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November 15, 2018

James A. Muscato II, Esq.
Young / Sommer LLC
Executive Woods, Five Palisades Drive,
Albany, NY 12205
jmuscato@youngsommer.com

RE: Case 16-F-0559 - Application of Bluestone Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Bluestone Wind Farm Project Located in the Towns of Windsor and Sanford, Broome County.

Dear Mr. Muscato,

Upon a preliminary review of the Application submitted by Bluestone Wind, LLC on September 18, 2018, the Application, as submitted, is not filed or otherwise in compliance with §164 of the Public Service Law (PSL). The deficiencies identified must be remedied or otherwise cured before the Application can be deemed to comply with PSL §164 and the public hearing can be commenced pursuant to PSL §165.

The Applicant must comply with all relevant filing requirements contained in 16 NYCRR §1001 through 16 NYCRR §1001.41 in addition to the Stipulations that were filed with the Secretary on August 7, 2018. The identified deficiencies in the Application are listed in the attachment to this letter.

Please note that the Bluestone Wind, LLC is required to serve a copy of the information it files as a supplement in order to remedy the identified deficiencies on all entities entitled to receive a copy of the Application pursuant to PSL §164, as well as any additional parties on any established Party List in this proceeding.

Please contact Andrea Cerbin, Assistant Counsel at 518-408-1441 if you need further assistance.

My staff is committed to responding as expeditiously as possible to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read "John B. Rhodes". The signature is written in a cursive, somewhat stylized font.

John B. Rhodes
Chair

cc: Service List

Attachment

ATTACHMENT A

Exhibit 2 – Overview & Public Involvement

1. Stipulation 2(c) requires that the Exhibit include a description of the Public Involvement Program Plan (PIP), including actions such as establishment of a Project website and toll-free number. Page 10 of the December 3, 2016 PIP Plan identified a toll-free number (1-866-681-3312) for the Project. However, page 3 of Exhibit 2 of the Applicant states that the Project has not yet established a toll-free number. Please clarify whether a number has been established for the Project and, if so, provide the number.
2. Stipulation 2(c) also requires a description regarding the development and use of the stakeholder list. On page 2 of the Exhibit, the Applicant notes that open house informational sessions were held in January and November 2017. The Exhibit does not adequately describe the outreach methods used to notify the public of the open houses, specifically whether an invitation was mailed to an updated stakeholder list that included host and adjacent landowners. In addition, the November 2017 open house is not included in the meeting log in Appendix C as stated in the Exhibit. Please provide an updated description of the methods used to notify the public of the open houses and proof of service of notification to the stakeholder list and include a revised meeting log.
3. Stipulation 2(d) requires the Applicant mail notice of the Application filing to all stakeholders, including host and adjacent landowners, and additional entities identified during the scoping, stipulation and public involvement process. The Master Stakeholder List provided with the Affidavit of Service (and in Appendix B) does not include all stakeholders identified in the PIP Plan or all those identified through outreach efforts (e.g. well surveys and visual impact assessment). Please update the stakeholder list, provide notification of the Application filing to the stakeholders who had not received it, and provide proof of service.

Exhibit 3 - Location of Facilities

1. Stipulation 3(a)(1) requires that mapping must show location of temporary project meteorological towers. The legend of Figure 3-1 includes “MET tower” and the text preceding it indicates that permanent towers are included in the figure, but makes no mention of temporary towers. Please provide a revised Figure 3-1 showing Facility

Layout including locations of temporary meteorological towers, in addition to the mapped permanent meteorological towers and other proposed facilities. Please distinguish between temporary and permanent met towers.

Exhibit 11 - Preliminary Design Drawings

1. Stipulation 11(a) requires site plan drawings of O&M buildings to show property setbacks. Appendix M does not indicate setback distance of O&M building from property lines. Please provide revised site plan Appendix M Drawing No. EX-2 indicating property lines and setback distances.
2. Elevation plans of substation control house and battery storage structures are not included as specified in Stipulation 11(f). Please provide those plans.

Exhibit 18 - Safety and Security

1. 16 NYCRR §1001.18(b)(3) requires the Application to provide a preliminary site security plan including a preliminary lighting plan. Please provide a preliminary plan for site security indicating location and specifications requirements of §1001.18(b)(3).
2. The Application does not address the possibility of construction or operation phase incidents involving co-located facilities at major gas transmission pipeline rights-of-way. Pursuant to 16 NYCRR §1001.18(c)(1), (2), (3), and (4) please address potential pipeline incident measures for Facilities Construction and Operation phases, include how notice to pipeline facilities operator; notice to emergency responders, evacuation control measures, and notice to the surrounding community will occur.
3. 16 NYCRR §1001.18(d) as a result of any changes to the Application material contained in Exhibit 18, please provide updated information to New York State Division of Homeland Security and Emergency Services as require by 16 NYCRR §1001.18(d).
4. 16 NYCRR §1001.18(g) and (h) Exhibit 18 does not address fire emergencies involving major natural gas transmission pipelines co-located at Facilities Site. Please update plans to address co-located pipeline incidents; and provide updates to local emergency responders serving the area of the facility site, and provide review of responses received.

Exhibit 19: Noise and Vibration

1. Please provide the analysis and results required by Stipulation 19(c) “[r]epresentative measured ambient data will be assigned to the most potentially impacted and

representative receptors modeled for construction noise impacts. The results will be presented in the Article 10 Application.”

2. Stipulation 19(c) requires a statement regarding construction hours including evenings, nighttime, weekends or national holidays. Please provide the statement required by Stipulation 19(c). Indicate whether construction is proposed to occur on weekends or national holidays.
3. Indicate whether sound power information from the turbines’ manufacturers associated with angular speed of the rotor and rated power for the basic configuration and for any noise reduction operations for the turbine models used in the Application is available. If so, please provide such information as required by Stipulation (19)(d)(4).
4. Please provide the full-size drawings required by Stipulation 19(d)(7).
5. Please provide property identification information in sound contour drawings as required by Stipulation 19(d)(8).
6. Please provide “un-mitigated” sound results for sound sensitive receptors (without noise reduction operations) as required by Stipulation 19(d)(10). (Report “mitigated” and “un-mitigated” sound results at a minimum for sound receptors where both results are different.
7. Please provide meteorological data related to wind speed and sound power levels as required by Stipulation 19(d)(11).
8. Please provide a report on the Maximum Leq-16-hour daytime in a year as required by Stipulation 19(d) (12).
9. Please provide the details of data and calculations as required by Stipulation 19(d)(12), specifically the data and calculations of the maximum Leq-8-hour- nighttime and the maximum Leq-16-hour-daytime in a year at each sensitive receptor.
10. Please provide a description and general discussion of the height of receptors above the ground as applicable to the site and its effects on accuracy of modeling results as required by Stipulation 19(d)(13).
11. Please specify whether tonality values for a batch of turbines as specified in IEC 61400-14 Part 14 are available and if so, include them in the Application as required by Stipulation 19 (e)(2).

12. Please provide the GIS files that were used for computer noise modeling as specified in Stipulation 19(n).

Exhibit 21 - Geology, Seismology and Soils

1. 16 NYCRR §1001.21(g) requires a “a delineation of temporary cut or fill storage areas to be employed.” The Application states that this information will be provided as a “compliance filing.” Please provide a preliminary delineation of temporary cut and fill storage areas. This should include delineation of storage areas of gravel materials that will be imported for project construction. In the alternative, provide a statement that additional temporary storage will not be needed at any of the Facility locations.
2. Exhibit 21(i) of the Application, and the Preliminary Blasting Plan included as Appendix HH, do not provide a preliminary identification of the locations of blasting operations and estimates of amounts of rock to be blasted. Please provide an updated Preliminary Blasting Plan that includes a preliminary identification of areas where blasting is anticipated and an estimate of the amount of rock to be blasted, based on known geologic conditions, layout of the Facility, and proposed turbine foundation types. The schedule described in Section 2 of the updated Preliminary Blasting Plan should also include information on how to file a complaint.
3. Exhibit 21(k) does not evaluate reasonable alternatives for proposed blasting, including use of alternative technologies and/or alternative structure locations to minimize blasting impacts as required by 16 NYCRR §1001.21(k). Please provide a discussion of reasonable alternatives for turbine locations requiring blasting near existing infrastructure (including cemeteries), and evaluate alternative excavation methods and foundation designs that would minimize the amount of blasting required.
4. Exhibit 21(q) and Appendix JJ and App. A do not provide all of the information required for vertical profiles per 16 NYCRR §1001.21(q). Specifically, seasonal high groundwater and typical foundation depths are not shown on the boring logs. Please provide revised boring logs to indicate seasonal high groundwater and typical foundation depths. If multiple foundation types are being considered, estimated depths for each type should be indicated on the profiles.

Exhibit 22 - Terrestrial Ecology & Wetlands

1. Stipulation 22(a)(3) requires that “[m]aps, based on aerial photography at a scale of 1:2000 or finer.” The maps provided (Figure 22-1: Impacts to Plant Communities) are at a scale of 1:6000. Please provide the 1:2000 scale maps.

2. Stipulation 22(a)(3) requires maps based on aerial photography at a scale of 1:2000 or finer, showing approximate locations and extent of identified plant communities within 500 feet of areas of disturbance for the proposed facility and all of its components. Since Figure 22-1 does not include plant community identification for all areas of proposed disturbance, please provide revised maps identifying plant communities within 500 feet of all areas of disturbance (including vegetation clearing and grading). (Example: Figure 22-1 (16 of 19) T-34 to T-35).
3. Stipulation 1001.22(b)(2)iii requires application to “provide maps at a scale of 1:2000 (1" = ~167') of concentrations of invasive species in areas of proposed disturbance.” Please provide the correct scale maps.
4. 16 NYCRR §1001.22(i) requires a map of delineated wetland boundaries within 500 feet of areas to be disturbed by construction, including interconnection facilities. For adjacent properties within 500 feet of disturbance, but not accessible for on-site surveys, initial surveys may be based on remote-sensing data, interpretation of published wetlands, soils mapping, and aerial photography. Wetlands map Figure 22-2 does not indicate assessment of wetlands out to the required 500-foot distance for many areas of disturbance such T-29. Please provide additional mapping demonstrating assessment of area for wetlands presence via remote-sensing or direct observation. (Example: Figure 22-2 Sheet 2 of 2)
5. 16 NYCRR §1001.22(l) requires an analysis of off-site wetlands that may be hydrologically and ecologically influenced by development of the facility site. Please provide analysis to adequately assess off-site wetlands impacts.
6. Stipulation 22(n) requires an Environmental Compliance and Monitoring Plan (ECMP) to identify use during construction and mitigation activities. Please provide the ECMP to comply with the Stipulation.

Exhibit 23 - Water Resources and Aquatic Ecology

1. Stipulation 23(a)(1) requires a preliminary identification of locations that may require dewatering. Exhibit 23(a)(1) indicates that preliminary review of site conditions indicates that dewatering may be necessary at some turbine locations. Identify all turbine locations and other Facility construction areas where dewatering is anticipated based on preliminary geotechnical investigations and publicly available information on groundwater depths. Please specify whether anticipated dewatering is temporary or permanent at each location.

2. Exhibit 23(a)(2), Figure 23-1 "Groundwater Aquifers and Recharge Areas" fails to include all of the information required per 16 NYCRR §1001.23(a)(2). The map does not show the locations of public water wells within the study area. Maps of public and private water supply wells must also indicate whether well locations are approximate or confirmed, as required per Stipulation 23(a)(2)(i)(6). In addition, Figure 23-1 does not indicate groundwater flow direction as required by 16 NYCRR §23(a)(2). Please provide a revised Figure 23-1 showing both public and private water supply wells identified within the study area, and indicate whether well locations are approximate or confirmed. Please provide a revised map depicting groundwater flow direction within the Project Area.
3. Exhibit 23(a)(2) should indicate that the residences/businesses with private wells have been included on the stakeholder list.

Exhibit 24 - Visual Resources

1. Exhibit 24(b) viewshed mapping is not consistent with Stipulation 24 (b)(1). Please provide viewshed analysis on maps that depict foreground, mid-ground and background distance zones.
2. Stipulation 24(b)(4) requires that the visual stakeholders are added to the master stakeholder list. Please update the list to include stakeholders from Appendix G in Exhibit 24.