

Commissioners vote 5-0

Below are Commissioners' comments from their March 11 meeting

By Julie Ann Madden

The vote was unanimous -- the Union County Commissioners approved Hyperion Refining LLC's rezoning application and ordinance yesterday.

Hyperion officials plan to erect a 400,000 barrels-a-day oil refinery and Integrated Combined Cycle electric power plant in rural Union County.

During the public input of the meeting, Save Union County Committee spokesperson Ed Cable asked the commissioners to complete an Environmental Impact Study before approving Hyperion's paperwork. In addition, he asked that the public be allowed to look at the revised ordinance before commissioners voted and that the Whalen Law Office report be made public.

Union County resident Burdette Hanson also spoke against the passage of the ordinance while Citizens For Hyperion chairperson J.B. Mercer urged commissioners to pass it based on if the application was filled out correctly. Two others in the crowd of about 130 asked that the issue be decided by a vote of the people.

The commission made no comments and continued with the meeting.

Commissioner Milton Ustad made a motion to delay the second reading of Hyperion's proposal. However, none of the other commissioners would second the motion.

Commission Chairman Doyle Karpen immediately began conducting the second reading.

Hyperion's rezoning application and ordinance had been revised to the point that they appeared to be completely new documents.

As soon as Karpen finished reading the ordinance revisions, a woman in the audience interjected that with such substantial changes in the ordinance, the process called for another public hearing.

Nothing was said by the commissioners and Karpen finished the second reading.

Two of the biggest changes were the size of the Energy Center Planned Development. The acreage of the proposed site was reduced from 3,882.24 acres to 3,292 acres. In addition, the site is now east of 473rd Avenue.

Commissioner Ross Jordan made a motion to approve the ordinance as it was presented, and Commissioner Marvin Schempp seconded it.

Each of the commissioner spoke regarding their decision and the process.

"First, I'd like to thank States Attorney Jerry Miller and Land Use Administrator Dennis Henze," said Jordan. "A lot of work has been done in the last week and a half. I certainly appreciate the extra effort and the time involved."

"I also want to clarify personally, I received no pressure from Pierre, Hyperion, the governor's office, in making my decision," he said. "And as far as I'm aware, there is no behind the scenes deals

with Hyperion or anyone else," he said. "My decision on this matter has no relevance to whether a lawsuit is brought or not brought."

"I think this document is completely different from the original," said Jordan, "and we've addressed areas of concern that I've personally had and we heard at the public hearing."

"I have read the Remington Report, the lawyer's report and all other documents that I am fully aware of," he said. "I've also read the Department of Natural Resources report which talks about the uses."

"Also, in my decision I don't consider one way or another whether there is going to be a vote or not," said Jordan. "It's not the county commissioners' responsibility or authority to send this to a vote of the people. It's our responsibility to vote on the other ordinance. And if the citizens decided they want to refer it, that is up to the citizens. Our responsibility has been to look at this ordinance, determine whether it was proper for Union County, make sure that if it was proper we covered all the elements of concern the citizens had and we as commissioners had, and I think we have done that. Thank you."

"I've been asked for last month and a half to get more information, get more information, get more information," said Schempp. "I met with Secretary Benda of the South Dakota Economic Development, Jerry Miller and Dennis Henze last Saturday morning in Arlene's Cafe. I was asked to come there. Jerry read these regulations to me. He wanted me to see these before we came down here."

"A gentleman walked in up there and took my picture along with theirs, he sent it out in an email saying that we had a secret meeting," said Schempp. "How can I do both? Get more information and meet with people and have it called a secret meeting."

Then reading from the email containing the photograph, Schempp said, "If Mr. Schempp thinks he can vote yes to pass onto the voters and his life will go back to normal, he is sorely mistaken."

"That makes me mad," said Schempp. "That's the dirtiest thing I've had pulled on me in 69 years, and I think somebody ought to be real ashamed of himself, and he knows who he is, too. I just want you to know that's not a very nice thing to do to people. Thank you."

"I'd like to say that I believe the county's liability here has been protected by the amendments of this ordinance," said Commissioner Dale Neely.

"I'd just like to say I read tons of letters," said Ustad. "I want you to know I read every one. I've had hundreds of people tell me I'd like you to do this or I'd like to have you do that. Nobody's been nasty. Everyone of them has been very decent."

"I guess I made up my own mind," said Ustad. "Nobody put any pressure on me."

Only Schempp spoke during the roll call vote.

"I was going to vote no but I'm going to vote yes today because of the letter I got," said Schempp.

"I would like to thank everyone in Union County," said Karpen. "First of all, my statement is that this board has been referred to as cowards, spineless, not reviewing the information, unintelligent, and willing to pass the buck."

"I guess I can appreciate that because that is your First Amendment right to do that," he said. "That's what the constitution says. You can say anything you wish. The constitution also says the people have a right to vote. I guess I can't pick and choose portions out of the constitution which ones I want to adhere to and which ones I don't want to adhere to."

"This project being as large as it is, I think it is the right of the people of the county to aid in making that decision," said Karpen. "We've made our decision. It will be up to the county people if they also want to decide."

Karpen called for the roll call vote.

"Aye," said Karpen.

"I was going to vote no but I'm going to vote yes today because of the letter I got," said Schempp.

"Aye," said Jordan.

"Aye," said Neely.

"Aye," said Ustad.

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Ordinance becomes effective Thursday, April 10 unless referred to a vote

By Julie Ann Madden

According to Union County Auditor Carol Klumper, Hyperion's ordinance goes into effect on Thursday, April 10 -- which is 20 days after the ordinance is published in the county's legal newspapers.

However, that may not be the date. Hyperion officials have repeatedly stated they want the citizens to vote on their project. Therefore, if Union County residents file a referendum petitions requesting the residents vote on this ordinance, the effective date

will be delayed.

Residents have from today until April 9 to submit referendum petitions.

Residents must collect 476 signatures of registered Union County voters. Then the petitions of signatures are filed with Klumper's office.

If the petitions are valid, then the Union County Commissioners will set a date for the election, and they have said they would set it as part of the June 3 primary election.

Referendum petition begins in Union County

After the March 11 Commission meeting, Hyperion officials released the following statement.

"This is great news not only for Hyperion, but also Union County and the surrounding area," said Preston Phillips, Hyperion's project executive. "We want to give a heartfelt 'Thank You' to the Commissioners and the Planning and Zoning Commission, as well as the huge number of supporters we have in the community. This is a big step toward the energy center becoming a reality."

Phillips said Hyperion has been impressed with the level of due diligence that both the Planning and County Commission bodies gave Hyperion's application for a zone change on approximately 3,800 acres of land near Elk Point. "We've known all along our project will receive the highest level of scrutiny, and we continue to welcome that as the project moves into the referendum and additional

permitting processes by the South Dakota Department of Environment and Natural Resources."

The Hyperion Energy Center will include a 400,000 barrel-per-day refinery producing ultra-low sulfur gasoline and diesel and an IGCC (Integrated Gasification Combined Cycle) power plant.

The center will incorporate green principles in its every day functions and integrate only the most advanced commercially feasible emission control technologies in its operations, as spelled out in the company's Green Charter.

According to Hyperion public relations spokesperson Eric Williams, Hyperion officials will be conducting a referendum petition.

For more information on the Hyperion Energy Center and its Green Charter, visit: <http://www.hyperionec.com/>