

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. ____

Petition of Murphy Road Energy Storage, LLC
for a certificate of public good pursuant to
30 V.S.A. §§ 231 and 248(j) for a
5 MW battery storage facility off Murphy Road
in Bennington, Vermont.

**PREFILED TESTIMONY AND DECLARATION OF
ANDREW MILLS
ON BEHALF OF
MURPHY ROAD ENERGY STORAGE, LLC**

This document and supporting exhibits have been filed ePUC

Summary of Testimony

Witness Mill's testimony addresses the Project's compliance with Section 248(b)(5) with respect to Waste Disposal, Soil Erosion, and Primary Agricultural Soils.

EXHIBIT LIST

Exh. MRES-AM-1: Resume

Exh. MRES-AM-2: Waste Disposal/Soil Erosion Assessment

Exh. MRES-AM-3: Primary Agricultural Soils Assessment

Introduction

Q1. Please state your name, current employer, business address, and position.

A1. My name Andrew Mills. I am a Project Manager and Site/Civil engineer at Vanasse Hangen Brustlin, Inc. (VHB), State of Vermont Professional Engineer #79708. My business address is 40 IDX Drive, Building 100, Suite 200, South Burlington, Vermont.

Q2. Please describe your educational background and work experience.

A2. I hold a B.S. degree in Civil Engineering (2007) from Worcester Polytechnic Institute. My education and professional experience consists of civil/environmental engineering, including stormwater management design and permitting; erosion prevention and sediment control planning, permitting, monitoring, and reporting; and all aspects of commercial, industrial, and residential project design. My resume is attached as Exhibit MRES-AM-1.

Q3. Have you testified previously before the Public Utility Commission (“Commission” or “PUC”)?

A3. Yes. I provided testimony for the Georgia BESS Project (Case No. 21-1042-PET), Springfield BESS Project (Case No. 21-1254-PET), Outback Acres Solar Project (Case No. 23-0170-PET), Adam Road Solar Project (Case No. 21-4787-PET), Ethan Allan Solar Project (Case No. 21-1051-PET), E. BarreCo LLD ESS Project (Case No. 18-1658-PET), and for the VESIVEC LLC ESS Project (Case No. 18-3088-PET). I have also provided technical support and expertise on several other projects that were reviewed and approved or are under review by the PUC.

1

2 Q4. What is the purpose of your testimony?

3 A4. My testimony supports the Petitioner's Petition for a Certificate of Public Good (CPG)
4 pursuant to 30 V.S.A § 248(j) with respect to the proposal to install and operate a 5 MW
5 battery storage facility (Project) off Murphy Road in Bennington, Vermont (Property).
6 VHB also assessed the line upgrades that Green Mountain Power (GMP) must perform on
7 its existing distribution line on Murphy Road. My testimony provides a Project overview,
8 describes my work developing the site plan, and addresses the Project's compliance with
9 10 V.S.A. § 6086(a)(1)(B) waste disposal; 10 V.S.A. § 6086(a)(4) soil erosion; and 10
10 V.S.A. § 6086(a)(9)(B) primary agricultural soils.

11

12 Q5. Please describe the work you conducted with respect to the Project.

13 A5. My involvement with this Project includes civil/site engineering design. I prepared the site
14 plans for the Project, which is sponsored by overview witness Taegen Kopfler (Exhibit
15 MRES-TK-2), and reviewed the plans with respect to potential impacts under certain

1 Section 248 criteria. In preparing the site plans, we have performed the following tasks
2 and evaluations:

- 3 1. Design of the site plans, including access drive grading, drainage,
4 erosion prevention and sediment control measures, fencing, and
5 secondary oil containment design;
- 6 2. Construction and Operational phase stormwater permitting needs; and
- 7 3. Presence and protection of primary agricultural soils.

8
9 **Section 248 Criteria**

10 **Waste Disposal**
11 (10 V.S.A. § 6086(a)(1)(B))

12 Q6. What are the Project's plans for waste disposal?

13 A6. VHB has reviewed the Petitioner's plan for disposal of wastes under this criterion as it
14 relates to sanitary wastewater, operational stormwater runoff, general construction waste
15 including tree and brush debris, and potential historical site contamination. VHB also
16 reviewed the Project's plans for transformers and transformer coolant, including oil
17 containment and applicability of a Spill Prevention Control and Countermeasure (SPCC)
18 Plan.

19
20 The Project as designed will meet applicable regulations or current guidance regarding the
21 disposal of waste and does not involve the injection of waste materials or toxic substances
22 into ground or surface waters. The Project operation will not generate sanitary waste. Due

1 to the limited amount of existing impervious surface on the Project site and the relatively
2 small amount of new impervious surface resulting from the Project, a state operational
3 stormwater permit will not be required. Stormwater runoff from the Project during
4 operation will generally be disconnected by overland flow across vegetated terrain. Details
5 of VHB's assessment under the Waste Disposal §6086(a)(1)(B) criterion is included in a
6 memorandum attached as Exhibit MRES-AM-2.

7
8 As described in Exhibit MRES-AM-2, the Project will generate minor amounts of scrap
9 and waste material during installation, and this waste will be disposed of or recycled at an
10 approved disposal facility in accordance with Vermont Solid Waste Management Rules.
11 The Project is not anticipated to generate waste during operation. Woody debris generated
12 by any shrub and tree clearing or trimming will be either offered to the landowners for use
13 as firewood, or will be chipped, piled, or transported off site.

14
15 As detailed further in Exhibit MRES-AM-2, the Project on its own does not require an
16 SPCC Plan. Regardless, the Project transformers will have secondary containment systems
17 to prevent the release of transformer oil to the environment. The two 3,100 kVA pad-
18 mounted transformers will have integrated secondary oil containment on the pads they are
19 mounted on, sized to contain 110 percent of the largest anticipated volume of a potential
20 release of transformer dielectric fluid, plus a 5-inch rainwater event. Please see equipment
21 specifications for the transformers in Exhibit MRES-TK-3.

1 GMP will need to upgrade approximately 2,600 feet of its existing distribution line along
2 Murphy Road in Bennington to serve the interconnection for the Project. The prefiled
3 testimony of Taegen Kopfler describes the upgrades. I understand that GMP will follow
4 the Best Management Practices (BMPs) Associated with the Use of Pentachlorophenol
5 treated Utility Poles in Vermont established in Docket No. 8310 for the installation of all
6 new Project poles and the retirement and disposal of all existing poles.

7
8 **Soil Erosion**

9 (10 V.S.A. § 6086(a)(4))

10
11 Q7. Will the Project cause unreasonable soil erosion or a reduction in the capacity of the land
12 to hold water so that a dangerous or unhealthy condition may result?

13 A7. No. Because the Project will involve more than one acre of earth disturbance, it will require
14 authorization by the Department of Environmental Conservation under Construction
15 General Permit 3-9020. The permit will require implementation of BMPs to control erosion
16 and discharge of sediment from the construction site through following the Vermont Low-
17 Risk Site Handbook or a site-specific EPSC Plan as determined by the Project's risk
18 category. Due to the amount of existing and proposed impervious surfaces, the Project will
19 not require an operational stormwater discharge permit. Runoff from proposed impervious
20 surfaces will be directed to adjacent vegetated areas and will effectively be disconnected.
21 Exhibit MRES-AC-2.

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Primary Agricultural Soils
(10 V.S.A. § 6086(a)(9)(B))

Q8. Will the Project result in undue adverse impacts to Primary Agricultural Soils?

A8. No. As explained in more detail in Exhibit MRES-AM-3, the Project will involve direct impacts to Primary Agricultural Soils (PAS) as mapped by the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) and per the definition in §6001(15). As proposed, the Project will total approximately 1.16 acres of direct permanent impacts (for the Project's life) and 0.1 acres of temporary direct impacts for a total of 1.26 acres of direct impacts.

The Project proposes to mitigate temporary disturbance from trenching by temporarily stockpiling PAS on site and within the same NRCS soil map unit per horizon, and then replacing soil at the end of construction in the reverse order of excavation. The Project further proposes to stockpile soils excavated for permanent (Project-lifespan) impacts by stockpiling soil segregated per horizon. The stockpile(s) would be stabilized and vegetated. See Exhibit MRES-TC-2. Upon Project decommissioning, soil would be replaced in the reverse order of excavation within each soil map unit.

Q9. Please summarize the comments received by AAFM in response to the Petitioner's 45-day notice and respond.

A9. The September 30, 2024 AAFM comments (see Exhibit MRES-TK-4), largely restate requirements in Section 248 relative to primary agricultural soils and/or the requirements

1 of PUC Rule 5.400 regarding the contents of the Petition filing. Petitioner has addressed
2 those filing requirements in Exhibits-MRES-TK-2 (Site plan), and MRES-AM-3 (primary
3 agricultural soils memo). In addition, the comments propose several CPG conditions, most
4 of which are also addressed either in my testimony or in Exhibit MRES-AM-3 and/or will
5 be the subject of negotiation between Petitioner and AAFM during the Section 248
6 proceeding.

7
8 Q10. Does this conclude your testimony at this time?

9 A10. Yes

10

WITNESS DECLARATION

I, Andrew Mills, being over 18 years of age, and competent to testify on these matters declare that on behalf of Petitioner, I prepared my prefiled testimony and exhibits in the above captioned matter and I have the necessary expertise to testify to the same information. I declare that the above statement is true and accurate to the best of my knowledge and belief. I understand that if the above statement is false, I may be subject to sanctions by the Commission pursuant to 30 V.S.A. § 30.

Dated at South Burlington, Vermont, this 22nd day of May, 2025.

/s/ Andrew Mills
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