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

May 9, 2017
1:00 p.m. to 8:00 p.m.

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

REGIONAL JUDICIAL OFFICER SUTIN: Good afternoon, everyone. We are going to get started. Thank you. Thank you all for coming today.

My name is Elyana Sutin, and I am the Regional Judicial Officer with the Environmental Protection Agency in Denver, Colorado. And I will be chairing the hearing today.

In addition to myself, there are other EPA staff here that are helping to assist in making sure everyone has the opportunity to speak today that would like to. So I want to introduce them to you. If you have any questions, you can approach any of them.

Douglas Minter is standing in the back. Douglas is the Manager of the Underground Injection Control Unit, Office of Water Protection of EPA.

Valois Shea is standing to my right. Valois also works with Douglas in the Underground Injection Unit.

Lynne Newton is at the registration desk, and she can help you if you have any questions during the hearing.

Lisa Vanderpool-McClain, who is standing at

the back of the room next to Douglas, she is our Public Affairs Specialist in the Office of Communications.

And then Sisay Ashenafi is also up at the registration table. If you need to speak with him, he is in our -- he is a Community Involvement Specialist.

So on March 6, 2017, EPA issued two draft Underground Injection Control, or UIC, area permits to Powertech USA, Inc., for injection activities related to uranium recovery near Edgemont, South Dakota.

The draft permits include a UIC Class III area permit for injection wells for the in-situ recovery of uranium, and a UIC Class V area permit for deep injection wells for disposal of treated in-situ recovery process waste fluids.

The EPA is also proposing an aquifer exemption approval in connection with the draft UIC Class III area permit.

We are here today to listen to your comments on these area permits and aquifer exemption. The public comment period is open until May 19, 2017. In addition to this hearing today, there will be two more hearings this week. We have

held -- we will have held five in total.

The hearing tomorrow, May 10th, will be in Hot Springs, South Dakota at the Mueller Center, and then on May 11th in Edgemont at the St. James Catholic Church. For more information on the time and location addresses, please visit the registration table or 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, I want to explain a little bit about how today's hearing will work.

We will be taking testimony today from 2:00 until 5:00. We might stop for a short break, a ten-minute break during that time. And then we will take a break from 5:00 to 6:00, and start again with testimony from 6:00 until 8:00 p.m. tonight.

I will call speakers to the microphone here at the front 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.

In order to be fair to everyone, we will limit testimony to five minutes each. We will

signal to you when you have one minute left to speak, and then when your 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 you 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 people 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 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 the hearing as well as -- excuse me.

We will consider and 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 this hearing, as I stated.

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.

She is an independent contractor to EPA, so if she is not looking at you while you are speaking, it is because she is intently taking down every word. Valois and I are here to listen directly 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 considers in its action, including the public comments.

The docket is available on the internet for review, or you can view a hard copy in EPA's Denver office. The transcript of the hearing will also be available in the docket.

If you have written copies of your

testimony, please give a copy to our staff. This will help us as we prepare the transcript.

If you have other written comments or supporting documentation, you may leave these at the registration table or with us, 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. Instruction 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 these hearings, either through oral testimony or written comments, has the right to appeal the Agency's decision to the Environmental Appeals Board.

I will now ask Ms. Shea to provide you with more information.

MS. SHEA: I just want to thank everyone for being here this afternoon and participating in our public hearing. I'm just going to give a brief presentation to go over the more large-scale points of our --

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

hear very well. There are probably many people in here that don't hear as well, too. So during this time, if anyone who speaks could speak loudly and clearly, I'd appreciate it.

MS. SHEA: Okay. I will do that. Thank you. I know I'm told I don't speak loud enough, so I will now. Okay.

So I'm just going to give a brief presentation to give you an overview of the documents we have for your review and to receive comments from you about.

I wanted to start with giving you some background on the Underground Injection Control Program. It's authorized under the Safe Drinking Water Act. Our mission is protect underground sources of drinking water from contamination from injection activities through injection wells.

I want to give you a definition for underground sources of drinking water from our regulations, which is defined as an aquifer or a portion of an aquifer which supplies any public water supply, or which contains a sufficient quantity of water to supply a public water system, and currently supplies drinking water

for human consumption, contains fewer than 10,000 milligrams per liter total dissolved solids.

The UIC program classifies injection wells into six classes depending on the type of injection activity and the injectate. UIC regulations also allow the EPA to exempt a portion of an underground source of drinking water from protection under the Safe Drinking Water Act for a number of -- based on a certain criteria, including whether there's an ore deposit that can be developed.

So as Judge Sutin mentioned, the EPA issued two draft area permits on March 6, 2017. One was for Class III wells, which are used in the solution mining of minerals. And these would be used for the recovery of uranium in Inyan Kara aquifers.

The second draft permit is a Class V permit for the disposal of ISR waste fluids that have been treated to meet radioactive waste standards and hazardous waste standards.

The EPA is also proposing an aquifer exemption approval of the uranium-bearing portions of the Inyan Kara aquifers. We have a

draft record of decision that documents the basis on which we are proposing this approval, and that is also open for your review and comment.

In addition, we prepared other documents for review and comment, including an Environmental Justice Analysis, a Cumulative Effects Analysis, and then a draft document explaining the process and our considerations for tribal consultation.

Our tribal consultation process is undergoing and will be for quite some time, and we also would appreciate any comments on your review of these documents as well.

There are other agencies who regulate the site. The Nuclear Regulatory Commission has already issued their materials license for the site. The South Dakota Department of Natural -- Environment and Natural Resources has proposed a large mine permit for the entire site. They are going to complete their public review process in the future.

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

application of treated ISR waste fluids proposed by the DENR.

So this map just shows you the Dewey-Burdock -- proposed Dewey-Burdock site. This is the permit boundary. It's divided into the Dewey area and the Burdock area. There are four proposed well fields in the Dewey area and ten proposed well fields in the Burdock area.

The color codes indicate which of the Inyan Kara aquifers are being targeted, where the uranium deposits occur within the Inyan Kara aquifers, and then this is the location of one of the proposed deep injection wells. This one in the Burdock area, and this one in the Dewey area. The dotted -- I mean, the dashed green line is the aquifer exemption boundary.

So just to talk in a little more detail about the aquifer exemption area. This is one of the proposed well fields, this pattern shows the injection wells and the production wells.

These wells tend to change roles between production and injection throughout the life of the well field, so the EPA is regulating both production and injection wells as injection wells throughout the life of the well.

This line represents a perimeter monitoring well ring that will detect if any fluid movement is going out towards the boundary of the well field, and then the aquifer exemption boundary is 120 feet away from the perimeter monitoring well ring. And the EPA's compliance boundary would be at this aquifer exemption boundary.

The permit does not allow any contaminants from ISR mining to cross this aquifer exemption boundary. And then these symbols show where there are overlying monitoring wells and underlying monitoring wells above -- and aquifers above and below where the uranium deposit is located.

I want to talk a little bit about the water quality of the Inyan Kara, where the uranium deposits occur and where they do not. Under normal conditions, the Inyan Kara groundwater is high in sulfate and manganese and in some places iron. So for human consumption, it has to be treated with reverse osmosis to make it taste okay to drink.

Inyan Kara water where the ore deposits are located is high in gross alpha, radium, and radon. The natural radioactive decay of uranium

eventually results in radium, and then that quickly decays to radon in a series of daughter elements that emit alpha radiation.

The human skin can ward off the effects of alpha radiation. But if this water is used inside the household, like for showering or laundering or washing your dishes, then these daughter products are emitted and you can breathe them in, and your lungs don't have that protection against alpha radiation.

So the bottom line here is the EPA, based on the data we've reviewed, does not think that this -- the quality of groundwater in the aquifer exemption area is acceptable for drinking without treatment.

This shows a vertical cross-section of the Inyan Kara aquifers. And the Chilson is a sandstone that's divided into three sections over some of the area; two sections, the upper and middle, over some of the area; and the ore deposits occur within the middle Chilson, as color-coded here. The other aquifer is the Fall River formation.

So this is the well field, again with our pattern of injection wells and production wells,

and this graphic shows a vertical cross-section of how the ISR process works. So the lixiviant is piped into the injection wells. The lixiviant is composed of groundwater from the Inyan Kara aquifers with carbon dioxide and oxygen added.

Once this fluid goes into the uranium ore deposit, it mobilizes the uranium out of the ore deposit, and then moves to the production wells where it's pumped to the central processing plant and the uranium is removed.

Most of the water is recycled back into the aquifer. So although you hear that there's a proposed groundwater flow of 8,000 gallons per minute, actually only a small part of that is not recycled back through the aquifer.

One important point that we want to emphasize is if the EPA were to issue final permits, that does not mean that Powertech can begin injecting into injection wells. First they have to have -- they have to conduct a rigorous program of characterization for geology and hydrology for each well field.

And what we're looking for is data that demonstrates that the uranium-bearing fluids can

be contained within the injection interval, both horizontally and vertically.

The well field pump test is an important part of that whole program, and this is the best way to determine if there are any breaches in the confining zones, such as improperly plugged historic boreholes or any fractures or faults.

These lines represent the groundwater surface inside an aquifer. If you were to put a well inside one of these aquifers, over most of the Dewey-Burdock area, the pressure inside the aquifer is high enough so that it actually flows at the surface and the groundwater level is actually above the surface.

If a well field pump test can demonstrate that the aquifer surface can be drawn down in the area of a well field, then that demonstrates that you can have horizontal control of these well field areas in limiting the mobilization of uranium within the ore deposit, and then also vertical containment because you're getting this drawdown, and water is not flowing into the aquifer during the pump test.

Similarly under well field operation, we want to see that same scenario. If there's

drawdown of the aquifer, we know that the -- it's pulling the groundwater inward towards the well field from all directions, and that shows that they contain the fluid inside the proposed injection zone.

If fluids start to migrate out, we'll see that in the monitoring wells, the perimeter monitoring wells that we saw in the other well field diagram. If any rise in water level is detected in these wells, that's an early detection system that tells them they need to pull back that plume so no contaminants will cross out into the perimeter monitoring well ring.

So as I mentioned before, there's a number of rigorous tests that Powertech will have to conduct before we would authorize injection into injection wells, and one of them is to map all the plugged and abandoned exploration drill holes within the well field perimeter monitoring ring and identify any of these that had to be replugged.

The best way to identify improperly plugged boreholes is through that pump test. So that's when they would be identified, and then

Powertech would replug them.

We also are asking for copies of any new or historic drill hole logs that have been annotated to show the presence of a fracture or fault in any of the drill holes inside the monitoring well ring.

The UIC regulations do allow ISR activities to occur in areas where breaches do occur within the confining zones. In these situations, the permit will require extra monitoring.

So for example, if there is an unplugged borehole that can't be fixed -- that's not something we anticipate happening, but I'm using it here for an illustration -- we would require more monitoring wells in that specific area in the overlying aquifer.

So this represents the uranium ore deposit where the injection would occur, and we would be monitoring this area more closely to make sure that these fluids do not move into an overlying aquifer.

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

restored, so there's a whole set of regulations under the NRC for restoring the groundwater where the uranium has been mobilized.

After that has been completed, then the EPA permit requires that the post-restoration monitoring plan be put into place. And we -- we're requiring the installation of these post-restoration monitoring wells before the well pump tests begin. So that includes establishing a boundary that no contaminants can cross.

We have set that boundary inside the aquifer exemption boundary because we want to make sure if there are any contaminants leaving the well field, that we catch them early and require cleanup, and then another set of monitoring wells so that any -- any contaminants can be addressed before they actually cross the aquifer exemption boundary and become a violation of the permit.

So this includes developing baseline constituents of the Inyan Kara groundwater before it's impacted. And the baseline monitoring begins at the time the well field pump tests -- or well field wells are installed.

And then the strategy for establishing a baseline is based on a document, a statistical document developed under the Resource Conservation and Reclamation Act and has been shown to be successful over many years of testing RCRA sites.

Now I'll move to the deep Class V injection wells. These are Class V wells because they are injecting above the Madison USDW, but we are requiring that the most protective well construction standards, which are those for Class I, will be used in their construction.

As with the Class III permit, there are a number of requirements for rigorous geologic and hydrologic characterization before we would allow injection.

One of the things that Powertech must demonstrate is that the Minnelusa is not an underground source of drinking water, so that means it has to have TD -- a total dissolved solids above 10,000 milligrams per liter. If it turns out that it does not, then the permit does not authorize any injection into the underground source of drinking water.

And then the Class V permit also requires

the injectate to be treated below the radioactive and hazardous waste standards.

This is a geologic cross-section of the whole area starting with the Precambrian basement. This is the Minnelusa -- I'm sorry -- the Madison underground source of drinking water. This is the lower confining zone that separates the Minnelusa injection zone from the Madison aquifer.

And then this is the overlying confining zone that separates the Minnelusa injection zone from the underground sources of drinking water that are closer to the surface, and those are the Sundance and Unkpapa aquifers. And then these are the Inyan Kara group aquifers where the uranium deposits occur.

So this diagram is a cross-section that shows the formation -- how the formation of the breccia pipes occur. Near the outcrop of the Minnelusa where it can be seen at the surface, the pressure of the Madison aquifer can work its way through fractures in the Minnelusa and actually dissolve out a mineral called anhydrite, which is a sulfate mineral, and cause the collapse features to occur.

There's a boundary that's been identified by the USGS where this is actually occurring. And downgradient from that boundary where the anhydrite is, there are no breccia pipes. So this, the anhydrite is what causes the total dissolved solids in the Minnelusa to be high and prevent it from being an underground source of drinking water.

So this is a map of where that dissolution zone is occurring, where the anhydrite is being dissolved away. The Dewey-Burdock site is six miles away from that. So in this area, we expect there to be a good confinement zone because there are no breccia pipes southwest of this line.

Another way to look for that is to look at each of the -- each of these dots represents historic plugged oil and gas wells or actual active oil and gas wells in the Minnelusa aquifer. This is the dissolution zone, so southwest of this area.

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

So we have added an extra set of requirements for -- to examine more carefully that overlying injection zone for the Minnelusa. We're going to have the logs for the deep Class V wells and then the plugged oil and gas wells that were shown in the previous slide where we'll actually see the -- locate the depth and the thickness of that confining zone.

We'll look at the groundwater levels in the Minnelusa and Madison. And I mentioned that the Madison is a very high-pressure aquifer, so its surface is above the ground. If you were to punch a well into the Madison aquifer over much of the area -- sorry -- you would see that it's actually flowing at the ground.

The Minnelusa does not have that much pressure, and the fact that there are two different water levels in these aquifers shows that it does have a very good confining zone in between them.

We're also looking at the sulfate concentration. Where that anhydrite is present in creating that good confining zone, you'll see high sulfate.

And then the last aspect is looking at the

water chemistry of the Madison and the Minnelusa aquifers. They are very different where the confining zone is in place. But closer to the outcrop where the Minnelusa is low in sulfate, the chemistry of the Madison and the Minnelusa aquifers are very much the same.

So when you hear that the Minnelusa is not a USDW, it's in that area where it's high in sulfate. Where that sulfate is -- where the anhydrite is gone closer to the outcrop, that is where you see the Minnelusa wells being used for drinking water.

I wanted to mention just a little bit about the treatment ponds. The only radioactive constiuent that is expected to be found in ISR waste fluids is radium, and this can be removed by adding barium chloride to the waste fluids.

And then -- then that fluid goes into these settling ponds where the barium will react with the radium and settle it out into a solvent at the bottom of the pond. Then the injectate will be moved into these outlet ponds, which then are connected to the deep disposal wells.

In closing, I would just like to tell you that we do really appreciate you being here

today. We do value your comments. The public process -- or the public comment period is an important part of our process.

We issue a draft permit for your review. We've done the best we can to think of all the protective requirements that can be authorized under our regulations, but we know that we can't think of everything, and that's where you come in.

So we issue draft permits to begin the public review process. But EPA regulations require a 30-day public comment period, but we know we've given you a lot of material to read, so we have a longer public comment period that started on March 6th and is going through May 19th.

We're also required to hold a public hearing if there is interest or request from the public, but we wanted to make sure there were plenty of opportunities and locations for people to attend public hearings. So we -- as Judge Sutin said, we scheduled five days of public hearings.

So now we want to hear from you, and thank you once again for commenting.

REGIONAL JUDICIAL OFFICER SUTIN: Okay.

We're going to get started.

Is Michael Milk in the room?

Our first speaker is Harold Frazier.

HAROLD FRAZIER: Thank you. One of the things I've noticed is, there's no schedule for tribal consultation. And I do -- and you're aware under NEPA you are required government- -- government-to-government consultation with tribes, and I see no schedule for that. And I don't even know if anything has been done in the area of consultation.

So my question to you, are you going to issue these permits before tribal consultation is completed or not?

REGIONAL JUDICIAL OFFICER SUTIN: We're not here to answer questions right now. I'm sorry.

HAROLD FRAZIER: Why not?

REGIONAL JUDICIAL OFFICER SUTIN: This hearing is for the purpose of getting information from you all.

HAROLD FRAZIER: Okay. You are using all my five minutes.

REGIONAL JUDICIAL OFFICER SUTIN: Go ahead.

HAROLD FRAZIER: Thank you.

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

people, we look at the water as life. And we know that it is life, and it needs to be protected. What is the purpose of this uranium?

Is this uranium going to be given to North Korea so they can bomb our people? There's a lot of questions that need to be answered. Why all of a sudden there's interest in uranium. What is Trump up to?

You know, our area has been under attack for several years. They are out to destroy our water. You look at Dakota Access Pipeline, Keystone, uranium, nuclear waste test site in Haakon County. What have we done to cause this?

You know, you look at our treaties, and I know you guys recognize our treaties. I always said in prior meetings with government officials, when an Indian violates federal law, you throw us into Leavenworth or some federal prison; but when you violate federal law, nothing happens. And this action is in violation of federal law because the treaty is law, a contract.

Now, as I asked -- I asked, and I know you won't answer this question. But do you live and promote the United States Constitution? If so,

Article VI should be adhered to. Our treaties are the supreme law of the land.

And I don't even know why you guys are doing this, because we own everything underneath. We even own Spearfish because we've never been paid for it. You guys come in, took our lands, and you justify it by bringing a treaty to our people, a peace treaty, telling us where we can live, where we can, you know, work, what we can do and can't do. Promises made that were never kept.

So these are all violations of federal law, but yet none of you will see or sit behind bars. But if an Indian did, we would be. Shame on the federal government. The federal government has always failed us. Always has and always will.

You know, this is going to end up in court. That's the only way I see. Or any frontline action necessary to try to stop this.

Because you guys will come and come and come. And we always -- if you look back and understand who we truly are, we are powerful people, and we're just standing up to protect our future, your future as well if you live here.

And I'll just close by saying, you know, remember that water is life. Someday you will understand. Hopefully it won't be too late. We need to understand the meaning of Mni Wiconi.

Thank you.

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

Boyd Andrew Catt-Iron Shell.

BOYD ANDREW CATT-IRON SHELL: Good afternoon, Your Honor and community members.

My name is Andrew Catt-Iron Shell. I'm an enrolled member of the Eastern Band of Cherokee Indians who has been raised among the Lakota Nation. I'm here today to express my feelings against uranium mining in the Black Hills and against uranium mining overall, that that should be left in the ground.

And there really is no purpose. You know, Chairman Frazier asked why, and we know why. Because America was built off the natural resources of Indian country, and they are still -- we are still under attack. We are still looked at as only a natural resource in this country. We are still not looked at as human beings.

That said, again, Chairman Frazier brought up the issue of the United States government breaking the law in this process by not holding true consultation hearings with the governance of the Lakota tribes in this area.

And that is the law. That's on the rule books. And like he said, if we don't follow the law, we go to jail. We get punished for not following the U.S. Constitution.

But even though this process is a nice way to show, maybe, a dog and pony show, we know that in this process, our words are often put on the congressional record just for archives for, you know, later on, some historical data about, oh, the Indians didn't really like that, but they did it anyways.

We know that corporations over time have benefited off our communities, first with the railroad. They were the first monopoly to come into this territory and make the same, similar claims that, "We only want to use a little bit of your land. We only want to take a little bit of your water."

Now we are at this time in history where we are under full-fledged attack. So when we speak

about the EPA holding quality assurance of this process, we know today that Trump is trying to undermine the EPA by -- through budget cuts and just eliminating who is going to oversee this process.

The EPA may not be here this time next year, and yet we're going to stand in here and say that the EPA is going to watch over the quality of your groundwater. No, they're not. They don't have the capacity today, and they haven't had the capacity up to this point in history.

We know that our water is poisoned. You can look at our epi profile. You can see the cancer rates. You can see all of the illnesses that are related to poisoned water in our bodies -- in our bodies, in our spirit because of the mining that has already taken place in this territory, and the -- the environment of this Americanized life.

Uranium mining does not make America great again. The mining that is going to happen in the uranium field, that's to sell uranium to Japan and Russia, Korea. That is not for the benefit of South Dakotans. It's not for the benefit of Americans.

So I would like to go on the record to say that I am against the uranium mining, and I would also like to suggest that if the time comes for frontliners to set up camps, to set up first line direct actions against uranium mining, that I hope you don't send the Pennington County sheriffs with their rubber bullets and their water cannons again, and that you use our law enforcement for what they are supposed to do, protect and serve community members, not to protect corporations, not to protect the poisonous act of genocide that we call uranium mining.

Thank you for your time.

REGIONAL JUDICIAL OFFICER SUTIN: Kathleen Bailey.

KATHLEEN BAILEY: I, Kathleen Bailey, from Englewood, Colorado, stand here today to loudly and clearly oppose the proposed aquifer exemption decision for the Dewey-Burdock uranium in-situ recovery site located near Edgemont, South Dakota under the authority of the Safe Drinking Water Act and UIC program regulations in connection with Class III area permit to exempt uranium-bearing portions of the Inyan

Kara aquifers.

The EPA has proven itself to have devolved into nothing more than an $8 billion agency dedicated to supporting and promoting exemptions for the very industries that continue to cause massive environmental contamination, the legacy of which is left to the local residents for generations.

At issue, the portions of Inyan Kara aquifers the EPA proposes to exempt have historically been used as a source of drinking water, are currently used as a source of drinking water, and can be a future source of drinking water.

EPA's own current Title 40 146.4 declares the proposed aquifer exemption area must not be a current or future source of drinking water using the criteria under 40 C.F.R. 146.4.

This latest grotesque and alarming action by the EPA to propose this exemption for these portions of the Inyan Kara aquifers blatantly ignores the existing original EPA aquifer exemption criteria found in Title 40 146.4 and sets a disastrous new precedence for opening up ever more scarce and precious life-sustaining

clean water aquifers that can be used as a source of drinking water to permanent contamination from oil and gas hydraulic fracturing using the UIC recovery and disposal wells, from uranium and other ISR mining activities that also utilize hydraulic fracturing for their UIC recovery and disposal well activities, and in any other in-situ solution mining.

The evidence of the convoluted joint efforts between the EPA and Azarga/Powertech to set this precedent in order to change the current aquifer exemption criteria is spelled out in the EPA's own November 17, 2016 Aquifer Exemption Technical Memorandum done by Valois Shea.

As recorded in this memorandum, EPA and Powertech work cooperatively to manipulate the status of the current drinking water use of water from targeted portions in the Inyan Kara group in order to eliminate the current use protection from exemption under the current 40 146.4 criteria, and then intend to eliminate the "or future source of drinking water" criteria by simply not considering future source of drinking water with this aquifer exemption proposal.

If this proposed aquifer exemption were allowed to go through, future source of drinking water protection will be eliminated by this precedent-setting aquifer exemption.

Currently by this study there are multiple wells drawn from the targeted portion of the Inyan Kara group aquifers that were historically and currently used for both human and livestock consumption. Many of these residences are currently abandoned, and therefore, EPA and Azarga/Powertech can say they are not currently using the water for drinking.

But at least one residence continues to use the well water, Well 16, from the targeted portion of the aquifer.

To create a no-current-use status from which the EPA and Azarga/Powertech are trying to base this aquifer exemption proposal, Powertech promised to permanently provide the resident with bottled water for drinking if they agreed to let Powertech sever and seal off the waterline from the well to their home.

Well, 16 continues to be used for this resident's livestock, which under South Dakota laws is still considered the same as water used

for human consumption, a fact that EPA in November 2016 was willing to ignore.

Their conclusion for that memorandum was based on CZA calculations, the EPA has concluded that the portions of the Inyan Kara aquifers proposed for exemption do not currently serve as a source of drinking water.

Since the November '16 memorandum, in March of 2017 they tried to get around this -- the concern they realized they faced with the Well 16 by removing the two fields associated with Well 16 from being mined, as if the contamination that results from all the other fields all around the two fields removed, will not migrate into the well that feeds 16, and also does not address the wells that are simply currently not being used that feed from all the other parts of the Inyan Kara aquifer.

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Bailey, I need you to wrap up. Your five minutes are up.

KATHLEEN BAILEY: Certainly.

I wish to add two more facts. What the EPA won't tell you is that uranium in-situ recovery mining has consistently resulted in

contamination. And per the USGS, to date there had been no successful mitigation of the contamination resulting from in-situ recovery mining, so your current status of future source of drinking water will be permanently lost if this exemption is approved.

Despite all your monitoring, what the EPA has also not disclosed to local residents is that once approved, per NRC declaration, the Nuclear Regulatory agency, the Class III underground injection disposal wells approved for uranium mining wastewater disposal will also be made available, without their independent application, for injection disposal for other radioactive waste fluids from other sources, such as municipal water treatment plants, well past when uranium mining activities stop.

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Bailey, I really need you to wrap up.

KATHLEEN BAILEY: I'm done. Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Henry Quick Bear.

HENRY QUICK BEAR, SR.: (Speaking in indigenous language.)

My relatives, I greet all of you. Good

afternoon. I am Henry Quick Bear. I'm a member of the Rosebud Sioux Tribe. I am currently on the Treaty Council, and I'll like to read something for you guys.

The impact to tribal lands could be catastrophic if uranium mining is allowed on or near the reservations. History has shown that uranium on or near the Pine Ridge and Cheyenne River Reservations has caused irreversible contamination of both surface and groundwater necessary for human consumption, community gardens, and agriculture throughout the Black Hills and the Badlands.

Water samples taken from the Cheyenne River have revealed levels of alpha radiation above the EPA's maximum contaminant level. This testing caused the EPA to post unhealthy dangers of ingesting the water and using the river for swimming and recreational pursuits. The contamination has resulted in the high proportions of cancer-related illnesses and birth defects.

Throughout Indian country in South Dakota, there are thousands of abandoned and unmarked open pit uranium mines as well as exploration

holes going to the depths of 800 feet. These exploratory holes allow radioactive pollutants to contaminate underground water sources critical to providing drinking water for the surrounding communities.

Beyond the direct human consumption, the area of concern regarding uranium mining has been called the breadbasket of the world. The resultant runoff of abandoned open pit mines, processing sites, and waste dumps have been so severe that it has also taken coal and uranium and radiation that has gone to and continues to go to eastern power plants. Contamination is seen to be nonlocalized as the Cheyenne River flows into the Lake Oahe Reservoir of the Missouri River.

So as far as this -- the Treaty Council goes, we oppose uranium mining. I am here -- I ask all of you to think of your children, the sicknesses that this can cause. We, as Lakota people, we take care of Unci Maka, Mother Earth. And for digging uranium mines or anything done to Mother Earth is like poking needles in your own body. I mean, if you can put yourself in that position, then you would be able to

understand all of this.

And as far as our history goes, there are a lot of underground channels and chambers that can lead to the reservation and also can lead in to the Ogallala aquifer. So please put into consideration that Mni Wiconi, water is life. So we -- as a Treaty Council from Sicangu Oyate, we oppose uranium mining.

And as a Treaty Council, we have given you the -- our paperwork through e-mail, and on behalf of the Lakota people, we also oppose uranium mining. So I humbly ask you, EPA, to reject the proposed permits for this uranium mine. I humbly ask you. Thank you.

(Speaking in indigenous language.)

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Mr. Quick Bear.

Brandon Sazue.

BRANDON SAZUE, SR.: Good afternoon. My name is Brandon Sazue. I'm Chairman of the Crow Creek Sioux Tribe.

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

the earth, this is what they plan on doing to the earth, injecting this in here, and injecting that in there, and coming out of here and, oh, radon and all this stuff. That's nuts. That's absolutely crazy.

With the way the United States is going right now, you've got oil pipelines, you've got corporations beating the normal people down. You've got people changing regulations that are in high power. You've got all that just for money. Can you eat or drink money? No, we can't. No, we can't.

You know, we're here for the future of our children, we're here for the future of this planet, we're here for the future of this earth and everybody in it. You as EPA, you're going down. You're going to go down because of this administration.

But why not go down fighting? Go down fighting with us. Do what you believe in. And you know as well as we do that this is wrong, that this isn't right. Because after you, there's war. This is real. This is the truth. It's coming. It will come.

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

fighting. Fight for what you believe in. Stop this madness. Stop this craziness. Why is it that we're here? Why is it that we're speaking to you? Why is it that some of us traveled long ways to talk to you? Why are we even here today?

This is madness. This world is full of madness. Here we are, going to let a company halfway across the world or across the world drill right here in South Dakota and put -- put uranium in there, mess with drinking water. This is supposed to be the United States of your America, our America, not theirs.

I'm going to stand for what I believe in, and I hope you stand for what you believe in. So each one of us in this room is only worth five minutes of your time. Each human being in this room who gets up here and talks is only five minutes of your time. Think about that.

This is a comment period. Where is the tribal consultation? Come to our tribes and talk to us. Let us talk to you from the heart instead of on a piece of paper.

You know, that's how we operate. We put too many rules and regulations in front. You know,

I probably heard 50 rules and regulations you just cited before we even started. Is that to -- is that just the way the government works? Is that how we're supposed to be stopped not to go on and tell you from our hearts what's going on?

You know, before I would write stuff down. Now I'm just speaking from my heart. Because this means the end, this means the apocalypse. I'm sure you've read the Bible. I'm sure you've read all that stuff. You're just helping it come true. Our government is helping that come true.

War with North Korea, the Russians hacking the United States, but yet we're allowing foreign countries to come in here and inject your lands, inject our lands with poison.

But we say we're going to regulate it. We're going to do this, and we're going to keep it confined, and it's not going to get out.

Haven't you been reading the news lately? All those oil spills, all those leaks, those are real. Those are real. So that's what I want to talk to you about and hopefully get it -- get it through to your hearts, into your minds.

When you go to bed and sleep at night, can you honestly say -- go to bed and go to sleep at night knowing that this is what companies are doing? I can honestly go to bed and sleep at night and say, Well, I stood up for our children, I stood up for what I believe in. I could sleep good at night, but I'll have nightmares because of this.

I want you to go to bed and think tonight before you go to bed. Go down fighting. Don't give up. Stand with us. Let's not stand against each other. I wish I had more than five minutes. Thank you.

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

Carol Merwin.

CAROL MERWIN: I'm Carol Merwin. And I was at home thinking I was going to clean up my house and get the paper out of there. In my white privilege thought, well, the Native people and the Audubon and the Sierra Club and Dakota Rural Action and the Clean Water Alliance will take care of it.

And then I heard on the radio that at Hanford, Washington this morning, there were

rail cars crushed in by a tunnel collapsing. So more of the radio- -- the uranium waste is coming out again. And I thought, I have to come.

So with that paper that I was getting rid of this morning, I have articles that are all from the *Rapid City Journal*, not one of them is even a year old, and I just want to read a little bit of each one.

There is no safe place to store uranium waste and I don't want uranium weapons. And since there's no safe place to store it, I don't see that it can be used for anything except maybe medical purposes. And you have to be really careful with that.

So, "Study Raises Uranium Concerns": Abandoned uranium mines are contributing to elevated uranium levels in Angostura Reservoir in the southern Black Hills. Ripples from nuclear plant closings overwhelm towns.

"We have become a de facto nuclear waste dump. It just sits there and sits there for ever." This is the mayor of Zion, Illinois, a quote from him.

Montana authorities learning how to respond

to nuclear theft. No control whatsoever. Uranium miner agrees to fix sludge leaks.

This is: A uranium mining company has agreed to corrective measures after two spills of radioactive sludge. Cheyenne, Wyoming.

Nebraska utility head recommends closing small nuclear power plant. It doesn't make economic sense to keep it open.

Thank you.

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

Barbara Dunfee.

BARBARA DUNFEE: Hello. I'm not used to a mic. This is going to be interesting. And I'm going to try and be organized and not babble.

I'm starting with something that sounds like it's off-topic, but I'm going to try to pull it back in. We have a Superfund site up in the Northern Hills. It's not connected to uranium. It's connected with the Gilt Edge Mine, which was a heap-leach gold mine that was owned by Brohm.

And they -- in the 1980s, heap-leach suddenly became the thing because the price of gold had skyrocketed, and it made sense to start

trying to get as much gold as possible out.

Heap-leaching uses cyanide, and they have this plan that they'd have a clay-lined pit and that everything would be sealed and it wouldn't leak.

And the Black Hills Alliance at the time objected. They said that all the heap-leach sites that were around so far had leaked, that this was a bad plan, and everyone was sort of like, oh, no, this is anti-business and you're a bunch of tree-hugger hippies, and so on and so forth.

And the State had Brohm put up some money, but they didn't put up that much because they didn't want to be seen as anti-mining. And by the late '80s -- or the late '90s, Brohm had become insolvent. It went into bankruptcy.

They abandoned the Gilt Edge in 1999, and indeed, they started to have leaking of things up there, and it became a Superfund site. Brohm forfeited $6.4 million of their mining bond, which didn't cover -- even come close to covering things.

Four other corporations contributed another $30 million, but the current cost of estimated

cleanup is at $89 million. And this is sort of what happens with corporations in South Dakota doing mining and cleanup.

So down at Edgemont, to get back to what's going on with uranium, back in the 1950s was when the boom started, and a company called Susquehanna Corporation came in. Their subsidiaries are Susquehanna Western and Mines Development. And those are the two that actually did a lot down at Edgemont, were the subsidiaries.

As I said, the mining started in the '50s, it continued through the '60s, and by the 1970s, things were closing down, partly because the -- there had been thought that we'd all go into nuclear reactors for energy, and that didn't happen, partly because the Cold War was sort of winding down, we weren't doing as much with nuclear weapons, and partly because we started to see a lot more environmental, just activism.

The EPA starts in 1970. We start to worry about what we're doing because there haven't been that much regulation through the '60s, all through the '60s.

So one of the things that had happened down

there at Edgemont was they had tailings sitting around, just kind of loose. There was this big pile of -- they estimated it to be 40 to 50 feet tall. And it's just out there.

And people have been freighting it and using it for filler around their houses. They figured there were about 60 houses that had used it. So by the early '70s, Susquehanna's -- one of its subsidiaries had been a really bad investment, and it was bleeding money, and it was threatening to bankrupt Susquehanna.

And so Susquehanna starts to sell off subsidiaries, trying to shore themselves up and save -- basically, save the company. And in the process, they sell off Mines Development. Mines Development closed down the mill in Edgemont in '72. They sold off the rights to TVA in '74.

In 1975, Susquehanna sells Susquehanna Western, and then both Susquehanna Western and Mines Development were dissolved in 1978.

By the 19- -- oh, and then Susquehanna itself went through some changes, finally was sold to a French company and was dissolved by 1994.

REGIONAL JUDICIAL OFFICER SUTIN:

Ms. Dunfee, your five minutes are up. I need you to wrap it.

BARBARA DUNFEE: Oh, dear. I'll try to tie this up.

So corporations go through things. In the meantime, the 1980s, they finally decided we have to do something about this pile of tailings. Susquehanna's gone through stuff, there's no one to go back on.

And so what happens is the TVA puts money into fixing it. The Department of Energy puts -- reimburses them, and in the end, it's the American taxpayer who foots all this for the bill.

And with this stuff, we don't know what's going to happen ten years down the line. We don't know what's going to happen 50 or 100 years down the line. And we don't know that these companies are -- obviously not even going to necessarily be around ten years down the line, much less 20 or 50. Who is going to do the cleanup?

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Anna Robinson.

ANNA ROBINSON: Hello. My name is Anna

Robinson, and I live here in Rapid City. I'm a young professional and a transplant. This is the third time I've moved to the state of South Dakota. I never planned it, but I found myself coming back here time and time again because there's something special about this state, and now I feel like I found a home in the Black Hills.

I'd also like to point out I am overcoming my fear of public speaking in order to voice my opposition to this.

You've heard many testimonies addressing treaties, ranches, concerns about the mining process, the environment, the water, concerns about the company, the beauty and sacredness of this land. And, frankly, I think all of those reasons are reason enough not to allow this permit. But in any case, I have some additional thoughts.

I represent a growing population of young people in this country who are continually seeking out untouched, natural land. You may call us wanderlust-driven, adventurer-obsessed, outdoor enthusiasts. There are many names for us.

We seek this untouched land, not to destroy it, but to enjoy it, to breathe its clean air, to escape the noise and congestion of the growing urban communities. And we seek it to connect to something we know is disappearing.

It's us who are also trying to preserve and protect these untouched lands. We are prioritizing the environment, human connections, and sustainable futures over temporary, out-of-date, get-rich schemes like mining. And it's this young population who will eventually replace you in your offices, in your homes, and in your communities. The Black Hills is a destination for this large population of young people.

And I had some more thoughts that I had written out after listening to the comments yesterday, but then I read on my phone just minutes before we started here, the headline that's breaking across the nation, "Emergency declared after nuclear waste tunnel collapses in Washington."

By the way, if *Rapid City Journal* is publishing a story on the environment, then you know it's bad.

And I can't help but read that and think, if that headline had come out today and "Washington" was replaced with "South Dakota," our tourism season just started, and that is a majority -- well, maybe not -- you know, I'm not an expert in economics, but that is a good portion of our economy around here.

It provides jobs. It gives us a name. And I just -- that has me worried. And I do have some numbers on tourism locally.

A recent report shows that there are about 4.5 million visitors to South Dakota's national parks in 2016. They spent almost $300 million in the communities near the parks, which supported over 4,900 jobs in those local communities, and the spending had a cumulative local benefit of $377 million.

So we rely on that. And if the headline was to go out about our area like this, then we would take a huge hit. And this is a vulnerable state. South Dakota is a poor state. It has a very sometimes dark and difficult, complex history. There are very vulnerable people here that need to be heard and needs -- whose lives need to be taken into account.

Someone spoke yesterday about how the company is going to come in and do this and wouldn't have the money to clean it up if something were to happen. And South Dakota doesn't have the money to do anything about it.

So to wrap up, I guess, I may be one of many young adventure-seekers, but the qualities that make us such adventurers are fearlessness and determination, and that's what you'll be facing if you approve this permit. Please do not allow uranium mining in the Black Hills.

And one final comment, please consult the tribes. They know this land better than anyone. Thank you.

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

Lilias Jarding.

LILIAS JARDING: Greetings. My name is Dr. Lilias Jarding. I live in Rapid City. My Ph.D. is in political science with an emphasis on environmental policy.

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

companies have expressed an interest in the Black Hills.

My dissertation considered tribal, federal, state, government relationships around natural resources. Part of that research was conducted under an EPA fellowship. I have published on these topics in peer-reviewed journals and presented the results of my research at a number of professional conferences.

I focus on policy and the roles of the government agencies on the uranium issue. I am on my third day of observing your hearings on the Dewey-Burdock proposal, and I have read large chunks of the related documents.

My preliminary conclusion is that some of the EPA has been captured by the uranium industry. For those in the audience who don't know this term, when I say "captured," I mean that the Agency has come to relate too closely to the companies it regulates to the detriment of the general public. This is a difficult thing to say, and you deserve to hear my reasons for this conclusion.

The first reason I say this is the use of language by representatives of the Agency at

these hearings. Instead of saying that parts of the Inyan Kara aquifers are under consideration for exemption, your staff said, and I quote, "the areas that we are exempting," unquote, as if the exemption has already been granted or at least as if the decision has already been made.

In the PowerPoint that I have now observed several times, the slide on the roles of the various agencies makes it sound as if the permitting process is all but complete.

In fact, the NRC license is under litigation. The state DENR has only held one week of hearings on the proposed large-scale mining permit, and that happened several years ago. In fact, the process has been on hold since then.

The second reason I say that some of the EPA has been captured can be found on the information sheets that have been passed out to the public at these hearings. One of them is titled, "How Much Groundwater Will Be Lost From The Inyan Kara Aquifers?"

This sheet, as well as the information presented with the PowerPoint, indicate that only, quote, "a small percentage," end quote of

Inyan Kara water will be consumed. This follows the company's line, but it does not fit the facts.

The Inyan Kara water that is being used for mining will be run through the reverse osmosis process. It is common knowledge that reverse osmosis is an inefficient way to purify water because it turns at least 30 percent of the water it handles into wastewater.

This means that at least 30 percent of Inyan Kara water used by the proposed mine would become waste, not that 1 percent or the 3 percent that the company and the EPA claim.

The EPA maps make the barrier layer between the Minnelusa and Madison aquifers unnaturally large and consistent and minimize the size and importance of the Madison aquifer.

The EPA fails to acknowledge the dozens of violations and reportable incidents at just one in-situ leach mine, the Crow Butte Mine, or to talk realistically about the fact that excursions and leaks are normal for in-situ mines.

In fact, at least two ISL mines, excursions have reached outside the mine boundary.

Instead, the public is presented with a sanitized, ready-for-prime-time version of the ISL process that can be displayed by neat drawings. This lack of realistic consideration of in-situ leach mining process bodes poorly for the public as it increases the probability that the Agency will issue final permits without ever having given a hard look at the proposal.

I know that the Agency is likely to get sued whether it issues final permits or not. But this one-sided consideration of the situation simply increases the probability of extended litigation, at taxpayers' expense. So does the lack of proper tribal consultation, which has caused the NRC endless headaches. You can't start tribal consultation partway through the process. It needed to be completed years ago.

I would strongly suggest that the EPA refocus its efforts with full consideration of the easily available information on the problems associated with ISL uranium mining and the deep disposal wells.

As I think has been abundantly clear during these hearings, only then can the Agency really do its job to the benefit of the public rather

than a foreign corporation. You are supposed to be accountable to us.

Thank you for this opportunity to comment. I plan to submit further comments by May 19th.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you very much.

Next if we can have Keith Janis. Not sure I'm saying that right. Janis. Thank you.

Keith Janis? Is he here?

KEITH JANIS: Okay. Thanks for allowing me the time to speak. I just want to start off first about this area, Inyan -- I think everybody is saying "Inyan" -- Inyan Kara.

But I'm a person that likes to uphold the rights and the proper perspective of our Lakota terms and sacred places. And Inyan Kara is a beautiful place we are talking about. It is traditionally known as Inyan Kara. It means it's the home of the stone -- home of the stone people. Inyan Kara.

Now, you know, first -- in my first comment, I have to just only just talk for Unci Maka, which means Mother Earth. We all have a common link to this mother, and we also have a common responsibility to protect her and to make sure

that several generations of our children coming behind us, that we hand this earth to them in better condition than we received it.

And honestly, it's a really -- it's a sin how we are handing the earth to our future generations, and shame on -- shame on us. We shouldn't do that. Now -- so I just want to say that first, you know, that we -- in my comments first that I spoke for the earth and for our children.

And second, I have done a number of these kind of scoping meetings, and I'm kind of familiar with them. And, you know, when you leave, you're going to count the comments and the number that actually supported the treaty and the NEPA process and tribal historic rights. And so before I continue on, I want you to take a note of a silent vote from the people here.

And so I'm asking the people here standing behind to show your hand if you support the 1868 Treaty of the Lakota people and raise your hand.

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

the 1868 Treaty.

And next I would like to talk about the -- this National Environmental Protection Act, the NEPA process, and that you are supposed to have consulted with the tribe all along in determining any kind of development within our territorial homelands, and you have not done that, and that's illegal.

And so I would like to have another silent vote from the audience to raise your hands that you support that the EPA and any corporations that come here have to undergo and respect the NEPA process with respect to the tribes whose land they are on.

Next, I would like you to take note that the United States or its signators to the 1974 Self-Determination Act of the indigenous people of this country known as United States, and by doing so, that gave us a constitutional right under the U.S. Constitution and the recognition of the sovereign authority of the indigenous peoples wherever they live. And so I would like you to take note of that.

And then also, I want to -- I think it's important that you understand also that there's

also not only the previous violations that I spoke of, where you had the show of hands, silent vote in favor of those comments of mine, but you also need to recognize international law and the rights of indigenous people under the United Nations Declaration on the Rights of Indigenous Populations [sic], which the United States is a signator to.

So I want to read that to you as quickly as I can before I lose my time. The United Nations Declaration on the Rights of Indigenous Populations [sic]. Article 27, Adjudication: "States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open, and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs, and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process."

Article 25 of the U.N. Declaration on the

Rights of Indigenous Peoples, a Distinctive Relationship: "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters, and coastal seas and other resources and to uphold their responsibilities to future generations in this regard."

Article 26 of the same document --

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

KEITH JANIS: I will right now.

Use and Ownership: "Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired. Indigenous peoples have the right to own, use, develop, and control the lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired."

And: "States shall give legal recognition and protection to these lands, territories, and

resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the indigenous people concerned."

Thank you. Mni Wiconi.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Julie Santella. Go ahead.

JULIE SANTELLA: Hi. My name is Julie Santella. I'm a graduate student in geography at the University of Minnesota in Minneapolis. I grew up in Sioux Falls, eastern part of the state. And I am humbled by all the people who have spoken yesterday and today, and a lot of what I am going to say is to reiterate what other folks have said.

And while the stated focus of these public hearings is on these draft permits and the exemption from the Safe Drinking Water Act for parts of the Inyan Kara aquifer, I want to focus my comments on another draft document being presented, the so-called Environmental Justice Analysis for this proposed project.

I'm troubled by the way that public input on the EPA's EJ and tribal consultation processes has been underemphasized here when, in fact,

these proposed permits and proposed aquifer exemption are questions of environmental justice in really important ways, and these considerations of environmental justice or injustice ought not to be bracketed off from the rest of the project approval process.

So my concerns with the EJ process are many. First, as many people have been noting yesterday and today, the proposed project area as well as this place where we are meeting today is contained within treaty territory, as defined by the 1851 and 1868 Fort Laramie Treaties.

And therefore, when developing the National Historic Preservation Act draft compliance and Environmental Justice draft analysis documents, the EPA's analysis is already flawed in saying that the site in question is not located on tribal lands.

I find the EPA's acknowledgement of the cultural importance of the Black Hills to, quote, "many Native American tribes" and associated consultation processes inadequate and disappointing, as many people have noted today.

In the -- from the National Historic Preservation Act document that was offered on

the website, the -- the -- it was noted that the Oglala Sioux Tribe considered government-to-government consultation attempts to be inform-and-educate meetings. So when you have one side considering meetings to be government-to-government consultation and another side seeing those meetings as being inform-and-educate from one side, that's a problem.

So even if I agreed with the bounded nature of the EPA's considerations with regard to environmental justice, considering only a 20-mile buffer zone around the proposed project area, even within those bounds I would consider its environmental justice process inadequate. But I don't agree with those boundaries.

And I'm concerned about the way that this analysis for environmental justice fails to account for potential impacts of this project beyond these geographic boundaries, and also the failure to recognize the way the environmental follow-up in this project stands to build upon layers of historic environmental injustice experienced in this region.

I'm not convinced that, given the highly

fractured nature of the hydrogeology in the southern Black Hills, the 7,500 exploratory boreholes left by TVA's exploration in the '70s and '80s, and what the Geological Service calls relatively fast-flow velocities of groundwater movement, given all of that, I'm not convinced that it makes sense to say that contamination won't occur as a result of this proposed project.

I am no expert when it comes to geology, and I'm hopeful that you will listen to the many scientists, hydrologists, geologists who are working hard to understand the geology of this region better and have reason to question the safety of this proposed project and its -- and its ramifications for communities beyond this bounded 20-mile area.

But I'm also concerned about the EPA's failure to recognize that the communities who stand to be harmed by this project have experienced significant historic injustice when it comes to land and resource development. Even if we look only to past uranium projects, we find a more nuanced understanding of injustice in this region.

Just yesterday we heard further confirmation that the Cheyenne River is in fact polluted as a result of past mining activities with impacts for downstream communities, including Pine Ridge, Cheyenne River, and other Native communities. We know that Cameco's operations in Crow Butte, Nebraska have negatively impacted the water on Pine Ridge.

This came out in expert testimony both on the matter of license renewal for Crow Butte as well as the hearings for the NRC permit for this proposed project.

I'm also not -- no expert on lived experience of these layers of injustices, and this is not just as a result of uranium mining, but of land theft, logging activities, other mining operations that all over have been, continued to be made possible by colonial dispossession of native lands and resources.

And my hope is that you will listen to all these people gathered here today, explaining these layered impacts of these projects on their communities. I hope that you will listen when they tell you that your mechanisms for tribal consultation are inadequate at best and

insulting at worst. And I hope you will rethink your definition of environmental justice.

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

Next if we can have Kai Bosworth.

KAI BOSWORTH: Okay. Thanks a lot for allowing me to speak today. My name is Kai Bosworth. I'm also a graduate student in the Department of Geography at the University of Minnesota. I hold an M.A. in Environmental Studies with an interdisciplinary focus on Environmental Justice from Macalester College, as well as a B.A. from the University of Minnesota. And I grew up in Spearfish, South Dakota.

So today I also want to make comments with respect to the draft Environmental Justice Analysis that the EPA produced for this project.

Environmental justice is defined by the EPA as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

But the concept and definition of environmental justice were developed not by the EPA itself, but by social movements led by Native nations, black activists, migrants, poor people, and women, namely the people standing behind me here today.

Environmental justice was institutionalized via executive order in 1994 and '95 and developed and expanded via agency plans. But while the EPA's definition of environmental justice has narrowed significantly, ours, for those social movements, has expanded drastically.

The two parts to the EPA's Analysis of the Dewey-Burdock Project on Environmental Justice primarily concern first the assessment of the project area, which is defined as 20 miles surrounding the Dewey-Burdock project itself, and even within this area that includes the community of Edgemont, the EPA concludes that there are, in fact, communities that qualify as overburdened and face -- have significant health impacts related to past environmental activities on the land.

But mostly what I want to talk about today

is whether participation and consultation are adequate to the EPA's stated standards of fair treatment and meaningful involvement of the folks who have gathered here today.

And so I guess my question, my main question is why limit environmental justice analysis to these communities, the 20 miles surrounding Dewey-Burdock, when historically and legally, we all know that this is tribal land and, at the very least, that the project does indeed impact Native nations.

The EPA, it seems to me, implicitly agrees with this sentiment for in the EJ analysis, in the second part, they attempt -- they state that they attempt to take enhanced measures to collect input from Native peoples, including, they argue, these very public participation meetings today which were located, supposedly, closer to tribal communities so that -- to facilitate their appearance here today.

Many speakers have already commented on consultation, and I think that they are far more qualified to do so than I. So I just want to use my remaining time to comment on public participation in environmental review.

And I think what we need to ask ourselves is -- and the EPA, is whether participation today qualifies as meaningful. What is a meaningful contribution and comment to this project?

The gracious EPA agents are at pains to tell us that we -- that our comments are being listened to and heard and will be responded to in the final permits that they will grant, but we all know that actions speak louder than words.

And the inadequacy of the EPA analysis could be fixed based on our comments that we give today, but I hope you understand our extreme skepticism that it will be. For example, after the head of the EPA's EJ division, Mustafa Ali, resigned two months ago and indicated that the department's future could be at risk under the current administration.

So to me and many EJ scholars, what meaningful commitment and -- or, comment and participation might do would recognize the participants who are speaking here today, especially those who come from Native nations, as the experts on the region, its water and its

land.

And possible conditions that you could all attach to future permitting that would create meaningful participation would recognize this: By expending -- expanding the spatial and historical parameters of the Environmental Justice Analysis beyond the immediate 20-mile radius; to include the long history of dispossession, broken treaties, and contamination of Native land and bodies.

This would recognize that what justice means is something far more than what goes on in this five-minute speech or anything like that, but much longer, a process of redress and reconciliation.

I think that in order to do this, you would have to recognize that the expert analysts are the people in this room and who have spoken to you over the last few days and not the experts from Powertech and their consultants.

So I suggest that perhaps one thing you might think about doing is, instead of using us and our free time to supplement their income and projects, is instead to hire everyone in this room to complete the consultation process of the

environmental justice draft permit. I think that this would begin to develop a meaningful participation by including us in a real dialogue.

Thank you to everyone who has spoken today, and I look forward to submitting longer written comments to this panel.

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

Cheryl Anne Ruebner-Malroy.

CHERYL ANNE RUEBNER-MALROY: Hello.

So when I walked into this room, I found a whole bunch of papers with some semi-laymen's terms, scientific information about what is planned to be done with this uranium mining project.

But I very soon realized, after sitting down to read them, that I don't have to read them and nobody else has to read them because there's no reason for any of this to be happening in the first place.

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

these unilateral decisions should take into account their own survival.

Because when you're dealing with bullies, ethics doesn't come into play. You can't convince bullies to care about anything except for themselves.

So what I propose to the EPA, who I understand is an organization that is in a tough spot because you've chosen to protect the environment, but yet you're still withheld by these laws of the federal government that you are a part of.

So as double agents, I urge you to please take into account your own future. Because these water jugs in the back here that we're all drinking out of are clean right now. But soon they won't be.

It doesn't make any sense to me how anybody could be considering these deep, heavy metal mining projects when we're already dealing with wildfires and contaminating bursts from all the oil pipelines that have been installed. There have been hundreds of leaks and explosions within the past few years. Many people have died on the site of these explosions.

Why are we trying to drill more holes? It doesn't even matter if the small bits of proposed leakage might not cause any damage. Okay. So say if we can use these other chemicals to neutralize the radioactivity, what if -- okay, say, imagine if the radioactivity has no effect at all. We're still on fault lines.

Hello? I think that the microphone went off. On, no, it didn't. Maybe Mercury is in retrograde. It's not, though.

Anyway, say if all of this radioactivity could be hypothetically neutralized. When it comes down to it, all of the water is shared by a collective water table. There might be pockets of geographical boundaries, but the water all eventually seeps into all the other water, whether it's underground or whether it's from the rain falling down; right?

So there's the water. There's also the fact that by causing vibration in the earth, we create an exponential butterfly effect. It happens with water, and it happens with earth. This is how tidal waves are created, and this is how earthquakes are created. This is how

volcanoes begin to erupt. This how the earth might begin to shake.

So this is really serious business here, and it doesn't -- we can't point at any individual person or any individual group and -- because we're all sharing all of these things; right? We and everybody that's here in this room, I'm assuming, was born on this planet, born on this land. It doesn't make any sense to me.

I feel like -- sometimes I feel like this whole -- the government and these companies that are trying to do this are like school yard bullies sitting the little ones down and saying, Okay, you have to play by these rules now, you have to bring me this, you have to do this, or I won't provide this for you.

But you know what? When it comes down to it, once there's only a very small amount of clean water left, it doesn't matter who's the bully and who's not the bully, because we're all just going to have one little cup of water to share. I really hope that's not going to happen.

What I'm hoping to see from the EPA or anybody that has the ability to make unilateral

decisions is, instead of bickering over whether or not we should dive into the earth for these radioactive materials, we should start figuring out, How do we clean up what we already messed up?

There's a teenage boy a number of years ago that invented a way to clean the oceans of the oil and the trash. After I heard about it awhile back, I never heard anything again.

So the last thing I'm going to say here is that the only heavy metal we need is the heavy metal that has a bass guitar, drums, a guitar, and a lead singer. Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Christopher Joe Ruebner-Malroy.

CHRISTOPHER JOE RUEBNER-MALROY: I am a Shawnee native. I don't need to use the microphone because I know how to speak loud enough. That's what I learned by being Shawnee.

You guys are about to see your water rise. Your caps are melting. Antarctica is about to lose its shelf. The Mississippi just flooded. All the rivers stemming from the Mississippi are rising.

I don't understand why you want to go play

with your aquifer. The Ogallala aquifer belongs to the Lakota people, and they will defend it. It's the last fully functional aquifer in this country. All the oceans are going to rise 5 to 10 feet in no time. You're going to be evacuating your coast just to come inland. This is all you have left.

Okay. So you go pollute these two aquifers. You got two separates aquifers; they all go to the same place. In fact, Ogallala aquifer is being purified by the mountain ranges in the -- in the -- almost going to be exploding volcano if you allow it to get to this point.

All that radioactivity will travel north, what I have learned by watching the Mississippi rise and fall and rise and fall over a decade of living there. The southern winds have increased up the Gulf of Mexico. Emissions is energy with a mission. It goes somewhere.

So since the eclipses have occurred, something has happened in the Mississippi causing the waters to rush north. This is south of the Ogallala, is it not? What if the waters here go north? The whole aquifer will be contaminated.

All these people live off the land. They belong to the land, so do you. We all belong to the land. You cannot put a boundary, a barrier in between water. Water knows no boundary.

Red Cloud is Lakota. He was trying to get a treaty, but it was the other people who were trying to get the treaty. He just wanted hunting lands. He wanted some food for his people. He didn't even want to consider the part of the treaty that says that your country was going to give him all the means to provide that food by growing it out of the ground, out of the land.

You should honor that part of the treaty before you consider putting anything in the earth. The sulfuric acid, whenever you put hydrochloric acid into the ground to cause a fracture, and that's what causes it, along with radon and all these other things. That's what they use to make sure the fracture.

When it comes back up, it has so much sulfuric acid in it. You are talking about you got a problem with sulfur. You're about to put sulfur in sulfur. You're going to have a big problem. You cannot get rid of it.

I've traveled the country many times with the Rainbow Family. I have seen the creeks, the red sulfur at the bottom of the creek. You have to go upstream or you have no clean water. You can't drink from the bottom. But now the top is the bottom. You want to put something in here, it's going to go that way.

All these people are going to suffer, all their children. Look. Look at all these people. They have kids, like you. All of them, families. They are one big family because they had to stick together and unite against -- where were you for the pipeline? Your own president doesn't honor you. He signed an executive order saying you have no power. So who do you represent? Who represents you?

That's what I'm trying to say. I represent these people. I represent the Shawnee. We stopped fracking for the most part there. We ran Peabody coal out. They're gone now. They filled that hole. And now they are trying to get a bankruptcy notice. Bankruptcy.

Flint River, those people are paying for poisoned water. They are made to leave their homes. They're not even -- they have nowhere to

go. So you got the Great Lakes. You got all the coast. Did you see the hurricane come through Florida? Did you hear about the flooding in the southeast?

These are clues to tell you that the entire southeast portion of the country could be underwater soon. All those people are going to come here, and you're going to put that in the ground?

You should be growing hemp. You should be growing food. We've got a food crisis. I can't buy the lettuce at the store, it's $5 a head. Why? We should be growing our own food. You're going to have millions of millions of people starving soon. They're already there. They already got lead poisoning. Their children are already suffer from lead poisoning for the rest of their life.

This is real. Okay. So now the hunting land is cattle land. So now the cattle eat your grass that is polluted with all your radioactive sulfur, radon, everything else. Now you're going to eat that cattle. You should be testing your cattle. I'm sorry.

REGIONAL JUDICIAL OFFICER SUTIN: Your time

is up, Mr. Ruebner-Malroy. I need you to wrap up.

CHRISTOPHER JOE RUEBNER-MALROY: Thank you. One last thought. There's a war in the Japan Sea right now. They are threatening to bomb a ship that was sent over there, never should have been sent because you didn't finish the war here on water.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Sophia Black Cloud. I'll come back to her.

AUDIENCE MEMBER: She's parking her car.

REGIONAL JUDICIAL OFFICER SUTIN: Okay. I'll come back to her.

Sage Trudell.

SAGE TRUDELL: Hello. My name is Sage Trudell. I'm Miniconjou Lakota from Cheyenne River. I was born and raised here in South Dakota. I was born in 1981. Prior to my birth, my mom and dad were both -- belonged to the Black Hills Alliance, fighting for this exact same thing.

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

being listened to.

I grew up on waters that are polluted. Minor, you know, but to me it's like you're trying to pollute water and then clean it up, repollute water, clean it up, and give it back to us.

You know, you give us all these reasons about how you can guarantee this isn't going to happen, but there's never been an instance that it hasn't. When are you going to clean up what's already happened? What's going to happen when you run out of water, you know? We're -- we -- you may be doing this on indigenous land, but the water affects everybody. Water really is life. When you think about it, you're born from it, you go back to it.

One thing that bothers me is that the tribes haven't been consultated and -- consulted, and it bothers me because in the presentations that you give, you give us the appearance like it has. You're withholding information, and I don't really feel like you're being completely honest, and I don't feel like you ever will be.

There's a lot of times -- I haven't heard one reason come from the EPA in any of these

hearings -- and I sat here, and I was here yesterday, and I followed the points and I listened to the people speak -- but you never one time gave us how it would be a danger to our environment or our water.

You told us how you could keep it from contaminating, but you've never been able to do that. And you can't control the earth. You can't control where it goes. You can't control what happens. That is something that is -- you can't control the power.

See, you guys have a false perception of what that is, and I really wish that you would value life over money. Because I come from a poor nation. You do not have the right to tell me that I can't afford to have clean drinking water, and that my children don't have a right to live.

What happens when it becomes your water? What happens when you step away from the reservation and it's in your city or where you're from?

You know, we've been standing for our water for a long time. I feel like our people are being attacked. We're not being respected.

We're not being listened to, and our life value doesn't amount to yours because we're indigenous, we're poor, we're on a reservation, we don't -- it's like you're -- it's like you're not respecting.

See, it all boils down to respect. Would you feed your children the same water that you're trying to feed us? Every time you take a drink of that bottled water, where do you think that came from? It's probably stolen from indigenous lands. Every time you drink that coffee, it's made with the water, you know? What's happening there? I was in Standing Rock. You guys folded.

When is it really about the environment? Isn't that what EPA stands for, the Environmental Protection Agency? Who's protecting the earth on your side? Because I don't want them -- I'm just standing for them. We are all water-protectors. We are all earth-defenders. See, because without her, we have nothing. What happens when we use everything she has?

You know, we think we have control. You don't know what control is. That's -- that's

false. It's not real. It's something that you tell us. See, we come in, and you guys are this civilized entity that's going to teach us savages how to behave, but it seems like you're the savages.

You come in here and rape the land, pollute the water. But do you really listen to anything that's being said? Like I said, I'm 36 years old. My mom and dad stood for this exact same thing in the '80s. Never once did you listen then. Don't come here to pacify us. Come to truly listen. Participate.

You know, a lot of people were right, your guys' decision basically has already been made. Because if it wasn't, the tribes would have been involved in the beginning. See, Cheyenne River, you guys are trying to border our land. Do you know that we have pipelines trying to go through our land? They are trying to bury nuclear waste on my reservation?

And then you guys are going to come in with the uranium mining? What about my children? You know, you may not care about my kids, but I care about yours. I'm going to stand on this side and defend the water for you since you seem

incapable of doing that on your own.

And I'm not putting -- placing a specific blame on you, but you're the representatives of the entity we stand against. And it's really sad that the people are standing -- have to stand against the EPA for the same thing that you guys should be standing with us for. You know, I'm going to pray for you.

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

Sophia Black Cloud. Has she come back?

Wiyaka Luta.

WIYAKA LUTA: (Speaking in indigenous language.)

How many of you are supporting us on this water? These corporations, these ones that want to come in and dig, how many of them are for saving the water? I grew up traditional. I learned your guys' language, so I'm going to speak it today.

I want to know why you guys -- I mean, why they want to destroy everything, and why are they attacking our reservation? Is it because they used up all their resources? Why is it that they are attacking our reservation? I want

to know. And up here, too, why are they trying to dump the wastewater on the reservation?

I mean, why are they doing this? Why are they doing this to the land? I want to know. I mean, you know, my grandparents, they fought so hard for this land so that I can grow up free.

I mean, us Indians, we can dig up, we can build, and we can take it apart and put it back into the ground.

So now you want to come in with all these corporations and dig these holes that make all these buildings. Now you guys are polluting -- you guys -- is that why you guys -- is that why they poisoned our water, so they can come in and dig? If they kill me, then they kill my future generation now by poisoning the water.

So I'd like to say thank you to them for destroying the next gen- -- the next seven generations. What are we going to drink? What are they going to drink? And why do we have to pay for water when it's poison and it's not drinkable no more?

How many of these tribal workers here, how many of them are supporting the water? The ones supporting the water are sitting here, my oyate,

my people. And then I got -- there's another room where they're all sitting. Why is it that you guys want this land? Why do they want this land to destroy it so bad when this is the sacred grounds?

(Speaking in indigenous language.)

This -- this thing right here just murdered the future generation. Our waters are poisoned. You know what? We were put here to take care of this land. We don't own this land. Nobody owns this land. We all belong to this land. When we die, we go back to the land.

Why is it so important for you guys to come and do all this stuff on our land? And then again, I'm going to get mad at you ones that support this. My people, I'm going to say something.

(Speaking in indigenous language.)

Lakota, we have a reservation. Now they went us to be quiet. I don't know anything about your guys' -- I learned your language, and I like a lot of your language, how you guys do things.

I'm a Lakota. I'm not educated. I never went to your schools, and I don't want to learn

anymore. It just destroys my people. It's destroying my culture.

I can't even speak to my grandkids because the government, everybody says we have to speak your language. Like I myself say, I'm not like you guys. I'm my own person. I grew up on this land. I don't want your education.

(Speaking in indigenous language.)

If you want to bring in businesses to the reservation -- no, that's a sovereign nation. If you want to be like these white people and you love money, leave the reservation. Get the hell out and go live with them out here. Leave my reservation pure.

So when you get tired of being a Wasicu, you can come home and be a Lakota. Don't bring that stuff into the reservation. If you want money and you want to be like these white people, look it, there's a whole land out here. Come out here.

Okay, my people. That's what I'm telling you now. If you want to be Wasicus, get off that land and be Wasicus out here. Leave that reservation the way it is.

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Luta,

your time is up. I need you to wrap up.

WIYAKA LUTA: That's what I want to say. To my people that are here, remember that.

(Speaking in indigenous language).

They are in that other room, the tribal president.

(Speaking in indigenous language.)

They came and poisoned our waters. They can come and take the land and dig it up. Thank you for doing that, you know. Because one day it's going to all come back on these corporations. And one day it's going to be coming to me to try to live. I'll be waiting for you guys.

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

Lydia Bear Killer.

LYDIA BEAR KILLER: Good afternoon. My name is Lydia Bear Killer, and I currently serve on the Oglala Sioux Tribal Council. I come here today and recognize this as just a listening session, and because there is violations of federal laws that you people are supposed to protect and pursue, and it's your responsibility to take care of those federal laws.

Today, like we said, you know, the chairman

before me, he said the NEPA, NHPA, all the federal laws that your government is supposed to protect for the people is not happening. So today, for the record, and your record, I'm going to say that there was never no true meaningful consultation on these issues.

And stand up for and with the people and everybody that's here. I oppose it. And I'm sure that everybody that got up here is opposing it. And I hope you're counting each person that comes up here and makes a statement, that they are in opposition to this.

I, too, feel like everything that you guys put on the earth, the video that we all saw, I feel like it's all a done deal again. And it has been. And I served, since 1990 on -- I mean, 2000 on Tribal Council. And there was never no true meaningful consultation for our tribes.

The federal government comes in, they have all this planned. And they sit there and they listen, and they say this is a consultation. Whether we agree or disagree, it happens anyway. When it's all -- it's all pre-done. Everything is done already. And then it's given to the

people like it's happening right here today.

So I -- and like with the rest of them that are saying, you know, EPA failed on the Standing Rock issue. There was supposed to be a full environmental impact statement study that was supposed to be done, and it didn't happen.

Because your president, your United States President came in, and he's going to continue abolishing and, you know, pawing through his laws against the people of these United States and our Indian people.

There's a lot of irreparable harm to our health that's already happened, and I don't think that any federal government can repair irreparable harm. With uranium, I don't care how safe you say it is, how contained it is, how good it is, it is not safe.

And the scientists, the ladies before us, you know, they put it in terms on how it's going to still affect our people. And you know, the EPA, your duty, the Environmental Protection Agency, your duty, I think right now, United States citizens, you know, should demand this Agency to file, to go after Japan for Fukushima.

You know, that bomb, whatever, blew up over

there, that's contaminating that water. And it's coming, and everybody is going to be affected by that contamination of that water. That's what you guys are proposing here against our own people.

So just -- this afternoon or this evening, you know, I, too, come here, and I oppose it. And as a part of the Oglala Sioux Tribe, we opposed it by resolution, and we're going to continue opposing it. And for your record, there was no true meaningful consultation on this issue.

So today that's for me to speak on. But also, I, too, am a mother, and I am a grandmother, and I believe that we need to take care of Mother Earth. And I don't see where our federal laws are protecting our own environment. And it isn't safe.

You know, I still don't see where anything that was ever done where a federal agency says it's safe, it's okay, and we'll clean up, we'll do this. You know, all these corporations coming in, they are all from the different countries. They are from Canada, they're from China, Russia, everybody.

They're coming in, and they're using our resources, which, you know, in long term it's damaging this earth that we live in.

So today, you know, I come -- I put it on record, you know. Oglala Sioux Tribe is the largest Sioux Tribe in South Dakota. However, we have other Sioux tribes, like Rosebud. We have Cheyenne River, we have Lower Brule, Standing Rock. We have all these tribes opposing any kind of decisions that you, the EPA, are going to make.

And I hope you oppose and I hope you don't go along with the request that these corporations are asking for. I'm asking that -- that in the presence of people, everybody that's here, everybody that's stayed and put their comments on the record, that you consider each one of them and that you oppose and do not honor the request from this Powertech or whoever is asking for this license.

I hope you guys put a stop to it and not allow it to happen.

(Speaking in indigenous language.)

REGIONAL JUDICIAL OFFICER SUTIN: Thank you, Ms. Bear Killer.

Next if we can have Wankinya Ho Waste. I'm sorry if I didn't get that right.

WANKINYA HO WASTE: (Speaking in indigenous language.)

As I stand here today, I'm standing with 500 years of resistance. I'm speaking in a 500-year-old voice that's still speaking resistance. When I speak up here, I'm speaking for the water, the earth, the sky, the land we walk upon.

I'm speaking for your God that you settlers killed a long time ago. I'm speaking for your Jesus that you settlers hung on the cross and that still hangs there today.

When you are here, I want to remind you whose land you're on. It's not mine and its none of these people. It's Mother Earth's. I'm only here for opposing something that is very detrimental for the environment. Or in deeper terms, you're trying to kill our mother.

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

I know -- everybody knows damn well Japan can't breathe their own air. They have to buy it from Australia and Canada. Turtle Island, this land, that's what it's called --

REGIONAL JUDICIAL OFFICER SUTIN: Excuse me. No, no, no. One second.

I'm hearing conversations in the room, and it's very distracting and not fair to the people speaking. So if you need to have conversations, please leave the hearing room and have them out in the hall. Thank you.

Go ahead, and I'll give you a little more time.

WANKINYA HO WASTE: All right.

Again, this land you're on is called Turtle Island, Keya Wita. The Black Hills is the heart of this nation. And if you was to lay the cancer you call uranium on that heart, you will kill all future representations of the culture in this state, which is our seventh generation.

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

on mine?

By treaties, you have no rights. And by -- if the settlers learned from us, we would still be drinking out of the rivers that flow today. But yet we are still looking for gasses that still support our cars that we drive. We still look for ways to destroy the land without even knowing it.

But I want you to realize that Mother Earth is a human being, not the way we see human, but she is a living, well entity. And if you keep throwing your cancer at her, she will throw an antibiotic right back, and she will wipe the human being out, which is us.

I'm not trying to blame anybody for anything, but I want them to wake up and realize that this is all we have. We have nowhere else to go. Find it in your heart. Remind yourself why. Why kill lands for money?

And even you coming here today, I want you to realize you've been programmed to work in the society. You've been programmed all your life to find this American Dream. Your jobs that you get paid for is all programmed.

It's a false reality when, in actuality, the

real reality is outside of your homes with the land. And the water we drink is our -- should be our reality right now. We should be building the relationship to this earth rather than to economic systems and government systems.

And I know for sure that you don't want to be traveling. I know that you don't have to be here, but you could be traveling. But you've been paid to be here. You've been paid to hear crying voices that's been crying for 500 years, and I want you -- I want to get you -- I want to remind you why we are here, and it's for Mother Earth.

And I hope you guys are well-educated about geological -- of the plate tectonics. And the plate tectonics are always moving. So even with her plans about keeping it contained, it will never stay contained because by the plate tectonic theory, the earth is always moving.

And the earth is always growing itself, and it will -- any earthquake can occur, and it will split anything. And you digging as far underground, you could speed up that process. And even contaminating water and overusage of the water and you pulling that water out of the

land, then putting it back in can create carbons, and it will collapse. That's what you call a sinkhole. And that's a geological term.

And I'm sorry to all the uncis here that I'm speaking English language, but it's what I grew up on. Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Mountain Man Scout -- Scott. Sorry. Mountain Man Scott.

MOUNTAIN MAN SCOTT: My name given at birth is Scott Burt Putnick. My birth waters are along what they call Long Island Sound in Connecticut. I'm here because I was invited. I was asked to come.

I'm a water-protector, but more than that, I'm just a protector, as are all of us. It's the only true job I have in this world.

I'm a grandfather. I'm a father. I'm a son. I'm an uncle. I have a responsibility to my family and to all life, to protect those things that I know and understand to be sacred. Water is sacred. These lands are sacred. Each and every life on this planet is sacred.

Water is life. Without it, no life will exist. These lands all around here, these lands

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

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

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

It was perfect. There was nothing that the hands of man have touched that we can make perfect ever again. I plead with you for the lives of these people, for the lives of all our relations out here, for their grandchildren's grandchildren, and more importantly to you, for

your lives, for your children, for your grandchildren, because this affects you, too. It affects everyone on this planet. Do not allow this to happen.

And on top of that, the Environmental Protection Agency is supposed to protect, as we've heard. What about the 10,000-plus uranium mines that are already out there? Many of them, there's no sign. There's no anything. They're wide open. They're leaking and leaching toxins now. So if you truly want to do your job, begin cleaning up the mess that's already there.

Do not bring more into it. Do not bring more toxins in here. Do not pollute any more water. Do not steal any more land. This isn't your land to steal. This land doesn't belong to anyone, like what she said. The land cannot be bought and sold. I'm sorry. That's true.

On paper you may so say. If you really want me to tell you what that paper is good for, I will: fire starter, for one; and to clean your bum for another. That's it.

Thank you for your time. Mni Wiconi.

REGIONAL JUDICIAL OFFICER SUTIN: Cheryl Rowe.

CHERYL ROWE: Hi. My name is Cheryl Rowe. That's C-H-E-R-Y-L, R-O-W-E.

And I believe I speak for many that cannot be here today. They just simply could not take off work or they have family obligations. Having hearings during the week when people have to work makes it very difficult. I wonder if a lot of the frustration we have here is because people are frustrated that they have to fight for what is rightfully theirs.

Water is the most important ingredient to life. We cannot survive without good water. Everyone in this room knows the pitfalls and dangers to our water this project possesses. The amount of water asked for by this foreign company for free is ridiculous. City residents pay for their water use. Why should we give it away to a foreign company?

To give away so much water in a semi-arid region that suffers from drought more often than not is a disaster in the making. We rely heavily on our aquifers. The Ogallala aquifer is important to the plains states. It is a vital resource we cannot squander.

Humans demand -- human demands on this water

that sprawls underneath parts of eight states from South Dakota to Texas, and landowners are striving to conserve what's left, they face a tug of war between economic growth and the declining natural resources. We should not give so much away to a foreign company.

They claim there is no connectivity between the aquifers and their project is completely contained. Spelunkers thought they'd reached the end of the third largest cave in the world, Jewel Cave, which is north of the project. The spelunkers were thrilled when they squeezed through a very tight space and found yet more huge caverns.

We are not confident that Powertech or Azarga's claim of knowing what lies beneath. Dr. LaGarry has done extensive research, and his work was submitted during the NRC hearing, and I beg you to look at his findings.

Transportation and disposal of all related waste is an issue far-reaching compromises to the environment and contains its own very long list of concerns. We have found radioactive fracking socks discarded in North Dakota illegally. So is there any wonder that we are

all skeptical of another extractive business?

You have already heard other testimony that we cannot trust this company. Powertech/Azarga's lobbyist wrote legislation and got it passed, whether by ignorance or corruption, that has made the project a self-monitoring operation. This was intentionally introduced to make it easier for them to self-monitor.

This was an underhanded and arrogant thing to do to South Dakotans. How can we ever trust them when they had this kind of dishonest intentions?

Why, if the process is, to quote Mr. Hollenbeck, "safe and benign," would they need to change the rules to make it easier for a company to destroy an area and then walk away without paying the consequences? Asking for an aquifer exemption should certainly make clear their intentions.

Many people use the very same Inyan Kara aquifer that the mining will be done in and -- or, at lower elevations. The deep disposal of waste into the lower aquifers is just an easy means for disposal of toxic waste, out of sight,

out of mind, and too deep to be monitored.

Will it flow into other aquifers? What happens after they are finished and long gone? Who monitors it then? Who cleans up any leaks or excursions from waste disposal ponds? Who pays for it? Once stirred up, this process continues, leaching forever into the groundwater, around the project area, into Beaver Creek, which flows into the Cheyenne River, which flows into Angostura Reservoir, where people swim, fish, and enjoy the outdoors.

Since the recovery of the uranium is not 100 percent and they are not holding the other harmful elements out for production, arsenic, which is a known cancer-causing metal and contaminates wells, molybdenum and vanadium, et cetera, are other elements that could be extracted, but I see no indication within permits to recover anything other than uranium.

All that would be waste. We recycle plastics, glass, and cardboard. Why wouldn't it be feasible to insist on the recovery of all heavy metals and elements that are extractable from this process?

The market for uranium is at an all-time low

thanks to the ongoing fiasco of Fukushima and the shift to new renewable technology on the rise. Why would we risk contamination of a more precious resource for uranium that may not be used for energy in our future? Again, is it worth the risk? Here I would like to remind you that the half-life of uranium is 4.5 billion years.

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Rowe, your time is up, so I need you to wrap up, please.

CHERYL ROWE: At this time, it's not economically feasible at $22.50 a pound. Perhaps Mr. Hollenbeck with his organic farming background should look at a more economic and ecologically sound idea for creating jobs in Edgemont. Maybe grow hemp. That's worth far more than uranium.

And I'm also very concerned about the shipping of it outside into the national -- international market because of North Korea, China, and the threats. I have more, but I'll stop.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you very much.

Tasina Sapewin? Tasina Sapewin?

Kenneth Hargens.

KENNETH HARGENS: Good afternoon. Thank you all for giving me the opportunity to speak here. I hadn't really intended on saying anything. I just came out here to see what was going on.

But I did bring a piece of paper with me that addresses some of the scientific aspects of this project. But first of all, I've got to say that before the Army sent me to Vietnam, I was drilling oil wells over in Wyoming. And just an indication of the fact that, with all of our scientific knowledge, we really don't know what goes on underneath the ground.

And with my education at the School of Mines, I learned a lot of things, and there's a lot of things I didn't learn. But anyway, when we drilled oil wells, we would have a pit in the ground. It's called a mud pit. And it was a lubricant. It's still bentonite and water lubricating the drill pipe.

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

come in with the lost circulation equipment and plug the hole underneath the ground.

And I belong to the geological society, and we've had several speakers. And one of them, a couple years ago, addressed the fact that they did a study, they drilled a borehole, and they injected ionized water into it.

And there was a series of monitoring wells around it. And in a very, very short period of time, what they injected in that well spread a great distance, 4,000 feet.

Another indication we don't know what's underneath the ground is down to -- by Fall River, Cascade Falls, the spring comes out of the ground. Near there one day they were drilling a water well and -- through that red dirt down there, and the water in the Cascade Spring turned red. So there's something underneath the ground. There's a fissure or something that caused the water flow.

Also, a friend of mine that lives in Lithograph Canyon not far from the Dewey and Burdock test sites there, he decided to drill a water well on his property, and his drill pipe went out of sight.

The superintendent from Jewel Cave went over there and dropped a fiberoptic camera down there. And somebody said, "Well, what does it look like down there?" He said, "It looks just like Jewel Cave." So once again, we don't know what goes on underneath there.

Many years ago, the Homestake Mining Company drilled core drills over towards Maitland. So they decided to drill a tunnel over there to extract the gold. They drilled that tunnel two and a half miles, and when they got there, there wasn't any gold there. There was no gold ore there. Once again, we don't know what goes on underneath the ground.

This piece of paper that I brought with me is further indication that we don't know what goes on underneath the ground. And on page -- page 3, this is a document that was copied from the Geological Survey files. The Geological Survey wrote this document.

On page 3 it says: "After an extensive study of deep injection wells across the country by the U.S. Environmental Protection Agency, it was concluded that this procedure is effective and protective of the environment."

What they're talking about here is deep well injection wells. This particular document was initially downloaded in 2011. I don't know when it was printed or when the study was done.

But anyway, it goes -- what happened is that Rocky Mountain Nuclear Arsenal -- Rocky Mountain Arsenal down by Denver, they decided to get rid of some of their nuclear waste.

So they drilled a deep hole in the ground. They drilled this hole in 1961, and -- okay. They started -- they drilled the hole in 1961. They started injecting nuclear waste and liquid waste into this hole in March of 1961.

The first earthquake happened down there on the 24th of April, 1961, very shortly after they started injecting in there. From 1963 to 1967 there was 1,300 earthquakes that were felt all the way from Laramie, Wyoming clear down to Trinidad, which is south of Pueblo.

They stopped pumping nuclear waste and liquid waste into this borehole in March of 1966. The last quake was one of the most severe, and that was in August of 1967, and it registered 5.3.

Okay. In 1985, several years after they

quit pumping, they decided to plug the well, and they plugged it with bentonite and concrete. But all of this is indicative of the fact that I think this is a ridiculous proposal and it shouldn't happen in our state. I'm sure that if it was given to a vote of the people, the people wouldn't vote for this.

As far as these graphics go, these maps and stuff right here, we have a -- we have a saying in the Army that if you can't dazzle them with brilliance, you baffle them with B.S., and I think that's what some of that stuff is.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Carla Castaway. Carla Castaway.

Joni Tobacco.

JONI TOBACCO: Good afternoon. I want to welcome you to Lakota territory.

(Speaking in indigenous language.)

My name is Joni Tobacco. I am an enrolled member of the Oglala Sioux Tribe, and I'm also an employee with the Tribe's Natural Resources Regulatory Agency. I want to make some comments and express my concerns about this draft permit.

You've issued a 151-page draft Cumulative Effects Analysis. I was hoping to see more than

seven sentences on tribal concerns. Seven sentences is what was given to the Great Sioux Nation.

Dakota Access, Keystone XL, Crow Butte, and Powertech, where is the cumulative effects analysis for all of the permits and aquifer exemptions that have the potential to impact the tribes of the Great Sioux Nation? I don't see your Agency fulfilling any type of trust responsibilities in this regard, and it falls on us to fight. It seems that all we do is fight for our water, for environment, for our survival.

Do you have any idea the impacts that has on a society of people? I don't see that in your socioeconomic impacts analysis. I want to make a request, that you do an assessment of the psychological impacts your Agency's actions, and maybe inactions, have on the Great Sioux Nation.

Also, please consider the impacts these mining activities have on the cottonwood forests on the Cheyenne River and the White River.

Our tribe struggles with identifying whose responsibility it is to identify these impacts, these cumulative impacts on our tribe when it

comes to these two mines, one in Crow Butte, Nebraska, and one -- the one up here.

Is it the NRC? Is it the EPA? It's unclear at this point. And I think it's the federal government's responsibility to figure out whose job it is to identify just how your actions are impacting my people.

In 2007, the Oglala Sioux Tribe declared the Pine Ridge Reservation a nuclear-free zone. I know that the EPA knows about respecting the environment -- the environmental quality across jurisdictions.

After the publication titled "Stream sediment geochemistry of the upper Cheyenne River watershed within the abandoned uranium mining region of the Southern Black Hills, South Dakota, USA" was released, how was this draft permit for further uranium mining respectful of my tribe's wish to be a nuclear-free zone?

You know, one of our state senators told you yesterday that South Dakota is not a nuclear waste dump. And it seems like with your knowledge of water shortage in Colorado, you would take into consideration the lack of water we have up here.

I want to support the comments from the two University of Minnesota students on your analysis of environmental justice. You need to look at how your Agency's actions, your permits, your inactions are affecting or how they are not considering an already marginalized people.

You want to segregate us and call us the Oglala Sioux Tribe, the Rosebud Sioux Tribe, the Cheyenne River Sioux Tribe, the Standing Rock Sioux Tribe, go ahead. But you also need to consider that we are the Great Sioux Nation and think about how you're impacting us.

Thank you.

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

Nancy Hilding.

NANCY HILDING: My name is Nancy Hilding from Black Hawk. I'm the president of Prairie-Hills Audubon Society, which is an environmental group in western South Dakota, and I'm speaking on behalf of the society.

Got several points to raise. I'll begin with 42 U.S.C. 4321 or 40 C.F.R. 1500-1508, the NEPA regulations, and the Council on Environmental Quality rules to execute those.

I'm aware that the EPA has gotten exempted of the Clean Water Act and the Clean Air Act from having to do NEPA analysis. I've not been able to find that you're exempted under the Safe Drinking Water Act or under RCRA. Maybe you are, and I just haven't looked hard enough. But I didn't find it, and I didn't find it in your rules under your NEPA enforcement. So maybe I just don't know better.

But the GEIS on in-situ leach uranium mining by the NRC just has the cooperating agency, one of the Wyoming agencies, the DEQ or the EQC, I forget which. And the cooperating agency on the SEIS on Dewey-Burdock was the Bureau of Land Management. There was no EPA as the cooperating agency, and you were not a cosignator, that I'm aware of, to any of those frauds.

So ir- -- I don't know whether you should have or not. I'm asking you. Are you exempted under the Safe Drinking Water Act and RCRA? So whether it's you, or you and the NRC, I believe these are failings in those documents.

You're supposed -- they're the -- that -- either the draft or the final had 642 wells as part of the well fields and the 8 for the deep

injection. I've heard that the proposal lists 4,000 wells that you guys are writing up recently. That was not one of the action alternatives. That's a much bigger footprint than was in the action alternative in the SEIS.

All right. I've heard that there are -- also is now third-party waste being -- in-situ leach waste being allowed by the NRC. That was not part of the action alternative in the SEIS or the GEIS. Okay. So this is a NEPA oversight. Whether it's your responsibility or the NRC, who knows -- and the BLM. Okay.

I have a question. When you're being allowed these third-party waste disposal actions, there are other forms of in-situ mining besides uranium. It's been used for copper, potash, experimentally for gold. I've read also possible nickel, manganese.

When there's this variance being allowed for this to be a waste disposal site instead of a mine, is that just limited to in-situ leach uranium, or is it other forms of in-situ?

However, if the second option is, that is not discussed in the NRC, NEPA documents. And they don't have authority over that anyways, and

they couldn't. That would rest with you. So if the NRC is allowing third-party waste disposal from -- not related to the radiation exercises, where's the NEPA document on that?

Okay. So this gets into this insufficiency of the NEPA documents the NRC did. We're very concerned about failure in -- either in the cumulative effects discussion or the connected actions to not consider as a cumulative effect or a connected action the eventual deposition of the radioactive waste that could come once -- and if you dig it out of the ground, somebody is going to use it, and they are going to end up with a radioactive waste. So why isn't that either a cumulative action -- cumulative impact or connected action?

And, you know, somebody mentioned Hanford today. But we have here in South Dakota, up in Haakon County, the Department of Energy proposal to do research into a deep borehole deposition of radioactive waste here in South Dakota in the project area of the SEIS and the GEIS. So this is either a connected action or a cumulative action that's not being discussed.

And you also can get into thermonuclear

global war, a nuclear winter that cured global warming -- I'm joking, okay -- or just depleted uranium and munitions scattered all over the war zones of the world.

Connected actions and -- connected actions and cumulative effects not discussed in the DEISs -- or SEISs.

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Hilding, your time is up, so I need you to wrap up, please.

NANCY HILDING: Quickly, Trump doesn't like NAFTA and the TPP. Having foreign companies default and leaving Superfund sites is a desirable thing that he would like.

The sturgeon chub, which is a fish in the Cheyenne River, was petitioned for listing in August of 2016. And when Linsey McLean -- she's a member of ours that we're very proud of -- when she talks to you about adequate testing for speciation analysis of chemicals and concerns about -- when -- the ion exchange, the glorified water purifiers are going to have a hard time with elements and metals that are organic. I hope you'll listen to Linsey.

Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Sophia Black Cloud, has she come back?

SOPHIA BLACK CLOUD: Hello. And thank you for calling my name again. I am a mother first and foremost, so that's why I wasn't here, I guess, when you called my name the first couple of times. So thank you.

Again, my name is Sophia Black Cloud, and I am a descendent of Sitting Bull's tribe. My father is full Lakota Hunkpapa Sioux, and my mother is Aztec. And with that being said, I was born in Mobridge, South Dakota. And, quickly, two of my mother's family from Santa Barbara, California was taken off of the reservation for reasons of my mother's family's doings.

So I was raised in Santa Barbara, California where as a child I was raised on the beach and in the mountains and had a father who was not around physically, but very much so in my ear and in my heart, and we wrote and spoke quite often.

And being raised in California gave me the opportunity to see the drilling offshore and the drilling in our mountains. And as a child, swam

amongst pipelines in our ocean that leaked just horrible toxins into the water we were literally swimming in.

So I started to question that as a very young child. And then in elementary school, my first recollection of being introduced to knowledge of the Sioux Indians, as my elementary schoolbooks wrote, was horrific. And so I remember as a young child being turned off altogether to the white man's way of learning. It didn't explain who I was at all. It was just incredible the things that were written in my elementary schoolbook.

And so anyway, so growing up in California, again, was able to see those things. And then became a woman and started having children and -- sorry, that clock is -- then started having children of my own and wanting to teach them who I was and where I came from.

And after my father showing up on my doorstep after 20-some-odd years and reminding who I was after I had had children and that I wasn't teaching them truths and things that he had been teaching me my whole life, he then brought me back home to the Standing Rock

Reservation, Fort Yates, North Dakota.

And I fell in love. I fell in love with everything about who I was, who my family was. But then I started to take a good look around at what was really going on, and to who I was, and started reading and teaching myself what the school systems had failed to teach me about water and things like the Fort Laramie Treaty.

And then when I looked into my genealogy, found that my great-great-grandfather was a warrior, Akicita, and fought for my grandfather and father's right to these treaties that they signed with you guys.

And I'm not sure that you've read them, honestly, because if you guys have read these treaties, you would understand what you're doing is just simply wrong in every sense of the word.

And so now looking into things and trying to get my children -- I now am a resident here in Rapid City, all the way from California, and trying to get to my hometown in North Dakota. And then seeing what's going on there, I just feel like -- it's like the blind leading the blind. You just don't know what you are doing.

My great-great-grandfather fought for me to

have these Black Hills. They are in our name, my last name. We belong to those Black Hills. You guys belong to the Black Hills. And the fact that you're willing to jeopardize that -- my three-year-old daughter was here. She is a water-protector. She knows how important water and those Black Hills mean to our family.

You know, we go there to touch the ground and the water. And to think that I heard the lady yesterday say that those waters are dirty and contaminated, it just -- because you take a dump, you just don't not wipe again. Do you know what I mean?

You just -- you don't keep contaminating things. You clean up the messes you guys have already created, and you help us protect these rights that you guys gave us, that we allowed you to give us.

So I can see my time is up, and that's all I've been able to concentrate -- I could go on forever and a day. But I'm here fighting for my great-great-grandfather who fought for me to be here and to protect those Black Hills, and that's exactly what I'm going to do.

I'm going to protect these free rights, and

my children are going to do the same. So, my father fought in 1981 that uranium, and they won. And that's what we intend to do today.

REGIONAL JUDICIAL OFFICER SUTIN: Did Tasina Sapewin come back?

What about Carla Castaway?

Next is Marvin Kammerer.

MARVIN KAMMERER: Here I am again.

I still don't believe that you're really listening. The name Kammerer comes from a German name, a long ways back. It's kind of like the janitor or the custodian, but I imagine we were known as the family who followed the lord's horses with shovels.

Having said that, that was a way of stewardship, and I'm still a steward of the land. I'm a Wasicu. I know there's not many with cowboy boots and hats whose land is treaty land. I'm here. And my brothers and sisters, all of them out here, they are my brothers and sisters.

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

environment. When they're through harvesting what they want to harvest and it's not profitable anymore, they pull out. And the Superfunds have to take over, if we have any. Knowing the outfit we've got running the country now, we probably won't have that. We'll have to live with the crap they leave us.

And you're going to see, if that dam that they're building down there and will build to hold nuclear waste and water, before they process it, whatever -- once in a while, we get terrific storms, piles of rain. And especially lately in the last several years, it's getting worse.

I could just see what would happen when that water hits the Cheyenne and into Angostura. And my friends and some of my relation who raise cattle on that river, and the word goes out, don't buy any of these beef, shut them down, fence them off.

And these people who want this project have to be responsible for that, and you don't have near enough money in bonds to begin to cover it. None. Show me one where they have.

A few years back, this gentleman here was in

the legislature, and he encouraged a lot of people to buy stock. And then they come up with this bill, Senate Bill 158, I believe, where the state gave away its water to foreign corporations.

Now, I'm sure all of you in your own hometown, wherever you live, get a water bill every month. And you pay it because you're trusting them to bring you safe water, and it's there always. These people gave it away. Our legislature in this state gave it away to foreign corporations. Powertech is one of them, Azarga.

This thing, when it gets away, puts it down underground, and there's people up here saying -- and there's some good scientists that's given evidence here. We don't know what's going on under there. It's a guessing game.

And if it gets over into the Igloo area, where these people already testified what's buried there -- and we don't even know where it's buried -- contaminates, Katy, bar the door.

I'm getting tired of corporations coming in here, into this state, that will sell their

mother for another buck. I'm getting sick and tired as a person who has paid their dues here, and so have these people -- my God Almighty what they have given us, what we've taken -- I'm getting sick and tired of corporations coming into this state and when they're pissing on my back, telling me it's only rain.

Thank you.

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

Terri Hulm.

TERRI HULM: Good evening. I know it's your last night, and you guys have already heard about the ethics of Azarga and Powertech, so you already have that on record, how unethical they are. And you've heard all the scientific proof of that, how bad this is and how bad this is going to be to people.

So I was praying about this this morning. And you know, I've had cancer. My daughter has cancer. My grandmother died from cancer. The Cheyenne River is already polluted. And you guys monitor. You monitor. You know it's polluted. You watch it. But you don't do anything about it.

It's not cleaned up to this day. It's not cleaned up at all, you know. And you gave up your environmental impact statement up at Standing Rock, just let them roll over you. You know, you don't do your job and protect and clean up.

You might give a little, teeny fine to a company, but that's about it. And they continue doing what they want to do, and they leave behind their mess. And all of us in this room and everyone we care about, and our family and our tribe are all collateral damage for a corporation to make a buck.

And what we're asking you today is to be a decent human being and please just deny these permits. Because the plan that you put up there, while it was well-researched, all it does is monitor. Is there any barrier? Have you got anything that's going to stop this from communicating and getting in the water? No. You monitor. Okay.

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

you guys have that you know are sites but no cleanup is happening? Is there any cleanup happening on the Cheyenne River? No.

And you guys want to continue putting more and more contamination in, and everyone is just collateral damage so a company out of Hong Kong can make a buck. That's un-American, that's unhuman, and that's indecent.

And all we're asking is that you just be decent human beings and deny these permits and allow us to have our kind-of contaminated water so it isn't really contaminated later. Thank you.

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

It is 5:00, so we will be taking a dinner break. We will be back at 6:00 and continue with the testimony. Thank you.

We are off the record.

(A recess was taken from 5:00 p.m. to 6:00 p.m.)

REGIONAL JUDICIAL OFFICER SUTIN: Okay. We are going to get started. We're going to go back on the record.

We are here for the draft permits for Class

III and Class V UIC wells for the Dewey-Burdock site. And in order to make sure -- there aren't a lot of people here at the moment, but we do have a lot of people who signed up to speak, and we want to make sure that everybody has the opportunity to get through their comments this evening, if they would like to.

So we are going to not do the opening remarks that we did earlier today, in hopes that most folks were able to see it, and try and get through the testimony. If we do not get through everyone's testimony this evening, please, I just want to remind everyone, that we are having hearings again tomorrow and Thursday. In Hot Springs tomorrow, and Edgemont on Thursday. So there's plenty of opportunity for folks to come to those hearings if they are not able to testify today.

So with that, we will get started.

First speaker is Jerry Meyer.

JERRY MEYER: I'm here.

REGIONAL JUDICIAL OFFICER SUTIN: Great.

JERRY MEYER: Thank you. However, seems kind of anticlimactic without --

MS. SHEA: Without a crowd.

JERRY MEYER: -- hardly anyone here to listen.

AUDIENCE MEMBER: I think they are waiting for you to do your 20-minute introduction.

MS. SHEA: Does that mean they didn't want to hear me again? I'm just kidding. Okay.

Should we announce outside that we're starting the hearing?

REGIONAL JUDICIAL OFFICER SUTIN: Why don't we do that. Hold on one second.

(Pause in the proceeding.)

REGIONAL JUDICIAL OFFICER SUTIN: Go ahead, Mr. Meyer.

JERRY MEYER: Okay. First of all, my name is Jerry Meyer. I'm 68 years old; born in North Central South Dakota; lived in the Black Hills area most of my of life, since 1966.

I've been through this process before 40 years ago when uranium mining was initially being proposed for this Black Hills area. I opposed it then, I oppose it now.

I worked for 30 years as a social worker. In graduate school I learned the value of thorough and complete assessments, and my assessment of the value and the worth versus the

risk and the harm to our environment from uranium mining in general is not worth it.

And secondly, for these two draft exclusions, I guess, one for hazardous waste disposal, I believe, and the other to continue mining, I'm adamantly opposed to.

There were a couple of speakers yesterday who talked about one young woman who either worked for or attended the School of Mines, saying she supported nuclear power because it was clean energy but was opposed to uranium mining, which is a contradictory statement in my view.

But it's clean energy that leaves nuclear waste, which our world has not yet figured out how to dispose of in an effective and safe manner. So we have places like Hanford Nuclear Facility, where I think it's nuclear weapons waste that is being stored that has leaked, and today one or two other people mentioned that.

One of the storage tunnels housing railroad cars full of nuclear waste collapsed. And I know that Hanford site has had contaminated water leak into the groundwater in that area as well as into the Columbia River in the past. So

a result of nuclear weapons production.

In addition, nuclear weapons are used to kill a lot of people as evidenced by Nagasaki and Hiroshima in Japan.

The damage that can be done by nuclear power facilities is demonstrated by, in this country, Three Mile Island some many years ago in the eastern U.S., Chernobyl on the Ukraine-Russian border, and most recently by the Fukushima Daiichi disaster, the result of a nuclear power plant being destroyed via a -- I think a tidal wave or a hurricane or something like that.

A case study in how the in-situ uranium mining can go awry is of the Christensen Family south of Gillette, Wyoming about 40 miles. They first homesteaded that land, the grandfather, John Christensen back 100 years ago, basically.

And John was raising sheep and cattle, was struggling with a drought in dry conditions in that area, and so chose to both help the U.S. energy cause and develop another source of income by selling his mineral rights to gas, oil, and uranium mining companies, thinking they would still have the 35,000 acres with aquifers underneath them that would be safe to use for

their livestock and for their personal use.

Well, the in-situ mining wells in that area did have excursions. He said he was never told about excursions. They did contaminate the shallowest of the aquifers at that point in time, and it was no longer usable for his livestock.

In addition, when he first started mining, it was a South African company that owned the mineral rights and did the mining. That changed, I think, three times during the time he had been there, two where Uranium One now is the primary owner of the mining that occurs on his property.

And Uranium One is 94.3988 percent owned by Rosatom, a major Russian corporation, energy corporation and development, confirming my fears that Vladimir Putin is indeed, according to one of our Dakota Rural Action members who was from Belarus and is a freelance journalist, wanting to have Russia dominate control of nuclear energy production and nuclear weapons production.

So I feel that by us supporting international corporations to do this kind of

work, for one thing, pollutes our local water tables, aquifers, surface water through disposal and injection; and gives foreign corporations, who seem to be fly-by-night, the opportunity to capitalize and, in the case of Russia, dominate maybe worldwide this scary type of energy development and weapons development.

Thanks for listening.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you very much, Mr. Meyer.

Kelly Corwin.

KELLY CORWIN: Hi. Thanks for giving me the chance to speak. My name is Kelly Corwin, and I live in Rapid City.

My comments are mainly to add to and support the other voices we've heard today. Clean water is honestly nearly nonexistent in the United States right now, and it's -- the situation is becoming worse every year.

It's well established historically that this project will -- not could, but will -- cause environmental contamination.

I'm thinking about the history of the EPA. Why was the EPA created? The EPA is charged with protecting the environment and protecting

people. I don't believe that the EPA's mission should be to experiment with how much environmental destruction can we accomplish before we all die.

Unfortunately, we won't see this in the 24/7 media, but you actually don't have to look for and research to find that this is already happening. We've got documented cases and rates of cancer or other toxicity-related illnesses not just in older people, but young children, babies born with birth defects. These are all correlated with areas that have had environmental impacts similar to what would come out of this project.

Another thing I've been thinking about is that scientists and engineers draw these types of maps, the maps we've seen of the aquifers and the wells. We draw these maps to define boundaries. Here's one aquifer, here's another aquifer, here's where they're connected or here's the ways that they're not connected.

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

And I will say, as a scientist myself, that while these analyses have their purposes, they have their useful purposes, they are still only approximations of reality.

This is the earth we're taking about. Everything, everything, everything is connected, as multiple speakers today have already stated. The idea of containing contamination from a project is only an optimistic dream. It's not reality.

We've got so many people here willing to put their names on the line and spend hours and days out of their week attending these hearings, making these comments, not to mention the time spent organizing, reading the published documents and policies to put together these comments, and et cetera.

The current story of our nation, the United States, seems to be that a project is set up; the real people, the local people who are affected show up and give their voice when they're allowed to do so; and the people with the money and the power steamroll ahead anyway.

However, people young and old are coming up, getting involved, and showing up to do the work

that will make this cultural shift from valuing money -- which, if you ever took economics, you know money is an arbitrary, imaginary concept -- to valuing human life, to valuing nature, to valuing connections -- connections between people, connections between people and nature -- valuing what is really important to human life, to finding the meaning of life.

The meaning of life to American culture seems mysterious and out of reach, but there are plenty of people around who have a grasp of it. It's just that those people, by their exact nature, are considered to be the quiet ones. They're not the ones who become famous or go on TV media or whatever.

So I join with the other voices from today to urge you to listen, as many of the speakers have already said. Listen to the people here when you make your decisions. Seek the input of the tribes and truly listen to them. Listen to your own hearts, what matters to you.

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

Thank you.

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

Next, if we can have Patrice Vacek. Patrice Vacek?

Ray Greff.

RAY GREFF: My name is Ray Greff, and I thank you very much for putting on this hearing and accepting comments from people like me.

Does anyone remember The Crying Indian, Iron Eyes Cody, and the pollution ad that first aired on TV in 1971? Glad a few of you remember that.

Anyway -- and there's an argument on the internet right now, was Iron Eyes Cody actually Indian? Apparently, he's Sicilian or Italian. They are fighting on that on the internet.

But anyway, that ad made a big impression on me. And to this day, I don't litter the tiniest piece of paper. I'll go to the house and throw it in the garbage. And when I'm out hiking and hunting, I'll often pick up cans and garbage and throw them where they should have been thrown in the first place.

This is a quote from David Brower, former head of the Sierra Club from his book, *For*

Earth's Sake: "While the death of young man -- while the death of young men in war is unfortunate, it is no more serious than the touching of mountains and wilderness areas by humankind."

And I wanted to bring that out just to show what, to me, is the radical nature of the environmentalist versus the conservationist that I consider myself. I have a 1981 B.S. degree in mining engineering from the School of Mines here. And the old joke about the environmentalist, that's a guy who already has his cabin in the hills.

And anyway, has anybody ever driven the million-dollar highway between Durango and Ouray, Colorado? Okay. Beautiful, isn't it? And I loved it. And to me, mining is a great attraction to me, and I like the old mining sites. They provide mineral collecting and other exciting opportunities, for those that haven't been squeezed out or, you know, covered off.

But anyway, the worst part of that drive to me was, you have the beautiful waterfall coming down cliffs all along the road, and there'd be a

house on either side of the waterfall. It's those houses to me that are going to be there forever, unlike a reclaimed mine, that is the pollution to me.

Okay. Is there anything in this room that anyone can point out that hasn't been mined or grown? If there is, I'd like to know about it. And my point in asking that question is, you know, we have to mine. It's basic. None of us got here with a vehicle without the steel in our car, right, or truck. So mining is good. It's got a horrible rep, but mining is good and necessary for civilization.

I'm not bothered at all by the extremely minimal surface disturbance of the Dewey-Burdock project. What a beautiful thing to be able to mine underground without going underground yourself. Very cheap way to do it and efficient, and I like that.

I heard "baseline" mentioned yesterday and a little bit today. When I was mining engineering at the Black Thunder Coal Mine in Wyoming, we had to put -- plant -- replant sagebrush, and there's a question whether that sagebrush got there in the first place from overgrazing of

sheep when the white man first came through.

So the baseline is kind of an ephemeral idea that way. But I contend the baseline, you're not going to put this room back as it was, just from people breathing and being in here, exactly like it was. So I hope that the baseline isn't too tough on this project either.

I contend Yellow Thunder Camp by Victoria in the Black Hills or that North Dakota protest over Dakota Access Pipeline would be a lot tougher to put back to baseline than a lot of things.

Talking about disturbance of mining, Cameco, near Crow Butte -- or Crow Butte project down by Crawford, Nebraska has been quietly mining in-situ uranium the same way since 1991. Nothing earth-shattering that I've heard out from them. Pumpkin Buttes, Wyoming and places in Texas, the same way.

Let's talk about water, seems to be a big concern. The water within the aquifer exemption areas is currently unfit for human consumption. So the beauty of this project is it is going to remove the uranium from that water. And there's some EPA literature I hope you read here. It's

good.

But the NRC has said with -- in approving this project in 2014, like they did -- I see my time is up. I'm going to go over maybe a minute. I saw somebody go over about five minutes earlier today, if that's okay.

REGIONAL JUDICIAL OFFICER SUTIN: Not five minutes, but you can try and wrap up.

RAY GREFF: Okay. The report concludes that there are no environmental impacts that would preclude licensing the facility. That's from the National -- or Nuclear Regulatory Commission, the NRC. I assume they are the professionals on this. And here we're getting a lot of heartfelt, novice, amateur hour, not as scientifically based.

To me, Jimmy Carter had a chance as a nuclear engineer to put the fear of uranium away from the country, failed to do so. So people are afraid of the unknown, and uranium is unknown to people.

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

I would much rather have the Dewey-Burdock project mine its uranium here than buy it from the Russians elsewhere. Thank you very much for the time.

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

Linsey McLean.

LINSEY MCLEAN: Thank you for having me, and I'll need a minute or two extra, too. And I am science based.

My name is Linsey McLean, and I am an environmental biochemist in toxicology for the last 40 years. I was born and raised in Flint, Michigan, and lived there for the first 55 years of my life with over 450 Class VII industrial dump sites in each of the counties of southwest Michigan, so I am well acquainted with environmental contamination of all kinds.

In fact, this is the reason, actually, that I sought my course of study and pursued a career in the effects of environmental pollution on the living body of both animals and people. I am also a federally approved expert witness.

The history of the Dewey-Burdock area as far back as the 1950s is well known. But what is

not well known is the summary of the explorations and subsequent 7,650 old boreholes left by the TVA unclosed or improperly closed in two different explorations over ten years, which says, "The aquifer test results indicate that the Fuson Member of the Lakota formation is a leaky aquitard separating the Fall River and Lakota aquifers; thus the ability to dewater the area for mining was impossible and the site was abandoned twice."

The understanding was that even if the boreholes were closed, there are still enough geologic anomalies to prevent effective confinement of rock layers for ISL mining or dewatering for tunnel mining.

Powertech knew this when they first concocted this business, but failed to disclose to the NRC, the EPA, and the public.

The fact that the permit papers filed with the State of South Dakota featuring tested uranium concentrations in the area show the highest levels in the alluvial aquifers, which are essentially runoff from the old roll front that was completely mined out back in the '50s and '60s in the open pit mines left there and

not able to be mined due to lack of confinement.

There's essentially no economically recoverable uranium left in the area to mine and why the TVA abandoned the site twice. This roll front is gone, mined out.

And as stated by others, the business model of Powertech is not actually uranium mining. But by their own admission, they lack funds to mine and even fulfill the requirements of the NRC, before they can mine, of closing those boreholes.

So the business of hazardous waste deposition becomes the only way to make money and likely why the original request of eight hazardous waste injection wells was done. Normally mines like this need only one.

So still, the request for four Class V wells is still ridiculous. And without the ability or clear permit to mine and they say they need two right away, what in the world for?

The ability to purify the wastewater to Class V standards is not being considered. Simply putting the wastewater in a pond to air out the radon gas and then precipitating out the radium with barium chloride does not remove the

other radioactive and toxic components.

The toxic metals that have been mobilized are still there. And that includes vanadium, strontium, thallium, thorium, some radioactive forms of lead, and organified uranium that has been documented to build up in recycled wastewater and is not recoverable by ion exchange. And all are radioactive as well as toxic as heavy metals in biochemistry.

This does not constitute the level of safety equal to stormwater or sewage effluent that a Class V well is limited to. If Powertech were able to clean this water to levels they boasted about in the NRC and ASLB hearing, so pure you could almost swim in it, then that water would be valuable for agriculture, irrigation, and farm use in this high, dry area of the country.

It does not meet the qualifications for a Class V UIC, not for the concentration of toxic metals and radioactivity of such.

There are usable Minnelusa wells in the southern Black Hills downgradient from Dewey-Burdock. The state DENR says they know of thousands of current Minnelusa wells under use there; however, there are many older wells not

registered by the state where the owners do not even know what aquifer they are in or how deep their water is.

They will not know they are sucking up hazardous waste, radioactive heavy metals until they get cancer and their cattle die.

Then comes the class action lawsuits to both EPA and Powertech, who will undoubtedly bail and file bankruptcy and walk away from the mess, leaving EPA holding the bag because you were informed of these private wells before these permits were even issued and did it anyway.

If these permits are issued, the Council for Responsible Mining will begin getting baseline testing and monitoring of these wells for class action lawsuits that will surely follow as the plumes flow south and east through Igloo and beyond.

Which brings me to the subject of Igloo. The proximity of Igloo, the 367,000 tons of various nerve gases known to be unstable in old metal containers that are self-igniting and both water-soluble and oil-soluble buried in over 200 miles in both naturally occurring and man-made tunnels presents a unique hazard of epic

proportions on the planet if flooded by highly oxidative lixiviants or disturbed by siesmic activity known to be caused by injection wells. This alone should negate the Dewey-Burdock site for any and all mining activity.

And regulations? IUC [sic] wells are required to treated waste acceptable -- to acceptable levels of toxicity or prove there is no migration of the waste. The wells are designed so that if they happen to fail, the waste would be confined to the injection zone.

No migration means the waste will not affect an underground water supply for 10,000 years or until the waste is not harmful.

To ensure this, the EPA mandates that there are no faults or other adverse geological features presents in the area, that the well injects into layers that do not currently hold water, but have the current features of porosity and permeability and that are below a confining layer.

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

REGIONAL JUDICIAL OFFICER SUTIN: Ms. McLean, your time is up, so I need you to wrap up, please.

LINSEY MCLEAN: Okay. I've just got a little bit more.

The lack of oversight. I quote a report that criticizes EPA of oversight injection wells from ProPublica published in 2014. "The Government Accountability Office says environmental regulators are failing to adequately enforce rules for wells used to dispose of toxic waste from drilling." It goes on to say, "Injection wells used to dispose of the nation's most toxic waste are showing increasing signs of stress as regulatory oversight falls short and scientific assumptions prove flawed."

The report says that the -- let's see --

REGIONAL JUDICIAL OFFICER SUTIN: Ms. McLean, I'm sorry. I do need you to wrap up. If you want to continue your testimony, if there's time at the end, I'm happy to have you come up and finish, but it's not fair to others if they don't have the time.

LINSEY MCLEAN: Okay. And I will.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Did Patrice Vacek come in?

Frank DiCesare.

FRANK DICESARE: Good evening. Frank DiCesare.

REGIONAL JUDICIAL OFFICER SUTIN: I'm sorry.

FRANK DICESARE: That's quite all right. It happens to me all the time.

First, I want to thank you for your service to the people of the United States and for conducting these hearings here. Secondly, I'd like to state that in general I'm not opposed to mining, but this type of ISR mining that's proposed here, that I'm opposed to, primarily because it does affect the water. I won't elaborate on that in detail. Many other people already have.

I work as a land surveyor out of the town of Deadwood. And part of our surveying responsibilities include mineral claims surveying and mining site surveying. We have, on occasion, actually gone out and surveyed and delineated limits of defined Superfund sites in the hills, of which there are several, as I'm sure you're aware.

One of these Superfund sites was actually in the town of Whitewood, South Dakota, a small town off of Exit 25 on I-90. Many of the toxic elements within that Superfund site affect private property to the point where, whenever we plat or provide property survey for homeowners in that area, by regulation, local regulation, we have to show the defined area on their plat if it is indeed part of their property.

It's -- the county will not issue a building permit for any location within this defined area as a precaution, but the private property rights have already been violated.

The mining company that caused these heavy metals to be dislodged and wash downstream and settle in this town, did they ever anticipate this? I don't know. Maybe not.

But too many Superfund sites already exist where mining companies and other types of toxic operations were simply walked away from only because it was financially possible to do so because the bonding that was posted for cleanup and reclamation was just insignificant as far as they were concerned. It would have been more costly to stay around.

One other issue I would like to address here is the EPA's aquifer exemption. I know by regulation you're allowed to do this. I recall back in the 1970s when the EPA was first formed.

There were, I don't know how many, numerous toxic sites, polluted sites around the country, and the EPA really did, over the years, a really good job of getting a lot of these cleaned up, increasing public awareness, and creating regulations by which the industry and other companies had to abide in order to keep the environment clean.

But somewhere along the line, it seems like, with all respect, you may have violated the public trust by including regulations that now allow certain areas, aquifers, whatever to be polluted.

With all respect, I would suggest that these regulations be revisited and serious reconsideration be given to them.

Thank you very much.

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

Carla Rae Marshall.

CARLA RAE MARSHALL: Hello. Thank you for

coming here and doing public comments. I just want to say that I understand the EPA is only appropriated so much money and struggling to help keep the environment clean. You guys are struggling; our tribes are struggling.

My name is Carla Rae Marshall, and I am a resident of Rapid City here. I've been living here for many, many years. I am an enrolled member of the Cheyenne River Sioux Tribe; however, this is not tribal consultation. I just want to make that clear.

I am a mother and a grandmother, and I am deeply concerned about what the future -- what future we are leaving for the next generation, the future generations. As Lakota people, we say seven generations we have to think of, and each generation thinks of seven generations. So it keeps going on.

I say no to this proposed uranium in-situ recovery project operation in the Dewey-Burdock. I say no to granting Powertech USA, Inc., which, by the way, shouldn't the permit application be in the name of Azarga Uranium since now the Dewey-Burdock project is 100 percent owned by Azarga? Which they do name that on their --

Azarga's website. They say, We're 100 percent owned, the Dewey-Burdock area.

So should that be changed over? Shouldn't Azarga have to start from A to Z like Powertech? They came in, and they applied for applications under their name. Now it's changed over to -- changed hands.

I say no that -- no to either one of these companies, whoever they are. No more raping of Mother Earth. This is not in our best interest, not in our nation's best interest, nor is it in the best interest of South Dakota.

So each one of us must protect Mother Earth and her life blood, which is water. When we say Mni Wiconi, "Mni" is water, "Wiconi" is life. That's why Mni Wiconi.

I believe -- let's see. Regardless of what the company is called, the process of extracting this uranium out of Mother Earth, then allowing them to shoot their radon-tainted wastewater into her, into the Inyan Kara in Fall River County would put our livelihood in danger from here all to the way to the Missouri River, because these -- the aquifer waters come through the Cheyenne River to Angostura, back to

Cheyenne River, and all the way down to the Missouri River.

So, I grew up on the Cheyenne River. I swam in the Cheyenne River. I fish out of the Cheyenne River. I also grew up around the Little Missouri, too -- or lived along the Little Missouri, and my kids swam in there.

These waters need to be healed. They are not being allowed to be healed. So no to this uranium mining, no to any of this pollution that's going on.

The other reason is that the He Sapa, or the Black Hills, is treaty territory. Under the 1851/1868 Fort Laramie Treaty and under law, it is mandated to consult with the tribal governments as government-to-government relations.

This includes following the National Historical Preservation Act rules and regulations with the tribes. However, South Dakota and federal agencies involved in permitting this uranium mining have continuously ignored tribal nations and their expert testimony regarding cultural properties and sacred sites.

And speaking of sacred sites, if you look at the aquifers, there is a whole precious ecosystem within these aquifers. There's microorganisms that are down there, and when they get disturbed by trying to inject this tainted water, that's going to disturb the whole process, the whole whatever is down there that's needed.

I know you guys are all smart people, you know. You have scientists and all coming in. This is not, you know, brain surgery, rocket scientists or whatever, and that's what they're going to use it for.

And that's the other thing is, this is a China-based company. You don't know where that uranium is going to go. Once it's out of the Black Hills, it's going to go to China. We're going to have another Fukushima on our hands.

So I say, you know, them wantonly wanting to contaminate our groundwater will leave thousands of people and their livestock without valuable water sources. They will also leave millions of wildlife species that depend on the aquifers that nobody talks about, you know, the deer, the antelope, the eagles, everything. Everything

depends on this.

In the news, I -- don't know if anybody seen this yet, but emergency -- just today, emergency declared at nuclear contaminated sites in Washington state where underground containment system, it fell through.

So you're looking at the Dewey-Burdock area that has been out there for, I don't know, since what, the '40s, '50s, that hasn't been cleaned up. So we have 167 mines that have not been cleaned up. We have over a thousand in the Missouri Basin area that have not been cleaned up.

So when we say water is life, no radiation in my water, just say no. I mean, this is it. It's game over. You know, people, young people got up here and spoke today, and I was so proud of them because, you guys have to understand this, we are protecting everybody's water. Everything on this earth depends on water.

I was at the bank one day, and I sat there, and this woman who had her window open and I had my window open, only she was in a convertible. She sat there, and she was telling on the phone, "I just washed my car and" --

REGIONAL JUDICIAL OFFICER SUTIN: Ms. Marshall, I need you to wrap up. Your time -- your time is up.

CARLA RAE MARSHALL: Okay. So she's standing there, you know, "I just washed my car and now I have to go do the dishes. Then I'm going to do the laundry, and then I'm going to water the lawn." You know, everything she said she was going to do that day involved water.

So thank you for your time. Appreciate it.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Jacquelyn White Hat. Jacquelyn White Hat?

Justin Roland.

Bernita In the Woods.

BERNITA IN THE WOODS: Thank you. Good evening. I'm from the Cheyenne River Sioux Tribe, and again, this is not consultation. And I do serve on the Tribal Council, but my brother did come yesterday as well, and he's more of the eloquent speaker.

It just seems like we have these hearings all the time, and you hear all of this over and over and over, that it seems like you do this on purpose to become callous. And it's frustrating for the tribes, especially because the water is

life for us, and we depend on that for our future of our children, and not just our Native American population, but all races in our nation.

And it just seems like -- it's like we're constantly having to fight over and over and over just to live, and it's frustrating.

So I believe that you failed on providing meaningful consultation from the tribes, and that still needs to happen. So I'm requesting that that happen, that meaningful consultation does happen with the people. I mean, it affects all of us, I know, but we see it coming close to our reservation, especially to some of our sacred lands where a lot of our medicine, our traditional medicines and ceremonial practices, where those all take place, and it's near that part.

So we are going to fight. We are going to fight, and we will continue to fight at this until we can't anymore. But it's never going to be over. So, I'm not very good at speaking in public, but I just want to let you know that we're never going to stop this fight. And Mni Wiconi. And we will always be here. You'll

never get rid of us.

Even though this is probably one tactic that may be affecting our future of our people, but we'll stop it. We will. We'll stop it. But that meaningful tribal consultation has to happen. And please, please -- it just seems like -- don't become callous because, you know what, it's your kids, too, and your grandkids and their grandkids. And everyone is going to be affected by it. So that's all I wanted to say.

Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Earl Tall.

EARL TALL: Hello. I'm Earl Tall. I've been in North Dakota recently. I was also a former resident of Yellow Thunder Camp. Where's the gentleman that was over there?

A couple years ago, they had a hearing in Hot Springs. I think it was a National Regulatory Commission, and they talked about water then. And the majority of the people there disagreed with what they were proposing, and yet the -- the permit was issued.

And again, we heard people talk today about

this seems like a done deal already. Saw one lady clap for the gentleman that was here. Only one. Is this already a done deal? Because if it is, then where do we go from here? We need to -- what's the next steps for -- what's the next steps for the people?

AUDIENCE MEMBER: Another Standing Rock.

EARL TALL: Because --

AUDIENCE MEMBER: We have land down there.

EARL TALL: Our relatives were shot with rubber bullets.

REGIONAL JUDICIAL OFFICER SUTIN: I'd ask that you don't interrupt testimony, please.

EARL TALL: Our relatives were shot with rubber bullets in Standing Rock. We were threatened in Yellow Thunder, in Yellow Thunder Camp. And how many of you people are willing to get shot with rubber bullets?

AUDIENCE MEMBER: Right here.

EARL TALL: You know, I think it's going to have to probably come down to that again.

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

EARL TALL: And it was a peaceful camp in North Dakota, but that's how they treated us.

I would like to say also that when the

Anglos first came into this country, they came with a black book. They called it a Bible. And when they came again -- when they came to the Lakota people, they gave us that Bible, told us to read it.

Some of the things that was in there was, "Thou shalt not steal," and then they stole our land, all our minerals, everything you see. Another -- another one was, "Thou shalt not kill." They killed our women and children in Wounded Knee. Other places, they were massacred after they were disarmed.

Today we have a Bible. Everything else is gone. But we still claim this. It still belongs to us. And the Supreme Court decision on the Black Hills proved it, told everybody this land was stolen. And they try to offer us money for it. Today that money is still sitting there, wherever, in the Treasury with maybe several billion dollars with interest now. We still didn't touch it.

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

next plan because, like was said, it seems like it's a done deal already. Permits are probably being issued again, so we need to start thinking about this, our next step here.

(Speaking in indigenous language.)

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Sarah Keppen.

SARAH KEPPEN: Good afternoon. Can you hear me okay?

So my name is Sarah Keppen, and I'm a concerned citizen here in Rapid City. I'm also a science enthusiast, and I was co-organizer of our local Rapid City March for Science that we did in conjunction with the National March for Science on April 21st.

So I stand before you today as a concerned citizen hoping that you will have done all your appropriate things from your end. As scientists, I entrust that you have researched the data and have looked at all the facts.

Well, I come to you today as a personal matter, that this affects me locally, and this affects everyone in this room, and it affects many more people that you will not see or hear from that will show up that just hope there are

plenty of facts.

We have seen many locations all over the country -- one all the way up in New Mexico -- of uranium mining being done and affecting the local water. And it's inevitable that these things are going to happen, that you are not going to be able to prevent in every instance of an -- of the environmental impacts, that something is going to happen, because it will if there is any kind of spillage from the mine.

This is going to affect our agriculture. The market value on agricultural products sold in Fall River, Custer, and Shannon Counties was sold directly via the -- in the direct path of this uranium mine is one point -- $31.1 million in 2007.

This is going to directly affect agriculture if there's any kind of spillage from the mine, which is one of our largest -- which is one of our largest industries here in South Dakota.

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

industries, especially here in the Black Hills. Annual tourism in the Black Hills was $1.4 billion dollars in 2012, a rate of 5 percent per year. So this is not only affecting us; this is going to affect our tourism.

I work for one of the largest employers here in the area, Regional Health, and we depend greatly on tourism dollars as they come in through the summer, especially during the rally.

We have tour- -- we have special meetings that different operational staff are involved in to help prepare for this. And so we do, as a local employer, greatly depend on those tourism dollars, as does everyone in this area depend on those tourism dollars.

And I just want you to think of the impact not only to us as local citizens, but how that is going to affect other people as they come into this area, the environmental impact.

Thank you so much for your time.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Patrice Vacek. Is she here?

Justin Roland?

AUDIENCE MEMBER: He's still eating, so he'll come back.

REGIONAL JUDICIAL OFFICER SUTIN: Okay.

Jacquelyn White Hat.

AUDIENCE MEMBER: She's eating, too. Sorry. They just left there.

AUDIENCE MEMBER: They are on Indian time.

REGIONAL JUDICIAL OFFICER SUTIN: Jane Roseland.

JANE ROSELAND: Thank you.

I have a master's degree in analytical chemistry. I have worked for two large corporations. I have been on the faculty at the School of Mines. I am currently a chemistry teacher at Stevens High School in Rapid City. I have been a member of this community for 37 years.

I am here to plead with you to deny these permits. You are here considering whether to allow known contaminated wastewater to be injected into our aquifer. The Black Hills is full of contaminated mines that the companies have been allowed to walk away from.

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

There is no 100 percent guarantee that there will be no leak, that there will be no mistake, that there will be no accident. Please protect our water. Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Oxana Gorbatenko.

OXANA GORBATENKO: Good evening.

I'm going to apologize for my English. When I heard about this issue permit about one and half months ago, it's made me to do some extra research and look a little bit deeper at what's going on, and what is related to our drinking water in our area.

Because I'm a scientist, I like to read the research. Recently I did some -- and especially after I told... I'm sorry.

This was a man who was representing an organization for the uranium. He was saying how safe it is, how great it is, but mine is operating in Wyoming about last 20 years.

I today have very interesting reading. It was Nuclear Regulatory Commission memorandum from October 2009 about groundwater impact from licensed in-situ uranium recovery facilities.

And I look on some statistics from two sites

located in Wyoming and one located in New Mexico. It says that they had pretty good luck with water restoration, and there was -- was able to restore the water for about 50 percent of original level of contaminants.

But let's look what they left behind. It didn't meet the range of baseline of alkalinity, ammonium, barium, carbonate, chloride, calcium, conductivity, lead, magnesium, manganese, sodium, total dissolved base, radium-226.

On second site, they were able to clean 70 percent of other contaminants, but some they couldn't remove. What they couldn't remove? They didn't remove arsenic, bicarbonate, chloride, calcium, conductivity was off, iron, magnesium, manganese, pH, sodium, selenium, sulfate, total -- total dissolved solids, uranium, and radium-226.

In addition, information about potential spills. In the same report, I found information. It doesn't say, unfortunately on --

THE REPORTER: I'm sorry. I don't mean to interrupt you, but I'm just having a difficult time. So if you would slow down just a little

bit, because I want to make sure I get you.

OXANA GORBATENKO: I'm sorry. I said what -- in the same report, we had information about accidents which was related to this mining, as well about spills in horizontal and verti- -- vertical and horizontal spills of this contaminated water.

And basically, this is what bothers me because I live in this area as well, like as other people.

If I would leave -- let my child to go and play in construction area, probably everybody will tell me a bad, horrible mother and call in police because I let my child to go and play in hazardous area.

And here's a question: How I can stay away and do not come and speak if hazardous will be bringing here in Black Hills in my house?

That's all that I want to say. I very appreciate your attention. Thank you so much.

REGIONAL JUDICIAL OFFICER SUTIN: Gena Parkhurst.

GENA PARKHURST: Good evening, Judge and EPA officials. My name is Gena Parkhurst -- G-E-N-A, P-A-R-K-H-U-R-S-T -- and I live in

Rapid City. And I spoke yesterday, and I'd just like to clarify a comment that I made about the number of drinking water wells in the Minnelusa aquifer.

After speaking with Ken Buhler -- B, as in boy, U-H-L-E-R -- of the South Dakota Department of Environment & Natural Resources, or DENR, he said that in November of 2014, the DENR started identifying which aquifer a well draws from on their permit forms, and this means that for many wells in use it is unknown which aquifer they draw from.

Mr. Buhler said there are hundreds to thousands of domestic wells using water from the Minnelusa Aquifer. The exact number of wells is unknown at this time. However, Mr. Buhler said it is known that there are 196 appropriated water rights permits in the Minnelusa, which include municipal, commercial, industrial, and housing use.

In addition, the USGS -- that's United States Geological Survey -- Water-Resources Investigations Report 01-4119 abstract starts with this statement: "The Madison and Minnelusa aquifers are two of the most important aquifers

in the Black Hills area of South Dakota and Wyoming."

The USGS Water-Resources Investigations report 01-4226 abstract begins with: "The Black Hills are an important recharge area for aquifers in the northern Great Plains. The surface-water hydrology of the area is highly influenced by interactions with the Madison and Minnelusa aquifers, including large springs and streamflow loss zones."

In Valois Shea's presentation yesterday, she mentioned that a Class V injection well permit could not be used for an aquifer that is an underground source of drinking water, if I understood correctly.

The Minnelusa is being used as a such, so I think it is safe to say that it is considered an underground source of drinking water.

The EPA's website defines an underground source of drinking water as the following: One, it supplies any public water system, which the Minnelusa does; two, the source of water contains a sufficient quantity of groundwater to supply a public water system, which it appears the Minnelusa does; three, it currently supplies

drinking water for human consumption, which it sounds like the Minnelusa does; and four, it contains fewer than 10,000 milligrams of total dissolved solids, which according to USGS tables that I found online applies to most parts of the Minnelusa; and five, the source of water is not an exempted aquifer, which I believe the Minnelusa is not.

So I just wanted to update you with those findings since yesterday. And I thank you for your time.

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

Sylvia Lambert.

SYLVIA LAMBERT: Water has been a very important part to me all my life. I started out growing up in Pennsylvania, in the Peace Corps in Malaysia, Wisconsin, Minnesota, and the last 21 years here in South Dakota. My grandmother taught me about saving water, taking care of the water, not wasting it, and I will soon be 80 years old, and I still believe in it.

I have read a National Aeronautics and Space Association article. According to this June 15th, 2015 *Washington Post* article, new NASA

satellite data indicates that freshwater aquifers are being depleted at alarming rates. Much of this depletion is a result of various kinds of mining. They all use water-intensive processes.

Powertech/Azarga's proposed mining activities -- that's plural -- include pumping 9,000 gallons of water per minute from area aquifers including the Inyan Kara. This demand on the Inyan Kara aquifer competes with other local uses, reducing the water level while at the same time putting it at risk of contamination.

Powertech has also requested permits for a number of extra wastewater wells in the Minnelusa aquifer. The risk of contamination of this water source from this waste is obvious, but the danger is greater than that.

The Minnelusa communicates with neighboring water sources through naturally occurring breaks in the structure of the rock. One of these nearby aquifers is the Madison, the major source of Rapid City's drinking water.

Powertech speaks with scientific certainty about the safety of its technology. Other

mining companies have said the same. Then the unanticipated happens. Drilling itself disturbs the geology, causing unexpected fractures and breaches.

Water gets polluted, often without remediation. There is no perfect understanding of underground geology, no mining technology that can anticipate and prevent every possible problem, and no effective methodology for cleaning up a toxic mess deep in the ground. So why risk the inevitable failure with our precious water?

But if the danger of poisoning our water doesn't stir you, then why allow the more obvious and certain outcome of Powertech's project? I am speaking of allowing a foreign company, seeking only its own profit, to dominate so much of a public good, even as that good, our precious water, is steadily dwindling away as we meet here today?

Please deny Powertech's permits for the good of our community.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Mary Jo Farrington.

MARY JO FARRINGTON: Hi. Again, I want to

thank you very much for listening for ten hours these last two days. I know you've got ten more hours these next two days, and we really appreciate it.

I wanted to -- having been here most of the time, I think there's something that needs to be cleared up. It's not clear to me who owns this organization. We use the word "Powertech" sometimes and then "Azarga," "Powertech/Azarga." And several people have made the comment if Powertech has been bought out by Azarga, then it would seem to me that they would have to restart this process.

And if Azarga is the owner, then why -- it just doesn't make good sense to me that we're selling a foreign country 8- or 9,000 gallons a minute of water. And so we're not just selling them the rights to perhaps ISL mining as well as dumping toxic things, but we're also basically giving this foreign company the rights to water.

And I think if that's true, we shouldn't do it. And there should be some real safeguards about -- about this water.

In today's paper it was talking about yesterday's hearings, and one of the things --

lines it said is that uranium would be sold, processed, and used somewhere else to produce nuclear energy. And that's not true.

Once the uranium leaves the U.S. border, there is no control where -- to whom and where it goes to. Azarga is a huge international company whose purpose is to sell uranium to the highest bidder.

Now, some company may buy it for a nuclear power plant, but some group -- and we have no idea who -- may buy it for bombs. And even Azarga may not know. It's just a money transaction. And we don't know where this stuff goes to once it leaves our borders.

I'm also concerned about the process, part two. And I know we haven't -- we've talked more about the front end of the pollution. But as the yellowcake is obtained, processed, and stored, and then eventually shipped to the border, what security is there that some whacko doesn't throw a bomb at it and blow up the storage unit or blow up the truck that's going to the border?

And if that were to happen, that would just be devastating. And so what -- what guarantees

do we have that that's not going to happen? What kind of security is there?

In addition, we've also given, in these permits, the right to become a toxic dump sight. So as trucks come in the dark of night and dump toxic waste into the deep holes, who oversees this? How do we know what's being dumped?

I mean, you know, if there's this box or a can or whatever it is and it says, you know, dump site waste, well, we don't -- how do we know what it is and where it came from?

I mean, is China going to -- you know, they'll make a fortune if they can ship over Chinese toxic dump, and put in our containers and -- how do we know? It would have to be 24-hour security at that site because we become then a site that has to be monitored in terms of that.

I also wanted to talk about what Susan said yesterday is that, again, the selling. If there is selling, there really has to be safeguards about what -- this water, in terms of the amount that they have access to.

I'm listening to the dialogue today, it was -- and yesterday. It was very powerful to

me. I thought it was really very passionate. And I do think that what did come out was that there really needs to be more consultation with all the tribal units. And if that doesn't happen, that's -- that will be a real mistake.

Finally, as you probably heard, you know, as you know, the EPA was going to be gutted and the Senate and the House were able to restore the money. And -- but as you probably heard, the FBI now has been fired tonight, and so this is troubled times.

And there's a lot of anxiety and fear going on, and uncertainty. And I would suggest that this is not the time to fast-forward a decision. This is a time to delay it and let this nation cool down a little bit, because everybody is pretty scared and jumpy.

So thank you very much.

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

Rick Bell.

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

decide what else I wanted to talk about tonight.

And I want to pick up a little bit on what Ms. Parkhurst was referencing, which is the wide use of the Minnelusa aquifer for drinking water purposes.

I think it's been well documented. I would ask the EPA, how many wells have you determined through surveys to be downgradient from this Dewey-Burdock site? I know you can't answer questions tonight, but I'd like to have that in the record.

Because of this drinking water use of the Minnelusa, I would ask that the EPA require the Class V injection well wastewater to meet drinking water standards, not hazardous waste standards as is currently in the draft permits.

I did a little research and will read to you some of the numbers that I came up with. Right now, the hazardous waste concentration limit in the Class V permit, for instance, for arsenic is 5 milligrams per liter.

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

I could go down the list. Barium, you guys give them 100; the MCL is 2. So that's 50 times. Cadmium is 1, and then in your -- in your current limit, it's .005 MCL. So that's 200 times more than the drinking water criteria. Chromium, you gave them 5; it's .1 MCL. That's 50 times. Lead doesn't have a primary MCL, as you know, but it has -- there's a new lead rule, we've heard all about Flint. That concentration is .0015 milligrams per liter, and you guys gave them 5. So that's 3,333 times what's in the drinking water regs. Mercury, selenium, silver.

I'm wondering why uranium is not in there. I know you have a uranium radioactive standard measured in microcuries per milliliter, or whatever the units are. But there is an MCL for uranium, and it's .03. So why isn't that in the standard -- in your current concentration limit for the Class V wells?

So these are just some of my recommendations. And furthermore, I know that Powertech can meet these levels. They can treat these waters to these kinds of levels. In fact, the EPA's best available treatment, the BAT for Small System Compliance Technologies, SST --

SSCT, it can be found in your final radionuclides rule 40 C.F.R. 141.66, specifies that at least three technologies should be used in combination to achieve these low levels.

So not only should Powertech be required to use reverse osmosis, they can also -- they would also couple this with a tertiary type of treatment, including activated carbon and ion exchange.

All of these things are technologically possible, in which case we would be -- or they would be injecting drinking-water-quality water because people are drinking this water, and I think that's where this should end up.

I'm an engineer. I'm practical. I'm trying to help you guys meet the criteria. I mean, we've heard tonight and yesterday all the heartfelt -- people's, you know, we're not going to contaminate the earth, and we don't want that to happen.

But I know we have to have rules, and I'm trying to help you guys pick the right rules so that we can maintain what we need as far as drinking water quality in this area.

So thank you very much.

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

Justin Roland.

Jacquelyn White Hat?

Patrice Vacek.

Okay. Those are all the people who submitted cards to speak. Is there anyone in the audience who has not given a card who would like to speak?

Ms. McLean, do you want to come back up?

LINSEY MCLEAN: Yes.

REGIONAL JUDICIAL OFFICER SUTIN: You can state your name again before you speak.

LINSEY MCLEAN: My name is Linsey McLean. And I'm concerned about the lack of oversight of UIC wells.

And I'm quoting a report that criticizes EPA oversight of injection wells from ProPublica published in 2014, which says: The Government Accountability Office says environmental regulators are failing to adequately enforce rules for wells used to dispose of toxic waste for drilling.

And it goes on to say that: Injection wells used to dispose of the nation's most toxic waste

are showing increasing signs of stress as regulatory oversight falls short and scientific assumptions prove flawed.

Federal environmental officials have failed to adequately oversee hundreds of thousands of wells used to inject toxic oil and gas drilling waste deep underground, according to a new congressional report. That report by the U.S. Government Accountability Office is critical of the Environmental Protection Agency's inconsistent handling of safety inspections, poor recordkeeping, and failure to adjust its guidelines to adapt to new risks brought by the recent boom in domestic drilling, including the understanding that injection wells are causing earthquakes.

The GAO's findings echo those of the 2012 ProPublica investigation which found that the nation's injection wells were often poorly regulated and experienced high rates of failure, like leading to pollution of underground water supplies.

ProPublica's investigation found that the EPA did not even know exactly how many wells existed in the United States, or even what

volume of waste was being injected into them, and that it did not possess complete records required to be collected under the Safe Drinking Water Act.

These wastes, often euphemistically -- and we've heard this, too, here -- referred to as "saltwater," commonly contain a mixture of water, hazardous chemicals, and radioactive minerals.

The EPA generally agreed with the GAO's findings and characterization of the challenges the agency is currently facing. Concerns have mounted recently about potential water contamination from injection wells.

This report was done when EPA had a fuller staff and budget. And what upgrades to inspections and oversight have been made since 2012? And now, how will these new budget cuts under the Trump administration affect oversight and regulation of injection wells?

If EPA depends on permit fees from industry to make up a significant portion of their budget, as FDA and NRC do -- in fact, 95 percent to be exact -- then how can we be sure the EPA does not just issue, and in this case, permits

dangerous areas that should be -- not be issued just because they have to underwrite their paychecks?

If the circumstances of the past have not been rectified, then no new permits for any injection wells of any sort should be issued, period.

I cite cases of water contamination just in the two years that were recorded between 2008 and 2010: The cases of unauthorized injection of toxins that were not permitted, 859; cases of overpressurized injection resulting in damage to well casings and equipment, 1,199; test failures for significant leaks, 6,723; and total wells with violations in just two years, 60,467.

So if there ever was a case for your first rejection of a permit ever it is most certainly here and now. And -- oh, and I have a Minnelusa well. So thank you very much for hearing me.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Is there anyone else in the audience who would like to --

STEVE MASSOPUST: Yes, I would. I signed a paper, but I didn't fill out a card.

REGIONAL JUDICIAL OFFICER SUTIN: Okay.

STEVE MASSOPUST: Do you mind if I sit right here?

REGIONAL JUDICIAL OFFICER SUTIN: Not at all. Can you reach the microphone?

STEVE MASSOPUST: Yeah. My name is Steve Massopust. M-A-S-S-O-P-U-S-T. I've been a physician in Rapid City for 35 years. I've practiced in emergency medicine, family medicine, and for the Veterans Affairs.

But I'm not here to give any expert testimony about the dangers of radiation and impeding fresh water. I mean, those things, I think, are quite obvious.

And I guess what bothers me the most about this is, I don't like people thinking I'm stupid, and I don't like people being unfair or dishonest. That's how this whole operation strikes me.

I do care about water and really hearing the Lakota concerns, very emotional, has been enlightening for me. But let's say that all that did matter was money on this, and let's look at some of the financial aspects of this.

If you read financial things having to do with the uranium industry, this project is on

the top of the list and it's publicized everywhere. They see this as a huge opportunity to make a huge amount of money without a very large investment.

It is also unclear who exactly owns Powertech. There's been mention of Chinese ownership. Even in the last week, there's been shift of who owns most stock in the company. And I believe that it probably is some kind of, basically, money laundering where you've got Powertech, the first organization we see, but it works up through many other investment companies, some of which have been found guilty of various types of illegal money activities.

Furthermore, if you read about China, their main objective right now is to get overseas sources of uranium, and that's big on their agenda. So if Azarga or Powertech are somehow connected through China, it would make sense.

The other thing, though, is that this company isn't real stable economically. There was a good column in the *Journal* by a well-known financial consultant named John Tsitrian. And I don't understand finances enough, but he talks about things like their stock value being 30

cents right now, whereas it was $30 quite some time ago. And he makes comments about how they are very likely to go under. And so that is an issue when you talk about the potential liability that this mine or this cleanup would have.

To give a couple examples of that kind of expense, there's a Riley Pass uranium mine not far from here -- I believe in Wyoming -- that was owned by Kerr-McGee in 2014, and they were fined $5.15 billion. And that's the largest environmental settlement ever won by the U.S. government for cleanup.

They are responsible for thousands of sites contaminated by creosote and uranium debris, and they fraudulently moved assets around to evade debts and liability for the environmental cleanup, justifying that kind of penalty.

Another one has already been mentioned here, the Gilt Edge Mine. That's a gold mine, of course, but they had a $6.4 million bond that they forfeited when they went bankrupt. But up until now, it's cost $88 million to the EPA and the State of South Dakota to clean that up. And by the way, the environmental impact statement

for that predicted a very low risk of acid rain off of those mines.

So I'm not sure, even at this hearing, if the EPA cares about what our concerns are. It seems like they just want to know if there's any technical data that would dispute their recommendations.

So it seems like if we want to stop this, we need to work at a level where we might be effective. I think this still requires some permitting by the DENR in South Dakota, and I think if we would present the financial losses that this may have, that that would influence the South Dakota approval more than it would the EPA or the NRC.

I think that's all I had to say. Thank you very much.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you very much.

Anyone else in the audience who would like to --

JERRY MEYER: Yes.

REGIONAL JUDICIAL OFFICER SUTIN: Yes. Please come up. State your name again.

JERRY MEYER: Jerry Meyer.

Two young women yesterday talked about -- one of them -- that she felt nuclear power was a good thing. I talked about that earlier, why I don't think it is. Another woman who works at, I think, an ISL mine in Wyoming was saying, in her professional capacity, that there was no problems, they haven't contaminated water, et cetera.

So I just wanted to site the Crow Butte mine in nearby Nebraska as an example of types of violations that do occur at ISL sites. Between August 12, 1997 and August 6, 2013, there were 59 violations. I'm not sure if they were EPA violations or state-regulated violations, but ranging from radiation dose in unrestricted area, liner leaks in ponds, well -- mechanical integrity failing in their wells, 20-year mechanical integrity test fail, 5-year fail, 15-year fail, exceedance of wellhead manifold pressure limitations, just a variety of things. They were fined for many of them.

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

that's along the route I take when I drive to Lander, Wyoming to visit my good buddy who I go fishing with, and my brother's family in Lander.

And my buddy and I went fishing in Green Mountain, along -- between Muddy Gap and Lander, and he was telling me about that contamination and that the people in the little town in between there could no longer use their water.

The mining companies had to buy and bring water to the community. Totally ruined their aquifers and their wells to produce drinkable, potable water.

So just a couple examples of other types of problems that have occurred with ISL mining sites in the region.

Regarding nuclear contamination due to either weapons or nuclear energy development, I have here -- and you have of a copy of it -- a draft, "Elements of a World Charter of the Rights of Nuclear Victims." And it's a Declaration of the World Nuclear Victims that came about at the Declaration of World Nuclear Victims Forum in Hiroshima on November 23, 2015.

And in that declaration, they talk about that they have, "reconfirmed that every stage of

the nuclear chain contaminates the environment and damages the ecosystem, causing a wide array of radiation-related disorders in people and other living beings. Through the experience of the nuclear disasters at Chernobyl and Fukushima, we see that nuclear accidents inevitably expose entire populations living near the power plants and the workers assigned to cope with the accident to harmful levels of radiation, and that adequate response to such a disaster is impossible.

"We further see that radioactive contamination is inevitably a global phenomenon. We know that 'military' and 'industrial' nuclear power are intimately connected within a unified nuclear industry, and that every stage of the nuclear chain, including the use of depleted uranium weapons, creates large numbers of new nuclear victims."

Just one more statement from that draft I want to read. "We condemn the Japanese government for failing to learn from the Fukushima disaster, without carrying out adequate investigations into the facts and impacts, hiding and trivializing the damage, and

cutting off assistance to the victims, while investing in the restart and export of nuclear power plants. We oppose the building, operating, or exporting of nuclear power plants or any industrial nuclear facility in Japan or any other country.

"We call for the termination of uranium mining, milling, nuclear fuel production, nuclear power generation and reprocessing, and the abolition of the entire nuclear chain."

One of the groups that I belong to that's represented here, the Dakota Rural Action, two years ago, 2015, had not only opposed the development like this but promoted Solarize South Dakota campaign, educating people about alternative energy, in particular solar energy.

National Geographic Magazine, in their March 2017 issue, said that currently there are more jobs in the alternative energy development field than there are in fossil fuel energy field in our country.

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

plants except one, and that's on its way out. Texas is generating huge amounts of wind energy, as is Iowa.

I encourage the Environmental Protection Agency to go back to their core purpose, and rather than mitigating and minimizing damage from things like uranium mining, to indeed protect our environment.

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

If you haven't spoke up to this point, I would like to -- I'm happy to have you speak, but it would help us if you fill out a card. So if you can fill out a registration card and then come up and speak. Fill them out at the desk in the front. Thank you.

GENA PARKHURST: May I speak again? Or --

REGIONAL JUDICIAL OFFICER SUTIN: Sure, yes.

GENA PARKHURST: Thank you.

My name again is Gena Parkhurst, and yesterday I mentioned a resolution passed by the Rapid City Common Council. And since we have a little extra time, I'd like to read the full text for the record:

"Resolution Number 2013-083: A resolution

expressing grave concern about the in-situ mining of uranium by Powertech in Custer and Fall River Counties.

"Whereas, Powertech Uranium Corp. has submitted applications to the South Dakota Water Management Board for permits to use water from the Madison and Inyan Kara aquifers to conduct in-situ mining of uranium in Custer and Fall River Counties in the Black Hills of South Dakota;

"And whereas, in-situ mining, or in-situ recovery, involves pumping solutions incorporating water from the aquifers into an ore body through wells which will then circulate through the porous rock and recovering the minerals from the ground by dissolving them and pumping the solution containing the ore to the surface where the minerals can be recovered;

"Whereas, hearings on Powertech's water permit applications will be held by the South Dakota Water Management Board in Rapid City at the beginning of October of 2013;

"And whereas, the City of Rapid City obtains a majority of its drinking water from the Madison aquifer;

"And whereas, the safety of the water in the Madison aquifer is of utmost importance to the City of Rapid City;

"And whereas, due to the unanswered questions regarding the safety of the community's water supply, the Common Council of the City of Rapid City believes that the proposed in-situ mining of uranium in the Black Hills poses an unacceptable risk to the primary source of Rapid City's drinking water.

"Now therefore, be it resolved by the City of Rapid City that due to the potential risks to the Madison aquifer, the City expresses grave concern about the proposed in-situ mining of uranium in the Black Hills.

"Dated this 19th day of August, 2013, City of Rapid City. Signed by Mayor Sam Kooiker, K-O-O-I-K-E-R. Attest: Pauline Sumption, S-U-M-P-T-I-O-N, Finance Officer. Sealed."

Thank you for listening.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

We have a few more speakers.

Kristina Proletti.

KRISTINA PROLETTI: Proletti.

So mine is more of a suggestion. I know you

can't answer questions because I heard that earlier.

Has anyone done any 3D modeling of the existing injection wells, the toxic injection wells of the toxicity plumes? I know you can do those in Vulcan or Civil 3D.

If that hasn't been done, you need to it. It'll be cheaper in the long run to get that taken care instead of waiting for it to be a Superfund site.

The other thing is, if you do let this move forward, I guess, so to speak, if that's the word you want to choose for this, any leach ponds, I would require to have a double detection set, like a double leach detection layer, like a secondary. In the EPA, you have guidelines for that.

And the other thing I would say, in the modeling, you can actually put in the rock type. Like, we are mostly sandstones and limestones. They do crack. And so there's, like, the 25-year, 50-year, 100-year modeling progressions, and you can choose a percentage cracks in your rock and whatnot. And it just seems like if it's not done, you need to.

So, thanks.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you.

Barbara Dunfee.

BARBARA DUNFEE: Hello. My name is Barbara Dunfee, spelled B-A-R-B-A-R-A, last name D, as in dog; U, as in union; N, as in news; F, as in Frank, E-E.

And I'm a native of Rapid City, pretty much a lifelong resident here. A few years spread other places, but pretty much spent my life here. And this is going to be a little bit rambling because it's stuff that I've been thinking of just listening to other people.

One of the things that -- a lot of people here, a lot of the Native American people who have spoke talked about the treaty rights. But I think Mr. Looking Horse was the only one who really talked about how this is -- how the Black Hills are integral to the religion and that basically Black Hills are the Native American, Plains Indian holy land.

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

holy. It's like, you go clear back to the Greeks with Mount Olympus, and you think of the Psalms with, "I lift up mine eyes unto the hills, from whence cometh my help. My help comes from the Lord."

Mountains are important, and it's universal, and the Black Hills are part of that universal whatever-it-is that speaks to people. And it spoke to the Plains Indians. It spoke to the Indians that were native here in South Dakota. And we can't ignore that.

The other thing that's -- and this is completely unrelated, but that's been in my head, is that we're under an administration right now that is playing political football with a lot of different things, and they're becoming pretty fast and furious.

We've been having trouble keeping up. But one of the things that's in the political football arena right now is the EPA, and I know you guys are more than aware of that.

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

current administration is looking at this kind of hearing with this kind of regulation as binding business and trying to keep business from being free to do what they want, and that's one of the reasons they would like to be rid of the EPA.

And you know, if the EPA goes down or if it just gets hamstrung and can't regulate, then the regulation is going to get thrown back to the states, and that means the State of South Dakota.

And quite honestly, I -- I trust the federal EPA more than I trust our state legislators and our state governor. They're going to rubber stamp things for the mines.

And they are not going to -- you know, if something goes wrong, the state budget already is in trouble. They're not going to have the money to do a cleanup because they're already being stretched to the limit and having to cut programs.

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

happening in -- within four years.

And it may be that close because the administration may be changing what happens drastically that fast.

Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. Thank you.

We have a few more minutes. Is there anyone else who would like to speak?

Mr. Bell, please come up.

RICK BELL: Is it possible, Ms. Shea, to put your slides on that you gave at the very beginning? I just wanted to refer to Number 6, if possible. I don't know if that's okay.

(Pause in the proceeding.)

RICK BELL: So Rick Bell again, and I appreciate Ms. Shea sending me these slides last night. I was laying in bed thinking about the day and all the things that we've heard about.

I kind of got -- well, first of all, let me say that at the very beginning of this process, I was glad to find out the EPA was in charge of this project rather than the NRC because I believe, you know, given all of the mining problems that I've seen and heard about,

there's -- you know, well permits -- sorry, mining permits that the NRC is in charge of that are out of date by ten years and yet they are still in operation.

There's thousands and thousands -- as we've heard from Mr. Meyer tonight -- there's thousands and thousands of violations at the Crow Peak in Nebraska. So I was somewhat happy to know that EPA was on top of this.

So -- but in just looking at this slide here -- and I'll try to speak to it because I know we're on the record here verbally -- I was thinking about, if this was an NRC site and this was a nuclear plant, they would have Plans B and C, and I don't think the EPA has that in this case.

When I looked at this drawing -- and I know it's sort of a schematic -- I see this is 120 feet from the -- the aquifer exemption boundary is 120 feet. This row of wells is supposed to capture whatever goes wrong in here in the Class III ISL wells.

So that distance appears to be about 360 feet. So I don't know how long it's going to take for you guys or the -- Powertech operating

the site to finally figure out that there's a problem in this, what I call, amoeba shape.

Somewhere in here there's something that's gone wrong, and suddenly you have of a well 360 feet away that has contamination in it. You have no further, you know, Plan B or Plan C. What are you going to do when that happens?

I think EPA needs to put in the permit all of these kinds of situations, specifically what happens. When I heard Ms. Shea in her presentation, if I heard it correctly, that they would immediately go in to a restoration situation.

And if that's to be done, you know, specifically how many of these wells are going to get turned into recovery wells and are you going to turn off the injection? I -- if I was designing this, I would have another series of monitoring somewhere in this -- in this circle so that you had the first indication that there's a problem, not wait until it gets 360 feet away and then throw your hands up and say, You know, Powertech you've got to do something about it. I don't know what you're going to do.

All of those things need to be in the

permit. So, I just am very concerned about this operation without that level of detail in the -- in the plans. So that was my parting shot tonight.

Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you. We have another speaker.

Jirmina Reddove.

IRMINA REDDOVE: Irmina.

REGIONAL JUDICIAL OFFICER SUTIN: Irmina. I apologize.

IRMINA REDDOVE: I want to apologize because I'm Lakota, and I was raised with my grandparents and my parents together, and I'm a descendent of the Chief American Horse. I used to live on American Horse Creek in Kyle, south of Kyle.

But I wanted to speak earlier, but everybody was facing this direction, and I was taught not to get up and speak in front of your people with your back turned to your people because that is an insult. And I didn't want to insult anybody in this room, so I chose to speak this way. And I listened. I came yesterday and I listened. I learned a lot.

And this morning I went to Grey Eagle Society meeting because I'm a member of that group, and so I made a report as far as what I heard yesterday.

And then I came back after lunch with them and came up here to listen to what else was being said so I can go back and report, make a complete report to the Grey Eagle Society members.

We're an elderly advisory group to our people. We come from each district on our reservation in Pine Ridge, and we talk about what kinds of things we need to tell our leaders and to assist them in any way we can. With our knowledge and with what they know, it's sort of -- we work with the youth, too, and we're trying intergenerational communication so that we can all come from one place.

And I really had a concern when I found out about the uranium mining, because I'm 74 years old, and I have great-grandchildren, and now I am expecting a great-great-grandchild very soon. So I'm really happy that I've lived this long to see that. But now I'm concerned with my leaving, what am I leaving behind for these

children.

And so I thought it's time to get -- stand up and speak out because I want to save whatever we can of Unci Maka for the future of our children that are coming, the seven generations that are coming for me.

And so I -- I told my family, my extended family, our tiyospaye, that we need to start getting involved because we do things together as a tiyospaye, and so it's time to not only stand up and speak out.

I have great-great-grandchildren coming, and so we all need to watch out for them. I know if I'm not around that they will be the ones to take care of them because we have no orphans as such. We are extended family. We take care of all our children together in our tiyospaye. And so I wanted to share that with you, my concern for the future of our children.

And I wanted to really commend these young people, the indigenous peoples that stand up and work together with the non-Indians. And that's -- I've really learned to appreciate that, working together, and maybe completing our circles as we go along.

Because in my life, everything is a circle. And I've learned that. And I teach -- I'm a retired teacher administrator, and I worked with children in our schools, and I teach -- within that circle teaching Black Elks.

I read somewhere that everything is a circle. We need to be strong and happy again. Our hoop was broken, but we're on the mend, and so we need to widen our circles and be more inclusive to save our Mother Earth. I call her Mother because now I'm Unci, great-great-grandmother.

And I appreciate every day of my life. Every morning when I wake up, I hear the birds, and then in the evening I sit outside and watch the stars because I know where I come from. And I want my grandchildren and my great-great-grandchildren to know where they come from and who they are.

So I've been teaching the Lakota language and culture in the schools, and I'm becoming even more aware since I've been teaching the circles that we use in life that we have learned to see in nature. And I'm trying to teach these little kids. I love them so much.

After the classes, they come around to me and hug me, and they'll say, "Unci, Unci, I need a hug." And so I give them a hug. I said, "Everybody needs hugs. I do, too."

And so I try to give them a little love and some teachings that I know through stories and through the traditional teaching ways with the circle. So I'm developing a curriculum with certain teaching within the circle.

And the beginning of that, as my elders told me, was that always begin with nurturing the spirit of the child, and that way they'll be strong and they'll be happy. And so that's the first thing we do is, they all know the medicine wheel.

Most people know the medicine wheel, most people know the medicine wheel. But also Fools Crow taught me that within that medicine wheel, too, the colors stand for the peoples and each direction, the different races. The white [sic] was African-American, the red is indigenous peoples, the yellow is the Asian/Orientals, and the south was the Europeans. And we all belong in that circle as human beings.

And so he said keep that in your heart.

Everything should come from the heart. And then when this comes into play, it will be guided in the right direction.

So that's what I wanted to say because I really feel somehow that we're -- we feel -- I feel threatened by this uranium mining, and we must -- must prevent it from happening for the future of all children. We all belong in that sacred circle. So that's just what I wanted to mention. Thank you.

REGIONAL JUDICIAL OFFICER SUTIN: Thank you very much, Ms. Reddove.

It is 8:00, so that is all the testimony we will take today. Thank you again, everyone, for coming. If you want to provide more testimony, we will be in Hot Springs tomorrow.

So at this time, I will conclude the hearing, and we are officially closed.

(Proceeding was concluded at 8:00 p.m.)

C E R T I F I C A T E

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

I, Jacqueline K. Perli, Registered Professional Reporter, do hereby certify that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; that the foregoing is a true and accurate record of the proceeding to the best of my understanding and ability.

I further certify that I am neither counsel for, related to, nor an employee of any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Dated this 24th day of May, 2017.

/s/ Jacqueline K. Perli

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My commission expires: May 9, 2019

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