



Warner Norcross + Judd LLP

August 21, 2025

VIA EMAIL

Fairgrove Township Planning Commission
c/o Katie Gebhardt, Fairgrove Township Clerk
5002 Center Street
Fairgrove, MI 48733

**Re: Tuscola II Energy Storage Response to Wade Trim's Review of the
Fairgrove Township BESS SLUP Application**

Dear Planning Commission Members:

We appreciate Wade Trim's review of Tuscola II Energy Storage's ("Tuscola II") special land use permit ("SLUP") and site plan application package for Tuscola II's proposed BESS project in Fairgrove Township in advance of the August 22 public hearing. Below for your consideration are Tuscola II's responses to Wade Trim's review. The responses include additional information, clarification on some issues, and updated site plans.

WADE TRIM'S SLUP REVIEW

Application review

1. With respect to the questions regarding special firefighting equipment and the BESS containment system, we note that we have consulted with the Fairgrove Fire Chief and will continue to do so, which we discuss in our Safety Plan and application narrative. As our subject matter expert, Tom Sutton, can explain further at the public hearing if desired, no specialized firefighting equipment is needed to deal with a very unlikely thermal event. Further, best practice in the industry is to avoid spraying water on anything in the BESS area during a thermal event. The BESS containers that will be used for the Project are, by design, their own containment system, designed and tested to contain anything that might leak from the cells, prevent thermal runaway, prevent propagation to another rack or BESS container, and prevent explosions through active mitigation systems. Each BESS container is sealed, and no water can penetrate it from the outside. The design relies on the Battery Management System and Thermal Management System to shut the unit off before a thermal event occurs and if they cannot, the design on the BESS container contains the event internally.
2. With respect to the comments about the complaint resolution process, any complaints during construction would typically relate to noise or road use, while during operations, they would typically relate to sound or the health of the landscape buffer. We do not

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- oppose quarterly reporting of complaints during the first year if that is something that the Planning Commission would prefer.
3. With respect to the question about damage to drain tile, we attempt to identify the location of existing drain tile prior to construction to minimize damage and will repair tile as necessary after construction. The same is true with respect to decommissioning. We have revised our decommissioning estimate (attached) to specifically account for potential drain tile repair at decommissioning.
 4. With respect to the question about restoration costs in the decommissioning estimate, we have re-examined the estimate and have updated it to add \$348,000 in site restoration costs to account for potential earthwork to ensure that soil conditions are sufficient to return the land to active farming. The new decommissioning estimate is attached.

Standards for Consideration for Reviewing Special Land Use Permits

With respect to the comment about public services, the responses above regarding specialized fire protection equipment and repair drain tile confirm that the Project is adequately served by existing public services.

WADE TRIM'S SITE PLAN REVIEW

1. With respect to the comments regarding property dimensions, we have attached an updated Site Plan adding some property dimensions and making others easier to read.
2. With respect to the sufficiency of proposed detention, as discussed further in our Community Impacts Analysis, we have been consulting with the Tuscola County Drain Commission and using its guidance to calculate the detention requirements for the Project. We will enter and necessary agreements and obtain any necessary approvals from the Drain Commission for the Project.
3. With respect to the status of other required approvals, please see below:
 - SESC Permit – Tuscola County – estimated approval 1 month after application submittal
 - NPDES – NOC Permit – EGLE MiEnviro – 1 day after application (general rule)
 - Stormwater Approval – Tuscola County Drain Commission - 1-2 months to complete any necessary drain agreement
 - Road Approval - Tuscola County Road Commission – 1-2 months to complete any necessary road agreement

4. With respect to the question on the 15-foot spacing for the landscape buffer plantings, the spacing was determined based upon consultation with a licensed professional landscape architect and is standard for renewable energy projects and considered to be best practice. This spacing allows the plant material the proper space for its habit as it matures and grows. Planting the specified material any closer over time will be detrimental to the plants and will diminish the health of the trees. Overcrowding would result which would create competition for nutrients, light and air circulation. This in turn will result in thinning, lower branch die out, and ultimately lessening the desired screening effect.
5. With respect to the comment regarding potential damage to the landscape buffer from foraging deer, we have consulted with our landscape architect, as we do in all of our projects, to use appropriate trees that are reasonably likely to withstand death, disease, and damage from animals and pests. That being said, we understand our obligation under the Township's zoning ordinance to replace dead or diseased vegetation and will adhere to that provision for dead, diseased, or damaged landscaping during operations.

Again, we appreciate Wade Trim's review and the Township's consideration of our response. If you have any questions, please do hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel P. Ettinger", with a stylized flourish at the end.

Daniel P. Ettinger

Enclosures

cc: Arthur Mullen
Seth Koches