

Just what did the proponents, opponents say about Hyperion's Project

By Julie Ann Madden

The Akron Hometown went through the Union County Commission's "box" of written comments and documents that was left for them at the March 3 public hearing regarding Hyperion Refining LLC's rezoning application and ordinance.

This "box" included speakers' speeches and research that they'd done.

In addition, it contained one of the Citizens For Hyperion notebooks. This three-ringed binder contained form letters supporting Hyperion's project as well as a handful of actually written letters.

According to Citizens for Hyperion Chairman J.B. Mercer of Jefferson, there were 440 signed statements and 20 statements from people who chose not to speak. Some of these signed form letters appeared to be the same ones presented by Hyperion officials to the Planning & Zoning Commission.

The Commission's box also included a document entitled "Review of Hyperion LLC Planned Development Application for Union County and Recommendations for Changes," that was conducted by the project management company, Remington Group Inc. of Pennsylvania, and commissioned by former Elk Point resident, John J. Curry.

Below are some of those documents and some of the speeches given at the March 3 public hearing:

I. The small communities in our county have watched their locally owned businesses slowly close up shop or move away. Yet many who oppose progress state things are fine the way they are and we don't need to embrace opportunities like Hyperion. Small to medium size family farms have given way to large corporate farms. In the past the City of Elk Point had and a Ford dealer, a Dodge dealer, John Deer dealership, a movie theater, grocery stores and many other small family run businesses that are no longer here today. I am a former Gateway employee. A company that used to be the largest employer in the state of South Dakota located right here in Union County is now gone, sold out to an overseas company.

The proposed refinery is an opportunity for economic development that will be a source of secondary non-farm income allowing them to survive and will help support the local economy and serve as a springboard for new businesses. Many of which will be locally owned.

If we don't embrace these opportunities we run the risk of denying progress and economic stability in our community.

II. The advancements in petroleum refining technology have been staggering. You simply can't compare the emissions output of a new state of the art facility to ones that were built 40-60 years ago using World War II technology. It would be like absurdly comparing the emissions of a brand new Toyota Prius to that of a 1950s DeSoto. Yet these scare tactics are all the opponents have to offer. I believe the citizens of Union County are smarter than that.

The energy industry wants to show the world what they can do today. Honestly, do you think that they would build something that would destroy any future chances of building cleaner more efficient facilities?

New more technologically

advanced refineries have been built in Asia and other parts of the world. They are unlike any of the old stuff we have here in the U.S. and certainly unlike anything the "Save Union County" or "Citizens Opposed to Oil Pollution" would have you believe is to be built here.

And when we say things like "Energy Independence" and "Buy American" they are only words when you are actively participating in forcing the #1 global commodity overseas. Let's not send any more jobs and economic opportunity overseas by turning away this opportunity.

III. I'd like to point out that role of the County Commission is not to make environmental policy. We need to let the process work. The State Legislature, the Department of Natural Resources and the EPA are the governing bodies best suited to make informed decisions based on FACTS and not on hype.

Finally we ask that you do not unnecessarily delay your decision. Both parties have stated that they will take this issue to the voters via referendum. By delaying your decision this vote would require a special election after the June primary. Those wanting to delay the referendum are looking to deny the right of the voters to affect the future of our community. In the end I ask that if the people are to have the final say then let them have it without controversy so we can move on regardless of the outcome. Thank you.

Steve Nelson
Elk Point City Councilman

I work at the hospital closest to this proposed industrial complex. I want to speak on two issues: protection for Union County and the surrounding area and the Commission's moral responsibility.

This oil refinery will impose a significant threat to all of us in regards to our health and environment. We will be at the mercy of over 500 tons of disease-causing Volatile Organic Compounds, such as Benzene, emitted over the Missouri River Valley. This and other Hazardous Air pollutants will be responsible for an increase in several illnesses and diseases including skin irritations and rashes, nausea, cough and throat irritation, headache, dizziness, asthma, chronic bronchitis and more significantly serious cumulative buildups causing kidney and liver damage, miscarriages, birth defects, pre-term labor, cancer -- most specifically acute leukemia.

We will be at the mercy and good faith and hope that our regulatory agencies, the South Dakota Department of Environment & Natural Resources, tasked with protecting us will be up to the challenge. I do not question their abilities and dedication to their work but they are understaffed and under-budgeted to meet this threat to the degree that we can feel safe.

Legislation was introduced in February 2008 in the South Dakota Senate that would have given us standards for emissions, flares, and leaks to equal the best standards in our country. Unfortunately, Hyperion Oil is on public record, Feb. 11, in the Senate States Affairs Committee as opposing these standards. Hyperion opposed these standards after telling us in three community marketing campaigns throughout Union County that they pledge to emit 80 percent less than the California refineries. I am sure this is shocking to you as it is to me. This documents the first

evidence that their actions do not live up to their rhetoric.

This is important. This does not bode well for a trusting relationship.

You have three choices:

1. You can approve this zoning request knowing that it is incomplete, misleading, vague and dangerous to your constituents and neighbors, but it is the easy way out for you and unfortunately I suspect you will do this.

2. You will delay your decision because you need more information on a multitude of issues and you will demand Hyperion come forward with details and answers to the many questions all of us in this auditorium have and that you should diligently explore.

3. You will stand up and show your courage and say no to Hyperion and direct them to their alternative site because you know in your heart that the economic benefit will not be worth the huge negative social, health, and environmental impact this will bring to us.

In closing, I have one final request. Many here thought the Planning & Zoning (Commission) showed poor taste by ending five hours of heartfelt testimony with absolutely no discussion before voting.

I would ask each of you when appropriate though not required by law to at least prepare a statement defending your position. I think your constituents would greatly appreciate that touch of class.

Dr. Charles Yelverton
Vermillion, S.D.

As a native son of Vermillion (VHS Class of 1966), I have watched with interest the media stories around the proposed Hyperion Oil Center, and I understand there are numerous different public opinions being voiced in the area in regard to the facility. However, from my perspective as a renewable fuels production agronomist (South Dakota State University Class of 1982), I can see how Hyperion would be interested in the Union County area as it is close to much of the new ethanol production.

The backdrop to this proposed facility, as we all know, is that our nation is short of fuel and current gas prices are weakening our economy. The new Federal Energy Bill just signed mandates the renewable fuels industry to increase production by six fold on the next twelve years. That's a tall order and very exciting for our nation's agriculture, but without a stable supply of refined petroleum products, more renewable fuels won't help as much as it might to ease energy costs and supplies. This is a composite issue: we need to work together with the petroleum industry to build more refineries, procure more crude oil from more reliable sources, and to increase energy conservation.

I see two positives with the Hyperion facility. First, technology advances have changed many areas dramatically in just the last few years. In plant science, my area of expertise, technology has changed the face of plant breeding at break neck speed with the production of crops that yield more than any of us could have imagined. I believe that same green technology is now available in the oil refining industry and can be used to build one of the greenest refineries in the world. Second, I also don't believe that most of us fully realize all the benefits of a development of this

size could bring to a large region all around Union County.

I know that the area residents still have many concerns, and I hope that those concerns will be fully addressed soon so that the Hyperion Oil Center development can proceed.

If I were a Union County resident, I would vote to support Hyperion, and I urge the Zoning Commission and the County Commission to vote affirmative for our bigger future as a state, a region and as a nation.

Sam Heikes
Letter found in
Citizens For Hyperion's book
presented to Commissioners by
J.B. Mercer, committee chairman

My front door is one half mile from the proposed project.

Let me make it clear at the start that I am not totally for or against the project. But I sincerely believe that we must slow down in order to get a complete understanding of it. There are too many unanswered questions.

What will it do to our taxes, will they become so high that we cannot afford to farm or live in the area surrounding the project? What will it cost the state and county? Can we afford the initial cost of the major changes that will be required on the surrounding roads? That will probably get paid back at some point in time down the road, but what about now? Our state budget is so strained that we are using our reserve funds to meet our present needs.

As for the high paying jobs this will surely bring to our community, how many of you or your children will be even remotely qualified to fill them? Will our universities be able to train you for these jobs. There is little doubt that the County and State will benefit greatly in terms of money, but at what true cost to those who live in the area adjacent to the site, or within a few miles of it.

Are you the representatives of the people of the County well enough informed at this time to make the proper legal, ethical, and moral decisions required of something of this magnitude? Who will be responsible for any spill that is probably going to happen at some point in time? Who will be responsible to clean up the site should Hyperion at some time in the future close down its operation?

Do you have reliable legal counsel, someone who fully understands all the legal terms and their repercussions? I am sure the people of the county would encourage you to get that counsel so that you can fully understand the effect upon all of us and what will be required of us.

Again I say to you, do not stop but just slow down and make sure, if possible, that you make the right decision. It is a tough decision but you cannot afford to be wrong. There is just too much at stake to make a snap decision.

I ask of you for we who live within the site is that we be treated fairly by you and/or Hyperion. We are the ones whose lives will be totally disrupted should this project come to be.

Sam Hatton
Elk Point

I support Hyperion Energy Center and the application for rezoning. I understand there are two sides to this discussion.

(I was raised on a farm in northeast Nebraska, and I have lived in Union County since 1995.) I cur-

rently am the chairperson of the Big Sioux Township and sit on the Board of the Dakota Valley Business Council.

I have lived in around cattle feeding operations, large farm processing operations, gravel pits and concrete production. I can't imagine that anything could possibly compare to those air quality issues.

I can't imagine that the amount of unregulated and undetected pollution put into our creeks and ground water by local residents who take our natural water resources for granted could possibly be worse than Hyperion, who will have the County, State and the Federal government to contend with, every energy producing minute of the day.

I can't imagine why the residents of Union County would want to miss the opportunity to be part of the most exciting energy producing facility to be constructed in 30 years in the United States, right here in South Dakota!!! It will be built somewhere, Hyperion will build this facility somewhere, why not here?

I can't imagine, unfortunately, that with the number of people diagnosed daily in our tri-state region with heart disease and numerous varieties of cancer, why anyone would think it could possibly get any worse if Hyperion produces energy here?

I can't imagine why with the middle-east in chaos and the fact that we are all dependent on oil, that we don't feel some sort of responsibility to help remedy the situation. And we can, we can actually make a difference in the world.

I believe Hyperion will provide energy that may potentially alleviate some of our dependency on middle-eastern oil. I believe that Union County South Dakota has the opportunity to be part of the most exciting thing to happen in energy production in the United States in the past 30 years. I believe and trust that the Federal Government, the State Government and our local government will keep Hyperion on the straight and narrow when it comes to emissions, permitting and zoning. And I believe everyone in this room tonight have most likely had to deal with the County or the State or the Federal government at some point in your life. I will attest to the fact my experiences have been frustrating and not altogether pleasant. I expect Hyperion to be treated the same way, and I doubt I will be disappointed.

We elected these men sitting here today to do a job, thankless most of the time, but a job none the less. And I believe that as residents of the County we need to trust them to do their job. I want you to know that I support Hyperion locating in our County. And although the economic benefits of Hyperion being here are secondary to me, I acknowledge that economic growth is bound to occur and I welcome it. Thank you for your time.

Pam Mahler
North Sioux City, S.D.

I attempted to put into law what I viewed as reasonable regulations involving environmental standards for refineries. Not everybody thought they were so reasonable. I was unsuccessful. I took the laws straight off the

Two-thirds of speakers spoke against Hyperion

books in California and attempted to create the same level of protection here in South Dakota. I did that because gentlemen from Hyperion continually said they would be able to surpass the levels set in California. Again, I wasn't successful.

During this process, I discovered something very interested, and I'd point out to you to look up SDCL 1-40-4.1 and what that law says, South Dakota cannot promulgate any rule involving environmental standards for refineries or anybody else higher than what the national government sets as a minimum. What the EPA, an agency that has been gutted by the current administration, what they set is the maximum we can do so no matter what you hear from Department of Economic Development, DENR or what the governor says himself, they cannot legally create any higher standard.

Gentlemen, I've been where you are. Usually a hearing like this, I'm on the other side of the table. Let me tell you what I try and do. I try to find a reasonable middle ground, and if you listen tonight it might be tough to do that. I think there is reasonable middle ground, and I think that is to thank the gentlemen from Hyperion for proposing a plan, then vote no, and offer them the opportunity to submit another plan. This is a negotiation. These folks are very good at negotiation and you can tell that by their first proposal they ask for everything including the kitchen sink. That's the way negotiations work. I'd be embarrassed to tell you when I bought my house the first offer I put in. It was ridiculously low. I didn't expect them to take that first offer but that's way negotiations work. They declined that and three or four offers later we found some reasonable middle ground. I think that is a reasonable way to go here tonight.

That does a couple of things. It gives you the opportunity to get more answers. It gives Hyperion the opportunity to go back to the drawing board, address some of the concerns that have been brought up here tonight. It gets these folks, fairly or unfairly there is the image that the whole process is rigged. It would dispel that image immediately. But most of all, it would give you the opportunity to take some time and go back and find out what we as a county can promulgate as rules for reasonable environmental regulations. And that would be good negotiations.

Ben Nesselhuf
S.D. Senator
representing Turner & Clay
Counties

I support the Hyperion project. I believe it will bring strong economic growth, and right now if it's not built, I have nothing to come back to. I want to be an engineer or computer design, and right now that's not here. I love this area. I want to be able to come back here but without Hyperion, there's not jobs that are going to be provided for me. So, everyone saying they're going to have to leave if this is built but if it's not built, the youth, my generation is going to have to leave. And that's unfortunate because this is a beautiful area and Hyperion is not just death, cancer and pollution.

Tobin Stevens of Jefferson,
Chairman
Union County Young Republicans
Committee

Hyperion has never approached

any of the small property owners in that area (of Ground Zero). They have never asked or told us what they planned to do until we read about it in the newspapers or heard about it from our neighbors. They don't seem to me as though they would be good neighbors.

By their own admission, my house will under a constant barrage of noise 24 hours a day, seven days a week. Do you think my home will be as valuable then as it is now? Would you want to live under those conditions? I will have a financial loss when I sell this house because nobody would want to buy it.

Just a word about refineries, they are rated in tons of pollution per year. The magic word is tons not pounds per year. They told you there were no new refineries have been built in 30 years but production in refineries have increased. Namely, they take a site and they rebuild a refinery there. It would seem like they would just move to another location and build another refinery but then they would have to clean up the environmental mess they'd leave behind and that's extremely expensive.

Paul Lessek
Elk Point, S.D.

I'm here on behalf of myself and my family and therefore, that's five people in support of Hyperion project.

I look at Hyperion as a way to preserve my way of life. I fully believe if we're not growing, we're dying....I'd like to address a couple of comments made earlier in the meeting.

One was that every area of Union County is growing. Have you visited Alcester lately? The high school is approximately 50 percent the size is was 20 years ago. So we could double the size and not have to add on classrooms or anything. Main Street, I remember 20 years ago, probably had double the businesses in it. Call it shrinking families, call it shrinking farms, there is just not people to support the community.

The other assumption was that all the high paying jobs would go to people from outside our area. I personally am insulted. I have relatives who are engineers, my brother is an engineer, and I have a son who hopes to be one. And to assume that no one has left this community who loves South Dakota will come back or no one here is educated enough to have a job in this big refinery is a big insult and certainly to the average residents of this county.

I ask you to please approve Hyperion's rezoning application, and I thank you for taking your time to listen to me.

Tracy Koenig
Alcester
(also represented Alcester City
Council)

Humans have long been faced with decisions that impact their short-term and long-term ability to flourish. I ask that all of us consider the impacts of a proposed refinery in this context. Short-term impacts likely include addition of jobs, solutions for energy and materials demands, and increased growth of local business. This activity will come at the expense of local agriculture, regional air and water quality, light pollution, and the health of individuals in the region. In the long-term the

region would be radically altered, with a legacy of industrial waste and increased cancers, all while having exacerbated the challenge of sustainable energy. If humanity does not end fossil fuel consumption and concomitant atmospheric emissions, then we greatly risk a catastrophic fate for our civilization. I am deeply worried that this situation is not being addressed with enough vigor.

Clearly, there are winners and losers in implementation of the refinery proposal. Winners include the oil company and local businesses that 'get more butts in their seats' -- as it were plainly put in a recent article. Losing parties include local farmers and local residents who enjoy their Dakota home. All persons in the region would lose quality of health, quality of drinking water, quality of air; while all humanity loses as we face the greatest technological challenge of this century -- a struggle to develop a sustainable energy based economy.

Two themes emerge: 1) the refinery proposal would benefit some while hurting all of us; 2) the refinery proposal is an about-face from developing, stirring, profound movement among humanity to achieve simultaneously a bustling economy and diverse, pristine environment. The refinery proposal is not an idea that reflects the best thinking of human minds. There are other types of energy projects that address both issues -- these include wind energy, cellulosic ethanol, and solar. These projects would benefit the energy producer and local business, are compatible with local agriculture/households, and would address sustainable energy. Everyone is a winner in sustainable energy -- we all lose with a refinery. Please be humble as you give this issue your careful thought.

James Hoefelmeyer
Vermillion Scientist

I breathe the air across the line in Clay County so I'll have no vote on Hyperion's threat to the healthy environment and way of life my neighbors and I enjoy.

I hope you read yesterday's Associate Press story about Hyperion. In any case, by now you know that Hyperion's claims of a "green refinery" are nothing but a public relations ploy. And you know that Hyperion executives still refuse to answer specific questions about their plans.

We learned in school that we live in a democracy, where citizens and their representatives make rules and laws for everybody to follow. Union County's zoning regulations include a provision whereby a corporation may apply for heavy industrial zoning. Hyperion knew that a facility that spews 20,000 pounds of hazardous and toxic pollutants into the air each day could not meet the county's sensible rules, so they wrote their own, and asked for a rubber stamp.

At the Zoning Commission hearing Jan. 16, seventy area citizens spoke from the heart about the myriad reasons the commissioners should deny Hyperion's request to turn thousands of acres of prime agricultural land into a refinery for the dirtiest crude on Earth. After five hours of public testimony, the commissioners voted immediately to approve the request -- with absolutely no discussion or consideration of any of the testimony or the documentation submitted. The planning commissioners didn't listen to the dozens of

rural residents whose lives and livelihoods would be irrevocably altered by Hyperion's refinery and the thousands of transient workers its construction would require. They didn't listen to the pleas of medical doctors and scientists that they read submitted studies of what hundreds of tons of pollutants would do to our air, land and water, and to our children's health. But they did listen to the big-city lawyers and Texas tycoons.

I hope we won't witness the same travesty from the Union County Commission. I hope you gentlemen have the courage and the civic responsibility to listen to the people, and to deny Hyperion's end run around the county's rules. The South Dakota motto is: "Under God, the people rule." I hope that will be the case in Union County.

Jerry Wilson
Clay County

Not so fast. We need more information about impacts to the Missouri River.

At earlier informational meetings Hyperion disclosed that one of the main reasons for attracting them to Northeast South Dakota was the abundant source of water. According to their website, Hyperion states that the South Dakota DENR will be responsible for approval of Hyperion's request to withdraw water from the Missouri River through shallow wells near the river. Although the Gorilla has not revealed the exact location of the proposed wells, it appears that water will be withdrawn essentially from a section of the Missouri near Elk Point which is within the reach designated as part of the National Wild and Scenic Rivers System. This section of the Missouri runs from Gavin's Point to Ponca, Nebraska.

The Wild and Scenic Rivers Act, Public Law 90-542, was approved by both branches of Congress in 1968 for the following purposes: "It is hereby declared to be policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

In addition to the above-mentioned SD DENR, the National Park Service which oversees Wild and Scenic Rivers may also need to be consulted in order to permit Hyperion to continually withdraw water from shallow areas near the Missouri River. Perhaps only through modeling of Hyperion's proposed steady withdrawals of water from wells or the aquifer near the river at high flows, low flows, drought and downstream flooding, can Hyperion know whether their use of large quantities of Missouri River water will negatively impact nearby ground water resources, farming needs, municipal supplies, nearby downstream wetlands.

As a citizen of Siouxland I want to strongly encourage the citizens of South Dakota to take a longer look at the Hyperion project. Recall that this project was first referred to as the Gorilla Project. If by acquiring several permits, the Gorilla may morph into a Camel with its nose under the tent flap before the residents of Union County and Siouxland are fully aware of the

true consequences of this project. Let's get a better picture of air quality, ground water and Missouri River impacts before allowing the camel into our tent.

Jane Hay
Sioux City

"I went to sleep last night hoping I wouldn't wake up this morning. I imagine some of you feel that way once in a while but I'm not absolutely sure of that.

I don't want to waste my time, and I don't want your time rehashing some of the things that have already been said here.

We do have to ask Hyperion to have a public and on-the-record accounting for certain things such as road maintenance, drainage, and for pipelines going in and out, a railroad, and the chemicals that are going to be on that railroad that are going to go by your house, Dale (Neely).

But I just need to speak personally because I'm at Ground Zero. I look out my window every morning when I have coffee and I see the Loess Hills with the sunrise. Every morning I now say 'that's where the stacks are going to be.'

And I go outside at night and I see the Milky Way. My God, I haven't seen the Milky Way for years when I didn't live here for years and that's going to be gone at Ground Zero even though they will mitigate certain lights.

My husband and I were mucking out the horse stalls this morning and usually we are lively with conversation, mostly on my part, of course, but today was silence.

Today feels like the end of our lives. I've gone through all kinds of emotions this last year bordering on intense anger, resignation to our hope, and finally, just despair, and I try to figure out where this despair comes from.

I, like a lot of the young people they talked about tonight, I left South Dakota but as with most of those people who leave South Dakota, the reason was to see the world and see other places and see how other people live and I went away.

But at some point, all I wanted to do was come home, and I got to come home to my mother.

And there, by and large, the despair because we have to leave.

My husband has lymphoma because he was a chemist and was exposed to all of those organic compounds we're all talking about.

We have to leave. For one thing there's no evacuation plan in the world that could get us out of there, and my animals, before it blew up like it did in Texas.

And my despair comes because I have to leave now. This time when I leave my mother, I leave her in South Dakota soil and there in lies my despair.

I know you know in your hearts what's the right thing to do. Please, please do that. Please postpone this vote until you have a chance to get these questions answered. Thank you for listening.

Cathy Lessek
317th Street, Elk Point

Did you gentlemen all hear what she said? I hope you did.

No one is listening to the people of our state all the way from the governor, all the way down.

You do not have enough infor-

All speakers were allowed just 3 minutes

information to make an informed decision. You are playing with our lives. You're asking people who have been here for years to leave. That's not right.

*Donna Mau
Elk Point*

Thank Hyperion.

The water rights can not impact existing water rights, of fishing, range traffic, or is it a financial incentive to build this old technology of a hydro-carbon refinery?

I believe there is a new technology using cavitation and the weak magnetic force to separate the hydrogen atoms from the water molecule, our new fuel. Can we the United States wait for oil to get what price before we act?

I have filed a constitutional "Breach of Peace" to be certain that the copyright, patent, intellectual property rights and water rights are not violated here at this project.

Just maybe we can do this together, not separately.

*Paul E. Taylor II
President, Taylor Properties Inc.,
also a Colorado School of Mines
geological engineer*

It has come to my attention that owners of acreages many miles away from Hyperion's proposed oil refinery have been told by their lenders that they can not loan them as much on their property as they would have before the threat of Hyperion came along. This translates to lower property values. Acreages much closer would be in the same situation.

We have farmland adjoining this proposed project on good, well maintained county roads that will be closed because of Hyperion. We purposely winter livestock on this farmland because this is a school bus route that is always opened immediately after a storm. Everyone knows what happens to dead-end roads. This property will be devalued as will the property of many others.

Whether you own property in Dakota Dunes, Beresford, or any where in between you would not expect our county supervisors to approve or refer to referendum a rezoning application that would lower the value of that property.

For 5 percent of the cost of this project Hyperion could buy every acre of farmland in this county. They can afford some mechanism that guarantees everyone affected by this rezoning that they can be made whole, and until that is in the rezoning application, it should be denied.

I would also like to point out that Hyperion, in their Jan. 10 public meeting mentioned they had been working with the leaders in this state for three years, yet the residents of Union County that will have their lives turned upside down by this project were not told about it until six months ago. Now, Hyperion says it must be done right now.

Supervisors, please don't be hurried.

*Kurt Appley
Akron, S.D.*

First, I want to remind you that I totally support the new Hyperion Energy Center Union County Ordinance 2008-0001.

It is my understanding that you will have to approve this ordinance in order that it be referred to a vote of the people of Union County. If you do not approve this ordinance,

it can't be referred and there would not be a vote possible.

I have a son that is a captain in the U.S. Army; he has served three terms of duty in the MidEast, one in Kuwait and two in Iraq. I would much rather have the Armed Forces protecting the infrastructures of North America than the ones of the MidEast.

I feel that the Hyperion Company has been very up-front and honest about the proposed Energy Center.

I would like to make sure that as in all other cases you make sure there is an exit when the Energy Center is ever abandoned that would leave the area not a nuisance like the other locations that I have had to bring to your attention.

I lived in the State of Washington for a number of years and still remember the 90 to 100 percent completed Nuclear Power Plants never put into service that are now 20 to 30 years still there and what I would consider a nuisance.

Thank you and good luck with your decision in this matter.

*Raymond James Wennblom
Elk Point*

I am a student at the University of South Dakota. I am president of the Entrepreneurship Team and I represent seven members of the E-Team's executive board tonight, along with many other USD students.

I support the Hyperion Project. I like most of us here today was born and raised in South Dakota. I have always wanted big things for this state. This project would bring billions of dollars into the state's economy while being a clean and overall good impact to the state.

Hyperion has been very open and honest to the community and I believe they have done everything in their power to help educate and inform the community even when faced with misinformation from opposing groups they have been very open and honest. This is why I believe the commission should approve Hyperion's rezoning application. Thank you.

*Mike Maloney
USD student*

I realize that Hyperion would like the commissioners to expedite the rezoning process. However, I think it would be best to slow down and examine this proposal more carefully before a decision is made.

Crude oil refining is one of the most technically complex industries that exist. Chemical compounds and by-products left over from the refining process have to go somewhere. Unfortunately, too much toxic waste ends up in our air, soil, and water. The resulting pollution can have a major impact on these resources, and on the surrounding communities.

An "Environmental Impact Statement" would be required anywhere else in the United States for a project of this size and scope before rezoning was even considered. It is critical to help identify problems before they arise and avoid costly lawsuits in the future. An independent, reputable, and unbiased third party should do the "Environment Impact Study."

The proposed area is an environmentally sensitive area, sitting directly on top of two major aquifers. The footprint of the project encompasses tributaries flowing to the Big Sioux River, including

Brule Creek, which is a federally regulated waterway and is reported to contain at least one endangered species, a small fish called the Topeka Shiner. Aquifer protection zones need to be established.

We should all strive to have clean rivers, clean drinking water, and air that is safe to breathe. It is up to each of us to protect such important resources. Those of you that think our state government, the DENR, the EPA or any other agency will look after Union County's interests better than we can ourselves, in my opinion, are sadly mistaken.

Now, let's talk about litigation. I would like to share a personal experience involving a lawsuit against Exxon, an oil company, which has just posted the biggest profits ever recorded.

While working as a filmmaker for a commercial fishing operation out of Kodiak, Alaska, I became witness to the largest oil spill in U.S. history. On March 26, 1989, eleven million gallons of crude oil was spilled into the sea after the Exxon Valdez oil tank ran aground near Cordova, Alaska. Fishing was virtually shut down for thousands of square miles, and major damage was caused to wildlife and the ocean environment. This was an event so crushing that hard-bitten fishermen still get teary-eyed recalling ruined livelihoods, broken marriages and suicides.

In 1990, I became part of a class action suit filed against Exxon on behalf of the fishing industry. Eighteen years later this case is still in litigation. Final arguments were presented before the U.S. Supreme Court just last week. A decision will be handed down some time this year as to whether or not Exxon will have to pay \$2.5 billion in punitive damages.

The point I wish to make is that oil companies appear to have unlimited funds to stall class action suits against them. It should be a wake up call to make us aware just how important it is to have all of our "ducks in order" and all of our questions answered before we proceed.

At least six generations of my family have lived in Union County and we are hoping to have a few more stick around in the future. Please keep an open mind tonight because there is so much at stake here.

The ramifications of a quick and uninformed decision could have disastrous consequences for Union County and our neighbors. Viewing Hyperion's proposal only from the money angle or the jobs it promises to offer is shortsighted. So let's slow down and really think this thing through so we don't live to regret it.

*Dan Weigel
Elk Point*

The opportunity to give input on the desirability of the Hyperion Energy Center is appreciated. I would like to discuss a couple of matters.

The rhetoric by some folks in relation to the proposed Hyperion Energy Center is out of hand. For example, some individuals imply that Hyperion has done something illegal. As far as I know, Hyperion has shown a strong interest in Union County as a possible site for a refinery. They have obtained options to purchase land. I have no legal background but I don't think obtaining options to buy from willing parties is ille-

gal in Union County or any other county in our country. Hyperion is on record of supporting a referendum; thus, nothing is being forced on anyone.

Some anti-Hyperion parties try to demonize Hyperion by stating that somehow Hyperion is causing a rift between Union County citizens. It seems to me that there is no significant rift, but that there are a few individuals that are trying to create a rift. It takes two to argue and it takes two parties to make a rift. Some of the rhetoric has been hateful and vitriolic. This behavior is not representative of the good citizens of Union County. There is nothing wrong in different indi-

viduals having different opinions. However, we should strive to be truthful and accurate, and we should be respectful of others who may have a different view.

The Union County Commissioners have to look beyond the substantiated claims and look at the facts of whether Hyperion is good for Union County. The benefits to Union County from the Hyperion refinery without doubt will far out way the negatives. Please approve the application of Hyperion to locate in Union County. Let's not lose this opportunity.

*Don Jorgensen
Jefferson, S.D.*

I am speaking in opposition to the proposed Hyperion Oil refinery to be built in Union County. I was raised in Union County and am part of a fourth generation family farm. I am currently a landowner in Union County and am restoring a County School House, the Star School, that was accepted at the state level for the Historical Register and is currently at review with the National Park Service for the National Register of Historical Places. I am actively involved in preserving the history, culture and community in Union County and view the Hyperion Oil Refinery as a wrong decision for the people of Union County.

A debate such as this stirs both emotion and deep thought in all of those involved. It is often a delicate balance in how to navigate reasoning when emotions are so high. It is my strong conviction that we must use our emotions as an indicator and reasoning as the impetus for taking action. The emotions often come easy and automatically, while well thought out reasons many times take effort to achieve. At the core of sound reasoning lies education. To that end, I have started an online community forum through the Argus Leader titled "Smart Energy." This is an educational community forum designed for our community to explore smart and innovative energy practices. This does not include building an oil refinery, but rather seeks to start a conversation in the community that will lead to action being taken to support sustainable and renewable energy and position South Dakota to be at the forefront of best energy practices not only in the region, but in the country. The online forum is one of many possible avenues for developing sound reasoning for best energy practices and why the Hyperion Oil refinery is not consistent with that goal. I encourage you to visit the forum.

With regard to the side of emotions, I leave you with a poem I have written about the Brule Creek:

My mother played in the Brule creek
and as a child so did I
we splashed the same waters
beneath the gapping sky

Oh Brule creek your water flow
in a steady stream through long ago
they weave through fields of corn so green
I fear our children will never see

your waters pour into the mouth
of your sister the Missouri
but you move slow
like your people without hurry

many cows do walk by
to graze at the green at their feet
beavers dam your waters for their home
and children fish for food to eat

you are a special gift
with steams and shallow bottom
you are a glimmer in the sun
and in the moon when the day is done

on a bike ride or just walking by
stop at your shoulder to laugh or cry
you have been there for every season
a steady friend without reason

please let my babies know
the gentle feel of your flow
I do not want the sky to grey
your waters dirty not for play

oh dear Brule don't go and change
it is our turn to stand by you
you taught me love of beauty
in your waters I learned what is true

Oh dear Brule don't go and change
after all the years you stood by me
I feel it is our turn to stand by you
before you are just a memory.

*Kim Keiser
Alcester*