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December 2, 2022

Melanie A. Bachman, Esq.
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition No. 1350A - Generate NB Fuel Cells, LLC Petition for a Declaratory Ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the Proposed Construction, Maintenance and Operation of a 19.98-megawatt Combined Heat and Power Fuel Cell Facility and Associated Equipment to be Located Within Building 107 on the Corner of Curtis Street and the Pan Am Southern, LLC Railroad Tracks at the Stanley Black & Decker Campus, 480 Myrtle Street, New Britain, Connecticut

Dear Ms. Bachman:

At its December 16, 2021 meeting, the Connecticut Siting Council ("Council") considered changed conditions at the proposed project and ruled that the proposal meets air and water quality standards, would not have a substantial adverse environmental effect, and would not require a Certificate of Environmental Compatibility and Public Need. Pursuant to Condition 2 of the Council's December 21, 2021 approval letter, enclosed please find a copy of the project's spill prevention control and countermeasures plan filed on behalf of our client, Generate NB Fuel Cells, LLC.

Please feel free to contact me with any questions concerning this submittal at (203) 772-7787.

Very truly yours,



Bruce L. McDermott

Enclosure

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SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN

for the

NEW BRITAIN FUEL CELL PROJECT

90 Curtis Street

New Britain, CT 06052

Petition No. 1350A

SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN

This Spill Prevention, Control and Countermeasure Plan (SPCCP) describes measures to minimize the potential for a spill of petroleum products or a hazardous or toxic substance and, in the event that a spill does occur, to contain and control the release to minimize the effects. EIP Investment LLC (EIP) will require all construction contractors to adhere to the procedures presented in this SPCCP during the construction of the 19.98-megawatt combined heat and power fuel cell facility and associated equipment to be situated to Building 107 on the corner of Curtis Street and the Pan Am Southern, LLC railroad tracks at the Stanley Black & Decker Campus, 480 Myrtle Street, New Britain, Connecticut (Project).

Accordingly, this SPCCP describes:

- The identification of petroleum products and materials classified as hazardous or toxic that are likely to be used during Project construction;
- Training, equipment inspection and maintenance, and other procedures designed to minimize the potential for a spill;
- The transport, storage, and disposal procedures for these substances; and
- The procedures to be followed in the event of a release of a petroleum or hazardous / toxic substance to the environment, including a spill reporting protocol.

This SPCCP conforms to the requirements of the Project's regulatory approval from the Connecticut Siting Council (Council). The SPCCP applies to all elements of the construction of the Project, including not only the Project site but also contractor staging areas managed for Project support purposes.

1 Materials Subject to this SPCCP

The principal materials used during Project construction that are addressed in this SPCCP include but are not limited to petroleum products, such as fuels, lubricants, fluids, and related materials used for the operation of construction vehicles and equipment. Also included are other substances classified as hazardous or toxic that may be used during construction.

Each construction contractor will compile and maintain a list of the petroleum products and hazardous / toxic substances used in the performance of Project work, along with a Safety Data Sheet (SDS) for each such material. The SDSs will be kept on-site (e.g., at the construction contractor's office) or will otherwise be available electronically for the duration of construction. The contractor(s) will make the list of products and associated SDSs available for audit by EIP or EIP representatives upon request.

Due to the different types of petroleum products and other regulated materials typically used during construction, different handling and storage procedures may be required. EIP will require its construction contractors to adhere to all directions and warnings for products used on the Project.

2 Designation of Connecticut-Licensed Spill Response and Cleanup Contractor

Prior to the start of work on the Project, each primary Project construction contractor must identify a licensed spill response contractor who can respond promptly, if required, during construction.

3 Equipment Inspection and Maintenance

To minimize the potential for a spill due to equipment failure, the Project construction contractors will be responsible for:

- a. Routinely inspecting and maintaining construction equipment, including hydraulic lines, valves, and other hoses;
- b. Promptly repairing any equipment leaks or faulty equipment components;
- c. Routinely inspecting and maintaining in good condition all containers, valves, pipes, hoses, and other components of storage areas for fuels and lubricants;
- d. Providing appropriately-sized and provisioned spill containment kits to construction crews and replenishing such supplies as needed; and,
- e. Maintaining stockpiles of spill cleanup materials at easily accessible location(s).

4 Fuel and Material Storage

EIP's construction contractors will be required to implement the following procedures when storing fuels and hazardous / toxic substances. These procedures are intended to limit the potential for spills and to minimize the impact of releases that may accidentally occur:

- a. No bulk quantities of hazardous substances, toxic materials, or petroleum products will be stored, unless approved by EIP, within 25 feet of any waterbody, wetland, water supply well, spring, or other water resource. Such materials shall be stored in upland areas.
- b. Materials will be stored in a neat, orderly manner, in containers if appropriate, and, if possible, under a roof or enclosure.
- c. Hazardous / toxic substances and/or petroleum products will be kept in original containers with the original manufacturer's label.
 1. Fuels that need to be kept in portable containers will be stored in tightly sealed containers designed to hold such fuels and will be clearly labeled.
 2. All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be provided with impermeable containment which will hold at least 110% of the volume of the largest container, or 10% of the total volume of all containers in the area, whichever is larger, without overflow from the containment area.
 3. All chemicals and their containers shall be stored under a roofed area except for those chemicals stored in containers of a 100 gallon capacity or more, in which case a roof is not required. Double-walled tanks satisfy this requirement.
- d. Manufacturer's recommendations for proper use and disposal of a product will be followed.
- e. If surplus product must be disposed, the manufacturer's or state-recommended methods for proper disposal will be followed.

After each rainfall, the contractor will inspect all containment areas for excess water.

- a. If no sheen is visible, the contractor can pump the collected water to the ground in a manner that does not cause scouring.
- b. If present, any sheen must be cleaned up prior to discharging the water.
- c. Otherwise, the contaminated water must be transported and disposed of off-site in accordance with local, state, and federal requirements.

5 Equipment Refueling and Parking

Contractors will implement the following measures when refueling equipment and when parking equipment on the Project site:

- a. Generally, fuel will be stored at contractor yards and certain construction equipment will be refueled there if possible.
- b. Refueling equipment will be manned throughout the refueling operation.
- c. Spill kits will be on hand during all refueling operations.
- d. Equipment refueling will not be performed within 25 feet of any waterbody or wetland.
- e. During refueling, all necessary precautions will be taken to avoid or minimize the potential for an accidental spill. Appropriate spill kits / absorbent materials will be available at all refueling sites. If refueling must occur within a wetland or within 25 feet of a water resource, temporary containment will be provided as appropriate.

6 Spill Containment and Cleanup Equipment

Contractors are required to provide appropriate spill containment and cleanup equipment for use as needed during Project construction. In response to a spill, the contractor will use equipment and control/cleanup measures appropriate to contain and clean up the spilled material, taking into consideration the environmental characteristics of the area affected by the release.

7 Spill Response and Control

If a spill occurs, containment and control of the release are the immediate priorities. EIP's construction contractor(s) will take immediate action to minimize the impact of the spill (containment) and to implement appropriate cleanup action. Cleanup procedures will begin immediately after a release is contained. In the event of a spill, the contractor will typically take the following actions:

- a. The spill will be immediately stopped at the source;
- b. If the spill impacts a water resource, the spill will be contained through the use of appropriately deployed containment materials (e.g., sorbent booms, absorbent pads, constructing dikes) and then will be collected with sorbent materials, skimmed off water surfaces with booms, and/or the contaminated soil will be excavated;
- c. If the spill occurs in uplands, the contaminated soil will be excavated;
- d. The waste materials will be properly disposed of by the construction contractor's designated and pre-approved spill response firm; and
- e. The affected areas will be restored as closely as possible to previous condition.

8 Spill Notifications

Notifications to Federal, State, and Local Agencies:

In Connecticut, a spill, as defined in Connecticut General Statutes (CGS) Section 22a-450, means the discharge, spillage, uncontrolled loss, seepage, or filtrations of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous waste that poses a potential threat to human health or the environment. All such spills are reportable.

EIP requires that ANY release of these materials, in any amount, must be reported first to the CT DEEP and then to the Connecticut Siting Council. Project construction contractor(s) are responsible for providing immediate notification of spills to the CT DEEP and other entities, as required. When notifying CT DEEP, obtain the CT DEEP representative's badge number and record the Spill Identification Number assigned to the incident by CT DEEP.

It is the Project construction contractors' responsibility to report spills of any amount to CT DEEP. Spills must be reported immediately (24/7) to:

CT DEEP Emergency Response and Spill Prevention Division 860-424-3338 or toll free at 866-337-7745 (866-DEPSPIL)

If the above numbers are unavailable for any reason, call 860-424-3333

In the event of any spill, the Project construction contractor shall immediately report the following facts to CT DEEP, pursuant to CGS Section 22a-4503:

- Location of spill;
- Quantity and type of substance, material, or waste released;
- Date and cause of the incident;
- Name and address of the owner;
- Name and address of the person making the report, and their relationship to the owner.

In addition to the notification to CT DEEP, some spills may be reportable to the Federal government. An oil spill must be reported to the Federal government if the spill is to navigable waters or the adjoining shoreline; water quality standards could be violated; the spill causes a sheen or discoloration; or the spill causes a sludge or emulsion. Spills of hazardous chemicals must also be reported to the Federal government, depending on the quantity of the material spilled and if the release could threaten human health. The Federal reportable spill quantities for hazardous materials are listed in 40 CFR, Part 302.4. Incidents that are required to be reported under the Federal Emergency Planning and Community Right-to-Know Act or other prevailing/applicable Federal law are reportable to:

- The State Emergency Response Commission (CT DEEP at 860-424-3338);
- The National Response Center at 800-424-8802; and,
- The local community emergency coordinator.

A report by the Project construction contractor to the local fire department is also recommended (911 throughout Connecticut).

9 Notification and Reporting to EIP

In addition to notifying the CT DEEP, the construction contractor or other Project personnel who first observe a spill will provide immediate verbal notification to the designated EIP or Project representative. Within 24 hours of a spill, the construction contractor will prepare and submit to EIP or its Project representative a Spill Report. This report must include the following information regarding the spill, along with any relevant supporting information (such as maps) and representative photographs:

- Date, time, and location of the spill;
- The quantity and type of the substance, material, or waste spilled;
- Circumstances that caused the spill;
- List of water resources affected or potentially affected by the release (if applicable);
- Statement verifying whether a sheen is present;
- Size of the affected area;
- Estimate of the depth that the material has reached in water or in soil;
- Determination of whether the release has or will migrate off Project work areas;
- Determination of whether the release is under control;
- Status of the cleanup effort and a description of the methods used (or to be used) to clean up the release;
- Name(s), company affiliation(s), and address(es) of the personnel who identified the release;
- List of any soil and water samples taken;
- Names of contacts made to federal, state, and local agencies, as applicable, and time of report (include, at minimum, CT DEEP representative's badge number and the CT DEEP-assigned spill identification number); and
- Name, address, and company affiliation of the person who completed the Spill Report.

The designated EIP Project representative will verify that the construction contractor's Spill Report is complete.

10 Spill Cleanup

EIP's construction contractors will clean up all spills promptly using appropriate containment and cleanup measures. Spill containment equipment will not be used for storing wastes resulting from cleanup efforts or other contaminated material.

Small spills may be contained and cleaned up by Project construction crews using the on-site spill containment and cleanup materials. In such cases, all contaminated materials will be properly handled, contained, and transported in secure containment to a staging area for pick-up and ultimate disposal by the construction contractor's designated and pre-approved spill response firm.

In no case will spills or contaminated materials (including waste oils) be buried or otherwise disposed of on Project sites.

If the Project construction contractor determines that a release cannot be adequately excavated and disposed of by its construction crews alone, the construction contractor will contact the designated spill response firm. Any cleanup must be performed by a licensed spill response contractor, as required by CGS Section 22a-454. The Project construction contractor will work with the spill response contractor(s) and will verify that all excavated wastes are transported to a licensed disposal facility.

SPILL RESPONSE CONTRACTOR CONTACT INFORMATION

McVac Environmental Services, Inc.

481 Grand Avenue

New Haven, CT 06513

Phone No. 203-498-1427

CT Permit No. CT-HW-528

EPA ID CTR000005058