



## STATE OF CONNECTICUT

# COUNCIL ON ENVIRONMENTAL QUALITY

### VIA ELECTRONIC MAIL

August 29, 2024

Melanie Bachman, Executive Director  
Connecticut Siting Council  
Ten Franklin Square  
New Britain, CT 06051  
[Melanie.Bachman@ct.gov](mailto:Melanie.Bachman@ct.gov)

PETITION NO. 1637 – KCE CT 11, 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 4.99-megawatt AC battery energy storage facility and associated equipment located at 100 Salmon Brook Street, Granby, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1637.

#### 1. Wildlife

The U.S. Fish and Wildlife Service (USFWS), Information for Planning and Conservation (IPAC) tool indicates that there is the possibility that the northern long-eared bat (NLEB), a species that has recently been reclassified as “endangered” under the Endangered Species Act, and tricolored bat, a species proposed for official listing as endangered, might occur in the vicinity of the proposed project area. The Council also notes that the *CTDEEP Northern Long-eared Bat Map*, dated July 24, 2023, identifies East Granby, the municipality located immediately east of the proposed site, as an area with known “Winter Occurrence” of NLEB. Since the Petitioner states that approximately two acres of tree clearing will be needed for the proposed project, the Council recommends that the Petitioner consult with DEEP’s Wildlife Division regarding protective measures, such as time of year restrictions on tree removal, to minimize any potential impacts on NLEB and tricolored bat. The Council also recommends that the Petitioner utilize the USFWS Range-wide Northern Long-eared Bat determination key (Dkey), available through the IPaC website, to confirm that the proposed project would not adversely affect NLEB.

#### 2. Wetlands and Vegetation

The Petitioner notes that one palustrine forested wetland and one intermittent watercourse are located on the proposed site. The Petitioner also states that “the Project proposes to clear two acres of forest, this includes approximately 1,500 square feet of clearing within the delineated wetland.” The Council does not support the potential alteration to the palustrine forested wetland system on the proposed site. The Council recommends that the Petitioner assess alternative routes for the proposed electrical interconnection, including but not limited to installing the proposed electrical interconnection along the proposed access road to minimize any potential adverse impacts on the existing palustrine forested wetland on the proposed site.

Keith Ainsworth  
Acting Chair

Christopher Donnelly

David Kalafa

Aimee Petras

S. Derek Phelps

Denise Rodosevich

Charles Vidich

William Warzecha

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Paul Aresta  
Executive Director

### 3. Public Water Supply and Spill Prevention

The Petitioner states that the proposed site occurs within the Town of Granby's aquifer protection overlay zone. The Council recommends that the Petitioner review and incorporate the protective measures identified in the Department of Public Health's "General Construction Best Management Practices for Sites within a Public Drinking Water Supply Area" guidance document.<sup>1</sup> The Petitioner also states that "The Project qualifies as a Tier 1<sup>2</sup> facility by the United States Environmental Protection Agency ("USEPA") and, as such, must develop a self-certified Spill-Prevention, Control, and Countermeasure ("SPCC") Plan" and "during Project construction a site-specific Emergency Response Plan ("ERP") will be developed and implemented to protect the safety of construction personnel and Project staff." The Council supports the Petitioner's intent to eliminate any potential adverse impacts to the environment and groundwater resources, especially within the town of Granby's aquifer protection overlay zone. The Council also recommends that the proposed SPCC plan and ERP contain specific provisions for spill prevention and response during construction of the proposed facility, and that such plans be provided to the town of Granby.

The Council's comments above addresses 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

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<sup>1</sup> Connecticut Department of Public Health; [https://portal.ct.gov/-/media/departments-and-agencies/dph/dph/drinking\\_water/pdf/bmpfactsheetpdf.pdf](https://portal.ct.gov/-/media/departments-and-agencies/dph/dph/drinking_water/pdf/bmpfactsheetpdf.pdf)

<sup>2</sup> There are two types of qualified facilities, Tier I and Tier II, that apply to EPA's Spill Prevention, Control, and Countermeasure (SPCC) rule.