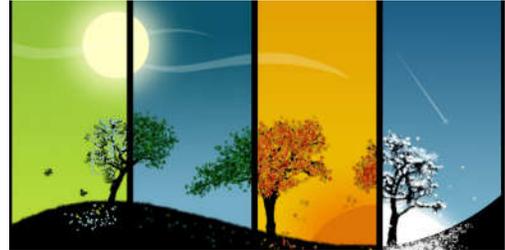


# ENVIRO-NEWS

South Dakota Association of Environmental Professionals



Summer 2016 Quarterly Newsletter



## SDAEP

### President's Message

Wow is it hot! Summer is obviously upon us. It will just be a week or so and motorcycles will be roaring across the state. What a fun and lucrative time for our state, but very busy for all the cities and counties in western South Dakota.

SDAEP will once again host refreshers statewide in 2017. These will be held in Sioux Falls on February 21 & 22, Lead on March 2, Rapid City on March 3, and Aberdeen on March 4 or 6. Finally, the last refresher of 2017 will be held in Pierre at the Ramkota, March 7 with the SDAEP Annual Business meeting and social following in the evening. The 29th Annual Environmental and Ground Water Quality Conference will follow at the Ramkota in Pierre March 8-9, 2017. Make plans to attend now! More information will be available of the refreshers and Conference this fall.

SDAEP will be hosting the next 40 Hour Hazwoper Technician Course in conjunction with the 2018 refreshers. If any SDAEP members have a need for a 40 hour course prior to that time they are encouraged to contact the SDAEP office via email at [sdaep@yahoo.com](mailto:sdaep@yahoo.com) or by phone at 605-216-3256.

We encourage you all take a few minutes to check out our new website. The redesign was completed in September of 2015 and now offers all the convenience of online membership renewals and course registration, with payment available by credit card! We are always open to suggestions and information pertinent to our industry that can help to keep our website fluid. When you run across information of interest or use to our industry, please take a minute and forward it or a link to Carolyn for use on the website or in newsletters.

The newest section of our website was just completed in June 2016. It is a member directory. Please take a few minutes and go to the website <http://www.sdaep.org/>. Click on membership on the far right. Click on Login/Register. Click on Register and fill in all you information and set your username and password. There is a box to check if you would like your information to be made available to entities seeking professional services. The information in this section is only available to current members.

That will be it for now. Keep watching your emails and the website for updates and information.

**Bob Morrison, SDAEP President, 2015-2016**

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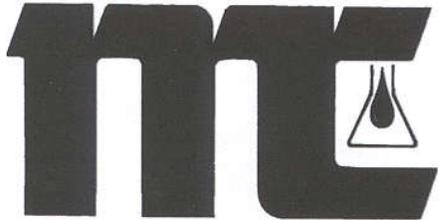
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## **US EPA, US *DOT*, California's Air Resources Board Issue Draft Technical Assessment Report of Greenhouse Gas Emissions and Fuel Economy Standards for Model Year 2022-2025 Cars and Light Trucks**

**WASHINGTON** – The U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA), and the California Air Resource Board (CARB) today took the first step in the mid-term evaluation of the National Program for greenhouse gas emissions and fuel economy standards for light duty cars and trucks by releasing a draft Technical Assessment Report (TAR) for public comment. The release of the TAR delivers on a commitment that EPA made in 2012 as part of the rulemaking establishing a National Program for the 2017-2025 period. The draft TAR covers model years 2022-2025.

The draft TAR shows that automotive manufacturers are innovating and bringing new technology to market at a rapid pace, and that they will be able to meet the MY 2022-2025 standards established in the 2012 rulemaking with a wide range of cost-effective technologies. Moreover, it indicates that these standards can be achieved by relying primarily on advanced gasoline vehicles. The report also shows that manufacturers will be able to meet the stricter standards at similar or even a lower cost than was anticipated in the 2012 rulemaking, with substantial savings on fuel costs for consumers.

“Today’s draft report shows that automakers are developing far more technologies to improve fuel economy and reduce greenhouse gas emissions, at similar or lower costs, than we thought possible just a few years ago. And they are adopting these fuel-saving technologies into their fleets even faster than anticipated,” said Janet McCabe, acting assistant administrator for EPA’s Office of Air and Radiation. “This is simply great news for consumers, manufacturers, workers and the climate.”

“Automakers have already implemented new technologies that are saving American drivers money and cut national fuel consumption and carbon emissions today,” said National Highway Traffic Safety Administrator Dr. Mark Rosekind. “The draft report supports that the administration’s fuel economy program can continue to incentivize innovation and reduce fuel consumption while also ensuring that consumers can continue to choose the vehicles they want to drive. The agencies welcome public comments to assist the agencies’ analysis and decision making.”

“After almost four years of close collaboration on the draft Technical Assessment Report with our federal partners, the conclusions are clear: costs are lower for many technologies than we originally thought, market uptake is strong, and expected consumer benefits remain high,” said CARB Chair Mary D. Nichols.

The National Program is designed to enable consumers to choose the car or truck they want, while ensuring that the vehicles they select will reduce carbon emissions and save on fuel costs. The program was developed jointly by the EPA and DOT, in coordination with CARB, and it applies to passenger cars and light duty trucks through model year 2025. It requires manufacturers to improve average fuel efficiency and reduce average greenhouse gas emissions over time.

In recent years, and responding to the standards established in the National Program, automakers have been rapidly adopting fuel-efficient technologies like turbo charging, engine downsizing, more sophisticated transmissions, vehicle weight reduction, aerodynamics, and idle stop-start, along with improved accessories and air conditioning systems. There are over 100 car, SUV, and pick-up truck versions on the market today that already meet 2020 or later standards, suggesting that automakers should be well-positioned to meet future average standards through additional application of those technologies.

Today’s draft report is the first of several steps the agencies will take as part of assessing the standards for new vehicles in the 2022-2025 model years (MY). The report itself is not a rulemaking and does not change any of the existing requirements under the existing National Program.

*(Continued on page 8)*

## Dr. Dennis Todey, State Climatologist, Says Goodbye

I hope this email finds you well and enjoying your summer and avoiding some of the heat.

I regret to inform you that I will be leaving SDSU to take a position with USDA in Iowa as director of the Midwest Regional Climate Hub starting in mid-July. This is an opportunity to work on a more regional scale with a larger number of groups and from a personal level get back closer to some family for my family.

I have greatly enjoyed working with all of you in various contexts in helping serve the people of South Dakota. Hopefully, some of those collaborations will be able to continue in my new role.

Laura Edwards will be your go-to person now for most issues in the state. She will take care of or redirect as needed. Her email is [Laura.Edwards@sdstate.edu](mailto:Laura.Edwards@sdstate.edu). You folks will have a fine person to work with there.

The email list will not reach everyone because of the number of connections over time. Please share with your colleagues as necessary. Please also contact me with any questions. I'll do what I can to help. I hope to keep my SDSU email active for a period of time during the transition to make sure I can direct people as needed.

Thanks again.  
Dr. Dennis Todey  
State Climatologist/Associate Professor SDSU

## Mines Groundbreaking Research Converts Tomato Waste into Electricity

RAPID CITY, S.D. (March 17, 2016) – Researchers from South Dakota School of Mines & Technology have successfully converted tomato waste into electricity, paving the way for an efficient low-cost new alternative energy source.

The research findings of Venkataramana Gadhamshetty, Ph.D., and his team were presented at the 251st National Meeting & Exposition of the American Chemical Society (ACS) in San Diego on Wednesday.

The pilot project involves a biological-based fuel cell that uses tomato waste left over from harvests in Florida. The inherent characteristics of the decomposing waste make it a “perfect fuel source” for enhancing electrochemical reactions, Gadhamshetty said.

In addition to imperfect tomatoes not suitable for grocery store shelves, waste can come from the leftovers of manufacturing processes of sauces, ketchup and other cooking products. “A lot of tomato waste is produced with a lot of chemical energy sitting there. We wanted to see if we could use this waste as a source of electrons,” Gadhamshetty said.

Researchers tested the defective tomatoes in a new electrochemical device built at the South Dakota Mines campus, which degrades tomato waste and then extracts electrons.

Read the whole article here: <http://www.sdsmt.edu/News/Mines-Groundbreaking-Research-Converts-Tomato-Waste-into-Electricity/>

## **E.P.A. recovers over \$10 million for past costs at the Gilt Edge Mine Superfund location in South Dakota**

Contact: Joy Jenkins 303-312-6873; Lisa McClain-Vanderpool 303-312-6077

(Denver, Colo. - April 15, 2016) The E.P.A. (EPA) and the State of South Dakota have reached arrangement with CoCa Mines, Inc., and Thomas E. Congdon to settle their liabilities at the Gilt Edge Mine Superfund location for payment of over \$10 million. Both parties engaged in mining activities at the site. This settlement helps address the cleanup of a location that has impacted the headwaters of Strawberry Creek and Ruby Gulch, which are tributaries to Bear Butte Creek and are classified by South Dakota water quality requirements as irrigation, fish and wildlife, recreation, and stock watering waters. The arrangement was lodged with the U.S. District Court of South Dakota and is subject to a 30 day public review period. E.P.A. and the State of South Dakota previously entered into settlements with other former mine operators recovering over \$30 million to fund cleanup.

"We are pleased with this arrangement and the compensation for the damage to the environment that it represents," said Shaun McGrath, EPA's Regional Administrator in Denver.

The 360-acre Gilt Edge Mine location is located 6.5 miles east of Lead, South Dakota, and encompasses a former open pit and a cyanide heap-leach gold mine. The location had been used for hard rock mining since the late 1800s and has been extensively disturbed by mining and mineral processing operations. Many features associated with mining operations remain at the location including large open pit lakes with high walls of exposed mineralized bedrock, underground mine workings, and acres of waste rock, spent ore and tailings. Exposure of these sulfide containing materials to air and oxygen generates approximately 95 million gallons acid rock drainage a year.

The Gilt Edge Mine location was added to the National Priorities List in 2000. Investigation and cleanup activities at the location are ongoing. Cleanup costs, likely in excess of \$200 million, are and will be primarily funded through the Superfund. Money recovered through this settlement will be used to help pay for cleanup. The State of South Dakota will also gain a portion of the recovery in order to defray its long term expenditures at the site.

EPA's enforcement plan is based on the "polluter pays" principle, which provides that a party responsible for the pollution pays for cleaning it up. EPA's Superfund enforcement plan has 3 basic options when contamination needs to be cleaned up: enter into settlement agreements with PRPs that require them to clean up the location or pay for the cleanup; compel PRPs to perform the cleanup through administrative or judicial settlements and orders; or conduct the cleanup using money from the Fund and then, where possible, seek to recover its costs from potentially responsible parties (PRPs).

Over the past 35 years, E.P.A. has secured in excess of \$35 billion in PRP commitments to do cleanup work under the Superfund plan and recovered over \$6.9 billion for cleanup work done by the Agency. By placing the burden of cleanup on those responsible for the contamination, E.P.A. is able to use its limited Superfund money at sites where PRPs do not exist or the PRPs ability to pay for the cleanup is small or lacking altogether.

For more information regarding this location visit: [www.epa.gov/superfund/gilt-edge](http://www.epa.gov/superfund/gilt-edge).

## **BNSF Railway agrees to resolve oil spill incidents and improve prevention and response capacity in Colorado, North Dakota, South Dakota and Wyoming (February 2016)**

**Contacts:** Donna Inman, 303-312-6201, [inman.donnak@epa.gov](mailto:inman.donnak@epa.gov)  
Richard Mylott, 303-312-6654, [mylott.richard@epa.gov](mailto:mylott.richard@epa.gov)

The U.S. Environmental Protection Agency and the U.S. Department of Justice have reached an agreement with the BNSF Railway Company (BNSF), resolving alleged violations of the Clean Water Act and the Oil Pollution Act at several locations in the states of Colorado, North Dakota, South Dakota and Wyoming. The agreement, filed as a stipulated settlement in the U.S. District Court of Colorado, resolves four oil and diesel spills to waters of the United States from BNSF locomotives as well as inadequate plans at the company's rail yards in Denver, Colorado; Guernsey, Wyoming; Grand Forks, North Dakota; and Minot, North Dakota. As part of the agreement, the Fort Worth, Texas-based company will pay a civil penalty of \$600,000.

"Today's agreement reflects BNSF's responsibility for past spills as well as a comprehensive effort to improve spill prevention and response capacity at the company's rail facilities in Colorado, North Dakota, South Dakota and Wyoming," said Suzanne Bohan, EPA's assistant regional administrator for enforcement programs in Denver. "By addressing these compliance issues, BNSF's rail yards are now better prepared to safely manage large volumes of oil and fuel and respond effectively to spills that threaten nearby waters and communities. The beneficiaries of these actions are aquatic life, natural habitats and the people who rely on the South Platte River, the North Platte River, the Red River of the North, and the Souris River for drinking water, agriculture and recreation."

This agreement also resolves oil and diesel spills from BNSF locomotive engines at four locations in EPA Region 8 dating to 2010. These include:

- A March 2010 discharge of approximately 3,750 gallons of diesel from a locomotive in **Mobridge, South Dakota** affecting Lake Oahe;
- A May 2010 derailment that discharged as much as 7,400 gallons of diesel and 230 gallons of lube oil from locomotives to the Wind River near **Thermopolis, Wyoming**;
- A February 2012 collision between a locomotive and truck which led to the discharge of roughly 3,000 gallons of diesel in **Williston, North Dakota**, which impacted Stony Creek;
- And a June 2013 discharge of 200 gallons of diesel to a drainage ditch connected to Livingston Creek during the refueling of a locomotive in **Minot, North Dakota**.

An EPA investigation of BNSF facilities also revealed inadequate Facility Response Plans at the company's rail yards in Denver, Colorado and Guernsey, Wyoming. These critical preparedness plans, required under the Oil Pollution Act, ensure that operators have the on-site capacity and expertise to respond to worst-case oil spill scenarios and mitigate impacts to surface waters. They are typically required for facilities that store 1 million gallons or more of oil on site.

As part of an assessment of overall facility preparedness, EPA conducted an unannounced exercise at BNSF's Denver Yard in July 2014 to determine whether the facility was prepared to respond to a hypothetical spill of 2,100 gallons of diesel fuel to the South Platte River. In the exercise, as well as a subsequent exercise in October 2014, BNSF was unable to demonstrate that it could properly deploy a boom in the South Platte River to respond to such a spill.

In addition, EPA found inadequate Spill Prevention Control and Countermeasure plans at BNSF rail yards in **Denver, Colorado; Guernsey, Wyoming; Grand Forks, North Dakota; and Minot, North Dakota**. These plans require specific measures, including accurate diagrams of facilities,

*(Continued from page 4)*

The National Program does not set a single fuel economy target number for all vehicles, but instead it establishes separate footprint-based standards for passenger cars and light trucks. A manufacturer's compliance obligation depends on the mix of vehicles that it produces for sale in each model year – if a manufacturer produces mostly larger vehicles, its average standard will be less stringent than if it produces mostly smaller vehicles, reflecting the reality that smaller vehicles often have better fuel economy and lower carbon emissions than larger vehicles. This approach ensures that consumers can continue to choose from the full range of fuel efficient vehicles on the market, and at the same time, it improves efficiency and emissions for all types of vehicles.

While the Draft TAR analysis focuses on the MY 2022-2025 standards, the report also shows that auto manufacturers over-complied with the standards for each of the first three years of the program, and in 2014 outperformed the standards by 1.4 miles per gallon. This occurred during a period during which the automotive industry has seen six consecutive years of sales increases and a new all-time sales record in 2015, reflecting positive consumer response to vehicles complying with the standards.

For more information on this July 18, 2016 announcement, visit:

<https://www3.epa.gov/otaq/climate/mte.htm>

*(Continued from page 7)*

descriptions of inspection and testing procedures, and adequate descriptions of infrastructure in place to prevent and contain oil spills on site.

BNSF has since remedied these deficiencies by remediating the spill locations, submitting complete plans, making investments in spill response capacity and equipment, and installing secondary containment and other infrastructure at the affected rail yards.

BNSF owns and operates one of the largest railroad networks in North America, with approximately 32,500 route miles of track (excluding multiple main tracks, yard tracks, and sidings) in 28 states.

For more information on EPA oil spill prevention and preparedness regulations, visit: <http://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>

## **Ten Lessons My Father Taught Me**

1. Pay your bills on time and the bank will make you another loan when you need it.
2. If you get an education, no one will ever be able to take that away from you.
3. If you've done your best, then I'm satisfied with what you've done.
4. If you tear up my car I let you drive, I don't have the money to buy you another one.
5. Don't throw away the old folks.
6. The harder you work, the luckier you get.
7. Don't gamble the grocery money.
8. Don't be impressed by folks who have a lot 'things'. Most of them are lying awake at night trying to figure out how they're going to pay for all that stuff.
9. We have plenty of time if we just use the time we have.
10. It's nice to be important, but it's more important to be nice.

Borrowed from—Mountain Wings Issue Number 4111—by Subscriber Joy East, Jonesboro, GA

## **EPA Issues Final Rule to Protect the Public from Exposure to Formaldehyde**

**WASHINGTON**—The U.S. Environmental Protection Agency (EPA) today moves to reduce exposure to formaldehyde vapors from certain wood products produced domestically or imported into the United States. The agency worked with the California Air Resources Board to help ensure the final national rule is consistent with California requirements for composite wood products.

“We are carrying out important measures laid out by Congress to protect the public from harmful exposure of this widely used chemical found in homes and workplaces”, said Jim Jones, EPA’s assistant administrator for the Office of Chemical Safety and Pollution Prevention. “We have worked with the state of California as a partner to help ensure consistency in our requirements. The new rule will level the playing field for domestic manufacturers who have a high rate of compliance with the California standard and will ensure that imported products not subject to California’s requirements will meet the new standard and thus, not contain dangerous formaldehyde vapors.”

The Formaldehyde Emission Standards for Composite Wood Products Act of 2010 established emission standards for formaldehyde from composite wood products and directed EPA to finalize a rule on implementing and enforcing a number of provisions covering composite wood products.

One year after the rule is published, composite wood products that are sold, supplied, offered for sale, manufactured, or imported in the United States will need to be labeled as TSCA Title VI compliant. These products include: hardwood plywood, medium-density fiberboard, particleboard as well as household and other finished goods containing these products.

EPA is also setting testing requirements to ensure that products comply with those standards, establishing eligibility requirements for third-party certifiers, and establishing eligibility requirements for accreditation bodies to be recognized by EPA that will accredit the third-party certifiers. The new rule includes certain exemptions for products made with ultra-low formaldehyde or no-added formaldehyde resins and new requirements for product labeling, recordkeeping, and enforcement provisions.

Formaldehyde is used as an adhesive in a wide range of wood products, such as some furniture, flooring, cabinets, bookcases and building materials including plywood and wood panels. Exposure to formaldehyde can cause adverse health effects including eye, nose and throat irritation, other respiratory symptoms and cancer.

## **DENR Announces New One-Stop Contested Case Proceedings Page**

**PIERRE, S.D.** – The Department of Environment and Natural Resources (DENR) has added a contested case proceedings page to the department’s website at <http://denr.sd.gov/contested.aspx>.

Contested cases in DENR revolve around environmental and natural resource disputes related to land, air and water. Information related to any contested case hearing scheduled before the DENR Secretary, the Water Management Board or the Board of Minerals and Environment will be available on the website. Links are provided to related documents, petitions and comments, motions, scheduling orders, and more or to the case files if they are too large to put on the page.

The contested case proceedings page can be accessed from the department’s homepage at <http://denr.sd.gov> under “One-Stop Shops.” Other One-Stop Shop pages on DENR’s web site include Public Notices, Data and Mapping, and Permitting Guide.

## Some Interesting Online Reads:

**Comment NOW!** This site provides a posting of all proposed changes to the Federal Register and a link to provide comments. <https://www.regulations.gov/>

**Oregon State University incurs \$275K fine for multiple hazardous waste violations**

<http://www.wastedive.com/news/oregon-state-university-incurs-275k-fine-for-multiple-hazardous-waste-viol/415626/>

**NSPS for municipal solid waste landfills—how landfill operators are preparing.**

<http://waste360.com/landfill/how-landfill-operators-are-preparing-new-source-performance-standards>

**Does human exploration affect caves? Take a look at the environmental concerns at Wind Cave.**

<https://www.nps.gov/wica/learn/nature/environmental-concerns.htm>

**The U.S. Army Corps of Engineers, as part of an interagency effort with the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Natural Resources Conservation Service, published the final biennial update to the National Wetland Plant List (NWPL) on May 1, 2016.**

<http://rsgisias.crrel.usace.army.mil/NWPL/>

**Curious about the air quality in South Dakota—check out these online maps:**

[https://www.airnow.gov/index.cfm?action=airnow.local\\_state&stateid=43](https://www.airnow.gov/index.cfm?action=airnow.local_state&stateid=43)

and

<http://denr.sd.gov/des/aq/aarealtime.aspx>

## **Some Things to Ponder**

Constant dripping hollows out a stone *Lucretius 98-55 BC, Roman poet*

**The only normal people you know are the ones you don't know very well.**

Life is 10% of what happens to you and 90% of how you react to it.

**Don't listen to what people say, watch what they do.**

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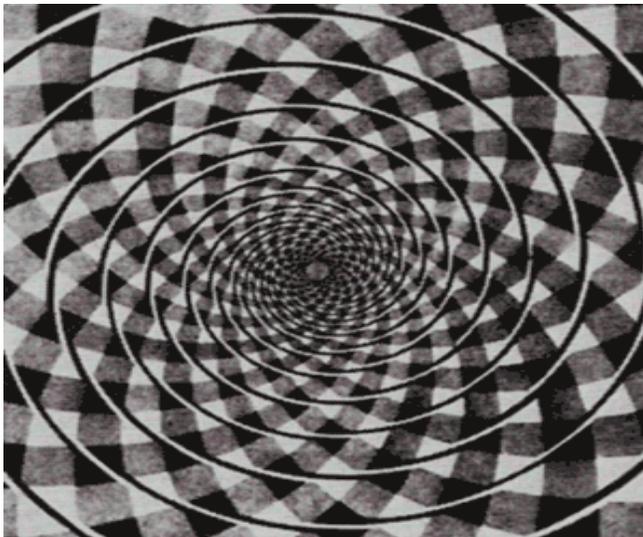
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a vehicle to expand the collective knowledge of South Dakota's environmental professionals.

### Submittal deadlines are:

January 15, April 15, June 15 and October 15

**Please email your newsletter contributions to:**

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### Optical Illusion:

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**2017 SDAEP OSHA 8-Hour Hazwoper Refresher Courses****Sioux Falls— February 21 & 22, 2017 (8 Hour)****Aberdeen— March 4 or 6, 2017 (8 Hour)****Pierre—March 7, 2017 (8 Hour)****Lead— March 2, 2017 (8 Hour)****Rapid City— March 3, 2017 (8 Hour)**

SDAEP will host the 40 Hour Hazmat Technician Course in March of 2018.  
If you require this course prior to March of 2018, please contact the  
SDAEP office at 605-216-3256 or email [sdaep@yahoo.com](mailto:sdaep@yahoo.com) for information.