Connecticut Water Company
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March 29, 2011

Ms. Linda Roberts
Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: **Petition No. 980- BNE Energy, Inc**. petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a 3.2 MW Wind Renewable Generating facility located at 178 New Haven Road, Prospect, Connecticut.

Dear Ms. Roberts:

Connecticut Water Company (CWC) has reviewed revised site plans for this project. The revised plans, dated 3/28/11, have incorporated certain protection measures to minimize impacts to the public water supply from construction activities. In addition, we have attached as Exhibit A a list of specific concerns/plan revisions from our consultant that we request the Siting Council require of the applicant if the project is approved. CWC believes the revised plans together with our additional comments should provide adequate protection of the water resources on this site.

BNE Energy's interrogatory response of March 8, 2011 to CWC's interrogatory question #5 states " 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". We understand BNE's ability to provide a conservation easement is predicated on their ownership of the land in question. However, CWC is seeking additional assurance from BNE that such conservation areas will be provided and requests that the planned conservation easement areas be shown on the site plans prior to Council action. To that end, CWC requests the plans show a minimum 50' conservation easement 1) around the two northern most wetland areas located on the property, 2) around the wetland area located adjacent to Turbine #2, and 3) around the southern wetland area. These are the most critical areas to permanently protect to ensure protection of our water supply source from impacts of future development.

With this letter, CWC again requests the opportunity to review and comment on any revised site plans or any future construction or development on the site to ensure that such activities do not adversely impact the public water supply.

Source protection is a vital concern of Connecticut Water Company and we appreciate the opportunity to provide comments to the Siting Council on this proposed project.

Sincerely,

Cindy F. Gaudino
Manager Source Protection and
Real Estate

Cc: M. Westbrook, CWC
D. Radka, CWC
Service List

Exhibit A

1. Memo dated 3/26/11 from Matthew Davison of Vanasse Hangen Brustlin, Inc. to CWC should be incorporated into the final design for the restoration plan (see attached).

2. All fill material brought on-site shall be certified as clean fill. This should be noted on the plans.

3. Post an appropriate erosion and sediment control bond with the Siting Council.

4. Due to the close proximity of permanent Pond #1 to CWC's property boundary line, we request this boundary line be surveyed and marked in the field.

5. Access to the site will be gained from Kluge Road, which is primarily paved. At the end of Kluge Road, an existing gravel access road allows access to an existing cell tower and the proposed project site. The project plans do not indicate whether this access road remains as is or whether some additional improvements may be necessary for the Wind Prospect project. Additional access road improvements may be required and should be shown on the plans with appropriate sediment and erosion control measures.

6. Silt fence is being provided along the downgradient side of the proposed 20 foot wide gravel access road. This silt fence should be reinforced with staked haybales along its entire length (from road stations 0+00 to 17+00) and around blade laydown area for Turbine #2.

7. The silt fence proposed at temporary sediment trap (TST 1-2) as shown on sheet C-201(to be later converted to permanent Pond #1), should be relocated to the permanent edge of clearing at the outset of the project. The current plans show clearing beyond the temporary sediment trap, with silt fence needing to be removed and relocated during permanent pond construction. Installing silt fence with staked hay bales at the permanent edge of clearing would provide better protection for downgradient resources. To minimize repeated disturbance on the site, the permanent Pond #1 should be constructed early in the project and utilized as a temporary sediment trap during construction activities. At the end of construction activities, it would only need to be cleaned out of accumulated sediment.

8. The proposed grading for permanent Pond #1 as shown on sheet C-310 needs to be corrected so that proposed contours correctly tie into existing grades.

9. It is not clear what the box-like feature is (forbay?) at the inlet to Pond #1 as shown on sheet C-310. Also, it appears the proposed riprap from the outfall located at road station 8+02 to the proposed permanent Pond #1 is shown being placed on top of the swale's northern berm as opposed to being placed within the bottom of the swale.

10. A construction detail for the proposed level spreaders should be provided on sheet C-502.

11. The clearing limits for the western most blade at Turbine #2 as shown on sheet C-203 should be extended to encompass the entire blade area. A note should be included on the plan stating no grading or grubbing will occur within this area.

12. The project engineer should consider rotating proposed permanent Pond #2 approximately 30 degrees to the northwest so that the pond is parallel with existing contours. The proposed riprap swale located along the southeast edge of the pond (as currently proposed) may overtop and discharge directly into the pond as shown on sheet C-311. We believe the intent is to have the proposed riprap swale discharge around the pond.

13. The stormwater analysis flow diagrams indicate that the stormwater discharge analysis point was analyzed at one location. We would recommend that the stormwater analysis points be separate because each of the ponds (Pond #1 and #2) discharge into separate slope wetlands on this site. These wetlands don't join each other until they are off site.

14. The plans indicate the construction of a facility support building near the existing cell towers. If parking is to be provided, we recommend stormwater from the parking area be discharged into a rain garden or stormwater basin before being discharged into the existing riprap swales that are to remain near this building.

Transportation
Land Development
Environmental
Services

VHB Vanasse Hangen Brustlin, Inc.

54 Tuttle Place
Middletown, Connecticut 06457
Telephone 860 632-1500
FAX 860 632-7879
www.vhb.com

Memorandum

To: Connecticut Water Company
Attention: Cindy Gaudino, Manager
Source Protection and Real Estate
93 West Main Street
Clinton, Connecticut 06413

Date: March 26, 2011

Project No.: 41604.01

From: Matthew Davison
Registered Soil Scientist
CT Certified Forester 193

Re: Wind Prospect Site Restoration

As you are aware, BNE Energy Inc. ("BNE") is proposing to construct and operate a wind generating development on its 67.5-acre property located at 178 New Haven Road in Prospect, Connecticut (the "Property"). In addition to the two turbines, the development will include an ancillary storage building, access road and associated ground equipment including an electrical collector yard and associated utility infrastructure so that the turbines can be interconnected to the electrical grid (collectively the "Project"). Current access to the Property exists off of Kluge Road. BNE proposes to construct a gravel access road through a meadow area and second growth forest to access the proposed turbine locations.

A total of approximately 8.84-acres of the total 67.5-acre Property will be disturbed as a result of the proposed Project, including approximately 4.45-acres of tree clearing. Of the 8.84-acres of total disturbance, approximately 7.71-acres will be restored following construction with a native herbaceous seed mixture. Restored areas are referred to as "Upland Meadow Creation and Restoration Areas". The remaining 1.13-acres include the gravel access drive, crane access pads, ancillary storage building and associated gravel parking area.

As noted in the most recently revised plan set, two (2) bioretention basins have been incorporated to provide primary treatment of the design water quality volume (WQV). The southernmost basin, located at station 8+50, will be formed in fill materials and as such, bioretention is likely a suitable treatment method for this location. The northernmost basin, located adjacent to Turbine Location 2, may not have the necessary separation from groundwater for bioretention. At this location, primary treatment practices that utilize groundwater, such as a stormwater wetland, may be more appropriate. If feasible, this design will be incorporated into the final plan set during the development and management phase of the project. Additional geotechnical investigations and site assessments to characterize soil characteristics and groundwater elevations at these locations will be necessary in order to determine the most appropriate primary stormwater treatment measures. A detailed description of a typical stormwater wetland basin is provided.

Upland Meadow Creation & Restoration Areas

Disturbed earth areas will be restored following construction with New England Conservation/Wildlife Mix, a native herbaceous seed mixture that will form a permanent, maintenance free cover of grasses, forbs, wildflowers and legumes. This seed mixture will provide erosion control and wildlife habitat value. Creation Areas refer to areas that were previously forested that will be converted to meadow. Restoration Areas refer to the restoration of the existing meadow habitat located on-site. Creation Areas in proximity to the turbine bases will be mowed to facilitate maintenance access. Remaining areas will not be maintained and allowed to revert to forest through the natural process of succession.

Upland Meadow Creation & Restoration Area Construction Sequence and Planting Schedule

1. Prior to all work, erosion control barriers will be installed as detailed on the Erosion Control Plan.

2. Where adequate topsoil (±6 inches) does not exist, the Upland Meadow Areas shall be backfilled to a minimum depth of 6 inches with clean topsoil. Once final topsoil is in place, these areas will be planted with New England Conservation/Wildlife Mix after the completion of final grading. The seed mix will be applied at a rate of 1 lb/1,750 square feet. Soil conditioning activities, including raking, will be combined with the seed application process.

3. Where 2:1 slopes are utilized for final grading, or in areas specified on the plan sheets located between Turbine Location 2 and the Wetland 3, biodegradable erosion control matting will be installed over the seed mixture to promote establishment of vegetation and aid in stabilization. The contractor will use "SC2" erosion control matting, available at New England Wetland Plants Inc. (413) 548-8000 or an approved equivalent.

4. The contractor will be responsible for the careful installation, maintenance (including watering) and establishment of native plant material in these areas.

5. The erosion control barriers shall be disassembled following successful stabilization of these areas. Sediment collected by these devices will be removed and disposed of in a manner that prevents erosion and transport to a wetland or watercourse.

6. Monitoring of the Upland Meadow Creation and Restoration Areas will be conducted as follows by a qualified third party inspector. These areas will be monitored the first two growing seasons following their construction. Monitoring reports will be submitted to the Connecticut Siting Council and Connecticut Water Company no later than December 15 of each year. The reports will provide details on the three success standards described below. In the event that remediation measures are required, recommendations will be provided. The first year of monitoring will be the first year that the site has been through a full growing season after completion of construction and planting. For monitoring purposes, a growing season starts no later than May 31.

7. The Upland Meadow Creation and Restoration Areas will be assessed using three success standards. Each standard is described below. Success Standard 1: At least 75% of the surface area of the these areas should be reestablished with indigenous species within two growing seasons. Success Standard 2: Vegetation should be checked to ensure that no invasive species colonize in these areas. Success Standard 3: Slopes within and adjacent to the Upland Meadow Creation and Restoration Areas are stabilized.

8. In the event that remediation measures are recommended, BNE Energy, Inc. will initiate these measures with the assistance of the qualified third party inspector.

9. If necessary to control invasive species, herbicide applications will be conducted by a state-licensed individual. If applications are required in proximity to site wetlands, the herbicide RODEO® [glyphosate (53.8% active ingredient)] shall be utilized as it is the only herbicide approved by CTDEP for application in aquatic environments.

10. Fertilizers will not be used to promote growth within these areas. The proposed seed mixture contains a variety of native herbaceous species adept at colonizing recently disturbed areas.

Planting Schedule 1: Upland Meadow Creation & Restoration Areas

Upland Meadow Creation & Restoration Areas will be planted with New England Conservation/Wildlife Mix (or equivalent) at 1750 sq.ft./lb. or as recommended by manufacturer. This mix includes the following species: big bluestem *(Andropogon gerardii)*, fringed brome grass *(Bromus ciliates)*, creeping red fescue *(Festuca rubra)*, Canada wild rye *(Elymus Canadensis)*, Virginia wild rye *(Elymus virginicus)*, switchgrass *(Panicum virgatum)*, deer tongue grass *(Panicum clandestinum)*, little bluestem *(Schizachyrium scoparium)*, Indian grass *(Sorghastrum nutans)*, common milkweed *(Asclepias syriaca)*, New England aster *(Aster novae-angliae)*, partridge pea *(Chamaecrista fasciculate)*, showy tick-trefoil *(Desmodium Canadense)*, grass leaved goldenrod *(Euthamia graminifolia)*, gray goldenrod *(Solidago nemoralis)*.

Stormwater Wetland Basin

The constructed stormwater wetland basin will achieve a high removal rate of particulate and soluble pollutants and nutrients through gravitational settling, native wetland plant uptake, absorption, physical filtration and biological decomposition. Total suspended solids contained within the stormwater discharge will be properly removed in excess of requirements noted in the *2004 Connecticut Stormwater Quality Manual*. The stormwater wetland will provide additional treatment of both the quantity and quality of stormwater generated by the proposed development prior to its controlled discharge to the Site wetlands.

Stormwater Wetland Basin Design

The constructed stormwater wetland basin will consist of multiple cells including a forebay, high marsh, low marsh, and a micropool. The forebay is a deep water area at the inlet of the stormwater discharge that reduces the velocity of the runoff, traps course sediments, provides some pretreatment and spreads the runoff evenly over the high marsh and low marsh areas. The high marsh and low marsh areas consist of planted native emergent wetland vegetation to treat the two types of stormwater flows: high flows (by the high marsh) and the more frequent low flows (by the low marsh). The low marsh follows a sinuous pathway to maximize contact with the vegetation during the more frequent small precipitation events by providing more surface area to treat the "first flush" of runoff. This maximizes pollutant removal efficiency. The micropool is an open water area that will increase the diversity of wildlife habitat and prevent the outlet structure from clogging. Planting Schedule 2, which follows the Stormwater Wetland Basin Construction Sequence, provides a typical list of species to be planted in each type of wetland habitat within the stormwater wetland basin.

Stormwater Wetland Basin Construction Sequence and Planting Schedule

1) A qualified wetland scientist responsible for this planting design shall be notified 48 hours prior to any phase of the planting to monitor and oversee implementation of the construction of the various wetland habitats and planting plan.

2) The constructed stormwater wetland basin will be excavated and formed to the limits shown on this plan. The area will be excavated approximately 12 inches below final grades to allow for the placement of a wetland topsoil layer to achieve final grades.

3) Minor modifications to this grading plan may be made in the field by the wetland scientist in response to observed subsurface hydraulic conditions in order to achieve the proper hydrology conditions for the various created wetland habitats.

4) Wetland topsoil consisting of a 1:1 mixture (or equal volumes) of organic and mineral materials that contains at least 12 percent organic carbon content by weight will be placed over the bottom of the basin. Clean leaf compost or commercially available compost (well to partially decomposed) is the preferred amendment to achieve this standard, though other materials may be used if approved by the supervising wetland scientist. Materials should be uncontaminated and void of any woodchips. The contractor shall ensure that proper soil compaction levels (loose to friable) are maintained and appropriate corrective measures (e.g., rototilling) may be necessary.

5) The qualified wetland scientist may determine that dewatering is needed during the grading and planting of the constructed stormwater wetland basin. If necessary, excess water will be discharged into a temporary sediment trap. The need for dewatering and any specific method for dewatering is site specific and may be modified by the Contractor to accommodate field conditions. The Contractor shall provide the means and methods of dewatering consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

6) Prior to planting, the basin bottom will be lined with erosion control matting. Basin side slopes will be planted with the recommended native seed mixture (see Planting Schedule 2) and then covered with erosion control matting.

7) Constructed stormwater wetland basin plantings will take place once the above listed tasks have been completed. The species, size and quantity of the plantings will follow the constructed stormwater wetland basin planting schedule found in Planting Schedule 2.

8) Prior to delivery to the Site, the supervising wetland scientist may visit the nursery providing the planting stock to ensure that the specimens are healthy, free from pests, and suitable for use within the planting areas. Unsuitable specimens will be rejected and replaced with suitable specimens. The wetland scientist must approve any planting substitutions. All woody plant stock will be container-grown. Planting within the basin area will conform to the plans or will be completed in accordance with directions provided in the field by the wetland scientist. Only plant materials native and indigenous to the region shall be used.

9) All plantings to be spaced equidistant to provide a dense planting bed for effective stormwater treatment. Plantings will be placed in holes created in the erosion control matting.

10) The contractor hired to build the constructed stormwater wetland basin shall attend the pre-construction meeting. The contractor shall be responsible for the careful installation, maintenance (including watering if necessary), and establishment of the plant material in the basin area. All plants shall be guaranteed by the contractor to remain alive and healthy for a full twenty four (24) month period.

Planting Schedule 2: Stormwater Wetland Basin

Botanical Name	Common Name	Size	Spacing	Quantity
Low Marsh				
Carex comosa	Bearded sedge	2" plugs	2FT-O.C.	TBD
Schoenoplectus (Scirpus) Acutus	Hard-stem Bulrush	2" plugs	2FT-O.C.	TBD
Sparganium americanum	Burreed	2" plugs	2FT-O.C.	TBD
High Marsh				
Carex lupulina	Hop sedge	2" plugs	2FT-O.C.	TBD
Juncus effuses	Soft rush	2" plugs	2FT-O.C.	TBD
Iris versicolor	Blue flag iris	2" plugs	2FT-O.C.	TBD
Scirpus atrovirens	Green bulrush	2" plugs	2FT-O.C.	TBD
Scirpus cyperinus	Woolgrass	2" plugs	2FT-O.C.	TBD
Micropool & Edge of Forebay				
Pontederia cordata	Pickerelweed	2" plugs	2FT-O.C.	TBD
Sagittaria latifolia	Northern arrowhead	2" plugs	2FT-O.C.	TBD
Scirpus acutus	Hard-stem bulrush	2" plugs	2FT-O.C.	TBD
Scirpus validus	Soft-stem bulrush	2" plugs	2FT-O.C.	TBD

Side slopes of Stormwater Wetland Basin will be planted with New England Conservation/Wildlife Mix for moist sites (or equivalent) at 1750 sq.ft./lb. or as recommended by manufacturer. Wetland plugs to be provided by New England Wetland Plants, Inc. (413-548-8000), or approved nursery.

CERTIFICATION

I hereby certify that a copy of the foregoing document was delivered by first-class mail to the following service list on the 29th of March, 2011:

Carrie L. Larson
Paul Corey
Jeffrey J. Tinley
Nicholas J. Harding
Hon. Robert J. Chatfield
Thomas J. Donohue, Jr.
Eric Bibler
John R. Morissettee
Christopher R. Bernard
Joaquina Borges King

Cindy F. Gaudino