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February 1, 2021

Ms. Patricia Van Gerpen, Executive Director  
South Dakota Public Utilities Commission  
State Capitol Building  
500 East Capitol Avenue  
Pierre, SD 57501-5070

**RE: In the Matter of the Application of Otter Tail Power Company for An Energy Conversion Facility Permit for the Construction of a Combustion Turbine Generator and Associated Infrastructure Including a Natural Gas Pipeline and Electric Transmission Line Near Astoria, South Dakota  
Docket No. EL17-042**

Dear Ms. Van Gerpen:

Otter Tail Power Company (Otter Tail) submits this informational filing regarding Condition 17 of the Settlement Stipulation in the above referenced docket for Otter Tail's Astoria Station Project. Condition 17 requires Otter Tail to provide a Stormwater Pollution Prevention Plan (SWPPP), for both Project construction and operation, to the Commission when Otter Tail has a final design for the Project.

In accordance with this Condition, on April 1, 2019 Otter Tail provided the Commission with a construction SWPPP for the Project, and will maintain this construction SWPPP until final site stabilization occurs. However, as the operational phase for the facility began getting closer, in fall 2020 Otter Tail evaluated in finer detail the requirement for maintaining a SWPPP during Project operations. Otter Tail consulted the South Dakota Department of Environment and Natural Resources (DENR) Surface Water Quality Program, and in October 2020 DENR and OTP concluded that Astoria Station is not required to obtain permit coverage for ongoing operations under the DENR's NPDES Industrial Stormwater Permit Program.

As background, DENR determines permit applicability for this program via a facility's Standard Industrial Classification code. Astoria Station falls under SIC Code 4911, a broad category encompassing nearly all electric services. Industrial Stormwater permit coverage for SIC code 4911 is only required for facilities utilizing steam-electric power generation. Astoria Station does not produce energy using steam. Thus, Astoria Station is not required to obtain coverage under an NPDES

Individual or General Permit for Stormwater Discharges Associated with Industrial Activities, and subsequently would not maintain a SWPPP under this program.

Pursuant to South Dakota Codified Laws Section 49-34A-10 and Administrative Rules of South Dakota (ARSD) Part 20:10:01:02:05, this filing has been electronically submitted to the Commission. If you have any questions, please contact me at (218) 739-8526 or [mthoma@otpc.com](mailto:mthoma@otpc.com).

Sincerely,

*/s/ MARK THOMA*

Mark Thoma  
Manager, Environmental Services

cjh  
By electronic service