

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1637

KCE CT 11, 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 4.99-Megawatt AC Battery Energy
Storage Facility and Associated Equipment Located at
100 Salmon Brook Street, Granby, Connecticut, and
Associated Electrical Interconnection.

Zoom Remote Council Meeting (Teleconference),
on Tuesday, December 10, 2024, beginning at 2 p.m.

H e l d B e f o r e :

JOHN MORISSETTE, Member and Presiding Officer

1 **A p p e a r a n c e s :**

2 **Councilmembers:**

3 **JOHN MORISSETTE, (Hearing Officer)**

4
5 **BRIAN GOLEMBIEWSKI,**

6 **DEEP Designees**

7
8 **QUAT NGUYEN,**

9 **PURA Designee**

10
11 **CHANCE CARTER**

12 **KHRISTINE HALL**

13 **BILL SYME**

14 **ELIN KATZ**

15 **DANIEL P. LYNCH, JR.**

16
17 **Council Staff:**

18 **MELANIE BACHMAN, ESQ.,**

19 **Executive Director and Staff Attorney**

20
21 **IFEANYI NWANKWO,**

22 **Siting Analyst**

23
24 **DAKOTA LaFOUNTAIN**

25 **Administrative Support**

1 **A p p e a r a n c e s:(cont'd)**

2 **For KCE CT 11, LLC:**

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9
10 **For THE TOWN OF GRANBY:**

11 **UPDIKE, KELLY & SPELLACY, P.C**
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14 **By: ROBERT M. DeCRESCENZO, ESQ.**
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1 (Begin: 2:00 p.m.)

2
3 THE HEARING OFFICER: Good afternoon, ladies and
4 gentlemen. Can everybody hear me okay?

5 Thank you.

6 This continued evidentiary hearing is called
7 to order this Tuesday, December 10, 2024, at
8 2 p.m. My name is John Morissette, member and
9 Presiding Officer of the Connecticut Siting
10 Council. If you haven't done so already, I ask
11 that everyone please mute their computers and
12 their telephones now.

13 A copy of the prepared agenda is available on
14 the Council's Petition Number 1637 webpage, along
15 with a record of this matter, the public hearing
16 notice, instructions for public access to this
17 public hearing, and the Council's citizens guide
18 to the Siting Council's procedures.

19 Other members of the Council are Mr. Nguyen,
20 Mr. Golembiewski, Mr. Carter, Ms. Hall, Mr. Syme,
21 Ms. Katz, and Mr. Lynch. Members of the staff are
22 Executive Director Melanie Bachman, Siting Analyst
23 Ifeanyi Nwankwo, and Administrative Support Dakota
24 LaFountain.

25 This evidentiary session is a continuation of

1 the public hearing held on November 19, 2024. It
2 is held pursuant to provisions of Title 16 of the
3 Connecticut General Statutes and of the Uniform
4 Administrative Procedure Act, upon a petition from
5 KCE Connecticut CT 11, LLC, for a declaratory
6 ruling pursuant to Connecticut General Statutes
7 Section 4-176 and Section 1650-k, for the proposed
8 construction, maintenance, and operation of a
9 4.99-megawatt AC battery energy storage facility
10 and associated equipment located at 100 Salmon
11 Brook Street in Granby, Connecticut, and the
12 associated electrical interconnection.

13 A verbatim transcript will be made available of
14 this hearing and deposited with the Granby Town
15 Clerk's office for the convenience of the public.

16 The Council will take a 10 to 15-minute break
17 at a convenient juncture at around 3:30 p.m.

18 We'll now continue on with the motions for
19 this afternoon. We have an objection and a motion
20 that will be taken up together as follows; number
21 one, Town of Granby's objection to Petitioner's
22 submission of Late-Filed Exhibits Number 2 and 8
23 under the November 19, 2024, protective order
24 dated December 9, 2024; and the Petitioner's
25 motion for protective order of Late-Filed Exhibits

1 Number 2 and 8 dated December 10, 2024. Attorney
2 Bachman may wish to comment.

3 Attorney Bachman, good afternoon.

4 ATTORNEY BACHMAN: Good afternoon, Mr. Morissette.

5 Thank you.

6 During our cross-examination of the
7 Petitioner during the evidentiary hearing session
8 that was held on November 19, the Siting Council
9 requested Late-Filed Exhibits 2 and 8, submission
10 of the emergency response plan guidance and the
11 SolBank fire safety design documents.

12 Earlier today, the Petitioner submitted
13 Late-Filed Exhibit Number 9, which were the
14 material safety data sheets that were the subject
15 of Late-Filed Exhibit Number 9, which are now not
16 subject to any protective order.

17 The two documents that are being requested to
18 be protected are documents that are under the
19 ownership and control of the manufacturer. The
20 manufacturer is not a party or an intervener to
21 this matter. The documents were submitted on
22 December 3, 2024. We had full knowledge of the
23 fact that they may be confidential and that KCE
24 would check with the manufacturer to see if they
25 could be released. Every page of the documents is

1 marked confidential, proprietary information, do
2 not release.

3 The Petitioner doesn't have any authority to
4 release the information, however, in an effort to
5 be efficient, the Petitioner asked that they be
6 subject to the same protective order that was
7 issued on November 19th. The Town objected, and
8 so the Petitioner this morning filed a motion for
9 protective order specific to Late-Filed Exhibits 2
10 and 8.

11 Therefore, staff is going to recommend that
12 the motion for the protective order be granted,
13 and the objection would then become moot.

14 Thank you.

15 THE HEARING OFFICER: Thank you, Attorney Bachman.

16 With that, do we have a motion?

17 MR. CARTER: Good afternoon, Mr. Morissette.

18 I move that the Council adopt the protective
19 order for the exhibits in question, as noted by
20 Attorney Bachman.

21 THE HEARING OFFICER: Thank you, Mr. Carter.

22 Is there a second?

23 MS. KATZ: I'll second that.

24 THE HEARING OFFICER: Thank you, Ms. Katz.

25 We have a motion by Mr. Carter to adopt the

1 motion for protective order dated December 10,
2 2024, and we have a second by Ms. Katz. We'll now
3 move to discussion.

4 Mr. Nguyen, any discussion?

5 MR. NGUYEN: Good afternoon.

6 I do not have any discussion. Thank you.

7 THE HEARING OFFICER: Thank you, Mr. Nguyen.

8 Mr. Golembiewski, good afternoon.

9 Any discussion?

10 MR. GOLEMBIEWSKI: Good afternoon.

11 I have no discussion. Thank you.

12 THE HEARING OFFICER: Thank you.

13 Mr. Carter, good afternoon. Any discussion?

14 MR. CARTER: Good afternoon, and no discussion.

15 Thank you.

16 THE HEARING OFFICER: Thank you.

17 Ms. Hall, good afternoon. Any discussion?

18 MS. HALL: Good afternoon.

19 I will vote in favor of this motion, but I
20 will tell you that I am uncomfortable not being
21 able to release some of the information that is
22 covered.

23 THE HEARING OFFICER: Thank you, Ms. Hall.

24 Mr. Syme, any discussion?

25 MR. SYME: I have none.

1 THE HEARING OFFICER: Thank you.

2 Ms. Katz, good afternoon. Any discussion?

3 MS. KATZ: No discussion.

4 THE HEARING OFFICER: Thank you.

5 Mr. Lynch, good afternoon. Any discussion?

6 MR. LYNCH: I have no discussion.

7 Can you hear me, Mr. Morissette?

8 THE HEARING OFFICER: I can. I can hear you very well.

9 Thank you. Good afternoon.

10 And I have no discussion. We'll now move to
11 vote.

12 Mr. Nguyen, how do you vote?

13 MR. NGUYEN: I vote to approve the motion.

14 THE HEARING OFFICER: Thank you.

15 Mr. Golembiewski, how do you vote?

16 MR. GOLEMBIEWSKI: I vote to approve. Thank you.

17 THE HEARING OFFICER: Thank you.

18 Mr. Carter, how do you vote?

19 MR. CARTER: I vote to approve. Thank you.

20 THE HEARING OFFICER: Thank you.

21 Ms. Hall, how do you vote?

22 MS. HALL: I vote to approve.

23 THE HEARING OFFICER: Thank you.

24 Mr. Syme, how do you vote?

25 MR. SYME: I vote to approve.

1 THE HEARING OFFICER: Thank you.

2 Ms. Katz, how do you vote?

3 MS. KATZ: I vote to approve.

4 THE HEARING OFFICER: Thank you.

5 Mr. Lynch, how do you vote?

6 MR. LYNCH: I vote approval.

7 THE HEARING OFFICER: Thank you.

8 And I vote approval. We have a unanimous
9 decision. The Petitioner's motion for protective
10 order dated December 10, 2024, is approved. Thank
11 you, everyone.

12 We'll continue with appearance by the
13 Petitioner. In accordance with the Council's
14 November 21, 2024, continued evidentiary hearing
15 memo, we will continue with the cross-examination
16 of the Petitioner, KCE Connecticut 11, LLC, by the
17 Town of Granby, continue with the grouped business
18 parties, to be followed by cross-examination by
19 the Council on the Petitioner's new exhibits,
20 marked as Roman Number two, items B6 and 7 on the
21 hearing program.

22 Attorney Hoffman, please begin by identifying
23 the new exhibits you had filed in this matter and
24 verifying the exhibits by the appropriate sworn
25 witnesses.

1 ATTORNEY HOFFMAN: Certainly, I would ask that the
2 Witnesses turn on their cameras to begin.

3 P A U L W I L L I A M S O N,
4 J O E L V Y D U N A,
5 S T E V E N K O C H I S,
6 A N D Y B L U M,
7 K A T E L I N N I C K E R S O N,

8 recalled as witnesses, having been previously
9 sworn, were examined and testified under oath
10 as follows:

11
12 ATTORNEY HOFFMAN: And I would start with --
13 Ms. Nickerson, let's start with you.

14 Are you familiar with late-filed exhibits
15 that have been labeled one through nine?

16 THE WITNESS (Nickerson): Yes, I am.

17 ATTORNEY HOFFMAN: And did you assist in their
18 preparation?

19 THE WITNESS (Nickerson): I did.

20 ATTORNEY HOFFMAN: And are they accurate to the best of
21 your knowledge and belief?

22 THE WITNESS (Nickerson): They are.

23 ATTORNEY HOFFMAN: And do you have any changes to those
24 exhibits?

25 THE WITNESS (Nickerson): I do not.

1 ATTORNEY HOFFMAN: And do you adopt them as your sworn
2 testimony here today?

3 THE WITNESS (Nickerson): I do.

4 ATTORNEY HOFFMAN: Mr. Kochis, I have the same
5 questions for you. Are you familiar with exhibits
6 labeled Late-File Exhibits 1 through 9?

7 THE WITNESS (Kochis): Yes, I am.

8 ATTORNEY HOFFMAN: And did you assist in their
9 preparation?

10 THE WITNESS (Kochis): Yes, I did.

11 ATTORNEY HOFFMAN: And are they accurate to the best of
12 your knowledge and belief?

13 THE WITNESS (Kochis): Yes, they are.

14 ATTORNEY HOFFMAN: And do you have any changes to them
15 here today?

16 THE WITNESS (Kochis): No, I do not.

17 ATTORNEY HOFFMAN: And do you adopt them as your sworn
18 testimony today?

19 THE WITNESS (Kochis): Yes, I do.

20 ATTORNEY HOFFMAN: Very good.

21 Mr. Williamson, are you familiar with
22 exhibits labeled Late-File Exhibits 1 through 9?

23 THE WITNESS (Williamson): Yes, I am.

24 ATTORNEY HOFFMAN: And did you assist in their
25 preparation?

1 THE WITNESS (Williamson): Yes, I did.

2 ATTORNEY HOFFMAN: And are they accurate to the best of
3 your knowledge and belief?

4 THE WITNESS (Williamson): Yes, they are.

5 ATTORNEY HOFFMAN: And do you adopt them as your sworn
6 testimony here today?

7 THE WITNESS (Williamson): Yes, I do.

8 ATTORNEY HOFFMAN: Mr. Blum, I will ask you the same
9 questions. Are you familiar with Late-File
10 Exhibits 1 through 9?

11 THE WITNESS (Blum): Yes, I am.

12 ATTORNEY HOFFMAN: And did you assist in their
13 preparation?

14 THE WITNESS (Blum): I did.

15 ATTORNEY HOFFMAN: And are they accurate to the best of
16 your knowledge and belief?

17 THE WITNESS (Blum): Yes, they are.

18 ATTORNEY HOFFMAN: And do you adopt them as your sworn
19 testimony today?

20 THE WITNESS (Blum): Yes, I do.

21 ATTORNEY HOFFMAN: Mr. Morissette, although KCE has
22 other witnesses, those are the witnesses that are
23 most familiar with the late files, and I would
24 move that they be adopted as full exhibits in this
25 hearing.

1 THE HEARING OFFICER: Thank you, Attorney Hoffman.

2 Does any party or intervener object to the
3 admission of the Petitioner's new exhibits?

4 Attorney DeCrescenzo, good afternoon.

5 ATTORNEY DeCRESCENZO: Good afternoon, Mr. Morissette.

6 No objection.

7 THE HEARING OFFICER: Thank you, Attorney DeCrescenzo.

8 Susan Okie, I understand you are representing
9 the grouped business parties. Are you here this
10 afternoon? Susan Okie?

11
12 (No response.)

13
14 THE HEARING OFFICER: How about David Bostic?

15 Or James Larwood?

16
17 (No response.)

18
19 THE HEARING OFFICER: Then hearing none, the exhibits
20 are hereby admitted.

21 We will continue with cross-examination of
22 the Petitioner by the Town of Granby, starting
23 with Attorney DeCrescenzo.

24 ATTORNEY DeCRESCENZO: Mr. Morissette, I have a
25 procedural question. Am I to continue with

1 cross-examination on the record prior to the
2 late-file exhibits, and then have an opportunity
3 to cross-examine on the late-file exhibits after
4 the Siting Council has cross-examined the
5 Witnesses?

6 THE HEARING OFFICER: No, I think your opportunity to
7 cross-examination on both matters would be now.
8 We will not be going back to have you
9 cross-examine on the late files. So any questions
10 you have on the late files, please ask them now.

11 Attorney Bachman, am I correct in this
12 matter?

13 ATTORNEY BACHMAN: That's correct, Mr. Morissette.

14 Thank you.

15 THE HEARING OFFICER: Thank you. Very good.

16 Please continue.

17 ATTORNEY DeCRESCENZO: Thank you, Mr. Morissette.

18 So, I'll start off with a question about the
19 IFC bulletin. I don't know who to direct it to.
20 I'll rely on counsel to direct this to the
21 appropriate individual.

22 Is KCE of the opinion that the IAFC bulletin
23 dated August 1, 2022, remains in effect?

24 THE WITNESS (Williamson): That question would be best
25 answered by Andy Blum. Andy, would you mind

1 providing a response to the document that was
2 produced in 2022, as well as subsequent up --
3 subsequent updates that were provided in 2023?

4 THE WITNESS (Blum): Yeah. So again, Andy Blum with
5 Fire Risk Alliance. I'm a fire protection
6 engineer that is here at the request of KCE.

7 So the August 1, 2022, International
8 Association of Fire Chiefs bulletin that I believe
9 you're referring to provided some guidance on
10 emergency response procedures when -- when
11 responding to battery fire incidents. That
12 bulletin has since been updated with -- with new
13 guidance that's come out in 2023. That has also
14 come out from the International Association of
15 Fire Chiefs.

16 And so I'm not really sure exactly what you
17 mean by -- by the terminology used there, but
18 since that document has come out in 2022, new
19 revised guidance has come out from the same
20 organization.

21 And -- and I'll leave it at that, I guess.

22 ATTORNEY DeCRESCENZO: Do you have a copy of that new
23 revised guidance?

24 THE WITNESS (Blum): Yes, I do.

25 ATTORNEY DeCRESCENZO: Have you submitted it into the

1 record?

2 THE WITNESS (Blum): Yes, we have.

3 ATTORNEY DeCRESCENZO: How would I find that?

4 THE WITNESS (Williamson): You can find that submitted
5 in response to the second round of interrogatory
6 questions from the Connecticut Siting Council, and
7 that --

8 THE WITNESS (Blum): It's attachment C, is the
9 document.

10 THE WITNESS (Williamson): -- attachment C in response
11 to question -- in response to question number --
12 in response to question number eight.

13 ATTORNEY DeCRESCENZO: Okay. So I'm looking at what
14 you submitted as attachment C, and it says,
15 firefighting operations with lithium iron
16 batteries.

17 THE WITNESS (Blum): That's correct.

18 ATTORNEY DeCRESCENZO: And could you direct me to where
19 I would find that this supersedes the IAFC
20 bulletin?

21 THE WITNESS (Blum): Sure. So if you go to page 2, at
22 the bottom, the very bottom are all the
23 organizations that worked in unison together and
24 collaborated on this document. And so, in -- in
25 creating this guidance document, we have the Fire

1 Department Safety Officers Association; the
2 International Fire Chiefs Association; we have the
3 NFPA, National Fire Protection Association; the
4 National Volunteer Fire Council.

5 So a number of organizations for fire safety
6 and for firefighting got together, collaborated
7 together, and put out this updated revised
8 guidance.

9 ATTORNEY DeCRESCENZO: So it's your claim that this
10 revised guidance supersedes the August 1, 2022,
11 bulletin?

12 THE WITNESS (Blum): Well, this guidance has come out
13 more recently than the 2022 bulletin, that, that
14 you are discussing. And so this document here is
15 the latest and greatest collaboration of fire
16 chiefs, fire officers, the National Fire
17 Protection Association, in terms of guidance for
18 responding to events.

19 ATTORNEY DeCRESCENZO: So you'll agree with me that
20 there's nothing in this document that specifically
21 supersedes the August 1, 2022, bulletin?

22 ATTORNEY HOFFMAN: Mr. Morissette, I'm going to object
23 to that question. Mr. DeCrescenzo is testifying
24 and Mr. Blum answered his question.

25 THE HEARING OFFICER: Yes, I think it's been

1 established that this document is set out as
2 guidance and that has been provided as of August
3 23rd, I think the date was. And I think the
4 document stands on its own, that it is a revised
5 document that provides guidance to the fighting
6 operations.

7 So, Attorney DeCrescenzo, please move on.

8 Thank you.

9 ATTORNEY DeCRESCENZO: Could you provide us with the
10 distances between the proposed facility and the
11 commercial center?

12 THE WITNESS (Williamson): I'm going to ask Steve
13 Kochis to provide a response to that. And in
14 doing so, also note that responses with all of the
15 distances were provided in response to the second
16 round of interrogatory questions from the Siting
17 Council, question number three.

18 Steve, would you like to expand on that?

19 THE WITNESS (Kochis): This is Steve Kochis, VHB.

20 I guess I would question, does -- does it
21 need to be expanded upon besides those answers?

22 ATTORNEY DeCRESCENZO: Well, what I'm asking you is to
23 articulate what the distances are.

24 THE WITNESS (Kochis): Sure. I'll just need a minute
25 to grab those distances.

1 Is there a specific -- is there a specific
2 portion of the commercial facilities that you'd
3 want the distance from, or -- and would it be our
4 project fence?

5 **ATTORNEY DeCRESCENZO:** Yes, from the fence line to the
6 commercial center.

7 **THE WITNESS (Kochis):** I'm pulling it up right now.

8 I believe the closest distance from our
9 project fence to the -- to the closest building,
10 it may be off by a foot or two here from the
11 answer we gave, but it's approximately 178 feet to
12 the nearest commercial building, which is the
13 easternmost commercial building in the facility to
14 the north.

15 **THE WITNESS (Williamson):** This is Paul Williamson.

16 I might add to that response that in regards
17 to recommended distances based on the code and --
18 and any fire and safety recommendations, those
19 distances are usually taken from the actual
20 containers themselves, not the fence line, which
21 is a more appropriate consideration for the
22 measure.

23 **ATTORNEY DeCRESCENZO:** How about from the fence line to
24 the property line?

25 **ATTORNEY HOFFMAN:** Mr. DeCrescenzo -- I'm sorry.

1 Mr. Morissette, is Mr. DeCrescenzo asking
2 something different than what the Council asked in
3 its second set of interrogatories, question number
4 three? Because those, those distances were all
5 sussed out in 3A through 3F.

6 So, if there's something different that he
7 wants, he's certainly entitled to it, but if
8 those, if the distances that are in there have
9 already been answered, rather than have Mr. Kochis
10 or someone else estimate, I think we ought to rely
11 on those.

12 THE HEARING OFFICER: Thank you, Attorney Hoffman.

13 Attorney DeCrescenzo, there are several
14 distances outlined in the response of
15 interrogatory number three from the Council that
16 are outlined in detail. So, if there's something
17 beyond what is listed here, please ask. But if
18 it's reiterating what's already been provided, I
19 would ask that you move on.

20 Thank you.

21 ATTORNEY DeCRESCENZO: We will rely on the
22 interrogatory responses as presented to the
23 Council.

24 Getting to interrogatory number 31, the
25 original interrogatories, it states that no

1 hazardous air emissions -- well, there won't be
2 any hazardous air emissions from a fire.

3 You know, what do you have? What have you
4 submitted that supports that?

5 THE WITNESS (Williamson): This is Paul Williamson.

6 First, for clarification, I'm assuming that
7 you're referring to the interrogatory questions,
8 the first round from the Town of Granby.

9 Is that correct?

10 ATTORNEY DeCRESCENZO: That's correct, yes.

11 THE WITNESS (Williamson): Okay. We performed a
12 detailed -- or we had -- we engaged Fire Risk
13 Alliance to perform a detailed plume study that
14 was submitted as a late-filed exhibit, and I'll
15 allow Andy Blum to provide further detail of -- of
16 what that exhibit conveys, what information and
17 conclusions that conveys.

18 Andy?

19 THE WITNESS (Blum): Thank you, Paul.

20 Again, Andy Blum with Fire Risk Alliance.

21 I -- what we did at Fire Risk Alliance is we
22 performed a detailed plume analysis like -- like
23 Mr. Williamson discussed. We essentially put --
24 we essentially modeled and simulated every cell
25 within a container of -- of batteries into thermal

1 runaway. We then dispersed that gas into the open
2 air and then modeled that dispersion and spread
3 from that point source.

4 And then what the model determined is that
5 even under a worst-case, a very, very aggressive
6 failure scenario where the entire container vents
7 every cell within 79 minutes, so just over an
8 hour, we did not have a toxic gas cloud that was
9 immediately dangerous to life, that that extended
10 outside the property line.

11 And so, what that modeling shows is that
12 from -- from a toxic gas perspective, even in a
13 very worst-case, aggressive failure scenario, we
14 did not have toxic gases that extended beyond the
15 property line.

16 ATTORNEY DeCRESCENZO: And this is the plume study
17 that's titled, community risk assessment?

18 THE WITNESS (Blum): That's correct.

19 ATTORNEY DeCRESCENZO: And can you show us within that
20 document what -- well, first of all, you didn't
21 actually perform an actual test, as I understand
22 it. This was more a computer analysis?

23 THE WITNESS (Blum): That -- yes and no. So we
24 performed the computer analysis to model the
25 dispersion of gases that's -- and this is commonly

1 done in many industries in oil and gas, chemical,
2 and -- and in batteries.

3 The data, the inputs for all this came from
4 the UL 9540A fire test that was performed by a
5 nationally recognized testing lab. So all the
6 inputs in terms of the gases, the concentrations,
7 what would really get -- what truly gets released
8 from the cells during thermal runaway was all
9 collected and identified during those tests. We
10 then use those as inputs into our model.

11 ATTORNEY DeCRESCENZO: So I'm looking at page 4 of the
12 study. You take table two, gas composition vented
13 during thermal runaway cell tests.

14 Can you take a look at that?

15 THE WITNESS (Blum): Yes, I am there.

16 ATTORNEY DeCRESCENZO: Where do I find lithium on that
17 list?

18 THE WITNESS (Blum): You don't.

19 ATTORNEY DeCRESCENZO: Why not?

20 THE WITNESS (Blum): So lithium as a metal is not
21 vented from a lithium-ion battery cell.

22 ATTORNEY DeCRESCENZO: In a thermal runaway event there
23 would be no gas emissions from lithium contained
24 within the cell?

25 THE WITNESS (Blum): That is correct. So a misnomer

1 with lithium-ion batteries is that we relate them
2 back to the actual elemental metal lithium itself.
3 The -- the lithium that's within a lithium-ion
4 cell is actually a salt that is not released, you
5 know, from the cell when it -- when it fails as a
6 metal constituent.

7 ATTORNEY DeCRESCENZO: How did you determine which
8 compounds to include in this cell gas analysis?

9 THE WITNESS (Blum): So for the -- which one? Are we
10 talking specifically table two?

11 ATTORNEY DeCRESCENZO: Table two, yes.

12 THE WITNESS (Blum): So we didn't determine anything.
13 The nationally recognized testing laboratory took
14 a cell, placed it inside a sealed chamber, forced
15 it into thermal runaway. The cell then vents.
16 All those gases remain contained to that chamber,
17 and then that testing lab then identifies all the
18 gases that come off of it.

19 So that's part of the UL 9540A cell level
20 test, is that they have to identify and quantify
21 these gases coming off of a cell.

22 THE WITNESS (Williamson): In addition to that -- this
23 is Paul Williamson. In addition to that, I will
24 add that in response to the original interrogatory
25 question 44A, we provided two reports that showed

1 a -- that monitored the air quality at events
2 where there were fires.

3 So these were real-world events and -- and
4 those reports are available for your review, and
5 they collaborate what Andy is -- is communicating
6 here with the appropriate chemical make -- makeup.

7 ATTORNEY DeCRESCENZO: Well, do you know the total mass
8 of lithium iron phosphate in each of the eight
9 proposed units?

10 THE WITNESS (Blum): Are you asking, like, specifically
11 how much each battery container weighs? The --
12 the batteries themselves? Can you specify a
13 little bit for me, please?

14 ATTORNEY DeCRESCENZO: The lithium iron phosphate
15 within each of the batteries.

16 THE WITNESS (Blum): So I don't have that at my
17 fingertips. We can, you know, get the weight of
18 the battery cells for you, but I don't have that
19 at the -- right here in front of me.

20 THE WITNESS (Williamson): This is Paul Williamson
21 again.

22 Joel, is there any chance you might have any
23 of that information, or an estimate on that you
24 might be able to provide?

25 THE WITNESS (Vyduna): No, I don't. I mean, what we do

1 know is that roughly a quarter of the mass of a
2 cell by weight, it consists of lithium iron
3 phosphate.

4 The exact, like, number of kilograms or
5 pounds that exist in this individual project, I'm
6 not sure I could tell you off the top of my head.

7 ATTORNEY DeCRESCENZO: In an event of thermal runaway,
8 what happens to the lithium iron phosphate
9 contained in that unit?

10 THE WITNESS (Vyduna): So it stays contained within the
11 unit. So as Andy reiterated earlier, we know what
12 comes off in the form of gases. That is a
13 well-known established science established during
14 the UL 9540A testing conducted, as Andy mentioned,
15 and whatever does not come off as a gas remains in
16 place. And so, the lithium iron phosphate is
17 still in place.

18 ATTORNEY DeCRESCENZO: It doesn't burn?

19 THE WITNESS (Vyduna): No. So when we talk about a
20 lithium fire, which is not what's actually
21 happening when a battery goes in thermal runaway,
22 that's what's known as a class D metals fire. And
23 that's not what's happening here, because
24 elemental lithium is not present as a metal.

25 As Andy mentioned earlier, it's a lithiated

1 salt, and that lithiated salt does not behave the
2 same as lithium metal. It stays in place. It
3 does not occur as a class D fire. It does not go
4 into the air.

5 ATTORNEY DeCRESCENZO: So what happens to it?

6 THE WITNESS (Vyduna): It stays in place.

7 ATTORNEY DeCRESCENZO: It doesn't burn?

8 THE WITNESS (Vyduna): Correct.

9 ATTORNEY DeCRESCENZO: And in the event that water is
10 used to extinguish or cool a unit undergoing
11 thermal runaway, what's the expected concentration
12 of lithium, lithium oxide, and lithium hydroxide,
13 or lithium iron phosphate in the wastewater?

14 THE WITNESS (Vyduna): Sure. So I'm going to let Andy
15 answer that, but more generally, I'll give kind of
16 a preamble to -- before Andy answers the question.

17 This is something else that is an established
18 science. We are not the first parties that have
19 tried to understand what is in that water, and
20 there have been real-world testing of water runoff
21 in the incidents that have occurred, as well as
22 lab testing. And so, we know exactly what's in
23 that water. We know what its pH is and what the
24 constituents are.

25 So with that preamble out of -- out of the

1 way, Andy, if you want to give a little bit more
2 of a quantitative analysis of, like, what is in
3 there, you know, the trace elements that might
4 exist, things like that, please do so.

5 THE WITNESS (Blum): Yeah. And I apologize, sir. Do
6 you mind just re-asking the question to make sure
7 I'm -- I'm following exactly what you're looking
8 for?

9 ATTORNEY DeCRESCENZO: In the event water is used to
10 extinguish or cool a unit undergoing thermal
11 runaway, what is the expected concentration of
12 lithium, lithium oxide, lithium hydroxide, or
13 lithium iron phosphate in the wastewater?

14 THE WITNESS (Blum): Okay. Understood. So first off,
15 there should be no application of water directly
16 to this unit if it is on fire. That would go
17 against all of the industry standard practice,
18 that bulletin that you pulled up earlier, it would
19 go against every firefighter industry guidance
20 that exists today. So -- so we'll -- we'll start
21 there.

22 Secondly, in terms of quantifying that, it's
23 difficult to sit here today and -- and give you an
24 exact concentration. And the reason being is
25 there's more to it than just what's in the

1 container. How much water are we applying?
2 What's the rate we're applying? How much is that
3 volume? Right?

4 And so if you take -- if you take a little
5 bit of something and add it to a very large amount
6 of water -- right? It gets diluted and then it
7 will get diluted essentially to a level that
8 that's undetectable. If you take a lot of
9 something and add it to a very small amount of
10 water, you're going to have a very large
11 concentration. Right? Because it does not mix
12 and dilute. It does not dilute as much.

13 So in terms of giving you an exact
14 concentration, that's not really something that
15 that can be answered today.

16 ATTORNEY DeCRESCENZO: But it's greater than zero.

17 Correct?

18 THE WITNESS (Blum): In terms of? In terms of what?

19 If, again, we're going against industry guidance
20 and applying water directly to a battery that's on
21 fire? I'm just trying to understand the scenario
22 at which this is occurring.

23 ATTORNEY DeCRESCENZO: The scenario which is occurring
24 is as a thermal runaway event and there's water
25 applied to the unit, or the facility, and the

1 wastewater; what we're looking at is what's the
2 composition of that wastewater that falls off of
3 the firefighting activity and where does it go?

4 **THE WITNESS (Blum):** Understood. So for the first
5 part, let's say we follow the industry guidance
6 that the -- the IAFC has and all those other
7 acronyms down there at the bottom of that page,
8 page 2 there. We follow that guidance and we
9 apply water to adjacent exposures, adjacent
10 cabinets, things of that nature. Essentially,
11 exposure is not on fire. You would -- you would
12 have zero concentration of anything. Right?

13 It would be just like these containers
14 outside in the rain. Right? They're built,
15 purpose-built for this. They're built to be
16 installed outside for water to -- to hit them and
17 for that water to run off without any
18 contamination occurring. So, there would be
19 nothing off that if we follow the -- the proper
20 industry guidance in terms of how to respond and
21 manage these types of battery fires.

22 Now in terms of where it goes, that's outside
23 my purview in terms of wastewater and where it
24 drains off to. And Paul can probably direct you
25 to -- to where that water goes to.

1 THE WITNESS (Williamson): Sure. This is Paul
2 Williamson. That water would go into a stormwater
3 basin, and I'll let Steve Kochis speak a little
4 bit more about that.

5 However, I -- I would like to -- to
6 reemphasize that the scenario that is assumed
7 within the question is an unlikely scenario, a
8 highly unlikely scenario and, you know, based on
9 the training that Key Capture Energy will provide
10 in cooperation with the local fire departments, it
11 should never happen. And -- and that is that
12 water should never be applied directly into a
13 container that's being affected by an emergency.
14 And so that is an unlikely hypothetical situation,
15 that that would not apply in this situation.

16 With that, Steve, can you provide a little
17 bit more detail as to the flow of the water,
18 whether or not it's stormwater runoff or firewater
19 runoff from the site?

20 THE WITNESS (Kochis): Sure. This is Steve Kochis,
21 VHB.

22 The site has been designed to meet all state
23 water quality and -- and peak rate attenuation
24 requirements. Testing for geotechnical is -- is
25 ongoing and for infiltration testing and any --

1 anything that leaves the project area will be
2 collected by a permanent stormwater basin and
3 promoted. The infiltration will be promoted into
4 the ground.

5 ATTORNEY DeCRESCENZO: Let's -- let me break this down
6 a little bit. How far away from each other are
7 these units?

8 THE WITNESS (Williamson): I believe in -- in the
9 last -- this is Paul Williamson. I believe during
10 the last hearing, Steve provided an estimated
11 spacing where the -- the containers, in some cases
12 the containers are placed back to back, and I
13 believe that the distance in between the
14 containers is approximately 10 feet.

15 Steve, can you confirm from your memory on
16 that?

17 THE WITNESS (Kochis): Yeah. I'm not going to go off
18 your memory here, but I'm going to -- I'm
19 re-measuring in the plans themselves, and -- and
20 the plans have not changed since the first public
21 hearing.

22 So there the containers as currently shown on
23 the site plans are -- there's eight, eight in all.
24 The two pads that would be closest together are
25 about six inches apart and the -- the pairs of two

1 pads, the clear space between each of those would
2 be about eleven and a half feet.

3 ATTORNEY DeCRESCENZO: So, you've got a pair of units
4 that are six inches apart, and one is fully
5 engulfed in flames. And we understand by your
6 testimony that the fire department is going to be
7 trained not to put any water on that one because
8 of the hazards that creates, but instead to cool
9 down the one closest to it six inches away without
10 putting any water on the one that's engulfed in
11 flames.

12 Is that what you're going to train the fire
13 department to do?

14 THE WITNESS (Williamson): I will allow -- this is Paul
15 Williamson.

16 I'll allow Andy to provide further response
17 to that, but I -- I think in responding to that,
18 Andy, please, I think it would be worthwhile to
19 correct the characterization that the container
20 would be fully engulfed in flames. Again, not a
21 very realistic hypothetical situation. Andy?

22 THE WITNESS (Blum): Thanks, Paul.

23 Andy Blum again, Fire Risk Alliance.

24 So in terms of -- of the training -- right?
25 We provide training on -- on response

1 characteristics to -- to battery events. Right?
2 And part of that is collaborating and training the
3 fire department, but working with them, so to
4 educate them so that they have a good
5 understanding of what to do during these events.

6 And so that's -- that's -- I want to make
7 sure we're -- we're on the same page of how
8 this -- how this training works right. We don't
9 just come in and tell them, you have to do these
10 ten steps and that's it. Right?

11 Part of it is education, getting them
12 comfortable, getting them up to speed on what
13 these battery events are like so that when they're
14 there, they're making the appropriate field
15 evaluations and appropriate decisions there on
16 site on -- on how to respond.

17 Secondly, to Paul's point, what we have seen
18 with real-world events like this and also through
19 many testing where -- where these batteries get
20 pushed to a fire event is that very rarely, if
21 ever, are these some raging inferno fire. Right?

22 So it's a very slow propagating event where a
23 thermal runaway propagates essentially module by
24 module slowly through this 20-foot container. And
25 so, what we see with the fire is typically a

1 slow-moving fire that also moves its way
2 throughout the container.

3 So, it's -- it's -- I don't believe I've seen
4 any situations, very few if any, where you
5 actually have the whole 20-foot container, you
6 know, engulfed with huge flames coming out of it
7 everywhere.

8 Now to your specific question and related to
9 how to handle that unit six inches behind, one of
10 the tests and one of the requirements that's
11 required by your state fire code is that they need
12 to perform large-scale fire testing to UL 9540A.
13 And so, I had mentioned it earlier about a cell
14 level test, and UL 9540A is a test that gets
15 performed by a nationally recognized testing
16 laboratory in the U.S., which is a certified test
17 lab that has to perform this test.

18 They are independent from us, that's not FRA.
19 It's, you know, they -- it's -- it's a test that's
20 performed by UL or other test labs. And they are
21 required to run a test on the cell, so the
22 smallest anatomy of that battery system. And then
23 you need to run it on the module, which is, you
24 know, 50 to a hundred cells put together into a
25 module. And then you need to run it on the entire

1 unit.

2 So you take all the modules together. In
3 this case, there's 48 modules, and then you've got
4 to run the test on the entire cabinet. And what
5 that test needs to demonstrate is that we cannot
6 have fire spread from one unit to another based on
7 whatever spacing that the manufacturer recommends.
8 So, in this case, they -- they permit back-to-back
9 spacing of six inches.

10 So what Canadian Solar needs to demonstrate
11 is that that fire will not spread without any
12 manual intervention from one cabinet to the other.
13 And the reason that we have pushed in this
14 direction from the code perspective for -- really
15 since the beginning is exactly what you're talking
16 about, which is we are providing guidance saying,
17 do not put water on this. Let it burn out.

18 So if we are going to provide that type of --
19 of guidance, then that means the manufacturers
20 have to manufacture their products with passive
21 fire protection systems, not active like water,
22 but with passive fire protection systems to
23 maintain, to -- to ensure that we're not getting
24 fire spread from unit to unit.

25 And so, that is how these containers are

1 designed, built, and listed and tested nowadays;
2 make sure they don't spread, with thermal
3 insulation, barriers, everything built in within
4 them so that we don't spread unit to unit. That
5 way we don't have to spray water on that back unit
6 to cool it off. We can instead focus on other
7 things, if needed.

8 THE WITNESS (Williamson): In addition to the
9 information that Andy just provided, because this
10 line of questioning -- this is Paul Williamson.
11 Because this line of questioning is -- is really
12 going towards the potential for water runoff in a
13 fire event, again I turn your attention to the
14 response to the original interrogatory question
15 from the Connecticut Siting Council, question
16 number 44A.

17 And in that we refer to a Con Edison, NYSERDA
18 battery energy storage report, real-world testing,
19 and also the SDGE air quality report. When water
20 has been collected from these fires, it has been
21 shown -- and these are real-world cases, it has
22 been shown to be similar to that of a structural
23 fire, slightly basic, containing trace elements of
24 very -- various constitutes. And in most
25 jurisdictions, fire water is considered --

1 considered a product of emergency use requiring no
2 special handling.

3 That being said, there is -- any water that
4 came -- comes from an event like this on this
5 facility would go into the stormwater detention
6 ponds or basins that are designed to go with this
7 project, and could be removed from those ponds as
8 needed. Likewise, as -- as noted, this is no
9 different than any, now, fire water runoff from
10 any other structural fire.

11 And so, you know, as the Town explores this
12 opportunity and looks at this particular facility,
13 I would suggest and invite you to apply the same
14 criteria that you do for any other structure in
15 Town. For example, you were looking at a nearby
16 shopping center where there are buildings that are
17 right adjacent to each other and businesses right
18 adjacent to each other, where fire could propagate
19 from one to the other. And if the fire department
20 responded to that, you would have fire water
21 runoff.

22 ATTORNEY DeCRESCENZO: Mr. Williamson, are you
23 suggesting that a normal structure fire contains
24 the compounds that are identified on page 4, table
25 2 of the plume study, the community risk

1 assessment study that you did; carbon monoxide,
2 carbon dioxide, hydrogen, methane, ethylene,
3 ethane, propylene, propane, butylene, and pentane?
4 That's what you find in a normal structure fire?

5 Not to mention; (unintelligible) --

6 THE WITNESS (Williamson): Andy, could you -- this is
7 Paul Williamson. Please respond, Andy.

8 THE WITNESS (Blum): I think I understand the question.
9 Carbon monoxide and carbon dioxide will
10 absolutely -- those are the two most common, you
11 know, products of combustion in the world and they
12 will essentially be released from any fire event
13 that we have.

14 In terms of the other flammable gases,
15 depending on what's in that building, the answer
16 could be yes, or the answer could be no. I'm not
17 sure what -- what we're storing in these
18 hypothetical buildings that you're asking me
19 about.

20 But these, in this case, those are flammable
21 gases that you'll find in gas stations, Home
22 Depots, Walmarts, Targets, everything in those
23 stores.

24 ATTORNEY DeCRESCENZO: I think it's your testimony -- I
25 think I heard that none of the lithium compounds

1 that are very much present in these units are ever
2 going to find their way into the fire water.

3 Is that what you just told us?

4 **THE WITNESS (Blum):** What we have found, as Paul
5 indicated and Joel mentioned as well, is that
6 while -- whether it's through these regulatory
7 tests that we are -- that UL and other entities,
8 third-party test labs run, they are not detected.

9 We have not detected and found them in
10 real-world fire events, and they have not been
11 detected in -- in industry research, such as the
12 NYSERDA and Con Edison report that Paul just
13 alluded to that's been included in your original
14 interrogatories.

15 **ATTORNEY DeCRESCENZO:** Are you aware that the guidance
16 to the fire department is to stay 150 to 300 feet
17 away from this fire when it occurs?

18 **THE WITNESS (Blum):** So, the original guidance that's
19 provided is that you should -- they recommended,
20 you know, initial distance is that 150 feet. You
21 then size up the fire as you would any other fire
22 scenario, and you then make adjustments based on
23 the conditions on that day, and you make -- you
24 make your plans that way. That's the way the fire
25 department is going to respond.

1 ATTORNEY DeCRESCENZO: The fire department is going to
2 apply water to the adjacent unit, which is six
3 inches away from the unit that's on fire, and
4 you're expecting the fire department not to have
5 any of that water hit the unit that's on fire?

6 THE WITNESS (Blum): I don't believe that's what my
7 testimony was that I just provided. I think I
8 just provided a very lengthy response to that.

9 I'm not sure if I -- do I need to talk about
10 the one six inches behind again?

11 ATTORNEY DeCRESCENZO: Well, I just don't -- look, I
12 just don't understand how if the fire department
13 is 150 feet away trying to apply water on the
14 adjacent unit that's six inches from the unit on
15 fire, that no water is going to find itself on the
16 unit that's on fire, whether it's fully engulfed
17 in flames or just on fire.

18 THE WITNESS (Blum): Understood.

19 ATTORNEY DeCRESCENZO: I just don't understand it.

20 THE WITNESS (Blum): Yeah, I appreciate it. I
21 appreciate that clarity. I now understand what
22 you mean by that.

23 So, again, the initial 150-foot distance is
24 that distance that the fire department will set up
25 at initially. That does not mean all of their

1 actions are performed from 150 feet away. Right?

2 So just as they would pull up to a commercial
3 fire, a high-rise fire, they wouldn't pull up to
4 the front door -- right? And then just barge in.
5 They would park further away. They would get a
6 water supply, and then they would size up the
7 situation, determine what was going on, and then
8 they would make appropriate decisions based on
9 what they're seeing at the field.

10 That may mean moving in closer to the battery
11 containers to size it up with their personal
12 protective equipment on, their SCBAs, and then
13 making field decisions from there.

14 They may apply no water. They may -- they
15 may decide they want to apply some water. That's
16 all going to be decisions that they make based
17 on -- on the situation that day, just as the way
18 they handle any other fire scenario.

19 They don't show up and do A, B, C, D, E, and
20 F at every fire. You show up, you size it up, and
21 then you make the appropriate field decisions from
22 there.

23 **THE WITNESS (Vyduna):** Again, I would elaborate on this
24 a little bit for the benefit of the Town. So
25 let's say that there is a decision made to apply a

1 fire and many times -- or sorry, to apply water,
2 and many times the decision is not to apply water.
3 We have chunks of units that are six inches apart,
4 and then we have ten-foot aisles, roughly, on your
5 average project between units. Right?

6 Oftentimes, the term "adjacent units" is
7 actually for the ones that are ten feet away.
8 However, it is actually possible to apply to the
9 one that is six inches away because we don't just
10 have a fog nozzle. We have the options of
11 providing stream nozzles as well.

12 And when you look at how this water has been
13 applied in real-world scenarios, perhaps I am
14 positioning my truck to apply it to the front door
15 of the unit such that you, where you are actually
16 applying the water is, like, eight feet away from
17 the unit that is on fire.

18 However, to the point that you are getting
19 at, let's say that, like, water does go onto the
20 unit that is actually on fire. We have testified
21 numerous times today that the water that comes off
22 of that is no worse than what comes off of a
23 structure fire.

24 So, to cut to the chase here with the point
25 you're trying to make is, is that water cannot be

1 applied precisely to units six inches away. That
2 is not true, but let's say that it could not be
3 precise, you know, applied precisely to that unit
4 six inches away, and it does get to the unit that
5 is on fire. The runoff that comes off of that is
6 no worse than a structure fire. This has been
7 thought through. We know what's in that. We know
8 where that water is going.

9 So, I think we understand what the line of
10 questioning is going, and we acknowledge that,
11 like, it is possible that some water gets on that
12 unit if you apply it, which is not what the
13 recommendation is. But even if it happens, it's
14 not that bad.

15 THE WITNESS (Williamson): And let me -- this is Paul
16 Williamson. Let me add to that, too, that the
17 recommendation for not applying water directly
18 into the affected unit is really a recommendation
19 that the water not get inside the battery
20 compartment, inside the container.

21 If there is water splashing around on the
22 outside of the container, that's on the outside of
23 a steel wall. All of the chemicals, all of the
24 elements, all of the coolant and everything like
25 that is still contained with inside that steel

1 wall. So any water that is splashing on around on
2 the outside of that steel wall, outside of that
3 containment is not affected.

4 Now, if some of that water mixes with gases
5 coming out of the top of the structure, some of
6 that might be affected, but if it's just touching
7 the sidewalls, it's simply running down off of a
8 clean steel wall.

9 ATTORNEY DeCRESCENZO: Okay. But whatever water is
10 applied to the site is going to end up on the
11 ground at the site. And I think I heard earlier
12 that infiltration study has not yet been
13 accomplished or done.

14 Is that what I heard?

15 THE WITNESS (Williamson): Steve, can -- can you
16 elaborate a little bit further, please?

17 This is Paul Williamson.

18 Steve Kochis, can you please elaborate a
19 little bit further on both the -- the design of
20 the stormwater detention and also the stormwater
21 permit application process?

22 THE WITNESS (Kochis): Sure. This is Steve Kochis,
23 VHB.

24 The -- the testing in the specific locations
25 of the stormwater basins and the infiltration

1 testing for the same is something that's always
2 done in anticipation of the CT DEEP stormwater
3 general permit. What we have assumed so far in --
4 in the stormwater management design, based off of
5 the data for the site, is that it's a
6 well-draining sandy soil. We have every reason to
7 think that it will infiltrate extremely fast.

8 And typically speaking, that it's -- it's
9 always a little tricky as to when you go for that
10 stormwater general permit. The stormwater general
11 permit is traditionally final construction
12 documents. So, the timing of that is typically
13 that we aim to secure the Siting Council approval
14 and then move into the CT DEEP stormwater general
15 permit process, which would include the
16 infiltration results. And I would anticipate that
17 those would be shared with the Council as part of
18 the -- the pre-construction approvals to build the
19 project.

20 **ATTORNEY DeCRESCENZO:** Given that the site is in an
21 aquifer protection zone, is it advantageous to
22 have the soils well drained, as you described
23 them? By that, I think you mean that the water
24 doesn't stay on the surface very long; it quickly
25 penetrates below surface.

1 Is that something that you think, in your
2 opinion, is preferable in an aquifer protection
3 zone?

4 **THE WITNESS (Williamson):** This is Paul Williamson.

5 I -- I guess I -- I'm not going to comment on
6 whether or not it's preferable. I think we've
7 demonstrated quite clearly that any storm -- or
8 any firewater runoff that would happen from an
9 event of this site is no different than the
10 firewater runoff that would happen at the Tiger
11 Lily Restaurant, which is on the adjacent parking
12 lot, and that adjacent parking lot has limited
13 stormwater runoff protection -- or the nearby
14 grocery store, which again, does not have as
15 robust of a stormwater runoff system as has been
16 designed for this site. And so that water
17 would -- would be no -- no different than current
18 uses within the aquifer protection zone, and we've
19 demonstrated that very clearly.

20 Again, if you look at the response to
21 interrogatory question 44A, and also Exhibits E
22 and Exhibits G, you will see two reports that
23 provide real-world experiences where water runoff
24 from fires, real water runoff, measured from real
25 fires do not show any different contaminants.

1 So, if you're asking me whether or not it's
2 preferable, I guess I will ask the Town, is it
3 preferable to allow restaurants, grocery stores,
4 and shopping centers to be located in the same
5 area that represent the same or higher risk?

6 ATTORNEY DeCRESCENZO: Let me ask you about the
7 documents for which you have sought and obtained a
8 protective order.

9 Could you describe what those documents are?

10 THE WITNESS (Williamson): Yes. Let me make sure that
11 I pull up the correct title for those documents.

12 The first document is a document labeled,
13 SolBank 3.0 Safety Manual; and the second one is,
14 SolBank 3.0 Fire Safety Design. And both of those
15 documents are -- were provided by Canadian Solar.
16 They're their intellectual property and marked as
17 confidential, and therefore submitted under sealed
18 order or sealed protection.

19 And the documents contain information as the
20 title suggests, again, a safety manual that refers
21 to the proper operations and safety procedures for
22 operating the system and also fire safety design
23 considerations.

24 ATTORNEY DeCRESCENZO: And it's your testimony that the
25 Town of Granby should not have access to those

1 documents?

2 THE WITNESS (Williamson): My testimony is that those
3 documents are not underneath the ownership of Key
4 Capture Energy, and we do not have the legal right
5 to disclose those documents at this time.

6 And so --

7 ATTORNEY DeCRESCENZO: Are those documents that the
8 Granby Fire Department would find useful in its
9 emergency operations plan for this facility?

10 THE WITNESS (Williamson): This is Paul Williamson.

11 Again, I can allow Joel to expand on this a
12 little bit further. But generally speaking, when
13 you go through a project like this, before a
14 company will allow detailed documents of those
15 systems to be released to the broad-based public,
16 the project needs to receive full affirm --
17 approvals and then go into a full permit
18 procurement contract with the manufacturer, a
19 procurement and installation contract. And upon
20 installation, all of those documents would then be
21 shared with the local fire departments.

22 As -- as Andy also illustrated in both
23 today's testimony and previous testimony, there's
24 a long and detailed training process that's part
25 of developing the fire safety response plan that

1 involves the fire department. And so they're made
2 aware of these issues, but the specific details of
3 those documents can only be disclosed when the
4 manufacturer chooses to do so. They're their
5 intellectual property, and nobody on the hearing
6 today has the legal authority or right to disclose
7 that information.

8 Joel, would you like to provide any
9 additional information on the general procedures?

10 THE WITNESS (Vyduna): Yeah. So I think more
11 generally, what is contained in a modern lithium
12 iron phosphate battery is not a secret. And if
13 you were to Google lithium iron phosphate SDS, you
14 will find no shortage of available SDS sheets for
15 consumer-available batteries. In other words,
16 batteries that can be bought by any person to go
17 in golf carts or things like that where lithium
18 iron phosphate batteries are used.

19 However, when you're talking for batteries
20 like this that are integrated into a specific
21 product, while what is in those batteries is not a
22 secret, the specific proportions of the elements
23 within those batteries is considered a trade
24 secret.

25 ATTORNEY HOFFMAN: Excuse me?

1 THE WITNESS (Vyduna): And so if we --

2 ATTORNEY HOFFMAN: Excuse me, Mr. Vyduna.

3 THE WITNESS (Vyduna): Yes?

4 ATTORNEY HOFFMAN: I don't believe he was asking about
5 the SDS sheets, because those were provided. I
6 believe he was asking about the safety plans that
7 are in two and eight.

8 THE WITNESS (Vyduna): Oh, I see. So, you know, in
9 general, I think that, once again, they're just
10 considered proprietary. Right?

11 I think Andy can elaborate on this a little
12 bit more, but it is important to understand that
13 the actual safety plans prepared for the project
14 are done at a later date in consideration of the
15 codes and standards that are in place, as well as
16 certain guidance from the manufacturer.

17 However, the manufacturers do not and will
18 not dictate responses in most situations because
19 they don't want to tell the fire department what
20 to do, and they do not want to supersede the code.
21 And so, typically, that plan was provided at a
22 later date after, usually as part of the building
23 permit process or perhaps slightly after.

24 So, if that was the nature of the question, I
25 apologize for going down the wrong path there.

1 ATTORNEY DeCRESCENZO: Mr. Morissette, I'll end my
2 cross-examination here, but I'd like to reserve
3 the right to cross-examine after the Siting
4 Council has done its cross-examination because
5 topics may come up that were not covered before
6 their responses.

7 THE HEARING OFFICER: Attorney DeCrescenzo, you will
8 not have an opportunity to cross-examine the
9 Petitioner after the Council is complete.

10 So, therefore, if you do have additional
11 questions, please ask them now.

12 ATTORNEY DeCRESCENZO: What I'm asking for is the right
13 to cross-examine on the responses that we hear
14 only after the Council has cross-examined, limited
15 to responses that we haven't been able to touch
16 upon because we don't have them.

17 THE HEARING OFFICER: And what I'm saying is that you
18 do not have the opportunity to cross-examination
19 after the Council has cross-examined the
20 Petitioner.

21 So your cross-examination, if you choose to
22 not continue, is to be completed as of now.

23 ATTORNEY DeCRESCENZO: Thank you, Mr. Morissette.

24 THE HEARING OFFICER: Thank you, Attorney DeCrescenzo.

25 Okay. We'll now continue with

1 cross-examination of the Petitioner by the grouped
2 business parties.

3 Susan Okie, have you joined us? Susan Okie?

4
5 (No response.)

6
7 THE HEARING OFFICER: David Bostic, or James Larwood?

8 Is anybody from the grouped business parties
9 present?

10
11 (No response.)

12
13 THE HEARING OFFICER: Very good. Continuing on, we'll
14 now continue with cross-examination of the
15 Petitioner on the new exhibits by the Council,
16 starting with Mr. Nwankwo.

17 Mr. Nwankwo, good afternoon.

18 MR. NWANKWO: Good afternoon, Mr. Morissette.

19 Thank you.

20 I'll begin with -- my first question I'll
21 begin with referencing the Petitioner's response
22 to the second round of Council interrogatories,
23 specifically number 3B. My question is, could the
24 Petitioner please confirm the address of the
25 subject property to the west, as referenced?

1 THE WITNESS (Williamson): I'm sorry. Would you
2 please -- this is Paul Williamson.

3 Would you please restate which question
4 number you're referring to?

5 MR. NWANKWO: Number 3B.

6 THE WITNESS (Williamson): 'B' as in boy?

7 Or 'D' as in dog?

8 MR. NWANKWO: Boy.

9 THE WITNESS (Kochis): This is Steve Kochis, VHB.

10 I'm pulling that, that address up right now.

11 MR. NWANKWO: Thank you, Steve.

12 THE WITNESS (Kochis): That nearest -- that nearest
13 parcel address would be 105 Salmon Brook Street.

14 MR. NWANKWO: Okay. In addition, would this be the
15 same property address that's referenced in the
16 response to interrogatories, numbers 3D and 3E?

17 THE WITNESS (Kochis): This is Steve Kochis, VHB again.

18 Yes, that would be true.

19 MR. NWANKWO: Thank you.

20 I'll also refer to the plume study, which can
21 be identified as Late-File Exhibit 1. Could the
22 Petitioner please elaborate more on the meaning
23 and importance of the lower flammability limit,
24 also shown as LFL? Thank you.

25 THE WITNESS (Williamson): This is Paul Williamson.

1 Andy Blum, could -- Blum, you please provide
2 that response?

3 THE WITNESS (Blum): Yeah, Andy Blum with Fire and Risk
4 Alliance. Thanks for the question.

5 So, the lower flammability limit is the --
6 the limit at which a gas or a mixture of gases can
7 catch on fire in air. Right? And so,
8 essentially, if you have just a little bit of gas,
9 like hydrogen, for instance, if you -- it has an
10 LFL of 4 percent. So that means you need to have
11 four parts of hydrogen in -- out of 100 in order
12 to be at its flammable limit within -- within air.

13 And so, if you're below that, it actually
14 won't catch on fire. And then -- and then there's
15 also a state at which you could have too much
16 fuel, where it's a fuel-rich environment and it
17 actually won't catch on fire either.

18 So -- so, the importance of the LFL with a
19 vapor cloud like this, should we have thermal
20 runaway occurring and we're -- and we're releasing
21 vent gas into the atmosphere, it's going to
22 release out of the container and -- and
23 essentially it's going to mix up with -- with the
24 ambient air. And it will slowly, you know, spread
25 off the site, which is what the purpose of the

1 model was, is to demonstrate the extent at which
2 that vapor cloud will go.

3 So, the importance of the LFL extent is
4 demonstrating how far could we have a flammable
5 vapor cloud should we have this really worst-case
6 release scenario, and -- and that's what we were
7 trying to demonstrate there.

8 MR. NWANKWO: Thank you, Mr. Blum.

9 For my next question I would like to refer to
10 the Late-Filed Exhibit Number 3. It's the EPRI
11 study. So, the EPRI study references hydrogen
12 fluoride as a potential emitted chemical of
13 concern during thermal runaway events in battery
14 energy storage facilities.

15 Also, section three of the manufacturer's
16 safety data sheets, which is also identified as
17 Late-Filed Exhibit 9, also references lithium
18 hexafluorophosphate as part of the electrolyte
19 composition, and it has a concentration of 1.7
20 percent.

21 My question is, would the proposed battery
22 energy storage facility vent any fluorinated gas
23 compounds during a thermal runaway event? And if
24 so, what will be the implications on the
25 surrounding environment and the general public?

1 THE WITNESS (Williamson): This is Paul Williamson.

2 Again, Andy, I think you're best to provide a
3 response to that question.

4 THE WITNESS (Blum): Thank you, sir.

5 Andy Blum, Fire Risk Alliance.

6 So with -- with most modern fires, there are
7 situations where fluorinated gas compounds can be
8 released. And so what I mean by modern fires are
9 those that -- that are -- or involve modern
10 plastics, insulations, polyurethanes, things of
11 that nature. They can release compounds similar
12 to that. And so, yes, there are -- there are
13 hazards that -- that could be -- could exist from
14 there.

15 What we focused on with the plume model was
16 the gases that -- that were tested and -- and
17 found that were related to really the battery
18 cells themselves. That's typically what most
19 people are most concerned about, is what is vented
20 from the batteries.

21 Most of us and -- and the general public is
22 pretty familiar with what a house fire or a car
23 fire, or other modern fires, how to handle that.
24 And so most of the concern is, hey. These
25 batteries are new. What is actually coming off of

1 them during thermal runaway and what does that
2 vent gas actually look like?

3 So, that's where the plume model focused on
4 is, what is coming off the cells through that
5 little vent tab that you'll see in that image in
6 our report, what is actually venting from that
7 battery cell.

8 MR. NWANKWO: Thank you.

9 So just to be clear, that particular plume
10 study doesn't represent any fluorinated gas
11 compounds?

12 THE WITNESS (Blum): That is correct. We did not model
13 fluorinated gas compounds in that plume study
14 since we focused on the -- and again, I just want
15 to make sure it's not like we're -- we were
16 focusing specifically on what was venting from the
17 battery cells from that UL test that was performed
18 by that third-party- test lab.

19 MR. NWANKWO: Yes. And that battery cell will be the
20 same cell that is proposed to be installed on this
21 particular facility?

22 THE WITNESS (Blum): That's correct, yes.

23 MR. NWANKWO: Thank you.

24 Thank you, Mr. Morissette. That will be all
25 my questions. Thank you.

1 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

2 We'll now continue with cross-examination of
3 the Petitioner by Mr. Nguyen.

4 Mr. Nguyen, good afternoon.

5 MR. NGUYEN: Good afternoon, Mr. Morissette.

6 I have no questions. Thank you.

7 THE HEARING OFFICER: Thank you, Mr. Nguyen.

8 We'll now continue with cross-examination by
9 Mr. Golembiewski, followed by Mr. Carter.

10 Mr. Golembiewski, good afternoon.

11 MR. GOLEMBIEWSKI: Good afternoon, Mr. Morissette.

12 I don't have any additional questions.

13 Thank you.

14 THE HEARING OFFICER: Thank you, Mr. Golembiewski.

15 We'll now continue with cross-examination by
16 Mr. Carter, followed by Ms. Hall.

17 Mr. Carter, good afternoon.

18 MR. CARTER: Good afternoon, Mr. Morissette.

19 I also don't have any further questions for
20 the panel. Thank you.

21 THE HEARING OFFICER: Thank you, Mr. Carter.

22 We'll now continue with cross-examination by
23 Ms. Hall, followed by Mr. Syme.

24 Ms. Hall, good afternoon.

25 MS. HALL: I just want to follow up on that last

1 explanation. I think I'm a little thick today.

2 So you said that like most modern fires,
3 there would be some potential for emission of
4 fluoride compounds. Is that correct?

5 THE WITNESS (Blum): Andy Blum with FRA.

6 Yes, that is correct.

7 MS. HALL: What would be the source of the fluorine?

8 THE WITNESS (Blum): So -- so what we have found with
9 most -- with most modern fires of plastics, so,
10 like, if we were to take the -- hypothetically
11 probably the chair you're in right now. It's got
12 some type of foam or -- or plastic in it -- is
13 those all create hydrochloric HF, hydrochloric
14 fluoride, hydrofluoric -- hydrochloric acid, HCl,
15 things that are chloride, things of that nature.

16 So, what we are generally seeing is that from
17 the cells themselves, which is in what we have in
18 our -- our modeling report, those are not venting
19 those gases directly. Generally, it's -- it's
20 many of the other compounds -- or the -- or the
21 other components, I should say, within the battery
22 cabinet itself that's contributing a lot to a lot
23 of these fluorinated compounds.

24 So there's wiring insulation in there, for
25 instance -- right? That goes around the copper

1 wires. There's coatings, there's insulation. I,
2 you know, I talked about how the batteries need --
3 the battery containers themselves need to be built
4 to contain fires to their single unit. So there's
5 barriers in there, there's insulation, things of
6 that nature that can produce those compounds
7 should they catch on fire.

8 MS. HALL: Okay. I guess my naive speculation would be
9 that for those kinds of sources, the amount
10 actually emitted would be very small.

11 Is that correct?

12 THE WITNESS (Blum): Yeah, I don't want to -- I don't
13 want to downplay it. Right? I'm not here to tell
14 you that they don't exist or that -- that there
15 they aren't a hazard. Those compounds can be
16 deadly, just as toxic gas is deadly in a house
17 fire or any other fire. Right? It's the number
18 one killer in house fires. It's the smoke, it's
19 not the fire. Right? You've probably heard that
20 your whole life.

21 So -- so, yes, they are. They can be -- they
22 can be detrimental to -- to life and -- and to
23 health, but what we are -- have seen in terms
24 of -- of testing and in real fire events of -- of
25 similar best products, is that they are not

1 detecting any of these gases outside of the
2 property lines in any level, or any quantity
3 that's -- that's even close to being detrimental
4 to life, to life and safety.

5 And so -- and I believe we've -- we've turned
6 in several reports that are related to that
7 from -- from the San Diego fires and other test
8 reports as well that have identified very similar
9 results.

10 MS. HALL: Okay. Thank you. That's all I have.

11 THE HEARING OFFICER: Thank you, Ms. Hall.

12 We'll now continue cross-examination by
13 Mr. Syme, followed by Ms. Katz.

14 Mr. Syme, good afternoon.

15 MR. SYME: Good afternoon.

16 I have just a couple real quick questions.
17 And we've talked a lot about emergencies with
18 these, these type of facilities. I'm assuming
19 there's quite a few of these facilities in
20 operation across the United States of America.

21 What percentage of them actually have -- that
22 have had over the history of these some sort of
23 event like we've been -- emergency event like
24 we've talking about?

25 Maybe it's in all the information I have, but

1 I missed it. I'm just kind of curious if there's
2 a number that's out there that says what
3 percentage may have an emergency.

4 THE WITNESS (Williamson): This is Paul Williamson.

5 If you refer back to the -- the testimony
6 from the prior hearing, I don't have the -- the
7 statistics right here at the top of, you know, on
8 my desktop, but I did provide some statistics on
9 the fires.

10 And according to -- I'm trying to remember
11 the name of the organization right now. There's
12 an organization that -- that tracks fires in the
13 United States with information online.

14 THE WITNESS (Vyduna): It's EPRI.

15 THE WITNESS (Williamson): I'm sorry.

16 Can you repeat that?

17 THE WITNESS (Vyduna): It is the Electric Power
18 Research Institute. They have a database that
19 tracks BESS fires worldwide. And we do have the
20 number in our original interrogatory response. I
21 want to believe it was, like, in the nineties or
22 something like that. But --

23 THE WITNESS (Williamson): It's point -- it's 0.05
24 percent of batteries experience a failure. Now,
25 when -- when you look at that number, 0.05 percent

1 experience a failure, that includes batteries that
2 are being transported as well as in other uses.
3 And so that's not all installed batteries with
4 their full systems operating. So that includes
5 failures that happened at other times beyond
6 operation.

7 So again, it's -- it's a very small amount.
8 And -- and again, if you compare that to the
9 instance for a fire in a restaurant, which is
10 approximately 1.7 percent of all -- of all
11 restaurants experience a fire.

12 MR. SYME: Okay. That was my question for the day. I
13 appreciate it. Thank you.

14 THE HEARING OFFICER: Thank you, Mr. Syme.

15 We'll continue with cross-examination by
16 Ms. Katz, followed by Mr. Lynch.

17 Ms. Katz, good afternoon.

18 MS. KATZ: Good afternoon. Thank you, everyone, for
19 the time. I think a couple followups.

20 You mentioned -- and I think it's your team
21 report says, if there was a fire at the BESS,
22 there would be -- the smoke looks like it would
23 not leave the property.

24 Do I understand that correctly?

25 THE WITNESS (Blum): Yeah. Yeah, let me -- let me make

1 sure we're on the same page with -- with that. So
2 I don't want to give you the -- the impression
3 that smoke would not leave the property. It is --
4 it is certainly possible that -- that some smoke
5 could leave the property.

6 What we're looking at here is specifically
7 where that smoke level -- where that smoke is
8 dangerous. Like, that vapor cloud of smoke, where
9 is it dangerous? And so what I mean by that is
10 there's -- there's set levels that the CDC has in
11 terms of what the IDLH is, the immediately
12 dangerous to life and health.

13 And so what those concentrations are relate
14 to, like, a concentration of -- of a certain gas.
15 So, like CO, for instance, which is -- and then --
16 and then there's a duration that's applied to it
17 as well. Right? So you could get hit with some
18 CO, you know, for one second and you'd be fine.
19 But if you sat in a room, like with your car
20 running in your garage -- right? After a little
21 while, that's bad for you.

22 So, that's -- that's what we're trying to
23 demonstrate in that plume model is, where does
24 that vapor cloud extend where it's dangerous to
25 people?

1 MS. KATZ: So does the analysis change if it's a windy
2 day, or some other sort of, you know, anomalous
3 weather day that's not a clear sunny day on a
4 September?

5 THE WITNESS (Blum): Yeah, great question. And it's
6 completely flipped from what -- probably what you
7 think in that. And -- and I get this question a
8 lot. It's actually stable days, atmospheric days
9 where it's stable is -- is when we get the largest
10 extent of our -- of our gas cloud.

11 And because -- and -- and the reason is, is
12 when we have turbulence, what we do is, is we
13 increase entrainment of cool, fresh air and we get
14 more mixing. And what it actually does is it
15 breaks up that vapor cloud and it dilutes it. And
16 then you actually get a shorter vapor cloud
17 extent.

18 So, like, a cold winter for you, like, when
19 you wake up and it's 6 a.m., and it's like -- and
20 it's a clear, you can see all the stars and it's a
21 perfect, like, cold winter day for you, that's
22 actually -- and the atmosphere is really stable.
23 That's actually a worst-case day for you in terms
24 of, like, plume dispersion.

25 MS. KATZ: So I read the EPRI white paper and it

1 suggested that, like, a mini meteorological
2 station might be appropriate at a BESS
3 installation. Have you considered that as an
4 option? And if so, why or why not?

5 THE WITNESS (Blum): I'll let KCE answer that, unless
6 you guys would like me to -- to jump in.

7 THE WITNESS (Vyduna): Yeah. I mean, we -- we have a
8 meteorological station on most of our sites just
9 because, as part of normal operations, it's
10 prudent for us to understand what precipitation is
11 falling, what the ambient temperature is, things
12 like that.

13 I'm curious to see how Andy answers the
14 question. But for my personal view, having one of
15 those on site for emergency response purposes is
16 actually not prudent and probably wouldn't be
17 helpful, because you -- you don't know what
18 direction the wind is going to be blowing on a
19 certain day. You don't know which units are going
20 to be catching fire. And so having something on
21 site that is monitoring probably isn't super
22 useful.

23 Plus, what we know is that the first
24 responders for these events, they're going to set
25 up their own stations anyway, because they know

1 what direction the prevailing wind is that day.
2 They know how much smoke is there, and they'll
3 typically set up their own monitoring station.

4 And for what it's worth, when they have set
5 up those monitoring stations -- and this is in the
6 evidence that we provided, and they've monitored
7 it, what they've discovered is that nothing
8 exceeds IDLH, immediately dangerous to life and
9 health, where they set up these monitoring
10 stations.

11 So Andy, is there anything else that you want
12 to add there? Do you agree with my assessment
13 that an on-site met station probably isn't a super
14 useful tool in a real-world response scenario?

15 THE WITNESS (Blum): So -- so, yeah. I think -- I
16 think we're on the same page. So I've -- I've
17 worked on a number of projects across this country
18 and, you know, we've had a couple fire departments
19 request like a windsock, for instance, to kind of
20 put them in a couple spots around the perimeter
21 fence, because then that gives them even a better
22 idea from that 150-foot initial size-up distance.

23 All right. The wind is blowing that way.
24 Now, they'll probably know that anyway, based on,
25 like, which way the winds are, you know, if

1 there's smoke or off-gassing. But if there isn't,
2 and they're getting called out, and they're not
3 sure what's going on, because there aren't visible
4 flames or smoke, then that windsock can provide
5 them with -- with really the information they're
6 most concerned about, which is where is that
7 direction of that wind? Do we need to worry about
8 anything around this area?

9 **THE WITNESS (Vyduna):** And I'll elaborate a little bit
10 more. Usually, these requirements come out during
11 the building permit process, and I'll go on the
12 record right now under oath that if the local
13 firemen wants windsocks, if they want a
14 meteorological station, like, we're -- we're happy
15 to provide these things. They're not expensive.

16 The windsocks certainly do provide a little
17 bit more benefit, in my opinion, than like a
18 meteorological station does in a real-world
19 scenario, but if these are things that the local
20 fire department wants, they can make them a
21 condition of approval typically during the local
22 building permit approval process. And we have no
23 problem providing any of that.

24 **THE WITNESS (Williamson):** And this is Paul Williamson.

25 And I'll just add what Andy and Joel are --

1 are really kind of pointing to here is -- here at
2 Key Capture Energy we really put a high emphasis
3 on our collaboration with the local fire
4 departments. And -- and as we've stated both in
5 our verbal discussions as well as in our written
6 responses, the trainings that we hold with the
7 fire departments are a two-way training where we
8 gather information from them as well as we're
9 providing information to them.

10 And our emergency response plan is a living
11 document where, as both parties learn from and
12 gather information from each other, it's captured
13 in the document and that document continues to
14 improve practices before the project goes into
15 operation and over the life of the project.

16 MS. KATZ: I just want to make sure -- thank you very
17 much. That's a good answer. This is Elin Katz.

18 Joel, did I hear you say that you usually do
19 have meteorological stations on your BESS
20 installations? Or did you -- I thought you said
21 you usually did.

22 THE WITNESS (Vyduna): Yeah, we -- we usually do, but
23 they don't necessarily all monitor the same thing.
24 Right? So a meteorological station can monitor a
25 lot of different things. And depending on what

1 type of energy facility you have, you might have
2 different things on there.

3 So for example -- and I realize this is not a
4 solar farm, but if we would have a solar farm, we
5 would have a meteorological station that measures
6 the insolation of the sun, how much energy is
7 coming in, because that's obviously important to a
8 solar farm. When we have a meteorological station
9 on a battery site, we don't need to understand how
10 much energy is coming from the sun, so we don't
11 have that.

12 So, in general what we do have is ambient
13 temperature. We have an anemometer that measures
14 the speed of the wind. Sometimes we'll have an
15 anemometer that also measures the direction as
16 well, and then a thermometer that measures the
17 temperature there.

18 That being said, you know, imagine yourself
19 as a fire chief showing up to a site. Right?
20 You're not going to open up your laptop and
21 monitor what's on the meteorological station. You
22 know how hot or cold it is. You can visibly see
23 where the smoke is going, and you're going to
24 assess the situation based off of what you're
25 physically seeing there, not what a meteorological

1 station is -- is telling you via its telemetry and
2 data.

3 MS. KATZ: Okay. I don't know that. I'm not a fire
4 chief, so I'll take your word for it.

5 THE WITNESS (Vyduna): Uh-huh.

6 MS. KATZ: But you know, I did read -- I read the
7 transcript of public comments last night, and
8 obviously there's -- one of the concerns in the
9 community is making sure that the nearby homes and
10 businesses are protected in the event of a fire,
11 and it sounds like that's a rare event.

12 I'm just trying to think of additional bells
13 and whistles that can provide assurance to the
14 community that we collectively are doing
15 everything we can, if there is a fire, that we are
16 responding and responding appropriately.

17 THE WITNESS (Vyduna): Yeah.

18 MS. KATZ: And quickly and in the right direction,
19 which is why I'm asking you.

20 THE WITNESS (Vyduna): Yeah, for sure.

21 THE WITNESS (Williamson): Yes. Again, this is Paul
22 Williamson. Elin, I think that's a really good
23 point, and -- and again, I -- I think we've
24 conveyed our willingness to cooperate with this.

25 If either through the Siting Council -- or I

1 think, actually, probably the most -- the most
2 appropriate venue would be in discussions with the
3 fire department. If -- if there's a determination
4 that a certain type of meteorological equipment or
5 wind socks would be appropriate and helpful,
6 we're -- we're in full favor of doing everything
7 that can be done to provide that information to
8 the fire department in our collaboration with
9 them.

10 MS. KATZ: Thank you. Well, I'll leave that to the
11 Town, I guess, to explore.

12 Just two more quick questions. What has --
13 it says it's rare, but what has caused failures in
14 these BESS installations in, like, San Diego or
15 the ones you've cited as the rare examples,
16 but what's the cause?

17 THE WITNESS (Vyduna): I'll take a first crack at that.
18 So I think what's really important to
19 understand -- and this is on EPRI's website, is,
20 like, the incident rate has plummeted. And most
21 of the worst and most predominant, you know, in
22 the news incidents that we've had are old
23 facilities where we didn't know then what we know
24 now.

25 The chemistries that were used, the safety

1 measures that were in place, very different. And
2 had it not been for some of those early bad
3 incidents, the industry would not be as safe as it
4 is today. And so unfortunately, as an industry,
5 we remain plagued from our early learnings, just
6 as one day the coal, the gas, the solar, the wind
7 industry, they have all learned these lessons as
8 well. The good news is we have learned those.

9 So, in those early systems we didn't know how
10 lithium-ion fires often burned. We didn't know
11 how to put them out. We were making our best
12 guesses. So for example, a lot of those early
13 systems had chemical-based fire suppression
14 systems. They didn't work. That was not the
15 right answer. And we now know that we do not put
16 those in, and we don't even apply water in most
17 scenarios. And so, these are learnings that we
18 had.

19 But to answer your question directly, I think
20 it was bad design and a lack of codes and
21 standards. Since, I would say, 2018 -- and I'd be
22 curious to hear what Andy feels the inflection
23 point is -- but 2018 is where codes and standards
24 really took off in this industry, because we
25 applied lessons learned from what we had in those

1 original systems.

2 To answer your question directly, early on,
3 there were some infant mortality failures of cells
4 where the cells themselves in the batteries would
5 have issues and cause a fire. That almost never
6 happens now. Batteries catching fire
7 spontaneously in and of themselves, like, you
8 might have seen in, like, hoverboards five years
9 ago, like, it kind of doesn't happen anymore.

10 Or if you remember, there was the big Samsung
11 phone incident, like, 2017 or something like that;
12 or when Boeing first came out with the 787 in,
13 like, 2012, or whatever it was, they had -- they
14 had this as well. That kind of stuff doesn't
15 really happen anymore.

16 What is more likely to happen is an external
17 electrical short, or some kind of incident there
18 that itself causes the batteries to catch fire as
19 a source of fuel, not the batteries themselves
20 catching fire.

21 Andy, did I miss anything? Or -- or, you
22 know, would you add anything to that, or correct
23 me?

24 THE WITNESS (Blum): Yeah. No, I think -- I think you
25 hit all the key points there. Most of -- of

1 the -- and I would say, too, just a couple --
2 probably more information than you want to -- you
3 want to hear, but, you know, of those 90 incidents
4 that are on EPRI, you know, only around 20 of
5 those are actually in the United States.

6 And I think that's a key -- that's a key
7 thing to -- to remember in that our regulatory
8 system is far different than -- than anything
9 beyond even Europe. Right? So Europe, Asia,
10 other places where some of these events are
11 occurring does not have our regulatory system.

12 And as Joel was alluding to, you know, NFPA
13 55, which -- which I sit on, you know, came out in
14 twenty -- 2020. It's the first publication for
15 that. The UL test methods and -- and listing
16 standards that are required for cells, modules,
17 and the units themselves, you know, didn't come
18 out until the late, you know, 2018, 2019, like
19 Joel was alluding to. The test method, the 9548
20 test method that we discussed in that plume model,
21 you know, just -- just came out at the end of that
22 decade.

23 And so, because of all these safeguards that
24 are now in place from a regulatory standpoint, we
25 have seen that that, you know, that loss rate

1 plummet like Joel was talking about. And -- and
2 what we have seen from incidents in the U.S. where
3 we have had fires recently is that it's typically
4 an external event that's -- that's led to the
5 cells going into thermal runaway.

6 So, like a water intrusion, you know, when it
7 wasn't supposed to be; something didn't get sealed
8 correctly. Water gets into the batteries, the
9 batteries short out, it causes the fire. It's not
10 the cells themselves like we saw a decade ago.

11 MS. KATZ: Thank you. One more question, a completely
12 different topic. There was a lot of discussion in
13 the last hearing, in the first hearing about site
14 access. And I understand you have an easement,
15 but you've been working on a joint-use agreement.

16 If you do not come to agreement or terms on
17 that joint-use agreement, do you still have full
18 site control and the ability to access the site?

19 THE WITNESS (Williamson): Yeah. So this is Paul
20 Williamson.

21 The -- the easement is a deeded easement and
22 it guarantees the right of access to that property
23 through the deed. The shared-use agreement with
24 the other parties is just good practice to, number
25 one, ensure that as we construct the facility we

1 remain responsible for any -- any upgrades or
2 repairs that need to happen to the road to allow
3 for the construction, and then also to allow
4 ongoing maintenance.

5 And so, you know, there's -- there's three
6 major parties, basically three landowners; one
7 will be Key Capture Energy, one is Jay Larwood,
8 and then the other one is Acre Group. And those
9 three landowners -- there will be plowing
10 expenses. You know, every -- every 10 or 15
11 years, the parking lot and -- and the driveway
12 will need to be relined. And all of these will be
13 expensed, you know, relined with painting,
14 marking. And, you know, at some point, perhaps
15 some repairs to the -- to the asphalt.

16 And so, this agreement is simply good
17 practice to make sure that well ahead of time all
18 parties have a clear understanding of their
19 responsibility and costs associated with
20 maintaining that easement.

21 MS. KATZ: So, is the answer to my question really yes,
22 you have full site access and control?

23 THE WITNESS (Williamson): Correct. Correct.

24 MS. KATZ: Okay. Great. Thank you.

25 I have no further questions. Thank you very

1 much.

2 **THE HEARING OFFICER:** Thank you, Ms. Katz.

3 At this time, we're going to take a break,
4 and we will come back with cross-examination by
5 Mr. Lynch and myself. So, we are going to recess
6 until 3:45, and then we will continue with the
7 rest of this hearing.

8 So, that will be 3:45. Thank you.

9 **THE WITNESS (Williamson):** Thank you.

10
11 (Pause: 3:32 p.m. to 3:45 p.m.)

12
13 **THE HEARING OFFICER:** Thank you, everyone.

14 Is the Court Reporter back with us?

15 **THE REPORTER:** I am, and we are on the record.

16 **THE HEARING OFFICER:** Thank you.

17 Okay. We'll now continue with
18 cross-examination of the Petitioner by Mr. Lynch,
19 followed by myself. Mr. Lynch, good afternoon.

20
21 (No response.)

22
23 **THE HEARING OFFICER:** Mr. Lynch?

24
25 (No response.)

1 THE HEARING OFFICER: Okay. I will continue with my
2 cross-examination.

3 I'd like to talk a little bit about the plume
4 study, Late-File Exhibit 1. I noticed that the
5 plume study does not provide any analysis on the
6 prevailing winds. Now, I understand that this
7 particular project, that north is towards the,
8 I'll call it the mall -- not the mall, but the
9 strip mall.

10 So, do you -- well, first of all, is there
11 any analysis on prevailing winds in the study?

12 Did I miss it?

13 THE WITNESS (Blum): Yeah. Hi. Hi again. Andy Blum
14 with Fire Risk Alliance.

15 So, yes and no, as with normal -- most of my
16 responses. There is not a specific section where
17 we discuss the prevailing winds for this specific
18 site. And the reason is, and I think I touched on
19 this with a previous question, is what we did for
20 our modeling is we looked at worst-case
21 environmental conditions where we would get the
22 largest extent of -- of gas dispersion.

23 And so, what we find is that the wind
24 direction in that case will play no role in it.
25 And bigger winds, stronger winds will mix the --

1 the vapor cloud up more and will actually result
2 in smaller vapor clouds and smaller extent
3 distances.

4 So, in this case what we modeled was the most
5 stable atmosphere we could, and then found that
6 maximum distance that it goes. And then from
7 there you can draw your conclusions in any
8 direction based on what -- where the wind might be
9 that day, whether it's southeast or northwest,
10 whatever, west.

11 You can then kind of draw, like, a little
12 circle around each of the containers to determine
13 what's that maximum extent.

14 THE HEARING OFFICER: Okay. Thank you.

15 So, for this particular site location, I
16 would assume, understanding that the prevailing
17 winds are typically from west to east.

18 Is that so in this location?

19 THE WITNESS (Blum): I -- I will say typically those
20 are the conditions that -- that are there. We
21 didn't get -- we do not, I should say, we do not
22 have a weather station and -- and long-term
23 weather data that is, like, on top of this site.

24 And so, what we had done in this case is we
25 took the -- the closest most reliable weather

1 stations we had, which was the Bradley
2 International Airport and the Barnes Municipal
3 Airport. And so, that's where we grabbed our
4 weather data from.

5 But in terms of -- of getting that down,
6 because there are certainly situations where, you
7 know, at an airport you'll have prevailing winds
8 out of one direction, but once you kind of get
9 into some nuances of geographies, it can be
10 slightly different at the site.

11 So, I -- I can't say it's exactly out of the
12 west, but that is typical. Correct.

13 THE HEARING OFFICER: Okay. So, assuming that it is
14 from the west and the strip mall is to the north,
15 so the winds would typically go across from west
16 to east away from any development, developed
17 areas. Is that a safe assumption?

18 THE WITNESS (Blum): This is, yeah. That would be a
19 safe assumption. Should the winds generally be
20 out of the west, most of that smoke and the vapor
21 would -- vapor cloud would migrate to the east and
22 would not move up towards the north.

23 THE HEARING OFFICER: Great.

24 THE WITNESS (Williamson): And this is Paul Williamson.

25 I -- I might add that, you know, in an

1 anomaly where the wind is coming from the south
2 going north, as indicated from the plum study, the
3 concentrations of the smoke then are so dissipated
4 that by the time you get beyond the fence line, it
5 is not any kind of a hazardous condition,
6 regardless of the wind direction.

7 THE HEARING OFFICER: Right. Okay. Thank you.

8 That brings me to page 8 of the plume study.
9 Now, the analysis assumes three wind conditions,
10 two miles per hour -- I think it's miles per hour.

11 THE WITNESS (Blum): Correct.

12 THE HEARING OFFICER: Five miles per hour, and eleven
13 miles per hour. Now -- yeah, it is miles per
14 hour. Now, two miles per hour is not very windy
15 at all, but eleven miles an hour on the extreme --
16 well, what the analysis shows, let me make sure I
17 fully understand.

18 What the graph shows, figure five, basically
19 the outer band -- and I think it's blue, that is
20 the two miles per hour. Is that correct?

21 THE WITNESS (Blum): That's correct.

22 THE HEARING OFFICER: It's very, very hard to read the
23 colors on this.

24 THE WITNESS (Blum): I know. One of my frustrations
25 with this program is that it does not have a great

1 output. I wish it was more user friendly for the
2 outputs.

3 **THE HEARING OFFICER:** Yeah. So, just to clarify, the
4 middle band is the five miles per hour.

5 **THE WITNESS (Blum):** Correct.

6 **THE HEARING OFFICER:** And the innermost band is the
7 eleven miles per hour. So, as you had testified
8 earlier, what this graph shows is that the greater
9 the wind speed, the less of a plume that will be
10 dispersed.

11 So, why did you stop at eleven miles per hour
12 and not go greater? Because is it part of the
13 analysis you saw that the greater the wind speed
14 the less disbursement?

15 **THE WITNESS (Blum):** Yeah, that's correct. I mean,
16 we -- we certainly could have done 50. We could
17 have done 25 miles per hour, but it -- it's
18 essentially, the pattern is set, and -- and we
19 have done that for -- for other instances.

20 And if it's something, you know, you all
21 wanted to see, we'd, you know, be happy to -- to
22 extend that. But -- but we know the answer is
23 if -- if we increase the -- the wind speeds, it's
24 only going to keep moving that, that that extent
25 of that plume further in, you know, moving from

1 blue to green to red to orange, purple, whatever
2 colors we add on, it's only going to get less.

3 And so, we -- we just wanted to demonstrate
4 that the -- the, again, the stable atmospheric
5 conditions is what is -- is most, the most likely
6 scenario where you're -- that's where you're going
7 to get your largest extents of -- of toxic vapor
8 clouds.

9 THE HEARING OFFICER: Okay. Very good. Do you happen
10 to know what the average wind speed is in this
11 area that we're looking at?

12 THE WITNESS (Blum): Yeah. No, I apologize. I -- I
13 don't believe I have that off the top of my head.
14 I know we had looked at a number of wind
15 conditions from those weather stations, and I
16 picked those, those -- those wind speeds to be
17 appropriate. But I apologize, I don't have that
18 number handy.

19 THE HEARING OFFICER: Okay. Well, thank you. Thank
20 you for your responses.

21 I am now going to go to Late-File Exhibit 4.

22 MR. LYNCH: Mr. Morissette?

23 THE HEARING OFFICER: Yes.

24 MR. LYNCH: I apologize. I got back a little bit late.

25 THE HEARING OFFICER: Okay.

1 MR. LYNCH: I do have a couple of questions for the
2 applicant.

3 THE HEARING OFFICER: Okay. Thank you, Mr. Lynch.

4 Let me finish up my questions here.

5 MR. LYNCH: Oh, I thought you were done. Excuse me.

6 THE HEARING OFFICER: No. Sorry, no. I'll come right
7 back to you. Okay? Thank you.

8 I wanted to go to page 2 of Late-File
9 Exhibit -- I think it's 4. Yes, Late-File Exhibit
10 4, page 2. Now, thank you for the information. I
11 found it helpful in some regards.

12 The first paragraph up at the top of the page
13 talks about voltage impact during unplanned
14 alternate operation. And it basically says that
15 when the system is having problems, specifically
16 on circuit 43F3, that the area will be backfed
17 using reclosers from North Bloomfield through
18 feeders 2A4 from North Bloomfield. And that's in,
19 I would assume, in rare circumstances.

20 Is that a proper assumption?

21 THE WITNESS (Williamson): Excuse me. This is Paul
22 Williamson. I was on mute. I apologize for that.

23 I believe you're referring to the -- to the
24 section where that is quoted from the system
25 impact study. And -- and that is pulled from the

1 N minus 1 contingency of -- of the study that was
2 performed by Eversource, in which one of the
3 circuit -- or one of the pathways for electricity
4 is interrupted.

5 And this would be, you know, a storm type of
6 a situation. And -- and then that performance
7 that you illustrated would then be implemented.

8 THE HEARING OFFICER: Yes. Okay. All right. So it's
9 one of those scenarios of storm or any other
10 system impact.

11 A VOICE: Obstruction.

12 THE HEARING OFFICER: The feed would come from North
13 Bloomfield via the 2A4 feeder.

14 THE WITNESS (Williamson): Correct.

15 THE HEARING OFFICER: Okay. So going down to the
16 bottom two paragraphs, benefiting local regional
17 renewable generation, you indicated that 26.4
18 megawatts of solar is connected to the North
19 Simsbury substation.

20 Isn't that actually the Northeast Simsbury
21 substation? I believe it is.

22 THE WITNESS (Williamson): It may be, and if I -- if I
23 made a mistake in referencing that.

24 THE HEARING OFFICER: Yes. I believe --

25 THE WITNESS (Williamson): As far as I know, there's

1 only one Simsbury substation with the word "north"
2 in it. And therefore, if it is northeast, you are
3 correct.

4 **THE HEARING OFFICER:** Okay. Great. Okay. So you know
5 you have 26.4 megawatts of solar connected
6 essentially to the same substation that you are
7 connecting your battery facility to. So it does
8 provide for charging batteries with solar energy.

9 But then the last paragraph goes on to say
10 that there's an additional 101 megawatts of
11 intermittent solar submitted to the queue for
12 connection to North Bloomfield. Do you know what
13 that 100-megawatt facility is?

14 **THE WITNESS (Williamson):** It's -- I'm sorry. It's --
15 it's a 100-megawatt solar facility.

16 **THE HEARING OFFICER:** Yeah?

17 **THE WITNESS (Williamson):** And it's in the queue, and
18 the status of the study is it's a completed study.
19 And as of the end of October, the -- the last
20 queue report I was able to pull up, the
21 interconnection agreement was in progress between
22 ISO New England and the party that had filed the
23 queue position.

24 And so the expectation, you know, typically
25 when a project meets that milestone in the

1 interconnection process and they are in the
2 progress of negotiating an interconnection
3 agreement, that's a pretty significant milestone.
4 And -- and it's reasonable to expect that that 100
5 megawatts of solar would come online at North
6 Bloomfield.

7 One -- one very important nuance of that,
8 that is actually a direct line tap on the circuit
9 coming from North Bloomfield. But as you
10 indicated for our project going into Simsbury, it
11 acts as though it's directly connected to North
12 Bloomfield.

13 And so that electricity coming from that
14 100-megawatt solar project can flow through the --
15 it's -- it's coming in on the 115 kV side of North
16 Bloomfield. It would flow down through the
17 distribution side, the lower side of the North
18 Bloomfield substation. And when, you know,
19 when -- when conditions are appropriate and -- and
20 if, as needed, that energy could be -- could be
21 pushed through up into some -- Simsbury if there's
22 additional generation needed in that area.

23 **THE HEARING OFFICER:** Okay. But the north, that would
24 be connected to the 115 into the North Bloomfield
25 substation and then to flow to Northeast Simsbury.

1 I'm not sure that that much is going to flow
2 to Northeast Simsbury, but do you know where the
3 location of that solar farm is by chance?

4 THE WITNESS (Williamson): I do not know.

5 THE HEARING OFFICER: Okay.

6 THE WITNESS (Williamson): In the queue report, it --
7 it simply refers to tapping the circuit coming
8 from North Bloomfield.

9 THE HEARING OFFICER: Very good.

10 THE WITNESS (Williamson): And it does not provide a
11 specific location.

12 THE HEARING OFFICER: Okay. Thank you. That's all the
13 questions I have.

14 We'll now continue with cross-examination by
15 Mr. Lynch. Mr. Lynch, good afternoon.

16 MR. LYNCH: Good afternoon. I apologize for coming in
17 late.

18 I do have a couple of questions regarding the
19 firefighting. And having spoken to a lot of
20 municipal and volunteer fire departments on how
21 they would fight battery fires, here I found that
22 rather interesting -- but I can't testify. So I'm
23 just going to ask a couple simple questions.

24 In your two-week training period, the Town,
25 which is a volunteer fire department, did you

1 discuss any usage of CO2 or foam to fight the
2 fire?

3 THE WITNESS (Williamson): This is Paul Williamson.
4 Thank you for the question, Mr. Lynch.

5 I want -- I want to clarify and make sure
6 that we've communicated this properly. We've had
7 an initial meeting with town officers that
8 included the -- the presence and involvement of
9 Fire Marshal Brian Long, and I've met the Fire
10 Chief Mr. Horr for the Granby Fire Department.
11 However, his meeting that I had with him was cut
12 short because he had to respond to an event.

13 Subsequent to that, we've reached out to both
14 individuals and offered to provide further
15 educational and training events. Neither one of
16 them has had the opportunity to accept that
17 invitation yet, and so we have not actually
18 conducted any detailed educational or training
19 events with either of those individuals or the
20 fire department.

21 But it is, you know, as -- as we've stated
22 from our initial meetings with them, as we've
23 stated in our permit application, and as we'll
24 continue to do, we will continue to reach out to
25 them and conduct that training with the fire

1 department, coordinate that and conduct the
2 training with the fire department before we go
3 into construction, and then again, before we go
4 into operations. And then that training will be
5 repeated on an annual basis for any updates or
6 improvements.

7 MR. LYNCH: You anticipated my next question on how --
8 if there will be continuous training, but if it's
9 going to be on an annual basis, I applaud you for
10 that.

11 Also, the number-one firefighting technique
12 you state prevents spreading of the fire; you're
13 doing that, but in case the fire gets out of
14 control and it does spread, do you know whether
15 the Town has any community agreements with larger
16 towns like Simsbury, Enfield, or Southwick, Mass,
17 that could come in and help in case the fire gets
18 out of control?

19 THE WITNESS (Williamson): So again, this is Paul
20 Williamson. Thank you for that question.

21 We -- we don't know if there's any existing
22 agreements, however, in -- in the meetings that I
23 mentioned previously, and also in -- in written
24 information that we've sent to the fire
25 department, we have asked if they had, you know,

1 if -- if there are any interested parties beyond
2 the Town of Granby that they would like to include
3 in the training, and we invite and we welcome --
4 welcome them to identify.

5 And so if the local fire department suggests
6 or requests that we include any neighboring Town
7 fire departments in that training, by all means,
8 we'll -- we'll be glad to pull those additional
9 individuals into that training and invite them to
10 participate.

11 And once again, let me reiterate that Key
12 Capture Energy is fully responsible with our
13 partners such as Fire and Risk Alliance for
14 creating the curriculum and in putting that
15 information together and hosting the training, as
16 well as -- as the costs associated with that
17 training.

18 So none of that is a burden on -- on any of
19 those, you know, either the local fire department
20 or surrounding fire departments that would
21 participate.

22 THE WITNESS (Vyduna): And to elaborate on this a
23 little bit, to your question about mutual aid,
24 while we have not been able to speak with the
25 local fire department, what we have been able to

1 ascertain from publicly available information is
2 that they do have multiple mutual aid agreements
3 with nearby fire departments, which is very
4 common, whether it's a full-time or a volunteer
5 fire -- fire station, or fire department.

6 And as Paul mentioned, we're -- we're very
7 accustomed to doing training with all the mutual
8 aid organizations as well.

9 MR. LYNCH: Yeah, I know it's very common.

10 That's why I asked the question.

11 THE WITNESS (Vyduna): Uh-huh.

12 MR. LYNCH: And my last question is this. If the Town
13 or towns needed any special equipment for
14 firefighting, I don't know what that might be, but
15 would you provide it if they asked for it?

16 THE WITNESS (Williamson): Joel, I'll let you respond
17 to that.

18 THE WITNESS (Vyduna): Yeah, I think -- I think the
19 answer is it depends. I mean, that being said,
20 we -- we know exactly what the local fire
21 department does have. The apparatus are listed on
22 their website. They are by -- by, I think,
23 national standards, a very well equipped local
24 fire department.

25 And what we can see is that they have the

1 right apparatus. They have the right amount of
2 hose and water on those apparatus, and they have
3 self contained breathing apparatus, you know,
4 which is standard firefighter turnout gear. And
5 the National Fire Protection Association has
6 deemed that standard firefighter turnout gear is
7 appropriate for these fires.

8 So, in certain cases we've worked with
9 exceptionally rural or less well-funded fire
10 departments where maybe they do not have self
11 contained breathing apparatus, or they don't have
12 the training to use it. And there have been cases
13 where we have bought that equipment and provided
14 that training.

15 But from what we can tell from -- from the
16 website for Lost Hills (sic.; Lost Acres) is
17 that -- very well equipped and have everything
18 they need.

19 MR. LYNCH: Thank you very much.

20 Those are all my questions, Mr. Morissette.

21 THE HEARING OFFICER: Thank you, Mr. Lynch.

22 We'll continue with the -- or we'll now
23 commence with the appearance by the Town of
24 Granby. Will the Town of Granby present its
25 witness panel for purposes taking the oath, and we

1 will have Attorney Bachman administer the oath?

2 Attorney DeCrescenzo?

3 ATTORNEY DeCRESCENZO: Thank you, Mr. Morissette.

4 I'll first call upon Mark Fiorentino, the
5 First Selectman. And I'll ask him if he is
6 familiar with the submission made on his behalf.

7 MARK FIORENTINO: Yes, sir. I am.

8 ATTORNEY DeCRESCENZO: Did you prepare or assist in the
9 preparation of that submission?

10 MARK FIORENTINO: Yes.

11 ATTORNEY DeCRESCENZO: Is it accurate to your best
12 knowledge and belief?

13 THE HEARING OFFICER: Attorney DeCrescenzo, we need to
14 take the oath first.

15 ATTORNEY DeCRESCENZO: Oh, I'm sorry.

16 I'm getting ahead of myself.

17 THE HEARING OFFICER: Thank you.

18 Attorney Bachman -- well, please identify
19 your witnesses, first of all.

20 ATTORNEY DeCRESCENZO: I have with me today, Mark
21 Fiorentino, the First Selectman; Kate Bednaz, the
22 Town of Granby wetlands agent; Mark Gottlieb, an
23 LEP, Senior Environmental Consultant for GeoQuest;
24 and John Oates.

25 THE HEARING OFFICER: Thank you.

1 Attorney Bachman?

2 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

3 If the witnesses could please just raise your
4 right hands?

5 M A R K F I O R E N T I N O

6 K A T E B E D N A Z,

7 M A R K G O T T L I E B,

8 J O H N O A T E S,

9 called as witnesses, being sworn by

10 THE EXECUTIVE DIRECTOR, were examined and

11 testified under oath as follows:

12
13 THE HEARING OFFICER: Thank you. Thank you, Attorney
14 Bachman.

15 Attorney DeCrescenzo, please begin by
16 verifying all the exhibits by the appropriate
17 sworn witnesses.

18 ATTORNEY DeCRESCENZO: Thank you, Mr. Morissette.

19 Mr. Fiorentino, are you familiar with the
20 submission made on your behalf in this proceeding?

21 THE WITNESS (Fiorentino): Yes.

22 ATTORNEY DeCRESCENZO: Did you prepare or assist in the
23 preparation of that submission?

24 THE WITNESS (Fiorentino): Yes.

25 ATTORNEY DeCRESCENZO: Is it accurate to your best

1 knowledge and belief?

2 THE WITNESS (Fiorentino): Yes.

3 ATTORNEY DeCRESCENZO: Do you have any changes that you
4 would like to make today?

5 THE WITNESS (Fiorentino): Nothing I know of.

6 ATTORNEY DeCRESCENZO: And do you adopt it as your
7 sworn testimony?

8 THE WITNESS (Fiorentino): Yes.

9 ATTORNEY DeCRESCENZO: With your permission,

10 Mr. Morissette, I'll go through that litany with
11 each of them, and then I'll ask that the exhibits
12 be made full exhibits for purposes of this
13 proceeding.

14 THE HEARING OFFICER: Yes, please continue.

15 ATTORNEY DeCRESCENZO: Kate Bednaz, are you familiar
16 with the filing that was made on your behalf in
17 this proceeding?

18 THE WITNESS (Bednaz): Yes.

19 ATTORNEY DeCRESCENZO: And did you prepare it or assist
20 in the preparation?

21 THE WITNESS (Bednaz): Yes.

22 ATTORNEY DeCRESCENZO: Is it accurate to your best
23 knowledge and belief?

24 THE WITNESS (Bednaz): Correct.

25 ATTORNEY DeCRESCENZO: Do you have any changes you need

1 to make to that submission?

2 THE WITNESS (Bednaz): No.

3 ATTORNEY DeCRESCENZO: And do you adopt it as your
4 sworn testimony?

5 THE WITNESS (Bednaz): Yes.

6 ATTORNEY DeCRESCENZO: Turning to Mr. Gottlieb,
7 Mr. Gottlieb, are you familiar with the filing
8 that was made on your behalf in this proceeding?

9 THE WITNESS (Gottlieb): Yes.

10 ATTORNEY DeCRESCENZO: Did you prepare or assist in the
11 preparation of that filing?

12 THE WITNESS (Gottlieb): Yes.

13 ATTORNEY DeCRESCENZO: Is it accurate to your best
14 knowledge and belief?

15 THE WITNESS (Gottlieb): Yes.

16 ATTORNEY DeCRESCENZO: Do you have any changes that you
17 would like to make to what has been submitted?

18 THE WITNESS (Gottlieb): Not -- not at this point,
19 though, I would like to say that since we have
20 finally been given the MSDS, I might adjust things
21 a bit based on that content.

22 ATTORNEY DeCRESCENZO: Okay. We will request that
23 ability as we go here, but as you -- as stated, is
24 that your statement?

25 THE WITNESS (Gottlieb): Yes.

1 ATTORNEY DeCRESCENZO: And do you adopt it as your
2 sworn testimony?

3 THE WITNESS (Gottlieb): Yes.

4 ATTORNEY DeCRESCENZO: Finally, Mr. Oates, are you
5 familiar with the filing that's been made on your
6 behalf here in this proceeding?

7 THE WITNESS (Oates): Yes.

8 ATTORNEY DeCRESCENZO: Did you prepare or assist in the
9 preparation of that submission?

10 THE WITNESS (Oates): Yes.

11 ATTORNEY DeCRESCENZO: Is it accurate to your best
12 knowledge and belief?

13 THE WITNESS (Oates): Yes.

14 ATTORNEY DeCRESCENZO: Are there any changes that you
15 would make to this submission?

16 THE WITNESS (Oates): There is one. On page 4,
17 underneath the fire department section, paragraph
18 two, sentence two, the letter 'Y' is missing from
19 the word battery.

20 ATTORNEY DeCRESCENZO: So we would ask that Mr. Oates
21 be -- that that change be made to his testimony.

22 And with that change, do you adopt the
23 document as your sworn testimony?

24 THE WITNESS (Oates): Yes, sir.

25 ATTORNEY DeCRESCENZO: Now I'm giving an offer of the

1 documents as full exhibits, Mr. Chairman.

2 THE HEARING OFFICER: Thank you, Attorney DeCrescenzo.

3 Does any party object to the admission of the
4 Town of Granby's exhibits?

5 Attorney Hoffman?

6 ATTORNEY HOFFMAN: There is no objection.

7 THE HEARING OFFICER: Thank you, Attorney Hoffman.

8 Susan Okie, David Bostic, or James Larwood?

9
10 (No response.)

11
12 THE HEARING OFFICER: Hearing none, the exhibits are
13 hereby admitted.

14 ATTORNEY DeCRESCENZO: Mr. Morissette, I don't know if
15 this is the appropriate time to do it, but I'll
16 put the request out there.

17 THE HEARING OFFICER: Yes?

18 ATTORNEY DeCRESCENZO: Mr. Gottlieb has this morning
19 received the safety data sheets, and he's examined
20 them, and he would like the opportunity to comment
21 on them in a late-filed exhibit.

22 THE HEARING OFFICER: Unfortunately, we're not
23 accepting late-filed exhibits this late in the
24 hearing process. Unfortunately, you had a chance
25 to file that as part of the record.

1 Attorney Bachman, is there a way for possibly
2 admitting it as a limited-experience document?

3 Attorney Bachman?

4 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

5 Certainly, Attorney DeCrescenzo had a chance
6 to cross-examine the Petitioner or the applicant
7 earlier this afternoon, if there were any
8 questions with regard to the MSDS, because they
9 aren't subject to the protective order.

10 But I don't see any -- unless Attorney
11 Hoffman objects, if someone just asks a question
12 of Mr. Gottlieb, if he has an opinion on what was
13 submitted based on his review.

14 ATTORNEY DeCRESCENZO: So maybe we'll handle it that
15 way as part of this proceeding.

16 THE HEARING OFFICER: Very good.

17 Attorney Hoffman, any objection?

18 ATTORNEY HOFFMAN: Subject to finding out what the
19 questions are, I don't have any objection to the
20 approach.

21 THE HEARING OFFICER: Certainly, that's understandable.

22 Thank you.

23 ATTORNEY HOFFMAN: Thank you.

24 THE HEARING OFFICER: Okay. We'll now begin with
25 cross-examination of the Town of Granby by the

1 Council, starting with Mr. Nwankwo, followed by
2 Mr. Nguyen.

3 Mr. Nwankwo?

4 MR. NWANKWO: Thank you, Mr. Morissette.

5 I don't have any questions for the Town of
6 Granby. Thank you.

7 THE HEARING OFFICER: Thank you, Mr. Nwankwo.

8 We'll now continue with cross-examination by
9 Mr. Nguyen, followed by Mr. Golembiewski.

10 Mr. Nguyen?

11 MR. NGUYEN: Thank you, Mr. Morissette.

12 I do not have any questions. Thank you.

13 THE HEARING OFFICER: Thank you.

14 We'll continue with cross-examination by
15 Mr. Golembiewski, followed by Mr. Carter.

16 Mr. Golembiewski?

17 MR. GOLEMBIEWSKI: Thank you, Mr. Morissette.

18 I have no questions for the Town. Thank you.

19 THE HEARING OFFICER: Thank you.

20 We'll now continue cross-examination by
21 Mr. Carter, followed by Ms. Hall. Mr. Carter?

22 MR. CARTER: Thank you, Mr. Morissette.

23 I just have one question, I believe, for the
24 Town, and it's mainly just around concerns around
25 water supply. I was looking mainly at the

1 testimony that was pre-filed by Chief Oates,
2 looking specifically at how water supply is -- how
3 it's actually done in the area.

4 And I was just trying to get a little bit
5 more clarification around that in regards to,
6 would the Fire Department be able to use water
7 from the water mains that currently exist in the
8 area? Or would the Town need to rely solely on
9 tanker trucks in the event of a potential fire in
10 the area?

11 **THE WITNESS (Oates):** Certainly. John Oates.

12 And to answer that question is -- is twofold.
13 First, there is public water supply available by
14 water main on the street. That water main is at
15 the very end of a water line that comes from the
16 town of Simsbury. It is not what you would
17 experience in a typical built-up, gridded, hydrant
18 format that if one -- or a water main format, that
19 if one part of the water main fails, another part
20 can take up the slack. It is at the very end.
21 That's the only way water is coming from -- all
22 the way out Route 10, up Canton Road, all the way
23 into the community of Simsbury. There is no other
24 direction. So there is some concern any time you
25 built in a single point of failure, which that is.

1 If there is, for any reason, an interruption
2 in the municipal water supply, then the fire
3 department would have to revert to a supply of
4 water using tanked vehicles, and that is something
5 that they do -- are accustomed to in the rural
6 environment. However, the flow and the ability to
7 generate that in a timely fashion may be less than
8 what -- certainly, will be less than what you
9 would experience from a new supplier.

10 **MR. CARTER:** Thank you.

11 That's all that I have, Mr. Morissette.

12 **THE HEARING OFFICER:** Thank you, Mr. Carter.

13 We'll continue with cross-examination by
14 Ms. Hall, followed by Mr. Syme. Ms. Hall?

15 **MS. HALL:** Just to follow up on that question. You
16 said the problem might -- there might be a problem
17 if -- because that hydrant was/is a single point
18 of failure, how often does it occur that one of
19 these hydrants might fail?

20 **THE WITNESS (Oates):** That is a question I do not have
21 the data for. You would have to query the local
22 water company to -- to determine that.

23 It's -- it's an infrequent occurrence. I'm
24 comfortable saying that, but as far as an exact
25 number, I cannot provide that for you.

1 MS. HALL: Thank you. I have no further questions.

2 THE HEARING OFFICER: I'm going to interrupt here for a
3 moment. Before you answer or respond to a
4 question, please state your name. It is very
5 difficult for the Court Reporter to see the
6 witness panel, given that it's in a conference
7 room, and to understand who's responding.

8 So, for the Court Reporter, who responded to
9 that question?

10 THE WITNESS (Oates): My apologies, Mr. Chairman.

11 John Oates.

12 THE HEARING OFFICER: Thank you, Mr. Oates, and thank
13 you, Ms. Hall.

14 We'll now continue the cross-examination by
15 Mr. Syme, followed by Ms. Katz. Mr. Syme?

16
17 (No response.)

18
19 THE HEARING OFFICER: Very good. We will now continue
20 with Ms. Katz. Ms. Katz?

21
22 (No response.)

23
24 THE HEARING OFFICER: And now Mr. Lynch. Mr. Lynch?

25 MR. LYNCH: Just one question, Mr. Chairman.

1 Does the Town have any agreements with other
2 surrounding towns for fire, rescue, and police
3 service?

4 THE WITNESS (Oates): John Oates answering that
5 question again.

6 So there are two different mutual aid
7 compacts, so to speak, in existence. The fire
8 department does have mutual aid agreements with
9 the surrounding communities as part of the
10 Hartford County Fire Emergency Plan. However,
11 those communities are similarly situated and
12 similarly burdened as the Town of Granby is,
13 therefore they are smaller.

14 They have reduced resources and certainly
15 reduced availability of resources at certain
16 periods of time. So while there is capacity, it
17 is not as robust as what you would experience in a
18 more built-up suburban or urban environment.

19 The police department has a similar, through
20 the Capital Region Council of Governments, a
21 mutual aid plan that is not often utilized that
22 can, over time, provide backstop resources to the
23 local police department.

24 MR. LYNCH: Just a followup to that. You're close to
25 Bradley International and they have a very

1 professional fire department there. Would they
2 ever be called on, or are they close enough that
3 in the case of a fire getting away, that they
4 could be utilized?

5 THE WITNESS (Oates): John Oates answering that
6 question.

7 The Bradley International Airport Fire
8 Department and the Connecticut Air National Guard
9 Fire Department located at Bradley Field, which is
10 approximately twelve miles away from the proposed
11 location, is tasked for providing fire protection
12 for the airport. Therefore, they have to maintain
13 certain resources on the airport facility at all
14 times, or the airport must close to the plane
15 traffic. Therefore, their capacity to respond is
16 reduced.

17 The largest thing that they can provide as a
18 mutual aid entity is copious amounts of
19 firefighting foam, which current proven practice
20 has not demonstrated to be an effective use in a
21 battery energy storage system fire.

22 MR. LYNCH: All right. Thank you very much.

23 That was my question, Mr. Morissette.

24 THE HEARING OFFICER: A couple of questions. What is
25 the population of Granby?

1 THE WITNESS (Fiorentino): Mr. Chairman, this is Mark
2 Fiorentino, the First Selectman.

3 I'm going to say it's approximately 12,000
4 plus or minus, maybe a little bit more.

5 THE HEARING OFFICER: Thank you. And in the immediate
6 area surrounding the site, do you have an
7 approximation of what percentage of your residents
8 of Granby live in that area?

9 THE WITNESS (Fiorentino): Again, Mark Fiorentino.

10 Mr. Chairman, no, but I can tell you that
11 there are significant residential facilities
12 within the immediate facility. So, if you look at
13 the site plan and go to the northeast, there is --
14 and at this project, I think, it referenced this
15 in some of our testimony -- this project takes its
16 sole access, these apartments take their sole
17 access off of Mill Pond Drive, the same roadway
18 that accesses, provides access to this site. So I
19 believe there's 40 or so plus units there.

20 If you go to the southwest, you have the
21 Grand Apartments. There are over 200 apartment
22 units there. If you go further to the north,
23 there is another condominium project that has at
24 least a couple of hundred units.

25 And that -- although you didn't ask this, our

1 other -- our other concerns about the proximity to
2 other uses, not counting the commercial center,
3 which is the closest facilities, obviously;
4 directly across Salmon Brook is the YMCA facility,
5 which houses -- at any given time they do daycare
6 facilities there. So all of those would be of
7 concern to us if we get into an evacuation.

8 I -- I can give you a much shorter summary.
9 This is -- the most densely populated area of
10 Granby is in this vicinity. As you go further
11 out, the houses get much less dense.

12 THE HEARING OFFICER: Thank you, Selectperson
13 Fiorentino.

14 Do you have an industrial park in Granby?

15 THE WITNESS (Fiorentino): We do not. Not to speak of,
16 no.

17 THE HEARING OFFICER: So as far as commercial and
18 industrial areas, it's -- well, at least in
19 industrial areas, industry is somewhat limited in
20 Granby. And is that true?

21 THE WITNESS (Fiorentino): It is true. We have very
22 limited industrial, if any, that I can think of
23 off the top of my head -- and anybody else in the
24 room can jump in -- developed industrial uses, and
25 that that obviously is our -- is our concern here.

1 We under -- we understand the Council's role.
2 We understand the task you have in front of you,
3 but our -- our primary concern here is -- is
4 public safety. Right? And this site, because of
5 its location on the aquifer, and because of its
6 close proximity, if you go just to the north, the
7 northernmost property line is within 150 feet of
8 this facility. And those four commercial
9 buildings are within, somewhere between 150 and
10 300 feet of that facility.

11 And because, as you've heard in that, your
12 earlier -- our earlier evidentiary hearing, the
13 first part of it, the applicant did not seek
14 access to Salmon Brook because of the implications
15 and the cost of crossing the wetlands. The entire
16 access to this site, it has only one single point
17 of access, it has to come through that commercial
18 shopping center across an easement that conflicts
19 with potential driveway traffic. So -- I'm sorry,
20 drive-through traffic. So, those public safety
21 concerns, in addition to the obvious concerns of
22 the flow of the water. Okay?

23 So you heard again earlier, just within the
24 last hour that one of the most recent causes of
25 these fires in these facilities is penetration of

1 the units by some outside source, including water,
2 even though they're designed not to hold water.

3 Every guidance that we could find indicates
4 that you -- you should pour water on at least the
5 adjacent units. So, it has the potential in the
6 worst-case scenario, which is what really concerns
7 us here, and we have to pour extensive amounts of
8 water on these facilities and that water has to go
9 somewhere.

10 It mixes with the components of the batteries
11 and it has to either go into the groundwater,
12 either directly or through the retention basins,
13 or into the tributary system of the Farmington
14 River and the -- the Salmon Brook, which are
15 federally designated scenic resources for us, so.

16 **THE HEARING OFFICER:** Thank you First Selectperson.

17 Now, would you say that your largest
18 concentration of commercial facilities is located
19 north of this facility?

20 **THE WITNESS (Fiorentino):** This is First Selectman
21 Fiorentino.

22 I am pausing just to think in my head.

23 So, I would say, yes, this is -- the shopping
24 center immediately adjacent to the north is
25 probably our largest developed commercial shopping

1 center. There is another one a little bit further
2 north in Town, but this one is larger than that.

3 THE HEARING OFFICER: Thank you.

4 Okay. I'll now switch gears here and ask a
5 question of Mark Gottlieb. Excuse me if I
6 mispronounced that.

7 Do you have any comments or opinions of the
8 MDS sheet that was discussed earlier?

9 THE WITNESS (Gottlieb): This is Mark Gottlieb.

10 You know, for -- for my view on it is I think
11 we're a little bit under assessed with respect --
12 respect to the release of certain compounds from
13 there, notably lithium and fluorine. We've got a
14 huge amount of material stored in an aquifer
15 protection zone. And it really comes down to the
16 question of, is it really appropriate to have a
17 relatively high-risk use like this in an aquifer
18 protection zone?

19 The goal is for this water to be drinkable
20 and to remain drinkable.

21 THE WITNESS (Fiorentino): And Mr. Chairman, if I -- if
22 I could add to that, if you -- if you will?

23 THE HEARING OFFICER: Certainly.

24 THE WITNESS (Fiorentino): I've been frustrated by the
25 characterization of other uses in Granby that are

1 similar to this use. I would challenge that.

2 I can't -- there are no facilities anywhere
3 in Granby known or proposed that would involve the
4 contents and the quantities of the contents of
5 this facility anywhere in Granby. It is not
6 comparable to any other use that we have in our
7 aquifer protection zone.

8 THE HEARING OFFICER: Thank you. Okay. That concludes
9 my cross-examination for this afternoon. We'll
10 now continue with cross-examination of the Town of
11 Granby by the Petitioner.

12 Attorney Hoffman, please?

13 ATTORNEY HOFFMAN: Thank you, Mr. Morissette.

14 Can you hear me okay?

15 THE HEARING OFFICER: Yes, I can hear you fine.

16 Thank you.

17 ATTORNEY HOFFMAN: Okay. So I'd like to start with
18 just a general question to the panel. And I'd
19 like to refer you to attachment G of Key Capture
20 Energy's first set of interrogatory responses.
21 It's the water quality report from the SG and E
22 battery fire. It's a five-page document.

23 As you sit here today, does any witness have
24 any information that would contradict the findings
25 in that report?

1 THE WITNESS (Fiorentino): Yes, I think Chief Oates
2 would like to respond.

3 THE WITNESS (Oates): John Oates.

4 The findings are accurate for what they are.
5 There are two things that -- that do not
6 necessarily -- they're not necessarily
7 generalizable to the proposed site. That fire
8 that occurred that the water runoff study was done
9 from was in an area that is relatively flat, not
10 wooded, and contained a significant amount of
11 impermeable, i.e., paved surface. So that's one
12 place where it's not generalizable.

13 The second thing that I think is important
14 with the runoff is that study began seven hours
15 after the event commenced. It is possible, likely
16 probable -- I don't know -- a lot of water got
17 moved in that seven-hour period. So to -- to say
18 that it is an accurate reflection of what would
19 occur from minute one to the seventh hour, I don't
20 think any of us can -- can determine that
21 accuracy.

22 ATTORNEY HOFFMAN: So you can't determine that it's
23 inaccurate then, either. Can you?

24 THE WITNESS (Oates): Correct.

25 ATTORNEY HOFFMAN: Okay. And I guess these are all for

1 the panel, but I'm going to use Exhibits A and B
2 of Mr. Fiorentino's testimony because I think
3 those are the most useful.

4 We've been talking a lot about this part of
5 town and I know that there are a few businesses
6 that are located near the proposed facility. So
7 if you look at -- I think exhibit A may be the
8 most helpful, but I'm going to toggle back and
9 forth between A and B. And I apologize, but just
10 on my copy they weren't particularly clear.

11 So as I look at these exhibits, to the north
12 of the site, but south of what's labeled as Hunt
13 Glen, there's a site that's labeled retail. Now
14 having been a member of that Farmington Valley
15 YMCA for several years, I think that that's a Stop
16 & Shop, but I just want to make sure that I've got
17 that right. Is that a Stop & Shop grocery store?

18 THE WITNESS (Fiorentino): Stop and -- this is Mark
19 Fiorentino.

20 Yes, Stop & Shop occupies a portion of that
21 building. There is other retail tenants in that
22 larger building to the north. That is correct.

23 ATTORNEY HOFFMAN: Okay. And I apologize, I don't
24 know. What else is there?

25 THE WITNESS (Fiorentino): That's a TJ Maxx. Right?

1 Any -- anything else in there?

2 A VOICE: A liquor store.

3 THE WITNESS (Fiorentino): There's a liquor store and a
4 TJ Maxx in that larger building.

5 ATTORNEY HOFFMAN: Okay. And is that larger building
6 contained within the Town's aquifer protection
7 zone?

8 THE WITNESS (Fiorentino): Yes, to the best of my
9 knowledge.

10 ATTORNEY HOFFMAN: Okay. And then south of that, and I
11 think slightly to the west, there's a car wash.
12 Right?

13 THE WITNESS (Fiorentino): Yes.

14 ATTORNEY HOFFMAN: And then south of that, there's an
15 urgent care center?

16 THE WITNESS (Fiorentino): Yes, although the urgent
17 care center again is, I believe, a mixed-tenant
18 building, that includes at least one restaurant.

19 ATTORNEY HOFFMAN: Okay. And -- perfect. And are
20 those both in the aquifer protection zone?

21 THE WITNESS (Fiorentino): To the best of my knowledge,
22 yes.

23 ATTORNEY HOFFMAN: Okay. And then across the street to
24 the southwest, there's the YMCA that I referenced
25 before. That's the Farmington Valley YMCA.

1 Right?

2 THE WITNESS (Fiorentino): Yes, sir.

3 ATTORNEY HOFFMAN: And is that in the aquifer
4 protection zone?

5 THE WITNESS (Fiorentino): Yes.

6 ATTORNEY HOFFMAN: Okay.

7 THE WITNESS (Fiorentino): To the best of my knowledge.

8 ATTORNEY HOFFMAN: Okay. And then to the east and to
9 the south, there's a big commercial agricultural
10 area, it looks to me like.

11 I'm assuming that that's Imperial Nurseries
12 or Monrovia, one of the two?

13 THE WITNESS (Fiorentino): That is Monrovia.

14 ATTORNEY HOFFMAN: Okay. And is some or all of
15 Monrovia in the aquifer protection zone?

16 THE WITNESS (Fiorentino): I believe at least some of
17 it is, yes, sir.

18 ATTORNEY HOFFMAN: Okay. What chemicals are present in
19 the YMCA for the cleaning of the pools?

20 THE WITNESS (Fiorentino): I don't have any idea, but I
21 can reasonably assume it's not ion batteries.

22 ATTORNEY HOFFMAN: No, but it's probably chlorine and
23 bromine. Isn't it?

24 THE WITNESS (Fiorentino): Don't know.

25 ATTORNEY HOFFMAN: Okay. What chemicals are present in

1 the Stop & Shop?

2 THE WITNESS (Fiorentino): Don't know.

3 ATTORNEY HOFFMAN: Are there detergents there?

4 THE WITNESS (Fiorentino): I assume there are
5 detergents for sale, yes.

6 ATTORNEY HOFFMAN: And is there chlorine bleach there?

7 THE WITNESS (Fiorentino): I would assume so, yes.

8 ATTORNEY HOFFMAN: And do they have storage for the
9 chemicals in the back there? Do you know?

10 THE WITNESS (Fiorentino): I do not know.

11 ATTORNEY HOFFMAN: Okay. But you permitted this for
12 your aquifer protection zone. Right?

13 THE WITNESS (Fiorentino): I do not know that either,
14 and -- and I guess that deserves some explanation.
15 It would depend on when those projects were
16 approved. They -- they may very well have existed
17 prior to the adoption of the aquifer protection
18 zone, and I do not know.

19 ATTORNEY HOFFMAN: That aquifer protection zone was
20 established in 1990. Correct?

21 THE WITNESS (Fiorentino): Yes, to the best of my
22 knowledge.

23 ATTORNEY HOFFMAN: Okay. So if there's any building
24 there that's less than 34 years old, it would be
25 subject to your regs. Right?

1 THE WITNESS (Fiorentino): It should be, yes.

2 ATTORNEY HOFFMAN: Okay. And do you have any idea what
3 sort of chemicals Monrovia is using for its
4 commercial applications for the plants there? Any
5 sort of pesticides, herbicides, what have you?

6 THE WITNESS (Fiorentino): I do not know.

7 ATTORNEY HOFFMAN: Okay. And as you sit here today, do
8 any of you know what the impact of all of those
9 chemicals would be on the aquifer protection zone
10 if a fire were to break out at any of those
11 facilities?

12 THE WITNESS (Fiorentino): I do not know, but I again
13 think it's fair to claim that they would be
14 different because the -- the amount and
15 concentration of the materials that exist on the
16 proposed site, as opposed to a grocery store, for
17 example, are substantially different.

18 ATTORNEY HOFFMAN: Well, sir, are you a trained
19 chemist?

20 THE WITNESS (Fiorentino): I am not.

21 ATTORNEY HOFFMAN: Are you a licensed environmental
22 professional?

23 THE WITNESS (Fiorentino): I'm not. Mr. Gottlieb is.

24 ATTORNEY HOFFMAN: I know.

25 THE WITNESS (Fiorentino): I'm going to have

1 Mr. Gottlieb respond to that question.

2 THE WITNESS (Gottlieb): There's not much to burn --
3 Mark Gottlieb here.

4 There's not much to burn at Monrovia.
5 There's an office building and there's fields, I
6 believe, at this point in time. The -- the fields
7 are not in use, or very minimal in use. If it's
8 been there long before the aquifer protection
9 program was established, it's not unreasonable to
10 assume that pesticides and herbicides would be
11 used there.

12 I believe the storage and mixing area is
13 located much further to the east, possibly even in
14 another town, in East Granby, which the property,
15 the bulk of that property is in East Granby. But
16 in terms of it catching fire, I don't really see
17 anything there to burn other than the office
18 building.

19 ATTORNEY HOFFMAN: But Mr. Gottlieb, I'm going to go
20 back through all of my questions with you now,
21 sir.

22 THE WITNESS (Gottlieb): Okay.

23 ATTORNEY HOFFMAN: There are herbicides and pesticides
24 being used by Monrovia, or had been used by
25 Monrovia in an aquifer protection zone. Correct?

1 THE WITNESS (Gottlieb): I would think that's probably
2 correct.

3 ATTORNEY HOFFMAN: And many herbicides and pesticides
4 are subject to remediation under the remediation
5 standard regulations. Correct?

6 THE WITNESS (Gottlieb): That that's debatable if the
7 site falls into a program that's going to capture
8 it or not.

9 ATTORNEY HOFFMAN: Okay. Fair enough.

10 THE WITNESS (Gottlieb): As you know, the RSR doesn't
11 apply universally.

12 ATTORNEY HOFFMAN: Fair enough, but there are drinking
13 water standards for herbicides and pesticides.
14 Correct?

15 THE WITNESS (Gottlieb): Yes. But again, applicability
16 of the RSR is dependent on the nature of the site
17 transfer. And my guess is we don't have an Open
18 Transfer Act filing there, so there's no
19 requirement for them to assess or remediate at
20 this point.

21 ATTORNEY HOFFMAN: But that's not my point, sir. We
22 don't have an Open Transfer Act filing with
23 respect to the facility for battery energy storage
24 either, but we're wondering what might happen if
25 there's a fire? What might happen if there's

1 spills.

2 And what I'm asking you is, is there a
3 potential for adverse impacts to the aquifer based
4 on the chemicals that you know commonly get used
5 at nurseries?

6 THE WITNESS (Gottlieb): Yes, but that that's
7 grandfathered in. It pre-dates to the aquifer
8 protection rules by 50, 60 years. That's been
9 there for, as we know, for a long period of time.
10 And it's different contaminants as well.

11 Just because you've got an area that's got
12 potential contaminant releases doesn't make it
13 okay to bring more potential releases into the
14 area, especially at the volumes that we're
15 considering here for the battery facility.

16 ATTORNEY HOFFMAN: So what are the volumes that we're
17 considering here for the battery facility?

18 THE WITNESS (Gottlieb): Well, just doing a quick
19 back-of-the-envelope thing in a very short amount
20 of time, if we look at total lithium, we're
21 looking about 11,000 pounds per unit; chlorine,
22 around 15,000 pounds per unit; and copper, around
23 fifty -- about 5,000 pounds per unit. So, not
24 insignificant quantities for that unit.

25 ATTORNEY HOFFMAN: But you would agree with me that

1 there has to be a pathway for those potential
2 contaminants to get to the groundwater supply.

3 Correct?

4 **THE WITNESS (Gottlieb):** Yes. Everything is fine until
5 we have a catastrophic event there. Normal
6 operating conditions (unintelligible) --

7 **ATTORNEY HOFFMAN:** What would the catastrophic event
8 be, sir?

9 **THE WITNESS (Gottlieb):** Catching fire.

10 **ATTORNEY HOFFMAN:** Okay.

11 **THE WITNESS (Gottlieb):** Catching fire, water getting
12 in there. You know?

13 **ATTORNEY HOFFMAN:** And how much copper -- just as an
14 example, because you threw out copper -- how much
15 copper is going to be deposited as a result of any
16 unlikely event of a fire at this facility?

17 **THE WITNESS (Gottlieb):** It's unknown. But if you look
18 at your surface water standards, again, an RSR
19 issue --

20 **ATTORNEY HOFFMAN:** Wait a minute, sir. It's unknown.
21 And the --

22 **ATTORNEY DeCRESCENZO:** Mr. Hoffman? Mr. Hoffman,
23 please, if you would allow the witness to complete
24 his response? We certainly gave your witnesses a
25 great deal of latitude to complete their responses

1 in response to my questions, and we'd ask for the
2 same courtesy for our responses.

3 ATTORNEY HOFFMAN: Fair enough, sir.

4 THE WITNESS (Gottlieb): I can't tell you how much is
5 going to be released, but I can tell you that
6 wetlands are extremely sensitive to copper
7 contamination. Surface water protection criteria
8 has been set at 48 parts per billion, and that's a
9 very small amount.

10 ATTORNEY HOFFMAN: Are you familiar with KCE's plume
11 study?

12 THE WITNESS (Gottlieb): Yes.

13 ATTORNEY HOFFMAN: Did you review it?

14 THE WITNESS (Gottlieb): I took a read through it.

15 I wouldn't say I gave it a detailed read.

16 ATTORNEY HOFFMAN: Okay.

17 THE WITNESS (Gottlieb): My issue with the plume study
18 is it doesn't really address environmental
19 matters. It's focused on IDLH matters, which is a
20 completely different thing.

21 ATTORNEY HOFFMAN: Well, in the event of a fire, how
22 much copper is released according to the plume
23 study?

24 THE WITNESS (Gottlieb): There's zero, but I don't know
25 that it's even included as an analyte. And again,

1 talking about gas, I don't quite see how you can
2 have zero particulate leaving this, one of these
3 units in the event of a fire.

4 You see the smoke, that's particulate. I
5 don't know that the analyses that were done were
6 proper.

7 ATTORNEY HOFFMAN: So where's your evidence that copper
8 is going to be deposited?

9 THE WITNESS (Gottlieb): I don't have direct evidence
10 that copper is going to be deposited, but if you
11 look at what's in these units with the potential
12 to be released into an aquifer protection zone,
13 it's a higher risk than is appropriate, in my
14 opinion, for the location.

15 ATTORNEY HOFFMAN: Okay. So you are an LEP of some
16 experience. How many sites have you remediated?

17 THE WITNESS (Gottlieb): Under a program? I'd say I
18 probably have somewhere around 12, 13, maybe 14
19 verifications. Adverse cleanups, I have no idea;
20 probably well over 100.

21 ATTORNEY HOFFMAN: Okay. That seems like a safe bet
22 given how long you've been in the industry. How
23 many of those involve lithium-ion battery storage
24 systems?

25 THE WITNESS (Gottlieb): Zero.

1 ATTORNEY HOFFMAN: Okay. And are there chemicals in
2 detergents and chlorine bleach and other household
3 products, that if they caused fire would cause
4 deposition of environmental contaminants like
5 you'd find in a Stop & Shop, environmental
6 contaminants to the aquifer protection zone?

7 THE WITNESS (Gottlieb): I guess it depends which
8 portion of the Stop & Shop is on fire. Sure,
9 there's household cleaning materials in there.
10 You know? Probably on the order of several
11 hundred gallons of each.

12 Again, it's a question of magnitude and risk.
13 There's much more potential contaminants stored in
14 these BESS units than there are at the Stop &
15 Shop. I just think it's an apples and oranges.

16 ATTORNEY HOFFMAN: Well, how much of these contaminants
17 are in a Stop & Shop?

18 THE WITNESS (Gottlieb): You'd have to check the
19 inventory, but I don't think it's huge. And it's,
20 you know, relatively dilute stuff. Look at your
21 ammonia, it's a 3 percent solution. Your chlorine
22 bleach, 2 or 3 percent solution. It's not -- it's
23 not gasoline in there. It's not petroleum in
24 there. It's all relatively low-risk stuff.

25 ATTORNEY HOFFMAN: So -- but you don't know how much is

1 in there. Right?

2 THE WITNESS (Gottlieb): No.

3 ATTORNEY HOFFMAN: Okay. Mr. Oates, turning to you, on
4 page 7 of your testimony, you reference
5 contaminants that might be found in a fire, and
6 there's four main gases; carbon monoxide, carbon
7 dioxide, methane and hydrogen.

8 Do I have that right?

9 THE WITNESS (Oates): Yes, sir.

10 ATTORNEY HOFFMAN: Sir, do I have that correct?

11 THE WITNESS (Oates): Yes, sir.

12 ATTORNEY HOFFMAN: Okay. I'm sorry. I just didn't
13 hear you.

14 And if you would identify yourself,
15 Mr. Oates, we'll be going back and forth a little
16 bit, but it just makes it clear for the Court
17 Reporter before Mr. Morissette has to yell at one
18 of us for not doing that.

19 I guess, what's the standard hose complement
20 that the Town of Granby would carry in its fire
21 trucks?

22 THE WITNESS (Oates): John Oates.

23 So the -- as -- as stipulated in -- in either
24 the original interrogatory response or a
25 subsequent one, the standard hose complement for

1 fire apparatus that the Town of Granby utilizes is
2 dictated by both the NFPA standard on fire
3 apparatus 1901, and what is required by Fair Risk
4 or the insurance services office to -- to get the
5 fire protection classification rating for the
6 community.

7 There is -- there should be a complement in
8 the neighborhood of 400 feet of small attack hose
9 and an amount of supply hose that would go --
10 would go from a water supply to -- to the fire
11 pumping engine. Generally speaking, it would be
12 in the -- in the quantity of a thousand to 1200
13 feet per apparatus.

14 ATTORNEY HOFFMAN: Okay. So -- I apologize. So there
15 would be a thousand to 1200 feet of hose that goes
16 from the supply to the truck, and then there would
17 be additional hose going from the truck to fight
18 the fire that the firefighters would use.

19 Do I have that correct?

20 THE WITNESS (Oates): John Oates answering the
21 question.

22 Yes, sir.

23 ATTORNEY HOFFMAN: Okay. And you, in your written
24 testimony, you testified that -- and I'm quoting
25 here, most of the department's response area does

1 not feature fire hydrants supplied by a public
2 water supply. Do you remember saying that?

3 THE WITNESS (Oates): John Oates.

4 Yes, sir, that is correct.

5 ATTORNEY HOFFMAN: But the closest fire hydrant here
6 for this case is 270 feet. Right?

7 THE WITNESS (Oates): John Oates.

8 Yes, sir, that is correct. Roughly.

9 Without, again, the -- the location of the hydrant
10 that is stipulated in the hydrant comp -- the
11 water company map is not the actual location, but
12 it is, more or less, located at the corner of the
13 proposed drive.

14 ATTORNEY HOFFMAN: Okay. And so then you reference an
15 article by Karen -- I think I'm going to pronounce
16 this correctly, Kucher, K-u-c-h-e-r, from
17 September 25, 2024?

18 THE WITNESS (Oates): Yes, sir.

19 ATTORNEY HOFFMAN: Okay. And that article talks about
20 two battery energy system fires, one that was at
21 the SDG&E facility. Correct? In California?

22 THE WITNESS (Oates): John Oates.

23 Yes, sir, that is correct.

24 ATTORNEY HOFFMAN: And it also references an earlier
25 fire that took place at the Gateway Energy Storage

1 Facility. Correct?

2 THE WITNESS (Oates): I believe so. Yes, sir.

3 John Oates.

4 ATTORNEY HOFFMAN: Okay. How big was that Gateway
5 fire?

6 THE WITNESS (Oates): Yes, I can either look it up --
7 John Oates.

8 I can either look it up in my -- in the --
9 the article, or I can ask you for clarity. Was
10 that the Otay Mesa fire? Or was that a different
11 fire?

12 ATTORNEY HOFFMAN: Yeah, that was the Gateway fire at
13 Otay Mesa. The article says it was a 250-megawatt
14 facility. Does that sound about right?

15 THE WITNESS (Oates): Correct, because that fire burned
16 for -- John Oates. That fire burned for multiple
17 days and required millions of gallons to suppress.

18 ATTORNEY HOFFMAN: Right. Now you say that fighting
19 fires at an energy storage installation involves
20 active research of various fire service entities.
21 Right? And you say, quote, those persons and
22 groups have not aligned to provide a statement on
23 preferred practice. Is that correct?

24 THE WITNESS (Oates): John Oates.

25 This is correct, sir. If you -- if you

1 follow what has been transpiring, and -- and I
2 would say back farther than -- than the previous
3 testimony, what has transpired in the fire service
4 relative to preferred practice to extinguish fires
5 in stored energy systems of -- of all types, has
6 and has continued to evolve.

7 Even the NFPA technical committee that --
8 that serves on that document revision from the
9 first version to the second version is
10 significantly different. So, there has not
11 been -- the fire service has spent time
12 researching and has gotten closer to what not to
13 do. It has been provided into evidence foam
14 doesn't necessarily work; some of the powders do
15 not necessarily work.

16 The fire service has not, to the best of my
17 knowledge, coalesced on exactly the best proven
18 practice to do fire suppression.

19 **ATTORNEY HOFFMAN:** So I'm going to refer you to
20 Late-File Exhibit 5. That's the one entitled,
21 firefighting operations with lithium-ion
22 batteries.

23 **THE WITNESS (Oates):** John Oates.

24 For clarification, is it the one that has the
25 Firefighter Safety Stand Down logo in the upper

1 left-hand corner of the document?

2 ATTORNEY HOFFMAN: Yes, sir.

3 THE WITNESS (Oates): Sorry. I'm familiar.

4 ATTORNEY HOFFMAN: Okay. I'm going to draw your
5 attention to the very end of that document. That
6 document appears to me to be either endorsed or
7 authored by the Fire Department Safety Officers
8 Association, the International Association of Fire
9 Chiefs, the IAFF of the AFL-CIO, the NFPA and the
10 National Volunteer Fire Council.

11 Do you see all those names down there?

12 THE WITNESS (Oates): John Oates.

13 Yes, sir. I recognize the logos at the
14 bottom of the page. However, I would disagree
15 that it is a combined document issued from those
16 entities. And if you would permit me, I will
17 explain why.

18 ATTORNEY HOFFMAN: Sure.

19 THE WITNESS (Oates): So that document is a brief that
20 was forwarded to the fire service as a training
21 document during the firefighter safety stand down.
22 The fire service recognized a number of years
23 ago -- it began in 2006 that fire service still is
24 challenged to protect firefighters from
25 significant injury and death, therefore

1 implemented the military practice of a standdown
2 where everybody takes a pause for a day or a
3 period of time to allow refocus on things that
4 will prevent preventable injury and death. This
5 year it was relative to stored energy systems.
6 That document was one of many that was issued
7 during that period of time under the firefighter
8 safety standdown.

9 Upon request and conversation/discussion with
10 the International Association of Fire Chiefs, this
11 is not an IAFC document. The IAFC document that
12 was previously submitted and that the Siting
13 Council had relied on is a work product of the
14 life safety section and the health and safety
15 sections of the International Association of Fire
16 Chiefs, and they still believe that that is the
17 guidance that they have provided.

18 **ATTORNEY HOFFMAN:** Okay. Where is that in the record
19 that this document wasn't produced in part by the
20 IAFC?

21 **THE WITNESS (Oates):** John Oates.

22 Other than what I just offered that -- you
23 asked the question. I shared the information that
24 I have.

25 **ATTORNEY HOFFMAN:** Okay. But the IAFC is at the bottom

1 of that document. Correct?

2 THE WITNESS (Oates): John Oates.

3 Correct, sir. And it -- it's not difficult
4 to take their logo off of -- off of the website
5 and put it on a document. They have awareness
6 that it went out. I'm just stating that it is not
7 necessarily -- should not be construed as their
8 official position from information that I have
9 received from them.

10 ATTORNEY HOFFMAN: Okay. Do you have any information
11 that the IAFC disagrees with that document?

12 THE WITNESS (Oates): I do not, sir.

13 John Oates.

14 ATTORNEY HOFFMAN: Okay. I want to go back to the
15 gateway fire that was referenced in that Kucher
16 article. Was that an indoor energy storage
17 systems fire, or an outdoor energy storage systems
18 fire?

19 THE WITNESS (Oates): It has -- John Oates.

20 It has been some time since I reviewed that.
21 I don't -- I will miss -- I -- if you allow me to
22 take a look at it, I can refresh my memory, but
23 I -- if I believe it's --

24 ATTORNEY HOFFMAN: I'm sorry? You believe it's?

25 THE WITNESS (Oates): I don't have a recollection of

1 which. If you permit me, I can go back and look.

2 ATTORNEY HOFFMAN: Please? Thank you.

3
4 (Pause: 4:51 p.m. to 4:52 p.m.)

5
6 THE WITNESS (Oates): John Oates.

7 For clarification, sir, could you please ask
8 the question again?

9 ATTORNEY HOFFMAN: Sure. Was the Gateway battery
10 energy storage facility an indoor facility,
11 meaning that the batteries were stored in a
12 separate building?

13 THE WITNESS (Oates): For clarification -- John Oates.

14 For clarification, sir, is that the Escondido
15 fire?

16 ATTORNEY HOFFMAN: Yes.

17 THE WITNESS (Oates): From -- John Oates.

18 From the photos that I have in front of me
19 from an article that is -- it depicts that fire,
20 it appears to be outdoor battery energy storage
21 containers.

22 ATTORNEY HOFFMAN: But that fire involved a water
23 suppression system coming down from the ceiling,
24 and indoors. Correct?

25 THE WITNESS (Oates): I do not have that information.

1 John Oates. I do not have that information.

2 **ATTORNEY HOFFMAN:** I'm sorry. The Otay Mesa facility,
3 that was the indoor facility. Correct?

4 **THE WITNESS (Oates):** Correct, sir.

5 John Oates. Correct, sir. The Otay Mesa was
6 an indoor -- an indoor facility.

7 **ATTORNEY HOFFMAN:** That was my error, not yours.

8 I apologize.

9 With that, you testified about the potential
10 for a hydrant failure?

11 **THE WITNESS (Oates):** John Oates.

12 Yes, sir.

13 **ATTORNEY HOFFMAN:** If that happens, that's the same
14 problem if there's a fire at that Stop & Shop or
15 at any of those other commercial buildings.

16 Correct?

17 **THE WITNESS (Oates):** John Oates.

18 Correct, sir. And I think similar to your --
19 to your previous questioning, it's the difference
20 between increasing risk or managing risk. Those
21 properties, the existing built environment, built
22 again to code, which your project proposes,
23 contain consumer commodities that are well known
24 how they react and how they're going to operate,
25 and what's going to happen in a fire. And the

1 local fire department is well equipped and well
2 trained for those sorts of challenges.

3 Adding a new risk in an area that does not
4 feature that risk, adding a risk that has traits
5 and outcomes that are again less certain than what
6 is known in the current built environment is
7 different than is -- it's tough to generalize one
8 to the other, in my opinion.

9 ATTORNEY HOFFMAN: So you wouldn't know how to
10 generalize it one to the other?

11 THE WITNESS (Oates): No -- John Oates.

12 No, my statement was it is difficult to
13 generalize the impact of a battery energy storage
14 system fire -- excuse me. I'm working on a cold
15 here -- to generalize the -- the impact of a fire
16 in a battery energy storage system to a fire in a
17 liquor store, or a fire in a grocery store
18 contained next door, that they have different
19 risks, different outcomes, and different
20 possibilities.

21 ATTORNEY HOFFMAN: Okay. That Stop & Shop has propane
22 tanks. Right?

23 THE WITNESS (Oates): John Oates.

24 I don't believe that that Stop & Shop has a
25 propane cylinder exchange program, no. It may,

1 but I would -- I don't believe so.

2 **ATTORNEY HOFFMAN:** Okay. What would the radius for
3 firefighting for that Stop & Shop be?

4 **THE WITNESS (Oates):** John Oates.

5 For clarification, sir, what do you mean by
6 radius?

7 **ATTORNEY HOFFMAN:** Well, you talk about the radius --
8 we've been spending a lot of time talking about
9 the radius for firefighting. So what's the radius
10 for firefighting if you come across a supermarket
11 fire?

12 **THE WITNESS (Oates):** John Oates.

13 In that circumstance where that building is a
14 fully sprinklered building, the expectation is
15 that one or two sprinkler heads will manage the
16 fire problem in that building. It's the way it
17 was designed.

18 It's the way it's constructed, annually
19 inspected by the fire marshal, that the
20 expectation that the fire would be limited on
21 arrival because of the activation of the automatic
22 fire sprinkler system, which is not a feature in a
23 battery energy storage system.

24 **ATTORNEY HOFFMAN:** But you didn't answer my question,
25 sir. I asked for a radius.

1 THE WITNESS (Oates): The radius would be -- John
2 Oates.

3 In my -- from my experience in the fire
4 service, the radius would be minimal, if any. The
5 fire apparatus would approach the front of the
6 building, perhaps do a 360, which is a walk around
7 the entire building to get an understanding of the
8 scope of the emergency, and then enter the front
9 of the building in a timely fashion to determine
10 the seat of the fire.

11 Again, that all happens in rapid progression.

12 ATTORNEY HOFFMAN: What happens if the sprinkler system
13 fails?

14 THE WITNESS (Oates): John Oates.

15 Within Connecticut General Statutes, with the
16 existing fire code, that building is not allowed
17 to be operational if the fire -- if the sprinkler
18 is not active. It has to be repaired within four
19 hours, or have a mandatory fire watch or the
20 building is closed down.

21 So if the build -- if the sprinkler system is
22 out of -- out of commission, then the life hazard
23 is significantly less. Again, known combustibles,
24 and that would be -- the tactic would be similar;
25 approach, 360, gain access to the building,

1 determine where the seat of the fire is.

2 It would just not have -- that would not have
3 the comfort and the understanding that the
4 sprinkler system would hold the fire in check
5 until the fire department arrives.

6 ATTORNEY HOFFMAN: Okay. So what's the radius in that
7 case?

8 THE WITNESS (Oates): Zero. John Oates.

9 It would be -- would be zero. I'm not sure
10 I -- I'm completely understanding your question.
11 The fire apparatus would park in the front of the
12 building, and the firefighters would enter the
13 building in order to gain access to determine
14 the -- the root of -- the seat of the problem.

15 ATTORNEY HOFFMAN: Okay. I'm done with that line of
16 questioning.

17 And thank you, Mr. Morissette. I think I'm
18 done with my cross.

19 THE HEARING OFFICER: Thank you, Attorney Hoffman.

20 Okay. Now we will continue with
21 cross-examination of the Town of Granby by the
22 grouped business parties. Susan Okie. Susan, are
23 you here with us this afternoon? Susan Okie?

24
25 (No response.)

1 THE HEARING OFFICER: How about David Bostic and James
2 Larwood? Is anyone from the grouped business
3 parties here with us this afternoon?
4

5 (No response.)
6

7 THE HEARING OFFICER: Hearing none, we will now
8 continue. Unfortunately, the appearance by the
9 grouped business parties, as we have just
10 previously discovered, we have nobody here to
11 represent the grouped business parties.

12 So the information and pre-filed testimony,
13 Attorney Bachman, is that no longer part of the
14 record since we cannot cross-examine the
15 information?

16 ATTORNEY BACHMAN: Thank you, Mr. Morissette.

17 It wouldn't be part of the record if we were
18 not able to cross-examine the grouped business
19 parties and their witnesses.

20 However, I would just ask if Attorney Hoffman
21 or Attorney DeCrescenzo would have an objection,
22 either allowing them into the record without
23 cross-examination or that these, the three
24 exhibits for identification be considered written
25 limited-appearance statements.

1 THE HEARING OFFICER: Thank you --

2 ATTORNEY HOFFMAN: Mr. Morissette?

3 THE HEARING OFFICER: I'm sorry. Attorney Hoffman?

4 ATTORNEY HOFFMAN: Mr. Morissette, I have my hand
5 raised because I think the limited-appearance
6 statements is the appropriate way to go, and I'd
7 have no objection to that.

8 THE HEARING OFFICER: Very good. Thank you, Attorney
9 Hoffman.

10 Attorney DeCrescenzo?

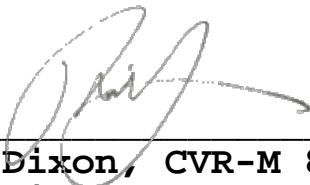
11 ATTORNEY DeCRESCENZO: I agree with Mr. Hoffman. I
12 prefer that they be taken in as full exhibits.

13 THE HEARING OFFICER: Thank you, but under the
14 circumstances, we'll take them in as limited
15 appearances. Thank you.

16 Okay. Well, that concludes our hearing for
17 this afternoon. So, before closing the
18 evidentiary record in this matter, the Connecticut
19 Siting Council announces that briefs and proposed
20 findings of fact may be filed with the Council by
21 any party or intervener no later than January 9,
22 2025. The submission of briefs or proposed
23 findings of fact are not required by this Council.
24 Rather, we leave it to the choice of the parties
25 and interveners.

CERTIFICATE

I hereby certify that the foregoing 145 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the remote teleconference meeting of The Connecticut Siting Council continued hearing in Re: PETITION NO. 1637, KCE CT 11, 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 4.99-MEGAWATT AC BATTERY ENERGY STORAGE FACILITY AND ASSOCIATED EQUIPMENT LOCATED AT 100 SALMON BROOK STREET, GRANBY, CONNECTICUT, AND ASSOCIATED ELECTRICAL INTERCONNECTION, which was held before JOHN MORISSETTE, Member and Presiding Officer, on December 10, 2024.



Robert G. Dixon, CVR-M 857
Notary Public
My Commission Expires: 6/30/2025

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