



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

November 20, 2024

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PETITION NO. 1647 –East Point Energy, LLC (Petitioner) petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a 17.3-megawatt AC battery energy storage facility and associated equipment to be located at Parcel No. 25-25-1-BB-2, North Larkey Road, Oxford, Connecticut, and associated electrical interconnections.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1647.

1. Prime Farmland Soils

The Petitioner states that portions of the proposed site and project area are designated as prime farmland soils. The Petitioner's proposed decommissioning plan notes that excavation will be required for the removal of foundations, piping, and utilities, and that excavated areas will be backfilled to restore the site to its original surface conditions. While the Council acknowledges that the site has not been used for agriculture for approximately 100 years and the area with prime farmland soils is traversed by a utility right-of-way, the Council recommends that the Petitioner minimize disruption of any prime farmland soils to the extent practicable, and assess/inventory the depth of prime farmland soils within the proposed developed area and retain all prime farmland soils on the proposed site to facilitate restoration.

2. Wildlife

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPAC) tool indicates that there is the possibility that tricolored bat (*Perimyotis subflavus*), a species proposed for official listing as endangered, might occur in the vicinity of the proposed project area. Tricolored bats roost in trees during the spring, summer, and fall. Since the Petitioner states that construction is expected to begin in the summer of 2026 and "the Project will require approximately ± 2 acres of tree-clearing", the Council recommends that tree removal be minimized to the greatest extent practicable and the Petitioner consult with the Department of Energy and Environmental Protection's (DEEP) Wildlife Division regarding protective measures, such as time of year restrictions on tree removal, to minimize any potential impacts on tricolored bat.

3. Spill Prevention

The Petitioner states that “some hazardous substances may be used or stored on the Property during construction or operation of the Project” and “a Spill Prevention, Control, and Countermeasure (“SPCC”) Plan, and an Operations and Maintenance (“O&M”) Plan will be developed for the Project”. The Council recommends that the referenced SPCC Plan, and any external environmental quality plans and/or standards, referenced by the Petitioner, be submitted to the Siting Council for inclusion in the record, consideration, and possible incorporation into permits.

The Council’s comments above address only certain elements of the materials provided by the Petitioner at the time of the filing. Additional information can become evident through comments offered by other parties and during the Siting Council’s administrative hearing process. The absence of comment(s) by this Council about any Petition or Application, or any aspects thereof, may not be interpreted as an endorsement of a proposed project, or its components or that this Council might not have comments or concerns on more specific issues raised during the hearing process.

Thank you for your consideration of the Council’s comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Aresta", with a stylized flourish at the end.

Paul Aresta
Executive Director