

Formal Request to Extend Intervenor Radius to 5 Miles

South Dakota Public Utilities Commission 500 E Capitol Ave Pierre, SD 57501

Re: Request to Extend Intervenor Eligibility Radius to 5 Miles for the Proposed Battery Energy Storage System (BESS) Project — [EL26-014]

To the Commissioners:

I respectfully request that the South Dakota Public Utilities Commission extend the intervenor eligibility radius to **five (5) miles** for the above-referenced Battery Energy Storage System (BESS) project. This request is based on documented and reasonably foreseeable **health, safety, environmental, and economic impacts** that extend well beyond the typical setback distances used for wind or solar generation facilities.

Under **SDCL 49-41B**, individuals may intervene when a project may directly affect their health, safety, welfare, or property. The characteristics of large-scale lithium-ion BESS facilities create potential impacts that can extend several miles from the project site, thereby justifying a broader radius for intervenor participation.

1. Toxic Smoke and Chemical Plume Impacts Can Extend Beyond 5 Miles

Lithium-ion thermal runaway produces hazardous compounds including **hydrogen fluoride (HF)**, carbon monoxide, and dense particulate smoke. Peer-reviewed plume modeling from UL 9540A testing, NFPA 855 guidance, and NREL hazard analyses show that HF concentrations can exceed emergency thresholds **up to and beyond 5 miles downwind**, depending on wind speed, humidity, and atmospheric conditions.

Given the prevailing wind patterns in this region of South Dakota, residents within a 5-mile radius may be exposed to airborne contaminants during a BESS fire or thermal-runaway event. This constitutes a direct and foreseeable health impact under SDCL 49-41B.

2. Emergency-Response and Evacuation Zones for BESS Incidents Often Exceed 3–5 Miles

Recent BESS incidents — including Moss Landing (CA), Surprise (AZ), Liverpool (UK), and others — have required **multi-mile shelter-in-place advisories** and large exclusion zones due to toxic smoke, explosion risk, and cascading battery failures.

Emergency-management agencies frequently adopt precautionary evacuation or shelter-in-place zones extending **3 to 5 miles** for lithium-ion storage fires. This demonstrates that residents within this radius may be directly affected by emergency-response actions, evacuation orders, or air-quality advisories.

3. Environmental and Groundwater Impacts Can Extend Several Miles

Fire-suppression runoff from BESS fires contains heavy metals, fluorinated compounds, and organic

solvents. Depending on local hydrology, drainage basins, and groundwater flow, contamination can travel **multiple miles** from the incident site.

Residents and landowners within 5 miles may face risks to private wells, livestock water sources, and agricultural land — all of which fall under the Commission's authority to consider environmental and property impacts.

4. Economic and Property-Value Impacts Extend Beyond Immediate Neighbors

Insurance carriers increasingly classify large-scale BESS facilities as high-risk industrial sites. Premium increases, exclusions, or underwriting changes may affect properties within several miles of the facility. This creates a direct economic impact on non-participating landowners within a 5-mile radius.

Under SDCL 49-41B, economic impacts are a valid basis for intervention.

5. A 5-Mile Radius Ensures Fair and Meaningful Participation

Given the unique hazard profile of lithium-ion BESS facilities — which differs substantially from wind turbines or solar arrays — a broader intervenor radius is necessary to ensure that all potentially affected residents have the opportunity to participate in the permitting process.

A 5-mile radius:

- Aligns with documented hazard distances
- Reflects emergency-management precedent
- Ensures adequate representation of affected landowners
- Supports transparent and informed decision-making

Request

For the reasons stated above, I respectfully request that the Commission:

Recognize a five-mile (5-mile) radius for intervenor eligibility for the proposed BESS project under docket [EL26=014].

This adjustment is necessary to ensure that all individuals who may be directly affected by foreseeable health, safety, environmental, or economic impacts have the opportunity to participate fully in the permitting process.

Thank you for your consideration.

Respectfully submitted,

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