

Docket 7250
Candiloro Blasting Complaint Summary

Legal Requirements pertaining to Blasting

In Public Service Board Docket 7250, the Board issued a Certificate of Public Good on April 16, 2009, which was amended on July 17, 2009 which included four conditions pertaining to blasting associated with the project.

Conditions 24, 25, 26 and 27 of the 7/17/09 CPG (**Attachment 1**) were:

24. Blasting associated with construction of the Project shall be minimized to the extent practicable and performed only during the hours of 9:00 AM-5:00 PM Monday-Friday, except that no blasting may occur on state holidays.

25. All blasting shall be carried out by licensed and certified blasting technicians. All blasting shall be performed in accordance with any and all applicable laws and regulations, including, but not limited to, U.S. Department of Interior Rules 816.61-68 and 817.61-68 and the Blasting Guidance Manual, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of Interior to limit peak particle velocity and ground vibration to safe levels. Noise and air blast effects shall be limited through application of proper techniques and blasting mats will be used where needed to limit the occurrence of flyrock.

26. Prior to performing any blasting for the Project, Deerfield shall develop a blasting plan that includes pre-blast surveys of wells and structures in the surrounding area and shall arrange for a public information session with surrounding landowners to address concerns related to blasting.

27. In the event surrounding landowners express concern regarding the impacts of blasting on wells or other structures on their property, Deerfield shall perform evaluations to determine if any damage has occurred as a result of blasting activities and, if so, remediate any such damage.

In an Order dated 1/8/16 (**Attachment 2**) the Board reviewed a Blasting Plan filed by Deerfield on 5/1/15 and the Board directed certain modifications to that plan

A Revised Blasting Plan was filed by Deerfield with the Board on 2/8/16 (**Attachment 3**) In an Order dated 4/29/16 (**Attachment 4**), the Board approved the Revised Blasting Plan.

The Revised Blasting Plan included the following protocols relevant to this complaint regarding blasting damage:

Pre-Blast Notifications and Surveys; Post-Blast Surveys

- *One month prior to commencement of blasting, Deerfield Wind or its blasting contractor will hold public information meetings in all towns within a one-half (0.5) mile radius of the blasting site.*

- Two weeks prior to each meeting, all property owners within the one-half mile radius will be sent a notice letter concerning the hearing by certified mail, return receipt requested. "Door hangers" will also be left at all residences within one-half mile, providing the same information as the notice letters.
- The notice letters will offer property owners pre-blast surveys of structures and water sources or wells.
- The letters will explain that pre- and post-blast structure surveys and well monitoring are available, and will provide contact information for a person to answer property owners' questions.
- The initial blasting schedule, and any subsequent changes to the schedule, will be provided to property owners within one-half (0.5) mile radius of blasting site, at least one week prior to commencement of blasting activities.
- Deerfield Wind or its contractor will arrange for a qualified contractor to conduct pre-blast surveys for all interested landowners. The results will be documented in written reports accompanied by video or still photographs.
- For any property owners within the one-half mile radius who express concerns about the impacts of the blasting on structures or wells, Deerfield Wind or its contractor will perform post-blast surveys to assess any damage, and will remediate any damage found. Deerfield Wind or its contractor will make all reasonable efforts to complete each post-blast survey within 30 days after the property owner comes forward with concerns.

Blast Monitoring

All blasts will be monitored by an individual that is properly trained in the setup and use of seismic monitoring equipment. At least one seismograph will be in use at all times, at the structure nearest to the blast site. The results of blast monitoring are typically available before the next blast, so that design adjustments can be made for the next blast if necessary.

Blast Vibration

Blast vibration will be monitored, typically at the structures closest to the blast site.

Blasts will be designed to follow industry vibration limits and state and local regulations, and to protect any nearby structures.

Appendix B to this Plan sets forth preliminary vibration calculations based on known structures of concern and anticipated initial blast designs.

Ground vibration peak particle velocity limits will not exceed the U.S. Bureau of Mines' Alternative Blasting Criteria (adapted from D.E. SISKIND, ET AL., REPORT OF INVESTIGATION 8507: STRUCTURE RESPONSE AND DAMAGE PRODUCED BY GROUND VIBRATION FROM SURFACE MINE BLASTING app. B (US Bureau of Mines 1980)).

Air blast overpressure levels will not exceed 133 peak dB (linear) two Hertz high-pass system.

Blast Reports

A Blast Report will be produced for each blast and made available as needed. A sample Blast Report is enclosed as Appendix C.

Allegations by Mr. Frank Candiloro

9/1/16 - A Blasting Notice was issued by Continental Placer Inc. (**Attachment 5**) and sent to Mr. Candiloro via certified mail, alerting property owners and tenants within ½ mile radius of the anticipated blasting area of their opportunity to request pre-blast, post

blast and well monitoring surveys. The notice stated "Your property is located within this vicinity."

9/16/16? Searsburg – *Public Pre-blast meeting? Need to confirm if Candiloro attended.*

Unknown Date – A representative of Continental Placer named Paul Kretschmer (**Attachment 6**) visited Mr. Candiloro's home, conducted a quality test on the drinking water well but refused to conduct a quantity test on the well or to take any videos, indicating he was in a hurry to leave the country.
(It is unclear whether still photographs were taken at this visit).

Unknown Date (or Dates) - Approximately Autumn of 2016 Blasting occurs.

Unknown Date – Mr. Candiloro notices blast damage.

Unknown Date – Mr. Candiloro contacts Continental Placer to report damage but was told they were not handling the project. *(Do we know with whom Mr. Candiloro spoke?)*

Unknown Date – Mr. Candiloro contacts an onsite blaster *(Do we know with whom Mr. Candiloro spoke?)* who gives him a complaint form and an email address to which he should send complaint and photos of damage.

4/24/17– Mr. Candiloro sends an email, damage complaint form and photos to a Mr. J. Thomas at Maine Drilling & Blasting (**Attachment 7**) *(Why did it take 6 months for Mr. Candiloro to report the damage?)*

5/4/17 – James Thomas of Maine Drilling & Blasting sends a letter to Mr. Candiloro (**Attachment 8**) reporting that based on their investigation, (which appears to be a review of blasting logs and seismograph readings) "and in view of the overwhelming physical evidence, we have no reason to believe that the claimed damages to the Property were caused by any service provided by the Company."

5/?/17 Mr. Candiloro fills out DPS complaint form (**Attachment 9**) (Form has no date) and indicates that Mr. Thomas of Maine Drilling & Blasting visited his home and took photographs. *(Does Mr. Candiloro have copies of these photos?)*

List of Attachments

Attachment 1 – PSB Amended Certificate of Public Good 7/17/09

Attachment 2- PSB Order RE: First and Second Compliance Filings 1/8/16

Attachment 3- Deerfield Wind Blasting Plan Revised 2/8/16 (with Appendices)

Attachment 4 - PSB Fourth Order RE: Compliance Filings 4/29/16

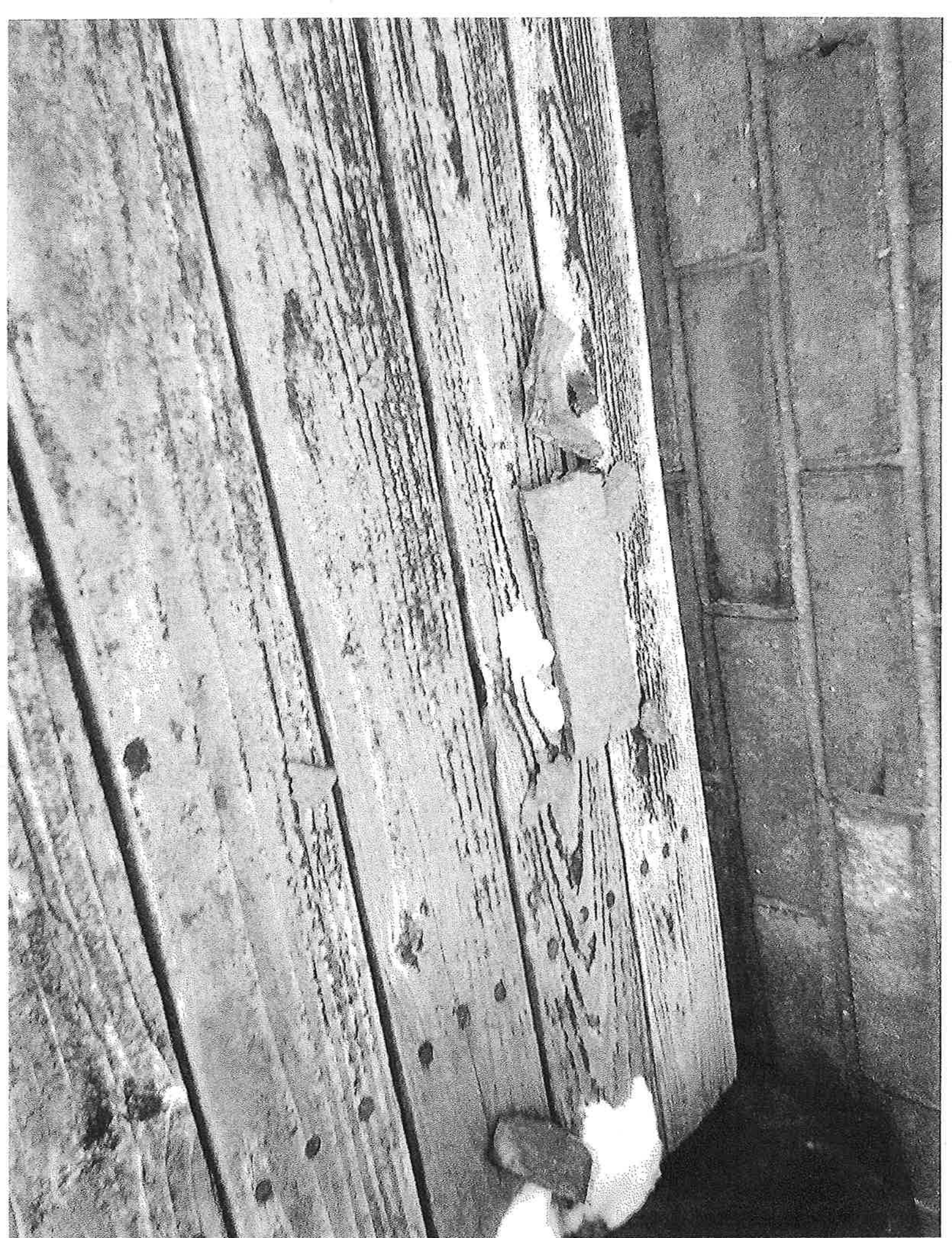
Attachment 5 - Continental Placer Inc. Blasting Notice 9/1/16

Attachment 6 - Business Card of Paul Kretschmer Continental Placer Inc.

Attachment 7 – Maine Drilling & Blasting – Candiloro Damage Complaint 4/24/17

Attachment 8 – Maine Drilling & Blasting – Claim Rejection Letter 5/4/17

Attachment 9– Candiloro CPG Violation Complaint Form







Consumer Affairs Complaint Record
Case No: 246562 MetaCase #:

Open Date: 05/11/17
Close Date: 07/12/17 Resolved Date: 07/12/17

Staff Init: CLP
Referred from:

Case Name: Francis Candiloro
Address: 233 VT Rte 8

Town: Searsburg State: VT Zip: 05363-

Account Phone:
Contact Phone: Ext:
FAX:
E-Mail:

Utility Type: WIND
Utility: OTHER
Contact Type: GREDPS
Complaint: CPG
Issue Codes:

Resolution: PSBREF
Violation:

Dollars Saved: \$ 0.00

Mailing Address:
Mailing Town: State: Zip: -

Utility Account:

HISTORY

Date Entered: 05/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: INTAKE Staff Initials: CLP
Summary: From: Flint, Carol Sent: Wednesday, May 10, 20
Comments:

From: Flint, Carol
Sent: Wednesday, May 10, 2017 4:20 PM
To: Porter, Louise <Louise.Porter@vermont.gov>; Peterson, Christine
<Christine.Peterson@vermont.gov>
Subject: Fwd: Docket 7250 - Deerfield Wind - Consumer Complaint

Hi,
Let's discuss please?
Louise, please let us know when a good time/ day is for you?
Carol

Carol Flint

AUG 21 '17 PM2:51
PUBLIC UTILITY COMMISSION

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Department of Public Service

From: Elias, Jeanne
Sent: Wednesday, May 10, 2017 4:10:51 PM
To: Porter, James; Flint, Carol
Subject: Docket 7250 - Deerfield Wind - Consumer Complaint

Hi Jim and Carol:

Pursuant to the Internal (Department) complaint handling instructions at page 10 of the Department's Protocol for Handling Complaints about a Violation of the Terms and Conditions of a Certificate of Public Good issued on 12/28/16, I want to forward to CAPI a complaint about a potential violation of the CPG issued in Docket 7250 - Deerfield Wind. The complaint is from a nearby neighbor who asserts he suffered property damage in late April, due to blasting associated with the project, and further asserts that the Blasting Contractor did not abide by the blasting protocol incorporated by reference into the CPG through Conditions 26 and 27 of the CPG.

Attached are three emails from the complainant, the Revised Blasting Plan filed by Deerfield Wind on 2/8/16, the Fourth Compliance Order accepting the Blasting Plan, issued by the PSB on 4/29/16, and the Amended CPG which includes the conditions referencing the Blasting Plan issued by the PSB on 7/17/09.

" This complaint originated from a State Legislator, through contact with Jim, therefore I urge CAPI not to take any steps until Jim has first determined how best to respond to the Legislator - Laura Sibilia. The constituent/complainant Francis Candiloro, was in touch with his legislator but has not yet been in contact with the Department.
"

" It will also be very important to proceed carefully with the CPG Holder, Deerfield Wind, who may or may not be aware that the complaint was filed with the Blasting Company or the manner in which it was resolved.

We do not yet have complete information. The gist of the CPG violation, in my opinion, appears to be that the blasting plan required the blasting contractor to do a pre blasting survey, including the taking of photos and video of existing conditions, upon request of a homeowner, for homes within 1/2 mile of the blast zone. According to Mr. Candiloro, he made such a request, and a representative of the Blasting Contractor did visit his home, but refused to take photos and video. This would appear to be in direct violation of the Blasting Plan, and would be the

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

basis for the enforcement case. In the attached documents, Mr. Candiloro indicates that he signed some sort of paper, but no further detail is given. If this is a waiver of his right to have video and photos taken, that could be problematic, but at this point, we have no idea what he signed. NB: These emails do NOT print well. Most of the content prints outside the page.

I imagine that eventually CAPI will eventually need to contact Mr. Candiloro to obtain additional information. With respect to possible damages suffered by Mr. Candiloro, the Blasting Company, in a letter that is part of one of the attached emails, rejected the claim citing seismic evidence, and generally asserting that they had measured the blast and that the amount of seismic activity could not have caused the damage that occurred.

" It is also unclear whether Deerfield, instead of the Blasting Contractor, might have any interest in immediately addressing this issue, and that initial contact with Deerfield, should, in my opinion, be carefully thought through in advance.

Jim:

Please let me know how you would like the response to the legislator handled and on what schedule. As I believe you have a long standing relationship with her, perhaps it would be best for you to be in touch first, but I am happy to do a follow up if you think that appropriate.

I want us to be helpful, to do our jobs, but NOT to infer that we can deliver something beyond our legal limitations to act. And if it may take a private attorney and a legal action in Superior Court for Mr. Candiloro to obtain monetary relief for his damages, if he can prove them, I want him to know that up front, and for that to be communicated with absolute clarity.

Thanks.
Jeannie

Date Entered: 05/11/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: attachments
Comments: attachments

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Date Entered: 05/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: -----Original Message-----From: Flint, Carol
Comments:

-----Original Message-----

From: Flint, Carol
Sent: Thursday, May 11, 2017 8:04 AM
To: Porter, James <James.Porter@vermont.gov>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>
Cc: Peterson, Christine <Christine.Peterson@vermont.gov>; Porter, Louise
<Louise.Porter@vermont.gov>
Subject: RE: Docket 7250 - Deerfield Wind - Consumer Complaint

Hi,

Thanks all, and we appreciate the sensitivity. Christine is assigned to this case and will get it logged. Has the complaint been acknowledged by the department yet (any direct correspondence/contact with the complainant)? And when was the department first made aware of this complaint? I appreciate the documents relating to the CPG -- very helpful. Christine set up a brief meeting with Louise for Friday and we will look forward to the discussion with PA next week.

Best,

Carol

Date Entered: 05/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: -----Original Message-----From: Elias, Jeann
Comments:

-----Original Message-----

From: Elias, Jeanne
Sent: Thursday, May 11, 2017 9:19 AM
To: Flint, Carol <Carol.Flint@vermont.gov>; Porter, James
<James.Porter@vermont.gov>
Cc: Peterson, Christine <Christine.Peterson@vermont.gov>; Porter, Louise
<Louise.Porter@vermont.gov>
Subject: RE: Docket 7250 - Deerfield Wind - Consumer Complaint

The history of the contact is as follows:

Legislator Sibilia contacts Jim.
Jim emails me with a cc to Ms. Sibilia on 5/8.
I speak to Ms. Sibilia on 5/8.
She emails me three documents on 5/8.
I reviewed the documents, research the CPG and conditions and blasting plan on 5/9.
I conferred with Louise who advised I notify CAPI according to the DPS

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

policy.
I emailed you all on 5/10.
I have not contacted anyone else.

I am not going to be in the office next week and will be unavailable during business hours Monday - Thursday. Jim I think you are out tomorrow, so I am not sure how to proceed.
I can review email next week in the evenings, so how about if we try to communicate that way about moving forward. I think the first step may be more information gathering from the complainant, if indeed he wishes to proceed.
Jeannie

Date Entered: 05/11/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Thursday, Ma
Comments:

From: Peterson, Christine
Sent: Thursday, May 11, 2017 2:05 PM
To: 'syncrowave@yahoo.com' <syncrowave@yahoo.com>
Subject: Deerfield Wind complaint

Dear Mr. Candiloro,

Representative Sibilia contacted the Department of Public Service regarding your complaint that blasting at the Deerfield Wind sight caused damage to your property. The Department will investigate your complaint to determine if there is a potential violation by Deerfield Wind of the CPG (Certificate of Public Good). I have been assigned this complaint and I will be in touch with you with updated information as it becomes available. Please feel free to contact me as needed.

To assist in our investigation, it would be helpful to have additional information from you. We have received three e-mails that you sent to Representative Sibilia on May 6th along with the attachments which are useful. I have attached a copy of our CPG complaint form to show what we ask for to investigate these matters. If you could fill in the timeline of events, including communication with Deerfield Wind or the contractor that is not included in your e-mails, it would be helpful. If you have additional documentation that has not been sent, please provide that as well if possible.

I have included a link to the Department website to assist you in understanding the CPG complaint protocol. Please let me know if there are any questions.

We appreciate you bringing this to our attention and look forward to working with you.

Date Entered: 05/15/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Frank [mailto:syncrowave@yahoo.com] Se
Comments:

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Monday, May 15, 2017 1:10 AM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Subject: Re: Deerfield Wind complaint

Hello Christine,

I filled out the form, I don't have actual dates from last fall and early winter. I was assisting my 91 year old mother after her surgery from a broken hip so I was on and off at my home. After talking with Continental Placer prior to the project there didn't really seem a need to police my home for damages. I was home for a few of the blasts and I honestly thought someone drove into my deck and my house sits 70' off the road. I'm attaching another pic of the chimney, it's an outside 3 flue brick built. Being so large it didn't withstand the shock. The chimney is less than 10 years old.

Thank you for your assistance.

Sincerely,

Francis Candiloro

Date Entered: 05/15/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: "Peterson, Christine" <Christine.Peterson@ve
Comments: From: "Peterson, Christine" <Christine.Peterson@vermont.gov>
To: Frank <syncrowave@yahoo.com>
Sent: Monday, May 15, 2017 8:47 AM
Subject: RE: Deerfield Wind complaint

Good Morning Frank,

Thank you for the response. I haven't been able to open the attached form. Are you able to resend it in a different format, such as Word or Rich Text? If not, you can fax it or mail it to me, the fax is 802-828-2342 the mailing address is Department of Public Service 112 State St Montpelier VT 05620.

Date Entered: 05/15/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Frank [mailto:syncrowave@yahoo.com] Sent
Comments:

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Monday, May 15, 2017 10:30 AM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Subject: Re: Deerfield Wind complaint

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Christine,
Give this a try, if it don't work let me know.

Frank

Date Entered: 05/25/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Thursday, Ma
Comments:

From: Peterson, Christine
Sent: Thursday, May 25, 2017 4:31 PM
To: 'Frank' <syncrowave@yahoo.com>
Cc: Elias, Jeanne <Jeanne.Elias@vermont.gov>
Subject: RE: Deerfield Wind complaint

Hi Frank,

I'm writing to follow up. We are in the process of gathering information regarding your complaint and I will be in touch when I have additional information.

Do you have a copy of the complaint form that you submitted to the blasting company? If so, it would be helpful to have.

Also, do you know if the blasting took place on the road or one of the turbine sites? If it is possible to provide additional detail about where your house is in relation to where the blasting took place, it would be helpful for us.

Please feel free to contact me as needed

Date Entered: 05/26/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Frank [mailto:syncrowave@yahoo.com] Se
Comments:

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Friday, May 26, 2017 12:32 AM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Cc: Laura Sibilila <lhsibilila@gmail.com>; Elias, Jeanne <Jeanne.Elias@vermont.gov>
Subject: Re: Deerfield Wind complaint

Hi Christine,

I attached a copy of the complaint I filed with the blasting company (Maine Drilling & Blasting). I don't know where the blasting was being conducted at the times it shook my home. I couldn't investigate due to the project being a restricted area. The residents in the sacrifice zone were kept in the dark for the most part, I wasn't given a contact

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

number to the project coordinator, it certainly would have been a huge help if it was given out. As I stated before, we were supposed to be contacted before each blasting event, that never happened. I wasn't always home during the blasting but saw the evidence from it on my deck (brick fragments) when I did arrive at my home. My home is just east of the project.

Respectfully,
Francis Candiloro

Date Entered: 06/02/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Thursday, June 01, 2
Comments:

From: Elias, Jeanne
Sent: Thursday, June 01, 2017 5:26 PM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Cc: Porter, James <James.Porter@vermont.gov>
Subject: Candiloro D 7250 Blasting Complaint

Hi Christine:

I have a few more questions that I would like to know if Mr. Candiloro can answer for us before I contact Deerfield, but I have alerted Deerfield's Attorney that I will be speaking to them shortly about a blasting issue.

Please see my summary and the attachments, and at your convenience, and if you think advisable, I suggest CAPI contact Mr. Candiloro to determine if you can get any more information.

All the unknown dates and questions that I developed are highlighted in yellow in the initial Word Document that is a Complaint Summary.

I include all the PDF attachments just for completeness, but I doubt you will need to review or refer to them to ask for the information.

Thanks.

Jeannie

Jeanne Elias
Special Counsel
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Jeanne.Elias@vermont.gov
802 828-4011

Date Entered: 06/02/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Frank [mailto:syncrowave@yahoo.com] Sent
Comments:

From: Peterson, Christine
Sent: Friday, June 02, 2017 8:51 AM

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

To: 'Frank' <syncrowave@yahoo.com>
Cc: Laura Sibilialia <lhsibilia@gmail.com>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>
Subject: RE: Deerfield Wind complaint

Good Morning Frank,

One of our attorneys has reviewed your complaint and she asked that I reach out to you to request additional details to assist us with the investigation.

Your messages to Representative Sibilialia reference a meeting that you attended where blasting was discussed, was this the public pre blast meeting in Searsburg?

When did Mr. Kretschmer visit your home to conduct the water quality test on your well? Did Mr. Kretschmer take any photos during his visit that you are aware of?

When did you notice the damage to your home? Was there a delay between when you noticed the damage and when you contacted Continental Placer to report it?

Do you recall the date that you contacted Continental Placer initially to report the damage and do you know who you spoke to?

Do you recall the date when James Thomas visited your home? Do you have copies of any of the photos taken by Mr. Thomas?

Thank you for your continued assistance.

Sincerely,

Christine

Date Entered: 06/02/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Friday, June
Comments:

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Friday, June 02, 2017 12:46 PM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Cc: Laura Sibilialia <lhsibilia@gmail.com>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>
Subject: Re: Deerfield Wind complaint

Hello Christine,

The meeting that was referenced was a formal special town meeting held at out town hall in Searsburg for information on the upcoming blasting. The blasting company had on hand at least 4 representatives and gave

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

their presentation how other projects of their's went. At the meeting concerns were brought forth about property damage and the impact blasting would have. There was not a definite outcome from the meeting other than to allow each property along the sacrifice zone to be videoed and pictures taken along with well testing before blasting started. If not allowed it was stated any damage claim would be questionable. I complied with the blasting company's request. After repeated calls to Continental Placer they sent Mr. Kretschmer to survey our properties on 10/3/2016. When he arrived he did not take pictures of my property nor inspect it. I felt it was more of a public relations visit to tell me not to worry about anything and if damage occurred it would be taken care of. I did ask about pictures and was told by him he wasn't going to take pictures or videos. I pressed him to take a water flow test and water samples that was also outlined at the town meeting. I was told a flow test would take too long but he could take a water sample and he did. He also told me he was in a hurry because he was leaving the country but the sample would be given to the testing laboratory. The blasting started about a month after the "inspection" of my property. The chimney started to have brick face damage from the beginning. The windows mentioned started to cloud up (lose seal) as time progressed. I had faith in was was told to me that when the project was near blasting completion it would be taken care of. I contacted an on site foreman (Joseph Taber) through a neighbor to let him know about the damage. This was in early spring. I believed then, this could be taken care of at the lowest level, instead James Thomas was sent to my property after the fact to video my claim. I wasn't offered any pictures from the video. He sent me a letter denying damage was done from blasting. This went completely against what the town's people were told from the town meeting with the blasting company. They told us to trust them, I didn't think I needed to keep a journal for damage events.

Sincerely,

Francis Candiloro

Date Entered: 06/07/17 Date Due: 06/21/17 Completed :07/12/17
To: UTIL From: DPSCAD Action By: UTIL
Entry Code: WRITEU Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Wednesday, June 07
Comments:

From: Elias, Jeanne
Sent: Wednesday, June 07, 2017 11:02 AM
To: Andy Raubvogel <araubvogel@dunkielsaunders.com>
Subject: D 7250 Blasting Complaint

Andy:

As you and I discussed via telephone this morning, the Department is investigating a blasting complaint from a Mr. Frank Candiloro at the site of the Deerfield Wind Facility under construction in Searsburg, Vermont.

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Mr. Candiloro has indicated that:

" He requested a Pre-Blast Survey for his home at 233 Vermont Route 8 in Searsburg.

" Paul Kretschmer from Continental Placer came to the Candiloro property on 10/3/2016 and conducted a well quality test, but refused to do a well quantity test and did not take any photos or videos of the property.

" Mr. Candiloro was not provided with a written pre blast report.

" Mr. Candiloro noticed damage during the autumn and winter of 2016-2017 and contacted Continental Placer but was told they were not handling the matter.

" Mr. Candiloro eventually obtained contact information for Maine Drilling & Blasting from an employee on site during the Spring of 2017 and filed a blasting complaint on 4/24/17.

" On May 4, 2017 Mr. Candiloro received a letter from James Thomas of Maine Drilling & Blasting denying his claim for damages based on Peak Particle Velocity (PPV) readings recorded at the Deerfield Wind facility during the blasting.

The Department seeks additional information from Deerfield Wind on this matter, in order to assess whether there have been violations of Conditions 26 and 27 of the 7/17/09 Amended CPG.

Thank you for getting back to me at your earliest convenience.
Jeannie

Jeanne Elias
Special Counsel
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Jeanne.Elias@vermont.gov
802 828-4011

Date Entered: 06/07/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Wednesday, Jun
Comments:

From: Peterson, Christine
Sent: Wednesday, June 07, 2017 2:17 PM
To: 'Frank' <syncrowave@yahoo.com>
Cc: 'Laura Sibilia' <lhsibilia@gmail.com>
Subject: RE: Deerfield Wind complaint

Good Afternoon Frank,

Thank you for the additional information, it is very helpful. Our attorney has reached out to the attorney for Deerfield Wind for a response to your complaint. I will be in touch with you when we have information to share with you.

Date Entered: 06/14/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Wednesday, June 14,
Comments:

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

From: Elias, Jeanne
Sent: Wednesday, June 14, 2017 10:07 AM
To: Porter, James <James.Porter@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>; Peterson, Christine
<Christine.Peterson@vermont.gov>
Subject: FW: D 7250 Blasting Complaint

Here is the most recent response from Deerfield Wind on the blasting complaint. I am not providing this information to either Mr. Candiloro or Rep. Sibilila, as I leave it to Carol and Jim to determine if it is appropriate to do so. I am concerned about the passage of time. May 8th, we got the complaint from Rep. Sibilila. We gathered information until June 7th when I contacted counsel for Deerfield. A week has passed and they are gathering reports. If anyone thinks this needs to move faster than it is doing, either for deadlines in the Consumer Complaint Protocol, or because you think this is not an adequately rapid response, please let me know. If you have any concerns along these lines, please, please express them now. We could set a target date for filing something with the Board and let Deerfield know that date to spur them on to respond in time. We can also file with the Board immediately if we believe it appropriate.

Please let me know what you think.

Jeannie

Jeanne Elias
Special Counsel
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
Jeanne.Elias@vermont.gov
802 828-4011

From: Andy Raubvogel [mailto:araubvogel@dunkielsaunders.com]
Sent: Wednesday, June 14, 2017 9:56 AM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>
Cc: Sash Lewis <slewis@dunkielsaunders.com>; Geoff Hand
<ghand@dunkielsaunders.com>
Subject: RE: D 7250 Blasting Complaint

Jeannie - just wanted to give you an update on this item. We are collecting the relevant documents and information. I expect to get it by week's end.

With respect to your last bullet below, you mentioned that in your view the May 4th letter from MDB to Candiloro didn't seem to have enough information to support its conclusion. I read the letter as providing a reasonable explanation directed at a lay person. Regardless, I have asked for the underlying blast reports that were relied on. Because the complaint doesn't pertain to one particular blast but rather covers a broad period of time (fall through early spring), there is a significant amount of data (50-100 pages per month). It is being collected and I will create a drobox for you.

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Best,

Andy

Andrew N. Raubvogel, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
802.860.1003, ext. 107
802.495-5413 direct line
araubvogel@dunkielsaunders.com

Date Entered: 06/14/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Wednesday, J
Comments:

From: Peterson, Christine
Sent: Wednesday, June 14, 2017 10:28 AM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>; Porter, James
<James.Porter@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>
Subject: RE: D 7250 Blasting Complaint

Hi Jeanne,

Thanks for your work on this. I think that we are okay under the protocol at this point, I have been in regular contact with Mr. Candiloro and Rep Sibilila, and we have been engaging with Mr. Candiloro to gather info to assist in investigating the complaint for much of this time. My last contact with him was last Wednesday, see below, sorry I didn't copy you on this message and he did not express any issues with the process in his response.

I won't be able to follow up with Mr. Candiloro between 6/19-6/27 because I will be out. I can send him a message letting him know that I expect to be able to provide info to him on 6/28, or Carol can assign another CAPI person to follow up with him in my absence.

I'm happy to do whatever Carol and Jim recommend.

Response time standards for Department staff to reply to complainant CAPI will reply back to the complainant as soon as is reasonably practicable after the complaint has been investigated, but at the least will provide updates to the complainant every two (2) weeks with progress about how the complaint investigation is proceeding

From: Peterson, Christine
Sent: Wednesday, June 07, 2017 2:17 PM
To: 'Frank' <syncrowave@yahoo.com>

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Cc: 'Laura Sibilila' <lhsibilia@gmail.com>
Subject: RE: Deerfield Wind complaint

Good Afternoon Frank,

Thank you for the additional information, it is very helpful. Our attorney has reached out to the attorney for Deerfield Wind for a response to your complaint. I will be in touch with you when we have information to share with you.

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Wednesday, June 07, 2017 3:16 PM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Cc: Laura Sibilila <lhsibilia@gmail.com>
Subject: Re: Deerfield Wind complaint

Hi Christine,

Thank you very much for keeping me informed.

Date Entered: 06/14/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Flint, Carol Sent: Wednesday, June 14,
Comments:

From: Flint, Carol
Sent: Wednesday, June 14, 2017 11:59 AM
To: Peterson, Christine <Christine.Peterson@vermont.gov>; Elias, Jeanne <Jeanne.Elias@vermont.gov>; Porter, James <James.Porter@vermont.gov>
Subject: RE: D 7250 Blasting Complaint

Hi Christine, my preference is that you continue to be the primary point person on this case for CAPI. Your idea to let him know that you'll next check in with him on or after the 28th is good. Best, Carol

Date Entered: 06/15/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Thursday, Ju
Comments:

From: Peterson, Christine
Sent: Thursday, June 15, 2017 12:41 PM
To: 'Frank' <syncrowave@yahoo.com>
Cc: Laura Sibilila <lhsibilia@gmail.com>
Subject: RE: Deerfield Wind complaint

Hi Frank,

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

We anticipate that Deerfield Wind's attorney will be in touch with our attorney within the next few days. I will be out of the office until June 28th and I will follow up with you upon my return.

I appreciate your cooperation and continued patience.

Date Entered: 06/27/17 Date Due: / / Completed : / /
To: DPSCAD From: UTIL Action By:
Entry Code: UWRITE Staff Initials: CLP
Summary: From: Andy Raubvogel [mailto:araubvogel@dunkie
Comments:

From: Andy Raubvogel [mailto:araubvogel@dunkielsaunders.com]
Sent: Monday, June 26, 2017 11:44 AM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>
Cc: Sash Lewis <slewis@dunkielsaunders.com>; Geoff Hand <ghand@dunkielsaunders.com>
Subject: RE: D 7250 Blasting Complaint

Afternoon Jeannie,

I have assembled documents in response to your request; all of the documents pre-existed your inquiry and were created by the blasting contractor or subcontractor. They include:

1. Correspondence between the blasting contractor and Mr. Candiloro
2. The results of Mr. Candiloro's water test
3. A letter from the employee of the blasting subcontractor who visited Mr. Candiloro's home.
4. The blasting logs from October 2016 - May 2017

Given the voluminous nature of the blasting logs, I am providing everything through a dropbox. Please go to:
<https://www.dropbox.com/sh/aslpmsoeitfw67w/AACNASfGtewilUUXtJMw66Iwa?dl=0>

In terms of what transpired between Mr. Candiloro and the pre-blast inspector (Mr. Kretschmer), Deerfield's understanding of what occurred is different than what Mr. Candiloro appears to have conveyed to you. This is addressed in the letter from the Continental Placer employee who went to the Candiloro residence. In short, the inspector stated that Mr. Candiloro declined to allow video of his home, and as a result a pre-blast survey could not be performed as this is the manner in which pre-blast conditions are documented. We understand that the results of the water quality test were sent to Mr. Candiloro. The contractor has further advised that Mr. Kretschmer did not refuse to conduct a water quantity test. Rather, he explained to Mr. Candiloro that because his well was a spring fed, dug well and not a drilled well, conducting a draw down test would not provide accurate, reproducible results. Accordingly, Mr. Kretschmer took a sample of Mr. Candiloro's water to check for water quality and delivered it to the lab.

Please note that according to Maine Drilling and Blasting, Mr.

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Candiloro's property is outside the one-half mile radius (2,640 feet, as measured from his structure), that is specified in the Board-approved Blasting Plan as requiring surveys upon request of the property owner. A pre-blast survey utilizing standard industry techniques (video/photo documentation) was voluntarily offered as a courtesy, which, again he refused. MDB further informs us that as a point of reference, the industry standard for pre-blast surveys is for structures that are within 250 feet.

With respect to Mr. Candiloro's claim of damage, the letter from MDB provides an explanation of their rationale. The Blasting logs are the backup information.

Thank you for the opportunity to provide this information. If you have any specific questions with respect to these issues, please let me know. I would also appreciate being kept apprised of the status of the Department's investigation.

Best,

Andy

Andrew N. Raubvogel, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
91 College Street
P.O. Box 545
Burlington, VT 05402-0545
802.860.1003, ext. 107
802.495-5413 direct line

Date Entered: 06/29/17 Date Due: / / Completed : / /
To: DPSCAD From: UTIL Action By:
Entry Code: UWRITE Staff Initials: CLP
Summary: 246562-j.pdf
Comments:

Date Entered: 06/29/17 Date Due: / / Completed : / /
To: DPSCAD From: UTIL Action By:
Entry Code: UWRITE Staff Initials: CLP
Summary:
Comments:

Date Entered: 06/29/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: Met with Jeanne and Jim. We decided to ask Dee
Comments: Met with Jeanne and Jim.

We decided to ask Deerfield for documentation that the consumer's home is outside the blasting zone. The consumer recieved the materials and services that were promised in the CPG to residents inside the blast zone and letters to the consumer have not mentioned that he was outside of the blast zone.

Date Entered: 06/29/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Thursday, Ju
Comments:

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

From: Peterson, Christine
Sent: Thursday, June 29, 2017 4:38 PM
To: 'Frank' <syncrowave@yahoo.com>
Cc: Laura Sibilialia <lhsibilia@gmail.com>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>
Subject: RE: Deerfield Wind complaint

Hi Frank,

I am writing to update you on your complaint. Deerfield Wind has responded to our inquiry and I met with members of our Public Advocacy staff today to discuss the information provided and how to proceed.

Deerfield Wind is maintaining the position that the blasting did not cause the damage to your property. The company says that your home is outside of the blast zone and we have asked Deerfield to provide documentation to support that position. Additionally, the company provided a statement from Paul Kretschmer where he says that he did offer to take video of your property when he visited the property on Oct 3. I have attached the statement for your review and response.

As I mentioned previously, we have asked Deerfield for additional information to inform our next steps. When I have additional information to share with you, probably within the next week or two, I will be in touch.

If you have any questions or need to get in touch with me, please feel free to contact me by phone or e-mail.

We appreciate your continued patience.

Date Entered: 06/30/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Frank [mailto:syncrowave@yahoo.com] Se
Comments:

From: Frank [mailto:syncrowave@yahoo.com]
Sent: Thursday, June 29, 2017 11:34 PM
To: Peterson, Christine <Christine.Peterson@vermont.gov>
Cc: Laura Sibilialia <lhsibilia@gmail.com>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>
Subject: Re: Deerfield Wind complaint

Hi Christine,

Thank you for the update. I am very confused with Paul Kretschmer's statement. When he arrived at my home I met him at his car, he did not knock on my door. He introduced himself and handed me his business card. I offered him a coffee and invited him in my house, he passed on both, this is when he told me he was in a hurry due to him leaving the country. He took a quick visual scan of my yard without a camera and made the statement that I was too far from the blasting area to worry.

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

He also offered if there was any damage it would be taken care of. He wanted to leave at this point. I asked about my well and he saw no reason for testing it. I was adamant that it was to be tested. I was told on the phone before hand by Continental Blasters that I would have to remove the well cap due to liability standards which sounded reasonable to me. There was supposed to be a quality and flow rate test conducted. I got him to agree to quality test the well. I brought a rachet set to my well to remove the cap, he told me he wasn't doing a flow test due to his schedule because it takes a bit of time. He put a lit match under the faucet then drew water in a container and placed it in his vehicle. I then asked again if he was going to do a video scan of the inside of my home, I was told no. He then drove away. About 45 minutes later my neighbor stopped at my home and asked if the surveyor was coming. I told him he came and left. My neighbor immediately called the company only to get a run around until he demanded Mr. Kretschmer return to survey his home. He was also scheduled for Oct 3rd. Mr. Kretschmer did return for a quick sample of my neighbor's well then left.

I'm surmising Mr. Kretschmer was coached with his statement. When Mr. Thomas came to my home to evaluate the damage he was very cold shouldered and denying the damage was due to blasting. I never mentioned anything, I just let him video record, he was ranting about it. Mr. Thomas told me to submit a claim through my own insurance company for reasons other than blasting results. He made me feel like a criminal in my own home. Mr. Kretschmer states he has been doing this line of surveying for 27 years, I'd have to question his note keeping. I do not have a spring as he states that I get my water from, I have a drilled well, that's a huge difference and I showed him it's location. Was this a false statement by him or was he misconstrued or a combination of both? I'm not trying to play the he said she said, all I want is my property returned to pre blast condition. The claim that I live too far away from the blast area doesn't hold weight. Why were the residents given blast notices? Why was there a special town meeting with the blasting company there to make their presentation along with their false promises of making repairs if needed? Why did my neighbors and myself feel the tremors when they were blasting? If in fact I did refuse (which I didn't) to allow him to video the inside of my home, where is the video of the outside of it where my chimney is located? At the town meeting they the blast company brought up as an example chimney damage as a slight concern and he can't produce outside pictures? The biggest question is; why did the damage happen when they were blasting if it wasn't due to blasting?

I applaud you for the time and effort that you are putting into this. Thank you very much. I'm not one of these people that are anti everything. I feel if energy progress is to go forward now and in the future the residents of VT. need advocates like you. What I really think happened was the company felt they were so remotely located in the forest they used bigger blast charges than originally outlined to finish the project on time.

Please keep me posted.
Sincerely,

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Frank Candiloro

Date Entered: 06/30/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Friday, June 30, 2
Comments:

From: Elias, Jeanne
Sent: Friday, June 30, 2017 8:59 AM
To: Porter, James <James.Porter@vermont.gov>; Peterson, Christine
<Christine.Peterson@vermont.gov>
Subject: FW: Deerfield Wind complaint

[REDACTED]

I will keep you posted on what I hear back from Andy.
Jeannie
PS Jim, as you can see Mr. Candiloro is keeping Laura Sibilia up to
speed.

Date Entered: 06/30/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: [REDACTED]
Comments: [REDACTED]

Date Entered: 06/30/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSC Staff Initials: CLP
Summary: Spoke to consumer. He is very upset about the
Comments: Spoke to consumer.

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

He is very upset about the statement. He said that many things in it are not true. Mr. Kertchner did not suggest the water test, he wanted to go through the bulkhead and not through the house. He was upset with the way Mr. Kertchner represented the consumer's behavior during the visit. He says it sounds like he was "ranting and raving on his porch".

Consumer says that a neighbor of his reported to the blasting company that his house was shaking and the company said they would "back off on the charge" the neighbor lives about a mile closer to the site.

I told the consumer that we were not casting aspersions on his version of events, my intent was to keep him informed, just as we provided his info to the company.

Date Entered: 06/30/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Friday, June 30, 2
Comments:

From: Elias, Jeanne
Sent: Friday, June 30, 2017 3:52 PM
To: Peterson, Christine <Christine.Peterson@vermont.gov>; Porter, James <James.Porter@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>
Subject: RE: Deerfield Wind complaint

There are some details in the technical section of the blasting plan that may address this, but I am not expert enough to know.

I will forward the email I just got and we should proceed on our course to encourage him to file directly and let him know we will support the investigation.
J

Date Entered: 07/03/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: -----Original Message-----From: Porter, Jame
Comments:

-----Original Message-----
From: Porter, James
Sent: Friday, June 30, 2017 6:14 PM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>; Peterson, Christine <Christine.Peterson@vermont.gov>
Subject: Re: D 7250 Blasting Complaint

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

[REDACTED]

[REDACTED] e
[REDACTED] you
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[REDACTED]

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[REDACTED]

[REDACTED] to open a

[REDACTED]

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

Public Utilities Commission, please contact the Clerk at (802) 828-2358
or by email at or by email at PUC.Clerk@vermont.gov.

Respectfully yours,

Date Entered: 07/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Tuesday, Jul
Comments:

From: Elias, Jeanne
Sent: Tuesday, July 11, 2017 6:44 AM
To: Peterson, Christine <Christine.Peterson@vermont.gov>; Porter, James
<James.Porter@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>
Subject: Re: Deerfield wind e-mail draft

Hi Christine:

[REDACTED] ting
[REDACTED] we will support the opening of an
investigation and I think we can say that the Department's review of the
information available to date leads us to believe that there is adequate
reason to believe there may have been a violation of the CPG and that
the Department believes a Commission investigation is necessary to
obtain additional facts.

[REDACTED] to
[REDACTED] nt to

Date Entered: 07/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Elias, Jeanne Sent: Tuesday, July 11,
Comments:

From: Porter, James
Sent: Tuesday, July 11, 2017 7:08 AM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>
Cc: Peterson, Christine <Christine.Peterson@vermont.gov>; Flint, Carol
<Carol.Flint@vermont.gov>
Subject: Re: Deerfield wind e-mail draft

I think Jeannie is correct.

Date Entered: 07/11/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Porter, James Sent: Tuesday, July 11,
Comments:

From: Peterson, Christine
Sent: Tuesday, July 11, 2017 7:53 AM
To: Elias, Jeanne <Jeanne.Elias@vermont.gov>; Porter, James

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

<James.Porter@vermont.gov>
Cc: Flint, Carol <Carol.Flint@vermont.gov>
Subject: RE: Deerfield wind e-mail draft

Thanks for the feedback. I will amend the e-mail and send it out today.

Thanks for all your help.

Date Entered: 07/11/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Tuesday, Jul
Comments:

From: Peterson, Christine
Sent: Tuesday, July 11, 2017 3:42 PM
To: 'Frank' <syncrowave@yahoo.com>
Cc: Laura Sibilia <lhsibilia@gmail.com>; Elias, Jeanne
<Jeanne.Elias@vermont.gov>; Porter, James <James.Porter@vermont.gov>;
Flint, Carol <Carol.Flint@vermont.gov>
Subject: RE: Deerfield Wind complaint

Good Afternoon Frank,

I hope you had a nice holiday. I am writing to follow up on your complaint. Upon review of the information provided by you and Deerfield Wind and internal discussion, the Department of Public Service recommends that you file a formal complaint with the Public Utility Commission. Our office will support the Commission opening an investigation into this matter.

The Department's review of the information available to date leads us to believe that there is adequate reason to believe there may have been a violation of the CPG and that the Department's position is that a Commission investigation is necessary to obtain additional facts. The Public Service Commission sets the conditions for CPGs and has authority to require compliance or impose penalties. I will advise the Commission that we have contacted you and made this referral and why we have done so. If you prefer to withdraw your complaint and/or request that we not provide this basic information about your complaint to the Board, please let me know by Friday.

The Public Utilities Commission process is formal, much like a court proceeding. It is not necessary for an attorney to represent you in this process, but you may elect to hire an attorney to represent you, if you want to. Should you decide to move forward and file a formal complaint with the Public Utilities Commission, you should submit a letter (the complaint must be in writing and mailed through the U.S. mail) specifically describing your complaint and stating what relief you are seeking from the Commission. The Department advises that you submit a signed and notarized affidavit (notary services are generally available at a bank or a court) about your complaint with the letter, although this is not required by the Commission. An affidavit is a sworn written

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

statement containing all pertinent facts related to your complaint. Include copies of any documents related to your complaint that you want the Commission to consider. I will provide copies from our records about your complaint directly to the Public Utilities Commission at its request. These records will be provided to the Commission under seal and will remain confidential unless a docket is opened, at which point the records will be available to the public as part of the docket record.

All of these documents together (letter, affidavit, copies of any other relevant documents) become a petition. The petition should be signed by you and mailed to the Commission as follows:

Judith Whitney - Clerk of the PUC
Public Utilities Commission
112 State Street
Montpelier, VT 05620-2701

The Commission may either grant or deny your request for a hearing. If it is granted, the Commission will inform you of any future proceedings. If your request is denied, you will be informed as to why.

If you have further questions about requesting a hearing before the Public Utilities Commission, please contact the Clerk at (802) 828-2358 or by email at or by email at PUC.Clerk@vermont.gov.

Respectfully yours,

Christine L Peterson
Coordinator of Consumer Affairs
Consumer Affairs and Public Information Division
Vermont Department of Public Service
112 State Street
Montpelier, VT 05602
802-828-4078
800-622-4496
christine.peterson@vermont.gov

Date Entered: 07/12/17 Date Due: / / Completed : / /
To: DPSCAD From: CONS Action By:
Entry Code: CONSW Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Tuesday, Jul
Comments:

Hello Christine,

I appreciate the effort you are putting into this, thank you. I am going to go forward with this. I'll need a short amount of time to prepare the letter to The Public Utilities Commission. My neighbor who

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

contacted the blasting foreman is willing to have a notarized letter stating after his house was shaken various times the blasting foreman agreed to adjust (downsize) the blasting charges. I also have a full home inspection report from when I purchased my home in Aug. 2014 stating the house was in excellent shape, this was conducted by a licensed home inspection company.

Thanks again for your assistance,

Sincerely,

Frank Candiloro

Date Entered: 07/12/17 Date Due: / / Completed : / /
To: CONS From: DPSCAD Action By:
Entry Code: WRITEC Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Wednesday, J
Comments:

From: Peterson, Christine
Sent: Wednesday, July 12, 2017 7:25 AM
To: 'Frank' <syncrowave@yahoo.com>
Cc: Laura Sibilia <lhsibilia@gmail.com>; Elias, Jeanne <Jeanne.Elias@vermont.gov>; Porter, James <James.Porter@vermont.gov>; Flint, Carol <Carol.Flint@vermont.gov>
Subject: RE: Deerfield Wind complaint

Good Morning Frank.

Thank you for letting me know. I will contact the PUC Clerk by the end of the week to let her know to expect the letter.

Thank you for your cooperation throughout our process.

Date Entered: 07/12/17 Date Due: / / Completed : / /
To: From: Action By:
Entry Code: NOTES Staff Initials: CLP
Summary: From: Peterson, Christine Sent: Wednesday, J
Comments:

From: Peterson, Christine
Sent: Wednesday, July 12, 2017 9:11 AM
To: PUC - Clerk <PUC.Clerk@vermont.gov>
Cc: Elias, Jeanne <Jeanne.Elias@vermont.gov>; Porter, James <James.Porter@vermont.gov>; Flint, Carol <Carol.Flint@vermont.gov>
Subject: Consumer complaint referral to the PUC

Good Morning,

On May 11, 2017 CAPI opened a complaint on behalf of Frank Candiloro of

Consumer Affairs Complaint Record (Continued)

Case No: 246562
Name: Francis Candiloro

233 VT Rte 8 in Searsburg regarding an alleged CPG violation by Deerfield Wind. CAPI and Public Advocacy have investigated this complaint and based on the information received by the complainant and Deerfield Wind, we have advised Mr. Candiloro to file an formal complaint with the Public Utilities Commission. Mr. Candiloro has indicated that he would like to move forward with this process, so the PUC should expect his request in writing in the near future. CAPI will make our records available to the PUC upon request.

Please feel free to contact me with any questions.

Maine Drilling & Blasting

March 27, 2017

Frank Candiloro
233 RT 8
Searsburg VT. 05363

RE: Claimant: Frank Candiloro
Date of Loss: To be determined
Loss location: 233 RT 8

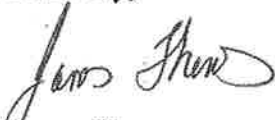
Dear Mr. Candiloro:

Enclosed please find a Damage Complaint Form. In order for us to begin our investigation into the cause of your alleged damage(s), this form must be completed and returned along with all photographs and other documentation which supports your claim. Please return the completed Damage Complaint Form and supporting documents to my attention at P.O Box 1140 Gardiner ME 04345, or by fax (207)582-8794 or email jthomas@mdandb.com.

We look forward to receiving the above documentation so that we may begin our investigation. Please note that no further notification, action or consideration will be taken as to your claim until the required documentation is provided. Please return within thirty days so we can handle in a timely manner. In the meantime, should you have any questions please feel free to contact me directly at (207)203-1684.

Thank you for your attention to this matter.

Sincerely,



James Thomas
Safety Department

Enclosure

Maine Drilling & Blasting, Inc.
88 Gold Ledge Avenue
Auburn, NH 03032
603.647.0299
603.647.9770 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 800.422.4927
Vermont 802.479.3341

Maine Drilling & Blasting

Blasting Damage Complaint Form

Date of Incident: 4/11/2016 Time of Incident: VARIES Date First Noticed: ongoing ^{since start of blasting}
Location Of Incident: 233 VT Route 8 Searsburg, VT 05363

Type of Structure: Frame

Property Owner's Name: Francis Cantello

Property Owner's Address: 233 VT Route 8 Searsburg, VT 05363

Claimant's Name (If Different): _____

Claimant's Address: _____

Relationship To Property owner: _____

Daytime Phone Number: _____

802-440-2589 Best Time To Call: _____

Afternoon

Description Of Damage

Chimney face crumbling
window seals leaking
Sheet rock cracks } outlined in email

Certification Of Damage

I declare under penalty of perjury that to the best of my knowledge and belief the statements made and information given herein are true as of the date of this complaint. I am aware that there are significant penalties for submitting false information including possible fines, civil penalties and imprisonment.

Francis Cantello
Signature of Claimant/Owner

4/24/2017
Date

Maine Drilling & Blasting, Inc.
P.O. Box 1140
423 Brunswick Avenue
Gardiner, ME 04345
207.582.2338
207.582.8794 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 800.422.4927
Vermont 802.479.3341



33 Whittemore Farm Rd. Swanzey, NH 03446
Phone: (603) 357-2577 / Toll Free: (800) 760-4246 / Fax: (603) 352-3899

Analytical Report Form

Client: Continental Placer Inc.
Contact: Brent Tardif
Address: 2 Winners Circle
Albany, NY 12205
Phone: 518-458-9203 x308
email: btardif@continentalplacer.com

Project Description: Maine Drilling & Blasting (Windmills)
Sample Type: Drinking Water
Sampled By: Dutch Kretschmer
Report Date: 10/19/2016

Sample ID #	Sample Location	Date and Time Collected	Date and Time Analysis Completed	Analyst	Analyte	Method #	Detection Limit	Result	Unit of Measure
56803	233 VT Rte. 8	10/3/16 1045	10/4/16 1700	KC	Total Coliform	SM 9223B	P/A	ABSENT	P/A /100mL
			10/4/16 1700	KC	E.coli	SM 9223B	P/A	ABSENT	P/A /100mL

Results relate only to the samples, as received by EAI Analytical Labs.

This report shall not be reproduced, except in full, without written approval from EAI Analytical Labs.

EAI Analytical Labs maintains accreditation with the State of New Hampshire Environmental Laboratory Accreditation Program (NHELAP), adhering to all standards put forth by the National Environmental Laboratory Accreditation Conference (NELAC). EAI Analytical Labs is certified by the States of Vermont and Massachusetts.

NH Laboratory Certification Number: 1007
US EPA ID Code: NH01013
VT Laboratory Certification Number: VT-100704

Reviewed by:





Laboratory Report

EAI Analytical Labs 090465
33 Whittemore Farm Road
Swansey, NH 03446

PROJECT: Maine Drilling & Blasting
WORK ORDER: 1610-22714
DATE RECEIVED: October 04, 2016
DATE REPORTED: October 19, 2016
SAMPLER: D Kretschmer

VTP

Enclosed please find the results of the analyses performed for the samples referenced on the attached chain of custody located at the end of this report.

The column labeled Lab/Tech in the accompanying report denotes the laboratory facility where the testing was performed and the technician who conducted the assay. A "W" designates the Williston, VT lab under NELAC certification ELAP 11263; "R" designates the Lebanon, NH facility under certification NH 2037 and "N" the Plattsburgh, NY lab under certification ELAP 11892. "Sub" indicates the testing was performed by a subcontracted laboratory. The accreditation status of the subcontracted lab is referenced in the corresponding NELAC and Qual fields.

This NELAC column also denotes the accreditation status of each laboratory for each reported parameter. "A" indicates the referenced laboratory is NELAC accredited for the parameter reported. "N" indicates the laboratory is not accredited. "U" indicates that NELAC does not offer accreditation for that parameter in that specific matrix. Test results denoted with an "A" meet all National Environmental Laboratory Accreditation Program requirements except where denoted by pertinent data qualifiers.

Endyne, Inc. warrants, to the best of its knowledge and belief, the accuracy of the analytical test results contained in this report, but makes no other warranty, expressed or implied, especially no warranties of merchantability or fitness for a particular purpose.

Reviewed by:

Alexander J Rakotz
Laboratory Director Lebanon, NH

www.endynelabs.com

160 James Brown Dr., Williston, VT 05495
Ph 802-879-4333 Fax 802-879-7103

56 Etna Road, Lebanon, NH 03766
Ph 603-678-4891 Fax 603-678-4893



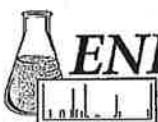
Laboratory Report

DATE REPORTED: 10/19/2016

CLIENT: EAI Analytical Labs
 PROJECT: Maine Drilling & Blasting

WORK ORDER: 1610-22714
 DATE RECEIVED: 10/04/2016

002 Site: #56803 233 VT Rte. 8		Date Sampled: 10/3/16		Time: 10:45				
Parameter	Result	Units	Method	Analysis Date/Time		Lab/Tech	NELAC	Qual.
Uranium	< 1	ug/L	EPA 200.8	10/7/16	17:20	SRSUB	A	SPG
Chloride	< 2.5	mg/L	EPA 300.0	10/5/16		W CM	A	
Fluoride	< 0.10	mg/L	EPA 300.0	10/5/16		W CM	A	
Hardness, Total as CaCO ₃	24	mg/L	EPA 200.7	10/18/16		W MGT	U	
Nitrate as N	1.1	mg/L	EPA 353.2	10/4/16	16:37	R SMY	A	
Nitrite as N	< 0.01	mg/L	EPA 353.2	10/4/16	16:37	R SMY	A	
pH	6.2	SU @ 20C	SM20 4500 H+ B	10/4/16	17:30	R LS	A	E
Arsenic, Total	< 0.001	mg/L	SM 3113B-04	10/14/16		W MGT	A	
Calcium, Total	7.6	mg/L	EPA 200.7	10/18/16		W MGT	A	
Copper, Total	0.21	mg/L	EPA 200.7	10/18/16		W MGT	A	
Iron, Total	0.032	mg/L	EPA 200.7	10/18/16		W MGT	A	
Lead, Total	0.0077	mg/L	SM 3113B-04	10/17/16		W FAA	A	
Magnesium, Total	1.1	mg/L	EPA 200.7	10/18/16		W MGT	A	
Manganese, Total	< 0.010	mg/L	EPA 200.7	10/18/16		W MGT	A	
Sodium, Total	3.4	mg/L	EPA 200.7	10/18/16		W MGT	A	

**ENDYNE Inc.**

www.endynelabs.com

Laboratory Report

DATE REPORTED: 10/19/2016

CLIENT: EAI Analytical Labs
PROJECT: Maine Drilling & Blasting

WORK ORDER: 1610-22714
DATE RECEIVED: 10/04/2016

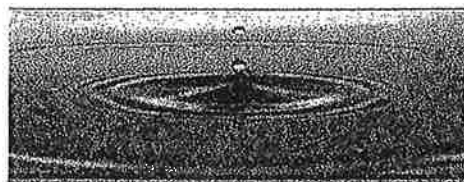
Report Summary of Qualifiers and Notes

E: pH should be measured within 15 minutes of collection; however it may not be possible to do so given transportation times. The sample(s) was analyzed as soon as possible after delivery to the laboratory.

Samples were received at the laboratory with a temperature of 16.9 degrees Celsius. Samples must be received in a cooler with sufficient ice to attain a temperature of 6 degrees Celsius or below. Samples must not be frozen.

SPG: Analysis performed by subcontracted laboratory, Granite State. Results are presented here for your convenience. Refer to the complete subcontracted report, which has been appended to this report, for detailed information regarding this result.

QA+: QA/QC associated with this analysis did not meet laboratory acceptance limits indicating the results may be biased high.



GRANITE STATE ANALYTICAL SERVICES, LLC

22 Manchester Road, Unit 2, Derry, NH 03038

Phone (800) 699-9920

(603) 432-3044

Fax (603) 434-4837

<http://www.granitestateanalytical.com/>

CERTIFICATE OF ANALYSIS FOR DRINKING WATER

DATE PRINTED: 10/10/2016
CLIENT NAME: Endyne Inc -Lebanon
CLIENT ADDRESS: 56 Etna Rd
Lebanon, NH 03766

Legend

Passes ✓

Fails EPA Primary ✗

Fails EPA Secondary ▼

Fails EPA Proposed Limit ✗

SAMPLE ID#: 1610-00606-001

DATE AND TIME COLLECTED: 10/03/2016 10:45 AM

SAMPLED BY: Client-Customer

DATE AND TIME RECEIVED: 10/06/2016 11:20 AM

SAMPLE ADDRESS: 1610-22714-002
EAI #56803

ANALYSIS PACKAGE: Uranium-GSA

RECEIPT TEMPERATURE: 16.0 CELSIUS

CLIENT JOB #

LOCATION:

Test Description	Results	Test Units	Pass /Fail	DQ Flag	RL	EPA Limit	Method	Analyst	Date-Time Analyzed
Uranium*	<1	ug/L	✓		1	30 ug/L	EPA 200.8	BB-NH	10/07/16 5:20 PM
Uranium	<0.67	pCi/L	✓		0.67	20 pCi/L	EPA 200.8 Calc.	BB-NH	10/07/16 5:20 PM

The results presented in this report relate to the samples listed above in the condition in which they were received.

RL: "Reporting limit" means the lowest level of an analyte that can be accurately recovered from the matrix of interest.

Data Qualifier (DQ) Flags: None

* NELAC Accredited Analysis



Donald J. D'Anjou

Donald J. D'Anjou, Ph. D.
Laboratory Director

This analysis meets NELAC requirements except as noted.

State Certifications: | NH 1015 | MA M-NH003 | ME NH00003 | RI 101513 | VT VT-101507 |

This certificate shall not be reproduced, except in full, without the written approval of Granite State Analytical Services, LLC

STATE OF VERMONT
POSTAL SERVICE
MAIL DELIVERY
JUN 20 2501

2016 APR 29 PM 4:17

Order entered:

4/29/2016

I. INTRODUCTION

For the reasons set forth below, in this order we accept the FAA Determinations, the blasting plan, the stormwater permits, and the decommissioning plan, and determine that these materials satisfy the requirements for compliance with the relevant conditions of the Order and Amended CPG.

II. PROCEDURAL HISTORY

On January 8, 2016, the Board issued an order ("Order re: First and Second Compliance Filings" or "First Compliance Order") addressing the first two sets of compliance materials filed by Deerfield. The Board stated that Thomas Shea ("Mr. Shea") would have a two-week period to provide comments on the stormwater permit application materials that the Board ordered Deerfield to provide.

Also on January 8, 2016, the Board issued an order ("Order re: Third Compliance Filing" or "Second Compliance Order") addressing the third set of compliance materials filed by Deerfield.

On February 22, 2016, Deerfield filed additional materials requested by the Board in the First and Second Compliance Orders. The additional materials include a response to the Board request regarding the FAA Determinations, a revised blasting plan, application materials referenced in the construction and operational phase stormwater permits, and a revised decommissioning cost estimate.

On February 29, 2016, Mr. Shea requested an extension of time to file comments on the stormwater permit application materials.

On March 14, 2006, the Board granted an extension of Mr. Shea's review period to April 1, 2016.

On April 1, 2016, Mr. Shea filed comments on the stormwater permit application materials.

On April 15, 2016, Deerfield filed a response to Mr. Shea's comments.

On April 27, 2016, Wind Action Group ("WAG") filed comments in response to Mr. Shea's comments.

III. DISCUSSION

The FAA Determinations

Condition 33 of the Amended CPG states:

Deerfield shall obtain and submit the final Federal Aviation Administration determination prior to the erection of the turbine towers. Parties shall have two weeks to comment on the filing.

In the First Compliance Order, the Board directed Deerfield to clarify with the FAA whether re-analysis of the FAA Determinations for the turbines is required based on turbine micro-siting and/or based on the revised turbine heights, which are less than the height referred to in the FAA Determinations.

Deerfield stated in its February 22, 2016, filing that the FAA Determinations previously filed with the Board reflect the revised turbine locations and turbine heights specified in Deerfield's final design plans filed on June 1, 2015. Deerfield provided a side-by-side comparison of the turbine locations and heights specified in its final design plans and in the FAA Determinations. The comparison of turbine locations consists of the latitude and longitude for each turbine location, which are the same for the Project plans and the FAA determinations.

The comparison of turbine heights indicates that the actual turbine heights will be 399 feet (G87 model) and 415 feet (G97 model), and the FAA Determinations are based on turbine heights of 428 feet. Deerfield states that a higher turbine height was provided to the FAA to account for potential changes in turbine model and to allow for minor variations in existing site elevation.

Based on this information, Deerfield contends that no further FAA filing is necessary. While Deerfield did not obtain clarification from the FAA, we note that the FAA recently updated the frequently asked questions on their website to clarify that there is no need for a new study for Determinations for structures based on a decrease in the height of the structure.¹ Therefore, we determine that the FAA Determinations previously filed by Deerfield satisfy the requirements of Condition 33 of the Amended CPG, with the caveat that Deerfield remains responsible for ensuring it complies with all permit requirements.

1. <https://oeaaa.faa.gov/oeaaa/external/searchAction.jsp?action=generalFAQs>; latest revision 12/11/2015.

Blasting Plan

Conditions 24, 25, 26, and 27 of the Amended CPG pertain to blasting and development of a blasting plan for the Project. In the First Compliance Order, the Board directed Deerfield to file a revised Blasting Plan, signed by a licensed, certified blasting technician, with the following revisions and additions:

(a) The Blasting Plan shall be revised by clarifying the text regarding the use of blast mats as follows:

“The blasting mats will be employed when blasting within 500 feet of nearby structures, roadways and other sensitive areas, as well as in other circumstances deemed appropriate by the blaster to protect people, structures, roadways, and sensitive areas located around the blast sites.”

(b) The Blasting Plan shall be modified to indicate that the blasting schedule, and any subsequent changes to the schedule, will be provided to property owners within a one-half mile radius of the blasting site, at least one week prior to commencement of blasting activities.

(c) The Blasting Plan shall be modified by increasing the time for advance notification to property owners of the public meetings from one week to two weeks.

(d) The Blasting Plan shall be modified by incorporating the Vermont Agency of Natural Resources (“ANR”) blasting best management practices (“BMPs”) into the Plan.

Deerfield provided a revised version of the blasting plan (dated “Revised as of February 8, 2016”) that includes the revisions required in the First Compliance Order. Therefore, we determine that the revised blasting plan fulfills the requirements of Conditions 24 through 27 of the Amended CPG.

Stormwater Permits

Condition 17 of the Amended CPG states:

Deerfield shall submit to the Board and parties its NPDES Permit for Construction Sites for the Project prior to the commencement of earth-disturbing construction activities.

Condition 18 of the Amended CPG states:

Deerfield shall submit to the Board and parties its Vermont operational phase stormwater permit prior to the creation of any impervious surfaces at the site.

In the First Compliance Order, the Board directed Deerfield to file the Erosion Prevention and Sediment Control ("EPSC") Plan incorporated by reference as part of the NPDES construction permit. The Board also directed Deerfield to file copies of the site plans, detail sheets, and all application materials and supporting information incorporated by reference in the operational phase NPDES permit. Deerfield was directed to provide a copy of the permit application materials to Mr. Shea.

In its February 22, 2016, filing, Deerfield provided operational phase stormwater permit application materials and plans dated March 8, 2011, construction stormwater permit application materials and plans dated September 9, 2011, revised permit application materials and plans dated November 23, 2011, and revisions and final plans based on ANR review dated February 28, 2013.

Mr. Shea provided his own comments on the stormwater permit materials and additional comments prepared by an independent engineer. Mr. Shea contends that the level spreaders proposed as part of the operational stormwater control plan for the Project were installed at another wind energy site in Vermont (Docket 7628, Kingdom Community Wind) in 2011, that none of the required monitoring has been conducted at that site, and that this raises substantive issues with regard to the Section 248 criteria. Mr. Shea requests a hearing on Deerfield's stormwater discharge permit and plan based on his contentions that use of level spreaders is experimental, their use on an existing project site has not been monitored for effectiveness, and the Deerfield Project setting is a unique and fragile setting.

Mr. Shea's engineer contends that there is national consensus for use of level spreaders on slopes no greater than 10%. The engineer provides discussion refuting each of the Deerfield stormwater engineer's assertions about the use of level spreaders at the Project site. On technical points, the engineer contends that Deerfield's stormwater engineer mis-modeled stormwater runoff as sheetflow over 150 feet below the level spreaders, when it should have used 100 feet. The engineer cites a Natural Resource Conservation Service ("NRCS") reference from 2001 and concludes that Deerfield's stormwater engineer "... has modeled the hydrology of the stormwater runoff counter to accepted standards for calculating time of concentrations and peak flow of runoff." Mr. Shea's engineer concludes that use of the NRCS modeling approach would

result in the prediction of increased peak flows and an increased probability of violating performance standards.

Mr. Shea's engineer also states that the Deerfield stormwater monitoring plan lacks methods or parameters to assess the effectiveness of the level spreaders and buffers to meet the stormwater quality and volume management they are intended to provide. He contends, based on his review of public records from the Vermont Department of Environmental Conservation, that there is no evidence that any post-construction stormwater monitoring has been conducted, as required by the stormwater permit, at the Kingdom Community Wind site where level spreaders were incorporated as part of the stormwater controls. He therefore concludes that there is insufficient information about the effectiveness of level spreaders in steep terrain and that there is uncertainty regarding the State's ability to ensure permit compliance for the Deerfield Project.

WAG's comments reiterate Mr. Shea's comments regarding concerns with stormwater monitoring at the Kingdom Community Wind project site, and the appropriateness of using level spreaders on steep slopes.

Deerfield contends that Mr. Shea is seeking to litigate issues that should have been raised through an appeal of the stormwater permit, that the issue of stormwater monitoring was already addressed by the Board in its January 8, 2016, compliance order, that the Lowell Mountain project stormwater issues were resolved by the Board² and upheld by the Vermont Supreme Court, that Mr. Shea's stormwater concerns are not related to his status as an intervenor,³ and that

Mr. Shea's concerns regarding stormwater impacts from the Project lack substantive merit.

The operational phase stormwater permit application materials describe how the standards in the Vermont Stormwater Management Manual ("VSMM") are met by the Project via use of sediment basins and alternative stormwater treatment designs consisting of level spreaders with 150-foot vegetated buffers. The plans meet the design and monitoring requirements of the VSMM, and the level spreader designs meet the specifications in draft

2. In re: Lowell Mountain Wind Project Stormwater Permit #6216-INDC, Docket No. 7628, 2013 WL 1191203 Order of March 20, 2013; aff'd, 2014 VT 50.

3. Order of November 6, 2007, at 8.

revisions to the VSMM for high-elevation sites. The application materials and final permit plans address minor revisions made in the design process and as a result of ANR's review. The use of an alternative stormwater treatment approach requires monitoring, and the application materials describe the monitoring plan to be implemented to monitor total suspended solids and total phosphorous in downgradient surface waters.

We agree with Deerfield that many of Mr. Shea's (as well as WAG's) concerns relate to the details of ANR's permit, which should have been challenged through an appeal of the permit rather than through comments here. Based upon our examination of Mr. Shea's and WAG's comments, we find that they have not presented sufficient evidence to indicate that the stormwater permit cannot be relied upon as part of our evidentiary conclusion that the Project will not have an undue adverse effect upon soil erosion. In particular, we find no basis to conclude that the technical issues raised by Mr. Shea's engineer regarding a "national consensus" for appropriate slopes for use of level spreaders and regarding the modeling inputs used to estimate peak flows point to deficiencies in the stormwater modeling, design, and operational phase stormwater permit for the Project. Finally, we determine that the use and function of level spreaders on a different project site, and the status of ANR's stormwater monitoring for that project, are not relevant to the Deerfield Project compliance determination.

The construction stormwater permit application materials include the EPSC Plan and details regarding compliance with ANR's requirements regarding construction monitoring, construction sequence, and winter construction season requirements.

We determine that the submittals, in conjunction with the stormwater permits previously filed, fulfill the requirements of Condition 17 and Condition 18 of the Amended CPG.

Decommissioning Cost Estimate

Condition 21 of the Amended CPG states:

Prior to commencement of construction, Deerfield shall prepare a revised detailed estimate of the costs of decommissioning, covering all of the activities specified in the Decommissioning Plan. The Plan shall certify that the cost estimate has been prepared by a person(s) with appropriate knowledge and experience in wind generation projects and cost estimating. The cost estimate shall be submitted to

the Board for review and approval. Parties shall have two weeks to file any comments.

In the Second Compliance Order, the Board required Deerfield to "... provide confirmation of the per-turbine cost of demolishing and disposing of each concrete foundation and transformer pad; to clarify the line item for meteorological tower removal, replacing it, if appropriate, with removal of the two light detection and ranging ("LiDAR") stations; and to confirm the extent of roads to be removed, regraded, and restored for decommissioning and which sections of road would remain in place (e.g., Putnam Road, Sleepy Hollow Road, and GMP access road). Deerfield shall provide these clarifications and shall provide a revised decommissioning cost estimate if warranted."

Deerfield provided a revised decommissioning cost estimate that replaces the cost of MET tower removal (\$7,400) with the cost of LiDAR station removal (\$5,000). The cost for tower dismantling and salvage preparation was increased from \$315,000 to \$450,000. The cost for foundation and transformer pad removal was increased from \$2,467 per turbine to \$5,000 per turbine. This revision brings this line item within the range for other wind projects that was provided by the Vermont Department of Public Service.⁴ The Department did not comment on the revised cost estimate.

The total decommissioning cost estimate with these changes is increased from \$1,877,400 to \$2,048,000. Deerfield also confirmed that pre-existing roads would not be removed as part of the decommissioning plan.

Based on these revisions, we determine that the revised decommissioning cost estimate fulfills the requirements of Condition 21 of the Amended CPG.

IV. CONCLUSION

We have reviewed the compliance filings made by Deerfield on February 22, 2016, and we have determined that the FAA Determinations previously filed by Deerfield satisfy the requirements of Condition 33 of the Amended CPG; that the revised blasting plan satisfies the requirements of Conditions 24 through 27 of the Amended CPG; that the stormwater permit

4. Department filing of 8/21/2015 at 2.

application materials, along with the stormwater permits previously filed, satisfy the requirements of Conditions 17 and 18 of the Amended CPG; and that the revised decommissioning cost estimate satisfies the requirements of Condition 21 of the Amended CPG.

SO ORDERED.

Dated at Montpelier, Vermont, this 29th day of April, 2016.

s/James Volz)

PUBLIC SERVICE

s/Margaret Cheney)

BOARD

s/Sarah Hofmann)

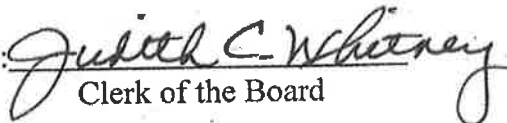
OF VERMONT

A True Copy:

OFFICE OF THE CLERK

FILED: April 29, 2016

ATTEST:


Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and Order.

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7250

Amended Petition of Deerfield Wind, LLC, for a)
certificate of public good authorizing it to construct and)
operate a 15-turbine, 30 MW wind generation facility,)
and associated transmission and interconnection)
facilities, on approximately 80 acres in the Green)
Mountain National Forest, located in Searsburg and)
Readsboro, Vermont, with 7 turbines to be placed on the)
east side of Route 8 on the same ridgeline as the existing)
GMP Searsburg wind facility (Eastern Project Area), and)
8 turbines along the ridgeline to the west of Route 8 in)
the northwesterly orientation (Western Project Area))

Entered: 7/17/2009

AMENDED CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A § 248

On April 16, 2009, the Public Service Board of the State of Vermont ("Board") issued a Certificate of Public Good ("CPG") in this Docket. On July 17, 2009, the Board issued an Order Re Motions To Alter, in which several of the conditions contained in the April 16 CPG were altered. This Amended CPG reflects the changes contained in the July 17 Order.

IT IS HEREBY CERTIFIED that the Public Service Board of the State of Vermont ("Board") this day found and adjudged that the construction of the proposed Deerfield Wind Generation Facility Project (the "Project") will promote the general good of the State of Vermont, and a Certificate of Public Good is hereby issued to Deerfield Wind, LLC ("Deerfield"), subject to the following conditions:

1. Construction, operation and maintenance of the Project shall be in accordance with the findings and requirements set forth in the Order.

2. Prior to proceeding with construction, Deerfield shall file, for Board approval, final construction plans for the turbines, access roads, collector lines, and substation. Deerfield shall note any changes in the final plans from the plans approved by this Order.

3. Deerfield shall obtain all necessary permits and approvals for the Project. Construction, operation, and maintenance of the Project shall be in accordance with such permits and approvals.

4. Deerfield shall enter into long-term, stably-priced power contracts with Vermont utilities for a substantial portion of the Project's power output. Deerfield shall provide an update of any negotiations with Vermont utilities 90 days after the date of this Order.

5. Prior to commencement of site preparation or construction, unless otherwise authorized by the Board, Deerfield shall file any such contracts entered into with Vermont utilities for Board review to determine if the contracts contain appropriate terms and conditions, including price stability and prices favorable to market purchases, to promote the general good of the State of Vermont. Along with the contracts, Deerfield must also file an explanation as to how the contracts promote the general good of the state. If, after good-faith efforts on the part of Deerfield and the utilities, Deerfield cannot obtain in-state power contracts as specified above for the Project for a substantial portion of the output, it shall file a statement explaining why an agreement cannot be reached and why the Board should modify or remove this requirement.

6. Access roads will be gated and access to facility roads will be limited to authorized personnel only. The east-side access road will be double-gated with the existing gate at the end of the current Green Mountain Power Corporation access road (at the beginning of the Deerfield access road). The west-side access road will be gated at the beginning of the Deerfield access road and again after the transmission corridor. Deerfield will include measures to prohibit and deter illegal ATV access and other unauthorized access.

7. Deerfield will prohibit major scheduled repairs and maintenance activities during fall periods when bears may be using beech trees.

8. Deerfield personnel will be restricted from the site during the nighttime hours and during the crepuscular periods that have been shown to be important periods for bear activity

(one hour before and after sunrise and sunset), except in emergency situations and during necessary wildlife study periods not otherwise avoidable.

9. On the ground lighting at the facility will be limited to motion sensor lights at the substation.

10. Deerfield will evaluate each access road after construction to determine whether there are any specific bear crossings, and if identified, will take actions to preserve those crossing areas.

11. Deerfield shall file a proposal, for approval by the Board, for the land it proposes to conserve as a mitigation measure for the impact of the Project on bears. The proposal shall conserve at least 144 acres of land that is comparable to the remote, high elevation area of concentrated beech stands impacted by the Project. Deerfield may not commence site preparation or construction until the Board has approved the mitigation proposal, unless otherwise authorized by the Board.

12. Deerfield shall conduct a multi-year study on the impact of the Project on bears. Deerfield shall file a proposed study protocol for approval by the Board.

13. Deerfield shall file a detailed proposal describing how it will minimize indirect impacts to bears. Such a proposal shall address, at a minimum, gating the access roads, utilizing remote cameras to deter illegal entry, patrols by law enforcement, limiting activity at the Project during certain time periods, and preserving bear crossing areas along the access roads.

14. Deerfield shall not undertake bulldozing, tree cutting, and blasting in areas proximate to breeding bird habitat during May and June to protect breeding birds. If Deerfield anticipates that construction will occur over the course of two seasons, Deerfield may propose that construction be allowed during May and June, but shall demonstrate that such permission will lessen the impact on breeding birds.

15. Deerfield shall submit a post-construction bird and bat mortality study to the Board for review and approval, and shall obtain such approval prior to commencing commercial operation of the Project. Prior to submission to the Board, Deerfield shall first submit a draft of the plan to Vermont Agency of Natural Resources ("ANR") for its review and concurrence. If after good faith discussions, Deerfield is unable to obtain ANR's approval of the plan, it may

submit the plan to the Board for resolution of any outstanding issues and final approval. The bird and bat mortality study plan shall at a minimum include the following elements:

- (a) The study will be conducted for up to three years, with a minimum of two years.
- (b) The studies will be performed by a qualified third party consultant;
- (c) The study periods will cover both spring and fall migration;
- (d) Scavenging rates and searcher efficiency controls will be established for each period of study;
- (e) Scientifically and statistically valid survey protocols will be employed based on the best available scientific information;
- (f) Use of dogs on the project site will be limited to the extent absolutely necessary to design and test valid survey methods;
- (g) The methodology will be designed to minimize impacts on other natural resources within the project area including bear and moose habitat; and
- (h) The Board and parties will have the opportunity to review the study results at the end of each study year.

16. Deerfield will engage with ANR in a cooperative, team-based process to review bird and bat mortality data. If post-construction fatality monitoring demonstrates that the Project is having an undue adverse impact, i.e., avian or bat fatality estimates over the two-year period exceed the most current established threshold ranges for mortality at wind projects on northern forested ridges, Deerfield shall submit an adaptive management plan to ANR and the Board. The adaptive management plan will incorporate reasonable scientifically-proven measures to reduce fatality rates of the affected bird or bat species, and perform monitoring to evaluate the efficacy of the adaptive management measures. Actual measures to be taken will depend on the type and severity of impacts, cost benefit considerations, likelihood of accomplishing the desired outcome, and practicality. In the event that Deerfield is unable to reach consensus with ANR during this review process, either entity may bring the matter to the Board for resolution. The Board shall retain final review and approval authority regarding the implementation of any adaptive management plan, and the need for a third year of mortality studies.

17. Deerfield shall submit to the Board and parties its NPDES Permit for Construction Sites for the Project prior to the commencement of earth-disturbing construction activities.

18. Deerfield shall submit to the Board and parties its Vermont operational phase stormwater permit prior to the creation of any impervious surfaces at the site.

19. Deerfield shall implement the Decommissioning Plan submitted as Exh. DFLD-HGC-2. The Decommissioning Plan may allow the fund to grow as the construction process proceeds such that the funding level is commensurate with the costs of removing infrastructure in place. The amount of the fund may not net out the projected salvage value of the infrastructure.

20. If actual power production falls below 65% of projected production during any consecutive two-year period, a decommissioning review is initiated; however, if Deerfield can demonstrate that it has entered into stably-priced power contracts with Vermont utilities through which a substantial amount of power is to be sold at stable prices, the Board may reduce the decommissioning trigger to as low as 50%.

21. Prior to commencement of construction, Deerfield shall prepare a revised detailed estimate of the costs of decommissioning, covering all of the activities specified in the Decommissioning Plan. The Plan shall certify that the cost estimate has been prepared by a person(s) with appropriate knowledge and experience in wind generation projects and cost estimating. The cost estimate shall be submitted to the Board for review and approval. Parties shall have two weeks to file any comments.

22. Deerfield shall submit to the Board, for review and approval, any permits, or executed lease agreements with involved private landowners. Any such lease agreements may be redacted to protect confidential business information. At a minimum, such lease agreements shall contain provisions which ensure that decommissioning can effectively occur in the event of Deerfield's insolvency or dissolution, the revocation of any permit issued to Deerfield, Deerfield's breach of any lease, or an order of the Board requiring decommissioning, and allow access to the impacted land for purposes of fulfilling any CPG condition, including access by representatives of the Department of Public Service, the Board, and ANR. Upon approval by the Board, a notice of leasehold interest for each lease agreement shall be recorded in the land records of the relevant municipality. Deerfield may not begin significant construction activities prior to Board approval

of any permits and leases, but may perform site preparatory work such as geotechnical investigations, surveys, light construction, and other similar activities.

23. Deerfield shall submit to the Board the United States Forest Service special use permit and lease covering the federal lands on the site. Parties may file comments on whether the federal permit and lease contain terms that effectively meet the same objectives as detailed in the prior paragraph.

24. Blasting associated with construction of the Project shall be minimized to the extent practicable and performed only during the hours of 9:00 AM-5:00 PM Monday-Friday, except that no blasting may occur on state holidays.

25. All blasting shall be carried out by licensed and certified blasting technicians. All blasting shall be performed in accordance with any and all applicable laws and regulations, including, but not limited to, U.S. Department of Interior Rules 816.61-68 and 817.61-68 and the Blasting Guidance Manual, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of Interior to limit peak particle velocity and ground vibration to safe levels. Noise and air blast effects shall be limited through application of proper techniques and blasting mats will be used where needed to limit the occurrence of flyrock.

26. Prior to performing any blasting for the Project, Deerfield shall develop a blasting plan that includes pre-blast surveys of wells and structures in the surrounding area and shall arrange for a public information session with surrounding landowners to address concerns related to blasting.

27. In the event surrounding landowners express concern regarding the impacts of blasting on wells or other structures on their property, Deerfield shall perform evaluations to determine if any damage has occurred as a result of blasting activities and, if so, remediate any such damage.

28. Deerfield shall construct and operate the Project so that the turbines emit no prominent discrete tones pursuant to ANSI standards at the receptor locations; and Project-related sound levels at any existing surrounding residences do not exceed 45 dBA(exterior)(Leq)(1 hr) or 30 dBA (interior bedrooms)(Leq)(1 hr).

29. In the event noise from operation of the Project exceeds the maximum allowable levels, Deerfield shall take all remedial steps necessary to bring the sound levels produced by the turbine(s) into compliance with allowable levels, including modification or cessation of turbine(s) operation.

30. Deerfield shall submit to the Board for review and approval a noise monitoring plan to be implemented during the first full year of operation. The plan shall establish a monitoring program to confirm, under a variety of seasonal and climatic conditions, compliance with the maximum allowable sound levels described above. The plan shall also specify the protocols Deerfield will implement in the event complaints are received that the Project is exceeding the noise limit (including, if appropriate, monitoring at the affected locations). All monitoring results shall be promptly provided to the Board.

31. Deerfield shall submit the final System Impact Study ("SIS") and interconnection and substation plans to the Board, parties, and owners of the facilities to which the Project will interconnect prior to construction. Parties shall have two weeks to file comments on the SIS study. Deerfield shall implement any changes determined necessary by the Board or ISO-New England to ensure system stability and reliability, and shall pay for any costs associated with such measures.

32. All turbine towers shall be painted white or off white.

33. Deerfield shall obtain and submit the final Federal Aviation Administration determination prior to the erection of the turbine towers. Parties shall have two weeks to comment on the filing.

34. Deerfield shall submit a re-vegetation and landscape plan for disturbed areas created by the access road, substation, and transmission line infrastructure.

35. Deerfield shall take measures to ensure that disruptions to traffic flows are minimized and will implement appropriate safety measures, as described in this Order.

36. Deerfield must receive the necessary permits from the Vermont Agency of Transportation for oversized vehicles.

37. Deerfield shall pay to repair any damage to town roads caused by construction or other oversized vehicles.

38. Deerfield shall comply with the terms and conditions of the agreements between Deerfield and the Towns of Searsburg and Readsboro.

39. Shadow flicker from the Project shall be limited to the amount specified in exhibit DFLD-JZ-31. Deerfield shall file a protocol that it will implement in the event complaints are received that the Project is exceeding the allowable amount of shadow flicker (including, if appropriate, monitoring at the affected locations).

40. Deerfield must use turbines at this Project site that automatically enter into standby mode when ice build-up is present.

41. Deerfield shall file a plan for approval by the Board that addresses the hours of the day and days of the week when construction will take place, any limitations on the timing of construction activities that are expected to produce significant noise, and any plans to mitigate the noise of such activities.

42. Prior to commencement of construction, Deerfield shall conduct a study of reception quality at the Duncan Cable TV Service ("DCTV") headend facility in Wilmington, Vermont, and provide a copy of this study to the Board, the Department of Public Service, and DCTV. The study shall measure and document the signal strength and video quality received off-air at the DCTV headend of analog and digital television stations of sufficient quality for commercial distribution (defined as having at least 20 dB carrier to noise ratio), and the signal strength received at the DCTV headend of each FM radio station DCTV distributes to its subscribers as of the date of the study.

Signal levels shall be measured using a commercially available test antenna with a known gain figure.

The study shall include a one-minute recording of each measured television channel and radio station.

Measurements and recording shall be conducted no more than 45 days prior to commencement of construction.

DCTV shall allow Deerfield access to the DCTV headend facility as necessary to conduct the baseline study with at least 7 days' advance notice. DCTV personnel shall be permitted to observe all measurements and recordings taken at the DCTV headend facility.

Deerfield shall provide at least seven days' notice to DCTV prior to commencement of commercial operation of the turbines. Deerfield shall remediate any material interference at the DCTV headend facility that is caused by operation of the Project. Within two weeks of receipt of a complaint, Deerfield shall complete an interference measurement study for the DCTV headend facility, and provide a copy of this study to DCTV, the Department of Public Service and the Board. Deerfield may seek an extension of this time frame for good cause. If the interference measurement study demonstrates that the Project is causing material interference at the DCTV headend facility, Deerfield shall at the same time submit a plan and schedule to remediate any material interference to DCTV, the Department of Public Service and the Board. Deerfield shall complete remediation within two weeks of the date it submits any such remediation plan, and shall submit to DCTV, the Department of Public Service and the Board a report demonstrating the elimination of the interference upon completion of the remediation work. Deerfield may seek an extension of this timeframe for good cause.

Deerfield and DCTV shall make good-faith efforts to resolve between themselves any disputes concerning the methodology for investigating or remediating a complaint, or the time frame for completion of remediation. Unresolved disputes may be taken to the Board for resolution, which the Board will process in an expedited manner.

During operation of the Project, Deerfield shall investigate complaints of Project-related interference with television broadcast signals received at any residence. Deerfield shall use commercially practicable efforts to remediate material interference experienced at any residence affected by the Project. Deerfield and the affected homeowner(s) shall make good-faith efforts to resolve amongst themselves any disputes concerning the methodology for investigation or remediating a complaint, or the time frame for completion of remediation. Unresolved disputes may be taken to the Board for resolution.

Dated at Montpelier, Vermont, this 17th day of July, 2009.

<u>s/ James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/ David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
	)	

OFFICE OF THE CLERK

FILED: July 17, 2009

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Blasting Plan For Deerfield Wind Project

Prepared by Deerfield Wind, LLC
in consultation with Maine Drilling & Blasting, Inc.

July 31, 2015
(Revised as of February 8, 2016)

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Appendix B — Sample Loaded Hole Diagram

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General

This Blasting Plan outlines the general procedures that Deerfield Wind, LLC and its blasting contractor will follow in conducting blasting associated with construction of the Deerfield Wind Project ("Project"), including pre-blast surveys, use of explosives, security, monitoring, and documentation.

Pre-Blast Notifications and Surveys; Post-Blast Surveys

One month prior to commencement of blasting, Deerfield Wind or its blasting contractor will hold public information meetings in all towns within a one-half (0.5) mile radius of the blasting site. Two weeks prior to each meeting, all property owners within the one-half mile radius will be sent a notice letter concerning the hearing by certified mail, return receipt requested. "Door hangers" will also be left at all residences within one-half mile, providing the same information as the notice letters. The notice letters will offer property owners pre-blast surveys of structures and water sources or wells. The letters will explain that pre- and post-blast structure surveys and well monitoring are available, and will provide contact information for a person to answer property owners' questions.

The initial blasting schedule, and any subsequent changes to the schedule, will be provided to property owners within one-half (0.5) mile radius of blasting site, at least one week prior to commencement of blasting activities.

Deerfield Wind or its contractor will arrange for a qualified contractor to conduct pre-blast surveys for all interested landowners. The results will be documented in written reports accompanied by video or still photographs.

For any property owners within the one-half mile radius who express concerns about the impacts of the blasting on structures or wells, Deerfield Wind or its contractor will perform post-blast surveys to assess any damage, and will remediate any damage found. Deerfield Wind or its contractor will make all reasonable efforts to complete each post-blast survey within 30 days after the property owner comes forward with concerns.

Blast Monitoring

All blasts will be monitored by an individual that is properly trained in the setup and use of seismic monitoring equipment. At least one seismograph will be in use at all times, at the structure nearest to the blast site. The results of blast monitoring are typically available before the next blast, so that design adjustments can be made for the next blast if necessary.

Blasting Procedures

All blasting operations will be strictly coordinated with Deerfield Wind's on-site representatives and with the local Fire Department, emphasizing the safe and efficient removal of rock without

impact to surrounding structures. Blasts will be developed to minimize ground vibrations and to maximize protection for surrounding structures. Blasts will comply with the following requirements:

1. Blasting will occur only during the hours of 9:00 am to 5:00 pm on Monday through Friday. No blasting will occur on state or federal holidays.
2. Blasting will occur only as set forth in the blasting schedule, except in emergency situations, such as electrical storms or where public safety requires an unscheduled detonation.
3. Warning signals will be sounded before and after each blast to warn of the impending blast and to indicate all clear. The warning and all-clear signals will be audible within a quarter-mile radius, and will be distinguishable from one another. All individuals within the project site will be instructed on what the signals mean. The project site will be posted with signs explaining the signals, and similar signs will be made available to property owners within a half-mile radius of the blasting site. All people within the safety zone around the blast site will be evacuated prior to each detonation.
4. Access to blasting area will be restricted. Deerfield Wind or its contractor will actively control access to the blasting before and after each blast, until it has been determined that no unusual circumstances exist and that access to and travel in or through the area can safely resume.
5. Areas in which charged holes are awaiting firing will be guarded, barricaded, and posted or flagged against unauthorized entry.
6. All blasts will be made in the direction of the stress relieved face of the rock being blasted that has been previously marked out or previously blasted.
7. All stemming will use clean, dry 3/8" crushed stone.
8. All rock-drilling operations will be equipped with emission controls to control fugitive particulate matter. Blasting mats will be also used where needed to limit the occurrence of flyrock.
9. The Blasting Contractor will insure that extra safety and judgment is exercised by the blaster to prevent the simultaneous blasting of numerous holes.

Blast Safety and Warning Signals

Signs will be posted at the project site entrance to warn that blasting is occurring, and to explain the warning signal sequence. Deerfield Wind or its blasting contractor will communicate with local officials as required to ensure the safest possible operation.

Before each blast, Deerfield Wind or its contractor will conduct a security check within a radius of at least 1,000 feet around the blast site, and will warn all personnel in the vicinity of the blast site. No blasting will occur until the area has been secured and determined to be safe.

Warning signals will be sounded in the following sequence:

3 whistles:	5 minutes to blast
2 whistles:	1 minute to blast
1 whistle:	All clear

Deerfield Wind or its contractor will examine the blast site before sounding the all-clear signal to determine that it is safe to resume work.

Delivery and Storage of Explosives

All explosives will be delivered to the job site on a daily basis. There will be no overnight storage on site. Only the amount of explosives required for the day's work will be brought to the site. All explosives will be stored in approved magazines when not in use.

Technical Data and Material Safety Data Sheets for all explosive products will be provided to Deerfield Wind before any blasting occurs. The Material Safety Data Sheets for anticipated explosives are included as Appendix A to this Plan.

Blasting Mats

Rubber tire blasting mats and backfill will be used to control excessive rock movement and debris cast. The blasting mats will be employed when blasting within 500 feet of nearby structures, existing roadways and other sensitive areas, as well as in other circumstances deemed appropriate by the blaster to protect people, structures, roadways, and sensitive areas located around the blast sites. Rubber tire blasting mats will be laid to protect people and structures on or surrounding the blast site. The mats will be approximately 12' x 24' in size. At 38 pounds per square foot, each mat will weigh approximately 10,944 pounds.

Blaster Qualifications

All blasters on this project will be licensed and certified in the State of Vermont and have appropriate training in the safe use and handling of explosives. They will also comply with all state and federal statutes and regulations regarding construction site safety, including the transportation, use, and handling of explosives. Weekly safety meetings will be held on-site and documented by Deerfield Wind or its blasting contractor.

All blasting will be conducted by experienced, trained, and competent individuals who understand the hazards involved. Individuals working with explosive materials will:

1. Demonstrate knowledge of and willingness to comply with safety and security requirements.
2. Be capable of using mature judgment in all situations.
3. Be in good physical condition, and not addicted to intoxicants, narcotics, or other drugs.
4. Have current knowledge of the relevant local, state and federal statutes and regulations.
5. Have obtained a Certificate of Competency or a license as required by State law.

Licenses and Permits; Compliance with Regulations

Deerfield Wind's blasting contractor will be fully licensed and insured for the transportation, use, and handling of explosives. Proof of insurance will be provided to Deerfield Wind. Deerfield Wind or its contractor will obtain any blasting permits required.

Blasting will be conducted in accordance with all applicable laws and regulations, including but not limited to 29 C.F.R. Parts 1910.109 (Explosives and Blasting Agents) and 1910.119 (Process Safety Management), adopted by reference at CVR 24 050 013 (Vt. Admin. Code 13-3-9: Rules Pertaining to VOSHA – Process Safety Management of Highly Hazardous Chemicals; Explosives and Blasting Agents). In addition, U.S. Department of Interior Rules 816.61–68 and 817.61–68, and the Office of Surface Mining, Reclamation and Enforcement's Blasting Guidance Manual will be followed where applicable.

Blast Vibration

Blast vibration will be monitored, typically at the structures closest to the blast site. Blasts will be designed to follow industry vibration limits and state and local regulations, and to protect any nearby structures. Appendix B to this Plan sets forth preliminary vibration calculations based on known structures of concern and anticipated initial blast designs.

Ground vibration peak particle velocity limits will not exceed the U.S. Bureau of Mines' Alternative Blasting Criteria (adapted from D.E. SISKIND, ET AL., REPORT OF INVESTIGATION 8507: STRUCTURE RESPONSE AND DAMAGE PRODUCED BY GROUND VIBRATION FROM SURFACE MINE BLASTING app. B (US Bureau of Mines 1980)).

Air blast overpressure levels will not exceed 133 peak dB (linear) two Hertz high-pass system.

Blast Reports

A Blast Report will be produced for each blast and made available as needed. A sample Blast Report is enclosed as Appendix C.

Typical Blast Design

Before conducting any blasting, the Deerfield Wind's blasting contractor will submit a blast design. The design will include, at a minimum, hole sizes, depths, spacing, and loading information. A sample loaded hole diagram is enclosed as Appendix D. If necessary, the design will be adjusted after the first blasts to meet control and seismic requirements.

Best Management Practices for Blasting to Avoid Environmental Contamination

The Vermont ANR "Best Management Practices for Blasting to Avoid Environmental Contamination" dated 2014 will be utilized throughout the necessary blasting for the project.

1. Drilling and Loading practices. *The blasting contractor shall utilize the following drilling and loading practices to minimize environmental effects.*

- a) Blasthole boring logs shall be maintained by the driller and communicated directly to the blaster. The logs shall indicate depths and lengths of voids, cavities, and fault zones or other weak zones encountered as well as any groundwater conditions the driller notes (This is not a formal assessment of groundwater).*
- b) Blastholes shall be within five (5) degrees of the intended orientation.*
- c) Blastholes shall be drilled within one foot of the intended blast pattern.*
- d) Explosive products shall be managed on-site so that they are either used in the borehole, returned to the delivery vehicle, or placed in secure containers for off-site disposal.*
- e) Unpackaged/unsleeved ANFO and emulsions shall not be used if artesian or water flowing conditions are encountered.*
- f) Loaded explosives shall be detonated as soon as possible and shall not be left in the blastholes overnight unless weather or other safety concerns reasonably dictate that detonation should be postponed.*
- g) Loading equipment shall be cleaned in an area where wastewater can be properly contained and handled in a manner that prevents release of contaminants to the environment.*

2. Explosive Selection. *The following BMPs shall be followed to reduce the potential for groundwater contamination when explosives are used:*

- a) Explosive products shall be selected that are appropriate for site conditions and safe blast execution.*

b) Explosive products shall be selected that have the appropriate water resistance for the site conditions present to minimize the potential for hazardous effect of the product upon groundwater.

3. Ammonium Nitrate and Fuel Oil (ANFO). *The following BMP's shall be followed to reduce nitrate or other impacts when ANFO is used:*

a) Identify blastholes containing water and remove water prior to loading with ANFO.

b) Water resistant ANFO (ANFO-WR) shall be used in blastholes that recharge with groundwater and remain wet even after pumping.

c) ANFO should be handled in a manner to avoid spills.

d) If spills of ANFO or other blasting agents occur at the ground surface around the blasthole collars, these shall be cleaned up promptly and the ANFO either reused or taken off site for appropriate handling or disposal.

e) Adequate unloaded collar lengths shall be established to reduce both "blowback" when loading pneumatically and blasthole proximity effects.

f) Proper "standoff" distance and loading vessel pressure shall be maintained to reduce "blowback" during pneumatically loading ANFO.

g) Partially used bags of ANFO shall be resealed and returned to the explosive magazine.

h) Loading equipment shall be cleaned in an area where the water can be properly contained and handled in a manner that prevents releases.

i) Explosives shall only be delivered to the site in approved magazine trucks and should not be stored overnight on-site unless there is a demonstrated need for an on-site explosives magazine.

4. Bulk emulsions and slurry/watergel explosives. *The following BMP's shall be followed to reduce nitrate or other impacts when bulk emulsions or slurry/watergel explosives are used:*

a) Spills of the product shall be removed from the spillage area, and either reused or taken off site for disposal.

b) Proper loading techniques shall be followed when loading a bulk product into a wet blasthole. The bulk liquid product should be extruded into itself from the bottom of the blasthole and not into the standing water above the product.

c) If groundwater conditions are severe, e.g., artesian/flowing conditions, packaged explosives (emulsions, watergels, slurries, blends, cartridged, etc.) shall be used instead of bulk products or as required by the Blasting Engineer.

5. Blasthole stemming. The following BMP's shall be followed when placing stemming in blastholes:

- a) Blastholes shall be cleaned out thoroughly using the compressed air stream from the drill to remove the drill cuttings.
- b) Drill cuttings shall not be used as stemming.
- c) Stemming shall be placed to prevent bridging, and shall be appropriately sized for the blasthole diameter.
- d) Blastholes shall be completely stemmed to prevent incomplete detonation.
- e) Weak zones, voids, and cavities shall be stemmed as decks to prevent the loss of explosive products into the bedrock.

6. Misfires. One or more of the following BMP's can be followed to help prevent misfires

- a) Redundant surface delays to connect blastholes if shifting mats, uneven terrain or other conditions could cause cut-offs shall be used.
- b) Double or triple priming of the blastholes shall be done as applicable depending on the depth of the hole.
- c) Using electric detonating systems shall be considered.
- d) Using programmable electronic detonating systems shall be considered.

7) Muck Pile Management. Muck piles (the blasted pieces of rock) and rock piles shall be managed in a manner to reduce the potential for contamination by implementing the following measures:

- a) Remove the muck pile from the blast area as soon as reasonably possible.
- b) Manage the interaction of blasted rock piles and storm water to prevent contamination of water supply wells or surface water.

I, Brian Keefe, do hereby certify that in conjunction with Deerfield Wind I prepared the Deerfield Wind Blasting Plan, and that I am a licensed and certified blasting technician.

Brian D Keefe VT #1824
NAME
License Number (Add State of applicable)

State of VERMONT

County of WINDHAM

The foregoing instrument was signed and acknowledged before me this 12th day of

February, 2016 at Killington, Vermont, by

Brian D. Keefe who acknowledged the act to be his/her free act and deed.

Melvin B. Newbert Jr
Notary Public

Name of Notary (print): MELVIN B. NEWBERT JR

Commission Expires: 2/10/19

Peterson, Christine

From: Laura Sibia <lhsibia@gmail.com>
Sent: Monday, May 08, 2017 10:01 AM
To: Elias, Jeanne
Subject: 3/3 Fwd: BLASTING DAMAGE

Sent from my iPad

Begin forwarded message:

From: Frank <syncrowave@yahoo.com>
Date: May 6, 2017 at 10:24:33 PM EDT
To: Laura Sibia <lhsibia@gmail.com>
Subject: Fw: BLASTING DAMAGE
Reply-To: Frank <syncrowave@yahoo.com>

More pictures.

----- Forwarded Message -----

From: Frank <syncrowave@yahoo.com>
To: "jthomas@mdandb.com" <jthomas@mdandb.com>
Sent: Tuesday, April 25, 2017 2:44 AM
Subject: Fw: BLASTING DAMAGE

Dear Mr. Thomas,

After feeling and hearing the blasting, the chimney face started falling onto my deck and picnic table. I also started noticing a few windows clouding and cracked. I called to have my home inspected prior to the blasting events. Paul "Dutch" Kretschmer from Continental Placer Inc. did visit my property. He stated he was very busy and not to worry about anything it would be taken care of. He did not want to enter my home nor take pictures as outlined by the pre-blast notice mailed to us via certified mail. He also didn't take a flow rate on my well as I requested. I felt like I was twisting his arm to take a quality test on my well. I didn't get the results back until I contacted Maine Drilling & Blasting early this year. The meeting that was conducted with town's people was vague about damage that can occur. I do

have damage from the blasting to my chimney, sheetrock and windows. My home was purchased 2 years prior to the blasting. A site home inspection was taken for the bank and myself by a licensed professional and was found in pristine condition when purchased. The home was recently totally redone about 7 years ago. I attached a few pictures of the chimney damage but the camera can't capture the true damage to the windows. I anticipate a quick resolution to the blasting damage.

Sincerely,
Francis Candiloro
233 VT Route 8
Searsburg, VT. 05363



CONTINENTAL PLACER INC.

Geologic and Environmental Consulting

PAUL "DUTCH" KRETSCHMER

Blast / Vibration Consultant

P.O. Box 825 • Laconia, NH 03247-0825

(603) 524-0811 #300 • Cell (603) 540-0626

dutch@continentalplacer.com • www.continentalplacer.com

Peterson, Christine

From: Laura Sibia <lhsibia@gmail.com>
Sent: Monday, May 08, 2017 10:00 AM
To: Elias, Jeanne
Subject: 1/3 Fwd: Blast damage

Sent from my iPad

Begin forwarded message:

From: Frank <syncrowave@yahoo.com>
Date: May 6, 2017 at 11:35:03 PM EDT
To: Laura Sibia <lhsibia@gmail.com>
Subject: Blast damage
Reply-To: Frank <syncrowave@yahoo.com>

Hi Laura,

This was the certified letter that was sent out to the people in the "sacrifice zone". I followed their protocol to a tee. I scheduled the company to survey my property for real time condition before blasting started. They broke their own protocol by not following through. This would only have me think that if damage was in fact done by the blasting it couldn't be proved. I had to sign for that letter, I did everything that was outlined. Now they are reneging. Attached is also the business card of the Blast / Vibration Consultant they sent. He refused to take any pictures or notes. Craig Goman had so much shaking from the blasting he went and seen the blasting crew, they told him they didn't think the wave would travel that far but would reduce the loads. I don't know if Craig has any damage. Also, they were supposed to text or call us before each blast and never did. Please help...

Frank



Date: September

To: Property

**Re: Deerfield
Searsburg**



Maine Drilling & Blasting

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criterion is ve
safety official
produces up to
per second. By
withstand muc

While studies

Peterson, Christine

From: Laura Sibia <lhsibia@gmail.com>
Sent: Monday, May 08, 2017 10:00 AM
To: Elias, Jeanne
Subject: 2/3 Fwd: Blast damage

Sent from my iPad

Begin forwarded message:

From: Frank <syncrowave@yahoo.com>
Date: May 6, 2017 at 11:14:55 PM EDT
To: Laura Sibia <lhsibia@gmail.com>
Subject: Blast damage
Reply-To: Frank <syncrowave@yahoo.com>

Hi Laura, this was what I received as the outcome of their "investigation" of the blasting damage. If you read the statements it sounds scientific. (well almost) did you notice there wasn't any references to who or whom did the studies? Just studies were made, again vague but I should be used to it by now. I don't feel I should have to contact my insurance company for any part of their negligence. They know a homeowner's ins. co. won't get involved anyway. Do you remember at the town meeting the gentleman with the laptop presentation stated an example how a homeowner near the blasting site said his well was tainted and made stains in his toilet? The man (blasting rep) said we drilled a new well for him even though our work didn't effect his well. Proving what a great bunch of people in management work for the blasting company. I know what I heard at the meeting, did I miss something?

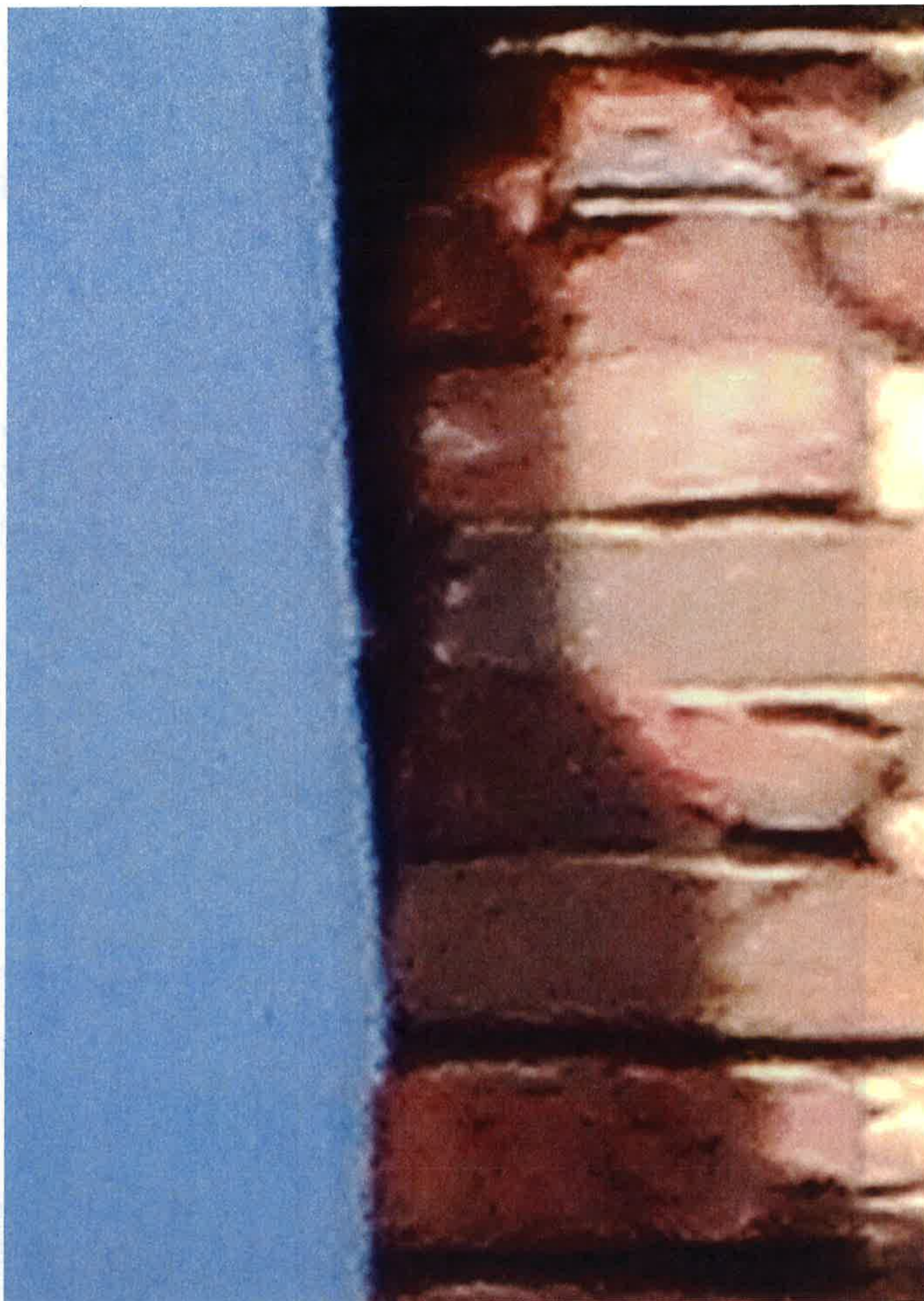
Frank

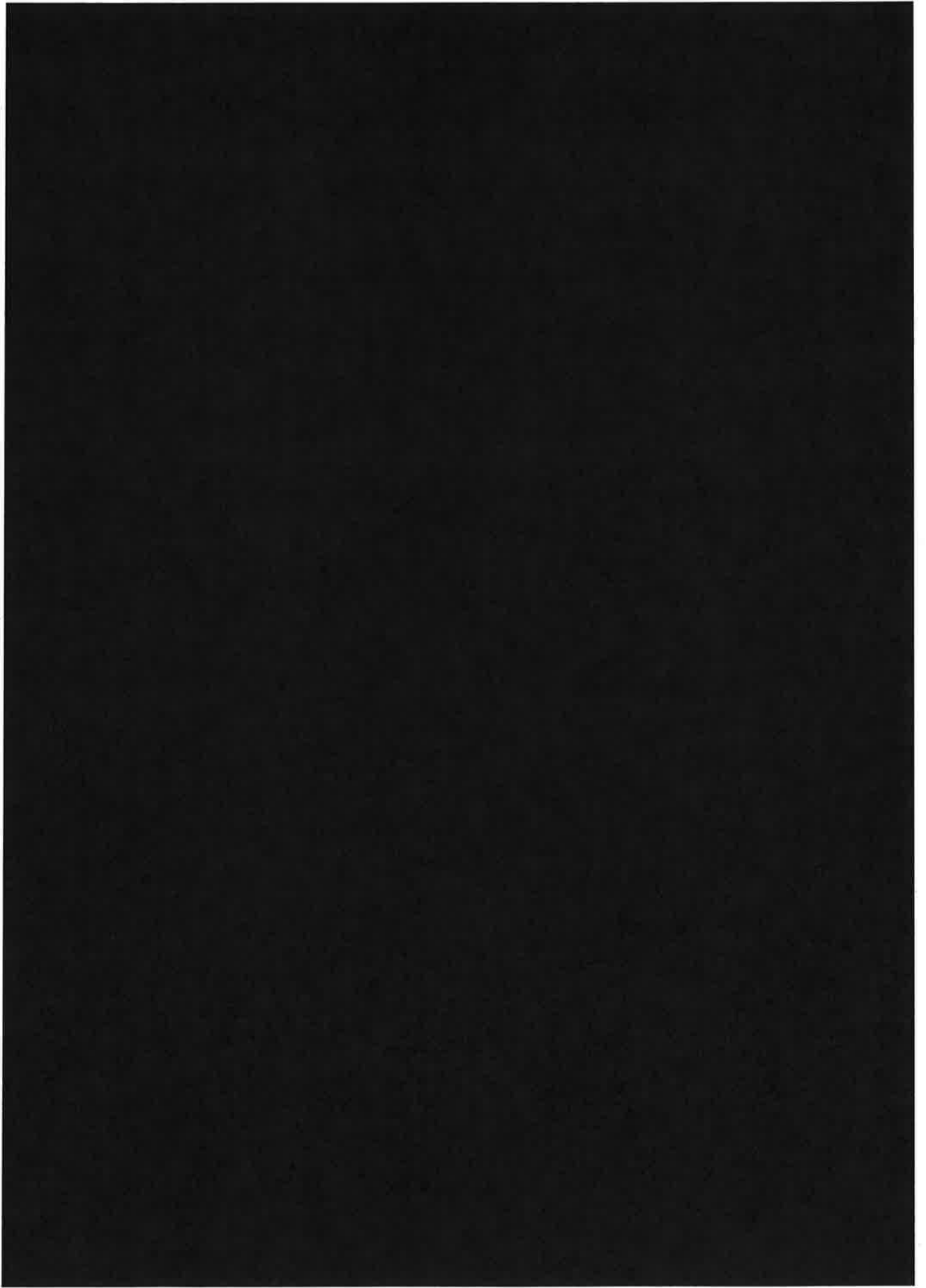
YOUR TRUSTED B
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VIA REGUI

Francis Cand
233 VT. Rou
Seasburg VT.







CPG VIOLATION COMPLAINT FORM

Please feel free to paste the information into an e-mail

Are you a: Complainant ☒ State agency ☐ Other

☐

Intake for Complainant

Complainant name Francis Candiloro

Address (physical) 233 VT Route 8 Searsburg, VT. 05363-9669

Address (mailing) 233 VT Route 8 Searsburg, VT. 05363-9669

Email syncrowave@yahoo.com

Contact phone 802-440-2589

How to you prefer to be contacted by CAPI: Phone or Email

Type of project ☐ Solar Array ☒ Wind Farm ☐ Cell tower ☐ Other

Name of project and CPG number Deerfield Wind

Location of project Searsburg, VT.

Proximity of the project to your home (approximate) 4000'.

Details of complaint, **please be as specific as possible**, include dates of incidents, frequency of problems, dates that you contacted the CPG holder or a representative and what if any action the CPG holder took to resolve your issue.

Blasting has done damage to my home. I tried to have a home survey prior to the start of project as outlined in the blast notice I received via certified mail. Paul Kretschmer of Continental Placer arrived at my property and refused to take any videos of existing conditions, inside or outside. I was told not to worry about it, no damage would be done and if so it would be taken care of. I had to persuade him to do a quality test of my well as outlined at the public meeting. He refused to do a quantity test (agreed upon at same meeting) stating he was in a hurry to leave the country. This was also part of the conditions of the meeting. After the blasting started there was noticeable shaking of my home. Face of the brick fell from my outside chimney onto my deck and picnic table. Four windows lost the thermo seal. I called Continental Placer and was told they are not handling the project. I finally made contact with an on site blaster. He gave me a complaint form. I asked for an email address to send form and pictures which I did. James Thomas came and took pictures and responded back through mail stating that people jumping up and down creates more vibration. Basically I was told to deal with it.

Are you currently waiting for follow-up from the CPG holder on this issue? This is my 1st contact.

What resolution are you seeking? Repairs made to my home bringing it back to pre-blast condition.



CONTINENTAL PLACER INC.

11 Winners Circle • Albany, New York 12205
(518) 458-9203 fax (518) 458-9206
www.continentalplacer.com

March 28, 2017

Mr. Michael Weider, Safety Manager
Maine Drilling & Blasting
88 Gold Ledge Avenue
Auburn, NH 03032

RE: Personal Statement - Searsburg, VT

Mr. Weider:

I have been asked to explain my actions on October 3, 2016, regarding an attempted Pre-Blast Survey at the home of Frank Candiloro, 233 VT RT 8 in Searsburg, VT.

Continental Placer Inc. (CPI) had scheduled a survey and water test at this property for October 3, 2016. There was no set time noted as this is usual when the homeowner will be generally available throughout the day. Three surveys were scheduled that day; one for an interior and exterior survey and water test, Mr. Candiloro's, and another for an exterior only survey with no water test.

I arrived in Searsburg at approximately 9:30 AM and immediately went to my first appointment at 33 Bond Brook Rd. After completing the pre-blast survey and taking a water sample, I went to Mr. Candiloro's property and attempted to complete my work. Upon knocking on the door and introducing myself I explained what a survey was and Mr. Candiloro stated unequivocally that he did not want any videotape documentation of the home. In my experience in conducting this type of work for the past 27 years, when the owner refuses the survey in the way that he did there is no use in trying to "talk my way in" and said that there was no requirement that he allow anyone in his home. At the same time he stated he was very concerned with his spring that supplied his water. As this was the case I suggested that we take a water sample and document the quality of the water.

After some general discussion about the project and the general effect of blasting on structures and wells, he allowed me to get a water sample from pipes in the cellar of his home. After that, I left to complete the final survey that was scheduled and left Searsburg shortly after to get to the water samples to the lab in Keene, NH.

Mr. Candiloro in his "submission form" stated that I told him I did not have time to take pictures. This was never said as I had only an exterior survey left to complete that would take only an additional ten minutes of the day and did not have to deliver the water samples in Keene, NH until 5:00. I took his sample at 10:45. After leaving 233 VT RT 8 I did the survey, drove to the lab, and was notified that another homeowner called to request a water sample and demanded that it be done that day. I returned to Searsburg, met with the property owner, took the sample and returned to the lab in Keene, NH before they closed at 5:00 PM. I drove through southern VT and NH for about six hours after leaving his property. I certainly had 30 to 45 minutes to document his home.

Personal Statement
Searsburg, VT
3/28/17
Pg. 2

Respectively Submitted,
CONTINENTAL PLACER INC.



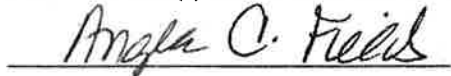
Paul "Dutch" Kretschmer
Blast / Vibration Consultant

Acknowledgment of Individual

STATE OF NEW YORK

COUNTY OF ALBANY

On the 28th day of MARCH in the year 2017 before me, the undersigned, personally appeared PAUL KRETSCHMER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

Printed Name: Angela C. Fields

My Commission Expires:

6/13/2020

ANGELA C. FIELDS
Notary Public, State of New York
No. 01F16343397
Qualified in Albany County
My Commission Expires 6/13/2020

YOUR TRUSTED BREED

making it happen

**Maine Drilling
& Blasting**

May 4, 2017

VIA REGULAR MAIL

Francis Candiloro
233 VT. Route 8
Seasburg VT.05363

RE: Claimant: Francis Candiloro
Date of Loss: Fall Winter 2016-2017
Loss location: 233 VT, Route 8

Dear Mr. Candiloro,

This letter is in response to claims of certain property damage in connection with the above-referenced property ("Property") that you contend were a result of blasting services provided by Maine Drilling & Blasting, Inc. (the "Company") at your home ("Project"). As part of our claim investigation, we have reviewed your blast damage complaint form dated April 24, 2017 filed with the Company. In addition, our claim investigation has consisted of a complete review of Project blasting logs, seismograph readings and a review of post blast inspection. After a thorough review of all available data, we have determined that blasting is not the cause of your claims as listed.

You have claimed on your blast damage complaint form that the Company's blasting activities have caused crumbling of chimney face, window seals leaking and drywall cracks. You have identified the date of loss as fall/ winter 2016-2017.

As discussed above, our claim investigation included a review of all relevant project blasting logs and seismograph readings. By way of context, seismographs are used during blasting operations to record ground vibrations.

The peak particle velocity (PPV) of the ground vibration is used to determine the probability of vibration-induced damage to a structure. (PPV is the velocity of particles of earth oscillating around their equilibrium point as the blast induced ground vibrations pass; this velocity is measured in inches per second). The industry standard for safe blasting is 2.0 in/sec PPV or less and is based on a study by the U.S. Bureau of Mines (RI 8507). Two inches per second is the accepted guideline used to protect weaker building

Maine Drilling & Blasting, Inc.
P.O. Box 1140
423 Brunswick Avenue
Gardiner, ME 04345
207.582.2338
207.582.8794 FAX

Divisional Offices
Connecticut 860.242.7419
Maine 207.582.2338
Massachusetts/RI 508.478.0273
New Hampshire 603.647.0299
New York 518.632.9170
Pennsylvania 717.866.8981
Vermont 802.453.5138

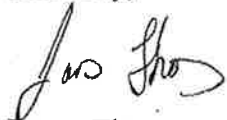
materials (e.g., sheet rock and/or plaster) from damage in a typical structure. This criterion is very conservative and reflects caution used by the industry as well as public safety officials. To put this in perspective, studies have shown that a person jumping produces up to 1.8 inches per second and slamming a door can produce up to 1.3 inches per second. By comparison, other materials such as concrete, brick, block and tile can withstand much greater ground vibrations (4.0 in/sec to 10.0 in/sec).

While studies have shown that PPV as low as 0.03 in/sec and a peak air over pressure of 115 dBL can be felt, these readings do not approach threshold damage or those levels known to cause the types of damages that have been claimed. Notably, none of the recorded ground vibrations at the Project exceeded 0.785 in/sec. This was measured approximately 400 ft. from the blast location. When considering the additional distance to your home, approximately 3,220 ft. from your home, presents a peak particle velocity of only 0.280 in/sec. This vibration is only 1.4% of the intensity required to approach threshold damage (i.e., 2.0 in/sec) and well below those levels known to cause the types of damages that have been claimed.

Based on the foregoing and in view of the overwhelming physical evidence, we have no reason to believe that the claimed damages to the Property were caused by any service provided by the Company. Accordingly, we must inform you that the claim in connection with the above-referenced Property has been denied.

Should you have any questions regarding our conclusions please feel free to contact me directly at (207)-582-2338 ext.1684. If you are not satisfied with our conclusion we recommend that you contact your insurance company so that they may conduct an investigation using an independent engineer who is trained in vibration analysis. We will be glad to share our records with them so that they may conduct a proper investigation.

Sincerely,



James Thomas
Pre-Blast Specialist