PUBLIC HEARING FOR THE
DEWEY-BURDOCK UNDERGROUND
INJECTION CONTROL DRAFT PERMITS
AND PROPOSED AQUIFER EXEMPTION

May 8, 2017
1:00 p.m. to 8:00 p.m.

The Best Western Ramkota Hotel
2111 N. LaCrosse Street
Rapid City, SD 57701

1 REGIONAL JUDICIAL OFFICER SUTIN: Good
2 afternoon, everyone. Thank you for coming. My
3 name is Elyana Sutin, and I'm the Regional
4 Judicial Officer for the Environmental
5 Protection Agency in Denver, Colorado.
6 Thank you all for coming today. I will be
7 chairing the hearing. And in addition to
8 myself, there are other EPA staff here to assist
9 in this hearing to ensure everyone who wants to
10 speak has the opportunity to do so.
11 I'd like to introduce them at this time so
12 that you know who they are before we get
13 started. Douglas Minter is the manager of the
14 Underground Injection Unit. There's Douglas by
15 the door.
16 Valois Shea is also in the Underground
17 Injection Unit in the Office of Water
18 Protection.
19 Lynne Newton, who is out at the registration
20 table, you all met her when you came in. She
21 also works in the Underground Injection Unit.
22 Then we also have with us Lisa
23 Vanderpool-McClain, who is standing in the back
24 there. She is our Public Affairs Specialist in
25 the Office of Communications.

1 And then we also have Sisay Ashenafi --
2 excuse me -- Ashenafi, who's our Community
3 Involvement Specialist.
4 So if you have any questions, please reach
5 out to one of those folks.
6 So we'll get started. On March 6, 2017, EPA
7 issued two draft Underground Injection Control,
8 or UIC, area permits to Powertech USA, Inc., for
9 injection activities related to uranium recovery
10 near Edgemont, South Dakota.
11 The draft permits include a UIC Class III
12 area permit for injection wells for the in-situ
13 recovery of uranium, and a UIC Class V area
14 permit for deep injection wells for disposal of
15 treated in-situ recovery processed waste fluids.
16 The EPA is also proposing an aquifer
17 exemption approval in connection with the draft
18 UIC Class III area permit.
19 We are here today to listen to your comments
20 on these area permits and aquifer exemption.
21 The public comment period is open until
22 May 19th, 2017. In addition to this hearing
23 today, there will be three more public hearings
24 this week.
25 Tomorrow we will have another hearing here

in this building in this room. May 10th we'll have a hearing in Hot Springs, South Dakota, at the Mueller Center, and May 11th in Edgemont at the St. James Catholic church. For more information on times and location -- address location, please visit the registration table or EPA's Website.

In a moment, I'll turn it over to Ms. Shea, who will explain in more detail what was proposed in the notice. But before I turn it over to her, I'd like to explain a little bit about how today's hearing will work.

The first hour, from 1:00 to 2:00 today, was an opportunity for information gathering and question and answers. Starting with the hearing now, there will be no more question and answers as part of the official hearing.

We will have the same setup tomorrow. So from 1:00 to 2:00, if you have questions, you can come and speak with folks about your specific questions, and then the hearing will start again at 2:00 tomorrow.

We will take testimony from 2:00 to 5:00 today with a short break around 3:15 or so, and then again from 6:00 to 8:00 this evening.

I will call speakers to the microphone here in front of me if you have filled out a card at the registration table. When it is your turn to speak, please state your name before you begin your testimony.

In order to be fair to everyone, we will limit the testimony to five minutes each. We will signal to you when you have one minute left to speak, and then when five minutes has passed, I will ask you to complete your testimony.

Please try to be as succinct and on point as you can. If I find that we are straying from the topic at hand, I will interrupt and ask that you please return to the issue before us.

If we have time at the end and everyone has had the chance to speak and you have more to say than the five minutes you were given, then I will allow folks to get back up and finish their comments.

After you finish your testimony, members of the panel may ask clarifying questions. We are not here to explain the basis of the proposal. The notice does that. Nor can we exchange in a back-and-forth discussion of the proposal or respond to your comments during this hearing.

The purpose of the hearing is to receive your input. We will consider and then respond to all comments received during this hearing as well as all written comments in the final permits and aquifer exemption determination. We will not be answering any questions during the hearing.

We are recording the hearing today, so be assured that your comments will be considered. The court reporter sitting to my left will be preparing a transcript of today's proceeding that will be available for anyone who wants to see it.

The court reporter is independent of EPA, so if she is not looking at you while you are testifying, it is only because she is concentrating on your words to make sure she can get them into the transcript. Valois and I will be listening intently to your comments.

The transcript is part of the record and will be included in the docket for this matter. The docket is where EPA collects materials it has considered in its action, including public comments.

The docket is available on the internet for

your review, or you can view a hard copy at EPA's Denver office. The transcript of this hearing will also be available in the docket.

If you have written copies of your testimony, please give a copy to our staff at the registration table. This will be helpful as we prepare the transcript.

If you have other written comments or supporting documentation, you may leave those at the registration table, and we will make sure they are entered into the docket for this proposed action.

You may also submit written comments directly to the docket through May 19th. Instructions for submitting comments can be found at the registration table.

Once the final permits are issued and the aquifer exemption determination has been made, anyone who participated in the hearing by providing comments has the right to appeal the Agency's decision to the Environmental Appeals Board.

At this time, I will now ask Ms. Shea to provide more information on the permits.

MS. SHEA: Thank you, Judge Sutin.

I want to thank everyone for being here today. I know that you are probably giving up maybe time with your job or time with your family or another thing that you could be doing. So thank you so much to every one of you for coming and participating in our public hearing.

I would just like to provide a short presentation to provide context for the speakers that are going to be speaking here today. There was a lot of information on our website and not everyone had a chance to look at it. So I hope to have this brief groundwork laid, and then we can get on to our main topic at hand, which is listening to what you all have to say.

I just wanted to give you a little introduction on the Underground Injection Control program. It is authorized under the Safe Drinking Water Act. The mission is to protect underground sources of drinking water by regulating injection activities through injection wells.

Underground sources of drinking water are defined in our regulations as an aquifer or a portion of an aquifer which supplies a public water system, or which contains a sufficient

1 quantity of groundwater to supply a public water
2 system and currently supplies drinking water for
3 human consumption, contains fewer than 10,000
4 milligrams per liter total dissolved solids.
5 The UIC program classifies injection wells
6 under six well classes based on the type of
7 injectate and the purpose for injection. Our
8 UIC regulations allow us to exempt a portion of
9 an underground source of drinking water under a
10 certain criteria in our regulation, and that's a
11 background for our aquifer exemption that I will
12 talk more about in a minute.
13 So as Judge Sutin said, the EPA issued two
14 draft area permits on March 6, 2017. One permit
15 was for Class III injection wells for the
16 purpose of uranium recovery in the Inyan Kara
17 aquifers.
18 The second draft permit is a Class V area
19 permit for deep injection wells that will be
20 used to dispose of ISR waste fluids after they
21 have been treated for the removal of
22 radioactive -- well, it has to meet radioactive
23 and hazardous waste standards in regulations.
24 The EPA is also proposing an aquifer
25 exemption in conjunction with our Class III

1 permit that would allow injection into
2 uranium-bearing portions of the Inyan Kara
3 aquifers.
4 We also released some additional documents
5 to support the administrative record, and these
6 include an Environmental Justice Analysis; a
7 Cumulative Effects Analysis of the effects of
8 all the injection wells, since we are
9 authorizing more than one; and then a draft
10 document that explains the process we have
11 conducted so far and the considerations under
12 tribal consultation.
13 Our tribal consultation process is not over
14 yet. It's ongoing. In fact, we consider
15 it really has just started with the issuance of
16 these draft permits.
17 The EPA is requesting public comment and
18 review of all the documents up here, but of
19 course the most important ones are the draft
20 permits and the requirements there.
21 There are other agencies that are active at
22 this site. The Nuclear Regulatory Commission
23 has issued a materials license for the project.
24 The South Dakota Department of Environment and
25 Natural Resources has proposed issuance of a

1 large mine permit. They have not completed
2 their public involvement process yet.
3 The Bureau of Land Management has a plan of
4 operations. I don't think they have approved
5 that yet. And then there's also an additional
6 groundwater discharge permit under the DENR that
7 has been proposed as an alternative disposal
8 method for treated ISR waste fluids.
9 So this is just a map of the area. I'll
10 point out the permit boundary, and it's along
11 the South Dakota-Wyoming state line. The Fall
12 River-Custer County line falls in the middle of
13 the project area.
14 These -- there's a Dewey area and a Burdock
15 area. There are four proposed well fields in
16 the Dewey area -- some of them are kind of
17 hidden. They are the green ones hidden in
18 there, four total -- and then ten well fields in
19 the Burdock area.
20 The green dashed line is the aquifer
21 exemption boundary that exempts the portion
22 inside the green dashed line so that injection
23 might occur for the recovery of uranium. These
24 are the location of the two proposed Class V
25 deep wells.

1 So this is a blowup of the well field in the
2 Dewey area. I just want to give you an idea of
3 what the configuration of the injection wells
4 and production wells would look like. On each
5 corner is a proposed location for an injection
6 well with a production well in the middle.
7 The EPA will regulate both production wells
8 and injection wells as injection wells, so
9 they're -- both types of wells are subject to
10 the permit requirements because they often
11 change roles during the process.
12 This line around the outside of the well
13 field is called the perimeter monitoring well,
14 which makes sure contamination does not move out
15 of the intended injection area. And then there
16 are underlying -- underlying and overlying
17 monitoring wells above and below the injection
18 zone.
19 I just want to say a few things about the
20 quality of the Inyan Kara water. It is -- it is
21 an underground source of drinking water, but it
22 is high in sulfate and manganese and sometimes
23 in some locations high in iron. People who
24 drink the water usually use reverse osmosis to
25 make it potable, to make it taste good.

1 And then in the areas where the uranium
2 deposits occur, there's also high levels of
3 gross alpha, radium and radon. So the natural
4 radioactive decay of uranium results in radium,
5 and then that quickly decays into a series of
6 radon and daughter products that emit alpha
7 radiation.
8 Now, alpha radiation does not penetrate the
9 human skin. However, if this is -- if they are
10 released into the air, like during a shower, it
11 goes into your lungs and it can do damage there
12 because you don't have a protective layer of
13 your skin. So these areas that we're exempting
14 do have high gross alpha, radium, and radon.
15 After this process is over and the well
16 field groundwater restoration is complete -- and
17 that's regulated by the Nuclear Regulatory
18 Commission -- this area -- these areas, if wells
19 are completed there, they can be treated using
20 the same type of treatment, reverse osmosis, as
21 before mining occurred.
22 This is a vertical cross-section of the
23 Inyan Kara aquifers, and you see the Fall River
24 formation, and then the Chilson formation, and
25 this is where the uranium deposits occur. And

1 this is the vertical extent of the aquifer
2 exemption area.
3 So this is a diagram of -- you can see the
4 well field pattern here that you saw before.
5 This actually explains the ISR process with a
6 cross-section so you can see what's happening in
7 the ground.
8 The lixiviant is injected, which is composed
9 of Inyan Kara groundwater with added carbon
10 dioxide and oxygen. It goes into the uranium
11 deposit, mobilizes the uranium, and then is
12 brought to the surface through production wells.
13 The uranium is removed in the central
14 processing plant, and then the lixiviant is
15 recycled back into the aquifer where the uranium
16 deposit is located. So most of this water is
17 recycled. Only a small percentage is lost from
18 the Inyan Kara aquifer, and that is called the
19 bleed.
20 So I just wanted to emphasize that if these
21 permits were to be issued as final, that does
22 not mean that Powertech can begin injection
23 right away. They have to do extensive
24 characterization of the geology and hydrology
25 for each well field.

The crucial question is can uranium-bearing fluids be contained in the injection zone? One of the tests that they have to conduct is called a pump test. So this line represents the water level in an aquifer under natural conditions.

A pump test would mean that a pump is -- a pumping well is drawing water out of the intended injection zone. It lowers the water table, and this would show that there is adequate confinement above and below the injection zone. And that's the crucial question we want to know.

The other aspect is if they are able to withdraw the -- if they are able to depress the groundwater level, then that means they can also have horizontal confinement, and that's what we would be looking for before we would allow injection.

So this slide represents what we would want to see under the operating conditions. If this water table is depressed in the area where the injection and recovery is occurring, then we know that the inward flow of the groundwater is helping to contain horizontally the injected fluids.

1 Oh, I forgot I did those arrows that
2 represent the inward direction of groundwater
3 flow. So this slide just emphasizes, again,
4 that if we were ever to issue a final permit
5 that that doesn't mean injection could occur.
6 There's a whole list of testing and
7 requirements that we would want to see before we
8 would ever authorize injection. And I just
9 brought out a few here.
10 We would want them to map all the plugged
11 and abandoned exploration drill holes within
12 the -- that perimeter monitoring well ring you
13 saw in the other slide and identify the ones
14 that had to be replugged.
15 We want to see copies of any new or historic
16 drill logs that have been annotated to show the
17 presence of a fault, fracture, or any joint for
18 any drill holes located inside the perimeter
19 monitoring wells.
20 I do have to let you know that UIC
21 regulations do allow ISR activities to occur in
22 areas where there may be a breach in a confining
23 zone. But in these situations, extra monitoring
24 is required around the breaches.
25 And what this would look like, I used a --

1 an abandoned borehole here as the example. But
2 the more likely scenario would be a fracture,
3 but that just makes a better graphic to
4 understand.
5 We would require a lot more monitoring wells
6 right in this area to assure that this would --
7 this is the injection zone -- to assure that we
8 would not be seeing any fluids move out of the
9 injection zone. If that's detected, then it has
10 to be remediated right away, and then we would
11 revisit whether or not we would continue to
12 allow injection in this area if they cannot
13 contain the injection zone fluids where it
14 belongs.
15 One of the most important aspects of our
16 permit is the post-restoration monitoring. This
17 is new to the industry. It's not required at
18 this time. But as EPA's first permit, we
19 believe that it was necessary in order to
20 protect groundwater.
21 So we see our aquifer exemption boundary,
22 which is located 120 feet away from the
23 perimeter monitoring well. After restoration is
24 completed in this well field area, as approved
25 by the NRC, that's when our monitoring begins.

1 And what we want to see is that no ISR
2 contaminants cross this aquifer exemption
3 boundary, because this is a USDW, underground
4 source of drinking water, and this is protected.
5 So we have established a rather complicated
6 set of scenarios for this post-restoration
7 monitoring to occur, but it is more protective
8 than the permits we see today that are actually
9 being used.
10 AUDIENCE MEMBER: Bullshit.
11 MS. SHEA: That's a good comment to make.
12 Okay.
13 So -- oh, I went too fast. So it involves
14 establishing baseline. That's a comment we
15 heard during the NRC procedure, that a baseline
16 needed to be a better process. So we've taken
17 that into account. And then, as I said, we
18 begin the monitoring as soon as the well field
19 restoration is complete.
20 And if it turns out contaminants are
21 crossing this aquifer exemption boundary, then
22 more treatment has to be done and the cleanup
23 has to occur and more monitoring wells have to
24 be installed downgradient.
25 So now I'm going to talk about the Class V

deep injection wells for a moment. They are Class V because, according to UIC regulations, they are injecting above an underground source of drinking water, which is the Madison aquifer.

We are still using the Class I construction standards for the well because those are the most important -- or most stringent well construction requirements.

As with the Class III permit, Powertech would have to do a lot of testing to make sure that injection activity would not cause migration into underground sources of drinking water.

They also have to demonstrate that the Minnelusa aquifer is not an underground source of drinking water. So we anticipate that its total dissolved solids is greater than 10,000 milligrams per liter, but we don't know for sure until that well is completed.

If it turns out that the Minnelusa aquifer is an underground source of drinking water, then the permit cannot move any further. We would -- the permit isn't usable at that point because we do not authorize at this time any injection into a USDW. And also the injectate must be treated

1 below radioactive waste and hazardous waste
2 standards.
3 This just shows a cross-section of the
4 geology in that area. This is the Precambrian
5 basement. This is the Minnelusa -- proposed
6 Minnelusa injection zone. This is the confining
7 zone that separates the injection zone within
8 the Minnelusa from the Madison aquifer. This is
9 the Inyan Kara group aquifers up here where you
10 see uranium deposits have been shown here.
11 So I wanted to talk a little bit about the
12 Minnelusa. You probably heard about the breccia
13 pipes, and I wanted to explain a little bit how
14 that happens. There's a -- the Minnelusa
15 aquifer contains a lot of anhydrite, which is a
16 soluble sulfate mineral.
17 And near the Minnelusa outcrop, the Madison
18 aquifer is very high pressure and will push
19 through and actually dissolve this anhydrite.
20 So in areas where the Minnelusa aquifer is being
21 used for drinking water, this anhydrite has been
22 dissolved away, and you're actually getting
23 good, low-sulfate water out of the Minnelusa.
24 And this is -- this represents where these
25 breccia pipes are forming. And then

1 downgradient, the anhydrite is still in place,
2 and that's one of the things we're looking for
3 in our permit characterization.
4 This just shows a map view. The dissolution
5 zone is occurring six miles away from the
6 Dewey-Burdock site. Here's the Minnelusa
7 outcrop, and this is where that anhydrite that
8 you saw in the last slide is actually dissolving
9 away.
10 And here it's intact, so that means that the
11 water is high in sulfate, high in total
12 dissolved solids, and most likely not an
13 underground source of drinking water.
14 Another way to look at this, the confining
15 zones and whether the anhydrite is present.
16 This map shows the dissolution zone that you saw
17 in the last slide. There have been a number of
18 oil and gas test wells that have been drilled
19 throughout this area, and there are a lot of
20 logs to look at to make sure that the -- that
21 anhydrite is in place and you have a good
22 confining zone.
23 So this extra investigation of the area is
24 more than we usually have in our deep well
25 permits because we want to assure that there's a

good confining zone that is continuous over the area.

And I think I already mentioned most of this. We looked at the drill -- we'll be looking at the drill logs from the deep Class V wells themselves. We looked at the plugged oil and gas wells shown in the previous slide. We're also looking at the groundwater levels of the Minnelusa and the Madison.

As I mentioned, the Madison is a very high-pressure aquifer, and its water level is actually above the ground surface over a lot of the area. The Minnelusa is not a high-pressured aquifer, so one of the things we'll be looking at is the groundwater level in the Madison and the groundwater level in the Minnelusa. And if they are different, we know there's a good confining zone in place.

We also look at the sulfur concentration -- oh, wrong button. Sorry.

The sulfate concentration, we expect it to be high because the anhydrite is there. If it's very low, then we know the anhydrite is not there.

And then also looking at the Madison and

1 Minnelusa water chemistry further near the
2 outcrop where the Minnelusa is being used for
3 drinking water, its water chemistry is very
4 similar to that of the Madison.
5 Down where the Dewey-Burdock site is, we
6 expect to see it to be very different, and that
7 will also confirm the confining zone.
8 I just wanted to mention the treatment and
9 storage ponds. Radium is the only radioactive
10 waste expected to occur in the ISR waste fluids.
11 It's removed by mixing it with barium chloride,
12 and then it's placed in these settling ponds
13 where the radium is precipitated out.
14 Then it moves into the outlet ponds, and
15 this is the treated water that would go to the
16 Class V injection wells.
17 And I just want to emphasize again how
18 important these public hearings are to the EPA
19 and, once again, express my appreciation for you
20 being here.
21 The reason we issue the draft permits in the
22 first place is that our regulations require us
23 to act on a permit application and issue a draft
24 permit to begin the public process -- public
25 review process to get input.

1 Your comments do matter. We are going to
2 read every one of them. We are recording them
3 in detail as you speak them. And they have the
4 potential to change the permit conditions that
5 you see today.
6 Our regulations require a 30-day public
7 comment period. Ours has been quite a bit
8 longer because we realize we have given you a
9 lot of information to read over. And our
10 regulations say that we have a public hearing if
11 we hear there's interest. But we knew there was
12 interest, and we wanted to provide a number of
13 locations for you to attend as conveniently as
14 possible to where you live. So that's why we're
15 holding four -- five days of public hearings.
16 That's it. Thank you very much for your
17 attention.
18 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
19 I'll start calling speakers.
20 The first speaker is Floyd Looks For
21 Buffalo, if you can come to the podium.
22 I think that the microphone can be taken
23 out. Yeah.
24 FLOYD LOOKS FOR BUFFALO: Hello. Excuse me.
25 Too loud.

1 I come here on behalf of the Great Sioux
2 Nation of the 1851 and '68 treaty. I am a
3 treaty chief of the Oglalas under Red Cloud.
4 I'm a descendant.
5 And what I'm here for is that during Obama's
6 administration, under the United States
7 Constitution Article VI is a supreme law of this
8 country after 1492.
9 We gave a trespass authority on -- under
10 1851 to the European-American immigrants to
11 trespass to West Coast. We did not give them
12 the water rights, our mineral rights. And under
13 this declaration, we reminded Obama. So as of
14 August 23rd, 2013, Obama in executive order
15 acknowledged that.
16 And the declaration we have here is that the
17 members of the Cheyenne River, Crow Creek, Fort
18 Peck, Lower Brule, Oglala Pine Ridge, Rosebud,
19 Standing Rock, Yankton, and Santee. This Treaty
20 Council represents the Great Sioux Nation of the
21 Black Hills, and we own the property of the 1868
22 territory, which is the Black Hills.
23 So therefore, the declaration here I have is
24 the Declaration to Invoke Inherent Rights and
25 Authority Under the 1851 and '68 Fort Laramie

1 Treaties over mineral exploration and
2 extraction; over energy and fuel pipelines of a
3 kind; the unauthorized ceding of land in the
4 name of the parks; and other matters. To all
5 United States: State, federal, and other
6 officials listed on the attached service list
7 and the public at large.
8 Then invoke inherent rights and authority
9 over mineral exploration and extraction; over
10 energy and fuel pipelines of any kind; and the
11 unauthorized ceding of land in the name of parks
12 under the '51 and '68 Fort Laramie Treaties.
13 And if you look at the United States Article
14 VI, it will clearly tell you that North America
15 is a ceded land under treaty. And an order --
16 this is direct and inherent rghts of Native
17 people.
18 Underneath that is an agreement between the
19 United States government and the Native people.
20 They call that Bible and a pipe transaction,
21 sacred pipe. That is an agreement which is
22 called Articl VI, treaty to live here, not to
23 extract mineral. We own the mineral.
24 Furthermore, I would like to remind you that
25 I will side with the Clean Water Act here, and

1 we're not going to go through the federal. We
2 are going to go through the United Nations
3 Treaty.
4 And while the United Nations Constitution
5 automatically suspends the state action and
6 federal. Because under the treaty act, the
7 federal is the second one. And the last is the
8 state. That's the order of -- under the United
9 States Constitution.
10 So you need to know your U.S. Constitution
11 and Treaty Council before you start trying to --
12 what I foresee here is that privatization of all
13 these uranium areas we have under Trump.
14 And what I see coming here is condemnation
15 of all you old home folks in Black Hills, to
16 extract the minerals, gas and oil and zeolite
17 and uranium or inositol.
18 And let's not bother the aquifer with a lot
19 of fairy tales because that's our livelihood.
20 That's what's serious. Don't mix oil and water
21 and drink it together. I'll go without water.
22 No uranium. I'm going to put a stop to it under
23 the treaty. Thank you.
24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
25 Mr. Looks For Buffalo.

1 Next, if we can have Marvin Kammerer.
2 MARVIN KAMMERER: I hope my time didn't
3 start back there because I've gone past the age
4 of 80 years in this great land, this beautiful
5 land, this drought area land that you people are
6 trying to spoil.
7 You people don't look old enough to begin to
8 understand the relationship of water in our
9 heritage. The heritage of the Wasicu came later
10 than the Native American. I am a Wasicu. I'm a
11 cowboy, used to be.
12 But don't ever sell our water or the use of
13 our water to a foreign corporation or a foreign
14 entity. That's our water. And by God, we'll
15 fight for it. We send people over to Iraq. We
16 send people around the world to fight for
17 corporate interests. To hell with them. Bring
18 them back right here. We will fight for what is
19 ours.
20 The amount of water that is maybe being
21 permitted here, it's a tremendous amount of
22 water. 9,000 gallons a minute for 20 years, 24
23 hours a day if they want. At 15 gallons a cow,
24 will water 860,000 head a day.
25 And we, who live in a drought-stricken area,

1 our dams are dry or almost dry. Several years
2 ago at the last drought, we had to dig a hole
3 2,260 feet deep into the Inyan Kara, the one
4 they want to pull out of now.
5 And it waters our stock in wintertime. And
6 when the dams were dry and empty, we had to put
7 in miles of waterline. But the Inyan Kara is a
8 blessed gift.
9 And every other one of these bodies of water
10 under there, we don't know what's going on under
11 there. It's a suggestion. It's a gimmick. The
12 upheaval of the hills is still going on, and
13 when you stick poisoned water back -- and don't
14 tell me it can be cleaned up. It's never been
15 cleaned up. And I don't want it.
16 That water you're drinking right there right
17 now, when they get through cleaning it up, can I
18 bring you up a gallon of it and have you sit
19 there and drink it while we're giving testimony.
20 You know better.
21 It's our water. It's God's gift. We have
22 to be careful with it. Look how we're poisoning
23 water all around the world, simply for the
24 method -- mode of profit to somebody. It's our
25 water. It doesn't belong to the damn Japanese

or Chinese. It doesn't belong to a corporate interest anywhere. It belongs to us.

My Native American brothers and sisters and us ranchers, we're sitting here trying to survive. All of you eat steak once in a while, I'm sure. We produce it. We produce good ranch kids who can go to your cities and their leaders, they'll pick things up and get things done, and they do the same at home.

If you put a bucket of water and a bucket of gold out in the middle of a pasture, and in a cage we lock somebody up for about four days, five or six, I know where he's going when he gets out. Because he hasn't been fed or watered or anything. Gold don't amount to much when you're thirsty. And I've drank some sour water.

That Inyan Kara is not all that they try to -- and you people are trying to say it is. And off to the -- near that area, when they force this damn injection back in and they're wanting extra wells? I question seriously why.

In that area there's a munitions dump. There's mustard gas and others still laying under there. They don't know how much. We brought it in here at -- in World War II and

after. When we force this pressurized water in there, we move it, either it goes into another aquifer, and it migrates. And if it gets into this area, it saturates where all these poisons are laying. You'll have the damndest boom you ever saw.

Let's get smart for once. Let's not chase after the corporate entities. Let's look after ourselves. Let China clean up its own damn environment.

REGIONAL JUDICIAL OFFICER SUTIN: Mr. Kammerer, your time is up.

MARVIN KAMMERER: Don't dirty ours.

REGIONAL JUDICIAL OFFICER SUTIN: I need to ask you to wrap up, please.

MARVIN KAMMERER: I'm going to give you a written sheet, and I don't write well and I don't type. I'm an old man, and I'm not going to learn. But I'll give you a handwritten sheet on the -- by the 19th, and I hope you'll read it because it comes from me in here.

Granddad walked in here in 1880 with a freight train, when the -- when the homestead had opened up, he filed. And we're still here. And by God, we're not leaving, and you're not

1 going to poison our water. Thank you.
2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
3 Mr. Kammerer.
4 Next, Carol Hayse.
5 CAROL HAYSE: Hi. My name is Carol Hayse.
6 REGIONAL JUDICIAL OFFICER SUTIN: Ms. Hayse?
7 CAROL HAYSE: Yeah.
8 REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry.
9 But the court reporter needs to be able to hear
10 your words. So if you can speak to her, please.
11 CAROL HAYSE: Okay. I can give it to her in
12 writing, also.
13 REGIONAL JUDICIAL OFFICER SUTIN: Okay.
14 Great. That's great.
15 CAROL HAYSE: I'm Carol Hayse, and I live
16 near Nemo, South Dakota. My theme today will be
17 lies, cowardice, laziness, hypocrisy, cynicism,
18 Native rights, and Azarga's and the EPA's role
19 in environmental destruction or protection.
20 First, let us say that there are good people
21 in the EPA who want to do good things and have
22 done a few good things. Perhaps some are in
23 this room.
24 But my message to you, the EPA, today is,
25 Don't be lazy, don't be a coward, stand up to

1 Trump's war on the environment. Be like the
2 employees at the Badlands Park Service who
3 posted the truth about climate change on the
4 website. When you rule on this draft permit,
5 speak truth to power.
6 Today, those of you from the EPA will be
7 hearing or reading some good science, and some
8 bad science. The good science will be from
9 community members opposed to pollution of our
10 precious Black Hills aquifers. The bad
11 science -- call it alternative science -- will
12 be from Powertech.
13 EPA, believe the community members. Follow
14 up on the sources we provide you and decide to
15 stand for the truth, that the in-situ
16 leaching -- not recovery, in-situ leaching will
17 allow poisons into Black Hills aquifers. Learn
18 these truths, that the Black Hills aquifers are
19 permeable, despite the testimony of the woman
20 today.
21 They leak into each other, so there is no
22 way to sequester the toxic byproducts of in-situ
23 leaching. And please, Friends, never call it
24 in-situ recovery; it is in-situ leaching. And
25 second, learn that ISL may use horrific

1 chemicals, like sulfuric acid, to do its dirty
2 work.
3 Let's talk about hypocrisy and cynicism. It
4 is breathtakingly cynical for Azarga and other
5 mining forces to stand before us and say that
6 they will clean up after their mining
7 activities.
8 They cannot restore the leached water into
9 its prior condition, and they know it. Consider
10 this quote from the U.S. Geological Survey: "To
11 date, no remediation of an ISL operation in the
12 U.S. has successfully returned the aquifer to
13 baseline conditions."
14 And Powertech, they are crooks to boot.
15 Their stock is worth pennies, and Platinum
16 Partners, which owns 30 percent of Azarga stock,
17 is under indictment -- is under indictment that
18 basically describes Platinum Partners as a Ponzi
19 scheme, according to the *Rapid City Journal* and
20 other sources.
21 So even if Powertech intended to use the
22 most advanced monitoring and cleanup methods on
23 the Dewey-Burdock site, they wouldn't be able to
24 afford it. The people of Custer and Fall River
25 Counties will be left with toxic water and the

1 bill to pay for it, pay for it with the health
2 of their children, their stock, and their
3 livelihoods.
4 Now let's talk about the opposite of
5 cowardice, courage. Let's talk about what real
6 environmental protection looks like. I think it
7 looks like the Native folks who stood tall at
8 Standing Rock, defending the earth and the water
9 against scum like the Dakota Access Pipeline and
10 those who stood against the KXL Pipeline as
11 well.
12 We here in this room need to follow the
13 leadership of those proud Native folks and their
14 allies to defeat Dewey-Burdock. We community
15 members here in this room are all allies against
16 environmental destruction.
17 We invite you, the employees of the EPA, to
18 stand for Mother Earth, to stand for clean
19 water, to stand for the principles that probably
20 caused you to seek employment there in the first
21 place.
22 Stand against these mining permits.
23 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
24 Ms. Hayse.
25 CAROL HAYSE: Protect our water. Mni

1 Wiconi. Protect our water. Mni Wiconi.
2 (Group chanting.)
3 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
4 I'd like to get back to testimony so that we
5 have time for everyone to speak, but thank you.
6 Next if we can have Michael Herrera.
7 MICHAEL HERRERA: I just wrote something up
8 real quick.
9 I'm standing here against Powertech/Azarga
10 today. I volunteered for Dakota Rural Action a
11 few years back on a petition against the license
12 for their access to the aquifer. I have lived
13 here since the age of ten. I live south of
14 Hermosa right now.
15 Hermosa's groundwater is contaminated with
16 radium. It's a small amount. The water is
17 still safe to drink, just putting that out
18 there. Further south in Edgemont, the
19 groundwater is contaminated from uranium
20 tailings from the mining that started back in
21 the '50s.
22 Yeah. So now, Powertech/Azarga wants to
23 come in and open up their own project.
24 Powertech has no experience and hasn't drilled
25 or mined anything, according to the sources I've

1 read on the internet. They own over $10 million
2 in uranium reserves. To give Powertech access
3 to one of the main water supplies for the Black
4 Hills, the Madison aquifer, sounds dangerous and
5 ridiculous.
6 I don't know how this company got here and
7 elevated up with so much privilege. I know they
8 have connections with the state government
9 somehow. I don't know all the facts. They
10 hired Mark Hollenbeck, former mayor of Edgemont.
11 Hollenbeck, he said he believes it's ridiculous
12 that they have to wait so long to be able to get
13 to work on this.
14 And I just want to say: Have you considered
15 the consequences of what could happen? What do
16 you expect? Do you think you can just come in
17 here and open up shop? And -- yeah. What it
18 really boils down to is it's all about the
19 money.
20 I like it here in South Dakota for a couple
21 reasons, one being that we're far from most
22 major cities, so we don't have much traffic and
23 pollution. Two, I can enjoy the peace and
24 quietness, especially at night. I'm from
25 Southern California. That isn't something that

we get to enjoy there.

There is a survival community that just opened up outside in the Edgemont area. It's called Vivos xPoint. They have a big settlement where the military used to store bombs. They have turned the bomb bunkers into houses and created some other features like recreational areas and a shooting range.

They dug wells to provide them with their water. I just -- I think it's interesting that there's a culture growing popular among people here in the states surrounding self-sufficiency and living off the grid. Society is getting bigger. Eventually we're going to be struggling with resources.

Already we get most of our things from outside the U.S. If things were to fall apart tomorrow, how would people react? With so many people living around the poverty line, like in Pine Ridge, things would be real bad without anyplace to get food and water. So we would have to do these things ourselves.

Is it worth it to have Powertech/Azarga come in and start mining? They want to convince us that the operation is going to be safe and

1 nothing bad is going to happen. Well, shit
2 happens. Nothing is perfect. Some accident
3 will definitely occur.
4 To them it's nothing. And, yeah, they might
5 care, but it's our future generations that is
6 what's really important. You can look at the
7 facts on Crow Butte, Nebraska, Cameco -- I think
8 that's how you say it -- the company mining, was
9 underreporting a lot of incidents.
10 Who's to say Powertech will do the same?
11 Can we trust them to watch over their own
12 actions as rookies in the mining field? Let's
13 not do this. Let's keep this place clean and
14 free from the industrial footprint.
15 We're not exactly ready to ditch modern
16 sources of energy and move on, but people are
17 innovating and finding new ways to do things.
18 Uranium is used for energy and weapons.
19 Nuclear energy we already know is risky. Look
20 at Chernobyl in Russia, and see how long that
21 place has been closed off. These are long-term
22 problems, and when they happen, it's over.
23 Forget about it. This company isn't going to do
24 us any good.
25 Just think, when they tell us everything is

1 going to be all right or criticize us, saying
2 we're misleading the facts, I want you to
3 remember it's all about the money. And that
4 money isn't going in our -- that money is going
5 in their pockets, not ours.
6 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
7 Mr. Herrera.
8 Rick Bell.
9 RICK BELL: Good afternoon. My name is Rick
10 Bell. I'm a resident of Rapid City. I'm a
11 professional engineer in the state of
12 South Dakota. I'm chairperson of the local
13 Black Hills Chapter of Dakota Rural Action, and
14 president of a local firm, Sustainable
15 Environmental Energy Engineering, LLC.
16 Now, before moving here and starting my own
17 company, I worked for more than 40 years in the
18 environmental cleanup field for a variety of
19 industrial companies and as a consultant. My
20 remediation experience is global. It's led me
21 around the world, working on projects on five
22 continents.
23 I worked for the -- here in the U.S. on
24 private cleanups as well as state and federal
25 CERCLA and RCRA sites. I've installed thousands

1 of groundwater monitoring wells, injection and
2 recovery wells, and I've -- I understand that
3 the most critical component of the work that
4 I've done has been in groundwater monitoring in
5 all of its facets, including the analytical
6 data, data management, risk assessments, et
7 cetera.
8 In addition, while employed by a chemical
9 company which had multiple production facilities
10 in the Gulf Coast, I became a deep well
11 injection expert, and I've installed or operated
12 many wells, Class I injection wells in Texas,
13 Louisiana, and Florida.
14 I'm speaking to you today in opposition to
15 EPA's approval of Powertech's Class III
16 injection well permit. It's my fervent hope
17 that this permit will be denied or at least
18 materially changed, modified substantially.
19 With all my industrial and consulting
20 background, perhaps you're surprised that I'm
21 here on the side of permit denial. But many,
22 many times I've sat across the table from EPA
23 representatives or your contractors arguing --
24 or should I say, discussing whether or not we
25 had adequate contamination -- excuse me, let me

1 go back here -- the pros and cons of a
2 particular set of actions regarding the proposed
3 cleanup actions that my company or client had
4 proposed.
5 And more often than not, it's come down to
6 many questions about whether we had sufficient
7 data to demonstrate that groundwater
8 contamination plume had been adequately
9 characterized, and whether the risk assessment
10 assumptions and conclusions were justified.
11 We were required, often by various
12 regulators, to install more and more wells, to
13 collect more and more data, and understand
14 better the fate and transport of contaminants in
15 the subsurface.
16 And one thing that I've learned over my
17 career is that it's impossible to know with
18 absolute certainly where and how groundwater is
19 actually flowing.
20 Now, it seems kind of ironic that I'm on the
21 other side of the table. EPA is on the other
22 side of the table from us in this situation. I
23 find that your recommending -- I want to -- now
24 I find myself on the side of recommending that
25 you deny this final Class III injection well

1 permit.
2 And you, the EPA, whose mission it is to
3 protect human health and the environment, seem
4 to be on the other side, on the -- the side of a
5 foreign industrial company who's likely to
6 contaminate our groundwater.
7 I just don't believe that this proposed
8 course of action has adequately demonstrated
9 that it will be able to protect human health and
10 the environment. Let me explain why.
11 We've already heard about the ISL injection
12 of leachate into thousands of wells in the Inyan
13 Kara aquifer, where the uranium exists
14 naturally, and it would be artificially
15 dissolved with this leachate, along with many
16 other heavy metals.
17 The leachate solution is then theoretically
18 captured and pumped to the surface where it's
19 processed. However, once uranium and other
20 heavy metals are mobilized in this fashion, it's
21 absolutely impossible to guarantee capture.
22 I've seen the cartoons that have been put
23 onto the board here about the typical five-spot
24 well field pattern. This is a dream that
25 someone had sitting behind their desk or perhaps

1 even in a laboratory under ideal conditions.
2 But I can tell you, it doesn't work in the real
3 world where heterogeneous conditions exist.
4 In geology such as this, I put in a well
5 that's been able to produce less than .1 gallon
6 per minute, and 10 feet away, it's produced 30
7 or 40 gallons per minute. So we don't
8 understand what's going on in the subsurface,
9 and we need to do a lot better job.
10 These interconnected fractures and fissures
11 make it impossible to predict with any certainty
12 about how these fluids are actually flowing in
13 the subsurface. And once the recovery wells are
14 turned off, then this mobilized mass of uranium
15 and heavy metals will continue to flow unabated
16 in the subsurface.
17 So it's my opinion that it's pretty well
18 guaranteed that if this final permit is granted,
19 a huge groundwater contamination problem would
20 be created. And despite permit conditions that
21 requires Azarga to restore to preoperation
22 conditions, we've already heard today it's not
23 possible. No operation has ever been able to do
24 that.
25 So in conclusion, I would like to ask the

1 EPA that if you do grant this Class III
2 injection well permit, that you insist upon two
3 things. Before approving them, much more work
4 should be done with pilot wells in this location
5 and transparency with regard to distributing the
6 results of those tests.
7 Secondly, I would ask that Powertech/Azarga
8 must place a large sum of money -- I'm thinking
9 millions of dollars -- in reserve or an escrow
10 account for the eventual cleanup of this site
11 that is likely to occur.
12 So I would ask you guys to really consider
13 some more thought go into this whole process.
14 Thank you.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
16 Thank you, Mr. Bell.
17 Don Kelley.
18 DON KELLEY: Good afternoon. My name is Don
19 Kelley. I'm a retired pathologist living in the
20 Black Hills.
21 I'd simply like to report to you that in
22 2014, after discussion of the ISL uranium mining
23 technique and the potential risks to
24 South Dakota aquifers, the South Dakota Medical
25 Association adopted a resolution opposing

1 uranium mining in the state.
2 It was felt that the risks outweighed any
3 potential benefits to the residents in the
4 state. In this action, South Dakota followed
5 the example of the Colorado Medical Society,
6 which also went on record to oppose uranium
7 mining.
8 I think physicians in the region are
9 concerned about the public health consequences
10 of any prolonged increase over background
11 radiation exposure, even if small, experienced
12 by humans or food animals, and are concerned as
13 well about the chemical toxicity of uranium and
14 other heavy metals freed during the ISL
15 procedure.
16 Proven and potential cross-communication and
17 cross-contamination among aquifers pose a
18 significant risk to health, which the proponents
19 of ISL uranium mining have no way of providing
20 absolute protection against.
21 That's basically my comments. I do have a
22 copy of the resolution adopted by the medical
23 society. I would be happy to leave that with
24 you. It's got all the references about health
25 risks.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
2 Mr. Kelley.
3 Next if we can have Julie Lantis.
4 JULIE LANTIS: Good afternoon. I'm speaking
5 in opposition to granting the permits. My
6 family has been involved in ranching interests
7 in western South Dakota for many years. And
8 we've been through more than one drought cycle,
9 as Mr. Kammerer referred to.
10 Every drop of water, every acre of grazing
11 land is so important to us. We get our drinking
12 water from the Madison formation. So these
13 matters affect several generations. We are
14 hoping that our grandchildren will be able to
15 continue to ranch. But there, again, they need
16 water and they need grazing land.
17 Mr. Hollenbeck says that when the water is
18 cleaned up, it's basically like saltwater that
19 they will put back into the aquifers. Why would
20 we want to put anything back into our aquifers
21 that isn't pure water?
22 The amount of water they are taking out,
23 9,000 gallons per minute, is a huge, huge amount
24 of water. And if you've ever stood day after
25 day looking at the sky waiting for it to rain,

1 that amount of water is very scary to us.
2 So that's the reason I am opposed to
3 granting these permits. Thank you.
4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
5 Ms. Lantis.
6 Kim Kelley.
7 KIM KELLEY: My name is Kim Kelley. I've
8 lived in western South Dakota for 55 years, and
9 I appreciate the opportunity to express my
10 concerns about Azarga/Powertech's plan to mine
11 uranium at the Dewey-Burdock site.
12 I don't believe that ISL uranium mining is a
13 beneficial use of our groundwater or that
14 disposal of wastewater via land application or
15 in Class V disposal wells is in the public
16 interest.
17 Three areas of the proposed project that
18 most concern me are, first, the fate of
19 contaminated mine waste materials; secondly,
20 unrealistic aquifer restoration plans following
21 ISL uranium mining; and third, the choice of
22 uranium as an energy source.
23 My first concern is the toxic waste produced
24 by ISL uranium mining. According to
25 Azarga/Powertech, the proposed radium settling

1 ponds lie at the base of the Beaver Creek basin
2 and the Pass Creek sub-basin, watersheds that
3 drain approximately 1,400 square miles.
4 Three miles downstream from the proposed
5 ponds, these basins empty into the Cheyenne
6 River. Radium is a dangerous waste material,
7 and little information is provided about how
8 pond leaks, spills, and potential flooding will
9 be dealt with.
10 The proposed well fields are located
11 approximately 2 miles southeast of a large fault
12 named the Dewey Fault. So far this fault is
13 known to extend approximately 16 miles east and
14 4 miles west of the proposed ISL mine site.
15 The consequences of an excursion of
16 contaminated groundwater along a fault impacted
17 my community when two containers of ethylene
18 dibromide, a pesticide used to control the
19 mountain pine beetle, was reportedly disposed of
20 near the U.S. Forest Service Nemo Work Center in
21 the mid 1970s.
22 Plumes of groundwater contaminated with this
23 probable human carcinogen continued to follow a
24 fault that communicates with Box Elder Creek,
25 upstream from a well-documented karst formation

in the Madison limestone, and down into the Madison aquifer below Rapid City.

Costs for water transport and water treatment were considered to be too high when the EDB was discovered in regional domestic wells in 1997, and so for the past 19 years, the community has depended upon one remote community well and two domestic wells for its entire water supply.

If such an excursion were to enter the Dewey Fault, the scale of the problem could be staggering. I believe that Azarga/Powertech is overconfident in stating they will simply pump back excursions of lixiviant that occur.

My second concern has to do with the aquifer restoration plan. According to Azarga/Powertech, the company proposes to restore the contaminated aquifers by treating water pumped from production wells using reverse osmosis, membranes under high pressure, thus removing 90 percent of the dissolved constituents. Restored water will then be returned to injection wells, and the RO reject, the brine, will be disposed of in the Class V wells.

1 The company has concluded that minimal
2 benefit, if any, is derived from the groundwater
3 sweep prior to deep well injection and suggests
4 eliminating groundwater sweep as an unnecessary,
5 ineffective, and consumptive step in the
6 restoration process.
7 According to the EPA, "High pressure reverse
8 osmosis can only be employed after groundwater
9 sweeping, because high concentrations of
10 contaminates during the initial stages of the
11 restoration process tend to disrupt and rupture
12 the RO membranes."
13 My third concern is the assumption that ISL
14 uranium mining will contribute to clean energy.
15 In 2002, the Bush/Cheney administration's
16 Nuclear Power 2010 Program provided large
17 subsidies for a handful of Generation III+
18 demonstration plants. The expectation that
19 these nuclear power plants would be built and
20 come online by 2010 has not been met.
21 Azarga/Powertech has also stated that the
22 company would like to sell uranium oxide on the
23 world market, especially to the BRIC nations,
24 Brazil, Russia, India, and China. Nearly all of
25 the reactors that have been built or under

1 construction in these countries are light-water
2 reactors.
3 The hope that breeder reactors would replace
4 light-water reactors and that more economic
5 means of reprocessing spent fuel would be
6 developed has not been realized.
7 At present, it is generally found to be
8 cheaper to mine new uranium, which is then used
9 in a once-through process that creates spent
10 fuel, the radioactive waste that is considered
11 to be the Achilles heel of nuclear energy.
12 The nuclear industry uses uranium in the
13 least efficient way and is fraught with
14 dangerous waste and high costs associated with
15 construction, operation, repair,
16 decommissioning, and cleanup after accidents.
17 Various agencies have tried to estimate --
18 REGIONAL JUDICIAL OFFICER SUTIN:
19 Ms. Kelley, your time is up, so I need you to
20 wrap up.
21 KIM KELLEY: One minute?
22 REGIONAL JUDICIAL OFFICER SUTIN: Quickly.
23 KIM KELLEY: The estimated length for
24 primary sources of uranium, assuming a
25 once-through cycle, is said to be 42 years.

1 Thus, in order to provide nuclear power for a
2 period ending during the lifetimes of many alive
3 today, we leave permanent potential increased
4 contamination of soils, river systems, and
5 aquifers.
6 Throughout our human evolution, humans have
7 discovered, developed, and abandoned myriad
8 energy sources, whale oil among them,
9 notoriously. If we run out of our -- if we run
10 out of or choose to stop using oil, coal,
11 natural gas, or uranium, we can make use of many
12 other energy sources. There are no alternatives
13 to water.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
15 Ms. Kelley.
16 Next, Mark Winegar. Sorry if I said that
17 wrong.
18 MARK WINEGAR: Hi. I'm Dr. Mark Winegar.
19 I'm from Vermillion, South Dakota, and I'm the
20 political chair of the South Dakota Sierra Club.
21 And I am very impressed with the level of
22 expertise of the people who have testified this
23 afternoon. I don't share their level of
24 expertise, but perhaps I share their level of
25 passion.

1 You see, I'm a computer scientist. I'm not
2 a rancher. I'm not a member of the Oceti
3 Sakowin. But I do value life. And as I
4 understand it, your mission is to protect the
5 human health and the environment.
6 We are here today to discuss allowing a
7 foreign-owned corporation to mine for uranium
8 and to drill a total of eight boreholes. Now,
9 normally you only need one. Part of what I
10 heard this morning makes me wonder, if there is
11 more than eight required, what this corporation
12 wants to do.
13 There are already over 15,000 abandoned
14 uranium mines within 15 Western states; 75
15 percent of these are in federal and tribal land.
16 Ten million people live within 50 miles of an
17 abandoned uranium -- I've got to move this,
18 sorry -- of an abandoned uranium mine.
19 No existing federal law requires the cleanup
20 of these hazardous waste sites. Most of these
21 abandoned uranium mines were established under
22 the General Mining law of 1872 and remain
23 dangerously radioactive for hundreds of
24 thousands of years. We will all be long gone.
25 The public health threat they pose grows

1 greater the longer they are left abandoned.
2 This threat to our health is invisible. It
3 seeps into our water. It contaminates the
4 livestock. It is carried in the wind for
5 hundreds of miles. And there is no dose of
6 radiation that is harmless.
7 Listen to these good people here today and
8 work to clean up every abandoned uranium mine in
9 the nation before considering a new one. Thank
10 you.
11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
12 Mr. Winegar.
13 MARK WINEGAR: I'm sorry?
14 REGIONAL JUDICIAL OFFICER SUTIN: I said
15 thank you.
16 MARK WINEGAR: Thank you.
17 REGIONAL JUDICIAL OFFICER SUTIN: Next, if
18 we can have Chloe Olson.
19 CHLOE OLSON: Hi. My name is Chloe Olson,
20 and I am an environmental engineering student at
21 the School of Mines. First, I'd like to say I
22 am a proponent of nuclear energy because I think
23 it's a clean alternative to fossil fuels, but I
24 do not support the mining of uranium in the
25 Black Hills.

1 My main issue is with Powertech. There's a
2 lot of things I could say about this company,
3 but I thought that I would focus on their
4 financial and economic analysis because I know a
5 lot of people are interested in the money aspect
6 of uranium drilling.
7 In 2015, they estimated that they could sell
8 uranium for $65 a pound. With the price of
9 $6.53 for a federal tax and $18.86 for the
10 mining costs, they projected that they would
11 mine 9.7 million pounds and make over -- make a
12 profit of over $300 million.
13 In 2015, though, the long-term price for
14 uranium was $46.29, and the stock market price
15 was $36.55. I'm not really sure where the $65
16 came from.
17 I also have the last five years of uranium
18 prices. As you can see, they're all declining.
19 Nothing has gone up in the last five years.
20 Today's prices for the long term is $33.12. And
21 the long-term pricing, for those who don't know,
22 is just a judgment for uranium companies, just,
23 they think that that might be a price in the
24 month, but it's not the actual stock market
25 price.

1 So the actual stock market price right now
2 is $23.50 a pound. If they use this -- if they
3 could sell at this price and take out the
4 federal tax and the mining cost, it would be a
5 negative $18 million to mine for uranium, which
6 doesn't really make any sense.
7 I'm really concerned about this
8 overestimation. I think that that's the company
9 trying to win us over because they are foreign.
10 I also am concerned that they don't care
11 about our livelihood because they are not from
12 South Dakota or even the United States.
13 Another thing that really bothers me is
14 their current stock price is 32 cents per share.
15 That's a penny stock. This company has no
16 financial backing. And if they did spill into
17 our aquifer that provides water for 59,000
18 people in South Dakota, they would not have the
19 amount of money to try and clean it up.
20 So I hope that you take this into
21 consideration. Thank you.
22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
23 Ms. Olson.
24 Waniya Locke.
25 WANIYA LOCKE: (Speaking in ingidenous

language.)

My name is Waniya Locke. I'm from Standing Rock. First and foremost, I should be able to address you in my own language since our language was the first language ever spoken here. So I request that the EPA, the next time you come into our homelands, to bring a translator and a transcriber for the Lakota language.

We have 2.5 drinkable water for the whole world. We are currently fighting pipelines, copper mines, uranium mines. Out of that 2.5 drinkable water for the whole world, 1.7 is groundwater. Our water aquifers are precious because there's no way to refill them once they have been dried up or contaminated.

We are requesting that the EPA clean up the uranium mines that are -- currently have been permitted, and the old radium mines that are still open, to clean up the mess that they have already created.

We are also requesting, as someone from Standing Rock, to have true and meaningful consultation with tribes, not to just sit there and listen, but to have true, meaningful

consultation with tribally approved archaeologists and tribally approved surveyors, because (Speaking in indigenous language), the Black Hills belong to us.

They are historical, they are spiritually significant to our people, and we stand in opposition of the uranium mine.

Mni Wiconi. Water is life.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you, Ms. Locke.

Jacob -- your last name I'm probably not going to get right -- Helvick. I apologize up front.

JACOB HELVICK: That's fine.

(Speaking in indigenous language.)

I am Crying Eagle, but by the society, I am Jacob Helvick. I am from the Oglala Band of the Lakota Nation. And I would first like to say that y'all are crazy for even entertaining this at all, period.

Inherently the society has, since the get-go pretty much been inherent conflict with what would be the betterment of humanity, our animals, plants, trees, and Unci Maka, Mother Earth as a whole.

1 And one consistent fact that I think has
2 just kind of sprouted out of virtually every
3 single thing, whether it be pipelines or uranium
4 mines or anything, all that, they pretty much
5 consistently don't keep any sense of -- how
6 would I say it -- basically any sense of, you
7 know, making sure that everything is all good,
8 everything is taken care of. It's always wound
9 down to pollution.
10 You can ask the people of Flint, Michigan.
11 You can ask the people of Corpus Christi, Texas.
12 You can ask the people of my Dine relatives of
13 the Navajo reservation.
14 It's the same consistency. These people are
15 struggling, and this is happening all over the
16 world. And at the end of the day, like many of
17 my relatives, the Black Hills are -- are very
18 sacred. And so is all of Turtle Island, and
19 even our reservations.
20 And we have been in this long-standing issue
21 of really working towards developing a platform
22 for us to be at peace and be as ourselves, and
23 this is another issue that brings up that
24 conflict.
25 We know what's going to happen, and it's

1 going to keep happening unless we stand up and
2 take the steps. And the only thing I would like
3 to be able to say to you guys entirely is that
4 you'll always hear concepts about being the
5 change. And you have to basically be able to
6 see like, Hey, this is not okay. This isn't
7 going to pan out at all.
8 It's been the same thing, whether it be the
9 genocide that took place against my people.
10 It's the same thing with every single other
11 issue that has been constantly present within
12 all of the society, all of this country, all of
13 every single country.
14 And I stand here entirely in opposition of
15 uranium mining in the Black Hills.
16 (Speaking in indigenous language.)
17 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
18 Next, if we could have Cheryl Angel.
19 CHERYL ANGEL: Good afternoon. My name is
20 Cheryl Angel. I was born here in the Black
21 Hills. I was raised in South Dakota. The past
22 year I've been standing with people who wanted
23 to defend land, who stood in defense of land and
24 water at Standing Rock.
25 We didn't do it for nothing. All these

1 people here who came, they didn't come here for
2 nothing. We have expectations. We have needs.
3 And we're going to stand to make sure that the
4 EPA doesn't approve this permit.
5 Everything that I've heard, if I was sitting
6 in your shoes, I would have already decided to
7 not grant that permit. And that's just using my
8 common sense. That's not using the scientific
9 facts. That's not listening to the evolution of
10 mankind and all the geography that -- you know,
11 that Creator made to keep water clean for us.
12 For tens of thousands of years, those
13 aquifers have kept this land beautiful. It's
14 sustained all plant life, all animal life, all
15 humanity for tens of thousands of years.
16 Drilling into the Black Hills now is only
17 going to result in the same thing that has
18 already happened: Contamination. That alone
19 speaks volumes. This area has been contaminated
20 already -- already -- by allowing uranium
21 mining. What part of that doesn't the EPA get?
22 The people here know it. They know it.
23 They understand it. They are living it. Why
24 are we going to condemn -- why is the EPA going
25 to condemn the rest of the people who are going

to live here? Because that's what's going to happen if that permit is approved.

You're condemning, and you're allowing the contamination of the one thing that sustains us all, and that's water.

It's a scientific fact. Water is life. I mean, who is the EPA and all of these people? Who are they to say that, okay, money is more -- better? Money is more powerful? Money is more influential than life? Than -- water sustains life. That's a scientific fact. There shouldn't be any -- any question at all.

Just look at the history. There shouldn't be any question at all of what the uranium mining does to water, to the aquifer, to the people, to the landscape, to the future. There shouldn't be any question.

So I'm glad you're having this hearing because it falls upon you to use your common sense and to do the right thing and to use the facts to deny this permit.

Because that's the only result that makes sense. That's the only thing that we're asking you to do. That's the only thing that's needed to protect the Black Hills.

1 My people have been here for tens of
2 thousands of years. We didn't contaminate this
3 place. This place was stolen from us. It's
4 been occupied by people who want to protect it.
5 They're standing with us now. We're standing as
6 one, for all humanity, for all plant life, for
7 all life. We're standing up for you.
8 So don't be afraid to deny that permit.
9 Whatever courage you have, remember you're not
10 standing alone. You're standing up with
11 thousands of people who want that water and who
12 will back you up. So we're asking you to do the
13 right thing.
14 That shouldn't be too hard to do with all of
15 the facts that have been presented and all the
16 testimony that's been given. Do what's right.
17 You already know what it is. Don't fail us now.
18 Do not fail us now. Because we'll stand behind
19 you.
20 And we'll stand like this because we're here
21 to protect the land and the water for the
22 future.
23 (Speaking in indigenous language.)
24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
25 Ms. Angel.

1 Miengun Pamp. Can you spell your name for
2 the record so we get it right. Thank you.
3 MIENGUN PAMP: M-I-E-N-G-U-N, P-A-M-P.
4 Sorry. It's a bit of a mouthful.
5 REGIONAL JUDICIAL OFFICER SUTIN: That's
6 okay.
7 MIENGUN PAMP: Honestly, I don't have a big
8 stack of facts or anything to present. I was
9 sent here on behalf of others. I'm from
10 Michigan, just kind of wandering around the
11 state.
12 But I was asked to talk about, you know,
13 taking care of the wells that have already been
14 put in that are, you know, poisoning people to
15 this day.
16 You know, maybe you don't believe that
17 they're doing that, but it needs to be addressed
18 all the same. It's still there. I obviously
19 say no to any further actions like this, no more
20 permits or anything like that.
21 I thought it was funny that it was brought
22 up that they said they were consulting with the
23 tribes. I honestly just think that sounds like
24 you're listening to us tell you no, and then
25 you're going, Oh, well, thanks for your input,

1 and then, you know, just going to move on from
2 there.
3 But what else was I asked... Sorry. It's
4 just a lot to think about. You know, I mean,
5 like, if you look at the oceans and stuff from
6 the last time something happened in this, it's
7 not exactly like we're talking about oil or
8 something that can be cleaned up a little bit
9 easier.
10 We're talking about something that's
11 polluting mass amounts of water from one spill
12 of something, you know, radioactive. So there's
13 just so much, like, evidence that says that we
14 shouldn't keep moving in this direction.
15 There are so many people that live in these
16 areas that they can't go anywhere. This is
17 their land. This is their home. Like, they
18 have nowhere to go. They have no way to get
19 there. Like, if this water, you know, goes bad,
20 they have to stay. They have to deal with that.
21 You know, I see it back home, you know. I
22 watch people from Flint. They have to go all
23 over the place to try and start new lives
24 because of what's happening there.
25 It's just a bit of a touchy subject, but...

1 Four things. I was also asked to discuss, let's
2 see here -- oh, yeah. That's kind of out the
3 window at this point.
4 I just hope that you listen to all these
5 people that have put forth all this evidence,
6 and, you know, listen to how passionately they
7 speak about this. Because these are the people
8 that have to deal with the choices that you make
9 here today.
10 That's all I have to say. Thank you.
11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
12 Mr. Pamp.
13 Gena Parkhurst.
14 GENA PARKHURST: Hi.
15 REGIONAL JUDICIAL OFFICER SUTIN: Hi.
16 GENA PARKHURST: I'm sorry. I had a bit of
17 a dry throat. I went to get some hot water.
18 My name is Gena Parkhurst --
19 REGIONAL JUDICIAL OFFICER SUTIN: Do you
20 want to pull the microphone down, if that helps
21 you.
22 GENA PARKHURST: My name is Gena Parkhurst,
23 and I've been a homeowner in Rapid City for the
24 past 11 years. I oppose ISL uranium mining in
25 Custer and Fall River Counties because I am very

1 concerned about contamination of our
2 groundwater.
3 This area is prone to drought, so water
4 conservation is a priority. South Dakota's two
5 largest industries, agriculture and tourism,
6 depend on adequate supplies of clean water.
7 Excuse me.
8 The United States Geological Survey, also
9 known as USGS, has found that no ISL uranium
10 mining operation has been able to return water
11 quality to pre-mining cleanliness. The USNRC
12 has been quoted saying that, "The restoration of
13 an ISL-mined aquifer to pre-mining water quality
14 is...an impossibility."
15 There are a number of factors that indicate
16 a mine in the Dewey-Burdock area would likely
17 result in contaminated groundwater. There are
18 old uranium mines in the Dewey-Burdock area that
19 are not fully reclaimed, enhancing the risk of
20 groundwater contamination.
21 It will be impossible to have adequate
22 oversight of the quality of liquid wastes pumped
23 into the Minnelusa formation through the
24 proposed deep disposal wells, resulting in
25 likely groundwater contamination.

1 The proposed mine and deep disposal wells
2 are in an area that is documented to have
3 faults, fractures, breccia pipes. In addition,
4 over 7,000 old boreholes have not been properly
5 plugged in the proposed project area.
6 It will be impossible to contain mining
7 fluids or waste liquids, and contamination of
8 our groundwater is very likely.
9 I urge you not to exempt a portion of the
10 Inyan Kara Aquifer from the Safe Drinking Water
11 Act. The Inyan Kara is used by many people and
12 livestock, and given the aforementioned risk
13 factors, water contamination is likely.
14 I've heard that the Minnelusa aquifer has
15 125 drinking water wells in the southern Black
16 Hills. That can be confirmed by the
17 South Dakota Department of Environment & Natural
18 Resources.
19 With uranium mining, we need to keep in mind
20 the fact that the half-life of uranium is 4.5
21 billion years. Yes, that is "billion" as in B,
22 like in boy. Untold numbers of people living
23 now and those yet to be born could be affected.
24 As you are probably aware, in the 2011
25 legislature, South Dakota gave up its statutory

1 authority to oversee wastewater aquifer
2 injection in ISL uranium mines at the urging of
3 Powertech, now known as Azarga Uranium. Other
4 types of mining in South Dakota, such as gold,
5 oil, gas are regulated much more thoroughly than
6 ISL uranium mining.
7 As a person with birth defects caused by
8 exposure to toxic water while in my mother's
9 womb at Camp Lejeune, North Carolina, while my
10 father served in the Marines, I had no choice
11 about what kind of water I was exposed to.
12 In my case, the brew of toxins resulted in
13 birth defects that will forever affect my
14 quality of life in significant ways.
15 Is it fair to the unborn to allow ISL
16 uranium mining to start when we know that the
17 USGS has found that water quality has never been
18 returned to baseline after ISL uranium mining?
19 Who will protect the unborn if we adults fail to
20 do so?
21 I am not alone in my concerns. As you've
22 heard earlier, the South Dakota State Medical
23 Association has stated their opposition to
24 uranium mining in the Black Hills in direct
25 response to Powertech, now known as Azarga's

1 proposed ISL uranium mine, making it the second
2 statewide medical association to publicly oppose
3 uranium mining in response to a Powertech ISL
4 uranium mine proposal in the past nine years.
5 And in 2013, the Rapid City Common Council
6 passed a resolution expressing grave concern
7 about the effect that this project might have on
8 the Madison aquifer, a major source of drinking
9 water for Rapid City.
10 Many Native American tribal organizations
11 have issued statements opposing this project.
12 In addition, local conservation districts have
13 expressed concern.
14 In closing, is the reward of a few dozen
15 short-term uranium mining jobs worth the risk of
16 4.5 billion years of water contamination in this
17 drought-prone part of South Dakota?
18 Thank you for your time.
19 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
20 Ms. Parkhurst.
21 We're going to take a ten-minute break.
22 We'll start back up at 4:52 [sic].
23 (Pause in the proceeding from
24 3:42 p.m. to 3:54 p.m.)
25 REGIONAL JUDICIAL OFFICER SUTIN: Our next

1 speaker is Alan McCoy.
2 AUDIENCE MEMBER: He's the real McCoy.
3 ALAN MCCOY: I'm Alan McCoy. I'm on the
4 executive committee of the Black Hills group of
5 the South Dakota Sierra Club, and we're opposed
6 to this uranium mining project primarily because
7 of the water issues that many people have
8 already talked about.
9 We're concerned about both the extraction of
10 the amount of water that's necessary for this
11 project, but also the injection of the
12 contaminated water back into the aquifer. Both
13 of those are, of course, very bad for
14 South Dakota, and I think both South Dakota and
15 the U.S. gets very little benefit out of this
16 project. It's a foreign company, as has already
17 been mentioned.
18 The other thing that we're concerned about
19 is... Let me gather my thoughts.
20 Well, actually I've said everything I want
21 to say, so thank you for your time.
22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
23 ALAN MCCOY: Oh, I do -- I do remember one
24 more thing that I wanted to mention, and that
25 has to do with the -- no.

1 I've said enough. Thank you.
2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
3 Mr. McCoy.
4 Next, if we can have Rodney Knudson.
5 RODNEY KNUDSON: Yeah. I'm Rodney Knudson.
6 And I addressed my paper to "Dear Sirs"; I
7 should have said "Mademoiselles."
8 But in any case, my experience is --
9 dealt -- deals with teaching physics, chemistry,
10 and biology in high school. My master's degree
11 is -- basically was done on, what is it,
12 environmental, ecological curriculum. So
13 anyway, my past experience involved working in a
14 psychopharmacology lab on a tranquilizer.
15 It was called reserpine, and I worked on it
16 for a year and a half, you know, whacking the
17 heads off of rats and so on. And come to find
18 out later, after all these 40 years later,
19 looked it up in the Merck Index and find, oh,
20 definitely a human carcinogen. So science at
21 work. All right.
22 Anyway, I'm addressing the problem today,
23 opposing the permit. Yesterday I printed off
24 the 151-page EPA summation entitled "Draft
25 Cumulative Effect Analysis of the Dewey-Burdock

1 Uranium In-Situ Recovery, Underground Injection
2 Control Permit." I took the time to read it all
3 day. And it was a good report.
4 And it says -- the report pointed a rather
5 benign -- painted a rather benign picture of the
6 mining process, ending with kudos for the small
7 carbon footprint left by the power plants that
8 produce that electricity from the enriched
9 uranium.
10 Not mentioned was the enormous amount of
11 electricity required to isolate uranium-234,
12 -235, -238, generated by coal, oil, or gas power
13 plants, but more importantly, toxic products of
14 this process that we are creating with no safe
15 place to put them.
16 The entire nuclear industry has left behind
17 yet a toxic nightmare that has to be dealt with
18 and has been systematically ignored and made a
19 responsibility for the next generation.
20 What most people are concerned about is the
21 sedimentation ponds -- speaking about the
22 in-situ uranium mining process itself, the
23 sedimentation ponds have a tendency to leak --
24 although the EPA report does address that -- and
25 contaminate groundwater, which -- which has

1 happened in several ISL locations.
2 Migratory birds will land in these ponds.
3 Insects will obtain water from -- of which
4 becomes bird food. West Nile virus will become
5 more prevalent because of the breeding
6 opportunities for mosquitos.
7 And another concern is the in-situ mining
8 process itself, which uses an oxidizing
9 suspension lixiviant solution to release and
10 suspend uranium in solution, but also suspends a
11 number of other heavy metals, including arsenic,
12 vanadium, selenium, et cetera, that are
13 withdrawn with the uranium and wind up being
14 precipitated in the sediment ponds.
15 We are told that TVA did a wonderful job of
16 filling all these boreholes and so forth, but
17 the other concern is numerous sweeps in the
18 restoration phase leave -- put -- they remain --
19 I got it screwed up here.
20 Anyway, I'll just read on. The radioactive
21 remains in those mined areas, like thorium and
22 radium and presumably nonradioactive elements
23 like lead, arsenic, and selenium, products of
24 the reverse osmosis process, are precipitated
25 out and sent to the White Mesa for them to deal

1 with, even though they are trying to detoxify
2 that site as well.
3 Another use is -- another issue is water
4 consumption, where the water is poisoned beyond
5 any future use, although according to EPA
6 reports, that might be kept to a minimum in the
7 mining process by stripping the lixiviant by
8 reverse osmosis and reinjecting the water. The
9 restoration phase might be another matter,
10 though.
11 REGIONAL JUDICIAL OFFICER SUTIN:
12 Mr. Knudson, your time is up, so if you could
13 wrap up, please.
14 RODNEY KNUDSON: Okay.
15 REGIONAL JUDICIAL OFFICER SUTIN: If you
16 want to wrap up, you can.
17 RODNEY KNUDSON: Oh, I just have one --
18 REGIONAL JUDICIAL OFFICER SUTIN: Go ahead.
19 RODNEY KNUDSON: I will just finish up with
20 my line.
21 We have made a Faustian bargain with the
22 Devil by creating problems no one will be able
23 to solve, and in the process, engaged in a
24 collective death wish.
25 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

1 Mr. Knudson.
2 Mary Ann Fakler.
3 MARY ANN FAKLER: I'm Mary Ann Fakler. I'm
4 a resident of South Dakota for 80 years. And
5 I've always known that water was our most
6 valuable product.
7 It bothers me to think that we would
8 jeopardize our water source for a foreign entity
9 to take our uranium. It might be different if
10 we saw that as something that we needed to
11 defend and protect for ourselves, but to play
12 with the aquifers is a very dangerous thing.
13 Thank you.
14 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
15 Florence Thompson.
16 FLORENCE THOMPSON: I'm just a citizen, but
17 this is personal to me. I'm a grandmother, and
18 my little grandson is six years old, is drinking
19 water out of the Minnelusa and out of their
20 well. And their place, I'm hoping that someday
21 it will be his place, so maybe his whole life
22 will be spent there.
23 And for him and for all the children, all
24 the generations out there that are unborn, I
25 think it's just wrong for so little reason to

1 jeopardize their safety and their health.
2 It would be different if there was some kind
3 of national emergency and we really needed the
4 uranium. But this is just for profit, and not
5 even for American profit. It makes no sense at
6 all. So I hope it'll be disapproved.
7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
8 Ms. Thompson.
9 Mary Jo Farrington.
10 MARY JO FARRINGTON: Hello. My name is Mary
11 Jo Farrington, and I live in Rapid City. I want
12 to thank you for these hearings. I am not a
13 scientist, but I am a mom and a grandmother, and
14 I read quite a bit, except for Twitters, and it
15 concerns me that our current President and head
16 of the EPA both seem more interested in
17 supporting fossil fuel companies rather than
18 getting serious about climate change and
19 protection of the environment.
20 And I realize it makes it even harder for
21 those of you who are working in the EPA to do
22 the right thing when you have that kind of
23 leadership. But we can no longer write a carte
24 blanche approval to greedy, poison polluters who
25 have done the paperwork right.

1 We know better now. We know that mining has
2 been both a plus and a very bad thing for our
3 environment. And as I've sat today and listened
4 to all the different people, most of us are
5 talking from our heart about the morality of
6 this, about, you know, the craziness of hurting
7 our environment, and it makes me wonder what
8 your role is in the EPA.
9 When I heard you do the PowerPoint up there,
10 I really kind of thought you were representing
11 Azarga. You know, you were explaining this all.
12 I have been told that your Agency has not denied
13 any permit of one of these permits, even though
14 we all know better about their toxic harm and
15 ruin to our environment.
16 So I guess what I'm asking you to do today
17 is to delay any permits until you get all the
18 facts. Many other people are going to be here
19 talking about the scientific research that still
20 needs to be done as well as we need more
21 information from tribal consultation.
22 These permits do not benefit the United
23 States. We don't need any uranium. The United
24 States has a 200-year supply of uranium. So for
25 us, it's all about protecting the water. For

1 Azarga, it's all about the greed.
2 And now this new development of having
3 disposal wells will make Azarga a fortune
4 because they are not going to make their money
5 on uranium now, but disposal wells that no one
6 is going to really be able to monitor after a
7 while. This leaves us once again with a
8 possible irretrievable mess.
9 South Dakotans do not want to be dumping
10 grounds for toxic waste. No amount of
11 assurances by anyone can guarantee the safety of
12 our precious water, and I am incredulous that
13 the EPA is also proposing to exempt the portion
14 of the Inyan Kara aquifer from the Safe Drinking
15 Water Act, which is necessary for them to be
16 able to mine.
17 Why would we ever want to delete the Safe
18 Drinking Water Act from any kind of mining?
19 Why? Why do you want to make our water unsafe
20 to make a few guys rich? I don't get it.
21 This week you will hear testimony that our
22 Western South Dakota porous aquifers and
23 caves -- and we've got to really include the
24 caves because they are all intertwined and leak
25 into each other. In-situ uranium mining

1 potentially contaminates a great deal, not only
2 just underneath, but the topsoil and where our
3 animals and birds are.
4 I urge you to require the necessary research
5 before giving any more permits. Check out the
6 cancer rates in Edgemont and Crawford, Nebraska.
7 Require the water testing that several
8 organizations want to do. And remember,
9 practically every one of us in here are
10 volunteers, and water testing is expensive. EPA
11 could help us greatly with doing the correct
12 amount of testing.
13 We've been in this fight for a long time.
14 And I just want to -- it's already been
15 mentioned, but I do want to put in the record
16 for the -- about the City of Rapid City, who
17 came out with the resolution. And it said, in
18 essence, "Be it resolved by the City of Rapid
19 City that due to the potential risk to the
20 Madison aquifer, the City expresses grave
21 concern about the proposed in-situ mining of
22 uranium."
23 So I'd like to submit that to the record as
24 well. And thank you very much. And just my
25 last comment: The United States does not need

1 this, and the only way we can keep our water
2 safer is simply to not allow these permits.
3 Thank you very much.
4 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
5 Ms. Farrington.
6 Uma Joanne Wilkinson.
7 UMA JOANNE WILKINSON: Good afternoon. My
8 name is Uma Joanne Wilkinson. My Indian name is
9 (Speaking in indigenous language).
10 And I want you to know, to the Environmental
11 Protection Agency, that I'm sure there are good
12 people among you, but I have little to no faith
13 in your process. But I do have faith in
14 spiritual laws and natural laws, and I do have
15 faith in the people.
16 The Black Hills is still owned by the Lakota
17 Nation, Oceti Sagowin, all the Lakota-Dakota.
18 It is very arrogant for all of us to put and
19 jeopardize life, all life, the environment. You
20 say you're charged with environmental
21 protection. Show us.
22 We know that uranium is used for a few
23 things, namely nuclear power plants and nuclear
24 weapons. We also know that Fukushima has been
25 covered up, but it stands to contaminate the

1 whole western hemisphere. And we have uranium
2 mines all over in every country.
3 If you allow this permit, you're going to
4 live with it on your conscience because our
5 people, our children, our relatives, our loved
6 ones, the deer, the eagles, the fish, the water
7 life will all be poisoned and contaminated, and
8 it moves and it migrates.
9 The science that you are looking at has only
10 been presented to you by this company. I want
11 to know your independent scientists. I want to
12 hear from environmental experts, conveniently
13 left out, but you're the Environmental
14 Protection Agency. You have not done due
15 diligence.
16 All over the world -- Chernobyl --
17 mutations, cancers, leukemias, and death,
18 because of one power plant. And everything
19 humanity does can break down and fail, and
20 science is not the answer.
21 There's no guarantee, none. So the
22 decisions that you make, it's going to fall on
23 your conscience, spiritually. You want to
24 jeopardize all these people, this beautiful
25 sacred Black Hills that doesn't even belong to

1 you.
2 You live in Denver. You're not going to
3 feel any impacts. We know that our rivers all
4 over South Dakota have been contaminated already
5 by Edgemont and by Crow Butte. We're talking
6 life or death.
7 And there's nothing. You don't talk about
8 any true environmental impacts. There's no
9 long-term studies that you've presented.
10 There's no research on the biological health
11 impacts of uranium and all the other isotopes
12 that are released.
13 And it is very immoral. It is very
14 unethical. It is insanity. And I'm angry about
15 it because I care about the world. I care about
16 this earth. We have one earth. How arrogant
17 for anyone to think of allowing any company,
18 whether an American or foreign, to pollute and
19 desecrate and destroy this earth, our aquifer,
20 with their chemicals, with their radiation, with
21 contamination.
22 You can sit there very nicely. You have all
23 the facts. But, you know, I don't trust the
24 research, and I think that you failed the people
25 with due diligence. I already know Trump fails

1 the American people, especially with his EPA
2 nomination. We will be living the results.
3 Those of you that don't live here and a
4 company that's foreign, why do we need more
5 uranium? We need nothing more that has to do
6 with uranium. We're playing with fire. And
7 it's so interesting to me that Native Americans
8 came and told the world leaders, "Don't ever dig
9 up uranium. Don't bring it to the surface
10 because you can't control it."
11 That's true today. Nuclear waste sites,
12 Hanford, all over this country, there's no way
13 to guarantee anything. I'm pissed, but we're
14 going to fight.
15 And there's a lot of people that are going
16 to stand up. Don't mess with our world, don't
17 mess with our future, and don't mess with our
18 environment. You're supposed to be a protection
19 agency. Thank you.
20 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
21 Ms. Wilkinson.
22 Gene Tyon.
23 GENE TYON: All right. Can you hear me?
24 REGIONAL JUDICIAL OFFICER SUTIN: Yes.
25 GENE TYON: My name is Gene Tyon. I grew up

on the Pine Ridge Indian Reservation, live in Oglala. And I've been living up here in our hills for the last 30 years. And I'm here to represent our youth, our unborn, and all living things that are on here on Mother Earth.

I did this similar talk in 2007 when you were here down at the Radisson, but apparently it didn't -- was swept under the rug, and I hope this doesn't do the same thing. I can feel that in the air that we're just here, and it's all going to be recorded and pushed under the rug again. I hope this doesn't happen.

Because of this uranium, in the last 30 years what's been going on in our hills here, I've been -- I know that -- I know in time there's going to be a natural shift in the earth here, and that's just going to go right into the water. It happens, you know?

And with that, why -- why do this? Why do this, what you are doing, you know? You know this is going to happen. You know this is bad for the environment, for all.

This is our -- this is our homeland here. Our creation story comes from the Black Hills, and we want to protect it forever, like I said,

1 for our youth and the many generations to come.
2 I don't have no data or no expert research
3 reports, but just common sense telling us that
4 we need our water, and we will be here to stop
5 anything that comes in contact that you bring.
6 We're committed to -- this may be a first,
7 but this is -- what would you do to stop
8 something that hurts your children, that hurts
9 your land, you know? We're going to do the same
10 thing. We're not going to let it happen, no
11 matter what -- what comes down.
12 So, just giving you a heads-up that we're
13 here to stay. This is our land, and we're not
14 going to let it happen.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
16 Mr. Tyon.
17 Suzan Nolan.
18 SUZAN NOLAN: Thank you for the opportunity
19 to address you today. I'm glad that you have
20 come to Rapid City. It gives us all a chance to
21 express some of our deepest, heartfelt feelings
22 about this issue.
23 These are crazy times, and all of us feel a
24 great deal of vexation about a President who has
25 the value of exploiting our -- our environment

1 and supporting the wealthy. But what has
2 happened as a result of this is that there are a
3 lot of grassroots movements, from the women's
4 movement to environmental movements.
5 And I'm here to express some of the common
6 sense values of people from Dakota Rural Action,
7 an organization who I represent today. There
8 are 100 of us that belong to this organization.
9 Our numbers have burgeoned since the uranium
10 mining issue came up several years ago. And so
11 I'd like to share with you some of our
12 resolutions.
13 This is a resolution that Dakota Rural
14 Action came up with in 2013. It represents our
15 best thinking around this issue. And I'm not
16 going to read it in the resolution language
17 because that gets redundant and sounds stiff and
18 formal, but here is a summary of what we've come
19 up with:
20 Whereas uranium mining has polluted the
21 Black Hills area and adjacent locations with
22 hundreds of unclaimed waste sites -- and you've
23 heard that addressed today -- uranium mining
24 releases radioactive contaminants, extremely
25 hazardous for over billions of years.

1 Uranium mining proposals currently threaten
2 the Black Hills and surrounding areas with mine
3 waste accident risks. Uranium mining entails
4 private appropriation without compensation of
5 the public water trust and contamination of
6 precious land, water, air, and wildlife.
7 Concentrated radioactive uranium process
8 material is stored at and shipped from uranium
9 mining sites on public thoroughfares where
10 accidents, theft, and spills can occur. Uranium
11 mining is mainly for the benefit of foreign
12 investors, nuclear power plants, and
13 corporations, not us in South Dakota.
14 The governing council of the South Dakota
15 Medical Association has voted unanimously to
16 oppose uranium mining because of the risk to
17 public health. Thousands of people from all
18 over the world have signed a petition to the
19 South Dakota Secretary of Tourism opposing
20 uranium mining because it harms tourism.
21 And the Rapid City Council, as you've heard,
22 related to has passed a resolution stating that
23 they have grave concerns about uranium mining
24 and its affect on water.
25 Therefore, Dakota Rural Action has resolved

1 that it calls for a moratorium, a complete
2 moratorium on uranium mining in our -- in our
3 area.
4 We ask you, the EPA, whose work I value -- I
5 don't value who your leader is or who's the head
6 of you. I think that's a very big conflict for
7 all of us, and I think it is for you, too. But
8 we ask you to help us achieve that moratorium of
9 uranium mining in our state by refusing to grant
10 these water permits.
11 Thank you for the opportunity to speak to
12 you today.
13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
14 Ms. Nolan.
15 Ray Groff. I hope I said that right. Ray
16 Groff?
17 Okay. Christine Sandvik.
18 CHRISTINE SANDVIK: Hi. My name is Christie
19 Sandvik, and I'm coming to you as a local
20 resident, a scientist, a conservationist, and an
21 American. I -- and I urge you guys to stand up
22 against the uranium mining in the Black Hills.
23 I was born and raised in South Dakota, and I
24 hold a bachelor's in science in global
25 environmental science and a master's in

1 atmospheric and environmental science, and I
2 worked in the -- at South Dakota School of Mines
3 and Technology in the Biogeochemistry Core --
4 lab for three years.
5 I feel lucky growing up in South Dakota that
6 I've had access to the Black Hills. Because of
7 trespass rights, we have been allowed to have
8 responsible and respectful use of the Black
9 Hills, and I think that's very important.
10 I think it's important for us to remember
11 that one person or group can really spoil the
12 whole thing forever, and we shouldn't be
13 allowing foreign companies to do this.
14 Water is incredibly vital, and the Black
15 Hills are incredibly important to me. I've
16 grown up in them, and I spend lots of time in
17 them.
18 And I'm also concerned as a scientist. I
19 have a paper from 2016. It was done in
20 collaboration with researchers, Dr. James Stone
21 and Dr. Sharma at South Dakota School of Mines
22 and Technology, also with Dr. Putirka, who I am
23 not as familiar with.
24 The paper is called, "Stream sediment
25 geochemistry of the Cheyenne River" or watershed

1 within "the abandoned uranium mining region of
2 the southern Black Hills, South Dakota, U.S.,"
3 and it was published in 2016 in *Earth*
4 *Environmental Sciences* [sic]. And I want to
5 read some sections from it.
6 First of all, they concluded that bottom
7 sediments collected from Angostura Reservoir
8 generally consist of suspended loads from the
9 Cheyenne River basin, in which the mining
10 locations are -- are housed in, I guess.
11 And they said that -- they determined that
12 there was generally an increase of pollution
13 load index as one travels downstream from the
14 Cheyenne River and appears to coincide with
15 sediment pollution transport from the upper
16 catchment mine sites.
17 Contamination factors for uranium is
18 elevated for all sites, including the Dewey
19 uranium mines and the Cheyenne River and
20 Angostura delta.
21 These findings further support that
22 Angostura Reservoir uranium loading appears to
23 be attributed to suspended transport from the
24 upper Cheyenne River catchment, including areas
25 impacted by historical uranium mining in the

1 region.
2 They use trace mineral signatures to
3 determine origin, and they found that the
4 highest uranium concentrations were found in the
5 abandoned uranium mine sites and within the --
6 the Angostura Reservoir delta samples.
7 And anthropogenic activities, such as
8 historic uranium mining, appear to be a
9 significant contributor to contaminant loading
10 within this historical mining area catchment.
11 And the one thing that I found very
12 concerning in this is that they found the mining
13 sites had a lot of uranium and also that the --
14 the river delta in Angostura did. And what they
15 found was that episodic flooding events appeared
16 to transport contaminated sediments from the
17 mine sites surrounding the areas effectively,
18 with very little accumulation or contaminant
19 signature existing along the intermediate water
20 courses.
21 So it might even be that these mining sites
22 are contaminating areas, but because of the
23 episodic flooding events that are common in the
24 area, we're not really seeing a direct
25 correlation for the areas that are contaminating

as -- as a result of this mining.

So it's very concerning for me. I've printed off an extra copy of the paper for you guys to take look at because I think that this is important. And I'm going to conclude by just saying the national parks, we always -- because we have trespass rights to them, it feels like as an American they're ours.

They belong to you and me, we have access to them, and they are ours to enjoy, and I can't imagine taking that away from us or making it so that we're unsafe in those areas. So please stand up against uranium mining in the Black Hills.

That's all. Thank you so much.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Is Ivan Looking Horse in the room? No?

Fremont Fallis?

Is Ivan here? Ivan, please come up.

IVAN LOOKING HORSE: Hello. My name is Ivan Looking Horse. I come before you for rejection and opposition of this uranium mining. I come here to speak for the animals that have no voice -- the deer, the fish, the buffalo.

We come through a long time of historic

1 trauma, and we survived so far from near
2 extermination. We stood up in opposition to the
3 Dakota Access Pipeline. We had over 500 nations
4 come, over 600 flags. The value of water and
5 life drove these people to come and stand with
6 us.
7 And for us to have to do it again over and
8 over, to open the eyes and the ears of the
9 world, if we have to do it over and over to make
10 it happen, we will. But this is something that
11 even you that sit here listening to us have got
12 to fight for also.
13 You have children. You have relatives.
14 They are going to depend on the water. Now, we
15 don't need no corporation or political people
16 that live hundreds of miles away making
17 decisions on our land, and so I come here
18 hoping, praying that you will listen to the
19 people.
20 We already have made a lot of contamination
21 in our water already from the Homestake gold
22 mine, the Cheyenne River. A lot of my relatives
23 back home on the Cheyenne River Reservation have
24 cancer, diabetes, a lot of illnesses due to the
25 water that we're drinking.

1 And it's going to be even more so. I come
2 from a family, White Buffalo Calf Pipe. Our
3 first keeper lived to be 450 years old, and
4 today, because of all the contamination in our
5 world, it's between 35 to 75 years old. And it
6 will get even less and less if we allow these
7 here contaminations to happen.
8 You're going to have a lot of birth defects
9 in young people with no compassion for life.
10 And so we have to do something for the future
11 generations. My ancestors were fighters. Both
12 my grandpas, you know, Crazy Horse and Sitting
13 Bull, and they fought for their people.
14 It's an honor to die for your people, for
15 something worthy, for life. And so I hope that
16 nothing happens here. This is our sacred lands
17 here. This is our creation story that started.
18 Our people came from Wind Cave. And this is
19 where life began for us.
20 We came on top of the world with the
21 buffalo. The man and the buffalo came from Wind
22 Cave. We had a great race around these Black
23 Hills and the two-legged won. So here we are.
24 Maybe if the buffalo won, we wouldn't have
25 poisoned water or poisoned land. But we won.

1 So now we have to keep this land in balance
2 and harmony. So whatever we do today, the
3 decisions we make, affects the future. And so I
4 hope everybody in this world, in this room puts
5 out the word. We can do the right thing here
6 for the people, for the future. Because if we
7 don't do that, this world will be lost.
8 Our grandfathers prophesied that the seventh
9 generation is a turning point, and we're at that
10 turning point today. So either bring back the
11 balance to the world or lose it. These are
12 messages that our grandfathers gave us.
13 And so I know that all the people that have
14 a heart for the future generations will stand up
15 and fight, because this is something that we all
16 want. And it's not up to the very few political
17 people, the billionaires that are in charge,
18 corporations to destroy our world.
19 It's our hope that we can all find it in our
20 heart to reject and oppose this uranium mining
21 and everything that is contaminating our world.
22 So again, a'ho. Thank you for listening to me.
23 Wopila.
24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
25 Mr. Looking Horse.

1 Fremont Fallis. Fremont Fallis.
2 Okay. Drey Willier.
3 DREY WILLIER: (Speaking in indigenous
4 language.)
5 My name is Drey, and I'm from the Cheyenne
6 River Sioux Tribe. I'm here to stand up for the
7 water and for all living things that drink this
8 water.
9 And it's obvious that you guys don't know
10 the value and how important this water is to,
11 not only the people, but to all living things on
12 this earth.
13 To look at the plants for example, you can't
14 water them, they can't grow without water or
15 they can't grow with contaminated water or
16 any -- any kind of a chemical that's not
17 supposed to be in the water.
18 And to that, like -- like, they can't grow
19 and they can't sustain their life because they
20 are drinking that kind of poisoned water. And
21 eventually the animals, they drink that water.
22 And the animals that prey on the other animals,
23 they are also passing that contamination on.
24 So it all has -- it doesn't have to be just
25 the water. It has to do with all -- all life.

1 You know -- yeah.
2 There's a prophecy, the Black Elk's prophecy
3 saying that the seventh generation will come
4 back and save this world and make changes to it.
5 And as part of the seventh generation, it is our
6 duty to -- my duty to protect our water, protect
7 our way of life, and protect all living things.
8 No matter how small or how big they may be, we
9 will always protect them. Thank you.
10 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
11 Mr. Willier.
12 Paula Antoine.
13 PAULA ANTOINE: Good afternoon. My name is
14 Paula Antoine, and I'm from Rosebud. I'm a
15 Sicangu Lakota, and I'm part of the Oceti
16 Sakowin. I'd like to thank you for this
17 opportunity to come speak with you. I spoke in
18 Valentine as well, but there was a couple other
19 ideas that I thought were very important.
20 We have several, many Lakota language and
21 Dakota language speakers that come in, and I
22 notice that you use a transcriber. So I was
23 wondering how you transcribe their testimony
24 when they speak in our native language.
25 And I would like to ask you for the

1 opportunity for a translator for that, for the
2 hearing and for the transcribing, and have that
3 approved by language speakers so the translation
4 comes out to the correct meaning that they're
5 intending with their testimony.
6 And so I'll reiterate a couple other points
7 that I had made down in Valentine, that we're
8 asking that there be no permit, no expansion, no
9 additional uranium permits until the other
10 uranium pits that are -- the other uranium mines
11 that are out there have been reclaimed and that
12 they are proven safe to the public and to the
13 water and the wildlife.
14 Also I would like to say that we would like
15 a tribally approved consultation, defined by the
16 tribes.
17 And I think my last point would be tribal
18 consultation, no -- I had four points that I
19 wanted to make, but I think that was the most
20 important one, is no mine, no expansion.
21 Thank you.
22 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
23 I have two speakers who I called who weren't
24 here. I'll call them again.
25 Ray Groff. No?

1 Fremont Fallis.
2 So those are all the cards we have for
3 people that wanted to speak this afternoon. We
4 still have some time. So if there is anyone who
5 is interested in speaking, if you want to fill
6 out a card, we'd be happy to hear your
7 testimony.
8 Is there anyone who would like to speak?
9 Okay.
10 They're right out -- yeah.
11 Would you like to finish?
12 I am going to recall Mr. Knudson. Okay.
13 RODNEY KNUDSON: Rod Knudson again.
14 REGIONAL JUDICIAL OFFICER SUTIN:
15 Mr. Knudson, if you can speak clearly into the
16 microphone so the court reporter can get your
17 words. Thank you.
18 RODNEY KNUDSON: Yeah, okay.
19 What I see is the worst part of this
20 question though is that the mining phase is just
21 the start of a horrifying development that
22 results in ever more toxic next phases of the
23 uranium story.
24 Uranium hexafluoride leaks in the separation
25 phase, the electrical generation using the

1 enriched/blended uranium-235, military uses that
2 have poisoned countless people worldwide from
3 the fallout and bio-accumulation of radioactive
4 nuclides, especially cesium-137, strontium-90,
5 iodine-131, plutonium, et al., and others,
6 producing cancers, such as lymphoma/leukemia,
7 bone, pancreatic, liver, lung, brain, colon,
8 skin, and breast, which have been dramatic --
9 which have seen dramatic increases after the
10 1300 open-air nuclear tests.
11 Exploding nuclear power plants, like Three
12 Mile Island, Chernobyl, and now Fukushima, which
13 is an ongoing disaster that won't be stabilized
14 for 40 to 100 years and continues to gush
15 hundreds of tons of radioactive water into the
16 Pacific every day, ultimately biologically
17 magnifying into the fish and the humans that eat
18 them.
19 Cancer rates in Japan are now just becoming
20 apparent as we see children being affected by
21 what is called a Chernobyl heart disease caused
22 by cesium-137.
23 We have our own Fukushima potentially
24 waiting for us at the Indian Point reactor just
25 above New York City, also subject to the effects

of earthquakes. Given the artificially extended lives of our aging nuclear power plants, are more events going to happen? It is just a matter of time before we find out.

And now we have high-level nuclear waste with no place to go. Oh, yes, of course. We have Yucca Mountain, which will be a disaster because it is not sealed off from water incursions.

But we would have to have dozens of Yucca Mountains to take care of the waste that's sitting around just the 104 nuclear reactors in the United States. And then it had to be safely transported. The American-built sheet metal casks that can last about 30 years, but the German-built cast iron ones seem to last much longer and don't seem to crack with age.

Don't leave out the military uses, of course. The Nagasaki/Hiroshima experiment is still with us, as are the depleted uranium particulates being enjoyed by the Iraqi people to the point where they are afraid to have children in some places.

The high-level waste from Word War II is still sitting in giant pools and, with time,

1 leaking into the Columbia River.
2 Now we want to invest a trillion dollars in
3 making nuclear weapons over a 30-year program to
4 make them more user-friendly. We have made a
5 Faustian bargain with the Devil by creating
6 problems no one will be able to solve and, in
7 the process, engaged in a collective death wish
8 that might be granted earlier than we thought
9 with the present administration filling agencies
10 at the top with administrators who are ignorant
11 and hostile to their missions.
12 Like the people on the trains to Auschwitz,
13 we have to ask ourselves, "Where are we going?"
14 before it is too late. Thank you.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
16 Mr. Knudson.
17 Crystal Hocking. Sorry if I'm getting that
18 wrong.
19 If you can say your name and spell it for
20 the court reporter.
21 CRYSTAL HOCKING: Crystal, C-R-Y-S-T-A-L;
22 Hocking, H-O-C-K-I-N-G.
23 I have a bachelor's and master's degrees in
24 geology, geological engineering. I am a
25 registered professional engineer and

professional geologist. And I originally was working on this project -- just a disclosure -- approximately nine, ten years ago, collecting fieldwork for groundwater, surface water, and geology.

I have also reviewed ISR permits for the state of Wyoming, and so I'm really familiar with the entire process. And I would just like to say that there -- I believe in science and the engineering technology that, you know, can make this process safe and effective, and that I have no insecurities or issues with this project going forward.

I think it's one of the safest locations in the U.S. to have this location. I have sampled the water out there. I've seen the results of the radium and the radon in the samples that are already way above EPA standards. I mean, this is not, you know, drinking-water quality that we're dealing with.

This is water that's in a uranium ore body. And that's why I feel like, you know, this project is not going to contaminate the water. It's not going to make it worse. It's already worse. And so I just wanted to say I approve of

1 this project, and that's it.
2 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
3 (Negative feedback from audience members.)
4 REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry.
5 I'm sorry. We have to be very considerate of
6 everyone who speaks. Everyone should feel
7 comfortable speaking here, so I will ask that
8 you hold your remarks like that.
9 Next, Kristopher James.
10 KRISTOPHER JAMES: Ya'at'eeh abini.
11 My name is Kristopher James. I am Dine from
12 the Dine -- from the Navajo nation down in
13 Arizona. My -- I come from the Yoo'o Dine'e
14 Todich'ii'nii. I was born for Kinyaa'aanii.
15 And I came here to speak on behalf of my people.
16 A lot of us are lost in the fracking minings
17 down that way from the coal mines and the
18 uranium spillage that is spilling into our
19 waterways that is now water waste. And so,
20 pretty much, our water source is -- is just
21 straight jacked.
22 And now I was inspired by my brother,
23 Ezekiel, to come up here and stand with the
24 Cheyenne, the Sioux, Lakota/Nakota/Dakota.
25 Because growing up, all I've seen from the law,

1 from what we are supposed to entrust our faith
2 into, what we call a diplomatic system of
3 justice, as politicians or bureaucrats would
4 call, but all I've seen was corruption,
5 oppression on my people. And I see the same in
6 the Sioux Nation.
7 And so if this project is granted its
8 permit, there will be people like me to stand in
9 its way to fight to the fullest. And out of
10 this will only be sorrow, grief, bloodshed, more
11 hatred and distrust for our government.
12 And all my life, I despised the U.S.
13 government for its oppression and colonialism
14 that it has spread in this ground that we call
15 home, the indigenous land that we now call home.
16 And so in my opinion, I would have to deny
17 the permits for this mining project.
18 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
19 Mr. James.
20 Margaret Ross.
21 MARGARET ROSS: Good afternoon.
22 I had no plans on speaking today because of
23 my voice is giving out and -- however, I just
24 wanted to add to what many of my relatives were
25 talking about today. When they talked about, I

listened to my leksi talk about the 1851 and the 1868 Fort Laramie Treaties.

I listened to one of my other uncles talk -- or two of my other uncles talk to you about creation and what creation means to us and what the Black Hills mean to us and then about what water means to us.

My friend was talking earlier, and she was nervous about what should she say, and I was teasing her, giving her all kinds of things to say that would probably get her thrown out of here, and she was wise not to listen to me.

But I wanted to -- I was thinking about something all while everyone was talking, and I really appreciate all the scientific words and testimony that was given today because I appreciate that. I appreciate all the people that have come and talked about the morality of this issue that we're facing.

And I'm -- I'm from here. I'm born from this soil. And when I -- my spirit leaves, my body will be placed back to the soil. I have two children and two granddaughters, and I was thinking about them, like maybe I should say something on their behalf because nobody else

is.

I mean, we're in here, we're all speaking for our children and our grandchildren and our grandchildren that haven't even come here yet. And so we're trying to talk about what this means to us and to them and the reality of why we're even here talking about this.

And it's not even -- it's important to us, but it seems like in this whole world of corporate rule, that it's not even important to that part of the world.

And then I wonder, like, you know, and you guys probably know about this, that last year for a really long time, there was an encampment that was in North Dakota, right? And people gathered, and they protested, and we defined water-protectors. And so a lot of people here are water-protectors. We come here to protect our water.

And so I wanted to share with you that if you could think about some time ago, it was a pretty long time ago, that the story is, like, told to me from my grandmothers and my grandfathers and from many of my relatives that they probably heard it the same way.

But a long time ago, there was a time before everything, and in that time, there was nothing but darkness and Inyan. And Inyan is the one that made creation. And Inyan made Unci Maka. And in order for her to survive, he had to sacrifice his own life, and he did, and he gave her water so that she could live.

And so that story is important to us, as all our creation stories are important to us. And so when you think about what does that mean, do we have value? Is there a value in our story? Because water is life.

Someone said, Oh, that's just an easy saying. They chanted it earlier, you know, "Mni Wiconi." That's what we know. It's a philosophical belief that we have. Water is life. And without it, none of us are going to be able to survive.

And South Dakota, we're kind of a crazy state, right? We're red and we're blue and we're whatevers, but I'm really happy to see that today we can come together as South Dakotans and as Lakota people and as humans, come together and say we need to protect our water.

This morning I was looking and listening to the birds singing this morning. It's really a pretty thing to hear. And then I was watching as animals, rabbits, you know, they like to race to see if they can outrun you, and I always have to let them win, you know. I let up on the gas and let them cross.

The prairie dogs doing the same thing, watching that. Life is a miracle. Everybody believes that. We all say that. And so I ask you to not allow the permit and give us our life. Let us live. It's crazy that you two get to sit there and have this decision, and you have to listen to all this testimony. It's really absurd actually.

And I think that we deserve the right to live. We all do. You do deserve to live, and maybe your grandchildren will come and live in the Black Hills one day, and they should have the right to live, too. And so that's what I ask.

I also ask that you give meaningful tribal consultation because this is treaty land that we're talking about. So thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

1 Ms. Ross.
2 So it is 5:00. We are going to break for
3 dinner for an hour. We will be back at 6:00,
4 and we will start the hearing again at 6:00. We
5 will begin with opening statements, as we did
6 when we started the hearing at 2:00.
7 But anyone who wants to speak who hasn't,
8 please take the time then to speak. And if you
9 spoke earlier and would like to speak and
10 there's time, we're happy to take your
11 testimony. Thank you, and we are closing this
12 session of the hearing.
13 (A recess was taken from
14 4:59 p.m. to 6:07 p.m.)
15 REGIONAL JUDICIAL OFFICER SUTIN: My name is
16 Elyana Sutin, and I'm the Regional Judicial
17 Officer for the Environmental Protection Agency
18 in Denver, Colorado. Thank you all for coming
19 tonight.
20 I will be chairing the hearing today. And
21 in addition to myself, there are other EPA staff
22 here to assist in this hearing to ensure that
23 everyone who wants to speak has the opportunity
24 to do so.
25 So I'd like to introduce them before we get

1 started. Douglas Minter, standing in the back
2 of the room, waving. Douglas is manager of the
3 Underground Injection Unit in the Office of
4 Water Protection in Denver.
5 Valois Shea, to my right, works with Douglas
6 in the Underground Injection Unit.
7 Lynne Newton is outside the registration
8 table, and she can help you if you need anything
9 out there.
10 Lisa Vanderpool-McClain just walked in.
11 She's standing at the door. She is our Public
12 Affairs Specialist in Office of Communications.
13 And then we also have Sisay Ashenafi, who is
14 also out at the registration table -- oh,
15 there's Sisay. Sorry. Didn't see you back
16 there. He's back -- in the back. So please
17 talk to any one of those folks if you need
18 anything.
19 So on March 6, 2017, EPA issued two draft
20 Underground Injection Control, or UIC, area
21 permits to Powertech USA, Inc., for injection
22 activities related to uranium recovery near
23 Edgemont, South Dakota.
24 The draft permits include a UIC Class III
25 area permit for injection wells for the in-situ

1 recovery of uranium and a UIC Class V area
2 permit for deep injection wells for disposal of
3 treated in-situ recovery processed waste fluids.
4 The EPA is also proposing an aquifer
5 exemption approval in connection with the draft
6 UIC Class III area permit.
7 We are here today to listen to your comments
8 on these area permits and aquifer exemption.
9 The public comment period is open until
10 May 19th, 2017. In addition to this hearing, we
11 will be holding three more hearings this week.
12 Tomorrow we are here again at the Ramkota
13 from 1:00 until 8:00. 1:00 to 2:00 is an
14 information and question time that folks will be
15 here to answer any questions you might have.
16 From 2:00 to 5:00 we will open the hearing and
17 take testimony. We will take a break from 5:00
18 to 6:00 and then have testimony again from 6:00
19 to 8:00.
20 All of these hearings, this one tomorrow as
21 well as May 10th in Hot Springs, South Dakota,
22 at the Mueller Center; and on May 11th in
23 Edgemont, South Dakota at the St. James Catholic
24 Church are all opportunities for folks to give
25 their testimony.

For more information on the times and location addresses, you can visit the registration table or go to EPA's Website.

In a moment, Ms. Shea will explain in more detail what was proposed in the notice. But before I turn it over to her, let me explain a bit about how we will work this evening through the hearing.

As I said, we'll take testimony from 6:00 to 8:00. I will call speakers to the microphone who have filled out a card at the registration table.

When it is your turn to speak, please state your name before you begin your testimony. We will allow five minutes for folks to speak. We will signal to you when you have a minute left, and then when five minutes is past, I will ask you to complete your testimony.

Please try to be as succinct and on point as you can. If I find that we are straying from the topic at hand, I will interrupt and ask that you please return to the issue before us.

If we have time at the end and everyone has had the chance to speak and you have more to say than your five minutes that you are given, I

will allow you to come back up and finish your comments.

After you finish your testimony, we members of the panel may ask clarifying questions. We are not here to explain the basis for the proposal. The notice does that. Nor can we engage in a back-and-forth discussion of the proposal or respond to your comments during this hearing.

The purpose of the hearing is to receive your input. We will consider and then respond to all comments received during this hearing as well as all written comments in the final permits and aquifer exemption determination. We will not be answering any questions during the hearing.

We are recording the hearing tonight, so be assured that your comments will be considered. The court reporter sitting to my left will be preparing a transcript of today's proceeding that will be available for anyone who wants to see it.

The transcript is part of the record and will be included in the docket for this matter. The docket is where EPA collects materials it

has considered in its action, including public comments.

The docket is available on the internet for your review, or you can view a hard copy at EPA's Denver office. The transcript of this hearing will also be available in the docket. If you have written copies of your testimony, please give a copy to our staff at the registration table, or you can bring it to me. This will be helpful as we prepare the transcript.

If you have other written comments or supporting documentation, you may leave those with us as well, and we will make sure they are entered into the docket for this proposed action. You also may submit written comments directly to the docket through May 19th. Instructions for submitting comments can be found at the registration table.

Once the final permits are issued and the aquifer exemption determination has been made, anyone who participated in the hearing through written comment or oral testimony has the right to appeal the Agency's decision to the Environmental Appeals Board.

1 I will now ask Ms. Shea to provide
2 additional information. Thank you.
3 MS. SHEA: Thanks, Judge Sutin.
4 And thank you all for coming here tonight
5 and participating in our public hearing. And
6 I'm just going to take a few minutes to provide
7 a context for the comments that we will be
8 hearing tonight.
9 So I'm going to explain some of the more
10 salient points of the permit requirements. And
11 for those of you who have already heard them,
12 sorry about that. Just bear with me, and we'll
13 get through this.
14 So I want to give you a little information
15 about the Underground Injection Control Program.
16 It's authorized under the Safe Drinking Water
17 Act. The mission is to protect underground
18 sources of drinking water from injection
19 activities from injection wells.
20 I want to give you the definition of
21 underground source of drinking water from our
22 regulations. It's an aquifer or a portion of an
23 aquifer which supplies a public water system or
24 which contains a sufficient quantity of
25 groundwater to supply a public water system; it

1 currently supplies a drinking -- currently
2 supplies drinking water for human consumption;
3 or it contains fewer than 10,000 milligrams per
4 liter total dissolved solids.
5 The UIC Program classifies injection wells
6 under six classes based on the type of injectate
7 and the purpose for injection. Our UIC
8 regulations also allow us to exempt portions of
9 USDWs for certain conditions, one being, as we
10 talk about tonight, for an economically viable
11 mineral resource.
12 So as Judge Sutin mentioned, the Region 8
13 UIC Program has issued two draft permits on
14 March 16, 2017. One draft permit is the Class
15 III injection well permit for the in-situ
16 recovery of uranium.
17 The second draft permit is a Class V permit
18 for the disposal of ISR waste fluids treated to
19 meet the standards for radioactive waste and
20 hazardous waste.
21 The EPA is also proposing an aquifer
22 exemption to exempt those portions of the Inyan
23 Kara aquifers that contain the uranium deposits
24 from the protection of the Safe Drinking Water
25 Act in order for the Class III injection to

1 occur to recover uranium.
2 We also released a number of other documents
3 related to these actions. One is an
4 Environmental Justice Analysis. Another is a
5 draft Cumulative Effects Analysis. And then we
6 also issued a draft document explaining the
7 process and the considerations for tribal
8 consultation. We are still underway with our
9 tribal consultation process.
10 All of these documents are open for your
11 review and comment, but the most important
12 documents to focus on are the permits, as these
13 will be -- if the final permit decision is
14 issued, we want to make sure that we have
15 protective permit requirements in place for this
16 type of injection activity.
17 There are other agencies regulating the site
18 in addition to the EPA. The Nuclear Regulatory
19 Commission has issued a materials license for
20 the whole site. The South Dakota Department of
21 Environment and Natural Resources has a large
22 mine permit that they have proposed, but they
23 are not yet finished with their public review
24 process.
25 The Bureau of Land Management has a plan of

1 operations that they are considering for
2 portions of the site that belong to them. And
3 then once again, the South Dakota Department of
4 Natural Resources has proposed a groundwater
5 discharge permit for the land application of
6 treated ISR wastes if it can't all be handled by
7 the Class V deep injection wells.
8 So this is a map of the entire site, just to
9 acquaint you with some of the more important
10 features. We have the permit boundary here, the
11 South Dakota-Wyoming state line. We have the
12 Custer County-Fall River County line that
13 crosses through the middle of the project area.
14 Here is the Cheyenne River and the Beaver
15 Creek drainage. Both of these water features
16 are going to be monitored under the NRC permit
17 and the DENR permits.
18 These are the well fields in the Burdock
19 area where the uranium deposits occur, and these
20 are the proposed well fields in the Dewey area.
21 These dots represent the locations of the deep
22 Class V disposal wells in the Burdock area and
23 the Dewey area.
24 The color codes in these well fields
25 represent the different aquifers where the

1 uranium deposits occur within the Inyan Kara
2 group.
3 So this drawing shows you the pattern of the
4 well fields in the uranium ore deposit. The
5 grids represent the locations of the injection
6 wells and the production wells. Because these
7 types of wells can change their role throughout
8 the process, the EPA is regulating all of these
9 wells as injection wells.
10 In addition, there is this ring of
11 monitoring wells that looks at the movement of
12 water towards the well field, and also is used
13 to look at any contamination or excursion that
14 might be escaping out of the well field area.
15 And this green line is the aquifer exemption
16 boundary that is located 120 feet outside of the
17 perimeter monitoring wells. These symbols
18 represent where overlying monitoring wells occur
19 in overlying aquifers, and then also underlying
20 monitoring wells and underlying aquifers.
21 I'd like to talk about the water quality in
22 the Inyan Kara aquifers. The Inyan Kara is high
23 in sulfate manganese and in some places iron.
24 The people who drink the water often treat it
25 using reverse osmosis so that it will taste

1 better.
2 Within the uranium ore deposit areas,
3 there's also high levels of gross alpha, radium,
4 and radon, above drinking water standards. The
5 radioactive decay of uranium eventually results
6 in radium over a long period of time, but once
7 it reaches radium, that quickly decays to radon
8 and a series of daughter elements which emit
9 alpha radiation.
10 Alpha radiation can be blocked by the human
11 skin, but untreated water, if you are taking a
12 shower or washing dishes, these daughter
13 products you'll breathe in, and that can cause
14 lung damage, internal damage. So that's the
15 type of water quality that is inside this
16 aquifer exemption boundary.
17 This shows a cross-section through the Inyan
18 Kara group that shows you the aquifers that are
19 being exempted, and each of these aquifers
20 contain the uranium deposits in the locations
21 that you saw in the previous slide.
22 This shows the pattern, again, of the well
23 fields and the perimeter monitoring well rings.
24 But I just wanted to explain a little bit more
25 about the ISR process.

1 So the injection wells inject a lixiviant
2 that's composed of the Inyan Kara groundwater
3 with carbon dioxide and oxygen added to mobilize
4 the uranium, which flows to the production wells
5 and carries the uranium off to the central
6 processing plant where the uranium is removed
7 with ion exchange treatment.
8 And then the groundwater is recycled back.
9 So most of this groundwater is returning to the
10 Inyan Kara aquifer, and only a small percentage
11 of that is actually lost to the Inyan Kara
12 aquifer.
13 I want to emphasize that if the EPA does
14 decide to approve these permits, that doesn't
15 mean that Powertech automatically gets to begin
16 injection activity. The permits require
17 extensive geology and hydrology
18 characterization, and one of the most important
19 parts is this well field pump test. And that
20 consists of a pumping well that's inside the
21 area where the ore deposit is located, and that
22 well is pumped.
23 These lines represent the groundwater level
24 of the unpumped aquifer. If during the pumping
25 of the well, the groundwater level is depressed

in this area, that indicates that the confining zones above and below the injection zone are adequate and that horizontal control inside the aquifer is possible.

So the big question that the EPA is looking for in the lot -- in a lot of data that they are requiring under this permit is, can these uranium-bearing fluids be contained within the injection interval.

So there's a lot of data involved in with these pump tests, and we'll be looking at that very carefully before we make any decisions about whether or not injection can occur.

Similarly, under well field operation, we expect to the see this groundwater table depressed, and that will show us that we have the inward flow of groundwater towards the well field area, and that shows that there's horizontal containment.

We also have monitoring wells above and below the injection zone to make sure there's no vertical migration across the confining zones.

If the groundwater starts to drift out of that area, we'll see that first in these perimeter monitoring wells. We'll see the water

level rise before any contamination leaves the area, and that allows -- it's like an early warning detection system so that the flow of groundwater can be reversed and contamination can be contained.

So this just emphasizes again that even if the decision is to issue these final permits, Powertech has to perform a lot of geologic and hydrologic characterizations to verify that no migration of injectate will incur into the USDWs.

So the Class III permit includes a long list of requirements, but I wanted to just pull out a few here. We want to see a map of all the plugged and abandoned exploration drill holes within the well field perimeter monitoring ring. We want them to identify any exploration drill holes that they had to replug because they were improperly plugged in the past.

And we want to see copies of any new or historic drill hole logs that have been annotated to show the presence of any fault, fracture, or joints that have been noted by the drillers as they drilled the well and logged them.

1 The UIC regulations do allow ISR operations
2 to occur within areas where there are breaches
3 in confinement zones, but if that is the case,
4 then additional monitoring is required around
5 these areas.
6 This graphic shows an example of an
7 unplugged historic borehole that is not able to
8 be, for some reason, reclaimed, and so this is a
9 known breach. We will require additional
10 monitoring wells in this area so that if any
11 migration out of the injection zone occurs, it
12 will be detected by a number -- more than two,
13 that's just for the cross-section -- more than
14 two monitoring wells in this overlying aquifer
15 so that we have early detection of contamination
16 migrating outside the zone and it can be
17 corrected as required under the permit.
18 So one of the most important aspects of this
19 permit is the post-restoration monitoring. This
20 is new to the ISR industry and what -- how that
21 works is, after -- after the interior of the
22 well field is restored under the Nuclear
23 Regulatory Commission license requirements, then
24 the EPA wants to ensure that no contaminants
25 that remain in this well field will cross the

1 aquifer exemption boundary into the USDW.
2 Now, that requires identifying baseline
3 constituent concentrations, which will become
4 the permit limits. These requirements were
5 developed by the EPA when we were reading the
6 responses to the -- of the public to the NRC
7 license.
8 And that gave us an indication that we
9 needed to be more rigorous in determining what
10 our permit baseline limits would be, and in
11 monitoring this aquifer exemption boundary to
12 ensure that no contaminants will cross it after
13 ISR reclamation is done.
14 So the baseline monitoring is based on a
15 long-standing document developed by the RCRA
16 program that develops a statistical method for
17 determining baseline, and also determines a
18 statistical method for identifying when a
19 contaminant is potentially crossing an aquifer
20 exemption boundary.
21 I'm going to move to the Class V deep
22 injection wells. So once again, the Class V
23 permit requires the most protective well
24 construction requirements under UIC regulations.
25 So although this is a Class V well, we are

requiring Class I well construction standards because they are the most protective.

There are numerous requirements for rigorous geologic and hydrologic characterization to verify that any injection activity will not cause migration of contaminants into the overlying or underlying underground sources of drinking water.

In order for injection to occur, Powertech has to demonstrate that the Minnelusa does not meet the requirements of underground source of drinking water. So this means that if Powertech drills into the Minnelusa and finds that the total dissolved solids is less than 10,000 milligrams per liter and the Minnelusa is a USDW, then the permit cannot be used because this permit does not authorize any injection into an underground source of drinking water.

And then because it is a Class V permit, which means that it's injecting into or above a USDW -- in this case, it's injecting above the Madison aquifer -- the injectate has to be treated below radioactive and hazardous waste permit limits.

This cross-section just shows the geologic

1 layers from the Precambrian basement through the
2 Minnelusa injection zone. Here's the Madison
3 underground source of drinking water, and then
4 this area here is a confining zone between the
5 injection zone into the Minnelusa and the
6 Madison USDW.
7 And then this area is the overlying
8 confining zone that separates the Madison -- or
9 the Minnelusa injection zone from the Unkpapa
10 and Sundance aquifers, and then these are the
11 Inyan Kara group aquifers.
12 I just wanted to explain a little bit about
13 the breccia pipes that you've been hearing
14 about. They form because the Madison limestone
15 is high pressure -- has a high water pressure
16 inside this aquifer. And near the outcrop,
17 where the Minnelusa formation occurs at ground
18 surface -- and you can actually see it on the
19 ground -- the overburden has -- is disappeared
20 or is very thin here.
21 And the Madison limestone water pressure
22 actually pushes up through the Minnelusa
23 formation. It dissolves anhydrite, which is the
24 predominant mineral inside the Minnelusa
25 formation. It's a sulfate mineral that causes

the total dissolved solvents in the Minnelusa to be very high because of the sulfate.

And so downgradient of this area where this dissolution is occurring, called the dissolution front, you see high total dissolved solids in the Minnelusa and high sulfate.

Above this area, where the Minnelusa occurs closer to the surface, you get -- the anhydrite has been dissolved away by the Madison water flowing up. You get really good water quality in that portion of the Minnelusa Formation, and that's where you see the drinking water wells occurring, because it's -- there's not a lot of sulfate. The anhydrite is gone. And this is where you find good drinking water quality inside the Minnelusa.

Okay. This is a map that shows the location of that dissolution front. Here is where the Minnelusa Formation occurs at the surface. All this area is where you'll find your Minnelusa drinking water wells that are low in sulfate and total dissolved solids.

The Dewey-Burdock project actually occurs six miles below the dissolution front, where the anhydrite is still present, and that causes high

1 sulfate in the Minnelusa and also high total
2 dissolved solids.
3 So that is why we do not expect the
4 Minnelusa to be classified as an underground
5 source of drinking water, but that will be
6 verified under the permit, as I explained
7 earlier. We will have to wait and see exactly
8 what that total dissolved solids value is.
9 Another way to look at the confining zone
10 that I was talking about is all of these dots
11 represent historic oil and gas wells that were
12 drilled. This area is the Barker Dome Oil
13 Field, which is an active oil field.
14 Most of these wells have logs that show
15 where the anhydrite is present, and you can get
16 a look at how thick that confining zone is in
17 the Minnelusa above the injection zone.
18 So the EPA has included additional
19 characterization into the -- of the confining
20 zone that we don't normally have in our deep
21 well permits, and those include, in addition to
22 the drill logs from the deep Class V wells, we
23 also looked at the numerous plugged and
24 abandoned oil and gas wells that I showed in the
25 previous slide.

We're going to look at the groundwater levels of the Minnelusa and Madison aquifers. As I mentioned earlier, the Madison aquifer is a very high-pressure aquifer. Its groundwater level, if you were to put a well into it, that would allow it to flow actually to the surface because the pressure is high enough to flow to the surface.

The Minnelusa aquifer is a much lower-pressure aquifer. We expect that water table to be much lower. And we expect to see the difference in these two aquifer potentiometric surfaces or groundwater levels that demonstrate that they truly are confined and are not in communication with each other.

Another thing to look at, as I mentioned earlier, is the sulfate concentration. We expect it to be high in the area where that anhydrite is still present and helps form a good confining zone.

And then when we look at the Madison and Minnelusa water chemistry, we expect to see it very different -- look very different as far as the elements in the water.

Where you are closer to the outcrop and the

1 Minnelusa is actually used as a drinking water
2 source, it looks more like the Madison in its
3 water chemistry. Further downgradient where
4 there is still the anhydrite present, the water
5 chemistry looks very different.
6 I just wanted to mention a little bit about
7 the treatment ponds. The only radioactive waste
8 expected to see in ISR waste fluids is radium.
9 Because it's a Class V permit, that requires
10 treatment of the injectate below radioactive
11 standards. Powertech will have to treat the ISR
12 waste fluids to remove radium.
13 The way they do that is to add barium
14 chloride, which is proven to be a very effective
15 way of getting the radium out of the waste
16 fluids.
17 So the barium chloride will be added and
18 then mixed, and then it will sit in these ponds
19 and react, and the radium will precipitate out.
20 Then the treated effluent will be held in these
21 outlet ponds, which then lead to the deep Class
22 V injection wells.
23 I just want to emphasize again the
24 importance of our public comment period and
25 these public hearings especially. The reason we

1 issue these draft permits is so that we can show
2 you what our best attempt is at providing extra
3 protection for these aquifers, but we want your
4 input on that. We can't think of everything.
5 We know these permits aren't perfect by any
6 means. So this is just a way for you to review
7 what we've done and then give us the feedback of
8 what you want to see different or whether you
9 think these permits are going to be effective in
10 protecting underground sources of drinking
11 water.
12 Our regulations require that we do a 30-day
13 public comment period and then hold a public
14 hearing if the public shows interest. In this
15 case, we are very serious about getting your
16 input, and we have extended our public comment
17 period. Uh-oh. What did I do? Sorry. It was
18 supposed to be this.
19 So it's gone from March 6 to May 19 because
20 we know there's a lot of information for you to
21 review. And we've scheduled five days of public
22 hearings because we want to hear from you in
23 person about your thoughts on these permits, and
24 now let's just get to that.
25 Thank you very much.

1 REGIONAL JUDICIAL OFFICER SUTIN: All right.
2 We are going to get started. First speaker, if
3 we can have Sylvia Lambert.
4 SYLVIA LAMBERT: Sylvia Lambert.
5 What is Azarga/Powertech? Azarga Resources
6 Limited, is a Canada-based, China-led company
7 that has never mined uranium. After owning part
8 of Powertech since 2013, it is now merged with
9 Powertech to form a new company named Azarga
10 Uranium. The new ownership controls Powertech's
11 operations in South Dakota, as well as uranium
12 interests in Colorado.
13 Azarga's largest stockholder is Platinum
14 Partners, a hedge fund that is based in the
15 Cayman Islands. Seven members of Platinum
16 Partners's leadership team, including its
17 founder, Mark Nordlicht, have been charged in
18 federal court in New York for a $1 billion fraud
19 and for running what the media has called a
20 Ponzi scheme. This makes the status of Azarga
21 uncertain.
22 The former investment banker who heads
23 Azarga Resources is Alexander Molyneux, who was
24 born in Australia. Molyneux left investment
25 banking and entered the mining industry with the

1 help of Robert Friedland, a dual-citizen of the
2 United States and Canada who lives in Singapore.
3 Friedland is known by some as, quote, "Toxic
4 Bob," partly for his role in the disaster at the
5 Summitville gold-silver mine in Colorado.
6 The Summitville mine was run by a subsidiary
7 of Friedland's company, Galactic Resources. It
8 is now a Superfund site that discharged acid
9 drainage and cyanide, arsenic, cadmium, copper,
10 lead, mercury, and other heavy metals into the
11 Alamosa River. Friedland's bankrupt subsidiary
12 pled guilty to 40 felony counts. Cleanup, which
13 is expected to cost $150 million, is ongoing.
14 Molyneux's mining experience began with his
15 stint as CEO of SouthGobe Energy Resources, a
16 coal mining operation in Mongolia. The company
17 was controlled by a firm founded by Friedland.
18 Molyneux was fired from this position after the
19 company wracked up millions of dollars in
20 operating losses and he apparently alienated the
21 Mongolian government.
22 A market observer summarized the situation,
23 quote: "The SouthGobi thing was a mess, with
24 restated financials for two years, an abortive
25 takeout by a China company, Rio Tinto's giving

1 Mr. Molyneux his walking papers, and
2 Ontario-groomed class-action lawsuits." That's
3 from *The Calandra Report*.
4 Whether Azarga intends to actually mine
5 uranium in the Black Hills remains to be seen.
6 It is also possible that the company hopes to
7 make a profit by getting mining permits, then
8 selling the proposed mine site to someone else,
9 or they might get permission to create deep
10 disposal wells and start taking in waste from
11 other mines.
12 In addition, Azarga/Powertech's own
13 statements have faced scrutiny by the British
14 Columbia Securities Commission. Canadian
15 regulators consider Azarga's preliminary
16 assessments "too speculative geologically."
17 Azarga acknowledged certain, quote,
18 "deficiencies" in its filings relating to the
19 Dewey-Burdock project.
20 There should be no deficiencies where our
21 water is concerned. Regardless of who owns
22 uranium properties in the Black Hills, I oppose
23 uranium mining in the area.
24 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
25 Ms. Lambert.

1 Helene Gaddie.
2 HELENE GADDIE: Good evening.
3 I am coming from the Oglala Lakota Nation.
4 My name is Helene Gaddie. My Lakota name is
5 (Speaking in indigenous language). And I wanted
6 to share my concerns about this uranium mine
7 that is proposed.
8 There's some -- the greatest concerns that I
9 have for this is, of course, the treaties first
10 because they are the supreme law of the land,
11 the 1868 and 1851 treaties, which we shouldn't
12 even be standing here questioning why somebody
13 wants to put a mine, why it should have gone
14 this far.
15 Secondly, there is -- the entire area of the
16 Black Hills is very, very important, and it's
17 very -- it's a very sacred place. And in that
18 area there's sacred sites, traditional Lakota
19 burial sites as well as different parts of, you
20 know, where you would find historical
21 petroglyphs and different sacred sites like
22 that.
23 And then the next part -- and I think that's
24 the most part that we've been hearing, is this
25 stratigraphy and the fault lines that are --

1 have been proven. We can't see below the
2 surface, but from different researchers and just
3 recently, we know that the stratigraphy is not
4 even.
5 As you seen, the stratigraphic column that
6 was displayed on the screen where it showed that
7 everything is straight across, the hydrogeology,
8 the geological stratigraphy is not like that.
9 There are fault lines there that are active, and
10 the Black Hills are tectonically active.
11 From recent other uranium mines nearby,
12 there was a spill in -- back in, I believe, it's
13 within the last ten years. If you go to the
14 different sites and learn about the uranium
15 spills, you'll learn that one of them spilled
16 9,000 gallons per minute for a year, and this
17 was leaked to the surface of toxic water within
18 the past decade. And so how is this uranium
19 mine supposed to -- or this uranium company
20 supposed to monitor that?
21 Also, the other fact that come -- the other
22 parts that come to mind, this -- whenever you're
23 talking about the geology, it says that it's --
24 you know, the Black Hills are part of the Late
25 Cretaceous period, but also we also have the

1 late Eocene period in here, which has the active
2 fault lines, the fractures, and the folds.
3 In the past at that site when they had the
4 uranium mine when they talked about the air
5 being contaminated and the water being
6 contaminated, could it be caused from the 4,000
7 exploration drill holes that took place there?
8 The 115 holes, the 20 monitoring wells, which
9 were unplugged?
10 And we know that they are supposed to be --
11 whenever you do the test drilling, they're
12 supposed to be filled in in a certain way, but
13 these were not filled in that way.
14 When you're looking into the history of how
15 they cleaned up the mines, they were not cleaned
16 up because some -- when you go back into the
17 research of the drillers' logs from the last
18 hearings on this specific place and that site,
19 they were filled with fence posts. So how do
20 you fill drill holes with fence posts when they
21 are supposed to be secured?
22 The other thing is, where is the baseline
23 data? We're talking about three -- we're
24 talking about different types of uranium. You
25 have your natural uranium, the -238, which is

like 98 percent -- when you're exposing this to air -- the air, it's causing different chemicals to come into your -- you know, humans are being exposed to that.

Is it being tested? Is there any baseline data in that area that is downwind? We have a rain shadow effect coming off the Black Hills into the prairie and the Badlands area. How far is that?

We have a map up here that shows the little uranium area, but is the air quality taken into consideration?

There's -- which way does the wind blow? Where does the most contaminants come from, the analysis from that? There is no baseline data in Oglala Lakota County, Fall River County for air quality, and that should be a significant factor.

The other factor is when we go -- when these parts, there's a big reservoir, Angostura, which is already highly contaminated from the Crow Butte uranium mine, which goes into the other watersheds. The first-order, second-order streams, the artesian water flows through this where they want to take the water up from

1 whenever, you know, in the process of the
2 uranium and bringing it back in, supposedly
3 cleaning, putting the water -- clean water back
4 in.
5 But this also flows into the Cheyenne River,
6 White River, and the Hat Creek alluvium. And so
7 those would expose the water, the trees, the
8 humans, everybody to those contaminants. Is
9 that being considered?
10 Thank you.
11 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
12 Ms. Gaddie.
13 Rick Bell.
14 RICK BELL: Hi. My name is Rick Bell. I
15 spoke earlier this afternoon, so you have all my
16 CV, my resume. I'm going to be brief.
17 I talked earlier this afternoon in
18 opposition to the Class III wells, and this
19 evening I just wanted to say I'm also opposed to
20 the Class V wells. It's my fervent hope that
21 they will be denied as well, or at least
22 modified extensively.
23 I'd like to submit for the record an article
24 that was in yesterday's *Rapid City Journal*
25 paper. I'll give it to you in a minute here.

1 It was entitled in my newspaper that I got at
2 home, "Charges fly before the EPA hearing." And
3 then when I went to the Website to print it out
4 this morning, it says, "Claims, counterclaims
5 fly before the uranium mine hearings," but I
6 think it's the same article that I got in the
7 paper. It's just I couldn't make a copy of it,
8 a good copy of it.
9 What I wanted to point out with regard to
10 this *Journal* article is there made reference to
11 a video posted by Facebook by the Council for
12 Responsible Mining in which the narrator says
13 that if Powertech -- if the Powertech mine is
14 permitted, the company will bring in waste from
15 other mines. It also says that, according to
16 the EPA, this area permit would not restrict
17 Powertech from bringing in waste fluids from
18 other mines.
19 We've already heard here this evening a lot
20 of questions about what is really Powertech's
21 intent. They have uranium prices that are 20 to
22 $30 a pound, and they've already stated that if
23 it's not at least in the 55, 65 range, they
24 can't make this mine economically viable. So
25 what is it they really have in mind?

1 My fear is that they want these -- I think
2 it's already been posited here this evening,
3 they want these Class V wells in order to become
4 a waste disposal site. There are hundreds of
5 mines within a few-hundred-mile radius, and I
6 think it would be possible for them to be
7 bringing in waste from other sites.
8 What I wanted to talk about this evening,
9 it's unfortunate that Powertech people are not
10 here, as they were earlier today, to confront
11 them in some regard because the article that I
12 referenced to the *Rapid City Journal*, it goes on
13 to say that they spoke with Mark Hollenbeck, an
14 Edgemont area rancher, and the project director
15 for Powertech by phone.
16 And he denied the claim made by the Council
17 for Responsible Mining. He said that is
18 absolutely false in reference to bringing in --
19 their intention to bring in mining waste from
20 other sites.
21 So if this statement was made by an official
22 representative of the company, we should hold
23 Powertech to their word. Therefore, if the EPA
24 does decide to grant final five -- Class V well
25 permits to Powertech, the Agency should insist

that no other company's waste fluids be allowed to be brought into this site for disposal.

In addition, if permitted, I would say that no more than two Class V wells should even be considered here. If more wells are needed in the future, let Powertech submit additional applications and undergo the review process in accordance with 40 CFR, et cetera, et cetera.

So I would just make reference to those articles that are in public papers. In case you guys don't have any, I'll give you a copy.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you, Mr. Bell.

Next if we can have Michael Milk.

AUDIENCE MEMBER: He just left. He thought you skipped him. He's going to speak tomorrow.

REGIONAL JUDICIAL OFFICER SUTIN: Okay. Thank you.

Laura Bidwell. Laural Bidwell, excuse me.

LAURAL BIDWELL: Yes. My name is Laural Bidwell. I'm a resident of Rapid City. I lived in Hot Springs for 11 years and used to walk my dogs in Edgemont.

And I don't know a lot about geology, but the one thing I do know is that the State of

1 South Dakota has never been particularly
2 interested in protecting its natural resources.
3 Their bonds that they usually require in
4 order for people to clean up sites should they
5 contaminate them have been far less than the
6 amount of money that it takes to clean them up.
7 Uranium mines in the past in the Edgemont
8 area have claimed bankruptcy and left disaster
9 areas behind them. I don't think that Azarga
10 looks like a company that's inclined to be
11 successful, so I see this happening once again.
12 I'm also concerned that the EPA right now
13 does not particularly seem to have a lot of
14 support from our current administration, so I'm
15 not sure you're going to have the manpower to
16 invest in monitoring the progress of these
17 wells. So I'm concerned about that.
18 And my final comment is that I really have a
19 question as to what benefit these wells have to
20 South Dakota residents. We're putting our water
21 at risk, and there's no benefit to the state.
22 There's no particular benefit to the United
23 States. So I just -- also want to stay informed
24 as to the progress of these hearings.
25 Thank you.

1 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
2 Ms. Bidwell.
3 Terri Hulm.
4 TERRI HULM: Good evening. I'm Terri Hulm.
5 I'm a Cheyenne River Sioux Tribal member.
6 We get our water from the Cheyenne River. It's
7 already been contaminated. It's contaminated.
8 We have arsenic. We have cancer clusters, and
9 children swim there.
10 You guys -- most of what I wanted to talk
11 about was covered. Azarga is a completely
12 unethical company if you research them.
13 Powertech is a subsidiary of Azarga. They are
14 going to do the same thing every other uranium
15 mine has done. They are going to abandon it
16 once they've made it toxic and leave.
17 We all know the drill. We've been through
18 it. We've lived through it, and we've lost
19 loved ones due to death, due to cancer. I've
20 worked in the nuclear industry. I understand
21 what kind of radiation you're talking about, and
22 you can't take a shower or wash your clothes
23 with that kind of protective gear on. You're
24 supposed -- you know, how do you protect
25 yourself? How do you protect your children?

1 Your water will be ruined. It's going to
2 communicate. We all know that. The water is
3 going to mix. Then you're talking about having
4 these pools to clean up contamination when
5 radium has a half-life of 1,600 years. So,
6 what, it just evaporates off, and we breathe it
7 in? How does that work?
8 You know, this is all to make a company out
9 of Hong Kong money at the expense of the
10 citizens of the United States and the citizens
11 of all of our tribes and the citizens of the
12 state of South Dakota? Just to send money to
13 Hong Kong.
14 They want to drill 17 boreholes out there so
15 they can bring in more radioactive water and put
16 them in the boreholes, and it will seep into the
17 water source.
18 And you guys are going to monitor it, but
19 how are you going to clean it up? In the
20 fracking solution, two drops of benzene in
21 fracking makes 30 gallons of water into a
22 carcinogen.
23 So how -- how could this even be considered
24 safe, viable, or even something that should be
25 done? It's all in the name of making profit for

a company out of Hong Kong. You know, it's not going to benefit anyone here, anyone, anyone in this room, anyone who lives in this state, you know.

It might benefit the hospital industry with their rising cancer rates, but it's not going to benefit anything else. I don't understand why this is even being considered for permitting.

Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you, Ms. Hulm.

Next can we have Bryce In the Woods.

BRYCE IN THE WOODS: Good evening.

You know, when Powertech was doing this years ago, they went belly-up. And then you have this Chinese company come in and trying to revive something that should have remained dead.

Just a couple questions: You said no questions, but can the -- can the -- can the EPA put your website on climate change back up and actions to address climate change involving water? And when will foreign companies be held accountable for restoring water, groundwater, and aquifers?

My big concern is the bleed production that

1 you're mentioning here. There's no control.
2 It's a manmade disaster. You have corporation
3 monitoring corporation; no oversight. And it
4 seems like every time certain parties get into
5 the White House, the EPA gets under attack.
6 Under previous, previous administration, I
7 think the EPA was -- the director changed three
8 times. So it's coming from Corporate America, a
9 representative of Corporate America in the White
10 House.
11 And for the people, it is a health concern
12 that you heard. We're facing radiation fallout
13 right now from Fukushima Daiichi, you know.
14 Environmental Protection Agency, you know
15 how these aquifers move. And you mentioned the
16 movement of one aquifer, the pressure, and the
17 other one you was mentioning, not so much
18 pressure. To me, you are open-invitation for
19 contamination by these corporations to do
20 whatever they want to pollute the water and say,
21 Well, it was polluted. That was my take on your
22 little presentation there.
23 My concern again would be the bleed
24 production, and there's no oversight.
25 So I think that the best public interest

1 would be to look at the health of not only the
2 people, but the health of everything, the water
3 itself. It appears like we're being under
4 attack, a constant attack.
5 And, you know, if you look at our people
6 here and you look at the Black Hills, the
7 Supreme Court ruling saying that, you know --
8 this rank and disarm dealings in history. And
9 now the American people are starting to realize
10 what we've already realized, you know, and what
11 we realized and live with today, you know.
12 So it is a people issue. This bleed
13 production, which is going to contaminate, no
14 matter what EPA, you know, says, no matter what
15 Powertech says, this bleed production is going
16 to be out of control.
17 There's no way it can be controlled. No
18 way. You can turn your pumps on and try to
19 bring that back in, but you just can't tell, you
20 know. You just -- you just don't know. That
21 factor alone should make somebody's permit, like
22 South Dakota permitting and NRCs, you know,
23 they're actually kind of dropping the ball now,
24 and it's a very big concern.
25 The Nuclear Regulatory Commission, they

1 should be dealing seriously, but now they look
2 like they're passing that ball. That's going to
3 hurt the people. And EPA is going to be
4 hamstringing again, you know.
5 And all these things that are coming, like
6 this abrupt climate change. Best scenario, I
7 guess, would be on top. When the tsunami hit
8 those reactors at Fukushima Daiichi and created
9 that -- probably extinction-level event now,
10 that everybody is either sleeping or -- what can
11 we do? You know, so it's right along with
12 anything that radiation does.
13 We're drinking alpha emitters where I'm
14 from, the Cheyenne River Sioux Tribe, in the
15 water. There was barium in it the last -- two
16 years ago, and now the barium is gone and the
17 alpha emitters are back. So it is going to be a
18 major health issue 10, 20, 30 years.
19 But the bleed production alone should --
20 should -- you know, should deny the permitting
21 of this insanity, I'll call it. In Lakota,
22 (Speaking in indigenous language).
23 It's kind of, in English, like you're being
24 fooled, a movement of deceit, something like
25 that. You know, that is -- there's some kind of

1 deceit here and movement. When you're dealing
2 with something like water, that's actually
3 medicine, and then you're turning something to
4 what we're drinking now into alpha emitters
5 100-some miles from here.
6 So the Cheyenne River Sioux Tribe stands
7 opposed to this, and we'll be making some more
8 comments before the 19th. But you got our
9 initial resolution, and I'd like to thank you.
10 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
11 Mr. In the Woods.
12 Next if we can have Senator Kevin Killer.
13 SENATOR KEVIN KILLER: (Speaking in
14 indigenous language.)
15 That's our traditional greeting in Lakota.
16 I shake your hands with a warm and good heart,
17 and I want to say, you know, thank you to
18 hosting these hearings. You know, I come up
19 here in opposition to the proposed mine.
20 Mainly, you know, from working on
21 legislation at the state level and understanding
22 that, you know, we did -- recently did a bill
23 dealing with a project in Haakon -- a proposed
24 project in Haakon County, and this basically had
25 to deal with drilling down into the proposed --

1 proposed area.
2 And a lot of that research, you know, I
3 actually, you know, seen what happened and seen
4 how that kind of played out. It was -- it was
5 alarming because, you know, at the end of the
6 day, I think we saw, just based on the research
7 alone, that there wasn't a lot of outlets for
8 this waste, high-level waste.
9 So our legislature basically took the bill,
10 and we approved the legislature's input in this
11 process. Before it was just the governor, and
12 now it's -- the legislature can be involved in
13 that.
14 Specifically, you know, I just want to say
15 that, you know, South Dakota is not a nuclear
16 waste dump. And that's my biggest concern out
17 of all of this, is that -- ensuring that, you
18 know, we -- you know, our citizens are heard and
19 our communities are heard, and especial our
20 Native American communities.
21 And, you know, one of the things I really
22 want to ask for is, you know, we need a
23 cumulative impact analysis of the EPA/NRC
24 uranium mining activities on the Pine Ridge
25 Reservation, because a lot of the data that does

1 currently exist is either out of date or hasn't
2 been thorough enough, especially when dealing
3 with some of these projects.
4 And another thing is, you know, I think just
5 this one proposed mine, the Powertech uranium
6 mine near Edgemont would consume over two and a
7 half billion gallons of water during its
8 lifetime.
9 And that's really concerning, especially
10 regarding with historical treaty claims, but
11 also just, you know, the water use in
12 South Dakota and how will that impact our
13 agricultural and livestock communities.
14 And this is according to the own company's
15 figures. So that's something I really want to
16 stress.
17 Foreign companies are not going to benefit
18 anybody. They are not going to benefit anybody
19 in South Dakota. And most of them are from
20 Canada, want to mine local uranium. Currently
21 the largest market for uranium is in China and
22 India, so none of that's really going to benefit
23 any of us.
24 Uranium One, which is an in-situ leach
25 uranium project in East Wyoming, is being bought

1 by ARMZ, a company that is controlled by the
2 Russian government. So there's -- I think that
3 there is -- there's going to be no benefit --
4 local benefit, and I think that's, you know,
5 really something to consider, especially coming
6 from, you know, my perspective as a state
7 senator.
8 And I come into this -- you know, I served
9 eight years in the legislature -- with this
10 understanding, no local controls are being
11 issued to anybody in this region, and
12 understanding local input is something that's
13 really needed for a lot of our communities.
14 So, I just want to the stress that, you
15 know, I do stand in opposition to this. And,
16 you know, I know that some members of our tribal
17 community are going to be here tomorrow. But as
18 a state senator, I just wanted to come and
19 express my thoughts and feelings.
20 Thank you again for hosting this hearing,
21 and I appreciate giving me the time to do this.
22 Thank you.
23 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
24 Senator.
25 Next if we can have Carey MacCarthy.

1 CAREY MACCARTHY: Hello, members of the
2 panel and everybody in the audience. Thank you
3 so much for giving us this opportunity to voice
4 our hearts and our minds on this issue. It's
5 very important.
6 First of all, I'd like to just say I'm here
7 speaking on behalf of the Native people of this
8 land. You want to drill for uranium in the
9 Black Hills, which, for one, is not our land to
10 drill on. It was stolen by a broken treaty, and
11 it's not okay to just continue with greed and
12 force people into making choices that they have
13 no jurisdiction.
14 I just want to read a little bit about Chief
15 Seattle's poem that he wrote to Washington when
16 they wanted to take their land. "The President
17 in Washington sends word that he wishes to buy
18 our land. But how can you buy or sell the sky
19 or the land? The idea is strange to us. If we
20 do not own the freshness of the air and the
21 sparkle of the water, how can you sell it then?
22 "Every part of this earth is sacred to my
23 people. Every shining pine needle, every
24 humming insect, all are holy in the memory and
25 experience of my people."

1 And he goes on to say: "If we sell you our
2 land, remember that the air is precious to us,
3 that the air shares its spirit with all the life
4 it supports. The wind that gave our grandfather
5 his first breath also receives his last sigh.
6 The wind also gives our children the spirit of
7 life. So if we sell you our land, you must keep
8 it apart and sacred as a place where man can go
9 to taste the wind that is sweetened by the
10 meadow flowers.
11 "This we know: The earth does not belong to
12 man, man belongs to the earth. All things are
13 connected like the blood that unites us all.
14 Man did not weave the web of life, he is merely
15 a strand of it. Whatever he does to the web, he
16 does to himself."
17 So with that, we cannot deny climate change,
18 like many of the people who are in government
19 are choosing to do. We cannot deny the effects
20 that this project will have long-term for not
21 only ourselves, but also for our children, our
22 grandchildren.
23 And it is of the Native belief that we need
24 to keep in mind the lives of our grandchildren
25 when we make decisions today, that seventh

1 generation principle, and we can't forget that.
2 So keep these words in mind and the prayers
3 of the people and the life of this earth when
4 you are making your decision. Thank you.
5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
6 Susan Henderson.
7 SUSAN HENDERSON: Good evening. My name is
8 Susan Henderson. You may know me as a cattle
9 rancher for some 23, 24 years. I run an
10 8,000-acre cattle ranch that has been in my
11 family since 1902, that is just south of the
12 Dewey-Burdock area. My hometown was Edgemont,
13 South Dakota, where I went to high school and
14 where I still have many friends and classmates.
15 I have a long history of working hard. I
16 went to college. My father sent me out to get a
17 job. I started working in advertising. I
18 worked for some 30 years in places like New
19 York, Chicago, Houston, Atlanta for Fortune 500
20 companies and some of the biggest advertising
21 deals that we ever have done in that time frame.
22 After I quit that, I came out to run my
23 family ranch, and I became the chairman of the
24 Restoration Advisory Board for the cleanup of
25 the Black Hills Army Depot from 1991 to 2001. I

1 served as the chairman of that for that ten
2 years, and I learned more about chemical warfare
3 agents and water than I ever thought I ever
4 wanted to know.
5 I also served for ten years as the chairman
6 of the Igloo Provo Water Project District. In
7 the process of all this, I have come to know
8 that Hippocrates, the noted Greek doctor that
9 died in 370 B.C. had a very important thing that
10 has -- that he gave to the world that has
11 transcended through the centuries and all new
12 doctors take this oath, and it is basically
13 this: "First, do no harm."
14 Well, I have news for you. This project
15 will do immeasurable harm. It will harm
16 agriculture. It will harm wildlife. It will
17 harm tourism. It will probably destroy the
18 water table in our area. I would tell you that
19 most of the ranches in the Custer-Fall River
20 County area, which there are some 2500 wells,
21 depend on underground water for their livestock
22 and for their drinking water. My ranch is no
23 exception.
24 Without my natural spring and my deep well,
25 I would not be able to run my cattle most of the

time. Because this is an arid area, it is near desert part of the time. We never know what it's going to be like, and many years we would run out of water.

I can remember going around my ranch with my father. He had a -- some hip boots in his pickup, and he would wade out into our dams with a little vial of -- a collection vial to collect water, and we would drag it to Rapid City in a mad fire to see if the water had gone toxic from just the normal runoff. And if it had, we'd move the cattle in the next few hours. He had a deal with the lab here in Rapid City that turned these reports around.

So water is a very, very important thing, not only agriculturally, but to all the other people that have farms and homes in these two counties.

I have been told by noted hydrologists from the School of Mines, particularly one Dr. Perry Rahn, that taking some 9,000 gallons a minute of water out of our watersheds would probably dry up a significant portion of the 2500 wells and it might make a number of them extremely toxic.

We have a plan here, which is going to take

1 4,000 wells, and use it, supposedly, for uranium
2 mining. But I want to discuss this business of
3 uranium mining for a minute so that you
4 understand where this is all coming from.
5 This company began as a hedge fund in
6 Vancouver, Canada, with ten employees. They
7 went to Colorado. They drilled some test wells
8 down there. They polluted some water. They got
9 sued. The lawsuits ended up in front of the
10 supreme court of Colorado. The governor got
11 into it, as well as the legislature. They
12 basically got thrown out of Colorado for having
13 made a mess.
14 And there is a wonderful website for this
15 called PowertechExposed.com, which you can look
16 at for the history of this. They then came to
17 little South Dakota, which had rudimentary rules
18 about handling uranium mining and it had very
19 rudimentary rules about watching after this.
20 And then they ran into a local guy named
21 Mark Hollenbeck, whose family had ranched in the
22 Dewey-Burdock area for some time. And he had
23 been a state legislator for two years, and then
24 he turned into a lobbyist, and then he somehow
25 met the Powertech people, and then they began to

1 attack South Dakota.
2 First thing they did was they began to sell
3 stock out of this hedge fund to everybody and
4 anybody that would buy it. Before it was over,
5 a significant portion of our state legislature
6 had bought stock in it, so had every person of
7 any wealth in Rapid City and Sioux Falls and
8 Belgium and places like this.
9 Pretty soon, Powertech had sold a whopping
10 420 million shares of stock. It had run close
11 to $70 million through it, and that was all from
12 stock sales. And they had spent the money on a
13 few lawyers, a few hydrologists, and themselves.
14 Themselves got the biggest part of this.
15 To get you in perspective, 420 million
16 shares is a gigantic amount of shares for a
17 little hedge fund company that has never booked
18 a single dollar of normal money from any
19 operation that they might do.
20 Somewhere along the line, about eight months
21 ago --
22 REGIONAL JUDICIAL OFFICER SUTIN:
23 Ms. Henderson, I'm sorry to interrupt, but we've
24 been giving people five minutes to speak. So I
25 need to have you wrap up for now. If there's

1 time after everyone who's wanted to speak has
2 had that opportunity, I'm happy to let you come
3 up and speak some more. I want to make sure
4 everyone has the opportunity to speak.
5 SUSAN HENDERSON: I'm not sure I'm happy
6 with this, but at any rate, I will respect what
7 you have to say.
8 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
9 SUSAN HENDERSON: They sold some stock to
10 Synatom, which is a unit of GDF Suez. They
11 put -- Synatom put two guys on their board for
12 about six months, and then they abruptly got
13 off. They walked away from the $7 million that
14 they had given to Powertech. And you have to
15 look at what is Synatom doing.
16 Well, Synatom is the largest purveyor of
17 uranium worldwide. They sell uranium to
18 countries that want to buy it, to our plants, et
19 cetera, et cetera. GDF Suez is a huge, global
20 conglomerate that is involved in water projects
21 worldwide, and they bottle and buy up water.
22 So one of the things that's going to be
23 interesting in this permit application is what
24 is the real fate of the water.
25 Now, this company is broke. It is supposed

1 to, according to the EPA -- or the NRC, it is
2 supposed to fill in 7,650 boreholes out there.
3 If you spent $50,000 a piece on that, you'd be
4 talking about $382 million. They don't have
5 this kind of money. They don't have any money
6 at all.
7 This is a company that has manipulated their
8 annual reports and their quarterly reports to
9 drive the stock up and down. That's what
10 they're really doing. This thing is a stock
11 scam.
12 So because the EPA allows this permit to be
13 sold, this thing will be sold the next morning.
14 After they get the permits and after they get
15 the giant water permit, the largest one that
16 South Dakota will have ever issued, then they
17 will be able to sell this. 30 percent of the
18 leases in the Dewey-Burdock are owned by a
19 Russian company called Uranium One.
20 Now, I hardly think --
21 REGIONAL JUDICIAL OFFICER SUTIN:
22 Ms. Henderson, I really do need to ask you to --
23 SUSAN HENDERSON: I know you do. You don't
24 want to hear this, but --
25 REGIONAL JUDICIAL OFFICER SUTIN: I do. I

1 do want to hear it. But I want to be fair to
2 everyone who's here, and I've asked other people
3 to stop after five minutes.
4 Once everyone has had the opportunity to
5 speak, I am more than happy to let you come and
6 finish your testimony.
7 SUSAN HENDERSON: Well, that's fine. But
8 I'm telling you -- the last thing I have to say
9 here is that this is not going to be uranium
10 mining. This is going to be, sell the permit,
11 and then we'll see what we're going to do with
12 it.
13 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
14 SUSAN HENDERSON: Good afternoon.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
16 Thanks, Ms. Henderson.
17 SUSAN HENDERSON: Well, I can't get it back
18 in there, so I'll give it to you.
19 And for the record, five minutes is a
20 ridiculous amount of time.
21 REGIONAL JUDICIAL OFFICER SUTIN: Next, if
22 we can have James Huff.
23 JAMES HUFF: Thank you for your patience --
24 REGIONAL JUDICIAL OFFICER SUTIN: Of course.
25 JAMES HUFF: -- while I get situated here.

1 I'm known by two names, James Huff and Navy
2 Captain Jim Huff. I'm a retired Naval
3 Intelligence Officer, and I'm coming at this
4 issue from a different direction.
5 First of all, I want you to know I'm wholly
6 opposed to granting these permits. A little bit
7 about my background: I had two parallel
8 careers. One was with the VA and one was with
9 Naval Intelligence. I have a graduate degree in
10 biochemical pharmacology, spent 11 years in
11 research at the VA, and went to medical school
12 in Houston.
13 Now, during the Vietnam War, I received a
14 direct commission in Naval Intelligence. The
15 Navy was looking for individuals who were basic
16 scientists, individuals who had exotic language
17 skills, mathematicians, and computer types. But
18 they had to have prior military service. My
19 prior military service was in the Marine Corps.
20 With all that said, I'll explain why I'm
21 interested in this issue. It's not just the
22 drilling of these wells for uranium, but it's
23 what this drilling will do to the geography, the
24 geology surrounding the Black Hills Army Depot.
25 I was involved in studying binary nerve

gasses. My last ACDUTRA, my last active duty was for this war, the Gulf War. It was there that we studied the gasses that were used by Saddam Hussein against the Kurds. I have an in-depth knowledge of both tertiary and binary gasses.

The gasses that are stored at the depot -- and there's documentation, and I have gone through the archival report here. The archival report indicates that the gasses that were brought in, primarily phosgene and a variety of nerve gasses, are still there. They were buried there. They were buried there in containers that are now rusting out.

To allow anyone to come in and drill in proximity to the Black Hills Army Depot would be outrageous because these gasses will plume into the soil, into the aquifers. And the drilling itself is one thing, but if there's any siesmic activity there, the siesmic activity itself would have a tendency to jar the rock formations so that the aquifers would be negatively affected.

Now, my personal interest began in 1978, '79, and '80. I was the associate director of

1 the VA hospital at Fort Meade, but I was also a
2 Naval Intelligence Officer who commuted out of
3 here about every three weeks to complete
4 whatever missions were required. I would go
5 back to Naval Air Station Glenview.
6 But I was fascinated by what was going on at
7 the depot because one of my employees, our chief
8 of police, would go there to hunt souvenirs. So
9 I made it a point to study these reports.
10 I left. And in 1994, I retired from the VA,
11 retired from Naval Intelligence, and came back
12 here. And I see the issue is still going on.
13 People are still trying to exploit the area
14 around the depot, and I am seriously concerned
15 about it.
16 And I will relinquish the floor with 20
17 seconds left. Thank you.
18 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
19 Mr. Huff.
20 Those are all of the registered speakers we
21 have so far. Is there anyone else who has not
22 registered at this time who would like to make a
23 statement?
24 Is there anyone who has made a statement
25 that would like to get up and give further

1 testimony?
2 Ms. Henderson, please come up.
3 SUSAN HENDERSON: Thank you.
4 We have one chance at this. If we permit
5 this and we allow this company to sell the
6 permit or keep the permit or proceed with
7 uranium mining or not proceed with uranium
8 mining or whatever it decides to do to make
9 money to feed its voracious appetites, we do not
10 get to do this over.
11 Radioactivity is so very lethal, so very
12 permanent, and so very hard to work with that
13 that we will forever have to deal with what
14 comes because we have allowed this to happen.
15 We cannot imagine the problems that will ensue.
16 The mining that was done there in the '50s
17 and '60s that was documented by the *Rapid City*
18 *Journal* described a uranium processing plant
19 that was at the edge of Edgemont. And when it
20 was over, 3 million tons of white radioactive
21 sand that had come out of that plant was hauled
22 to the south of Edgemont and buried, 3 million
23 tons. And that was the processed sludge from
24 the thing.
25 There are 200 mines out there, some four of

1 them have -- are over a mile across, full of at
2 least 90 feet of highly radioactive water. This
3 is an accident waiting to happen.
4 It's draining into Beaver Creek and Pass
5 Creek, which drains into the Cheyenne, which
6 drains into Angostura Dam, which drains into the
7 Missouri River.
8 And now we have had the NRC say, Well, if
9 you're going to mine out there, you better fill
10 in the 7,650 boreholes that were left out there.
11 But this company is making no effort to do that,
12 nor do they have the money to do that. It would
13 cost millions of dollars to do that before they
14 ever could begin mining.
15 There was a testimony in Hot Springs last
16 week about the fact that the Tennessee Valley
17 Authority had some sort of a report that had
18 been bought by or given to Powertech that
19 indicated that there were -- after ten years of
20 the TVA studying the site, that there was not
21 recoverable uranium there to be mined.
22 Well, the import of this is, if they knew
23 about this at the beginning, then they defrauded
24 every single stockholder because they sold this
25 stock based on a uranium mining project. And

1 they may or may not have -- but I suspect they
2 did have -- knowledge of aforesaid, that there
3 was no recoverable uranium there to mine.
4 So once we give them this permit, what are
5 they going to do about this problem? They don't
6 want to spend $300-plus million filling in the
7 boreholes. They want to sell this property.
8 What does that property have that would be
9 valuable? Well, it's going to have this huge
10 water permit, and remember that this company has
11 been bought by an outfit called Azarga out of
12 Hong Kong and has Chinese interests in it. The
13 Chinese are rolling all over the world looking
14 for potable water because they have ruined the
15 water in their country.
16 And they did business with GDF Suez for a
17 while, which was the largest water development
18 company in the world outside of Nestle. And
19 then they might want to sell the permit to
20 somebody that could dump some kind of
21 radioactive or otherwise toxic materials into
22 those wells.
23 And there are some local people in our area
24 who have already tried to have a waste dump for
25 fracking waste.

1 And of course, to get this into perspective
2 for you, Wyoming and North Dakota have now
3 decided -- and Montana have decided that they
4 don't want the highly toxic fracking waste
5 dumped in their states, so they are looking for
6 a place to put it, and I suspect that
7 South Dakota has been figured out as a place.
8 So once we give these guys the permit, they
9 will have the ability to do something with this
10 permit other than do uranium.
11 I think the previous speaker talked about
12 the Black Hills Army Depot. I won't belabor
13 that except to say that that is the most toxic
14 waste site in the world. It was billed as the
15 largest chemical warfare agent dumping ground in
16 the entire world.
17 For the ten years that we studied it, we had
18 a $5 billion budget, which we never spent
19 because we determined that we couldn't repair
20 the damage.
21 We couldn't decompose the stuff stored out
22 there, and it was going to percolate down
23 through the shale and sit there. And the bottom
24 line is, if we start disturbing the underground
25 structures -- and remember that the Wind Cave

structure goes all the way from the Dewey-Burdock area down into the depot, so there are vast cave structures that are available to move this material around -- I am pretty concerned, very concerned that we will cause an environmental, ecological nightmare with the undecomposable chemical warfare agents.

So I don't think that's a good idea. I don't think mining is a good idea. I don't think 4,000 wells is reasonable.

I know that using that much water will destroy agriculture. And you have to realize that these aquifers are close together down there. The Minnelusa, the Inyan Kara, the Madison are all relatively close together in that area. It will be just a short matter of time before we have polluted all of those.

If you look at the water that comes, supposedly, out of the Madison as a flowing spring in Hot Springs, at about 70 degrees, you'll find that that also has contaminants from the Inyan Kara and the Minnelusa. If you look at the Madison in Edgemont, it's 4,000 feet deep, the water is boiling hot, 210 degrees -- boiling is 212 -- and it isn't pure either. It

is exhibiting radioactivity and arsenic and other contaminants.

If you look at the Madison in Provo, another 8 miles south, right near the depot there, you'll see a 4,200-foot well that has, you know, some level of radiation, some level of arsenic and it is boiling hot.

The boiling hot tells you that this is a seismically active area. It's picking up the heat from the earth's crust, and it's coming up there. One of the things that we may see when we do all this is we may see earthquake activity.

You know, I have experienced minor earthquakes at the ranch all my life, you know, things where the furniture moves a little bit, the pictures get cattywampus, this kind of thing.

You can look out of the window of the ranch living room, and you can see an ancient volcano right straight out there, less than 5 miles away. This is a seismically active area to start with. That area just to the west has something called the Dewey Fault.

What we're liable to get, if we play this

1 game, is siesmic activity, and we're liable to
2 get earthquakes, and we might not be able to
3 contain what we already have going in Igloo, the
4 Black Hills Army Depot, because we will have
5 greatly disturbed it.
6 So this company does not have the money to
7 mine. It has not acted properly toward its
8 stockholders. It never registered with the SEC,
9 or with the Securities and Exchange Commission,
10 of the State of South Dakota until, you know,
11 just recently. For the longest time, it didn't
12 even have audited financial reports.
13 The financial reports you got to read were
14 things that they basically made up, and they
15 were doing this so they could keep selling the
16 stock.
17 Their whole idea was to sell the stock and
18 make money on the stock. That's why they got
19 the 420 million shares of stock, that's why they
20 got the some $70 million in, and they basically
21 spent it, so this company has never operated as
22 a proper uranium mining company.
23 And I would also tell you that some of the
24 principals of that company do not have good
25 track records either. So the bottom line is

1 that this will not be a uranium mining
2 operation. This will be a sale to somebody
3 who's going to do something we probably aren't
4 going to like.
5 The Russian involvement comes from a company
6 called Energy Metals Corporation, which had
7 hundreds of thousands of leases around the
8 American West for uranium mining and for oil and
9 gas exploration. And it was bought by Uranium
10 One, which is Vladimir Putin's wholly owned
11 Russian uranium mining company.
12 You can read about this on the front page of
13 *The New York Times* on April 23rd, 2015. But the
14 bottom line is that Mrs. Clinton, when she was
15 Secretary of State, allowed him to buy that, and
16 in the process of this, they got hundreds of
17 thousands of acres of mineral leases around the
18 West that they now own.
19 And they are going to mine uranium, and they
20 are going to process it, and then they are going
21 to ship it out of the country. And when it gets
22 out of the country, it may end up in places like
23 North Korea, Iran, Pakistan, you know, some
24 places that we can't control very well and that
25 we're now genuinely afraid of. So this whole

1 thing has national security issues.
2 I really question whether a deputy sheriff
3 in Fall River County -- a sheriff in Fall River
4 County and four deputies can adequately police
5 this. For example, if there were a call at the
6 proposed Dewey-Burdock processing site, which
7 they want to build at the west end of their
8 10,500-acre plot there, and you called in 911
9 and you wanted help, the sheriff, who is based
10 in Hot Springs, would take close to an hour and
11 a quarter to get there. That's if he had a
12 deputy that was available, da-da, da-da, da-da.
13 I mean, there is not adequate fire
14 protection for this. There is nothing that
15 makes this thing work out well.
16 Now, the business of South Dakota is
17 agriculture, the second business of South Dakota
18 is tourism, the third business of South Dakota
19 is hunting, and the rest of it is a small piece
20 of the action. There is no real reason why we
21 should take this risk with our environment and
22 our water for a little uranium mining that's
23 going to benefit a few families, Mr. Hollenbeck,
24 and the people in the Powertech/Azarga Company.
25 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,

1 Ms. Henderson.
2 SUSAN HENDERSON: Thank you for letting me
3 come back.
4 REGIONAL JUDICIAL OFFICER SUTIN: Of course.
5 Is there anyone else who would like to get
6 up and speak?
7 If you could fill out a card so we have your
8 name.
9 (Pause in proceeding.)
10 REGIONAL JUDICIAL OFFICER SUTIN: Karin
11 Eagle.
12 KARIN EAGLE: Good evening. My name is
13 Karin Eagle, and I'm member of the Oglala Sioux
14 Tribe. My home is in Pine Ridge. And I'm here
15 for -- here in Rapid City for a different
16 reason, but I had to come here.
17 And I wasn't going to speak, but I got a
18 message from a family member who told me that
19 when we don't speak, then we risk -- run the
20 risk of becoming part of the problem.
21 And so what I want to speak about right
22 now -- oh, and just for the record, if you're
23 not very tall, you can't even see what the timer
24 says, so maybe a hands up or something.
25 REGIONAL JUDICIAL OFFICER SUTIN: We'll let

1 you know.
2 KARIN EAGLE: We -- I can only speak for
3 myself and how I was raised. But in our family,
4 song was everything. And all our songs are
5 sacred to us. Even our thanksgiving songs and
6 our honoring songs, and even just our social
7 songs, they have a special meaning for us.
8 And I've learned by becoming somewhat
9 involved in our tribal government and reaching
10 further out into the national government, that
11 there's a certain language that we have to speak
12 to each other, and so I've taught myself how to
13 speak your language.
14 And so rather than giving you one of our
15 songs, I wanted to remind you of one of your
16 songs. And the words are written by Katharine
17 Lee Bates. And I won't sing it.
18 O beautiful for spacious skies, for amber
19 waves of grain, for purple mountain majesties,
20 above the fruited plain! America! America!
21 God shed His grace on thee and crown thy good
22 with brotherhood from sea to shining sea!
23 O beautiful for pilgrim feet, whose stern,
24 impassioned stress a thoroughfare of freedom
25 beat across the wilderness! America! America!

1 God mend thine every flaw, confirm thy soul in
2 self-control, thy liberty in law.
3 O beautiful for heroes proved in liberating
4 strife, who more than self their country loved
5 and mercy more than life! America! America!
6 May God thy gold refine, til all success be
7 nobleness, and every gain divine!
8 And as you know, it goes on for many, many
9 stanzas.
10 But the reason why I chose that song to
11 remind you of is because there's something here
12 in America that's more important than money,
13 because money is very, very temporary. We all
14 know that. It's more important than politics,
15 because politics change every two, four, six
16 eight years. It changes with every generation.
17 But the one thing that's so important that
18 every school that I went to taught me in civics
19 class was our citizenry. And tonight I was
20 fortunate enough to be here to catch two amazing
21 speakers. One person who spoke to my heart,
22 because I'm all -- I love facts. I love
23 knowledge. I love the truth. And so that
24 empowered me to come up and speak.
25 And we also saw -- heard from a gentleman

1 who literally risked life and limb to protect
2 all of us. And so I think that what this song,
3 you know -- and it's a bit archaic language, but
4 the real meaning comes through.
5 And I think that if we're going to seek
6 nobleness, if we're going to seek liberty and
7 we're going to seek law and divinity, then I
8 think we need to start listening to the
9 people -- not corporations, not CEOs or CFOs.
10 We need to start listening to every single
11 person who runs a ranch, every single person
12 who's raising children or grandchildren, every
13 single person who has an emotional tie to the
14 land.
15 Because if we take that away from them, then
16 what are we left with? We are left with people
17 who literally lose their spirit and their soul
18 when you take that away, when you take something
19 so precious as their connection to the land.
20 We see so many things desecrated across this
21 country because people have lost that
22 connection. And then you see our tribes coming
23 forward who have maintained that connection and
24 hang onto it and are standing in a state that's
25 pretty divisive at times along racial lines.

1 You see people coming from different races,
2 ethnicities, classes, genders, age groups.
3 We're all standing together, and that's because
4 we're coming together as people.
5 And it's really sad to me to explain to my
6 kids why we have to fight our own government
7 just to make sure that they -- when they're
8 grown up that they have clean water and that
9 they have sacred land that is un- -- beyond
10 undesecrated. We need to start listening to
11 each other.
12 And so in conclusion, what I want to do is
13 I'm going to let you know that you and all those
14 people who are going to be making this decision,
15 I'm going to pray for you. And I'm going to
16 pray that your eyes are opened and your ears are
17 opened and that your heart is open enough to
18 receive this message that's coming from people's
19 hearts, people's very spirit crying out that
20 this is wrong.
21 It's not going to do anybody any good except
22 for a very few people, and this country deserves
23 to live by that song. This country deserves to
24 have liberty, life, health, happiness, even if
25 it's just the pursuit of it. We still -- we all

1 deserve that, and so I'm going to hold you guys
2 all in my prayers. And hopefully that's going
3 to -- I know it's enough. I just hope that
4 you're receptive to it. Thank you very much.
5 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
6 Ms. Eagle.
7 Christin Sjomeling. Sorry if I butchered
8 that.
9 CHRISTIN SJOMELING: Thank you, everyone.
10 Thank you for doing this, and I want to thank
11 all the speakers. I just got here about an hour
12 ago, and I hope I don't cry here, but -- you did
13 say my name pretty close. Sjomeling is how you
14 say it.
15 No, I guess, in one word is what we beg that
16 this doesn't happen. I talked to my dad this
17 morning. He had -- he came with the national
18 security side of it to me. I said, Dad, I don't
19 know. It's kind of like Ms. Henderson said, we
20 get one chance.
21 The radioactivity that could possibly be
22 released, you know. Say it's an all clean mine
23 and there's no accident, in an ideal world,
24 maybe. But the fact that there's a chance,
25 that's never going to get cleaned up.

1 I love this state. I love the people in
2 this state. And just like the speaker prior to
3 me, when this is one place where we're all
4 coming together and saying, No, thank you. So I
5 don't really have any more to say. Just thanks
6 for listening, and you'll be in my prayers, too.
7 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
8 Is there anyone else would who would like to
9 get up and speak?
10 You'll have to remind us of your name.
11 MARVIN KAMMERER: It's Marvin Kammerer.
12 REGIONAL JUDICIAL OFFICER SUTIN: Thank you.
13 MARVIN KAMMERER: From Meade County,
14 South Dakota. Five minutes isn't enough, as the
15 lady said, as you told me before.
16 You know, I don't like to get up here at
17 these hearings and get angry, but you're messing
18 with a gift of life. You're messing with the
19 lives of children, generations not yet born, and
20 those are the ones we have to consider. Seven
21 generations hence. We listen to our Native
22 American brothers. We should know that by now.
23 But we seem to be damn slow learners.
24 South Dakota has been considered probably the
25 second or third most corrupt state in the

1 nation. For two bits, they'd sell their mother
2 for another buck. Years ago, before they ever
3 come up with the Environmental Protection
4 Agency, I remember when a river burned in
5 Detroit --
6 AUDIENCE MEMBER: Cleveland.
7 MARVIN KAMMERER: Yup, Cleveland.
8 I remember another incident where Love
9 Canal, they -- horrible things happened to
10 people who lived there. And the government
11 decided we needed to do something to protect the
12 people. To protect the people, not to be
13 speakeasies for the corporate powers. And
14 that's what I think the Environmental Protection
15 Agency is becoming, unfortunately.
16 But it takes backbone. It takes principle.
17 It takes even threats. If you stand up to them,
18 I'm sure all of you here representing the
19 government have got a family, kids, maybe
20 grandkids. I've got seven great-grandkids, and
21 they are pretty damn precious to me. Five of
22 our kids -- of our seven kids are still on
23 ranches. We have to survive, and the most
24 precious thing this year is water and grass.
25 I remember old Paul Harvey years ago --

thank God he's passed on -- he used to come up and bless the nuclear power industry every day. Cheapest, cleanest power there ever was. But he didn't tell us the rest of the story.

And that was, when we developed nuclear power, after we tore the hell out of part of Japan with the atomic bombs. We decided we needed power -- nuclear power for peace. Hell, they were even talking about blowing up mountains to get at whatever they needed under there.

So the United States government decided to give all the goodies and the money and the power and the profits to the nuclear power industry.

But the waste and the hell that it's caused in getting this power was to be borne by the government. We take power. We take waste from around the world. We're still taking waste. We don't know what the hell to do with it. We come up with all kinds of things. Carlsbad, New Mexico, I've been there. Out in Nevada, I've been there.

These people who've got the companies in their backyard want that waste the hell out of there. And maybe this new concept of extra

wells, we can't trust corporations. I'd like to trust my government, but I can't because they've let the companies get their wish far too often.

Mussolini described fascism, and I remember World War II well. He described fascism as when your government has been bought and paid for by the corporate powers. That's something we better think about if we want to keep this republic healthy and responsible.

And we should think of my Native brothers and sisters, what they have given to this country. There's no measure of what has been given by them, taken from them for the benefit of this country.

We owe them a hell of a lot, and maybe now we better start listening to their hearts. They tell some stories of history, things we should be paying attention to. We're not so wise. I don't care how well educationed you are -- educated you are. I rode horses to school for eight years, then I went four years to a Catholic school in town here. As far as I got with being smart.

But it's been a fight ever since to survive, against government policies, to stop making more

1 war, uranium, we're making weapons that we're
2 using in Iraq. We used them, depleted uranium.
3 What the hell's the matter with us? We've
4 screwed up the life for millions of people.
5 They can't leave, and we cozily sit at home,
6 watching our TV, sipping a tall drink or a short
7 one. When I get home, I'm going to have one,
8 I'll guarantee you, after this afternoon.
9 But I hope you listen, and I hope, I pray
10 that you get some real backbone. This state is
11 just coming out of the Dark Ages. We have to,
12 we have to get better at what we do and respect
13 the people, not to put government power in
14 corporations. Thank you.
15 REGIONAL JUDICIAL OFFICER SUTIN: Thank you,
16 Mr. Kammerer.
17 It is 8:00. We are going to end tonight's
18 hearing. Thank you all for coming. We will be
19 back here again tomorrow with information and a
20 question-and-answer session from 1:00 to 2:00,
21 and the hearing will start at 2:00 again.
22 Tomorrow we'll be here from 2:00 to 8:00
23 with a break from 5:00 to 6:00.
24 So please come to listen, or if you want to
25 testify, if you haven't, we would very much like

1 to hear from you. So have a good night,
2 everyone. The hearing is now closed.
3 (Proceeding was concluded at 8:00 p.m.)
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1 C E R T I F I C A T E

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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

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