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History:

Up until March 2008, South Dakota's water was protected by law in that a company had to **PROVE** they could restore the groundwater to baseline BEFORE they could start operation and it had to be done **ONSITE (This previous law is what the state of Colorado has today and why Powertech left Colorado and came to South Dakota).**

In spring 2008, the Water management Board and Board of minerals changed the law eliminating the need to PROVE water could be restored to baseline but still assigning DENR regulatory authority and monitoring authority.

Even with this law change (reduction in water and citizen protection) Powertech failed twice in their efforts to satisfy state regulations.

In January of 2011, Senate Bill 158 was proposed which completely removes DENR from any regulatory or monitoring authority over ISL mining. This was passed in March 2011.

\*\*\*\*Currently, SD has no mechanism for protection of its water and public health pertaining to ISL uranium mining. According to their published mission statement, The DENR (Dept of Environment and Natural Resources) is charged with protecting South Dakota citizens' health and natural resources but in the case of uranium mining cannot do so. Again, as stated above, **PRIOR to 2011**, the DENR did have protective regulatory administrative authority on underground injection control Class III wells and in situ leach mining.

During the legislative session of 2012, HB 1098 was introduced by GOP Rep. Patricia Stricherz of Madison, SD to REVERSE SB 158. We very successfully recruited votes to achieve this and when it came to the full house vote, Majority leader David Lust called an emergency caucus meeting and when they came out Patricia spoke and they took a quick vote and our other spokesman didn't even get to speak. Of course the speaker of the house (Val Rausch) and Majority leader (Lust) ran that show and both were signees of SB 158!!!!.

**SENATE BILL 148:** In the 2012 legislative session, citizens proposed Senate Bill 148 which would have restored the state **REGULATORY AUTHORITY TO ITS PREVIOUS 2010 LEVEL.** Currently, the only monitoring that would be provided would be carried out by a handful of distant federal Region 8 EPA officials who are located in Denver, CO and are already spread too thin with many states to take care of.

**Senate Bill 150:** This bill would restore South Dakota's protection of water and the public's health to **pre-2008 status**. This is what Colorado enacted and why Powertech left their state. This bill would require uranium mining companies to return the water to baseline conditions after they mine. This bill gives the DENR the feasibility of mining in a particular location, it allows a permit to be denied if the company can't demonstrate that they can effectively restore water to baseline and requires full restoration post-mining.

**SENATE BILL 149:** Currently, uranium companies are given 30 days to report violations and if reported within 30 days they have NO PENALTY!! The literature is replete with this type of dangerous mining having spills and leaks. This bill would require uranium companies to report environmental violations within 24 hours. Citizens simply want their water and health protected and problems reported promptly so that corrective measures can be readily enacted.

Note:

The NRC (Nuclear Regulatory Commission) has concluded that ISL mining does in fact contaminate groundwater. Consequently, any company mining uranium must obtain a permanent exemption for the Clean Drinking Water Act.

1. At least six and possibly seven international companies are doing exploration throughout the Black Hills for uranium. There is a large uranium deposit by Hermosa, one by the RC airport and there are uranium deposits all along Route 79. If Powertech obtains their permits, this may provide an **open door** to begin mining uranium throughout the hills.
2. Note: there are high radioactive levels around Dinosaur Park
3. Ranchers east of RC depend on the Inyan Kara and are already having to drill deeper wells due to less water availability. One rancher told me he used to be able to hand dig his well. He recently (last few months) had to drill for more water and he had to drill 2260 feet.
4. This potential industry (uranium mining) does have a lot of inherent and implicit ramifications for Rapid City's health, future and growth.
5. Adequate regulation and protection of our water and health is necessary.

SUMMARY:

South Dakota finds itself in great danger. Due to the 2008 changes by the boards and SB 158, the water, economic future and public health of South Dakotans has been completely compromised. This all was accomplished by back room politics and complete lack of transparency. Many large uranium companies are doing exploration and waiting in the wings. The NRC has stated clearly that this Powertech project provides very small economic impact, yet the loss of water is gargantuan. This is clearly an example of eliminating regulations to obtain their payload and then disappear. The bonds are so pathetic they are laughable and they do not even address the lengthy time period that would need to be covered. The people will once again be victimized both economically, socially and public health wise.

**PLEASE NOTE: Both the boards are obligated to follow SD law. Currently, even though they may personally agree with us, they may by law feel obligated to award the permits. All because of these law changes and backroom deals!**