

March 25, 2026

VIA E-FILING

Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Honorable Megan McKenzie
Office of Administrative Hearings 600 North
Robert Street
P.O. Box 64620
Saint Paul, MN 55164-06204

RE: In the Matter of the Application of Midwater BESS, LLC for a Site Permit and Route Permit for the up to 150 MW Midwater Energy Storage Project and Associated 161 kV Transmission Line in Freeborn County, Minnesota

**MPUC Docket Nos. IP-7138/ESS-24-294; TL-24-295
CAH Docket Number: 25-2500-40799**

Dear Ms. Bergman and Judge McKenzie:

Midwater BESS, LLC (Midwater) submits these reply comments in response to certain comments received during the Environmental Assessment (EA) comment period in the above dockets regarding its Joint Application for a Site Permit (“Application”) for the up to 150 megawatt (MW) Midwater energy storage project (BESS) and Route Permit for the associated 161 kilovolt (kV) transmission line (HVTL) to be located in Shell Rock Township, Freeborn County, Minnesota (collectively, the BESS and the HVTL are referred to in these reply comments as the Project). These reply comments primarily focus on:

- Comments concerning the proximity of the BESS to the Shell Rock River and potential impacts to the Shell Rock River, surface water and groundwater;
- Comments regarding potential fire risks and emergency response concerns;
- Comments from the Albert Lea – Freeborn County Chamber of Commerce in support of the Project; and
- Comments from Minnesota state and Federal agencies regarding various Project impacts, mitigation measures, and permit conditions;

I. PUBLIC COMMENTS

1. Public Comments Regarding Potential Impacts to the Shell Rock River, Surface Water and Groundwater

i. Oral comments from March 3 and 4, 2026, in-person and virtual hearings

Members of the public, at the March 3, 2026 in-person hearing in Glenville, Minnesota and the virtual public hearing on March 4, 2026, expressed concerns that the Project could cause long-lasting damage to the Shell Rock River, including downstream impacts into portions of the river in Iowa. Commenters expressed concern that the proposed stormwater measures would direct contaminants toward the river, potentially worsening pollution risks. Commenters were concerned that a major Project failure combined with heavy rainfall could result in uncontrolled runoff containing contaminants reaching the river or the Project being flooded. And commenters questioned whether adequate planning exists for such scenarios.¹

A commenter identified 29 private wells within one mile of the site, along with Glenville's two municipal supply wells, and argued that the EA understated the density of nearby drinking water sources. The commenter viewed the BESS facility's proximity to these wells—and the site's light, sandy soils—as creating a heightened risk of groundwater contamination if a leak or system failure occurred.²

ii. Written Comments

Similarly, in written comments received, one of the most common concerns expressed by members of the public related to the proximity of the Project to the Shell Rock River and concerns that the Project operation will contaminate the river with toxic constituents and/or heavy metals, including as a result of a fire or thermal runaway event.³

¹ In-Person Public Hearing Tr. at 28, 36, 54-56 (Mar. 3, 2026).

² In-Person Public Hearing Tr. at 30,38, 46 (Mar. 3, 2026).

³ City of Northwood Public Comment (Mar. 12, 2026) (eDockets No. [20263-229186-01](#)); David Irons Public Comment at 1-2 (Mar. 16, 2026) (eDockets No. [20263-229345-01](#)); Dawn Kaasa Public Comment at 1-2 (Mar. 13, 2026) (eDocket No. [20263-229222-01](#)); Dawn Knaack Public Comment (Mar. 17, 2026) (eDockets No. [20263-229367-01](#)); Joelle Mayers Public Comment at 1-2 (Mar. 16, 2026) (eDockets No. [20263-229294-01](#)); Tim Kaasa Public Comment (Mar. 17, 2026) (eDockets No. [20263-229369-01](#)); Karissa Studier Public Comment (Mar. 17, 2026) (eDockets No. [20263-229368-01](#)); Albert Lea – Freeborn County Chamber of Commerce Public Comment (Mar. 16, 2026) (eDockets No. [20263-229326-01](#)); Kelly Olson Public Comment (Mar. 16, 2026) (eDockets No. [20263-229327-01](#)); Michael Olson Public Comment (Mar. 16, 2026) (eDockets No. [20263-229329-01](#)); Tim Kaasa Photographs Public Comment (Mar. 16, 2026) (eDockets No. [20263-229342-01](#)); Rita Williamson Public Comment (Mar. 9, 2026) (eDockets No. [20263-229039-01](#)); M. Jones Public Comment (Mar. 6, 2026) (eDockets No. [20263-228993-01](#)).

Members of the public submitted written comments regarding potential impacts of the Project to groundwater resources and specifically noted the concerns over the Project area's permeable soils and proximity to residential groundwater wells.⁴

iii. Response

Midwater appreciates the comments and concerns raised by the public regarding the Shell Rock River, surface water and groundwater. Midwater values the Shell Rock River and other water resources and has incorporated significant protection mechanisms into the design of the Project to avoid and minimize potential impacts to the Shell Rock River. While waterbodies are a factor to be studied and understood in relation to siting, they are not considered significant limiting factors to BESS development and siting because BESS facilities do not rely on adjacent waterbodies for operation and they do not impact adjacent waterbodies during normal operations. Projects, such as the BESS, incorporate multiple levels of protection to help ensure emergency events have minimal impacts to humans and the environment. In addition to selecting safe equipment, Midwater BESS has designed the Project in compliance with safety codes, regulations, and industry recommendations. Midwater reviewed the general setbacks for the Agricultural Zoning District in effect, pursuant to Freeborn County Zoning Ordinance Section 42-107, at the time the Application was submitted. Midwater designed the Project to meet or exceed Freeborn County's setback requirements as provided in Zoning Ordinance Section 42-107. It also reviewed Freeborn County's draft energy storage system ordinance, which, as of March 25, 2026, has not been adopted by Freeborn County. Regardless, the draft ordinance attached to the Task Force Report provides that setbacks apply to all components of an energy storage system, including converters, substations, transformers and inverters, but do not apply to roads, collector lines and fencing.⁵ The BESS, as proposed, avoids wetlands and the battery enclosures are setback a minimum of 100-ft from adjacent wetlands. The draft ordinance does not require a setback from rivers or streams including the Shell Rock River, but the nearest battery enclosure is more than 200 feet from the river.⁶ Moreover, Midwater has agreed to incorporate additional enhanced design and safety measures that address environmental concerns raised by community members because Midwater is committed to working with the community to limit potential impacts from an unlikely emergency event. Midwater has also agreed to additional design recommendations from the Citizens Advisory Task force and additional special permit conditions included in the Draft Site Permit prepared by PUC-EIP as part of the EA.⁷ The EA thoroughly examined the risks of the Project impacting the Shell Rock River, surface water and groundwater and determined the impacts are expected to be minimal and can be avoided or mitigated with permit conditions.⁸

⁴ Dawn Kaasa Public Comment (Mar. 13, 2026) (eDocket No. [20263-229222-01](#)); Tim Kaasa Public Comment (Mar. 17, 2026) (eDockets No. [20263-229369-01](#));

⁵ Ex. EIP-32, Appendix I (Task Force Report, Appendix I).

⁶ Ex. EIP-34 at 45 (EA).

⁷ See Ex. App.-21 at 12-23 (Direct Testimony of Mary Matze).

⁸ Ex. EIP-34 at 8 (EA).

The risk of a release or discharge of fluids – system coolant and battery electrolyte – is low due to containment structures within the BESS enclosures, the physical characteristics and properties of the batteries and coolant that will be utilized for the BESS, and stormwater infrastructure contemplated by the Project design. Combined, these features greatly reduce the risk of pollutant releases.

The lithium-iron phosphate (LFP) batteries, Midwater will use for the BESS, contain gel-type electrolytes which are fully contained within each battery cell.⁹ Battery electrolytes, moreover, are typically released as a gas rather than liquid.¹⁰ Any liquid electrolyte that may be released would occur in small, localized quantities and would generally remain within the battery module or enclosure.¹¹ The battery enclosures include leak-proof secondary containment in the bottom of each enclosure to prevent liquid, including coolant used to cool the enclosures, from leaking out of the enclosure. In the event of a thermal runaway type failure, the electrolyte is released in the form of a vapor, not a liquid. As noted in the EA, the likelihood of electrolyte leakage from an LFP BESS is very low.¹² Regardless, any potential liquid leak from the enclosures will be limited in volume and captured in the leak-proof secondary containment in the bottom of each enclosure.¹³

Midwater will use a closed-loop liquid cooling system to maintain operating temperatures. Cooling fluids are typically water-based with glycol additives for freeze protection, appropriate for Minnesota climatic conditions.¹⁴ These fluids are non-flammable and commonly used in industrial and commercial heating, ventilation, and air conditioning (HVAC) applications¹⁵ and are biodegradable over time.¹⁶ Coolant leaks are considered low-probability events and are generally associated with long-term wear, seal degradation, or maintenance-related issues rather than sudden failure. The cooling system is fully contained within the BESS enclosure, and the total volume of coolant released would be limited¹⁷ and captured in the leak-proof secondary containment in the bottom of each enclosure.¹⁸

Assuming liquid coolant, electrolytes, or any other liquid constituent, escape the individual BESS containment systems, the planned stormwater retention ponds for the Project are intended to manage runoff from all impervious surfaces and prevent uncontrolled discharge to the river, which will further reduce the risk of contaminated discharges to the Shell Rock River. The Project is required to obtain coverage under the MPCAs Construction Stormwater General Permit (CSW Permit). Prior to Construction, Midwater will prepare a Stormwater Pollution Prevention Plan

⁹ Ex. App.-21 at 6 (Direct Testimony of Mary Matze).

¹⁰ Ex. EIP-34 at 90 (EA).

¹¹ Ex. EIP-34 at 90 (EA).

¹² Ex. EIP-34 at 89 (EA).

¹³ Ex. App.-21 at 6 (Direct Testimony of Mary Matze); Ex. EIP-34 at § 4.7.4 (EA).

¹⁴ Ex. EIP-34 at 90 (EA).

¹⁵ Ex. EIP-34 at 90 (EA).

¹⁶ In-Person Public Hearing Tr. at 19 (Mar. 3, 2026).

¹⁷ Ex. EIP-34 at 90 (EA).

¹⁸ Ex. App.-21 at 6 (Direct Testimony of Mary Matze). Ex. EIP-34 at § 4.7.4 (EA).

(SWPPP) and will be required to submit the SWPPP, along with a Notice of Intent, due to the Shell Rock River being an impaired water.¹⁹ The SWPPP would identify best management practices (BMPs), including erosion and sediment controls, revegetation measures, soil stabilization, and dust control practices, to minimize soil erosion and protect adjacent resources during construction and operation. Stormwater ponds will be designed and constructed to meet Minnesota Pollution Control Agency (MPCA) and the Shell Rock River Watershed District's (SRRWD) requirements to collect and treat runoff during construction and operation. Permanent stormwater treatment areas on the site will be designed in accordance with Section 15 of the MPCA's CSW Permit²⁰ and to meet the SRRWD's enhanced 1.25-inch water quality treatment standard.²¹ The site will also be subject to the special conditions related to impaired waters outlined in Section 23 of the MPCA's CSW Permit.²²

Some commenters noted the presence of periodic flooding in or near the Project area as a concern.²³ However, and as noted in the EA, the proposed BESS and HVTL are designed to avoid impacts to flood zones with all project infrastructure sited completely outside of mapped FEMA flood zones.²⁴ Here, there is minimal risk that floodwaters will impact the BESS or otherwise create a risk of mobilizing pollutants from the BESS system to the Shell Rock River.

Similarly, some commenters expressed concerns about pollution of groundwater. There are no wells located within the Project Area. No portion of the Project Area is located within a designated Wellhead Protection Area²⁵ – defined by the Minnesota Pollution Control Agency as areas in which contamination on the land surface or in water can affect the drinking water supply.²⁶ BESS infrastructure, furthermore, is located outside of the Glenville Drinking Water Supply Management Area (DWSMA). Groundwater impacts from the Project are unlikely.²⁷

In the unlikely event of a liquid electrolyte release during thermal runaway, the volume would be limited to individual cells or modules. Electrolytes are organic liquids with relatively low

¹⁹ Ex. EIP-34 at 82 (EA); The Shell Rock River is impaired by mercury and elevated nutrient (phosphorus) levels from both regulated and non-regulated sources. Ex. EIP-34 at 35 (EA).

²⁰ See Minnesota Pollution Control Agency Online Stormwater Manual, Section 15, Permanent Stormwater Treatment System (https://stormwater.pca.state.mn.us/mn_csw_permit_section_15_permanent_stormwater_treatment_system), accessed March 20, 2026.

²¹ Ex. App.-21 at 19 (Direct Testimony of Mary Matze).

²² See Minnesota Pollution Control Agency Online Stormwater Manual, Section 23, Permanent Stormwater Treatment System (https://stormwater.pca.state.mn.us/mn_csw_permit_section_23_discharges_to_special_prohibited_restricted_other_and_impaired_waters), accessed March 20, 2026.

²³ David Irons Public Comment at 1-2 (Mar. 16, 2026) (eDockets No. [20263-229345-01](https://www.pca.state.mn.us/eDockets/20263-229345-01)); Joelle Mayers Public Comment at 1-2 (Mar. 16, 2026) (eDockets No. [20263-229294-01](https://www.pca.state.mn.us/eDockets/20263-229294-01)).

²⁴ Ex. EIP-34 at § 4.7.3 (EA)

²⁵ Ex. EIP-34 at § 4.7.4 (EA).

²⁶ [Source Water Protection Web Map Viewer - MN Dept. of Health; available at https://www.health.state.mn.us/communities/environment/water/swp/mapviewer.html](https://www.health.state.mn.us/communities/environment/water/swp/mapviewer.html)

²⁷ Ex. EIP-34 at 8 (EA).

environmental persistence and would be subject to volatilization, degradation, and removal during emergency response and cleanup.²⁸ Similarly, an analysis of a thermal runaway event at the site concluded that no heavy metals or other toxic particulates will be generated by a thermal runaway event. Therefore, the soot generated by a thermal runaway event is assumed to primarily consist of carbon-based soot (ash). Because the modeled soot cloud remained relatively low, localized and short-lived, soot accumulation is expected to be limited primarily to near-field ground contact close to the source, with residual surface soot present only within the immediate impact area.²⁹ Given the small quantities involved and the presence of engineered barriers, infiltration of groundwater is unlikely.³⁰

Two standard conditions included in the DSP will further mitigate potential impacts to surface waters. Section 4.3.11 of the DSP requires the permittee to implement MPCA recommended erosion and sediment control practices and obtain a CSW Permit, which mandates temporary and permanent stormwater controls. The section also requires appropriate grading for drainage and restoration of disturbed areas to pre-construction conditions. Midwater will prepare an MPCA compliant SWPPP describing construction activities, erosion and sediment controls, BMPs, and permanent stormwater management throughout construction and operation. Implementing SWPPP protocols will minimize soil erosion during construction. Section 4.3.23 of the DSP requires that “site restoration and management” practices enhance “soil water retention and reduces storm water runoff and erosion.”

Section 5.12 of the Draft Site Permit, moreover, requires the development of a Surface and Groundwater Monitoring Plan (SGMP); the SGMP requires, among other things, water quality sampling of the stormwater basin contents, as well as pollutant-based action limits prior to stormwater basin discharge.³¹ Midwater will further coordinate with the SRRWD to prepare a plan for monitoring surface and groundwater near the Project in coordination with SRRWD’s existing testing as required by section 5.12.³²

2. Public Comments Regarding Fire Risk

i. Oral comments from March 3 and 4, 2026, in-person and virtual hearings

Members of the public, at the March 3, 2026 in-person hearing in Glennville, Minnesota and the virtual public hearing on March 4, 2026, expressed concerns that a thermal runaway event can disperse heavy-metal contamination over a wide area, noting that LFP batteries—the technology proposed here—may release greater quantities pollutants and pose heightened combustion and explosion risks. Commenters found it troubling that the Underwriters Laboratories (UL) fire-safety

²⁸ Ex. EIP-34 at 91 (EA)

²⁹ Ex. EIP-34, Appendix F at 49 (EA, Appendix F)

³⁰ Ex. EIP-34 at 91 (EA).

³¹ Ex. EIP-34) at § 4.7.3 (EA).

³² Ex. App.-21 at 20 (Direct Testimony of Mary Matze).

leadership has stated that BESS engineering best practices are “not yet completely proven.” Commenters also warned that a thermal event could threaten two nearby schools and the Town of Glenville, less than a mile away from the BESS. They questioned whether local agencies have the staffing, expertise, or resources to manage such an event, particularly given a minimum four-hour technical response time, and expressed concern that planning does not adequately address a catastrophic failure occurring during severe weather such as tornadoes or major storms.³³

ii. Written Comments

Written commenters also expressed similar concerns over possible fire or thermal runaway events, and attendant impacts to public health and safety, the environment, and emergency response; special concern was noted regarding the potential need to evacuate areas near the Project, including the residents of Glenville and nearby schools in the event of a fire or air contamination caused by a fire or thermal event at the BESS.³⁴

iii. Response

As an initial matter the battery technology selected for the BESS – LFP – poses a significantly reduced risk of fire when compared with other lithium-ion and nickel manganese cobalt oxide battery technologies.³⁵ In addition to selecting safe equipment, Midwater BESS has designed the Project in compliance with safety codes, regulations, and industry recommendations. Midwater BESS will adhere to advances in technology, applicable codes/standards, and developing emergency response procedures to further reduce the likelihood and impacts associated with fire and battery thermal runaway induced events. The National Fire Protection Association (NFPA) and UL actively model and test BESS infrastructure and develop building codes and tests that guide safe implementation for the BESS industry. NFPA and UL regularly update guidance and best practices as technology evolves, and a new edition of NFPA 855 was released this year (2026). As noted by the Environmental Protection Agency, improvements in BESS quality and design have led to a decrease in the number of BESS failure incidents per gigawatt hour deployed.³⁶

The BESS design, construction, and operation will include extensive safety precautions to reduce the potential risk of fire including: facility and technology design that is compliant with NFPA 855 and UL 9540, physical spacing of equipment from fences and other equipment, site-wide 24/7

³³ In-Person Public Hearing Tr. At 38, 47, 57-59, 62-64 (Mar. 3, 2026)

³⁴ Dawn Kaasa Public Comment at 1-2 (Mar. 13, 2026) (eDocket No. [20263-229222-01](#)); Dawn Knaack Public Comment (Mar. 17, 2026) (eDockets No. [20263-229367-01](#)); Joelle Mayers Public Comment at 1-2 (Mar. 16, 2026) (eDockets No. [20263-229294-01](#)); Tim Kaasa Public Comment (Mar. 17, 2026) (eDockets No. [20263-229369-01](#)); Albert Lea – Freeborn County Chamber of Commerce Public Comment (Mar. 16, 2026) (eDockets No. [20263-229326-01](#)); Danialle Wood Public Comment (Mar. 5, 2026) (eDockets No. [20263-228960-01](#)); Kelly Olson Public Comment (Mar. 16, 2026) (eDockets No. [20263-229327-01](#)); Michael Olson Public Comment (Mar. 16, 2026) (eDockets No. [20263-229329-01](#)); Williamson Public Comment (Mar. 9, 2026) (eDockets No. [20263-229039-01](#)).

³⁵ Ex. EIP-34 at § 4.7.4 (EA); Ex. App.-21 at 10 (Direct Testimony of Mary Matze).

³⁶ Joelle Mayers Public Comment at 4-5 (Mar. 16, 2026) (eDockets No. [20263-229294-01](#)).

remote monitoring of the Battery Management System and on an site technician (during the work week), HVAC for thermal management, heat, smoke and gas detectors within each BESS enclosure, automatic stop and response personnel alerts, gas detection and ventilation systems, deflagration venting, emergency response planning, hazard mitigation analysis, and system-specific training for local fire departments and emergency response.³⁷

Appendix F to the EA is a fire simulation report, which includes a predictive plume analysis that describes the likely extent of airborne contamination resulting from a fire or thermal runaway event at the facility.³⁸ Critically, the plume analysis notes that because of the planned spacing between the individual BESS enclosures “the likelihood of more than one container becoming involved in a fire is extremely low...available LSFT test data indicate that thermal runaway did not propagate from the initiating container to adjacent target containers at the manufacturer-specified separation distances.”³⁹ Here, members of the public analogized the Project to the Moss Landing facility and raised concerns of a similarly large fire event. In addition to other crucial differences such as battery technology, the enclosure spacing represents a key distinction between the Midwater Project and Moss Landing. While Midwater has designed the Project in accordance with current standards and best practices to prevent propagation of fire from one enclosure to the next, the enclosures at MOSS landing were in close proximity to each other housed within a large warehouse, without proper containment.

The plume analysis for the Project ultimately concluded that that potential impacts from toxic gases, including carbon monoxide, carbon dioxide, hydrogen, and trace volatile organic compounds⁴⁰ and smoke associated with a worst-case BESS fire scenario would be localized and would not result in offsite impacts or acute inhalation risks.⁴¹ As noted above, no heavy metals or other toxic particulates are anticipated to be generated by a thermal runaway event and the soot is expected to be limited primarily to near-field ground contact close to the source, with residual surface soot present only within the immediate impact area.⁴² Accordingly, impacts to individuals or property owners off site are not expected – no evacuation of neighbors, schools or members of the community are anticipated in an emergency event.

Midwater understands the concerns expressed by commenters regarding local emergency responders having adequate training and equipment to safely respond to an emergency event at the BESS. Midwater has engaged with local emergency responders during the permitting process. After the release of the EA and the DSP, Midwater again connected with local officials and

³⁷ Ex. App.-21 at 9 (Direct Testimony of Mary Matze); Response to Public Comments (Mar. 25, 2026) (eDockets No. **TBD**).

³⁸ Ex. EIP-34, Appendix F at 240 (EA) (EA – Appendix F).

³⁹ Ex. EIP-34, Appendix F at 271 (EA) (EA – Appendix F).

⁴⁰ Ex. EIP-34 at 90 (EA).

⁴¹ Ex. EIP-34 at § 4.7.1 (EA).

⁴² Ex. EIP-34, Appendix F at 49 (EA) (EA – Appendix F).

emergency responders to discuss the DSP conditions pertaining to emergency response to gather feedback and determine whether they had any questions, comments or concerns.

On March 5, 2026, Midwater representatives met virtually with local officials and emergency responders — including the Mayor of Glenville, the Freeborn County Emergency Management Director, and Fire Chiefs from Glenville and Albert Lea — to review DSP conditions for the Midwater BESS. Midwater outlined key permit conditions related to safety and emergency response, including the requirement to provide firefighter training at Midwaters expense and to coordinate directly with local departments on emergency response planning. Midwater explained that its typical firefighter training comprises classroom review, a site walkthrough, and tabletop exercises, with training schedules designed to accommodate agricultural seasons given that many volunteer firefighters are farmers. The parties agreed that dry hydrants are unreliable due to sediment and maintenance issues, and that onsite water storage would be more effective and consistent with NFPA 855 standards, with Midwater committing to propose alternative language to the PUC. A summary of the meeting, together with additional correspondence with Fire Chiefs from Glenville and Albert Lea regarding the meeting summary and proposed revisions to DSP condition 8.11 is enclosed as **Attachment 1**.

A local emergency response representative asked about including the purchase of post-event gas monitoring equipment for local emergency responders. Another representative inquired about plume tracking during battery fire events. A Fire Risk Alliance representative, Jason Stula, responded that plume modeling was completed, with results suggesting combustion gases would remain within the site boundary. Midwater agreed, however, to purchase hose nozzles fire fighters can use to cool adjacent enclosures (fire suppression chemicals should not be utilized and water should not be applied directly on a burning battery or enclosure) and additional air monitoring equipment for the fire department use when responding to an emergency at the site and to draft language for EMS and Fire Response teams to review prior to PUC submission.

In the Direct Written Testimony of Mary Matze, Midwater proposed deletion of DSP conditions 5.6 and 5.7 and to replace those conditions with a new 5.x condition related to emergency response. PUC-EIP concurred with Midwater’s proposal.⁴³ In review of the DSP with local emergency responders, Midwater believes it is more appropriate to incorporate its proposed language from 5.x (shown in [red](#)) and the requests of local emergency responders (shown in [blue](#)) into DSP condition 8.11. Under this scenario, Midwater’s previously proposed condition 5.x would not be a permit condition. Midwater proposes the following:

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. [The plan developed shall have a process for \(1\) identifying any specialized equipment gaps, such as hose nozzles and emergency event gas](#)

⁴³ PUC-EIP Comments (Mar. 16, 2026) (eDockets No. [20263-229297-01](#)).

monitoring equipment, for responding to emergencies at the BESS; (2) acquiring the equipment at permittee's expense; and (3) providing any training for the specialized equipment at the Permittee's expense. The plan shall also indicate that the annual training of emergency service personnel with site operators must be done at the Permittee's expense. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

3. Chamber of Commerce Public Comments

On March 15, 2026, The Albert Lea-Freeborn County Chamber of Commerce, through its Executive Director Valerie Lockhart, submitted a formal letter of support of the Project.⁴⁴ The Chamber emphasized that the project represents a multi-million dollar capital investment that will generate significant commercial tax revenue for Freeborn County without adding strain to public services or road networks. It further highlighted that construction will bring dozens of well-paying jobs and direct local spending at restaurants, hotels, and small businesses, as well as long-term specialized maintenance positions. The Chamber also argued the Project will stabilize energy costs for local businesses and farms by storing energy during off-peak periods and reducing reliance on expensive peaking plants. Additionally, the Chamber expressed confidence in Spearmint Energy's safety measures, including automated 24/7 leak alerts and sealed containment trays designed to protect the Shell Rock River watershed, concluding that the Project is "safe, necessary, and economically beneficial" and urging the Commission to approve the permit.

Midwater appreciates the Albert Lea-Freeborn County Chamber of Commerce's comments in support of the Project.

II. STATE AGENCY COMMENTS

1. PUC-EIP Recommendations for Decommissioning Plan and Draft Site Permits.

PUC-EIP submitted comments with recommendations for updates to the Decommissioning Plan and proposed Draft Site Permit conditions.⁴⁵

⁴⁴ Albert Lea-Freeborn County Chamber of Commerce Comments, March 15, 2026) (eDockets No. [20263-229326-01](#)).

⁴⁵ PUC-EIP Comments (Mar. 16, 2026) (eDockets No. [20263-229297-01](#)).

PUC-EIP recommended several modifications to the Decommissioning Plan. PUC-EIP noted where the Decommissioning Plan met its expectations and where the plan should be updated to reflect current guidance and Project parameters (not known at this time) just prior to construction. Specifically, PUC-EIP recommended that the plan should be updated to function as a stand-alone document, with the cover revised to include the project docket number and a reference to the Commission's current Decommissioning Plan Guidance, replacing the outdated EERA guidance. PUC-EIP further noted that the Project description section must be expanded to include the project's location in Freeborn County, a description of constructed components, a site map, the anticipated commercial operation date, and a clarification of land ownership. PUC-EIP recommended that the plan be revised to describe the anticipated purchaser of the energy, list required decommissioning permits, clarify battery type and manufacturer, discuss stormwater pond removal, and provide a more detailed decommissioning schedule. Finally, PUC-EIP requested that the cost estimate must more clearly reflect battery removal and disposal costs, and the Financial Assurance section must identify the anticipated beneficiary, narrow financial assurance options, and provide a funding schedule.

Regarding site permit conditions, PUC-EIP staff supported Midwater's proposal to strike special conditions 5.6 and 5.7 and instead provide an emergency response condition that would serve to remove the dry hydrant condition 5.9 and incorporate the feasibility assessment into that consolidated condition. PUC-EIP also concurred with Midwater's proposed revisions to DSP condition 5.12 related to surface and groundwater monitoring.

Midwater appreciates PUC-EIPs comments and recommendations on the Decommissioning Plan. Many of the comments and recommendations cannot be addressed at this time until specific equipment is selected, an offtake agreement has been executed, and construction timing has been determined. Regardless, Midwater will continue to work with PUC-EIP to update the Decommissioning Plan and address its comments as required before construction.

Midwater also appreciates PUC-EIPs agreement that DSP special conditions 5.6, 5.7 and 5.9 should be struck and replaced with a standalone emergency response condition. Midwater believes the revisions proposed to DSP condition 8.11, in this response to comments, continues to be consistent with PUC-EIPs concurrence on this condition. Midwater also appreciates PUC-EIPs concurrence with Midwater's proposed revisions to DSP special condition 5.12.

2. DNR Comments

The Minnesota Department of Natural Resources (DNR) submitted comments on the Project on March 16, 2026.⁴⁶

⁴⁶ DNR Comment Letter (Mar. 16, 2026) (eDockets No. [20263-229344-01](#)).

DNR emphasized that no chloride-based agents should be used near the Shell Rock River and recommended a special condition requiring non-chloride products. Specifically, DNR requested DSP special condition 5.17 be revised to: *The Permittee shall utilize non-chloride products for onsite dust control during construction.* DNR also requested the addition of this language as a special condition in the Draft Route Permit (DRP).

DNR proposed the addition of a special condition to both the DSP and DRP requiring compliance with Minnesota's Endangered Species Statute and associated rules, with recordkeeping requirements. DNR proposed the following permit condition:

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

DNR supported DSP condition 5.11 as written and requested the condition also be included in the DRP. Regarding the Vegetation Management Plan (VMP), the DNR recommended replacing non-native grasses with native, site-specific species to support pollinator habitat, soil health, and erosion prevention, and advised that the VMP incorporate wetland characteristics and align with the DNR's Prairie Establishment & Maintenance Technical Guidance.

Finally, DNR expressed support for several of the proposed site conditions as stated in the Draft Site Permit, including the modified fence design described in the EA and DSP special condition 5.16 as written, and the existing conditions regarding avian protection (DRP 5.3.16), lighting (DSP 5.1), and bio-netting (DSP 5.14) – though DNR further recommended that the bio-netting condition also be included in the DRP.

Midwater appreciates the DNR comments and recommendations. Notably, the DNR did not indicate it had any issues or concerns with the analysis or conclusions of the EA or otherwise recommend the Commission deny the permit or that the Project should not be permitted in its current location. Midwater will work with the DNR to finalize seed mixes for the VMP. Midwater supports the recommendations of the DNR regarding edits to the DSP and DRP, restated here for clarity:

- Revise DSP special condition 5.17 to:
The Permittee shall utilize non-chloride products for onsite dust control during construction.
- Add the following language as new special permit conditions in both the DSP and DRP:
The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules,

part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

- Include DSP condition 5.11 in the DRP.
- Include DSP condition 5.14 in the DRP.
- Include revised DSP condition 5.17 in the DRP.

3. Vegetation Management Planning Working Group Comments

The Vegetation Management Planning Working Group provided comments on the Project.⁴⁷ It noted that The VMPWG does not recommend any action by the Commission at this time it provided detailed recommendations to ensure Midwater's VMP meets pre-construction compliance requirements. The VMPWG's recommendations are summarized below:

- The VMPWG recommended that Midwater provide a complete project description covering all temporary and permanent facilities, and a thorough site description that addresses existing land cover, soils, hydrology, and topography, along with the acreage of impervious versus managed surfaces.
- The VMPWG further recommended that Midwater establish both short-term and long-term management goals and objectives for each distinct management unit, including the BESS area, HVTL area, and buffer area.
- On site preparation, the VMPWG recommended that Midwater describe the full sequence of construction and planting activities and verify the site's chemical application history (prior to Project construction) to ensure successful native vegetation establishment.
- Regarding vegetation installation, Midwater was advised to consult with the VMPWG when integrating cover crops with seed mixes, and to use straw mulch as a wildlife-friendly erosion control option.
- For seed mixes, the VMPWG recommended the use of diverse, native perennial seed mixes — specifically those designed by the Board of Water and Soil Resources (BWSR) — and requested that Midwater provide a list of species substitutions to maintain ecological integrity.
- On herbicide use, the VMPWG advised that herbicides be applied primarily as spot treatments to avoid pre-emergent effects on desired vegetation, and that a dedicated section addressing the control of invasive woody species be included in the VMP.
- For monitoring and reporting, the VMPWG recommended that monitoring be conducted by a qualified, independent third party with sufficient botanical expertise in Minnesota plant communities, using both quantitative and qualitative methods, and that annual monitoring reports be filed with the Commission each growing season.

⁴⁷ VMPWG Comments (Mar. 16, 2026) (eDockets No. [20263-229306-01](#)).

Finally, the VMPWG requested that Midwater continue to coordinate with PUC EIP staff and other state agencies — including BWSR and the DNR — as the VMP is finalized prior to construction.

Midwater appreciates the VMPWG’s comments and recommendations on the VMP. Midwater will continue to coordinate with the VMPWG, PUC-EIP, BWSR and DNR to revise and finalize the VMP prior to construction as required by the site and route permits.

III. FEDERAL AGENCY COMMENTS

1. United States Fish and Wildlife Service Comments

The United States Fish and Wildlife Service (USFWS) submitted comments on the Project on March 6, 2026.⁴⁸

Midwater appreciates the comments and recommendations from USFWS. Notably, the USFWS did not indicate it had any issues or concerns with the analysis or conclusions of the EA or otherwise recommend the Commission deny the permit or that the Project should not be permitted in its current location. The USFWS’ requests and recommendations are provided below with Midwater’s responses to each item:

- USFWS requested Midwater consult with the USFWS Information for Planning and Consultation (IPaC) system (<https://ipac.ecosphere.fws.gov/>) during Project planning phases for the most up-to-date species list, determination keys, and conservation measures.
 - The IPaC was reviewed and consulted during the development of the Project and the results evaluated in the EA.⁴⁹ Midwater also consulted the DNR Natural Heritage Information System (NHIS) to evaluate the project area for the presence of rare species and other sensitive biological resources.⁵⁰
 - The northern long-eared bat (NLEB) Rangewide Determination Key was completed through the IPaC system. Provided no changes are made to the project, no additional consultation or coordination with the USFWS is required for NLEB.⁵¹
- USFWS recommended Midwater consult with the Cornell Lab of Ornithology’s eBird database and Birdcast website for bird occurrence and timing/composition/estimated altitude of bird migration. It also attached a list of best management practices.
 - Midwater will review the eBird database and Birdcast website for bird occurrence information.
 - Midwater has reviewed the USFWS’ best management practices and notes the following:

⁴⁸ USFWS Comment Letter (Mar. 10, 2026) (eDockets No. [20263-229075-01](#)).

⁴⁹ Ex. EIP-34 at 99-100 (EA).

⁵⁰ Ex. EIP-34 at 100 (EA).

⁵¹ Ex. EIP-34 at 102 (EA).

- USFWS recommends limiting forest clearing activities to occur outside of the migratory bird nesting season (March 1 – August 31) and summer occupancy period for NLEB (April 15 – September 30). If clearing must be completed within the bat occupancy season, we recommend surveys be conducted to avoid or minimize take of federally protected species.
 - The EA assessed to determine the impacts on birds and NLEB. The IPaC Rangewide Determination Key indicated no further action is needed regarding NLEB because the NLEB is not present in the area.⁵² The EA also determined that, the continued presence of perennial grasses, that will not be impacted by the Project, will help maintain existing habitat conditions, resulting in minimal impacts on nesting or foraging birds.⁵³ Midwater will consider whether it can limit forest clearing in accordance with the USFWS' recommendations; however, based on the analysis and conclusions of the EA, tree clearing restrictions do not appear to be prudent or necessary.
 - USFWS recommended the development of an avian protection plan to reduce avian risk to electrocution, collision and death as well as application of several guidelines from the Avian Power Line Interaction Committee.
 - Midwater disagrees that a standalone avian protection plan is necessary. The DRP includes special condition 5.3.16 which requires Midwater to coordinate with the DNR to identify areas of the transmission line where bird flight diverters can be installed to prevent large avian collisions. It also requires the transmission line design to incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards.
- USFWS recommended limiting any increase in lighting of native habitats during the avian breeding season.
 - The DSP includes permit conditions to limit lighting impacts on wildlife. Section 5.1 of the DSP requires the use of shielded and downward facing lighting that minimizes blue hue. Section 5.3.6 requires construction activities to be limited to daytime working hours to the extent practicable. Limiting construction to daytime activities will limit light impacts on wildlife at night.
- USFWS noted that if the Project may impact bald or gold eagles it encourages Midwater to obtain an eagle take permit.

⁵² Ex. EIP-34 at 102 (EA).

⁵³ Ex. EIP-34 at 98-99 (EA).

- The EA evaluated potential impacts to bald eagle.⁵⁴ The DNR reported two bald eagle nests near the Project Area, public comments note their presence in the area.⁵⁵ Impacts to bald eagles are not anticipated from the Project as there is no suitable nesting habitat within the Project site.⁵⁶ The March 16, 2026 DNR comment letter did not mention or otherwise indicate it had concerns regarding potential impacts to bald eagles or bald eagle nests.⁵⁷
- USFWS recommended siting the Project to minimize habitat fragmentation by adhering to existing developed rights-of-way (ROW) to the greatest extent possible.
 - The proposed Route is within an area that includes Trunk Highway 65, a railroad and five existing high-voltage transmission lines, including several lines that may be crossed by the HVTL.⁵⁸ Accordingly, it is sited in a way that aligns with existing, developed ROW to minimize habitat fragmentation.
- USFWS recommended preservation and enhancement of native plant communities, especially for re-vegetation of areas disturbed within new and existing ROW.
 - Section 4.3.15 of the DSP and a new, similar condition to the DRP require the preparation of a VMP to re-vegetate areas disturbed by the Project, to the extent those areas will not be occupied with permanent infrastructure, such as the BESS, where vegetation will not be allowed to grow for fire safety purposes.

Midwater appreciates the robust public engagement regarding this Project and the opportunity to respond to the questions, comments and concerns of the public.

This document referenced above has also been electronically filed today through www.edockets.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service Lists of record.

⁵⁴ Ex. EIP-34 at 102 (EA).

⁵⁵ Ex. EIP-34 at 102 (EA). *See* footnote 257 noting eagle nests are located outside of the Project site. The DNR did not provide nest location information or the distance between the Project site and the eagle nests.

⁵⁶ Ex. App.-2 at 132 (Application).

⁵⁷ DNR Comment Letter (Mar. 16, 2026) (eDockets No. [20263-229344-01](#)).

⁵⁸ Ex. App.-2 at 44-45 (Application).

March 25, 2026
Page 17



Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

Jeremy P. Duehr
Direct Dial: 612.492.7413
Email: jduehr@fredlaw.com

**Midwater BESS: Emergency Management and Fire Department Coordination Meeting
March 5, 2026**

Attendees:

- Wes Webb – Mayor of Glenville
- Adam Hamberg – Freeborn County Emergency Management Director
- Matt Webb – Fire Chief of Glenville
- Jeff Laskowske - Fire Chief of Albert Lea
- Omar Longou - Director of Operations
- Glenn McConnell - Security and Risk Manager
- Jason Stula – Fire Risk Analysis

On March 5, 2026, Spearmint Energy representatives met virtually with local emergency response officials to discuss the Midwater Battery Energy Storage System (BESS) project and review the draft site permit conditions issued by the Minnesota Public Utilities Commission (PUC). The purpose of the meeting was to walk through the permit conditions included in the Environmental Assessment and provide local officials with an opportunity to ask questions and provide feedback so that feedback can be provided to the PUC prior to the March 16 public comment deadline.

Mary Matze opened the meeting by explaining that the draft site permit, drafted by the Public Utilities Commission Staff, incorporates many of the concerns raised during the Citizens Advisory Task Force meetings and public discussions. The goal of this coordination meeting was to ensure that local emergency responders understood the safety and operational requirements included in the permit, and to have a discussion on whether the comments captured EMS needs identified in the Citizens Advisory Task Force meetings.

Spearmint walked the team through safety-related permit conditions in the draft site permit included in the Environmental Assessment.

Fire safety planning was a major topic of discussion. The permit requires the project developer to provide firefighter training at their expense and to coordinate directly with

local departments on emergency response planning. Spearmint explained that our typical training currently includes classroom review of the Emergency Response Plan, a site walkthrough, and tabletop exercises to review potential emergency scenarios. The group discussed that training schedules will need to consider local agricultural seasons, as many volunteer firefighters are farmers and may not be available during planting or harvest.

The discussion also addressed specialized firefighting equipment and water supply considerations. The draft permit currently references the potential need for specialized hoses and nozzles to manage cooling of battery units. Spearmint noted that they have requested to modify this requirement to allow for a full equipment assessment first, to ensure that any purchased equipment matches the needs of local fire departments rather than purchasing items that may not be useful.

The group discussed the proposed use of dry hydrants as a water source for emergency response. All parties on the call agreed that dry hydrants are often unreliable due to sediment buildup and maintenance issues. Instead, the group discussed that onsite water storage would likely be more effective and more consistent with NFPA 855 standards. Spearmint will suggest alternative language to the PUC that focuses on identifying needs as part of the Emergency Response Plan process.

EMS team members asked what kind of data the Battery Management System tracked and if there were associated records. Director of Operations, Omar Longou, noted that the system's continuous operational monitoring systems will track thousands of system data points, including temperature and environmental conditions.

After reviewing the conditions, Chief Laskowske noted that specialized equipment for monitoring gases after a thermal event was not included in the proposed conditions. Additionally, EMS Director Hamberg asked about the ability to monitor gas plumes in the event of a thermal runaway or battery fire. Jason Sutula explained that plume modeling and hazard mitigation analysis are already underway or completed as part of the project's safety planning and submitted to the PUC as part of the EA process. Preliminary modeling

suggests that even in a worst-case scenario, combustion gases from a battery event would remain within the site boundary and would not travel significant distances toward nearby communities. Spearmint agreed that they would be amenable to purchasing additional air monitoring equipment for the fire department that could be deployed to track gas movement after a thermal event. Spearmint will draft language for the EMS and Fire Response teams to review, and Spearmint will submit the edits as part of their response to comments.

Finally, the group discussed the PUC permitting timeline. The current comment period for the draft site permit runs through March 16, 2026. At this stage, the project team emphasized that local officials are not expected to develop full emergency response plans before that date. Instead, the comment period is intended to gather feedback on whether the proposed permit conditions adequately address safety and operational concerns.

The Spearmint team noted that site conditions are applicable to the project, regardless of project ownership. Mary concluded by encouraging everyone to review the permit conditions and provide feedback. The team reiterated their willingness to work collaboratively with local emergency responders to ensure appropriate training, equipment, and safety planning are in place prior to project construction.

From: [Jeffery R. Laskowske](mailto:Jeffery.R.Laskowske)
To: [Mary Matze](mailto:Mary.Matze)
Subject: RE: Proposed permit condition revisions
Date: Thursday, March 12, 2026 7:20:54 AM

Yes. Thanks.

From: Mary Matze <mmatze@spearmintenergy.com>
Sent: Wednesday, March 11, 2026 3:24 PM
To: Jeffery R. Laskowske <jlaskowske@ci.albertlea.mn.us>
Subject: RE: Proposed permit condition revisions

Got it – will update, thanks! Do the proposed changes look OK to you?



Mary Matze | **Manager, Development**
P +1 786-321-9379
M +1 763-516-8373
E: mmatze@spearmintenergy.com

From: Jeffery R. Laskowske <jlaskowske@ci.albertlea.mn.us>
Sent: Wednesday, March 11, 2026 2:00 PM
To: Mary Matze <mmatze@spearmintenergy.com>
Subject: RE: Proposed permit condition revisions

The only change I see in the notes is Adam Hamberg is the Emergency Management Director (EM) not EMS.

From: Mary Matze <mmatze@spearmintenergy.com>
Sent: Tuesday, March 10, 2026 1:17 PM
To: Jeffery R. Laskowske <jlaskowske@ci.albertlea.mn.us>; Matt Webb <matt@comtec-wireless.com>; Adam Hamberg <Adam.Hamberg@co.freeborn.mn.us>
Cc: Wes Webb <weswebb1@gmail.com>; Courtney Lenz <clenz@gscstaff.com>
Subject: Proposed permit condition revisions

Good afternoon, everyone,

Thank you for meeting last Thursday to review the site permit conditions proposed by PUC staff. Attached are the meeting minutes prepared by Good Steward for your review, along with the Plume Analysis for the project (Appendix F of the EA).

As discussed, the PUC will accept public comments through Monday, March 16. After the 16th, Spearmint can submit a response to public comment to the PUC, and we proposed to submit

the changes to the conditions (outlined below) in our allocated response time. To allow time to finalize those responses, any proposed edits to the permit conditions would need to be completed by Friday, March 20, so that we can finalize and submit by Wednesday, March 25th.

ACTION ITEMS We are seeking your feedback on the following, for submittal to the PUC:

- **Meeting notes:** Please review the attached minutes and confirm they accurately reflect the meeting. Let us know if you have *any concerns about submitting them to the PUC* as part of the record. If you suggest edits, please use track changes or clearly indicate what should be revised.
- **Proposed condition edits:** We propose submitting edits to the Commission noting that the team met and identified additional measures and changes. Specifically:
 - Incorporate Conditions 5.6 and 5.7 (included below for reference) into Condition 8.11. Proposed revisions to Condition 8.11 are shown in red.

8.11 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The plan developed shall have a process for (1) identifying any specialized equipment gaps, such as hose nozzles and emergency event gas monitoring equipment, for responding to emergencies at the BESS; (2) acquiring the equipment at permittee's expense; and (3) providing any training for the specialized equipment at the Permittee's expense. The plan shall also indicate that the annual training of emergency service personnel with site operators must be done at the Permittee's expense. The Permittee shall file the ERP, along with any comments from emergency responders to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-operation meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

Here are conditions 5.6 and 5.7 that we propose to strike, and incorporate with condition 8.11:

6. Local Firefighter Training

~~The Permittee shall provide regular training on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel. The Permittee shall keep records of compliance with this section and provide them upon the request of Commission staff.~~

5.7 Emergency Planning and Preparedness

~~The Permittee shall calculate appropriate waterflow in gallons per minute (gpm) needed to cool a BESS unit and mitigate runoff. In addition, the Permittee shall purchase specialized hose nozzles for local fire response authorities to control gpm if necessary. Waterflow and any specialized equipment shall be part of the firefighter training required by Section 5.6 of this permit.~~

We will also indicate to the PUC that we all agreed that dry hydrants are not an effective solution for water on site. If you think of other things that you would like to make sure are covered as conditions, or would like to discuss any of this further, please don't hesitate to reach out.

Again, thank you for your continued conversations so that we can ensure that you have the right tools and training, should this project move forward.

Very best,
Mary



Mary Matze | **Manager, Development**

P +1 786-321-9379

M +1 763-516-8373

E: mmatze@spearmintenergy.com

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Attachment 1

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From: [Matt Webb](#)
To: [Adam Hamberg](#)
Cc: [Mary Matze](#)
Subject: Re: Proposed permit condition revisions
Date: Wednesday, March 18, 2026 10:07:23 AM

Yes, the proposed text changes are fine with me. The minutes did cover what was discussed.

On Wed, Mar 18, 2026 at 9:51 AM Adam Hamberg <Adam.Hamberg@co.freeborn.mn.us> wrote:

Yes that's correct. The test changes are fine with me.

EM is for Emergency Management. EMS is Emergency Medical Services, so I agree with the update to the minutes.

Thanks

Adam Hamberg

Freeborn County Sheriff's Office

Emergency Management Director

(C) 507-391-2723

(O) 507-377-5221



From: Mary Matze <mmatze@spearmintenergy.com>
Sent: Wednesday, March 18, 2026 9:46 AM
To: Matt Webb <matt@comtec-wireless.com>; Adam Hamberg <Adam.Hamberg@co.freeborn.mn.us>
Subject: FW: Proposed permit condition revisions

Hi Chief Webb and Adam,

Bumping this to the top of your box. Can you confirm that the text changes below work for you, and that the attached minutes reflect the main points of our conversation? Chief Laskowske has asked me to update Adam's title in the minutes.

Hope you all are digging out of the snowstorm!

Many thanks,
Mary



Mary Matze | [Manager, Development](#)

P +1 786-321-9379

M +1 763-516-8373

E: mmatze@spearmintenergy.com

From: Mary Matze

Sent: Tuesday, March 10, 2026 1:17 PM

To: Jeffery R. Laskowske <jlaskowske@ci.albertlea.mn.us>; Matt Webb <matt@comtec-wireless.com>; Adam Hamberg <adam.hamberg@co.freeborn.mn.us>

Cc: Wes Webb <weswebb1@gmail.com>; Courtnay Lenz <clenz@gscstaff.com>

Subject: Proposed permit condition revisions

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We will also indicate to the PUC that we all agreed that dry hydrants are not an effective solution for water on site. If you think of other things that you would like to make sure are covered as conditions, or would like to discuss any of this further, please don't hesitate to reach out.

Again, thank you for your continued conversations so that we can ensure that you have the right tools and training, should this project move forward.

Very best,

Mary



Mary Matze | **Manager, Development**

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--

Matt Webb
Com-Tec Land Mobile Radio
101 1st Ave SW
Glenville, MN 56036
507.448.3717
507.402.2085

**In the Matter of the Application of Midwater
BESS, LLC for a Site Permit and Route
Permit for the up to 150 MW Midwater
Energy Storage Project and Associated 161 kV
Transmission Line in Freeborn County,
Minnesota**

CERTIFICATE OF SERVICE

**MPUC Docket Nos. IP-7138/ESS-24-294;
TL-24-295
CAH Docket Number: 25-2500-40799**

Breann L. Jurek certifies that on the 25th day of March, 2026, she e-filed on behalf of Midwater BESS, LLC, a true and correct copy of the Reply Comments, including Attachment 1, with the Minnesota Public Utilities Commission via eDockets (www.edockets.state.mn.us). Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: March 25, 2026

Signed: /s/ Breann L. Jurek

Fredrikson & Byron, P.A.
60 South Sixth Street
Suite 1500
Minneapolis, MN 55402

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Sasha	Bergman	sasha.bergman@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 St. Paul MN, 55101 United States	Electronic Service		Yes	24-294Official CC Service List
2	Thomas	Brett	tbrett@fredlaw.com		Fredrikson & Byron, P.A.	60 South Sixth Street, Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-294Official CC Service List
3	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		Yes	24-294Official CC Service List
4	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-294Official CC Service List
5	Jeremy	Duehr	jduehr@fredlaw.com		Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-294Official CC Service List
6	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-294Official CC Service List
7	Eric	Hansen	eric.hansen@westwoodps.com		Westwood Professional Services	7699 Anagram Drive Eden Prairie MN, 55344 United States	Electronic Service		No	24-294Official CC Service List
8	Breann	Jurek	bjurek@fredlaw.com		Fredrikson & Byron PA	60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-294Official CC Service List
9	Richard	Kolodziejcki	rkolodziejcki@ncsrcc.org		North Central States Regional Council of Carpenters	700 Olive St St. Paul MN, 55130 United States	Electronic Service		No	24-294Official CC Service List
10	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	24-294Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
11	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-294Official CC Service List
12	Mary	Matze	mmatze@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	24-294Official CC Service List
13	Megan	McKenzie	megan.mckenzie@state.mn.us		Office of Administrative Hearings	PO Box 64620 St Paul MN, 55164 United States	Electronic Service		Yes	24-294Official CC Service List
14	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-294Official CC Service List
15	Peter	Rood	prood@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	24-294Official CC Service List
16	Nathaniel	Runke	nrunke@local49.org			611 28th St. NW Rochester MN, 55901 United States	Electronic Service		No	24-294Official CC Service List
17	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-294Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Sasha	Bergman	sasha.bergman@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 St. Paul MN, 55101 United States	Electronic Service		Yes	24-295Official CC Service List
2	Tom	Brett	tbrett@fredlaw.com		Fredrikson and Byron, P.A.	60 South 6th St #1500 Minneapolis MN, 55108 United States	Electronic Service		No	24-295Official CC Service List
3	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		Yes	24-295Official CC Service List
4	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	24-295Official CC Service List
5	MP Regulatory	Compliance	mpregulatorycompliance@mnpower.com	Minnesota Power		30 W Superior St. Duluth MN, 55802 United States	Electronic Service		No	24-295Official CC Service List
6	Martin	Donovan	martin.donovan@state.mn.us		Department of Natural Resources	500 Lafayette Road St Paul MN, 55155 United States	Electronic Service		No	24-295Official CC Service List
7	Jeremy	Duehr	jduehr@fredlaw.com		Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-295Official CC Service List
8	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-295Official CC Service List
9	Richard	Kolodziejski	rkolodziejski@ncsrcc.org		North Central States Regional Council of Carpenters	700 Olive St St. Paul MN, 55130 United States	Electronic Service		No	24-295Official CC Service List
10	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	24-295Official CC Service List
11	Discovery	Manager	discoverymanager@mnpower.com	Minnesota Power		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	24-295Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
12	Mary	Matze	mmatze@spearmintenergy.com	Spearmint Energy		2916 N. Miami Ave., Suite 830 Miami FL, 33127 United States	Electronic Service		No	24-295Official CC Service List
13	Megan	McKenzie	megan.mckenzie@state.mn.us		Office of Administrative Hearings	PO Box 64620 St Paul MN, 55164 United States	Electronic Service		Yes	24-295Official CC Service List
14	Marcus	Raines	mraines@ncsrcc.org	Millwrights Local 548		730 Olive St St. Paul MN, 55130 United States	Electronic Service		No	24-295Official CC Service List
15	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	24-295Official CC Service List
16	Nathaniel	Runke	nrunke@local49.org			611 28th St. NW Rochester MN, 55901 United States	Electronic Service		No	24-295Official CC Service List
17	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-295Official CC Service List
18	Claire	Vatalaro	cvatalaro@allete.com	Allete		30 W Superior St Duluth MN, 55802 United States	Electronic Service		No	24-295Official CC Service List