

**Appendix C – Copy of NOI**

To be added upon completion.



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
NOTICE OF INTENT (NOI)

to Obtain Coverage Under the SWD General Permit for  
Stormwater Discharges Associated with Construction Activities

Submit form to: SD Department of Environment and Natural Resources  
Surface Water Quality Program  
523 East Capitol Avenue  
Pierre, South Dakota 57501  
[stormwater@state.sd.us](mailto:stormwater@state.sd.us)  
Telephone: 1-800-SDSTORM

ALL QUESTIONS MUST BE ANSWERED COMPLETELY FOR THIS FORM TO BE VALID

**I. Site Owner Contact Information:**

Company Name: Lincoln Clean Energy, LLC  
Primary Contact Person: Trevor Sholly  
Mailing Address: C/O Udit Goyal 401N Michigan, Suite 501  
City: Chicago State: IL Zip Code: 60610  
Phone Number: 512-767-7462 Email Address: tsholly@lincolnclean.com  
Type of Ownership: ☒ Private ☐ Federal ☐ State ☐ Other (Municipal, County, etc.)  
(any type not listed previously)

**II. Contractor Information:**

Will any contractors be responsible for erosion and sediment control practices: ☒ Yes ☐ No  
(A contractor authorization form must be submitted for each contractor that will have day to day responsibility for erosion and sediment control practices. If these contractors have not been identified at the time this NOI is submitted, the contractor authorization form may be submitted after they have been identified, but before they begin construction work.)

**III. Engineering Firm Contact Information (if applicable):**

Contact Person: Brandon M. Bucholz, PE  
Contact's Email Address: brandon.bucholz@ulteig.com

**IV. Construction Project Information:**

Project Name: Willow Creek Wind  
Physical Project Address or Description of Construction Site Location: NW side of US HWY 212 roughly 15 miles NE of Newell  
City: Newell State: SD Zip Code: 57760  
On-Site Contact Person: Trevor Sholly  
Contact's Email Address: tsholly@lincolnclean.com  
Contact's Mailing Address: C/O Udit Goyal 401N Michigan, Suite 501  
City: Chicago State: IL Zip Code: 60610  
Phone Number: 512-767-7462 County of Construction Site: Butte  
Latitude: 44.71504167 Longitude: -103.4217528 Source (GPS, Google, etc.): Google  
Quarter(s): \_\_\_\_\_ Section(s): \_\_\_\_\_ Township(s): \_\_\_\_\_ Range(s): \_\_\_\_\_

FOR DENR USE ONLY

Permit Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Approved by: \_\_\_\_\_

**Construction Project Information (Continued):**

Is this project on Tribal Lands? ☐ Yes ☒ No

Total area disturbed by the project (in acres): 410

Will this project encroach, damage, or destroy one of the historic sites identified at the following websites:

<https://www.nps.gov/subjects/nationalhistoriclandmarks/list-of-nhls-by-state.htm>

☐ Yes ☒ No

<http://history.sd.gov/Preservation/nationalregisterofhistoricplaces.aspx>

☐ Yes ☒ No

**V. Stormwater Pollution Prevention Plan (SWPPP):**

Has the SWPPP been developed as required? ☒ Yes ☐ No

(The plan must be developed **before** the NOI is submitted. DENR will not issue coverage before this has been developed.)

**VI. Receiving Waters:**

Please list all possible waters that may receive a discharge from this site. If discharging to a Municipal Storm Sewer System, indicate which municipality and the ultimate receiving water.

Double R Creek, South Double R Creek, Butte Creek, South Sulphur Creek

**VII. Nature of Discharge:**

Please include a brief description of the construction project:

Construction of 45 wind turbines, access roads, crane paths, substation and O&M facility for the purpose of generating and selling electricity.

Will construction dewatering be required? ☐ Yes ☒ No If yes, please complete section IX also.

**VIII. Construction Dates:**

Project Start Date (MM/DD/YYYY): 07/15/2019

Estimated Completion Date (MM/DD/YYYY): 11/30/2020

**IX. Dewatering Activities (Complete this section if you answered yes in VII):**

Date dewatering will commence (MM/DD/YYYY): \_\_\_\_\_

Date dewatering will end (MM/DD/YYYY): \_\_\_\_\_

Total volume of dewatering (gallons): \_\_\_\_\_ Average flow rate (gallons per minute): \_\_\_\_\_

Source of water to be discharged: \_\_\_\_\_

Receiving water: \_\_\_\_\_

Brief description of water treatment processes to be employed, if any: \_\_\_\_\_

Will the dewatering discharge contain anything other than uncontaminated groundwater and stormwater: ☐ Yes ☐ No

**NOTE:** If there will be dewatering activities, please place points of withdrawal and discharge on a topographic map, or other map if a topographic map is unavailable. This map should extend to one (1) square mile beyond the property boundaries of the facility and each of its discharge facilities, and those wells, springs, and other surface water bodies, drinking water wells, and surface water intake structures listed in public records, or otherwise known to the applicant in the map area.

**X. Other Information**

List other information you feel should be brought to the attention of the SDDENR regarding coverage under this general permit. Attach additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE OF SOUTH DAKOTA

BEFORE THE SECRETARY OF

THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

IN THE MATTER OF THE  
APPLICATION OF

Notice of Intent (NOI) to Obtain Coverage Under the SWD General Permit for Stormwater Discharges Associated with Construction Activities

STATE OF South Dakota

COUNTY OF Butte

CERTIFICATION OF

APPLICANT

I, Trevor Sholly, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

I have read and understand South Dakota Codified Law Section 1-40-27 which 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*

*(e) 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."*

I certify pursuant to 1-40-27, that as an applicant, officer, director, partner, or resident general manager of the activity or facility for which the application has been made that I; a) have not intentionally misrepresented a material fact in applying for a permit; b) have not been convicted of a felony or other crime of moral turpitude; c) have not habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage; (d) have not had any permit revoked under the environmental laws of any state or the United States; or e) have not otherwise demonstrated through clear and convincing evidence of previous actions that I lack the necessary good character and competency to reliably carry out the obligations imposed by law upon me. I also certify that this application does not substantially duplicate an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Further;

*"I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct."*

Dated this 11<sup>th</sup> day of July, 2019.

Trevor M. Sholly  
Applicant (print)

[Signature]  
Applicant (signature)

Subscribed and sworn before me this 11<sup>th</sup> day of July, 2019.

[Signature]  
Notary Public (signature)

My commission expires: 5/13/2020



**PLEASE ATTACH ANY ADDITIONAL INFORMATION NECESSARY TO DISCLOSE  
ALL FACTS AND DOCUMENTS 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**