENCE MEMBER: They are on Indian time.
6 REGIONAL JUDICIAL OFFICER SUTIN: Jane
7 Roseland.
8 JANE ROSELAND: Thank you.
9 I have a master's degree in analytical
10 chemistry. I have worked for two large
11 corporations. I have been on the faculty at the
12 School of Mines. I am currently a chemistry
13 teacher at Stevens High School in Rapid City. I
14 have been a member of this community for 37
15 years.
16 I am here to plead with you to deny these
17 permits. You are here considering whether to
18 allow known contaminated wastewater to be
19 injected into our aquifer. The Black Hills is
20 full of contaminated mines that the companies
21 have been allowed to walk away from.

22 Even in recent years, there have been
23 incidents of, "Oh, sorry. Here's our bond
24 money. We'll forfeit it." And it doesn't begin
25 to address the problem of cleanup.

1 There is no 100 percent guarantee that there
2 will be no leak, that there will be no mistake,
3 that there will be no accident. Please protect
4 our water. Thank you.
5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
6 Oxana Gorbatenko.
7 OXANA GORBATENKO: Good evening.
8 I'm going to apologize for my English. When
9 I heard about this issue permit about one and
10 half months ago, it's made me to do some extra
11 research and look a little bit deeper at what's
12 going on, and what is related to our drinking
13 water in our area.
14 Because I'm a scientist, I like to read the
15 research. Recently I did some -- and especially
16 after I told... I'm sorry.
17 This was a man who was representing an
18 organization for the uranium. He was saying how
19 safe it is, how great it is, but mine is
20 operating in Wyoming about last 20 years.
21 I today have very interesting reading. It

22 was Nuclear Regulatory Commission memorandum

23 from October 2009 about groundwater impact from

24 licensed in-situ uranium recovery facilities.

25 And I look on some statistics from two sites

1 located in Wyoming and one located in New
2 Mexico. It says that they had pretty good luck
3 with water restoration, and there was -- was
4 able to restore the water for about 50 percent
5 of original level of contaminants.
6 But let's look what they left behind. It
7 didn't meet the range of baseline of alkalinity,
8 ammonium, barium, carbonate, chloride, calcium,
9 conductivity, lead, magnesium, manganese,
10 sodium, total dissolved base, radium-226.
11 On second site, they were able to clean 70
12 percent of other contaminants, but some they
13 couldn't remove. What they couldn't remove?
14 They didn't remove arsenic, bicarbonate,
15 chloride, calcium, conductivity was off, iron,
16 magnesium, manganese, pH, sodium, selenium,
17 sulfate, total -- total dissolved solids,
18 uranium, and radium-226.
19 In addition, information about potential
20 spills. In the same report, I found
21 information. It doesn't say, unfortunately

22 on --

23 THE REPORTER: I'm sorry. I don't mean to

24 interrupt you, but I'm just having a difficult

25 time. So if you would slow down just a little

1 bit, because I want to make sure I get you.
2 OXANA GORBATENKO: I'm sorry. I said
3 what -- in the same report, we had information
4 about accidents which was related to this
5 mining, as well about spills in horizontal
6 and verti- -- vertical and horizontal spills of
7 this contaminated water.
8 And basically, this is what bothers me
9 because I live in this area as well, like as
10 other people.
11 If I would leave -- let my child to go and
12 play in construction area, probably everybody
13 will tell me a bad, horrible mother and call in
14 police because I let my child to go and play in
15 hazardous area.
16 And here's a question: How I can stay away
17 and do not come and speak if hazardous will be
18 bringing here in Black Hills in my house?
19 That's all that I want to say. I very
20 appreciate your attention. Thank you so much.
21 REGIONAL JUDICIAL OFFICER SUTIN: Gena

22 Parkhurst.

23 GENA PARKHURST: Good evening, Judge and EPA

24 officials. My name is Gena Parkhurst --

25 G-E-N-A, P-A-R-K-H-U-R-S-T -- and I live in

1 Rapid City. And I spoke yesterday, and I'd just
2 like to clarify a comment that I made about the
3 number of drinking water wells in the Minnelusa
4 aquifer.
5 After speaking with Ken Buhler -- B, as in
6 boy, U-H-L-E-R -- of the South Dakota Department
7 of Environment & Natural Resources, or DENR, he
8 said that in November of 2014, the DENR started
9 identifying which aquifer a well draws from on
10 their permit forms, and this means that for many
11 wells in use it is unknown which aquifer they
12 draw from.
13 Mr. Buhler said there are hundreds to
14 thousands of domestic wells using water from the
15 Minnelusa Aquifer. The exact number of wells is
16 unknown at this time. However, Mr. Buhler said
17 it is known that there are 196 appropriated
18 water rights permits in the Minnelusa, which
19 include municipal, commercial, industrial, and
20 housing use.
21 In addition, the USGS -- that's United

22 States Geological Survey -- Water-Resources

23 Investigations Report 01-4119 abstract starts

24 with this statement: "The Madison and Minnelusa

25 aquifers are two of the most important aquifers

1 in the Black Hills area of South Dakota and
2 Wyoming."
3 The USGS Water-Resources Investigations
4 report 01-4226 abstract begins with: "The Black
5 Hills are an important recharge area for
6 aquifers in the northern Great Plains. The
7 surface-water hydrology of the area is highly
8 influenced by interactions with the Madison and
9 Minnelusa aquifers, including large springs and
10 streamflow loss zones."
11 In Valois Shea's presentation yesterday, she
12 mentioned that a Class V injection well permit
13 could not be used for an aquifer that is an
14 underground source of drinking water, if I
15 understood correctly.
16 The Minnelusa is being used as a such, so I
17 think it is safe to say that it is considered an
18 underground source of drinking water.
19 The EPA's website defines an underground
20 source of drinking water as the following: One,
21 it supplies any public water system, which the

22 Minnelusa does; two, the source of water
23 contains a sufficient quantity of groundwater to
24 supply a public water system, which it appears
25 the Minnelusa does; three, it currently supplies

1 drinking water for human consumption, which it
2 sounds like the Minnelusa does; and four, it
3 contains fewer than 10,000 milligrams of total
4 dissolved solids, which according to USGS tables
5 that I found online applies to most parts of the
6 Minnelusa; and five, the source of water is not
7 an exempted aquifer, which I believe the
8 Minnelusa is not.
9 So I just wanted to update you with those
10 findings since yesterday. And I thank you for
11 your time.
12 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
13 Ms. Parkhurst.
14 Sylvia Lambert.
15 SYLVIA LAMBERT: Water has been a very
16 important part to me all my life. I started out
17 growing up in Pennsylvania, in the Peace Corps
18 in Malaysia, Wisconsin, Minnesota, and the last
19 21 years here in South Dakota. My grandmother
20 taught me about saving water, taking care of the
21 water, not wasting it, and I will soon be 80

22 years old, and I still believe in it.

23 I have read a National Aeronautics and Space

24 Association article. According to this June

25 15th, 2015 Washington Post article, new NASA

1 satellite data indicates that freshwater
2 aquifers are being depleted at alarming rates.
3 Much of this depletion is a result of various
4 kinds of mining. They all use water-intensive
5 processes.
6 Powertech/Azarga's proposed mining
7 activities -- that's plural -- include pumping
8 9,000 gallons of water per minute from area
9 aquifers including the Inyan Kara. This demand
10 on the Inyan Kara aquifer competes with other
11 local uses, reducing the water level while at
12 the same time putting it at risk of
13 contamination.
14 Powertech has also requested permits for a
15 number of extra wastewater wells in the
16 Minnelusa aquifer. The risk of contamination of
17 this water source from this waste is obvious,
18 but the danger is greater than that.
19 The Minnelusa communicates with neighboring
20 water sources through naturally occurring breaks
21 in the structure of the rock. One of these

22 nearby aquifers is the Madison, the major source

23 of Rapid City's drinking water.

24 Powertech speaks with scientific certainty

25 about the safety of its technology. Other

1 mining companies have said the same. Then the
2 unanticipated happens. Drilling itself disturbs
3 the geology, causing unexpected fractures and
4 breaches.
5 Water gets polluted, often without
6 remediation. There is no perfect understanding
7 of underground geology, no mining technology
8 that can anticipate and prevent every possible
9 problem, and no effective methodology for
10 cleaning up a toxic mess deep in the ground. So
11 why risk the inevitable failure with our
12 precious water?
13 But if the danger of poisoning our water
14 doesn't stir you, then why allow the more
15 obvious and certain outcome of Powertech's
16 project? I am speaking of allowing a foreign
17 company, seeking only its own profit, to
18 dominate so much of a public good, even as that
19 good, our precious water, is steadily dwindling
20 away as we meet here today?
21 Please deny Powertech's permits for the good

22 of our community.

23 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

24 Mary Jo Farrington.

25 MARY JO FARRINGTON: Hi. Again, I want to

1 thank you very much for listening for ten hours
2 these last two days. I know you've got ten more
3 hours these next two days, and we really
4 appreciate it.
5 I wanted to -- having been here most of the
6 time, I think there's something that needs to be
7 cleared up. It's not clear to me who owns this
8 organization. We use the word "Powertech"
9 sometimes and then "Azarga," "Powertech/Azarga."
10 And several people have made the comment if
11 Powertech has been bought out by Azarga, then it
12 would seem to me that they would have to restart
13 this process.
14 And if Azarga is the owner, then why -- it
15 just doesn't make good sense to me that we're
16 selling a foreign country 8- or 9,000 gallons a
17 minute of water. And so we're not just selling
18 them the rights to perhaps ISL mining as well as
19 dumping toxic things, but we're also basically
20 giving this foreign company the rights to water.
21 And I think if that's true, we shouldn't do

22 it. And there should be some real safeguards

23 about -- about this water.

24 In today's paper it was talking about

25 yesterday's hearings, and one of the things --

1 lines it said is that uranium would be sold,
2 processed, and used somewhere else to produce
3 nuclear energy. And that's not true.
4 Once the uranium leaves the U.S. border,
5 there is no control where -- to whom and where
6 it goes to. Azarga is a huge international
7 company whose purpose is to sell uranium to the
8 highest bidder.
9 Now, some company may buy it for a nuclear
10 power plant, but some group -- and we have no
11 idea who -- may buy it for bombs. And even
12 Azarga may not know. It's just a money
13 transaction. And we don't know where this stuff
14 goes to once it leaves our borders.
15 I'm also concerned about the process, part
16 two. And I know we haven't -- we've talked more
17 about the front end of the pollution. But as
18 the yellowcake is obtained, processed, and
19 stored, and then eventually shipped to the
20 border, what security is there that some whacko
21 doesn't throw a bomb at it and blow up the

22 storage unit or blow up the truck that's going

23 to the border?

24 And if that were to happen, that would just

25 be devastating. And so what -- what guarantees

1 do we have that that's not going to happen?
2 What kind of security is there?
3 In addition, we've also given, in these
4 permits, the right to become a toxic dump sight.
5 So as trucks come in the dark of night and dump
6 toxic waste into the deep holes, who oversees
7 this? How do we know what's being dumped?
8 I mean, you know, if there's this box or a
9 can or whatever it is and it says, you know,
10 dump site waste, well, we don't -- how do we
11 know what it is and where it came from?
12 I mean, is China going to -- you know,
13 they'll make a fortune if they can ship over
14 Chinese toxic dump, and put in our containers
15 and -- how do we know? It would have to be
16 24-hour security at that site because we become
17 then a site that has to be monitored in terms of
18 that.
19 I also wanted to talk about what Susan said
20 yesterday is that, again, the selling. If there
21 is selling, there really has to be safeguards

22 about what -- this water, in terms of the amount

23 that they have access to.

24 I'm listening to the dialogue today, it

25 was -- and yesterday. It was very powerful to

1 me. I thought it was really very passionate.
2 And I do think that what did come out was that
3 there really needs to be more consultation with
4 all the tribal units. And if that doesn't
5 happen, that's -- that will be a real mistake.
6 Finally, as you probably heard, you know, as
7 you know, the EPA was going to be gutted and the
8 Senate and the House were able to restore the
9 money. And -- but as you probably heard, the
10 FBI now has been fired tonight, and so this is
11 troubled times.
12 And there's a lot of anxiety and fear going
13 on, and uncertainty. And I would suggest that
14 this is not the time to fast-forward a decision.
15 This is a time to delay it and let this nation
16 cool down a little bit, because everybody is
17 pretty scared and jumpy.
18 So thank you very much.
19 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
20 Ms. Farrington.
21 Rick Bell.

22 RICK BELL: Good evening. My name is Rick
23 Bell. Continuing on from what I had a few times
24 to talk yesterday. And these five-minute
25 segments are limiting, and so I was trying to

1 decide what else I wanted to talk about tonight.
2 And I want to pick up a little bit on what
3 Ms. Parkhurst was referencing, which is the wide
4 use of the Minnelusa aquifer for drinking water
5 purposes.
6 I think it's been well documented. I would
7 ask the EPA, how many wells have you determined
8 through surveys to be downgradient from this
9 Dewey-Burdock site? I know you can't answer
10 questions tonight, but I'd like to have that in
11 the record.
12 Because of this drinking water use of the
13 Minnelusa, I would ask that the EPA require the
14 Class V injection well wastewater to meet
15 drinking water standards, not hazardous waste
16 standards as is currently in the draft permits.
17 I did a little research and will read to you
18 some of the numbers that I came up with. Right
19 now, the hazardous waste concentration limit in
20 the Class V permit, for instance, for arsenic is
21 5 milligrams per liter.

22 If you follow the maximum contaminant -- the
23 MCL for drinking water for arsenic, it would be
24 .01. So that's a factor of 500 times more than
25 what's in the MCL, the primary MCL.

1 I could go down the list. Barium, you guys
2 give them 100; the MCL is 2. So that's 50
3 times. Cadmium is 1, and then in your -- in
4 your current limit, it's .005 MCL. So that's
5 200 times more than the drinking water criteria.
6 Chromium, you gave them 5; it's .1 MCL. That's
7 50 times. Lead doesn't have a primary MCL, as
8 you know, but it has -- there's a new lead rule,
9 we've heard all about Flint. That concentration
10 is .0015 milligrams per liter, and you guys gave
11 them 5. So that's 3,333 times what's in the
12 drinking water regs. Mercury, selenium, silver.
13 I'm wondering why uranium is not in there.
14 I know you have a uranium radioactive standard
15 measured in microcuries per milliliter, or
16 whatever the units are. But there is an MCL for
17 uranium, and it's .03. So why isn't that in the
18 standard -- in your current concentration limit
19 for the Class V wells?
20 So these are just some of my
21 recommendations. And furthermore, I know that

22 Powertech can meet these levels. They can treat
23 these waters to these kinds of levels. In fact,
24 the EPA's best available treatment, the BAT for
25 Small System Compliance Technologies, SST --

1 SSCT, it can be found in your final
2 radionuclides rule 40 C.F.R. 141.66, specifies
3 that at least three technologies should be used
4 in combination to achieve these low levels.
5 So not only should Powertech be required to
6 use reverse osmosis, they can also -- they would
7 also couple this with a tertiary type of
8 treatment, including activated carbon and ion
9 exchange.
10 All of these things are technologically
11 possible, in which case we would be -- or they
12 would be injecting drinking-water-quality water
13 because people are drinking this water, and I
14 think that's where this should end up.
15 I'm an engineer. I'm practical. I'm trying
16 to help you guys meet the criteria. I mean,
17 we've heard tonight and yesterday all the
18 heartfelt -- people's, you know, we're not going
19 to contaminate the earth, and we don't want that
20 to happen.
21 But I know we have to have rules, and I'm

22 trying to help you guys pick the right rules so
23 that we can maintain what we need as far as
24 drinking water quality in this area.
25 So thank you very much.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
2 Mr. Bell.
3 Justin Roland.
4 Jacquelyn White Hat?
5 Patrice Vacek.
6 Okay. Those are all the people who
7 submitted cards to speak. Is there anyone in
8 the audience who has not given a card who would
9 like to speak?
10 Ms. McLean, do you want to come back up?
11 LINSEY MCLEAN: Yes.
12 REGIONAL JUDICIAL OFFICER SUTIN: You can
13 state your name again before you speak.
14 LINSEY MCLEAN: My name is Linsey McLean.
15 And I'm concerned about the lack of oversight of
16 UIC wells.
17 And I'm quoting a report that criticizes EPA
18 oversight of injection wells from ProPublica
19 published in 2014, which says: The Government
20 Accountability Office says environmental
21 regulators are failing to adequately enforce

22 rules for wells used to dispose of toxic waste

23 for drilling.

24 And it goes on to say that: Injection wells

25 used to dispose of the nation's most toxic waste

1 are showing increasing signs of stress as
2 regulatory oversight falls short and scientific
3 assumptions prove flawed.
4 Federal environmental officials have failed
5 to adequately oversee hundreds of thousands of
6 wells used to inject toxic oil and gas drilling
7 waste deep underground, according to a new
8 congressional report. That report by the U.S.
9 Government Accountability Office is critical of
10 the Environmental Protection Agency's
11 inconsistent handling of safety inspections,
12 poor recordkeeping, and failure to adjust its
13 guidelines to adapt to new risks brought by the
14 recent boom in domestic drilling, including the
15 understanding that injection wells are causing
16 earthquakes.
17 The GAO's findings echo those of the 2012
18 ProPublica investigation which found that the
19 nation's injection wells were often poorly
20 regulated and experienced high rates of failure,
21 like leading to pollution of underground water

22 supplies.

23 ProPublica's investigation found that the

24 EPA did not even know exactly how many wells

25 existed in the United States, or even what

1 volume of waste was being injected into them,
2 and that it did not possess complete records
3 required to be collected under the Safe Drinking
4 Water Act.
5 These wastes, often euphemistically -- and
6 we've heard this, too, here -- referred to as
7 "saltwater," commonly contain a mixture of
8 water, hazardous chemicals, and radioactive
9 minerals.
10 The EPA generally agreed with the GAO's
11 findings and characterization of the challenges
12 the agency is currently facing. Concerns have
13 mounted recently about potential water
14 contamination from injection wells.
15 This report was done when EPA had a fuller
16 staff and budget. And what upgrades to
17 inspections and oversight have been made since
18 2012? And now, how will these new budget cuts
19 under the Trump administration affect oversight
20 and regulation of injection wells?
21 If EPA depends on permit fees from industry

22 to make up a significant portion of their

23 budget, as FDA and NRC do -- in fact, 95 percent

24 to be exact -- then how can we be sure the EPA

25 does not just issue, and in this case, permits

1 dangerous areas that should be -- not be issued
2 just because they have to underwrite their
3 paychecks?
4 If the circumstances of the past have not
5 been rectified, then no new permits for any
6 injection wells of any sort should be issued,
7 period.
8 I cite cases of water contamination just in
9 the two years that were recorded between 2008
10 and 2010: The cases of unauthorized injection
11 of toxins that were not permitted, 859; cases of
12 overpressurized injection resulting in damage to
13 well casings and equipment, 1,199; test failures
14 for significant leaks, 6,723; and total wells
15 with violations in just two years, 60,467.
16 So if there ever was a case for your first
17 rejection of a permit ever it is most certainly
18 here and now. And -- oh, and I have a Minnelusa
19 well. So thank you very much for hearing me.
20 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
21 Is there anyone else in the audience who

22 would like to --

23 STEVE MASSOPUST: Yes, I would. I signed a

24 paper, but I didn't fill out a card.

25 REGIONAL JUDICIAL OFFICER SUTIN: Okay.

1 STEVE MASSOPUST: Do you mind if I sit right
2 here?
3 REGIONAL JUDICIAL OFFICER SUTIN: Not at
4 all. Can you reach the microphone?
5 STEVE MASSOPUST: Yeah. My name is Steve
6 Massopust. M-A-S-S-O-P-U-S-T. I've been a
7 physician in Rapid City for 35 years. I've
8 practiced in emergency medicine, family
9 medicine, and for the Veterans Affairs.
10 But I'm not here to give any expert
11 testimony about the dangers of radiation and
12 impeding fresh water. I mean, those things, I
13 think, are quite obvious.
14 And I guess what bothers me the most about
15 this is, I don't like people thinking I'm
16 stupid, and I don't like people being unfair or
17 dishonest. That's how this whole operation
18 strikes me.
19 I do care about water and really hearing the
20 Lakota concerns, very emotional, has been
21 enlightening for me. But let's say that all

22 that did matter was money on this, and let's
23 look at some of the financial aspects of this.
24 If you read financial things having to do
25 with the uranium industry, this project is on

1 the top of the list and it's publicized
2 everywhere. They see this as a huge opportunity
3 to make a huge amount of money without a very
4 large investment.
5 It is also unclear who exactly owns
6 Powertech. There's been mention of Chinese
7 ownership. Even in the last week, there's been
8 shift of who owns most stock in the company.
9 And I believe that it probably is some kind of,
10 basically, money laundering where you've got
11 Powertech, the first organization we see, but it
12 works up through many other investment
13 companies, some of which have been found guilty
14 of various types of illegal money activities.
15 Furthermore, if you read about China, their
16 main objective right now is to get overseas
17 sources of uranium, and that's big on their
18 agenda. So if Azarga or Powertech are somehow
19 connected through China, it would make sense.
20 The other thing, though, is that this
21 company isn't real stable economically. There

22 was a good column in the Journal by a well-known
23 financial consultant named John Tsitrian. And I
24 don't understand finances enough, but he talks
25 about things like their stock value being 30

1 cents right now, whereas it was $30 quite some
2 time ago. And he makes comments about how they
3 are very likely to go under. And so that is an
4 issue when you talk about the potential
5 liability that this mine or this cleanup would
6 have.
7 To give a couple examples of that kind of
8 expense, there's a Riley Pass uranium mine not
9 far from here -- I believe in Wyoming -- that
10 was owned by Kerr-McGee in 2014, and they were
11 fined $5.15 billion. And that's the largest
12 environmental settlement ever won by the U.S.
13 government for cleanup.
14 They are responsible for thousands of sites
15 contaminated by creosote and uranium debris, and
16 they fraudulently moved assets around to evade
17 debts and liability for the environmental
18 cleanup, justifying that kind of penalty.
19 Another one has already been mentioned here,
20 the Gilt Edge Mine. That's a gold mine, of
21 course, but they had a $6.4 million bond that

22 they forfeited when they went bankrupt. But up
23 until now, it's cost $88 million to the EPA and
24 the State of South Dakota to clean that up. And
25 by the way, the environmental impact statement

1 for that predicted a very low risk of acid rain
2 off of those mines.
3 So I'm not sure, even at this hearing, if
4 the EPA cares about what our concerns are. It
5 seems like they just want to know if there's any
6 technical data that would dispute their
7 recommendations.
8 So it seems like if we want to stop this, we
9 need to work at a level where we might be
10 effective. I think this still requires some
11 permitting by the DENR in South Dakota, and I
12 think if we would present the financial losses
13 that this may have, that that would influence
14 the South Dakota approval more than it would the
15 EPA or the NRC.
16 I think that's all I had to say. Thank you
17 very much.
18 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
19 very much.
20 Anyone else in the audience who would like
21 to --

22 JERRY MEYER: Yes.

23 REGIONAL JUDICIAL OFFICER SUTIN: Yes.

24 Please come up. State your name again.

25 JERRY MEYER: Jerry Meyer.

1 Two young women yesterday talked about --
2 one of them -- that she felt nuclear power was a
3 good thing. I talked about that earlier, why I
4 don't think it is. Another woman who works at,
5 I think, an ISL mine in Wyoming was saying, in
6 her professional capacity, that there was no
7 problems, they haven't contaminated water, et
8 cetera.
9 So I just wanted to site the Crow Butte mine
10 in nearby Nebraska as an example of types of
11 violations that do occur at ISL sites. Between
12 August 12, 1997 and August 6, 2013, there were
13 59 violations. I'm not sure if they were EPA
14 violations or state-regulated violations, but
15 ranging from radiation dose in unrestricted
16 area, liner leaks in ponds, well -- mechanical
17 integrity failing in their wells, 20-year
18 mechanical integrity test fail, 5-year fail,
19 15-year fail, exceedance of wellhead manifold
20 pressure limitations, just a variety of things.
21 They were fined for many of them.

22 And I think it was the Riley mine that
23 Mr. Massopust referred to as having to pay the
24 biggest financial fine for contaminating water
25 in an ISL mine in Wyoming. And I'm pretty sure

1 that's along the route I take when I drive to
2 Lander, Wyoming to visit my good buddy who I go
3 fishing with, and my brother's family in Lander.
4 And my buddy and I went fishing in Green
5 Mountain, along -- between Muddy Gap and Lander,
6 and he was telling me about that contamination
7 and that the people in the little town in
8 between there could no longer use their water.
9 The mining companies had to buy and bring
10 water to the community. Totally ruined their
11 aquifers and their wells to produce drinkable,
12 potable water.
13 So just a couple examples of other types of
14 problems that have occurred with ISL mining
15 sites in the region.
16 Regarding nuclear contamination due to
17 either weapons or nuclear energy development, I
18 have here -- and you have of a copy of it -- a
19 draft, "Elements of a World Charter of the
20 Rights of Nuclear Victims." And it's a
21 Declaration of the World Nuclear Victims that

22 came about at the Declaration of World Nuclear

23 Victims Forum in Hiroshima on November 23, 2015.

24 And in that declaration, they talk about

25 that they have, "reconfirmed that every stage of

1 the nuclear chain contaminates the environment
2 and damages the ecosystem, causing a wide array
3 of radiation-related disorders in people and
4 other living beings. Through the experience of
5 the nuclear disasters at Chernobyl and
6 Fukushima, we see that nuclear accidents
7 inevitably expose entire populations living near
8 the power plants and the workers assigned to
9 cope with the accident to harmful levels of
10 radiation, and that adequate response to such a
11 disaster is impossible.
12 "We further see that radioactive
13 contamination is inevitably a global phenomenon.
14 We know that 'military' and 'industrial' nuclear
15 power are intimately connected within a unified
16 nuclear industry, and that every stage of the
17 nuclear chain, including the use of depleted
18 uranium weapons, creates large numbers of new
19 nuclear victims."
20 Just one more statement from that draft I
21 want to read. "We condemn the Japanese

22 government for failing to learn from the
23 Fukushima disaster, without carrying out
24 adequate investigations into the facts and
25 impacts, hiding and trivializing the damage, and

1 cutting off assistance to the victims, while
2 investing in the restart and export of nuclear
3 power plants. We oppose the building,
4 operating, or exporting of nuclear power plants
5 or any industrial nuclear facility in Japan or
6 any other country.
7 "We call for the termination of uranium
8 mining, milling, nuclear fuel production,
9 nuclear power generation and reprocessing, and
10 the abolition of the entire nuclear chain."
11 One of the groups that I belong to that's
12 represented here, the Dakota Rural Action, two
13 years ago, 2015, had not only opposed the
14 development like this but promoted Solarize
15 South Dakota campaign, educating people about
16 alternative energy, in particular solar energy.
17 National Geographic Magazine, in their March
18 2017 issue, said that currently there are more
19 jobs in the alternative energy development field
20 than there are in fossil fuel energy field in
21 our country.

22 We have the ability through solar, through
23 wind, through biofuels to generate the energy we
24 need in this country. And some states are doing
25 that. California has closed all their nuclear

1 plants except one, and that's on its way out.
2 Texas is generating huge amounts of wind energy,
3 as is Iowa.
4 I encourage the Environmental Protection
5 Agency to go back to their core purpose, and
6 rather than mitigating and minimizing damage
7 from things like uranium mining, to indeed
8 protect our environment.
9 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
10 Mr. Meyer.
11 If you haven't spoke up to this point, I
12 would like to -- I'm happy to have you speak,
13 but it would help us if you fill out a card. So
14 if you can fill out a registration card and then
15 come up and speak. Fill them out at the desk in
16 the front. Thank you.
17 GENA PARKHURST: May I speak again? Or --
18 REGIONAL JUDICIAL OFFICER SUTIN: Sure, yes.
19 GENA PARKHURST: Thank you.
20 My name again is Gena Parkhurst, and
21 yesterday I mentioned a resolution passed by the

22 Rapid City Common Council. And since we have a

23 little extra time, I'd like to read the full

24 text for the record:

25 "Resolution Number 2013-083: A resolution

1 expressing grave concern about the in-situ
2 mining of uranium by Powertech in Custer and
3 Fall River Counties.
4 "Whereas, Powertech Uranium Corp. has
5 submitted applications to the South Dakota Water
6 Management Board for permits to use water from
7 the Madison and Inyan Kara aquifers to conduct
8 in-situ mining of uranium in Custer and Fall
9 River Counties in the Black Hills of
10 South Dakota;
11 "And whereas, in-situ mining, or in-situ
12 recovery, involves pumping solutions
13 incorporating water from the aquifers into an
14 ore body through wells which will then circulate
15 through the porous rock and recovering the
16 minerals from the ground by dissolving them and
17 pumping the solution containing the ore to the
18 surface where the minerals can be recovered;
19 "Whereas, hearings on Powertech's water
20 permit applications will be held by the
21 South Dakota Water Management Board in

22 Rapid City at the beginning of October of 2013;

23 "And whereas, the City of Rapid City obtains

24 a majority of its drinking water from the

25 Madison aquifer;

1 "And whereas, the safety of the water in the
2 Madison aquifer is of utmost importance to the
3 City of Rapid City;
4 "And whereas, due to the unanswered
5 questions regarding the safety of the
6 community's water supply, the Common Council of
7 the City of Rapid City believes that the
8 proposed in-situ mining of uranium in the Black
9 Hills poses an unacceptable risk to the primary
10 source of Rapid City's drinking water.
11 "Now therefore, be it resolved by the City
12 of Rapid City that due to the potential risks to
13 the Madison aquifer, the City expresses grave
14 concern about the proposed in-situ mining of
15 uranium in the Black Hills.
16 "Dated this 19th day of August, 2013, City
17 of Rapid City. Signed by Mayor Sam Kooiker,
18 K-O-O-I-K-E-R. Attest: Pauline Sumption,
19 S-U-M-P-T-I-O-N, Finance Officer. Sealed."
20 Thank you for listening.
21 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

22 We have a few more speakers.

23 Kristina Proletti.

24 KRISTINA PROLETTI: Proletti.

25 So mine is more of a suggestion. I know you

1 can't answer questions because I heard that
2 earlier.
3 Has anyone done any 3D modeling of the
4 existing injection wells, the toxic injection
5 wells of the toxicity plumes? I know you can do
6 those in Vulcan or Civil 3D.
7 If that hasn't been done, you need to it.
8 It'll be cheaper in the long run to get that
9 taken care instead of waiting for it to be a
10 Superfund site.
11 The other thing is, if you do let this move
12 forward, I guess, so to speak, if that's the
13 word you want to choose for this, any leach
14 ponds, I would require to have a double
15 detection set, like a double leach detection
16 layer, like a secondary. In the EPA, you have
17 guidelines for that.
18 And the other thing I would say, in the
19 modeling, you can actually put in the rock type.
20 Like, we are mostly sandstones and limestones.
21 They do crack. And so there's, like, the

22 25-year, 50-year, 100-year modeling
23 progressions, and you can choose a percentage
24 cracks in your rock and whatnot. And it just
25 seems like if it's not done, you need to.

1 So, thanks.
2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
3 Barbara Dunfee.
4 BARBARA DUNFEE: Hello. My name is Barbara
5 Dunfee, spelled B-A-R-B-A-R-A, last name D, as
6 in dog; U, as in union; N, as in news; F, as in
7 Frank, E-E.
8 And I'm a native of Rapid City, pretty much
9 a lifelong resident here. A few years spread
10 other places, but pretty much spent my life
11 here. And this is going to be a little bit
12 rambling because it's stuff that I've been
13 thinking of just listening to other people.
14 One of the things that -- a lot of people
15 here, a lot of the Native American people who
16 have spoke talked about the treaty rights. But
17 I think Mr. Looking Horse was the only one who
18 really talked about how this is -- how the Black
19 Hills are integral to the religion and that
20 basically Black Hills are the Native American,
21 Plains Indian holy land.

22 And I think that's been -- I think that's
23 been overlooked, how important that is
24 culturally. You know, it's -- there's --
25 religions all over the world see mountains as

1 holy. It's like, you go clear back to the
2 Greeks with Mount Olympus, and you think of the
3 Psalms with, "I lift up mine eyes unto the
4 hills, from whence cometh my help. My help
5 comes from the Lord."
6 Mountains are important, and it's universal,
7 and the Black Hills are part of that universal
8 whatever-it-is that speaks to people. And it
9 spoke to the Plains Indians. It spoke to the
10 Indians that were native here in South Dakota.
11 And we can't ignore that.
12 The other thing that's -- and this is
13 completely unrelated, but that's been in my
14 head, is that we're under an administration
15 right now that is playing political football
16 with a lot of different things, and they're
17 becoming pretty fast and furious.
18 We've been having trouble keeping up. But
19 one of the things that's in the political
20 football arena right now is the EPA, and I know
21 you guys are more than aware of that.

22 And I don't think anyone goes into the EPA
23 without caring about the environment. It's --
24 if you didn't care about the environment, you
25 would have gotten a job somewhere else. But the

1 current administration is looking at this kind
2 of hearing with this kind of regulation as
3 binding business and trying to keep business
4 from being free to do what they want, and that's
5 one of the reasons they would like to be rid of
6 the EPA.
7 And you know, if the EPA goes down or if it
8 just gets hamstrung and can't regulate, then the
9 regulation is going to get thrown back to the
10 states, and that means the State of
11 South Dakota.
12 And quite honestly, I -- I trust the federal
13 EPA more than I trust our state legislators and
14 our state governor. They're going to rubber
15 stamp things for the mines.
16 And they are not going to -- you know, if
17 something goes wrong, the state budget already
18 is in trouble. They're not going to have the
19 money to do a cleanup because they're already
20 being stretched to the limit and having to cut
21 programs.

22 And I think that all matters to what happens
23 with whether this company gets permitted or not,
24 because we have to think of the future. It's
25 not just what's happening today. It's what's

1 happening in -- within four years.
2 And it may be that close because the
3 administration may be changing what happens
4 drastically that fast.
5 Thank you.
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
7 Thank you.
8 We have a few more minutes. Is there anyone
9 else who would like to speak?
10 Mr. Bell, please come up.
11 RICK BELL: Is it possible, Ms. Shea, to put
12 your slides on that you gave at the very
13 beginning? I just wanted to refer to Number 6,
14 if possible. I don't know if that's okay.
15 (Pause in the proceeding.)
16 RICK BELL: So Rick Bell again, and I
17 appreciate Ms. Shea sending me these slides last
18 night. I was laying in bed thinking about the
19 day and all the things that we've heard about.
20 I kind of got -- well, first of all, let me
21 say that at the very beginning of this process,

22 I was glad to find out the EPA was in charge of
23 this project rather than the NRC because I
24 believe, you know, given all of the mining
25 problems that I've seen and heard about,

1 there's -- you know, well permits -- sorry,
2 mining permits that the NRC is in charge of that
3 are out of date by ten years and yet they are
4 still in operation.
5 There's thousands and thousands -- as we've
6 heard from Mr. Meyer tonight -- there's
7 thousands and thousands of violations at the
8 Crow Peak in Nebraska. So I was somewhat happy
9 to know that EPA was on top of this.
10 So -- but in just looking at this slide
11 here -- and I'll try to speak to it because I
12 know we're on the record here verbally -- I was
13 thinking about, if this was an NRC site and this
14 was a nuclear plant, they would have Plans B and
15 C, and I don't think the EPA has that in this
16 case.
17 When I looked at this drawing -- and I know
18 it's sort of a schematic -- I see this is 120
19 feet from the -- the aquifer exemption boundary
20 is 120 feet. This row of wells is supposed to
21 capture whatever goes wrong in here in the Class

22 III ISL wells.

23 So that distance appears to be about 360

24 feet. So I don't know how long it's going to

25 take for you guys or the -- Powertech operating

1 the site to finally figure out that there's a
2 problem in this, what I call, amoeba shape.
3 Somewhere in here there's something that's
4 gone wrong, and suddenly you have of a well 360
5 feet away that has contamination in it. You
6 have no further, you know, Plan B or Plan C.
7 What are you going to do when that happens?
8 I think EPA needs to put in the permit all
9 of these kinds of situations, specifically what
10 happens. When I heard Ms. Shea in her
11 presentation, if I heard it correctly, that they
12 would immediately go in to a restoration
13 situation.
14 And if that's to be done, you know,
15 specifically how many of these wells are going
16 to get turned into recovery wells and are you
17 going to turn off the injection? I -- if I was
18 designing this, I would have another series of
19 monitoring somewhere in this -- in this circle
20 so that you had the first indication that
21 there's a problem, not wait until it gets 360

22 feet away and then throw your hands up and say,

23 You know, Powertech you've got to do something

24 about it. I don't know what you're going to do.

25 All of those things need to be in the

1 permit. So, I just am very concerned about this
2 operation without that level of detail in the --
3 in the plans. So that was my parting shot
4 tonight.
5 Thank you.
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
7 We have another speaker.
8 Jirmina Reddove.
9 IRMINA REDDOVE: Irmina.
10 REGIONAL JUDICIAL OFFICER SUTIN: Irmina. I
11 apologize.
12 IRMINA REDDOVE: I want to apologize because
13 I'm Lakota, and I was raised with my
14 grandparents and my parents together, and I'm a
15 descendent of the Chief American Horse. I used
16 to live on American Horse Creek in Kyle, south
17 of Kyle.
18 But I wanted to speak earlier, but everybody
19 was facing this direction, and I was taught not
20 to get up and speak in front of your people with
21 your back turned to your people because that is

22 an insult. And I didn't want to insult anybody
23 in this room, so I chose to speak this way. And
24 I listened. I came yesterday and I listened. I
25 learned a lot.

1 And this morning I went to Grey Eagle
2 Society meeting because I'm a member of that
3 group, and so I made a report as far as what I
4 heard yesterday.
5 And then I came back after lunch with them
6 and came up here to listen to what else was
7 being said so I can go back and report, make a
8 complete report to the Grey Eagle Society
9 members.
10 We're an elderly advisory group to our
11 people. We come from each district on our
12 reservation in Pine Ridge, and we talk about
13 what kinds of things we need to tell our leaders
14 and to assist them in any way we can. With our
15 knowledge and with what they know, it's sort
16 of -- we work with the youth, too, and we're
17 trying intergenerational communication so that
18 we can all come from one place.
19 And I really had a concern when I found out
20 about the uranium mining, because I'm 74 years
21 old, and I have great-grandchildren, and now I

22 am expecting a great-great-grandchild very soon.
23 So I'm really happy that I've lived this long to
24 see that. But now I'm concerned with my
25 leaving, what am I leaving behind for these

1 children.
2 And so I thought it's time to get -- stand
3 up and speak out because I want to save whatever
4 we can of Unci Maka for the future of our
5 children that are coming, the seven generations
6 that are coming for me.
7 And so I -- I told my family, my extended
8 family, our tiyospaye, that we need to start
9 getting involved because we do things together
10 as a tiyospaye, and so it's time to not only
11 stand up and speak out.
12 I have great-great-grandchildren coming, and
13 so we all need to watch out for them. I know if
14 I'm not around that they will be the ones to
15 take care of them because we have no orphans as
16 such. We are extended family. We take care of
17 all our children together in our tiyospaye. And
18 so I wanted to share that with you, my concern
19 for the future of our children.
20 And I wanted to really commend these young
21 people, the indigenous peoples that stand up and

22 work together with the non-Indians. And

23 that's -- I've really learned to appreciate

24 that, working together, and maybe completing our

25 circles as we go along.

1 Because in my life, everything is a circle.
2 And I've learned that. And I teach -- I'm a
3 retired teacher administrator, and I worked with
4 children in our schools, and I teach -- within
5 that circle teaching Black Elks.
6 I read somewhere that everything is a
7 circle. We need to be strong and happy again.
8 Our hoop was broken, but we're on the mend, and
9 so we need to widen our circles and be more
10 inclusive to save our Mother Earth. I call her
11 Mother because now I'm Unci,
12 great-great-grandmother.
13 And I appreciate every day of my life.
14 Every morning when I wake up, I hear the birds,
15 and then in the evening I sit outside and watch
16 the stars because I know where I come from. And
17 I want my grandchildren and my
18 great-great-grandchildren to know where they
19 come from and who they are.
20 So I've been teaching the Lakota language
21 and culture in the schools, and I'm becoming

22 even more aware since I've been teaching the
23 circles that we use in life that we have learned
24 to see in nature. And I'm trying to teach these
25 little kids. I love them so much.

1 After the classes, they come around to me
2 and hug me, and they'll say, "Unci, Unci, I need
3 a hug." And so I give them a hug. I said,
4 "Everybody needs hugs. I do, too."
5 And so I try to give them a little love and
6 some teachings that I know through stories and
7 through the traditional teaching ways with the
8 circle. So I'm developing a curriculum with
9 certain teaching within the circle.
10 And the beginning of that, as my elders told
11 me, was that always begin with nurturing the
12 spirit of the child, and that way they'll be
13 strong and they'll be happy. And so that's the
14 first thing we do is, they all know the medicine
15 wheel.
16 Most people know the medicine wheel, most
17 people know the medicine wheel. But also Fools
18 Crow taught me that within that medicine wheel,
19 too, the colors stand for the peoples and each
20 direction, the different races. The white [sic]
21 was African-American, the red is indigenous

22 peoples, the yellow is the Asian/Orientals, and
23 the south was the Europeans. And we all belong
24 in that circle as human beings.
25 And so he said keep that in your heart.

1 Everything should come from the heart. And then
2 when this comes into play, it will be guided in
3 the right direction.
4 So that's what I wanted to say because I
5 really feel somehow that we're -- we feel -- I
6 feel threatened by this uranium mining, and we
7 must -- must prevent it from happening for the
8 future of all children. We all belong in that
9 sacred circle. So that's just what I wanted to
10 mention. Thank you.
11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you
12 very much, Ms. Reddove.
13 It is 8:00, so that is all the testimony we
14 will take today. Thank you again, everyone, for
15 coming. If you want to provide more testimony,
16 we will be in Hot Springs tomorrow.
17 So at this time, I will conclude the
18 hearing, and we are officially closed.
19 (Proceeding was concluded at 8:00 p.m.)
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1 C E R T I F I C A T E

2

3 STATE OF SOUTH DAKOTA }
} SS:
4 COUNTY OF PENNINGTON }

5

6 I, Jacqueline K. Perli, Registered Professional Reporter, do hereby certify that said proceedings were
7 taken by me stenographically and thereafter reduced to typewriting under my supervision; that the foregoing
8 is a true and accurate record of the proceeding to the best of my understanding and ability.
9
I further certify that I am neither counsel for,
10 related to, nor an employee of any of the parties to this case and have no interest, financial or
11 otherwise, in its outcome.

12

13 Dated this 24th day of May, 2017.

14 /s/ Jacqueline K. Perli

15 Registered Professional Reporter
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18 My commission expires: May 9, 2019

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