

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

IN RE: :
 :
APPLICATION OF CELLCO PARTNERSHIP : DOCKET NO. 356
D/B/A VERIZON WIRELESS FOR A :
CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE :
AND OPERATION OF A WIRELESS :
TELECOMMUNICATIONS FACILITY AT 199 :
TOWN FARM ROAD, FARMINGTON, :
CONNECTICUT : APRIL 9, 2008

OBJECTION TO REQUEST FOR DELAY

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) hereby objects to the request of Susan Edelson for a thirty (30) day delay in the above-referenced proceeding. As discussed more fully below, Ms. Edelson has failed to provide a valid basis for granting such a request. Accordingly, her request should be denied.

BACKGROUND

On February 1, 2008, Cellco filed an Application with the Connecticut Siting Council (“Council”) for a Certificate of Environmental Compatibility and Public Need (“Certificate”) for the construction, maintenance and operation of a wireless telecommunications facility located at 199 Town Farm Road in Farmington, Connecticut. On April 8, 2008, Ms. Edelson, through her attorney, submitted an Opposition to Approval of Facility¹ (“Opposition”) requesting, *inter alia*, a thirty (30) day delay in the instant proceeding. For the reasons set forth below, Ms. Edelson’s

¹ On April 3, 2008, David Edelson filed a Request for Party Status, which has yet to be acted upon. However, the Opposition was filed on behalf of Susan Edelson. For purposes of this objection, Cellco presumes that Mr. Edelson’s Request for Party Status was intended to be on behalf of Ms. Edelson and that Ms. Edelson will be granted status as either a party or intervenor in this proceeding. If the Council denies Ms. Edelson status, her Opposition should be disregarded and this objection will become moot.

request for a delay should be denied.²

ARGUMENT

I. Ms. Edelson Has Not Set Forth A Valid Basis For Delaying This Proceeding.

The sole basis for Ms. Edelson's request for a delay is that, despite having received notice of the Application more than two months ago, she has not had adequate time to prepare. In particular, Ms. Edelson argues that, because she did not receive personal notice of the hearing, procedural due process has not been satisfied. This is simply incorrect. Ms. Edelson was provided more than adequate notice of the Application and the upcoming hearing.

Connecticut General Statutes § 16-50l(b) requires that an applicant for a certificate provide personal notice of its intent to file an application to abutting landowners. It does not require that an applicant provide personal notice to abutting landowners of the hearing.³ Indeed, at the time an applicant files an application, it does not know the date on which the hearing will be held. However, in order to ensure that interested persons are aware of the hearing, Connecticut General Statutes § 16-50m requires that the Council publish notice of the hearing.

As Ms. Edelson admits in her Opposition, Cellco sent her notice that it was filing the Application on January 29, 2008. Opposition at 1. The return receipt from the certified letter that Cellco sent her indicates that Ms. Edelson received this notice on January 30, 2008. See Exhibit 1 attached. Moreover, Ms. Edelson admits that the Council issued a notice of its hearing on March 7, 2008, more than one month ago. Opposition at 2. This notice was published in *The Hartford Courant*. See March 7, 2008 Memorandum from Cariann Mulcahy, Secretary,

² Cellco does not address the other factual and legal issues raised in the Opposition, including those ignoring the exclusive jurisdiction of the Council, but rather will address those issues during the Council's hearing and/or in its post-hearing brief in accordance with the Council's procedure.

³ Although not required, Cellco also mailed a letter to all abutting landowners, including Ms. Edelson, on April 7, 2008 notifying them of the hearing and providing a copy of the Council's hearing notice. See Letter from Robinson & Cole LLP, dated April 7, 2008; Sign Posting Affidavit of Alexandria M. Carter.

Connecticut Siting Council to Classified/Legal Supervisor, *The Hartford Courant*. Nevertheless, despite having received notice of the Application *more than two months ago* and despite notice of the hearing having been published more than *one month ago*, Ms. Edelson argues that because she was not provided *personal* notice of the hearing, she was not provided meaningful notice sufficient to prompt her to act⁴ and procedural due process has not been satisfied. Opposition at 1-3. This is simply incorrect. *See, e.g., Concerned Citizens of Sterling, Inc. v. Connecticut Siting Council*, 215 Conn. 474 (1990) (finding that notice by publication is sufficient to satisfy due process requirements and upholding denial of continuance).

As required, Ms. Edelson was provided with personal notice of Cellco's intent to file the Application and published notice of the hearing date. Accordingly, she was afforded all of the process that she was due. Ms. Edelson's failure to act upon receiving notice *more than two months ago* that Cellco was filing the Application does not present a valid basis on which to grant the requested delay. Accordingly, the Council should deny Ms. Edelson's request for a delay in this proceeding.

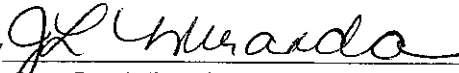
CONCLUSION

For all of these reasons, Cellco respectfully requests that the Council deny Ms. Edelson's request for a delay in this proceeding.

⁴ Although the notice was purportedly inadequate to prompt Ms. Edelson to act, it was apparently sufficient to prompt Mr. Edelson to act. *See* Letter, dated March 18, 2008 from Mr. Edelson to Cellco (attached at Exhibit 2); Article, dated March 17, 2008 from *The Hartford Courant* (attached at Exhibit 3); E-mail, dated March 5, 2008, from Mr. Edelson to Governor Rell (attached at Exhibit 4); Letter, dated March 3, 2008, from Mr. Edelson to Connecticut Siting Council (attached at Exhibit 5).

Respectfully submitted,

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS

By 

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597


Its Attorneys

CERTIFICATION

I hereby certify that on the 9th day of April 2008, a copy of the foregoing was sent via electronic mail and mailed, postage prepaid, to:

David R. Edelson, DMD
11 Belgravia Terrace
Farmington, CT 06032
dmd92east@aol.com

Richard P. Weinstein, Esq.
Weinstein & Wissner, P.C.
29 South Main Street, Ste. 207
West Hartford, CT 06107
rpw@weinsteinwisser.com


Joey Lee Miranda

Tab 1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Susan R. Edelson
11 Belgravia Terrace
Farmington, CT 06032

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Susan R. Edelson Addressee

B. Received by (Printed Name) *Susan Edelson*

C. Restricted Delivery Yes No

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number **7007 0710 0005 4041 5878**
(Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Tab 2

PLAINVILLE DENTAL GROUP

92 EAST STREET
P.O. BOX 237
PLAINVILLE, CONNECTICUT 06062-0237
TELEPHONE (860) 747-1004

Cellco Partnership d/b/a Verizon Wireless
99 East River Dr.
East Hartford, CT 06108

Cc: Robinson & Cole
c/o Joey Lee Miranda
280 Trumbull Street
Hartford, CT 06130-3597

Cc: S. Derek Phelps
Chairman, The Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

March 18, 2008

Dear Verizon Cellco Partnership,

I am writing to you in order to ask you to seriously consider withdrawing your application for a cell phone tower on Simmons Family Farm in Farmington, CT. known to you as Docket #356 with the Connecticut Siting Council. I am asking this because it is an ill conceived and insensitive plan. Placement of a 117 foot mono-pine cell phone tower will not only ruin a beautiful, scenic and historical location but will be in close proximity to a large residential development where some of the homes, including mine, are just 400' feet away. The tower, no matter how it is dressed up, will be well above the existing tree canopy and a constant sight looming over several homes nearby especially during the fall and winter months. Not to mention that it will also be attached to a 1000 gallon propane tank that presents its own hazards. There are also several children living nearby and no one knows for sure what long term effects chronic exposure to microwave radiation may have.

The documentation presented to the Citing Council is inaccurate and flawed. The Visual Site Test conclusion was done with trees in bloom and with no visual consideration to the homes just west of the proposed tower. Photos of the balloon float, of which only 5 were taken, were taken from only one direction. Your search of alternate sites was a bit dubious as well. Three of the alternate sites were located at Avon Old Farms School which didn't even return your phone calls or emails and the other three were a waste of time because you knew they would be redundant sites near existing towers. There also may be some violations of the town TPZ Regulations not to mention that this was approved by the Town Council without real knowledge to the homeowners in the area or the town's people who paid for the property to begin with.

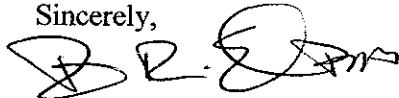
The Devonwood Homeowners Association is opposed to it and preliminary consultation with legal experts in this area of expertise by me and some of my neighbors has been deemed positive for a strong legal defense against its placement. **Please be advised that we have the will and means to go down this avenue should we need to do so.**

I and my neighbors are not opposed to better cell coverage if it is needed, which it appears not to be in this area, and we do believe technological progress will continue. We just feel there are better locations nearby, either commercial or recreational venues where a disguised flag pole could easily blend into the surroundings with out harm to neighboring homes and damage to the scenic and historic beauty of the farm and the environment.

I have asked Governor Rell's office, my State Legislators and Attorney Blumenthal for assistance in this matter. Attorney Blumenthal's office has set a precedent for vowing to fight ill placed and ill conceived cell tower plans in Easton, CT in 2004.

I implore you to reconsider your application for the sake of the scenic and historic relevance of the farm and for the children living nearby the proposed tower and ask that we all avoid a legal mess that will do nothing but waste time and money.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.R. Edelson', with a large, stylized flourish at the end.

David R. Edelson D.M.D.
11 Belgravia Terrace
Farmington, CT 06032

Tab 3

TOWN TALKBACK

AND Have Indeed Suffered Budget Cuts

concerned and confused" by [the town's] letter March 10. There is nothing in the letter that is true. The state of the school meeting on March 3, I stated, "It has become more challenging to maintain educational programs with budget cuts and multiple referendums. And, yes Mr. Bowden, there are cuts to the principals' projects, the superintendent's board of education's budget and the council's budget. To define budget cuts as you have done here ignores the concept of budget cuts and the fact that most of the budget cuts are due to fixed

costs in your letter did you tell me the tax increase in Tolland was zero percent. That zero percent increase was due to the fact that a portion of the "Relief money" from the State Education Cost Sharing Program was sent to this town by Gov. M. Jodi Reil and the legislature. It was a tax relief. It never made it to the schools as it was originally in-

cluded in the state of the schools' meeting. I stated that political decisions that have been made, that are reinforced by the legislature, have hurt Parker School. It is a simple truth. I went on to list the programs that Parker School has lost over the past four years. They were real. These were real. I called into my office and we were real, but you no longer have a

school is a warm and caring place for students to learn and grow. I know how much I will miss this special school, with its teachers, invested parents and creative and hard-working staff. Comments about my department, hurtful and were made in a manner to serve your political interests and viewpoints.

BINO LORICCO
Tolland

is the principal at Parker School.]

F HARTFORD ack Causing Many ms

starting to see the real that we tried to forecast, with making a city out of a town. I have lived in Hartford for over 50 years of West Center - except during my time, I and many others on West, Raymond Road and the I have been against this project since it was first proposed. Several weeks ago the town manager admitted the project in Blue Back Square are open and the residences are packed at all. The parking in the roadways; the trash and leaves piled up properly; the truck crazy Snow removal starts at 6:00 and goes until dawn and the road is not navigable during this time. Large machinery and dump trucks occupy the entire area of all the streets until dawn. Who is paying for the road and for how long? The driveway from South Main Street to the "green area" is dangerous, it is not in the planning stages. The parking garages were to be built and then turned into a town as a rebate for the funds from bonds and town land the project. The garages were to be sold to the town for \$2 million of our tax dollars. The pattern in the center is not a fire-eating curbing and is a real hazard to anyone



PATRICK RAYCRAFT / THE HARTFORD COURANT

DAVID EDELSON, who opposes installation of a 117-foot cell tower on Fisher Farm on Town Farm Road in Farmington. The proposed site for the tower is behind the barn to the left and will sit about 500 feet from Edelson's home, he says.

FARMINGTON: CELL TOWER UNWELCOME AT FISHER FARM

I'd like to express my opposition to and disappointment with the town council's decision to allow a 117-foot cellphone tower to be placed on the town-purchased Fisher Farm, a.k.a. Simmons Farm.

I feel that the way this was handled was underhanded and greedy. The town purchased that property with taxpayer money, a good portion of which comes from the large property taxpayer base of the residential development immediately impacted by this, for the intention of keeping it as open space and for agricultural use. It was not intended to be a venue for rental to cellphone companies.

Allowing this land to be used for a cell tower is irresponsible and ill-conceived. It is a beautiful location, often painted and photographed by area artists, and the symbol on our town website. The view of the farm from Old Farms and Tiltotson Road during the summer and fall is second to none. Not to mention that with a monolithic "pseudo pine tree" is unconscionable. Is this the legacy of the town we want to leave our children?

The communications tower, no matter how it is "dressed up," will be well above the prevailing tree canopy and tree species and will be visible to numerous homes in Devonwood and surrounding neighborhoods. Not to mention that the tower will have a 1,000-gallon, above-ground propane tank near agricultural machinery, manure and fertilizer. This could have grave consequences to nearby homes and their residents, the farm, farm animals and forest in the event of an accident. A good number of the homes are less than 500 feet away.

Are measures in place to contain a fire? Could a fire on the farm be contained in time to prevent it from involving the propane tank? Also, who knows what amount of microwave radiation actually comes through these things and what long-term effects they may have on the children in the area? Is the revenue from the lease going to be used to improve the structure of the farm? Is this really what the townspeople want, a 117-foot tree anchored to concrete attached to a generator and a propane tank surrounded by a barbed wire fence? Is this the Garden State Parkway or Town Farm Road? Too many questions need to be answered.

I am not opposed to better cell coverage in the area. I agree that technological progress must continue. However, there are better locations for the tower that should and could have been explored. Neighbors and I have written to the Connecticut Siting Council and have asked Attorney General Richard Blumenthal's office for assistance. The attorney general's office has set a precedent for ill-placed cell tower applications by voting to fight a similar situation in Easton in 2004.

It is not too late for the Farmington Town Council to "do the right thing" and retract its approval of the communications tower lease. I urge the council and residents of Farmington to do so at the Siting Council hearing on April 15. If the application is disapproved, the lease with Verizon becomes void. You can save face for a bad decision. You have an obligation to the taxpayers of Farmington to do the right thing.

DAVE E.
FARMINGTON

driving in town. The police department can only get in or out on Raymond Road. The roads to the north are so congested that the police will have a hard time responding to emergencies quickly. Also, the fire department will get lost in trying to get to fires with the large trucks in these small and dead end streets of Blue Back Square.

Just as an added bonus for us taxpayers, taxes on the houses are going up and the rents for the merchants have doubled, which has caused some to close their doors in West Hartford Center. As a resident within two blocks of the development, I will never enter

any of the establishments other than Sovereign Bank, the library, police station and town hall.

MARTIN HUBLITZ
West Hartford

OLD SAYBROOK Hepburn Center Headed For Success

Recently, I resigned as chairman of the Katharine Hepburn Cultural Arts Center Building Committee. Since 2003, the members of this committee have

traveled a long road from early design studies and financial planning to the \$4.7 million construction program now underway.

The support I have received from all the committee members has been outstanding. Also the support from members of the Capital Campaign committee and the people of the town of Old Saybrook has been terrific. Without this support the Hepburn Theater project would have never succeeded and be where it is today.

There is still much work to be done. The Old Town Hall restoration and

expansion is not an easy task although construction will take less than expected, it will be completed. Providing the newly formed board trustees a first-class performance will result in some changes beyond original expectations.

Many thanks to all for the support we have received. I look forward to the successful completion of the Hepburn Center.

WALTER S. J.
Old Saybrook

Tab 4

Fontaine, Lisa

From: Phelps, Derek
Sent: Friday, March 07, 2008 1:50 PM
To: Fontaine, Lisa
Subject: FW: Please Respond Directly to Constituent - Dr. David R. Edelson: Governor Control #: 139147

Attachments: Derek.Phelps@ct.gov.vcf

L:

Would you please prepare a response to this? Thank you.

D.

S. Derek Phelps
Executive Director

-----Original Message-----

From: Perez, Melissa
Sent: Thursday, March 06, 2008 10:55 AM
To: Phelps, Derek
Subject: Please Respond Directly to Constituent - Dr. David R. Edelson: Governor Control #: 139147

Control No: 139147
Received: 03/06/2008
Due: 03/20/2008
Response: 03/06/2008

Issue: Siting Council - Cell Tower Construction
a Cell Tower Construction
Type: Electronic Mail
Status: Closed Correspondence

Origin:
Dr. David R. Edelson
11 Belgravia Terrace
dmd92east@aol.com
Farmington, CT 06032

Remarks:
3/6/08 Recv'd an email re: a cell tower construction, referred email to Exec. Dir. Derek Phelps' office for review & response. Sent an agency response letter....MP

Referred By: Melissa Perez

Referred To: Ex. Dir. S. Derek Phelps (860) 827-2935
Action: Please Respond Directly to Constituent
Referred: 03/06/2008 Due: 03/20/2008

Notes:
3/6/08

Please respond directly to the constituent, regarding the following letter, on behalf of Governor Jodi Rell. Also, please acknowledge that the Governor referred it to your agency.

It is not necessary to send a copy of response to the Governor's Office. The constituent

has been instructed to contact the Governor's Office if they do not hear from the Agency within two (2) weeks.

If you have any questions, I can be reached at 524-7343. Thank you.

Melissa Perez
Staff Assistant
Office of the Governor

March 6, 2008

Dr. David Edelson
11 Belgravia Terrace
Farmington, CT 06032
dmd92east@aol.com

Dear Dr. Edelson:

Thank you for your correspondence to Governor Rell regarding a Cell Tower Construction. The Governor truly appreciates the time you took to write to her office. Please accept this response on her behalf.

Governor Rell believes that it is extremely important for citizens to voice their opinions and comments to their elected officials. As the matter you wrote about is overseen by the CT Siting Council, Governor Rell has asked that I forward your concerns to Executive Director, S. Derek Phelps's office to review and respond to you directly. If you do not receive a response from the CT Siting Council within two weeks please feel free to contact the Commissioner's office directly at (860) 827-2935. Due to the need to research and investigate certain matters it is possible that you will receive a response within four weeks. Should the need arise please feel free to contact the Governor's office at (860) 566-4840 or 1-800-406-1527.

Thank you again for sharing your comments and concerns with Governor Rell. Please do not hesitate to contact our office in the future, should the need arise.

Sincerely,
Melissa Perez
Melissa Perez
Staff Assistant
Office of Governor M. Jodi Rell

-----Original Message-----

From: dmd92east@aol.com [mailto:dmd92east@aol.com]
Sent: Wednesday, March 05, 2008 8:22 PM
To: Governor Rell; Beth.Bye@cga.ct.gov; Demetrios.Giannaros@cga.ct.gov;
Marie.Lopez.Kirkley-Bey@cga.ct.gov; Harris@senatedems.ct.gov; DeFronzo@senatedems.ct.gov
Subject: Proposed Cell Tower on Fisher Farm a.k.a. Simmons Farm Farmington, CT

Dear Governor and Fellow Legislatures,

I and my neighbors are asking for your assistance along with Attorney Blumenthal to help fight the proposed Verizon Cellco tower proposal on a town owned "open space" farm that will be less than 400' from my home and several others. Most of which have young children. The Town Council members have already signed a lease and the process has gone to the Citing Council. The farm is a beautiful spot and a symbol of our town web site as well as a symbol of New England life in general. To place a 117' "fake tree" on it is insensitive and ill conceived not to mention that it will be in proximity to over 400 homes. The Fisher Farm was bought with taxpayer money with the intent of keeping it as open space and to continue its agricultural history. It was not meant to be a venue for cell phone tower rental without taxpayer approval. The Citing Council Docket #356 information is flawed as the visual conclusion during the balloon test in one report did not even take into account the perspective from the homes located just 400-500' away. The homes were treated as if they didn't exist. Not only the visual nightmare this will create to such a bucolic scene as the farm, but what about long term low level RF radiation to my family and neighbors and the poor milk cows housed right next to it. This tower must be stopped. I don't disagree that technology must continue and better cell coverage is important. However, there are other locations nearby that could and should be investigated. Avon's Fisher

Meadows, the Polo Grounds and the Farmington Club are all commercial or recreational venues where a disguised flag pole would blend easily into the scenery and away from residential neighborhoods. I have enclosed my letters to the Town Council, Citing Council and Attorney Blumenthal. The Citing Council has scheduled a town hearing for April 15th which happens to be school vacation week. I am not sure what affect that might have on attendance.

I look forward to hearing from you and hope that you will assist us in reversing this decision. Thank you.

Sincerely,

David R Edelson DMD
11 Belgravia Terrace
Farmington, CT 06032
860-677-1263

Supercharge your AIM. Get the AIM toolbar for your browser.

Dear Members of the Town Council,

I'd like to express my opposition to and disappointment with the recent decision to allow a 117-foot cell phone tower to be placed on the town-purchased Fisher Farm, a.k.a. Simmons Farm. I feel that the way things were handled with respect to this were underhanded and greedy. The town purchased that property with taxpayer money, a good portion of which comes from the large property taxpayer base of the residential development immediately impacted by this, for the intention of keeping it as open space and for agricultural use. It was not intended to be a venue for rental to cell phone companies.

Allowing this land to be used for the placement of a cell tower is irresponsible and ill-conceived. It is a beautiful location, often painted and photographed by area artists, and the symbol on our town website. The view of the farm from Old Farms and Tillotson Road during the summer and fall months is second to none. I have often left the soccer fields of Fisher Meadows or the baseball field of Avon Old Farms, where my children have well represented the town of Farmington, and enjoyed the beautiful farm scene from the distance. To destroy that with a monolithic "pseudo pine tree" is unconscionable. Is this the legacy of the town we want to leave our children?

The communications tower, no matter how it is "dressed up," will be well above the prevailing tree canopy and tree species and will be visible to numerous homes in Devonwood and surrounding neighborhoods. Not to mention that the tower will have a 1000-gallon above ground propane tank located near agricultural machinery, manure, and fertilizer, which could have grave consequences to nearby homes and their residents, the farm, farm animals, and forest in the event of an accident or if something were to damage tank. A good number of the homes are less than 500 feet away. Are measures in place to contain a fire? Are there fire hydrants within a reasonable distance? Could a fire on the farm be contained in time to prevent it from involving the propane tank? Also, who knows what amount of microwave radiation actually comes through these things and what long-term effects they may have on the children in the area? Is the revenue from the lease going to be used to improve the structure of the farm? Could the tower be placed in the silo? Is this really what the town's people want, a 117 foot steel tree anchored to concrete attached to a generator and a propane tank surrounded by a barbed wire fence. Is this the Garden State Parkway or Town Farm Road? Too many questions need to be answered.

I am not opposed to better cell coverage in the area. I agree that technological progress must continue. However, there are better locations for this tower that should and could have been explored. Avon's Fisher Meadows, the Polo Grounds and the Farmington Club are all commercial or recreational venues where a flag pole could easily be absorbed into the scenery and away from homes and the farm.

Neighbors and I have expressed in writing our opposition to the Connecticut Siting Council and have contacted and asked Attorney General Richard Blumenthal's office for assistance. The attorney general's office has set a precedent for ill-placed cell tower applications by vowing to fight a similar situation in Easton, Connecticut in 2004.

It is not too late for the members of the Farmington Town Council to "do the right thing"

and retract their approval of the communications tower lease. I urge the Town Council to do so at the Siting Council hearing on April 15th. If the application is disapproved, the lease with Verizon becomes void and you can save face for a bad decision. You have an obligation to the taxpayers of Farmington to do the right thing and this is definitely the wrong thing.

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Sent: Wednesday, March 05, 2008 8:22 PM
To: Governor Rell; Beth.Bye@cga.ct.gov; Demetrios.Giannaros@cga.ct.gov;
Marie.Lopez.Kirkley-Bey@cga.ct.gov; Harris@senatedems.ct.gov; DeFronzo@senatedems.ct.gov
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David R Edelson DMD
11 Belgravia Terrace
Farmington, CT 06032
860-677-1263

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Allowing this land to be used for the placement of a cell tower is irresponsible and ill-conceived. It is a beautiful location, often painted and photographed by area artists, and the symbol on our town website. The view of the farm from Old Farms and Tillotson Road

during the summer and fall months is second to none. I have often left the soccer fields of Fisher Meadows or the baseball field of Avon Old Farms, where my children have well represented the town of Farmington, and enjoyed the beautiful farm scene from the distance. To destroy that with a monolithic "pseudo pine tree" is unconscionable. Is this the legacy of the town we want to leave our children?

The communications tower, no matter how it is "dressed up," will be well above the prevailing tree canopy and tree species and will be visible to numerous homes in Devonwood and surrounding neighborhoods. Not to mention that the tower will have a 1000-gallon above ground propane tank located near agricultural machinery, manure, and fertilizer, which could have grave consequences to nearby homes and their residents, the farm, farm animals, and forest in the event of an accident or if something were to damage tank. A good number of the homes are less than 500 feet away. Are measures in place to contain a fire? Are there fire hydrants within a reasonable distance? Could a fire on the farm be contained in time to prevent it from involving the propane tank? Also, who knows what amount of microwave radiation actually comes through these things and what long-term effects they may have on the children in the area? Is the revenue from the lease going to be used to improve the structure of the farm? Could the tower be placed in the silo? Is this really what the town's people want, a 117 foot steel tree anchored to concrete attached to a generator and a propane tank surrounded by a barbed wire fence. Is this the Garden State Parkway or Town Farm Road? Too many questions need to be answered.

I am not opposed to better cell coverage in the area. I agree that technological progress must continue. However, there are better locations for this tower that should and could have been explored. Avon's Fisher Meadows, the Polo Grounds and the Farmington Club are all commercial or recreational venues where a flag pole could easily be absorbed into the scenery and away from homes and the farm.

Neighbors and I have expressed in writing our opposition to the Connecticut Siting Council and have contacted and asked Attorney General Richard Blumenthal's office for assistance. The attorney general's office has set a precedent for ill-placed cell tower applications by vowing to fight a similar situation in Easton, Connecticut in 2004.

It is not too late for the members of the Farmington Town Council to "do the right thing" and retract their approval of the communications tower lease. I urge the Town Council to do so at the Siting Council hearing on April 15th. If the application is disapproved, the lease with Verizon becomes void and you can save face for a bad decision. You have an obligation to the taxpayers of Farmington to do the right thing and this is definitely the wrong thing.

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

March 3, 2008

Dear Members of the Siting Council,

I wish to express my opposition to the placement of a 117' monopine Verizon Cellco tower on the property located at 199 Town Farm Rd. Farmington, CT, which would be known to the Council as Docket #356. I am opposing the placement of this tower because it is to be placed on a very scenic and historic parcel of land that was purchased with taxpayer money for the intended use of preserving open space agriculture use and zoned Residential. More importantly, I am opposing it because it will also be located less than 500' from my home and will be quite visible year round and especially during the fall and winter months when the leaves have exfoliated. It appears in the documents presented that no consideration was given in the visual test conclusion to the homes located just west of the tower. There is over a 400 + home development that no one bothered to check during the balloon float. The Visual Resource Evaluation as listed in document "Proposed Wireless Telecommunication Facility Simmons Farm" is faulty, deficient and negligent in its conclusion as it did not take into consideration any views from several homes less than 1000' away on Belgravia Terrace, Henley Commons, Exeter Park, Chatsworth and Eton Place. Views were taken from up to several miles away but why were none taken from immediate locations just west some less than 500' to ¼ mile away? It is also interesting to note that in the document From EBI Consulting page 14 of the .pdf file located at Tab 11, Belgravia Terrace and Exeter Park are not accurately represented and are actually missing on the concentric circle diagram showing the site buffer zone. The site will also require the placement of a 1000 gallon

above ground propane tank. This poses another unnecessary danger due to it's proximity to dense forestation, several homes and a farm that not only is open to the public for produce sale but also houses several milk producing cows. In the event of an explosion of this tank, which has occurred with propane tanks, several homes would be damaged possibly inflicting human and animal casualties, a large evacuation of several near by homes would be necessary and a large forest fire could ensue.

Placement of this tower in the area proposed is negligent and insensitive to the historic, scenic, bucolic and agricultural area of the farm and to the homeowners immediately adjacent to it. I ask that you seriously consider not approving the application for Docket # 356. I have contacted the State of Connecticut Attorney General's office and asked for their assistance in reviewing the documentation for the proposed tower. There are several locations in the general area that are commercially zoned and less populated that would be suitable for this tower and still serve the needs of Verizon Cellco customer coverage that need to be explored.

Sincerely,

David R. Edelson, D.M.D.
11 Belgravia Terrace
Farmington, CT 06032

Enclosures:

Google Map of area
VHB Evaluation pages 2-5
EBI Consulting Project Site Buffer Map
Documented Search of Propane Explosions
Copy of letter to Attorney Blumenthal



Derek.Phelps@ct.g
ov.vcf (4 KB)...

Tab 5

IRVING M. EDELSON, D.D.S.
FELLOW ACADEMY OF GENERAL DENTISTRY

DAVID R. EDELSON, D.M.D.
FELLOW ACADEMY OF GENERAL DENTISTRY

PLAINVILLE DENTAL GROUP

92 EAST STREET
P.O. BOX 237
PLAINVILLE, CONNECTICUT 06062-0237
TELEPHONE (860) 747-1004

RECEIVED
MAR 04 2008

Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

March 3, 2008

CONNECTICUT
SITING COUNCIL

ORIGINAL

Dear Siting Council,

I wish to express my opposition to the placement of a 117' monopine Verizon Cellco tower on the property located at 199 Town Farm Rd. Farmington, CT, which would be known to the Council as Docket #356. I am opposing the placement of this tower because it is to be placed on a very scenic and historic parcel of land that was purchased with taxpayer money for the intended use of preserving open space agriculture use and zoned Residential. More importantly, I am opposing it because it will also be located less than 500' from my home and will be quite visible year round and especially during the fall and winter months when the leaves have exfoliated. It appears in the documents presented that no consideration was given in the visual test conclusion to the homes located just west of the tower. There is over a 400 + home development that no one bothered to check during the balloon float. The Visual Resource Evaluation as listed in document "Proposed Wireless Telecommunication Facility Simmons Farm" is faulty, deficient and negligent in its conclusion as it did not take into consideration any views from several homes less than 1000' away on Belgravia Terrace, Henley Commons, Exeter Park, Chatsworth and Eton Place. Views were taken from up to several miles away but why were none taken from immediate locations just west some less than 500' to 1/4 mile away? It is also interesting to note that in the document From EBI Consulting page 14 of the .pdf file located at Tab 11, Belgravia Terrace and Exeter Park are not accurately represented and are actually missing on the concentric circle diagram showing the site buffer zone. The site will also require the placement of a 1000 gallon above ground propane tank. This poses another unnecessary danger due to it's proximity to dense forestation, several homes and a farm that not only is open to the public for produce sale but also houses several milk producing cows. In the event of an explosion of this tank, which has occurred with propane tanks, several homes would be damaged possibly inflicting human and animal casualties, a large evacuation of several near by homes would be necessary and a large forest fire could ensue.

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IRVING M. EDELSON, D.D.S.
FELLOW ACADEMY OF GENERAL DENTISTRY

DAVID R. EDELSON, D.M.D.
FELLOW ACADEMY OF GENERAL DENTISTRY

PLAINVILLE DENTAL GROUP

92 EAST STREET

P.O. BOX 237

PLAINVILLE, CONNECTICUT 06062-0237

TELEPHONE (860) 747-1004

Sincerely,



David R. Edelson, D.M.D.
11 Belgravia Terrace
Farmington, CT 06032

Enclosures:

Google Map of area

VHB Evaluation pages 2-5

EBI Consulting Project Site Buffer Map

Documented Search of Propane Explosions

Copy of letter to Attorney Blumenthal

IRVING M. EDELSON, D.D.S.
FELLOW ACADEMY OF GENERAL DENTISTRY

DAVID R. EDELSON, D.M.D.
FELLOW ACADEMY OF GENERAL DENTISTRY

PLAINVILLE DENTAL GROUP

92 EAST STREET
P.O. BOX 237

Dear Attorney Blumenthal,
PLAINVILLE, CONNECTICUT 06062-0237
TELEPHONE (860) 747-1004

The town of Farmington recently approved the construction of a 117' monopine Verizon Celco tower on the Simmons Farm on Town Farm Road. The farm was originally purchased by the town in 2001, portions of which with DEP grant money, in order to preserve its scenic and bucolic value and as town open space. The tower will be located in the back portion of the farm in a residential zone near a development of over 400 homes and quite literally in my back yard. Although it is a monopine design constructed to "blend into" its surroundings it will be significantly higher than the existing tree canopy and won't be coincident with the surrounding tree species. Since a lease has been signed by the Town Council members and Verizon for use of this town owned taxpayer paid for land unbeknownst to the residents of the town and the 400+ homeowners at the time it was signed in August, the process has moved to the Connecticut Siting Council. The council has scheduled a town hearing on April 15th, which happens to also be school vacation week. I and some of my concerned neighbors are currently researching the land designation, the zoning laws and construction plans to see if the town violated its intended use of this taxpayer purchased land. The farm is a beautiful spot and is the picture on the Farmington town website.
<http://www.farmington-ct.org/>

My research has brought to my attention your involvement in the withdrawal of a proposed 150' cell tower in Easton in March of 2004 that was to be located near a residential zone and open space. If you and your office could please assist in the withdrawal of this proposed tower in such a scenic and historic area located near a densely populated area, that would be greatly appreciated.

Below is the link to the Siting Councils website and Docket #356.

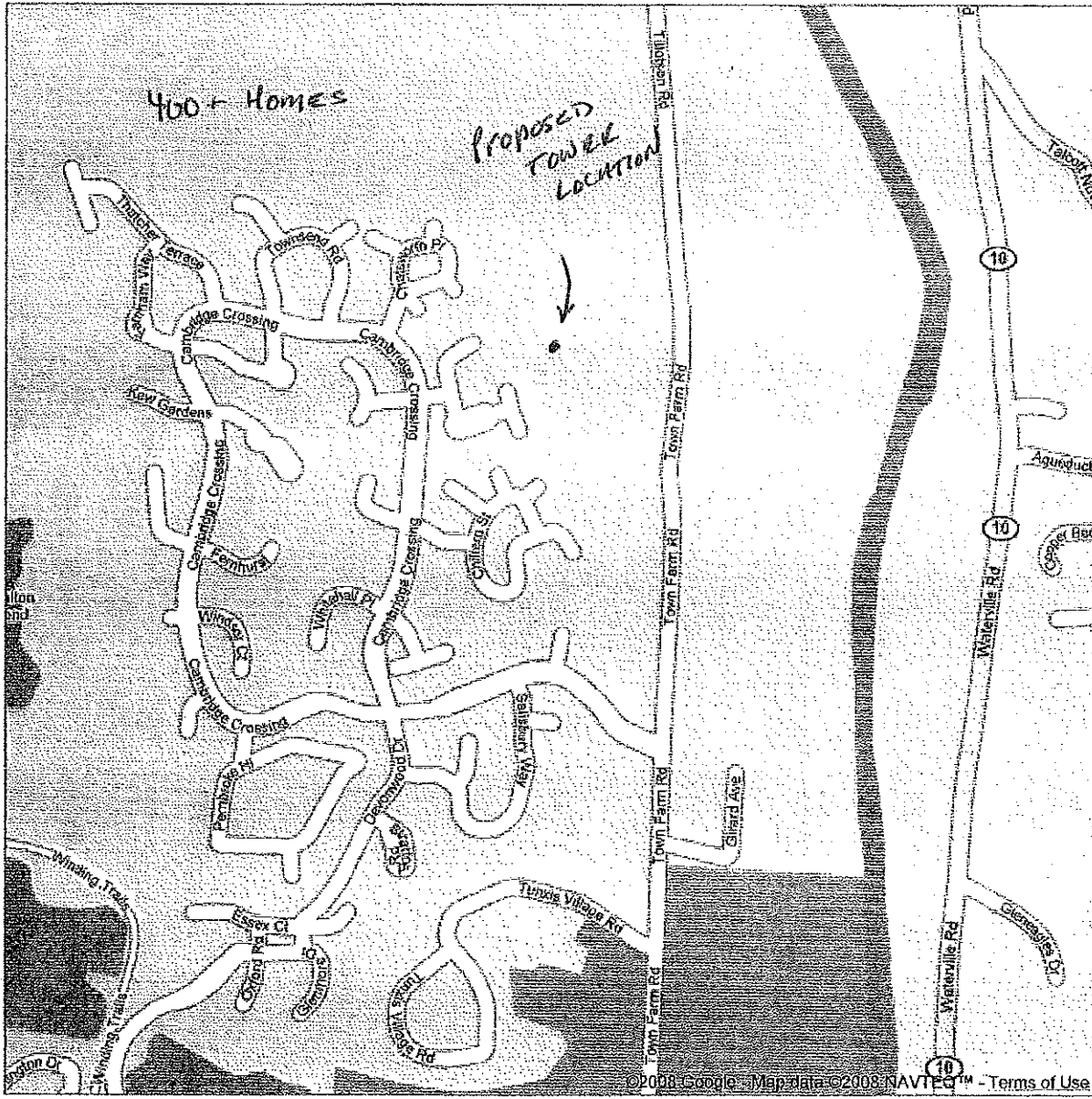
<http://www.ct.gov/csc/cwp/view.asp?a=962&Q=406068&PM=1>

Thank you for your time on this matter.

David R. Edelson, D.M.D. and other concerned residents
11 Belgravia Terrace
Farmington, CT 06032

Google Maps Address Farmington, CT

Get Google Maps on your phone
Text the word "GMAPS" to 466453



METHODOLOGY

In order to better represent the visibility associated with the Facility, VHB uses a two-fold approach incorporating both a predictive computer model and in-field analysis. The predictive model is employed to assess potential visibility throughout the entire Study Area, including private property and/or otherwise inaccessible areas for field verification. A "balloon float" and Study Area drive-through reconnaissance are also conducted to obtain locational and height representations, back-check the initial computer model results and provide documentation from publicly accessible areas. Results of both activities are analyzed and incorporated into the final viewshed map. A description of the methodologies used in the analysis is provided below.

Visibility Analysis

Using ESRI's ArcView® Spatial Analyst, a computer modeling tool, the areas from which the top of the Facility is expected to be visible are calculated. This is based on information entered into the computer model, including Facility height, its ground elevation, the surrounding topography and existing vegetation. Data incorporated into the predictive model includes a digital elevation model (DEM) and a digital forest layer for the Study Area. The DEM was derived from the United States Geological Survey (USGS) National Elevation Dataset (NED), a seamless, publicly available elevation dataset with an approximate 30-meter resolution. The forest layer was derived through on-screen digitizing in ArcView® GIS from 2006 digital orthophotos with a 1-foot pixel resolution.

Once the data are entered, a series of constraints are applied to the computer model to achieve an estimate of where the Facility will be visible. Initially, only topography was used as a visual constraint; the tree canopy is omitted to evaluate all areas of potential visibility without any vegetative screening. Although this is an overly conservative prediction, the initial omission of these layers assists in the evaluation of potential seasonal visibility of the proposed Facility. A conservative tree canopy height of 50 feet is then used to prepare a preliminary viewshed map for use during the Study Area reconnaissance. The average height of the tree canopy is determined in the field using a hand-held infrared laser range finder. The average tree canopy height is incorporated into the final viewshed map; in this case, 65 feet was identified as the average tree canopy height. The forested areas within the Study Area were then overlaid on the DEM with a height of 65 feet added and the visibility calculated. As a final step, the forested areas are extracted from the areas of visibility, with the assumption that a person standing among the trees will not be able to view the Facility beyond a distance of approximately 500 feet. Depending on the density of the vegetation in these areas, it is assumed that some locations within this range will provide visibility of at least portions of the Facility based on where one is standing. This analysis was conducted in four increments in order to provide an estimate of how much of the Facility will be seen from visible areas. As such, the model calculated areas of potential tree line views and/or views of

the upper 25% of the proposed monopine; locations where approximately half of the proposed structure would be visible; areas where approximately 75% of the monopine would be visible; and locations where the entire Facility would be visible. The results were then consolidated into a single thematic layer.

Also included on the map is a data layer, obtained from the Connecticut State Department of Environmental Protection ("CTDEP"), which depicts various land and water resources such as parks and forests, recreational facilities, dedicated open space, CTDEP boat launches and other categories. This layer is useful in identifying potential visibility from any sensitive receptors that may be located within the Study Area. Lastly, based on both a review of published information and discussions with municipal officials in Avon and Farmington, it was determined that there are no state- or locally-designated scenic roadways located within the Study Area.

A preliminary viewshed map (using topography and a conservative tree canopy height of 50 feet) is generated for use during the in-field activity in order to confirm that no significant land use changes have occurred since the aerial photographs used in this analysis were produced and to verify the results of the model in comparison to the balloon float. Information obtained during the reconnaissance is then incorporated into the final visibility map.

Balloon Float and Study Area Reconnaissance

On June 1, 2007 Vanasse Hangen Brustlin Inc., (VHB) conducted a "balloon float" at the proposed Facility location to further evaluate the potential viewshed within the Study Area. The balloon float consisted of raising and maintaining an approximate four-foot diameter, helium-filled weather balloon at the proposed site location at a height of 117 feet. Once the balloon was secured at a height of 117 feet, VHB staff conducted a drive-by reconnaissance along the roads located within the Study Area with an emphasis on nearby residential areas and other potential sensitive receptors in order to evaluate the results of the preliminary viewshed map and to verify where the balloon was, and was not, visible above and/or through the tree canopy. During the balloon float, the temperature was approximately 75 degrees Fahrenheit with calm wind conditions and sunny skies.

Photographic Documentation

During the balloon float, VHB personnel drove the public road system within the Study Area to inventory those areas where the balloon was visible. The balloon was photographed from a number of different vantage points to document the actual view towards the proposed Facility. The locations of the photos are described below:

1. View from Town Farm Road adjacent to host property

2. View from Tillotson Road.
3. View from Tillotson Road.
4. View from Old Farms Road adjacent to the George M. Trautman Park.
5. View from Bishop Lane and Cider Brook Road.

Photographs of the balloon from the view points listed above were taken with a Panasonic Digital Camera DMC-FZ5, which has a lens focal length equivalent to a 35 mm camera with a 38 to 115 mm zoom. The zoom lens was set at approximately 50 mm. "The lens that most closely approximates the view of the unaided human eye is known as the normal focal-length lens. For the 35 mm camera format, which gives a 24x36 mm image, the normal focal length is about 50 mm."

The locations of the photographic points are recorded in the field using a hand held GPS receiver and are subsequently plotted on the maps contained in the attachments to this document.

Photographic Simulation

Photographic simulations were generated for the five representative locations where the balloon was visible during the in-field activities. The photographic simulations represent a scaled depiction of the proposed Facility (a monopine) from these locations. The height of the Facility is determined based on the location of the balloon in the photograph and a proportional monopine image is simulated into the photographs. The simulations are contained in Attachment A.

CONCLUSIONS

Based on this analysis, areas from where the proposed 117-foot tall Facility would be visible above the tree canopy comprise approximately 102 acres, or just over one percent of the 8,042-acre Study Area. As depicted on the viewshed map (provided in attachment B), much of the visibility associated with the proposed Facility occurs along the Town Farm Road/Tillotson Road right-of-way and the adjacent open areas located to the east and west of the roadway corridor. This area of visibility extends north of Old Farms Road. Intermittent views of the proposed monopine may also be achieved from select portions of Bishop Lane and Cider Brook Road (as photo documented). The map also indicates several small areas of potential year-round visibility located on private properties within the Study Area. As such, these areas could not be field-verified during the balloon float. Overall, the rolling topography and existing vegetative cover contained within the Study Area would act to minimize the extent of year-round visibility associated with the proposed Facility. VHB estimates that select portions of approximately four residential properties could have at least partial year-round views of the proposed Facility. This includes three residences located

¹ Warren, Bruce. *Photography*, West Publishing Company, Eagan, MN, c. 1993, (page 70).

along Cider Brook Road and a single residence located along Stonefield Road. Such views would be largely mitigated by the design of the proposed Facility as a monopine.

The viewshed map also depicts several additional areas where seasonal (i.e. during "leaf off" conditions) views are anticipated. These areas comprise approximately 9 acres and are mainly located within the immediate vicinity of the host property. VHB estimates that no residential properties would have seasonal views of the proposed Facility.

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Recent Propane Explosions

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A man started his dryer to do his laundry and ignited gas from a leaky propane line causing an explosion that blew out a wall and several windows of his home.

Leaky corroded propane pipes in a BP refinery caused an explosion which killed 15 people.

Two men were injured by flying shrapnel when a propane tank exploded in an Arizona plant.

A couple complaining about a gas smell in their house were told to turn off the gas detector as it was "too sensitive". The gas explosion a few days later killed the husband and burned the wife over more than 50 percent of her body.

This is just a small sampling of the exploding propane cases that occur almost daily across the nation.

Propane is an extremely flammable gas that must be handled with absolute care. It is a heavy gas and can accumulate in low lying areas such as basements and floors, resulting in an explosion. Even when contained in cylinders, propane gas can build up pressure when exposed to extreme heat and can rupture the tank and explode.



Propane is a colorless and odorless gas which is intentionally odorized so that leaks can be detected. The odor is similar to rotten eggs. If you smell a gas leak in your home, RV or boat, you should extinguish all cigarettes and other sources of ignition and leave the premises immediately. Do not use any electric switches, appliances, thermostats or telephones that may cause a spark. Close the gas shutoff valve on the propane tank or cylinder. Call your propane supplier or fire department from a cell phone or a neighbors phone. Have a trained professional investigate and repair the leak.

Although propane is stable when exposed to air or moisture, you must avoid using propane near sparks, open flames or even a static charge.

Never dispose of a propane cylinder by putting it into a dumpster or cutting the tank with a torch. The tank may still contain gas which could explode causing injury. Propane tanks must be disposed of at approved Hazardous Waste disposal sites.

Horrendous personal injuries and deaths can result in large recoveries and settlements for survivors. In fact, one of the largest recoveries of the year was for a propane explosion in an Iowa home which killed seven people and injured eight. The case was settled for \$20 million - the largest personal injury settlement in Iowa history.

Propane Explosion Articles

Propane Leak: Leave the Building!

Further proof came last month that if you smell a propane leak in your home, you should leave immediately rather than trying to find the leak and fix it yourself.

Propane Explosions: Preparing for Extreme Weather

Propane Explosions: Often the result of Negligence

Keeping Safe from Propane Explosions

Propane Explosions: Often Deadly

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Propane Explosions in the News

MAR-16-07: **Propane tank explodes**, destroying Boulder home. [MY FOX: PROPANE EXPLOSION]

JAN-12-07: Texas man taken to hospital with **severe burns** after his home exploded due to a **leaky propane tank**. [KCBD: PROPANE EXPLOSION]

JAN-09-07: Sixty year old man severely burned after a **propane-tank** ignited by the spark of a lighter, **exploded** inside his trailer home. [NC TIMES: PROPANE EXPLOSION]

NOV-29-06: Twelve-ounce can of **propane explodes** in employees face, sending five to hospital. [WTAE: PROPANE EXPLOSION]

OCT-17-06: Two people killed in deadly propane tank explosion - hole found in gas line. [NEWS CHANNEL 5: PROPANE EXPLOSION]

OCT-04-06: **Explosion** at a Scottsdale plant injures two employees. [HERALD STANDARD: PROPANE]

OCT-04-06: BP sued over corroded pipeline which lead to the death of 15 people in a **propane explosion**. [SEATTLE TIMES: PROPANE EXPLOSION]

SEP-19-06: Iowa man injured in **propane explosion**. [KTIV: PROPANE EXPLOSIONS]

Send your Propane Complaint to a Lawyer

If you or a loved one has been injured or killed by a propane explosion, please send your propane complaint to a lawyer by clicking the link below. Your claim will be evaluated for no cost.

[Please click here for a free evaluation of your case](#)

Posted on Oct-4-06
Updated on Mar-18-07

I Got Scammed 27 Times
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Propane Tank Explosion Injures Two on L.I.

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LEAD: A 1,000-gallon propane tank exploded in a fireball today, injuring two people and burning out of control for three hours.

A 1,000-gallon propane tank exploded in a fireball today, injuring two people and burning out of control for three hours.

A much greater disaster, however, was averted when a Nassau County firefighter, Cary Welt, crawled under a half-full 15,000-gallon tank as flames scorched the sides and turned off valves that were venting the gas and feeding the fire.

About 10,000 people were evacuated from a quarter-mile radius around the fire, because of fears that the larger tank might also go off, said the Nassau County Executive, Thomas Gulotta.

"It would have been the equivalent of a small atomic bomb," Mr. Gulotta said. Spark Ignited Tank

The 11:45 A.M. explosion, in a rear loading dock at the All-Boro Compressed Gas Distributors, 30 Hopper Street, hurled smaller tanks several hundred feet.

The L.I.R.R. said service on the main line between Mineola and Hicksville was suspended until about 3 P.M. Brian Dolan, a spokesman for the railroad, said the fire was about a quarter mile from the tracks.

The fire started when workers were filling a 20-pound propane tank on the rear loading dock, Mr. Welt said. A spark of unknown origin ignited the small tank, which then ignited the 1,000-gallon tank and several smaller ones, he said.

Lieut. Bill Krausch, a spokesman for the Nassau County Police Department, said All-Boro workers tried to fight the blaze but fled when the flames were out of control.

Mr. Welt said that the county inspections of All-Boro were up to date and that the company had not been cited for any violations.

Two company employees were injured, Lieutenant Krausch said. Janet Sarsfield, a spokeswoman for the Nassau County Medical Center in East Meadow, said Thurmond Neal, 55 years old, of South Ozone Park, Queens, was in stable condition with burns on his face, arms, back and legs. John Taromino, 24, of Lake Ronkonkoma was treated for burns on his shoulders and was to be released, Ms. Sarsfield said.

A county police officer videotaping the firefighting operation from a helicopter spotted young people apparently looting one of the evacuated factories, and then running from the building, Lieutenant Krausch said.


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7. Novelties: Cleaner Water With a Wand (No Magic Required)
8. Paul Krugman: Deliverance or Diversion?
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Herrig Brothers Propane Tank Explosion

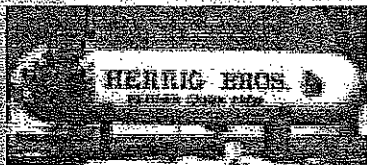
Albert City, Iowa April 9, 1998

On April 9, 1998, two volunteer firefighters were killed and seven other people were injured when a blazing 18,000-gallon propane tank exploded at the Herrig Brothers poultry farm in Albert City, Iowa. Arriving at 11:21 p.m., the firefighters had found the large storage tank engulfed in flames hundreds of feet high. The noise of gas escaping the tank through pressure relief valves was "like standing next to a jet plane with its engines at full throttle," a witness said. Minutes later the victims were struck by heavy metal fragments when the tank exploded.

The propane tank fire started after two teenagers driving an all-terrain vehicle (ATV) plowed into unprotected propane piping at the farm. This aboveground piping ran from the propane storage tank to vaporizers, which fueled heaters located in barns and other farm structures. The 42-foot long, cigar-shaped storage tank contained propane liquid and vapor under pressure, and the tank was about half full at the time of the incident.

The collision severed one pipe and damaged another, triggering a significant propane leak under the tank. About five

minutes later, propane vapor leaking from the damaged pipes ignited and burst into flames, engulfing the tank and beginning to heat the propane inside.



Herrig Tank before Explosion

Because of the flames, arriving firefighters could not approach a manual shut-off valve to stop the propane leak, and they decided to let the tank fire burn itself out. The fire chief on the scene believed that in the event of an explosion, fragments would be thrown from the tank's two dome-shaped welded ends. The areas near the sides of the tank, he believed, would be relatively safe. Shortly after their arrival, firefighters approached the sides of the flaming tank

and began spraying the surrounding buildings to prevent the spread of fire. Just seven minutes later, the burning



Damaged Property at Herrig Bros. Farm

propane tank ruptured completely, experiencing a Boiling Liquid Expanding Vapor Explosion or BLEVE.

The propane tank was blown into at least 36 pieces, some of which flew 100 feet or more. Some of the shrapnel struck firefighters; other pieces smashed into buildings, leaving nearly \$250,000 in property damage.

The U.S. Chemical Safety Board investigated this incident to determine root causes of the fire, the explosion, and the firefighter fatalities and injuries.

PROPANE TANK AND PIPING LACKED COLLISION PROTECTION

The CSB found the initial fire likely could have been avoided by protecting the aboveground propane piping from a motor vehicle collision. Had a fence or barrier been in place, the ATV driver likely would not have collided with the propane piping and no leak or fire would have occurred. Although propane delivery trucks came frequently to the farm — driving into close proximity of the storage tank and the aboveground piping — neither the tank nor the piping was protected by any fences, barriers, or posted warning signs.

Despite a requirement of Iowa state law, the Iowa State Fire Marshal evidently had not received any information about the propane system installed at Herrig Brothers. The CSB found that neither the farm owners nor the propane installers appeared to believe it was their responsibility to provide construction plans to the marshal. Had the marshal's office reviewed the plans and required a protective barrier around the aboveground pipes, the collision and fire would likely have been prevented.

WHAT IS A BLEVE?

A Boiling Liquid Expanding Vapor Explosion or BLEVE (pronounced "BLEV-ee") can occur when fire heats and weakens the walls of a storage tank, particularly in the region above the stored liquid where cooling is less effective. At some point the weakened tank can no longer withstand the internal pressure and the tank fails catastrophically, often sending fragments in many directions.

FLAWED DESIGN OF PROPANE SYSTEM

The propane piping was equipped with a safety feature designed to prevent a major leak. An "excess flow" valve installed on the tank was designed to close if the propane

flow in the piping exceeded about 200 gallons per minute — the kind of massive flow that would be expected with a complete breakage of the pipe. However, the piping installed immediately downstream of the excess flow valve was too narrow to allow the flow rate to ever reach 200 gallons per minute, even with piping completely severed further downstream.

The excess flow valve never closed and the propane leak continued unabated, feeding the fire until the time of the explosion.

This design flaw came to light in specialized testing commissioned by the CSB and performed by NASA. Had the downstream piping been large enough, the excess flow valve would have closed after the ATV collision, arresting the flow of propane and greatly reducing the severity of any fire. Most likely, no explosion would have occurred.

BETTER TRAINING COULD HAVE SAVED FIREFIGHTERS

The CSB determined that better training could have prevented the firefighter deaths and injuries. The firefighters were not prepared for the dangers of a BLEVE, where tank debris can fly in any direction, not just from the ends. Unaware of the danger, they had positioned themselves too close to the sides of the burning tank.

Nearly all Albert City firefighters had viewed a safety training video produced by the National Propane Gas Association (NPGA). The video recommended that firefighters approach a burning propane tank from the sides, and the accompanying training manual explained that pieces from a ruptured tank "can and will, most likely, travel in the direction it is pointed" i.e. along the long axis of the tank. In this incident, the Albert City Fire Chief reported that he relied on NPGA and other similar training guidelines and believed that avoiding the ends of the burning tank would protect the firefighters.

The firefighters also likely did not realize just how quickly a BLEVE can take place, typically within 10-30 minutes of the start of a fire. The firefighters had arrived about 15 minutes after the tank ignited, and the explosion occurred just seven minutes later. The speed with which these explosions can occur is an important consideration in deciding how to respond to a propane tank fire, the CSB said. When a boiling liquid expanding vapor explosion is

possible, the best emergency response may be to retreat to a safe distance and rely on unmanned firefighting equipment.

KEY RECOMMENDATIONS

After analyzing the root causes of the Herrig Brothers incident, the CSB on June 23, 1999, made a number of recommendations to improve future safety.

To the Iowa State Fire Marshal:

The Board called on the marshal to ensure full implementation of the National Fire Protection Association's standard on propane handling and storage, known as NFPA-58. In particular, the marshal should designate a specific party to be responsible for submitting propane construction plans and should provide appropriate procedures for plan approval, equipment permitting, and inspection.

To the National Propane Gas Association (NPGA):

The Board recommended that the NPGA revise its videos, manuals, and other training materials to provide appropriate instruction on responding to potential tank BLEVEs. A similar recommendation was directed to the Fire Service Institute of Iowa State University.

To the Herrig Brothers Farm:

The Board requested that the farm install fencing or barriers to protect aboveground propane pipes from vehicular damage. The Board also recommended that the design defect identified in the propane distribution system — the mismatch between the size of the excess flow valve and the downstream piping — be corrected.

HERRIG INVESTIGATION CAUSES D.O.T. GUIDEBOOK IMPROVEMENT

CSB's Herrig investigation also uncovered a potentially misleading statement in the U.S. Department of Transportation's *North American Emergency Response Guidebook*. The *Guidebook* is carried in thousands of fire trucks around the country, and firefighters often consult this reference when responding to hazardous material incidents. The 1996 version of the *Guidebook* stated that responders should "always stay away from the ends of tanks" when fighting flammable liquid tank fires. This advice could give the false impression that the sides of the tank are safe in such cases. On the advice of the Board, DOT revised the year 2000 *Guidebook*, which now counsels firefighters who face propane fires to "always stay away from tanks engulfed in fire."

NOTICE:

The CSB is an independent federal agency charged with investigating industrial chemical accidents and hazards. The CSB determines the root causes of accidents and issues safety recommendations to industry, labor, and other government agencies. CSB Investigation Digests are not intended to substitute for the official, Board-approved reports, which can be obtained from the agency's web site, www.csb.gov. The web site also has complete, up-to-date information on the implementation status of all CSB safety recommendations. Comments or suggestions, please write to info@csb.gov.

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