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Via Email & Federal Express

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

Re: Petition 1637 – KCE CT II, LLC
Town of Granby's Post Hearing Brief and Proposed Findings of Fact

Dear Attorney Bachman:

Enclosed please find the Town of Granby's Post-Hearing Brief and Proposed Findings of Fact. The original and 15 copies are being delivered by Federal Express.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Robert M. DeCrescenzo, Esq.

RMDe/psm

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**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

| | |
|--|--------------------------|
| KCE CT II, LLC PETITION FOR A DECLARATORY) | PETITION NO. 1637 |
| RULING FOR THE PROPOSED CONSTRUCTION,) | |
| MAINTENANCE AND OPERATION OF A 4.99) | |
| MEGAWATT AC BATTERY ENERGY STORAGE) | |
| FACILITY LOCATED AT 100 SALMON BROOK) | |
| STREET, GRANBY, CONNECTICUT) | |

JANUARY 06, 2025

**THE TOWN OF GRANBY’S POST-HEARING
BRIEF AND PROPOSED FINDINGS OF FACT**

The Town of Granby (“Town”), through counsel, respectfully submits this post-hearing brief and proposed findings of fact concerning the above petition for declaratory ruling (“Petition”) filed by KCE CT II, LLC (“KCE”) proposing a 4.99 megawatt (“MW”) battery energy storage system (“BESS”) in Granby, pending before the Connecticut Siting Council (“Council”).

The Council should deny the Petition because the BESS proposed at 100 Salmon Brook Street (“Site”) poses a substantial adverse environmental effect on the Site and the surrounding area. The Town and its citizens should not have to shoulder the novel and enhanced risk of a utility scale BESS, with significant volumes of hazardous materials, on their safety and drinking water.

A denial is warranted because KCE proposed their BESS project at a location that:

- Does not have a direct access from the Site to the main road (Salmon Brook Street) in the area, let alone any road.
- Requires first responders to access the Site with large fire apparatus through a busy commercial plaza with drive-through capabilities and parking areas directly onto or within the existing access easement.
- Does not provide a sufficient staging or evacuation area to protect the nearby businesses and residences in response to a thermal runaway event pursuant to the International Association of Fire Chiefs (“IAFC”) guidance, an authority relied upon by the Council in Petition Nos. 1607 and 1623.
- Poses a significant threat to downgradient wetlands and water resources on and off-Site, including those related to the Town’s drinking water supply in an Aquifer Protection Zone and the tributary system for the Farmington River.

The complexities associated with the handling of a thermal runaway event, and the threat to the downgradient water resources within the Town's Aquifer Protection Zone far outweigh any potential public benefit the proposed BESS might have at this particular Site. A denial of the Petition in this case is necessary to protect the public health and safety and in no way conflicts with the State's policy to develop energy storage to promote grid resiliency.

I. THE LACK OF DIRECT ACCESS POSES SIGNIFICANT AND UNWARRANTED RISKS TO THE TOWN AND ITS CITIZENS

The lack of direct access renders this Site inappropriate for a BESS facility. The project's sole access is an indirect path through a busy commercial plaza. *KCE Ex. 1.A*. This path is an access easement in favor of the property on which the project is proposed. *KCE Ex. 1.A, 1.C; Fig. 4*. The proposed indirect access is problematic for several reasons.

First, the building located on the west side of the access is permitted for a drive-through, which is clearly demarcated on Figure 4 of the Petition and mapping provided by the Town. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5*. Second, there are also parking areas on both sides of the easement. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5*. Third, the existing vehicular traffic in and around the plaza will conflict with the access necessary for first responders and large fire apparatus. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5; Town Ex. 3.a, 3.d*.

Fourth, the easement connects the Site with Mill Pond Drive, which provides the only means of ingress and egress to residents of the Greenway Village Development. *Town Ex. 3.a; Day 2 Tr., p. 110*. This raises significant concerns about public safety regarding a thermal runaway event and potential evacuation of residents as discussed in Part II.

Fifth, KCE wants to remove an existing traffic island at the intersection with Mill Pond Road. *Day 1 Tr., p. 25*. Although KCE downplays its importance, the reason for the modification is to provide better access for larger trucks and fire apparatus. *Day 1 Tr., pp. 129-30*. Such a modification to an existing development would need approval from the Town. *Town Ex. 4, Int.*

No. 3. Neither KCE nor the owners of the shopping plaza have approached the Town about this proposed modification. *Day 1 Tr., p. 25.* This is one of many unresolved aspects of this proposed project that should result in a denial of the Petition.

Finally, there is also conflicting testimony about site control. KCE representative, Paul Williamson (“Williamson”), stated that the Department of Energy & Environmental Protection (“DEEP”) requires a shared use agreement regarding the easement as a precondition for any approval. *Day 1 Tr., p. 95.* Williamson shortly later stated that KCE has site control and a shared use agreement is just good practice. *Day 1 Tr., pp. 129-30.* If DEEP requires a shared use agreement, which does not exist, then KCE cannot demonstrate site control. The Council should deny the Petition because of this unresolved issue, which creates uncertainty over KCE’s site control and whether a shared use agreement is a precondition of approval by DEEP.

The above shortcomings of this Site were not top of mind for KCE. Their main reasons for selecting the Site were proximity to an interconnection point, the property was zoned for commercial uses, and they thought the project could be sited to minimize visibility. *Day 1 Tr., pp. 22-23.* KCE acknowledged that it specifically configured the project with indirect access because better, direct access would significantly impact onsite wetlands and would be financially unfeasible.¹ *KCE Ex. 3, Int. No. 7; Day 1 Tr., p. 92.*

In short, the proposed access significantly impacts the safety of: (1) existing businesses; (2) people who use those businesses; and (3) residents who live at the end of Mill Pond Drive. These significant impacts outweigh any potential public benefit associated with the project (putting aside the private benefit, convenience and cost savings to KCE).

¹ The Town recognizes that an indirect access might work for certain types of projects under certain circumstances. KCE’s project, however, is not one of them. KCE proposes an indirect access through a dense commercial area with a drive-through already permitted, and on property located within the Town’s Aquifer Protection Zone.

II. THE PROPOSED PROJECT IS INADEQUATELY CONFIGURED TO HANDLE THERMAL RUNAWAY AND, THUS, POSES SIGNIFICANT AND UNWARRANTED RISKS TO THE TOWN AND ITS CITIZENS

A. Key Characteristics of the Site within 300 Feet of the Project

There are several existing characteristics of the Site and adjacent areas within 300 feet of the project that require a denial of this particular project. Those characteristics include:

- Two property lines within 300 feet of the project. The closest property line is sixty-one feet to the southeast from the perimeter fence or 112 feet from the closest battery container. *KCE Ex. 2, Int. No. 3.*
- At least four structures associated with the shopping plaza to the north within 300 feet of the project fence line. *KCE Ex. 2, Int. No. 3; Town Ex. 3.a; Day 2 Tr., p. 122.*
- Designated parking for the adjacent shopping plaza. *KCE Ex. 1.A.*
- Designated driveways for the adjacent shopping center, including one that serves as a stacking area for a permitted drive-through. *KCE Ex. 1.A; Town Ex. 4, Int. No. 5.*
- Established downgradient wetlands and watercourses including tributaries associated with the Farmington River within the Town's Aquifer Protection Zone. *KCE Ex. 1.A, Fig. 4, 5; Town Ex. 3.a, b.*
- Wooded and vegetated areas. *KCE Ex. 1.A, Fig. 4,5.*

B. The Project Does Not Comply with the IAFC Guidelines, an Authority Relied Upon by the Council

The Council relied upon the IAFC guidance concerning staging/evacuation area in denying two BESS projects in Petitions 1607 and 1623. *Town Admin. Nos. A2, A3.* In this matter, the Council took administrative notice of those decisions. The IAFC issued guidance provides in part: "Maintaining a safe distance from the unit involved (large commercial systems, at least 300')" (Emphasis added.) *Town Admin. No. A.1.*

The IAFC guidance remains in effect.² *Day 2 Tr., pp. 133, 135*. Even if the 300-foot standard is an initial staging area as posited by KCE, the project’s present configuration cannot meet that standard. As discussed in Part II.A, there are two property lines, structures and other sensitive receptors (*i.e.*, businesses, downgradient water resources, etc.) within 300 feet of the proposed project.

Additionally, there are significant concerns about the ability to perform a safe and effective evacuation in response to a thermal runaway event at this Site. The Town does not currently have a citizen alerting platform. An evacuation area would encompass some of Mill Pond Drive thus halting vehicular traffic, as well as some businesses on Mill Pond Drive. As discussed in Part I, there is also an apartment complex nearby that relies on Mill Pond Drive as its sole access. Accordingly, those at the apartment complex would likely have to shelter in place. A thermal runaway event would also result in a possible shutdown of Salmon Brook Street, a State road, which would result in the diversion of traffic onto narrow secondary streets. *Town Ex. 3.d*.

Furthermore, the Petition should be denied even if the Council ignores the IAFC guidance it relied on in denying other projects³ and accepts the 150-foot standard posited by KCE. The project configuration does not even comply with the 150-foot standard. The project’s fence line would be within approximately sixty-one feet of the property line to the southeast and approximately 115 feet from the property line to the north. *KCE Ex. 1.A; KCE Ex. 2, Int. No. 3; Town Ex. 3.a*. Even if measured from the nearest battery container, these distances are approximately 112 feet and 190 feet, respectively. *KCE Ex. 1.A; KCE Ex. 2, Int. No. 3; Town Ex. 3.a*. Finally, one has to question whether a shortened evacuation area is good policy for large

² KCE proffered a document proposing an initial staging/evacuation zone of 150 feet. *KCE Late Filed Ex. 5*. There is no evidence that the IAFC endorsed this alternative distance. Rather, this document was prepared, along with many others, during a fire safety “stand down,” which was a pause so the firefighting community could consider best practices. Furthermore, the IAFC has stated that their 300-foot zone remains in effect. *Day 2 Tr., pp. 133-35*.

³ Ignoring the IAFC guidance in this case would create different standards applied to different municipalities.

commercial or utility-scale BESS. The IAFC guidance is in place to protect the public safety and well-being particularly with the first responder organizations still learning how to handle BESS technology. *Day 2 Tr., pp. 113, 133-35.*

Because the project configuration includes an indirect access through a busy commercial plaza, with a permitted drive-through exit onto that access, along with the proximity to sensitive receptors within the IAFC's 300-foot standard (and within KCE's proposed alternative standard), the Council should deny this Petition as to this particular Site.

C. The Town Has Legitimate Concerns about its Ability to Handle a Thermal Runaway Event at this Site

The Town has significant concerns about handling a thermal runaway event at this Site. These concerns are multifold.

First, the Town has no experience with BESS facilities. *Town Ex. 3.d; Day 2 Tr., p. 115.* The 4.99 MW BESS contains significant volumes of hazardous materials. *KCE Late Filed Ex. 9; Day 2 Tr., pp. 114, 124.* This is a novel and unfamiliar risk in the most densely populated area of the Town and within the Town's Aquifer Protection Zone. *Day 2 Tr., p. 111-12, 114.*

Second, despite KCE's testimony to the contrary, there is no consensus on how to treat a thermal runaway event. Fire safety concerning BESS facilities continues to evolve. *Day 2 Tr., pp. 113, 133.* There is some consensus on what not to do, i.e., using fire suppression chemicals. *Id.* This casts serious doubt on how the Town's fire department would handle such an event, as opposed to a fire at a supermarket such as the Stop & Shop to the north. *Id., p. 138.*

Third, the nearest fire hydrant is located approximately 270 feet from the proposed BESS. *KCE Ex. 2, Int. No. 49.* This hydrant is located at the end of a water line, which means it is a single point of failure. *Town Ex. 3.d; Day 2 Tr., pp. 105-06.* There is no redundancy in the event of a failure and, consequently, the fire department would have to rely on tanker trucks. *Day 2 Tr.,*

pp. 105-06. This casts serious uncertainty on whether the fire department can provide the flow and supply adequate to handle a thermal runaway event with or without a fire hydrant failure. *Id.*

Fourth, any existing mutual aid agreements with nearby or neighboring communities are unlikely to assuage any concerns as those municipalities are similarly rural with limited resources. *Day 2 Tr., p. 108.* Also, the fire department servicing Bradley International Airport cannot provide any aid because they have to be available to handle fires at the airport 24/7. *Id., p. 109.*

Accordingly, this project poses a substantial and unknown risk to the Town and its citizens. These significant risks are exacerbated by the proposed Site with its indirect access through a busy commercial plaza and the proximity of sensitive receptors to the project from a fire safety perspective.

D. A BESS Thermal Runaway Event Is Not Similar to a “Structure” Fire

To downplay the legitimate concerns the Town has about this utility scale BESS project, KCE compared a thermal runaway event to a “structure” fire. *Day 1 Tr., p. 82.* This is simply not a valid comparison.

As an initial matter, KCE refers vaguely to a “structure” fire although structures vary significantly. Regardless, there is no evidence to support this comparison other than the statements of some of KCE’s representatives. It also defies common sense.

KCE’s own fire safety expert, Andy Blum, recognized the difference between a structure fire and a thermal runaway event, saying, “[i]n terms of the other flammable gases, depending on what’s in that building, the answer could be yes, or the answer could be no.” *Day 2 Tr., p. 40.* Following the logic of Mr. Blum’s statement, a residential structure is not going to have the same hazardous materials in the same volumes as a 4.99 MW BESS. *KCE Ex. 7.i.*

Even a larger commercial “structure” like the Stop & Shop to the north of the Site is not comparable. First, grocery stores typically do not have the same hazardous materials in the same

volumes as a 4.99 MW BESS. *Day 2 Tr., pp. 40, 128.* Most of the items mentioned by KCE's counsel on cross examination are household products, which are diluted for residential use. *Id., p. 128.* There is no gas or petroleum housed in significant volumes at the Stop & Shop in the Town. *Id.* The household products sold at the Stop & Shop are low risk compared to the significant volumes of hazardous materials in the proposed 4.99 MW BESS at this Site. *Id., pp. 114, 124, 128.*

Second, and importantly, large commercial structures like the Stop & Shop have built in sprinkler systems. *Id., p. 140.* The BESS system does not have this feature – which is an important difference when confronted with a fire, even if one ignores the significant volumes of hazardous materials in the proposed 4.99 MW BESS. *KCE Ex. 1.B; Day 2 Tr., p. 140.* The sprinkler system allows for a fire department to approach a supermarket like a Stop & Shop at a zero radius. *Day 2 Tr., p. 140-41.* That is not the current guidance for a BESS, which includes a staging/evacuation zone of 300 feet per the IAFC. *Town Admin. No. 1.* It is not even comparable to the modified alternative of 150 feet posed by KCE. *KCE Ex. 7.e.*

Ultimately, one cannot reasonably and responsibly compare a “structure” fire like a residence or a Stop & Shop to a 4.99 MW BESS.⁴ Even if one considers the lone fact that residential structures or commercial structures have some hazardous materials, diluted or not, that does not mean one should introduce a novel risk with significant volumes of hazardous materials to the most populous area of the Town, which includes a YMCA with a daycare center, and within the Town's Aquifer Protection Zone at this particular Site. *Day 2 Tr., pp. 111, 128.*

⁴ KCE attempts to make similar comparisons to the agricultural uses (past or present) at the neighboring Monrovia property. As explained by Mark Gottlieb, an experienced Licensed Environmental Professional, the Monrovia property uses involve different potential contaminants at much different volumes. *Day 2 Tr., pp. 122, 24.*

E. The Runoff Report and the Desktop Plume Study Do Not Support the Siting of a BESS at this Site

The “runoff report” is not helpful to KCE because the findings are not generalizable to the Site. *KCE Ex. 2.G; Day 2 Tr., p. 116*. The report refers to a BESS fire in an area that is generally flat, with paved areas and without woods or vegetation. *KCE Ex. 2.G*. Also, the report involved an analysis that started seven hours after the event occurred. *Day 2 Tr., p. 116*. The amount of water that was washed away during that seven hour period is too significant to discount. *Id.*

Additionally, the plume study is a desktop analysis based on BESS fires from a vastly different part of the country. *KCE Ex. 7.a; Day 2 Tr., p. 126*. The study also does not address environmental concerns relevant to the Town as it focused solely on the release of toxic contaminants into the air (IDLH). *KCE Ex. 7.a; Day 2 Tr., p. 126*. Furthermore, the plume study did not consider fluorine compounds, which can be released into the air. *Day 2 Tr., p. 58*. Yet, the MSDS sheets indicate that the battery units contain 1.7 percent of lithium hexafluorophosphate and 1.7 percent 4-fluoro-1,3-dioxolan-2-one by weight. As each unit weighs 43,000 kilograms, there are approximately 730 kilograms of each per unit. This totals a fluorine content of approximately 679 kilograms of fluorine per unit. *KCE Ex.1.B, KCE Ex. 7.i*. KCE acknowledged this shortcoming. *Day 2 Tr., p. 59*.

These “studies” raise more questions than answers and, thus, generate new, unwarranted and heightened risks acute to this Site. *Day 2 Tr., pp. 126, 138*. These risks are exacerbated by the project setting, which includes an adjacent, busy shopping plaza and nearby residences with water wells, along with on-site wetlands and downgradient off-site wetlands and watercourses including tributaries of the Farmington River – all within the Town’s Aquifer Protection Zone. *KCE Ex. 1.A, Fig. 3-4; Town Ex. 3.a-c, Town Ex. 4*.

III. THE PROPOSED PROJECT POSES A SIGNIFICANT AND UNWARRANTED RISK TO THE TOWN AND ITS CITIZENS' DRINKING WATER SUPPLY

A. The Town Has Undertaken Significant Efforts to Protect its Aquifer Protection Zone

The Site is very close to downgradient water resources associated with the tributary system of the Farmington River and within the Town's Aquifer Protection Zone. *KCE Ex. 1, Fig. 4; Town Ex. 3.a-b*. The Town has taken significant steps to protect its aquifers including its opposition to this project at this particular Site. *Town Ex. 3.a*.

The Town adopted its Aquifer Protection Overlay Zone, effective April, 1, 1991, after review and approval by the DEEP. *Id.* The purpose of the Aquifer Protection Zone is:

[T]o protect and preserve ground water quality within stratified drift aquifers and the recharge areas. This water is the source of Granby's present public water supply, and its quality must be preserved for present and future populations. Since these ground water resources, have been shown to be contaminated easily, by land uses and other activities, it is necessary that specific controls be exercised within the area to protect the ground water quality.

Granby Zoning Regs., c. 8, § 8.21.1.

To protect the Town's water supply, uses permitted in underlying zones must obtain a special permit. *Id.*, § 8.21.4. The Zoning Regulations outline very detailed submission requirements for special permits focused on the protection of the water supply. *Id.*, § 8.21.5. Because of the extreme sensitivity associated with the Town's water supply, the Zoning Regulations also require post-approval monitoring, periodic sampling and other measures as required by the Town's Planning & Zoning Commission. *Id.*, § 8.21.8.

The Town noted how the submission for the proposed BESS falls well short of the special permit requirements designed to protect the Town's drinking water supply. *Town Ex. 4, Int. No. 1*. Even though the Town provided some of the information regarding existing drinking water wells and related information, and KCE provided the MSDS sheets, there are no studies and assessments

of the impact of the proposed BESS on the drinking water supply for the Town and its citizens. There are no determinations that KCE would comply with the Best Management Practices contained in the Zoning Regulations.

B. The Project Configuration Does Not Protect Important Water Sources in the Town's Aquifer Protection Zone

KCE testified that any wastewater from a thermal runaway event would collect in proposed stormwater detention “ponds.” *Day 1 Tr., pp. 84-85*. Those detention basins likely consist of permeable soils,⁵ which means that any wastewater containing contaminants would seep into the ground and/or into the downgradient water sources. *Town Ex. 3.b*. Thus, any water used in response to a thermal runaway event will enter either the groundwater aquifer, the Farmington River tributary system or both. *Town Ex. 3.b and c*.

This concern is not academic.⁶ No matter how much KCE suggests that a thermal runaway event will not occur, all governmental authorities have to plan for that possibility to protect the public health. That starts with responsible siting of such projects. The proposed Site has sensitive water resources associated with the Town's water supply downgradient from the project Site. In the event water is used to combat a thermal runaway event, even “passively” on adjacent battery containers, and that water comes into contact with the high volumes of hazard materials in those containers, then the sensitive downgradient water resources — and the public safety — is at significant risk. This is not responsible siting.

⁵ According to KCE, infiltration testing is ongoing. *Day 2 Tr., 47*. The permeability of the soil is a significant factor given the downgradient water sources including tributaries of the Farmington River and the Aquifer Protection Zone. *Town Ex. 3.b*. This is another example of how the Petition is incomplete and should be denied. The soils on and off-site are likely very permeable – well draining sandy loam – which is problematic during and after a thermal runaway event. *Town Ex. 3.c; Day 2 Tr. p. 47*.

⁶ As noted by one Council member, there were more than seventy people logged in to the evidentiary hearing on November 19, 2024. *Day 1 Tr., p. 75*.

As discussed in Part II.E, the “runoff report” does not address the potential impact of a thermal runaway event with wastewater draining into a permeable surface and the potential impact to downgradient wetlands and watercourses including tributaries of the Farmington River within the Town’s Aquifer Protection Zone. The MSDS sheets detail the significant volumes of these hazardous materials including copper. *KCE Ex. 7.i; Day 2 Tr., p. 114*. As discussed by Mr. Gotlieb, the wetlands are extremely sensitive to hazardous materials, including copper contamination. *Town Ex. 3.b; Day 2 Tr., p. 114*.

Additionally, the project requires significant tree and vegetation clearing. *KCE Ex. 1.A*. There are significant concerns about stormwater runoff let alone wastewater runoff into the tributaries of the Farmington River as well as impacts to the onsite wetlands. *Town Ex. 3.b*.

C. Other Uses Cited by KCE in the Aquifer Protection Zone Do Not Justify the Introduction of the Novel and Significant Risk Associated with the BESS Facility for this Site

KCE also attempts to liken the 4.99 MW BESS to other existing uses within the Town’s Aquifer Protection Zone. *Day 1 Tr., p. 93; Day 2 Tr., p. 39*. Putting aside that some of those uses, like the nearby Monrovia property, predated the Aquifer Protection Zone, KCE is again drawing an apples to oranges comparison.

There is no evidence remotely suggesting that restaurants or residential structures contain the same types of hazardous materials in the same significant volumes as the proposed 4.99 BESS. *KCE Ex. 7.i*. The record is clear that a supermarket such the Stop & Shop to the north is not the same. *Day 2 Tr., pp. 128, 139*. The record also makes clear that the agricultural uses associated with Monrovia are less hazardous and different than the 4.99 BESS. *Id., pp. 122, 24*.

Furthermore, KCE makes sweeping generalizations without considering the specifics of the properties on which those uses were approved by special permit. The Town emphasizes that the proposed BESS is inappropriate for this particular Site. The Town would not prejudge the siting

of a BESS at a different location without carefully considering the specific characteristics of that site and its impact to the public safety and the Aquifer Protection Zone.

IV. CONCLUSION

The proposed Site is not appropriate for a BESS facility. The project configuration is too risky for the public welfare with its indirect access, proximity to sensitive receptors from a fire safety perspective, including within the IAFC guidance 300-foot evacuation area adopted by the Council, and the downgradient water sources associated with the Farmington River and within the Town's Aquifer Protection Zone. Although KCE minimizes the potential for a thermal runaway event, the Town and the Council must account for these worst case scenarios. A denial of this project at this particular Site is consistent with the State's policy for grid resiliency as the State relies on the Council to ensure the responsible siting of such projects. Accordingly, the Town respectfully requests that the Council deny the Petition.

Respectfully submitted,

THE TOWN OF GRANBY



BY _____

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PROPOSED FINDINGS OF FACT

1. The project's sole access is an indirect path through a busy commercial plaza with no direct access to a state or municipal road. *KCE Ex. 1.A.*
2. The project's sole access is an access easement in favor of the property on which the project is proposed ("easement"). *KCE Ex. 1.A, 1.C; Fig.*
3. KCE does not have a shared use agreement for the easement. *Day 1 Tr., p. 95.*
4. The Department of Energy & Environmental Protection ("DEEP") requires a shared use agreement for the easement for approval of this project. *Day 1 Tr., p. 95.*
5. The building located on the west side of the easement is permitted for a drive-through. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5.*
6. There are also parking areas on both sides of the easement. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5.*
7. The existing vehicular traffic in and around the plaza will conflict with the access necessary for first responders and large fire apparatus. *KCE Ex. 1.A, Fig. 4; Town Ex. 4, Int. No. 5; Town Ex. 3.a, 3.d.*
8. There are two property lines within 300 feet of the project. The closest property line is sixty-one feet to the southeast from the perimeter fence or 112 feet from the closest battery container. *KCE Ex. 1.A; KCE Ex. 2, Int. No. 3; Town Ex. 3.a.*
9. At least four structures within 300 feet of the project fence line, specifically buildings in the shopping plaza to the north. *KCE Ex. 2, Int. No. 3; Town Ex. 3.a; Day 2 Tr., p. 122.*
10. There are designated parking spaces for the adjacent shopping plaza within 300 feet of the project. *KCE Ex. 1.A.*
11. There are designated driveways for the adjacent shopping center, including one that serves as a stacking area for a permitted drive-through, within 300 feet of the project. *KCE Ex. 1.A; Town Ex. 4, Int. No. 5.*
12. The easement connects the Site with Mill Pond Drive, which provides the only means of ingress and egress to residents of the Greenway Village Development. *Town Ex. 3.a; Day 2 Tr., p. 110.*
13. There are established downgradient wetlands and watercourses including tributaries associated with the Farmington River within 300 feet of the project. *KCE Ex. 1.A, Fig. 4,5; Town Ex. 3.a,b.*
14. There are wooded and vegetated areas within 300 feet of the project. *KCE Ex. 1.A, Fig. 4,5.*
15. The project site is located within the Town's Aquifer Protection Zone. *KCE Ex. 1.A, Fig. 4,5; Town Ex. 3.a,b.*
16. The Town adopted its Aquifer Protection Overlay Zone, effective April, 1, 1991, after review and approval by DEEP. *KCE Ex. 1, Fig. 4; Town Ex. 3.a-b.*

17. The Council has relied upon the International Association of Fire Chief (IAFC) guidance concerning a 300-foot staging/evacuation area for BESS projects. *Town Admin. No. A2, A3.*
18. There is no consensus within the firefighting community on how to handle a BESS fire. *Day 2 Tr., pp. 133-35.*
19. The Town has no experience with BESS facilities. *Town Ex. 3.d; Day 2 Tr., p. 115.*
20. The 4.99 MW BESS contains significant volumes of hazardous materials. *KCE Late Filed Ex. 9; Day 2 Tr., pp. 114, 124.*
21. The nearest fire hydrant is located approximately 270 feet from the proposed BESS. *KCE Ex. 2, Int. No. 49.*
22. The nearest hydrant is located at the end of a water line, which means it is a single point of failure. There is no redundancy in the event of a failure and, in such an event, the fire department would have to rely on tanker trucks. *Town Ex. 3.d; Day 2 Tr., pp. 105-06.*
23. There is no certainty as to whether the Town's fire department can provide the flow and supply adequate to handle a thermal runaway event. *Town Ex. 3.d; Day 2 Tr., pp. 105-06.*
24. Any existing mutual aid agreements with nearby or neighboring communities are unlikely to assuage any concerns as those municipalities are similarly rural with limited resources. *Day 2 Tr., p. 108.*
25. The fire department servicing Bradley International Airport cannot provide any aid because they have to be available to handle fires at the airport 24/7. *Day 2 Tr., p. 109.*
26. A BESS thermal runaway event is not similar to a "structure" fire. *Day 2 Tr., pp. 40, 114, 128; KCE Ex. 7.i.*
27. A larger commercial "structure" like the Stop & Shop to the north of the Site: (a) typically does not have the same hazardous materials in the same volumes as a 4.99 MW BESS; (b) the household products with hazardous materials sold for retail are diluted for residential use; (c) there is no gas or petroleum housed in significant volumes; and (d) maintains fire sprinkler systems. *Day 2 Tr., pp. 40, 114, 128, 140-41; KCE Ex. 7.i.*
28. The household products sold at the Stop & Shop are low risk compared to the significant volumes of hazardous materials in the proposed 4.99 MW BESS. *Day 2 Tr., pp. 40, 114, 128, 140-41; KCE Ex. 7.i.*
29. A 4.99 BESS project is not similar to restaurants, agricultural or other uses existing in the Town's Aquifer Protection Zone. *KCE Ex. 7.i; Day 2 Tr., pp. 40, 114, 128.*
30. Any wastewater from a thermal runaway event would collect in proposed stormwater detention ponds or flow directly into the Farmington River tributary system. *Day 1 Tr., pp. 84-85.*

CERTIFICATION

This is to certify that on this day that the forgoing was delivered by electronic mail in accordance with RCSA §16-50j-12, to all parties and intervenors of record as follows:

| | |
|---|---|
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ROBERT M. DECRESCENZO, ESQ.