BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITING EVALUATION COUNCIL

In the Matter of the Application of: Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC, Applicant.	DOCKET NO. EF-210011 SCOUT CLEAN ENERGY, LLC'S MOTION TO SUPPLEMENT THE DEPOSITION OF DAVID KOBUS

I. INTRODUCTION

Scout Clean Energy, LLC, for Horse Heaven Wind Farm, LLC ("Applicant" or "Scout"), respectfully requests that the Energy Facility Site Evaluation Council ("EFSEC" or "Council") supplement the record with the Testimony of David Kobus ("Attachment A") in the above-captioned proceeding. Mr. Kobus's Deposition was taken on Friday, July 21, 2023. Mr. Kobus's supplemental testimony addresses statements made regarding battery energy storage system ("BESS") fire safety best practices that was accurate when made, but due to recent industry developments is now inaccurate. Therefore, Applicant respectfully moves EFSEC to supplement the record with Attachment A.

II. ARGUMENT

Supplemental Testimony to Clarify Now Inaccurate Statements Regarding Fire Safety Practices for Battery Energy Storage Systems ("BESS") Is Required Under CR 26(e).

Under Washington Superior Court Civil Rule ("CR") 26(e), a party has a duty to amend a prior discovery response when they "know[] that the response though correct when made is no longer true and the circumstances are such that failure to amend the response is in substance a knowing concealment." CR 26(e)(2)(B). This rule applies when a witness is asked a question during a deposition and then learns information that changes that answer. *Jones v. City of Seattle*, 179 Wn.2d 322, 348-49, 314 P.3d 380 (2013) (finding that the City

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of Seattle violated CR 26(e)(2) when it stated in an interrogatory that it had not retained an investigator, then later retains an investigator). When the information is of significance, the withholding of information that the attorney for the deposed knows about could also be a sanctionable offense. CR 37.

Scout believes that the Siting Council will want the most accurate and current information to best inform its decision-making.

First, the Council should understand that BESS fires are vanishingly rare, but Scout is committed to propose BESS facilities that will meet and exceed industry standards for safety. The information provided in Mr. Kobus's deposition testimony was released after Mr. Aramburu asked him whether it is "the intention of Scout to put automatic sprinkler systems in the BESS operations." Kobus Deposition, pg. 124, lns. 7-18. Between then and now, Scout has become aware that the standards related to fire safety for BESS facilities have rapidly changed to the point that Mr. Kobus's statements that the project will use automatic water sprinkler systems in the BESS operations is no longer accurate. Water suppression systems are not the best practice for fire suppression. As described in Mr. Kobus's proposed supplemental testimony, the newly released best practice information and evolving industry standards emphasize that water sprinkler systems are not preferred for fire suppression systems because they prolong the duration of the fires. Instead, as indicated in Mr. Kobus's proposed supplemental testimony, in the extremely remote chance of a BESS fire, the Applicant will allow these fires to "burn out" without the application of water. It is anticipated that the Benton County Fire Department will be on standby to keep the fire from spreading in perimeter areas.

Given the motion to dismiss due to lack of water availability and that fire safety is within the scope of the disputed issues list, Applicant believes that this supplemental testimony is of significance. Supplementing the record with this information will allow the Council to decide on the best and most current information available regarding the project.

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Based on CR 26(e)'s duty, Applicant respectfully requests that the Council supplement the record with Attachment A.

III. CONCLUSION

Given this new information and the need for the Council to have the most up-to-date information, Applicant respectfully requests that the Council supplement the record with Attachment A. In addition, so that parties to have the opportunity to respond to this supplemental testimony, Mr. Kobus is willing to sit for live cross-examination during the adjudicative hearing.

DATED: August 8, 2023.

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SUPPLEMENTAL TESTIMONY OF DAVE KOBUS

ON BEHALF OF

SCOUT CLEAN ENERGY

AUGUST 8, 2023

I. INTRODUCTION:

Q. Please state your name, occupation, and business address.

A. My name is Dave Kobus. I am the project manager for the Horse Heavens Clean Energy Center. My business address is 1385 Cortland Avenue, Richland, Washington.

Q. What is the purpose of your supplemental testimony?

A. I was deposed on July 26, 2023. Upon review of my deposition transcript, supplemental testimony is necessary to clarify and elaborate on statements made during my deposition.

Q. Are you able and willing to submit supplemental live testimony and cross examination regarding these changes?

A. Yes I am.

II. BATTERY ENERGY STORAGE SYSTEMS ("BESS"):

Q. During the deposition, you were asked questions about fire suppression systems in the BESS. (Kobus Deposition, pg. 111, ln. 22 to pg. 112, ln. 25; pg. 124, ln. 7 to pg. 133, ln. 15.) Are there any clarifications you would like to make with regard to that testimony?

A. Yes. In recent days we have learned that sprinkler systems do not provide the best means of fire suppression. Instead, the information attached to this testimony provides the most accurate and current information, which will be submitted to EFSEC. Attached to this testimony as Exhibit A is Scout's complete and accurate information regarding fire suppression at BESS facilities.

EXHIBIT A: Scout Clean Energy Planned Modification Regarding BESS Facilities and Fire Suppression:

As additional battery storage facilities have been constructed around the world in recent years, industry experts including members of the National Fire Protection Association (NFPA) 855 standard committee, members of the International Fire Code standard committee, and the Society of Fire Protection Engineers, have developed updated guidance for fire protection systems at these units based on large scale fire testing results. At the time of the Application for Site Certification in February 2021, Benton County had adopted the 2015 version of the International Fire Code (IFC). This version of the code had no requirements for lithium-ion battery installations. In order to comply with the latest guidance, the Project is updating the thermal runaway mitigation design of its Battery Energy Storage System (BESS) to align with the updated guidance.

Scout will procure batteries that are listed to UL9540,[1] have completed UL9540A large scale fire testing, and are designed in accordance with NFPA 855 2023ed[2] and the 2021 International Fire Code. The battery enclosures will be installed according to the "remote, outdoor" installation requirements of NFPA 855, including vegetation control to prevent the spread of any fire. The battery enclosures will be equipped with fire detection, but not suppression. Scout will recommend that a fire within a battery enclosure will be allowed to fully consume itself. An Emergency Response Plan will be provided prior to facility operations to train the first responders on the hazards associated with an event.

Additionally, after the full system has been designed but prior to construction, a Hazard Mitigation Analysis will be provided by a licensed fire protection engineer detailing the hazards associated with each failure mode and the associated mitigations. As part of the Hazard Mitigation Analysis, an analysis will be performed using data from the UL9540A fire testing to show that a fire inside one battery enclosure will not propagate to the adjacent battery enclosures. The Hazard Mitigation Analysis will also address the gas composition of venting during a thermal runaway event to ensure the battery siting does not present a risk to public health due to toxic gases.

In addition to updated information for the BESS, as it has been determined that the Project Site is not serviced by an adequate and reliable municipal-type water supply for supplying firewater to the occupied Operations and Maintenance Building, Scout will provide a water tank sized for

[1] UL9540, as previously mentioned, is a set of standards that an energy storage system (ESS) must meet. UL9540a is a method of evaluating thermal runaway in an ESS; it provides additional requirements for battery management systems (BMS) used in ESS. UL 9540A will continue to evolve to reflect changes in ESS installation requirements, advancements in fire science, and the needs of the ESS industry and code authorities.

[2] NFPA 855 (Standard for the Installation of Energy Storage Systems) is a National Fire Protection Association Standard developed to define the design, construction, installation, commissioning, operation, maintenance, and decommissioning of stationary energy storage systems including traditional battery systems such as those used by utilities.

structural firefighting purposes in accordance with NFPA 1142: Standard on Water Supplies for Rural Firefighting.

The following information will be added to Appendix P (Emergency Response Plan):
Although fires within industrial-scale lithium-ion battery energy storage systems are rare and expected to become even more rare with the updated NFPA 855 and IFC 2021, when fires do occur, these systems present several unique hazards for first responders. Battery cells do not have a single point of disconnect that can be used to de-energize the system. Instead, there will always be stranded energy in the battery cells. The amount of energy is dependent on the state of charge of the batteries at any given time. Additionally, lithium-ion batteries have the potential to enter thermal runaway, which generates heat and flammable gases. If a thermal runaway or fire event begins inside a battery container, the fire detection system will notify site operational personnel and first responders. First responders should not attempt to extinguish the fire or arrest the thermal runaway. The battery containers will be designed to contain the event until it fully consumes itself. Attempting to extinguish the event creates a risk of a deflagration event, which substantially increases the risk to first responders. Applying water to the event also creates the scenario where the event will smolder for days or weeks without being fully extinguished. When the event is allowed to fully consume itself, the duration of the event is only a few hours. Additional training will be provided to the first responders prior to the battery system being placed into commercial operation.

Rationale for change: Fire protection systems best management practices have been evolving in recent years including since the time the ASC was developed in 2020-2021. Fire suppression using either water or aerosol clean agents have been shown to be ineffective at arresting thermal runaway. Applying water to batteries has caused thermal runaway events to smolder for many days, allowing flammable gases to build up. Aerosol clean agents may prevent a fire, but do not arrest thermal runaway so flammable gases continue to be generated. While both water and aerosol fire suppression methods may prevent flaming, they do not arrest the thermal runaway chemical reaction, and they can increase the risk of a deflagration event. As a result, the best practice for fire protection is now considered to consist of the control measures described above, intended to prevent the spread of fire between containers in the unlikely event that a fire occurs.

Changes to Resource Impacts: No change to previous analysis. This information is provided as information on current best practices based on questions received during the adjudication process.

CERTIFICIATE OF FILING AND SERVICE

I hereby certify that on August 8, 2023, I filed the foregoing SCOUT CLEAN ENERGY, LLC'S MOTION TO SUPPLEMENT THE DEPOSITION OF DAVID KOBUS, dated August 8, 2023, with the Washington Energy Facility Site Evaluation Council through electronic filing via email to adjudication@efsec.wa.gov.

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by electronic mail at the email addresses listed on the attached Service List.

DATED: August 8, 2023.

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