STATE OF MINNESOTA
BEFORE THE
COURT OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Hwikwon Ham	Commissioner
Audrey Partridge	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

In the Matters of the Applications of Benton Solar, LLC for Site Permits for the 100 MW Solar Energy Generating System and 100 MW Battery Energy Storage System and a Route Permit for the 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota	)	**Docket Nos. IP7115/GS-23-423** **IP7115/TL-23-425** **IP7115/ESS-24-283** **OAH Docket No. 25-2500-40339**

Benton Solar, LLC's Response to Public Comments

I. Introduction

Benton Solar, LLC ("Benton Solar") respectfully submits this response ("Response") to the comments made orally at the August 26 and 27, 2025 public hearings ("Public Hearings") held in the above-referenced proceedings, and to the written comments submitted thereafter pursuant to the August 4, 2025 Notice of Public Hearings and Availability of Environmental Assessment ("August 4, 2025 Notice") from the Minnesota Public Utilities Commission ("Commission"). This Response addresses specific comments by directing commenters to existing information contained in the Joint Site Permit and Route Permit Applications, as well as providing additional clarifications and information where appropriate.

II. Potential Impacts to Residential Areas

- Several commenters submitted written and oral comments about screening the view of the up to 100-megawatt ("MW") capacity solar energy conversion facility ("Solar Facility") from the nearby residential area.[1]

[1] Public Comment by Benton County Planning and Zoning, Aug. 19, 2025, eDockets ID No. 20258-222296-01; Sauk Rapids 6:00 pm Public Hearing Transcript at 29-31, 33, 36-40, 41 (Aug. 27, 2025) (Reed, Cronquist, Litfin, Herbst, Benoit) ("Sauk Rapids 6:00 p.m. Tr."); Public Comments by Jaclyn Litfin, Sept. 12, 2025, eDockets ID No. 20259-223005-01.

Response: Benton Solar appreciates that community members hold various perspectives on the siting of a solar facility in their community, including the impacts of one being installed near their residences. To address these concerns, Benton Solar has been engaged in ongoing conversations with Benton County and residents of Rua Mitchel Court and has revised and updated the draft visual screening along 75th Avenue NE—the eastern edge of the Solar Facility and BESS— in response to those conversations.

Initially, following the Environmental Assessment Scoping Meetings ("EA Scoping Meetings") in January, Benton Solar developed a draft visual screening plan comprised of medium and large evergreen trees to screen the view for all non-participating residents within 1000 feet of the Site.[2] After completing the draft visual screening plan, Benton Solar presented the draft plan to the Benton County Planning and Zoning administrator in June 2025 for comment and feedback. At the administrator's request, Benton Solar subsequently presented the draft plan to the Benton County Planning Commission in July.[3] As noted by a commenter at the Public Hearings, shortly after the July presentation to the Planning Commission, Adam Gracia, Project Director, and Cody MacDonald, Senior Environmental Specialist, met with residents of Rua Mitchel Court to solicit their feedback and comments on the draft plan.[4] At the same meeting, the residents positively described the visual screening for a different solar facility located in Sherburne County, which included an earthen berm. Following that meeting, and in response to residents' feedback, Benton Solar began assessing the engineering and economic feasibility of an earthen berm, including by visiting the referenced berm in Sherburne County. The day before the Public Hearings, Gracia again met with residents of Rua Mitchel Court to present a revised draft screening plan that included a berm and receive their feedback. Stakeholder feedback was that the revised plan was "a step in the right direction" but still insufficient.[5] Following the Public Hearings, Benton Solar has continued to explore options for the berm in response to comments from the public.

Throughout the permitting proceeding, Benton Solar has consistently sought the input of Benton County and residents and has used that input to further refine the draft visual screening plan. Consistent with the recommendations contained in the Benton Solar Project Environmental Assessment ("EA") prepared by Commission staff,[6] Benton Solar is further committed to continuing those conversations in order to finalize a screening plan that is economically feasible and responsive to Benton County and the residents.

- One commenter raised concerns about the potential impact the Project would have on property values for surrounding properties.[7]

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[2] The Site is defined in the Joint Site Permit Application as the 951.4-acre area for which Benton Solar has full land control and contains the Solar Facility and the BESS. Ex. 102 at viii (Joint Site Permit Application).

[3] Sauk Rapids 6:00 p.m. Tr. at 36:16-25. (Aug. 27, 2025) (Litfin).

[4] *Id.* at 37:3-6 (Aug. 27, 2025) (Litfin).

[5] *Id.* at 37:6-11 (Litfin).

[6] Ex. 156 at 37-38, 49, 55 (Environmental Assessment ("EA")).

[7] Sauk Rapids 6:00 pm Tr. at 33 (Aug. 27, 2025) (Cronquist).

Response: Benton Solar does not anticipate any decreases in property values attributable to the Project.[8] The Joint Site Permit Application includes a market impact analysis commissioned by Benton Solar and cites existing literature, both of which conclude that solar farms and BESSs do not have a negative effect on the value, or deter sales, of neighboring agricultural land or residential single-family homes. The full analysis and existing literature are included in Section 4.2.6.1.2 and Appendix H of the Joint Site Permit Application.[9]

III. Health and Safety

A. Human Health and Safety, including Long-Term Impacts

- A commenter provided oral comments expressing concerns regarding the long-term effects of any runoff from the Project on well water.[10]

Response: Benton Solar is not aware of any scientific evidence that supports a link between any runoff from solar panels or BESSs and negative changes to well water.

Solar photovoltaic ("PV") panels typically consist of glass, polymer, aluminum, copper, and semiconductor materials that can be recovered and recycled at the end of their useful life. To provide decades of corrosion-free operation, solar cells are encapsulated from air and moisture between two layers of plastic, with a layer of tempered glass and a polymer sheet or industrial laminate. Crystalline silicon panels represent approximately 90 percent of PV panels in use today, including those proposed for the Project. Research has shown that PV panels "do not pose a material risk or toxicity to public health and safety."[11] Further, PV panels procured by Benton Solar must pass the Toxicity Characteristic Leaching Procedure testing administered by the Environmental Protection Agency. This procedure essentially simulates panel breakdown at a landfill and determines if material is classified as hazardous waste. Passing this test means the material is classified as non-hazardous waste.

Similar to PV panels, BESSs do not pose a risk to the health and safety of the community. Battery cells are completely sealed and do not leak or produce any emissions. The cells are built into modules that provide physical protection. The modules are designed into racks, and racks are mounted into containerized systems, all with additional layers of physical protection. The containers, for example, typically consist of steel exterior walls and doors and are designed and

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[8] This Response refers to the up to 100-megawatt ("MW") capacity solar energy conversion facility as the "Solar Facility," the up to 100-MW battery energy storage system as the "BESS," and the approximately 0.5 mile, 115 kilovolt high-voltage transmission line as the "Transmission Line." This Response uses the term "Project" to refer to all three components collectively (i.e., the Solar Facility, the BESS, and the Transmission Project).

[9] The EA generally agrees that there is no uniform change in property values due to the installation of solar projects, but it did identify one study in Minnesota that found a 4 percent reduction in home sale prices for homes within a half mile of a large-scale solar facility. Ex. 156 at 48-49 (EA).

[10] Sauk Rapids 6:00 pm Tr. at 47-50 (Aug. 27, 2025) (Litfin); Public Comments by Mitchell Litfin, Sept. 11, 2025, eDockets ID No. 20259-223104-01.

[11] Tommy Cleveland, *Health and Safety Impacts of Solar Photovoltaics*, N.C. State Univ., N.C. Clean Energy Tech. Ctr. (May 2017), https://nccleantech.ncsu.edu/wp-content/uploads/2019/10/Health-and-Safety-Impacts-of-Solar-Photovoltaics-PV.pdf.

analyzed for the environments in which they are installed. The multiple layers of protection limit the risk of physical damage to the cells or exposure to weather or precipitation.

The Project may, in fact, result in improvements to the water quality for nearby wells due to a reduction in fertilizer usage. A study conducted by the Minnesota Pollution Control Agency, in collaboration with the University of Minnesota and the U.S. Geological Survey, determined that more than 70 percent of nitrates present in the state's environment comes from cropland, with the remaining 30 percent coming from other sources such as wastewater treatment plants, septic and urban runoff, forests, and the atmosphere.[12] The Project will result in the conversion of up to 614.5 acres of primarily cultivated cropland to a landscape predominantly comprised of native vegetation, which will not receive nitrogen applications (that lead to nitrates) for the life of the Project. Consequently, based on recent research, the Project is expected to improve groundwater and surface water quality by improving soil resource health and eliminating nitrogen application and drainage that could potentially move excess nitrogen off the Site.[13] This finding is consistent with the EA, which concludes that overall, due to the establishment of perennial vegetation at the Solar Facility, the Project is expected to have a long-term positive impact on water quality.[14] Impacts to water quality, surface waters, and wetlands are further discussed in Sections 4.5.5, 4.5.6, and 4.5.7 of the Joint Site Permit Application.

B. Emergency Response and Planning, including for Fire

- Commenters submitted oral comments regarding fire prevention and response for the Project.[15]

Response: Benton Solar will have procedures in place to respond to fire or other emergency events, and the Project is designed to reduce the risk of such events. To respond to emergency events, Benton Solar will have a local site manager and a 24/7 operations control center that will be able to direct a response to emergencies at any time.[16] Additionally, Benton Solar has coordinated with local emergency responders and provided training to prioritize the safety of surrounding residents, structures, and emergency responders. Benton Solar began this outreach and training with Benton County Emergency Management on August 14, 2024, prior to submitting the Joint Site Permit Application, and has continued coordination efforts, including meeting with the City of Sauk Rapids Fire Chief in August 2025 just prior to the Public Hearings. Additional site-specific training will be provided to first responders as the Project approaches operation.

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12 *See* Ex. 102 at 18-19 (Joint Site Permit Application).

13 *Id.*; *See also* Rebecca Heisel, Great Plains Institute, *Solar and Water Quality: Best Practices from the Groundbreaking PV-SMaRT Project* (May 3, 2023), https://betterenergy.org/blog/solar-and-water-quality-best-practices-from-the-groundbreaking-pv-smart-project/ ("One of the important findings of the PV-SMaRT project is that, when following the guide's best practices, solar farms can significantly reduce local water quality impacts compared to most agriculture forms, potentially restoring watershed functions and improving impaired waters."); Great Plains Institute, *Solar for Community Resilience and Local Co-benefits*, https://betterenergy.org/dwsma/ (last visited Sept. 9, 2025) (explaining that the Minnesota Department of Health and the Great Plains Institute have been studying the benefits to well water from solar energy developments).

14 Ex. 156 at 79 (EA).

15 Sauk Rapids 6:00 pm Tr. at 42 (Aug. 27, 2025) (Benoit).

16 *Id.* at 43 (Gracia).

As explained in Section 3.4.4 of the Joint Site Permit Application, Benton Solar will also develop an Emergency Action Plan that will include, *inter alia*, site evacuation plans, egress routes, and muster areas, and will prioritize the safety of the community and emergency responders. As explained below, however, Benton Solar does not anticipate any evacuations of buildings or residences adjacent to the Project due to the mitigants included in the design of the Solar Facility and the BESS.

Section 4.2.1.2 of the Joint Site Permit Application further explains that Benton Solar will also develop a safety plan for construction and operations and maintenance ("O&M") personnel that can be shared with emergency response teams, as needed. The safety plan will describe standard procedures to be followed in accordance with local, state, and federal regulations and standard safety practices, and will include contacts for first responders and construction and O&M personnel. The safety plan will also include emergency procedures in the event of evacuation, fire, extreme weather conditions, and injury.

With regard to the Solar Facility, there is a low likelihood of a fire event. The solar field itself has no substantial fuel source to support a fire—the panels are primarily metal and glass. If vegetation is allowed to grow within and under solar arrays, this vegetation typically consists of grasses or other small plants that are maintained less than 2 feet in height.

The BESS is similarly designed to mitigate the risk of fire. As detailed in Section 3.1.2 of the Joint Site Permit Application, and explained at the EA Scoping Meeting on January 14, 2025, the BESS's containerized system is designed and tested to prevent a thermal runaway event, reducing the risk to residents and structures. The containerized system means that (i) each battery cell has a thermal barrier between it and other cells in the same module, (ii) each module is isolated from other modules in the same rack, and (iii) each rack is separated by a physical barrier from the other racks in the container. Each of these layers of separation and containment between cells, modules, and racks is designed to prevent the spread of any fire that occurs in one battery cell and significantly reduces any risk of a thermal runaway event.

IV. Wildlife Impacts

- Commenters submitted oral comments indicating concern regarding impacts to wildlife, specifically related to the fencing used around the perimeter of the Solar Facility and the BESS.[17]

Response: As described in Section 3.1.5 of the Joint Site Permit Application, Benton Solar will install approximately 58,768.1 linear feet of permanent security fencing along the perimeter of the Preliminary Development Area,[18] excluding minor portions of the Site (e.g., select access roads). The fence will be designed in accordance with Minnesota Department of Natural Resources ("MnDNR") wildlife-friendly recommendations, made of agricultural woven wire, and will stand 8.0 feet above grade. Two strands of smooth, high tensile wire will be installed, for a total height of 10.0 feet. No barbed wire will be used along the Solar Facility's perimeter fencing. The BESS

[17] *Id.* at 45-46 (Rusin).

[18] The Preliminary Development Area is the approximately 631.9-acre area where the development of the Solar Facility, the BESS, and associated facilities is expected to occur. Ex. 102 at 1 (Joint Site Permit Application).

fencing will include 1.0 foot of barbed wire on top of a 7.0-foot-above-grade chain-link fence. The fencing around the substation will include 1.0 foot of barbed wire on top of a 6.0-foot-above-grade chain-link fence to comply with the National Electric Code.[19]

V. Traffic and Roads

- A commenter raised a concern about increased traffic during construction and safety of pedestrians using the road for walking.[20]

Response: Benton Solar anticipates an influx of approximately 20 to 30 loaded truck trips per day during construction and does not anticipate using oversized loads. This influx will be perceivable to the public, but is not expected to impact daily traffic function and should have no impacts on pedestrian safety on the road. These impacts and mitigations are discussed in detail in Section 4.2.9.3 of the Joint Site Permit Application. Benton Solar looks forward to continued cooperation with Benton County and Minden Township throughout the development of the Project.

VI. Comments from Commission Energy Infrastructure Permitting Staff, the Minnesota Department of Natural Resources, and the Interagency Vegetation Management Planning Working Group.

Benton Solar acknowledges and thanks the Commission's Energy Infrastructure Permitting ("EIP") staff for their thorough preparation of the EA and their additional comments submitted pursuant to the August 4, 2025 Notice. Benton Solar also acknowledges and thanks the MnDNR and the Interagency Vegetation Management Planning Working Group ("VMPWG") for reviewing the Joint Site Permit Application, the Route Permit Application, and the EA.

A. EIP Staff Comments

Benton Solar appreciates EIP staff's review of the decommissioning plan and related recommendations.[21] Benton Solar does not oppose EIP staff's recommendations and will include the recommended information in its pre-construction decommissioning plan as requested. As noted below, Benton Solar does not oppose EIP staff's support for a permit condition requiring compliance with state-listed threatened and endangered species procedures.

In addition to the recommendations related to the decommissioning plan, EIP staff also proposed four special permit conditions, 5.1, 5.2, 5.3, and 5.4, for the Solar Facility Draft Site Permit and the BESS Draft Site Permit regarding visual screening, a noise study, the snowmobile trail near the Solar Facility, and an unanticipated discoveries plan.

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19 Ex. 143 (Benton Solar, LLC Response to Scoping Comments).

20 Sauk Rapids 6:00 pm Tr. at 32–33 (Aug. 27, 2025) (Cronquist).

21 Comments by EIP, Sept. 12, 2025, eDockets ID No. 20259-222958-01.

Special Condition 5.1 requires:

> The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent residences. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of nearby residences; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.
>
> At least 14 days prior to the pre-construction meeting, the Permittee shall file:
>
> (a) the Visual Screening Plan;
> (b) documentation of coordination with landowners adjacent to the project site; and
> (c) an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site.

Response: As noted in Section II, Benton Solar is in the process of developing a visual screening plan and has done so in coordination with landowners and Benton County over the last nine months, including presenting options at Benton County Planning Commission meetings, hosting multiple meetings with residents, and refining the plan based on stakeholder input. Benton Solar anticipates continuing its coordination with landowners in the coming months as it finalizes the visual screening plan. Benton Solar does not oppose proposed Special Condition 5.1.

Special Condition 5.2 requires:

> The Permittee shall complete a noise study for the project, including surrounding residential areas, to ensure noise levels are below state standards. The study shall include methodologies and assumptions. The study shall include the purpose of the monitoring, monitoring locations and their rationale, monitoring timing and duration, monitoring equipment, the monitored data, data processing, and data reporting. The permittee shall file with the Commission the results of the noise study within 12 months of operation of the project.

Special Condition 5.3 requires:

> The Permittee shall coordinate with Benton County and the Benton County snowmobile club to reroute snowmobile trail 87 and any other snowmobile trails impacted by the project.

Response: Benton Solar does not oppose proposed Special Conditions 5.2 or 5.3.

Special Condition 5.4 requires:

> The Permittee shall develop an Unanticipated Discoveries Plan (UDP) to be used in the event previously unrecorded archeological or historic properties, or human remains, are encountered during construction, or if unanticipated effects to previously identified archaeological or historic properties occur during construction. The UDP shall describe how previously unrecorded cultural resources or human remains found during construction shall be protected and examined. The Permittee shall file the UDP with the Commission at least 14 days prior to the pre-construction meeting.

Response: As noted in Joint Site Permit and Route Permit Applications and testimony in the record, Benton Solar intends to develop and implement an unanticipated discovery plan.[22] Benton Solar does not oppose proposed Special Condition 5.4.

B. MnDNR Comments

With respect to MnDNR's comments, Benton Solar provides the following clarifications and responses pertaining to wildlife, fencing, lighting, dust control, vegetation, and dewatering.

- MnDNR recommended three permit conditions to protect wildlife: (i) a permit condition requiring compliance with MnDNR state-listed threatened and endangered species requirements and documentation of said compliance due to the potential for Blanding's turtles at the Site; (ii) a permit condition prohibiting tree clearing from June 1 to August 15 to protect long-eared bats; and (iii) a permit condition requiring erosion control materials without plastic, synthetic fibers or malachite green dye.[23]

Response: Benton Solar does not oppose these permit conditions.

- MnDNR recommended that the security fencing be a minimum of 10 feet tall throughout the entire Solar Facility and recommended a permit condition requiring coordination with MnDNR and the Commission for the final fence design.[24]

Response: Benton Solar appreciates MnDNR's recommendation and will continue to coordinate with MnDNR.

However, with respect to fencing specifications, Benton Solar notes that it designed the fencing to be a total of ten feet tall with eight feet of woven wire and two feet of smooth, high tensile wire at the top, consistent with MnDNR guidance.[25] The fencing around the substation will

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[22] Ex. 102 at 73 (Joint Site Permit Application); Ex. 114 at 56 (RPA); Ex. 154 at 7:8-10 & 15:23-16:2 (Direct Testimony of Cody MacDonald).

[23] Comments by the MnDNR at 1-2, Sept. 12, 2025, eDockets ID No. 20259-222952-01.

[24] *Id.* at 2.

[25] Ex. 102 at 27 (Joint Site Permit Application).

include 1.0 foot of barbed wire on top of a 6.0-foot-above-grade chain-link fence to comply with the National Electric Code.[26]

- MnDNR recommended a permit condition requiring motion-activated, down-lit, shielded lighting and coordination with Minnesota Department of Transportation on approved products.[27]

Response: Benton Solar appreciates MnDNR's recommendation of the lighting condition for the permit. Benton Solar proposes revising the permit condition to require switch-controlled lighting at the substation instead of motion-activated lighting. Benton Solar's operations and maintenance team will switch on the light when needed rather than relying on motion-activated lighting, which can turn on needlessly due to passing animals. Benton proposes the following revision:

> The permittee shall use switch-controlled ~~motion activated~~, down-lit, shielded lighting around and within the Project and coordinate with MnDOT on Approved Products for Luminaries with respect to approved Uplight ratings and nominal color temperatures.

- MnDNR recommended a permit condition requiring the use of non-chloride products for dust control.[28]

Response: Benton Solar does not oppose MnDNR's recommendation.

- MnDNR recommended Benton Solar develop a vegetation management plan ("VMP") with native vegetation to minimize erosion, create pollinator and wildlife habitat, and improve soil health. To that end, MnDNR supported permit conditions "encourag[ing]" a VMP consistent with the Minnesota Habitat Friendly Solar program and coordination with VMPWG in developing the VMP.[29]

Response: Benton Solar appreciates MnDNR's comments and is committed to working with VMPWG on the VMP.

- Lastly, MnDNR noted that an water appropriate permit would be required if Benton Solar conducts any dewatering during construction.[30]

Response: Benton Solar appreciates MnDNR's comments and will comply with applicable permitting requirements.

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26 *Id.*
27 *Id.* at 2-3.
28 *Id.* at 3.
29 *Id.*
30 *Id.* at 4.

C. VMPWG Comments

VMPWG's comments summarized its review of Benton Solar's VMP and included recommendations for revisions for the pre-construction filing. Generally, VMPWG concluded that the restoration plan appeared achievable and the proposed seed mixes could meet the potential permit conditions, provided recommendations on implementing the VMP, and requested some additional information on Benton Solar's proposed actions.

Response: Benton Solar appreciates VMPWG's insight and will address VMPWG's requests for clarification in the pre-construction filings. Benton Solar remains committed to working with VMPWG on the VMP.

VII. Conclusion

Benton Solar appreciates the opportunity to file this Response.

Dated: September 26, 2025

Respectfully submitted,

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