



Gary Hanson, Chair
Bob Sahr, Vice-Chair
Dustin Johnson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.state.sd.us/puc

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

January 18, 2005

Mr. Paul Dummann
Chairperson
Grant County Commission
45745 149th Street
Summit, SD 57266

Mr. Truman Nelson
Chairperson
Roberts County Commission
12601 BIA Highway 700
Sisseton, SD 57262

Mr. Malcolm Dirkson
Vice President
Milbank School District
~~520 South Grant Street~~ 46977 144th St.
Milbank, SD 57252

Mr. Leon Kruse
President
Wilmot School District
RR 1, Box 54
Wilmot, SD 57279

Mr. Scott Schneider
President
Big Stone City School District
14336 SD Highway 109
Big Stone City, SD 57216

Mr. Frank Redlin
President
Summit School District
14957 456th Avenue
Summit, SD 57266-5603

Mr. Gary Granquist
President
South Shore School District
47067 East Johnson Street
Stockholm, SD 57264

Mr. Wade Johnson
President
Sisseton School District
11591 Sica Hollow Road
Sisseton, SD 57262

Mr. Randy Kruse
President
Grant-Deuel School District
RR 1, Box 11
Reville, SD 57259

Mr. Dale Aesoph
Mayor
City of Milbank
209 South Viola Street
Milbank, SD 57252

Ms. Paulette Levison
Mayor
Town of Reville
204 West 1st Street
Reville, SD 57252

Mr. Harlan Hanson
Mayor
Town of Wilmot
P. O. Box 75
Wilmot, SD 57259-0075

Mr. Jim McFarlane
Mayor
Town of Big Stone City
657 Main Street
Big Stone City, SD 57216

Mr. Melvin Dragt
Mayor
Town of Stockholm
414 East Johnson Avenue
Stockholm, SD 57264

Mr. Mike Rufer
Mayor
Town of Strandburg
P. O. Box 32
Strandburg, SD 57265-0032

Mr. Lloyd Christofferson
Mayor
Town of Summit
P. O. Box 726
Summit, SD 57266-0726

Mayor
Town of Twin Brooks
P. O. Box 38
Twin Brooks, SD 57269-0038

Mayor
Town of Marvin
P. O. Box 51
Marvin, SD 57251-0051

Mayor
Town of Corona
P. O. Box 96
Corona, SD 57227-0096

Mayor
Town of LaBolt
P. O. Box 18
LaBolt, SD 57246-0018

Mr. Mark Rolfes
Otter Tail Power Company
P. O. Box 218
Big Stone City, SD 57216-0218

RE: In the Matter of the Filing by Otter Tail Power Company
Regarding its Notification of Intent to Apply for a Permit
for an Energy Conversion Facility
Docket EL04-034

Dear Folks:

On November 12, 2004, the Public Utilities Commission (Commission) received a notification of intent to submit an application for a permit for an energy conversion facility from Otter Tail Corporation, dba Otter Tail Power Company (Otter Tail). Otter Tail made the filing on behalf of the following energy conversion facility participants: Otter Tail Power Company, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Hutchinson Utilities Commission, Missouri River Energy Services. Otter Tail proposes to construct a new electric generating facility, tentatively named Big Stone II, which would be located on a brown field site adjacent to the existing Big Stone Plant unit I. The site is located in Grant County east of Milbank and northwest of Big Stone City, South Dakota. The current plans are to construct a 600 MW electric generating station utilizing a single pulverized coal fired steam generator balanced-draft combustion and a single, reheat steam turbine.

Otter Tail estimates the capital cost of the Big Stone II project at one billion dollars.

Under SDCL 49-41B-6, the Commission is required to designate the affected area relative to this filing and also to designate a local review committee within thirty days after the filing of the notification of intent. According to SDCL 49-41B-2(8), the term "siting area" is defined as "that area within ten miles in any direction of a proposed energy conversion facility or which is determined by the commission to be affected by a proposed energy conversion facility." In ARSD 20:10:22:01(1), "affected area" is defined as "that area which may be affected environmentally, socially, aesthetically, or economically by the location of a facility at a proposed site."

Under SDCL 49-41B-6, the Commission shall also designate the local review committee which shall be composed of the following:

- (1) The chairman of the county commissioners of each affected county;
- (2) The president of the board of education of each affected school district;
- (3) The mayor of each affected municipality; and
- (4) A representative of the applicant utility designated by the utilities.

Any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by his/her successor, who shall promptly notify the Commission of such succession.

At its December 6, 2004, Commission meeting, the Commission discussed the designation of the affected area and the local review committee. The Commission determined that the affected area for Otter Tail's proposed 600 MW (net) electric generating station is an area within 20 miles of the site of the proposed facility in South Dakota, plus the municipalities of Summit and Strandburg, which encompasses portions of Grant and Roberts Counties, the Milbank, Wilmot, Big Stone City, Summit, South Shore, Sisseton and Grant-Deuel School Districts and the cities of Milbank, Reville, Wilmot, Big Stone City, Stockholm, Strandburg, Summit, Twin Brooks, Marvin, Corona and LaBolt. In accordance with SDCL 49-41B-6, the Commission designated the local review committee which shall be comprised of the following individuals, ex officio:

- (1) The Chairmen of the Grant and Roberts County Commissions;
- (2) The Presidents of the School Boards of the Milbank, Wilmot, Big Stone City, Summit, South Shore, Sisseton and Grant-Deuel School Districts;
- (3) The Mayors or presiding officers of the cities of Milbank, Reville, Wilmot, Big Stone City, Stockholm, Strandburg, Summit, Twin Brooks, Marvin, Corona and LaBolt; and
- (4) A person appointed by Otter Tail Power Company.

Any person on the committee who ceases to hold such office or appointment shall be replaced on the committee by his/her successor, who shall promptly notify the Commission of such succession.

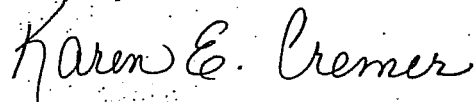
Therefore as the designated person of that organization, you have been appointed as one of the local review committee members.

I have enclosed a copy of the laws which sets forth the committee's duties as well as a copy of the Notice of Intent. The responsibilities of the local review committee can be summarized as follows: the local review committee shall assess the potential social and economic effects of the proposed energy conversion facility, assess the surrounding area's ability to absorb those effects and arrive at mitigation measures.

At this time, Otter Tail has only filed its notice which indicates that it will file its application for a permit. Otter Tail anticipates filing its application for a permit in May 2005. Within seven months after the May application is filed, the committee is required to file a final report with the Commission pertaining to its recommendations on the assessment of the effect of the facility. Pursuant to SDCL 49-41B-8 and 49-41B-9, the committee may employ other such persons to carry out the provisions of § 49-41B-7 and the expenses shall be paid from the initial fee that Otter Tail will be required to file with its application. Expense payments and other authorized payments to committee members are to be financed by the unit of government which the members represent.

Commission Staff would suggest that the committee meet and select a chairperson. While the committee is an independent body separate from Commission Staff, Staff is available to answer any questions the committee may have. Should you need to contact Staff, please do not hesitate to contact me or Michele Farris, Staff Engineer.

Sincerely,

Handwritten signature of Karen E. Cremer in cursive script.

Karen E. Cremer
Staff Attorney

cc: Michele Farris
Enc.

(5) A representative of the applicant utility designated by the utilities.
 Source: SL 1977, ch 390, § 10.

Library References

Electricity Ⓢ9(2).
 Westlaw Key Number Search: 145k9(2).

49-41B-7. Assessment by local review committee—Factors included

The local review committee shall meet to assess the extent of the potential social and economic effect to be generated by the proposed facility, to assess the affected area's capacity to absorb those effects at various stages of construction, and formulate mitigation measures. The assessment of the local review committee shall include but not be limited to consideration of the temporary and permanent alternatives in the following areas:

- (1) Housing supplies;
- (2) Educational facilities and manpower;
- (3) Waste supply and distribution;
- (4) Waste water treatment and collection;
- (5) Solid waste disposal and collection;
- (6) Law enforcement;
- (7) Transportation;
- (8) Fire protection;
- (9) Health;
- (10) Recreation;
- (11) Government;
- (12) Energy.

Source: SL 1977, ch 390, § 12.

Library References

Electricity Ⓢ9(2).
 Westlaw Key Number Search: 145k9(2).

49-41B-8. Employment of personnel by committee—Expenses—Information furnished by commission

The local review committee may employ such persons as determined by the Public Utilities Commission which may be required to carry out the provisions of § 49-41B-7 and the expenses of said staff shall be paid from the initial filing fee. The commission shall furnish copies of the application to the members of the local review committee and all other information which the commission determines that the committee should receive.

Source: SL 1977, ch 390, § 14.

Library References

Electricity Ⓢ9(2).
 Westlaw Key Number Search: 145k9(2).

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49-41B-9. Financing of committee expenses

Expense payments and other authorized payments to members of the local review committee for their service on the committee shall be financed by the unit of government or utility which they represent.

Source: SL 1977, ch 390, § 11.

Library References

Electricity ⇄9(2).
Westlaw Key Number Search: 145k9(2).

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49-41B-10. Final report of committee

Within seven months after the application is filed the local review committee shall file a final report with the Public Utilities Commission which includes the recommendations of the committee as to mitigation measures and minority reports.

Source: SL 1977, ch 390, § 13.

Library References

Electricity ⇄9(2).
Westlaw Key Number Search: 145k9(2).

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49-41B-11. Applications for permit—Filing deadline—Form—Contents

All applications for a permit shall be filed with the Public Utilities Commission not less than six months prior to the planned date of commencement of construction of a facility in such form as prescribed by rules, and shall contain, but not be limited to, the following information:

- (1) The name and address of the applicant;
- (2) Description of the nature and location of the facility;
- (3) Estimated date of commencement of construction and duration of construction;
- (4) Estimated number of employees employed at the site of the facility during the construction phase and during the operating life of the facility. Estimates shall include the number of employees who are to be utilized but who do not currently reside within the area to be affected by the facility;
- (5) Future additions and modifications to the facility which the applicant may wish to be approved in the permit;
- (6) A statement of the reasons for the selection of the proposed location;
- (7) Person owning the proposed facility and person managing the proposed facility;
- (8) The purpose of the facility;
- (9) Estimated consumer demand and estimated future energy needs of those consumers to be directly served by the facility;

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpc.com (web site)

November 8, 2004

Pam Bonrud
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501

RECEIVED
NOV 12 2004
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION



Dear Ms. Bonrud:

**SUBJECT: NOTIFICATION OF INTENT FILED PURSUANT TO SDCL 49-41B -5
PROPOSED BIG STONE II PROJECT**

Otter Tail Corporation doing business as Otter Tail Power Company is filing this Notification of Intent (NOI) to submit an application for a Permit for an Energy Conversion Facility as required by the South Dakota Code of Law Chapter 41B-5 and the Administrative Rules of South Dakota Section 20:10:22:02. This filing is made on behalf of the following energy conversion facility project participants:

- Otter Tail Power Company, lead developer
- Central Minnesota Municipal Power Agency
- Great River Energy
- Heartland Consumers Power District
- Hutchinson Utilities Commission
- Missouri River Energy Services

The assumptions used in the preparation of this NOI represents the best judgment of the current project participants, but are considered to be preliminary at this stage. The final project participants, facility description, facility operation methods, quantities, and other items described herein will be modified as development progresses to the final stage of design.

FACILITY

The proposed electric generating facility, which the project participants have tentatively named Big Stone II, would be located on a brown field site adjacent to the existing Big Stone Plant unit I. The plant site is located in Grant County east of Milbank and northwest of Big Stone City, South Dakota. The Big Stone I project owns the existing approximately 2200-acre site. Otter Tail Power Company owns a 295-acre parcel adjacent to the existing site and has under option, on behalf of the Project, an additional 620 acres (See Exhibit A). Based on the preliminary project engineering, the Big Stone II project participants have legal access to all plant site property that is necessary to complete Big Stone II plant construction. The

existing plant road and rail spur would provide site access. No changes are expected to either of these features for purposes of accommodating Big Stone II.

Current plans are to construct a 600 MW (net) electric generating station utilizing a single pulverized coal (PC) fired steam generator (boiler) balanced-draft combustion and a single, reheat steam turbine. The unit would be designed to burn Powder River Basin sub-bituminous coal.

Subject to a final design and a regulatory Best Available Control Technology (BACT) determination, emissions control equipment will likely include selective catalytic reduction (SCR) for NO_x reduction, a spray dryer absorber for sulfur dioxide (SO₂) removal and a pulse-jet fabric filter (baghouse) for particulate collection. Pending the outcome of further industry research, activated carbon may be used for mercury emission reduction.

Steam generated by the boiler will be supplied to the steam turbine to complete the power generation cycle. The steam turbine will include eight stages of feedwater heating for the supercritical (3500 psig 1050 / 1050 °F) cycle. The supercritical pulverized coal technology offers about 6% greater over-all energy conversion efficiency as compared to the other conventional boiler technologies.

Treated cooling water for the water-cooled surface condenser will be provided from a closed loop circulating water system that includes a new mechanical draft cooling tower and circulating water pumps. Raw water for the cooling system will be supplied from the existing Big Stone Unit I cooling pond. The water for the cooling pond will be supplied from Big Stone Lake via an existing water line and lake intake structure.

The facility is expected to operate at base load. The project will be designed to normally operate at its maximum continuous rating output.

As noted above, Big Stone II is proposed as a "brown field" project. That is, it is slated for construction at the site of an existing facility, which considerably reduces the construction cost of a new plant. This approach enables Big Stone II to share existing infrastructure with the existing Big Stone Plant including the following:

- Cooling water intake structure, pumping system and delivery line
- Rail spur
- Coal unloading facilities
- Solid waste disposal facilities

PROJECT COSTS, SOCIAL AND ECONOMIC IMPACT

The project participants estimate the capital cost of the energy conversion portion of the Big Stone II project at approximately \$1 billion. Plant construction labor is projected to average 625 construction workers during its four-year construction period, with a peak work force of 1500.

Once online, the combined Big Stone Plant and Big Stone II site would likely require 30 to 40 operational workers in addition to those already employed at the existing Big Stone Plant. Big Stone II also anticipates needing periodic maintenance that will require the assistance of additional contract labor.

Transportation service needs will also increase for the region. Big Stone II will burn over 2.5 million tons of coal per year and will use significant quantities of other materials for general facility operation. The plant also plans to investigate selling its byproducts, thus creating additional transportation service needs.

The Big Stone facility has had a history of actively pursuing synergistic economic development opportunities for the region. Big Stone Plant provides steam and support services to the Northern Lights Ethanol Plant. The Commission and local community can be assured that the project participants will continue to evaluate future economic development opportunities. Those opportunities will be enhanced by the addition of Big Stone II.

Last of all, Big Stone II will bolster our national energy supply and provide dependable, low-cost, environmentally responsible electric energy to the State of South Dakota and the region.

LIST OF NAMES AND ADDRESSES OF ALL CHAIRMEN IN AFFECTED AREA

Please see Exhibit B.

TIMELINE

The construction of a coal-fired power generation plant entails a considerable amount of work, time and money, in both the development stage and the construction stage. The Big Stone II project participants plan to continue with project development by:

- Identifying transmission system needs following completion of the Midwest Independent Transmission System Operator system studies
- Negotiating fuel and rail contracts
- Completing project participant agreements
- Securing all necessary pre-construction permits

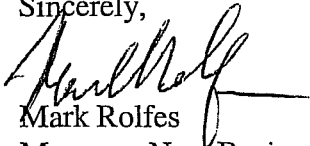
Pam Bonrud
November 8, 2004
Page 4

All of the above tasks, including securing the Permit for Energy Conversion Facility, must be completed prior to the commencement of financial closing on the project, which is scheduled for the fall of 2006. Exhibit C provides a current list of Big Stone II permit requirements. Upon completion of financial closing, a notice to proceed will be given to the engineering firm to start detailed engineering. Construction is scheduled to start in the spring of 2007 with commercial operation targeted for the spring of 2011. Exhibit D is a graphical timeline of the major activities.

The project participants are very excited about fostering additional economic development in South Dakota by adding a second baseload electric generating unit at the Big Stone site. We look forward to working with the Commission and its staff in bringing the Big Stone II project to a reality.

The project contact person for the NOI and the application for the Permit for an Energy Conversion Facility is Mr. Terry Graumann. In the event of questions regarding this Notification or the application, please contact him at (218) 739-8407 or email him at tgraumann@otpc.com.

Sincerely,



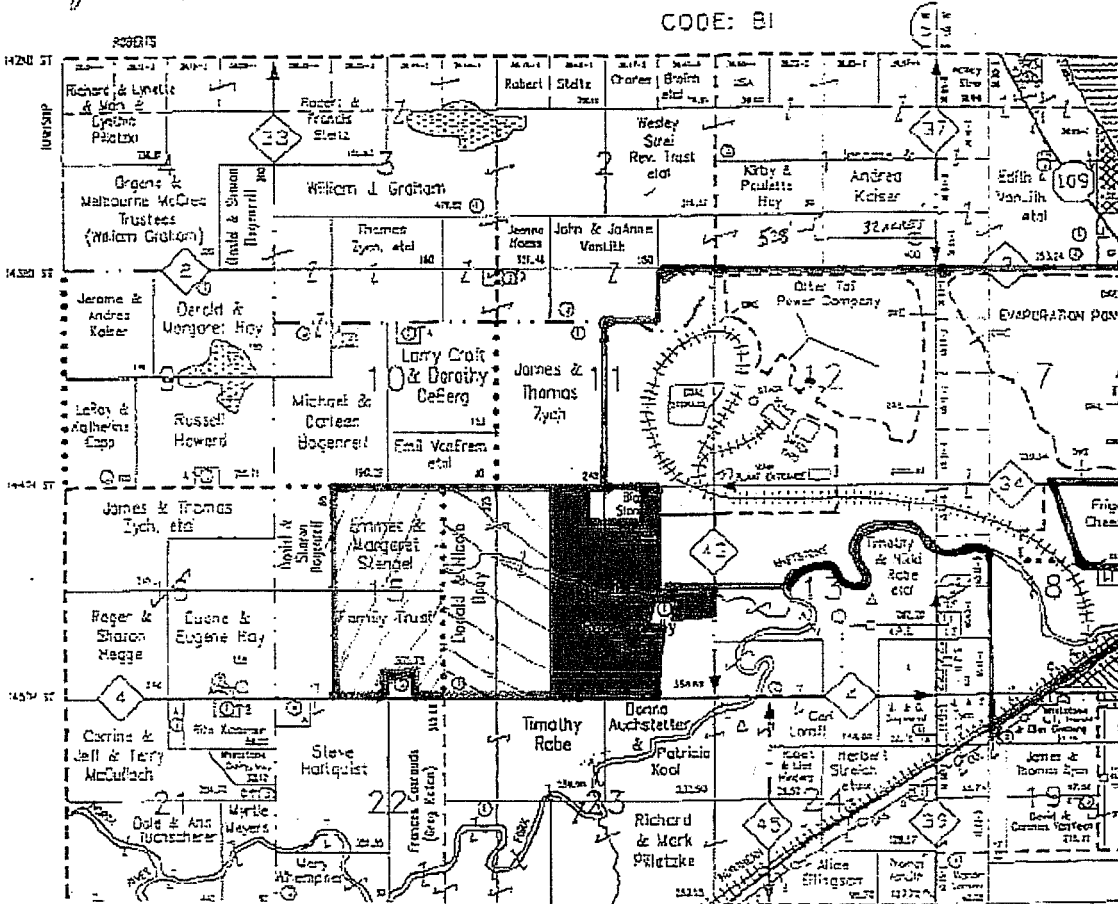
Mark Rolfes
Manager, New Business Development

Enclosures

EXHIBIT A

SITE LOCATION

BIG STONE TWP



- Heavy Black Line – Current plant site boundary
- Turquoise – Property under Otter Tail Power Company ownership
- Yellow – Property under option

EXHIBIT B

LIST OF NAMES FOR AFFECTED AREA

<i>Tribal Council Chairperson</i>		
Sisseton/Wahpeton Tribe	J. C. Crawford	PO Box 509 Agency Village, SD 57262
<i>School Board Chairperson</i>		
Milbank	Malcolm Dirkson (Vice President)	520 S. Grant St. Milbank, SD 57252
Wilmot	Leon Kruse	RR1, Box 54 Wilmot, SD 57279
Big Stone City	Scott Schneider	14336 SD Hwy 109 Big Stone City, SD 57216
Summit	Frank Redlin	RR1, Box 93 Summit, SD 57266
Revilla	Randy Kruse	RR1 Box 11 Revilla, SD 57259
<i>County Commission Chairperson</i>		
Grant Co. - reorganization and reassignment in January	Paul Dummann	45745 149 th Street Summit, SD 57266
Roberts Co. - reorganization and reassignment in January	Truman Nelson	12601 BIA Hwy 700 Sisseton, SD 57262
<i>Mayors</i>		
Milbank	Dale Aesoph	209 S. Viola St. Milbank, SD 57252
Revilla	Paulette Levison	204 W 1 st St. Revilla, SD 57252
Wilmot	Harlan Hanson	PO Box 75 Wilmot, SD 57259
Big Stone City	Jim McFarlane	657 Main St. Big Stone City, SD 57216
Stockholm	Melvin Dragt	414 E. Johnson Ave. Stockholm, SD 57264
Strandburg	Mike Rufer	PO Box 32 Strandberg, SD 57265
Summit	Lloyd Christofferson	PO Box 726 Summit, SD 57266
<i>Utility Representative</i>		
Big Stone II Project	Mark Rolfes	Otter Tail Power Company P.O. Box 218 Big Stone City, SD 57216

Exhibit C

Big Stone Plant Required Permits and Approvals

[WORKING DRAFT- October 8, 2004]

Timing	Gov't Level	Agency	Type of Permit/Approval	Authority	Contact	Description
1 - Prior to Financial Close	1-Federal	Western Area Power Administration	Environmental Impact Statement	10 CFR 1021		Transmission line interconnection at one or more Western substations requires a federal action that triggers a project EIS
1-Prior to Financial Close	1-Federal	Corps of Engineers	404 Dredge and Fill			Work in Protected Waters
1-Prior to Financial Close	1-Federal	FAA	Stack height and lighting approval			
1-Prior to Financial Close	1-Federal	Federal Land Managers	Class I Area Analysis	40 CFR 52.21(p)		National Park Service, U.S. Forest Service, U.S. Fish & Wildlife Service review of impact on parks and wilderness areas - Request for applicability determination
1-Prior to Financial Close	1-Federal	FERC	(To Be Determined)			
1-Prior to Financial Close	1-Federal	USFWS	Threatened and Endangered Species			Also SD GFP and MN DNR (for transmission line only)
1-Prior to Financial Close	2-State	SD Aeronautics Commission	Aeronautical Hazard Permit			
1-Prior to Financial Close	2-State	SD DENR	401 Certification	ARSD 74:51:01:11		Wetland Mitigation. Also includes Corps of Engineers review
1-Prior to Financial Close	2-State	SD DENR	PSD (Air) Permit	ARSD 74:36:09		Required for new air emissions that exceed PSD permitting thresholds. Includes BACT, monitoring, modeling, RMP Additional Impacts Analysis: Assesses impacts of air, ground, and water pollution, and from associated growth, on: - Soils, - Vegetation - Visibility
1-Prior to Financial Close	2-State	SD PUC	Notification of Intent to file Energy Conversion Facility Permit application	SDCL 49-41B -5		Filed with the SD PUC at least 6 months prior to filing the Energy Conversion Facility Permit application
1-Prior to Financial Close	2-State	SD PUC	Plant Siting	ARSD 20:10:22		
1-Prior to Financial Close	2-State	SD PUC	Transmission Facility Route Permit	ARSD 20:10:22		

Exhibit C

Big Stone Plant Required Permits and Approvals

[WORKING DRAFT- October 8, 2004]

Timing	Gov't Level	Agency	Type of Permit/Approval	Authority	Contact	Description
1-Prior to Financial Close	2-State	MN PUC	Certificate of Need for High Voltage Transmission Line	MN Rule Chapter 7849		Certificate of Need for the MN portion of the High Voltage Transmission Line
1-Prior to Financial Close	2-State	MN EQB	MN Transmission Line Route Permit	MN Rule Chapter 4400		Route permit for the MN portion of the High Voltage Transmission Line
1-Prior to Financial Close	2-State	SD – Water Rights Program	Water Appropriation	SDCL 46A-16-4 and 16-3		Increased Water Appropriation
1-Prior to Financial Close	2-State	SD State Historic Preservation Office	Cultural and Historic Resources Review			Cultural Resources Review; State and National Register of Historic Sites Review
1-Prior to Financial Close	3-Local	Grant County	Zoning Approval			
1-Prior to Financial Close	4-Other (Non-Gov't)	Bank	Phase I Property Assessments	ASTM-		
2-For Construction	3-Local	Grant County	Building Permits			
2-For Construction	3-Local	Grant County	Plumbing/Boiler Permits			
2-For Construction	2-State	SD DENR	Acid Rain Permit	ARSD 74:36:16		Permit application
2-For Construction	2-State	SD DENR	NPDES Stormwater Permit for Construction			
2-For Construction	3-Local	Grant County	Erosion and Sediment Control			
2-For Construction	3-Local	Grant County	Construction debris disposal permit resolution of approval	SDCL 34A-6-103		
2-For Construction	3-Local	Grant County or Big Stone Township	Driveway Permit for Construction Lay Down Area			Construction of property access
2-For Construction	2-State	MN DNR	Work in waterfowl or wildlife management areas?	?		Transmission line crossing of public waters
2-For Construction	2-State	MN DNR	State-listed Endangered Species			Presence of any endangered, threatened, or special concern species, or rare communities within transmission corridor should be coordinated.
2-For Construction	2-State	MN DNR	License to cross			Transmission line crossing of public waters

Exhibit C

Big Stone Plant Required Permits and Approvals

[WORKING DRAFT- October 8, 2004]

Timing	Gov't Level	Agency	Type of Permit/Approval	Authority	Contact	Description
2-For Construction	2-State	MPCA	NPDES Construction Stormwater			Erosion control during construction
2-For Construction	2-State	MNDOT	Work in ROW	?		
2-For Construction	3-Local	Multiple LGU's	Wetland filling or excavation for transmission line	MN Rule Chapter 8420		Any replacement of transmission towers or work on the beds of wetlands to install new wires or towers should get permits. The Big Stone LGU is the SWCD, Grant and Stevens Counties are the LGUs, and it is not clear who is the LGU in Traverse County.
2-For Construction	3-Local	County Highways	Work in ROW	?		
3-For Operation	1-Federal	DOE	Fuel Use Act Certification??			
3-For Operation	1-Federal	DOE	ORIS code number designation			
3-For Operation	1-Federal	EPA	SPCC Plan	40 CFR 112.3		Spill plan; oil pollution prevention
3-For Operation	2-State	SD DENR	Acid Rain Allowances	ARSD 74:36:09		Documentation of sufficient allowances on hand to cover actual SO2 emissions
3-For Operation	2-State	SD DENR	AST certification	ARSD 74:56:03		DENR
3-For Operation	2-State	SD DENR	Solid waste disposal permit.	ARSD 74:27:09		Amend existing disposal site permit
3-For Operation	2-State	SD DENR	NPDES Storm Water Permit			
3-For Operation	3-Local	Grant County	Sanitary waste disposal??			
NOT REQUIRED AT THIS TIME						
If required: 3 – For Operation	2-State	SD Legislature	Large Scale Solid Waste Disposal Facility	SDCL 34A-6-53		Based on information from the DENR, this will not be required unless the location of the landfill changes. – Written confirmation to be provided by DENR

