



SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.7 Exhibit 6

Public Health, Safety and Security

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Acronym List

%	percent
§	Section
AES	The AES Corporation, Inc.
Applicant	Somerset Solar, LLC
BMP	Best Management Practice
ECMP	Environmental Compliance and Monitoring Plan
EM	Environmental Monitor
EPC	Engineering, Procurement and Construction
ESA	Environmentally Sensitive Area
Facility	Somerset Solar Facility
Facility Substation	Somerset Collector Substation
GHG	Greenhouse Gases
HDD	Horizontal Directional Drilling
MW	megawatt
NIST	National Institute of Standards and Technology
NYCRR	New York Codes, Rules and Regulations
NYISO	New York Independent System Operator
NYS	New York State
NWP	Nationwide Permit
NYSDEC	New York State Department of Environmental Conservation
ONAF	Oil Natural Air Forced
ONAN	Oil Natural Air Natural
ORES	Office of Renewable Energy Siting
O&M	Operation and Maintenance
Project Site	The approximately 1,396 acres under lease agreement
PV	photovoltaic
SPCC	Spill Prevention, Control and Countermeasures
SRP	Safety Response Plan
SSP	Site Security Plan
SWDA	Solid Waste Disposal Area
SWPPP	Stormwater Pollution Prevention Plan
USCs	Uniform Standards and Conditions
WOTUS	Waters of the United States

Glossary Terms

Applicant	Somerset Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility Site from the Office of Renewable Energy Siting (ORES) under Section (§) 94-c of the New York State Executive Law.
Application	Application under §94-c of the New York State Executive Law for review by the ORES for a Siting Permit.
Facility	The proposed components to be constructed for the collection and distribution of energy for the Somerset Solar Facility, which includes solar arrays, inverters, electric collection lines, and the collection substation.
Facility Site	The limit of disturbance (LOD) that will be utilized for construction and operation of the Facility, which totals about 696 acres on the Project Parcels in the Town of Somerset, Niagara County, New York (Figure 2-1).
Project Parcels	The parcels that are currently under agreement with the Applicant and Landowner, totaling about 1,784 acres in the Town of Somerset, Niagara County, New York, on which the Facility Site will be sited (Figure 3-1).
Project Site	The acreage of the Project Parcels under agreement between the Applicant and the Landowner, consisting of approximately 1,396 acres, in which the Applicant has performed diligence, surveys and assessments in support of Facility design and layout.

EXHIBIT 6 PUBLIC, HEALTH, SAFETY, AND SECURITY

This exhibit addresses the requirements specified in 19 New York Codes, Rules and Regulations (NYCRR) Section (§) 900-2.7 regarding public health, safety and security.

The construction of the Facility will not result in any public health, safety, or security concerns. Solar projects do not generate fuel emissions during operation, unlike fossil fuel power plants. There will be minor vehicle emissions and airborne dust during construction, which is typical for construction of these types of projects, but these will both be minimized through the use of best management practices (BMPs). In addition, a Site Security Plan (SSP) (Appendix 6-A) and Safety Response Plan (SRP) (Appendix 6-B) have been prepared and will be adhered to for the construction and operation of the Facility. These have been provided to the Town of Somerset, local emergency responder agencies, and the New York State (NYS) Division of Homeland Security for review and comment. The Facility has been designed to comply with 19 NYCRR §900-2.7 and the Uniform Standards and Conditions (USCs), and impacts related to public health, safety, and security have been avoided and minimized to the maximum extent practicable.

6(a) Avoidance and Minimization of Potential Adverse Impacts of Facility

The Somerset Solar Facility (Facility) proposed in the Town of Somerset, Niagara County, encompasses approximately 1,396 acres (Project Site), and will consist of photovoltaic (PV) solar arrays and associated infrastructure. Somerset Solar, LLC (the Applicant), a subsidiary of The AES Corporation, Inc. (AES), has made all efforts to avoid and minimize potential adverse impacts of the construction and operation of the Facility, the interconnections, and related facilities on the environment, as well as public health, and safety.

In terms of public health, human induced climate change is affecting public health across the world, including NYS. Rising global temperatures are fueling extreme weather throughout the world, impacting economies and societies (World Meteorological Organization 2021). Reductions in emissions of carbon dioxide improves air quality and strong reductions in emissions can help reverse some of the damage caused by global climate change, which impacts public health and safety (Intergovernmental Panel on Climate Change 2021). Renewable energy projects, like the Facility, are needed to combat climate change and protect the public health and welfare of NYS' citizens (New York Public Research Group 2021). The Facility, as a renewable energy generation facility, is consistent with NYS' energy policies aimed at combating climate change and reducing greenhouse gas (GHG) emissions, such as the Climate Leadership and Community Protection Act (Exhibit 17). By contributing 125 megawatts (MW) of solar energy in New York Independent System Operator (NYISO) Zone A, (NYISO 2021), the Facility will be increasing the proportion of

renewable generation capacity available to displace generation from GHG emitting sources, such as oil and natural gas. The Facility will have a nameplate capacity of 125 MW (alternating current), estimated to generate enough renewable green energy to power approximately 25,002 NYS households (Solar Energy Industries Association 2022), thus further reducing NYS' dependence on fossil fuels and diversifying the energy market for consumers. Contributing to the reduction of GHG emissions locally and regionally will have positive social and public health benefits by minimizing impacts related to climate change. Additional social benefits from the Facility include long- and short- term job creation and local and regional economic development in the clean energy industry (Exhibit 18), which aligns with NYS Energy Research and Development Authority's mission outcomes and strategic focus areas with respect to achieving the Climate Leadership and Community Protection Act goals (Exhibit 17).

Renewable energy facilities also have an inherently low public safety risk due to the limited amount of hazardous or combustible materials used or stored on-site during both construction and operation. The proposed renewable energy facility also will greatly reduce the unfavorable public health impacts of the site's current use that includes coal piles and landfills associated with the former coal plant, Somerset Station. Portions of the Facility Site that formerly functioned to support coal waste depository (coal storage pile and landfill areas) will be repurposed to provide clean, zero waste, renewable energy. As noted in Appendix 6-B, hazardous materials likely to be used during construction and operation are limited to commonly used products such as fuel, lubricants, solvents, oils, chemicals, and paints. Public hazards from these materials, which will be kept on the Facility Site in relatively small volumes, would be limited primarily to potential spills, improper storage or transport of materials, or improper disposal of waste. These potential risks will be mitigated through implementation of robust safety response and environmental management plans and will not pose a major threat to public health or safety. By generating electricity from a renewable source (solar), the Facility will have a comparatively low public health and safety risk as compared to a fossil fuel generation facility, essentially because the fuel source itself is not combustible. The risk of fire at the Facility is limited to potential grass fires due to lightning, failure of electrical lines, electrical situations (i.e., ground faults, short circuit faults) in the inverters and/or the Somerset Collector Substation (Facility Substation) transformer, or sparks from cutting operations and vehicular operation over dry vegetated areas. These potential fire risks will be mitigated through implementation of the SRP (Appendix 6-B) and are anticipated to be easily contained due to the lack of large volumes of combustible materials to be kept on the Facility Site.

In addition, the Facility is not anticipated to result in significant glare that would pose a risk to transportation (vehicles and airplanes) in the surrounding areas (Exhibit 8 and Exhibit 16). The Applicant also has avoided noise impacts to participating and non-participating landowners through careful siting of Facility infrastructure, and through incorporation of a sound wall for the Facility Substation area. As noted in Exhibit 7, with the exception of the Facility Substation transformer and Area 5 inverter noise levels, the modeled sound levels are within the design thresholds specified by the Office of Renewable Energy Siting (ORES) in §900-2.8(b)(2)(iv) and Town of Somerset Solar Law. The Applicant is largely compliant with the Town of Somerset noise ordinance. However, as explained more fully in Exhibit 24, the Applicant will seek waiver of Somerset local law § 131-3(b), mainly due to ambiguity, which prohibits noise from a “sound emitting device” from being “audible” at the property line of adjacent residential properties. The assessment included in Appendix 7-A applied a 5-dB penalty to all sound sources that may be tonal, including the SG3600 inverter skid, high voltage Facility Substation transformer in the ONAN (Oil Natural Air Natural; simple transformer cooling method using natural convection) and ONAF (Oil Natural Air Forced; forced circulation using fans for air cooling). conditions, the tracking motors for the tracking panels, and control room heating, ventilation and air conditioning equipment. Noise exceedances identified for the Facility Substation transformer will be mitigated through installation of a sound wall, and noise exceedances associated with the inverters located in Area 5 of the Facility Site will be mitigated through the installation of acoustic sound walls (Appendix 7-A, Figure 25 and Figure 27; Appendix 5-B, Sheets HV-P.01.01 and HV-P.02.01 [Facility Substation sound wall]; and Appendix 5-A, Sheet PV-C.02.05 [Area 5 sound walls]).

In terms of environmental health, by utilizing existing infrastructure at a dormant electric generating facility to the maximum extent practicable, the Applicant has sited and designed the Facility to avoid impacts to terrestrial ecosystems (Exhibit 11), watercourses (Exhibit 13) and wetlands (Exhibit 14). Where the Facility has not been able to avoid impacts (to NYS threatened and endangered species) (Exhibit 12), the Applicant has provided a Net Conservation Benefit Plan to mitigate these impacts (Appendix 12-F). As discussed above, the Facility also will provide benefits through displacing GHG emissions from fossil fuel electric generating facilities. Displacing GHG emissions and construction of new renewable generation will contribute to achieving NYS’ climate change goals and benefit the local and regional ecosystems through reducing pollution and minimizing impacts of climate change on these ecosystems (Exhibit 17).

The former coal plant is anticipated to be completely decommissioned in 2023. Demolition and removal of former coal plant structures are the responsibility of the Project Site landowners and

these activities are ongoing. The Applicant understands these activities are expected to be completed prior to initiation of Facility construction. With the exception of the portion of the former railroad line, coal storage pile and Solid Waste Disposal Area (SWDA) II landfill that are located within the Facility Site, all of the facilities that are part of the former coal plant that have been or will be demolished are located outside the Project Site. Portions of the railroad line that are located on the Project Site have been removed, and any stockpiled materials associated with the former railroad line that currently remain, are anticipated to be removed from the Project Site prior to initiation of Facility construction (J. Marabella, personal communication).

SWDA II (Figure 3-11, Sheets 6 and 7) will be graded to establish top of ash waste grades, final cover systems, and final condition surface water drainages. These activities are not covered by this Application as they will be overseen by the current landowners and completed prior to construction of the Facility. Decommissioning activities, including removal (demolition) of all site buildings, tanks and miscellaneous facilities are ongoing and occur in a manner that protects public health and safety and the environment, minimize owner's current and future risk, and maximize recycling and salvage of materials to the extent practicable (OSC 2020). Decommissioning activities are being performed per site-specific health and safety plans and an erosion and sediment control plan, and include pre-demolition engineering surveys that evaluated conditions prior to demolition and for inspection of the facility to confirm that all oils and other liquid chemicals have been removed from the on-site equipment and buildings to be demolished, prior to initiating decommissioning activities. Encountering asbestos-containing materials are not anticipated to occur; however, the decommissioning plan also includes obtaining a formal confirmation letter from a 3rd party asbestos inspection firm that states no asbestos is present within the buildings and structures identified for removal and are included in the local demolition permit application. Once decommissioning activities are completed, site cleanup will occur prior to the decommissioning contractor demobilizing from the site. A copy of the decommissioning plan for the former coal plant is provided in Appendix 6-C.

The approximate 42-acre area of SWDA II is permitted by the NYS Department of Environmental Conservation (NYSDEC) for the disposal of coal combustion ash and other power plant-related solid waste. Requirements of the operating permit include development of a final grading plan. SWDA II was not filled to final design capacity and portions of the area were only filled partially and/or have temporary cover (+/- 6 inches of vegetated topsoil). A final grading plan has been prepared to relocate existing ash waste and create minimum slopes to provide stability and surface drainage off of the SWDA II site. Surface water flowing off SWDA II is required to drain to

the sedimentation basin located northeast of SWDA II prior to outflow to Fish Creek. Additionally surface water flow originating from upslope areas of SWDA II are required to drain directly to Fish Creek (GZA GeoEnvironmental of New York 2020). The finalized grading plan for this landfill is provided in Appendix 6-D and includes results of the topographic survey and waste ash and final cover system grading design plans.

The SSP (Appendix 6-A) and SRP (Appendix 6-B) developed for the Facility addresses and minimizes the potential for public health and safety impact.

(1) Anticipated Gaseous, Liquid, and Solid Wastes Produced at the Facility

One of the advantages of producing electricity from solar is that it does not produce gaseous, liquid, or significant solid waste during operation.

With respect to construction, the generation of gaseous, liquid, and/or solid waste is primarily limited to standard operation of construction equipment and will be handled by the construction contractor in accordance with applicable laws and regulations pertaining to such wastes. During construction, sanitary facilities used by workers will consist of on-site portable toilets, which will be emptied on an as needed basis, with wastes hauled to licensed disposal facilities located outside the Project Site. Facility construction will generate relatively minor amounts of solid waste, primarily plastic, wood, cardboard and metal packing/packaging materials, construction scrap, and general refuse. All such materials will be collected and disposed of in dumpsters. It is anticipated that there will be one or two 30 cubic yard dumpsters located at the Facility. A private contractor will empty the dumpsters on an as-needed basis, which is expected to be at least weekly during construction, and dispose of the refuse at a licensed solid waste disposal facility.

The Facility has been sited to predominantly utilize the open fields and previously disturbed areas of the former coal plant; however, tree/brush clearing and grubbing and areas of selective tree/brush cutting will be required for construction. Clearing and grubbing and cutting of vegetation may also result in solid waste for disposal. Woody vegetation will be cleared or selectively cut from designated areas as indicated on the Figure 3-3, Figure 11-2 and on the Engineering Drawings (Appendix 5-A, Sheets PV-C.01.01–PV-C.01.10). It is anticipated that trees/shrubs cleared and grubbed and selectively cut from designated areas will be cut into logs and chipped for utilization within the Facility Site or removed. Clearing and disposal will be conducted in accordance with USC §900-6.4(m)(8), including limiting wood chip depths to no more than 3 inches (except

if used for chip roads), and not disposing or storing wood chips in wetlands, stream banks, delineated floodways, or active agricultural fields. No vegetation will be disposed in wetlands or their adjacent areas and burning of removed vegetation is not proposed. The Applicant will coordinate with the landowners to determine their interest in salvage of merchantable logs or use of cleared/cut trees for use as fuel wood. If merchantable logs or fuel wood is to be removed from the Facility Site during clearing, grubbing and cutting activities, the cleared logs and material is not anticipated to require stockpiling within the Project Site. Any vegetation that is removed from the Facility Site will require inspection for compliance with provisions of 6 NYCRR §192 for Forest Insect and Disease Control, to prevent spread of invasive insect species.

Subject to landowner preference, the Applicant may coordinate with logging contractors to provide unmerchantable timber as firewood to the landowners and/or the general public, pursuant to the NYSDEC's firewood restrictions.

(2) Anticipated Volumes of Waste to be Released into the Environment at the Facility

The wastes to be released to the environment during construction are limited to logs and chipped woody vegetation and stumps that result from the tree/brush clearing, grubbing, and cutting activities. Approximately 82.3 acres of trees/shrubs and stumps are proposed to be cleared in support of the Facility, as shown on Figure 3-3. An additional 10.6 acres of selective tree/brush cutting will be required for shading purposes, but these areas will not require grubbing or stump removal. Densely wooded areas would typically result in a volume of approximately 300 yards of wood chips per dense tree stand acre, with an additional approximately 100 yards resulting from chipping of associated stumps. Detailed stand surveys are anticipated to be conducted closer to construction, and information collected will be used to refine the estimated volume and anticipated use. This general estimate is expected to be conservative. No waste will be released to the environment during Facility operation.

(3) Treatment Processes to Eliminate or Minimize Waste Released to the Environment

As discussed in section 6(a)(1) of this exhibit, cleared and grubbed trees/brush and stumps and trees/brush that are selectively cut will be cut into logs and chipped for

utilization within the Facility Site or removed. These are the only wastes that will be released to the environment during construction and operation of the Facility.

(4) Collection, Handling, Storage, Transport, and Disposal of Wastes Retained

See sections 6(a)(1), 6(a)(2), and 6(a)(3) of this exhibit for details on the collection, handling, storage, transport, and disposal of wastes retained.

(5) Study Area Maps and Analysis

Figure 6-1 depicts the Project Site in relation to public water supply wells. No public water supplies or water supply wells are located within proximity of the Project Site, with the closest water well mapped approximately 3 miles southwest of the Project Site. Locations of community emergency response resources and facilities including police, fire and emergency medical response facilities and plans, emergency communications facilities, and hospitals and emergency medical facilities are depicted on Figure 6-2. Figure 6-3 depicts existing known hazard risks identified within a 5-mile study area of the Project Site, and includes dams, bridges, and related structures; explosive or flammable materials transportation storage facilities (these are areas identified as petroleum or chemical bulk storage locations); soils having an erosion class of 1 indicating 1–25 percent (%) topsoil lost to erosion); and areas mapped as having soil erosion Class 1 (1-25% of topsoil lost to erosion). No areas mapped as storm surge zones, landslide hazard area, contaminated sites; or areas of geologic, geomorphic or hydrologic hazard or other local risk factors were identified within 5-miles of the Project Site. Flood hazard zones mapped in the Project Site and vicinity are shown on Figure 3-9 and Lake Ontario coastal erosion hazard areas located on and within the vicinity of the Project Site are shown on Figure 3-10. The Facility Site is not located within a flood hazard zone. The northern half of the Facility Site located north of Route 18, and a small portion of the Facility Site located south of Route 18 is located within the Landward Coastal Area Boundary (Figure 3-9; see Exhibit 3 for the coastal zone discussion). Portions of the Facility Site mapped as Lake Ontario coastal erosion hazard areas include approximately 19.5 acres as extreme risk and approximately 134.9 acres as high risk (Figure 3-10).

(6) Significant Impacts on the Environment, Public Health, and Safety

As described throughout this exhibit, the Facility is not expected to result in public health or safety concerns associated with gaseous, liquid or solid wastes. Based on the design

measures incorporated into the proposed Facility design, the Facility will not have any adverse impact on public health or safety.

No short-term, long-term, or cumulative receptor impacts are anticipated. This includes issues surrounding audible sound, low frequency noise, glare, ambient air, potable water or other quality of life issues. Evaluations of these issues are discussed in the respective exhibits.

Based on the weight of scientific evidence of the peer-reviewed literature on solar farms and health, no significant impacts on public health or safety are anticipated from the designed Facility. Public health can be positively influenced as a result of renewable energy technology and its contribution to displace harmful emissions from other fossil fuel generation technologies. The total potential human health benefit is dependent upon the amount of emissions a generation facility is capable of displacing. As discussed within Exhibit 17, the Facility would contribute to a reduction in the amount of fossil fuel consumed, and corresponding reduction of global carbon emissions, which may result in a reduced rise in global ambient air temperature. This reduction in greenhouse gas emissions will contribute to improved environmental health overall.

Combustible fuels brought onto the Facility Site during construction will be limited to those used to power transportation vehicles and construction equipment. Storage of any fuels or chemicals will be limited during construction and stored in protected areas containing spill containment measures and away from any equipment that could result in flames or ignition sparks. Fire extinguishers will be present at the Facility Site and maintained in compliance with the fire code section of the NYS Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law. This includes areas where flammable or combustible liquids are stored, used, or dispensed, and near electrical equipment. In the event of a spill or fire, personnel will follow the procedures outlined in the SRP (Appendix 6-B).

During operations, combustible fuels brought onto the Facility Site will be limited to those used to power transportation vehicles and mowing equipment that will need to access the Facility for operations and maintenance (O&M) purposes. Secondary containment will be included at the Facility Substation in the unlikely event a spill of the transformer oil occurs, which will prevent discharge of the oil from the Facility Substation building. Due to the anticipated amount of oil to be used and stored for operation of the Facility Substation

transformer, a Spill Prevention Control and Countermeasures (SPCC) plan will be developed for the Facility prior to commencement of construction.

The Facility Substation control building would contain two 125 volt direct current battery banks (Appendix 5-B, Sheet HV-P.14.01). The type of battery commonly used in substation control buildings contain lead acid, as they are a reliable long-term battery option. The specific battery type to be used has not been identified for the preliminary layout and is expected to be identified during the procurement process. If batteries containing lead acid are ultimately selected for use in the control building, these typically are installed with a drip pan to prevent spills, including any acid spills/leakage, that would protect the building structure and prevent any contamination into the outside environment of the building.

The Facility is not expected to result in glare that would cause a significant effect on surrounding areas (Exhibit 8).

Based on the foregoing, no credible public safety risks, or short-term or long-term effects to the environment, public health, or safety is anticipated from construction or operation of the Facility.

(7) Proposed Minimization Measures

The Applicant is committed to minimizing the commitment of resources to the Facility and any potential adverse impacts on the environment, public health, and safety. The Facility has been designed in such a manner to minimize impacts.

The Facility has been designed according to industry standards. The mitigation measures contained in the Application will ensure there is no risk to public health and safety, while also serving to minimize annoyance to local residents. The solar arrays are also located on leased private property. Therefore, public access to the Facility is limited.

Compliance with 94-c regulations assures that public and agency comments are solicited and appropriately addressed throughout the development of the Facility. The Applicant intends to comply with the USCs under Subpart 900-6 of the Section 94-c Regulations. Additional general measures to minimize impacts from construction and operation of the Facility include compliance with the applicable local, NYS, and/or federal regulations that will govern Facility construction and operation. Compliance will also serve to decrease the possibility of adverse impacts. Construction activities and Facility engineering will be

undertaken in compliance with applicable state, and substantive local building codes (that are not unreasonably burdensome), and federal Occupational Safety and Health Administration (OSHA) guidelines in order to protect the safety of workers and the public. The implementation of a state-approved State Pollutant Discharge Elimination System (SPDES) permit for construction-related stormwater runoff will protect all water resources. The Spill Prevention, Containment, and Control (SPC) Plan will protect against inadvertent spills during construction and operation. Road use and repair and traffic control will be coordinated at the local level, to assure that the safety of construction staff and of the public is maintained. The Applicant will also coordinate at the local level to reduce congestion and assure that damage to roadways in the area is avoided, minimized, or repaired through a Road Use Agreement (RUA) to be negotiated with the Towns, if necessary.

Siting portions of the Facility located north of Route 18 within previously disturbed areas associated with the former coal plant and repurposing these areas of the dormant electric generating facility into a renewable energy generation site, further minimizes the extent of new impacts to the environment necessary to build the Facility. Repurposing these brownfield areas for renewable energy generation is considered a benefit to public health and safety, and both the air and terrestrial environment. As noted above in this exhibit, the remaining buildings and support facilities (with the exception of several stormwater detention basins that will remain and provide stormwater detention for the Facility during operations, and use of the existing coal storage pile and SWDA II landfill areas for Facility infrastructure) associated with the former Somerset Station are in the process of being decommissioned and removed from the Project Site. Decommissioning activities are anticipated to be complete in the second quarter of 2023 (Appendix 6-C) and SWDA-II landfill will be regraded and have final cover systems installed per the plan provided in Appendix 6-D prior to initiating construction of the Facility. No additional avoidance or mitigation measures for remaining facilities are required for Somerset Station as all structures associated with its former use are to be removed.

The §94-c regulations require public input into the environmental review of proposed development projects so that potential adverse impacts can be identified prior to implementation and avoided, minimized or mitigated to the greatest extent practicable. Potential adverse impacts are identified, avoided, minimized and mitigated to the maximum extent practicable. As noted above, the Facility will comply with the USCs

identified in §900-6.4 (Facility Construction and Maintenance) of §94-c regulations, of which several are intended to reduce potential adverse impacts to public health and safety and the environment. These include, but are not limited to:

- Applicant (and their contractors, excavators and operators associated with the Facility) will become a member of Dig Safety NY prior to commencement of construction to comply with the requirements of the NYS Public Service Commission's regulations regarding protection of underground facilities at 16 NYCRR Part 753;
- All mechanical equipment shall be enclosed by fencing of a minimum height of 7 feet with a self-locking gate to prevent unauthorized access;
- Minimization of air emissions during construction by:
 - Preventing contractors from leaving generators idling when electricity is not needed and from leaving diesel engines idling when equipment is not actively being used;
 - Implementing dust control measures to minimize generation of fugitive dust from construction activities, consistent with NYS Standards and Specifications for Dust Control, and Erosion and Sediment Control;
 - Use of electric motors for construction equipment where feasible, or by using ultra-low sulfur diesel; and
 - Disposing or reusing cleared/cut vegetation to minimize greenhouse gas emissions (i.e., lumber production or composting).
- Minimizing construction noise by:
 - Maintaining functioning mufflers on all transportation and construction machinery;
 - Responding to noise and vibration complaints in a timely manner per an ORES-approved Complaint Management Plan; and
 - Complying with all substantive provisions of local laws regulating construction noise (unless waived).
- Equipping all construction vehicles and equipment with spill kits, inspecting equipment routinely to identify leaks of petroleum, other fluids, or contaminants; and only allowing equipment to enter stream channels if they are free from leakages; and

- Controlling the spread of invasive insects by providing training to all construction contractor personnel involved with clearing, grubbing and cutting of vegetation to enable them to identify invasive insects such as the Asian longhorn beetle (*Anoplophora glabripennis*) and emerald ash borer (*Agrilus planipennis*) and other invasive insects of concern as a potential problem at the Facility Site. If these insects are identified, NYSDEC should be contacted as soon as possible, and no woody debris should be removed from the site to prevent their spread.

Several areas of the Project Site were selected during the design process to be avoided, due to the presence of water resources, including all segments of Fish Creek located on the Project Site, as well as a large wetland complex located in the eastern portion of the Project Site. These areas are identified as environmentally sensitive areas to be avoided and protected during construction. The implementation of USCs identified in §900-6.4 (Facility Construction and Maintenance) of §94-c regulations will ensure potential impacts to these natural resources and their adjacent areas are minimized. These include, but are not limited to:

- Flagging of Environmentally Sensitive Area (ESA) boundaries will be conducted prior to performing construction in an ESA (includes any NYS-regulated wetlands, waterbodies or streams and associated adjacent areas identified by the ORES on the Project Site) with “protected area” signage, and/or erosion and sediment control measures specified by the Stormwater Pollution Prevention Plan (SWPPP). As necessary to prevent access by motorized vehicles into ESAs where no construction is planned, additional markers or signs stating “No Equipment Access” will be installed prior to construction and periodically inspected during the construction period for visibility;
- Equipment maintenance and refueling, and equipment storage and repair shall be conducted and safely contained more than 100 feet from all wetlands, waterbodies, and streams and stored at the end of each workday unless moving the equipment will cause additional environmental impact. Dewatering pumps operating within 100 feet of wetlands, waterbodies, or streams may be refueled in place and shall be within a secondary containment large enough to hold the pump and accommodate refueling. All mobile equipment, excluding

dewatering pumps, shall be fueled in a location at least 100 feet from wetlands, waterbodies and streams unless moving the equipment will cause additional environmental impact;

- Fuel or other chemical storage containers shall be appropriately contained and located at least 300 feet from wetlands, waterbodies, and streams; and
- Use of Horizontal Direction Drilling (HDD) techniques in areas where the installation of underground collection lines cross wetlands, waterbodies and streams. Details for this technique are provided in Appendix 5-B, Sheet PV-E.08.03 Any inadvertent return flows associated with HDD activities under wetlands, waterbodies and streams shall be performed in accordance with the inadvertent return flow plan required pursuant to §900-10.2(f)(5) of the §94-c regulations.

For areas where wetland impacts cannot be completely avoided, the USCs identified in §900-6.4 (Facility Construction and Maintenance) subpart (q)(1) (Construction in Wetlands and Adjacent Areas) of §94-c regulations, will ensure construction activities in wetlands and their adjacent areas is conducted in a manner that is least impactful to these resources. These include, but are not limited to:

- Work should be conducted during dry conditions without standing water or when the ground is frozen, where practicable;
- Excavation installation, and backfilling in wetlands shall be performed in one continuous operation;
- Temporary construction matting shall be used as necessary to minimize disturbance to the wetland soil profile during all construction and maintenance activities. All temporary construction matting shall be removed as soon as practicable but no later than 4 months following installation from the wetland and cleaned of any invasive species (seed, plant materials, insects, etc.) after construction/maintenance activities are completed and removal shall be verified with the on-site environmental monitor after construction. Matting shall be removed by equipment stationed on a mat or areas outside the wetland or adjacent area;
- In the event that construction results in an unanticipated alteration to the hydrology of a wetland (i.e., lowering), the breach shall be immediately sealed,

and no further activity shall take place until the NYS Department of Public Service and the ORES is notified and a remediation plan to restore the wetland and prevent future dewatering of the wetland has been approved;

- Before trenching occurs, upland sections of the trench shall be backfilled or plugged to prevent drainage of possible turbid trench water from entering the wetland;
- Trench breakers/plugs shall be used at the edges of wetlands as needed to prevent wetland draining during construction;
- In wetland areas, the topsoil shall be removed and stored separate from subsoil; the top 12 inches of wetland topsoil shall be removed first and temporarily placed onto a geo-textile blanket;
- Only the excavated wetland topsoil and subsoil shall be utilized as backfill, with the exception of clean bedding material for electrical collection lines and/or conduits, provided there is no change to the pre-construction contours upon restoration; and trench-breakers are used to prevent draining the wetland;
- Subsoil dug from the trench shall be side-cast on the opposite side of the trench on another geo-textile blanket running parallel to the trench, if necessary;
- Trenches shall be backfilled with the wetland subsoil and the wetland topsoil shall be placed back on top. All excess materials shall be completely removed to upland areas more than 100 feet from the wetland and suitably stabilized;
- When backfilling occurs, the subsoil shall be replaced as needed, and then covered with the topsoil, such that the restored topsoil is the same depth as prior to disturbance;
- All disturbed soils within wetlands and adjacent areas shall be seeded with an appropriate native wetland seed mix, shrubs, live stakes, or tree planting as site conditions and design allow, as appropriate for existing land uses. Straw mulch shall be maintained until the disturbed area is permanently stabilized. Hay shall not be used for mulching of wetlands or adjacent areas;
- In agricultural or farmed wetlands, crop covers consistent with existing agricultural uses shall be utilized in all areas of soil disturbance;

- Installation of underground collection lines in wetlands shall be performed using the following methods:
 - The permittee shall implement BMPs to minimize soil compaction;
 - During excavation, all topsoil shall be stripped and segregated from subsoils. The permittee shall consolidate trenching areas to the maximum extent practicable to minimize impacts to agricultural soils;
 - All reasonable efforts shall be made to backfill open trenches within the same workday if rain is predicted and as soon as practicable otherwise; and
 - All excess materials shall be completely removed from wetlands to upland areas. Excess topsoil from agricultural areas shall be spread within the immediate agricultural areas within the approved limited of disturbance.

Beyond §94-c regulations, compliance with the other regulations governing the development, design, construction, and operation of the Facility also will serve to minimize adverse impacts. The Facility will avoid and preserve regulated wetlands including the forested wetlands in the northwest and wetlands located in the southeastern portion of the Facility Site, as well as all portions of Fish Creek located on the Project Site (north and south of NYS Route 18/Lake Road). The Applicant has designed the Facility such that coverage under a Clean Water Act Nationwide Permit (NWP) is applicable. The permanent impacts to United States Army Corps of Engineers-jurisdictional wetlands (approximately 0.05 acre) are anticipated to fall beneath the NWP threshold that would trigger the need for submittal of a pre-application notification (i.e., application) to the United States Army Corps of Engineers. Due to the limited amount of permanent impacts to jurisdictional waters of the United States (WOTUS) (<0.1 acre), a pre-construction notification for the nominal jurisdictional WOTUS is not required (Exhibit 14). Given the proposed activities qualify for coverage under a Clean Water Act NWP, the Applicant shall comply with the applicable NWP (likely NWP 51), NWP General and Regional Conditions, and NYS Section 401 Water Quality Certification conditions during construction and operation of the Facility. The Facility also has minimized tree/brush clearing and grubbing to the extent practicable by maximizing the use of open fields and previously developed industrial areas in siting the Facility within the Project Site. The State Pollutant Discharge Elimination System permit, issued by the NYSDEC, is undertaken in conjunction with the

Application. The Applicant will enter into Road Use Agreements with the New York State Department of Transportation and Niagara County (if necessary) concerning any necessary road repairs. Driveway and Highway permits anticipated to be required and obtained for the Facility are described in Exhibit 16, which will minimize the potential for any safety traffic concerns and/or possible damage to roadways. If needed, the Applicant will repair damage to NYS Route 18/Lake Road, County Route 108/Hartland Road, or County Route 65/Hosmer Road sustained during the construction of the Facility's access roads to a condition equal or better than the roadway's condition prior to the Facility construction. During normal operation of the Facility, the negligible traffic volumes added (1 or 2 passenger vehicle/pick-up truck trips per week) is not anticipated to cause damage to the roadways or require mitigation. For a detailed analysis of impact minimization measures to a given resource, please see the respective exhibits of this Application referenced in this exhibit.

(8) Proposed Mitigation Measures

As discussed previously in this Exhibit, potential impacts to public health and safety are minimal and no mitigation measures are anticipated to be required.

No mitigation measures are proposed to the following resources that have been located within the study area, as the Facility Site will have no significant impact on them: community emergency response resources and facilities including police, fire and emergency medical response facilities; emergency communications facilities; hospitals and emergency medical facilities; existing known hazard risks including flood hazard zones; landslide susceptibility; dams, bridges and related infrastructure; explosive or flammable materials transportation or storage facilities; and contaminated sites.

In addition, the Facility is not expected to result in public health or safety concerns associated with gaseous, liquid or solid wastes. As further detailed in Exhibit 13, section 13(d)(1) and noted above in section 6(a)(6) of this exhibit, a SPCC plan will be developed for the Facility prior to commencement of construction, as would be required for anticipated volume of oil required to power the large transformer located at the Facility Substation. Inverters located throughout the solar arrays also contain oil, but in much smaller quantities that do not typically require development of a SPCC plan. The SPCC plan will describe the procedures, methods, and equipment to be used during Facility construction to prevent the discharge of oil into or upon navigable WOTUS, adjoining

shorelines or any other location that may affect other natural WOTUS. Along with describing the countermeasures anticipated for use within the Facility Site, the SPCC plan will establish inspection, reporting, training, and recordkeeping requirements for the aboveground oil storage, primarily located in the Facility Substation transformer. These measures are expected to reasonably mitigate potential unavoidable impacts. For a detailed analysis of mitigation measures for a given resource, please see the respective exhibit in this Application.

The Applicant will develop and implement a Complaint Management Plan as part of pre-construction compliance filings identified in §94-c §900-10.2. The Facility's Complaint Management Plan will consist of the following:

- (1) Communications protocol and contacts for both construction and operational phases;
- (2) Information on how to register a complaint;
- (3) Process for gathering and analyzing information regarding the complaint;
- (4) Complaint response and tracking;
- (5) Complaint response follow-up; and
- (6) ORES reporting and complaint follow-up requirements.

(9) Proposed Impact Monitoring

The Applicant is committed to developing and operating the Facility in a safe and environmentally responsible manner. In addition to the mitigation measures described/referenced above, an Environmental Compliance and Monitoring Plan (ECMP) will be implemented during Facility construction. The ECMP will be developed prior to construction and approved by the ORES prior to implementation as part of the Facility's compliance filings for the Siting Permit. The ECMP will identify specific measures to protect sensitive environmental resources, identify measures to limit long-term impacts to agricultural land, and outline steps to adhere to all relevant permit conditions. The ECMP will describe the duties for all essential construction supervisors, managers, and monitors having key roles during construction of the project. These will include, but not be limited to:

- AES Construction Manager, who will be responsible for overseeing all aspects of Facility construction, including;

- Overseeing Engineering, Procurement and Construction (EPC) contracts and other Facility agreements, overseeing the EPC contractor implementation, ensuring compliance with Facility regulatory approvals, on-site construction representation for monitoring Facility Site work, and assisting with communication with local officials, citizen groups and landowners;
 - Overseeing overall Facility Site construction, including safety and environmental performance and schedule, cost and quality performance, project plans of the day, monthly management meetings, overall project direction, and EPC contractor guidance and quality control; and
 - Oversight and compliance monitoring for all environmental commitments and permit requirements during construction as identified in the Siting Permit issued for the Facility and related to public health and safety, including ensuring twice-weekly inspections of construction work sites are performed, required consultations with the ORES or other NYS agencies as completed needed, and ensuring regular reporting and compliance audits are issued.
- Independent, third-party Environmental Monitor (EM), which also will serve as the Agricultural Monitor for the Facility, who will be responsible for overseeing compliance with Siting Permit conditions and permit requirements. It is anticipated that these two roles can be performed by the same staff person, whom will be required to have the qualifications necessary to oversee threatened and endangered species presence and reporting obligations, stormwater requirements, and oversight of agricultural lands and associated commitments to preserving agricultural soils. The EM will have stop work authority over all aspects of Facility construction activities, and will have a daily presence on the site at all times there are ongoing construction or restoration activities. They will be responsible for providing daily and weekly SWPPP reports as needed and are responsible that all contractors receive required environmental training.

In addition to the SSP (Appendix 6-A), SRP (Appendix 6-B) and ECMP, other public health and safety-related documentation that will be prepared prior to construction and included

as part of the construction documentation files include a Complaint Management Plan (Exhibit 2, section 2(a) and Exhibit 7) to address any complaints, including noise complaints, that could be received during construction; an Unanticipated Discovery Plan (Exhibit 9, section 9(a)(5)) that identifies actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during the excavation process; a SWPPP (Appendix 13-B) and SPCC; NYS Department of Agriculture and Markets solar guidelines for construction in and around agricultural areas to ensure soil conditions are maintained in temporary disturbance areas (Exhibit 15 and Appendix 15-A); and a wetland restoration and mitigation plan that will serve to provide compensation (as approved by the ORES) for impacts to NYS-regulated wetlands anticipated from construction of the Facility (Appendix 14-A). Once construction is complete, the SRP, SSP, ECMP and other relevant construction documents will be revised to eliminate construction-only obligations, with remaining obligations integrated into the Facility's O&M Plan. In addition to environmental inspections and/or monitoring that may be required during operations, standard inspections will examine solar panels for wear and tear and any issues. Details regarding the inspection protocol and schedule will be provided in the O&M Plan to be developed and approved by the ORES prior to construction as part of Siting Permit compliance filings.

6(b) Preliminary Plan for Site Security during Operation of the Facility

The purpose of the Facility's SSP (Appendix 6-A) is to support a safe Facility environment by implementing security measures and restricting unauthorized access to the Facility, and is summarized in this section. Somerset Solar LLC is responsible for implementing the SSP at the Facility during operations.

(1) Access Controls

Section 2.1 of the SSP describes access controls for both construction and operational periods for the Facility. During operation, the Facility will typically be un-manned except for O&M activities; however, it may be monitored continuously by security cameras at the Facility Substation from the Applicant's AES Control Center located in Salt Lake City, Utah. Any anomalies detected will be relayed to Facility personnel in real-time. O&M staff will conduct regular site inspections and periodic maintenance. All equipment and PV solar arrays will be within permanently fenced areas with locking gates, equipped with a "knox-box" (or similar) to allow for access to emergency personnel, and will not be open to the public. The main entrance gates to the Facility will be maintained during Facility operation

to facilitate access, and Facility access will be restricted to Facility staff, vendors, suppliers, and other authorized personnel. Appendix 5-A, Sheets PV-C.09.01–PV-C.09.04 show typical drawings of the proposed fence and gating to be installed at the Facility. Additionally, office trailers will remain locked during non-working hours.

Signage will be posted at access points and incrementally along the fenced perimeter. The signage will warn of no trespassing as well as provide safety information. The Applicant will address the need for additional access controls as needed.

(2) Electronic Security and Surveillance Facilities

Section 2.2 of the SSP describes electronic security and surveillance for the Facility. Electronic security or surveillance facilities are not anticipated to be required during construction. All site personnel, contractors, and visitors to the site will be required to check-in at the main construction operations office or trailer to facilitate keeping a record of visitors.

The Facility Substation will have entry alarms; and security cameras may be utilized for continuous monitoring and security during operations, with surveillance monitoring conducted by the AES Control Center located in Salt Lake City, Utah. When unanticipated activity is detected outside of working hours, the AES Control Center will call the AES Facility O&M Manager or designee, and the local Sheriff's department/emergency services, as necessary. The AES Facility O&M Manager will periodically evaluate security conditions and consider additional security measures, if needed, to monitor nighttime activity in key storage areas and security risk areas.

(3) Security Lighting

During construction, the majority of Facility work is anticipated to be conducted during daylight hours. However, additional task lighting may be utilized during active work periods in specific locations, as needed.

O&M work activities will generally be limited to daylight hours within the Facility Site; however, in the limited cases when nighttime O&M is anticipated to be required, work lights will be limited to cover the work area and directed downward and away from receptors located outside the Project Site, where possible. Temporary work area lighting will be shut down at night, unless required for security purposes.

Lighting will use the minimum levels needed to accomplish the associated task and only used as necessary to avoid trespassing on the Project Site. Manually operated exterior lighting will be used as necessary during operations, and security lighting is only proposed for the Facility Substation area. Lighting will be strategically placed around the Facility Substation to emphasize worker safety during operations, as well as to minimize visual disturbance to the surrounding area. Photo-cell activated lighting will be included above Facility Substation building entrances for safety and security purposes. Manually-operated lighting will be provided in compliance with the National Electric Safety Code, and is not anticipated to be activated except during nighttime O&M activities. Appendix 5-B Sheet HV-P.13.01 provides drawings and details for the proposed security lighting at the Facility Substation. O&M staff will periodically evaluate security conditions and consider additional security measures, if needed, to monitor nighttime activity in key storage areas and security risk areas.

(4) Lighting of Facility Components to Ensure Aircraft Safety

Lighting for aircraft safety is not required for the Facility pursuant to Federal Aviation Administration regulations.

(5) Cyber Security Program

Protection of digital computer and communication systems demonstrating compliance with the Federal Department of Commerce's National Institute of Standards and Technology, the North American Electric Reliability Corporation, and/or International Organization for Standardization, as applicable, will be used by the Applicant. Physical access to critical cyber infrastructure areas will be restricted to those individuals who must have access. Where feasible, access into cyber secured restricted areas will be monitored by personnel and/or video surveillance. Periodic independent cyber security audits will be conducted annually to validate the Facility's compliance with current standards as required by 19 NYCRR §900-2.7(b)(5). Third party providers will be sought out to perform independent reviews of the Information Technology Services on behalf of the Applicant. They will produce an annual independent audit report that will then be reviewed and assessed by the Facility's management team on an annual basis, who will then determine if risks are appropriately mitigated (Appendix 6-A).

Notification of a cyber security-related emergency may come from an outside source, or any of the following sources:

- A business partner or manager;
- A system page or email alert to an administrator or the AES Facility O&M Manager;
- Release of an awareness notification from the AES Facility O&M Manager;
- Corporate Security or the Information Management Support Center; and
- A Business Unit designated to be contacted by a source outside the First Responder.

The Applicant intends to implement rigorous standards and guidelines that are aligned with the Global Technology Policy and Information Technology General Controls catalog, that provide the basis for Sarbanes-Oxley compliance, as well as with the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity. The Applicant has identified the following cyber security controls for the Facility:

- Identify – Controls that support the identification and prioritization of Facility assets, risks, and risk mitigation techniques;
- Protect – Controls that limit or contain the impact of potential cybersecurity events;
- Detect – Controls that support the timely discovery of cybersecurity events; and
- Respond & Recover – Controls that contain the impact of cybersecurity events and facilitate timely recovery to normal operations.

The Applicant's cyber security guidelines that provide a foundation for protection, detection, response, and recovery capabilities, including the implementation of network security architecture; internet firewalls, business network firewalls, and control system network firewalls; the maintenance of a network device inventory and a software inventory; employment of malware defenses; assessment of vulnerabilities and patch management; development of an incident response plan; filtering of web content; protecting traffic flooding; and conducting penetration testing. Other cyber security guidelines established by Applicant include access control, change management and program development, operations management, data flow, remote access, and cyber-safety and awareness.

Guidelines were developed in conjunction with the following cybersecurity models: the Electrical Subsector Cybersecurity Capability Maturity Model (ES-C2M2); the Cybersecurity Council/SANS 20 Critical Security Controls for Effective Cyber Defense (SANS 20); and technical guidance developed by NIST and the U.S. Department of Homeland Security Industrial Control Systems Cyber Emergency Response Team (ICS-CERT).

If a cyber security-related emergency is discovered, the immediate supervisor, the AES Control Center (in Salt Lake City, Utah), the AES Facility O&M Manager, local emergency services, and/or the transmission system operator will be notified, as appropriate. Cyber assets will be restored to normal operations by reloading data from backup tapes, reinstalling cyber assets from their original distribution media, or other means. The assets, once restored, will be tested to ensure they will function correctly and not be affected by the same issues or vulnerability once they are placed back in production. Evacuation of the Facility is not likely to be necessary during these situations, but the AES Facility O&M Manager will determine whether that is appropriate.

6(c) Safety Response Plan

The Facility's SRP (Appendix 6-B) has been developed to ensure the safety and security of the local community, and includes the following:

- (1) Contingencies that would constitute a safety or security emergency;
- (2) Emergency response measures by contingency;
- (3) Evacuation Control Measures by Contingency;
- (4) Community Notification Procedures by Contingency;
- (5) Equipment and systems to prevent or handle fire emergencies and hazardous substance incident within the Facility Site;
- (6) Contingency plans to be implemented in response to the occurrence of a fire emergency, hazardous substance, or gas pipeline incident;
- (7) Local emergency response organization training.

The SRP provides information for Facility personnel and first responders regarding potential emergency action(s) to be taken at the Facility; and was developed to support Facility safety personnel in the event of a major emergency that could occur where work is performed. The SRP identifies local first responders and utility owners/operators with utility infrastructure located within

the Facility construction area, to act as a quick reference guide for responding during an emergency. The SRP also identifies equipment and systems planned for use during Facility construction and operation to aid in the prevention and response to fire and hazardous substance incidents.

The SRP provides information responding to emergencies for both Facility construction and operations phases and will be reviewed and updated periodically as needed to reflect current contact information and procedures. A copy of this plan has been provided first responders, and copies of any plan updates that occur throughout the construction and operations periods also will be provided to first responders.

6(d) Coordination with New York State Division of Homeland Security and Emergency Services

The preliminary SSP and SRP will be provided to the NYS Division of Homeland Security and Emergency Services prior to submittal of the Siting Permit Application, requesting review and comment. If comments are received from the NYS Division of Homeland Security and Emergency Services on the preliminary SSP and SRP, the Applicant will incorporate these as relevant into these plans prior to finalizing them. A copy of this correspondence is included as Appendix 6-A and Appendix 6-B.

6(e) Plans Provided to Local Office of Emergency Management for Cities with a Population Over One Million

The Facility is not located within any part of a city with a population over one million (1,000,000), therefore this section is not applicable to the Facility.

REFERENCES

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