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October 28, 2011

VIA HAND DELIVERY AND U.S. MAIL

Linda L. Roberts
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

Re: Petition 983 - BNE Energy Inc., Flagg Hill Road, Colebrook, CT

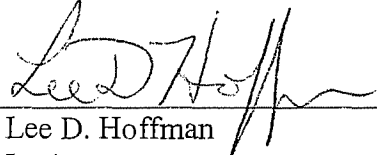
Dear Ms. Roberts:

BNE Energy Inc. hereby submits an original and 15 copies of its responses to the Siting Council's Second Set of Interrogatories in connection with the above-referenced Petition.

In addition to the responses to the interrogatories, BNE Energy Inc. wishes to call one change on the project drawings to the Siting Council's attention. BNE Energy Inc. has modified the driveway design for the project so that during construction, traffic will have less impact on the project's abutting property owner. This change is properly reflected in the enclosed project drawings that also form a portion of the basis of the responses to the Council's Interrogatories.

If you have any questions concerning this submittal, please contact the undersigned at your convenience. Please return a date-stamped copy of this filing to my courier. Thank you in advance for your assistance.

Respectfully submitted
BNE ENERGY INC.

By: 
Lee D. Hoffman
Its Attorney

cc: Service List for Petition 983
Melanie A. Bachman (via electronic mail)
Michael A. Perrone (via electronic mail)

ACTIVE/72955.2/LHOFFMAN/2605017v1

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**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 4.8 MW Wind
Renewable Generating Facility Located on Flagg Hill
Road, Colebrook, Connecticut.**

Petition 983

October 28, 2011

**PETITION 983: BNE ENERGY
COLEBROOK, CONNECTICUT
D&M INTERROGATORIES, SET TWO**

- Q1. Indicate what type of dry swale will be employed for the swales shown on Sheet Nos. 202, 203, 204, and 205. If Dry Swale A is to be used, how does it conform to Dr. Klemens September 15 recommendation that slopes should be 4:1?**
- A1.** The proposed dry swales shown on Sheets 202-205 are proposed to be dry, grass-lined water quality swales. Details for the different size swales A, B and C are shown on Sheet 602 of the plan. On Sheet 202, swale A shall be used. On sheet 203, the northern swale is type A, the southern swale is type B. On sheet 204, the northern swale is type A, the two southern swales are type B. On sheet 205, the northern swale is type C, the southern swale is type A. The swales have also been labeled on each of the site plan sheets for easy identification as to which type they are. All water quality swales within 750 feet of the existing vernal pools will have 4:1 side slopes in accordance with Dr. Klemens' recommendation. The type A water quality swale does have a 3:1 side slope but is more than 750 feet from the vernal pools. The steeper side slope was specified in order to minimize the grading of the fill slope along the eastern side of the access drive.
- Q2. The Erosion and Sediment Control Plan states all temporary erosion control measures will be removed (p. 3-1). Will the erosion control blankets specified on the slopes identified on Sheets 202, 204, 205 be removed? What is the slope of these areas? If erosion control blankets are to remain in place, is it possible to use 100% bio-degradable erosion control blankets (SC2B) in lieu of photodegradable erosion control blankets?**
- A2.** The temporary erosion control blankets will not be removed. They are designed to remain in place and will degrade over time, in approximately 12 months. The slopes on these areas are 2h:1v. We are proposing the S150BN, which is a bio-degradable mat. It has a longevity of approximately 12 months and is appropriate for the 2:1 slopes. Attached as Exhibit A2 is a Designer's Guide template from the manufacturer showing that the application of the S150BN is appropriate.

Q3. Sheet No. 601 references erosion control blanket SC250. Where is this product being used?

A3. As the SC250 mat is not proposed to be used on-site, the specifications for that mat have been eliminated from Sheet 601.

Q4. In its response to question 3 of the Council's interrogatories on the D&M Plan, BNE listed certain principles on page 4 for site planning for erosion and sediment control that are cited in the 2002 E&S Guidelines. Do the 2002 E&S Guidelines contain any items that are relevant and have not been included?

A4. In our response to the first set of interrogatories we cited some of the general principles from the Guidelines that were used in the preparation of our erosion & sediment control plan. There are certainly additional principles that were used from the Guidelines and are relevant. We submit the following, additional general principles cited in the E&S Guidelines that were utilized in the design and layout of the project:

- Limiting areas of clearing by concentrating construction areas on the least critical and sensitive areas.
- Keep disturbed areas draining to a common point of discharge to less than 5 acres at any given time.
- Sequence operations so that storm drainage systems are operational as soon as possible. Ensure that all storm drainage outlets to a stable area.
- Using diversions, stone check dams, silt fence and similar measures to break flow lines and dissipate storm water energy.
- Develop a detailed construction sequence to present a feasible schedule for construction and implementation of erosion control measures.
- Design conveyance features to withstand the project water velocities without causing erosion.

It is our professional opinion that all relevant principles and guidelines from the 2002 Connecticut E&S Guidelines have been included in the D&M Plan.

Q5. In the memo to BNE from David Tidhar dated September 2, 2011, paragraph number 1 ends with the words "...mid-October, depending on recorded activity." Clarify which activity is being referred to.

A5. The referenced language refers to the seasonal duration of raptor migration surveys underway at Colebrook. Raptor migration surveys are still underway and will continue through at least November 10 based on comments made regarding the duration of the fall raptor migration surveys by the U.S. Fish and Wildlife Service during recent consultations undertaken by BNE Energy. Raptor migration surveys are scheduled to occur through November 10 and may continue until December 1 or later depending on the extent of use and species composition of raptors observed at the site during early

November. If low numbers of generally common species of raptors are continued to be observed during early November, then continuance of fall surveys until December 1, or later, may not be warranted.

Q6. Provide a drawing that more clearly depicts the boundaries and details of the Protected Property in the Conservation Easement Plan currently depicted on Sheet No. C-003.

A6. Please see a revised version of Sheet No. C-003, attached hereto, which more clearly depicts the boundaries and details of the Conservation Easement Boundaries.

Q7. On page 5 of the Geotechnical Engineering Report, it states that, "If water is encountered...it should be removed from the excavation by pumping from sumps." Does BNE's Erosion and Sedimentation Plan address de-watering? If not, provide such information.

A7. We have revised the plans to include dewatering basins for each of the proposed foundation excavation areas. These dewatering basins are sized and designed in accordance with the 2002 Connecticut E&S Guidelines. A detail for the basins has been included on Sheet 601 of the plans.

Q8. In BNE's Post Construction Noise Monitoring Program, indicate how the short and long term noise monitoring locations were chosen.

A8. The goal of selecting the proposed noise monitoring locations was to obtain the highest sound levels generated by the wind turbines at the closest residential locations. The short- and long-term noise monitoring locations were proposed to be conducted at the residential areas with the highest predicted sound levels by direction based upon the Noise Report dated October 2010. The long-term noise monitoring site (M4) was assigned to the closest residential receptor location, which we believe will provide the most conservative data. The pairing of the long-term noise monitoring site (M4) with the nearby short-term monitoring site (M1) will help establish data relationships between the long-term noise monitoring site and all of the short-term noise monitoring sites.

Q9. In BNE's Decommissioning Report, are all of the dollar figures in today's (2011) dollars or in future dollars? Explain.

A9. The dollar figures in BNE's Decommissioning Report are all in today's (2011) dollars. The estimated cost of decommissioning will be updated upon commencement of commercial operations, and funded in equal annual installments over the first ten years of project operations. The estimated cost of decommissioning will be reassessed in calendar year 15 of the project's operation, and additional amounts will be reserved, if necessary, for decommissioning and site restoration.

Q10. Are the drainage calculations for site development consistent with the Connecticut Department of Transportation Drainage Manual? If that standard is not applicable, indicate why.

A10. The drainage calculations are consistent with methodologies provided in the Connecticut Department of Transportation Drainage Manual. The Rational Method ($Q=CIA$) was used in the sizing of swales and storm drainage piping in accordance with Section 11.5 of the Manual. Outlet protection for all storm water discharges was designed in accordance with section 8.7 of the Manual. This provides for calculations of size of riprap pads and size of the stone to be used. Detention area sizing and hydrograph analysis was done utilizing the NRCS technical release No. 55 (TR-55) "Urban Hydrology for Small Watersheds" method in accordance with Chapter 10 of the Manual.

Respectfully Submitted,
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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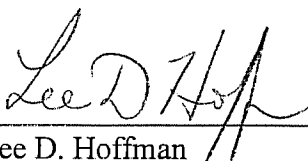
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