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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

BIG STONE II

August 3, 2006

Patty Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501

Dear Ms. Van Gerpen

Subject: Final Decision and Order - Big Stone II Energy Conversion
Facility Permit
Docket No. EL 05-022

In conformance with Condition 2.A of the Final Decision and Order for the Big Stone II Energy Conversion Facility Permit (Docket No. EL 05-022), enclosed is a copy of the following permit:

DENR Water Quality Certification under Section 401 of the Clean Water Act

Sincerely,



Terry Graumann
Manager, Environmental Services

Enclosure

PO Box 496
215 SOUTH CASCADE STREET
FERGUS FALLS MN 56537
WWW.BIGSTONEII.COM

OTTER TAIL POWER COMPANY, LEAD DEVELOPER
CENTRAL MINNESOTA MUNICIPAL POWER AGENCY
GREAT RIVER ENERGY
HEARTLAND CONSUMERS POWER DISTRICT
MISSOURI RIVER ENERGY SERVICES
MONTANA-DAKOTA UTILITIES CO.
SOUTHERN MINNESOTA MUNICIPAL POWER AGENCY



July 13, 2006

Terry Graumann
Otter Tail Corporation
P. O. Box 496
215 South Cascade Street
Fergus Falls, MN 56538-0496

RE: 200530159
Big Stone II Power Plant
Wetlands

Dear Mr. Graumann:

The Department of Environment and Natural Resources has reviewed the request for water quality certification. This project will result in the filling of approximately 65 acres of wetlands for the construction of a power plant northwest of Big Stone City, SD. This project is located in Sections 11, 12, 14 and 15, Township 121 North, Range 47 West, Grant County, South Dakota. Section 401 of the Clean Water Act requires this review before a 404 permit is granted.

The department is granting water quality certification with the following conditions:

(1) The Best Management Practices must be used and in place before construction begins.

In addition to the 404 permit, a Storm Water Construction Permit must be obtained from the South Dakota Department of Environment and Natural Resources. Please contact Al Spangler at 1-800-737-8676 for the Storm Water Construction Permit.

This certification does not authorize the above referenced activity. The activity may occur only by issuance of the U.S. Corps of Engineers Section 404 permit. If you have questions pertaining to this certification, please contact John Miller, at (605) 773-3351. Thank you for ensuring the continued protection of our natural resources.

Sincerely,

Steven M. Pirner
Secretary

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES *7/17/06*

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UTILITIES COMMISSION

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

cc: Steve Naylor, US COE, Pierre
Martha Chieply, US COE, Omaha
Brent Truskowski, US EPA, Denver

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Amy B. Larsen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed

that the

Legal "Display Legal"

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit

said newspaper for _____ 1 times, to-wit:

July 12, 2006

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

One hundred ninety-eight dollars and forty cents. \$198.40

Amy B. Larsen

Subscribed and sworn to before me this

13th day of

July

2006

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota. My Commission expires April 27, 2012

Public Utility Notice of Public Hearing. A public hearing will be held at the Capitol, 500 East Capitol, Pierre, Room 189, 2205 Career Place, on August 20, 2006 at 8:30 a.m. to consider the rules numbered 20:10:11-13, 20:10:11-16 and 20:10:11-17. One of the effects of the proposed rule is to change the construction requirement for grain storage units. Another effect is to allow seasonal emergency storage units to store grain outside between July 1 and June 30. For non-seasonal emergency storage units, a public grain warehouse will allow a public grain warehouse operator to store grain outside from February 1 and June 30. For seasonal emergency storage, a public grain warehouse operator will allow a warehouse operator to store grain outside from February 1 and June 30. The main reason for the proposed rule is to allow public grain warehouses to store grain outside when public grain warehouses are filled to capacity. This will allow public grain warehouses to store grain from large harvests in order to meet the needs of public grain customers. The reason for the proposed rule is to allow public grain warehouses to store grain outside when public grain warehouses are filled to capacity. This will allow public grain warehouses to store grain from large harvests in order to meet the needs of public grain customers. The reason for the proposed rule is to allow public grain warehouses to store grain outside when public grain warehouses are filled to capacity. This will allow public grain warehouses to store grain from large harvests in order to meet the needs of public grain customers.