

**BASIN ELECTRIC
POWER COOPERATIVE**

1717 EAST INTERSTATE AVENUE
BISMARCK, NORTH DAKOTA 58503-0564
PHONE: 701-223-0441
FAX: 701-557-5336



September 2, 2010

Ms. Patricia Van Gerpen
Executive Director
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57504-5070

RECEIVED
SEP 07 2010
**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

Re: PrairieWinds SD1, Inc. – Docket EL09-028

Dear Ms. Van Gerpen:

Enclosed please find the contractor certification forms for general storm water permit coverage for the PrairieWinds SD1 Project. This submittal of these forms is required by the Stipulation and Order in the above-captioned docket.

If you should have any questions, comments, or concerns regarding this matter, please contact me at 701.557.5495 or ksolie@bepc.com.

Sincerely,

Kevin L. Solie
Senior Environmental Analyst

/gmj
Enclosures



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
CONTRACTOR CERTIFICATION FORM
for Coverage Under the SWD General Permit for
Storm Water Discharges Associated with Construction Activities

This form is required to be submitted when a contractor will act as an operator and have day to day responsibility for erosion and sediment control measures. Submission of this form shall in no way relieve the permittee of permit obligations. Please submit this form to the following address:

original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

Project Name: Crow Lake Wind Project Permit Number: _____

Site Legal Location: Aurora, Brule, & Jerauld Counties, SD Range 64W-66W, Township 104N-106N

Contractor Company Name: Wanzek Construction, Inc.

Responsible Contact Person: Nick Ibach

Contractor Address: 16553 37R Street SE

City: Fargo State: ND Zip Code: 58107-2019

Phone: (701) 866-3733 Email: nibach@wanzek.com

The contractor(s) responsible for the day to day operation of the construction site shall certify the following:

"I certify under penalty of law that I understand and will comply with the terms and conditions of the Surface Water Discharge General Permit for Storm Water Discharges Associated with Construction Activities for the project identified above."

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:

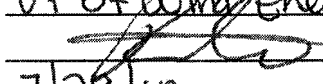
- (a) *Has intentionally misrepresented a material fact in applying for a permit;*
- (b) *Has been convicted of a felony or other crime involving moral turpitude;*
- (c) *Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) *Has had any permit revoked under the environmental laws of any state or the United States; or*
- (f) *Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Name (print)	<u>Rush Lwite</u>
Title	<u>VP of Wind Energy</u>
Signature	<u></u>
Date	<u>7/29/10</u>

PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.



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original to: SD Department of Environment and Natural Resources
Surface Water Quality Program
PMB 2020
523 East Capitol Avenue
Pierre, South Dakota 57501-3181
Telephone: (605) 773-3351 or 1-800-SDSTORM

Project Name: Crow Lake to Wessington Spring Permit Number: _____

Site Legal Location: Aurora, Brule, & Jerauld Counties, SD Range 64W-66W Township 104N-106N

Contractor Company Name: TESSCO Utility Services, Inc.

Responsible Contact Person: Dave Wulke

Contractor Address: 500 W Illinois Suite 1000

City: Midland State: TX Zip Code: 79701

Phone: 432-682-1991 Email: dwulke@tesscousa.com

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- (b) *Has been convicted of a felony or other crime involving moral turpitude;*
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Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

Name (print)	<u>RONALD MOOSE</u>
Title	<u>EXECUTIVE VICE PRESIDENT</u>
Signature	<u>Ronald K. Moose</u> DM
Date	<u>AUGUST 24, 2010</u>

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