DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
221 MALL DRIVE, SUITE #201
RAPID CITY SD 57701
605-394-2229
danr.sd.gov

November 5, 2026

Brenda Binegar
Dept. of Agr. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 575001

Re: In re City of Madison Permit Application to Construct & Operate a Solid Waste Restricted Use Facility

Dear Ms. Binegar:

Enclosed please find for filing in the above referenced matter the Department's Response to Potters' Objections to Proposed Decision. Copies of these documents have been served upon the parties as indicated in the attached Certificate of Service. If you have any questions, please don't hesitate to contact me.

Sincerely,



Steven R. Blair
General Counsel – Dept. of Agriculture & Natural Resources

Enclosures

Cc/encl: Nick Burke – DANR Waste Management Program (email only)
Emily Greco – Counsel, Brd. of Minerals & Environment (email only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

CITY OF MADISON PERMIT APPLICATION TO CONSTRUCT AND OPERATE A SOLID WASTE RESTRICTED USE FACILITY	))))	DANR RESPONSE TO POTTERS' OBJECTIONS TO PROPOSED DECISION

The South Dakota Department of Agriculture & Natural Resources – Waste Management Program ("Department") hereby submits the following Response to Petitioners Karen, Mark, & Donita Potters' ("Potters" or "Petitioners") Objection to Proposed Decision, Findings of Fact, Conclusions of Law, and Order.

The Department disagrees with the assertions and conclusions included in Petitioners' objections. The issues raised by Petitioners were addressed through pre-hearing motions and briefing, at the contested case hearing, or through post-hearing briefing. The Department stands on its prior briefing filed in this matter. The Hearing Examiner's Proposed Decision is supported by the record of this matter and does not contain erroneous statements of fact or law.

The Department respectfully requests the Board reject Petitioners' objections and otherwise adopt the Hearing Examiner's Proposed Decision, Findings of Fact, and Conclusions of Law.

Dated this 5th day of November, 2026



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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the Department's RESPONSE TO POTTERS' OBJECTIONS TO PROPOSED DECISION was submitted electronically, and via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binegar
Dept. of Agr. & Nat. Resources
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Secretary for Brd. of Min. & Env.

Further, the undersigned certifies that true and correct copies of the above referenced document(s) were served electronically and via United States Mail, First Class, Postage Prepaid upon the following:

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Petitioner

Dated this 5th day of November, 2026

Steven R. Blair – DANR