

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.

PULLMAN
& COMLEY_{LLC}
ATTORNEYS

Page 2

Please let me know if you have any questions.

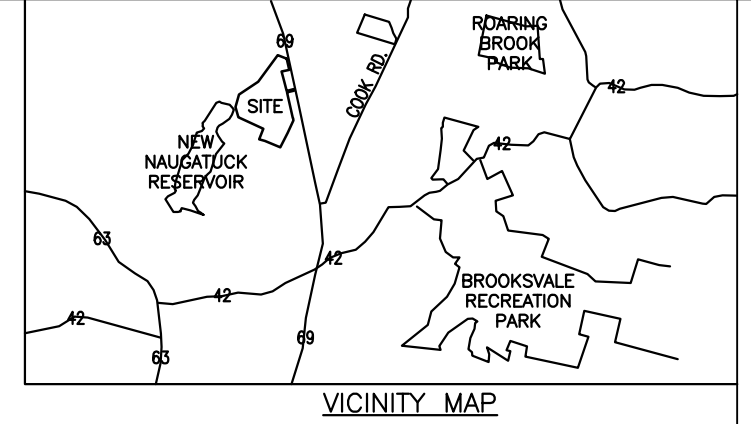
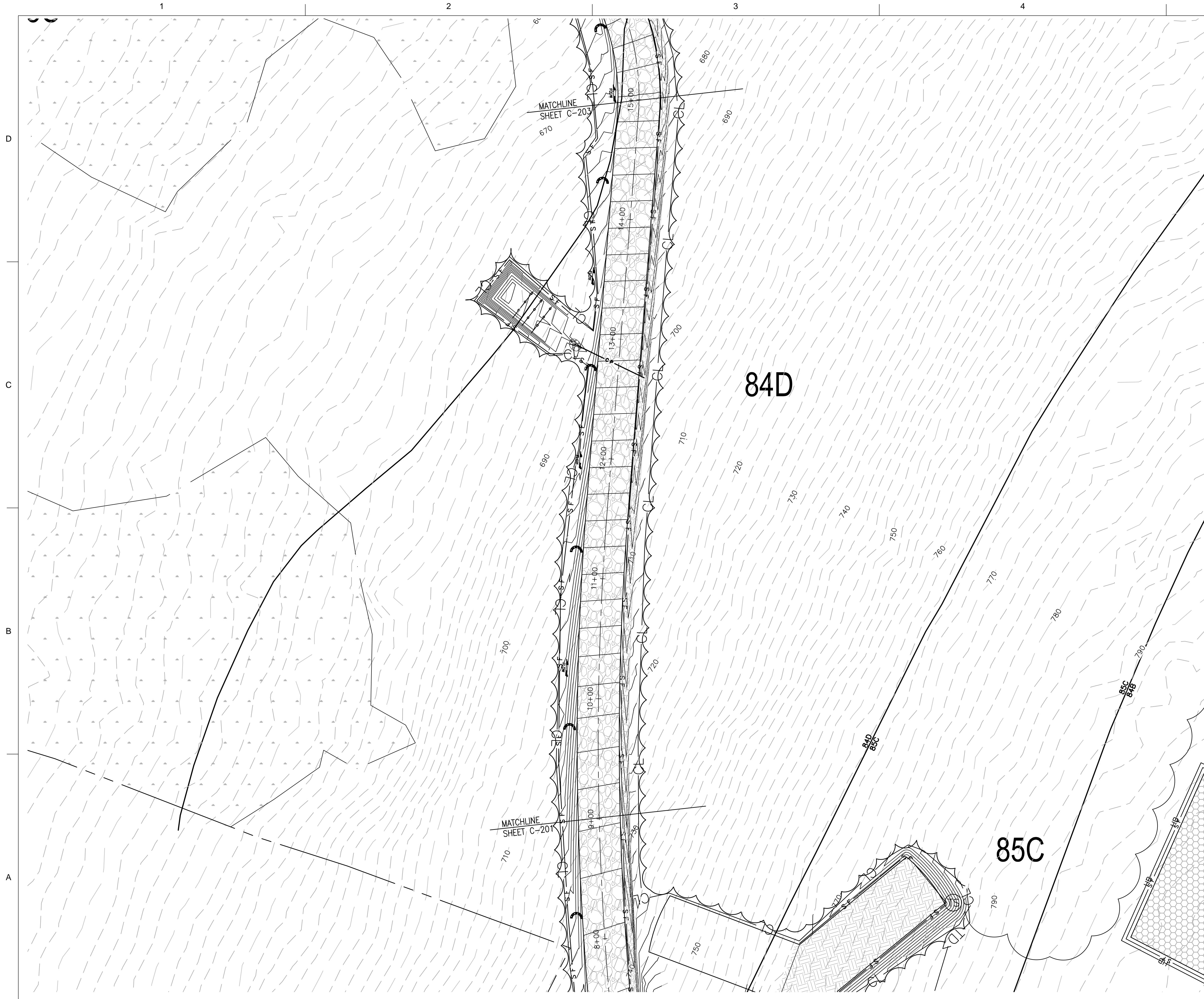
Respectfully submitted,

/s/ Carrie L. Larson

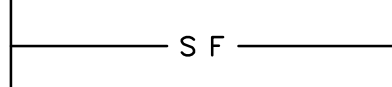
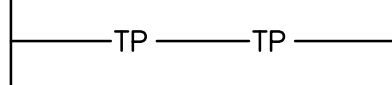
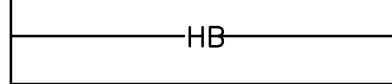
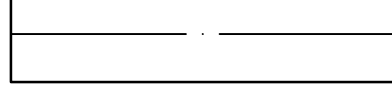
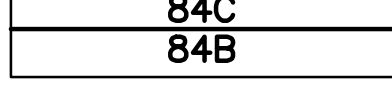



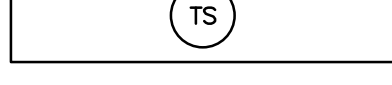
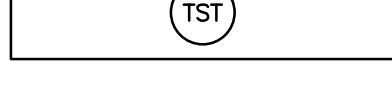
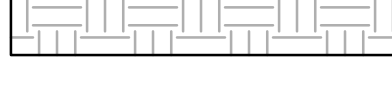



Carrie L. Larson

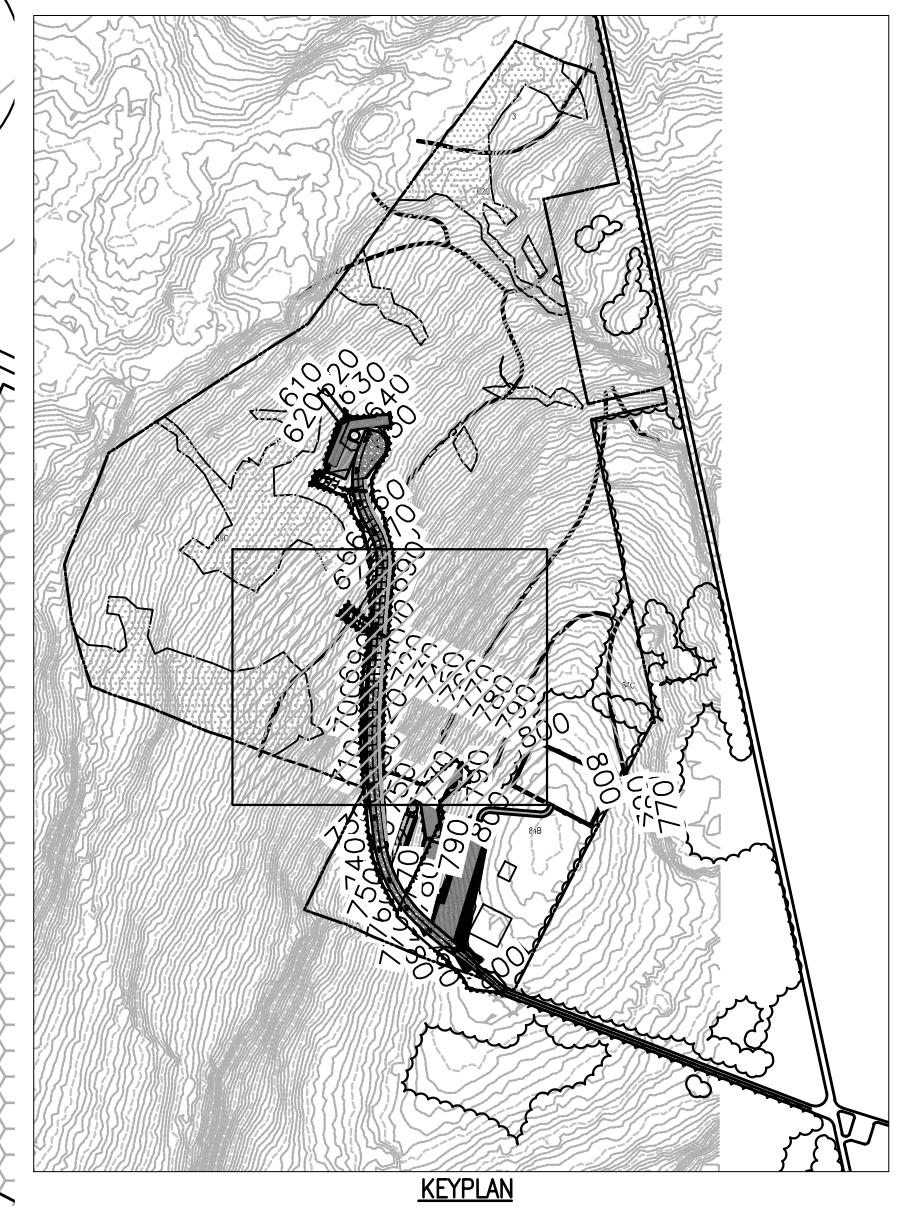
cc: Certification of Service
Andrew Lord, Esq.

ACTIVE/72955.3/CLARSON/2377867v1



LEGEND

-  S F SILT FENCE
-  TP TP TREE PROTECTION FENCE
-  HB STRAW HAY BALES
-  WETLAND LIMITS
-  84C 84B SOIL TYPE BOUNDARY
-  ROCK CHECK DAM
-  RIP RAP
-  FLOW FLOW ARROW
-  TS TEMPORARY SEEDING
-  TST TEMPORARY SEDIMENT TRAP
-  COMPACTED EARTH
-  GRAVEL
-  LAYDOWN AREA
-  TEMPORARY SPOIL AREA



MARK	DESCRIPTION	DATE	APPR.
1	CONNECTICUT SITING COUNCIL SUBMISSION	11-04-10	TLK
2	INCORPORATED REQUESTED REVISIONS	01-31-11	TLK

DESIGNED BY:	DATE:	DATE:	DATE:
DRAWN BY:	CHKD BY:	CHKD BY:	CHKD BY:
RSW	TLK	TLK	TLK
SUBMITTED BY:	PARCEL NO.:	TAX MAP NO.:	BLOCK AND LOT:
ZAPATA, INC.	12	12	178
PLOT SCALE:	PLOT DATE:	FILE NUMBER:	
AS SHOWN	01-31-11	1385	
SIZE:	FILE NAME:		
ANSI D			

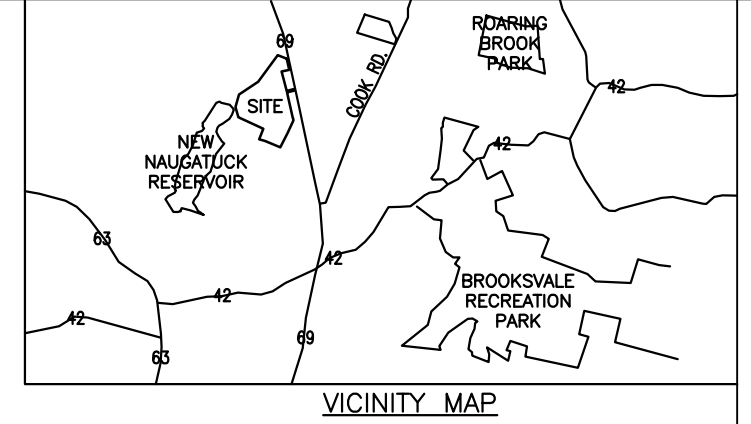
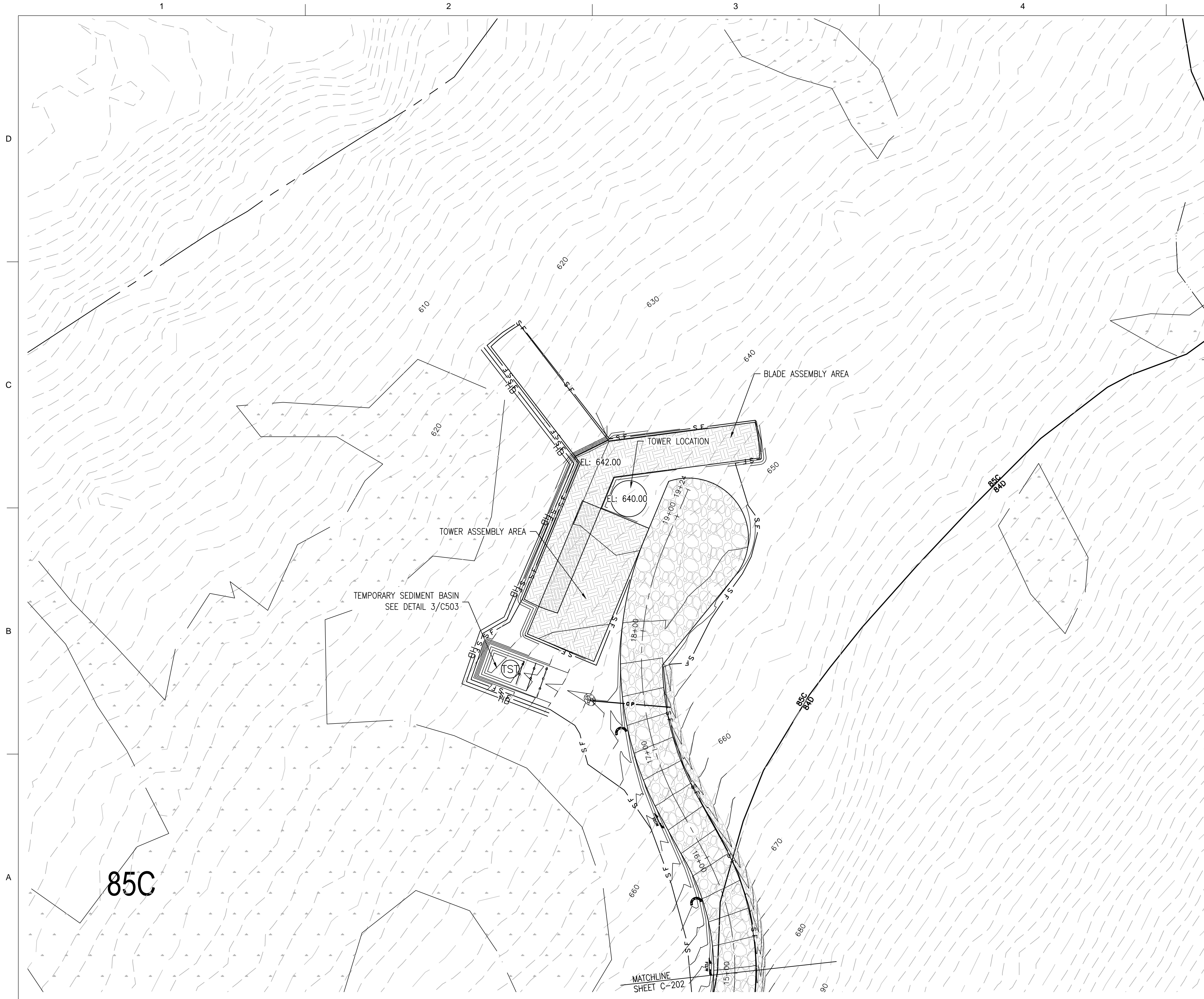
ZAPATA
 6502 LAWRENCE ROAD, SUITE 200, DANVILLE, VT 05440
 TEL: 802-875-1111 FAX: 802-875-1112
 WWW.ZAPATAINC.COM

WIND PROSPECT
 CONNECTICUT
 ACCESS ROAD STA. 9+00 TO 15+00
 EROSION CONTROL PLAN

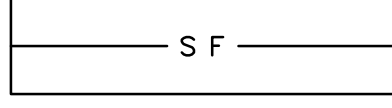
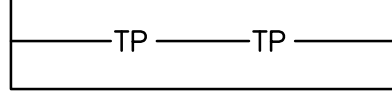
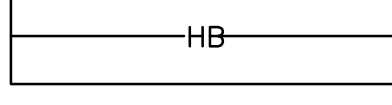
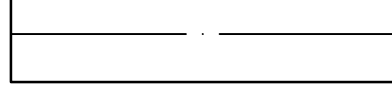
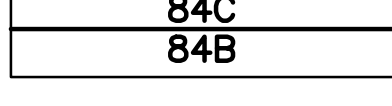
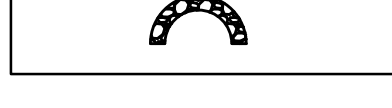
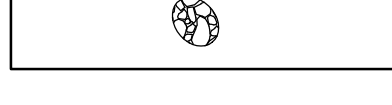
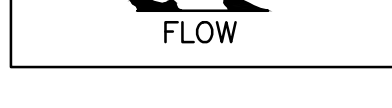
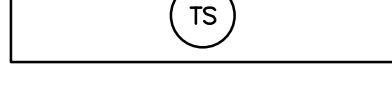
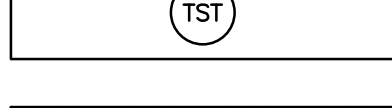




SHEET
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C-202

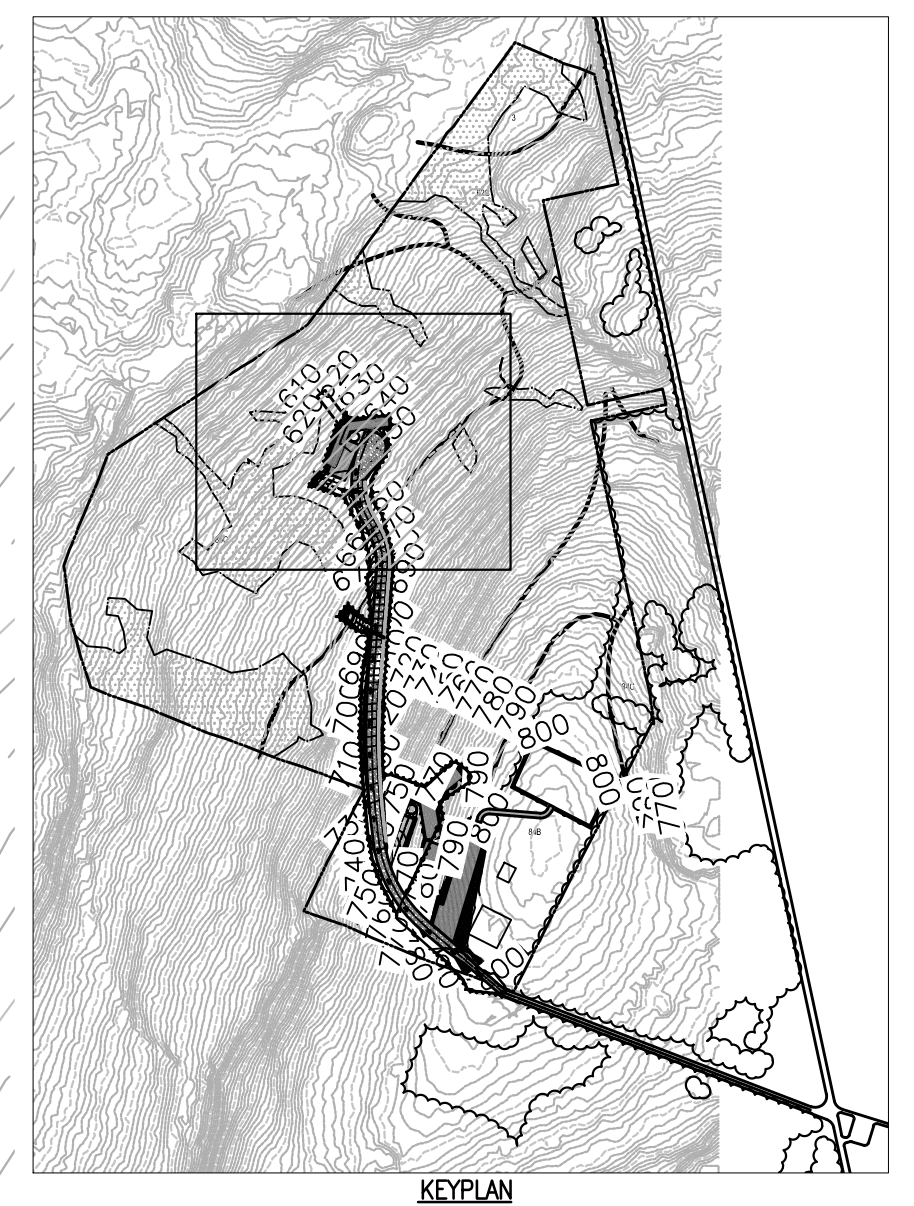


NOT FOR CONSTRUCTION - CONNECTICUT SITING COUNCIL USE ONLY



LEGEND

-  SILT FENCE
-  TREE PROTECTION FENCE
-  STRAW HAY BALES
-  WETLAND LIMITS
-  SOIL TYPE BOUNDARY
-  ROCK CHECK DAM
-  RIP RAP
-  FLOW ARROW
-  TEMPORARY SEEDING
-  TEMPORARY SEDIMENT TRAP
-  COMPACTED EARTH
-  GRAVEL
-  LAYDOWN AREA
-  TEMPORARY SPOIL AREA



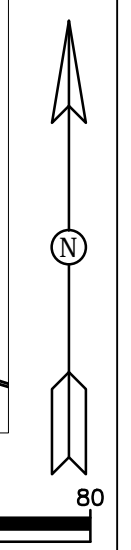
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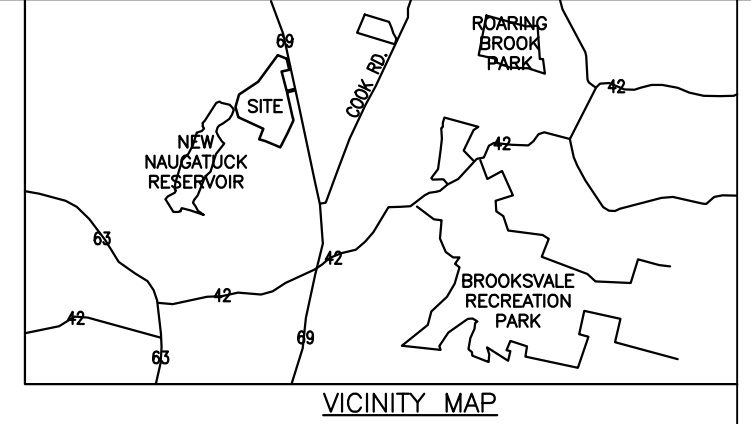
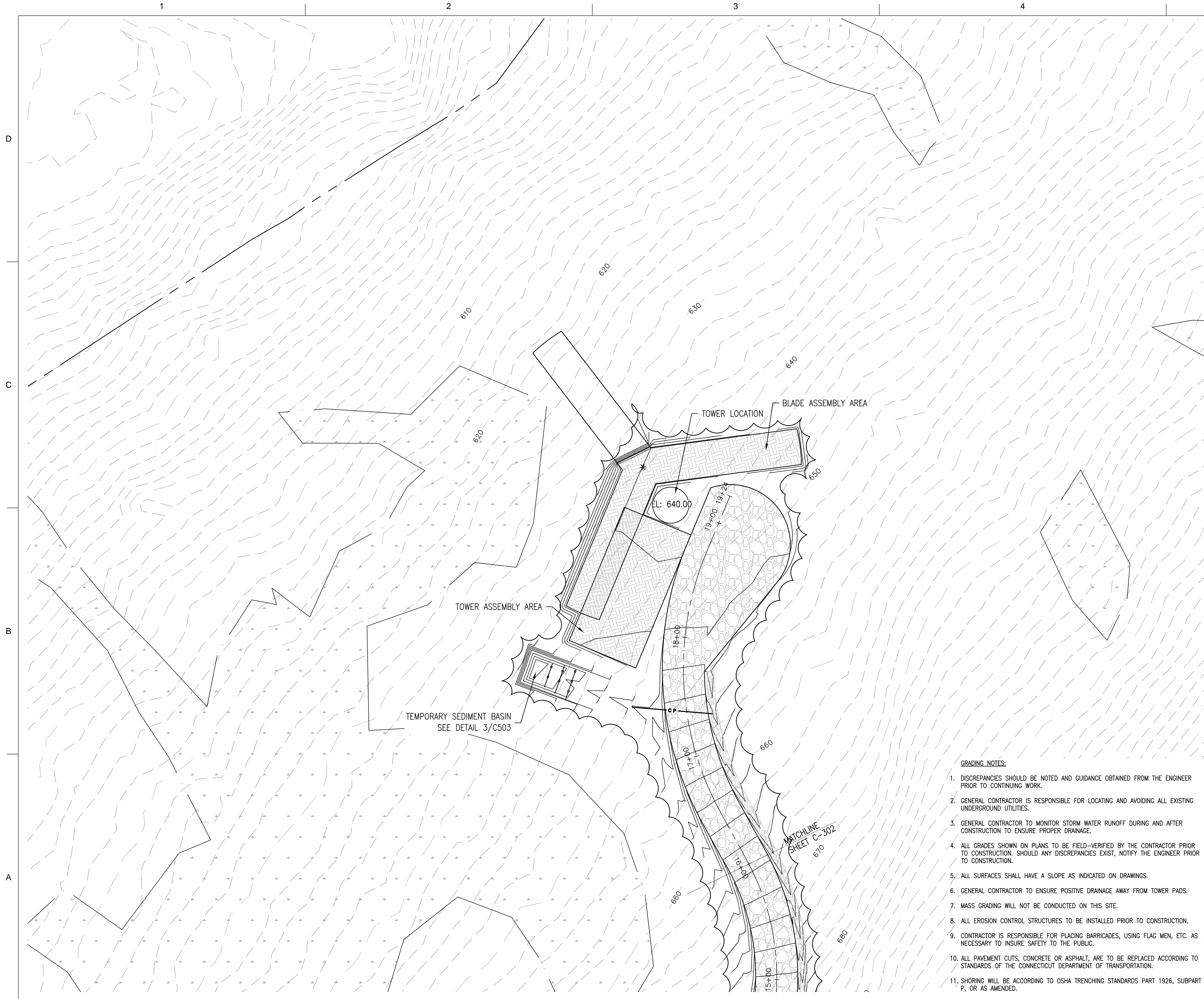
DESIGNED BY:	DATE:	DATE:	DATE:
DRAWN BY:	OWNER:	PROJECT NO.:	PROJECT NAME:
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SUBMITTED BY:	PARCEL NO.:	TAX MAP NO.:	BLOCK AND LOT:
ZAPATA, INC.	12	12	178
PLOT SCALE:	AS SHOWN	FILE NUMBER:	1385
1" = 40'	01-31-11	FILE NAME:	178-1385-01-31-11.dwg
ANSI D			

ZAPATA
 6302 LAWRENCE ROAD, SUITE 200, WESTPORT, CT 06880
 PHONE: (203) 356-8240
 FAX: (203) 356-8241
 WWW.ZAPATAINC.COM

WIND PROSPECT
 CONNECTICUT
 TURBINE LOCATION TWO
 EROSION CONTROL PLAN

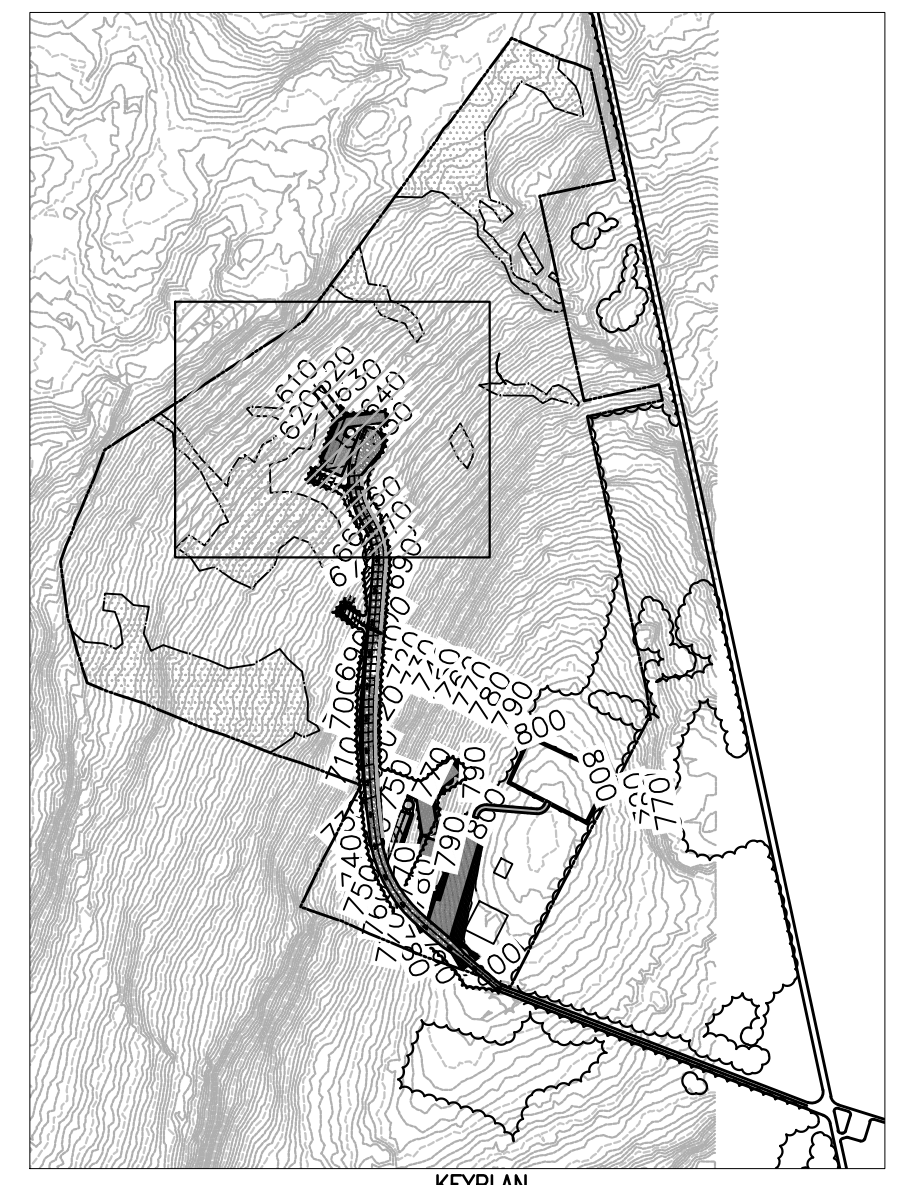
SHEET
 IDENTIFICATION
C-203





LEGEND

	CULVERT PIPE
	DITCH LINE
	EXISTING TOPO
	NEW TOPO
	WETLAND LIMITS
	VEGETATION
	POST CONSTRUCTION VEGETATION LINE
	COMPACTED EARTH
	WETLAND
	GRAVEL
	LAYDOWN AREA



- GRADING NOTES:**
1. DISCREPANCIES SHOULD BE NOTED AND GUIDANCE OBTAINED FROM THE ENGINEER PRIOR TO CONTINUING WORK.
 2. GENERAL CONTRACTOR IS RESPONSIBLE FOR LOCATING AND AVOIDING ALL EXISTING UNDERGROUND UTILITIES.
 3. GENERAL CONTRACTOR TO MONITOR STORM WATER RUNOFF DURING AND AFTER CONSTRUCTION TO ENSURE PROPER DRAINAGE.
 4. ALL GRADES SHOWN ON PLANS TO BE FIELD-VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. SHOULD ANY DISCREPANCIES EXIST, NOTIFY THE ENGINEER PRIOR TO CONSTRUCTION.
 5. ALL SURFACES SHALL HAVE A SLOPE AS INDICATED ON DRAWINGS.
 6. GENERAL CONTRACTOR TO ENSURE POSITIVE DRAINAGE AWAY FROM TOWER PADS.
 7. MASS GRADING WILL NOT BE CONDUCTED ON THIS SITE.
 8. ALL EROSION CONTROL STRUCTURES TO BE INSTALLED PRIOR TO CONSTRUCTION.
 9. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC. AS NECESSARY TO INSURE SAFETY TO THE PUBLIC.
 10. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE CONNECTICUT DEPARTMENT OF TRANSPORTATION.
 11. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926, SUBPART P, OR AS AMENDED.

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DESIGNED BY:	DATE:	01-10-10
DRAWN BY:	CHECKED BY:	TLK
RSW	TLK	
OWNER:	PARCEL NO.:	
BNE ENERGY		
PROJECT:	TAX MAP #:	12 BLOCK IN LOT 178
ZAPATA, INC.	FILE NUMBER:	1385
AS SHOWN	FILE NAME:	
AS SHOWN	ANSI D	

ZAPATA
 6302 LAWRENCE ROAD, SUITE 200, DANBURY, CT 06810
 TEL: 203.755.1234 FAX: 203.755.1235
 WWW.ZAPATAINC.COM

WIND PROSPECT
 CONNECTICUT
 TURBINE LOCATION TWO
 CONSTRUCTION PHASE GRADING PLAN

SHEET
 IDENTIFICATION
C-303



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3

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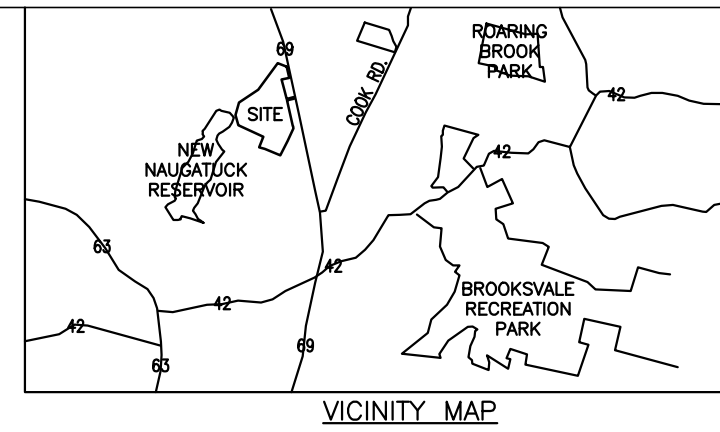
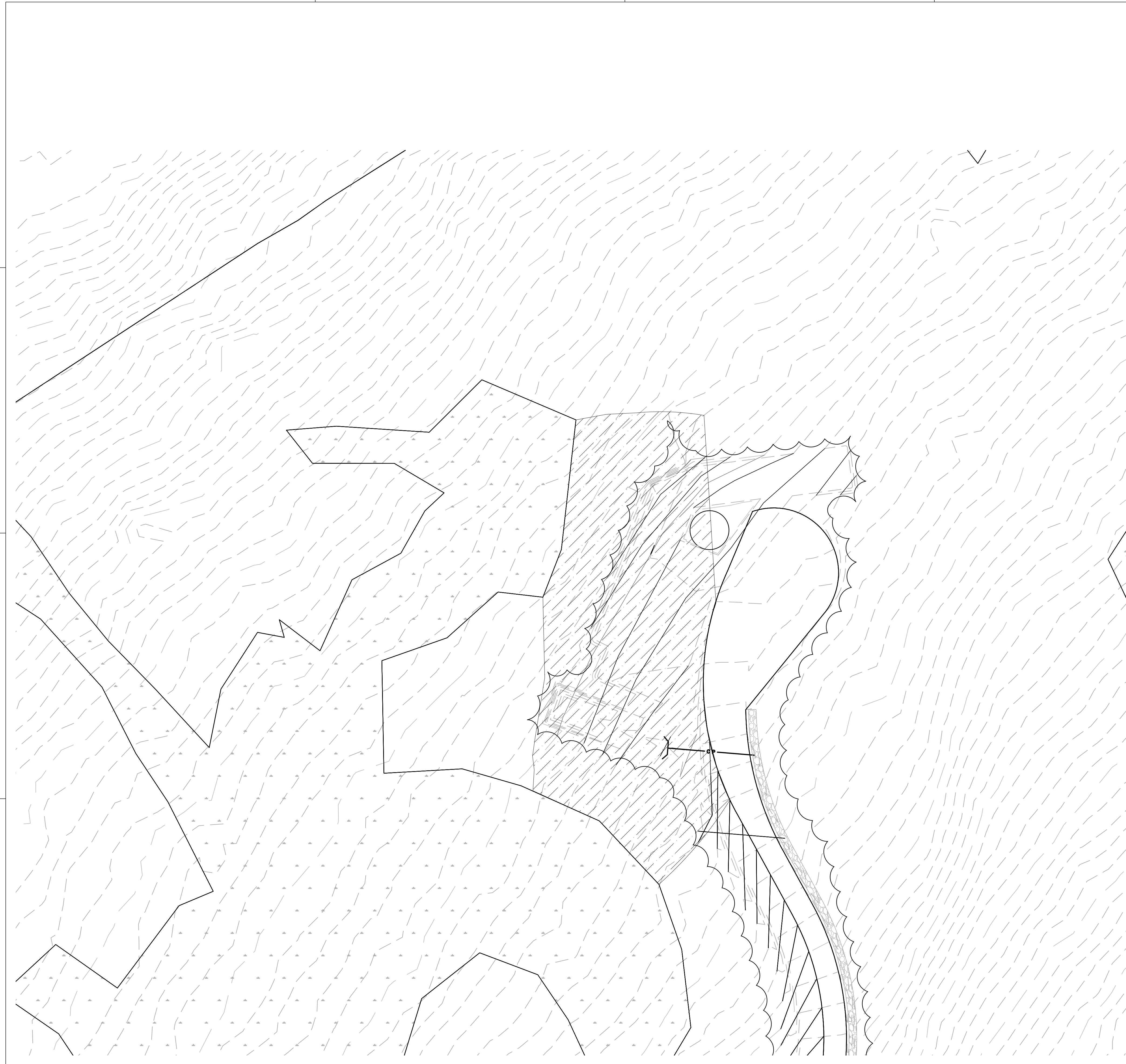
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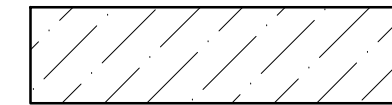
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LEGEND

-  UPLAND MEADOW CREATION AREA
-  UPLAND MEADOW RESTORATION AREA
-  CONTROL BLANKET

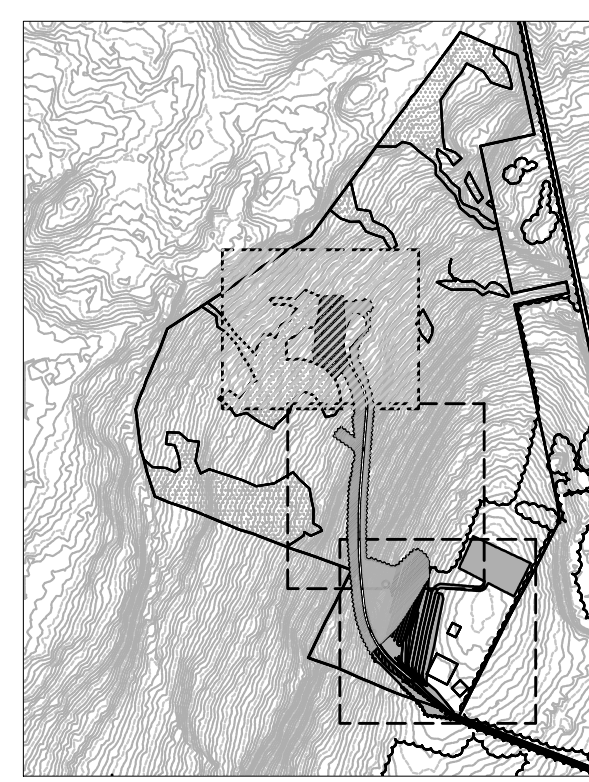
Botanical Name	Common Name	Size	Spacing (minimum)	Quantity
Trees				
Acer rubrum	Red Maple	4-6 feet	10 feet	3
Shrubs				
Aronia m elanocarpa	Black Chokeberry	3-4 feet	5 feet	10
Lindera benzoin	Common Spicebush	3-4 feet	5 feet	10
Viburnum dentatum	Northern Arrowwood	3-4 feet	5 feet	10

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

- PRIOR TO ALL WORK, EROSION CONTROL BARRIERS ARE TO BE INSTALLED AS DETAILED ON THE EROSION CONTROL PLAN.
- 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 SURFACE.
- 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 PROCESS.
- 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 SPECIFICATIONS.
- 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 TWENTY FOUR (24) MONTH PERIOD.
- 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.



KEYPLAN



MARK	DESCRIPTION	DATE	APPR.
1	CONNECTICUT SITING COUNCIL SUBMISSION	11-04-10	TLK
2	INCORPORATED REQUESTED REVISIONS	01-31-11	TLK

DESIGNED BY: RSW	DATE: 01-31-10	DESIGNED BY: TLK	DATE: 01-31-10
DESIGNED BY: TLK	DATE: 01-31-10	DESIGNED BY: TLK	DATE: 01-31-10
DESIGNED BY: TLK	DATE: 01-31-10	DESIGNED BY: TLK	DATE: 01-31-10

ZAPATA
 6302 LAWREN ROAD, SUITE 400, PHOENIX, AZ 85048-4000
 PHONE: (602) 356-8040
 FAX: (602) 356-8041
 WWW.ZAPATAINC.COM

WIND PROSPECT
 CONNECTICUT
 TURBINE LOCATION TWO UPLAND MEADOW
 (CREATION AND RESTORATION) PLAN

SHEET
 IDENTIFICATION
C-315



NOT FOR CONSTRUCTION - CONNECTICUT SITING COUNCIL USE ONLY



Paul J. Corey
Chairman

Town Center, Suite 200
29 South Main Street
West Hartford, CT 06107
860.561.5101
pcorey@bneenergy.com

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