From: Wufoo
To: Staff, CAO (PUC)
Subject: Submitted Public Comment Form
Date: Tuesday, April 7, 2026 12:34:13 PM

Name *	Darla Agard
Address	628 W Shore Dr Worthington, MN 56187 United States
Email	darla.agard@gmail.com
Provide the docket's number.	25-88
Leave a comment on the docket. *	Public Comment 25-88
Attach a File	publiccomment.2588.docx 21.92 KB · DOCX

Date: April 7, 2026

To: The Minnesota Public Utilities Commission; Hon. Administrative Law Judge

RE: Public Comment and Intervention: Environmental Assessment for the Summit Lake Solar and Storage Project

PUC Docket Nos.: IP-7153/GS-25-89 and IP-7153/ESS-25-88

As a stakeholder in Nobles County, I respectfully submit this public comment regarding the Summit Lake Solar and Storage Project. While the Environmental Assessment (EA) characterizes impacts as "minimal," it does not demonstrate compliance with the Commission's obligations under Minn. Stat. §216E.03 to minimize impacts to human settlement and land use. The record, as presented, lacks sufficient analysis and enforceable safeguards to support approval.

Deficiencies in the Decommissioning Framework

The EA acknowledges a total installation cost exceeding $500 million; however, the proposed decommissioning framework does not provide adequate financial assurance:

- **Delayed Financial Security:** The proposal to defer bonding until the tenth year of operation creates a prolonged period during which no secured funds are available. This structure exposes the County to substantial risk should ownership entities become insolvent during early years of operation.
- **Reliance on Speculative Salvage Value:** The EA relies, in part, on assumed salvage value to offset decommissioning costs. However, such projections are inherently uncertain and do not meet standard risk mitigation practices without accompanying secured financial instruments.
- **Inconsistency with Commission Practice:** Commission guidance emphasizes verifiable cost estimates and timely financial assurance. A decommissioning plan lacking upfront, enforceable financial security does not align with these principles.

The Commission should require a fully secured, cash-backed decommissioning mechanism in place prior to construction.

Failure to Analyze Cumulative Potential Effects

Under Minnesota Rule 7850.3700, an EA must address the "cumulative potential effects" of the project in combination with other past and reasonably foreseeable future projects.

- Industrial Saturation: Nobles County is already a leader in wind energy infrastructure. This project would add nearly 2,000 acres of utility-scale solar and associated battery storage to an already infrastructure-heavy landscape. The EA fails to analyze how the combined footprint of wind turbines, transmission lines, and now thousands of solar panels permanently alters the character of our rural community.

- The "Island" Effect: By failing to look at other planned solar developments in the region, the EA ignores the risk of creating "industrial islands" where residential homes are surrounded on multiple sides by utility-scale equipment.

Impact on Human Settlement and Resident Quality of Life

Minnesota Statute 216E.03, Subd. 7 mandates that the Commission choose sites that "minimize impacts on human settlement."

- The BESS Conflict: The Battery Energy Storage System (BESS) is not a passive neighbor. The constant hum of HVAC cooling systems represents a new, continuous industrial noise profile in a quiet agricultural zone. Furthermore, the EA lacks a detailed Emergency Response Plan for local volunteer fire departments regarding thermal runaway risks—a massive safety burden placed on the community.
- The Commission has recently recognized that BESS facilities impose unique and unfunded risks on host communities. In approving the Snowshoe Energy Storage Project, the PUC required, as permit conditions, the permittee to fund specialized emergency equipment, first responder training, and local infrastructure upgrades as a condition of approval. The EA for this Project proposes no comparable safeguards. Approval without equivalent conditions would be inconsistent with the Commission's own recent practice and would shift unacceptable safety and financial burdens to Nobles County residents.
- Consistency with Local Planning: The EA admits the facility is "not entirely consistent with local land use ordinances." I urge you to consider: If this project is not consistent with our local land use plan, why is the state's interest in one LLC's profit margin more important than the County's long-term Comprehensive Plan?

Inadequate Monitoring and Remediation Standards

The EA lacks a robust, independent framework for monitoring environmental violations once construction begins.

- The Self-Reporting Loophole: Current permit drafts typically allow the Permittee to designate their own "field representative" to summarize complaints. This is an inherent conflict of interest. For a project spanning nearly 2,000 acres, Nobles County residents require an independent, third-party monitor. This should be funded by the applicant but reporting directly to the PUC to ensure state standards for noise, dust, and water runoff are not just met, but actively enforced.
- Reporting Timelines: The EA does not establish a "rapid response" protocol for violations. If a dust or noise violation occurs, the current PUC complaint process can take weeks to resolve. The commission should require a permit condition that requires remediation of any verified state standard violation within 24 to 48 hours, with automatic daily fines for non-

compliance. Without "teeth" in the enforcement section, the EA's environmental protections are merely suggestions.

The Intergenerational Burden: A Call for Denial

Under Minnesota Rule 7850.4100, the Commission must consider "Irreversible and irretrievable commitments of resources."

- The "Temporary" Fallacy: While the EA claims soil health may improve, it ignores the mechanical compaction from heavy machinery and the total disruption of complex drain tile systems. In the context of a human life, 30 years is not "temporary"—it is a permanent displacement.
- Impact on Our Children: When the 30-year lease expires, our children will be the ones forced to deal with the legacy of this site. If the salvage market for LFP batteries materially weakens or collapses, Nobles County becomes a graveyard for industrial modules. We are trading current corporate profits for future environmental liabilities.

Failure to Meet Legal Standards of Public Interest and Resource Protection

The EA fails to address several "gaps" that have led to the scrutiny or denial of similar large-scale energy projects in Minnesota:

- **The "Public Interest" Deficiency:** Under Minnesota regulatory precedent, a project must demonstrate a "net public benefit" to the host community. This EA focuses exclusively on *mitigating* harm to Nobles County while the primary benefits (clean energy credits and corporate profits) flow to out-of-state shareholders and distant metropolitan utilities. The Applicant has failed to provide substantial evidence that this specific site serves the public interest of Nobles County better than alternative, less-impactful locations.
- **Segmented Environmental Review:** In consistent alignment with recent Minnesota Court of Appeals rulings (e.g., the NTEC matters), an environmental review is legally insufficient if it is "piecemeal." Minnesota courts have repeatedly held that environmental review is insufficient when regulatory approvals are segmented in a manner that obscures the true scope of environmental harm. Where Commission action is a necessary precondition to construction or operation of related infrastructure, the environmental review must evaluate the reasonably foreseeable effects of that entire system rather than isolating components.
- This EA glosses over the significant off-site infrastructure upgrades, transmission line modifications, and substation expansions required to support the 200 MW load. By failing to analyze the *entire* footprint of the required electrical infrastructure, the EA is procedurally stunted and violates the spirit of the Minnesota Environmental Policy Act (MEPA).
- **The "Prime Farmland" Statutory Conflict: Minnesota Statute 216E.03** establishes a clear state policy to avoid the proliferation of large energy facilities on Prime Farmland when "feasible and prudent alternatives" exist. The EA fails to provide a robust Alternative Site Analysis (ASA) explaining why this facility cannot be sited on lower-classification soils elsewhere. Siting this project on Nobles County's highest-classification agricultural soils without a comprehensive demonstration that no feasible and prudent non-prime

alternatives exist represents a failure of the applicant’s burden under Minnesota Statute 216E.03 to justify the conversion of prime farmland for industrial use.

- **The "LLC Bankruptcy" Risk:** Many recent PUC dockets have highlighted the danger of "Special Purpose Vehicles" (LLCs). If the project owner undergoes corporate restructuring or bankruptcy in the first decade, the "10-year bond promise" becomes an empty gesture. To protect the public from "orphan infrastructure," the Commission must deny this permit unless a **100% cash-backed decommissioning bond** is filed prior to the first day of construction, independent of any corporate parent’s solvency.

For these reasons, I respectfully request that the Commission deny the application based on failure to meet statutory siting criteria under Minn. Stat. §216E.03, particularly with respect to impacts on human settlement and land-based economies.

In the alternative, if this is permitted, the commission should require:

1. A revised environmental review that includes cumulative regional impacts and all supporting infrastructure;
2. A fully secured, cash-backed decommissioning plan in place prior to construction;
3. Independent third-party monitoring and enforceable compliance mechanisms;
4. Comprehensive emergency response planning and funding for local jurisdictions.

Approval on the current record would not be supported by substantial evidence and would be inconsistent with the Commission’s statutory obligations.

Respectfully Submitted,

Darla R. Agard

Nobles County Resident