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February 16, 2011

VIA ELECTRONIC MAIL and FEDERAL EXPRESS

The Honorable Daniel Caruso, Chairman Connecticut Siting Council Ten Franklin Square New Britain, CT 06051

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

Re: BNE Energy Inc., Petition 980, 178 New Haven Road, Prospect, CT

Dear Chairman Caruso and Executive Director Roberts:

As you are aware, BNE's proposed project at 178 New Haven Road in Prospect, Connecticut ("Wind Prospect") abuts over 1,000 acres of property owned by Connecticut Water Company ("CWC"). After BNE filed this petition, CWC contacted BNE and expressed some concerns with the Wind Prospect project due to the proximity of the project to the New Naugatuck Reservoir and its source. BNE representatives met with CWC and agreed to make certain revisions to its proposal, which are depicted on the documents filed herewith including:

- 1. 21 copies of revised plan sheets C-202, C-203, C-303, C-315, and C-500;
- 2. 21 copies of Memorandum from BNE dated February 3, 2011.

BNE is willing to incorporate the changes discussed in the Memorandum and depicted in the revised plan sheets in order to address the concerns raised by Connecticut Water and believes that the proposed revisions fully address the concerns expressed by Connecticut Water. It is BNE's understanding that Connecticut Water will be filing for legal standing in this proceeding and will, therefore, have the ability to comment further as necessary on the proposed revisions.



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Please let me know if you have any questions.

Respectfully submitted,

/s/ Carrie L. Larson

Carrie L. Larson

cc: Certification of Service Andrew Lord, Esq.

ACTIVE/72955.3/CLARSON/2377867v1















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<u>LEGEND</u>



UPLAND MEADOW CREATION AREA

UPLAND MEADOW RESTORATION AREA

CONTROL BLANKET

	Common Name	Size	Spacing (minimum)	Quanti	
	Red Maple	4-6 feet	10 feet	3	
a	Black Chokeberry Common Spicebush Northern Arrowwood	3-4 feet 3-4 feet 3-4 feet	5 feet 5 feet 5 feet	10 10 10	

UPLAND MEADOW (CREATION & RESTORATION) AREA CONSTRUCTION SEQUENCE AND PLANTING SCHEDULES

1. PRIOR TO ALL WORK, EROSION CONTROL BARRIERS ARE TO BE INSTALLED AS DETAILED ON THE

2. WHERE ADEQUATE TOPSOIL (±6 INCHES) DOES NOT EXIST, THE UPLAND MEADOW CREATION AND RESTORATION AREAS SHALL THEN BE BACKFILLED TO A MINIMUM DEPTH OF 6 INCHES WITH CLEAN TOPSOIL. ONCE FINAL TOPSOIL IS IN PLACE, IT SHALL BE GRADED TO ACHIEVE A RELATIVELY SMOOTH

3. ONCE THE ABOVE LISTED TASKS HAVE BEEN COMPLETED, THESE AREAS WILL BE PLANTED WITH NEW ENGLAND CONSERVATION/WILDLIFE GRASS SEED MIX AFTER THE GRADING IS COMPLETED. THE SEED MIX WILL BE APPLIED TO THE ENHANCEMENT AREA AT A RATE OF 1 LB/1,750 SQUARE FEET. SOIL CONDITIONING ACTIVITIES, INCLUDING RAKING, WILL BE COMBINED WITH THE SEED APPLICATION

4. SC2 EROSION CONTROL BLANKET SHALL CONTAIN A MINIMUM OF 70% STRAW, 30% COCONUT FIBER, AND PHOTODEGRADABLE NETTING ON BOTH SIDES AND SHALL BE INSTALLED PER MANUFACTURER'S

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CAREFUL INSTALLATION, MAINTENANCE (INCLUDING WATERING), AND ESTABLISHMENT OF NATIVE PLANT MATERIAL IN THESE AREAS. ALL PLANTS SHALL BE GUARANTEED BY THE CONTRACTOR TO REMAIN ALIVE AND HEALTHY FOR A FULL

6. THE EROSION CONTROL BARRIERS SHALL BE DISASSEMBLED FOLLOWING SUCCESSFUL STABILIZATION OF THIS AREA. SEDIMENT COLLECTED BY THESE DEVICES WILL BE REMOVED AND DISPOSED OF IN A MANNER THAT PREVENTS EROSION AND TRANSPORT TO A WATERWAY OR WETLAND.

UPLAND MEADOW CREATION AREA PLANTING SCHEDULE

UPLAND MEADOW CREATION AREA WILL BE PLANTED WITH NEW ENGLAND CONSERVATION/WILDLIFE MIX (OR EQUIVALENT) AT 1750 SQ.FT./LB. OR AS RECOMMENDED BY MANUFACTURER. SEED MIX TO BE PROVIDED BY NEW ENGLAND WETLAND PLANTS, INC. (413–548–8000), OR APPROVED SUPPLIER.

UPLAND MEADOW RESTORATION AREA PLANTING SCHEDULE

UPLAND MEADOW RESTORATION AREA WILL BE PLANTED WITH NEW ENGLAND CONSERVATION/WILDLIFE MIX (OR EQUIVALENT) AT 1750 SQ.FT./LB. OR AS RECOMMENDED BY MANUFACTURER. SEED MIX TO BE PROVIDED BY NEW ENGLAND WETLAND PLANTS, INC. (413-548-8000), OR APPROVED SUPPLIER.



<u>KEYPLAN</u>



Inc

ROJECT DESCRIPTION

THIS PROJECT WILL CONSIST OF THE CONSTRUCTION OF TWO WIND TURBINES, ACCESS ROAD AND OTHER RELATED SUPPORT STRUCTURES.

SITE DESCRIPTION

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THE PROPERTY IS LOCATED AT 178 NEW HAVEN ROAD AND CONSISTS OF 67.5 ACRES. CURRENTLY, THE MAJORITY OF THE PROPERTY IS UNDEVELOPED. THERE IS A 160 FOOT TALL TELECOMMUNICATIONS TOWER DEVELOPED IN THE SOUTHEAST CORNER OF THE PROPERTY. THE PROPERTY IS ABUTTED BY THE NEW NAUGATUCK RESERVOIR PROPERTY, WHICH CONSISTS OF APPROXIMATELY 67.50 ACRES OF UNDEVELOPED LAND. THE SURROUNDING LAND USES ARE MIXED, CONSISTING OF BOTH COMMERCIAL AND RESIDENTIAL DEVELOPMENT.

PLANNED SEDIMENTATION AND CONTROL PRACTICES

SEDIMENT FENCE (GSF): WILL RETAIN SEDIMENT FROM SMALL DISTURBED AREAS. SEDIMENT FENCE WILL BE PLACED ALONG SLOPES AS SHOWN ON CONSTRUCTION DETAILS. THE CONTRACTOR WILL USE HIS BEST JUDGMENT TO INSTALL ADDITIONAL SEDIMENT FENCE AS NECESSARY TO PREVENT LOSS OF SEDIMENT. REFER TO SECTION 5–11 OF 2002 CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL.

MAINTENANCE: INSPECT THE SILT FENCE AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. WHEN USED FOR DEWATERING OPERATIONS, INSPECT FREQUENTLY BEFORE, DURING AND AFTER PUMPING OPERATIONS. REMOVE THE SEDIMENT DEPOSITS, OR IF ROOM ALLOWS, INSTALL A SECOND SILT FENCE UP SLOPE FROM THE EXISTING FENCE WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE EXISTING FENCE. REPLACE OR REPAIR WITHIN 24 HOURS OF AN OBSERVED FAILURE. REFER TO CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL FIGURE GF-5 FOR TROUBLESHOOTING FAILURES. MAINTAIN SILT FENCE UNTIL THE CONTRIBUTING AREA IS STABILIZED.

HAY BALE BARRIER (HB): WILL RETAIN SEDIMENT FROM SMALL DISTURBED AREAS. HAY BALES WILL BE PLACED ALONG SLOPES AS SHOWN ON CONSTRUCTION DETAILS. THE CONTRACTOR WILL USE HIS BEST JUDGMENT TO INSTALL ADDITIONAL HAY BALES AS NECESSARY TO PREVENT LOSS OF SEDIMENT. REFER TO SECTION 5–11 OF 2002 CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL.

MAINTENANCE: INSPECT THE HAY BALE BARRIER AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. WHEN USED FOR DEWATERING OPERATIONS, INSPECT FREQUENTLY BEFORE, DURING AND AFTER PUMPING OPERATIONS. REMOVE THE SEDIMENT DEPOSITS, OR IF ROOM ALLOWS, INSTALL A SECONDARY BARRIER UP SLOPE FROM THE EXISTING BARRIER WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. REPLACE OR REPAIR WITHIN 24 HOURS OF AN OBSERVED FAILURE. REFER TO CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL FIGURE HB–5 FOR TROUBLESHOOTING FAILURES. MAINTAIN HAY BALE BARRIER UNTIL THE CONTRIBUTING AREA IS STABILIZED.

STONE CHECK DAM (SCD): WILL BE USED TO REDUCE VELOCITY OF CONCENTRATED FLOWS, THUS REDUCING EROSION OF THE DRAINAGE WAY.

MAINTENANCE: INSPECT THE STONE CHECK DAM AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. REMOVE THE SEDIMENT DEPOSITS WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE CHECK DAM. REPLACE OR REPAIR WITHIN 24 HOURS OF AN OBSERVED FAILURE. MAINTAIN UNTIL THE CONTRIBUTING AREA IS STABILIZED.

<u>TEMPORARY PIPE SLOPE DRAIN (TSD):</u> WILL BE USED TO CARRY WATER OVER EXCESSIVE CHANGES IN GRADE. TSD'S WILL CONVEY CONCENTRATED STORM WATER RUNOFF FLOWS WITHOUT CAUSING EROSION PROBLEMS EITHER ON OR AT THE TOE OF THE SLOPE.

MAINTENANCE: INSPECT THE TEMPORARY PIPE SLOPE DRAIN AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. REPAIR DAMAGE AS NECESSARY. AVOID THE PLACEMENT OF ANY MATERIAL ON THE TOP OF THE PIPE AND PREVENT VEHICULAR TRAFFIC FROM CROSSING THE SLOPE DRAIN.

TEMPORARY DIVERSION (TD): WILL BE USED TO DIVERT SEDIMENT LADEN RUNOFF FROM A DISTURBED AREA TO A SEDIMENT TRAPPING FACILITY.

MAINTENANCE: WHEN THE TEMPORARY DIVERSION IS LOCATED WITHIN CLOSE PROXIMITY TO ON GOING CONSTRUCTION ACTIVITIES, INSPECT THE DIVERSION AT THE END OF EACH WORK DAY AND IMMEDIATELY REPAIR DAMAGE CAUSED BY CONSTRUCTION EQUIPMENT. OTHERWISE, INSPECT THE TEMPORARY DIVERSION AND ASSOCIATED MEASURES AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. REPAIR WITHIN 24 HOURS OF AN OBSERVED FAILURE.

<u>TEMPORARY FILL BERM (TFB)</u>: WILL BE USED TO DIVERT RUNOFF FROM UNPROTECTED FILL SLOPES DURING CONSTRUCTION TO A STABILIZED OUTLET OR SEDIMENT TRAPPING FACILITY.

MAINTENANCE: INSPECT THE TEMPORARY FILL BERM AND ASSOCIATED CONTROLS AT THE END OF EACH WORK DAY TO ENSURE THE CRITERIA FOR INSTALLING THE MEASURES HAVE BEEN MET. DETERMINE IF REPAIR OR MODIFICATION IS NEEDED. THIS MEASURE IS TEMPORARY AND UNDER MOST SITUATIONS WILL BE COVERED THE NEXT WORK DAY. MAINTENANCE REQUIREMENTS SHOULD BE MINIMAL. THE CONTRACTOR SHOULD AVOID PLACING OTHER MATERIAL OVER THE BERM AND CONSTRUCTION TRAFFIC SHOULD NOT BE ALLOWED TO CROSS.

TEMPORARY SEDIMENT TRAP (TST): WILL BE USED TO DETAIN SEDIMENT LADEN RUNOFF FROM SMALL DISTURBED AREAS LONG ENOUGH TO ALLOW THE MAJORITY OF SEDIMENT TO SETTLE OUT.

MAINTENANCE: INSPECT THE TEMPORARY SEDIMENT TRAP AND ASSOCIATED CONTROLS AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. CHECK THE OUTLET TO VERIFY THAT IT IS STRUCTURALLY SOUND AND HAS NOT BEEN DAMAGED BY EROSION OR CONSTRUCTION EQUIPMENT. THE HEIGHT OF THE STONE OUTLET SHOULD BE MAINTAINED AT LEAST 1 FOOT BELOW THE CREST OF THE EMBANKMENT. WHEN SEDIMENT HAS ACCUMULATED MORE THAN ONE QUARTER OF THE MINIMUM WET STORAGE VOLUME, DEWATER AND REMOVE SEDIMENT AS NECESSARY TO RESTORE THE TRAP TO ITS ORIGINAL DIMENSIONS.

<u>CONSTRUCTION ENTRANCE (CE):</u> WILL BE USED TO REDUCE TRACKING OF SEDIMENT OFF SITE TO PAVED AREAS.

MAINTENANCE: MAINTAIN THE ENTRANCE IN A CONDITION WHICH WILL PREVENT TRACKING AND WASHING OF SEDIMENT ONTO PAVED SURFACES. PROVIDE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS REQUIRED. IMMEDIATELY REMOVE ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PAVED SURFACES.

TREE PROTECTION (TP): WILL BE USED TO ENSURE THE SURVIVAL OF EXISTING DESIRABLE TREES FOR THEIR EFFECTIVENESS IN SOIL EROSION AND SEDIMENT CONTROL DURING CONSTRUCTION.

MAINTENANCE: INSPECT TREE PROTECTION ZONES WEEKLY DURING SITE CONSTRUCTION FOR DAMAGE TO THE TREE CROWN, TRUNK AND ROOT SYSTEM. WHEN TREES HAVE BEEN DAMAGED OR THE PROTECTION ZONE HAS BEEN COMPROMISED, CONSULT AN ARBORIST LICENSED IN CT TO DETERMINE HOW DAMAGE SHOULD BE ADDRESSED.

TEMPORARY EROSION CONTROL BLANKETS (ECB): WILL BE USED TO PROVIDE TEMPORARY SURFACE PROTECTION TO DISTURBED SOILS TO ABSORB RAINDROP IMPACT AND TO REDUCE SHEET AND RILL EROSION. TEMPORARY SEDIMENT CONTROL BLANKET SHOULD BE INSTALLED ON FILL SLOPES ADJACENT TO THE BLADE LAY DOWN AREA AT TURBINE LOCATION TWO AFTER THE SLOPES HAVE BEEN CONSTRUCTED.

<u>MAINTENANCE:</u> INSPECT TEMPORARY EROSION CONTROL BLANKETS AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCHES OR GREATER TO DETERMINE MAINTENANCE NEEDS. REPAIR ANY DISLODGED OR FAILED BLANKETS IMMEDIATELY.

CONSTRUCTION SEQUENCE

ACCESS ROAD

1. FLAG THE LIMITS OF CONSTRUCTION, ROADWAY BASE-LINE, AND TREE PROTECTION ZONES.

- 2. CONDUCT PRECONSTRUCTION MEETING.
- 3. CONDUCT TREE CUTTING MEETING.
- 4. INSTALL THE CONSTRUCTION ENTRANCE.

5. INSTALL PERIMETER EROSION AND SEDIMENT CONTROLS AND TREE PROTECTION DEVICES IN ACCORDANCE WITH THE E&S PLAN.

6. CUT TREES WITHIN THE DEFINED CLEARING LIMITS AND REMOVE CUT WOOD. CHIP BRUSH AND SLASH, STOCKPILE CHIPS FOR FUTURE USE OR REMOVE OFF SITE

7. CONSTRUCT SEDIMENT TRAPS.

8. EXCAVATE ALL STUMPS LOCATED IN THE STRUCTURAL AREA AND REMOVE TO A DISPOSAL SITE OR STOCKPILE AREA TO BE CHIPPED. STUMPS IN NON-STRUCTURAL AREAS MAY BE GROUND IN PLACE OR CUT FLUSH WITH THE GROUND LEVEL AND LEFT IN PLACE IN ACCORDANCE WITH THE PLANS.

9. STRIP ALL TOPSOIL WITHIN THE ROADWAY BASE-LINE AND SLOPE LIMITS. STOCKPILE ALL TOPSOIL IN AN APPROVED AREA AND SECURE WITH EROSION AND SEDIMENT CONTROLS.

10. CUT OR FILL THE PROPOSED ROADWAY TO ESTABLISH THE SUB-GRADE.

11. PLACE, GRADE AND COMPACT THE AGGREGATE IN THE ROADWAY BASE.

12. APPLY STABILIZATION MEASURES TO REMAINING DISTURBED AREAS IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL PLAN.

EQUIPMENT LAY-DOWN AREAS

1. FLAG THE LIMITS OF CONSTRUCTION NECESSARY TO FACILITATE THE PRECONSTRUCTION MEETING.

2. HOLD PRECONSTRUCTION MEETING.

3. FLAG REMAINDER OF THE LIMITS OF CONSTRUCTION AND TREE PROTECTION ZONES.

4. INSTALL PERIMETER EROSION AND SEDIMENT CONTROLS AND TREE PROTECTION DEVICES IN ACCORDANCE WITH THE E&S PLAN.

5. CUT TREES WITHIN THE DEFINED CLEARING LIMITS AND REMOVE CUT WOOD. CHIP BRUSH AND LASH, STOCKPILE CHIPS FOR FUTURE USE OR REMOVE OFF SITE. 3

6. CONSTRUCT SEDIMENT TRAPS.

7. STRIP AND STOCKPILE ALL TOPSOIL THAT IS WITHIN THE FOOTPRINT OF THE CONSTRUCTION SITE AND REFERENCE STOCKPILE MANAGEMENT FOR EROSION AND SEDIMENT CONTROLS. EITHER REMOVE TREE STUMPS TO AN APPROVED DISPOSAL SITE OR CHIP IN PLACE AS INDICATED ON THE PLANS.

8. MAKE ALL CUTS AND FILLS REQUIRED. ESTABLISH THE SUB GRADE FOR THE EQUIPMENT LAY DOWN AREAS AS REQUIRED. ALLOW A REASONABLE AMOUNT OF AREA AROUND THE FOOTPRINT OF THE BUILDING FOR THE CONSTRUCTION ACTIVITIES.

9. BEGIN CONSTRUCTION OF THE TOWER.

10. PRIOR TO INSTALLING SURFACE WATER CONTROLS SUCH AS TEMPORARY DIVERSIONS AND STONE DIKES, INSPECT EXISTING CONDITIONS TO ENSURE DISCHARGE LOCATIONS ARE STABLE. IF NOT STABLE, REVIEW DISCHARGE CONDITIONS WITH THE DESIGN ENGINEER AND IMPLEMENT ADDITIONAL STABILIZATION MEASURES PRIOR TO INSTALLING WATER SURFACE CONTROLS.

11. UPON SUBSTANTIAL COMPLETION TOWERS, COMPLETE THE BALANCE OF SITE WORK AND STABILIZATION OF ALL OTHER DISTURBED AREAS.

12. AFTER SITE IS STABILIZED REMOVE TEMPORARY EROSION AND SEDIMENT CONTROLS.

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND LOCAL AGENCIES AS REQUIRED PRIOR TO COMMENCING ANY LAND DISTURBING ACTIVITY. UNLESS SPECIFICALLY WAIVED BY THE AGENCY A PRECONSTRUCTION CONFERENCE IS REQUIRED.

2. THE CONTRACTOR SHALL CONSTRUCT ALL EROSION AND SEDIMENT CONTROL MEASURES PER THE APPROVED PLANS AND CONSTRUCTION SEQUENCE AND SHALL HAVE THEM INSPECTED AND APPROVED BY THE AGENCY INSPECTOR AT THE BEGINNING OF ANY OTHER LAND DISTURBING ACTIVITY. MINOR SEDIMENT CONTROL DEVICE LOCATION ADJUSTMENTS MAY BE MADE IN THE FIELD WITH APPROVAL OF ENGINEER AND/OR INSPECTOR. THE CONTRACTOR SHALL ENSURE THAT ALL RUNOFF FROM DISTURBED AREA IS DIRECTED TO THE SEDIMENT CONTROL DEVICES AND SHALL NOT REMOVE ANY EROSION OR SEDIMENT CONTROL MEASURE WITHOUT PRIOR APPROVAL. THE CONTRACTOR MUST OBTAIN PRIOR AGENCY APPROVAL FOR CHANGES TO THE SEDIMENT CONTROL PLAN AND / OR SEQUENCE OF CONSTRUCTION.

3. THE CONTRACTOR SHALL PROTECT ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS TO PREVENT THE DEPOSITION OF MATERIALS ONTO PUBLIC ROADS. ALL MATERIAL DEPOSITED ONTO PUBLIC ROADS SHALL BE REMOVED IMMEDIATELY.

4. THE CONTRACTOR SHALL INSPECT DAILY AND MAINTAIN CONTINUOUSLY IN AN EFFECTIVE OPERATION CONDITION ALL EROSION AND SEDIMENT CONTROL MEASURES UNTIL SUCH TIME AS THEY ARE REMOVED. ALL SEDIMENT BASINS, TRAP EMBANKMENTS AND SLOPES, PERIMETER DIKES, SWALES, AND ALL DISTURBED SLOPES STEEPER OR EQUAL TO 3:1 SHALL BE STABILIZED WITH APPROVED STABILIZATION MEASURES AS SOON AS POSSIBLE BUT NO LATER THAN 7 DAYS AFTER ESTABLISHMENT. ALL AREAS DISTURBED OUTSIDE OF THE PERIMETER SEDIMENT CONTROL SYSTEM MUST BE MINIMIZED. MAINTENANCE MUST BE PERFORMED AS NECESSARY TO ENSURE CONTINUED STABILIZATION.

5. THE CONTRACTOR SHALL APPLY SOD OR SEED AND ANCHORED STRAW MULCH OR OTHER STABILIZATION MEASURES TO ALL DISTURBED AREAS AND STOCKPILES WITHIN 14 CALENDAR DAYS AFTER STRIPPING AND GRADING ACTIVITIES HAVE CEASED IN THE AREA. MAINTENANCE MUST BE PERFORMED AS NECESSARY TO ENSURE CONTINUED STABILIZATION.

6. PRIOR TO REMOVAL OF THE SEDIMENT CONTROL MEASURES, THE CONTRACTOR SHALL STABILIZE AND HAVE ESTABLISHED PERMANENT STABILIZATION FOR ALL CONTRIBUTORY DISTURBED AREAS USING APPROVED PERMANENT SEED MIXTURE WITH REQUIRED SOIL AMENDMENTS AND APPROVED ANCHORED MULCH. WOOD FIBER MULCH MAY ONLY BE USED IN SEEDING SEASON WHERE THE SLOPE DOES NOT EXCEED 10% AND GRADING HAS BEEN PERFORMED TO PROMOTE SHEET FLOW DRAINAGE. AREAS BROUGHT TO FINISHED GRADE DURING THE SEEDING SEASON SHALL BE PERMANENTLY STABILIZED AS SOON AS POSSIBLE BUT NO LATER THAN 14 DAYS AFTER ESTABLISHMENT. WHEN PROPERTY IS BROUGHT TO FINISH GRADE DURING THE MONTHS OF NOVEMBER TO FEBRUARY AND PERMANENT STABILIZATION IS IMPRACTICAL, TEMPORARY SEEDING AND ANCHORED MULCH SHALL BE APPLIED TO DISTURBED AREAS.

7. THE FINAL PERMANENT STABILIZATION OF SUCH PROPERTY SHALL BE APPLIED BY MARCH 15 OR EARLIER IF GROUND AND WEATHER CONDITIONS ALLOW.

8. THE SITES APPROVAL LETTER, APPROVED EROSION CONTROL PLANS, DAILY LOG BOOKS, AND TEST REPORTS SHALL BE AVAILABLE AT THE SITE FOR INSPECTION BY DULY AUTHORIZED OFFICIALS.

9. SURFACE DRAINAGE FLOWS OVER UN-STABILIZED CUT AND FILL SLOPES SHALL BE CONTROLLED BY EITHER PREVENTING DRAINAGE FLOWS FROM TRAVERSING THE SLOPES OR BY INSTALLING PROTECTIVE DEVICES TO LOWER THE WATER DOWN THE SLOPE WITHOUT CAUSING EROSION. DIKES SHALL BE INSTALLED AND MAINTAINED AT THE TOP OF A CUT OR FILL SLOPE UNTIL THE SLOPE AND DRAINAGE AREA TO IT ARE FULLY STABILIZED, AT WHICH TIME THEY MUST BE REMOVED AND FINAL GRADING COMPLETED TO PROMOTE SHEET FLOW. PROTECTIVE MEASURES MUST BE EMPLOYED IN AREAS WHERE CONCENTRATE FLOW IS LIKELY TO OCCUR.

10. PERMANENT SWALES OR OTHER POINTS OF CONCENTRATED FLOW SHALL BE STABILIZED WITH SOD OR SEED WITH AN APPROVED EROSION CONTROL MATTING, RIP-RAP, OR BY OTHER APPROVED STABILIZATION MEASURES. TEMPORARY SEDIMENT CONTROL DEVICES MAY BE REMOVED UPON APPROVAL OF INSPECTOR, WITHIN 30 DAYS FOLLOWING ESTABLISHMENT OF PERMANENT STABILIZATION IN ALL CONTRIBUTING DRAINAGE AREAS. STORM WATER MANAGEMENT STRUCTURES USED TEMPORARILY FOR SEDIMENT CONTROL SHALL BE CONVERTED TO PERMANENT CONFIGURATION DURING THIS TIME PERIOD AS WELL.

11. NO PERMANENT CUT OR FILL SLOPE WITH A GRADIENT GREATER THAN 3:1 WILL BE PERMITTED IN LAWN MAINTENANCE AREAS. A SLOPE GRADIENT OF UP TO 2:1 WILL BE PERMITTED IN NON-MAINTENANCE AREAS PROVIDED THAT THOSE ARE INDICATED ON THE EROSION AND SEDIMENT CONTROL PLAN WITH A LOW MAINTENANCE GROUND COVER SPECIFIED FOR PERMANENT STABILIZATION. SLOPE GRADIENTS GREATER THAT 2:1 WILL NOT BE PERMITTED WITH VEGETATIVE STABILIZATION.

12. FOR FINISHED GRADING THE CONTRACTOR SHALL PROVIDE ADEQUATE GRADIENTS TO PREVENT WATER FROM PONDING FOR MORE THAN 24 HOURS AFTER THE END OF A RAINFALL EVENT. DRAINAGE COURSES AND SWALES MAY TAKE UP TO 48 HOURS AFTER THE END OF A RAINFALL EVENT TO DRAIN. AREAS DESIGNED TO HAVE STANDING WATER SHALL NOT BE REQUIRED TO MEET THIS REQUIREMENT.

13. SEDIMENT TRAPS OR BASINS ARE NOT PERMITTED WITHIN 20 FEET OF A FOUNDATION THAT EXISTS OR IS UNDER CONSTRUCTION. NO STRUCTURES SHALL BE CONSTRUCTED WITHIN 20 FEET OF AN ACTIVE SEDIMENT TRAP OR BASIN.

14. THE SEDIMENT AND EROSION CONTROL INSPECTOR HAS THE OPTION OF REQUIRING ADDITIONAL SAFETY OR SEDIMENT CONTROL MEASURES IF DEEMED NECESSARY.

15. ALL TRAP DEPTHS DIMENSIONS ARE RELATIVE TO THE OUTLET ELEVATION. ALL TRAPS MUST HAVE A STABLE OUTFALL. ALL TRAPS AND BASINS MUST HAVE STABLE INFLOW POINTS.

16. VEGETATIVE STABILIZATION SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS FOR SOIL AND EROSION CONTROL. REFER TO APPROPRIATE SPECIFICATIONS FOR TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, SODDING, AND GROUND COVERS.

17. SEDIMENT SHALL BE REMOVED AND THE TRAP OR BASIN RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO ONE QUARTER OF THE TOTAL DEPTH OF THE TRAP OF BASIN. TOTAL DEPTH SHALL BE MEASURED FROM THE BOTTOM TO THE CREST OF THE OUTLET.

18. SEDIMENT REMOVED FROM THE TRAPS SHALL BE PLACED AND STABILIZED IN APPROVED AREAS, BUT NOT WITHIN A FLOODPLAIN, WETLAND, OR TREE SAVE AREA. WHEN PUMPING SEDIMENT LADEN WATER, THE DISCHARGE MUST BE DIRECTED TO A SEDIMENT TRAPPING DEVICE PRIOR TO RELEASE FORM THE SITE. A SUMP PIT MAY BE UTILIZED IF SEDIMENT TRAPS THEMSELVES ARE BEING PUMPED OUT. ALL WATER REMOVED FROM EXCAVATED AREAS SHALL BE PASSED THROUGH AN APPROVED DEWATERING PRACTICE OR PUMPED TO A SEDIMENT TRAP OR BASIN PRIOR TO DISCHARGE FROM THE SITE.

19. WHERE DEEMED NECESSARY BY THE ENGINEER OR INSPECTOR, SEDIMENT TRAPS AND BASINS MAY NEED TO BE SURROUNDED WITH AN APPROVED SAFETY FENCE. THE FENCE MUST CONFORM TO LOCAL ORDINANCES AND REGULATIONS.

20. ALL WASTE AND BORROW AREAS OFF-SITE MUST BE PROTECTED BY SEDIMENT CONTROL MEASURES AND STABILIZED.

21. SITES WHERE INFILTRATION DEVICES ARE USED FOR THE CONTROL OF STORM WATER, EXTREME CARE MUST BE TAKEN TO PREVENT RUNOFF FROM UN-STABILIZED AREAS FROM ENTERING THE STRUCTURE DURING CONSTRUCTION. SEDIMENT CONTROL DEVICES PLACED IN INFILTRATION AREAS MUST HAVE BOTTOM ELEVATIONS AT LEAST 2 FEET HIGHER THAN THE FINISHED GRADE BOTTOM ELEVATION OF THE INFILTRATION PRACTICE. WHEN CONVERTING A SEDIMENT TRAP TO AN INFILTRATION DEVICE, ALL ACCUMULATED SEDIMENT MUST BE REMOVED AND DISPOSED OF PRIOR TO FINAL GRADING OF THE INFILTRATION DEVICE.

SITE INFORMATION:

TOTAL AREA: 67.50 ACRES TOTAL AREA OF PROJECT SITE: 67.50 ACRES AREA TO BE DISTURBED: 3652622 SQ. FT. / 8.39 ACRES

AREA TO BE CLEARED: 184172 SQ. FT. / 4.22 ACRES AREA WITHIN 100' WETLAND OFFSET: 26319 SQ. FT. / 0.60 ACRES

CONSTRUCTION PHASE:

TOTAL CUT: 37996 CUBIC YARDS TOTAL FILL: 9098 CUBIC YARDS

POST CONSTRUCTION PHASE: TOTAL CUT: 3518 CUBIC YARDS

TOTAL FILL: 18935 CUBIC YARDS

OFF-SITE WASTE / BORROW AREA LOCATION: NOT APPLICABLE

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THIRD PARTY INSPECTIONS

1. A THIRD PARTY ENVIRONMENTAL INSPECTOR SHALL INSPECT THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROLS PRIOR TO THE START OF CONSTRUCTION ACTIVITIES AND THE CONNECTICUT WATER COMPANY SHALL BE CONTACTED A MINIMUM OF 48 HOURS PRIOR TO THE START OF EROSION AND SEDIMENTATION CONTROLS INSTALLATION. A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH THE THIRD PARTY ENVIRONMENTAL INSPECTOR, CONNECTICUT WATER COMPANY AND GENERAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.

2. A THIRD PARTY ENVIRONMENTAL INSPECTOR WILL MONITOR EROSION AND SEDIMENTATION CONTROLS THROUGHOUT THE CONSTRUCTION PERIOD TO ENSURE THAT CONTROLS ARE PROPERLY MAINTAINED AND ANY RECOMMENDATIONS TO REMEDIATE FAILING CONTROLS OR REMOVE ACCUMULATED SEDIMENT ARE IMPLEMENTED BY THE CONTRACTOR IN A TIMELY FASHION.

3. A THIRD PARTY ENVIRONMENTAL INSPECTOR SHALL MONITOR EROSION AND SEDIMENTATION CONTROLS ON A WEEKLY BASIS OR WITHIN 24 HOURS OF A RAINFALL EVENT OF 0.5 INCHES OR GREATER.

4. EROSION AND SEDIMENTATION CONTROL MONITORING REPORTS WILL BE PREPARED BY THE THIRD PARTY ENVIRONMENTAL INSPECTOR ON A BI-WEEKLY BASIS AND SUBMITTED TO THE CONNECTICUT SITING COUNCIL AND CONNECTICUT WATER COMPANY. IF SIGNIFICANT FAILURE OF EROSION AND SEDIMENTATION CONTROLS RESULT IN IMPACT TO WETLAND RESOURCES ON THE SUBJECT PROPERTY, THE CONNECTICUT SITING COUNCIL WILL BE NOTIFIED WITHIN 24 HOURS AND CONNECTICUT WATER COMPANY SHALL BE NOTIFIED IMMEDIATELY OF SUCH AN EVENT AND RECOMMENDED REMEDIATION MEASURES WILL BE IDENTIFIED.

5. THE CONNECTICUT WATER COMPANY SHALL BE CONTACTED A MINIMUM OF 48 HOURS PRIOR TO THE START OF INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND WILL HAVE ACCESS TO THE SITE AT ALL TIMES FOR INSPECTION.

<u>SPILL PREVENTION PLAN</u>

THE PROPOSED PROJECT IS LOCATED IN THE NEW NAUGATUCK RESERVOIR PUBLIC DRINKING WATER SUPPLY WATERSHED. AS A RESULT, THE CONTRACTOR SHALL TAKE CERTAIN PRECAUTIONS NECESSARY TO CONTAIN AND PROPERLY CLEAN UP ANY INADVERTENT FUEL OR PETROLEUM (I.E., OIL, HYDRAULIC FLUID, ETC.) SPILLS. A SPILL CONTAINMENT KIT CONSISTING OF A SUFFICIENT SUPPLY OF ABSORBENT PADS AND ABSORBENT MATERIAL SHALL BE MAINTAINED ON SITE THROUGHOUT THE DURATION OF THE PROJECT. IN ADDITION, A WASTE DRUM SHALL BE KEPT ON SITE TO CONTAIN ANY USED ABSORBENT PADS/MATERIAL FOR PROPER DISPOSAL OFF SITE. REFUELING AND MAINTENANCE OF VEHICLES OR MACHINERY SHALL TAKE PLACE IN A DESIGNATED AREA WITHIN THE CRANE ASSEMBLY AREA. FUEL AND OTHER HAZARDOUS MATERIALS SHALL BE STORED WITHIN A DESIGNATED AREA WITHIN THE CRANE ASSEMBLY AREA AND UTILIZE APPROPRIATE SECONDARY CONTAINMENT.

THE FOLLOWING PROCEDURES SHALL BE ADHERED TO BY THE CONTRACTOR IN CASE OF A PETROLEUM RELEASE.

INITIAL RESPONSE

- STOP OPERATIONS AND SHUT OFF EQUIPMENT.
- REMOVE ANY SOURCES OF SPARK OR FLAME.
- CONTAIN THE SOURCE OF THE SPILL.
- DETERMINE THE APPROXIMATE VOLUME OF THE SPILL.IDENTIFY THE LOCATION OF NATURAL FLOW PATHS TO PREVENT THE
- RELEASE OF THE SPILL TO SENSITIVE NEARBY WATERWAYS OR WETLANDS.
- ENSURE THAT FELLOW WORKERS ARE NOTIFIED OF THE SPILL.

CLEAN UP & CONTAINMENT • OBTAIN SPILL RESPONSE MATERIALS FROM THE ON-SITE SPILL RESPONSE KIT.

- LIMIT THE SPREAD OF THE SPILL BY PLACING ABSORBENT MATERIALS AROUND THE PERIMETER OF THE SPILL.
- CONTACT THE CONNECTICUT WATER COMPANY IMMEDIATELY AT (800) 428–3985 OR (860) 669–8630 ALONG WITH OTHER APPROPRIATE LOCAL, STATE AND/OR FEDERAL AGENCIES, AS NECESSARY.
 CONTACT A DISPOSAL COMPANY TO PROPERLY DISPOSE OF
- CONTACT A DISPOSAL COMPANY TO PROPER CONTAMINATED MATERIALS.

FOLLOW-UP

- COMPLETE AN INCIDENT REPORT.
- SUBMIT A COMPLETED INCIDENT REPORT TO THE CONNECTICUT WATER COMPANY.



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WIND PROSPECT CONNECTICUT			EROSION CONTROL NOTES				

IDENTIFICATION

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www.bneenergy.com

February 3, 2011

Ms. Cindy Gaudino Manager Source Protection and Real Estate Connecticut Water Company 93 Main Street Clinton, Connecticut 06413

Re: Wind Prospect – Proposed Wind Energy Facility 178 New Haven Road, Prospect Plan Set Revisions to Address Connecticut Water Company Concerns

Dear Ms. Gaudino:

The Connecticut Water Company has expressed concerns over the potential for sedimentation and/or impacts to the wetlands during the construction of a proposed Wind Energy Facility at 178 New Haven Road in Prospect Connecticut. These wetlands, which are within the watershed of New Naugatuck Reservoir, are located approximately 650 feet upslope from an unnamed perennial tributary of this reservoir. The following represents the concerns expressed by the Connecticut Water Company as well as the measures proposed to address these concerns. These measures were agreed upon in concept at a December 14, 2010, meeting held at the Connecticut Water Company office in Clinton, Connecticut. This meeting was attended by Paul Corey and Gregory Zupkus of BNE Energy, Matthew Davison of Vanasse Hangen Brustlin, Inc., Kurt Hebert of Zapata Engineering (by phone) and Cindy Gaudino and Maureen Westbrook of the Connecticut Water Company. Revised plan sheets C-202, C-203, C-303, C-315 and C-500, dated January 31, 2011, and depicting the measures detailed below are included for your reference.

Proximity of the Blade Laydown Area to Wetlands at Turbine Location Two: Concern was expressed over the close proximity of the Blade Laydown Area at Turbine Location Two, to the adjacent wetland resource (Wetland 3). The current (submitted) configuration depicts the limits of clearing within approximately 5 feet of the adjacent wetland boundary. To address these concerns, the majority of disturbance associated with this area has been moved eastward to provide a larger undisturbed buffer to Wetland 3. The limits of clearing associated with the portion of the Blade Laydown Area that would drain to Wetland 3 (areas upslope) are now located approximately 35 feet from Wetland 3. This change was made by overlapping a small portion of the Blade Assembly Area onto the Tower Assembly Area. By reconfiguring the existing construction area, as opposed to shifting the entire limits of disturbance to the east, this modification will not require additional cutting into the upslope hillside. These changes are depicted on the Turbine Location Two Erosion Control Plan, sheet C-203.

Proximity of the Temporary Sediment Basin to Wetlands at Turbine Location Two: Concern was expressed over the close proximity of this temporary sediment basin to Wetland 3. The current configuration depicts the limits of clearing along the western edge of this basin



within approximately 10 feet of the adjacent wetland boundary. To address these concerns, the western edge of this basin has been moved to the east, adjacent to the Tower Assembly Area and further upslope from Wetland 3. Plan sheet C-203 now depicts the limits of clearing associated with the western edge of this basin approximately 65 feet from this resource. In addition, the outlet to the proposed temporary sediment basin shown on the Access Road STA: 9+00 to 15+00 Erosion Control Plan, sheet C-202 has been moved approximately 75 feet downslope, from station 12+25 to station 13+00. This change will reduce the contributing watershed to the basin of concern, providing an additional measure of protection.

Potential Erosion and Sedimentation of Wetlands Resulting from Construction Activities at **Turbine Location Two:** In order to address this concern, several measures have been incorporated into the plans to both enhance the existing erosion control measures and provide a means of prompt remediation should a failure of the proposed erosion control measures occur during construction. Erosion and sedimentation controls located between the limits of disturbance and Wetland 3 will consist of two rows of silt fencing and a row of hay bales. These measures are shown on plan sheet C-203. In addition, BNE Energy agrees to provide a third party erosion and sedimentation control inspector. This inspector would oversee the installation and ongoing performance of erosion and sedimentation controls. Reports detailing the inspections will be submitted to the Connecticut Siting Council as well as the Connecticut Water Company. The Connecticut Water Company will be notified a minimum of 48 hours prior to the start of erosion and sedimentation controls installation. Notes detailing these measures have been added to the Erosion Control Notes, sheet C-500 (far right column). Following construction, vegetative stabilization will be initiated to areas of exposed earth. An erosion control blanket will be utilized over the proposed native herbaceous seed mix upslope of Wetland 3, as detailed on the Turbine Location Two Upland Meadow Creation Plan, sheet C-315.

Potential Groundwater Contamination Resulting from Fuel or Chemical Spills: In order to address this concern, a comprehensive Spill Prevention Plan has been incorporated into the Erosion Control Notes, sheet C-500 (far right column). This plan will instruct site contractors on fueling & maintenance practices, spill response, clean up & containment, and reporting of spills. This plan requires that fueling and maintenance of vehicles or machinery will only be permitted within the Crane Assembly Area which would be located within an existing meadow approximately 260 feet from the nearest wetland resource. Storage of fuels and hazardous materials, if any, would be limited to a secondary containment vessel within the Crane Assembly Area. The Spill Prevention Plan is detailed below for reference.

Spill Prevention Plan

The proposed project is located in the New Naugatuck Reservoir public drinking water supply watershed. As a result, the Contractor shall take certain precautions necessary to contain and properly clean up any inadvertent fuel or petroleum (i.e., oil, hydraulic fluid, etc.) spills. A spill containment kit consisting of a sufficient supply of absorbent pads and absorbent material shall be maintained on site throughout the duration of the project. In addition, a waste drum shall be kept on site to contain any used absorbent pads/material for proper disposal off site. The following procedures shall be adhered to by the Contractor in case of a petroleum release.



Initial Response

- Stop operations and shut off equipment.
- Remove any sources of spark or flame.
- Contain the source of the spill.
- Determine the approximate volume of the spill.
- Identify the location of natural flow paths to prevent the release of the spill to sensitive nearby waterways or wetlands.
- Ensure that fellow workers are notified of the spill.

Clean Up & Containment

- Obtain spill response materials from the on-site spill response kit.
- Limit the spread of the spill by placing absorbent materials around the perimeter of the spill.
- Contact The Connecticut Water Company immediately at (800) 428-3985 or (860) 669-8630 along with other appropriate local, state and/or federal agencies, as necessary.
- Contact a disposal company to properly dispose of contaminated materials.

Follow-Up

- Complete an incident report.
- Submit a completed incident report to The Connecticut Water Company.

Please call me at (860) 561-5101 if you have any questions.

Very truly yours,

BNE ENERGY INC.

Paul J. Corey

Enclosures