



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

October 26, 2023

TO: Service List, dated October 16, 2023

FROM: Melanie Bachman, Executive Director *MAB*

RE: **PETITION NO. 1595-** HyAxiom, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, for the proposed construction, maintenance and operation of a grid-side 4.14-megawatt fuel cell facility and associated equipment to be located at 35 North Main Street, Ansonia, Connecticut, and associated electrical interconnection.

Comments have been received from the Council on Environmental Quality on October 25, 2023. A copy of the comments is attached for your review.

MAB/IN/dll

c: Council Members



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Executive Director

VIA ELECTRONIC MAIL

October 25, 2023

Melanie Bachman, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051
Melanie.Bachman@ct.gov

PETITION NO. 1595 - HyAxiom, Inc. (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 grid-side 4.14-megawatt fuel cell facility and associated equipment to be located at 35 North Main Street, Ansonia, Connecticut, and associated electrical interconnection.

Dear Attorney Bachman,

The Council on Environmental Quality (Council) offers the following comments regarding Petition 1595.

1. Noise

The Petitioner notes that based on the results of an engineering study conducted by a professional acoustic engineer of the proposed site dated October 11, 2023, the noise level of the proposed facility will not exceed local and state noise level ordinance levels. However, the Acoustic Survey Report and Recommendations (Report) states that “the operation of the nine HiAxiom 460 KW fuel cells will meet all of the State of Connecticut and City of Ansonia airborne noise requirements at all the nearby properties except for one property across the street”. The Report also notes that the proposed facility would have sound pressure levels, corrected for background noise, at 53 dBA at the property line. Since the nighttime sound level standard from an industrial source (Class C) to a residential zone (Class A) is 51 dBA at night, the projected noise level from the proposed facility at that residentially zoned parcel would exceed the applicable standard. Section 22a-69-3.1 of the Regulations of Connecticut State Agencies (RCSA) states that “no person shall cause or allow the emission of excessive noise beyond the boundaries of his/her Noise Zone so as to violate any provisions of these Regulations.” Therefore, the Council recommends that the proposed facility be compliant with the noise regulations at all nearby properties, and especially those designated as Class A lands, which are defined as “residential areas where human beings sleep or areas where serenity and tranquility are essential to the intended use of the land.”¹ The Council also recommends that, if approved, post-construction noise monitoring with the facility at full operation be undertaken at night to confirm that the actual noise levels are compliant with the applicable noise standard.

2) Soils

The Petitioner notes that the proposed site is a state designated brownfield that was the former site of SHW Castings/Ansonia Copper and Brass. The Petitioner states that “to the extent that minimal water overflow may occasionally occur, such discharges will consist of de-ionized

water and will be directed to a site dry well.” Since the proposed project might require disturbance of the underlying material, the Council recommends that the Petitioner conduct an assessment of the proposed site, if not already completed, by sampling soil, groundwater and/or soil vapor. Such assessment will assist the Petitioner to minimize disturbance of potentially contaminated material and help ensure the health and safety of project personnel. The Council also recommends that any soils and/or other materials that are disturbed/removed due to the construction of the proposed facility be appropriately characterized and treated, or disposed of at an approved location, consistent with applicable regulations.

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 that reads "Paul Aresta". The signature is written in a cursive style with a long horizontal stroke at the end.

Paul Aresta
Executive Director

c. Mark Lewis, Department of Energy & Environmental Protection, Brownfields Coordinator

¹ Regulations of Connecticut State Agencies, Sec. 22a-69-2.3, Class A noise zone