PRELIMINARY SPILL PREVENTION, CONTROL and COUNTERMEASURE PLAN

IN ACCORDANCE WITH

40 CFR Part 112

FOR

High Bridge Wind Project

Town of Guilford, Chenango County, New York

Owner/Operator:
High Bridge Wind, LLC
717 Texas Ave
Suite 1000
Houston, TX 77002

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Prepared By:

FISHER ASSOCIATES

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FACILITY INFORMATION AND CERTIFICATIONS

1. Name of Facility:	High Bridge Wind Project
2. Type of Facility	Wind Energy Generating Facility
3. Location of Facility	Town of Guilford, Chenango County, New York
4. Facility Phone No.	To be Determined
5. Name and Address of Operator:	High Bridge Wind, LLC 717 Texas Ave Suite 1000 Houston, TX 77002
6. Name and Address of Owner:	High Bridge Wind, LLC 717 Texas Ave Suite 1000 Houston, TX 77002
7. Designated Persons Accountable for Oil Spill Prevention at the Facility	To be Determined
8. Management Certification	(see below)

Management Certification

"I hereby certify that this Spill Prevention, Control, and Countermeasure (SPCC) Plan will be implemented as herein described, that the resources necessary to carry out this SPCC Plan will be made available and that I have the authority necessary to make this certification. "

Name: _____

Title: _____

Signature: _____

Date: _____

Professional Engineer's Certification

This Spill Prevention Control and Countermeasure Plan was prepared following the guidelines of 40 CFR Part 112, as amended.

I hereby certify that I am familiar with the requirements of the SPCC rule, that either myself or my agent has physically visited and examined the facility, the Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of the SPCC rule, procedures for required inspections and testing have been established and the Plan is adequate for the facility.

_____
NY P.E. XXXX

_____
Date

SECTION 1. SCOPE OF PLAN

The purpose of this Spill Prevention, Control and Countermeasure (SPCC) Plan (the "Plan") is to establish procedures and operating practices to prevent, control, and contain oil and other hazardous chemical spills at the High Bridge Wind Project (the "Facility"). This Plan has been developed to establish common procedures and operating practices for the Facility. The Plan has been prepared in accordance with the requirements of United States Environmental Protection Agency (USEPA) regulations contained in Title 40 Code of Federal Regulations Part 112 (40 CFR Part 112), as amended. A facility must prepare a SPCC plan if the following conditions exist:

- The facility has aboveground oil storage capacity of more than 1,320 gallons in containers with a capacity of 55 gallons or more; and
- Oil discharge could potentially reach navigable waters as defined in 40 CFR 112.2.

The Facility utilizes oil-filled equipment with an individual capacity of 55 gallons or more and a cumulative capacity exceeding 1,320 gallons and therefore is required to prepare a SPCC plan. The objectives of the SPCC plan are as follows:

- Prevent spills from occurring.
- Prepare for potential spills.
- Respond immediately and properly at the occurrence of a spill.

In addition to fulfilling requirements of 40 CFR Part 112, the final SPCC Plan for the Facility will be used as a reference for oil and other hazardous material storage information and inventory records, a tool to communicate practices on preventing and responding to discharges with High Bridge Wind, LLC employees and contractors, a guide on facility inspections, and a resource during emergency response.

This Plan—which will be located on-site in the Operation & Maintenance (O&M) building and other areas deemed necessary—provides guidance on key actions that High Bridge Wind, LLC must perform to comply with the SPCC rule. Consistent with the SPCC regulations, High Bridge Wind, LLC will:

- Review the SPCC Plan at least once every five years and amend it to include more effective prevention and control technology, if such technology will significantly

reduce the likelihood of a spill event and has been proven effective in the field at the time of the review. Plan amendments, other than administrative changes discussed below, must be recertified by a professional engineer (P.E.) on the certification page at the front of this Plan (page 5).

- Amend the SPCC Plan within six months whenever there is a change in facility design, construction, operation, or maintenance that materially affects the facility's spill potential. The revised Plan must be recertified by a P.E.
- Review the Plan on an annual basis and update it to reflect any administrative changes, such as personnel changes or revisions to contact information. Administrative changes must be documented in the plan review log included in *Appendix H* of this Plan but do not have to be certified by a P.E.
- Complete periodic inspection of the substation, turbines, battery storage, and O&M facility as outlined in the Facility Inspections and Record Keeping section of this Plan (Section 7) using the inspection checklists included in *Appendix E*.
- Perform preventive maintenance of equipment and discharge prevention systems described in this Plan as needed to keep them in proper operating condition.
- Conduct annual employee training as outlined in the Personnel Training section of this Plan (Section 8) and document such training in the log included in corporate training records.
- If either of the following occurs, submit the SPCC Plan to the USEPA Region 2 Regional Administrator (RA) and the New York State Department of Environmental Conservation (NYSDEC), along with other information as detailed in Section 6 of this Plan: (1) a discharge of more than 1,000 gallons of oil into navigable waters or adjoining shorelines in a single event; or, (2) discharges of more than 42 gallons of oil in each of two (2) discharges to navigable waters or adjoining shorelines within any twelve (12) month period. Note that the gallon amounts specified refer to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount spilled.

The High Bridge Wind Project does not meet the "Substantial Harm Criteria" specified in 40 CFR 112.20(e) and 112.20(f)(1) and is therefore, not obligated to prepare a Facility Response Plan (see "Certification of the Non-Applicability of the Substantial Harm Criteria" located in *Appendix C*).

The SPCC Plan for the High Bridge Wind Project does not precisely follow the format spelled out in the SPCC regulations. A SPCC Cross Reference Table indicating where in the document information relating to a specific section of the SPCC regulations can be found is included as *Appendix D.*

SECTION 2. GENERAL DESCRIPTION

The High Bridge Facility includes up to 25 wind turbine generators (WTG) and ancillary equipment located in the Town of Guilford, Chenango County, New York, primarily on the ridges of hills in the area. The WTGs are located on private land under lease agreement with the property owners and consist of the wind turbines themselves and access roads and a collection system consisting of electrical lines that lead to a collection substation with battery storage. In addition to the WTGs, the Facility consists of temporary and permanent meteorological (met) towers, a point of interconnection (POI) substation, temporary laydown yards, a batch plant, and an O&M facility, which will include the O&M building and ancillary facilities (e.g., a maintenance shed, parking area, emergency generator, etc.).

The turbines are hydraulic pitch-controlled. The blade pitch is adjusted dynamically to control generator speed within required ranges. The entire nacelle (generator housing) assembly utilizes a gear box to rotate on top of the WTG tower to keep the blades facing into the wind. The gearbox contains gear/hydraulic oil. All electrical and network connections are made via cables routed through the center of the WTG tower. Each WTG also contains an oil free up-tower transformer. Machinery access is via a ladder inside the tower.

The collection substation will consist of a main transformer with a transformer oil reservoir capacity of approximately 19,200 gallons. Small quantities of transformer oil (approximately 25 gallons each) will be found in the capacitor voltage transformer (CCVT), power transformer (PT), and voltage transformer (VT). In addition, small quantities of oil (approximately 40 gallons each) will be found in the three metering units at the collector substation. Any petroleum products stored at the POI substation would be the responsibility of New York State Electric and Gas Corporation (NYSEG) and covered under their separate SPCC plan.

The Facility may include a battery storage element that will be housed at the collection substation. Details of the battery storage are not known at this time and this information will be updated as design progresses.

The Facility will utilize a centralized O&M facility located on the Facility site to store fresh and used oils as well as spill containment and cleanup materials. Some small amounts of

hazardous materials, such as cleaning supplies, may be stored at the O&M facility. Additional spill containment and cleanup materials are found on Facility trucks.

2.1. Drainage and Water Bodies

The Facility's ground surface area is unpaved. The majority of the site is tree covered and the ground is rocky. The access roads, O&M yard, collection substation yard, and POI yard will consist of compacted gravel.

This Facility lies within the Guilford Creek watershed (USGS Hydrologic Unit Catalog (HUC) 020501010909) as shown on the USEPA watershed profiles. There are no stormwater inlets or catch basins on the Facility site. Stormwater is conveyed by drainage ditches, culvert pipes, intermittent streams and waterways. The Facility site's stormwater generally discharges to various tributaries in the watershed. Although there is no direct discharge to a navigable waterway from the site, the potential exists that a spill could contaminate a nearby wetland or waterway if not properly contained and cleaned up.

Figure 1 depicts the approximate location of the WTGs, associated support infrastructure, including oil-filled equipment, and the O&M facility, which will include oil-filled containers.

SECTION 3. OIL STORAGE AND HANDLING

3.1. Storage Container Construction

This section specifies the procedures, equipment, and other mechanisms to minimize the occurrence of oil spills. Spill prevention is provided through spill control devices, regular maintenance and inspection of storage systems, and proper employee training. Quantities of materials stored and used on-site are minimized to reduce the possibility and magnitude of potential releases. The potential for a spill or release is also minimized through implementation of the spill control devices, routine inspections, and security measures contained herein.

3.2. Storage Areas

The Facility will store fresh and used oil in containers inside the O&M building, with non-permanent secondary containment devices to capture spilled materials. No tanks will be used. Lubricating oils will be distributed from the O&M building to the Facility on an as-needed basis in 5-gallon containers.

Mineral oil is contained within the main transformer at the collector substation. Secondary containment will be utilized for the main transformer that will be of sufficient volume to adequate store all of the oil in the transformer plus 10%. If a failure of the main transformer shell causes significant oil loss, it will be evaluated on-site by the manufacturer. The refilling operation of the transformer mineral oil will be performed by a third party. As previously noted, small quantities of transformer oil (approximately 25 gallons each) are found in the CCVT, PT, and VT and additional 40 gallons of oil is found in each of the three metering units at the collector substation.

Each WTG contains various amounts of lubricating oils and each piece of electrical equipment contains various amounts of transformer mineral oil. These oils are necessary for the proper operation of each piece of equipment.

The type of oil stored and capacity of the oil containers are listed in Table 3-1.

The information in Table 3-1 will be updated once a final turbine model is selected and the SPCC Plan is finalized.

Table 3-1 Storage Information

Identification	Capacity (gal)	Contents	Location
Main Transformer	19,200	Transformer Oil	Collector Substation
CCVT	25	Transformer Oil	Collector Substation
PT	25	Transformer Oil	Collector Substation
VT	25	Transformer Oil	Collector Substation
Metering Unit (3)	40	Transformer Oil	Collector Substation
WTG Gear/Hydraulic Oil	1,056 /ea.	Various Gear Oils	Each of 30 WTG
Fresh Oil Storage Totes (5 total)	275 / ea.	Various Fresh Oils	O&M Building
Used Oil Storage Tote	275 / ea.	Used Oil	O&M Building

Used oil generated from the Facility is placed in drums or totes stored in the O&M building and protected by secondary containment. The used oil is periodically removed by a third party waste hauler for reclamation or disposal, as appropriate. Fresh oil to be used at the Facility is stored in totes at the O&M building until it is needed on site. The storage totes are located on a rack system and are protected by emergency shutoff valves and secondary containment. Additional oils may be stored in the O&M building in 5 or 55-gallon containers. An oil tank vehicle may be used to deliver fresh oil, remove used oil and complete oil change operations.

3.3. Transfer Operations

The Facility will not have any underground or aboveground piping containing oil. No oil will be stored in locations that are susceptible to damage from vehicles entering the Facility.

3.4. Facility Drainage

Oil storage bulk containers in the O&M building are stored within areas equipped with secondary containment systems/spill pallets that are drained through manually activated open-and-close valves and/or pumps. All valves and pumps are kept locked in the off position whenever not in use. Any spilled material at the O&M building will be contained in the secondary containment/spill pallets and will be cleaned manually using the spill kits located on-site. Should any material escape the spill pallet, it will be confined by the walls of the O&M building.

Drainage from the transformer secondary containment at the collector substation occurs through an oil minder system which contains an oil detector and is designed to not allow contaminated water to be pumped out of the pit. The pump system is set to manual mode and acts as an additional measure of prevention for accidental discharges. Prior to operation, the sump is visually inspected for the presence of an oil sheen and is only drained if no sheen is present. If a sheen is present, the sheen will be removed with absorbents or the contents will be pumped out and properly disposed. The discharge event is recorded in the Facility Operations Stormwater Discharge Logbook in *Appendix G*.

A spill uptower will be retained in the tower as discussed in section 4.2 of this document. Any spill escaping the tower will be contained and cleaned up using absorbent materials and any contaminated soils removed.

Table 3-2 provides approximate discharge volumes and direction of flow.

Table 3-2 Potential Discharge Volumes

Potential Event	Maximum Gallons Released/Time	Substance Stored	Direction of Flow
Oil-filled Equipment – Transformers			
Failure of Transformer	*19,200/ gradual to instantaneous	Transformer Oil	Within concrete containment dike (~21,120* gal.)
CCVT	*25/ gradual to instantaneous	Transformer Oil	To ground
PT	*25/ gradual to instantaneous	Transformer Oil	To ground
VT	*25/ gradual to instantaneous	Transformer Oil	To ground
Metering Unit (3)	*40/ gradual to instantaneous	Transformer Oil	To ground
Wind Turbines			
Failure of gear box	*1,000/ gradual to instantaneous	Gear Oil	To nacelle then down tower to support basement.
Failure of pitch system	*50/ gradual to instantaneous	Hydraulic Oil	To nacelle then down tower to support basement.
Failure of braking system	*6/gradual to instantaneous	Brake Fluid	To nacelle then down tower to support basement.
O&M Building			
Failure of fresh oil storage totes (volume of largest tote)	*275/ gradual to instantaneous	Various Fresh Oil	To containment cell beneath tote storage rack (~330* gal.)
Failure of used oil storage tote	*275/ gradual to instantaneous	Used Oil	To containment cell (~400* gal.)

*Quantities will be updated after final design

3.5. Oil-Filled Equipment

As previously noted, the WTGs contain oil-filled operational equipment (wind turbine motors and gear boxes). In addition, the Facility will have one large transformer (approximately 19,200 gallons) located at the collector substation. Additionally, the substation houses various smaller oil-filled transformers (CCVT, PT and VT) as well as oil-filled metering units.

3.6. Bulk Storage Containers

Bulk petroleum product storage is located at the O&M building within non-permanent secondary containment devices. In addition, the Facility prevents discharges from these containers through employee training and by providing a spill kit, located within the O&M

building, consisting of absorbent materials and other materials/equipment to be used in the event of a discharge. The construction of the building will also aid in containing any larger spills with the concrete starter block that serves as the base of the walls.

3.7. Drainage of Diked Areas

Accumulated stormwater at the collector substation will be visually inspected for any evidence of oil contamination (e.g., sheen, smell, etc.) prior to discharge. If any sign of oil contamination is observed, the oil will be removed through the use of a vacuum truck and/or oil absorbent pads. If, upon inspection, there is no evidence of oil contamination, the containment area will be drained. Inspection of accumulated stormwater will only be conducted by trained personnel. The discharge of accumulated stormwater will be recorded in the Facility Operations Stormwater Discharge Logbook, which is located at the collector substation. A copy of the log book is included in *Appendix G*.

3.8. Used Oil Temporary Storage and Removal

Periodically the nacelles undergo comprehensive maintenance, which includes changing the lubricating oils. The frequency of the maintenance is based on degradation and contamination of the oil as determined by sampling, which occurs semi-annually (twice per year). The nacelle maintenance is typically conducted by a third party and all used and fresh oil associated with this activity will be managed by the third party contractor. The third party contractor will be responsible for storage, transport and handling of oils during tower maintenance as well as notifying the Plant Manager of any potential for oil discharge. The Plant Manager, or designee, will review the third party contractor's equipment to ascertain any potential for discharge and work with the contractor to ensure implementation of spill minimization techniques such as covering drains if present, using drip pans, storing spill response equipment nearby, ensuring regular valve checks, etc.

Fluids needed for minor maintenance activities (topping off of fluids, etc.) are stored in the O&M building. The maintenance contractor is responsible for delivery and storage of these materials to the O&M building where they will be managed as specified in Section 3.2 and 3.4 above.

SECTION 4. Spill Prevention

The following measures are implemented to prevent oil discharges during the handling, use, or transfer of oil products at the Facility. Oil-handling employees will receive training in the proper implementation of these measures.

4.1. Deviations from Plan Requirements

Certain deviations in the Plan requirements are allowed under 40 CFR 112.7(a)(2) if equivalent environmental protection is provided. Based on a review by the Professional Engineer certifying this Plan, the Facility has implemented the following measures that deviate from the applicable requirements but utilize environmentally equivalent protection:

Integrity Testing – 40 CFR 112.8(c)(6)

Pails (original product packaging) and drums may be used to store fresh oil at the Facility. These product containers will meet the U.S. Department of Transportation (DOT) performance standard for containers containing petroleum products. The containers are moveable and all sides can be made visible for inspection. Because the containers are not reused for extended used oil storage, visual inspection provides sufficient environmental protection and integrity testing is not necessary.

Visible Discharges – 40 CFR 112.8(c)(10)

Visual integrity inspection is considered sufficient for pail and drum storage. If storage containers are temporarily located on-site, they will be visually examined on a regular basis for signs of deterioration or leaks, and immediately replaced if signs of deterioration or leaks are apparent.

Liquid Level Devices & High Level Alarms – 40 CFR 112.8(c)(8)

The Facility will not store oil in bulk storage tanks requiring gauges or high level alarms. The provision relating to Overfill Prevention Systems (40 CFR 112.8(c)(8)) states each container must be equipped with a device or other means to avoid discharges. Used oil drums and pails are not equipped with visual gauges or high level alarms; therefore, in order to provide equivalent environmental protection, the operator determines the volume of oil in the container prior to transferring oil into the containers. Additionally, trained oil handling personnel are present during loading/unloading activities.

4.2. Containment and Diversionary Structures

The wind turbine towers have the potential to contain all or a portion of a spill which occurs within the nacelle. Leakage of oil from the turbine gearbox will first flow through the nacelle and then down the inner tower support to the basement. The tower basement is sealed and has sufficient storage volume to contain the entire volume of a catastrophic spill, should the spill reach the tower basement. However, past experience shows that oil also has the potential to spill from the nacelle to the exterior of the tower. As discussed below, each turbine is continuously monitored with alarms that activate if there is a fault or operational condition that could indicate the loss of oil. This arrangement ensures that leaks will be detected, contained, and cleaned up, thus minimizing the potential for major oil spills to the environment.

The main transformer at the collector substation is built with a concrete containment pit that has sufficient capacity to contain the transformer oil released from the substation step-up transformer plus an additional freeboard. This containment is adequate to provide spill protection for greater than 110% of the total transformer oil volume. The CCVT, PT, VT and meters are not located within secondary containment structures; however, they are located on a gravel surface within the substation boundary which will act as a buffer between the equipment and the natural surrounding areas.

Fresh and used oils are stored inside the O&M building in various sized containers. Each storage container is located on containment pallets or within a containment area, each of which has sufficient capacity to contain 110% of the largest storage container volume.

4.3. Practicality of Secondary Containment

Secondary containment of each WTG will be provided by active secondary containment measures. As discussed in Section 4.5 below, each piece of equipment is continuously monitored and alarms are activated if there is a fault or operational condition that could indicate the loss of oil leading to potential problems. If a problem is detected and further investigation indicates that oil has been released, active measures will be deployed to contain the spill, including use of strategically placed spill kits for small spills and the availability of a spill response team for larger spills. The alarm system ensures timely deployment of these measures. As a result, an Oil Contingency Plan (OCP) as an Alternative Requirement to General Secondary Containment as set forth in 40 CFR 112.7(k)(2) has not been prepared.

4.4. Conformance with Applicable State and Local Requirements

High Bridge Wind, LLC will be in compliance with the federal regulations for oil spill prevention, and response reporting as well as the NYSDEC requirements for reporting of petroleum releases to the environment as detailed in Section 6.1.1. As previously noted, the Facility will not store oil in storage tanks. As a result, it is not regulated under New York's petroleum bulk storage regulations (6 NYCRR Part 613). The Town of Guilford does not regulate petroleum storage activities.

4.5. Remote Monitoring

Numerous operations at the Facility are remotely monitored 24 hours a day, 7 days a week. Monitored operations will show the potential for an external release of either gear oil or hydraulic fluid from the WTGs. Alarms also monitor the dielectric fluid level and rapid pressure relays of the transformers. If these operations fall below an established threshold, an alarm will be logged, and the affected equipment will be shut down until a site visit/inspection is made. This alarm system is a Best Available Control Technology (BACT) and provides an additional layer of monitoring which will decrease the potential for oil to be released to the environment and provide advanced notification if the potential exists for a release of oil.

SECTION 5. SPILL RESPONSE PROCEDURES

5.1. Discharge Response

A Facility Response Plan as described in 40 CFR 112.20-21 is not required for the Facility because it does not meet the Substantial Harm Criteria as certified in *Appendix C*. However, this SPCC plan includes the basic steps that should be taken in the event of a spill or other related emergency to minimize potential damages from a release. An Emergency Contact List is included as *Appendix A.*

A spill is defined as a discharge of any quantity of oil products or hazardous materials, which occur either accidentally or intentionally, to the environment. The procedures described in this section are general procedures, which will be used in most spill response situations. Only Facility staff properly trained in spill response techniques should perform these procedures (See Section 8 for Personnel Training). The basic steps involved in responding to a spill are outlined as follows:

The Employee Discovering the Spill Shall

1. Determine whether any immediate hazards to safety or life exist, such as fires, injuries, exposure to electrical voltage or toxic substances. Address any such emergency conditions first. Typically this would involve initiating an alarm for evacuation procedures and/or rendering any assistance which the person is competent to provide (e.g., first aid, CPR, etc.) and calling 911, if immediate outside assistance is required (serious injury, fire, etc.).
2. If it can be done safely, the employee should stop the source of the spill. Examples of stopping a spill source are shutting an open valve, or adjusting the position of a container so as to position the spill opening at the highest point.
3. If it can be done safely, the employee should contain the spill, using proper procedures. Examples of spill containment are blocking a storm drain or floor drain by constructing dikes of absorbent material (e.g., “Speedy Dry,” cat litter), absorbent pigs, booms, etc.
4. The employee shall notify the Operations Plant Manager who will inform Environmental, Health and Safety (EHS) of the situation.

The Operations Plant Manager Shall

1. Determine if an EMERGENCY situation exists (i.e., a spill which cannot be contained, ignition of flammable spilled material, personal injury, etc.). If an emergency situation does exist and 911 has not previously been contacted, the Plant Manager or maintenance crews will call 911 and report the incident.
2. The Operations Plant Manager in consultation with EHS will initiate procedures to determine whether the spill must be reported to the following:
    - New York Spill Response Hotline (800) 457-7362
    - EPA Region 2 (877) 251-4575
    - EPA National Response Center (800) 424-8802

    Note: Federal and State law require that reportable spills must be called in IMMEDIATELY. As a result, it is crucial that personnel reach out to the Operations Plant Manager as soon as possible so that a decision regarding whether a spill must be reported can be made.
3. Determine if the spill has been contained and how containment was accomplished.
4. Manage and ensure quality control of spill cleanup and site remediation measures.
5. Document the initial spill response by recording information using the form set out in *Appendix F*.
6. Prepare a written Spill Report to keep on file at the Facility. This report should document how the spill occurred, the quantity and type of material spilled, the methods used to clean the spill, the amount of spilled material that has been recovered, whether the spill was reported and to whom, etc.

5.2. Response Equipment & Materials

Table 5-1 identifies the recommended spill response equipment to be maintained onsite.

Spill response will probably include digging up dirt and placing it in berms around the spill and/or placing oil absorbing pigs, booms or other material around the spill to contain it as well as placing absorbent mats into the spilled oil. The locations of the spill response materials are clearly marked for easy location by operators and a spill response and first aid kit are in every Facility vehicle. Plant operations personnel will inspect these materials on a biannual basis in

order to ensure they are kept in stock and in good condition. The results of these inspections will be recorded on the inspection form provided in *Appendix E*.

In the event that assistance in containing or cleaning a spill is required by the Facility, a commercial contractor will be contacted.

TABLE 5-1 Spill Response Equipment

Equipment	Quantity *	Location
Spill Response Equipment		
5 – Gallon Bucket Spill Kit	each	O&M Building
Spill Kit	each	Facility Vehicle

*Minimum to be maintained at all times.

SECTION 6. SPILL REPORTING

6.1. Discharge Notification

Proper and timely reporting of spills is essential. Failure to immediately report spills can result in fines and criminal or civil liability. The chain-of-command described in the previous section directs personnel to notify facility management as soon as possible that a spill has occurred. Management will make all required regulatory contact(s), and will direct subsequent response efforts. The Plant Manager will complete the Spill Report Form found in *Appendix F* for all spills, regardless of reportability.

6.1.1. State Reporting Requirements for Oil Spills

6.1.1.1. State of New York

Under New York Navigation Law Section 175, spills of oil to the lands or waters of the State must be reported to the NYSDEC Spill Reporting Hotline at (800) 457-7362 immediately but no later than 2 hours after the discharge unless the spill meets the following criteria:

- Less than 5 gallons;
- Contained and under the control of the spiller;
- Has not reached and will not reach the lands or waters of the State (i.e., has not reached soil, surface water or ground water); and
- Is cleaned up within 2 hours of discovery.

More details on federal and New York State notification and reporting requirements can be found in *Appendix B*.

Be prepared to relay as much of the information listed below as is known or can be estimated at the time of reporting. Please remember this is an initial report and estimates can be corrected in your follow-up written report, if required;

- Name of person making report and their relation to any person which might be responsible for causing the discharge;
- Time and date of the discharge;

- Weather conditions;
- Probable source of the discharge;
- The location of the discharge, both geographic and with respect to bodies of water;
- Whether the discharge has actually reached surface water, shoreline or soil or is contained on an impervious surface (e.g., intact concrete/asphalt);
- Type of substance discharged;
- Possible health or fire hazards resulting from the discharge;
- Amount of discharge;
- All actions that are being taken to clean up and remove the discharge;
- The personnel presently on the scene;
- Other government agencies that have been or will be notified.

NYSDEC requires a written follow-up report in order to close out spills reported to the NYSDEC Spill Reporting Hotline. The report must include the information listed above, as well as description of how the spill was remediated and information about where the spill residuals were disposed and any other information that may help NYSDEC understand the incident. The follow-up report will be prepared by or on behalf of the Plant Manager.

6.1.2. Federal Reporting Requirements for Oil Spills

In the event that an oil/petroleum product spill reaches a navigable waterway, either directly or through a stormwater management system, and creates a visible sheen on the surface of the water, the spill must be reported immediately to the National Response Center (NRC) by calling (800) 424-8802.

In addition, a written report must be filed with EPA within 60 days whenever:

- A discharge of more than 1,000-gallons of oil reaches navigable waters or adjoining shorelines in a single event; or,
- Two discharges of more than 42-gallons of oil each to navigable waters or adjoining shorelines occur within any twelve (12) month period.

Note that the gallon amounts specified refer to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount spilled.

6.2. Spill History

A history of petroleum spills and leaks will be maintained as part of this Plan. The following information will be documented for spills: the cause of the spill; the type and amount of substance; the location (including latitude, longitude and elevation), date and time of spill; the watercourse, soil, or groundwater affected; and the action(s) taken to prevent reoccurrence. Spill history and lessons learned will be discussed annually during SPCC training for all site oil handling employees and supervisors. A record of any spill or discharge will be logged by the site within 24 hours and retained for a minimum of 5 years.

SECTION 7. FACILITY INSPECTIONS AND RECORD KEEPING

Except as noted below, inspections of oil-filled equipment and containers are to be conducted, at a minimum, every six months. The person performing the inspection should complete the inspection logs and submit copies of these logs to the Plant Manager or his designee. The Plant Manager, or his designee, must review and initial the inspection log and ensure that any problems or deficiencies discovered during any inspection are promptly resolved.

Table 7-1 summarizes the various types of inspections performed at the Facility. Specific details required for each type of inspection are included in the checklists found in Appendix E.

Table 7-1 Inspection Program

Facility Component	***Action***	***Frequency/Circumstances***
Oil-filled Equipment Main Transformer and other oil-filled equipment at collector substation	• Inspect outside of transformer/equipment for signs of deterioration and discharges. • Transformer operation is continuously monitored from the control room	During regular scheduled substation inspections.
Wind Turbines	• Inspect supports, foundations and area around base of tower for signs of discharges. • Inspect the gear boxes and pitch motors within and around the nacelle of the turbine for signs of deterioration and discharges.	During regular scheduled SPCC inspections.
O&M Building Containers storing new and used oil	• Inspect storage containers for signs of deterioration and discharges. • Inspect spill pallets for signs of leaks. • Inspect spill response equipment in O&M building and on Facility trucks.	During regular scheduled SPCC inspections and daily visual inspections.

All problems identified during inspections must immediately be reported to the Plant Manager. Visible oil leaks involving oil-filled equipment must be repaired as soon as possible to prevent a larger spill. If a container is leaking, the oil must be transferred to a non-leaking

container. Pooled oil must be removed immediately upon discovery and managed or disposed off-site at a properly permitted recycling or disposal facility. .

7.1. Documentation/Record Keeping

The checklists provided in *Appendix E* are used for monthly and bi-annual inspections by High Bridge Wind, LLC personnel or their designees. Inspection records are stored digitally and are accessible by High Bridge Wind, LLC employees as needed. A written signature form to confirm that monthly and bi-annual inspections have been completed will be maintained digitally. A sample is included in *Appendix E.* Inspection records shall be maintained with this SPCC plan for a period of 5 years.

SECTION 8. PERSONNEL TRAINING

The Plant Manager is responsible for discharge prevention and reports to High Bridge Wind, LLC management. Training in the control, handling, and reporting of spills is provided to personnel whose activities place them near potential spill sources. Such personnel include the Plant Manager, technicians, and their alternate(s). The Plant Manager has responsibility for overall training.

Covered employees or contractors will be instructed in the standard operating procedures established to minimize the potential for spills and proper response procedures that will enable them to effectively respond in the event of a spill. Personnel are to be trained in the following areas:

- General facility operations.
- The operation and maintenance of spill kits that are used to prevent oil discharges and personal protective equipment (PPE).
- Applicable pollution control laws and regulations concerning spills, discharges, and other environmental releases, including the information contained in this SPCC Plan.
- Response and reporting procedures for spills, discharges, and other environmental releases.

Annual discharge prevention training sessions are held by the Plant Manager for all personnel involved in oil handling operations at the Facility. The training is aimed at ensuring continued understanding and adherence to the discharge prevention procedures presented in the SPCC plan. The training also highlights and describes known discharge events or failures, malfunctioning components, and recently implemented precautionary measures and best practices. Facility operators and other personnel have the opportunity during the training to share recommendations concerning health, safety, and environmental issues encountered during facility operations.

Training sessions must be documented. The Plant Manager maintains records of all training conducted and the personnel in attendance for each training session. Records of the briefings and discharge prevention training are also maintained in the corporate training records.

SECTION 9. INTEGRITY TESTING REQUIREMENTS

Unless appropriate measures are adopted to provide equivalent environmental protection, the SPCC regulations require all aboveground bulk storage containers to be tested for integrity on a regular schedule. As previously noted, pursuant to 40 CFR 112.8(c)(6), High Bridge Wind, LLC implements a visual inspection program of each bulk storage container as a permissible deviation from the SPCC regulations that achieves equivalent environmental protection.

Visual inspection is considered sufficient for tote, drum and pail storage. The containers in the O&M building are visually examined periodically as part of day-to-day operation and maintenance activities. A more thorough inspection is conducted during the regular SPCC scheduled inspections. The totes, drums and pails are inspected for signs of deterioration or leaks, and are immediately replaced if signs of deterioration or leaks are apparent. Any spills are immediately cleaned up and the residuals disposed of in accordance with all applicable requirements. Brittle fracture evaluations are not applicable as there are no field constructed, aboveground containers located at the Facility.

SECTION 10. SECURITY

Facility operation is remotely monitored 24 hours/day, 7 days/week. The substation area is completely fenced in and all gates and access doors are locked. Access to the Facility is by prior authorization, which must be confirmed by Facility personnel when entering or exiting the Facility. All visitors are required to sign in and out at the O&M building and are monitored within the property by company personnel.

Drain valves permitting direct outward flow of the secondary containment contents to the surface are secured in the closed position. There are no oil transfer pumps or piping at the Facility. Facility lighting is adequate to discover discharges during hours of darkness. Additional information about applicable security measures, including lighting, can be found in the Facility's Site Security Plan.

Figures

Location Map

Turbine
Collection Line
Access Road
Local Road
County Road
State Route
Substation & Point of Interconnect
Battery
O&M Facility
Laydown Area
City Boundary
County Boundary

Note: All oil based products are stored on the O&M Facility

0 2,000 4,000 Feet

CALPINE

FISHER ASSOCIATES

HIGH BRIDGE WIND PROJECT
GUILFORD, NY
FIGURE 1: PROJECT LAYOUT

INDEX

Author: MFA | Revision Date: 4/24/2019

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Appendix A

Emergency Contact List
Spill Response Checklist

Emergency Contact List

Operations and Maintenance Manager

TBD

Control Room Operator

TBD

Site Technicians

TBD

Local Fire Department

911

National Response Center

(800) 424-8802

NYS Spill Hotline

(800) 457-7362

RESPONSE ACTION CHECKLIST– HAZARDOUS MATERIAL SPILL OR RELEASE

	Action	Primary Responsibility	Yes No	Initials
1.	Assess whether spill resulted in direct exposure to personnel and implement first aid if necessary	Plant Personnel	☐ ☐	
2.	Call 911 if exposed persons require immediate medical attention	Plant Personnel	☐ ☐	
3.	Notify Control Room of spill and spill location	Plant Personnel	☐ ☐	
4.	Isolate/stop spill (close valve, stop pump), if it can be done safely	Plant Personnel	☐ ☐	
5.	Evacuate and cordon area (i.e., remove unnecessary personnel). Use appropriate PPE	Plant Personnel/Control Room Operator	☐ ☐	
6.	Notify O&M Manager and Plant Manager	Control Room Operator	☐ ☐	
7.	Assess extent of spill (contained or uncontained). Contain spill if possible	Plant Personnel/O&M Manager	☐ ☐	
8.	Clean up spill as directed by CRO or wait for cleanup contractor	Plant Personnel/O&M Manager	☐ ☐	
9.	Contact Environmental, Health & Safety	Plant Manager	☐ ☐	
10.	If repairs are necessary initiate repairs.	O&M Manager/Plant Manager	☐ ☐	
11.	If spill is reportable, make agency notifications. (See SPCC for list of agency contacts).	Plant Manager or Designee	☐ ☐	
12.	Provide access and directions to emergency and cleanup personnel.	Plant Personnel/O&M Manager	☐ ☐	
13.	Follow-up on status of injured, if any.	Plant Manager	☐ ☐	

Appendix B

EPA SPCC Regulation Brochure

United States Environmental Protection Agency

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) REGULATION

40 CFR part 112

A Facility Owner/Operator's Guide to Oil Pollution Prevention

OIL POLLUTION PREVENTION

Oil spills endanger public health, impact drinking water, devastate natural resources, and disrupt the economy. In the United States we use vast quantities of oils to heat our homes, provide fuel for automobiles, and operate various pieces of equipment. During storage, transport, or as the result of energy exploration and production activities, oil and other oil-based products are sometimes spilled onto land or into waterways. When this occurs, human health and environmental quality are put at risk. Every effort must be made to prevent oil spills and to clean them up promptly once they occur. The costs associated with spill prevention are often much less than the costs associated with spill clean up, fines, and other civil liabilities. As the old adage states, “an ounce of prevention is worth a pound of cure.”

The purpose of the Spill Prevention, Control, and Countermeasure (SPCC) rule is to help facilities prevent a discharge of oil into navigable waters or adjoining shorelines. This rule is part of the U.S. Environmental Protection Agency’s oil spill prevention program and was published under the authority of Section 311(j)(1)(C) of the Federal Water Pollution Control Act (Clean Water Act) in 1974. The rule may be found at Title 40, Code of Federal Regulations, Part 112.

1. Who is covered by the SPCC Rule?

A facility is covered by the SPCC rule if it has an aggregate aboveground oil storage capacity greater than 1,320 U.S. gallons or a completely buried storage capacity greater than 42,000 U.S. gallons and there is a reasonable expectation of an oil discharge into or upon navigable waters of the U.S. or adjoining shorelines.

2. What types of oil are covered?

Oil of any type and in any form is covered, including, but not limited to: petroleum; fuel oil; sludge; oil refuse; oil mixed with wastes other than dredged spoil; fats, oils or greases of animal, fish, or marine mammal origin; vegetable oils, including oil from seeds, nuts, fruits, or kernels; and other oils and greases, including synthetic oils and mineral oils.

3. What kinds of facilities are covered?

A facility that stores, processes, refines, uses or consumes oil and is non-transportation-related is potentially subject to the SPCC rule. Operations that are intended to move oil from one location to another, i.e. transportation-related, are not included. Here are some examples of covered facilities and operations:

Oil Drilling

Power Generators

Oil Refineries

- Onshore and offshore oil well drilling facilities;
- Onshore and offshore oil production facilities (including separators and storage facilities);
- Oil refining or storage facilities;
- Industrial, commercial, agricultural, or public facilities using or storing oil;
- Certain waste treatment facilities;
- Loading racks, transfer hoses, loading arms, and other equipment;
- Vehicles (e.g. tank trucks) and railroad cars used to transport oil exclusively within the confines of a facility; and
- Pipeline systems used to transport oil exclusively within the confines of a facility.

Oil Production

Oil Storage

Construction Sites

What kinds of activities are typically not covered?

Here are some examples of transportation-related activities or equipment typically not covered by the SPCC rule:

- Interstate or inter-facility oil pipeline systems
- Oil transported in vessels (e.g. ships, barges)
- Oil transported between facilities by rail car or tanker truck

Airports

Marinas

Fish Canneries

Power Transmission and Distribution

Farms and Ranches

4. How do I calculate oil storage capacity?

Use the shell capacity of the container (maximum volume) and not the actual amount of product stored in the container (operational volume) to determine whether the SPCC rule applies to you. Count only containers with storage capacity equal to or greater than 55 U.S. gallons.

Simply add up the container oil storage capacities and compare your total facility capacity to the SPCC threshold:

- A total aboveground oil storage capacity greater than 1,320 U.S. gallons; **or**
- A completely buried oil storage capacity greater than 42,000 U.S. gallons.

Examples of oil storage containers at a facility that *do* count toward facility storage capacity:

Bulk storage containers: Aboveground storage tanks (either shop-built or field-erected tanks); certain completely buried tanks; partially buried tanks; tanks in vaults; bunkered tanks; and mobile or portable containers such as drums, totes, non-transportation-related tank trucks, and mobile refuelers.

Oil-filled equipment: May include electrical or operating equipment such as hydraulic systems, lubricating systems (e.g., those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, and electrical switches; or manufacturing equipment such as process vessels, or other equipment used in the alteration, processing or refining of crude oil and other non-petroleum oils, including animal fats and vegetable oils.

5. How do I determine if my facility could reasonably discharge oil into or upon navigable waters or adjoining shorelines?

You can determine this by considering the geography and location of your facility relative to nearby navigable waters (such as streams, creeks and other waterways). Additionally, you should determine if ditches, gullies, storm sewers or other drainage systems may transport an oil spill to nearby streams. Estimate the volume of oil that could be spilled in an incident and how that oil might drain or flow from your facility and the soil conditions or geographic features that might affect the flow toward waterways. Also you may want to consider whether precipitation runoff could transport oil into navigable waters or adjoining shorelines. You may not take into account manmade features, such as dikes, equipment, or

other structures that might prevent, contain, hinder, or restrain the flow of oil. Assume these manmade features are not present when making your determination. If you consider the applicable factors described above and determine a spill can reasonably flow to a waterway, then you must comply with the SPCC rule.

6. What do covered facilities have to do?

A facility that meets the criteria described above must comply with the SPCC rule by preventing oil spills and developing and implementing an SPCC Plan.

Prevent oil spills: Steps that a facility owner/operator can take to prevent oil spills include:

- Using containers suitable for the oil stored. For example, use a container designed for flammable liquids to store gasoline;
- Providing overfill prevention for your oil storage containers. You could use a high-level alarm or audible vent;
- Providing sized secondary containment for bulk storage containers, such as a dike or a remote impoundment. The containment needs to hold the full capacity of the container plus possible rainfall. The dike may be constructed of earth or concrete. A double-walled tank may also suffice;
- Providing general secondary containment to catch the most likely oil spill where you transfer oil to and from containers and for mobile refuelers and tanker trucks. For example, you may use sorbent materials, drip pans or curbing for these areas; and
- Periodically inspecting and testing pipes and containers. You need to visually inspect aboveground pipes and oil containers according to industry standards; buried pipes need to be leak tested when they are installed or repaired. Include a written record of inspections in the Plan.

Prepare and implement an SPCC Plan: The owner or operator of the facility must develop and implement an SPCC Plan that describes oil handling operations, spill prevention practices, discharge or drainage controls, and the personnel, equipment and resources at the facility that are used to prevent oil spills from reaching navigable waters or adjoining shorelines. Although each SPCC Plan is unique to the facility, there are certain elements that must be described in every Plan including:

- Operating procedures at the facility to prevent oil spills;
- Control measures (such as secondary containment) installed to prevent oil spills from entering navigable waters or adjoining shorelines; and
- Countermeasures to contain, cleanup, and mitigate the effects of an oil spill that has impacted navigable waters or adjoining shorelines.

Did you know

A spill of only *one* gallon of oil can contaminate a *million* gallons of water.

Every SPCC Plan must be prepared in accordance with good engineering practices. Every SPCC Plan must be certified by a Professional Engineer unless the owner/operator is able to, and chooses to, self-certify the Plan (see section 7).

No matter who certifies your SPCC Plan, remember that ultimately the owner or operator is responsible for complying with the rule. A copy of the rule is available at www.epa.gov/oilspill. You may also call or write to the nearest EPA office listed in section 11.

Important Elements of an SPCC Plan:

- Facility diagram and description of the facility
- Oil discharge predictions
- Appropriate secondary containment or diversionary structures
- Facility drainage
- Site security
- Facility inspections
- Requirements for bulk storage containers including inspections, overfill, and integrity testing requirements
- Transfer procedures and equipment (including piping)
- Requirements for qualified oil-filled operational equipment
- Loading/unloading rack requirements and procedures for tank cars and tank trucks
- Brittle fracture evaluations for aboveground field constructed containers
- Personnel training and oil discharge prevention briefings
- Recordkeeping requirements
- Five-year Plan review
- Management approval
- Plan certification (by a Professional Engineer (PE) or in certain cases by the facility owner/operator)

7. Who can certify the SPCC Plan?

Preparation of the SPCC Plan is the responsibility of the facility owner or operator, who may also be eligible to self-certify the SPCC Plan if the facility meets the following eligibility criteria for a qualified facility:

1. Total aboveground oil storage capacity of 10,000 U.S. gallons or less, and
2. In the 3 years prior to the date the SPCC Plan is certified, the facility has had no single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 U.S. gallons, or no two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 U.S. gallons within any 12-month period.[1]

If the facility does not meet the above criteria, the SPCC Plan must be certified by a licensed Professional Engineer (PE). By certifying the SPCC Plan, the PE confirms that:

1. He is familiar with the requirements of the rule;
2. He or an agent has visited and examined the facility;
3. The SPCC Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and with the requirements of the rule;

[1] Not including discharges that are the result of natural disasters, acts of war, or terrorism. When determining the applicability of this SPCC reporting requirement, the gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines not the total amount of oil spilled. EPA considers the entire volume of the discharge to be oil for the purposes of these reporting requirements.

4. Procedures for required inspections and testing have been established; and
5. The SPCC Plan is adequate for the facility.

When self-certifying a facility's SPCC Plan, the owner/operator makes a similar statement. See §112.6 of the rule for other qualified facility SPCC Plan requirements.

8. How do I ask for an extension of time to prepare and implement an SPCC Plan?

If you are unable to prepare or amend and fully implement your SPCC Plan by the compliance date due to either non-availability of qualified personnel, or delays in construction or equipment delivery beyond the control of the owner or operator, then you may request an extension from your EPA Regional Administrator (RA). A list of EPA Regional Offices is available in section 11.

Submit a written request for an extension to your RA. Your request must include:

- A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;
- A full discussion of actions being taken or contemplated to minimize or mitigate such delay; and
- A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment, or other preventive measures.

You may present additional oral or written statements in support of your extension request. The extension request does not relieve you of your obligation to comply with the requirements of the rule. The RA may request a copy of your SPCC Plan to evaluate the extension request.

If the RA approves an extension of time for particular equipment or other specific aspects of the SPCC Plan, you must still comply with SPCC requirements not covered by the extension.

9. Do I need to submit the SPCC Plan to EPA?

No, SPCC Plans should be maintained at any facility normally attended at least four hours per day or at the nearest field office if the facility is not so staffed. Submit your Plan to EPA only when requested.

10. What should I do if I have a spill?

If your facility discharges oil to navigable waters or adjoining shorelines, you are required to follow certain federal reporting requirements. Any person in charge of an onshore or offshore facility must notify the National Response Center (NRC) immediately after he or she has knowledge of the discharge. Oil discharges that reach navigable waters must be reported to the NRC at 1-800-424-8802 or 1-202-426-2675. The NRC is the federal government's centralized reporting center, which is staffed 24 hours per day by U.S. Coast Guard personnel.

A common misunderstanding is that by reporting to the NRC you have met state and local reporting requirements. The report to the NRC only satisfies your federal reporting requirements under the Clean

Water Act. Additional state and local reporting requirements may apply. In most cases it makes sense to call 911 in the event of an oil spill, particularly in the case of flammable or combustible oil spills

Any owner or operator of a facility regulated by the SPCC rule must also report the discharge to EPA when:

- More than 1,000 U.S. gallons of oil is discharged to navigable waters or adjoining shorelines in a single event; or
- More than 42 U.S. gallons of oil in each of two discharges to navigable waters or adjoining shorelines occurs within any twelve-month period.

Note: The gallon amount(s) specified (either 1,000 or 42) refers to the amount of oil that actually reaches navigable waters or adjoining shorelines, not the total amount of oil spilled. EPA considers the entire volume of the discharge to be oil for the purposes of these reporting requirements.

After the NRC has been notified, the owner/operator must provide the following information to the RA:

- Name and location of the facility
- Owner/operator name
- Maximum storage/handling capacity of the facility and normal daily throughput
- Corrective actions and countermeasures taken, including descriptions of equipment repairs and replacements
- Adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary
- Cause of the discharge to navigable waters, including a failure analysis
- Failure analysis of the system where the discharge occurred
- Additional preventive measures taken or planned to take to minimize discharge reoccurrence

The RA may require additional information. You must also send a copy of this information to the agency or agencies in charge of oil pollution control activities in the state in which the SPCC-regulated facility is located.

11. Who should I contact for more information?

- Visit the Office of Emergency Management's Web site at www.epa.gov/emergencies.
- See the Government Printing Office website at www.gpoaccess.gov/cfr to access the current CFR.
- See the *SPCC Guidance for Regional Inspectors* for more detailed guidance on specific SPCC provisions, at http://www.epa.gov/emergencies/content/spcc/spcc_guidance.htm.

Call our hotline, the Superfund, TRI, EPCRA, RMP, and Oil Information Center
(800) 424-9346 or (703) 412-9810 TDD (800) 553-7672 or (703) 412-3323
(Mon-Thurs 10:00 am to 3:00 pm ET except Federal Holidays) or see
http://www.epa.gov/superfund/contacts/infocenter/index.htm

You can also call or write:

U.S. EPA Headquarters
Office of Emergency Management
Ariel Rios Building – Mail Code 5104A
1200 Pennsylvania Avenue
Washington, DC 20460
202-564-8600

U.S. EPA Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
617-918-1111
CT, ME, MA, NH, RI, and VT

U.S. EPA Region II
2890 Woodbridge Avenue
Building 209 (MS211)
Edison, NJ 08837-3679
732-321-6654
NJ, NY, PR, and USVI

U.S. EPA Region III
1650 Arch Street (3HS61)
Philadelphia, PA 19103-2029
800-438-2474
DE, DC, MD, PA, VA, and WV

U.S. EPA Region IV
61 Forsyth Street
Atlanta, GA 30365-3415
404-562-9900
AL, FL, GA, KY, MS, NC, SC, and TN

U.S. EPA Region V
77 West Jackson Boulevard (SE-5J)
Chicago, IL 60604-3590
312-353-2000
IL, IN, MI, MN, OH, and WI

U.S. EPA Region VI
1445 Ross Avenue (6SF-RO)
Dallas, TX 75202-2733
214-665-6444
AR, LA, NM, OK, and TX

U.S. EPA Region VII
901 North 5th Street
Kansas City, KS 66101
913-551-7050
IA, KS, MO, and NE

U.S. EPA Region VIII
1595 Wynkoop Street (8EPR-ER)
Denver, CO 80202-1129
800-227-8917
CO, MT, ND, SD, UT, and WY

U.S. EPA Region IX
75 Hawthorne Street (SFD-9-4)
San Francisco, CA 94105
415-972-3052 or 415-972-3089
AZ, CA, HI, NV, AS, and GU

U.S. EPA Region X
1200 6th Avenue (ECL-116)
Seattle, WA 98101
800-424-4372
AK, ID, OR, and WA

U.S. EPA Alaska Operations Office
222 West 7th Avenue, #19
Anchorage, AK 99513-7588
907-271-5083

To report an oil or chemical spill, call the National Response Center at (800) 424-8802.

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United States Environmental Protection Agency

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EPA 540-K-09-001
June 2010

TECHNICAL

FIELD GUIDANCE

SPILL REPORTING AND INITIAL NOTIFICATION REQUIREMENTS

NOTES

Spill Reporting and Initial Notification Requirements

GUIDANCE SUMMARY AT-A-GLANCE

- Reporting spills is a crucial first step in the response process.

- You should understand the spill reporting requirements to be able to inform the spillers of their responsibilities.

- Several different state, local, and federal laws and regulations require spillers to report petroleum and hazardous materials spills.

- The state and federal reporting requirements are summarized in Exhibit 1.1-1.

- Petroleum spills must be reported to DEC unless they meet all of the following criteria:

  - The spill is known to be less than 5 gallons; and

  - The spill is contained and under the control of the spiller; and

  - The spill has not and will not reach the State's water or any land; and

  - The spill is cleaned up within 2 hours of discovery.

  All reportable petroleum spills and most hazardous materials spills must be reported to DEC hotline (1-800-457-7362) within New York State; and (1-518 457-7362) from outside New York State. For spills not deemed reportable, it is strongly recommended that the facts concerning the incident be documented by the spiller and a record maintained for one year.

- Inform the spiller to report the spill to other federal or local authorities, if required.

- Report yourself those spills for which you are unable to locate the responsible spiller.

- Make note of other agencies' emergency response telephone numbers in case you require their on-scene assistance, or if the response is their responsibility and not BSPR's.

NOTES

1.1.1 Notification Requirements for Oil Spills and Hazardous Material Spills

Spillers are required under state law and under certain local and federal laws to report spills. These various requirements, summarized in Exhibit 1.1-1, often overlap; that is, a particular spill might be required to be reported under several laws or regulations and to several authorities. Under state law, all petroleum and most hazardous material spills must be reported to DEC Hotline (1-800-457-7362), within New York State, and to 1-518-457-7362 from outside New York State. Prompt reporting by spillers allows for a quick response, which may reduce the likelihood of any adverse impact to human health and the environment. Yo will often have to inform spillers of there responsibilities.

Although the spiller is responsible for reporting spills, other persons with knowledge of a spill, leak, or discharge is required to report the incident (see Appendices A and B). You will often have to inform spillers of their responsibilities. You may also have to report spills yourself in situations where the spiller is not known or cannot be located. However, it is the legal responsibility of the spiller to report spills to both state and other authorities.

BSPR personnel also are responsible for notifying other response agencies when the expertise or assistance of other agencies is needed. For example, the local fire department should be notified of spills that pose a potential explosion and/or fire hazard. If such a hazard is detected and the fire department has not been notified, call for their assistance immediately. Fire departments are trained and equipped to respond to these situations; you should not proceed with your response until the fire/safety hazard is eliminated. For more information on interagency coordination in emergency situations see Part 1, Section 3, Emergency Response.

Another important responsibility is notifying health department officials when a drinking water supply is found to be contaminated as a result of a spill. It will be the health department's responsibility to advise you on the health risk associated with any contamination.

Exhibits 1.1-1 and 1.1-2 list the state and federal requirements to report petroleum and hazardous substance spills, respectively. The charts describe the type of material covered, the applicable act or regulation, the agency that must be notified, what must be reported, and the person responsible for reporting. New York state also has a emergency notification network for spill situations (e.g., major chemical releases) that escalate beyond the capabilities of local and regional response agencies/authorities to provide adequate response. The New York State Emergency Management Office (SEMO) coordinates emergency response activities among local, state, and federal government organizations in these cases.

Exhibit 1.1-1

State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Petroleum from any source	Navigation Law Article 12; 17 NYCRR 32.3 and 32.4	DEC Hotline 1-800-457-7362	The notification of a discharge must be immediate, but in no case later than two hours after discharge. 1. Name of person making report and his relationship to any person which might be responsible for causing the discharge. 2. Time and date of discharge. 3. Probable source of discharge. 4. The location of the discharge, both geographic and with respect to bodies of water. 5. Type of petroleum discharges. 6. Possible health or fire hazards resulting from the discharge. 7. Amount of petroleum discharged. 8. All actions that are being taken to clean up and remove the discharge. 9. The personnel presently on the scene. 10. Other government agencies that have been or will be notified.	Any person causing discharge of petroleum. Owner or person in actual or constructive control must notify DEC unless that person has adequate assurance that such notice has already been given.
All aboveground petroleum and underground storage facilities with a combined storage capacity of over 1100 gallons.	ECL §17-1007; 6 NYCRR §613.8	DEC Hotline 1-800-457-7362	1. Report spill incident within two hours of discovery. 2. Also when results of any inventory, record, test, or inspection shows a facility is leaking, that fact must be reported within two hours of discovery.	Any person with knowledge of a spill, leak, or discharge.
Petroleum contaminated with PCB.	Chemical Bulk Storage Act 6 NYCRR Parts 595, 596, 597	DEC Hotline 1-800-457-7362	Releases of a reportable quantity of PCB oil.	Owner or person in actual or constructive possession or control of the substance, or a person in contractual relationship, who inspects, tests, or repairs for owner.

Exhibit 1.1-1

State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges (continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Any liquid (petroleum included) that if released would be likely to pollute lands or waters of the state.	ECL §17-1743	DEC Hotline 1-800-457-7362	Immediate notification that a spill, release, or discharge of any amount has occurred. Owner or person in actual or constructive possession or control of more than 1,100 gallons of the liquid.	
Petroleum Discharge in violation of §311(b)(3) of the Clean Water Act	40 CFR §110.10 (Clean Water Act)	1. National Response Center (NRC) 1-800-424-8802. 2. If not possible to notify NRC, notify Coast Guard or predesignated on-scene coordinator. 3. If not possible to notify either 1 or 2, reports may be made immediately to nearest Coast Guard units, provided NRC notified as soon as possible.	Immediate notification as soon as there is knowledge of an oil discharge that violates water quality standards or causes sheen on navigable waters. Procedures for notice are set forth in 33 CFR Part 153, Subpart B, and in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, Subpart E.	Person in charge of vessel or on-shore or off-shore facility.
Petroleum, petroleum by-products or other dangerous liquid commodities that may create a hazardous or toxic condition spilled into navigable waters.	33 CFR 126.29 (Ports and Waters Safety Act)	Captain of the Port or District Commander	As soon as discharge occurs, owner or master of vessel must immediately report that a discharge has occurred.	Owner or master of vessel or owner or operator of the facility at which the discharge occurred.

Exhibit 1.1-1

State and Federal Reporting Requirements for Petroleum Spills, Leaks, and Discharges (continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Petroleum or hazardous substance from a vessel, on-shore or off-shore facility in violation of §311(b)(3) of the Clean Water Act.	33 CFR 153.203 (Clean Water Act)	1. NRC U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593; 1-800-424-8802. 2. Where direct reporting not practicable, reports may be made to the Coast Guard (District Offices), the 3rd and 9th district of the EPA regional office at 26 Federal Plaza, NY, NY 10278; 1-201-548-8730. 3. Where none of the above is possible, may contact nearest Coast Guard unit, provided NRC notified as soon as possible.	Any discharger shall immediately notify the NRC of such discharge.	Person in charge of vessel or facility.

Exhibit 1.1-2

State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Any hazardous substance pursuant to Article 37. Does not include petroleum.	Chemical Bulk Storage Act 6 NYCRR Parts 595, 596, 597; ECL 40-0113(d)	DEC Hotline 1-800-457-7362	Releases of a reportable quantity of a hazardous substance.	Owner or person in actual or constructive possession or control of the substance, or a person in contractual relationship, who inspects, tests, or repairs for owner.
Hazardous materials or substances as defined in 49 CFR §171.8 that are transported. (See federal reporting requirements.)	Transportation Law 14(f); 17 NYCRR 507.4(b)	Local fire department or police department or local municipality	Immediate notification must be given of incident in which any of the following occurs as a direct result of a spill of hazardous materials: 1. Person is killed. 2. Person receives injuries requiring hospitalization. 3. Estimated damage to carrier or other property exceeds $50,000. 4. Fire, breakage, spillage, or suspected contamination due to radioactive materials. 5. Fire, breakage, spillage, or suspected contamination involving etiologic agents. 6. Situation is such that, in the judgment of the carrier, a continuing danger to life or property exists at the scene of the incident.	All persons and carriers engaged in the transportation of hazardous materials.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Hazardous materials (wastes included) that are transported, whose carrier is involved in an accident.	Department of Transportation Regulations 49 CFR 171.15; 17 NYCRR Part 924; 17 NYCRR Part 507	1. U.S. Department of Transportation 1-800-424-8802 2. DEC Hotline 1-800-457-7362 3. Rail Carrier On-Duty 518-457-1046 Off-Duty 518-457-6164 4. Notify local police or fire department.	Notice should be given by telephone at the earliest practicable moment and should include: 1. Name of reporter. 2. Name and address of carrier represented by reporter. 3. Phone number where reporter can be contacted. 4. Date, time, and location of incident. 5. The extent of injuries, if any. 6. Classification, name and quantity of hazardous materials involved, if available. 7. Type of incident and nature of hazardous material involved and whether a continuing danger to life exists at scene. 8. Each carrier making this report must also make the report required by §171.16.	Each carrier that transports hazardous materials involves in an accident that causes any of the following as a direct result: 1. A person is killed 2. A person receives injuries requiring hospitalization 3. Estimated damage to carrier or other property exceeds $50,000 4. Fire, breakage, spillage, suspected or otherwise involving radioactive material. 5. Fire, breakage, spillage, suspected contamination involving etiologic agents. 6. Situation is such that carrier thinks it should be reported in accordance with paragraph b.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Reportable quantity of a hazardous substance into navigable waters or adjoining shorelines. Substances are listed in 40 CFR 302.4.	Department of Transportation Regulations 49 CFR §171.16 as authorized by the Hazardous Materials Transportation Act	U.S. Coast Guard National Response Center (NRC), 1-800-424-8802 or 1-202-267-2675	As soon as person in charge becomes aware of a spill incident, he must notify NRC and provide the following information: 1. The information required by 49 CFR §171.15 (see above). 2. Name of shipper of hazardous substance. 3. Quantity of hazardous substance discharged, if known. 4. If person in charge is incapacitated, carrier shall make the notification. 5. Estimate of quantity of hazardous substance removed from the scene and the manner of disposition of any unremoved hazardous substance shall be entered in Part (H) of the report required by 49 CFR 171.16 (see above).	Person in charge of aircraft, vessel, transport vehicle, or facility. Must inform NRC directly, or indirectly through carrier.
Reportable quantity of a hazardous substance from vessel, on-shore or off-shore facility. Substances and requirements specified in 40 CFR §117.3.	40 CFR §117.21 as authorized under the FWPCA	NRC 1-800-424-8802. If not practicable report may be made to the Coast Guard (3rd or 9th Districts) District Offices or to EPA, designated On-Scene Coordinator, Region II, 26 Federal Plaza, NY, NY 10278; 1-201-548-8730	Immediate notification is required.	Person in charge of vessel, or on-shore or off-shore facility

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Facilities where a hazardous chemical is produced, used, or stored, and there is a reportable quantity of any extremely hazardous substance as set out in Appendix A to 40 CFR 355 or a CERCLA hazardous substance as specified in 40 CFR 302.4. (This section does not apply to a release that does not go beyond the facility, that emanates from a facility that is federally permitted, is continuous as defined under §103(f) of CERCLA or to any release exempt from CERCLA §103(a) reporting under §101(22) of CERCLA.)	40 CFR 355.40 (SARA) Releases of CERCLA Hazardous Substances are subject to release reporting requirements of CERCLA §103, codified at 40 CFR Part 302, in addition to being subject to the requirements of this Part.	Community emergency coordinator for the local emergency planning committee of any area likely to be affected and the State Emergency Response Commission of any state likely to be affected by the release. If there is no local emergency planning commission notification shall be made to relevant local emergency response personnel.	Immediately notify agencies at left and provide the following information when available: 1. Chemical name or identity of any substance involved in the release. 2. Indication of whether the substance is an extremely hazardous substance. 3. An estimate of the quantity released. 4. Time and duration of release. 5. Medium or media into which the release occurred. 6. Known health risks associated with emergency and where appropriate advice regarding medical attention for those exposed. 7. Proper precautions/actions that should be taken, including evacuation. 8. Names and telephone numbers of person to be contacted for further information. As soon as practicable after release, followup notification by providing the following information: 1. Actions taken to respond to and contain the release. 2. Health risks. 3. Advice on medical attention for exposed individuals.	Owner or operator of facility

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Hazardous liquids transported in pipelines, a release of which results in any circumstances as set out in 195.50(a) through (f). Also any incident that results in circumstances listed in 195.52(g).	49 CFR 195.50, 195.52 and 195.54 (Hazardous Liquid Pipeline Safety Act).	NRC, 1-800-424-8802	Notice must be given at the earliest practicable moment and the following information provided: 1. Name and address of the operator. 2. Name and telephone number of the reporter. 3. Location of the failure. 4. The time of the failure. 5. The fatalities and personal injuries, if any. 6. All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages.	Operator of system.
Hazardous wastes in transport	40 CFR §263.30(a) (RCRA)	1. Local authorities 2. If required by 49 CFR 171.15, notify the NRC at 1-800-424-8802 or 1-202-426-2675 3. Report in writing to Director of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590	Notification must be immediate. For discharge of hazardous waste by air, rail, highway, or water, the transporter must: 1. Give notice as in 49 CFR 161.15 (if applicable). 2. Report in writing as in 49 CFR 171.16. Wastes transporter (bulk shipment) must give same notice as required by 33 CFR 153.20.	Transporter by air, rail, highway, or water.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Vinyl Chloride from any manual vent valve, or polyvinyl chloride plants	Clean Air Act 40 CFR 61.64	Administrator of EPA	Within 10 days of any discharge from any manual vent valve, report must be made, in writing, and the following information provided: 1. Source, nature and cause of the discharge 2. Date and time of the discharge 3. Approximate total vinyl chloride loss during discharge 4. Method used for determining loss 5. Action taken to prevent the discharge 6. Measures adopted to prevent future discharges.	Owner or operator of plant.
Radioactive Materials	6 NYCRR §380.7	Commissioner of DEC	1. Notify immediately by telephone when concentration, averaged over a 24-hour period, exceeds or threatens to exceed 5000 times the limits set forth in Schedule 2 of 380.9 (in uncontrolled areas). 2. Notify within 24 hours by telephone when concentration, averaged over 24- hour period, exceeds or threatens to exceed 500 times the limits set forth in Schedule 2 above (in uncontrolled areas). 3. Report within 30 days the concentration and quantity of radioactive material involved, the cause of the discharge, and corrective steps taken or planned to ensure no recurrence of the discharge.	Operator of the radiation installation.

Exhibit 1.1-2
State and Federal Reporting Requirements for Hazardous Substance Spills, Leaks, and Discharges
(continued)

Materials Covered	Act or Regulation	Agency to Notify	What Must Be Reported and When	Who Must Report
Low Level radioactive wastes in transport. Any suspected or actual uncontrolled releases.	6 NYCRR 381.16 ECL §27-0305 Waste Transporter Permits	DEC and Department of Health	Immediate notification.	Transporter

Appendix C

Certification of Substantial Harm

Certification of the Non-Applicability of the Substantial Harm Criteria of 40 CFR 112.20(e), 112.20(f)(1)

Facility Name: High Bridge Wind Project

Facility Location: Town of Guilford, Chenango County, New York

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?

   Yes _____ No ____X____

2. Does the facility have a total oil storage capacity greater than or equal to one million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage area?

   Yes _____ No ____X____

3. Does the facility have a total oil storage capacity greater than or equal to one million gallons and is the facility located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?

   Yes _____ No ____X____

4. Does the facility have a total oil storage capacity greater than or equal to one million gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?

   Yes _____ No ____X____

5. Does the facility have a total oil storage capacity greater than or equal to one million gallons and has the facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last five years?

   Yes _____ No ____X____

Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature: _____

Name: _____

Title: _____

Date: _____

Appendix D

SPCC Cross Reference

SPCC Cross-Reference with Provisions of Federal Regulations

This SPCC plan does not follow the exact order presented in 40 CFR 112. Section headings identify, where appropriate, the relevant section(s) of the SPCC rule. This table presents a cross-reference of plan sections relative to applicable parts of 40 CFR 112.

SPCC Cross-Reference

Provision	Plan Section	Page/Reference
112.1	Oil-Filled Operational Equipment	12
112.3(d)	Professional Engineer Certification	5
112.3(e)	Location of SPCC plan	6
112.4	Plan Review	6
112.5	Plan Amendment	7
112.7	Management Approval	4
112.7(a)(2)	Deviations from Plan Requirements	14
112.7(a)(3)	General Facility Information	8
112.7(a)(3)	Site Plan and Facility Diagram	Figure 1
112.7(a)(4)	Discharge Notification	20
112.7(a)(5)	Discharge Response	17
112.7(b)	Potential Discharge Volumes and Direction of Flow	12/Table 3-2
112.7(c)	Containment and Diversionary Structures	15
112.7(d)	Practicability of Secondary Containment	15
112.7(e)	Inspections, Tests, and Records	24
112.7(f)	Personnel, Training and Discharge Prevention Procedures	26
112.7(g)	Security	28
112.7(j)	Conformance with Applicable State and Local Requirements	16
112.7(k)	Alternative Requirement to General Secondary Containment	15
112.8(b),	Facility Drainage	11
112.8(c)(1)	Storage Container Construction	10
112.8(c)(2)	Secondary Containment	15
112.8(c)(3)	Drainage of Diked Areas	13
112.8(c)(6)	Periodic Integrity Testing	27
112.8(c)(8)	Overfill Prevention System	14
112.8(c)(10)	Visible Discharges	14
112.8(c)(11)	Mobile and Portable Containers	11
112.8(d)	Transfer Operations, Pumping and In-Facility Processes	11
112.20(e)	Certification of Substantial Harm Determination	7/Appendix C

*Only selected excerpts of relevant rule text are provided. For a complete list of SPCC requirements, refer to the full text of 40 CFR 112.

Appendix E

Inspection Form

INSPECTION SIGNATURE FORM

High Bridge Wind Project

This form shall be signed by the inspector, upon completion and a copy saved at the O&M building, to certify that the required inspections have been completed as required by the SPCC.

Date	Inspection Type		Inspection logged into database? Y/N	Inspector Signature
	Monthly Substation	Bi-annual SPCC		

HIGH BRIDGE WIND PROJECT

BI-ANNUAL SPCC INSPECTION FORM

This inspection record must be completed bi-annually. Provide further description and comments, if necessary, on a separate sheet of paper and attatch to this sheet.

*Any item that receives a 'YES' as an answer must be described and addressed immediately.

Turbine	Oil containment leakage	Containment areas rusted or deteriorated	Bolts, rivets, or seams damaged	Supports are buckled or deteriorated	Foundations have eroded or settled	Alarms are inoperative	Nacelle/ Tower	Surfaces show signs of leakage	Visible damage, rust or deterioration	Bolts, rivets or seams are damaged	Tower foundations have eroded or settled	Notes

Appendix F

Spill Reporting Form

High Bridge Wind LLC
Spill Reporting Form

Facility Address: High Bridge Wind Project _____

_____

_____

Contact Number: (_____) _____

Spill Date: _____ Time: _____

Material Spilled: _____

Estimated Quantity: _____

Source of the Spill: _____

Location of Spill (latitude, longitude, elevation): _____

Watercourse affected: _____

Description of Affected Area (dimensions of spill, material and condition of spill area):_____

_____

_____

_____

Cause of the Spill:_____

_____

Injuries or Damage:_____

_____

Corrective Action Taken:_____

_____

☐ Evacuation Required ☐ Discharge to Navigable Waters ☐ Other Parties Contacted

Names of Other Parties Contacted:

_____

_____

_____

Appendix G

Facility Operations Stormwater Discharge Logbook

High Bridge Wind Project Operations Stormwater Discharge Logbook

Instructions: 1. Complete this form for each containment drainage event; 2. Remove any oil, solids, or other residues prior to draining uncontaminated water; 3. Drain uncontaminated water after removing oil or other solids and residuals; 4. Maintain completed log for for minimum of three years.

Date	Containment Area	Qualified Individual	Means of Discharge	Approximate Quantity	Visual Sheen	Signature Qualified Individual Performing Task

Appendix H

Record of Review and Evaluation

Record of Plan Review and Evaluations

High Bridge Wind Project

Date of Review	Comments	Amendments	Reviewed By