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October 14, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

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

**RECEIVED**  
OCT 14 2011

CONNECTICUT  
SITING COUNCIL

**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 Interrogatories issued on October 11, 2011 in connection with the above-referenced Petition. If you have any questions concerning this submittal, please contact the undersigned at your convenience.

Please return a date-stamped copy of this filing in the enclosed envelope. 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)

**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 14, 2011**

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

- Q1. In the Council's Decision and Order dated June 2, 2011, Order No. 2(a) requires that, "The Southern Turbine shall have a location and/or rotor diameter that ensures rotating blades would be confined to the host property." In order to demonstrate compliance, provide a drawing that shows the maximum horizontal radius that would be swept out by the blade tips and include the nearest property line(s).**
- A1. See drawing attached hereto entitled "Turbine #1 Blade Sweep Radius."**
- Q2. In the Conservation Plan under the Section entitled, "Permitted Uses of the Protected Property," Number 2 states, "the right to conduct and enjoy recreational activities, such as, without limitation..." Would the recreational activities include use of all terrain vehicles, snowmobiles or other motorized recreational activities?**
- A2. No. The permitted recreational activities on the site are intended to include the right to conduct and enjoy passive recreational activities, which excludes motorized activities.**
- Q3. Explain how the Erosion and Sedimentation Plan complies with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (E&S Guidelines), as amended, per Order No. 2(d). If there are areas that are not in compliance, please indicate those.**
- A3. Below is an explanation of the proposed "Erosion and Sediment Control Plan" and its compliance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (E&S Guidelines).**

**Introduction:**

An appropriately designed Erosion and Sediment Control Plan (E&S Plan) is required to fulfill the requirements of Connecticut's Soil Erosion and Sediment Control Act (Public Act 83-388, codified in sections 22a-325 through 22a-329 of the Connecticut General Statutes). The 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (E&S Guidelines) were used as the primary guiding document in the preparation

of the Erosion and Sediment Control Plan for the Wind Colebrook South Project (Petition 983). The Guidelines are intended to serve as a technical guide for meeting the requirements of the Soil Erosion and Sediment Control Act and were utilized as such.

### **Selection & Planning Process:**

An initial step in preparing an E&S Plan is to determine if the site is compatible with the development needs, and if limitations exist that will impact the site development. Existing topography, wetlands and watercourses, steep slopes, flood prone areas and habitats for endangered and threatened species are reviewed to determine site compatibility and potentially constrained areas. This was part of the initial process in selecting Wind Colebrook South for development as a wind power generation site. It was determined through the initial review process that the current proposed site was capable of development as a wind power generation site and that access could be achieved into the site while meeting the requirements of Connecticut's Soil Erosion and Sediment Control Act and being protective of sensitive areas on the site.

The next step is to obtain more detailed mapping including aerial topographic survey data, property line surveys, field delineated wetlands and watercourses, soil testing pits and soil boring data, existing vegetated areas and identification of any additional sensitive areas (i.e. vernal pools and special habitat areas). This detailed mapping allows for identification of areas that may be prone to erosion as well as assessment of the drainage patterns on the site to determine areas where potential treatment and detention of stormwater can be provided. This was an important step that was taken in determining the roadway alignment, graded laydown areas and stormwater management areas for both pre and post-construction conditions at the site. The detailed mapping, as well as descriptions of the existing conditions at the site, is included in the *Erosion and Sediment Control Plan* dated August 2011.

Some of the general principles cited in the E&S Guidelines that were utilized in the design and layout of the project are as follows:

- *Utilize the existing topography*

In designing the proposed access driveways, graded laydown areas and infrastructure for the project, steep slopes were avoided as much as possible in order to minimize cut and fill slopes and minimize the overall potential for erosion.

- *Align roads on the contour wherever possible and use them to divert surface water thereby reducing slope lengths.*

The roadway was aligned to run across grade in order to minimize the cuts and fills to the greatest extent possible. Multiple clean water diversions have been provided to break up drainage areas and avoid concentration of stormwater onto the proposed construction areas.

- *Avoid steep slopes and soils with severe limitations for the intended uses. If there are no feasible alternatives to avoiding steep slopes and/or erodible soils, sound engineering practices should be employed to overcome site limitations.*

Steep slopes and areas of erodible soils have been avoided as much as possible with the design of the project. There is a steep slope that needs to be traversed to gain access to the upper, flatter portions of the site. In order to minimize grading and potential erosion and sedimentation appropriate engineering practices have been incorporated into the design. These measures include; clean water diversions, riprap slope stabilization, temporary erosion control blankets, stone checks dams and water bars. These are being employed to overcome site limitations.

- *Avoid flood prone areas, wetlands, beaches, dunes and other sensitive areas and when possible keep flood plains free of fill or obstruction.*

There are no flood prone areas proposed for development and the Storm Water Management Plan for the project has been designed to ensure no increases in post-development storm water flows to down gradient areas.

There is one proposed wetlands crossing that will be required to access the site for proposed turbine #3. The crossing location was chosen in the narrowest area of the wetlands in order to minimize impacts. Additionally, a seepage envelope is being proposed in order to maintain hydraulic connectivity between the wetlands on both sides of the proposed crossing location.

Two vernal pools were identified on the site during the planning process. There is no proposed development adjacent to or within 100' of these sensitive areas and any improvements within 750' of the vernal pools have been designed in accordance with the Best Management Practices for development where vernal pools are present.

- *Keep stockpiles, borrow areas, access roads and other land-disturbing activities away from critical areas (such as steep slopes and highly erodible soils) that drain directly into wetlands and water bodies.*

As mentioned above, the steep slopes and areas of erodible soils have been avoided as much as possible with the design of the project. Where development does need to take place on steep slopes (i.e. the initial access drive into the site) sound engineering practices have been employed to overcome the site limitations. All stockpile and borrow areas have been set in areas away from wetlands and will be protected by appropriate E&S measures in accordance with the 2002 E&S Guidelines.

- *Avoid siting buildings in drainage ways, over watercourses and over storm drainage systems.*

The only proposed building development is expansion of the existing residential building on the site to accommodate office space and an educational area in the building. The building is located in an upland area. There are no proposed buildings in drainage ways, over watercourses or over any storm drainage systems.

- *Utilize the natural drainage system wherever possible. If the natural drainage system of a site can be preserved instead of being replaced with piped storm sewers or concrete channels, the potential for downstream damages from increased runoff can be minimized, making compliance with storm water management criteria easier.*

The natural drainage system of the site is being preserved wherever possible. There is minimal piping of storm drainage being proposed and existing drainage areas are being maintained. Storm water will be conveyed through both riprap and grass-lined swales to proposed storm water detention and renovation areas. There are no proposed increases in runoff from the development and the proposed improvements comply with storm water management criteria.

Additional principles for site planning for erosion and sediment control that are cited in the 2002 E&S Guidelines and have been included in the design of this project include:

- Keeping land disturbance to a minimum.
- Providing a detailed construction schedule for the project.
- Minimizing flow velocities on the site by breaking up flow areas, using diversions, stone check dams and riprap.
- Keeping clean runoff separated from construction runoff and making sure construction runoff is treated by an appropriate E&S measure prior to discharge (i.e. silt fence, hay bales, and temporary sediment traps).
- Directing runoff from small disturbed areas to adjoining undisturbed areas to reduce the potential of concentrated flows and increase settlement and filtration.
- Ensuring that concentrated runoff from the development is safely conveyed to stable outlets using riprap channels, swales with stone check dams and similar conveyance measures.
- Including temporary sediment basins for larger areas of development and grading that are sized appropriately and are not located in wetlands or watercourses.
- Implementation of a thorough maintenance plan and follow up program to ensure the success of the E&S Plan.

#### **Selection of Erosion Control Measures:**

The final step in preparing an appropriate E&S Plan is to perform a thorough review of the proposed development and to identify potential problem areas. All areas of the site that are proposed for disturbance need to be reviewed to determine the potential for erosion and sedimentation from the disturbed areas. Once the potential problem areas are identified an appropriate strategy and erosion control measure must be chosen.

Each area of disturbance was analyzed to determine where there was the potential for erosion to occur and then the appropriate measures from the 2002 E&S Guidelines were chosen and incorporated into the plan. The measures chosen are based upon the contributing drainage area to the proposed area of construction, the potential erosion control problem and the down gradient conditions adjacent to the proposed construction area being analyzed.

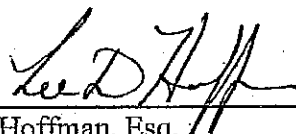
The measures that have been incorporated into the E&S Plan are itemized in detail in *Section 3-Best Management Practices* of the *Erosion and Sediment Control Plan* prepared by Civill dated August 2011.

In summary, the *Erosion and Sediment Control Plan* prepared by Civill dated August 2011 was carefully developed using the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (E&S Guidelines). The E&S Plan complies with the intent of the Guidelines and ensures compliance with the requirements of Connecticut's Soil Erosion and Sediment Control Act.

**Q4. Provide the status of the Host Community Agreement per Order No. 3.**

A4. BNE Energy (BNE) has met with the Town of Colebrook to discuss the Host Community Agreement. We have also reviewed applicable statutes and are in the process of preparing tax schedules for discussion purposes. BNE believes it has made progress and it expects to meet with the Town in the near future for further discussions. BNE is committed to negotiating a Host Community Agreement with the Town of Colebrook, and will report to the Siting Council, if and when such an Agreement is finalized.

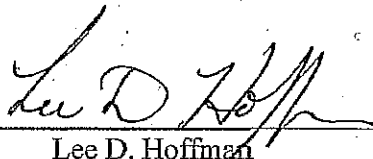
Respectfully submitted,  
BNE ENERGY INC.

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Certification

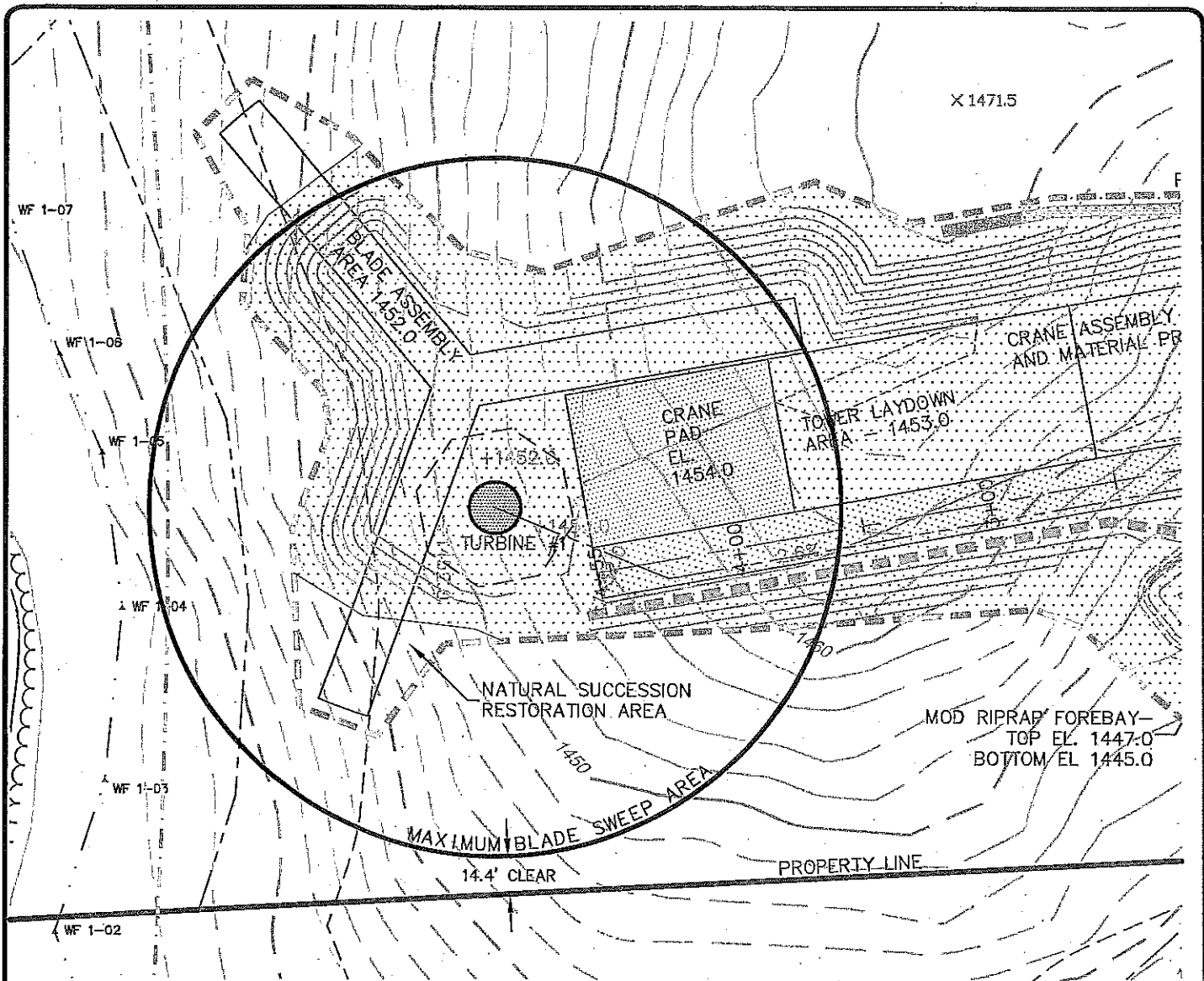
This is to certify that a copy of the foregoing has been mailed this date to all parties and intervenors of record as follows:

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Lee D. Hoffman



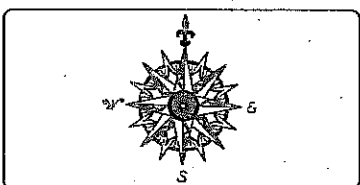




### LEGEND

	PROPERTY LINE		EXISTING ROADWAY
	EXISTING CONTOUR		PROPOSED ACCESS DRIVE
	CONTOUR FROM CONSTRUCTION GRADING TO REMAIN		PERM. RIPRAP DIVERSION/CONVEYANCE SWALE
	CONTOUR FROM CONSTRUCTION GRADING TO BE MODIFIED		SOIL TYPE BOUNDARY
	PROPOSED CONTOUR		PROPOSED UPLAND MEADOW RESTORATION AREA
	PROPOSED STORM DRAINAGE		DRY WATER QUALITY SWALE
	EDGE OF WATER		
	WETLANDS/WATERCOURSE BOUNDARY		
	100' WETLANDS REVIEW AREA		

NO.	REVISION	DATE



**TURBINE #1  
BLADE SWEEP RADIUS**

**CIVIL C1**

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43 SHERMAN HILL ROAD  
WOODBURY CONNECTICUT 06792 (203) 268-0772

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WEST HARTFORD, CT 06107

**WIND COLEBROOK  
SOUTH**  
FLAGG HILL ROAD

DESIGNER: EJS	APPROVER: CJ
SCALE: 1" = 60'	DATE: 12 OCT 11
PROJECT NO.: 3093	DRAW FILE NO.: 3093
REVISION NO.:	
<b>T-001</b>	

Previous Editions Obsolete

COLEBROOK

CONNECTICUT

