

REGIONAL/STATE NEWS

North Dakota approves battery storage sites, but one regulator cites fire concerns

By: Jeff Beach



The Manatee Energy Storage Center in Parrish, Florida, is pictured on Aug. 12, 2021. North Dakota regulators approved two battery storage systems from NextEra Energy to be constructed near wind farms in Emmons and Burke counties. (Photo courtesy of NextEra Energy)

BISMARCK N.D. (North Dakota Monitor) - North Dakota has approved its first two large battery storage sites, but one regulator said future projects should better address risks associated with fires at the sites.

The three-person Public Service Commission on Feb. 18 unanimously approved a battery storage site in northwest North Dakota's Burke County. In January, it approved a similar project in Emmons County in south-central North Dakota. Both projects are connected to NextEra wind farms, providing a more consistent flow of electricity.

Before the vote, commission Chair Randy Christmann said he wanted to "get a point out to industry" that it should provide a list of all toxins that could be released if a battery site were to catch fire — one of the primary concerns about the storage systems.

"I hope in the future, on these applications, the full list of things that could come off of a fire are provided in advance to the local emergency officials and let them decide if they think they need additional resources for personal protection, or if they want to oppose the project," Christmann said.

He said the discussion of emissions from a fire

came too late in the process for the Burke County project, and he is concerned that applicants are "glossing over" the fire risks.

At a public hearing on the Emmons-Logan project in November, NextEra said the company had been in contact with local first responders to establish a safety plan.

Both of the North Dakota projects are set for construction this year and to be operational in December.

The Northern Divide Energy Storage project in Burke County is a \$128.6 million project. It is a 100-megawatt storage system.

The \$181 million Emmons-Logan Energy Storage project is slightly larger at 140 megawatts.

Both sites will be able to provide up to four hours of continuous energy, according to NextEra.

In other PSC business: NSP gas rates: The commission has received an application for a natural gas rate increase from Northern

States Power, part of Minnesota-based Xcel Energy. The request is for a 11.9% increase, or \$10.15 per month for an average residential customer.

The commission will first consider an interim increase of 10.66%, or about \$8.42 per month for an average residential customer. No hearing has been set in the case.

In February, the PSC approved an electric rate increase for Xcel.

Morton wind farm: The commission has received an application from Minnesota Power for a wind farm in Morton County. The 202.5-megawatt Longspur Wind Project would connect to the grid with a powerline just over 2 miles long in Morton and Mercer counties. Hearings have not yet been set.

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Summit permit for CO2 storage voided as second judge finds North Dakota law unconstitutional

By: Jacob Orledge

A North Dakota judge has revoked Summit Carbon Solutions' permits for underground carbon dioxide storage, ruling parts of the state law they were issued under is unconstitutional, in another blow to the company's plans for a carbon pipeline network.

The latest ruling was issued in response to an appeal by a group of landowners who object to the state's attempt to force them to participate in Summit's project, which would store carbon dioxide under their land against their will.

"This decision stands as an important victory not only for our family, but for all North Dakota landowners who believe that private property rights and constitutional protections still matter," said Kurt Swenson, one of the landowners.

The decision written by South Central Judicial District Judge Jackson Lofgren is the second time this winter a North Dakota judge has reached the conclusion that the 2009 state law violates the state's constitution. The law authorizes regulators to permit the storage of carbon dioxide beneath the property of nonconsenting landowners.

"The district court just reversed the Industrial Commission's decision," said Derrick Braaten, the landowners' attorney in this case. "What that means is it essentially dismissed and invalidated the decision from the Industrial Commission to issue all these permits to Summit."

Northeast Judicial District Judge Anthony Swain Benson

released a similar decision in December in a related lawsuit, filed by the Northwest Landowners Association, that directly challenged the law's constitutionality.

"While this case presents the issue in the context of an administrative appeal, the Court largely reaches the same conclusion," Lofgren wrote in the decision. "Because the findings and conclusions of the NDIC are not sustained by the North Dakota Constitution, they must be reversed."

Attorney Drew Wrigley said the North Dakota Legislature carefully weighed the interests of all private property owners who would be directly impacted by the law when it was proposed in 2009.

"They crafted this legislation mindful of their constitutional and stewardship responsibilities to all affected," Wrigley said in a statement. "We are carefully reviewing the district court decision and will chart a path toward a final resolution of this important public policy issue."

Summit's planned \$8 billion project would gather carbon dioxide emissions from ethanol plants in five states and bring it to North Dakota to be stored underground. The planned 2,500-mile pipeline network would include Tharaldson Ethanol near Casselton.

The project would inject the carbon dioxide into pore space, cavities in underground rock formations where emissions can be trapped, under 90,000 acres of land in parts of Oliver, Mercer and Morton counties. Approximately 92% of the landowners in the project area



Kurt Swenson, a member of the Northwest Landowners Association, poses by his truck June 28, 2024, outside the courthouse in Bottineau. (Photo courtesy of Kurt Swenson)

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