

ATTACHMENT A

MARK FIORENTINO

PREFILED TESTIMONY

(See attached)

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

KCE CT 11, LLC PETITION FOR A : PETITION NO. 1637
DECLARATORY RULING FOR THE :
PROPOSED CONSTRUCTION, :
MAINTENANCE AND OPERATION OF :
A 4.99-MEGAWATT AC BATTERY :
ENERGY STORAGE SYSTEM AT :
100 SALMON BROOK STREET, :
GRANBY, CONNECTICUT : November 12, 2024

PREFILED TESTIMONY OF FIRST SELECTMAN MARK H. FIORENTINO

My name is Mark Fiorentino and I am the First Selectman in Granby, Connecticut. I submit this prefiled testimony on behalf of the Town of Granby.

We understand and respect the Connecticut Siting Council's role in implementing the State's energy policy. We know it is a difficult task carrying out that policy, while at the same time, ensuring that projects do not have an undue impact in the communities where they are proposed. We understand what you are up against, but frankly, we think this should be a relatively easy decision.

The site proposed by KCE in this case involves significant risks to the public health, safety and welfare of Granby and its citizens. Given the characteristics of the site, these risks cannot be adequately mitigated. A different site should be selected.

I have included an aerial map of the site location, which depicts the site and surrounding properties. This aerial map is appended hereto as Exhibit A. This attachment illustrates, better than I can describe with just words, our primary concerns.

These concerns are:

1. Impact on Wetlands and Watercourses.
2. Impact on the Aquifer Protection Zone.
3. Health and safety risks, particularly in the case of an emergency, and especially in the event of thermal runaway.

As Exhibit A reflects:

1. The site is entirely wooded, and will remain partially wooded after construction.
2. The site contains significant wetlands.
3. The site is entirely within the Aquifer Protection Zone. I have included an aerial reflecting the location of the subject property within the Aquifer Protection Zone. That aerial is appended hereto as Exhibit B. I have also attached correspondence from the Department of Energy and Environmental Protection approving the location of the Aquifer Protection Zone and a Town memorandum regarding the requirements for approvals of uses or activities within that zone. These documents are appended hereto as Exhibit C and Exhibit D, respectively. Suffice it to say that Granby has taken significant steps to protect its aquifers.
4. There is no direct access to Salmon Brook Street. All access is through a heavily-used shopping center. All traffic must enter and exit the site through existing commercial driveways and parking areas.
5. There are a significant number of residential and other uses within close proximity to the site. These uses will be difficult to evacuate and protect in the case of an emergency, particularly a thermal runaway event.

The bottom line is this: while we recognize that battery technology is changing, these projects still involve risk of emergencies like thermal runaway. Accordingly, the storage facilities should be located on sites with substantial buffers, good roadway access, and little or no potential impacts on wetlands and aquifers. The proposed site meets none of these criteria, and it should be rejected.



Mark H. Fiorentino, First Selectmen

11/11/24

DATE

EXHIBIT A

(Surrounding Uses Aerial)

Exhibit A

Distances to property lines



EXHIBIT B

(Aquifer Protection Zone Aerial)

Exhibit B

Aquifer Protection Overlay Zone



EXHIBIT C

(DEEP December 13, 1990 Letter)



STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



December 13, 1990

Francis Armentano
Dir. of Community Development
Town of Granby
15 N. Granby Road
Granby, CT 06035

Dear Mr. Armentano:

Re: Proposed Aquifer Protection Zone Regulation

Thank you for sending the above regulation for our review. In general the regulation is well done and is a major improvement in protecting important public supply aquifers in Town. I do have a few comments for your consideration. I have attached a marked up copy of the regulations with comments written in. Below major comments are discussed:

1. Aquifer Overlay Zone Map

Generally the map corresponds with the information we have indicating major stratified drift aquifers in town. I assume that you used the mapping we provided and made other overlay maps we recommended. Areas that you want to re-examine or clarify are: east of Route 10 near Manitook Lake; the area of Granby Center and to the east; bedrock/till areas along the west boundary. Also in section 8.21.2 and the definitions you may want to clarify that the zone includes the aquifer and its direct recharge areas.

2. Underground Heating Fuel Storage

As indicated in our phone discussion ideally all underground fuel storage should be prohibited. Reasonable alternatives do exist, such as above ground tanks, but may be difficult in specific circumstances. If it is felt that "heating oil for on-site heating purposes" should be excluded then standards should be required, especially for small commercial ones (2100 gal.) and residential ones (any size) which are not covered under state regulations (see attached information). At a minimum it is desirable to have them meet the standards of the state regulations Section 22a-449(d)-1, Control of the Non-Residential Underground Storage and Handling of Oil and Petroleum Liquids.

3. Performance and Design Standards Section 8.21.7.1

- Stormwater: would prefer prohibition of leaching structures from developed areas, but if you do allow them careful design and standards should be examined.
- building floor drains: if holding tanks are allowed insure the standards are indicated.

Phone:

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4. Protection of private individual well areas

80% of the towns population depend upon groundwater from individual wells. You should examine your zoning regulations to insure consideration is given to these areas outside the A.P.Z. Specifically you would want to make sure high risk uses are adequately controlled through a special permit or conditional performance standards similar to the A.P.Z. ones.

If you have any questions or wish to discuss these comments further please don't hesitate to contact me at 566-7049.

Sincerely,

2211



Robert Hust
Senior Environmental Analyst
DEP/Bureau of Water Management

EXHIBIT D

(Town Memorandum)

#4

TOWN OF GRANBY

To: Planning and Zoning Commission

From: Francis G. Armentano, Director of Community Development

Date: October 9, 2003

Subject: An application seeking a Zoning Amendment to Section 8.21.9.5 Aquifer Protection Overlay Zone. File Z-18-03.

The Aquifer Protection Overlay Zone contains two areas, the actual Aquifer, where stratified drift deposits have been identified that can or do contain high volumes of ground water and the Recharge Area that encompasses the drainage basin that flows towards the Aquifer.

The Aquifer Protection Overlay Zone regulation requires a Special Permit for all new developments within the Overlay Zone, where the applicant must demonstrate the use of Best Management Practices in the design and operation of the proposal. BMPs are required to minimize or eliminate the threat to the aquifer. The regulations establish specific criteria, in addition to the criteria outlined in Section 8.2, to be applied by the Commission when considering uses within the Aquifer Protection Overlay Zone.

Very few uses are actually prohibited within the Aquifer Protection Overlay Zone. Prohibited uses are outlined under Section 8.21.9. The proposed amendment would change the status of **“automotive service stations or similar use which involves truck, boat or automobile engine or body repairs”** from prohibited, to allowed by Special Permit, if such use is located within the recharge area, but not the actual stratified drift aquifer.

Presently, the regulation makes only one distinction between the Aquifer and the Recharge Area. This is in Section 8.21.4.6, which permits the installation of “underground storage tanks for gasoline for non- residential purposes, when such tanks are confined to the Recharge Area of the Overlay Zone.”

The Town’s Aquifer Protection Overlay Zone differs from a level A or B mapped area of a wellhead in that the wellhead area actually serves as a public water supply. The Aquifer Protection Overlay Zone seeks to preserve the quality of the ground water so that it can be available for future use. In Granby we have level B mapping for the Salmon Brook Water District well, where a greater degree of concern is applied to proposed developments. The comment from CRCOG references “public supply watershed areas”, which differs from Granby’s Aquifer Protection area.

Interesting, the area where the applicant would like to propose a future use provides the recharge to a portion of the stratified drift aquifer that was not included in the Town’s Aquifer Map as adopted by the Commission. This stratified drift area exists in the industrial areas east of Salmon Brook Street, including the area of State Line Oil.

An approval of this application will not permit the development of the use but will only provide for the application of a Special Permit/Site Plan for such use. Upon application the Commission can deny or approve the application based on the criteria established for determining compliance with Best Management Practices and Special Permit Uses. However it would make little sense and be a waste of time and money if this amendment was approved without some belief that the actual use might be approved. Therefore, if Commission members believe that they would never support such a use within the recharge area of the overlay zone, a denial is preferable to an approval of this amendment.

I believe that the Commission could rule either way in regards to this application and be in full compliance with the guiding documents of the Plan of Conservation and Development, State Statute and the purposes of the Zoning Regulations. The member's decision will no doubt be based on whether or not they feel such use can or cannot be developed in a manner that will limit the risk to the ground water. It is up to the applicant to demonstrate that such a use could be established without presenting an undue risk to the area.