Local Agency Consultation and Outreach Correspondence - REDACTED

Agricola Wind Project

Towns of Scipio and Venice
Cayuga County, New York

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TABLE OF CONTENTS

Town of Venice and Scipio Local Law Consultation

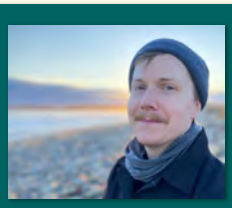
The 94-c Process Explained

A Timeline for the Town Board

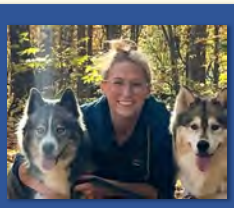
1

Introductions

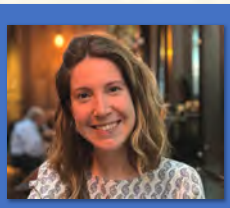
Liberty Renewables Presenters



Scott Biggar
Development Manager



Meg Lee
Project Developer



Juliana Heffern
Junior Project Developer

2

The Beginning of 94-c

New York's ambitious renewable energy siting law

In **April 2020,** the Accelerated Renewable Energy Growth and Community Benefit Act was passed, adding Section 94-c to the Executive Law, titled Major Renewable Energy Development

Section 94-c

- Established an expedited review process with uniform permit standards for New York State renewable energy projects, replacing the procedures in Article 10 of the Public Service Law
- Created the **Office of Renewable Energy Siting (ORES)**, the nation's first state office focused on siting large-scale renewable energy generating facilities

3

The Office of Renewable Energy Siting (ORES)

Consolidates the environmental review and permitting of major renewable energy facilities in NY State into a single forum designed to:

1. **Help**
   Meet New York's renewable energy objectives
2. **Protect**
   The environment, considering all pertinent social, economic, and environmental factors (including environmental justice)
3. **Provide**
   Opportunity for local government and community participation in the permitting process

4

The application process creates specific and efficient timelines for each step.

The 94-c Process Explained: A Timeline for the Town Board

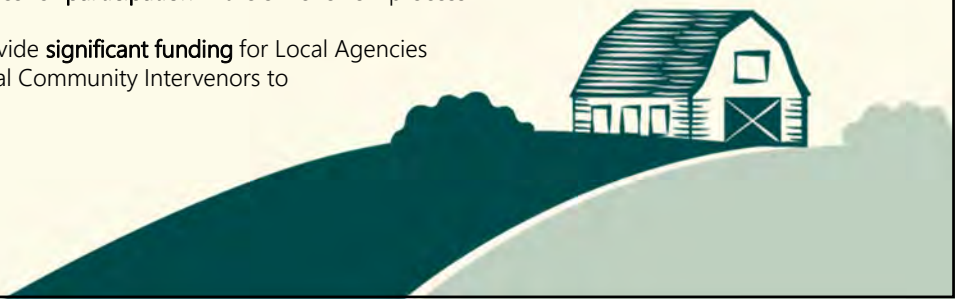
5

There are also clear public notice procedures and opportunities for local participation

Executive Law §94-c and the Office's regulations at 19 NYCRR Part 900 require all applicants to provide:

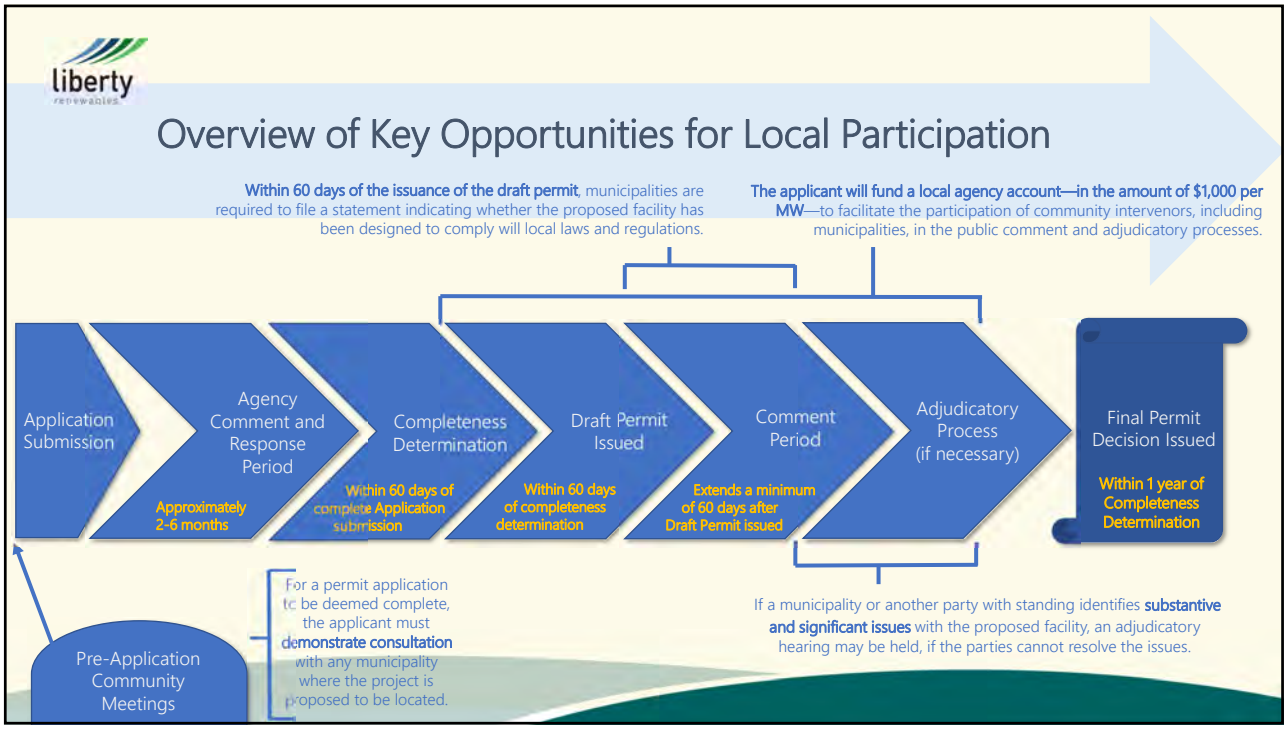
1. Public **notice** of applications
2. Public **access** to application materials
3. Opportunities for **participation** in the 94-c review process

These laws also provide **significant funding** for Local Agencies and eligible Potential Community Intervenors to ensure participation



The 94-c Process Explained: A Timeline for the Town Board

6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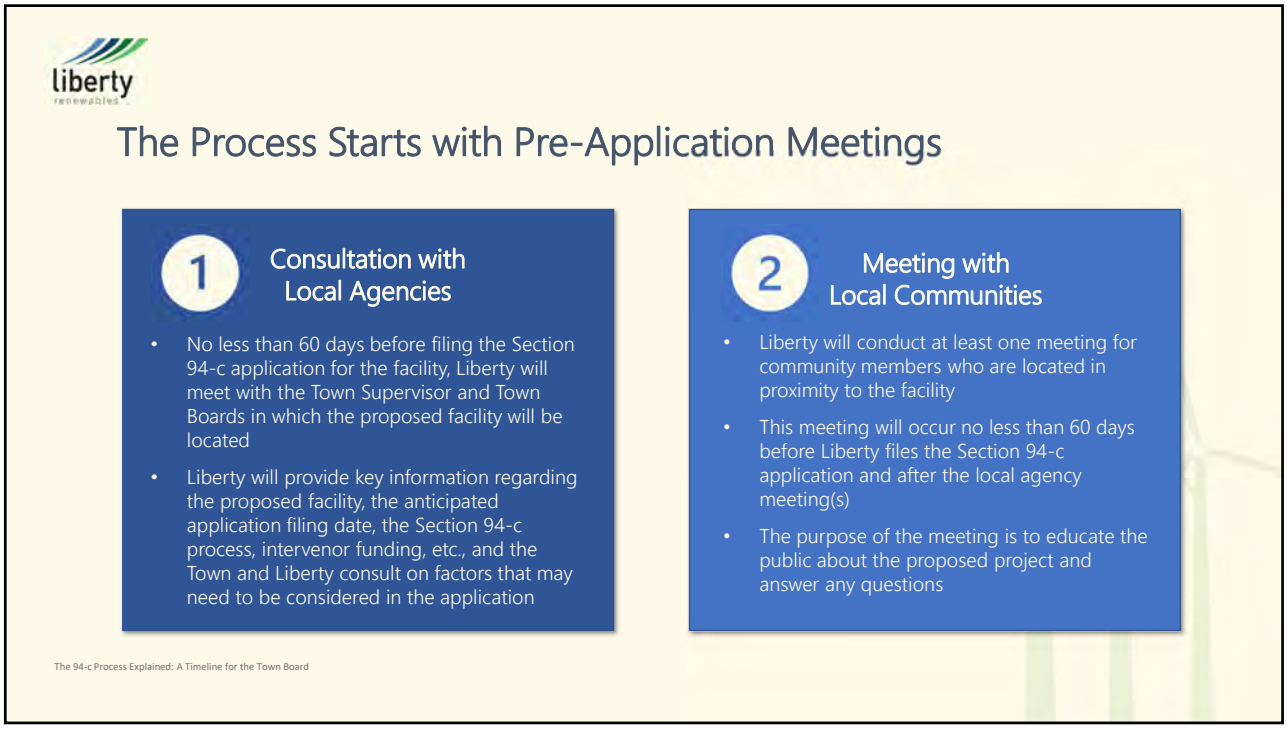
Overview of Key Opportunities for Local Participation
Within 60 days of the issuance of the draft permit, municipalities are required to file a statement indicating whether the proposed facility has been designed to comply will local laws and regulations.
The applicant will fund a local agency account—in the amount of $1,000 per MW—to facilitate the participation of community intervenors, including municipalities, in the public comment and adjudicatory processes.
Application Submission
Agency Comment and Response Period
Approximately 2-6 months
Completeness Determination
Within 60 days of complete Application submission
Draft Permit Issued
Within 60 days of completeness determination
Comment Period
Extends a minimum of 60 days after Draft Permit issued
Adjudicatory Process (if necessary)
Final Permit Decision Issued
Within 1 year of Completeness Determination
Pre-Application Community Meetings
For a permit application to be deemed complete, the applicant must demonstrate consultation with any municipality where the project is proposed to be located.
If a municipality or another party with standing identifies substantive and significant issues with the proposed facility, an adjudicatory hearing may be held, if the parties cannot resolve the issues.

7


liberty renewables
The Process Starts with Pre-Application Meetings
1
Consultation with Local Agencies
No less than 60 days before filing the Section 94-c application for the facility, Liberty will meet with the Town Supervisor and Town Boards in which the proposed facility will be located
Liberty will provide key information regarding the proposed facility, the anticipated application filing date, the Section 94-c process, intervenor funding, etc., and the Town and Liberty consult on factors that may need to be considered in the application
2
Meeting with Local Communities
Liberty will conduct at least one meeting for community members who are located in proximity to the facility
This meeting will occur no less than 60 days before Liberty files the Section 94-c application and after the local agency meeting(s)
The purpose of the meeting is to educate the public about the proposed project and answer any questions
The 94-c Process Explained: A Timeline for the Town Board

8

Additional Notice Requirements

In addition to any information shared during the pre-application meetings, at least 60 days prior to the filing of the Section 94-c application, Liberty is required to provide notice of the application filing date to ORES and all local agencies in attendance at the pre-application meetings.

Liberty also posts all public application materials:
1. On the **website** (liberty-renewables.com/)
2. With the **library** serving the district of each member of the State Legislature in whose district any portion of the proposed facility is to be located

Written notice of the application filing is also given to:
1. All persons residing **within five miles** of the proposed facility
2. Each member of the State Legislature in whose district any portion of the proposed facility is to be located

9

Notice of Local Agency Account Funds ("Intervenor Funding")

To encourage early and effective local involvement in project development and 94-c permitting, Applicants, like Liberty, supply intervenor funding equal to $1,000 per MW, paid into a local agency account hosted by NYSERDA

Municipalities or other potential community intervenors are required to submit a request for initial funding to ORES **within 30 days of the date of Liberty's Section 94-c** application filing.

10

Who is eligible for intervenor funding?

- **Local Agencies**
  - Any local agency, board, district, commission or governing body, including municipalities, and other political subdivision of the state
- **Potential Community Intervenors**
  - **Any person** residing within a municipality within which a major renewable electric generating facility is proposed, or residing outside the municipality within which the facility is proposed, but within 5 miles of a proposed wind facility
  - Or **any non-profit organization** that can demonstrate a concrete and localized interest that may be affected by a proposed facility and that such interest has a significant nexus to their mission.
  - The term **"residing"** includes any resident or owner of property within the geographical limitations described above

ORES will reserve **at least 75% of the funds** for potential awards to Local Agencies, including funding for the preparation of the required statement of compliance with local laws and regulations.

11

What can intervenor funding be used for?

Funding may be used by eligible intervenors to support participation in various stages of the ORES review process, namely during:

1. The 60-day public comment period
2. Or any necessary adjudicatory hearings

Common examples of funding applications:

- Fees for expert witnesses or consultants
- Administrative costs (such as document preparation and duplication)
- Legal fees
- Other costs associated with preparing the **required statement of compliance** with local laws and regulations

12

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Overall, intervenor funds must:

- Contribute to a complete record leading to an informed permit decision as to the appropriateness of the site and the facility
- Help determine whether a proposed facility is designed to be sited, constructed, and operated in compliance with applicable local laws and regulations

- **Note:** Local agencies and potential community intervenors are encouraged to consider the consolidation of requests with similar funding proposals

Within **30 days** of the deadline for funding requests, the ORES-assigned Administrative Law Judges (ALJs) will award funds to local agencies and potential community intervenors whose requests comply with **11 requirements** enumerated in the regulations (Appendix A). Awards are made in the discretion of the ALJs.

The 94-c Process Explained: A Timeline for the Town Board

13

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Each request for funds shall be completed on an ORES-approved form.

Visit the ORES Resources webpage (https://ores.ny.gov/resources) and scroll down to "Local Agency Account Funds" for applicable forms and documentation.

LOCAL AGENCY ACCOUNT FUNDS

REQUEST FOR LOCAL AGENCY ACCOUNT FUNDING	AWARDEE PAYMENT INFORMATION AND SUBSTITUTE FORM W-9	STANDARD VOUCHER

Submit requests by first class mail to: Office of Renewable Energy Siting (ORES) c/o: OGS Mailroom, Empire State Plaza, P-1 South, J Dock, Albany, N.Y. 12242, **or electronically** via e-mail to general@ores.ny.gov

14

Further Information & ORES Resources

- Webinar Slides: "New Renewable Energy Siting Process Webinar"
  - https://ores.ny.gov/system/files/documents/2020/07/2020-04-29-ores-webinar.pdf
- Regulations Implementing Section 94-c of the Executive Law
  - https://ores.ny.gov/system/files/documents/2021/03/chapter-xviii-title-19-of-nycrr-part-900-subparts-900-1-through-900-15.pdf
- ORES Government Transparency Initiative: Section 94-c of the NYS Executive Law and 19 NYCRR Part 900
  - https://ores.ny.gov/system/files/documents/2021/11/ores-government-transparency-initiative-10-20-2021.pdf

15

Questions?

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16

Appendix A: Intervenor Requirements

1. A statement that the facility falls within the local agency's jurisdiction or that a permit or approval from the local agency would have been required in the absence of Section 94-c of the Executive Law;
2. For potential community intervenors, a statement of the number of persons and the nature of the interests the requesting person represents, and proof of residency;
3. For any non-profit organization potential community intervenors, a statement of a concrete and localized interest that may be affected by a proposed facility and that such interest has a significant nexus to its mission;
4. A statement of the availability of funds from the resources of the local agency or potential community intervenor and of the efforts that have been made to obtain such funds;
5. The amount of funds being sought;
6. To the extent possible, the name and qualifications of each expert to be employed, or at a minimum, a statement of the necessary professional qualifications;
7. If known, the name of any other local agency, potential community intervenor or entity who may, or is intending to, employ such expert;
8. A detailed statement of the services to be provided by expert witnesses, consultants, attorneys, or others (and the basis for the fees requested), including hourly fee, wage rate, and expenses, specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility;
9. If a study is to be performed, a description of the purpose, methodology and timing of the study, including a statement of the rationale supporting the methodology and timing proposed, including a detailed justification for any proposed methodology that is new or original explaining why pre-existing methodologies are insufficient or inappropriate;
10. A copy of any contract or agreement or proposed contract or agreement with each expert witness, consultant or other person; and
11. A completed authorization form for electronic Automated Clearing House payment, or payment instructions for payments by check.

17

Appendix B: Major Terms and Definitions

Term	Definition
Municipality	A county, city, town or village.
Local agency	Any local agency, board, district, commission or governing body, including municipalities, and other political subdivision of the state.
Chief Executive Officer	The executive of a county elected or appointed on a county-wide basis or, if there be none, the chairman of the board of supervisors of legislature; for a city, the mayor; for a village, the mayor; and for a town, the supervisor; or the highest elected or appointed official therein.
Local agency account	Account established by ORES and maintained by the NYSERDA pursuant to Section 94-c of the Executive Law for local agencies and potential community intervenors which meet the eligibility and procedural requirements to participate in public comment periods or hearings.
Potential community intervenor	Any person residing within a municipality within which a major renewable electric generating facility is proposed or residing outside the municipality within which the facility is proposed, but within five (5) miles of a proposed wind facility (as defined in subdivision (ca) of this section) or any non-profit organization that can demonstrate a concrete and localized interest that may be affected by a proposed facility and that such interest has a significant nexus to their mission. For the purposes of this definition, the term "residing" shall include any resident or owner of property within the geographical limitations described above.
Community intervenor	A potential community intervenor (as defined earlier) who has been granted party status.
Party	Any person granted full party status or *amicus status* in the adjudicatory portion of the hearing according to the procedures and standards set forth.
Administrative law judge (ALJ)	The designated representative authorized by the Executive Director of ORES to conduct hearings

18

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November 8, 2023

Email: supervisor@townofscipio.com
Gary Mutchler
Town of Scipio Supervisor
3705 State Rt. 34
Scipio Center, NY 13147

Re: Town of Scipio Zoning Ordinance

Members of the Town Board:

Liberty Renewables, Inc. ("Liberty") is proposing to construct and operate the Agricola Wind Project ("Facility" or "Project") an approximately 100-megawatt ("MW") wind powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

As we understand, the Town Board is currently considering revisions to its existing Zoning Ordinance "Proposed Law Number 4 of 2023 of the Town of Scipio: A Local Law Amending the Town of Scipio Zoning Law." The section addressing wind energy indicates a proposed change to replace the existing definition of Wind Energy Facility, Community with the following language: "*Wind Energy Facility, Community - A distributed wind energy conversion system that benefits the Scipio Community, consisting of one (1) or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW.*"

We realize this differs from the law's current definition of Wind Energy Facility, Community, which references a cap on its applicability to projects "not greater than 20MW." The definition still retains the term "distributed wind energy conversion system." The Agricola Wind project is not distributed and will be interconnected to the New York State electric grid. Nevertheless, we would like to offer the following comments, to the extent that the Town intends for this revision to include projects like Agricola Wind, and for Article XI of the Town Zoning Ordinance to apply to Agricola Wind.

In general, we support the Town's efforts, and want to encourage the Town to propose a reasonable local law which balances local landowners' rights to use their land for wind energy development with limited restrictions intended to protect residents and properties not participating in a wind project. With that objective in mind, we provide the following comments to maintain consistency with New York State standards and practices, and feasibility of implementation for large-scale wind projects.

It is important that the wind siting standards imposed in the Town law consider the impact of these standards on project siting throughout the Town as well as the context of the local law considering the state siting and permitting authority under Section 94-c of the Executive Law (94-c Process). Standards that unnecessarily restrict developable areas on parcels within the Town may create the unintended consequence of banning projects like Agricola Wind.

Moreover, Liberty will be submitting its permit application to the Office of Renewable Energy Siting (ORES) pursuant to Section 94-c. ORES may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable, if as applied to the proposed facility, the law is unreasonably burdensome in view of the Climate Leadership and Community Protection Act (CLCPA) targets and environmental benefits of the proposed facility. Therefore, local laws and ordinances must be reasonable and not unnecessarily restrict development of wind facilities, which are essential to the State meeting its CLCPA goals.

To the extent the Town intends for Article XI of the Town Zoning Ordinance to apply to Agricola Wind, Article XI requires setbacks that would be unreasonably burdensome upon projects like Agricola Wind. In particular, the requirement that wind turbines be setback 3.0 times from occupied buildings on non-participating landowner property and 1.5 times from property lines. These setbacks are greater than the setbacks under the 94-c regulations, which require a 2.0 times setback to non-participating residences and a 1.5 times setback from non-participating, non-residential structures, and 1.1 times from property lines. As we've mentioned previously, all minimum setback requirements set forth under 94-c are based on careful consideration of the best practices for siting wind projects, engineering guidelines, and past precedents from Article 10 cases (Section 94-c's predecessor). Importantly, the fall zone for turbines is typically the distance equal to the turbine tip height. There have been several wind projects permitted and constructed in the State using the same setbacks, and to Liberty's knowledge, there have been no reported public health or safety issues. Liberty is also working with turbine manufacturers to obtain any manufacturer recommended setbacks to fold into our considerations. Given the taller, more technologically advanced wind turbines used for projects like ours across New York, a 3.0 times minimum setback would result in an unreasonably burdensome request associated with our proposed project, and we recommend that the Town adopt the 94-c setbacks as outlined in 94-c which we have included below:

Setback Requirements for Wind Turbine Towers

Structure type	**Wind Turbine Towers setback***
Substation	1.5 times
Any Above-ground Bulk Electric System**	1.5 times
Gas Wells (unless waived by landowner and gas well operator)	1.1 times
Public Roads	1.1 times
Property Lines	1.1 times
Non-participating, non-residential Structures	1.5 times
Non-participating Residences	2 times

*1.0 times Wind Turbine Towers setback is equal to the Total Height of the Wind Facility (at the maximum blade tip height). **Operated at 100 kV or higher, and as defined by North American Electric Reliability Corporation Bulk Electric System Definition Reference Document Version 3, August 2018 (see section 900- 15.1(e)(1)(i) of this Part)

As noted above, we appreciate the Town's consideration of these comments and the proposed edits to the law and look forward to working with the Town to develop siting criteria which addresses both the Town's interest in promoting reasonable siting constraints as well as encouraging a potentially economically beneficial use in the Town.

Thank you.

Very truly yours,

James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Liberty Renewables, Inc

Cc: Town of Scipio Attorney, Jeff Eaton (jeaton@bsk.com)

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December 13, 2023

Email: supervisor@townofscipio.com
Gary Mutchler
Town of Scipio Supervisor
3705 State Rt. 34
Scipio Center, NY 13147

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As we understand, the Town Board is currently considering revisions to its existing Zoning Ordinance "Proposed Law Number 4 of 2023 of the Town of Scipio: A Local Law Amending the Town of Scipio Zoning Law." The revisions are intended to clarify that Article XI of the Town Zoning Ordinance is applicable to projects like Agricola Wind, which is a utility scale wind project over 20 MW. Under the current law, it was our understanding that wind generating facilities greater than 20 MW, such as the proposed Agricola Wind Project, are permitted uses in the Agricultural/Residential District ("ARD") but are *not* regulated by Article XI of the Town Zoning Ordinance which, as currently adopted, is only applicable to facilities with a total rated capacity of 20 MW or less. If the Town Board *does not* adopt the revisions, Agricola Wind would still be required to follow and comply with the substantive standards of Section 94-c (19 NYCRR § 900.6) the State's siting and permitting process for renewable energy projects.

Liberty previously provided comments to the Town regarding the wind energy setbacks under consideration and would like to offer example local laws for the Town's consideration as well. These local laws are examples of siting standards that balance local landowners' rights to use their land for wind energy development with limited restrictions intended to protect residents and properties not participating in a wind project. Enclosed please find example laws from four towns that each have operating wind farms, the Town of Chery Creek, Town of Howard, Town of Villenova, and the Town of Cohocton.

As Liberty stated in its previous comment letter, Article XI of the Town Zoning

Ordinance requires setbacks that would be unreasonably burdensome upon projects like Agricola Wind, and we recommend that the Town adopt the 94-c setbacks as outlined below:

Setback Requirements for Wind Turbine Towers

Structure type	Wind Turbine Towers setback*
Substation	1.5 times
Any Above-ground Bulk Electric System**	1.5 times
Gas Wells (unless waived by landowner and gas well operator)	1.1 times
Public Roads	1.1 times
Property Lines	1.1 times
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Non-participating Residences	2 times
*1.0 times Wind Turbine Towers setback is equal to the Total Height of the Wind Facility (at the maximum blade tip height). **Operated at 100 kV or higher, and as defined by North American Electric Reliability Corporation Bulk Electric System Definition Reference Document Version 3, August 2018 (see section 900- 15.1(e)(1)(i) of this Part)	

The 94-c setback standards are consistent with other local laws, as demonstrated in the attached, and multiple wind projects have been built with similar setbacks. The Office of Renewable Energy Siting ("ORES") adopted these setbacks after careful consideration and thorough assessment of best practices for siting renewable energy projects, engineering guidelines, past precedents, and typical local law requirements in New York.

When addressing legitimate concerns regarding safety and environmental impacts, it is equally important to avoid overly stringent measures that could impede responsible wind energy development. Striking this balance will enable the Town to foster development and protect the community. The 94-c setbacks carefully considered safety and other environmental impacts while establishing the setback criteria for renewable energy projects, and these setbacks promote development and safety.

We appreciate the Town's consideration of Liberty's comments to date and look forward to working with the Town to develop siting criteria which addresses both the Town's interest in promoting reasonable siting constraints as well as encouraging a potentially economically beneficial use in the Town.

Thank you.

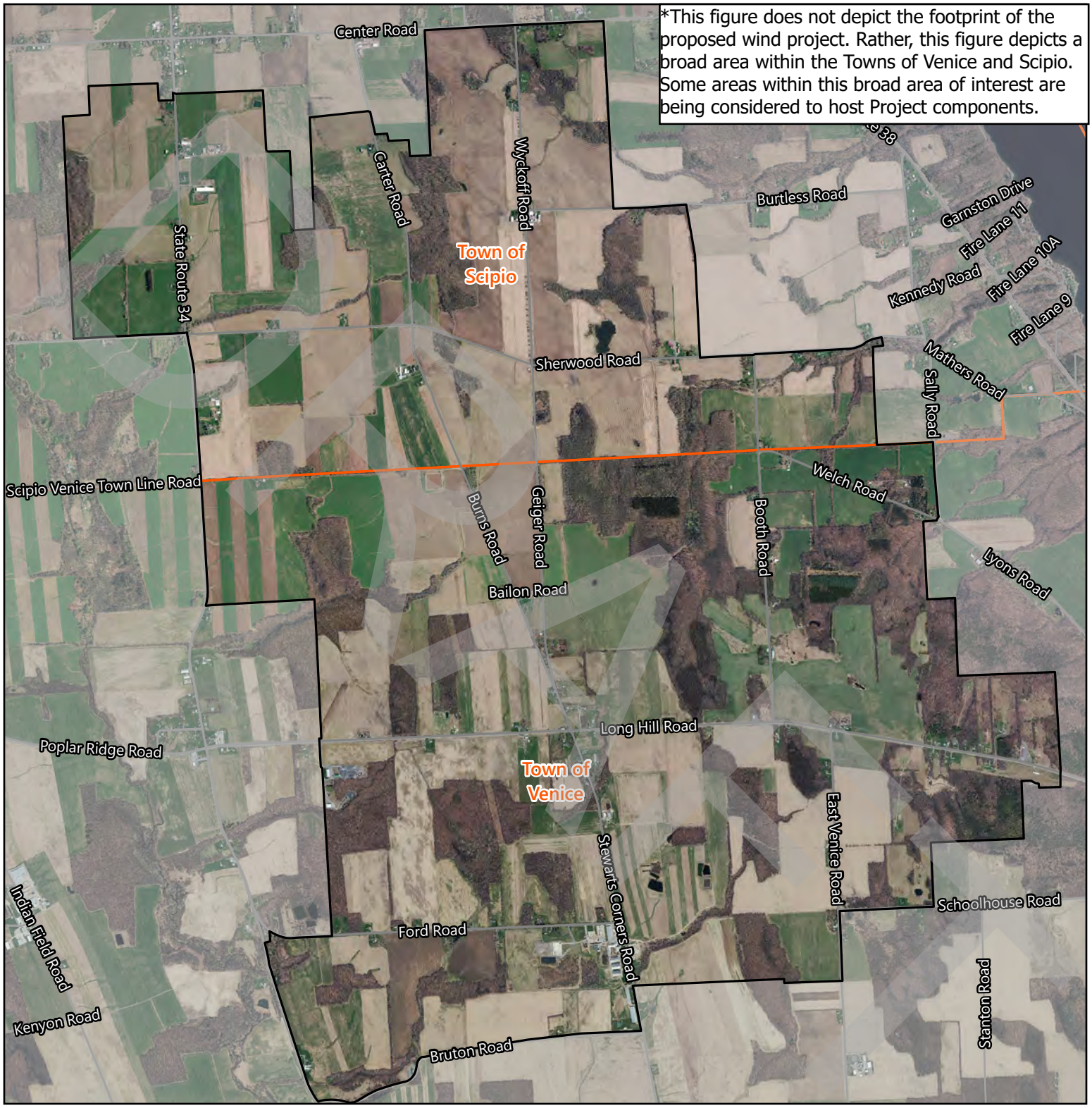
Very truly yours,

James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Liberty Renewables, Inc.

Cc: Town of Scipio Attorney, Jeff Eaton (jeaton@bsk.com)

Area of Interest*

DRAFT



Agricola Wind Project

Cayuga County, New York

Area of Interest

Town Boundary

N

0 0.25 0.5

Miles

liberty renewables

Developed: 12/15/2023

Basemap Reference: NYSDOP "2018" orthoimagery map service.

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March 8, 2024

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Auburn, NY 13021

Re: Town of Venice Wind Law

Members of the Town Board:

Liberty Renewables, Inc. ("Liberty" or "the Applicant") is proposing to construct and operate the Agricola Wind Project ("Facility" or "Project") an approximately 100-megawatt ("MW") wind powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

We understand the Town Board is currently considering changes to Local Law #1 of 2022 entitled Wind Energy Facilities Law. In general, wind energy projects can be developed in towns that have standards that minimize potential environmental impacts so long as those standards also strike a balance with the need to place components in certain locations due to technology, resource availability and willing landowners. Our comments are intended to provide guidance on what has worked in other locations based on our experience and enables potential adverse impacts to be addressed but also supports development of a project in a reasonable manner. We encourage the Town to evaluate other local wind laws and see what has worked in other locations that have been able to benefit from projects while minimizing potential impacts. We have attached a few such wind laws to serve as example references.

It is also important to note that the applicability of local laws in the context of the State Executive Law 94-c process, which applies to the Agricola Wind Project, is different than it would be if the project were proceeding through the local zoning process. So, for example, certain procedural requirements are preempted by 94-c. The Office of Renewable Energy Siting ("ORES") must consider applicable substantive local laws, but ORES has been granted authority by the Legislature to waive local laws it considers to be "unreasonably burdensome"

in view of the Climate Leadership and Community Protection Act (CLCPA) targets and environmental benefits of the proposed facility. This means that the State is seeking to apply substantive local law standards that balance the need for renewable energy projects that contribute to the State's mandates in the CLCPA, such as the Agricola Wind Project, with reasonable standards that minimize potential impacts.

Comments/Suggestions

Considering the above, a resource for evaluating the reasonableness of local standards is the ORES regulations and the standards that will be applied to the project contained within the state regulations. The ORES standards were adopted after an extensive public comment period, nearly a decade's worth of expert reports and evaluation and a thorough and hard look at the potential adverse environmental impacts associated with wind projects prior to adopting the regulations. Therefore, we encourage the Town to review the ORES provisions and adopt the ORES standards in the local law. To assist the Town in this review we have prepared a chart below which outlines the Towns' current requirement, ORES's requirements and new suggested language for the Town's consideration.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 1 (H) Setbacks All Wind Energy Conversion Units shall only be located, installed, or constructed on the subject parcel in accordance with the following setbacks:	i. A distance not less than 1.5 times the tip height of the Wind Energy Generating Unit as measured from any and all public roadways or above ground power lines in the vicinity of said unit, to the base of such unit.	19 NYCRR §900-2.6 (b) sets a setback from public roads at 1.1 times the tip height of the turbines, and a setback of 1.5 times from above ground bulk electric systems.[1]
	ii. A distance not less than two (2) times the tip height from any existing residential or commercial buildings. This distance may be reduced for WECS Small Projects.	19 NYCRR §900-2.6 (b) sets a setback from non-participating, non-residential structures at 1.5 times the tip height of the turbines.
	iii. A distance not less than 1.5 times the tip height of the Wind Energy Generating Unit as measured from the property lines of any Non-Participating Property.	19 NYCRR §900-2.6 (b) sets a setback from non-participating property lines at 1.1 times the tip height of the turbines.

[1] Operated at 100 kV or higher, and as defined by North American Electric Reliability Corporation Bulk Electric System Definition Reference Document Version 3, August 2018

Suggested Language	i. A distance not less than 1.1 times the tip height of the Wind Energy Generating Unit as measured from any and all public roadways. ii. A distance not less than 1.5 times the tip height of the Wind Energy Generating Unit as measured from above bulk electric systems in the vicinity of said unit, to the base of such unit. ii. A distance not less than two (2) times the tip height from any existing non-participating residence. This distance may be reduced for WECS Small Projects. iii. A distance not less than 1.5 times the tip height from any non-participating, non-residential structures. iv. A distance not less than 1.1 times the tip height of the Wind Energy Generating Unit as measured from the property lines of any Non-Participating Property.
Justification	The ORES setbacks are protective and are based on careful consideration of the best practices for siting renewable energy projects, engineering guidelines, past precedents for Article 10 cases and other local law requirements throughout the State. The Town's law does not identify any unique or different circumstances in the Town which would dictate greater setbacks. The 94-c setbacks minimize and mitigate potential adverse impacts. <u>1.5x Public Road Setback</u> This requirement will not be feasible at each turbine location within the Town due to numerous constraints present within the site, such as specific landowner requests, the need to distance turbines from each other to minimize turbulence/waking effects, and the need to avoid impacts to environmental resources (e.g., avoiding impacts to wetlands, forested areas, etc.). While Liberty continues to make a good faith effort to meet this requirement throughout facility design, it is recognized that this provision will not be able to be met for every turbine location proposed within the Town. A setback for a wind turbine is generally associated with ensuring that in the unlikely event that a turbine falls over, occupied structures are not impacted or that project components do not come to be located on non-participating private, public property or roads. In the unlikely event a turbine falls, turbines do not fall past their "fall zone" meaning, the height of the turbine laying on the ground. Therefore, 1.1x the tip height is a common setback to locations like public roads. Establishing a greater setback distance is not more protective just by being "more". However, the burden on the project siting are significantly greater when the setback is increased to 1.5x to roads. (This can be visualized

	with the attached figure). Again, as noted above, this is a good example where the potential risks, which are very small to non-existent, need to be balanced with the potential harm imposed and implications of the siting constraint on the project. Sometimes arbitrarily increased setbacks can have unintended consequences. For example, changes such as the increased setback from public highways may actually increase potential impacts from wind energy generation projects, particularly on agricultural lands, since the increased setback would necessitate installation of longer access roads and utility installations in farm fields, potentially encumbering more private land and reducing the farmable acreage which would need to be occupied by such roads—and for no clear benefit. <u>2x Residential and Commercial Building Setback</u> As discussed above, the 2x setback to commercial buildings is more stringent than the ORES setbacks. Requiring 2x setbacks to all commercial buildings is unnecessary to address impacts and only further constrains wind turbine siting. As noted above, setbacks to structures are typically designed to ensure that turbines are setback a sufficient distance from a structure to be outside a "fall zone". Turbines are not going to fall a distance TWICE the height of a turbine. As to residences, we have proposed a clarification that the 2x setback only applies to non-participant residences. The project is being designed to comply with this standard and it is consistent with the standards in 94-c. <u>1.5x Non-Participating Property Line Setback</u> This requirement will not be feasible at each turbine location within the Town due to numerous constraints present within the site, such as specific landowner requests, shape and size of the parcels leased, the need to distance turbines from each other to minimize turbulence/waking effects, and the need to avoid impacts to environmental resources (e.g., avoiding impacts to wetlands, forested areas, etc.). Additionally, several parcels leased within the Town are shaped in such a way where a 1.5x setback from non-participating parcels is impossible to meet. While Liberty continues to make a good faith effort to meet this requirement throughout facility design, it is recognized that this provision will not be able to be met for every turbine location proposed within the Town.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 2 (Noise) A. The level of noise	i. 45dBA Leq 8-hour at non-participating structures and 40dBA Leq night (10:00 p.m. to 7:00 a.m.)	19 NYCRR §900-2.8(b) sets noise limits as follows: (i) A maximum noise limit of forty-five (45)

produced by or from the operation of the Wind Energy Conversion System shall not exceed the following:	outside at non-participating structures. ii. 55 dBA Leq 8-hour at participating structures and 50 dBA Leq night (10:00 p.m. to 7:00 a.m. outside at participating structures. iii. 65 dBZ Leq 1-hour at 16 Hzrn 31.5 Hz and 63 Hz full octave bands.	dBA Leq (8-hour), at the outside of any existing non-participating residence, and fifty-five (55) dBA Leq (8-hour) at the outside of any existing participating residence; (ii) Prominent tones are defined by using the constant level differences listed under ANSI/ASA S12.9-2005/Part 4 Annex C (sounds with tonal content) (see section 900-15.1(a)(1)(iii) of this Part), at the outside of any existing non- participating residence. Should a prominent tone occur, the broadband overall (dBA) noise level at the evaluated non-participating position shall be increased by 5 dBA for evaluation of compliance with subparagraphs (i) and (v) of this paragraph; (iii) A maximum noise limit of sixty-five (65) dB Leq- (1-hour) at the full octave frequency bands of sixteen (16), thirty-one and a half (31.5), and sixty-three (63) Hertz (Hz) outside of any existing non-participating residence in accordance with Annex D of ANSI/ASA standard S12.9-2005/Part 4 Section D.2.(1) (Analysis of sounds with strong low-frequency content) (see section 900-15.1(a)(1)(iii) of this Part); (iv) Not producing human perceptible vibrations inside any existing non-participating residence that exceed the limits for residential use recommended in ANSI/ASA Standard S2.71-1983 "Guide to the evaluation of human exposure to vibration in buildings" (see section 900-15.1(a)(1)(i) of this Part); (v) A maximum noise limit of forty (40) dBA Leq (1-hour) at the outside of any existing nonparticipating residence from the collector substation equipment; and (vi) A maximum noise limit of fifty-five (55)

		dBA Leq (8-hour), short-term equivalent continuous average nighttime sound level from the facility across any portion of a nonparticipating property except for portions delineated as NYS-regulated wetlands pursuant to section 900-1.3(e) of this Part and utility ROW. The applicant shall demonstrate compliance with this design goal through the filing of noise contour drawings and sound levels evaluated at the worst-case discrete locations. No penalties for prominent tones will be added in this assessment.
Suggested Language	Liberty suggests the Town adopt the following standards consistent with ORES: i. 45dBA Leq 8-hour at the outside of any existing non-participating residence ii. 55 dBA Leq 8-hour at the outside of any -participating residence iii. 65 dBZ Leq 1-hour at 16 Hzrn 31.5 Hz and 63 Hz full octave bands.	
Justification	The issue of appropriate noise standards for wind turbines has been extensively litigated in State wind cases, with thousands of pages of testimony, studies, exhibits and other information from all sides submitted to and reviewed by the Siting Board and ORES. Prior to 94-c, the Siting Board has consistently upheld the 45 dBA Leq standard at the exterior of non-participating residences as appropriately protective of public health and safety and found that it avoids or minimizes noise impacts from a wind facility to the maximum extent practicable. There have been over 100 peer-reviewed scientific articles published in the field of wind turbine noise and health, and the weight of scientific evidence supports the use of a 45 dBA Leq (8-hour) noise standard at the exterior of non-participating residences and a 55 dBA Leq (8-hour) noise standard at the exterior of participating residences (*see Rebuttal Testimony of Dr. Christopher Ollson in Case 16-F-0267, Application of Atlantic Wind for a Certificate Under Article 10 of the Public Service Law for the Deer River Wind Farm* at p. 9; *Rebuttal Testimony of Dr. Christopher Ollson in Case 18-F-0262, High Bridge Wind* at 12). The Siting Board has repeatedly affirmed that these noise standards are protective of human health (*see High Bridge Wind Certificate Order* at 25-27; *Recommended Decision in Case 16-F-0267, Deer River Wind* at 94-99). In particular, the Siting Board has relied on the comprehensive Health Canada studies considered in numerous wind proceedings, which concluded that "long-term exposure to [wind turbine noise] levels up to 46 dB(A), the results do not support an association between WTN and any health-related endpoint studied, including quality of life, sleep disturbance, a wide range of illnesses,	

	chronic health conditions or stress" (*Deer River Recommended Decision* at 98). The Siting Board has held that, unless new scientific evidence emerges which suggests the State's established noise limits are not sufficiently protective of public health, the State should continue to use 45 dBA Leq (8-hour) limits at non-participating receptors (*see High Bridge Certificate Order* at 26). ORES's adoption of standards codifying these noise limits for wind projects is wholly consistent with the Siting Board's approach and the longstanding consensus reached in other cases that 45 dBA Leq (8-hour) is appropriate. The noise standards were developed based on other permitted projects in the State and the most up to date science, and take into consideration both daytime and nighttime impacts, as the 8 hour period is not limited to day time operations. Requiring the Applicant to comply with a 40dBA Leq night (10:00 p.m. to 7:00 a.m.) outside at non-participating structures provision and 50 dBA Leq night (10:00 p.m. to 7:00 a.m.) outside at participating structures provision would create significant energy production and economic losses. The nighttime is the windiest part of most days, and therefore, a requirement that the project operate less at night has a significant impact on the viability of the Project. The local law as proposed seems to be designed to "lower" sound levels at night, most likely to ensure that the operation of the project does not disrupt sleeping. However, the 45 dBA nighttime standard is already low, and has been found to minimize potential sleep disturbance and annoyance. Reducing the sound standard further does not significantly reduce potential annoyance but has a significant impact on the operation of the Project.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 5 (Utility Service) A.	All power transmission lines servicing the project, or any portion thereof shall be underground to a minimum depth of forty-eight (48) inches or to such depth as required by applicable State and Federal regulations and codes, whichever is greater.	19 NYCRR §900-2.9(d)(2) states: The electrical collection system shall be located underground, to the extent practicable. Structures shall only be constructed overhead for portions where necessary based on engineering, construction, or environmental constraints.
Suggested Language	Liberty suggests the Town adopt the same language as ORES: The electrical collection system shall be located underground, to the extent practicable, to a minimum depth of forty-eight (48) inches in agricultural land and thirty-six (36) incudes in non-agricultural land. Structures shall only be	

	constructed overhead for portions where necessary based on engineering, construction, or environmental constraints.
Justification	While the Applicant anticipates predominantly utilizing underground collection line for the Facility, in the event that on-site conditions render burial of collection lines impractical and require that collection line segments be installed above ground, the Applicant may require very limited overhead transmission or collection structures. Because undergrounding of collection and transmission is not always feasible, ORES language allows for this flexibility. In addition, there is no basis to require the burying of cable below 36 inches in non-agricultural land. Three feet is consistent with the NYS Department of Agriculture and Markets Guidelines for Wind Energy Projects, and NYSDOT requirements (17 NYCRR 131.6)

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 7 Access Roads & Road Mitigation	Unless the landowner upon which such new access road is located signs a waiver requesting such property not be gated, new access roads constructed from existing roadways shall be gated and locked near the vicinity of the intersection of the access road and the existing roadway with *breakaway gates* allowing emergency access to the roadway.	19 NYCRR §900-2.7(b) requires projects to develop a Site Security Plan outlining the access controls for the Facility but does not require specific fencing or gates for access roads.
Suggested Language	Liberty suggests that the Town remove the language regarding breakaway gates, as the term is not defined, and specific gating is unnecessary for Facility security and safety.	
Justification	Access roads will be securely gated and local emergency responders will be given access to any and all gates. Liberty suggests that the Town remove the language requiring breakaway gates specifically, because other types of gates and emergency access procedures may be used. Liberty will also undergo consultation with local emergency responders to incorporate their feedback on Facility access.	

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 10. Shadow Flicker / Glint.	The Wind Energy Conversion System shall be designed such that shadow flicker and / or glint from an individual Wind Energy Conversion Unit will not fall on any portion of a residential or commercial building in excess of twenty-five (25) hours per year. If an individual residence is being impacted by multiple Wind Energy Conversion Units, the cumulative effect of said impact shall not exceed twenty-five (25) hours per year. If shadow flicker and/ or glint exceeds these conditions, the source Wind Energy Conversion Unit shall be shut down until the offending condition is remedied.	19 NYCRR §900-2.9(d)(6) sets shadow flicker limits as follows: Shadow Flicker shall be limited to thirty (30) hours per year at any non-participating residence, subject to verification using shadow prediction and operational controls at appropriate wind turbines.
Suggested Language	Liberty suggests the Town adopt the same language as ORES.	
Justification	There is no scientific evidence to suggest that shadow flicker negatively affects health and 30 hours of shadow flicker per year is consist with conditions established by other renewable energy proceedings. Additionally, 30 hours of shadow flicker a year accounts for 0.34% of all hours within a year (1 year = 8,760 hours). Given this, and that shadow flicker would not occur over a contiguous 30-hour period, 30 hours of shadow flicker per year is a reasonable limit to avoid nuisance conditions of residential locations. Moreover, applying this regulation to commercial structures is unreasonable, as shadow flicker is a concern for residential neighbors around sunrise and sunset when the shadows are long since the sun is low on the horizon. Applying a limit to buildings that are not always occupied, especially during those times when shadow flicker is an issue would cause unnecessary impacts to Facility. Again, this is an issue that was litigated, investigated, and studied extensively under Article 10 and ORES adopted a standard of 30 hours/yr. In fact, ORES has waived one law for a wind project where the Town stated the standard should be 25 hours / year (See Heritage Wind Project proceeding). In this case, it makes sense for the Town to utilize the accepted 30-hour standard.	

Current Town Law Section Reference	Town Regulation	ORES Regulation
Standards, Section 8, 12. Construction Hours.	Except where certain activities (e.g., cement pours or component deliveries) or other conditions (such as high wind speeds during the day) demand from time to time require deviation from the hours set forth herein, no construction or reconstruction of any WECS shall begin before 6:00 a.m. nor end after 8:00 p.m. Mondays through Saturdays. No construction shall occur at any time on Sunday. Such activities will be limited to turbine sites and the immediately surrounding area. Except in cases of emergencies, all maintenance of WECS shall take place within those same time frames.	19 NYCRR §900-6.4 sets construction hours as follows: *(a) Construction Hours.* Construction and routine maintenance activities on the facility shall be limited to 7 a.m. to 8 p.m. Monday through Saturday and 8 a.m. to 8 p.m. on Sunday and national holidays, with the exception of construction and delivery activities, which may occur during extended hours beyond this schedule on an as-needed basis (1) Construction work hour limits apply to facility construction, maintenance, and to construction- related activities, including maintenance and repairs of construction equipment at outdoor locations, large vehicles idling for extended periods at roadside locations, and related disturbances. This condition shall not apply to vehicles used for transporting construction or maintenance workers, small equipment, and tools used at the facility site for construction or maintenance activities. (2) If, due to safety or continuous operation requirements, construction activities are required to occur beyond the allowable work hours, the permittee shall notify the NYSDPS, the Office, affected landowners and the municipalities. Such notice shall be given at least twenty-four (24) hours in advance, unless such construction activities are required to address emergency situations threatening personal injury, property, or severe adverse environmental impact that arise less than twenty-four (24) hours in advance. In such cases, as much advance notice as is practical shall be provided.
Suggested Language	Liberty suggests the Town adopt the construction hours as permitted by ORES.	

Justification	The hours set by ORES are reasonable and sufficient to facilitate Facility construction. Restricting the timing of construction activities to less than allowed under 94-c is unreasonably burdensome as it will delay construction, cause the construction of the Facility to disrupt the community for longer and may ultimately impact the Facility's ability to provide the energy needs of consumers. Importantly, the construction day restriction (no Sundays) in the Town of Venice creates a potential delay in the overall project completion schedule. Eliminating at least one potential workday out of each week for approximately 104 weeks of construction could expand the period for construction by approximately two months. This prohibition will unnecessarily create delays in construction activity. Additionally, wind turbine components cannot travel in New York between 7 a.m. and 9 a.m., as well as between 4 p.m. and 6 p.m. while crossing large cities, so they sit mid-journey in rest areas, exit ramps and alike. This usually limits the workday of travel to 8 hours with one stop in the afternoon during curfew. Therefore, it is highly likely trucks will arrive at the Facility Site in the late hours of the afternoon and potentially on Sundays. Travel within the site to the laydown or access roads/pads is critical and cannot be restricted by a township ordinance or the truck will not make it until the next day.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Decommissioning, Section 11, 2.	All above- ground components being decommissioned, including but not limited to turbines, blades, nacelles, towers, transformers, above ground collection cables and poles, permanent meteorological towers and the collection substation must be removed. Foundation and collection lines buried less than a depth of 6 feet in nonagricultural lands and 12 feet in agricultural lands, must be removed. Foundations and buried project components below a depth of 6 feet on non- agricultural land and 12 feet in agricultural land may remain in place with the written consent of the property owner.	19 NYCRR §900-10.2(b) requires that all proposed Facility components be removed four (4) feet below grade in agricultural land and three (3) feet below grade in non-agricultural land and removal and restoration of access road locations, where appropriate.
Suggested Language	Foundation and collection lines buried less than a depth of 3 feet in	

	nonagricultural lands and 4 feet in agricultural lands, must be removed. Foundations and buried project components below a depth of 3 feet in non-agricultural land and 4 feet in agricultural land may remain in place.
Justification	Removal of facility components that are buried below state required depths (foundations and collector cabling) would result in significant impacts to the resources beneath which those components are located. Requiring removal efforts to such extensive depths would also extend the scope and duration of decommissioning activities, which would have a disruptive impact on the surrounding host community in the form of additional and prolonged earth disturbance, noise, traffic, additional road impacts from hauling concrete, rebar and cable and other unnecessary impacts, with no notable benefit to them from doing so. The Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Wind Power Projects (Revision 10/18/19) only requires removal of underground facilities if less than 48 inches deep. It is common practice throughout the state and county to leave underground components in place for this reason. Foundations and collection (areas that require horizontal directional drilling) will be installed below depths greater than 36 and 48 inches. Turbine foundations will be installed greater than 48 inches beneath the ground surface and complete removal of concrete foundations at depths greater than 48 inches would require extensive excavations and demolition equipment to break up and remove the foundation concrete and rebar. Demolition generates noise, vibrations, and dust that can impact the local community. Leaving the foundations intact circumvents the need for such potentially disruptive and environmentally impactful practices, promoting a less impactful decommissioning process. In additional, the removal would be disruptive to the community, requiring the delivery of additional heavy equipment at each turbine location to load and then haul the foundation debris to landfills via a significant number of dump truck trips across the haul routes and beyond. In addition to the incoming and outgoing dump trucks associated with hauling this foundation debris from the Project, offsite fill would have to be trucked in as well to make up for the void caused by the removal of each foundation, and the area would have to be re-contoured and re-compacted with additional equipment temporarily impacting agricultural operations.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Decommissioning, Section 11, 6.	The Applicant, and/ or its successors and assigns, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town, for the removal of all facilities	The financial security regarding decommissioning and site restoration activities shall be in the form of a letter of credit (LOC) or other financial assurance approved by the Office, and

	and appurtenances, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of, at minimum, an irrevocable letter of credit, payable by demand notice, from a State of New York licensed financial institution, in form approved by the Town. All costs of the financial security shall be borne by the Applicant. All decommissioning bond requirements shall be fully funded before a siting approval is issued. The total amount of financial security created for the Town shall be equal to the amount of the gross decommissioning and site restoration estimate plus a fifty (50) percent contingency cost. The decommissioning and site restoration costs will be reviewed by an engineer approved by the Town at the operator's expense and adjusted at five (5) year intervals during the life of the project to maintain accurate cost estimates of decommissioning. The Town may enter into an agreement to maintain security for a multiple jurisdiction project. The Applicant shall notify the Code Enforcement Officer within thirty (30) days of the Discontinuance of use of the Wind Energy Conversion System or any portion thereof.	shall be established by the permittee to be held by each City, Town, or Village hosting facility components. The total amount of the financial security created for the Cities, Towns, or Villages shall be equal to the net decommissioning and site restoration estimate; the net decommissioning and site restoration estimate is equal to the gross decommissioning and site restoration estimate (which is the overall decommissioning and site restoration estimate plus a fifteen (15) percent contingency cost) less the total projected salvage value of facility components; reference to salvage value data shall also be included in the Decommissioning and Site Restoration Plan required at 900-2.24 of this Part. If the permittee and the host municipalities cannot come to an agreement as to the appropriate amount of financial security to be provided, the Office shall make the final determination. The financial security shall remain active until the facility is fully decommissioned. The LOC shall be irrevocable and state on its face that it is expressly held by and for the sole benefit of the specific Town, City, or Village.
Suggested Language	The total amount of financial security created for the Town shall be equal be equal to the net decommissioning and site restoration estimate; the net decommissioning and site restoration estimate is equal to the gross decommissioning and site restoration estimate (which is the overall decommissioning and site restoration estimate plus a fifteen (15) percent contingency cost) less the total projected salvage value of facility components.	
Justification	The 50% contingency cost required by Town law exceeds the ORES requirement for decommissioning contingency security by 35%, a costly difference over the life of the Facility. Imposition of this higher contingency could add anywhere from several hundred thousand dollars to up to a million	

	dollars in additional contingency requirements to the Project (this number is based on estimates seen for previous projects of similar size). Additionally, ORES has determined that "a 15% contingency is reasonable based on careful consideration of the best practices for siting renewable energy projects."[2] It should also be noted that typical industry practice is a 5 to 10% contingency, thereby making the 15% contingency requirement more conservative.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Decommissioning, Section 11, 8.	Should the Wind Energy Conversion System or any portion thereof not operate for a total period of 60 days within any 90-day period, the Town shall notify the Applicant that such offending Wind Energy Conversion System or portion thereof shall be removed or made operational as provided in this Section 11.	ORES does not contain any requirements for the timeline for removal of inoperative turbines. However, prior precedent for other projects typically includes a 12 month period with an exception for good faith efforts to restore the turbine to operable conditions.
Suggested Language	Should the Wind Energy Conversion System or any portion thereof not operate for a total period of 12 months, the Town shall notify the Applicant that such offending Wind Energy Conversion System or portion thereof shall be removed or the Applicant shall demonstrate a good faith effort to restore the turbine to operable condition.	
Justification	The 60-day timeframe is excessively restrictive as it does not take into consideration the various circumstances under which a wind facility or turbine could become inoperative, many of which are circumstances outside of the Applicant's control, such as supply chain issues, transmission curtailment, technical failures, replacement component delivery logistics, etc.	

Current Town Law Section Reference	Town Regulation	ORES Regulation
Decommissioning, Section 11, 9.	A Large-Scale Wind Energy Conversion System shall be deemed discontinued if the system fails to generate and transmit electricity over a continuous period of one (1) year at a rate of at least 25% of its projected production based on the application approved by the Town Board for the project. It shall also be deemed discontinued pursuant to section 12	ORES does not contain any production requirements for turbines.

[2] ORES Assessment of Public Comments on Title 16 of NYCRR Part 900 at page 102

	(l)(C).	
Suggested Language	Liberty suggests the Town eliminate this requirement.	
Justification	Production of the Facility is dependent on a multitude of factors including weather patterns (which can change year to year), transmission constraints, and curtailment requirements of the Permit. Requiring the removal of turbines due to production requirements would be unreasonably burdensome and could conflict with the requirements of the Permit.	

Current Town Law Section Reference	Town Regulation	ORES Regulation
Other Operating Considerations and Permit Revocation, Section 13, 4.	Operation- A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other Special Use Permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a Special Use Permit condition, the owner or operator shall remedy the situation within 90 days after written notice from the Code Enforcement Officer. The applicant, or successor, shall have 90 days, after written notice from the Code Enforcement Officer, to cure any deficiency. Any extension of the 90-day period may be considered by the Code Enforcement Officer, but the total period may not exceed 180 days.	ORES does not require a specific timeframe, however typically projects proceeding under 94-c have proposed a 12-month operational requirement.
Suggested Language	Liberty suggests this provision could be revised to a more reasonable 12-month period with the understanding that the Facility be allowed to remain operational beyond that time for good cause.	
Justification	Similar to Section 11, 8, this 90-day remedy period for an inoperable or damaged WECS, with a total remedy period that may not exceed 180 days, does not take into account the myriad of circumstances which could cause a wind facility not to operate, many of which may fall outside of the Applicant's responsibility or control. The Applicant requests that flexibility be built into this	

	requirement as it is often unworkable in view of the available technology and other extenuating circumstances, as well as the needs of and/or costs to ratepayers who would stand to lose a significant renewable energy generation source which took many years to permit and build, after only 90 days' non-operation for any number of legitimate reasons.

Current Town Law Section Reference	Town Regulation	ORES Regulation
Other Operating Considerations and Permit Revocation, Section 13, 1.	Landscaping - Unless otherwise agreed to in writing by the landowner, upon completion of installation, the site shall be returned as close as possible to its natural state, and in conformity with applicable State and Federal regulations and guidelines, including, but not limited to restoring the subsoil and topsoil to preconstruction condition and reforestation for any woodlands that have been cleared.	ORES does not contain any requirements for reforestation after installation of the Facility.
Suggested Language	Liberty suggests the requirement for reforestation be removed.	
Justification	This provision currently requires reforestation of "any woodlands that have been cleared" upon completion of installation of the Facility, which we believe is an unreasonably burdensome standard. As an initial matter there will be areas where vegetation management will occur to keep turbines, access roads and collection lines safe and clear from potential vegetation impacts. For example, 5 feet from access road edges will remain maintained. Requiring reforestation of these lands would interfere with the proper functioning of the Facility and threaten the long-term, safe operation of components. This all makes evident that cleared forested land cannot be reforested either because the land is the site of built Facility components or because trees would interfere with the proper functioning of Facility components. The remaining acres of cleared forested land will be permitted to return to its pre-disturbance state naturally during Facility operations. However, the mandate that this must include active reforestation efforts is not feasible or reasonable and would carry a significant cost to the Applicant. The Applicant requests that this reforestation requirement be removed.	

We appreciate the Town's consideration of Liberty's comments to date and look forward to working with the Town to develop siting criteria which addresses both the Town's interest in promoting reasonable siting constraints as well as encouraging a potentially economically beneficial use in the Town.

Thank you.

Very truly yours,

James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Liberty Renewables, Inc.

Cc: Thomas M. Blair, attorney for the Town of Venice (tblair@fingerlakeslaw.com)

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April 24, 2024

Email: supervisor@veniceny.com
Stefan McGonagle
160 Genessee Street
Auburn, NY 13021

Re: Town of Venice Wind Law

Dear Supervisor McGonagle:

As you know, we represent Liberty Renewables, Inc. ("Liberty" or "the Applicant") who is proposing to construct and operate the Agricola Wind Project ("Facility" or "Project") an approximately 100-megawatt ("MW") wind powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

Thank you for taking the time to meet with Liberty on April 18, 2024, to discuss changes that the Town Board is currently considering to Local Law #1 of 2022 entitled Wind Energy Facilities Law. Please accept this letter as a follow-up to the April 18th meeting and our previous letter of March 8th, providing comments on the Wind Energy Facilities Law for the Town's consideration.

FAA Coordination

The Town requested Liberty provide additional details regarding coordination with the Federal Aviation Administration (FAA). Under the Section 94-c process, Liberty is required to engage directly with the FAA regarding the proposed Agricola Wind Project as there is no other entity that has the authority, as delegated by the Congress of the United States, to implement airspace protections in the National Airspace System (NAS).

In brief, the FAA requires Liberty to submit a Notice of Proposed Construction or Alteration for each wind turbine in the proposed project, including information on type of turbine, height, locations, blade length, and other relevant specifications. The FAA's Air Traffic experts analyze the Project to assess whether there are impacts to air traffic operating at nearby

airports, or air traffic procedures in the terminal and enroute airspace. The FAA may also solicit public technical comments on the Project. Privately-owned public use airports, such as Owasco Airfield, *are* considered in this analysis. In addition, the FAA's Technical Operations experts will study the proposed Project to ensure that there are no adverse impacts to navigational, communications, RADAR facilities, etc. Flight Procedures personnel will determine whether the Project will affect pilot operations and ensure that airways, transition routes and other pilot concerns are addressed. Further, military representatives for the various Department of Defense offices review the Project to determine whether military designated airspace is adversely impacted. The FAA's Obstruction team consolidates the input from the FAA offices and issues a final determination based on each team's feedback. The FAA's final determination will identify any items that must be completed by the various FAA divisions, military, and the Project sponsor before approval and construction. This final determination will be submitted to ORES to confirm the Project meets FAA requirements. The FAA process is very comprehensive and complex, and we hope the above gives you a better understanding of how aviation concerns are covered within the ORES 94-c regulations and procedures.

Complaint Resolution Plan

The Town requested Liberty provide language regarding the complaint reporting process for addressing public complaints during Facility construction and operation, which the Town can incorporate into the local law. Please find below sample language the Town can use.

Prior to the start of construction, the Applicant will provide contact information and procedures for registering complaints to all host landowners, adjacent landowners within one (1) miles of parcels hosting project components, and the Town. The Applicant shall also publish such information in the local newspaper of record. Any complaints received must be investigated within 72 hours of the complaint. The Applicant shall work in good faith to address and/or resolve complaints as soon as reasonably practicable. Any complaints not resolved within sixty days may be mediated by an independent third party.

Decommissioning

In our previous correspondence Liberty identified several decommissioning requirements that would be burdensome upon the Facility, and we understand that the Town has concerns regarding the timing and communication of decommissioning activities. The Town's current Wind Energy Facilities Law has a 60-day requirement whereby a turbine could be required to be decommissioned if the turbine is not operational for a total period of 60-days within any 90-day period. The 60-day timeframe is excessively restrictive as it does not take into consideration the various circumstances under which a wind facility or turbine could become inoperative, many of which are circumstances outside of the Applicant's control, such as supply chain issues, transmission curtailment, technical failures, replacement component delivery logistics, etc. In light of these considerations, Liberty proposed that extending the non-operational threshold to a more practicable six-month timeframe, with provisions for further extensions based on reasonable justifications, would be a more balanced and equitable approach, and would allow both the Facility to operate without threat of unnecessary decommissioning requirements and protect the Town from being unable to address a Facility that has been abandoned.

To help further facilitate the discussion, below is a redline version of Section 11 of the Town's Wind Energy Facilities Law. We have prepared this redline for ease of review and have included new suggested language for the Town's consideration, which addresses each of the concerns raised to date with respect to decommissioning.

Section 11 Decommissioning

1. At the end of its useful life, or where otherwise necessary, an individual turbine and/or a Battery Storage System may need to be decommissioned, or the entire project may be decommissioned. Decommissioning includes dismantling and removing wind turbines and system components on property owned, leased or otherwise controlled by the Applicant. The Applicant must perform decommissioning activities in accordance with this section.

2. The Applicant, and its successors, assign or heirs, are responsible for the decommissioning and all costs associated with decommissioning the project and associated facilities and systems. All above-ground components being decommissioned, including but not limited to turbines, blades, nacelles, towers, transformers, above ground collection cables and poles, permanent meteorological towers and the collection substation must be removed. Foundation and collection lines buried less than a depth of ~~6~~ 3 feet in nonagricultural and ~~12~~ 4 feet in agricultural lands, must be removed. Foundations and buried project components below a depth of ~~6~~ 3 feet on non-agricultural land and ~~12~~ 4 feet in agricultural land may remain in place with the written consent of the property owner.

3. The areas disturbed by decommissioning shall be restored in accordance with subdivision 14 of this section.

4. The Applicant is responsible for obtaining all applicable permits and approvals for the activities associated with decommissioning and site restoration, including compliance, with the State Environmental Quality Review Act (SEQRA).

5. Prior to application approval, the Applicant must provide a Decommissioning Plan, including financial assurance for decommissioning costs in accordance with this section.

6. The Applicant, and/or its successors and assigns, shall continuously maintain a fund or bond payable to the Town, in a form approved by the Town, for the removal of all facilities and appurtenances, in an amount to be determined by the Town, for the period of the life of the facility. This fund may consist of, at minimum, an irrevocable letter of credit, payable by demand notice, from a State of New York licensed financial institution, in a form approved by the Town. All costs of the financial security shall be borne by the Applicant. All decommissioning bond requirements shall be fully funded before a siting approval is issued. The total amount of financial security created for the Town shall be equal to the net

decommissioning and site restoration estimate; the net decommissioning and site restoration estimate is equal to the gross decommissioning and site restoration estimate (which is the overall decommissioning and site restoration estimate plus a fifteen (15) percent contingency cost) less the total projected salvage value of facility components. ~~The total amount of financial security created for the Town shall be equal to the amount of the gross decommissioning and site restoration estimate plus a fifty (50) percent contingency cost.~~ The decommissioning and site restoration costs will be reviewed by an engineer approved by the Town at the operator's expense and adjusted at five (5) year intervals during the life of the Project to maintain accurate cost estimates of decommissioning. The Town may enter into an agreement to maintain security for a multiple jurisdiction project. The Applicant shall notify the Code Enforcement Officer within thirty (30) days of the Discontinue of use of the Wind Energy Conversion System or any portion thereof.

7. Should the applicant fail to notify the Town Code Enforcement Officer as required, the Applicant, Wind Energy Conversion System owner and/or operator, shall be subject to all penalties provided under this local law and the following additional penalties: A minimum of $200.00 per day, calculated at $10 per day per megawatt of nameplate capacity of the entire project from the time the Applicant should have notified the Town Code Enforcement Officer and the date the Wind Energy Conversion System or portion thereof is removed or made operational as set forth in this Section 11.

8. Should the Wind Energy Conversion System or any portion thereof not operate for a total period of ~~60 days within any 90 day period~~6 months, the Town shall notify the Applicant that such offending Wind Energy Conversion System or portion thereof shall be removed or the Applicant shall demonstrate a good faith effort to restore the turbine to operable condition ~~made operational~~ as provided in this Section 11. Non-function of lack of operation may be proven, among other means, by reports to the Public Service Commission, NYSERDA, or lack of income generation. The Applicant or its successor and assigns shall make available (subject to a non-disclosure agreement, if requested) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems and/or Battery Storage Systems, if requested, necessary to prove the subject system is functioning, which reports may be redacted as necessary to protect proprietary information.

9. ~~A Large Scale Wind Energy Conversion System shall be deemed discontinued if the system fails to generate and transmit electricity over a continuous period of one (1) year at a rate of at least 25% of its projected production based on the application approved by the Town Board for the project. It shall also be deemed discontinued pursuant to section 12 (1)(C). A Wind Energy Conversion System also shall be deemed discontinued if following Site Plan approval construction of the WECS is not completed and fully operational within 36 months of issuance of the first Siting approval for the project.~~

~~A.~~ 9. In the event any of the Wind Energy Conversion System is not so removed or the Applicant has not demonstrated a good faith effort to restore the turbine to operable condition, the Town Board, upon notice from the Code Enforcement Officer, shall give written notice to the owner, landowner, and Applicant of such facility (i) stating that the WECS is considered discontinued, and (ii) setting a time, date, and place for a public hearing. Such public hearing shall be on not less than 30 days' notice to such owner.

10. ~~B.~~ Upon a determination by the Town Board that a Large-Scale Wind Energy Conversion System has been discontinued, the Code Enforcement Officer shall notify the Wind Energy System owner, landowner, and Applicant by certified mail of the Town Board's determination and provide 60 days for the Wind Energy System owner, landowner, and Applicant to appeal such determination. ~~: (a) in the case of a facility under construction, to complete construction and installation of the facility that is operating at a rate of less than 25% of its projected production level as outlined in the application approved by the Town Board, to restore operation of the facility to no less than 80% of rated capacity within 90 calendar days, or the Town Board will deem the Wind Energy Conversion System discontinued and commence action to revoke the Wind Energy Siting Approval and require removal of the entire Wind Energy Conversion System Project.~~

~~10~~11. The Applicant shall remove any discontinued, decommissioned, obsolete or unused Wind Energy Conversion System and/or Battery Storage System, or portions thereof and restore the site to pre-construction conditions, or make the subject system, or portions thereof, fully operational, within ninety (90) days of delivery or receipt of the notification set forth herein, unless such time limit is extended by the Town Board for good cause shown.~~, but the total extension period shall not exceed one-hundred eighty (180) days~~. ~~Non-function of lack of operation may be proven, among other means, by reports to the Public Service Commission, NYSERDA, or lack of income generation. The Applicant or its successor and assigns shall make available (subject to a non-disclosure agreement, if requested) to the Town Board all reports to and from the purchaser of energy from individual Wind Energy Conversion Systems and/or Battery Storage Systems, if requested, necessary to prove the subject system is functioning, which reports may be redacted as necessary to protect proprietary information.~~

11. Prior to the expiration of ~~this~~ any time limits in this Section 11~~time~~, the Applicant may apply to the Town Board for a further extension in time for which such Wind Energy Conversion System, the Battery Storage System, or portion thereof needs to be removed or made operational~~, up to an additional time of Ninety (90) days~~. Such extension shall only be granted if the applicant demonstrates good cause that such extension is necessary as a result of uncontrollable events such as transmission curtailment, technical failures, supply chain issues, weather delays, repair delays, or other similar force majeure conditions requiring the need for such extension. The Town Board may request as a condition of such extension that the

Applicant provide monthly reports to the Town regarding the Applicant's progress to restore the WECs to operable condition.

12. Failure to notify and/or remove any discontinued, decommissioned, obsolete or unused Wind Energy Conversion System and/or Battery Storage System or portion(s) thereof in accordance with this local law shall be in violation of this local law and subject the applicant to the penalties set forth herein. In addition, the cost of removing the offending Wind Energy Conversion System and/or Battery Storage System, or portions thereof, shall be drawn against the financial surety posted by the Applicant for demolition or decommissioning of the project as set forth in this section.

13. Any costs incurred by the Town that exceeds the amount of such financial surety shall be the complete and sole responsibility of the Applicant, and/or its successors and assigns. If the Applicant, or its successors and assigns, is insolvent and such costs cannot be practicably collected from said Applicant, then such costs shall become a lien upon the property upon which the costs were incurred and said lien shall thereafter be assessed on the next succeeding year's tax bill for such parcel and collected in accordance with normal tax foreclosure proceedings if such tax bill remains unpaid thereafter.

14. Restoration: The Applicant and its successors, heirs or assigns, are responsible for restoration and all costs associated with restoring the project site. Ground disturbance must be minimized to the extent practical, and the site restored to its original condition, to the extent practicable, and re-established using native seed mix or, in any agricultural areas, in coordination with the landowner to allow desired crops to be replanted.

15. Roads must be adequately restored to their original condition, or better, following decommissioning activities. Access roads, and residual minor improvements may remain with the written consent of the landowner.

16. Upon completion of all such removal activities by the Town, any remaining portion of the posted surety shall be returned to the applicant forthwith.

In addition, Section 13(4) of Town's Wind Energy Facilities Law should be deleted or edited to reflect the above, as follows:

Operation- A WECS shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other Special Use Permit conditions. Should a WECS become inoperable, or should any part of the WECS be damaged, or should a WECS violate a Special Use Permit condition, the owner or operator shall remedy the situation ~~within 90 days after written notice from the Code Enforcement Officer. The applicant, or successor, shall have 90 days, after~~

~~written notice from the Code Enforcement Officer, to cure any deficiency. Any extension of the 90-day period may be considered by the Code Enforcement Officer, but the total period may not exceed 180 days.~~per the decommissioning requirements in Section 11 of this local law.

We appreciate the Town's consideration of Liberty's comments to date and look forward to working with the Town to develop siting criteria which addresses both the Town's interest in promoting reasonable siting constraints as well as encouraging a potentially economically beneficial use in the Town.

Thank you.

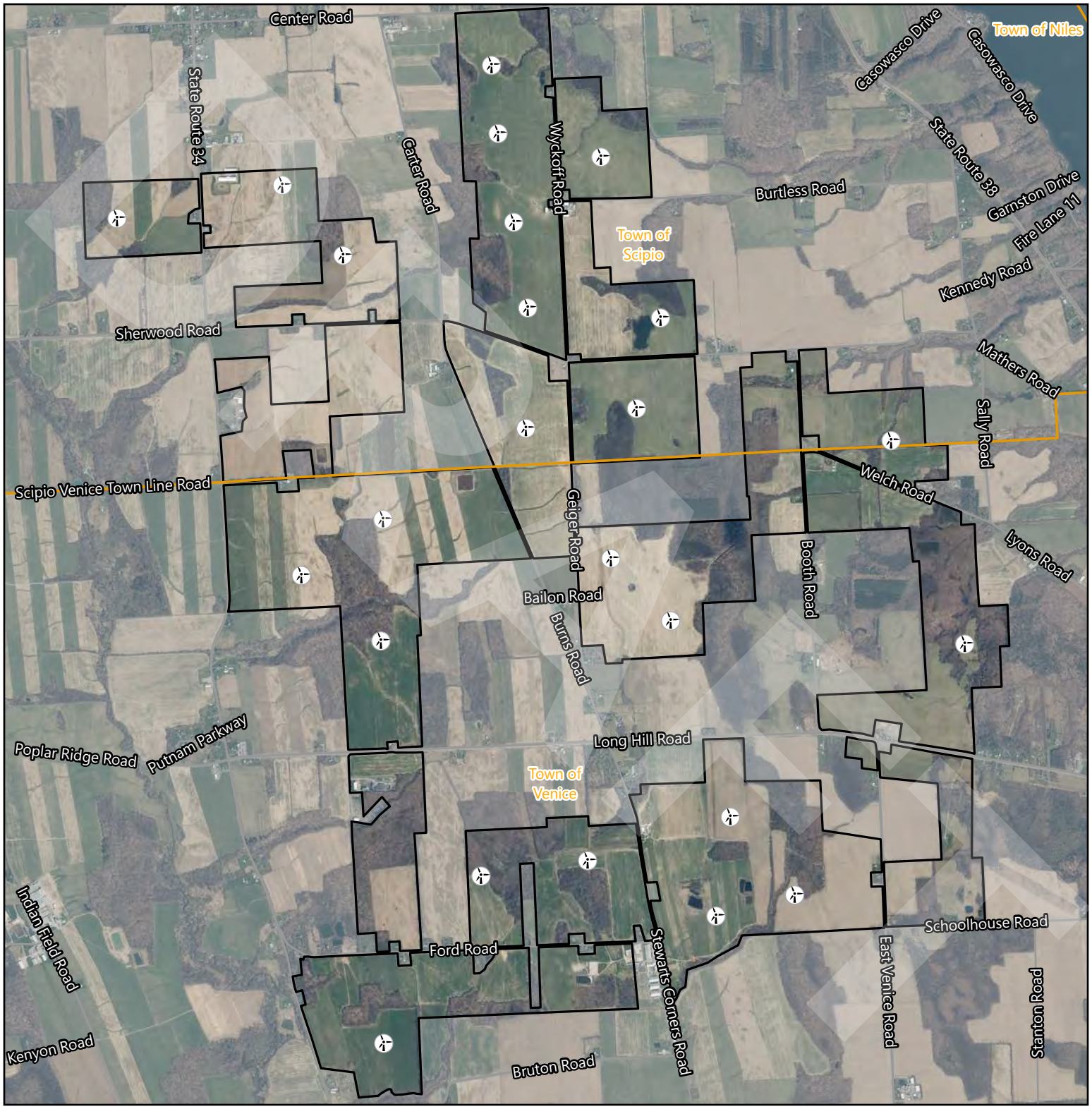
Very truly yours,

James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Liberty Renewables, Inc.

Cc: Thomas M. Blair, attorney for the Town of Venice (tblair@fingerlakeslaw.com)

Preliminary Agricola Wind Facility Site

DRAFT



Agricola Wind Project

Cayuga County, New York

Wind Turbine

Facility Site

Town Boundary

N

0 0.25 0.5

Miles

liberty renewables

Developed: 5/29/2024

Basemap Reference: NYSDOP "2023" orthoimagery map service.

Young / Sommer LLC
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Writer's Telephone: 272 jklami@youngsommer.com

October 9, 2024

Email: supervisor@townofscipio.com
Gary Mutchler
Town of Scipio Supervisor
3705 State Rt. 34
Scipio Center, NY 13147

Re: Town of Scipio Zoning Ordinance

Members of the Town Board:

Agricola Wind LLC ("Agricola Wind," or "the Applicant") a wholly owned subsidiary of Liberty Renewables, Inc. ("Liberty") is proposing to construct and operate the Agricola Wind Project ("Facility," or "Project"), an up to 99-megawatt ("MW") wind energy generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

We are assisting Agricola Wind in reviewing local laws that may be applicable to the proposed Facility as required under the New York State permitting process for the Project (NY Public Service Law Article VIII, formerly Section 94-c of the Executive Law).

The Facility is being proposed because it aligns with State policy encouraging the development of clean energy and renewable resources as a tool in combating climate change, curbing harmful air pollution, and greening New York State's economy. The Facility will also provide an economic stimulus to the area during construction by providing jobs, and local contracts for goods and services. During operation, the Facility will offer long-term highly skilled operational positions and significant long-term economic benefits through lease revenue to local landowners, and property tax revenue to the community.

In April 2024, New York enacted the Renewable Action Through Project Interconnection and Deployment ("RAPID") Act. The RAPID Act introduced a new Article VIII of the Public Service Law, replacing the process formally known as Section 94-c. Like Section 94-c, Article VIII is administered by the Office of Renewable Energy Siting and Electric Transmission ("ORES," or the "Office"). Article VIII expressly preempts local procedural requirements, such as permits and approvals which would otherwise be required to be obtained from the host municipalities for construction and operation of the Facility (i.e., site plan, special use permit or variance approvals). However, local substantive requirements (i.e., setbacks, height limits, lot coverage requirements) will still be applied to the Facility by the Office unless it elects to not apply these requirements because it finds them to be unreasonably burdensome or inconsistent with the requirements of 16

NYCRR Subpart 1100-6, the State's uniform standards and conditions for renewable energy projects. For the Agricola Wind Project, Agricola Wind will be subject to the jurisdiction of the Office for review of its proposed project under the Article VIII process.

Article VIII requires applicants to consult with local municipalities to determine what local substantive requirements apply to the Facility and whether design changes to the Facility can eliminate the need to request that the Office elect to not apply those requirements. When the Scipio Town and Planning Boards were considering revisions to the Zoning Ordinance, the Applicant appreciated the opportunity to provide comments in letters dated November 8, 2023 and December 13, 2023, and during a Town Board meeting on December 13, 2023 and a Planning Board Meeting on March 27, 2024. These consultative efforts represented the Applicant's aim to promote reasonable siting constraints and avoid overly stringent measures that could impede responsible wind energy development, while balancing the need for limited restrictions intended by the Town to protect residents and properties not participating in the proposed Project.

With the "Local Law Amending the Town of Scipio Zoning Law" (Local Law No. 1 of 2024) having been adopted and enacted by the Town Board on July 10, 2024, Agricola Wind has reviewed all potentially applicable local ordinances, laws, resolutions, regulations, standards and other requirements of a substantive nature required for the construction or operation of the proposed Facility.

We have identified various provisions of Town of Scipio Zoning Ordinance, as amended by Local Law No. 1 of 2024 which are applicable to the Facility and have listed the substantive provisions and provided a preliminary assessment of the Facility's compliance with the substantive requirements in the list below. We appreciate the Town reviewing this list and confirming, in writing, that there are no other applicable laws, and that substantive requirements have been correctly identified.

This letter is broken down as follows:

(1) List of Applicable Substantive Local laws to the Facility

(2) List of Procedural and Substantive Provisions which do not apply to the Facility

(3) List of Substantive Provisions which the Facility will comply with

(4) List of Substantive Provisions the Applicant is Seeking Interpretations

(5) List of Substantive Provisions which the Applicant cannot comply and may seek waiver

Town of Scipio Zoning Ordinance

(1) List of Applicable Substantive Local Laws to the Facility

- **Article IV**
  - Section 4.05 Use Table: Wind Energy Facilities are permitted upon issuance of a special use permit in ARD Zoning District
- **Article V**
  - Section 5.07(20) requires: All Wind Energy Systems shall meet the requirements of Article XI.
- **Article VI**

- Section 6.01(K) Traffic Visibility Corners
- Section 6.02 (A)(3) Fences

- **Article VII**
  - Section 7.02(C-L)
- **Article IX**
  - Section 9.02 (1)(d)
  - Section 9.03
  - Section 9.04 (A)(2-4)
- **Article XI**
  - Section 11.04 (B) Wind Energy Facility Use Regulation
  - Section 11.06 Setbacks
  - Section 11.07 Installation and Design
  - Section 11.08 Decommissioning

(2) List of Procedural and Substantive Provisions Which Do Not Apply to the Facility[1]

- **Article I**
  - This Article is procedural and supplanted by Article VIII.
- **Article II**
  - This Article is procedural and supplanted by Article VIII.
- **Article III**
  - This Article is procedural and supplanted by Article VIII.
- **Article IV**
  - Sections: 4.01, 4.02, 4.03, 4.04, 4.06 of this Article are procedural and supplanted by Article VIII.
  - Sections 4.07, 4.08, 4.09 are not applicable to the proposed Facility.
- **Article V**
  - Sections: 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07(1-19, 21-22) of this Article are procedural and supplanted by Article VIII.
- **Article VI**
  - Section 6.01(A-J) are supplanted by the dimensional requirements in Article XI related directly to wind energy facilities.
  - Section 6.02(A)(1-2, 4-7) are not applicable to the proposed Facility.
  - Section 6.02(B)(1-4) are not applicable to the proposed Facility.
  - Section 6.03 is not applicable to the proposed Facility.

[1] This list also includes substantive provisions which are not applicable to the Facility (e.g. home occupation requirements are not applicable to wind energy facilities).

- **Article VII**
  - Section 7.01 is procedural and supplanted by Article VIII.
- **Article VIII**
  - This Article is not applicable to the proposed Facility, no off-street parking is proposed for the turbines.
- **Article IX**
  - Sections 9.01 and 9.05 are procedural and supplanted by Article VIII.
- **Article X**
  - This Article is not applicable to the proposed Facility.
- **Article XI**
  - Sections 11.01, 11.02, 11.03, 11.05 are procedural and supplanted by Article VIII.
- **Article XII**
  - This Article is not applicable to the proposed Facility.
- **Article XIII**
  - This Article is not applicable to the proposed Facility.
- **Article XIV**
  - This Article is procedural and supplanted by Article VIII.
- **Article XV**
  - This Article is not applicable to the proposed Facility.
- **Article XVI**
  - This Article is procedural and supplanted by Article VIII.
- **Article XVII**
  - This Article is procedural and supplanted by Article VIII.
- **Article XVIII**
  - This Article is procedural and supplanted by Article VIII.
- **Article IXX**
  - This Article is procedural and supplanted by Article VIII.

(3) List of Substantive Provisions Which the Facility Will Comply With

- **Article IV**
  - Section 4.05 Use Table: Wind Energy Facilities are permitted upon issuance of a special use permit in ARD Zoning District

- **Article V**
  - Section 5.07(20) requires: All Wind Energy Systems shall meet the requirements of Article XI.
- **Article VI**
  - Section 6.01(K) Traffic Visibility Corners
  - Section 6.02 (A)(3) Fences
- **Article VII**
  - Section 7.02(C-L)
- **Article IX**
  - Section 9.02 (1)(d)
  - Section 9.03
  - Section 9.04 (A)(2-4)
- **Article XI**
  - Section 11.04 (B) Wind Energy Facility Use Regulation
  - Section 11.07 Installation and Design

(4) List of Substantive Provisions the Applicant is Seeking Interpretation

- Article VI Section 6.01(A-J) includes the dimensional requirements for each district pertaining to minimum lot size, minimum lot width, minimum front setback, minimum side setback, minimum rear setback, maximum building coverage, and maximum building height.

  Agricola Wind is seeking confirmation that the dimensional requirements in this article, including lot size, lot width, setbacks, lot coverage, and maximum building height are not applicable to a wind energy facility. Aside from the turbines and their associated infrastructure (i.e. collection lines and access roads), Agricola Wind is not proposing any buildings or other principal structures in the Town. Article XI includes setbacks for wind turbines, and Agricola Wind seeks confirmation that these are the only dimensional requirements applicable.

(5) List of Substantive Provisions Which the Application Cannot Comply and May Seek Waiver

- Section 11.06 Setbacks

  Agricola Wind has designed the Facility to meet the Town's setback to the maximum extent practicable. However, Section 11.06 requires setbacks that are unreasonably burdensome upon the Facility given the other siting constraints which require turbines to be placed in certain locations. In particular, the requirement that wind turbines be setback 2.5 times from occupied buildings on non-participating landowner property and 1.5 times from property lines and public roads. These setbacks are greater than the setbacks under the Article VIII regulations, which require a 2.0 times setback to non-participating residences and a 1.5 times setback from non-participating, non-residential structures, and 1.1 times

from property lines and public roads. Further details regarding compliance with the Town's setbacks and Facility siting constraints will be provided in the Article VIII application.

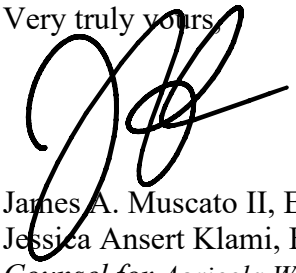
- Section 11.08 Decommissioning (A) states: "The Wind Energy Facility Owner shall have six (6) months to complete decommissioning of the Facility if no electricity is generated for a continuous period of twelve (12) months."

  This provision requires decommissioning to be completed within six months. The Town's removal timeline is unnecessarily short and does not account for the various circumstances under which a wind turbine may become inoperative and how long it takes to remove a turbine, many of which include circumstances outside of the Applicant's control. Typically, it takes up to 18 months to fully decommission a project the size of Agricola Wind. Decommissioning the facility in 6 months would be impossible to achieve.

As noted above, Agricola Wind appreciates the Town's review of this list and looks forward to working with the Town through the Article VIII process. Ultimately, we hope that the Town can confirm that we have provided a list of all applicable laws and correctly identified the substantive requirements. If the Town agrees with our identification of applicable laws and interpretations, we respectfully request that you indicate your confirmation by providing us a return letter. As demonstrated, the Applicant is seeking to develop the Facility in accordance with the substantive requirements of the local law to the extent practicable and expects to continue to work closely with the Town on these requirements going forward.

Thank you.

Very truly yours,



James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Agricola Wind LLC

Cc: Town of Scipio Attorney, Jeff Eaton (jeaton@bsk.com)

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October 9, 2024

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Stefan McGonagle
Town of Venice Supervisor
2479 NY-34
Scipio Center, NY 13147

Re: Town of Venice Wind Law

Members of the Town Board:

Agricola Wind LLC ("Agricola Wind" or "Applicant") a wholly owned subsidiary of Liberty Renewables, Inc. ("Liberty") is proposing to construct and operate the Agricola Wind Project ("Facility" or "Project"), an up to 99-megawatt ("MW") wind powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

We are assisting Agricola Wind in reviewing local laws that may be applicable to the proposed Facility as required under the New York State permitting process for the Project (NY Public Service Law Article VIII, formerly Section 94-c of the Executive Law).

The Facility is being proposed because it aligns with State policy encouraging the development of clean energy and renewable resources as a tool in combating climate change, curbing harmful air pollution, and greening New York State's economy. The Facility will also provide an economic stimulus to the area during construction by providing jobs and local contracts for goods and services. During operation, the Facility will offer long-term highly skilled operational positions and significant long-term economic benefits through lease revenue to local landowners and property tax revenue to the community.

In April 2024, New York enacted the Renewable Action Through Project Interconnection and Deployment ("RAPID") Act. The RAPID Act introduced a new Article VIII of the Public Service Law, replacing the process formally known as Section 94-c. Like Section 94-c, Article VIII is administered by the Office of Renewable Energy Siting and Electric Transmission ("ORES" or the "Office"). Article VIII expressly preempts local procedural requirements, such as permits and approvals which would otherwise be required to be obtained from the host municipalities for construction and operation of the Facility (i.e., site plan, special use permit or variance approvals). However, local substantive requirements (i.e., setbacks, height limits, lot coverage requirements) will still be applied to the Facility by the Office unless it elects to not apply these requirements because it finds them to be unreasonably burdensome or inconsistent with the requirements of 16

NYCRR Subpart 1100-6, the State's uniform standards and conditions for renewable energy projects. For the Agricola Wind Project, Agricola Wind will be subject to the jurisdiction of the Office for review of its proposed project under the Article VIII process.

Article VIII requires applicants to consult with local municipalities to determine what local substantive requirements apply to the Facility and whether design changes to the Facility can eliminate the need to request that the Office elect to not apply those requirements. As the Venice Town Board considered revisions to Local Law No. 1 of 2022 entitled "Wind Energy Facilities Law," the Applicant appreciated the opportunity to provide comments and suggestions in letters dated March 8, 2024 and April 24, 2024; and during Town Board meetings and ad hoc public work sessions on February 26, 2024, March 28, 2024, and June 13, 2024. These consultative efforts, supported by email exchanges addressing Board questions on Article VIII regulations and process, represented the Applicant's aim to promote reasonable siting constraints and avoid overly stringent measures that could impede responsible wind energy development, while balancing the need for limited restrictions intended by the Town to protect residents and properties not participating in the proposed Project.

With the new "Wind Energy Facilities Law of the Town of Venice" (Local Law No. 2 of 2024) having been adopted and enacted by the Town Board on September 17, 2024, Agricola Wind has reviewed all potentially applicable local ordinances, laws, resolutions, regulations, standards and other requirements of a substantive nature required for the construction or operation of the proposed Facility.

We have identified various provisions of the Wind Energy Facilities Law of the Town of Venice, Local Law No. 2 of 2024 which are applicable to the Facility and have listed the substantive provisions and provided a preliminary assessment of the Facility's compliance with the substantive requirements in the list below. We appreciate the Town reviewing this list and confirming, in writing, that there are no other applicable laws and that substantive requirements have been correctly identified.

This letter is broken down as follows:

(1) List of Applicable Substantive Local laws to the Facility

(2) List of Procedural and Substantive Provisions which do not apply to the Facility

(3) List of Substantive Provisions which the Facility will comply with

(4) List of Substantive Provisions the Applicant is Seeking Interpretations

(5) List of Substantive Provisions which the Applicant cannot comply and may seek waiver

Town of Venice Wind Energy Facilities Law

(1) List of Applicable Substantive Local Laws to the Facility

- **Section 6 (8)**
- **Section 8** (except as otherwise stated in Section 2 below)
- **Section 9**
- **Section 11**
- **Section 13 (1), (2), (4), (5), and (7)**

- **Section 14 (3)**
- **Section 15 (3)**

(2) List of Procedural and Substantive Provisions Which Do Not Apply to the Facility[1]

- **Section 1**
  - This Section is procedural and supplanted by Article VIII.
- **Section 2**
  - This Section is procedural and supplanted by Article VIII.
- **Section 3**
  - This Section is procedural and supplanted by Article VIII.
- **Section 4**
  - This Section is procedural and supplanted by Article VIII.
- **Section 5**
  - This Section is procedural and supplanted by Article VIII.
- **Section 6**
  - Overall, this Section is procedural and supplanted by the application requirements contained in Article VIII. Requirements regarding what to include in a permit application are procedural rather than substantive. Agricola Wind will incorporate the Town's application requirements were practical and as required by the Article VIII regulations in the Article VIII application.
- **Section 8**
  - Subsection(1)(I) the requirement to obtain insurance is a procedural requirement supplanted by Article VIII.
  - Subsection 4(B) the process for notifying the Town of facility lighting changes is supplanted by the modification process under Article VIII.
  - Subsection 7(E) this provision does not contain any substantive provisions. The Applicant will work with the Town to enter into a Road Use Agreement to address any inspections for Town roads.
  - Subsection 13 is procedural and supplanted by the enforcement authority of ORES and the Department of Public Service under Article VIII.

[1] This list also includes substantive provisions which are not applicable to the Facility (e.g. home occupation requirements are not applicable to wind energy facilities).

- **Section 10**
  - This Section is not applicable to the proposed Facility, no battery storage is proposed.
- **Section 12**
  - This Section is procedural and supplanted by Article VIII.
- **Section 13**
  - Subsections 3, 6, 8, and 9 are procedural and supplanted by the enforcement authority of ORES and the Department of Public Service under Article VIII. Although Subsection 6 is procedural, the Applicant is committed to working with the Town to provide payments equal to $100 per year for the life of the Project, for every acre of NRCS-USDA class 1-4 soils removed from agricultural production as a result of the Project.
- **Section 14**
  - Subsections 1, 2 and 4 are procedural and supplanted by Article VIII.
- **Section 15**
  - Subsections 1 and 2 are procedural and supplanted by Article VIII.
- **Section 16**
  - This Section is procedural and supplanted by Article VIII.
- **Section 17**
  - This Section is procedural and supplanted by Article VIII.
- **Section 18**
  - This Section is procedural and supplanted by Article VIII.
- **Section 19**
  - This Section is procedural and supplanted by Article VIII.
- **Section 20**
  - This Section is procedural and supplanted by Article VIII.

(3) List of Substantive Provisions Which the Facility Will Comply With

- **Section 8**
  - Subsection (1)(F) states "[t]he use of guy wires is prohibited, except if otherwise unfeasible in the case of a Wind Energy Conversion Unit/Wind Turbine (Small Project), meteorological towers or transmission infrastructure."

- In addition, Subsection (1)(J)(5)(A) states "All power transmission lines servicing the project, or any portion thereof shall be underground to the extent practical… If this standard is deemed to be technically infeasible, rationale and alternative solutions and designs shall be submitted with the completed application for review and approval by the Town Board."

  The Applicant will bury collection lines underground to the greatest extent practical and utilize self-supporting steel structures at the point of interconnection to ensure compliance with this requirement. The Applicant is proposing only one section of overhead collection line at the crossing of a tributary of Big Salmon Creek on the west side of the Facility Site (see Figure 1). In this location, the creek has cut a 50-foot-deep ravine with steep sides. The extremely steep grades in this location and the perennial flow characteristics of the creek would make an underground crossing using standard trenching technically infeasible.

  As an alternative to trenching, horizontal directional drilling (HDD) was explored by the Applicant; however, this installation method was also determined to be technically infeasible due to the steepness of the sides of the ravine. Although an operator can curve the trajectory of an underground boring using HDD, there are limitations. These curvature limitations and the steepness of the banks of the ravine would result in the cable being installed at a depth of 30 feet or more below the ground surface in some locations, significantly greater than what is allowable to ensure adequate cable thermal dissipation.

  The Applicant's proposed approximately 420-foot overhead crossing of this tributary to Big Salmon Creek will utilize standard utility poles with guy wires that have been placed outside of or on the edge of active agricultural fields to avoid impacts to ongoing agricultural activities. Utilizing self-supporting steel poles in this location is not feasible as the length of the crossing would require the use of potentially larger, infrastructure, the installation of which require concrete footings that would result in additional disturbance. Installing a standard overhead line with guys wires is the simplest and least impactful approach to crossing this tributary to Big Salmon Creek. For the reasons outlined above, the Applicant does not believe that installing the collection cables underground, or overhead without the use of guy wires, is feasible in this location.

- **Section 9**
- **Section 11**
- **Section 13 (1), (2), (4), (5), and (7)**
- **Section 14 (3)**
- **Section 15 (3)**

(4) List of Substantive Provisions the Applicant is Seeking Interpretation

- Section 6(8) and the requirements for decommissioning under Section 11 are inconsistent.

  Section 6(8) states "…the manner in which the Wind Energy Conversion System will be decommissioned and the Site restored, which shall include removal of all structures and debris to a depth of twelve feet, or greater where required by other law, regulation or guideline, restoration of vegetation (consistent and compatible with surrounding vegetation) less any fencing or residual minor improvements requested by the land owner."

  Section 11(2) states "Foundation and collection lines buried less than a depth of three (3) feet in nonagricultural lands and four (4) feet in agricultural lands, must be removed. Foundations and buried project components below a depth of three (3) feet on non-agricultural land and four (4) feet in agricultural land may remain in place."

  Although Section 6 is a procedural application requirement, considering the inconsistency between the two provisions, Agricola Wind is seeking confirmation that the Town intended the removal requirements under Section 11(2) to regulate the depth of removal of components of the Facility at the time of decommissioning.

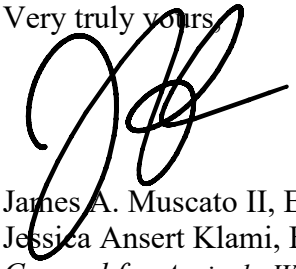
(5) List of Substantive Provisions Which the Application Cannot Comply and May Seek Waiver

None. Agricola Wind anticipates complying with all the above identified substantive provisions applicable to the Facility, including the requirements of Section 8 as outlined above.

As noted above, Agricola Wind appreciates the Town's review of this list and looks forward to working with the Town through the Article VIII process. Ultimately, we hope that the Town can confirm that we have provided a list of all applicable laws and correctly identified the substantive requirements. If the Town agrees with our identification of applicable laws and interpretations, we respectfully request that you indicate your confirmation by providing us a return letter. As demonstrated, the Applicant is seeking to develop the Facility in accordance with the substantive requirements of the local law and expects to continue to work closely with the Town on these requirements going forward.

Thank you.

Very truly yours,



James A. Muscato II, Esq.
Jessica Ansert Klami, Esq.
Counsel for Agricola Wind LLC

Cc: Town of Venice Attorney, Thomas Blair (tblair@fingerlakeslaw.com)

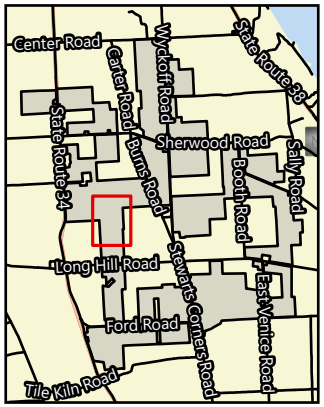
Figure 1. Proposed Overhead Collection Line - Town of Venice

REDACTED - Permit Application No. 23-00064

Agricola Wind Project

Cayuga County, New York

- Utility Pole
- Overhead Collection Line
- Underground Collection Line
- Contour
- Delineated Stream



N

0 100 200

Feet

Developed: 10/8/2024

Basemap Reference: NYSDOP "2023" orthoimagery map service.

liberty renewables

Local Emergency Responders Consultation

March 5, 2024

Critical Infrastructure Protection Unit
NYS Division of Homeland Security and Emergency Services
1220 Washing Avenue
Building 7A Suite 710
Albany, NY 12242

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

We are requesting your review of the attached Plans to solicit any questions, comments, or potential concerns with the security or safety of the proposed Facility. We would appreciate submission of your comments to Meg Lee by phone at 860-575-0680, or by email at mlee@liberty-renewables.com.

We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Scipio Volunteer Fire Company
3550 Route 34
Scipio Center, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Poplar Ridge Fire Company
2423 Route 34B
PO Box 55
Poplar Ridge, NY 13139

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

West Niles Volunteer Fire Department
3956 Valentine Road
Moravia, NY 13118

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Moravia Volunteer Fire Company
PO Box 686
Moravia, NY 13118

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Genoa Fire Department
10015 Route 90
Genoa, NY 13071

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Southern Cayuga Instant Aid (SCIA)
2530 State Route 34B
PO Box 7
Poplar Ridge, NY 13139

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Four Town First Aid Squad
109 Main Street
PO Box 28
Moravia, NY 13118

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

Long Hill Fire Department
3513 Long Hill Road
Scipio Center, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 5, 2024

King Ferry Fire Department
1011 NYS Route 34B
King Ferry, NY 13081

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 8, 2024

Patrick Doyle
Town of Venice Code Officer
2479 State Route 34
Venice, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 8, 2024

Stefan McGonagle
Town of Venice Supervisor
2479 State Route 34
Venice, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 8, 2024

Gary Mutchler
Town of Scipio Supervisor
P.O. Box 71
Scipio Center, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 8, 2024

Patrick Doyle
Town of Scipio Code Officer
P.O. Box 71
Scipio Center, NY 13147

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

March 15, 2024

Cayuga County Office of Emergency Services
160 Genesee Street
Auburn, New York 13021

RE: Agricola Wind Facility – Site Security and Safety Response Plans

To Whom It May Concern:

As you may be aware, Agricola Wind LLC (the Applicant), a wholly-owned subsidiary of Liberty Renewables, Inc. (Liberty), is currently seeking approval under Section 94-c Regulations for the Agricola Wind Facility (the "Facility" or "Project"), a proposed up to 99-megawatt (MW) wind-powered electric generating facility in the Towns of Scipio and Venice, Cayuga County, New York. Attached to this letter are the Agricola Wind Facility's draft Site Security and Safety Response Plans, pursuant to 16 NYCRR 900.6(d). These Plans will be submitted as appendices to Exhibit 6 of the proposed Facility's Section 94-c Application, which the Applicant anticipates filing with the Office of Renewable Energy Siting in the near future.

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We appreciate your time and assistance with this project.

Sincerely,

Meg Lee,
Permitting Manager
Liberty Renewables Inc.

Safety Response Plan

Agricola Wind Project

Towns of Scipio and Venice

Cayuga County, New York

90 State Street
Albany, New York 12207
Contact: Meg Lee
mlee@liberty-renewables.com

LIST OF APPENDICES

EMERGENCY CONTACT LIST

CONTACT	NUMBER	NOTES
General Emergency Contacts		
General Emergency	911	
Scipio Center Volunteer Fire Department	(315) 364-7323	
Poplar Ridge Fire Department	(315) 364-7344	
Moravia Fire Department	(315) 497-1700	
Genoa Fire Department	(315) 497-0611	
Long Hill Fire Department	(315)-497-3805	
King Ferry Fire Department	(315) 364-8940	
Southern Cayuga Ambulance (SCIA)	(315) 364-9500	
Four Town First Aid Squad	(315) 497-3215	
Cayuga County Office of Emergency Services	(315) 255-1161	
Moravia Village Police Department	(315) 497-0287	
Cayuga County Sheriff's Department	(315)-253-1222	
Hospitals and Other Medical		
Auburn Community Hospital • No special designations	(315) 255-7011	10 miles N of the Facility in Auburn, NY.
Upstate Community Hospital • Level I Trauma Center • Burn Unit	(315) 492-5011	24 miles NE of the Facility in Syracuse, NY.
Cayuga Medical Center • No special designations	(607) 274-4011	17 miles S of the Facility in Ithaca, NY.
Guthrie Cortland Medical Center • No special designations	(607) 756-3500	17 miles SE of the Facility in Cortland, NY.
Upstate NY Poison Center	(800) 222-1222	26 miles NE of the Facility in Syracuse, NY.
Spill/Release Reporting; General Environmental NOTE: All spill reports and other environment-related outreach will be made by the Operations Manager or their designee.		
National Response Center	(800) 424-8802	Federally reportable spills/releases
New York State Spill Hotline	(800) 457-7362	State-reportable spills/releases
U.S. Environmental Protection Agency (EPA) Region 2	(877) 251-4575	Non-spill-related environmental emergencies
NYS Department of Environmental Conservation Region 7	(315) 426-7400	
General Municipal Outreach NOTE: All outreach to the towns regarding emergency incidents will be made by the Director of Communications or their designee.		
Cayuga County Board of Supervisors	TBD	
Town of Scipio Supervisor – *Gary Mutchler*	315-730-3638	Emergency incidents of general interest to community
Town of Venice Supervisor – *Stefan McGonagle*	680-241-0478	
Agricola Wind Project Personnel		
Operations and Maintenance (O&M) Manager	TBD	

Plant Manager	TBD	
Environmental Health & Safety (EH&S) Manager	TBD	

NOTE: Contact details for supervisors, qualified first aiders, and other personnel will be listed on a separate sheet that will be provided to employees and posted in the O&M facility.

OVERVIEW OF SAFETY RESPONSE PLAN

1. Purpose and Overview of Plan

Agricola Wind LLC (the "Applicant" or "Agricola Wind"), a wholly-owned subsidiary of Liberty Renewables, Inc. ("Liberty"), has developed this Safety Response Plan (SRP or "Plan") to address emergency response procedures during operation of the Agricola Wind Facility (the "Facility" or "Project" or "Site"), which is located within the Towns of Scipio and Venice in Cayuga County, New York, on a site consisting of leased private lands that are primarily rural in nature.

The SRP includes a basic discussion of emergency notification and evacuation procedures and a description of actions to be taken to respond to specific types of situations, including:

- Medical Emergencies
- Fire
- Turbine Structural Issues
- Earthquakes
- Spills/Releases
- Severe Weather Conditions (electrical storms, tornados, high winds, hurricanes, flooding, and snow or ice storms)
- Physical Security Threats and Criminal Activity (bomb or other security threats, discovery of suspicious package/device, active shooter or other violent situations, suspicious persons or activities, vandalism, equipment tampering, sabotage or trespassers).

2. Location/Distribution of Plan

A copy of the SRP will be located in the O&M facility.

Comments from local emergency responders will be incorporated into a revised SRP as appropriate. The revised SRP will be located in the Facility's O&M facility. Local emergency responders will also be invited to visit the Facility to familiarize themselves with Facility access points, infrastructure, and identify any possible emergency response concerns. In addition, the Applicant will conduct training drills with local emergency responders at least once per year.

3. Emergency Contacts and Related Information

A list of key emergency phone numbers (both internal and external) is included in the front of this plan.

4. Responsibility for Developing and Implementing Plan

The Applicant is responsible for developing and updating this Plan. An overview of the roles of individuals responsible for plan implementation is contained in Appendix A.

5. Emergency Equipment

A list of available emergency equipment is found in Appendix B.

6. Recordkeeping/Documentation

The Applicant has prepared Response Action Checklists for specific categories of emergencies. These checklists must be completed by personnel responsible for implementing the emergency response following each emergency incident. All incidents must be reported/recorded in accordance with approved Agricola Wind procedures.

EMERGENCY NOTIFICATION PROCEDURES

1. Communication Equipment

Communication is essential during an emergency. The following communications resources will be available:

- Each employee or contractor who is working at the Project will be required to carry a two-way radio. The two-way radios will be capable of:
  - Notifying Project personnel of an emergency; and
  - Providing immediate emergency instruction to personnel.
- Also, it is anticipated that all personnel working at the Project will be carrying personal cell phones. **NOTE: The two-way radios are not capable of dialing 911 directly**. **In the event of an emergency, personnel can dial 911 on their cell phones or contact the Plant Manager using the two-way radios. The Plant Manager will call 911 and relay the necessary information to plant personnel.**
- Cisco IP phones will be located in the O&M facility.
- Emergency pull stations for fire alarms will be located next to all exits of the O&M facility.
- A satellite phone will be located in the O&M facility.
  - Note: The satellite phone is a back-up to the emergency communications mentioned above. **Only use the satellite phone when all other forms of communications are inoperable.** You cannot dial 9-1-1 from Iridium phones. The number to access emergency services from a satellite phone will be provided to all employees and posted in the O&M facility.

The topography of the Facility may affect how certain communications systems function. Communication systems employed by Project personnel will be tested at each turbine site to determine functionality.

2. Notification

If an emergency is occurring that poses an immediate threat to the health and safety of Project personnel or the surrounding community, make the following notifications:

- **CALL 911.** See Section 3 below for further instructions.
- **CONTACT THE PLANT MANAGER** and apprise them of the situation. The Plant Manager will provide instructions to on-site personnel and make the necessary communications, including outreach to the Operation and Maintenance Manager (O&M Manager) and any other necessary internal communications.

If the emergency is specific to the Project[1] and/or has the potential to affect the public (e.g., fires, hazardous material spills or releases, and certain physical security threats), the Plant Manager will notify host and adjacent landowners and the town supervisors, as appropriate.

NOTE: If there is a question about whether an outside emergency response is necessary, call the Plant Manager first and ask for guidance.

3. Calling 911

WHEN CALLING 911, STAY CALM AND BE SPECIFIC. State the following:

- **Your Name.**
- **Agricola Wind Project.**
- **Location of emergency.**
  - Give the operator the location of the emergency by referring to the nearest wind turbine (identified by turbine number and/or coordinates), structure or road junction.
  - If the emergency involves injury/illness, indicate whether the person is out in the open, trapped in some fashion and/or at height within a turbine.
- **Available call back phone number.**
- **Nature of the emergency.** Possible categories include, but are not limited to:
  - Medical emergency.
  - Fire (turbine/equipment fire, brush fire, building fire).
  - Transport incident (passenger vehicle/truck; aircraft impact).
  - Criminal activity/security threat.

4. Community Notification

The community would be notified of emergencies specific to the Project that have the potential to affect the public or adjacent properties (e.g., certain fires, hazardous material spills or releases, and physical security threats). The Plant Manager will coordinate with emergency responders to determine if host and adjacent landowners and the town supervisors should be notified. While wind projects are unlikely to require the evacuation of offsite properties, in the event of an emergency that requires a temporary safety setback necessitating the evacuation of adjacent landowners (for instance when the standard safety setback falls into adjacent properties), local emergency responders and authorities will notify residents through means outlined by their agency or department. It is not expected that a temporary evacuation of local residents would be required for any emergency contingencies arising from the Project, however local evacuation procedures are determined and implemented by each town and county.

[1] This would not include general emergencies that would impact the community at large (e.g., earthquakes, snowstorms, etc.).

5. Other Immediate Notification Requirements

Certain incidents do not require notification of traditional emergency responders (fire departments and emergency medical services) but nevertheless require immediate outreach.

- **Spills/releases of petroleum or hazardous substances.**
  - **Contact the Plant Manager** and apprise them of the circumstances. The Plant Manager will reach out internally to decide whether the spill/release must be reported to federal, State, and/or local authorities. See the Project's Preliminary Spill Prevention, Control and Countermeasures Plan (SPCC Plan) for additional details relating to spill reporting.
- **Community/media outreach during/following major event.**
  - If an incident involves a significant emergency response or is otherwise the focus of community or media attention, the Plant Manager will make the necessary internal notifications. All decisions regarding community or media outreach are made by Agricola Wind's Director of Communications.

EVACUATION PLAN

Wind turbines such as those proposed for the Agricola Wind Facility pose little risk to the community. Setback requirements governing the location of the turbines and ancillary equipment protect people and structures in the vicinity of Project from potential harm in the event of an emergency. These factors minimize the potential need for community evacuation. However, events such as fire, earthquake, bomb threat or other security breach may require evacuation of the Project to protect the employees and contractors working there.

1. General Evacuation Procedures

The procedures below apply in the event evacuation of the O&M facility is required.

- **ASSESSMENT** The Plant Manager will evaluate the emergency to determine the severity of the event and whether a personnel evacuation is required.

- **NOTIFICATION** If evacuation is necessary, the Plant Manager or their designee will use the Project's two-way radios, cell phones or other communications devices to give instructions as required.

- **EVACUATION**
  - Follow instructions of Plant Manager or their designee.
  - Proceed with extreme caution.
  - Depending on the type of emergency, observe the wind direction and travel upwind at all times.
  - Handicapped visitors will be escorted by Project personnel to the evacuation area.

- **ASSEMBLY POINTS** The Plant Manager or their designee will lead personnel to safety at the assembly point.
  - Maps depicting assembly points will be developed prior to commencement of operation and will be provided to employees and posted in the O&M facility.

- **PERSONNEL ACCOUNTING** The Plant Manager or their designee will account for all personnel after assembling at the assembly point using the Visitor's Log and employee sign-in sheet.

Major roadways that will be used during any necessary evacuation of the Facility, as well as the locations of local emergency medical service facilities, are shown in Figure 1. This map will be communicated and updated with any additional local emergency medical service (EMS) as changes are made. Meetings will be set with EMS prior to construction and a communication plan for daily hauling and construction activities will be agreed upon. The EMS will then develop an appropriate approach to the Facility based on their equipment and knowledge of local roads. If local EMS/Fire Departments provide additional suggestions or edits to the access routes, the Applicant will update this Safety Response Plan and associated mapping to incorporate those suggestions or comments.

2. Turbine Evacuation

Most turbine repair/maintenance activities are performed by teams of two employees/contractors. In the event dangerous conditions arise during turbine repair/maintenance activities (e.g., fire, thunderstorms, or other dangerous weather conditions), the affected employees/contractors will take the following steps:

- **ASSESSMENT/IMMEDIATE RESPONSE** The crews working at the turbine site will assess conditions, determine whether they pose an immediate safety threat, and initiate evacuation, if necessary.

- **NOTIFICATION** If conditions at the Facility are questionable, use two-way radios, cell phones or other communications devices to inform the Plant Manager of the situation and request guidance.
  - If immediate evacuation is commenced without first consulting the Plant Manager, contact the Plant Manager and apprise them of the situation once evacuation is completed.

- **EVACUATION** Climb down the tower and/or evacuate the area.

- **ASSEMBLY POINTS** In the event of an emergency, crews will evacuate the immediate area. The appropriate assembly point differs depending on the nature of the emergency.

- **PERSONNEL ACCOUNTING** Personnel will contact the Plant Manager and report whether everyone at the location has been accounted for.

See Appendix C for procedures governing evacuation of injured persons from height.

NOTE: Local emergency responders do not have the equipment or training to climb the turbine tower and assist in lowering injured/ill individuals to the ground. Responsibility for this task rests solely with Agricola Wind and/or its contractors.

CONTINGENCIES

MEDICAL EMERGENCY

General Personnel Injury/Illness

If the emergency involves injury/illness to personnel, the following steps should be followed:

- **SURVEY THE SCENE** to confirm whether it is safe to enter.
  - Ensure circuit is de-energized before touching the victim in the case of electric shock.

- **DO NOT MOVE THE VICTIM** unless it is unsafe for the victim to remain in a particular location.

- **BRIEFLY EXAMINE THE VICTIM** to determine the severity of the injury/illness.

- **CONTACT THE PLANT MANAGER OR DIAL 911 DIRECTLY IF THE VICTIM REQUIRES IMMEDIATE ATTENTION** and relay the necessary information to the 911 operator (see Emergency Notification Procedures above).
  - If personnel dial 911 directly using their cell phones, **contact the Plant Manager** afterwards and inform them of the injury/illness.

- **ADMINISTER FIRST AID** as appropriate and in accordance with training.
  - If the victim is conscious, ensure you have permission to help.
  - If the victim has stopped breathing, perform CPR and use the automated external defibrillator (AED), if available, and if it can be done safely.
  - Stop bleeding by applying pressure directly to wound.
  - Keep the victim warm to help reduce potential for shock until medical assistance arrives.

  NOTE: All Agricola Wind employees and contractors engaged in turbine operation and maintenance will be provided basic first aid and CPR training.

- **SEND AVAILABLE INDIVIDUAL** to meet the rescue unit and direct them to accident scene. A representative of Agricola Wind or the contracted operations company will accompany the victim to the hospital.

If the victim does not require urgent medical attention, contact the Plant Manager and inform them of the injury/illness. If the injury can be addressed with first aid only (e.g., minor cuts and bruises), administer first aid. If further attention is required, the Plant Manager will arrange to take the injured person to the nearest hospital or urgent care center.

COMMUNITY NOTIFICATION REQUIREMENT: None

Special Requirements for Injury/Illness at Turbine Height

See Appendix C for procedures governing evacuation and management of injured persons from height.

NOTE: Local emergency responders do not have the equipment or training to climb the turbine tower and assist in lowering injured/ill individuals to the ground. Responsibility for this task rests solely with Agricola Wind and/or its contractors. Once a turbine supplier has been selected, the Applicant will consult with the company to develop procedures for elevated rescue.

RESPONSE ACTION CHECKLIST – MEDICAL EMERGENCIES

	Action	Primary Responsibility[1]	Completed?	Initials
1.	Survey scene and examine victim.	Plant Personnel	o	
2.	Call 911 or Plant Manager re: injury/location (if immediate response required).	Plant Personnel	o	
3.	Notify Plant Manager of injury/location (if plant personnel contacted 911 directly via cell phone).	Plant Personnel	o	
4.	Move injured person only if it is unsafe to remain in the particular location.	Plant Personnel	o	
5.	Provide first aid.	Plant Personnel	o	
6.	Provide access and direction to emergency vehicles.	Plant Personnel	o	
7.	Notify O&M Manager.	Plant Manager	o	
8.	For minor injuries, transport to clinic or hospital, if necessary. O&M Manager or designee to accompany victim to hospital.	Plant Manager, O&M Manager or Designee	o	
9.	Contact Environmental, Safety & Health.	Plant Manager	o	
10.	Follow-up on status of injured person.	Plant Manager	o	

[1]These titles are subject to change as positions are filled.

FIRE PROCEDURE

Non-Turbine Fire (e.g., O&M facility, other non-turbine structures)

In the event of a fire, the employee shall:

- **REPORT** the fire to the Plant Manager.

- **EXTINGUISH** If the fire is small enough so as not to endanger personnel, determine the appropriate fire extinguisher and attempt to extinguish the fire.
  - If the fire is successfully extinguished, report the outcome to the Plant Manager.
  - Monitor the site to ensure the fire does not reignite.

- **ASSESS** the size and type of the continuing fire, sound the fire alarm (if any), and notify all personnel of the problem.

- **CALL 911**.

- **EVACUATE** all unnecessary personnel from the immediate area of the fire. If necessary, follow the Evacuation Plan.

COMMUNITY NOTIFICATION REQUIREMENT: Any community members in direct proximity to a non-turbine fire will need to be notified and maintain safe setback distance. This notification will be completed through existing first responder procedures as described in the Community Notification section of this Plan.

Turbine Fire

In the event of a fire at a turbine while crews are working, employees shall:

- **REPORT** the fire to the Plant Manager.

- **EXTINGUISH** If the fire is small enough so as not to endanger personnel, determine the appropriate fire extinguisher and attempt to extinguish the fire.
  - If the fire is successfully extinguished, report the outcome to the Plant Manager.
  - Evacuate the turbine and await further instructions.

- **EVACUATE THE TURBINE** if the fire cannot be easily extinguished, use the fire extinguisher to create a safe evacuation route and evacuate to a designated safe location.

- **CALL 911** upon reaching safe location.

- **EXIT THE TURBINE** and report back to the Plant Manager.

- **ESTABLISH A CONTROLLED AREA** of approximately 200 feet around the base of the turbine. **DO NOT ENTER THE CONTROLLED AREA.** Allow fire debris to fall freely within the controlled area. Watch for debris to go beyond the controlled area and for possible brush fires.

    - If brushfire starts and is small enough so as not to endanger personnel, determine appropriate fire extinguisher and attempt to extinguish fire.

- **EVACUATE THE AREA IF FIRE POSES AN IMMEDIATE RISK** Otherwise wait for the arrival of the local fire department.

COMMUNITY NOTIFICATION REQUIREMENT: Any community members in direct proximity to a non-turbine fire will need to be notified and maintain safe setback distance. This notification will be completed through existing first responder procedures as described in the Community Notification section of this plan.

NOTE: As a matter of industry practice, fires in the nacelle that cannot be immediately extinguished are typically allowed to burn themselves out. Local fire departments are called in the event of a turbine fire to prevent the fire from spreading on the ground. Local fire departments typically are not equipped to extinguish fires at height.

RESPONSE ACTION CHECKLIST – FIRE

	Action	Primary Responsibility[1]	Completed?	Initials
1.	Notify O&M facility of fire, including location and size.	Plant Personnel	o	
2.	Attempt to extinguish fire with portable extinguisher, if safe to do so.	Plant Personnel	o	
3.	Call 911 and request firefighting assistance, if necessary.	Plant Personnel or Plant Manager	o	
4.	Notify O&M Manager.	Plant Manager	o	
5.	Assess extent of fire and take appropriate action.	Plant Manager or Designee	o	
6.	Evacuate building/turbine if necessary.	O&M facility (Plant Manager); Turbine Fire (Plant Personnel)	o	
7.	Establish sterile zone (Turbine Fire only).	Plant Personnel/O&M Manager	o	
8.	Assess extent of injuries and missing people.	Plant Manager or Designee/ Plant Personnel/ O&M Manager	o	
9.	Administer first aid.	Plant Personnel	o	
10.	Call 911 and request medical assistance and/or a rescue unit, if either is necessary.	Plant Manager	o	
11.	Provide access and direction to emergency personnel.	Plant Personnel	o	
12.	Provide advice and assistance for rescue, utilities, location of oil and hazardous materials, etc.	O&M Manager /Plant Manager	o	
13.	Contact Environmental, Safety & Health.	Plant Manager	o	
14.	Follow up on status of injured personnel.	Plant Manager	o	

[1] These titles are subject to change as positions are filled.

HAZARDOUS MATERIAL SPILL OR RELEASE

Various equipment at the Project, including the turbines, contains hydraulic and other oils. In addition, certain equipment may contain hazardous chemicals such as antifreeze or corrosives. Also, oils and chemicals may be used when operating/maintaining the Project.

In the event of an oil, hazardous waste, or chemical spill or chemical exposure accident, personnel shall perform the following procedures as applicable:

- **IF PERSONNEL IS DIRECTLY EXPOSED TO CHEMICAL CONTAMINATION**, take the following steps:
  - Begin flushing the exposed area immediately with water.
  - **Call 911** if emergency attention is required.
  - Obtain Safety Data Sheet (SDS) from 3E online or O&M facility to aid in administering first aid. Send the SDS with the victim to the hospital.

- **REPORT** the incident immediately to the Plant Manager, including extent of any injuries, if any, type of material spilled, amount, direction, and whether spill has impacted water or other sensitive environmental receptors. The Plant Manager will initiate procedures to determine whether the spill must be reported to federal, state or local authorities and/or whether a third party must be called to assist in responding to/remediating the spill.

- **ISOLATE/STOP SPILL** (i.e., close valve/stop pump) unless it cannot be done safely.

- **EVACUATE AND CORDON OFF AREA OF SPILL** Remove any unnecessary personnel from the immediate area of the release, and upwind if appropriate. If the incident is large, uncontrollable, and/or dangerous, tell the Plant Manager and follow the Evacuation Plan. Use appropriate Personal Protective Equipment (PPE).

- **ASSESS EXTENT OF SPILL** (amount and type of material spilled, fire potential, whether contained, etc.).

- **CONTAIN SPILL** using appropriate spill kit (oil or chemical). All employees will be HazMat trained and certified to handle spills.

- **CLEAN UP THE SPILL** as instructed by Plant Manager.
  - For larger spills, a third-party contractor may be called to clean up the spill/release.

COMMUNITY NOTIFICATION REQUIREMENT: Any community members in direct proximity to a chemical spill will need to be notified and maintain safe setback distance. This notification will be completed through existing first responder procedures as described in the Community Notification section of this plan.

RESPONSE ACTION CHECKLIST– HAZARDOUS MATERIAL SPILL OR RELEASE

	Action	Primary Responsibility[1]	Completed?	Initials
1.	Assess whether spill resulted in direct exposure to personnel and implement first aid if necessary.	Plant Personnel	o	
2.	Call 911 if exposed persons require immediate medical attention.	Plant Personnel	o	
3.	Notify O&M Manager of spill and spill location.	Plant Personnel	o	
4.	Isolate/stop spill (close valve, stop pump), if it can be done safely.	Plant Personnel	o	
5.	Evacuate and cordon area (i.e., remove unnecessary personnel). Use appropriate PPE.	Plant Personnel/Plant Manager	o	
6.	Notify Plant Manager.	O&M Manager	o	
7.	Assess extent of spill (contained or uncontained). Contain spill if possible.	Plant Personnel/O&M Manager	o	
8.	Clean up spill as directed by Plant Manager or wait for cleanup contractor.	Plant Personnel/O&M Manager	o	
9.	Contact Environmental, Health & Safety.	Plant Manager	o	
10.	If repairs are necessary, initiate repairs.	O&M Manager/Plant Manager	o	
11.	If spill is reportable, make agency notifications. (See Preliminary SPCC for list of agency contacts).	Plant Manager or Designer	o	
12.	Provide access and directions to emergency and cleanup personnel.	Plant Personnel/O&M Manager	o	
13.	Follow-up on status of injured, if any.	Plant Manager	o	

[1.] These titles are subject to change as positions are filled.

EARTHQUAKE

Although earthquakes are not common in Upstate New York, they have occurred. It is important to follow the procedures below to stay safe during and after an earthquake occurs.

During Earthquake

- **IF INSIDE** stay Inside.
  - Drop where you are onto your hands and knees.
  - Cover your head and neck with one arm and hand.
  - If a sturdy table or desk is nearby, crawl underneath it for shelter. If no shelter is nearby, crawl next to an interior wall (away from windows).
  - Avoid exterior walls, windows, hanging objects, mirrors, tall furniture, large appliances, and kitchen cabinets with heavy objects or glass.
  - Stay on your knees; bend over to protect vital organs.
  - Hold on until shaking stops. If under a shelter, hold on to your shelter with one hand; be ready to move with it if it shifts. If no shelter, hold on to your head and neck with both arms and hands.

- **IF OUTSIDE** go to a clear area if you can safely do so.
  - Drop to your hands and knees.
  - Cover your head and neck with both arms and hands.
  - Avoid power lines, trees, signs, buildings, vehicles, and other hazards.

After Earthquake

- **BE PREPARED FOR AFTERSHOCKS** which may continue for several minutes.

- **CALL 911** if any personnel require immediate medical attention.

- **EVACUATE** to your assembly point if you feel safe in doing so.
  - Do not leave the location until accounted for by the Plant Manager.

- **NOTIFICATION** Notify the Plant Manager of your status, location and circumstances (damage, fire, injuries, etc.).

- **ADMINISTER FIRST AID** to any injured persons.

- **INSPECT BUILDING/AREA** The Plant Manager or designee will inspect building/area for fires, downed power lines, and other damage, including evaluating potential for future damage caused by aftershocks.

COMMUNITY NOTIFICATION REQUIREMENT: None.

NOTE: Wind turbines are equipped with vibration sensors that will automatically shut down the turbine in the event of a severe earthquake. Accordingly, no shut down process is necessary.

NOTE: In the event of a major earthquake, be prepared to be without power, water and any emergency assistance from outside agencies for a significant length of time.

RESPONSE ACTION CHECKLIST – EARTHQUAKE

	Action	Primary Responsibility[1]	Completed?	Initials
1.	Follow basic procedures depending on whether inside or outside during quake.	Plant Personnel	o	
2.	After quake, call 911 if any personnel require immediate medical attention.	Plant Personnel	o	
3.	Evacuate to assembly point if safe to do so and account for personnel on-site.	Plant Personnel/O&M Manager	o	
4.	Notify Plant Manager of status, location and circumstances following quake (property damage, fire risk, injuries, etc.).	Plant Personnel	o	
5.	Administer first aid, if properly trained.	Plant Personnel/Plant Manager/O&M Manager	o	
7.	Assess impact on plant and take appropriate action.	O&M Manager	o	
8.	Contact Environmental, Health & Safety.	Plant Manager	o	

[1.] These titles are subject to change as positions are filled.

SEVERE WEATHER

(ELECTRICAL STORMS, TORNADOES, HURRICANES, FLOODING, SNOWSTORMS)

Warnings of electrical storms, tornadoes, hurricanes, flooding and snowstorms that have the potential to impact the safety of Agricola Wind-affiliated workers and the community are typically distributed by the local government emergency organization via radio and television stations. In the event any employee becomes aware of a severe weather warning, the Plant Manager must be notified. The Plant Manager will determine if shelter in place or evacuation of plant personnel is necessary. **If conditions in the field indicate the weather poses an immediate risk, plant personnel may take appropriate measures to protect themselves (depending on the particular weather emergency) and then contact the Plant Manager.**

Morning safety meetings will cover forecasted weather conditions for the day. In addition, weather forecasts will be reviewed throughout the day. Potentially significant changes in weather conditions during the day will be communicated by the Plant Manager to personnel in the field.

Below are procedures to follow if facing specific weather conditions.

Electrical Storms (i.e., Thunder/Lightning)

Thunderstorms are a common occurrence in the summer months in upstate New York. The measures to be followed depend, in part, on whether personnel are in the O&M facility or out in the field.

O&M Facility

- **NOTIFICATION** The Plant Manager will inform personnel if thunderstorms are occurring in the area.

- **REMAIN INDOORS** If outside and thunderstorms are occurring within thirty (30) miles of the O&M facility go indoors.
  - Stay away from open doors and windows, metal pipes, electrical appliances and other conductive equipment/structures.
  - Avoid use of telephone, washing hands, or any contact with conducting surfaces and exposure to the outside (metal door and window frames, electrical, telephone and cable wiring, plumbing).
  - All clear will be issued when lightning is thirty (30) miles or more from the Site.

Field Work, Including Turbine Crews.

- **ADVANCE NOTIFICATION**
  - **Initial warning** to technicians using available communications devices (two-way radios, cell phones) will be issued when lightning is detected within thirty (30) and fifty (50) miles of the work site.
  - **Immediate work stand down** will be called when lightning is detected within thirty (30) miles of the work site.

  - ✓ Technicians will be ordered to immediately stop work and head to their vehicles until the storm passes.
- **The Plant Manager will confirm that all employees are accounted for and down from the tower(s).**
- **Technicians will be directed to return to the O&M facility or stay in the field** until the lightning passes.
- **All clear will be issued** when there have been no lightning strikes reported within 30 miles for 30 minutes.

- **NO ADVANCE NOTIFICATION**
  - **Thunder heard** indicating thunderstorm is likely to be within ten (10) miles of the Site.
  - **If inside the tower:**
    - ✓ Immediately proceed to one of safe zones within the tower (platforms under the yaw section and at ground level, but not in front of electrical cabinets).
    - ✓ Sit or stand in the center of the platform without touching the tower walls.
  - **If outside the tower:**
    - ✓ Take shelter in the tower or a vehicle immediately.
  - **Contact the Plant Manager and report circumstances.**

- **APPLY 30/30 RULE IF UNABLE TO RECEIVE INSTRUCTIONS FROM PLANT MANAGER ON LOCATION/DIRECTION OF STORM**
  - **If you see lightning strike** count out 30 seconds. If you hear thunder within 30 seconds, the storm is close enough to stop job for 30 minutes.
  - **Seek shelter** in safe zones in tower or vehicle.

- **GENERAL LIGHTNING SAFETY GUIDANCE**
  - **Be alert before and after storms.**
    - ✓ If you can see lightning and/or hear thunder, you are already potentially at risk and should seek shelter.
    - ✓ Many lightning casualties occur as the storm approaches and after the perceived threat has passed.
  - **Avoid being in or near the following:**
    - ✓ Communication towers, isolated trees, light poles, metal fences.
    - ✓ Open fields.
    - ✓ Open water.
  - **If taking shelter in vehicle**
    - ✓ Avoid touching any metal objects with inside-to-outside connection.
  - **If driving**
    - ✓ Pull off to side of road in safe manner (low area, not on a hill).
    - ✓ Turn on emergency blinkers, turn off engine, and wait out storm with hands in lap.

- **If operating heavy equipment (e.g., boom trucks, cranes, bulldozers, loaders, etc.) which employ rollover system canopy.**
  - ✓ Shut down equipment, close doors, and wait out storm with hands in lap.
  - ✓ If operating boom truck or crane, retract boom and place in the boom rack.

- **SPECIAL INSTRUCTIONS (TURBINES)**
  - **After the storm has passed, wait at least one hour before approaching equipment.**
    - ✓ If you hear hissing or crackling sound, this may be a sign that the wind turbine is holding a charge. **DO NOT TOUCH.**
    - ✓ If waiting out storm in vehicle, maintain a distance of at least 80 feet between the parked vehicle and a turbine.

COMMUNITY NOTIFICATION REQUIREMENT: None.

Tornados

Although tornados are not common in Upstate New York, they have occurred. To prepare for a possible tornado, it is important to know the difference between a tornado watch and a tornado warning.

- **Tornado Watch:** Conditions are favorable for tornados to develop.
- **Tornado Warning:** Either official spotters have sighted a tornado or Doppler radar has reported a developing tornado. A tornado warning is typically issued for a small area (possibly one or two counties) for less than an hour.

Tornado Notification/Safety

As noted at the outset, weather issues are discussed in the morning briefing and monitored throughout the day.

- **TORNADO WATCH ISSUED** in the area. Take the following steps:
  - Designate a person to monitor a radio or other information source.
  - Notify all affected site personnel of the tornado watch and ensure they are in immediate contact if an emergency arises.
  - If conditions warrant, remove personnel from the field.

- **TORNADO WARNING ISSUED** in the area. Take the following steps:
  - **If in the O&M facility or other building:**
    - ✓ Go at once to a windowless interior room, storm cellar, or basement.
    - ✓ If not available, go to an inner hallway or a small inner room without windows such as a bathroom or closet.
    - ✓ Bring radio or other equipment to monitor the status of tornado warning.
    - ✓ Stay away from windows, doors and outside walls.
  - **If in the field:**

- ✓ If possible, get inside a building.
- ✓ If shelter is not available, lie in a ditch or low-lying area or crouch near a strong building; do not enter the turbine.
- ✓ Use arms to protect head and neck.

- **If in a car:**
  - ✓ Get out of the car immediately and follow the above field procedures. **DO NOT ATTEMPT TO OUTDRIVE A TORNADO.**

After Tornado

- **CALL 911** if any personnel require immediate medical attention.
- **NOTIFICATION** Notify the Plant Manager of your status, location and circumstances (property damage, fire, injuries, etc.)
- **TURN ON RADIO OR TELEVISION** to get latest emergency information.
- **BE AWARE OF YOUR SURROUNDINGS**
  - Watch for downed power and telephone lines, falling debris and chemical/petroleum spills.
- **ADMINISTER FIRST AID** to any injured persons if qualified to do so.
- **STAY OUT OF DAMAGED BUILDINGS/STRUCTURES**
  - The Plant Manager or designee and/or state/local authorities will inspect buildings to ensure they are safe. **RETURN ONLY WHEN AUTHORITIES SAY IT IS SAFE.**

COMMUNITY NOTIFICATION REQUIREMENT: None.

High Winds

High winds may occur independent of a storm event. If weather forecasts predict high wind conditions, the following steps will be taken to protect field crews:

High Wind Notification and Safety

- **ADVANCE NOTIFICATION**
  - **Initial warning** to technicians in the field using available communications devices (two-way radios, cell phones) will be issued when winds are detected that could potentially pose a safety risk.
  - **Immediate work stand down** will be called when wind speeds exceed dangerous levels.
    - ✓ Technicians will be ordered to immediately stop work and head to their vehicles until the conditions abate.
  - **The Plant Manager will confirm that all employees are accounted for and down tower.**

- **Technicians will be directed to return to the O&M facility or stay in the field** until the conditions abate.
- **All clear will be issued** when wind speeds fall to safe levels.

- **SAFETY PROCEDURES**
  - Workers shall not be permitted to climb the tower if the sustained 10-minute wind speeds at that tower are at or above 25 m/s, or as specified by the tower manufacturer, whichever is lesser.
  - When wind speeds are lower than 25 m/s, the decision to climb is at the management and employee discretion.
  - Workers shall not be permitted to access the interior of the hub when sustained 10-minute wind speeds are above 17 m/s, or as specified by the turbine manufacturer, whichever is lesser.
  - Workers shall not be permitted to access the hub or roof when sustained 10-minute wind speeds are above 17 m/s, or as specified by the turbine manufacturer, whichever is lesser.

After High Wind Event

- **FOLLOW POST TORNADO PROCEDURES ABOVE.**

NOTE: Wind turbines are equipped with sensors that will automatically shut down the turbine in the event of high winds. Accordingly, no shut down process is necessary.

COMMUNITY NOTIFICATION REQUIREMENT: None.

Hurricanes

Although hurricanes are not common in Upstate New York, they have occurred. However, unlike tornado warnings, hurricane warnings are typically issued several days in advance, allowing time to prepare.

Hurricane Notification, Preparation, and Safety

As noted at the beginning of this section, weather issues are discussed in the morning briefing and monitored throughout the day. Certain basic measures should be taken at all Project-related sites.

- **Beginning 48 Hours Prior to Expected Hurricane Arrival (Construction Site and Project, including O&M Facility):**
  - Dispose of any loose debris off-site.
  - Relocate outdoor equipment or other items that may become “missiles”.
  - If possible, secure any heavy outdoor equipment that cannot be moved indoors or relocate it off-site.
  - Cover critical stock and equipment that cannot be moved with waterproof tarpaulins.
  - Relocate containers of all petroleum and chemicals (other than that in heavy equipment) indoors or off-site.

- **Beginning 48 Hours Prior to Expected Hurricane Arrival (O&M Facility Only):**
  - Review building exterior and make repairs to any loose tiles, flashing, etc. as time allows.
  - Verify roof drains, storm drains and catch basins are clean (i.e., free of debris).
  - Protect or relocate vital business records.
  - Raise critical equipment off floors.
  - Install manual protection systems (e.g., shutters, plywood covers and/or flood gates).
  - Verify all fire protection systems are in service.
  - Set up flood barriers at all first-floor doors and entrances.

- **24 Hours Before Expected Arrival** End all work at the Project Site and evacuate.

Post-Hurricane Activities

- **AFTER THE HURRICANE**
  - O&M Manager, in consultation with the Plant Manager, will conduct safety assessment of O&M facility, substation and other critical components.
    - ✓ Identify hazards.
    - ✓ Verify status of protection systems (alarms, security systems, etc.).
    - ✓ Expedite necessary repairs and cleanup.

- **AFTER THE HAZARD ASSESSMENT**
  - If the site is deemed safe to return by the Plant Manager, a notification will be made to Facility personnel, authorizing their return to the Project.

COMMUNITY NOTIFICATION REQUIREMENT: None.

Floods/Significant Rain Events

The majority of the Project is located outside floodplains, therefore making it unlikely to be affected by floods. The primary risk of flooding is related to transportation to/from the Project. If flooding occurs while driving:

- **DO NOT DRIVE THROUGH STANDING WATER.** Areas of standing water may be deeper than they appear. If you come across standing water, take an alternate route.
- **IF YOU ARE FORCED TO DRIVE THROUGH STANDING WATER.** Take the following precautions:
  - Do your best to estimate the depth of the water (watch other cars driving through and note how deep the water seems to be).
  - Drive slowly and steadily through the water.
  - Avoid driving through water that downed electrical lines have fallen in.
  - Watch for items traveling downstream.

- If you become trapped in rising water, immediately abandon the vehicle for higher ground. Try to open the door or roll down the wind to get out of the vehicle. If you are unable to get to safety, call 911.

Snowstorms/Icing/Snow Accumulation

Cayuga County receives more than 72 inches of snow annually; however, severe winter events are not uncommon. The following steps will be taken to protect employees from sudden snow and ice events.

- **NOTIFICATION** The O&M facility tracks weather conditions. If a major snow/ice storm is predicted, the Plant Manager will inform on-site personnel and implement procedures for early release.

- **PREPARATION** Supplies will be maintained in the O&M facility to shelter employees who become stranded at the Facility (e.g., food, drinking water, comfort items).

- **FOLLOWING THE SNOW EMERGENCY**, repair any damage, remove snow and ice from parking lot, roads, walkways, and work platforms.
  - After an icing event or snow accumulation event, icing related hazards such as ice throw or ice fall and snow accumulation hazards shall be evaluated by operations management to determine the need for implementation of protective actions.
  - Evaluation will include the risk posed by both ice throw from operating turbine blades and ice and snowfall from wind turbine structural elements.

COMMUNITY NOTIFICATION REQUIREMENT: None.

RESPONSE ACTION CHECKLIST – SEVERE WEATHER

	Action	Primary Responsibility[1]	Completed?	Initials
1.	Monitor weather conditions and report to plant personnel.	Plant Manager	o	
2.	Assess weather conditions in the field and report concerns to Plant Manager.	Plant Personnel	o	
3.	Electrical Storms/Wind/Tornados Notify plant personnel and order work stand-down when (1) lightning is detected within an unsafe distance of the work site; (2) unsafe wind conditions are detected at the work site; or (3) a tornado watch is issued.	Plant Manager	o	
4.	Electrical Storms or Other Sudden Weather Changes Immediately proceed to safe areas if thunder is heard in the field or lightening is observed, unsafe wind conditions exist, or a tornado is observed and no previous warning was issued.	Plant Personnel	o	
5.	After serious weather event, call 911 and request medical assistance, if necessary.	Plant Personnel	o	
6.	After weather event, contact Plant Manager and advise regarding status of personnel/Project and receive instructions.	Plant Personnel	o	
7.	Assess impact on plant and take appropriate action.	O & M Manager	o	
8.	Contact Environmental, Health and Safety.	Plant Manager	o	

[1.] These titles are subject to change as positions are filled.

Ice Shedding and Ice Throw

Ice shedding and ice throw refer to the phenomena that can occur when ice accumulates on rotor blades and subsequently breaks free and falls to the ground. Public health and safety impacts related to ice shedding are unlikely because any ice is likely to fall within established setbacks. Moreover, as ice builds up on the blades of an operating wind turbine, it can lead to vibration, caused by the mass of the ice or the aerodynamic imbalance. Modern commercial turbines are equipped with vibration monitors, which shut the machine down when vibrations exceed a pre-set level. Most modern wind turbines also monitor the wind speed to power output ratio. If ice accumulates on the blades, this ratio becomes too high, and the turbine will stop itself.

In the event that icy conditions are present, site personnel should follow the standard snowstorm/icing/snow accumulation response procedures. In addition, where ice buildup on the turbine blades occurs, the following steps should be followed.

- **STEPS TAKEN IF ICE BUILDUP ON THE TURBINE BLADES IS PRESENT:**
  - On-site personnel will not approach turbines where unsafe conditions due to ice buildup are present.
  - Blades with ice buildup will cause the turbines to fault on vibration errors or power curve errors.
  - When temperatures rise and ice clears from the indicators, the Plant Manager will wait at least one hour and remotely start all turbines that were offline due to ice buildup.
  - Once the turbines have run in the warmer ambient temperature for one additional hour, on-site personnel will cautiously proceed into the field, staying upwind and observing blades from a distance.
  - If ice is shedding or has the potential to be thrown from the turbine, on-site personnel will not approach. Conditions will continue to be monitored and the turbine will only be approached when it is completely safe.

COMMUNITY NOTIFICATION REQUIREMENT: None unless the Plant Manager deems necessary.

PHYSICAL SECURITY THREAT

BOMB OR OTHER SECURITY THREAT, DISCOVERY OF SUSPICIOUS PACKAGE/DEVICE, ACTIVE SHOOTER OR OTHER VIOLENT SITUATION, SUSPICIOUS PERSON OR ACTIVITY/TRESPASSER, AND VANDALISM, EQUIPMENT TAMPERING, SABOTAGE OR TRESPASSING.

Bomb or Other Security Threat

- **REMAIN CALM.**

- **IF TELEPHONE THREAT IS RECEIVED:**
  - Keep the caller on the line as long as possible to obtain the most information you can.
  - Use the Security Threat Checklist included at the end of this section as a questioning guide to organize and document the conversation.

- **IF WRITTEN THREAT IS RECEIVED:**
  - Preserve and protect the document with an outer cover; limit contact with the document.
  - If the threat is received electronically, do not delete it.

- **NOTIFICATION:**
  - Notify the Plant Manager as soon as possible.
  - Call **911**
    - ✓ **DO NOT USE TWO-WAY RADIOS WHEN A BOMB IS SUSPECTED TO BE ON-SITE.** A two-way radio transmission can set off a bomb.
  - Notify applicable agencies related to the following North American Electric Reliability Corporation (NERC) Standards, if necessary:
    - ✓ EOP-004-1- REL-STDs-Contacts.
    - ✓ CIP-001-1- REL-STDs-Contacts.

- **DETERMINE THE COURSE OF ACTION** in conjunction with local authorities.
  - **DO NOT ATTEMPT TO LOCATE ANY SUSPICIOUS DEVICE.** Leave the site investigation to the experts.

- **EVACUATE** if needed. Begin site evacuation to the designated assembly point. Pay particular attention to anyone who is listed onsite and does not report to the safe zone. Inform the authorities of anyone missing and their last known whereabouts.

COMMUNITY NOTIFICATION REQUIREMENT: None unless emergency responders deem necessary.

Discovery of a Suspicious Package/Device

- **NOTIFICATION** If a suspicious package is identified, make the notifications identified under Item 1, Bomb or Other Security Threat.

- **EVACUATE** Immediately evacuate the area in accordance with the procedures in the evacuation section of this SRP.

- **DETERMINE THE COURSE OF ACTION** in conjunction with local authorities.
  - **DO NOT MOVE/OPEN SUSPICIOUS PACKAGES/DEVICES.**

COMMUNITY NOTIFICATION REQUIREMENT: None unless emergency responders deem necessary.

Active Shooter or Other Violent Situations

- **NOTIFICATION Call 911**

- **EVACUATE.**
  - Have an escape route and plan in mind.
  - Leave belongings behind.
  - Keep your hands visible.

- **HIDE OUT** If evacuation not possible.
  - Hide in an area out of the shooter's view.
  - Block entry to your hiding place and lock the doors.
  - Silence your cell phone and/or pager.

- **TAKE ACTION** As a last resort and only when your life is in imminent danger.
  - Attempt to incapacitate the shooter.
  - Act with physical aggression and throw items at the active shooter.

Additional information about responding to an active shooter situation can be found in the U.S. Department of Homeland Security's Active Shooter Pocket Card included at the end of this Section.

COMMUNITY NOTIFICATION REQUIREMENT: None unless emergency responders deem necessary.

NOTE: If an intruder is making an attack on the perimeter of the Project, lock all doors, take cover and call 911.

Suspicious Person or Activity

- **NOTIFICATION**
  - Plant personnel who observe a suspicious person or activity must immediately report the incident to the Plant Manager.

- The Plant Manager, in consultation with the O&M Manager, will decide whether to contact the police.

Vandalism, Equipment Tampering, Sabotage, Trespassers

NOTIFICATION If evidence of vandalism, equipment tampering, sabotage or trespass is discovered.
- Contact the Plant Manager.
- The Plant Manager, in consultation with the O&M Manager, will decide whether to contact the police.

- **FOLLOW-UP ACTIONS** The O&M Manager will:
  - Investigate the incident.
  - Decide, with the Plant Manager, whether to implement security upgrades. See the Agricola Wind Site Security Plan for details.

COMMUNITY NOTIFICATION REQUIREMENT: None unless emergency responders deem necessary.

SECURITY THREAT – CALLER INFORMATION CHECKLIST

Try to Record the Caller's Exact Words:

_____

_____

_____

_____

_____

_____

Do Not Interrupt the Caller Except to Ask:

Where is the device located? _____

When will the device explode? _____

What kind of device is it? _____

What does it look like? _____

Why are you doing this? _____

Who are you? _____

Description of the Caller:

Male Female Adult Juvenile Approximate Age of the Caller: _____

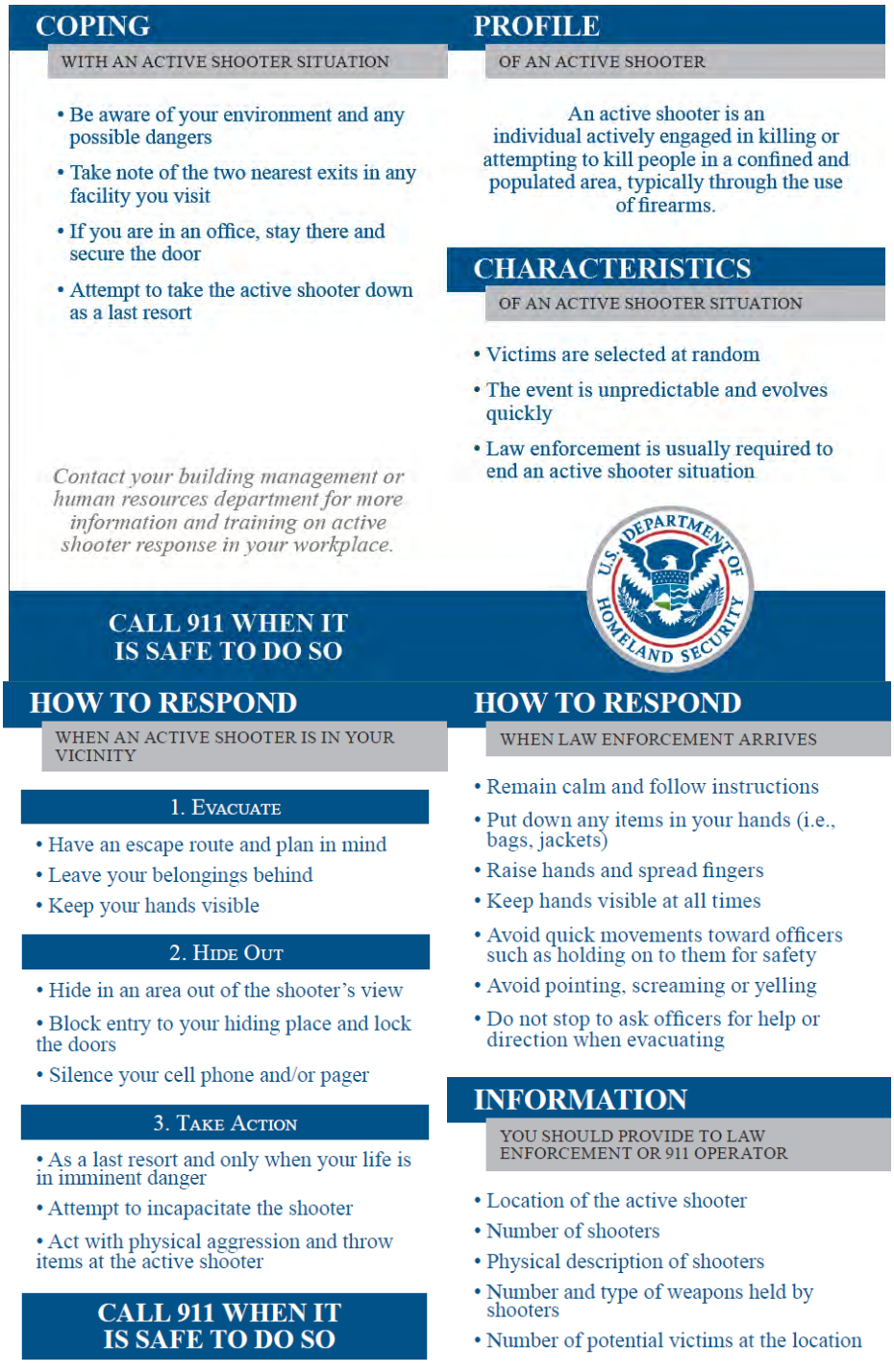
Voice Characteristics	Speech	Language	Accent	Manner	Background Noises
__ Loud __ Soft __ High Pitch __ Deep __ Raspy __ Pleasant __ Intoxicated __ Other	__ Fast __ Slow __ Distinct __ Distorted __ Stutter __ Nasal __ Slurred __ Precise __ Other	__ Excellent __ Good __ Fair __ Poor __ Foul __ Other	__ Local __ Not Local __ Foreign __ Regional __ Race __ Pleasant __ Other	__ Calm __ Angry __ Rational __ Irrational __ Coherent __ Incoherent __ Deliberate __ Emotional __ Righteous __ Laughing __ Other	Office __ Machines Factory __ Machines __ Traffic __ Airplanes __ Trains __ Voices __ Music __ Alarms __ Quiet __ Other

RESPONSE ACTION CHECKLIST– SECURITY THREAT

	Action	Primary Responsibility[1]	Completed?	Initials
1.	If a threatening call is received, REMAIN CALM, KEEP THE CALLER ON THE LINE, and follow the CALLER INFORMATION CHECKLIST on next page.	Anyone	o	
2.	If threat received by mail/email or if suspicious package received, preserve item as specified in procedure.	Anyone	o	
3.	Notify Plant Manager of bomb threat, suspicious package or breach of security.	Anyone	o	
4.	Notify Management.	Plant Manager	o	
5.	Call 911 – State your name, the nature of the problem, and the specific location of the problem (if known).	Plant Manager or Designee / Plant Manager	o	
6.	Notify applicable agencies related to the following NERC Standards, if necessary: EOP-004-1 and CIP-001-1.	Plant Manager	o	
7.	Assess security threat and take appropriate action. DO NOT send employees to search for a bomb – wait for emergency personnel to arrive.	Plant Management	o	
8.	If evacuation is necessary, notify personnel (Do not use radios or cell phones).	Plant Manager	o	
9.	If shutdown is necessary, shutdown the turbines.	Plant Manager	o	
10.	Provide access to emergency personnel.	Plant Personnel	o	
11.	Contact Environmental Health and Safety.	Plant Manager	o	

[1.] These titles are subject to change as positions are filled.

ACTIVE SHOOTER POCKET CARD



COPING

WITH AN ACTIVE SHOOTER SITUATION

- Be aware of your environment and any possible dangers
- Take note of the two nearest exits in any facility you visit
- If you are in an office, stay there and secure the door
- Attempt to take the active shooter down as a last resort

Contact your building management or human resources department for more information and training on active shooter response in your workplace.

PROFILE

OF AN ACTIVE SHOOTER

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through the use of firearms.

CHARACTERISTICS

OF AN ACTIVE SHOOTER SITUATION

- Victims are selected at random
- The event is unpredictable and evolves quickly
- Law enforcement is usually required to end an active shooter situation

CALL 911 WHEN IT IS SAFE TO DO SO

HOW TO RESPOND

WHEN AN ACTIVE SHOOTER IS IN YOUR VICINITY

1. Evacuate

- Have an escape route and plan in mind
- Leave your belongings behind
- Keep your hands visible

2. Hide Out

- Hide in an area out of the shooter's view
- Block entry to your hiding place and lock the doors
- Silence your cell phone and/or pager

3. Take Action

- As a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Act with physical aggression and throw items at the active shooter

CALL 911 WHEN IT IS SAFE TO DO SO

HOW TO RESPOND

WHEN LAW ENFORCEMENT ARRIVES

- Remain calm and follow instructions
- Put down any items in your hands (i.e., bags, jackets)
- Raise hands and spread fingers
- Keep hands visible at all times
- Avoid quick movements toward officers such as holding on to them for safety
- Avoid pointing, screaming or yelling
- Do not stop to ask officers for help or direction when evacuating

INFORMATION

YOU SHOULD PROVIDE TO LAW ENFORCEMENT OR 911 OPERATOR

- Location of the active shooter
- Number of shooters
- Physical description of shooters
- Number and type of weapons held by shooters
- Number of potential victims at the location

TURBINE STRUCTURAL ISSUES

Proper assembly and routine maintenance (e.g., bolt tensioning) are the best preventative measures for the turbines and for the prevention of turbine structural issues. Public health and safety impacts related to turbine structural issues are unlikely as wind turbines are set back hundreds of feet from the nearest potentially sensitive receptors (e.g., residences, public roads, and utility infrastructure). In the event that a turbine does experience a structural failure (e.g., a partial or full collapse or blade throw), the following steps would be followed.

- **NOTIFICATION** Notify the Plant Manager immediately. The Plant Manager and will then inform on-site and off-site personnel and other parties, as necessary.

- **STEPS TAKEN AFTER NOTIFICATION:**
  - Coordinate with the Plant Manager to assess the area for any secondary emergency contingencies, to the extent it is safe to do so.
    - If any secondary emergency contingencies (e.g., a fire) are identified, follow the procedures outlined in this plan.
  - Secure the area against unauthorized entry using existing security features (e.g., ensure access road gates are secured) and supplemental measures, as needed, (e.g., set up safety cones, warning ribbon, etc.).
  - Coordinate with the Plant Manager and O&M Manager to establish appropriate procedures to repair, remove, and/or replace the failed equipment.

COMMUNITY NOTIFICATION REQUIREMENT: None unless the Plant Manager deems necessary.

APPENDIX A – GENERAL RESPONSIBILITIES

Below is a general overview of the responsibilities of Agricola Wind personnel for developing and implementing the Safety Response Plan (SRP). To the extent the general responsibilities identified here differ from those described elsewhere in this plan, the more specific discussions elsewhere control.

The three major categories of personnel involved in emergency response at wind facilities are plant personnel (i.e., O&M technicians), the Operation and Maintenance Manager (O&M Manager), and the Plant Manager. Their basic roles and responsibilities with respect to emergencies are set forth below.

Plant Personnel

The employees conducting day-to-day operation and maintenance activities at the Agricola Wind Project are responsible for basic emergency preparation and response activities, including, but not limited to: completing training on the SRP; determining whether an incident (i.e., injury/illness, fire, etc.) requires an immediate response and dialing 911, if necessary; communicating with the Plant Manager; performing basic emergency response activities (e.g., extinguishing small fires, administering first aid); monitoring site conditions to determine whether a work stand down is necessary; and assisting with other emergency response activities as directed by the O&M Manager and/or Plant Manager.

Note: All plant personnel will be provided with basic fire response and first aid training.

Operation and Maintenance Manager (O&M Manager)

The O&M Manager directly oversees the work of the plant personnel in the field and provides on-site supervision in emergency situations. In an emergency, the Plant Manager will notify the O&M Manager who will generally be expected to visit the scene of the emergency and provide assistance. In that capacity, the O&M Manager's responsibilities include directly supervising emergency response activities, communicating developments to the Plant Manager, and providing assistance to on-site personnel.

Plant Manager

The Plant Manager is responsible for the safety and security of all Project personnel, contractors, visitors, and equipment. Among other things, the Plant Manager is responsible for: reviewing and approving this SRP and scheduling and coordinating SRP training. In an emergency, the Plant Manager is responsible for incident communication within Agricola Wind and for overseeing the emergency response.

The Plant Manager will provide any personnel and/or operational changes that may affect this plan to the appropriate EH&S Specialist so the plan can be updated, and if necessary, so personnel may be trained on those updates.

VP of EH&S

The VP of EH&S will review the Safety Response Plan and update it as necessary, but not less frequently than annually.

APPENDIX B – EMERGENCY EQUIPMENT AND LOCATIONS

Emergency Response Supplies	**Location**
First Aid Kit /CPR Kit / Burn Kit / Bloodborne Pathogen Kit	O&M facility; also basic first aid kits on O&M trucks
AED Unit[1]	O&M facility
Oil Spill Kit	O&M facility and trucks
Chemical Spill Kits (5 gallon buckets)	O&M facility
Fire Extinguishers	O&M facility; O&M vehicles; equipment (forklifts, backhoes, etc.); potentially each turbine location
Emergency Response Alarms & Devices	**Location**
Fire Emergency Pull Stations	O&M facility
Fire Alarm Panel	Each turbine location
Smoke Detection Systems	O&M facility; each turbine location
Fire Alarm Panel	Each turbine location
Emergency Rescue Equipment (for lowering injured/ill person from tower)	TBD

APPENDIX C – PROCEDURES FOR RESCUE FROM TURBINE HEIGHTS

The equipment/procedures for rescuing employees from turbine heights will be established once the turbine model has been selected and prior to beginning construction of the Project.

APPENDIX D – TRAINING

All Agricola Wind-affiliated employees responsible for operation and maintenance of the Project are required to read and understand this SRP.

The Applicant will conduct training drills with local emergency responders at least annually.

- Training shall be administered when the employee is first hired, whenever the employee's responsibilities or designated actions under the plan change, and whenever the plan is changed. Plant personnel shall perform a Safety Response Plan drill at least annually to provide an understanding of employees' duties in assisting in a safe and orderly evacuation, communication requirements, etc.
- Training records will be kept for the duration of employee employment plus one year. Training records will include training courses attended, trainer and dates completed.

NOTE: If any employee requires additional information about this plan or an explanation of their duties under this plan, please contact your supervisor or the EH&S Specialist.

APPENDIX E – RECORD OF REVIEWS AND REVISIONS

Date	Description	Reviewed By:

Site Security Plan

Agricola Wind Project

Towns of Scipio and Venice

Cayuga County, New York

90 State Street
Albany, New York 12207
Contact: Meg Lee
mlee@liberty-renewables.com

TABLE OF CONTENTS

LIST OF APPENDICES

1.0 PURPOSE

Agricola Wind LLC (the "Applicant" or "Agricola Wind"), a wholly-owned subsidiary of Liberty Renewables, Inc. ("Liberty") will implement this Site Security Plan (the "Plan") at the Agricola Wind Facility (the "Facility" or "Project"), which is located within the Towns of Scipio and Venice in Cayuga County, New York, on a site consisting of leased private lands that are primarily rural in nature. The objective of the Plan is to support a safe work environment and minimize unauthorized access to the Project during construction and operation through implementation of appropriate security measures.

2.0 RESPONSIBILITIES

2.1 Project Site Management

The Project Manager/Site Manager is responsible for:

- Ensuring and verifying compliance with all aspects of this Site Security Plan, and all applicable federal, state, and local laws and regulations, as well as Certificate Conditions imposed by the Office of Renewable Energy Siting (ORES); and
- Ensuring that Project personnel receive the appropriate training required by this Site Security Plan.

2.2 Employees and Contractors

Employees and contractors are responsible for reporting all security incidents immediately to their supervisor or the Project Manager/Site Manager.

2.3 Corporate Environmental, Health and Safety (EHS) and Security

The Applicant is responsible for approving any changes to this Site Security Plan and any other site-specific physical security requirements.

2.4 Information Technology Services

The Applicant is responsible for:

- Supporting the installation of site access controls, such as monitoring and security management systems; and
- Supporting upgrades and maintenance as deemed necessary and required by North American Electric Reliability Corporation (NERC) Critical Infrastructure Protection (CIP) policies and procedures.

2.5 Compliance and Legal Department

The Applicant is responsible for:

- Supporting ongoing compliance evaluations, incident investigations, and audits of physical security matters as they relate to the Project;

- Monitoring the assignment of the NERC CIP Senior Manager and advising senior leadership regarding re-assignment requirements, if necessary, as they relate to the Project; and
- Monitoring and reviewing the ongoing implementation of the required activities for the Project to meet CIP requirements.

2.6 Director of Health and Safety

The Director of Health and Safety is responsible for overseeing the implementation of this Site Security Plan.

3.0 Physical Security

3.1 Communications

Cell phone coverage may be limited within the Project, so alternative forms of communication will be needed. Two-way radios will be supplied to employees and contractors, and will be capable of:

- Providing immediate emergency instruction to personnel; and
- Notifying proper personnel of a security incident.

The Applicant will work with the contractor to develop a program for ensuring proper communications during construction, including identification of procedures and equipment for summoning emergency assistance from State or local authorities. During Project operation, requests for assistance may be made directly via cell phones (assuming that option is available) or transmitted via two-way radio to the Project Manager/Site Manager.

3.2 Construction Security

To reduce safety and security concerns during construction, public access to the Project will be limited. The contractor will be required to implement the Site Security Plan for construction.

3.2.1 Access Controls

The public will not be allowed within the Project during construction. Access will be restricted by locked gates, other barriers, and/or signage as appropriate. Local first responder organizations will be provided access to the site in the event of an emergency. After hours, vehicular access to active portions of the Project will be blocked by parked equipment or temporary fencing. Temporary construction fencing or other visible barriers will be placed around excavations that remain open during off hours.

A log of all personnel visiting, entering, or working on the Project will be maintained. Visitors will be required to attend the site orientation/safety training provided, and to utilize any personal protective equipment required by the Project Manager/Site Manager.

3.2.2 Electronic Security and Surveillance Facilities

Trespassing is generally not an issue during construction of wind power projects. Therefore, electronic security and surveillance is not currently proposed for the Project. However, if problems arise, video cameras or other surveillance technology may be set up to monitor activity during construction.

3.2.3 Lighting

See Section 4 for a discussion of lighting plan information.

3.2.4 Setback Considerations

Project setbacks, in association with the access controls discussed in this section and periodic security measure inspections, should ensure adequate safety and security during construction of the Project.

3.3 Operational Security

It is anticipated that the Applicant will own and operate the Project, except for the switchyard and transmission line at the Point of Interconnection (POI), which will be owned and operated by New York State Electric and Gas (NYSEG). Therefore, the Applicant will be responsible for safety and security during operation of the Project, excluding the switchyard and transmission line.

3.3.1 Access Roads

All access roads that are not public will be posted with "No Trespassing" signs to limit and deter public access to the Project. The Applicant will install gates at the entrances to access roads as needed. Gates will be required to be kept locked when turbine maintenance is not occurring. Signage will be installed on gates warning the public not to trespass and of possible ice throw hazards. If unauthorized access is found to become a reoccurring problem (i.e., multiple incidents a month) or gates are found to be damaged, intrusion detection devices shall be evaluated for installation at the entrance of Project access roads. Unauthorized access and violations of access road gate locking by subcontractors and visitors may result in them being banned from the Project.

3.3.2 O&M Facility

The operations and maintenance (O&M) facility will be strategically located to allow access to all turbine locations. The building will contain necessary tools and equipment required to conduct routine maintenance on the wind turbines and associated facilities. The O&M Facility shall be locked at all times when Project personnel are not inside. A video camera or similar detection device shall be installed at the primary entrance of the O&M Facility. Should unauthorized access, vandalism, or damage occur to the O&M Facility, additional intrusion detection methods may be considered.

3.3.3 Wind Turbines

Wind turbine access doors shall be closed and locked except when Project personnel are inside the turbine. Signage will be posted at every wind turbine stating that it is a federal offense to damage a wind turbine and stating that no trespassing is allowed on Project facilities. If vandalism and damage to wind turbines becomes a problem, intrusion detection devices shall be evaluated for

installation at wind turbine sites. Violations of turbine access door locking by subcontractors and visitors may result in them being banned from the Project.

3.3.4 Lighting

See Section 4 for a discussion of lighting plan information.

3.3.5 Setback Considerations

Project setbacks, in association with the access controls discussed in Section 3.2, the security lighting discussed in Section 4, and periodic inspections of security measures, should ensure adequate safety and security during operation of the Project.

4.0 Lighting Plan Information

Lighting will be implemented at the Project to maintain adequate security at the Project during construction and operations and to meet Federal Aviation Administration (FAA) general requirements. A detailed Lighting Plan is included with the Visual Impacts Minimization and Mitigation Plan, in Exhibit 8 of the Facility's 94-c Application. The Lighting Plan:

- Addresses security lighting needs at substation and laydown yard sites;
- Provides plan and profile figures to demonstrate the lighting area needs and proposed lighting arrangement at any exterior equipment storage yards;
- Demonstrates how the lighting design will provide safe working conditions at appropriate locations;
- Describes the turbine lighting specifications required to meet the FAA determination requirements.

4.1 Construction Lighting

Security lighting associated with Project construction will include lighting of the staging areas and areas immediately around the office trailers. Lighting will be directed downward where possible to minimize the effects of light pollution and will be reduced to the maximum extent practicable to minimize potential wildlife attraction, but not to the extent that site security would be compromised.

Construction that takes place outside of daylight hours will include the lighting necessary to allow for safe construction activities while at the same time reducing off-site light pollution to the maximum extent practicable. This temporary lighting will be strategically placed to minimize impact but not to extent that site security is compromised. Lights will be turned off when not in use, and only run and lit while crews are on-site.

4.2 Operations Lighting

Permanent security lighting will be installed at the wind turbine bases, interconnection facilities, and the O&M facility. This lighting will be installed to provide safe entry and exit as well as security. The lights installed will be automatic or manual as deemed necessary to minimize environmental and community impacts. Security lighting that fails shall be promptly replaced and checking security lighting functionality shall be a component of all maintenance inspections of substations and turbines.

4.2.1 Turbine Lighting

Lighting shall be installed on turbines for aviation hazard marking as specified by FAA. Turbine doors will be equipped with lighting to promote security and safe operation. Lighting will be designed in consideration of required ingress and egress during emergency situations. The lighting will be designed to minimize impacts on the environment. Lights will be angled downward to reduce glare and visibility from a distance and will be turned off when not in use, either manually or by automatic means. If maintenance work is required, temporary lighting will be used that will minimize glare in the surrounding areas.

4.2.2 Substation and Switchyard Lighting

Lights at the substation and switchyard will be the lowest intensity required to accomplish their safety purpose and comply with NYSEG requirements, where necessary. Lights will be hooded and angled downward to reduce glare and visibility from a distance and will be turned off when not in use, either manually or by automatic means, as deemed necessary to minimize impacts. The lighting was designed to avoid any redundant and ineffective lighting.

4.2.3 O&M Facility Lighting

The O&M facility will be equipped with lighting to promote security and safe operation. Lighting will be designed in consideration of required ingress and egress during emergency situations. The lighting on this and all buildings will also be designed to minimize the impact on the environment. Lights will be hooded and angled downward to reduce glare and visibility from a distance and will be turned off when not in use, either manually or by automatic means. The lights will be the lowest intensity required to maintain safe operation.

5.0 INFORMATION AND CYBER SECURITY

The Applicant will partner with an industry leading Managed Services Security Provider that provides continuous (24 hrs/day, 7 days/week, 365 days/year) monitoring and alerting on all servers, workstations, and firewalls. This includes the O&M as well as the substation communication lines and end points. The network controls implemented will comply with current standards issued by regulatory agencies and industry recognized information technology standards setting bodies, such as the National Institute of Standards and Technology (NIST), the NERC, or the Center for Internet Security (CIS). The Applicant will use an independent auditor to periodically validate compliance to the applicable standards at least every 15 months.

6.0 EDUCATION AND TRAINING

All Project-affiliated workers—both during construction and operations—will be trained on the Site Security Plan and will be responsible for implementing those aspects of the plan that are applicable to their work. The Site Security Plan will be made available for site employees to review and use.

A copy of this Plan is provided to each person on site and is to be available at all times for all site personnel to review at the O&M facility.

APPENDIX A

Security Plan Acknowledgement Form

I have read the Security Plan for this site and fully understand its contents.

Date	Name	Company

BEGIN CONFIDENTIAL INFORMATION<

>END CONFIDENTIAL INFORMATION

From:	Juliana Heffern
To:	Meg Lee; Kyle Crawford; Scott Biggar; Layla Blask
Bcc:	tim weir; "Steve Fedrizzi"; jclark89@gmail.com; "Southern Cayuga Instant Aid"; clinical@southerncayugaambulance.org; operations@southerncayugaambulance.org; "Riley Shurtleff"; Harry Sherman; "Wayne Stuttle"; supervisor@veniceny.com
Subject:	RE: Agricola Wind Project Site Security & Safety Response Meeting Follow-Up
Date:	Thursday, July 25, 2024 3:47:00 PM
Attachments:	Agricola Open House Invite.pdf image001.png image002.png

Hi everyone,

I hope you have been well since our emergency responder group meeting in the spring. I'm emailing to provide a copy of Liberty's official invitation to the Agricola Wind public open house event. As you will note, the event is planned for next month – Tuesday, August 13, from 3-7 PM – at the Venice Pavilion. Additional information is included in the attachment.

The invitation is being published in local newspapers and has been mailed to residents within five miles of the proposed project. By sharing this with you directly as well, we hope you have an opportunity to circulate the invite within your network. Please let us know if you have any questions. The Liberty team is looking forward to hosting this informational event, and we hope to see you there!

Kind regards,
Juliana

Juliana Heffern

From: Juliana Heffern <jHeffern@liberty-renewables.com>
Sent: Tuesday, May 14, 2024 12:19 PM
To: Meg Lee; Kyle Crawford; Scott Biggar; Layla Blask
Subject: Agricola Wind Project Site Security & Safety Response Meeting Follow-Up
Attachments: The Wesson Group_Bluestone Site Specific Safety Plan.pdf; Bluestone Wind Health and Safety Plan_Operations.pdf

Hi everyone,

On behalf of Liberty Renewables, thank you to all who attended the emergency responder meeting for the proposed Agricola Wind Project on Tuesday evening, April 23, at the Venice Town Hall. My colleague, Kyle Crawford, and I enjoyed meeting everyone and appreciated the comments and questions that the group brought to our attention concerning the draft Site Security Plan (SSP) and Safety Response Plan (SRP). As discussed, we wanted to share a short summary of the major themes and discussions that came up as well as briefly speak to how these plans will be handled moving forward, including next steps for the project. For those who were unable to attend the meeting, we hope the below details provide useful insight. We welcome any additional feedback and questions based on your review of the draft plans in the coming weeks/months.

As requested, Liberty also wanted to provide you with publicly available sample safety plans that are currently in use in New York State as a reference for the types of information that may be available for the Agricola Wind Project, pending variation related to site-specific conditions and local input. Specially, we've attached documents from the Bluestone Wind Project located in Broome County, which is the most recent commercial-scale wind facility to begin operations in the state. Attachments include:

1) A copy of Wesson Group's Safety Plan for Bluestone Wind, which outlines safety procedures specifically during the construction phase of the project.
2) A copy of the Bluestone Wind Operations Safety Plan, identifying training courses that each on-site employee is required to complete as well as other general safety procedures that are required during operations.

Major Themes & Discussions from April 23

- Emergency responder representatives described the challenge of being under-resourced with respect to ageing equipment, not having many full-time staff, and a lack of specialized training in certain areas. Representatives want to ensure their organizations are prepared to respond to facility-specific incidents and that Liberty is also prepared with their own internal resources, personnel, and expertise, especially where local response is not practical or advised.
    - Liberty Feedback: *When we get closer to the proposed project's anticipated construction period in 2026, Liberty will develop a more comprehensive plan for operations staff and emergency preparedness. This will include certification requirements for full-time operations staff, emergency response training expectations, and a more detailed emergency response plan that will be specific to each fire district as well as SCIA for what their response roles will be in the event of certain types of emergencies. Outside of the annual district taxes that the project will pay to fire departments, there may be an opportunity to try and allocate funds annually from the planned Host Community Agreement with the Towns/County for emergency responder equipment. We can explore this with the Town Boards prior to project construction.*

- One major discussion point at the meeting centered on local responders wanting to guarantee they are prepared for emergencies that may occur, not only during project operations, but also during the construction period.

- Liberty Feedback: *After some internal discussion following the meeting, Liberty wanted to provide additional information regarding how emergencies are handled during the construction period. Wind facility construction crews are highly trained and coordinated in site-specific safety best-practices and are largely self-sufficient with handling emergencies that require special equipment (i.e., emergency rigging, rescue at height, etc.). While local emergency responders are often called to the scene, they will not be expected to act beyond their training or equipment. Additionally, we want to flag that wind facility incident data has shown that several risks during construction are similar to those observed in other industries. The most prevalent types of emergencies/accidents that occur include mechanical injuries from interactions with heavy machinery, electrical shock and burns, and injuries related to falling objects, particularly during the installation of turbines. Incidence of these events vary depending on location, but on average, we've found that rigorous safety training and protocols are effective at mitigating risk of worker injury. As discussed at the meeting, Liberty plans to host special training for emergency responders to ensure widespread preparedness before construction, and then annually upon COD. Details on training will be elaborated on within Appendix D of the Safety Response Plan as well as communicated to emergency responders directly at a later stage.*

- There was a specific question raised about how Liberty will prepare for and respond to any hazardous material spills, including the event of airborne contaminants, that may affect neighboring properties to the planned facility.
    - Liberty Feedback: *While there is a section that speaks to this contingency within the draft SRP, we wanted to flag that our permit application with the New York State Office of Renewable Energy Siting (ORES), will also contain a preliminary Spill Prevention, Control, and Countermeasures (SPCC) Plan, which includes further detail on site-specific procedures, methods, equipment, and other requirements that are used to prevent the discharge of oil products and other contaminants stored at the Facility into nearby water and other natural resources, and to minimize and abate hazards to human health and the environment should such an event occur. Liberty can provide emergency responders with a copy when this document is available.*

Next Steps

- Based on the group's feedback, Liberty has started to implement updates to the SSP and SRP. We want to emphasize that you should consider the plans "living documents" that will be revised regularly into project constructure and operations to stay current on latest best practices and local feedback/needs.
- As we work toward filing a permit application for Agricola Wind with ORES, Liberty plans to share a preliminary facility site figure with the community in the coming month or two. This will be disseminated to town government officials and made available on Liberty's website. A robust collection of other project-related information will then be presented at a public open house in the late summer/early fall. Once confirmed, specifics for this event will be widely advertised. We'd love to see you there.

Thank you again for your time and feedback on this effort.

Kind regards,
Juliana

Juliana Heffern (she/her/hers) | **Permitting Associate**
Liberty Renewables Inc.
90 State Street | Albany | NY | 12207
m: +1 917 203 8290
www.liberty-renewables.com

School District Consultation

July 18, 2024

John Birmingham, Superintendent
Moravia School District
68 South Main Street
Moravia, NY 13118

Danielle Winters, Transportation Supervisor
Moravia School District
68 South Main Street
Moravia, NY 13118

RE: **Agricola Wind Project School District Consultation**

Dear Superintendent and Transportation Supervisor:

As you may be aware, Agricola Wind LLC (the Applicant) is currently seeking approval under Article VIII of the NYS Public Service Law (formerly Section 94-c of the Executive Law) for the Agricola Wind Project (Project), a proposed up to 99-megawatt (MW) wind energy generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

As shown in the attached map, a small portion of the Project is located within the Moravia Central School District. On behalf of the Applicant, pursuant to 19 NYCRR 900-2.17(e), Environmental Design and Research (EDR) is requesting information on established school bus routes and hours of operation. This information can be provided as a map or a list of the roads used for bus transportation, and typical operation schedule. This information will inform our transportation effects analysis to ensure construction and operation of the Project avoids, minimizes, and mitigates any potential transportation concerns. If requested, this information can be treated confidentially.

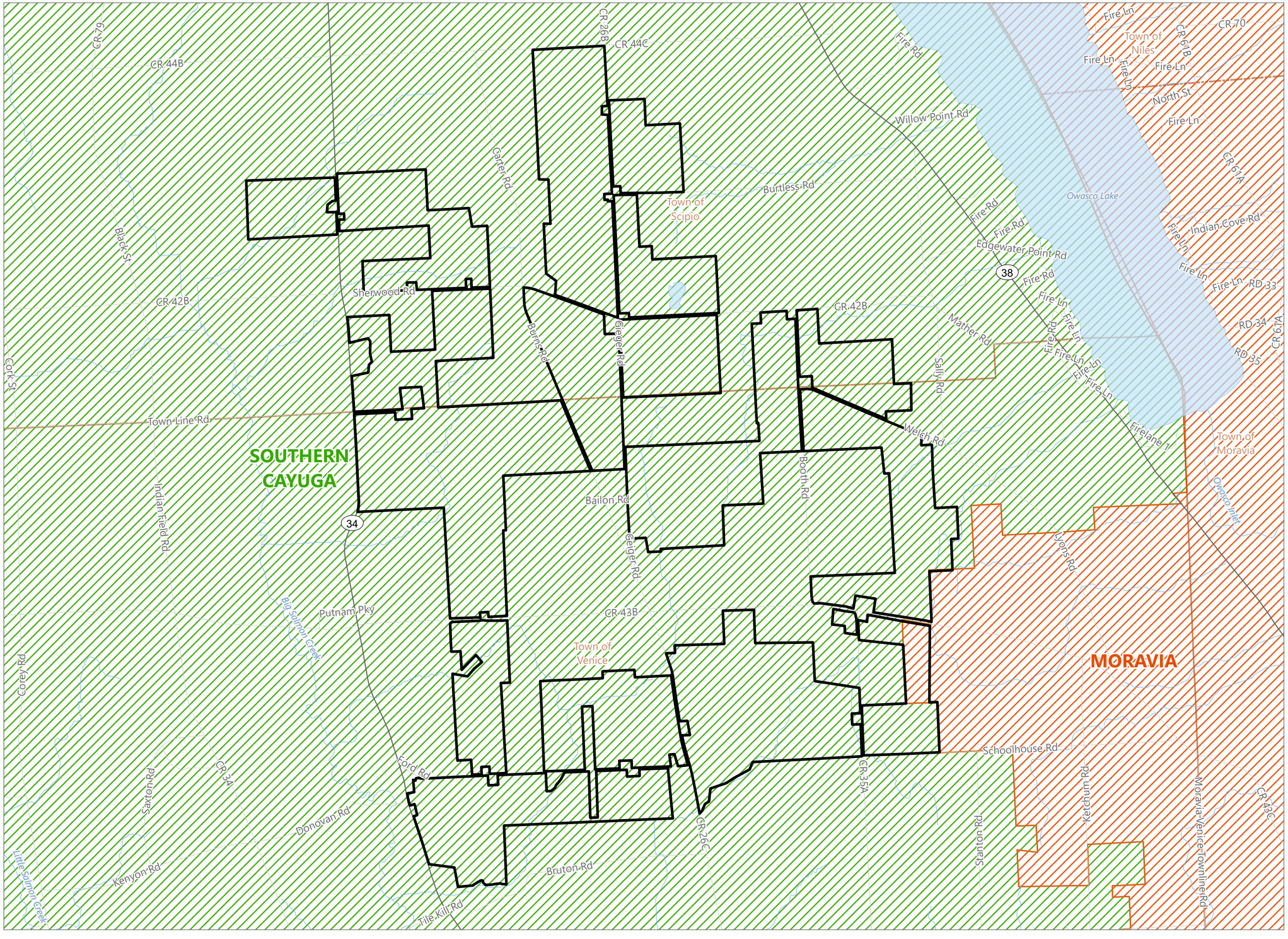
The Applicant anticipates filing the Article VIII Application for this Project with the Office of Renewable Energy Siting in Q4 2024. Please direct your responses to Scott Biggar (phone: 860-575-0680; email: sbiggar@liberty-renewables.com) or EDR (phone: 518-451-9150; email: dzvirzdin@edrdpc.com), by August 16, 2024. For further information and updates on the Project, please see the Project website: https://liberty-renewables.com/agricolawind/.

We appreciate your time and assistance with this effort.

Sincerely,

Daniel Zvirzdin
EDR, Senior Project Manager

School District Consultation Map



Agricola Wind Project

Towns of Scipio and Venice, Cayuga County, New York

School Districts

- Moravia CSD
- Southern Cayuga CSD
- Facility Site
- Town Boundary

0 0.25 0.5 1

Miles

Prepared July 10, 2024

Basemap: ESRI U.S. and Canada Streets Cartographic. 2003.

EDR

July 18, 2024

Patrick Jensen, Superintendent
Southern Cayuga School District
2384 State Route 34B
Aurora, NY 13026

David Barnes, Transportation Supervisor
Southern Cayuga School District
2384 State Route 34B
Aurora, NY 13026

RE: **Agricola Wind Project School District Consultation**

Dear Superintendent and Transportation Supervisor:

As you may be aware, Agricola Wind LLC (the Applicant) is currently seeking approval under Article VIII of the NYS Public Service Law (formerly Section 94-c of the Executive Law) for the Agricola Wind Project (Project), a proposed up to 99-megawatt (MW) wind energy generating facility in the Towns of Scipio and Venice, Cayuga County, New York.

As shown in the attached map, the majority of the Project is located within the Southern Cayuga Central School District. On behalf of the Applicant, pursuant to 19 NYCRR 900-2.17(e), Environmental Design and Research (EDR) is requesting information on established school bus routes and hours of operation. This information can be provided as a map or a list of the roads used for bus transportation, and typical operation schedule. This information will inform our transportation effects analysis to ensure construction and operation of the Project avoids, minimizes, and mitigates any potential transportation concerns. If requested, this information can be treated confidentially.

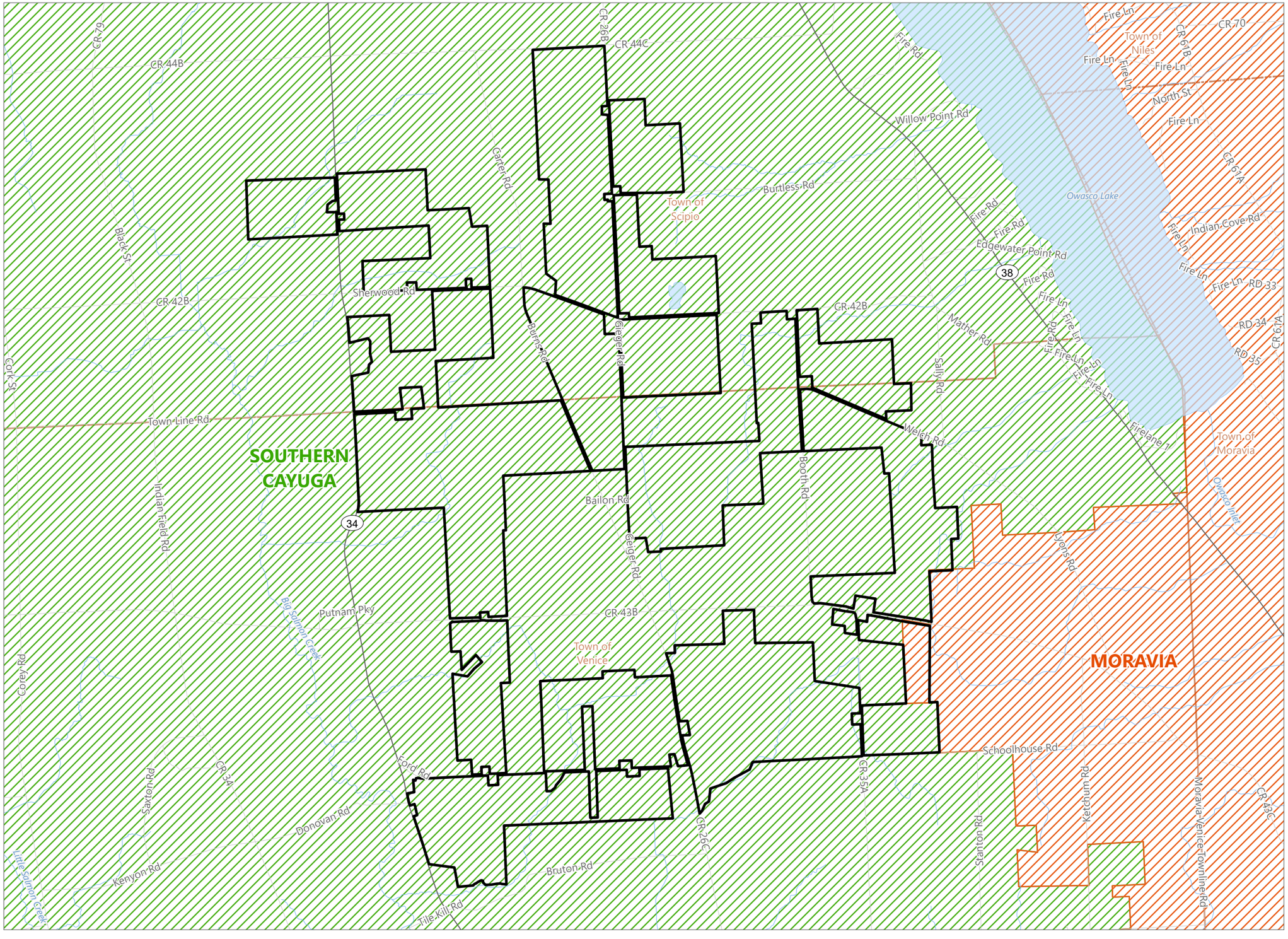
The Applicant anticipates filing the Article VIII Application for this Project with the Office of Renewable Energy Siting in Q4 2024. Please direct your responses to Scott Biggar (phone: 860-575-0680; email: sbiggar@liberty-renewables.com) or EDR (phone: 518-451-9150; email: dzvirzdin@edrdpc.com), by August 16, 2024. For further information and updates on the Project, please see the Project website: https://liberty-renewables.com/agricolawind/.

We appreciate your time and assistance with this effort.

Sincerely,

Daniel Zvirzdin
EDR, Senior Project Manager

School District Consultation Map



Agricola Wind Project

Towns of Scipio and Venice, Cayuga County, New York

School Districts

- Moravia CSD
- Southern Cayuga CSD
- Facility Site
- Town Boundary

0 0.25 0.5 1

Miles

Prepared July 10, 2024

Basemap: ESRI U.S. and Canada Streets Cartographic. 2003.

EDR

From:	Juliana Heffern
To:	jbirmingham@moraviaschool.org
Cc:	Meg Lee; Kyle Crawford; Scott Biggar; Layla Blask
Subject:	Agricola Wind Project Outreach - Moravia Central School District
Date:	Wednesday, October 16, 2024 9:57:00 AM
Attachments:	image001.png 2024-10-03__Agricola Wind_School District Figure.pdf image002.png

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Superintendent Birmingham,

My name is Juliana, and I am a Permitting Associate with Liberty Renewables Inc. As you may be aware, Liberty has been developing the Agricola Wind Project, a proposed up to 99-megawatt (MW) wind energy generating facility located within the Towns of Scipio and Venice, Cayuga County, New York. The Project will be seeking permitting approval under Article VIII of the New York State Public Service Law, with an anticipated application filing date in November. I am emailing to provide you with additional information about this effort and to request your feedback as it pertains to the Moravia Central School District's operations. As shown in the attached map, a small portion of the proposed Project falls within your school district. Additional details, including a project FAQ document and draft facility site map, can be found on Liberty's Agricola Wind webpage, here, under Project Resources. We are requesting your feedback on any potential impacts or issues you would like to discuss as it relates to this Project.

In July 2024, a Liberty representative was in contact with your Transportation Supervisor Danielle Winters to collect information regarding established school bus routes and hours of operation. We use this to inform Agricola Wind's transportation effects analysis for the permit, which will ensure that future construction and operation-related activities avoid, minimize, and mitigate any potential school transportation concerns. We greatly appreciated Supervisor Winters' input.

Overall, this note is intended to open a dialogue as Liberty hopes to maintain communication and work with your school district as Agricola Wind planning efforts mature. Please feel free to give us a call or respond via email if there are any potential impacts or issues you would like to discuss as it relates to the Project at this time.

Kind regards,
Juliana

Juliana Heffern (she/her/hers) | **Permitting Associate**
Liberty Renewables Inc.
90 State Street | Albany | NY | 12207
m: +1 917 203 8290
www.liberty-renewables.com

From:	Juliana Heffern
To:	jensenp@southerncayuga.org
Cc:	Meg Lee; Kyle Crawford; Layla Blask; Scott Biggar
Subject:	Agricola Wind Project Outreach - Southern Cayuga Central School District
Date:	Wednesday, October 16, 2024 9:58:00 AM
Attachments:	image001.png 2024-10-03__Agricola Wind_School District Figure.pdf image003.png

---

Superintendent Jensen,

My name is Juliana, and I am a Permitting Associate with Liberty Renewables Inc. As you may be aware, Liberty has been developing the Agricola Wind Project, a proposed up to 99-megawatt (MW) wind energy generating facility located within the Towns of Scipio and Venice, Cayuga County, New York. The Project will be seeking permitting approval under Article VIII of the New York State Public Service Law, with an anticipated application filing date in November. I am emailing to provide you with additional information about this effort and to request your feedback as it pertains to the Southern Cayuga Central School District's operations. As shown in the attached map, the majority of the proposed Project is located within your school district. Additional details, including a project FAQ document and draft facility site map, can be found on Liberty's Agricola Wind webpage, here, under Project Resources. We are requesting your feedback on any potential impacts or issues you would like to discuss as it relates to this Project.

Additionally, our team requested information from your Transportation Supervisor David Barnes regarding established school bus routes and hours of operation. We reached out via a letter dated July 18, 2024, but did not successfully connect. We hope to use this information to fold into Agricola Wind's transportation effects analysis to ensure that future construction and operation-related activities avoid, minimize, and mitigate any potential school transportation concerns. If you can please support us in sharing school bus routes, either as a map or list of roads used, as well as the typical operation schedule, that would significantly benefit project planning. If requested, this information can be treated confidentially.

Overall, this note is intended to open a dialogue as Liberty hopes to work with you moving forward with Agricola Wind's development, particularly with respect to our requests above and in the future regarding an anticipated PILOT agreement process. Please feel free to give us a call. Otherwise, I look forward to corresponding via email regarding:

1. Any feedback on potential impacts or issues you would like to discuss as it relates to this Project and the Southern Cayuga Central School District's operations
2. Sharing of school bus routes and hours of operation for our team to incorporate into Agricola Wind' transportation effects analysis

Kind regards,
Juliana

Juliana Heffern (she/her/hers) **| Permitting Associate**
Liberty Renewables Inc.
90 State Street | Albany | NY | 12207
m: +1 917 203 8290
www.liberty-renewables.com

Public Meetings

YOU'RE INVITED!

PUBLIC OPEN HOUSE FOR AGRICOLA WIND

liberty renewables

Tuesday, August 13th | 3:00 PM - 7:00 PM

Venice Pavilion

2532 State Route 34, Venice Center, New York, 13147

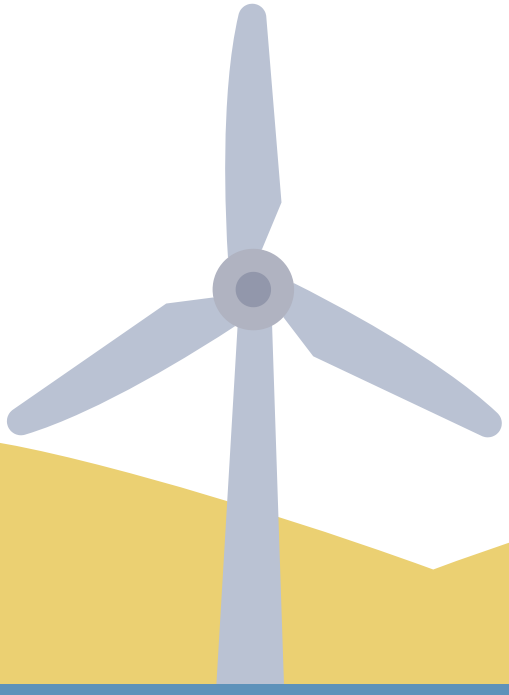
Proposed Project
Up to 24 Turbines

Total Capacity
99 MW

Liberty Renewables is a wind energy development company based in New York State. Our dedicated team strives to be community focused, fostering transparent and equitable relationships with the local organizations and families that host our projects. Our business objective is to support rural economic development and environmental stewardship through clean energy projects. We are developing the Agricola Wind Project within the Towns of Scipio and Venice in Cayuga County.

The purpose of this Open House is to inform the public about the proposed project and anticipated submission date for the project's Article VIII (formerly Section 94-c) application. Information will also be provided about the New York State Office of Renewable Energy Siting (ORES), as well as details on the future availability of local agency account funds, including the requirement to submit a request for initial funding within thirty (30) days of the date of application filing. Please visit ores.ny.gov/resources for more information on local agency account funds.

Liberty staff and regional experts will be available during this event to provide information, answer questions, and address any concerns. The team will also be prepared with a robust collection of informational posters and handouts, including the latest draft of the planned facility site, inclusive of anticipated turbine locations and associated infrastructure. Residents of all ages from Venice, Scipio, and beyond are welcome. Food and drink will be provided. We hope to see you there!



YOU'RE INVITED!

What?
Liberty Renewables Inc. is holding a public Open House for the Agricola Wind Project.
When?
August 13th, 3 - 7 PM
Where?
Venice Pavilion
2532 State Route 34
Venice Center, New York, 13147

Who?
Residents of all ages from Venice, Scipio, and surrounding communities are welcome. Both Liberty Renewables staff and regional experts will be present to answer any questions, address concerns, and provide information on the project. The team will also be prepared with a robust collection of informational posters and handouts, including the latest draft of the planned facility site, inclusive of anticipated turbine locations and associated infrastructure.
Why?
The purpose of this Open House is to provide information to the public on this project, and the anticipated submission date for the project's Article VIII (formerly Section 94-c) application. Information will also be provided about the New York State Office of Renewable Energy Siting (ORES), as well as details on the future availability of local agency account funds, including the requirement to submit a request for initial funding within thirty (30) days of the date of application filing.
Please visit ores.ny.gov/resources for more information on local agency account funds.

We hope to see you there!

liberty renewables

Liberty Renewables Inc.
90 State Street,
Albany, NY 12207
liberty-renewables.com

liberty renewables

ENVIRONMENTAL PERMITTING

Projects over 25 MW are permitted by the
NY Office of Renewable Energy Siting (Article VIII)

Pre-application studies & consultation = 12-18 months
Permit application review & issuance = 15-21 months

Estimated total duration of permit process = **2-3 years**

Article VIII (FORMERLY SECTION 94-c)

Pre-Application Studies & Consultation Completed by Applicant → Permit Application Filed by Applicant → Intervenor Funding 60 Days (applications due 30 days after Permit Application Filing)

Application Deemed Complete by ORES 150 - 250 Days → Draft Siting Permit & Comment Period Notice Issued by ORES 60 Days → Public Comment Period Approximately 60 Days → Completeness Determination Issued by ORES

Public Hearings (if required) → Hearing Report & Recommended Decision Issued by Administrative Law Judge → Final Siting Permit issued by ORES

8-12 Months from when the Application is Deemed Complete

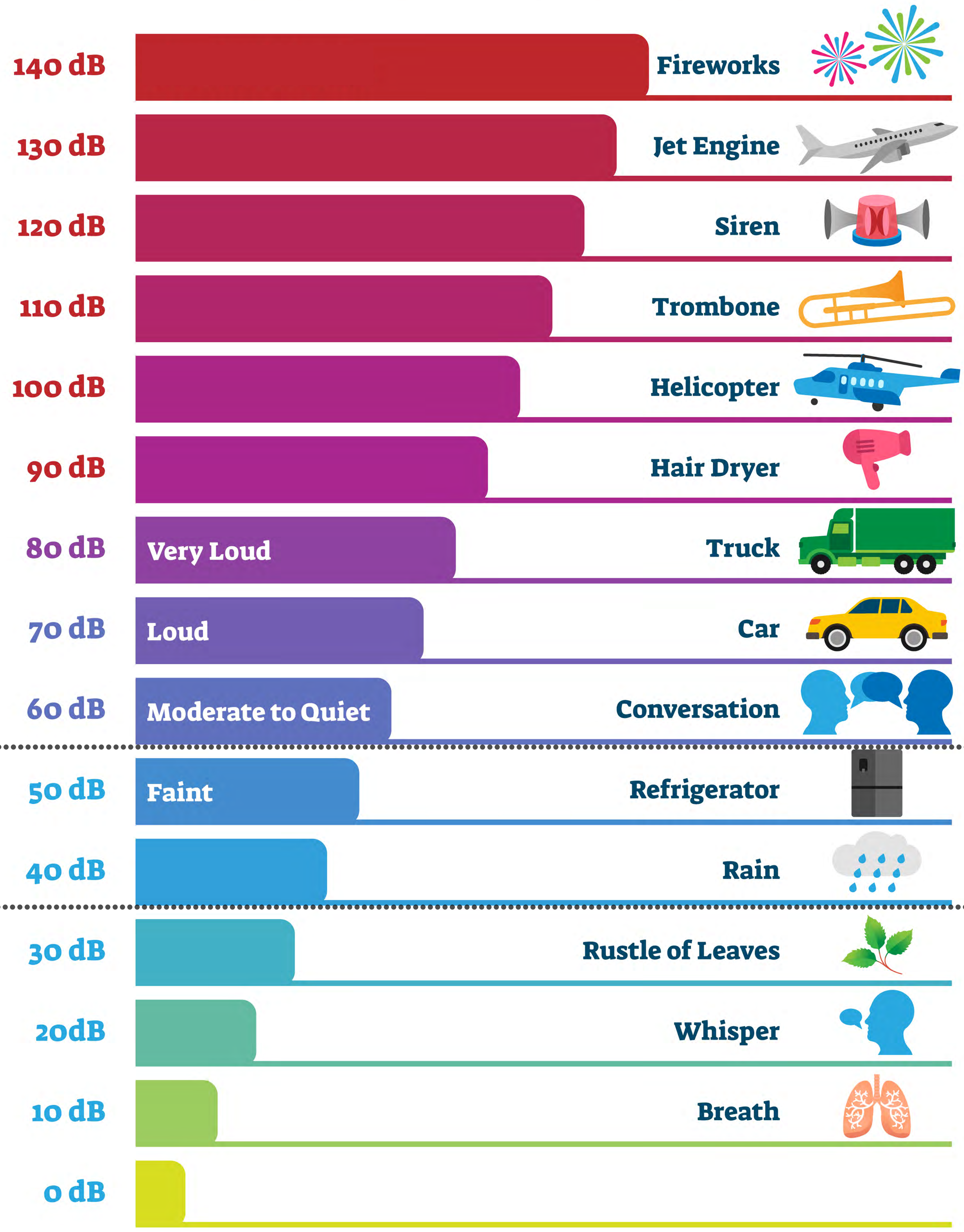
Compliance Filings Filed by Applicant → Start of Construction → Construction & Post Construction Compliance Monitoring Completed by Third-Party

NOISE REGULATIONS

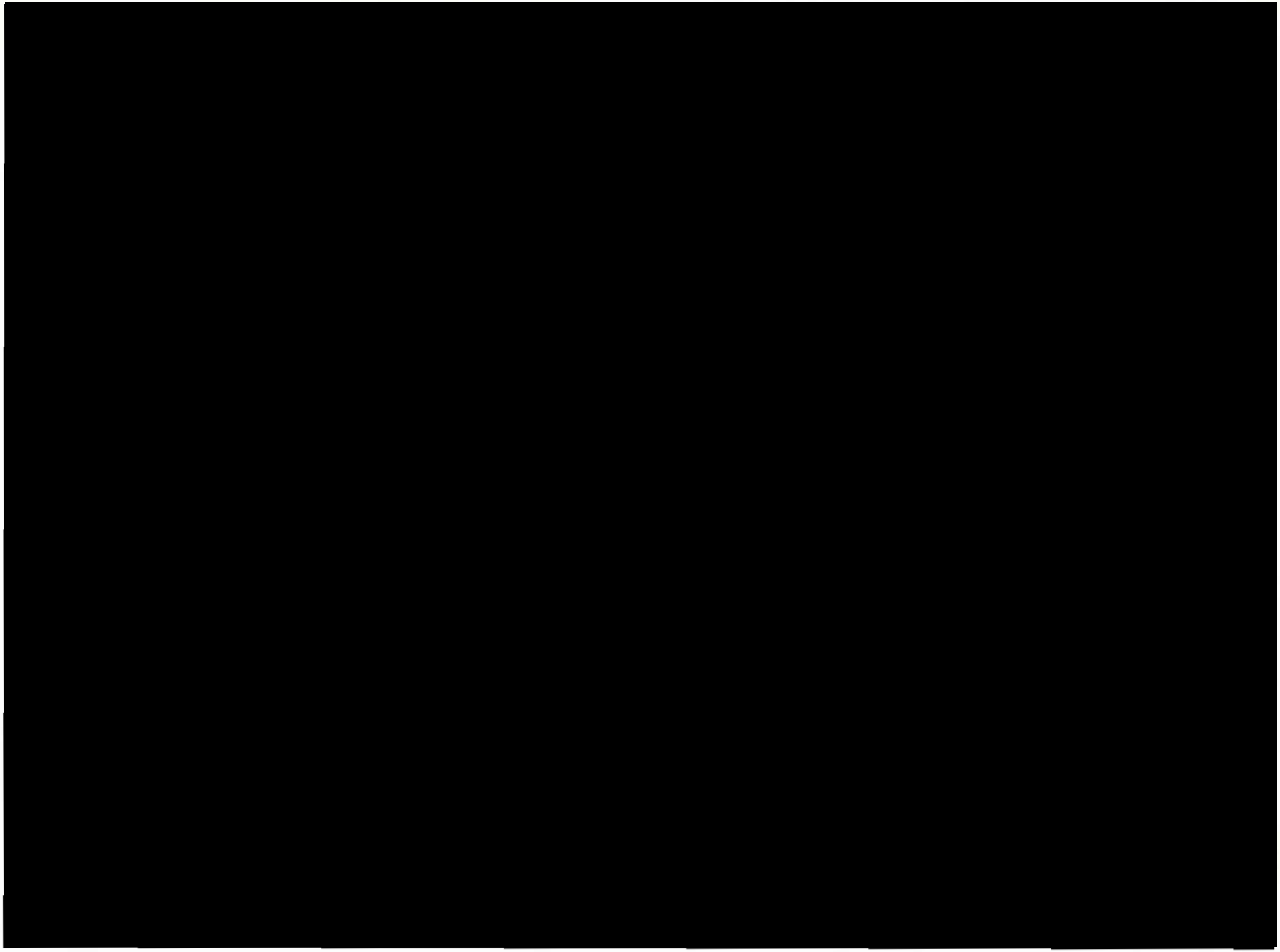
The New York Office of Renewable Energy Siting stipulates a maximum noise limit for all new wind energy projects:

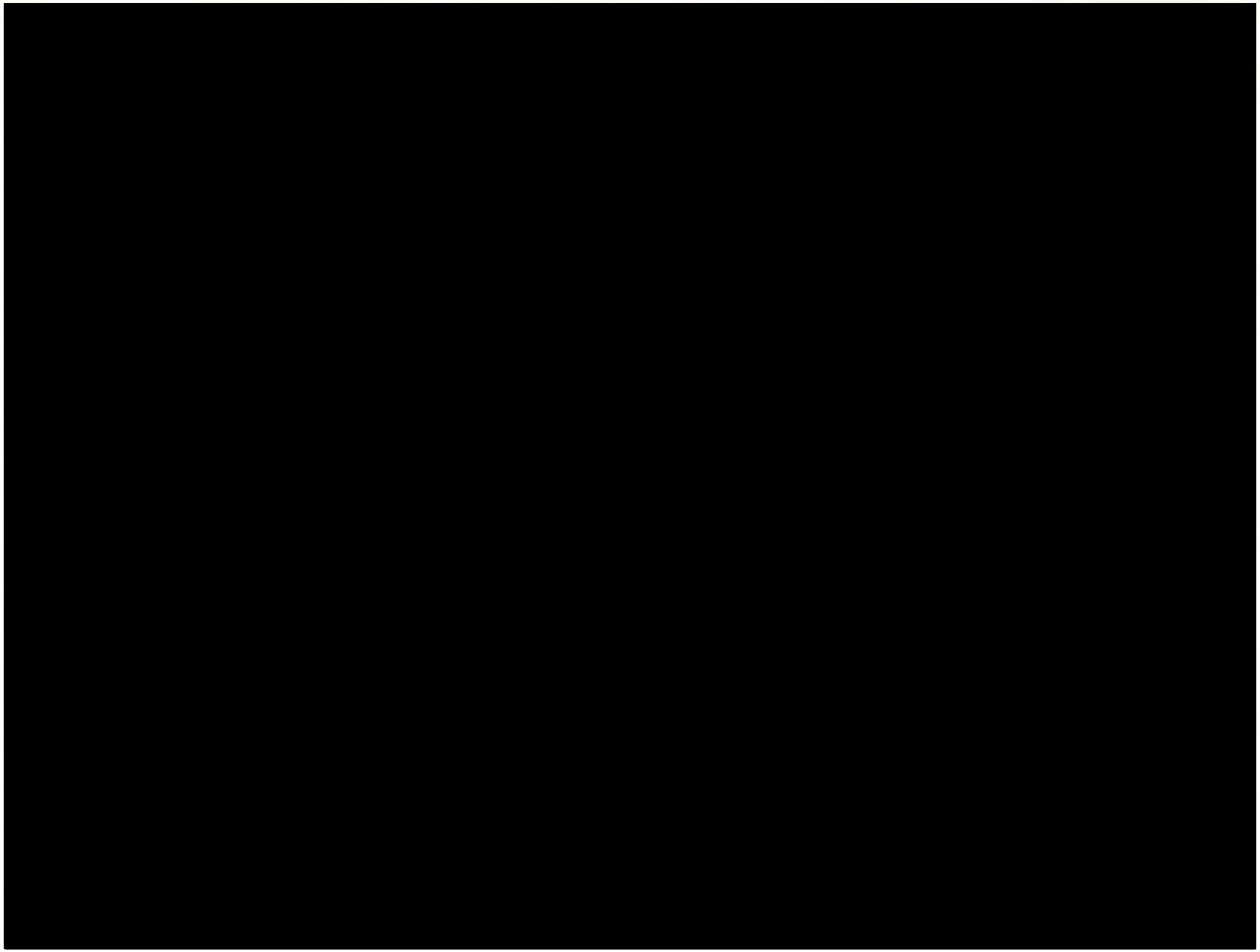
45 dBA Leq (8-hour) at any non-participating residence
55 dBA Leq (8-hour) at any participating residence

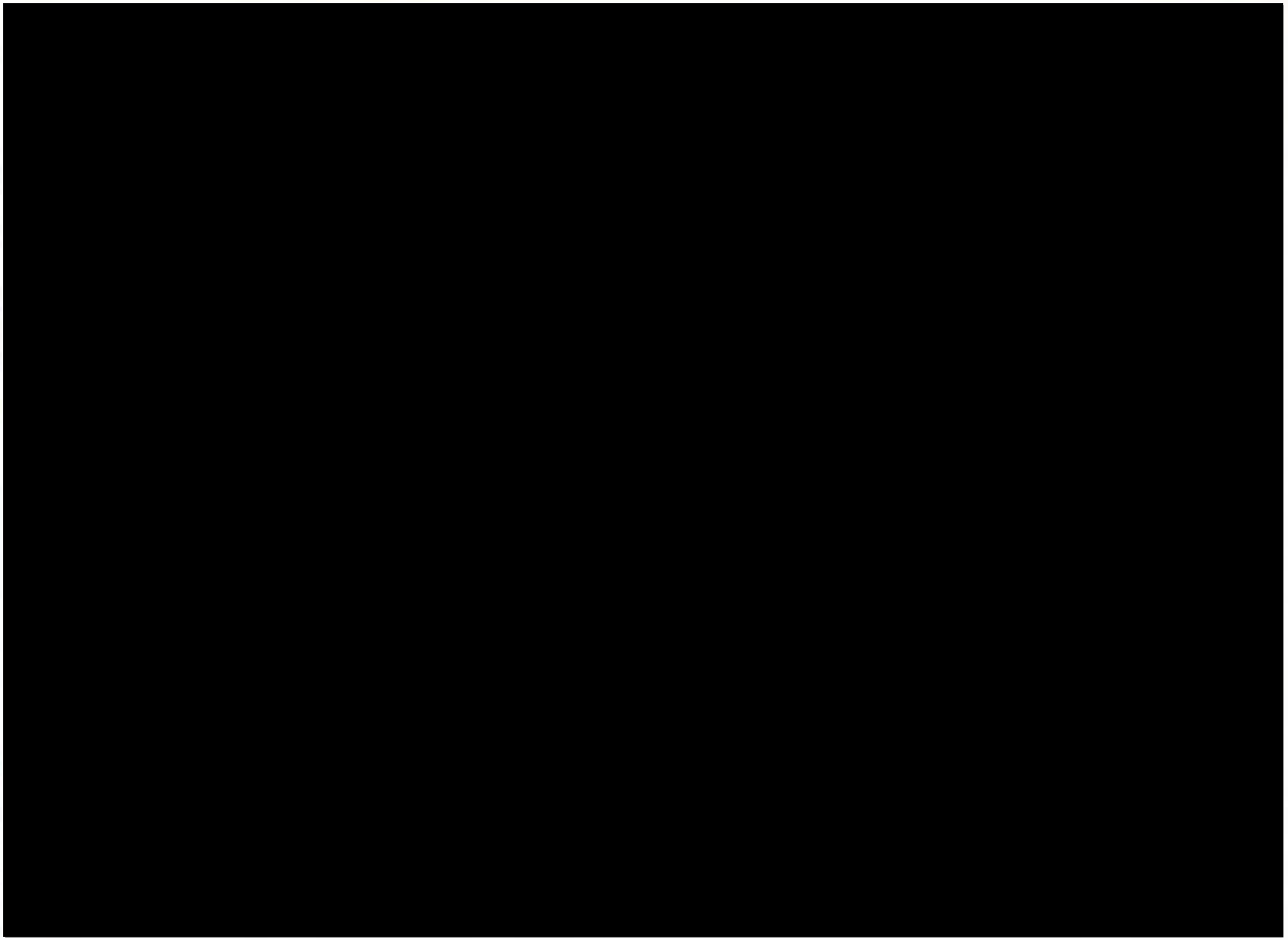
DECIBEL SCALE

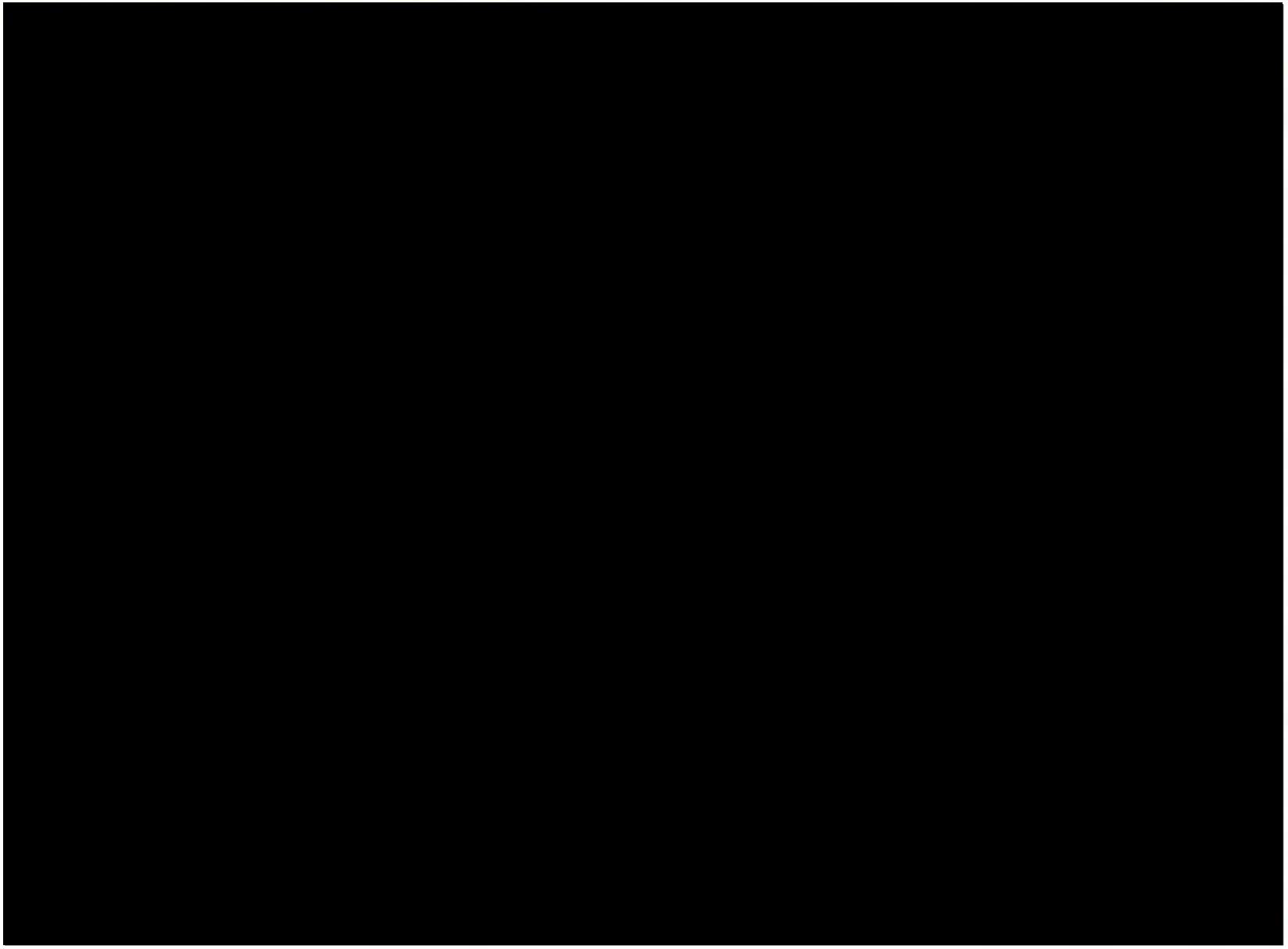


BEGIN CONFIDENTIAL INFORMATION<







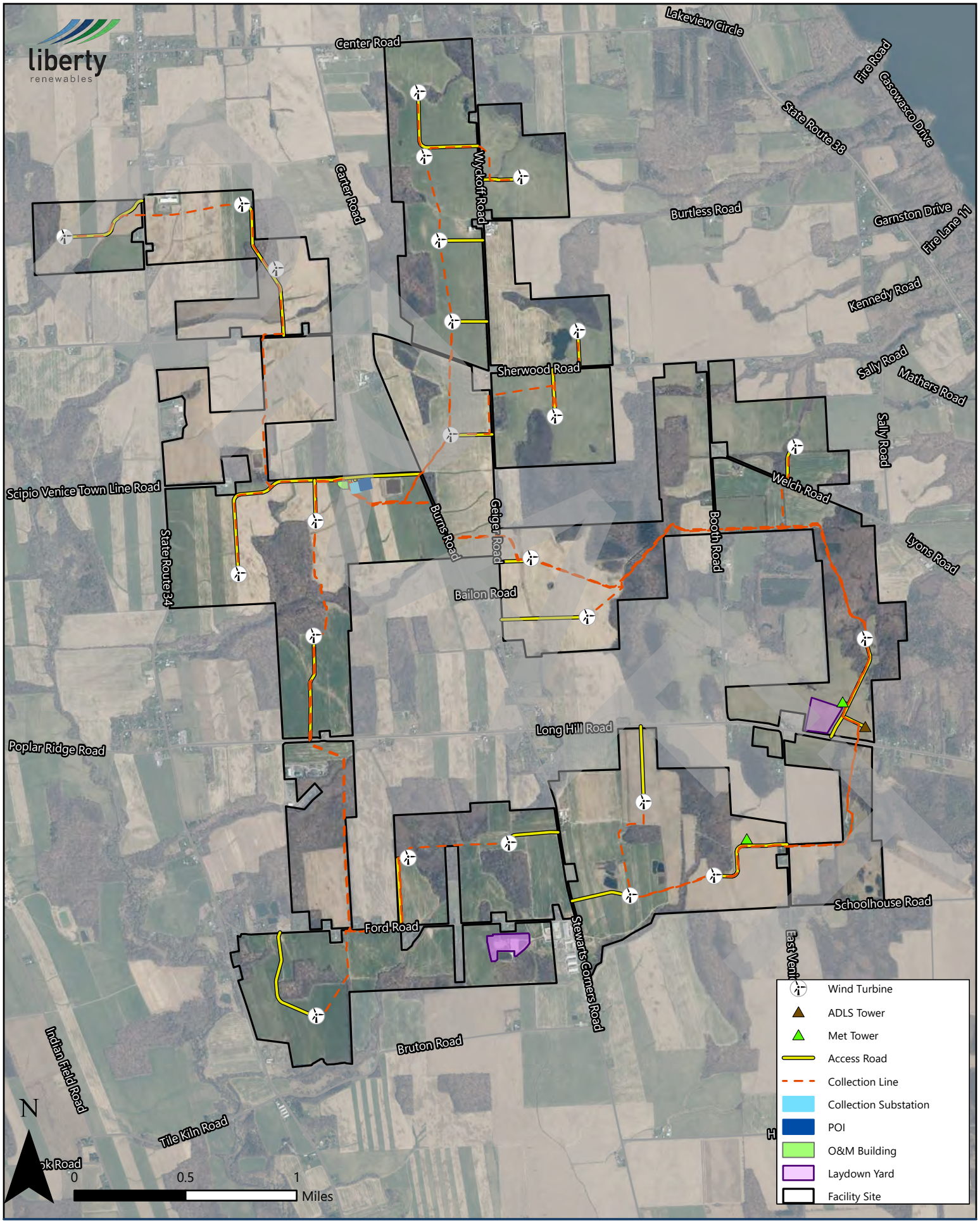


[redacted]

>END CONFIDENTIAL INFORMATION

Agricola Wind Facility Layout

DRAFT



CONCEPTUAL PHOTOSIMULATION

DRAFT

VIEWPOINT 14

Burns Road

Cayuga County, New York

Agricola Wind Project

Towns of Venice and Scipio, Cayuga County, New York

PHOTOGRAPH INFORMATION

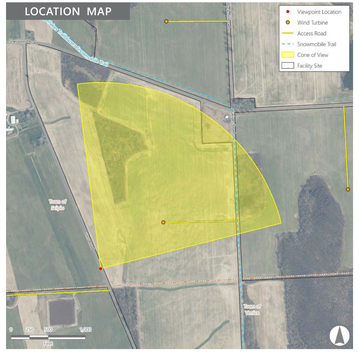
Date:	March 12, 2024
Time:	9:36 AM
Camera:	Canon EOS 5D Mark IV
Lens Focal Length (35 mm sensor equivalent):	50 mm
Camera Elevation:	1,306.9 feet
Field of View:	83.1 degrees
Direction of View:	North to east
Printed Size:	51 inches x 15 inches
*Viewing Distance**:*	29 inches

LOCATION INFORMATION

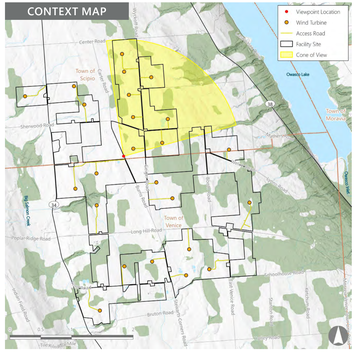
Coordinates:	42.75683° N 76.53422° W
Distance to Nearest Visible Turbine:	0.2 miles
Distance Zone Represented:	Foreground
Landscape Similarity Zone:	Rural Upland
Viewer/User Group(s):	Local residents
Visually Sensitive Resource(s):	

None identified

LOCATION MAP



CONTEXT MAP



ORIGINAL PHOTOGRAPH

NOTES

***The simulation is at the correct perspective when printed on a 24-by-52 inch sheet at full scale, and viewed approximately 29 inches from the eye of the viewer.*

Prepared For: liberty renewables

Prepared By: EDR

CONCEPTUAL PHOTOSIMULATION

DRAFT

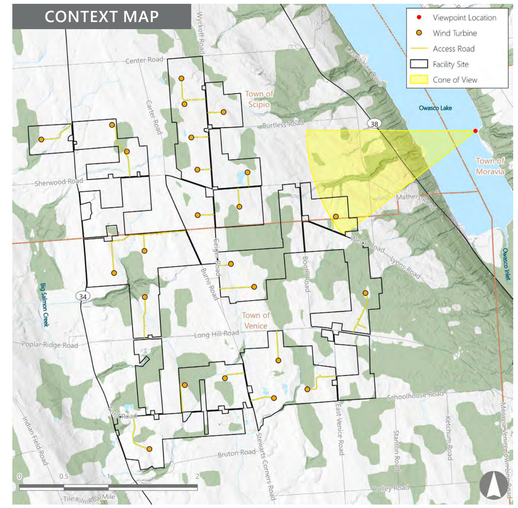
VIEWPOINT 89

Owasco Lake

Town of Moravia, Cayuga County

LOCATION MAP

CONTEXT MAP



Agricola Wind Project

Towns of Venice and Scipio, Cayuga County, New York

LOCATION INFORMATION

Coordinates:	42.77122° N 76.46937° W
Distance to Nearest Visible Turbine:	1.8 miles
Distance Zone Represented:	Middle ground
Landscape Similarity Zone:	Owasco Lake
Viewer/User Group(s):	Local residents, tourists/ recreational users
Visually Sensitive Resource(s):	
VSR ID #50 - Owasco Lake	

PHOTOGRAPH INFORMATION

Date:	May 16, 2024
Time:	9:17 AM
Camera:	Canon EOS 5D Mark IV
Lens Focal Length (35 mm sensor equivalent):	50 mm
Camera Elevation:	719 feet
Field of View:	38.5 degrees
Direction of View:	Southwest to west
Printed Size:	26.8 inches x 17.8 inches
*Viewing Distance**:*	38 inches

NOTES

***The simulation is at the correct perspective when printed on a 24-by-36 inch sheet at full scale, and viewed approximately 38 inches from the eye of the viewer.*

Prepared For: liberty renewables

Prepared By: EDR

ORIGINAL PHOTOGRAPH

CONCEPTUAL PHOTOSIMULATION

DRAFT

VIEWPOINT 36

Indian Field Road

Town of Venice, Cayuga County

PHOTOGRAPH INFORMATION

Date:	March 12, 2024
Time:	12:25 PM
Camera:	Canon EOS 5D Mark IV
Lens Focal Length (35 mm sensor equivalent):	50 mm
Camera Elevation:	1,196.8 feet
Field of View:	96.1 degrees
Direction of View:	North to southeast
Printed Size:	57 inches x 14.6 inches
*Viewing Distance**:*	26 inches

Agricola Wind Project

Towns of Venice and Scipio, Cayuga County, New York

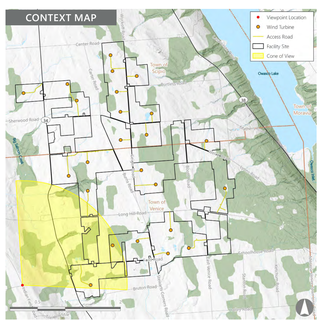
LOCATION INFORMATION

Coordinates:	42.72110° N 76.56718° W
Distance to Nearest Visible Turbine:	1.2 miles
Distance Zone Represented:	Middle Ground
Landscape Similarity Zone:	Rural Upland
Viewer/User Group(s):	Local residents, tourists/recreational users
Visually Sensitive Resource(s):	

VSR ID # 38 - Fingerlakes Trailrunners Snowmobile Trail

LOCATION MAP

CONTEXT MAP



ORIGINAL PHOTOGRAPH

NOTES

***The simulation is at the correct perspective when printed on a 24-by-58 inch sheet at full scale, and viewed approximately 26 inches from the eye of the viewer.*

Prepared For: liberty renewables

Prepared By: EDR

Wind Turbine Disposal and Recycling Strategies

Wind energy plays an important role in creating a cleaner, healthier environment. It's a leading climate change solution that decreases smog-creating air pollution and saves billions of gallons of water annually. Studies show a typical wind turbine repays its carbon footprint within six months.[1]

Wind turbines are made up of many materials that have substantial salvage value at the end of its operational life and are recyclable. In fact, 80-94% of a wind turbine's mass consists of easily recycled materials, such as steel / iron (approximately 88% of a turbine's mass), aluminum (approximately 0.7%), and copper (approximately 2.7%).[2,3,4] Other wind turbine components such as blades, nacelle covers and rotor covers are made of up composite materials, mostly fiberglass and carbon fiber, which, while non-toxic and safe, are more difficult to process for other purposes. However, these components make up roughly only 8% of a wind turbine's total mass.[5] In addition, as described more below, the wind energy industry and other partners are expanding options to recycle and reuse even these historically tougher to process materials.

While wind energy projects are expected to operate for 20 to 35 years, individual wind turbine components like rotor blades and covers may need upgrading or replacing sooner because of normal wear from exposure to the elements, or improvements in technology.

Reduce

Reducing the need to replace components by extending the lifetime of existing blades is one of the most economically and environmentally friendly measures wind developers take to limit the number that need to be disposed of through reuse, recycling or landfilling. While the blades are very durable, decades of exposure to the elements can slowly chip away at their efficiency. Blade repair and monitoring technology is rapidly improving, allowing the industry to use fewer and fewer blades to produce the same amount of clean, zero-carbon electricity. General improvements in turbine technology are also leading to greater electricity generation per turbine, adding to these blade efficiency improvements. Improvements to wind resource assessment and modelling allow manufacturers to better understand the loads on blades, leading to improvements in life and maintenance costs.

Reuse

The U.S. wind power industry, along with multiple stakeholder groups including scientists, researchers, national laboratories, and environmental collaborators, is developing innovative methods to re-purpose turbine blades. Intact blades are being evaluated for reuse at other wind farms to improve performance or reshaped for use as utility poles. For blades that are not suitable for such projects, partial blade reuse may include repurposing as outdoor furniture (e.g., park benches, playground equipment,[6] storage enclosures,[7] etc.) and signage. Scientists are also modeling how blades can be used as roofing for homes and buildings. Companies such as RiverCap Ventures offer sustainable options for end-of-life wind turbine components, including blades.[8]

The U.S. Department of Energy (DOE) is partnering with businesses to research practical ways to repurpose wind turbine blades. Innovative partnerships like Re-Wind[9], a collaboration between the Georgia Institute of Technology and Queen's University Belfast, are deploying design and logistical concepts in the field, such as prototyping methods to reuse the decommissioned blades in buildings, infrastructure, landscape and public art.[10]

Recycle

Today, wind turbine blades are recycled into raw material and fuel for cement production, through a partnership between GE, Veolia North America, and other companies, generating jobs and reducing the emissions of cement production.[11]

Although in the past, blades and other composite materials from wind turbines have been landfilled because of limited options in recycling technology and infrastructure to process and separate the reusable materials, many original equipment manufacturers (OEMs), research institutes and universities, and the DOE's national laboratories are solving the technological challenges of turbine blade recycling. The National Renewable Energy Laboratory is advancing recycling technologies by developing new materials (e.g., thermoplastic resin) that can be used to manufacture fully recyclable blades by making it easier to separate the layers and recapture the materials.[12] OEMs are also pledging zero waste by deploying recyclable blades within the next decade, creating a circular economy of use.[13]

Many OEMs have announced partnerships with companies to recycle blades by turning blade components into raw materials for use in cement manufacturing, other new composite materials, or reclaiming the glass and carbon fibers that can then reused.[14,15] Academic institutions like the University of Tennessee, funded with a grant from the DOE, are developing methods to turn blades into recycled composites for vehicles, other renewable energy system components, agricultural products, and performance sports equipment.[16]

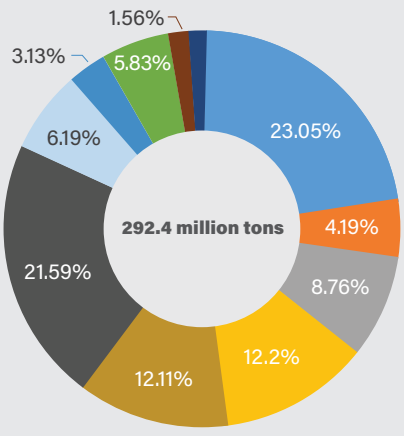
Blade Landfill Disposal

Even if landfilled, wind turbine components are made from safe, non-toxic inert materials that do not represent a threat to the surrounding soil or groundwater. Further, turbine blades represent a vanishingly small portion of the waste going into U.S. landfills and are among the least environmentally harmful materials entering them. Turbine blade waste through 2050 is expected to represent only approximately 0.05 to 1.6% of all the municipal solid waste going to landfills every year.[17] The Electric Power Research Institute estimates there will be 2.1 - 4 million tons of cumulative blade waste between 2020 and 2050.[18] While landfill disposal has been the most common strategy for turbine blade disposal, there is growing research and technology innovations to recycle and repurpose blade waste. However, if landfill disposal is the only option at the time a turbine is decommissioned, like many other industries, the U.S. wind industry pays a fee to dispose some material in landfills.

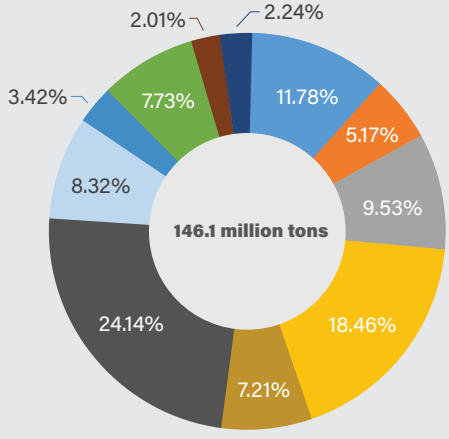
Other U.S. Waste Landfill Disposal

The Electric Power Research Institute estimates there will be 2.1 – 4 million tons of cumulative blades put in landfills between 2020 and 2050. In comparison, 292.4 million tons of municipal solid waste is generated every year on average and 146.1 million tons is landfilled.[19]

Total MSW Generated by Material, 2018



Total MSW Landfill by Material, 2018



Sustainability

The range of turbine end-of-life technologies will continue to expand, given the continued focus on solutions from the industry, along with public and private organizations. The U.S. wind industry remains committed to protecting the environment by delivering carbon-free power through responsible development and sustainable solutions.

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Land-based Wind

Property Values are Not Affected by Land-based Wind Turbines

Studies show no evidence of long-term impacts on property values from wind farms in rural areas.

Key Takeaways

1. Numerous studies show that the planning, construction, and operation of utility-scale wind turbine installations have no long-term negative impact on property values.
2. Limited research suggests that the installation of wind turbines can lead to a regional increase in property values, particularly in rural communities.
3. Wind installations can economically benefit communities in numerous ways by bolstering the tax base, providing jobs, and raising per-capita income.

Background

Utility-scale wind energy is the largest source of renewable electricity generation in the United States and is growing continuously. There are over 70,000 wind turbines deployed across the U.S., capable of generating 146 gigawatts of clean, reliable electricity – enough wind power to serve 46 million American homes.

Research Refutes Economic Misconceptions of Wind Turbines

Years of research into the impact of wind turbines on property values have shown no evidence of negative long-term impact of wind installations to property values, including a 2023 study by Eric J. Brunner, Ben Hoen, Joe Rand, and David Schwegman which found no evidence of long-term negative impacts to property values in rural communities.

The only potential for an adverse effect from wind project installation was observed during the temporary construction phase in large "urban" counties, with populations greater than or equal to 250,000. This potential temporary effect only impacted properties within one mile of a wind installation and was limited to the construction phase of the project. Evidence shows that property values begin to return to pre-announcement levels after operation begins.

- Notably, the overwhelming majority of wind energy projects are in rural counties, where evidence emphasizes no negative impacts from installations.
- 88% of installed wind capacity is in counties with populations less than 100,000
- 94% of installed wind capacity is in counties with populations less than 250,000

Additionally, a 2019 analysis of property value research by researchers at the University of California, Davis found that wind turbines do not negatively impact property values at any point during their installation, including post-announcement, during construction, and post-construction.

A 2013 study by the Lawrence Berkeley National Laboratory (LBNL) found no significant impact on the property values of the 50,000 homes researchers analyzed near 67 different wind facilities.

- According to the lead author, Ben Hoen, "This is the second of two major studies we have conducted on this topic [the first was published in 2009], and in both studies [using two different datasets] we find no statistical evidence that operating wind turbines have had any measurable impact on home sales prices."

Wind Installations Economically Benefit Property Owners

Some American homeowners have the perception that wind turbine installations can reduce property values in an area; however, extensive research indicates this is not the case.

A 2022 peer reviewed study found that beginning with the construction phase, wind energy projects led to economically meaningful increases in median home values, household income, and both county-level income and gross domestic product (GDP) per-capita. The study also suggests that wind energy investments may stimulate and diversify local rural economies at an increasing rate with installed capacity, implying rural communities with multiple installations and a greater amount of wind energy capacity benefit the most.

Wind Installations Create Regional Economic Benefits

The wind energy industry is a true driver of economic development, particularly in rural areas. Wind energy diversifies income sources on local landowners' property and increases tax revenues, providing funds for schools, infrastructure and community services. Wind energy projects across the U.S. deliver an estimated $2 billion in state and local tax payments and land-lease payments each year. The industry employs nearly 126,000 Americans across all 50 states, including 24,000 wind manufacturing jobs at over 450 facilities.

Studies Find No Detrimental Impact on Property Values

- **Rural Appraisals:** on behalf of a nearby Chamber of Commerce to investigate the impact of wind power projects on rural property value appraisals from 2002 to 2019.
  - The study found **no statistically significant impact on property values post-construction** in rural Kansas.
- **Agricultural Land Values:** Several studies explored the impacts of wind energy on agricultural land values.
  - Two studies (Sampson et al. 2020 and Schultz et al. 2019) concluded that Pennsylvania and Kansas **property values are not impacted by turbine installation**.
  - A third found evidence of **an *increase* in the value of agricultural land in proximity to wind turbines**. The researchers also found that lands that host wind turbines had a higher property value increase. Myrna et al. found that higher cumulative capacity of wind turbines in an area is associated with higher farmland transaction prices, with an approximately 0.004% increase in farmland sale prices for each 1% increase in wind turbine capacity.
- **Attitudes Matter:** An Ontario-based study by Richard Vyn highlighted the importance of local attitudes toward wind energy in shaping residential property values. Vyn compared communities that had expressed opposition to wind (through a municipal declaration against wind) with unopposed communities. He found that the impact wind turbines have on property values may be influenced by local attitudes toward wind energy development. The more negative the attitude towards wind energy projects, the greater the potential for a negative effect on property values.
  - However, a study of attitudes towards wind turbine neighbors conducted by LBNL found that **92 percent of people living within five miles of a wind turbine reported positive or neutral experiences**.
- **Platted vs. Unplatted:** Researchers at the University of Oklahoma conducted an analysis of 23,000 residential real estate records in 5 counties in Western Oklahoma, exploring the sale price of platted and unplatted properties before announcement, after announcement, and after turbine construction. They found that there is no significant decrease in property values for homes or unplatted property near wind farms.
  - Among plots of unplatted land between 0.5 – 1 mile away from turbines, the median sale price *increased*, both after announcement and after construction.

In Some Instances, Wind Installations Showed an Increase Property Values

The 2022 analysis by Eric J. Brunner and David J. Schwegman found that home values increase on a county-wide basis after a wind energy project has begun operating. The authors found this increase in home values to be driven primarily by the impact of wind energy in rural counties, most notably in rural counties with a significant amount of installed wind energy generating capacity.

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Renewable Energy Facility Decommissioning: Industry Recommendations

Background

Renewable energy[1] provides significant benefits to the United States and host communities, with over 415,000 jobs spread across all 50 states. Wind and solar projects paid $2.0 billion annually in state and local taxes and landowner lease payments. Renewable energy project developers prioritize being good neighbors and long-term partners with host communities. Since wind, solar, and storage projects will operate for 25 years or more, developers recognize and understand the need to address concerns about what happens to wind turbines, solar panels, or batteries once they reach the end of their useful life. **It's crucial to know that landowners and host communities are never responsible for the costs associated with removing a renewable energy facility's equipment once they've reached their end of life cycle.**

Before a project is built, developers create a plan for removing equipment and restoring landowners' property to a useful condition similar to preconstruction conditions when the project is no longer operational. This process is called decommissioning. Many local municipalities and state governments require decommissioning plans as a permitting condition.

The following are industry recommendations for key provisions of decommissioning plans or rules and specific measures that reasonably balance community and industry interests.

Core Elements of Decommissioning

Decommissioning Plan Development

- Prior to the construction of a new project, during the permitting phase or prior to construction of a new project, a developer prepares a Decommissioning Plan that becomes part of the lease agreement or condition of the project permit.
- A Decommissioning Plan is updated periodically over the life of a renewable energy facility to account for new technologies and processes for decommissioning, salvaging, or repowering a renewable energy facility.

Decommissioning Requirements

- The Decommissioning Plan describes the removal of a renewable energy facility's above-surface facilities and infrastructure that have no ongoing purpose or value, and underground facilities to a minimum depth of three feet from a landowner's property at the end of the renewable energy facility's operational life.
- The Decommissioning Plan includes a detailed blueprint to return the property to a useful condition, similar to preconstruction condition.
- In some cases, instead of removing all project equipment, a property owner and renewable energy facility owner may also reach an agreement concerning alternative restoration of buildings, roads, or any other associated facilities, such as transmission or collection lines.

[1] Renewable energy is a term being used to describe multiple different renewable energy generation technologies, most commonly wind energy, solar energy, and battery storage.

Costs

- The Decommissioning Plan typically includes an estimated cost for decommissioning the project and restoring the landowner's property, which is paid for by the renewable energy facility owner/operator (refer to Financial Assurance below).
- Costs include disassembly, removal, and disposal of renewable energy facility components and restoration of the land.
- The cost should also include a credit for the salvage value of renewable energy facility wind turbine components. Most of the material in solar panels, batteries, and wind turbines, have substantial salvage value and are recyclable. Wind turbine blades require different strategies (See Wind Turbine End-of-Life Strategies factsheet).

Financial Assurance

- Financial assurance for decommissioning a wind farm is typically equal to the estimated decommissioning cost minus salvage value and provided to the beneficiary within the timeframe defined in the land agreement(s) or permit.
- Financial assurance may be in the form of a performance bond either as, or in combination with, a surety bond, irrevocable letter of credit, self-guarantee, or parent company guarantee.

Decommissioning Implementation Timeframe

- If a renewable energy facility has not produced electricity for a specific amount of time as defined in the lease agreement or permit conditions, or for a maximum period of 24 consecutive months, the renewable energy facility is considered to be at its end-of-life and will be decommissioned as outlined in the Decommissioning Plan.
- Decommissioning typically begins within 18 to 24 months of the end of operations of the facility and is typically completed within 12 to 24 months of the commencement of removal.
- Alternative strategies for end-of-life renewable energy facility planning may include updating the above ground equipment (e.g., wind turbines, solar panels or batteries) by either replacing older equipment with new, more productive turbines or replacing the original turbine parts with new, more efficient technologies. This is often called "repowering" the facility to continue its commercial operational life, providing clean, efficient, low cost energy.

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