



DENR
SOUTH DAKOTA

**WATER MANAGEMENT BOARD
Meeting on October 7, 2020**

Floyd Matthew Training Center
Joe Foss Bldg., 523 E Capitol Ave, Pierre SD

Due to COVID-19 and limited seating, any person(s) interested in speaking during the public comment period needs to contact the Department at (605) 773-3352 no later than 5:00 PM on Tuesday, October 6, 2020, if desiring to speak via remote connection.

Scheduled times are based on Central Time and are estimated start times.

Agenda items may be delayed due to prior scheduled items.

Live audio of the meeting is available at <https://www.sd.net>

October 7, 2020

- 10:00 AM Call to Order
Adopt Final Agenda
Conflicts Disclosures and Requests for State Board Waivers
Adopt July 8 - 9, 2020, Board Minutes
December 2 - 3, 2020 Meeting and Location
Status and Review of Water Rights Litigation
Administer Oath to Department of Environment and Natural Resources Staff

Update on DENR Activities

Public comment period in accordance with SDCL 1-25-1

Request to Amend Rules – Kelli Buscher and Pat Snyder
 - Article 74:52 Surface Water Discharge Permits
 - Article 74:51 Surface Water Quality
Cancellation Considerations – Ron Duvall

Future Use Reviews – Ron Duvall
- 10:15 AM Motions concerning Renewal of Ground Water Discharge Plan GWD 1-88, Wharf Resources' (USA), Inc. Ross Valley Waste Depository – Steven Blair
- 10:30 AM Five-year Review of Fully Appropriated Aquifers – John Farmer and Eric Gronlund
 - Tulare East James aquifer
 - Tulare Western Spink Hitchcock aquifer
- 11:00 AM Water Permit Application No. 8413-3, Ratio LLC – Timothy Magstadt

LUNCH

WATER MANAGEMENT BOARD

Meeting on October 7, 2020

1:00 PM Water Permit Application No. 8433-3, City of Lake Norden – Adam Mathiowetz

Consider Findings of Fact, Conclusions of Law, and Final Decision in the matters of:

- Water Permit Application No. 8409-3, Schley Farms & Schley Real Estate LLP
- Water Permit Application No. 2805-2, R & J LLC
- Water Permit Application No. 1992-1, Town of Buffalo

ADJOURN

Board members are reminded they are subject to SDCL 3–23-1 to 3-23-5 (Disclosure Laws) which address the disclosure of any conflicts of interest a member may have regarding contracts with the State of South Dakota. Board members should report any potential conflicts to the board and seek a waiver where appropriate.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Department of Environment and Natural Resources at (605) 773-3352 at least 48 hours before the meeting if you have a disability for which special arrangement must be made.

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

www.atg.sd.gov

JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

September 28, 2020

Hon. Hunter Roberts
Secretary, Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: Matter of Groundwater Discharge Plan Renewal and Water Quality Variance Review
of Wharf Resource's Ross Valley Spent Ore Facility

Dear Sec. Roberts and Mr. Duvall:

Enclosed with this letter is a Notice of Hearing to be filed in the above referenced proceedings pending before both the Secretary and the Water Management Board. True and correct copies have been served on those individuals listed in the attached Certificate of Service and courtesy copies have also been sent to the parties via electronic mail.

Sincerely,

A handwritten signature in blue ink, appearing to read "SBL", followed by a horizontal line.

Steven R. Blair
Assistant Attorneys General

Enclosures

Cc/encl: Julie Santella – Petitioner
Tonia Stands – Petitioner
Max Main – Counsel Wharf Resources (USA), Inc.
David McVey – Counsel Water Management Board
Kim McIntosh – Groundwater Quality Program (via e-mail only)
Jeffery Tronvold – Deputy Attorney General (via e-mail only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD
&
OFFICE OF THE SECRETARY

IN THE MATTER OF GROUND WATER)	NOTICE OF HEARING
DISCHARGE PLAN RENEWAL &)	
WATER QUALITY VARIANCE)	
CONTINUANCE OF WHARF)	
RESOURCES' ROSS VALLEY SPENT)	
ORE FACILITY)	

The South Dakota Department of Environment and Natural Resources (Department) received a renewal application for an existing Ground Water Discharge Plan for Wharf Resources' (USA), Inc. Ross Valley Waste Depository at their mining facility in Lawrence County, South Dakota. The legal location of the operation is portions of Section 3 and 4 of T4N-R2E, and portions of Sections 33 and 34 of T5N-R2E; approximately 3 miles west of Lead, South Dakota. The Ground Water Discharge Plan renewal consists of a ground water quality variance and a ground water discharge permit.

In response to the Notice of Recommendation of Renewal of the ground water discharge plan published in the Black Hills Pioneer on August 1, 2020, petitions in opposition were filed. This notice schedules a hearing before the South Dakota Water Management Board for the Board to consider a Motion to Dismiss Petitions for Contested Case; a Motion to Stay Time to File Answer; and a Motion to Appoint Hearing Chair. The Board may consider these motions in the order decided by the Board.

The Water Management Board will consider these motions at 10:15 AM, Central Time, on Wednesday, October 7, 2020, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items on the agenda. Since these motions address pre-hearing matters, any recipient of this notice may participate via remote connection rather than attending in person. To participate remotely, please contact Ron Duvall, Water Rights Program, at 605.773.3352 or by email at ron.duvall@state.sd.us no later than 5:00 PM on October 6, 2020.

The Water Management Board has jurisdiction to consider this matter pursuant to SDCL 34A-2-24 and address the motions pursuant to provisions found in ARSD Chapter 74:50:02.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Dated this 28th day of September, 2020.



Steven R. Blair
Assistant Attorney General
Jeffery Tronvold
Deputy Attorney General
1302 E. Highway 14, Suite 1
Pierre, South Dakota 57501
(605) 773-3215
steven.blair@state.sd.us
jeffery.tronvold@state.sd.us

*Counsel for Department of Environment and
Natural Resources*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Groundwater Quality Program's NOTICE OF HEARING filed in the above captioned matter was submitted via United States Mail, First Class, Postage Prepaid upon:

Hon. Hunter Roberts
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
denrinternet@state.sd.us
Secretary – DENR

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
ron.duvall@state.sd.us
Staff – Water Mgmt. Board

David McVey
Assistant Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501
david.mcvey@state.sd.us
Counsel – Water Mgmt. Board

True and correct copies of the above referenced documents were also served via United States Certified Mail (with courtesy copies sent via electronic mail) upon the following:

Julie Santella
422 Columbus Street, Apt. 1
Rapid City, SD 57701
sante076@umn.edu
Petitioner

Tonia Stands
202 Bald Eagle Lane, #8
Rapid City, SD 57701
mbcouncil@protonmail.com
Petitioner

Max Main
Bennett, Main, Gubbrud, & Willert, P.C.
618 State Street
Belle Fourche, SD 57717
max@bellelaw.com
Counsel – Wharf Resources (USA), Inc.

On this 28th day of September, 2020.



Steven R. Blair
Assistant Attorney General

September 1, 2020

Attn: Matt Hicks
South Dakota Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

RECEIVED
SEP 02 2020
Dept. of Environment &
Natural Resources
GROUND WATER QUALITY

RE: Petition to Contest and Oppose Renewal Application for Ground Water Discharge Plan for Wharf Resources' (USA), Inc. Ross Valley Waste Depository

Dear Mr. Hicks:

I am writing to contest and oppose Wharf Resources' (USA), Inc.'s renewal application for a Ground Water Discharge Plan for their Ross Valley Waste Depository.

- 1) I live in Rapid City and spend time in the Spearfish Canyon area. I am concerned about this proposal for the following reasons including, but not limited to:
 - a) Annie Creek runs very close to the Ross Valley Depository before joining Spearfish Creek. I am concerned about impacts to Annie Creek and Spearfish Creek resulting from contamination from Wharf's operation.
 - b) There is no mention of the impacts of this operation to cultural or historic resources in the area.
 - c) There is no mention of contact or consultation with, or consent from, the 16 Tribal Nations on the Black Hills National Forest Tribal/THPO mailing list, regarding this proposal. Proper permission has not been granted for the Ross Valley Waste Depository, or for Wharf's operation as a whole.
- 2) I am contesting the Secretary's Recommendation of Approval of Wharf Resources' (USA), Inc.'s renewal application for a Ground Water Discharge Plan for their Ross Valley Waste Depository. I am requesting that the Board not grant approval for this operation.
- 3) My concerns arise from information from several sources, including but not limited to: my knowledge of waterways in this area, Coeur's application, information relating to Wharf's operation kept by SD DENR, relevant research publications, and relevant case law.
- 4) I understand that this contested case would unfold according to the Administrative Rules of South Dakota Chapter 74:50:02, and the regulations governing the South Dakota Department of Environment and Natural Resources.

Please keep me informed of all proceedings and documents related to this application.

Submitted by,



Julie Santella
Rapid City, SD

09/01/2020

Certified copy sent to: Wharf Mine, 10928 Wharf Road, Lead, SD 57754

September 1, 2020

Attn: Matt Hicks
South Dakota Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

RECEIVED
SEP 02 2020
Dept. of Environment &
Natural Resources
GROUND WATER QUALITY

RE: Petition to Contest and Oppose Renewal Application for Ground Water Discharge
Plan for Wharf Resources' (USA), Inc. Ross Valley Waste Depository

Dear Mr. Hicks:

I am writing to contest and oppose Wharf Resources' (USA), Inc.'s renewal application
for a Ground Water Discharge Plan for their Ross Valley Waste Depository.

- 1) I come from various original Bands of the Oceti Sakowin in Pte Oyate Makoce. I am
an enrolled member of the Oglala Sioux Tribe. I am concerned about this proposal
for the following reasons including, but not limited to:
 - a) Annie Creek runs very close to the Ross Valley Depository before joining
Spearfish Creek. I am concerned about impacts to Annie Creek and Spearfish
Creek resulting from contamination from Wharf's operation.
 - b) There is no mention of the impacts of this operation to Cultural or Historic
Resources in the area.
 - c) There is no mention of the impacts of this operation to Spiritual/Religious
Practices in the area. Per American Indian Religious Freedom Act of 1978 (42
U.S.C. § 1996.), as Indigneous peoples we have the right to practice our
spirituality, which includes access to sites and the freedom to practice our
ceremonies. In City of Albuquerque v. Browner (97 F.3d 415, 10th Cir. 1996), the
10th Federal Court of Appeals and later the Supreme Court upheld that Isleta
Pueblo and all Tribal Nations have the right to ensure clean water for ceremonial
practice. This case demonstrates the importance of clean water for ceremonial
use for our people.
 - d) There is no mention of contact or consultation with, or consent from, the 16 Tribal
Nations on the Black Hills National Forest Tribal/THPO mailing list, or treaty and

September 1, 2020

non-treaty signers, regarding this proposal. Proper permission has not been granted for the Ross Valley Waste Depository, or for Wharf's operation as a whole.

- 2) I am contesting the Secretary's Recommendation of Approval of Wharf Resources' (USA), Inc.'s renewal application for a Ground Water Discharge Plan for their Ross Valley Waste Depository. I am requesting that the Board not grant approval for this operation.
- 3) My concerns arise from information from several sources, including but not limited to: my knowledge of waterways and ceremonial water use in this area, Coeur's application, information relating to Wharf's operation kept by SD DENR, relevant research publications, and relevant case law.
- 4) I understand that this contested case would unfold according to the Administrative Rules of South Dakota Chapter 74:50:02, and the regulations governing the South Dakota Department of Environment and Natural Resources.

Please keep me informed of all proceedings and documents related to this application.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tonia Stands', written in a cursive style.

Tonia Stands
Oglala, SD

Certified copy sent to: Wharf Mine, 10928 Wharf Road, Lead, SD 57754

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

www.atg.sd.gov

JASON R. RAVNSBORG
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

September 23, 2020

Hon. Hunter Roberts
Secretary, Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: Matter of Groundwater Discharge Plan Renewal and Water Quality Variance Review
of Wharf Resource's Ross Valley Spent Ore Facility

Dear Sec. Roberts and Mr. Duvall:

Enclosed with this letter is a Notice of Appearance as well as the Groundwater Quality Program's Motion to Dismiss and Motion to Appoint Hearing Chair to be filed in the above referenced proceedings pending before both the Secretary and the Water Management Board. True and correct copies have been served on those individuals listed in the attached Certificates of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRL".

Steven R. Blair
Assistant Attorneys General

Enclosures

Cc/encl: Julie Santella – Petitioner
Tonia Stands – Petitioner
Max Main – Counsel Wharf Resources (USA), Inc.
David McVey – Counsel Water Management Board
Kim McIntosh – Groundwater Quality Program (via e-mail only)
Jeffery Tronvold – Deputy Attorney General (via e-mail only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD
&
OFFICE OF THE SECRETARY

IN THE MATTER OF GROUNDWATER)	NOTICE OF APPEARANCE
DISCHARGE PLAN RENEWAL &)	
WATER QUALITY VARIANCE REVIEW)	
OF WHARF RESOURCES' ROSS)	
VALLEY SPENT ORE FACILITY)	

The following individuals hereby give notice in the above captioned matter of their appearance as counsel for the South Dakota Department of Environment & Natural Resources' Groundwater Quality Program:

Steven R. Blair, Assistant Attorney General, and
Jeffery Tronvold, Deputy Attorney General.

Counsel request that copies of all further pleadings, filings, or other documents related to this matter be served upon them at the address indicated below.

Dated this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General
Jeffery Tronvold
Deputy Attorney General
1302 E. Highway 14, Suite 1
Pierre, South Dakota 57501
(605) 773-3215
steven.blair@state.sd.us
jeffery.tronvold@state.sd.us

*Counsel for DENR Groundwater Quality
Program*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Groundwater Quality Program of the Department of Environment and Natural Resources' NOTICE OF APPEARANCE filed in the above captioned matter was submitted via United States Mail, First Class, Postage Prepaid upon:

Hon. Hunter Roberts
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Secretary – DENR

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Staff – Water Mgmt. Board

David McVey
Assistant Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501
Counsel – Water Mgmt. Board

True and correct copies of the above referenced documents were also served via United States Certified Mail upon the following:

Julie Santella
422 Columbus Street, Apt. 1
Rapid City, SD 57701
Petitioner

Tonia Stands
202 Bald Eagle Lane, #8
Rapid City, SD 57701
Petitioner

Max Main
Bennett, Main, Gubbrud, & Willert, P.C.
618 State Street
Belle Fourche, SD 57717
Counsel – Wharf Resources (USA), Inc.

On this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD
&
OFFICE OF THE SECRETARY

IN THE MATTER OF GROUNDWATER)	MOTION TO DISMISS PETITIONS FOR
DISCHARGE PLAN RENEWAL &)	CONTESTED CASE
WATER QUALITY VARIANCE REVIEW)	&
OF WHARF RESOURCES' ROSS)	MOTION TO STAY TIME TO FILE
VALLEY SPENT ORE FACILITY)	ANSWER

The Groundwater Quality Program (Groundwater Program) of the Department of Environment and Natural Resources (DENR) hereby files this Motion to Dismiss the Petitions for Contested Case filed in the above captioned matter. The Groundwater Program asserts that the Petitions are untimely, and therefore concludes that the Water Management Board (Board) and the Secretary of the DENR are without sufficient jurisdiction to consider the claims raised by the Petitions. The Groundwater Program also respectfully moves the Board and the Secretary to stay the requirement of filing an Answer in this matter.

BACKGROUND

On August 1, 2020 the Black Hills Pioneer published notice of the DENR's Notice of Recommendation that Wharf Resources' Ross Valley Spent Ore Facility Groundwater Discharge Plan be renewed with conditions. Exhibit A. This publication triggered a thirty-day (30) period within which interested parties were able to file a petition to initiate a contested case and request a hearing on the Groundwater Discharge Plan renewal and the DENR's Recommendation. This petition period expired on August 31, 2020. On September 2, 2020, the DENR

electronically received from Julie Santella and Tonia Stands “Petition[s] to Contest and Oppose” the renewal of the Wharf Ross Valley Groundwater Discharge Plan. Exhibits B & C. Both Petitions are dated September 1, 2020. *Id.*

ARGUMENT

Administrative agencies are tribunals of limited jurisdiction. 2 Am.Jur.2d, Administrative Law § 273 (2017). “An administrative agency has jurisdiction over a matter when the agency is given power ‘by law to hear and decide controversies.’” *Knapp v. Hamm & Phillips Service Co., Inc.*, 2012 S.D. 82, ¶ 12, 824 N.W.2d 785, 788. An administrative agency has those powers expressly conferred upon it, as well as those powers “‘necessarily implied and reasonably necessary to effectuate the express powers granted to, or duties imposed upon, it.’” *Spies Realty Company v. State Department of Social Services*, 321 N.W.2d 924, 926 (S.D. 1982) (quoting *Application of Kohlman*, 263 N.W.2d 674, 678 (S.D. 1978)).

In this matter the Petitions filed by Ms. Santella and Ms. Stands are untimely and thereby the Board is without jurisdiction to entertain the claims for relief raised by the Petitions.

I. Timeliness of Petitions

In South Dakota, the operator of a facility that discharges waste or pollutants that move into groundwater must obtain approval of a Groundwater Discharge Plan. ARSD § 74:54:02:02. The Groundwater Discharge Plan is comprised of up to three separate permits: a Construction Permit (SDCL 34A-2-27; ARSD §

74:54:02:13)¹; Water Quality Variance Permit (SDCL 34A-2-24; ARSD §§ 74:54:02:11, 74:54:02:17); and Groundwater Discharge Permit (SDCL 34A-2-31, - 36.1; ARSD § 74:54:02:14).

The Board is authorized by statute to issue Water Quality Variance Permits. SDCL 34A-2-24. These Permits must be reviewed on a biennial basis. SDCL 34A-2-26. The Board has also been authorized by statute to pass administrative rules regarding the process used for permitting the discharge of wastes. SDCL 34A-2-28 & -30. Under that authority the Board has delegated biennial review of the Water Quality Variance Permit to the Secretary of the DENR. ARSD § 74:54:02:11. Through its rule-making authority, the Board has established a notice of recommendation procedure for the biennial review of Water Quality Variance Permits. ARSD § 74:54:02:12. The Secretary is tasked with publishing a Notice of Recommendation regarding the biennial review which describes the proposed disposition of the Water Quality Variance Permit review. *Id.* The publication of the Secretary's Notice of Recommendation triggers a thirty-day period within which any interested party may file a petition to request a contested case hearing before the Board. *Id.* "If a petition is not [timely] filed, the water quality variance permit review will become final without a hearing." *Id.*

The Secretary is statutorily authorized to issue Groundwater Discharge Permits for a period that may not exceed five years. SDCL 34A-2-36.1. Administrative rule explicitly ties the issuance of a Groundwater Discharge Permit

¹ The Ross Valley Groundwater Discharge Plan renewal consists only of a Water Quality Variance and a Groundwater Discharge Permit. Exhibit A.

to the approval of a Groundwater Discharge Plan. ARSD § 74:54:02:14. Acting within its delegated rule-making authority, the Board has (like the Water Quality Variance Permit review process), established a notice of recommendation procedure for Groundwater Discharge Plans.

The Secretary is tasked with review of Groundwater Discharge Plan applications and the development of a Notice of Recommendation that describes the Secretary's proposed disposition of the Plan application. ARSD §§ 74:54:02:07 and :08. The Notice of Recommendation must be published in a legal newspaper, and upon publication any interested party has thirty days to file a petition to initiate a contested case proceeding before the Board. ARSD § 74:54:02:08. "If a petition is not filed, the application for a plan will become final ... without a hearing." *Id.* If a timely petition is filed requesting a hearing before the Board, the Board may "conditionally approve" the Groundwater Discharge Plan by issuing the Water Quality Variance Permit, and any necessary Construction Permit. ARSD § 74:54:02:09. Final approval of a contested Groundwater Discharge Plan application is accomplished by the Secretary's issuance of a Groundwater Discharge Permit. ARSD § 74:54:02:14.

As discussed above, the DENR published notice of the Secretary's Recommendation regarding Wharf Resources' Ross Valley Spent Ore Facility Groundwater Discharge Plan on August 1, 2020. The thirty-day petition period triggered by this publication expired on August 31, 2010. The Petitions filed by Ms.

Santella and Ms. Stands were received by the DENR on September 2, 2020.

Exhibits B & C.

The DENR complied with the notice and publication requirements applicable to the operative components of the Ross Valley Groundwater Discharge Plan. Both Petitioners in this proceeding had adequate legal notice of the Secretary's proposed recommendation and notice of the required timeframe within which to submit their petitions. The applicable administrative rules require a request for a contested hearing to be filed within the thirty-day period following notice of the Secretary's recommendation. The petitions at issue in this matter were not timely filed. With no timely filed petitions requesting a contested case, and by operation of administrative rule, both the Water Quality Variance Permit and the Groundwater Discharge Permit became final without a hearing. ARSD §§ 74:54:02:08 & 74:54:02:12. Due to Petitioners' untimeliness, the Groundwater Program concludes the Board and the Secretary are without jurisdiction to consider the relief requested by the Petitions and that the Petitions should be dismissed.

II. Stay of Time to Answer

ARSD Ch. 74:50:02 establishes the procedures applicable to Water Pollution Control contested cases. ARSD § 74:50:02:04 requires that an Answer to a petition to initiate a contested case be filed within "30 days after the receipt of a petition[.]" In light of the above Motion to Dismiss, the Groundwater Program respectfully requests that the Board and the Secretary stay the requirement of any party to file

an Answer in this matter until 10 days after the Board and the Secretary have issued their final Orders on the Groundwater Program's Motion to Dismiss.

CONCLUSION

Based upon the information, arguments, and authorities discussed above, Groundwater Quality Program respectfully requests the Board and the Secretary enter orders dismissing the Petitions filed in the above captioned matter. Further, should the Board and the Secretary deny the Motion to Dismiss and accept the Petitions on file in this matter, the Groundwater Program requests that the Board and the Secretary stay the requirement to file an Answer in this matter until 10 days after the Board and the Secretary enter their final Orders denying the Motion to Dismiss.

Dated this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General
Jeffery Tronvold
Deputy Attorney General
1302 E. Highway 14, Suite 1
Pierre, South Dakota 57501
(605) 773-3215
steven.blair@state.sd.us
jeffery.tronvold@state.sd.us

*Counsel for DENR Groundwater Quality
Program*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Groundwater Quality Program of the Department of Environment and Natural Resources' MOTION TO DISMISS and MOTION TO STAY filed in the above captioned matter was submitted via United States Mail, First Class, Postage Prepaid upon:

Hon. Hunter Roberts
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Secretary – DENR

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Staff – Water Mgmt. Board

David McVey
Assistant Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501
Counsel – Water Mgmt. Board

True and correct copies of the above referenced documents were also served via United States Certified Mail upon the following:

Julie Santella
422 Columbus Street, Apt. 1
Rapid City, SD 57701
Petitioner

Tonia Stands
202 Bald Eagle Lane, #8
Rapid City, SD 57701
Petitioner

Max Main
Bennett, Main, Gubbrud, & Willert, P.C.
618 State Street
Belle Fourche, SD 57717
Counsel – Wharf Resources (USA), Inc.

On this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General

Affidavit of Publication

STATE OF SOUTH DAKOTA:
COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Recommendation

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 1st day of Aug, 2020, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 27.26, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

[Signature]
Subscribed and sworn to before me this 6th day of Aug, 2020

Kerry Jensen

Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2025

Notice of Recommendation on a Ground Water Discharge Plan Renewal

Notice is hereby given that the South Dakota Department of Environment and Natural Resources (Department) has received a renewal application for an existing Ground Water Discharge Plan for Wharf Resources' (USA), Inc. Ross Valley Waste Depository at their mining facility in Lawrence County, South Dakota. The legal location of the operation is portions of Section 3 and 4 of T4N-R2E, and portions of Sections 33 and 34 of T5N-R2E; approximately 3 miles west of Lead, South Dakota. The Ground Water Discharge Plan renewal consists of a ground water quality variance and a ground water discharge permit.

The Secretary of the Department of Environment and Natural Resources is recommending conditional approval of Wharf Resources, Inc.'s, Ground Water Discharge Plan renewal. Conditions of the Ground Water Discharge Plan consist of monitoring well construction, inspection, and abandonment requirements, monitoring and reporting requirements, permitted allowable limits, technical revision authorization, size of the perimeter of operational pollution, the location of compliance monitoring points, post closure requirements and reporting requirements to the Board in certain instances. The detailed conditions of the Ground Water Discharge Plan may be viewed on the Department's public notice webpage at: <http://denr.sd.gov/public>

Any interested person may file a petition to initiate a contested case and request a hearing on the Ground Water Discharge Plan renewal and the Department's recommendation pursuant to the Administrative Rules of South Dakota Chapter 74:50:02 within 30 days of this notice. If no petition to initiate a contested case is filed during the 30-day public notice period, the Department's recommendations on the Ground Water Discharge Plan renewal will become final at the close of this 30-day period.

Any person desiring further information may contact Matt Hicks at the South Dakota Department of Environment and Natural Resources, Ground Water Quality Program, 523 East Capitol Avenue, Joe Foss Building, Pierre, South Dakota 57501, Phone: 605-773-3296; or visit the DENR public notices website at: <http://denr.sd.gov/public>

In the event a hearing is scheduled, notice is given to individuals with disabilities that the hearing will be held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing.

-s- Hunter Roberts
Hunter Roberts
Secretary

Published once at the total approximate cost of \$28.18.

#190
Aug 1

EXHIBIT
A

September 1, 2020

Attn: Matt Hicks
South Dakota Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

RECEIVED
SEP 02 2020
Dept. of Environment &
Natural Resources
GROUND WATER QUALITY

RE: Petition to Contest and Oppose Renewal Application for Ground Water Discharge Plan for Wharf Resources' (USA), Inc. Ross Valley Waste Depository

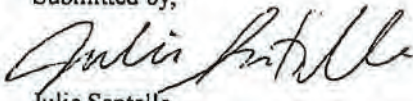
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Please keep me informed of all proceedings and documents related to this application.

Submitted by,



Julie Santella
Rapid City, SD

09/01/2020

Certified copy sent to: Wharf Mine, 10928 Wharf Road, Lead, SD 57754

EXHIBIT
B

September 1, 2020

Attn: Matt Hicks

South Dakota Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

RECEIVED
SEP 02 2020
Dept. of Environment &
Natural Resources
GROUND WATER QUALITY

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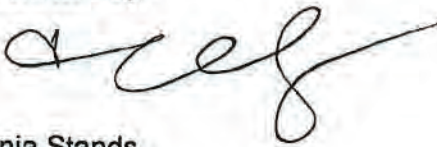
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Submitted by,

A handwritten signature in black ink, appearing to read 'Tonia Stands', written in a cursive style.

Tonia Stands
Oglala, SD

Certified copy sent to: Wharf Mine, 10928 Wharf Road, Lead, SD 57754

STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

BEFORE THE WATER MANAGEMENT BOARD
&
OFFICE OF THE SECRETARY

IN THE MATTER OF GROUNDWATER)	MOTION TO APPOINT HEARING
DISCHARGE PLAN RENEWAL &)	CHAIR
WATER QUALITY VARIANCE REVIEW)	
OF WHARF RESOURCES' ROSS)	
VALLEY SPENT ORE FACILITY)	

The Groundwater Quality Program (Groundwater Program) of the Department of Environment and Natural Resources (DENR) hereby files this Motion to Appoint Hearing Chair in the above captioned proceedings.

Currently pending are petitions for a contested case challenging the Secretary of DENR's (Secretary) recommendation regarding the renewal of Wharf Resources' Ross Valley Spent Ore Facility Groundwater Discharge Plan which includes the biennial review of the Water Quality Variance Permit, and the renewal of the Groundwater Discharge Permit issued as part of the Ross Valley Groundwater Discharge Plan.

According to ARSD § 74:54:02:12 a challenge to the Secretary's recommendation on a Water Quality Variance Permit review is heard before the Water Management Board (Board). Pursuant to the terms of ARSD § 74:54:02:08, a challenge to the Secretary's recommendation on renewal of a Groundwater Discharge Plan (of which the Groundwater Discharge Permit is a component) is also to be heard by the Board. However, according to SDCL 34A-2-36.1 & ARSD §

74:54:02:14, final approval of a Groundwater Discharge Plan is only accomplished by the Secretary's issuance of a Groundwater Discharge Permit.

Based on a review of the applicable administrative rules, and an attempt to harmonize their provisions, the Groundwater Program concludes that the Petitions on file in this matter have initiated proceedings that are currently pending before both the Water Management Board and the Secretary of the DENR. The Board is tasked by administrative rule with hearing the challenge to Secretary's recommendation as to the Ross Valley Water Quality Variance Permit, and impliedly tasked with conducting any hearing regarding the Groundwater Discharge Permit. The Secretary retains final decision-making authority as to the Groundwater Discharge Permit.

The Board is required by ARSD § 74:50:02:08 to "appoint a member of the [B]oard to act as chair of" any groundwater quality hearing held pursuant to the provisions of ARSD Ch. 74:54. Under ARSD § 74:50:02:08 the chair of a hearing is responsible for all prehearing rulings. ARSD § 74:50:02:17, however, allows "the Secretary or the Board to appoint a hearing examiner to conduct the hearing of a contested case," which includes conducting any prehearing conference. (cleaned up). The prehearing conference is where all prehearing motions are to be decided and the time and place for the contested hearing is to be set. ARSD § 74:50:02:10.

It is anticipated that the proceedings held on the Water Quality Variance Permit, as well as the Groundwater Discharge Permit will be based upon the same administrative record and consist of nearly identical testimony, evidence, and

exhibits. In the name of judicial economy – in an effort to avoid the un-necessary duplication of proceedings – the Groundwater Program concludes that it would be appropriate to hold one contested proceeding for consideration of both the pending Water Quality Variance Permit review and the Groundwater Discharge Permit renewal.

Based on the foregoing, the Groundwater Program respectfully requests that the following actions be taken:

1. The Secretary of the DENR enter his formal request that the Water Management Board agree to act as the Secretary's hearing examiner for purposes of conducting all proceedings in relation to the Ross Valley Groundwater Discharge Permit renewal, including the holding of a prehearing conference and conducting any formal contested case hearing. In this role, the Board will be tasked with conducting its own proceedings regarding review of the Ross Valley Water Quality Variance Permit as well as issuing a written recommended decision to the Secretary regarding renewal of the Groundwater Discharge Permit. The Secretary will retain final decision-making authority regarding renewal of the Ross Valley Groundwater Discharge Permit.
2. The Board accept the Secretary's request to act as the Secretary's hearing examiner for purposes of any proceedings related to the Ross Valley Groundwater Discharge Permit. And,
3. The Board then appoint one of its members, as required by ARSD § 74:50:02:08 to be the hearing chair for purposes of both the Water Quality Variance Permit and Groundwater Discharge Permit proceedings. The appointed hearing chair will be responsible for all prehearing rulings and for conducting any contested case proceedings before the Board.

In the alternative, if the Secretary should determine not to request the Board act as his hearing examiner, or the Board should decline the request to act as the Secretary's hearing examiner, the Groundwater Program requests the following:

1. The Secretary and the Board jointly appoint an uninterested third party as hearing examiner to conduct any prehearing proceedings and hear any contested case proceedings regarding both the Water Quality Variance Permit renewal and the Groundwater Discharge Permit renewal. The

hearing examiner will be tasked with issuing written recommended decisions regarding the Ross Valley Water Quality Variance Permit and the Groundwater Discharge Permit to both the Board and the Secretary respectively. The Board would retain final decision-making authority over review of the Water Quality Variance Permit, while the Secretary would retain final decision-making authority over the Groundwater Discharge Permit renewal.

Dated this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General
Jeffery Tronvold
Deputy Attorney General
1302 E. Highway 14, Suite 1
Pierre, South Dakota 57501
(605) 773-3215
steven.blair@state.sd.us
jeffery.tronvold@state.sd.us

*Counsel for DENR Groundwater Quality
Program*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Groundwater Quality Program of the Department of Environment and Natural Resources' MOTION TO APPOINT HEARING CHAIR filed in the above captioned matter was submitted via United States Mail, First Class, Postage Prepaid upon:

Hon. Hunter Roberts
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Secretary – DENR

Ron Duvall
Dept. of Env. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
Staff – Water Mgmt. Board

David McVey
Assistant Attorney General
1302 E. Hwy. 14, Suite 1
Pierre, SD 57501
Counsel – Water Mgmt. Board

True and correct copies of the above referenced documents were also served via United States Certified Mail upon the following:

Julie Santella
422 Columbus Street, Apt. 1
Rapid City, SD 57701
Petitioner

Tonia Stands
202 Bald Eagle Lane, #8
Rapid City, SD 57701
Petitioner

Max Main
Bennett, Main, Gubbrud, & Willert, P.C.
618 State Street
Belle Fourche, SD 57717
Counsel – Wharf Resources (USA), Inc.

On this 23rd day of September, 2020.



Steven R. Blair
Assistant Attorney General

LAW OFFICES OF
BENNETT MAIN GUBBRUD & WILLERT
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1419
TEL (605) 892-2011
FAX (605) 892-4084
Email: bellelaw@bellelaw.com

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SEP 28 2020
WATER RIGHTS
PROGRAM

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED in SOUTH DAKOTA and WYOMING

Est. 1908

KELLEN B. WILLERT**
**LICENSED in SOUTH DAKOTA, WYOMING and COLORADO

September 24, 2020

(By Certified Mail – Return Receipt Requested)

South Dakota Department of Environment and
Natural Resources Ground Water Quality Program
Attn: Ron Duvall
523 E. Capitol Avenue
Joe Foss Building
Pierre, SD 57501

Steven Blair, Assistant Attorney General
1302 E. Hwy. 14, Ste. 1
Pierre, SD 57501

Julie Santella
422 Columbus St., Apt. 1
Rapid City, SD 57701

Tonia Stands
202 Bald Eagle Ln., #8
Rapid City, SD 57701

**RE: Wharf Resources Groundwater Discharge Plan Renewal-
Application; Our File No. 2876.125020.**

Enclosed for Ron Duvall for filing are the originals of the following documents, with copies to Steven Blair, Julie Santella, and Tonia Stands:

1. Wharf's Motion to Dismiss;
2. Wharf's Motion to Extend Time for Answering Petitions; and
3. Affidavit of Mailing.

Should anyone have any questions, please advise.

Sincerely,

BENNETT MAIN GUBBRUD & WILLERT, P.C.

A handwritten signature in cursive script that reads "Max Main".

Max Main

(Writer's direct email address: max@bellelaw.com)

MM/ak

Encs.

cc: Matt Zietlow

RECEIVED

SEP 28 2020

WATER RIGHTS
PROGRAM

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER MANAGEMENT BOARD**

**IN THE MATTER OF THE
RENEWAL APPLICATION FOR
AN EXISTING GROUNDWATER
DISCHARGE PLAN FOR THE
WHARF RESOURCES (U.S.A), INC.
ROSS VALLEY WASTE DEPOSITORY.**

**WHARF'S
MOTION TO DISMISS**

COMES NOW, applicant Wharf Resources (U.S.A.), Inc. ("Wharf") and moves to dismiss the two Petitions to Contest and Oppose ("Petitions") filed herein by Tonia Stands and Julie Santella. This Motion is made on the following grounds and for the following reasons:

The Notice of Recommendation in this matter was published in the Black Hills Pioneer on August 1, 2020. Exhibit A attached hereto. As required by ARSD 74:54:02:08, the Notice states that a petition to initiate a contested case must be filed "within 30 days of this notice." *Id.* The 30-day deadline was August 31, 2020.

The Petitions were not filed with the Department of Environment and Natural Resources ("Department") until September 2, 2020, when they were received electronically. Exhibit B attached hereto. Paper copies of the Petitions were not received and filed with the Department until September 4, 2020. Exhibit C attached hereto.

Failure to comply with the rules of civil procedure may be grounds for dismissal. *S.W. Croes Family Trust vs. Small Business Administration*, 446 N.W.2d 55, 57 and 58 (fn. 3) (S.D. 1989). Likewise, failure to comply with administrative rules of procedure should be grounds for dismissal. The late-filed Petitions should be dismissed.

Dated this 24th day of September, 2020.

**BENNETT MAIN GUBBRUD &
WILLERT, P.C.**

Attorneys for Wharf

By: Max Main
MAX MAIN
618 State Street
Belle Fourche, SD 57717
(605) 892-2011

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice of Recommendation

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 1st day of Aug. 2020, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 27.26, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 6th day of Aug. 2020

Kenny Jengwu

Notary Public, Lawrence County, South Dakota
My commission expires: 7-18-2025

Notice of Recommendation on a Ground Water Discharge Plan Renewal

Notice is hereby given that the South Dakota Department of Environment and Natural Resources (Department) has received a renewal application for an existing Ground Water Discharge Plan for Wharf Resources (USA), Inc. Ross Valley Waste Depository at their mining facility in Lawrence County, South Dakota. The legal location of the operation is portions of Section 3 and 4 of T4N-R2E, and portions of Sections 33 and 34 of T5N-R2E; approximately 3 miles west of Lead, South Dakota. The Ground Water Discharge Plan renewal consists of a ground water quality variance and a ground water discharge permit.

The Secretary of the Department of Environment and Natural Resources is recommending conditional approval of Wharf Resources, Inc.'s, Ground Water Discharge Plan renewal. Conditions of the Ground Water Discharge Plan consist of monitoring well construction, inspection, and abandonment requirements, monitoring and reporting requirements, permitted allowable limits, technical revision authorization, size of the perimeter of operational pollution, the location of compliance monitoring points, post closure requirements and reporting requirements to the Board in certain instances. The detailed conditions of the Ground Water Discharge Plan may be viewed on the Department's public notice webpage at: <http://denr.sd.gov/public>

Any interested person may file a petition to initiate a contested case and request a hearing on the Ground Water Discharge Plan renewal and the Department's recommendation pursuant to the Administrative Rules of South Dakota Chapter 74:50:02 within 30 days of this notice. If no petition to initiate a contested case is filed during the 30-day public notice period, the Department's recommendations on the Ground Water Discharge Plan renewal will become final at the close of this 30-day period.

Any person desiring further information may contact Matt Hicks at the South Dakota Department of Environment and Natural Resources, Ground Water Quality Program, 523 East Capitol Avenue, Joe Foss Building, Pierre, South Dakota 57501, Phone: 605-773-3296; or visit the DENR public notices website at: <http://denr.sd.gov/public>

In the event a hearing is scheduled, notice is given to individuals with disabilities that the hearing will be held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing.

-s- Hunter Roberts
Hunter Roberts
Secretary

Published once at the total approximate cost of \$28.18.

#190
Aug 1



September 1, 2020

Attn: Matt Hicks
South Dakota Department of Environment and Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

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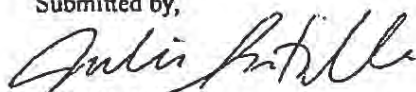
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09/01/2020

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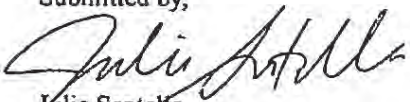
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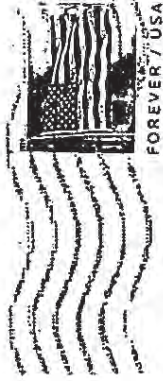
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Julie Santella
422 Columbus St Apt. 1
Rapid City SD 57701

RAPID CITY SD 577

02 SEP 2000 PM 1 T



Attn: Matt Hicke
South Dakota Department of Environment & Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

5750133392



September 1, 2020

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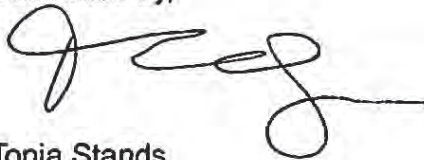
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Oglala, SD

Certified copy sent to: Wharf Mine, 10928 Wharf Road, Lead, SD 57754

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202 Bald Eagle Lane #8
Rapid City, SD 57701



RAPID CITY SD 577

02 SEP 2020 PM 4 T

Attn: Matt Hicks
South Dakota Department of Environment & Natural Resources
Ground Water Quality Program
523 East Capitol Avenue
Joe Foss Building
Pierre, SD 57501

5750133182



**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER MANAGEMENT BOARD**

**IN THE MATTER OF THE
RENEWAL APPLICATION FOR
AN EXISTING GROUNDWATER
DISCHARGE PLAN FOR THE
WHARF RESOURCES (U.S.A), INC.
ROSS VALLEY WASTE DEPOSITORY.**

**WHARF'S
MOTION TO EXTEND
TIME FOR ANSWERING
PETITIONS**

COMES NOW, applicant Wharf Resources (U.S.A.), Inc. ("Wharf") and moves to extend the time for answering the two Petitions to Contest and Oppose ("Petitions") filed herein by Tonia Stands and Julie Santella. This Motion is made on the following grounds and for the following reasons:

Wharf received the Petitions on September 4, 2020. Pursuant to ARSD 74:50:02:04, Wharf has 30 days after receipt to serve a written answer to the Petitions. The 30-day deadline would end October 4, 2020. That day is a Sunday, so the deadline is extended to Monday, October 5, 2020. *See*, SDCL 15-6-6(a).


Wharf has filed a Motion to Dismiss the Petitions, based on the untimely filing of the Petitions.

If the Motion to Dismiss is granted, there will be no need to answer the Petitions. If the Motion to Dismiss is denied, Wharf requests the time for answering the Petitions be extended to 10 days from and after the date of the denial.

Dated this 24th day of September, 2020.

**BENNETT MAIN GUBBRUD &
WILLERT, P.C.**

Attorneys for Wharf

By: 
MAX MAIN
618 State Street
Belle Fourche, SD 57717
(605) 892-2011

**IN THE MATTER OF THE
RENEWAL APPLICATION FOR
AN EXISTING GROUNDWATER
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STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF BUTTE)

South Dakota Department of Environment and
Natural Resources Ground Water Quality Program
Attn: Ron Duvall
523 E. Capitol Avenue
Joe Foss Building
Pierre, SD 57501

Further, on September 24, 2020, at Belle Fourche, County of Butte, State of South Dakota, she personally mailed, *by certified mail – return receipt requested*, true and correct copies of WHARF'S MOTION TO DISMISS and WHARF'S MOTION TO EXTEND TIME FOR ANSWERING PETITIONS, in the above-described matter, intended as service upon the following persons at their respective last known post office addresses as follows:

Steven Blair, Assistant Attorney General
1302 E. Hwy. 14, Ste. 1
Pierre, SD 57501

Julie Santella
422 Columbus St., Apt. 1
Rapid City, SD 57701

Tonia Stands
202 Bald Eagle Ln., #8
Rapid City, SD 57701


Dated this 24th day of September, 2020.


ASHLEY KATCHMARK

Subscribed and sworn to before me this 24th day of September, 2020.

(SEAL)




Notary Public
My Comm. Exps: May 15, 2026