

Union County Planning and Zoning Commission
Courthouse
209 E. Main Street
Elk Point, SD 57025

To Members of the Planning and Zoning Commission:

I represent the Save Union County Committee. I'm sending you a number of questions, answers to which would be appreciated. As you well know, this is a major project that is being dropped on the people of Union County, and we want to be certain that our County officials are doing their utmost to protect the rights and interests of the people of Union County.

We would very much appreciate answers to these questions at your earliest convenience so that we may act accordingly.

1. What and who gave Hyperion the idea that they should apply for a Planned Development permit?
2. Doesn't a Planned Development permit contemplate a residential housing development, such as Dakota Dunes? Where in the Planned Development section of the Ordinance are the regulations for an oil refinery and an electrical generating plant?
3. Does the Planned Development section of the Ordinance fit with an oil refinery?

4. Have the Planning Commission and the County Commission already decided to allow Hyperion to go under a Section of the Ordinance that does not apply to a refinery?

5. What meetings have taken place between County officials and Hyperion representatives that deal with Zoning issues?

6. If so, who attended the meetings, both from Hyperion's side and from the County's side?

7. Does not the heavy industrial Section of the Ordinance more closely fit an oil refinery?

8. Does the County plan to allow interested county residents enough time to study Hyperion's application once it is completed?

9. Do you agree that the proposed site is in an Agricultural District, according to the Zoning Ordinance?

10. Is it your understanding that Hyperion is asking the County to amend its Ordinance to accommodate Hyperion?

11. Hyperion has said publicly that it is in favor of a public referendum on the issue of their permits? What plans does the County have to encourage a referendum vote? And what will be the issue placed on the ballot?

12. Hyperion constantly says in public that Union County is only one site they're considering? They have made a site in Union County public. Why are they being secretive about other sites? Is it possible that they have no other sites, and are using imaginary locations as leverage to pressure County officials?

13. In the amendment proposed by Hyperion, they give themselves unlimited time to complete their building, proposing that the building permit they ask for has no expiration date. Do you plan on giving ordinary citizens of Union County the same consideration?

14. Hyperion is also proposing that they be allowed to sell lots within the District they are asking the county to create. Does this portend that Hyperion may build a refinery, then sell it to another oil company?

15. Are you aware that one of the proposed Ordinance amendments states that water systems are to remain under control of Hyperion, and not the County or state?

16. Hyperion claims that their “Energy Center” will be the most environmentally friendly refinery ever built in the U.S. Does the County have in place someone who is an independent expert in refinery pollution of water, soil and air? Does the County realize that someone without such expertise can be easily fooled by the Company, thereby putting the citizens of Union County and surrounding counties at great risk?

17. I’m certain that you realize that Hyperion contemplates having retail establishments on their site. Has the County notified local retailers who their competition will be?

18. Has the County thought through the impact on the local work force that a project of this size will have? When higher paying jobs are offered to local

workers, will local business establishments suffer from not being able to hire people to work in their businesses?

19. Hyperion has said it wants to be a good neighbor, and that it wants a referendum vote. You realize that local people who might be opposed to a refinery do not have a lot of money. Has Hyperion signed a pledge with the County not to throw money into an election that will unbalance the election in their favor because of the money? Will the County require them to sign such a pledge and make it public before you agree to their changes or their permits?

20. Will Hyperion abide by the results of an election if they lose?

Thank you for your answers in advance.

Sincerely

James Abourezk
Counsel for Save Union County Committee