

Bluestone Wind Project Final Complaint Resolution Plan

Bluestone Wind, LLC

2020

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Introduction

Bluestone Wind, LLC (“Bluestone Wind”) plans to construct, operate and maintain its Bluestone Wind Project (the “Project”) located in Broome County, New York, in a manner that is consistent with applicable laws and regulations and responsible community engagement. Bluestone Wind recognizes noise, shadow flicker, visual and other impacts during construction and operation of a wind farm could be perceived by community members as unwelcome.

Bluestone Wind takes complaints that it receives from members of the public very seriously. This Complaint Resolution Plan has been developed in consultation with the Towns of Sanford and Windsor to establish a process for responding to complaints regarding the construction (including tree clearing) and operation of the Project in a timely and consistent manner.

General Project Communications

General project information will be posted on the Bluestone Project website and communicated in local town meetings, as set forth herein, and to the local newspapers, *Deposit Courier*, *Windsor Standard*. This information will include information about the status of the Project as well as the process of filing a complaint concerning Project activities. During the construction phase, posted information will include the anticipated construction schedule, transportation routes, and traffic control measures. During operations, if major maintenance is required, information on the project maintenance schedule, transportation routes and traffic control measures will be posted.

Contact Information During Construction

Project Representative: Jeff Puterbaugh

Phone Number: (213) 288-1623

Mailing Address: 30 St. Clair Ave. West, 12th Floor, Toronto, Ontario M4V 3A1

Email Address: jeff.puterbaugh@northlandpower.com

No less than two (2) weeks prior to the commencement of construction, the Certificate Holder will provide the contact information identified above, updated as needed, the procedure for joining the project email list,¹ and the procedure for registering a complaint as follows:

- a) By mail to host landowners, and to adjacent landowners within 2,500 feet of parcels upon which Project components will be located;
- b) By mail to local Town and County officials and local emergency personnel;

¹ Bluestone Wind will establish a project e-mail list prior to construction. Those on the email list will be receive project updates and notices via email.

- c) Publish in the *Deposit Courier*, *Windsor Standard*, and the *Press & Sun Bulletin*;
- d) By mail for display in public places, which will include, but not be limited to, the Town Halls of the host communities, at least one library in each host community, at least one post office in each host community, the Project and Town websites, and the Facility construction trailers/offices; and
- e) File with the Secretary for posting on the DPS Document Matter Management website (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-F-0559&submit=Search>).

In addition, the entire Complaint Resolution Plan will be provided to the Windsor and Sanford Town Boards and will be posted on the Bluestone Wind website. This plan will also be available to the public at the Bluestone Wind local office and/or, the temporary construction offices during construction, and the O&M building during operations.

Immediately prior to the commencement of commercial operations, Bluestone Wind will communicate updates to the contact name and address of the individual responsible for managing complaints during the operational phase to host and adjacent landowners, the Towns of Windsor and Sanford, DPS, and other permitting agencies. Bluestone Wind will notify these parties and individuals through direct mailing and publishing such information in the *Deposit Courier*, *Windsor Standard*, and the *Press & Sun Bulletin*, and on the Project website. Bluestone Wind will thereafter update contact information on the website, and will notify host and adjacent landowners, the Towns of Windsor and Sanford, and DPS, if the telephone number, email address or mailing address for complaints changes.

Registering a Complaint

Complaints may be made the following ways:

1. Calling, emailing, or mailing the Project Representative identified above, or
2. Meeting with Bluestone Wind employees at the local Bluestone Wind office or the O&M building after construction is complete. For safety reasons, members of the public will not be allowed on-site to register complaints with Bluestone Wind-affiliated workers at locations other than those identified. If Bluestone Wind-affiliated workers are approached directly with complaints during construction, the complainant will be referred to the Project Representative.

If any complaints are received by the Town of Windsor, the Town of Sanford, DPS, or the New York State Department of Environmental Conservation, they will notify Bluestone Wind of the complaint via email. As discussed below, all complaints, regardless of how they are received, will be recorded on the Complaint Log Sheet attached to this Plan.

Complaint Response Program

Bluestone Wind will implement a six-point complaint response program for all registered complaints.

1. Community Engagement

It is important that residents and local public officials have reasonable access to Project personnel. As previously noted, Bluestone Wind will provide and advertise a toll-free number, email address, and mailing address that the public can use to contact the Project Representative. During construction (which includes tree-clearing), the toll-free number and email address will be checked by Bluestone Wind personnel at least daily to see if a message has been received. Bluestone Wind will maintain open lines of communication with local and State officials to ensure it receives any complaints that are made directly to Towns, the County, or the State.

2. Process for Gathering and Analyzing Information Regarding the Complaint

Upon receipt of a complaint, it is essential that Bluestone Wind know the characteristics, circumstances, and facts giving rise to a complaint or issue. To obtain the necessary information, Bluestone Wind representatives will contact the individual as quickly as possible, and in all cases within 48 hours to confirm receipt of a complaint, and within 72 hours to gather additional information on the nature of the complaint, if necessary, based on the type of complaint.² At the time Bluestone Wind gathers additional information Bluestone Wind will ask for a description of the complaint, location, time of day, duration and any other defining circumstances as needed to further assess the issue.

In some cases, a local resident may just want to express a concern or an opinion and does not expect any further action. In those circumstances, a conversation with the Project Representative may resolve the complaint. The Project Representative, or personnel designated by the Representative, will record the conversation on the attached Complaint Log Sheet, but no additional follow up is required. For all other complaints, Bluestone Wind will investigate the circumstances of the complaint to determine the basis for the complaint. The nature of the investigation will differ depending on the type of complaint and whether it involves Project construction or operation. Below is an outline of the steps required to investigate the types of complaints most likely to be raised concerning construction and operation of the Project based on experience in the wind energy industry:

² Any complaint with serious health or human safety implications will be responded to as quickly as possible and in all cases within 24 hours.

Construction-Related Complaints³

Blasting

- Detailed information specific to the blasting complaint will be logged, including the type of complaint (e.g., noise, vibration, water well issues, or safety), the timing, duration, and severity of blasting impacts, and whether the complainant was notified of blasting activities.
- Blasting activities occurring on the date, and at the time and location identified by the complainant, will be investigated to determine what activities were occurring on that date.
- Steps will be taken to determine whether blasting activities specific to the Project were conducted in accordance with the Blasting Plan.
- Future planned blasting activities near the complainant will be identified to enable coordination to minimize future complaints.
- If this preliminary assessment does not reveal any obvious source of the impacts, consider whether additional investigation is necessary based on the circumstances of the complaint.

Noise

- If the noise complaint location is more than one mile from active construction activity, the complaint will be logged, but no action will be taken.
- If the noise complaint is less than one mile from active construction activity, the following steps will be taken:

Step 1: A representative from the construction firm will visit the site of the complaint during construction activity to listen and observe.

Step 2: The representative will determine if any unusually loud or unusually distributing noises can be heard (i.e. sounds not typical of a construction site) or if project personnel have deviated from any plans, schedules or routes. (*This is for construction; sounds typical of a construction site may be excessive at abnormal times, such as night time.*)

Step 3: Construction personnel will try to determine if any equipment is not functioning properly and thus creating unusual sound. If so, this equipment will be moved to a different location or repaired or replaced as soon as practical, provided the move, repair or replacement does not cause undue delay to the construction schedule.

Step 4: A written response will be provided to the complainant detailing the results of the investigation and any mitigation or remedial actions that have or will be taken.

³ Construction-related complaints cover both complaints during construction activities, including initial tree clearing, and the ultimate decommissioning of the Project.

Stormwater, Dust and Similar Impacts

- Detailed information from the complainant concerning type/source of impact (date, time of day, weather conditions, location, description of impact, etc.) will be logged.
- Construction activities occurring on the date, and at the time and location identified, will be investigated to determine what activities were occurring on that date.
- Steps will be taken to determine whether the appropriate pollution prevention measures were/are in place as outlined in the stormwater pollution prevention plan (SWPPP), dust control plan or other relevant plans.
- If it is determined that that appropriate pollution prevention measures were not in place⁴ or were in place but were not effective in mitigating stormwater, dust or other impacts, Bluestone Wind will act in a timely manner to ensure proper controls are in place and any impacts are mitigated.
- Future planned construction activities will be identified to assess the likelihood of similar problems in the same location or elsewhere.
- If this preliminary assessment does not reveal any obvious source of the impacts, consider whether additional investigation is necessary based on the circumstances of the complaint.
- A written response will be provided to the complainant detailing the results of the investigation and any mitigation or remedial actions that have or will be taken.

Operation-Related Complaints

Noise and Vibration

- If the complaint represents a residence⁵ within one mile of any wind turbine or substation,⁶ Bluestone Wind will:
 - Investigate whether equipment near the complainant was operating on the date, and at the time and location identified;
 - Determine if the sound is related to Project maintenance or abnormal operational conditions;
 - Determine if there is a reasonable possibility that the sound level induced by the Project is likely to be within 5 dBA of any applicable short-term sound limit specified in the Certificate at the complainant's location; and
 - Review pre-construction sound modeling and any available post-construction sound data to determine whether the sound level at the complaint location is within 5dBA from the level determined by the Order Granting Certificate of Environmental Compatibility and Public Need, with Conditions issued by the Siting Board.

⁴ As outlined in the stormwater pollution prevention plan (SWPPP), dust control plan, or other relevant plans.

⁵ Residence includes permanent and seasonal residences existing as of December 16, 2019.

⁶ Complaints representing residences not existing as of December 16, 2019 and more than one mile from the nearest wind turbine will not be investigated as noise generated from wind turbines does not substantially impact ambient sound levels at that distance.

The results and findings of the aforementioned will be promptly communicated to the complainant in writing.

- Bluestone Wind will conduct additional sound or vibration monitoring using an independent acoustical or noise consultant if:
 - The complaint location is further than 0.5 miles from any post-construction sound compliance monitoring locations; or
 - The complaint location is closer than 0.5 miles of a previously tested monitoring location and the modeled sound levels are higher, or expected to be higher, than the position(s) previously evaluated, or if the complaint location is not representative of the same conditions as the positions previously evaluated (e.g. vegetation, geography, other ambient sound); or
 - If there is a reasonable possibility that conditions have changed that affect Project sound levels; or
 - The last sound or vibration (as applicable) monitoring was conducted more than three years ago.

- Bluestone Wind will not conduct sound monitoring if:
 - The modeled sound level, or any post construction sound levels, if such data is available, is more than 5 dBA lower than any applicable short-term sound limit specified in the Certificate; or
 - The complaint has occurred because of Project maintenance or abnormal operational conditions. In this case, Bluestone Wind will complete necessary repairs.
 - Following the reports Bluestone Wind will conduct additional sound monitoring to demonstrate the results of the repairs and compliance with any applicable short-term sound limits specified in the Certificate. The results and findings of the monitoring will be promptly communicated to the complainant in writing.

Bluestone Wind may request that a complainant maintain a written log of potentially offending sound events over some reasonable period (at least 3 weeks) to assist in identifying influences that may affect the sound from the turbines. If an independent acoustical or noise consultant determines that the identified factors demonstrate that follow-up sound monitoring is warranted, Bluestone Wind will make reasonable efforts to conduct such monitoring under conditions like those existing at the time the complaint arose.

Bluestone Wind will inform a resident when it intends to conduct any exterior sound monitoring and cooperate with the resident to determine an appropriate location for the monitoring equipment.

Bluestone Wind will not, as a result of additional complaints, repeat sound monitoring in a representative area (0.5 miles) during any five-year period provided the first complaint response procedure demonstrated the Facility was in compliance with the short-term sound limits specified in the Certificate and no changes in system operation or turbine maintenance can be reasonably assumed to have resulted in higher sound levels. If Bluestone Wind is required to perform two separate monitoring tests as a result of complaints in the same location, during any five year period, and both tests demonstrate the Facility is in compliance with the short-term sound limits specified in the Certificate, Bluestone Wind may require the complainant to pay the costs of any additional sound testing made within the next five years. Sound monitoring in response to complaints will be addressed as part of the relevant and applicable portions of the Sound Testing Compliance Protocol

Shadow Flicker

- If the complaint represents a residence within 4,900 feet (1,500 meters or 10 times the rotor) diameter of Project turbines) of any wind turbine,⁷ Bluestone Wind will:
 - Investigate the operating conditions of the equipment near the residence represented by the complaint at the date, time and location identified;
 - Review the final shadow flicker report to determine whether the duration and timing of the shadow flicker reported at the residence represented by the complaint comports with what was predicted for that site; and
 - Determine whether conditions have changed that might impact perceived shadow flicker at the complaint location (e.g., tree removal, annual occupation of a previously seasonally occupied residence, etc.).

Bluestone Wind may request that a complainant maintain a written log of shadow flicker occurrence over some reasonable period (at least 3 weeks). Based on its investigation and information provided by the complainant, Bluestone Wind may need conduct follow-up monitoring to quantify and verify the complaint, timing and duration of shadow flicker received in a given location.

Where the investigation of a complaint in the operational period shows a condition that can be easily remedied, the Certificate holder will promptly implement such remedies. Where the investigation of a complaint in the operational period shows a condition that cannot be easily remedied, the investigation will assess whether the condition complies with the terms and conditions of the Bluestone Wind certificate. The determination and any mitigation or remedial actions to be taken will be provided to the complainant in writing.

⁷ Complaints representing residences more than 4,900 feet from the nearest wind turbine will not be investigated as the intensity of the shadow of the rotating blades beyond this distance is sufficiently diminished so as to have no substantial impact on occupied buildings.

Other Complaints

Complaints concerning construction/operation of the Project other than those identified above (i.e., degraded cell service, communication impacts or degraded TV reception) will be recorded on the Complaint Log Sheet attached as Exhibit A and investigated based on the nature of the complaint and mitigation or remedial actions taken consistent with the final Certificate.

3. Complaint Tracking

Bluestone Wind will maintain a written log of all complaints concerning the Project during construction (including during tree clearing) and operation, using the Complaint Log Sheet attached hereto as Exhibit A. The log will include all completed Complaint Log Sheets, which contain basic information about the complaint (name of complainant, date complaint received, nature of complaint, results of investigation, plans for resolution, follow-up with complainant), and copies of any supporting documentation assembled. Quarterly reports of complaint resolution tracking will be provided to DPS Staff and filed with the Secretary and provided to the Towns.

If any complaint-based sound monitoring is conducted by Bluestone Wind, the results of the testing will be submitted in a report within 45 days of the completion of that monitoring. This report will go to the complainant and to the Town Clerk of Sanford, Town Clerk of Windsor, and DPS. The report will include the following information during the monitoring period:

- Ground-level wind speed and direction
- Operational status of the wind turbines (kW output; rotor rpm), or substation as applicable
- Whether any Noise Reduced Operations (NRO) mode was used during testing
- Wind speed and direction at hub height
- Summary of sound levels and conclusions, and
- Raw sound level data as logged by the sound level meter during the program.

4. Complaint Response

For noise-related complaints during the operational period, if it is determined that the sound or vibration level at any non-participating residence is above any applicable short-term limit specified in the Certificate, (Condition 79) and that this sound level is attributable to the Project, Bluestone Wind will take steps to identify the issue and evaluate practical measures to reduce sound levels at the receptor and/or mitigate the issue by other measures. Bluestone Wind will implement mitigation consistent with the Certificate.

For shadow-flicker-related complaints during the operational period, if it is determined that shadow flicker exceeds 30 hours at a non-participating residence, the mitigation options identified in the Final Shadow Flicker Impacts Analysis, Control, Minimization and Mitigation Plan (as described in Certificate Condition 64) will become available to the complainant.

For all complaints (e.g. blasting, stormwater, etc.), where the conversation with the Project Representative does not immediately resolve the complaint, Bluestone Wind will investigate the complaint as outlined above and work with the complainant in good faith to resolve their concerns within a reasonable time and will provide a timely written response to the complainant within 30 days of receipt of the complaint. As practicable, complaint response timelines will be accelerated during the construction phase to accommodate the potential immediate nature of complaints received during this phase.

5. Complaint Response Follow Up

After Bluestone Wind has provided the written response to the complainant pursuant to Step 4 above, Bluestone Wind personnel will follow up with the complainant within 30 days to inquire if the matter has been resolved and determine if there are any residual issues that need further attention. The results of the complaint follow-up will be recorded on the Complaint Log Sheet.

For any complaints where Bluestone Wind conducts monitoring or studies which demonstrate that the Facility is compliant with the Certificate such monitoring and studies shall resolve the complaint and no further action shall be required.

6. Further Action

Bluestone Wind will report to DPS Staff and the Towns any complaints not resolved within 30 days of receipt. Bluestone Wind will work in good faith to address and/or resolve complaints as soon as reasonably practicable. In instances where resolution might take longer than 60 days, Bluestone Wind will report this complaint to DPS staff and the Towns, contact the complainant to explain why the resolution might take longer, and will provide a timeframe for resolution that is as soon as is practicable. Complaints not resolved within 60 days may be mediated. If there are issues specific to a complaint that remain unresolved, Bluestone Wind may engage in more formal conflict resolution. Further action will consider project-specific factors and will be decided on a case-by-case basis, using input from outside consultants, legal counsel, and upper management of Bluestone Wind, as appropriate. If Bluestone Wind determines that more formal conflict resolution is required, Bluestone Wind will provide the complainant with a written agreement to enter into more formal conflict resolution and will engage a neutral third party. The Parties may reach resolution or the neutral third party may make a recommendation which would be provided to Bluestone Wind, the complainant and DPS Staff, and the recommendation will be implemented, unless determined to be arbitrary and capricious by DPS Staff. In no

case will the timeframes, or other requirements or standards, specified in the Certificate Order be exceeded.

EXHIBIT A. Complaint Log Sheet

Complaint Log Sheet

After completing this form, immediately email a copy to the Site Manager, Operations Manager, and EHS Specialist

Personnel Receiving the Complaint:	
Method of Receiving Complaint (circle one): Phone Email Mail Other (describe)	
Date Complaint Received (MM/DD/YY):	(circle) Mon. Tue. Wed. Thur. Fri. Sat. Sun.
Time Complaint Received:	

Complaint Information

Name of Complainant:
Address of Complainant:
Phone Number of Complainant:
Date/Time of Bothersome Activity:
Construction or Operation Complaint? (circle one)
Complaint (describe in detail):

Noise Complaint Supplement – As applicable, provide the information below for noise-related complaints.

Construction Equipment Activity During the Time of the Complaint (if applicable):
Closest wind turbine to complainant:
Approximate power output of this wind turbine (kW):

Resolution and Follow-up

Definition of problem after investigation by Project personnel:
Description of corrective measures taken:
Date corrective measure(s) completed:
Date first letter sent to complainant: (copy attached)
Date second letter sent to complainant: (copy attached)
Follow-up actions if correctives measure(s) unsuccessful or unavailable:

This information is certified to be correct: _____
(Attach additional pages and supporting documentation, as required.)

EXHIBIT B. Sample Complaint Form

Sample Complaint Form

Name of Complainant:	
Address of Complainant:	
Phone Number of Complainant:	
Date of Complaint (MM/DD/YY):	(circle) Mon. Tue. Wed. Thur. Fri. Sat. Sun.
Time of Complaint:	

Complaint (describe in detail):

Noise/Shadow Flicker Complaints – Please attach a log that provides date-specific summary descriptions of all potentially offending noise and shadow flicker events over the complaint period.

Noise/Shadow Flicker Log:		
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:
Date: Description:	Date: Description:	Date: Description:

This information is certified to be correct: _____ Date: _____
 (Attach additional pages and supporting documentation, as needed.)