



“At a Glance” Big Stone II Regulatory Hurdles as of Feb. 2008

Regulatory Hurdle	Status	Comments	Further Info/Links
<p>Big Stone II PSD (Air Quality) Permit</p> <p>There has been a challenge mounted to the EPA's fast track approval of South Dakota's authority to issue the Air Quality Permit to BSII (making it a local state decision rather than a Federal one).</p> <p>Comments on Air Quality Permit itself are currently being solicited.</p> <p>The timeline for when or if the permit will be issued is still up in the air.</p>	<p>On Feb. 19th 2008, The Sierra Club petitioned the U.S. Court of Appeals for a review of the EPA's decision to grant South Dakota authority to issue the BSII Air quality permit.</p> <p>The Sierra Club is also submitting comments on the actual PSD permit itself. These are due by Feb. 29th 2008.</p>	<p>If South Dakota's authority to issue the air quality permit is upheld, South Dakota will most likely approve the permit as it has done with every other permit that the BSII partners have asked for.</p> <p>However, the Sierra Club's recent petition may cause delays and there are other potential delays and increased costs to BSII partners stemming from the recent U.S. Court of Appeals Ruling striking down the EPA's cap and trade program for mercury, which directly impacts BSII.</p>	<p>Bruce Nilles Sierra Club</p> <p>Cesia Kearns 612-659-9124 ext. 310</p> 
<p>WAPA (Western Area Power Administration) Supplemental Draft Environmental Impact Statement (SDEIS)</p>	<p>Comments on the Supplemental Draft EIS due by Feb 28, 2008. Final EIS will be issued in late summer 2008, but no further comment will be allowed. It will be released then and acted upon by WAPA.</p>	<p>WAPA is considered to be friendly to the coal fired power industry. Hundreds of comments have been submitted by citizens decrying the water draw down threat to the MN River. The Minnesota DNR has submitted a letter that can be viewed by clicking here.</p> <p>Your comments to WAPA can be submitted by clicking here.</p>	<p>Mary Jo Stueve, Clean Water Action</p> 
<p>Minnesota Public Utilities Commission (PUC) Certificate of Need for Transmission lines into Minnesota from BSII</p>	<p>Administrative Law Judge (ALJ) Report due in March 2008.</p> <p>Vote by PUC may come in early April 2008</p>	<p>The MN PUC could approve, approve with conditions, or reject the Certificate of Need (CON) Application. If the CON is approved, an appeal is likely.</p> <p>A summary of recent damaging testimony provided to the ALJ during the BS II hearings can be viewed by clicking here.</p>	<p>Beth Goodpaster, Chuck Laszewski, Minnesota Center for Environmental Advocacy</p> 
<p>Convening of the South Dakota – Minnesota Boundary Waters Commission</p>	<p>Requires an order by the Governors to re-convene the now defunct commission that was established originally to work out water draw issues between the two states for the original Big Stone I plant</p>	<p>Governor Pawlenty of MN and Governor Rounds of South Dakota are more interested in seeing Big Stone II get constructed than they are in facilitating interstate water rights negotiations. Minnesota DNR staff and other water specialists have expressed serious concerns about the proposed water draw down. Expect public scrutiny to heat up on this issue in the coming months.</p>	<p>CURE Patrick Moore</p> <p>Clean Water Action Mary Jo Stueve</p> 
<p>“Advanced Determination of Prudency” by the Montana Dakota Utilities (MDU) and Otter Tail Power (OTP) before the North Dakota Public Service Commission (PSC).</p>	<p>Following the withdrawal of 2 investors, MDU and OTP filed an amended application in ND. The new hearing is scheduled for 4/28 – 4/30/08.</p>	<p>The ND PSC has expressed concern about the following facts on BSII: (1) use of WY – not ND – coal; (2) single rail line; (3) escalating construction costs; (4) displacement of potential ND energy being transmitted to MN. There is little in-state pressure to approve the application.</p>	<p>Carrie La Seur Plains Justice</p> 