

2010 Legal and Public Notices

NOTICE OF GENERAL AIR QUALITY OPERATING PERMIT FOR GRAIN ELEVATORS OPERATING IN SOUTH DAKOTA

The South Dakota Department of Environment and Natural Resources (DENR) is proposing to issue a general air quality permit for grain elevators operating throughout the State of South Dakota. This permit will replace the previous general air quality permit for grain elevators that are set to expire on October 30, 2014.

The proposed general permit identifies who may seek coverage under the permit, the general permit requirements, air pollution limits, compliance responsibilities, record keeping and reporting requirements, as well as performance test procedures. The general permit covers grain elevators, a grain elevator applicable to the grain elevator new source performance standard, a grain elevator with a distillate oil fired boiler applicable to the boiler maximum achievable control standard, a grain elevator with an emergency generator applicable to new source performance standard Subpart IIII or Subpart JJJJ, a grain elevator with a non-emergency generator applicable to new source performance standard under Subpart IIII or applicable to maximum achievable control standard under Subpart ZZZZ where the generator is located at area sources of hazardous air pollutants and a gasoline dispensing facility applicable to a maximum achievable control standard. Issuing a general permit for grain elevators is another attempt by DENR to streamline environmental permitting in South Dakota and to provide better service to all our customers. The general permit will be effective for five years upon its issuance.

Prior to obtaining coverage under the general air quality permit, the applicant must submit a Notice of Intent form to the department. The Notice of Intent form requires the applicant to describe the operations, equipment, and location that will be covered under this permit. The department will review the information contained in the Notice of Intent to determine if the applicant qualifies for coverage under the general permit and is capable of complying with the general permit. If the applicant qualifies and can meet the requirements, coverage under the general air quality permit will be authorized to the applicant.

In accordance with the Administrative Rules of South Dakota (ARSD) 74:36:04:12, any person desiring to comment on DENR's draft permit must submit written comments to the address below within thirty days of this public notice. Comments may be directed to the following mailing address: Teresa Williams; PMB 2020; Department of Environment and Natural Resources; 523 East Capitol; Pierre, South Dakota 57501. DENR will consider and address all comments submitted, and issue a final permit decision pursuant to ARSD 74:36:04:12.01. DENR will notify the applicant and each person that submitted written comments or requested notice of DENR's final permit decision, including notification of any changes to the permit based on the comments.

Any person desiring to contest the issuance of this permit and have a contested case hearing must file a petition, which complies with ARSD 74:09:01:01. This petition must be filed either within thirty days of this public notice or, if that person submits comments on DENR's draft permit pursuant to the paragraph above, within thirty days of receiving notice of DENR's final permit decision. Upon receipt of a petition, DENR will schedule this matter for a contested case hearing before the Board of Minerals and Environment.

If no comments or objections are received within thirty days of this public notice, the draft permit becomes the final permit decision and the proposed permit will be issued.

Copies of DENR's draft permit conditions and other information may be obtained from April Soukup, Engineer I, at the above address or telephone at (605) 773-3151 or from DENR's website at:

<http://denr.sd.gov/public/>

Steven M Pirner, Secretary
Department of Environment and Natural Resources

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Nebraska

Marriage Law Is Challenged In Suit

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Seven same-sex couples filed a federal lawsuit Monday asking the state of Nebraska to recognize their marriages and challenging the constitutionality of the state's ban.

American Civil Liberties Union of Nebraska Executive Director Danielle Conrad said it's time for the state to extend the freedom to marry to all of its citizens.

"The couples we represent in this historic case are all taxpaying citizens who are active in their communities and who are contributing positively to our economy," Conrad said in a statement.

Nebraska's constitutional ban, approved by 70 percent of voters in 2000, defines marriage as the union of one man and one woman. In addition to prohibiting gay marriage, it also forbids civil unions and legalized domestic partnerships.

The plaintiffs in the new lawsuit were all married outside of Nebraska. That includes Susan and Sally Waters of Omaha, who have been together for 17 years. Sally Waters was diagnosed with terminal breast cancer last year, and says that without formal recognition of their marriage, her spouse won't receive the same tax and Social Security benefits to take care of the couple's children.

"At this moment, I want to spend time loving my children and my wife while knowing that should I die, they will be cared for," Sally Walters said. "By not recognizing my family, Nebraska is making a difficult situation much more difficult emotionally and financially."

Nebraska Attorney General Jon Bruning said his office will fight the lawsuit, as will his successor, Lincoln attorney Doug Peterson, who takes office in January. Republican Gov. Dave Heineman said the amendment respects the will of voters, and argued that marriage is a state issue.

"We should reflect the value and beliefs of the citizens of Nebraska, which I have absolutely no doubt remains firmly committed that marriage is between a man and a woman," Heineman said at a news conference.

The ACLU first sued Nebraska in 2003 over the ban, which a federal judge struck down in 2005, ruling it was overly broad and deprived gays and lesbians of participation in the political process. That victory was short-lived, as a 8th U.S. Circuit Court of Appeals panel reinstated the ban in 2006.

And in June, the Nebraska Supreme Court dismissed an appeal by a woman who sought a divorce from a woman she legally married in Iowa. The high court ruled it didn't have jurisdiction, so it couldn't address constitutional arguments about same-sex marriage and divorce.

The other couples listed as plaintiffs in the lawsuit are: Nick Kramer and Jason Cadek, of Omaha; Jessica and Kathleen Kdlstrvm-Schreckengost; of Omaha; Crystal Von Kampen and Carla Morris-Von Kampen, of Norfolk; Greg Tubach and Bill Roby, of Lincoln; and Marj Plumb and Tracy Weitz, of Omaha.

La Jolla, California, residents Dr. Tom Maddox and Randy Clark are also part of the suit, because Maddox is a native Nebraskan who earned his medical degree from the University of Nebraska Medical Center.

SD Board Of Education Adopts Criteria For Evaluating Principals

BY BOB MERCER
State Capitol Bureau

PIERRE — The state Board of Education adopted rules Monday for South Dakota school districts to use in evaluating their school principals and assistant principals starting in the 2016-2017 academic year.

The next and potentially last step for the proposed regulations is consideration by the Legislature's rule review committee. A state law requires teacher and principal evaluations. The rules for teacher evaluations already are in place.

The rules for evaluating principals drew one opponent

at a public hearing Monday.

Tonchi Weaver of Rapid City argued that a majority of South Dakota voters rejected evaluations when they defeated a 2012 package of education changes that the Legislature's Republicans and Republican Gov. Dennis Daugaard passed.

Weaver, who said she is associated with a group called South Dakota Citizens for Liberty, said the evaluations should be between parents, students, teachers and principals.

"This is something that a lot of parents say: 'I thought we voted that down,'" Weaver said.

However, state Education

Melody Schopp responded that her department and the state board are following the original law requiring evaluations.

"That was passed in 2010," Schopp said.

There are six "domains" and 22 "components" in the evaluation criteria for principals, according to Abby Javurek-Humig. She is director for the state division of assessment and accountability.

The domains include vision and goals, instructional leadership, school operations and resource management, safety management, community and family relationships, and ethical and cultural awareness.

Ebola Victim Endured Treatment Delays

BY JOSH FUNK AND NELSON LAMPE
Associated Press

OMAHA, Neb. — A surgeon who contracted Ebola in his native Sierra Leone did not receive aggressive treatment until nearly two weeks after he first started showing symptoms — a delay that doctors said probably made it impossible for anyone to save his life.

Dr. Martin Salia was in the 13th day of his illness when he reached Omaha on Saturday. He had waited three days to be formally diagnosed after an initial test for Ebola came back negative. He then waited five more days to be flown to the United States.

By the time the 44-year-old Maryland man got to the University of Nebraska Medical Center in Omaha, the deadly virus had done too much damage, shutting down Salia's kidneys and making breathing difficult, doctors said. He died Monday.

"In the very advanced stages, even the modern techniques we have at our disposal are not enough to help these patients once they reach a critical threshold," said Dr. Jeffrey Gold, chancellor of the medical center.

The virus has already killed more than 5,000 people in West Africa.

Salia, who chose to work in

his native country despite more lucrative opportunities elsewhere, was first tested for Ebola on Nov. 7, but the test was negative, and he was discharged from a treatment center in Sierra Leone.

It's not unusual to see false negative tests for Ebola in the early stages because the amount of the virus in the bloodstream is still low, said Dr. Phil Smith, the infectious-disease expert who leads the Nebraska Medical Center's biocontainment unit.

The U.S. government warns doctors to be wary of possible false negative tests for Ebola.

Salia tested positive for the disease on Nov. 10 but did not arrive at an Omaha hospital until Saturday.

Two other Ebola patients treated in Omaha this fall arrived at the hospital roughly a week earlier in their illnesses, before nausea, vomiting and more serious symptoms had set in. Both of those men recovered.

Government officials in Sierra Leone promised a full investigation into the treatment Salia received.

"At this point, we can't say for certain whether it was this misdiagnosis or not that led to his death," Deputy Information Minister Theo Nicol said in a statement to The Associated Press. The government planned to request a full medical report from the hospital

where he was last treated.

Salia, a permanent U.S. resident, was reportedly receiving blood from an Ebola survivor while in Sierra Leone, the government statement said. The treatment is believed to provide antibodies to fight the virus.

The government statement questioned whether "the strain of the 16-hour trip could have had a negative impact on his recovery."

Doctors with an air-transport service assessed Salia in Sierra Leone last week before deciding he was stable enough for the long flight to Nebraska.

In Omaha, Salia was placed on kidney dialysis and a ventilator and was given several medications, the hospital said in a statement. He was given the experimental Ebola drug ZMapp on Saturday and received another plasma transfusion from an Ebola survivor.

"I know that we gave him every possible chance to survive. I think that his family feels confident in that as well," Dr. Daniel Johnson said Monday at a news conference.

Salia's wife, Isatu Salia, who lives in New Carrollton, Maryland, said Monday that the family believed he was treated "in the best place possible."

But by the time her husband arrived in Omaha, he was already unresponsive, doctors said.

Man Indicted In Homicide Is No-Show

SIOUX FALLS (AP) — A man accused of raping and strangling a 56-year-old Sioux Falls woman failed to show up for a court hearing.

Forty-one-year-old Christopher Kryger is charged with murder, rape and burglary in the March killing of Kari Ann Kirkegaard. Kryger has pleaded not guilty.

Kryger failed to appear Monday for a motions hearing. His lawyers told Judge Mark Salter they had no idea why their client wasn't there.

Salter and lawyers in the case agreed to reschedule the hearing, but a date has not been set.

Winry Weather Hinders SD Harvest

SIOUX FALLS (AP) — Snowfall and below-normal temperatures slowed harvesting progress across South Dakota, but producers remained ahead of last year's place for corn and sunflowers.

The Agriculture Department says in its weekly crop report that corn was 92 percent harvested, ahead of the 87 percent mark last year. Sunflowers were 80 percent harvested, well ahead of last year's 61 percent pace.

The report listed the amount of sorghum harvested at 95 percent, ahead of the 87 percent completed at this time a year ago.

Pasture and range conditions were rated 8 percent excellent, 49 percent good, 32 percent fair, 9 percent poor and 2 percent very poor.

Man Charged In Random Shootings

PLEASANT HILL, Iowa (AP) — Authorities say a man who drove around a Des Moines suburb and randomly opened fire is charged with attempted murder.

Pleasant Hill Public Information Officer Adam Choat says 32-year-old Pete Jason Polson faces several charges stemming from Monday morning's shootings, including two counts of attempted murder. Two men have been hospitalized.

Choat says Polson has been linked to three shootings within a 12-minute span. A third man was fired at but was not hurt. Choat says the victims appear to have been randomly targeted.

The Southeast Polk Community School District canceled classes following the shootings. Superintendent Craig Menozzi says classes likely will resume Tuesday.

Authorities say the shootings aren't related to earlier threats made on social media against a local high school.

21 Chosen For Neb. Ag. Youth Council

LINCOLN, Neb. (AP) — Twenty-one college-aged Nebraskans have been chosen to serve on a youth advisory council that promotes agriculture.

The new members of the Nebraska Agricultural Youth Council were unveiled Monday at the Capitol by Gov. Dave Heineman and Department of Agriculture Director Greg Ibach.

The council is entering its 44th year. The council coordinates events to teach Nebraska youth about agriculture. Among the activities are elementary classroom visits to talk about the origins of food and visits to farms with urban youths.

The council also helps organize the annual Nebraska Agricultural Youth Institute, a five-day summer conference for current high school juniors and seniors.

Former USD Football Player Sentenced

SIOUX FALLS (AP) — A former University of South Dakota football player has been sentenced to prison for his role in a tax fraud scheme.

KELO-TV reports that 23-year-old Christopher Lundy was sentenced Monday to the mandatory minimum sentence of two years. He pleaded guilty in August to aggravated identity theft.

Lundy told authorities he gathered the birthdates, names and Social Security numbers of six different people as part of the scheme orchestrated by several USD students more than two years ago.

U.S. District Judge Karen Schreiber told Lundy during sentencing that he got tied up with the wrong crowd and has the potential to turn his life around.

Indian Motorcycles Set To Expand

STURGIS (AP) — The company Indian Motorcycles is expanding its dealership in Sturgis.

The *Rapid City Journal* reports that the company plans to build a 22,000-square-foot showroom directly south of its current location in downtown Sturgis.

Indian Motorcycles has been selling in Sturgis for six months. Officials say the new showroom will display up to 40 bikes and the store will increase its level of customer service.

A groundbreaking ceremony is scheduled for 4 p.m. Thursday.

N O M I N A T E T H E 2 0 1 4

Yankton Citizen Of The Year

Nomination Deadline: Friday, Nov. 28

Please Mail Your Nominations To:

Citizen Of The Year

Yankton Press & Dakotan

319 Walnut, Yankton, SD 57078

or visit www.yankton.net/coy

My nomination for the 2014 Yankton Citizen of the Year is:

This person should be the Citizen of the Year because:

MY NAME: _____

MY ADDRESS: _____

MY PHONE NUMBER: _____

PRESS & DAKOTAN

Testing

From Page 1

dents to finish in the two highest levels.

The Smarter Balanced national consortium set the four achievement levels Friday. The state board gave its approval Monday.

South Dakota K-12 schools gave the Smarter Balanced assessments a trial run last spring. They will be used statewide in spring 2015.

The state Board of Regents will accept Smarter Balanced scores as proof that a high school student is ready for college and doesn't need remedial courses in math or

English at the state universities, according to Paul Turman. He is the chief academic officer for the regents.

The state universities currently use ACT scores as the primary guidance on whether remedial coursework is necessary.

Students whose ACT performances aren't sufficient can take two other tests to show they are ready, or they can take remedial courses through on-line offerings while still in high school.

Smarter Balanced would become another route to avoid being forced to take remedial classes.

Turman said Smarter Balanced would help students know whether they are ready for dual-credit advanced

placement courses for college while they are still in high school.

He said a longer-range result might be the regents adjusting their entrance requirements so that students could finish more university general-education courses before college.

For now the state Department of Education is preparing for the prospect that fewer students will meet grade-level standards because of the higher expectations under Smarter Balanced.

"This is going to be a significant change for us," state Education Secretary Melody Schopp told the state Board of Education. "We know there's going to be questions when the results come out."