

Heritage Wind Project Complaint Resolution Plan

Heritage Wind, LLC

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Introduction

Heritage Wind LLC has and will continue to act with full commitment to engage as a responsible party in the Town of Barre and Orleans County New York Business community. As part of our commitment to being a good neighbor and operating a safe project, Heritage Wind LLC has created the following complaint resolution plan.

The construction methods and Project layout proposed for the Heritage Wind Project have been designed to avoid or minimize any cause for complaints. However, this Complaint Resolution Plan is intended to provide an efficient process to resolve complaints, should they arise.

Moreover, the Facility was designed using goals which limit operational impacts, such as noise, vibration, and shadow flicker, to avoid complaints during operation. To the extent that complaints arise regarding issues unrelated to noise and vibration, this Complaint Resolution Plan is intended to provide an efficient process to receive, resolve, and track complaints, should they arise. A separate Noise Complaint Resolution Plan, with a testing protocol, was prepared to address complaints related to noise and vibration during construction and operation.

Purpose of Complaint Resolution Plan

The purpose of this Complaint Resolution Plan is to establish a process and procedures for the public to notify Heritage Wind if any issues arise during the construction, operation, or decommissioning¹ of the proposed Heritage Wind Project. This Plan includes specific commitments for addressing public complaints, and procedures for dispute resolution during Project construction and operation. The Complaint Resolution Plan includes steps on informing the public about the complaint process, the process for registering a complaint, protocols for gathering and analyzing information regarding complaints, and procedures that may be unique for certain types of complaints (e.g., shadow flicker, television reception) or for different stages of the Project (e.g., construction and operation). The plan also describes actions the Applicant will take if the complaint remains unresolved after all these steps are followed.

Pre-Construction Outreach

Many complaints can be avoided by communicating widely and often with the community and relevant stakeholders. If the community is made aware ahead of time of potentially disruptive activities (i.e., anticipated construction noise or slow vehicles), and is afforded the opportunity to plan accordingly, the potential for complaints will likely be reduced. Prior to construction of the Heritage Wind Project, Heritage Wind will meet with participating landowners, neighbors, Town officials, and Highway Superintendents to discuss details of the siting of improvements, transportation and construction plans, and the proposed schedule insofar as it applies to the affected parties. Heritage Wind will have an Open House to provide information to the community and stakeholders regarding the start of construction, and the various phases that will occur. The Complaint Resolution Process, including the manner in which the public can voice complaints and the process for addressing them will be reviewed at the Open House event and made available on the Project Website. Heritage Wind also will meet with local emergency responders to review its Emergency Action Plan either as part of the Open House or separately as necessary and appropriate.

To facilitate communication, Heritage Wind will publish a contact phone number for the construction manager (or other individual designated to receive complaints) in the local telephone directory and on the Heritage Wind Project website. Heritage Wind also will provide the Town Supervisor and Highway Superintendent with the name and phone number for the construction manager (or other appropriate individual) charged with receiving complaints concerning

¹ For purposes of this plan, the term construction will include both construction of the Project and decommissioning.

construction of the Project; the same information also will be posted in one or more public locations in the town. Additional information about the complaint resolution process will be posted on the Heritage Wind Project website.

To minimize the potential for complaints associated with typical construction activities, speed limits will be imposed and enforced on construction traffic, dust control practices will be utilized and transport of components and other activities with the potential to disrupt neighbors will be coordinated with local authorities. Heritage Wind and its contractors will employ safety officers to ensure the safety of the public and of the construction crews. Heritage Wind intends to comply fully with all conditions of the authorizing permits applying to construction, and environmental/permit compliance officers will be assigned. Safety, community relations, and environmental compliance issues will be discussed in the daily planning meetings. Local road usage and related procedures will be addressed through a Road Use Agreement with the Town.

Pre-Operation Outreach

Prior to construction completion, the name and address of the operations manager or other appropriate individual responsible for receiving complaints will be made available via the same outreach methods used prior to construction.

Complaint Reporting Process

As noted above, prior to commencing construction/operation, the name and telephone number of the construction/operation manager or other appropriate individual will be made available to the neighboring residents, Town, and permitting agencies. In addition, Heritage Wind will publish a toll-free telephone number and will establish an email address for purposes of receiving communications from the public.

Complaints by neighboring residents or other affected individuals may be made through the following channels:

- Calling the local or toll-free telephone number;
- Writing to Heritage Wind at its local address or at its principal place of business or using the designated email address; or
- Presenting the complaint in person at Heritage Wind's local project office in Albion.

Complaint Response Program

Heritage Wind will assign an individual to track complaints from receipt, through investigation response, and post response follow-up. The following protocols will be implemented as part of the program of receiving, responding to and resolving complaints:

1. Complaint Identification

Heritage Wind personnel will periodically check the toll-free number and email address to determine if any complaints have been received. Complaints may also be received directly from the complainant in person. When Heritage Wind receives a complaint directly, a representative of Heritage Wind will reach out to the complainant within 48 hours to obtain additional information about the complaint. All complaints will be documented as set forth below.

If representatives of the Town or New York State Department of Public Services (NYSDPS) receive complaints about the Project, they will notify Heritage Wind as soon as practicable, and provide the details of such complaint in writing. The Town, NYSDPS, and Heritage Wind will designate appropriate officials for such communications. Heritage Wind will investigate such and document such complaints as outlined below.

2. Complaint Investigation

After receiving the necessary information regarding a complaint, Heritage Wind will investigate the complaint to determine whether it has merit. Investigations will include identifying and characterizing the nature of the complaint (traffic, dust, noise, etc.) and to the extent possible, the source (construction vehicles and equipment, environmental conditions, etc.). The type of investigation conducted will differ based on the nature of the complaint. In some cases, a simple on-site investigation may be all that is necessary to identify the source of a particular problem, such as construction noise. In other cases, additional third-party testing may be required to assess whether a particular problem identified by a complainant is, in fact, occurring. Also, Heritage Wind frequently will require the cooperation of the complainant (including, but not limited to, the provision of information concerning the circumstances surrounding their complaint and property access) to complete its investigation. Complainant cooperation with the investigation is completely voluntary. However, failure by the complainant to cooperate with the investigation may hinder Heritage Wind's ability to identify potential issues and develop solutions.

The specific procedures for investigating and responding to noise-related complaints during construction and operation are set forth in a separate Sound Monitoring and Compliance Protocol. If complaints are specific to shadow flicker, additional information such as the time the shadow flicker was experienced, weather conditions, and other information will likely be necessary to evaluate the complaint. Complaints specific to communication interference may require additional information specific to the type of communication that was impacted and other relevant information, such as weather conditions.

3. Response

After adequate information has been obtained to fully understand the nature of the complaint, Heritage Wind will work with appropriate personnel and parties to determine how to best address the complaint and the conditions that are causing the complaint. Heritage Wind will maintain necessary and appropriate communication with the complainant regarding the status of the investigation and actions taken to remedy the source of the complaint. Heritage Wind will follow up with complainants after a reasonable time has passed to ensure that the complaint was indeed resolved and that the issue causing the complaint has been addressed.

In the event that the identified problem is not resolved, Heritage Wind may propose more formal options for resolution. If a plan to resolve the unresolved problem is not under development within 30 days, the agencies authorizing the project may do one of the following:

- Determine that no further measures are necessary;
- Require Heritage Wind and the complainant to proceed with non-binding mediation with a mutually acceptable mediator; or
- Take other action as authorized by law.

4. Documentation and Reporting

Heritage Wind will keep a log of all complaints concerning the Project. The log will include the name of the complainant and contact information, the date the complaint was received, the date and time of the complaint, the nature of the complaint, the steps taken to investigate the complaint and the results of the investigation, the subsequent actions taken to resolve each complaint, and follow-up with the complainant. In addition, Heritage Winds will retain all other documents relevant to each complaint with the log. These documents may include, but are not limited to, emails and letters from complainants, written communications from town officials or NYSDPS staff

concerning complaints, and documentation of any investigations or studies. The log and supporting documentation will be available to the Town and to the NYSDPS for inspection upon request.