APPENDIX K
CASE 10-T-0189
SPILL PREVENTION CONTROL & COUNTERMEASURES PLAN (SPCC)

EM&CP Appendix K
Spill Prevention, Control, and Countermeasure Plan

Segment 1 and 2

CHA Project Number: 006676.000

Prepared for:

Transmission Developers Inc.
1301 Avenue of the Americas, 26th Floor
New York, NY 10019

Prepared by:

CHA Consulting, Inc.
III Winners Circle
Albany, New York 12205
(518) 453-4500

September 2022

TABLE OF CONTENTS

1.0 INTRODUCTION

The purpose of this Spill Prevention Control and Countermeasures Plan ("SPCC") is to outline procedures and best management practices to control the potential for the occurrence of spills of petroleum, hazardous substances, or other material that has the potential to pollute the environment, and the response measures that will be implemented to contain, cleanup, and dispose of any spilled petroleum or hazardous substances, during the overland construction of the Champlain Hudson Power Express (CHPE) Project.

This SPCC:

- Identifies specific petroleum or hazardous substances that will be used at the project location(s);
- Outlines appropriate equipment and procedures used to prevent spills of petroleum or hazardous substances;
- Provides spill response procedures and reporting requirements; and
- Describes contractor training programs.

The contact information and qualification of the Project's Inspectors is included in the Compliance Assurance Plan in Appendix F. This SPCC will be modified by the Certificate Holders or their designed contractor (Kiewit), as/if necessary, throughout construction of the CHPE Project.

All entities associated with the construction of the CHPE project will comply with all federal, state and local requirements applicable to this SPCC.

2.0 PREVENTION

Prior to the start of construction of the CHPE Project, the Construction Manager will prepare an inventory of petroleum and hazardous substances that are being used during the construction of Segment 1 and 2 and stored in the laydown areas (for Segment 1/2 specifically, Ryder Road North and/or South Laydown Areas). The inventory will be distributed electronically to the Certificate Holders, local emergency personnel, the Environmental Inspector ("EI"), Agricultural Inspector and Safety Inspector. Once the distribution list has been developed the Construction Contractor will review all contact information and add any parties as needed. Table 2.1 below summarizes a list of potential pollutant sources for Segment 1 and 2 construction activities. Per the Occupational Safety and Health Administration ("OSHA") HazCom Standard, the Construction Manager will maintain a Safety Data Sheet ("SDS") for each petroleum and hazardous substance used during construction of the CHPE Project in a binder at the on-site job trailer/field office. The SDSs will be kept on-site, alongside the Health and Safety Plan ("HASP"), for the duration of construction. If a contractor or subcontractor proposes to use a petroleum or hazardous substance not on the List, the List shall be modified and the appropriate SDS provided to the distribution list prior to the use of the petroleum or hazardous substance during construction of the CHPE Project. All regulated chemicals and hazardous waste shall be secured in a locked and controlled area with secondary containment within the Project's laydown yards.

Kiewit will require that personnel adhere to all directions and warnings for petroleum or hazardous substances used during construction of the CHPE Project. Prior to construction, construction personnel will be trained in the use, storage, handling, spill control, and first aid measures required for these chemicals in accordance with the Occupational Safety and Health Agency ("OSHA") Construction Hazardous Communication Standard (29 CFR § 1926.59) and New York State Department of Transportation ("NYSDOT") Standard Specifications Section 107-05 (see Section 5.0 for additional training requirements).

Table 2.1: Potential Pollutant Sources for Segment 1 and 2 Construction Activities

Pollutant	Quantity	Container and Storage Description
Used Oil	50-100 Gallons	Drum with secondary containment
Lube Connex containing diesel, engine oil, hydraulic oil, 30W oil, 50W oil, used oil, DEF, coolant, grease	1,530 Gallons	Lube Trucks
Lube Connexes containing various oil types: 15-40, 10W, 30W, 50W, ATF, used coolant, new coolant, used oil	2,050 Gallons	20-inch connexes with bulk storage tanks inside secondary containment
Dyed Tanks	20,000 Gallons	Double wall UL-2085 Tank
Onroad Tanks	10,000 Gallons	Double wall UL-2085 Tank
Wire Pulling Lubricants	250 gallons	Approved containers
Hydraulic Fluid	Greater than 25 gallons	Approved containers
Gasoline	Less than 50 gallons	5-gallon steel containers located inside secondary containment for chainsaws, pumps, etc.
Mobile fueling truck w/ spill kit on board,	no full-time storage. Diesel Fuel 30 to 500 gallons	Steel AST
Solid Waste (litter and construction debris)	Varies	Covered dumpsters.
Sanitary Waste	Varies	Portable facilities.
Used filter and absorbent bins	990 Gallons	330-Gallon Steel Containers
Chemicals associated with laydown yard equipment maintenance	Varies	Flammable cabinets inside shops and on service trucks, shelves in storage connex, 20-inch Hazmat connex with rollup doors and built in secondary containment
Horizontal Directional Drilling Fluid	Approximately 7,400 gallons for Segment 1 and 12,700 gallons for Segment 2. Final volume will be determined by HDD contractor.	Approved containers

2.1 STORAGE

Petroleum and hazardous substance storage (including, at least, fuel tanks) shall be appropriate to the substance stored and located a minimum of 100 feet from streams, waterbodies, and wetlands, unless: (i) the EM&CP provides justification, including those impacts have been avoided or minimized to the maximum extent practicable; or (ii) adequate secondary containment (at least 110 percent of the volume stored) is otherwise provided. If either item (i) or (ii) is satisfied, storage can occur within 100 feet of such resources. Table 2.1 above and Table 5.1 in the EM&CP document includes a list of potential pollutant sources included petroleum products and hazardous substances that may be stored and appropriate best management practices to prevent release into the environment.

Aboveground storage tanks (ASTs) used to store petroleum fuels will comply with New York State Department of Environmental Conservation (NYSDEC) Bulk Storage regulations in 6 NYCRR Part 613. If more than 1,100 gallons of fuel is stored (6NYCRR § 613-1.3 [v]) at any site, the AST(s) at that site will be subject to 6 NYCRR § 613-4.1 (b) (1) (v) (b) relating to ASTs within 500 horizontal feet of surface or groundwater sources and 6 NYCRR § 613-4.1 (b) (1) (v) (d) relating to secondary containment. Additionally, every storage tank system containing more than 1,100 gallons must be removed within 180 days after installation or the Certificate Holders must register the tank to be included on a new facility registration (6 NYCRR § 613-1.9 (a)).

2.1.1 Storage of Hazardous Wastes

As per the BMP Document, if hazardous waste is generated, the EI with the assistance of project Construction Manager(s) ("CM") will implement all of New York State's hazardous waste regulations including:

a) Train and instruct employees and/or other handlers of hazardous waste on the proper reporting, storage, inspection and handling requirements;
b) Separate hazardous waste from solid waste through segregation of storage areas and proper labeling of containers;
c) Use appropriate storage and, when necessary, NYSDOT approved transportation containers, along with secondary containment measures where applicable;
d) Verify that the hazardous waste transporters servicing the Facility have all required licenses, registrations and/or USEPA identification number and that the waste is disposed

of at an approved/licensed facility prior to shipping hazardous wastes;

e) Transport all hazardous waste under a cradle-to-grave system of manifests;
f) Follow accurate recordkeeping requirements as to the quantity and nature of hazardous wastes generated onsite, and maintain a file of MSDS for all onsite chemicals; and
g) Prevent storage of hazardous wastes within one hundred (100) feet of a wetland, river, creek, stream, lake, reservoir, spring, well or other ecologically sensitive site or existing recreational area along the proposed rights-of-way.

2.2 FUELING

The EI will verify that any petroleum, hazardous substance, or other material that has the potential to pollute the environment encountered during any activity is properly handled and stored. Personnel responsible for fueling construction vehicles and equipment (including heavy equipment and hand tools) will be provided with information associated with spill prevention and containment during orientation. Fueling stations will be outfitted with spill kits and secondary spill containment measures, such as catchment basins (e.g., "plastic outdoor pools").

In accordance with the amended CC114, in general, and to the maximum extent practicable, refueling equipment, storage mixing, or handling of open containers of pesticides, chemicals labeled "toxic," or petroleum products shall not be conducted within one hundred (100) feet of a stream or waterbody or wetland. Requirements for refueling within 100 feet of wetlands or streams will be allowed under certain circumstances identified below.

a) Refueling of hand equipment will be allowed within 100 feet of wetlands or streams when secondary containment is used. Secondary containment will be constructed of an impervious material capable of holding the hand equipment to be refueled and at least 110% of the fuel storage container capacity. Fuel tanks of hand-held equipment will be initially filled in an upland location greater than 100 feet from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Crews will have sufficient spill containment equipment on hand at the secondary containment location to provide prompt control and cleanup in the event of a release.
b) Refueling of equipment will be allowed within 100 feet of wetlands or streams when necessary to maintain continuous operations and where removing equipment from a sensitive area for refueling would increase adverse impacts to the sensitive area. Fuel tanks of such equipment will be initially filled in an upland location greater than 100 feet

from wetlands or streams in order to minimize the amount of refueling within these sensitive areas. Absorbent pads or portable basins will be deployed under the refueling operation. In addition, the fuel nozzle will be wrapped in an absorbent pad and the nozzle will be placed in a secondary containment vessel (e.g., bucket) when moving the nozzle from the fuel truck to the equipment to be refueled. All equipment operating within 100 feet of a wetland or stream will have sufficient spill containment equipment on board to provide prompt control and cleanup in the event of a release.

c) Field personnel and Contractors shall be trained in spill response procedures, including the deployment and maintenance of spill response materials.

2.3 EQUIPMENT INSPECTION

During normal work hours, all construction vehicles and equipment will be inspected daily for petroleum or hazardous substance leaks (e.g., oil, hydraulic fluid, transmission fluid, lubricants, or brake fluid). All hoses, fittings, and other connections will be inspected daily during normal work hours, for signs of wear and tear. Any equipment observed to be leaking will be contained and repaired or removed. If the equipment cannot be repaired or removed immediately, secondary containment will be placed under the equipment to prevent the leaking petroleum or hazardous substance from being released to the ground. Any observation of spills, leaking petroleum or hazardous substances, or improperly stored substances may trigger the issuance of a stop-work notice in the immediate area, as well as appropriate reporting procedures, until the situation is resolved, including the removal of any soil impacted by the leaked and/or spilled petroleum or hazardous substance, and the appropriate field measures are implemented to avoid future releases.

2.4 MAINTENANCE AND REPAIR

All equipment will receive regular preventative maintenance to reduce the risk of leakage. Maintenance may be performed off-site or at a CHPE Project laydown yard at least 100 feet from all wetlands or waterways. Secondary containment will be used for locations where drips are anticipated during maintenance activities. Maintenance is best performed in a relatively flat area and on an impervious surface, such as a concrete pad or 6 mil plastic sheeting. Absorbent materials, such as filter socks, absorbent pads (“diapers”), and rags, will be strategically placed to prevent migration of any released petroleum or hazardous substance.

Repairs will be made, where practicable, at least 100 feet from wetlands or waterways. If petroleum or hazardous substances are leaking, portable secondary containment and absorbent materials, such as filter socks or diapers, will be used to control the release. Equipment requiring major repairs shall be moved off-site or to a laydown yard for repairs within 24 hours of identifying the equipment malfunction. Any construction vehicle or equipment found to be releasing petroleum or hazardous substances will be repaired as soon as practicable. All petroleum or hazardous substances released, impacted spill absorbents, and/or contaminated soil resulting from or before a repair will be stored on plastic or in sealed and labeled drums, as appropriate, for disposal at an appropriate state-approved disposal facility.

3.0 SPILL RESPONSE

Spill response includes three actions: assessment, containment, and cleanup. Prior to construction, the contractor will provide the distribution list with the name of the third-party spill response contractor that will be used for spills too large or hazardous for the contractor to address. Personal Protective Equipment ("PPE") shall be worn by such workers at all times. PPE must be appropriate for use with the released material and must provide for the safety of construction workers.

3.1 SPILL RESPONSE EQUIPMENT AND MATERIALS

All vehicles and equipment used during construction of the CHPE Project will have a spill kit. Fueling station locations will be outfitted with spill kits and secondary spill containment measures (e.g., catchment basins). The contractor will maintain an adequate supply of "ready to use" spill response materials and equipment at the CHPE Project's laydown yards, and as necessary, at station construction sites. Spill response materials and equipment will include, but not be limited to, the following:

- commercially available spill kits for construction equipment;
- in-ground or above-ground containment structures, such as berms, gutters, dikes, culverts; holding tanks, sumps, and collection systems;
- absorbent supplies, such as diapers and absorbent socks;
- absorbent material, such as kitty litter and diatomaceous earth;
- hand-held equipment, such as rakes and shovels;
- straw bales used in conjunction with plastic sheeting;
- plastic sheeting;
- sealed containers, such as five-gallon buckets and 42-gallon barrels;
- plastic trash bags;
- chemical resistant gloves;
- cleaning supplies, such as reusable and disposable rags; and
- mechanical equipment for soil removal and placement.

3.2 ASSESSMENT

The first project personnel to recognize a spill has occurred are considered the first responders. The first responder will notify the Construction Manager ("CM"), the Environmental Inspector ("EI") and Kiewit immediately after a spill has occurred. After the first responder contacts the CM and/or EI, the first responder will assess the status of the spill. The first responder should assess the following:

- Are all personnel accounted for and has the spill caused any injuries or direct exposures?
- Is it safe for personnel to remain in the vicinity of the spill?
- What is/was the source of the discharge?
- Is the petroleum or hazardous substance still leaking or has the discharge stopped?
    - Can the discharge be safely stopped?
- Approximately how much material has been released?
- Are any environmental sensitive areas, wetlands, streams, etc. threatened?

The first responders will initiate the notification process detailed in Section 4 of this SPCC by completing the assessment and updating the CM and/or EI. If first responders are also spill cleanup personnel, they should begin containing the spill if it is safe. If the first responders are not spill cleanup personnel, cleanup personnel should be dispatched immediately to the spill to initiate containment.

3.3 CONTAINMENT

The objective of spill containment is to prevent the spread of the spill. The first action of containment is to control any flame sources. Next, cleanup personnel should stop the flow of the petroleum or hazardous substance. While the release of the petroleum or hazardous substance is being stopped, cleanup personnel should use appropriate materials to prevent the spread of the spill. This can include dirt berms, absorbent supplies (such as absorbent socks or booms), sandbags, straw bales with plastic sheeting, or any other material deemed to be effective and safe to use. The containment area should be larger than the actual spill area to allow free space for the cleanup personnel to work the spill without being in coming in contact or spreading the spilled petroleum or hazardous substance. Cleanup personnel should be mindful that any materials used for containment that are contaminated shall be removed, placed in appropriate containers, and transported and disposed of at an approved disposal facility. Sensitive environmental areas should

be protected, along with any pathways that can transport the spilled petroleum or hazardous substance, such as storm drains and sewer manholes. The EI will be notified by the Contractor where containment is being performed. The EI will visit the spill site as soon as practicable. Commencement of Containment activities will not wait for arrival of the EI.

3.4 CLEANUP

In general, spill cleanup should begin by removing any free petroleum or hazardous substance. All recovered free petroleum or hazardous substance in liquid form shall be placed in containers with secure lids to prevent further spillage. Solid and semi-solid free petroleum or hazardous substances can be placed in open containers. Once all free petroleum or hazardous substance have been removed, cleanup personnel should remove contaminated soils, vegetation, and other contaminated materials beginning at the perimeter of the spill and working toward the center. Contaminated materials (e.g., soil, vegetation) should be placed in containers appropriate for the contaminated material for transport to an approved disposal facility.

When all free petroleum or hazardous substance(s) and contaminated material(s) have been removed and secured, the spill site shall be cleaned. All non-contaminated debris and other refuse should be picked up and placed in containers for customary proper disposal. Equipment and contaminated PPE, including hand tools, used for the cleanup shall be cleaned. Cleaning materials, such as rags, should be collected and placed in containers for proper disposal.

The EI will be notified by the Contractor when cleanup is being performed. The EI will visit the spill site as soon as practicable. Cleanup activities will not be delayed while the EI arrives on site.

The above procedures should be followed for all releases where applicable. The information below describes the cleanup procedures that may be needed in the event of a specific spill in one of these areas.

Open Water

- In the event of a release of fuel, chemicals, or other potential pollutants listed in Table 2.1 in the bottom of South Bay or other similar open water area, the placement of a turbidity curtain, deployment of divers, and the use of a vacuum hose with a barge and containment tanks may be needed to collect the relapsed material. These procedures and processes will

be used as needed based on the size of the release, material released, and similar factors as determined by the EI, CM, Contractor, third party spill cleanup contractors, and the Certificate Holders.

Wetland

- In the event of a release in or near a wetland area, cleanup procedures may include the use of filter socks or mechanical cleanup. Depending on the size of the release, material released, and the ecology of the wetland, cleanup by hand using the materials discussed in Section 3.1 may be more practicable. These procedures and processes will be used as needed based on the size of the release, material released, and similar factors as determined by the EI, CM, Contractor, third party spill cleanup contractors, and the Certificate Holders.

3.5 RESTORATION

A spill site shall be restored once cleanup activities are completed. Post-spill site contours shall be as close to pre-spill contours as practicable. The soil surface should be raked and smoothed. Seed appropriate to the soil type and hydraulic regimen should be used to revegetate disturbed areas. Mulch should be used on seeded areas at the rate of one ton per acre during the growing season to provide cover and improve moisture content of the soil. Mulch should be applied to seeded areas at the rate of two tons per acre in non-growing seasons. The EI will be notified of the time and date when restoration will occur. The EI will coordinate with the site restoration crew to observe, document, and approve the restoration of the spill site.

3.6 DISPOSAL

Waste materials collected during cleanup will be transported to, and disposed at, a pre-approved disposal facility appropriate for the material. All materials transported to any such disposal facility will be in sealed or covered containers, as appropriate. The contractor may use a third-party spill response contractor to provide transport to the approved disposal facility. Disposal facilities may require testing to identify the absence/presence and amount of contaminant constituents depending on the type and amount of contaminated materials. Kiewit's contractor shall be responsible for maintaining the records for sampling and transporting all recovered petroleum, hazardous substances, and contaminated materials in accordance with the Soil Management Plan in Appendix L.

Copies of the sampling and transport records will be provided to the Environmental Inspector.

Any excavated soil material from the project area will be disposed of according to the measures specified in the Soil Management Plan in Appendix L of the EM&CP.

3.6.1 HAZARDOUS MATERIALS HANDLING AND WASTE DISPOSAL

As per the BMP document the following hazardous waste handling and disposal procedures will be implemented:

a) Hazardous materials such as oily rags used for equipment maintenance will be stored in appropriate five (5) gallon to fifty five (55) gallon drums;
b) Hazardous materials will be properly packaged, with a written description and labeled as hazardous;
c) Hazardous materials and waste will be inspected at least weekly while stored on site;
d) Hazardous materials and waste will be transported via permitted transporters, hazardous waste manifest and permitted Treat, Store, Dispose, Recycle ("TSDR") facilities; and
e) The EI and Safety Inspector will be notified of any Hazardous Materials that are generated and/or discovered (2012 BMPs, Section 12.8).

4.0 SPILL REPORTING

In the event of a spill, first responders will immediately begin assessment and containment as described in Section 3. Once containment is initiated, the CM or EI will notify the Certificate Holders of the spill. When reporting the spill, the following information will be provided to the Certificate Holders:

1. Time of release;
2. Location;
3. Status of spill containment;
4. Duration of cleanup effort from time of release;
5. Type of material released;
6. Approximate amount of material released;
7. Identification of impacted surface water(s);
8. Type(s) of area(s) affected (upland, wetland, etc.);
9. Estimated volume of soil removed/cleaned;
10. Disposal method(s) of impacted materials; and
11. Photos of release and clean up

The Certificate Holders is responsible for making all contacts to the federal, state, and local agencies relative to a reportable spill.

As required by State law, within two (2) hours of discovery of a spill, the NYSDEC will be notified at the NYSDEC Spill Hotline (1-800-457-7362), unless the spill meets all of the following criteria:

1. The quantity is known to be less than five gallons; and
2. The spill is contained and under the control of the spiller; and
3. The spill has not and will not reach New York water or land (soil); and
4. The spill is cleaned up within two hours of discovery.

New York State Department of Public Service staff will also be notified of any reportable spills. The Certificate Holders will also be responsible for contacting the National Response Center (NRC) at 1-800-424-8802 or 1-202-426-2675 (2012 BMP Document 12.4).

A spill is considered to have not impacted land if it occurs on an impervious surface such as asphalt or concrete. A spill in a dirt or gravel parking lot is considered to have impacted land and is reportable. Details on notification and reporting requirements can be found in Section 11 of the NYSDEC Spill Guidance Manual. All spills regardless of volume, location and/or timely cleanup are to be reported to the distribution list upon discovery.

All spills that occur during CHPE construction regardless of volume, location and/or timely cleanup are to be reported to the Environmental Inspector upon discovery.

Before the commencement of construction for CHPE, the point-of-contact name and phone number, project start date, duration of the project, and a short summary detailing scope of work will be communicated to the Environmental Inspector. Prior to work starting on CHPE, the EI and CM must be trained on the spill call-in process by the Certificate Holders and have a Certificate Holders representative as the contact person for all spills during CHPE construction. The EI and CI will report any spill, regardless of volume, location and/or timely cleanup, that occurs in the Project Area to the Certificate Holders, who will report the spill to the Washington County Department of Health as required. The following information will be submitted to Kiewit for spill closeout approval:

1. Identification of the source of the spill;
2. Type of material released;
3. Date, time, and method for any repairs required to halt leaks;
4. Names, dates, times, and disposal information for cleanup;
5. Record of any impact to sewer connections;
6. Analysis results for any samples taken; and
7. Identification of media impacts, if any existed (soil, concrete, waterway, etc.).

Prior to construction, a licensed spill response contractor(s) will be identified who will be on-call throughout construction. This information will be provided to Kiewit.

5.0 TRAINING

Training, instruction, and periodic briefings will be provided to all site personnel, as appropriate, to verify that health and safety precautions and measures are followed during construction. Construction personnel will be trained in the use, storage, handling, spill control, and first aid measures required for petroleum and hazardous substances in accordance with the OSHA Construction Hazardous Communication Standard (29 CFR § 1926.59) and New York State Department of Transportation ("NYSDOT") Standard Specifications Section 107-05 prior to initiating work, or will be escorted by personnel who have been trained. The Construction Supervisor will verify the orientation was given prior to an employee working on any construction site. This training will include specific information on how work is conducted as well as the hazards the workers may be exposed to in relation to their own specific craft and work procedures. The EI or CM will maintain a record of and provide documentation to Kiewit indicating this training has been successfully completed.