

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition of BNE Energy Inc. for a
Declaratory Ruling for the Location,
Construction and Operation of a 3.2 MW
Wind Renewable Generating Project on
New Haven Road in Prospect,
Connecticut (“Wind Prospect”)**

Petition No. 980

March 8, 2011

**PETITIONER BNE ENERGY INC.’S INTERROGATORY RESPONSES
TO CONNECTICUT WATER COMPANY’S FIRST SET OF INTERROGATORIES**

Petitioner BNE Energy Inc. (“BNE”) submits the following responses to the First Set of Interrogatories issued by Connecticut Water Company dated March 1, 2011.

Q1. Did BNE Energy, Inc. (“BNE”) meet with representatives of The Connecticut Water Company (“CT Water”) to discuss the potential adverse impacts to public water supply watershed lands and water associated with the construction of BNE’s infrastructure?

A1. Yes. BNE was contacted by CT Water to discuss the Wind Prospect project. BNE representatives met with CT Water representatives on January 14, 2011.

Q2. Did BNE submit revised site plans that addressed CT Water’s concerns regarding the potential adverse impacts to CT Water’s public water supply watershed resources?

A2. Yes. BNE submitted revised plans, which were the result of revisions made at the request of CT Water, on February 16, 2011.

Q3. Is BNE willing to accept the revised plans as conditions of any approval in this proceeding?

A3. Yes.

Q4. Is BNE willing to accept as a condition of any approval that it notify CT Water of any modifications of the revised plans and incorporate any reasonable conditions or recommendations that would reduce or avoid adverse impacts to public water supply watershed resources?

A4. Yes.

Q5. Is BNE willing to accept as conditions of any approval those items listed in CT Water's letter to the Siting Council dated February 11, 2011?

A5. BNE is to accept, as conditions of approval, all of the items listed in CT Water's correspondence dated February 11, 2011 with the exception of two items.

First, BNE does not believe that item #3, in which CT Water mentions that it "may" be appropriate for BNE to post an erosion and sedimentation control bond with the Prospect Inland Wetlands Commission is necessary or appropriate. First, BNE believes this request is unnecessary since BNE has agreed to a third party inspector to provide weekly inspections and inspection reports concerning soil erosion and sedimentation control measures. In addition, BNE acknowledges CT Water's right to inspect such measures at any time. Therefore, the posting of a bond is simply unnecessary. Furthermore, BNE notes that the Prospect Inland Wetlands Commission has no jurisdiction over this proposed project and BNE does not and will not need to obtain any approval from that commission. Therefore, if the Council deems that posting of a bond is appropriate, the bond should be posted with the Siting Council rather than a local commission that lacks jurisdiction over this matter.

Second, BNE does not believe that CT Water's encouragement of the placement of a conservation easement over the entire property at 178 New Haven Road (the "Property") is necessary or warranted. Further, BNE does not currently own the property and cannot therefore agree to a conservation easement at this time. However, subject to purchasing the property, BNE is willing to discuss and agree to reasonable conservation measures with CT Water on the most environmentally sensitive areas of the property in order to provide further protections to watershed lands and water supply sources.

Q6. Is BNE willing to accept as a condition of any approval that:

- a. **for any maintenance activity on the two turbines involving the draining, transfer, or addition of lubricating, hydraulic or other oil or fluid having a volume greater than five (5) gallons, CT Water shall be notified a minimum of 72 hours in advance of any such maintenance being performed.**
- b. **CT Water shall be allowed access to monitor all maintenance activities.**
- c. **Require emergency spill control equipment be provided on site during all maintenance activities.**
- d. **In the event of a spill, CT Water and the DEP shall be immediately notified.**

A6. BNE is will to accept all of these items as conditions of approval of this petition.

BNE ENERGY INC.

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Certification

This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record.

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