NORTH Dakota | Environmental Quality
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August 26, 2026

Randy Christmann, Chair
Public Service Commission
600 East Boulevard Ave.
Bismarck, ND 58505

Re: Project Code: PU-26-82, North Plains Connector Transmission Project in Golden Valley, Grant, Hettinger, Morton, Oliver, and Slope Counties

Dear Mr. Christmann:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on July 30, 2026, with respect to possible environmental impacts.

1. Necessary measures should be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise should be dealt with in an efficient and effective manner.

2. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a waterbody. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.

3. Projects disturbing one or more acres are required to have a construction stormwater permit to discharge runoff until the site is stabilized by the re-establishment of vegetation or other permanent cover. Projects disturbing less than one acre also are required to have a construction stormwater permit if the project is part of a larger common plan of development or sale, and the larger common plan ultimately disturbs one or more acres. Cities, counties, or the North Dakota Department of Transportation may require additional sediment and erosion control measures for construction activity affecting their storm drainage system. Check with the local officials to be sure local stormwater and dewatering management considerations are addressed.

   Projects that discharge to a waterbody that has a total maximum daily load (TMDL) allocation, is listed as impaired under Section 303(d) of the Federal CWA (303(d) list) or has an alternative attainment plan must ensure construction activity does not affect the waterbody.

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Director's Office 701-328-5150
Division of Air Quality 701-328-5188
Division of Municipal Facilities 701-328-5211
Division of Waste Management 701-328-5166
Division of Water Quality 701-328-5210
Division of Chemistry 701-328-6140 2635 East Main Ave Bismarck ND 58501

The Little Missouri River (Golden Valley and Slope counties) and Heart River (Morton County) are listed as impaired for E. coli bacteria. Deep Creek (Slope County) is listed as impaired for oxygen levels. North Cedar Creek (Slope County) and Square Butte Creek (Oliver County) are listed as impaired for sedimentation/siltation and fecal coliform bacteria. Thirty Mile Creek (Hettinger County) is listed as impaired for E. coli bacteria and other biological stressors. The following waterbodies have TMDL allocations for E. coli bacteria: Cannonball River (Slope and Hettinger counties) and Dead Horse Creek (Hettinger County). An alternative attainment plan to address E. coli bacteria is in place for Antelope Creek (Hettinger and Grant counties).

Further information on the stormwater permit and the location and description of TMDL allocations and 303(d) list waterbodies may be obtained from the Department's website or by calling the Division of Water Quality at 701-328-5210.

4. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

5. Polychorinated Biphenyls, commonly referred to as PCBs, can be found in electrical equipment older than 1980. Projects that involve the removal of fluid-filled electrical equipment, heat transfer equipment, older fluorescent lights, caulks, and paints must ensure that all materials are PCB free. Any PCB-containing waste must be handled, stored, and disposed of appropriately. Questions on proper PCB management may be directed to the Hazardous Waste Program at 701-328-5166.

6. Activities that include, but are not limited to, the construction or operation of facilities, *may* result in *any* discharge into waters of the United States must request §401 Clean Water Certification from the Department concurrently with a federally licensed or permitted project to ensure that the project will support the state's Standards of Quality for Waters of the State as per North Dakota Administrative Code 33-1-16-02.1. A project proponent or contractor must request a pre-filing meeting with the Department at least 30 days prior to submitting the §401 Clean Water Certification to the Water Quality Standards Program (701-328-5150). The Department will provide our determination within 60 days of receiving a complete request and federal public notice.

The Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

Karl Rockeman, P.E., Deputy Director
North Dakota Department of Environmental Quality

KR:ll
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.