



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

VIA ELECTRONIC MAIL

January 24, 2024

Melanie Bachman, Executive Director
Connecticut Siting Council
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PETITION NO. 1606 - Endurant Energy (Petitioner) petition for a declaratory ruling for the proposed construction, maintenance and operation of a 4.9-megawatt AC battery energy storage facility located at 65 and 105 Vine Street, Middletown, Connecticut.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comment regarding Petition 1606.

1. Noise

The Petitioner notes that the State of Connecticut's Noise Regulations are more restrictive than the City of Middletown's noise ordinance and that compliance with the state noise regulations will ensure compliance with the local regulation. The Regulations of Connecticut State Agencies (RCSA) Section 22a-69-2.4 includes "Educational Services" as a Class B Land Use and the RCSA Section 22a-69-3.5 limits noise from a Class B emitter to a Class A receptor at 55 dBA during the day and 45 DBA at night. The Petitioner also notes the Indian Hill Cemetery, located west of the proposed site, meets the intent of Class A receptors as it is a use which requires "serenity and tranquility". The Petition states that "the proposed BESS facility is considered a utility service, and therefore industrial use, with a noise emitter classification of C". However, the Council questions this interpretation since the mere placement of industrial equipment in a land use category would not necessarily change the land use designation.¹ The Council recommends that the Petitioner ensure that the proposed facility would meet the requirements of RCSA Section 22a-69-3.5 for the appropriate Class emitter to a Class A receptor.

The Council's comment 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 comment.

Sincerely,

Paul Aresta, Executive Director

Keith Ainsworth
Acting Chair

Christopher Donnelly

David Kalafa

Matthew Reiser

Denise Rodosevich

Charles Vidich

William Warzecha

Paul Aresta
Executive Director

¹ RCSA Sec. 22a-69-2.1. Noisy Zone classifications shall be based on the actual use of any parcel or tract under single ownership as detailed by the Standard Land Use Classification Manual of Connecticut (SLUCONN).