

**ENVIRONMENTAL MONITORING PLAN
STONY CREEK WIND FARM
WYOMING COUNTY, NEW YORK**

January 7, 2009
Preliminary DRAFT for SEQRA Review

1 INTRODUCTION

1.1 Project Information

The Stony Creek Wind Farm is a wind project proposed to be constructed in the Town of Orangeville in Wyoming County, New York by Stony Creek Energy LLC (“Stony Creek”). The project includes the construction and operation of up to 59 wind turbines, the installation and operation of associated collection lines, access roads, substation, and related facilities (the “Project”).

1.2 Purpose of this Environmental Monitoring Plan

Stony Creek has prepared this Preliminary Environmental Monitoring Plan (the “Plan” or “EMP”) to outline the process and responsibilities for a qualified party to serve as an on-site environmental monitor (“Environmental Monitor”) to ensure conditions of various environmental permits are met during construction.

The Plan provides the Environmental Monitor a reference to aid in managing environmental issues that may be encountered during Project construction. Potential environmental impacts could occur during construction of roads, foundations, erosion control devices, electrical lines and equipment, and wind turbines. The Plan contains the framework for the daily and long term monitoring and reporting structure to ensure that the Project is completed within the environmental parameters set forth in the permits issued for the Project. The Plan is intended to be a “living” document, which will develop as the Project progresses.

1.3 Plan Organization and Contents

The sections of this Plan are organized as follows:

- Section 2 discusses the organization and supervision of personnel during construction, including reporting structure, authorities, and responsibilities.
- Section 3 discusses the Environmental Monitor’s role during construction.
- Section 4 provides the necessary information to ensure proper documentation of environmental monitoring activities and potential incidents.
- Section 5 summarizes permit conditions expected from the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation that will apply to Project construction.

This is a Preliminary plan prepared as part of the SEQRA review of the Project. It references permits and conditions which have not been issued or addressed, but which are typical for projects of this type. Final permits and conditions may differ from what is shown in this Preliminary Plan.

An updated version of this Plan will be issued prior to the start of significant construction activities. The updated version will contain appendices that are copies of the permits and conditions that have been

issued for the Project and various documents that will assist the Environmental Monitor in its daily duties. Appendices are expected to include:

- A. U.S. Army Corps of Engineers Jurisdictional Determination and Permit Affirmation
- B. NYS Department of Environmental Conservation Permit and Supporting Documentation
- C. Order Granting NYS Public Service Commission Certificate of Public Convenience and Necessity (CPCN) (if applicable)
- D. Town of Orangeville Statement of Findings
- E. Town of Orangeville Special Use Permit Conditions
- F. Maps of Wetlands and Streams for Stony Creek Wind Farm
- G. NYS Department of Agriculture and Markets Guidelines for the Construction of Wind Farms
- H. SWPPP Inspection and Maintenance Requirements
- I. Plan for Unanticipated Discoveries
- J. Invasive Species Management Plan for Stony Creek Wind Farm
- K. Spill Prevention and Response Plan for Stony Creek Wind Farm

2 ENVIRONMENTAL MONITORING ORGANIZATION AND REPORTING

2.1 Reporting Structure

The Environmental Monitor manages the daily environmental issues associated with the construction of the Project including monitoring, documenting, and reporting functions. Stony Creek's Environmental Monitor has complete authority to order the correction of activities in violation of any permits or obligation and to order the temporary cessation of work activities in violation of any permits or regulations until such time as corrective measures have been implemented. The Environmental Monitor also acts as independent oversight of Project construction activities.

The Environmental Monitor will report to and coordinate all daily on-site activities with Stony Creek's on-site construction manager (the "Site Manager"). Stony Creek's home office project manager (the "Project Manager") will support the Site Manager and should receive copies of all reports prepared by the Environmental Monitor.

2.2 Environmental Monitor Authority and Responsibilities

The Environmental Monitor has the authority and responsibility to perform the following tasks:

- Ensure that environmental permits have been received and that applicable agency notifications as required by permits have been given prior to commencing work in a given area. This task will be coordinated with Stony Creek.
- Conduct pre-construction meeting and periodic site meetings with contractors to review applicable permit conditions and requirements specific to the contractor's scope of work.

- Conduct contractor “tailgate” sessions to review applicable permit conditions and potential problem areas for a given area of construction. These will occur on a regular basis, typically once a week.
- Monitor and document the contractors’ adherence to environmental specifications.
- Review the temporary and permanent stormwater and erosion controls for proper installation and maintenance in accordance with the Project SWPPP and record changes to the SWPPP necessitated by field conditions.
- Prepare documentation required by the Plan, including but not limited to Daily Reports, Monthly Reports, and Non-Compliance Reports as necessary.
- Make required internal and agency notifications when non-compliance or any reportable violations occur.
- Stop work if the contractor is conducting an activity in violation of the permits and regulations.
- Order remedial action for violations of environmental regulations.

The Environmental Monitor does not have the authority to:

- Change the requirements and specifications of the Project drawings without approval from the Site Manager after engineering and permit compliance review.
- Allow the contractor to change their scope of work. Changes to work scopes must be approved by the Site Manager or Project Manager after engineering and permit compliance review.
- Direct the contractor’s work as the contractor must preserve their independent contractor status.

2.3 Contact Lists

Main Office Address

Stony Creek LLC c/o Invenergy
 One South Wacker Dr., Suite 2020
 Chicago, IL 60606

Site Address:

TBD

Stony Creek Contacts:

Environmental Monitor	TBD
Site Manager	TBD
Project Manager	TBD
Assistant Site Manager	TBD
Vice President Project Management	TBD

Agency Contacts

Agency	Contact Person	Phone	Address
U.S. Army Corp of Engineers	Steven Metivier (Biologist)	(716) 879-4314	Department of the Army Buffalo District, Corps of Engineers 1776 Niagara Street Buffalo, NY 14207-3199

Agency	Contact Person	Phone	Address
New York State Dept. of Environmental Conservation Region 9	Charles Rosenburg (Biologist)	(716) 851-7000	NYSDEC 270 Michigan Ave. Buffalo, NY 14203-2999
New York State Dept. of Environmental Conservation Region 9	Daniel King (Spill Prevention & Response)	(716) 851-7220	NYSDEC 270 Michigan Ave. Buffalo, NY 14203-2999
New York State Department of Environmental Conservation	William R. Adriance (chief permit administrator)	(518) 402-9178	Chief Permit Administrator NYSDEC Headquarters 625 Broadway Albany, NY 12233-1750
New York State Spill Hotline		(800) 497-7362	n/a
U.S. Fish and Wildlife Service	Timothy R. Sullivan	(607) 753-9334	US Fish & Wildlife Service 3817 Luker Road Cortland, NY 13045
New York State Department of Agriculture and Markets	Michael Saviola (Associate Environmental Analyst)	(585) 658-9854	New York State Department of Agriculture and Markets 158 Main Street Mt. Morris, NY 14510-1595
Wyoming County Soil and Water Conservation District	David Reckahn (Water Quality Technician)	(585) 786-5070	Wyoming County SWCD 31 Duncan Street Warsaw, NY 14569
New York State Department of Public Service	Andrew Davis	(518) 474-7080	New York State Department of Public Service Empire State Plaza Agency Building 3 Albany, NY 12223-1350
New York State Office of Parks Recreation and Historic Preservation, State Historic Preservation Office (SHPO), Field Services Bureau	Nancy L. Herter (Archaeologist)	(518) 237-8643, ext. 3280	Address: P. O. Box 189, Waterford, NY 12188-0189 Express Address: Delaware Ave., Cohoes, New York 12047

3 ENVIRONMENTAL MONITORING PROGRAM

The Environmental Monitor will represent Stony Creek and monitor compliance with the environmental permits and regulations pertaining to the Project. The Environmental Monitor will work under the supervision of the Site Manager, and will have peer status with the other QA/QC monitors on the Project site. For general noncompliance issues, the monitor will work in conjunction with Stony Creek and the construction personnel responsible for the areas where the non-compliance exists to resolve the issue and rectify any problems. For noncompliance situations where significant environmental damage is imminent, the monitor will immediately order the cessation of the activity or rectification of the problem. Any requisite agency notifications should then be made and the Site Manager should be contacted.

3.1 General Activities

The Environmental Monitor will monitor contractor compliance with Stony Creek's environmental plans and programs as well as all Federal, State, and local permits and approvals. To achieve this goal, the Environmental Monitor will have the following responsibilities:

- Observation and documentation of construction activities to monitor that work is completed in compliance with the environmental permit drawings and specifications issued for the Project. Reports, photographs, and as-built information will be gathered as needed to demonstrate compliance with permit requirements. The ability to order the cessation of work and rectification of violations will empower the monitor to ensure adherence to environmental permits and standards. In addition, the monitor has the ability to directly contact the applicable agencies representatives to resolve problems.
- Review the temporary and permanent stormwater and erosion controls for compliance with the Project SWPPP and record changes to the SWPPP necessitated by field conditions.
- Identify any areas where the stormwater and erosion controls are deficient or ineffective and require such deficiencies to be corrected as per specifications or regulations.
- Communicate with construction personnel and equipment operators to stay within designated construction areas and use only approved access roads.
- Monitor fuel handling and equipment maintenance operations so that these activities are performed away from wetlands and water bodies. Also, ensure that the contractor maintains the necessary spill response material as mandated by the SWPPP and Spill Prevention and Response Plan.
- Review with the contractor previously identified sensitive areas, such as wetlands, where special construction techniques will be required. Monitor that work in these areas is conducted as per the drawings and specifications approved for these areas and in accordance with all federal, state, and local permit conditions.
- Monitor that work within agricultural fields is conducted in accordance with the guidance document issued by NYSDAM. This includes proper stockpiling of topsoil, segregation of subsoil and topsoil, and restoration methodologies. The plan and guidance are provided in the appendices.
- Monitor that all environmental mitigation and restoration plans (i.e. stream and wetland crossings, seeding, erosion control, de-compaction, etc.) are implemented in accordance with Stony Creek's drawings and specifications and in accordance with all federal, state, and local permit conditions.
- Preparation of daily reports of inspection activities that document general compliance and noncompliance situations where remedial action is required.
- Preparation of monthly and final reports, as required.

Applicable checklists and daily inspection logs will serve as a basis for the reporting structure.

3.2 Daily Activities

The Environmental Monitor will conduct daily inspections of all areas of ongoing construction activities with an emphasis on those activities that are occurring within environmentally sensitive areas. The monitor will work with Stony Creek to establish daily inspection priorities, depending on the nature and location of ongoing activities and the sensitivity of a given area. In general, the schedule will include

time in the morning to meet with construction staff and the Site Manager to obtain schedule updates and priorities, in-field monitoring activities, and time in the afternoon for completion and filing of monitoring reports. Activities that will be focused on include initial grading activities in agricultural fields, crossings of wetlands or streams, and installation of SWPPP measures. It is anticipated that several operations occurring throughout the Project Area will need to be spot-checked on a daily basis. For instance, clearing and grading activities may be prioritized over inspection of a less intensive activity. Should the construction work extend into nighttime hours or weekends, the environmental monitoring staff will adjust their work schedules to cover work in environmentally sensitive areas as needed.

3.3 Incident Investigation

An environmental incident is defined as an unplanned event with the potential for undesirable environmental consequences. These incidents can range from a “near miss” to an accident. A near miss is an action that had the potential to create an environmental incident; however, no adverse effect occurred. These incidents will be documented in the daily report, highlighted and distributed to the Site Manager in order to ensure that the action does not occur in the future and result in an adverse affect on the environment. These incidents will be documented in the daily reports. An accident is a situation where an action occurs that results in an actual adverse effect on the environment. In this instance, a noncompliance report should be completed.

All environmental incidents, including near misses, should be verbally reported to the Site Manager within one hour of the occurrence, or as soon as practical after the situation has been controlled by the Environmental Monitor. In situations where immediate regulatory notifications are required, such as spills that exceed the reportable quantities limitations, the notification should be made by the Environmental Monitor. Where immediate notification is not required, notification may be made by the Environmental Monitor or Site Manager, if appropriate. These notifications may include spills that do not exceed the reportable quantity threshold or situations where damage occurs to wetlands or streams outside of the permitted areas. In these cases and where necessary, the appropriate agencies will be notified so that they have an opportunity to provide guidance toward remediation.

Incident investigation will involve determining, to the level of detail possible, the cause of the incident. A critical aspect of these investigations will be determining actions or policies that can be implemented to minimize the possibility of recurrence. If preventative actions are developed, they will be integrated into the tailgate meetings conducted with contractors and noted on the monitor’s daily/monthly reports.

4 PROJECT DOCUMENTATION

Detailed documentation is vital to ensuring compliance with regulatory requirements and standards associated with sensitive environmental issues and areas. Project documentation also simplifies the Environmental Monitor’s responsibilities by providing a framework for addressing all potential implications of a construction project on the environment.

Stony Creek’s Environmental Monitors will be responsible for preparing and submitting several reports consisting of summaries of daily, monthly, and post construction activities. The Environmental Monitor may also be required to prepare periodic and/or final reports for submittal to local, state, or federal agencies, depending on permit conditions.

4.1 Daily Report

A major responsibility of the Environmental Monitor is accurate and detailed documentation of their daily inspection activities. Stony Creek’s Environmental Monitor will be required to maintain a logbook, used

to record daily activities and to maintain a log of photographic documentation. The logbook will contain documentation of daily construction activities, weather conditions, construction progress, pertinent conversations, and compliance issues. The information collected in the logbook will then be summarized into a daily report, which will serve as the permanent record of activities occurring on the site. In addition to the logbook, several checklists or forms may be used to provide a succinct reporting form for certain activities. These include SWPPP monitoring, wetland and waterbody crossings, and non-compliance reports.

4.2 Monthly Report

The Environmental Monitor will be required to provide a monthly status update summarizing activities that occurred on the Project site including detailed description of any non-compliance issues that may have occurred. The information compiled in the daily reports will be used to compile this summary.

4.3 Post Construction Report

Upon completion of the construction and restoration of the Project site, the monitor will be required to complete a post-construction report. The report will summarize the restoration measures implemented on the Project site including, but not limited to, the documentation of any permanent storm water controls, restoration activities in agricultural land, restoration within wetlands and stream crossings, and documentation of any reseeding or planting that is undertaken for restoration. The daily and monthly summaries will be used to compile this report. This report will be provided to all interested agencies upon request, including the Town, NYSDEC, USACE, and NYSDAM.

5 TYPICAL PERMIT CONDITIONS

This section summarizes the typical conditions that may be attached to state and federal permits obtained by Stony Creek for construction of the Project. The conditions listed here are those specifically pertaining to environmental issues that may be encountered during construction.

5.1 USACE Permit Conditions

The following special conditions are typical conditions that may be attached to permits may be issued by USACE for the Stony Creek Wind Farm. These are provided here for example only. The plan issued before construction will summarize the actual conditions from any permit issued to Stony Creek by ACOE.

- That the Water Quality Certification issued for this project by the State of New York is part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation or modification of this permit.
- That Stony Creek is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
- Siltation barriers shall be installed between the wetlands and the adjoining development, to prevent siltation into the wetlands.
- That during construction erosion control devices such as hay bales or a filter fabric fence shall be used to prevent erosion of dredged material or disturbed soil. The hay bales or filter fabric fence

shall be installed in accordance with appropriate construction techniques, including placing the hay bales and filter fabric fence in a shallow trench, backfilling the toe of the filter fabric fence and securing the hay bales with stakes.

- All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place until construction is completed and the area is stabilized.
- The disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited.
- Reports required under this permit shall be submitted to Mr. Steven Metivier at U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, unless otherwise specified.
- Trees felled in wetlands along the easement corridor shall be cut by hand and equipment used for removal shall be positioned outside of the wetland boundary or on mats located within the construction corridor. Tree stumps will be left intact except where they pose a safety-related construction constraint. Stumps may not be pulled or dragged from the ground, but may only be ground to meet existing grade when necessary.
- Generic restoration plans for wetland disturbances shall be prepared and submitted to this office. This plan shall include specific instructions to the contractors regarding erosion and sedimentation controls, soil handling procedures, removal procedures and re-vegetation of disturbed sites.
- Temporary impacts/fill may not be in place greater than 120 days in any single project location. Construction shall be sequenced such that restoration is completed at each impact area immediately upon completion of construction work at that location.
- That you shall immediately cease work and contact the Corps of Engineers in the event of any unanticipated discoveries of cultural resources. These resources include:
 - a. any human remains
 - b. any recognizable, potentially significant concentrations of artifacts, features or other evidence of human occupation in areas which were not previously examined.
- Copies of all post-construction wildlife monitoring reports required under the pending NYSDEC Permit shall be forwarded to this office concurrently with their submission to the NYSDEC.

5.2 NYSDEC Permit Conditions

The following conditions are typical conditions that may be attached to permits may be issued by the NYSDEC for the Stony Creek Wind Farm. These are provided here for example only. The plan issued before construction will summarize the actual conditions from any permit issued to Stony Creek by the NYSDEC.

- **Notice of Intent to Commence Work:** The permittee shall submit a Notice of Intent to Commence Work to the Natural Resources Supervisor, DEC Region 9, 270 Michigan Avenue, Buffalo, New York 14203-2999, at least 48 hours in advance of the time of commencement and shall also notify him/her promptly in writing of the completion of work.
- **Post Permit Sign:** The permit sign enclosed with this permit shall be posted in a conspicuous location, adequately protected from the weather, at the Noble field headquarters, and copies posted at each worksite where a DEC-regulated activity is authorized by this permit.

- **Clean Fill Only:** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.
- **Storage Tanks:** Fuel or other chemical storage tanks shall be contained and located at all times in an area greater than 100 feet landward of a regulated wetland, water body or water course.
- **Reporting of Spills:** Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline (1-800-457-7362) within 2 hours.
- **Discharging Concrete Contaminated Waters:** Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to any wetland, stream or water body.
- **Dewatering Through Baffles and Diffusers:** Discharges from dewatering operations shall be baffled or otherwise diffused in order to prevent sediment transport or scour to wetland, stream or water body.
- **No Turbidity from Dewatering:** No turbid water resulting from dewatering operations shall be discharged directly to or allowed to enter any wetlands, stream or water body within the project area. Such water shall be pumped to settling basins or to an upland vegetated area prior to any discharge to any wetland, stream or water body within the project area. All other necessary measures shall be implemented to prevent any visible increase in turbidity or sedimentation downstream of the work site.
- **Leave Delineation Markers in Place:** Markers used to delineate/define the boundary of the wetland or the extent of the permitted structures shall be left in place and remain undisturbed until completion of construction activities and restoration of the impacted area.
- **Facility Inspection by The Department:** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3). The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department. A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.
- **Applications For Permit Renewals, Modifications or Transfers:** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Chief Permit Administrator
 NYSDEC HEADQUARTERS
 625 BROADWAY
 ALBANY, NY12233

- **Permittee's Contractors to Comply with Permit:** The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this

permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.