

## **PROJECT SPILL PREVENTION, CONTROL AND COUNTERMEASURES PLAN**

This Spill Prevention, Containment and Countermeasures Plan (“SPCCP” or “Plan”) describes measures to minimize the potential for a spill of petroleum products or a hazardous or toxic substance and, in the event that a spill does occur, to contain and control the release to minimize the effects on the environment. Diamond Towers V LLC (Diamond) will require all construction contractors to adhere to the procedures presented in this Plan during the construction of the communications tower to be located at 185 Academy Road, Cheshire, New Haven County, CT 06410, CSC Docket Number 498 (“Project”). Accordingly, this Plan describes:

- The identification of petroleum products and materials classified as hazardous or toxic that are likely to be used during Project construction activities;
- Training, equipment inspection and maintenance, and other procedures designed to minimize the potential for a spill;
- The transport, storage, and disposal procedures for these substances; and
- The procedures to be followed in the event of a release of a petroleum or hazardous/toxic substance to the environment, including a spill reporting protocol. Attachment 1 includes a copy of the Spill Report Form that construction contractors must complete.

This SPCCP conforms to the requirements of the Project’s regulatory approval from the Connecticut Siting Council (Council), as well as commitments made in Project permit applications to the U.S. Army Corps of Engineers (“USACE”; *Section 10 of the Rivers and Harbors Act of 1899*) and the Connecticut Department of Energy and Environmental Protection (“CT DEEP”; *Structures, Dredging and Fill*; and, *General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities*). The Plan applies to all elements of the construction of the Project.

Note: Diamond does not anticipate on-site bulk storage of petroleum or other regulated substances during Project construction. However, if a construction contractor elects to maintain large quantities of petroleum products at a Project staging area, then requirements in addition to this SPCCP will apply. Specifically, pursuant to Title 40, Section 112 of the Code of Federal Regulations (CFR), an additional Plan must be prepared if the construction site will have 1,320 gallons of aggregate above-ground storage capacity or more in 55-gallon (or larger) containers, or 42,000 gallons in underground storage not regulated by underground storage tank (UST) rules. Any temporary tanks or fueling trucks parked on any Project site(s) and used to "store" petroleum are subject to the SPCCP requirements. If, at any time, a Project construction contractor's cumulative storage capacity exceeds 1,320 gallons on-site, the contractor must prepare its own independent SPCCP, signed by a registered professional engineer, in accordance with 40 CFR 112. Copies of the contractor’s SPCCP do not need to be filed with any regulatory agencies but must be maintained at the contractor’s Project office and also be provided to Diamond’s Construction Manager.

### **1. IDENTIFICATION OF PETROLEUM PRODUCTS AND OTHER HAZARDOUS / TOXIC SUBSTANCES USED DURING CONSTRUCTION, AND DESIGNATION OF CLEANUP CONTRACTOR**

#### **1.1 Materials Subject to this SPCCP**

The principal materials used during Project construction that are addressed in this SPCCP are petroleum products, such as fuels, lubricants, fluids, and related materials used for the operation of construction vehicles and equipment. Although not anticipated for this Project, this SPCCP also includes other substances classified as hazardous or toxic that may be used during construction.

Prior to the start of construction, each construction contractor will provide to Diamond a list of the petroleum products and hazardous/toxic substances to be used in the performance of Project work, along with a Material Safety Data Sheet (“MSDS”) for each such material. The MSDSs will be kept on-site (e.g., at the construction contractors’ offices in Project construction yards or staging areas) for the duration of construction. If, during the course of construction, a contractor proposes to use a substance not on the original list, the contractor must modify the list and provide the appropriate MSDS to Diamond for review and approval prior to the use of the material on the Project. Due to the different types of petroleum products and other regulated materials typically used during construction, different handling and storage procedures may be required. Diamond will require its construction contractors to adhere to all directions and warnings for products used on the Project.

### **1.2 Designation of Connecticut-Licensed Spill Response and Cleanup Contractor**

As required pursuant to CGS Section 22a-454, spill cleanup, contaminated material handling, and contaminated material transport requires a permit and will be performed by a licensed contractor. Accordingly, prior to the start of construction, each construction contractor must identify a licensed spill response contractor who will be on-call 24/7 during construction. Each construction contractor’s designated spill response contractor will be subject to Diamond’s review and approval.

## **2. TRAINING AND MANAGEMENT PRACTICES**

Key measures to avoid spills during construction include proper training of construction personnel in spill prevention and control techniques, properly maintaining construction equipment, and proper management regarding the storage and use of petroleum and hazardous/toxic substances used during construction. In the event that a spill does occur, licensed construction personnel will promptly and properly contain, clean up, and report the spill.

### **2.1 Training**

As part of the Project’s environmental awareness training, all construction personnel, including contractors and Diamond’s field management and inspection staff, will be briefed by Diamond’s Project personnel on the requirements of this SPCCP. They also will be made aware of sensitive resources along and in the vicinity of Project work sites (e.g., public road ROWs and adjacent land, staging areas, the transmission line route and Substation properties), and will be informed of the pollution control laws, rules, and regulations applicable to their work. Diamond will require all construction contractors to:

- Instruct their personnel regarding the routine inspection, operation, and maintenance of equipment as needed to minimize the potential for the accidental discharge or release of fuel, oil, or lubricants to the environment;
- Verify that all employees handling fuels and, as applicable, hazardous or toxic materials, are properly trained;
- Implement refueling procedures to minimize the potential for a release to the environment;
- Maintain adequate supplies of standard equipment, materials, and supplies in accessible locations for cleanup of a release;
- Adhere to all regulatory requirements and Project specifications regarding equipment operation, refueling, or the general use of petroleum products near water resources, including containment; and
- Follow required reporting procedures in the event of a spill. If deemed necessary during construction, Diamond may schedule and conduct supplemental spill prevention briefings with construction crews to re-emphasize the importance of spill prevention and to review

the procedures to be followed in the event of a spill. These briefings may highlight topics such as:

- Importance of having adequate equipment, materials, and supplies available for response to and cleanup of a release;
  - Typical sources of releases, such as equipment failure or malfunction;
  - Precautionary measures to prevent releases; and
  - Standard procedures to be followed if a release occurs.
- The supplemental training will be documented by Diamond field management or inspection staff.

## **2.2 Equipment Inspection and Maintenance**

To minimize the potential for a spill due to equipment failure, the construction contractors will be responsible for:

- Routinely inspecting and maintaining construction equipment, including hydraulic lines, valves, and other hoses;
- Promptly repairing any equipment leaks or faulty equipment components;
- Routinely inspecting and maintaining in good condition all containers, valves, pipes, hoses and other components of storage areas for fuels and lubricants;
- Providing appropriately-sized and provisioned spill containment kits to construction crews and replenishing such supplies as needed; and
- Maintaining stockpiles of spill cleanup materials at easily accessible locations, including at substation fueling and staging areas.

Construction contractors will inspect and maintain equipment that must be fueled and/or lubricated according to an established schedule.

In addition, the construction contractor will be responsible for providing portable toilets at construction sites. The construction contractor will be responsible for properly locating portable toilets in upland areas, away from any water resources, sensitive environmental resources, or other restricted areas, and for arranging for routine cleaning and maintenance of these facilities.

## **2.3 Fuel and Material Storage**

Diamond will require its construction contractors to implement the following procedures when storing fuels and hazardous/toxic substances. These procedures are intended to limit the potential for spills and to minimize the impact of releases that may accidentally occur:

- No bulk quantities of hazardous substances, toxic materials, and petroleum products will be stored, unless approved by Diamond, within 25 feet of any waterbody, wetland, water supply well, spring, or other water resource. Such materials typically will be stored in upland areas;
- At Project staging and support sites, contractors will make efforts to store only enough products required to complete the job;
- Materials will be stored in a neat, orderly manner, in appropriate containers, and, if possible, under a roof or enclosure;
- Chemical and/or petroleum products will be kept in original containers with the original manufacturer's label. Fuels that need to be kept in portable containers will be stored in tightly sealed containers designed to hold such fuels and will be clearly labeled. Preferably, the containers will be stored in a covered truck or trailer that provides secondary containment for the products;
- Substances will not be mixed unless approved by the manufacturer;
- Whenever possible, all of a product will be used before disposing of the container;
- Manufacturer's recommendations for proper use and disposal of a product will be followed; and

- If surplus product must be disposed of, the manufacturer or state-recommended methods for proper disposal will be followed.

Any containment area for the storage of petroleum products will have a minimum capacity of 110% (1.1 times) the combined maximum volume of all containers within the containment area. The containment must have sufficient freeboard to accommodate the maximum precipitation from a 25-year 24-hour storm event. Storage areas will not have drains unless such drains lead to a containment area or vessel of sufficient size to contain and recover a full release of all stored products. A berm, or other suitable containment device, will be installed around any storage shed housing materials that are potentially hazardous to the environment. Similarly, bulk storage tanks having a capacity of more than 55 gallons will be provided with secondary containment consisting of a temporary earthen berm or other means. After each rainfall, the contractor will promptly inspect all containment areas for excess water. If no sheen is visible, they can pump the collected water to the ground in a manner that does not cause scouring. If present, any sheen must be cleaned up prior to discharging the water. Otherwise, the contaminated water must be transported and disposed of off-site in accordance with local, state, and federal requirements.

## **2.4 Equipment Refueling and Parking**

Contractors will implement the following measures when refueling equipment and when parking equipment on Project sites:

- Generally, fuel will be stored at contractor yards and construction equipment will typically be refueled there, when practicable;
- Refueling equipment will be manned throughout the refueling operation. Bulk fuel or lubricating oil dispensers will be equipped with a dispensing nozzle that cannot be locked open to allow unattended use;
- Spill kits will be on hand during all refueling operations;
- Equipment refueling will not be performed within 25 feet of any waterbody or wetland, with the following potential exceptions, which will be reviewed by Project field compliance personnel on a case-by-case basis:
  - Areas with rugged terrain or steep slopes where movement of equipment outside of such 25-foot buffers would cause excessive disturbance to the work area;
  - Areas where removing equipment from a wetland or from near a wetland and/or watercourse for servicing or refueling would increase adverse impacts to the water resource;
  - Locations where the water body or wetland is located adjacent to a road crossing (from which the equipment can be fueled); and
  - Refueling of equipment that is not readily mobile or must remain on-site for prolonged periods to safely complete a construction task (e.g., drilling rigs, cranes for structure installation).
- During refueling, all necessary precautions will be taken to avoid or minimize the potential for an accidental spill. Appropriate spill kits/absorbent materials will be available at all refueling sites. If refueling must occur within a wetland or within 25 feet of a water resource, temporary containment will be provided as appropriate; and
- Except for equipment that cannot be practically moved (e.g., cranes, drill rigs), construction equipment and vehicles will not be serviced or parked overnight on access roads or work pads within wetlands.

Prior to the start of construction activities, construction contractors will designate locations at Project yards, staging areas, and other support sites where refueling will be performed, and for the

parking of fuel trucks, mobile tanks, and lubricating vehicles. Such designated refueling and parking locations must be approved by Diamond.

### 3. SPILL EQUIPMENT, RESPONSE, CONTROL, AND CLEANUP

#### 3.1 Spill Containment and Cleanup Equipment

Prior to the start of construction, contractors will prepare, for approval by Diamond, a list of the type, quantity, and storage location of spill containment and cleanup equipment that will be available for use during construction. Table 4-1 provides a general list of the basic types of spill containment and cleanup materials to be kept on-hand during construction activities in uplands, near water resources, and at refueling and product storage sites. In response to a spill, the contractor will use equipment and control/cleanup measures appropriate to contain and clean up the spilled material, taking into consideration the environmental characteristics of the area affected by the release.

#### 3.2 Spill Response and Control

If a spill occurs, containment and control of the release are the immediate priorities. Diamond's construction contractor(s) will take immediate action to minimize the impact of the spill (containment) and to implement appropriate cleanup action. Cleanup procedures will begin immediately after a release is contained. In the event of a spill, the contractor will typically take the following actions:

- The spill will be immediately stopped at the source;
- If the spill impacts a water resource, the spill will be contained through the use of appropriately deployed containment materials (e.g., sorbent booms, absorbent pads, constructing dikes) and then will be collected with sorbent materials, skimmed off water surfaces with booms, and/or the contaminated soil will be excavated;
- If the spill occurs in uplands, the contaminated soil will be excavated;
- The waste materials will be properly disposed at a Diamond-approved disposal site; and
- The affected areas will be restored as closely as possible to previous conditions.

#### 3.3 Spill Notifications

##### 3.3.1 Notifications to Federal, State, and Local Agencies

In Connecticut, under Connecticut General Statutes (CGS) Section 22a-450, reporting to the CT DEEP is required for the discharge, spillage, uncontrolled loss, seepage, or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous waste that poses a potential threat to human health or the environment. All such spills are reportable. Diamond requires that **ANY release of these materials, in any amount, must be reported to the CT DEEP**. Project construction contractor(s) are responsible for providing immediate notification of spills to the CT DEEP and other entities, as required.

**Table 3-1**

#### **Typical Spill Containment and Cleanup Equipment and Supplies For General Construction Activities at the Project**

- Sorbents (e.g., pillows, socks, and wipe sheets) for containment and pick-up of spilled liquids;
- Pre-packaged, self-contained spill kits containing a variety of sorbents for small to large releases;  
(e.g. kits that can be stored on equipment with the capacity of absorbing up to 5 gallons);
- Structures such as gutters, culverts, and dikes for immediate spill containment;
- Shovels, backhoes, etc., for excavating contaminated materials;
- Drums, barrels, and temporary storage bags to clean up and transport contaminated materials.

### **For Storage of Products and Equipment Refueling:**

- Sorbent pads and/or mats, containment equipment, or equivalent protective measures (e.g., kiddie pools or basins to be placed on the ground beneath equipment before refueling or maintenance activities). (The quantity and capabilities of the mats will be sufficient to capture the largest foreseeable spill given workspace characteristics, crankcase size, and other fuel vessel capacities.)
- Dedicated sorbent/spill response kits or functional equivalent to be kept on major pieces of construction equipment (e.g., pumps, cranes, drill rigs, hydraulic lifts) that must be routinely refueled or maintained on Project sites (because movement of such equipment to designated refueling or maintenance yards is impractical or inefficient).

In the event of any spill, the Project construction contractor shall immediately report the following facts to CT DEEP, pursuant to Section 22a-4502:

- Location of spill;
- Quantity and type of substance, material, or waste released;
- Date and cause of the incident;
- Name and address of the owner;
- Name and address of the person making the report, and their relationship to the owner.

In addition to the notification to CT DEEP, some spills may be reportable to the Federal government. An oil spill must be reported to the Federal government if the spill is to navigable waters or the adjoining shoreline; water quality standards could be violated; the spill causes a sheen or discoloration; or the spill causes a sludge or emulsion. Spills of hazardous chemicals must also be reported to the Federal government, depending on the quantity of the material spilled and if the release could threaten human health. The Federal reportable spill quantities for hazardous materials are listed in 40 CFR, Part 302.4 (refer to the table entitled "List of Hazardous Substances and Reportable Quantities"). Incidents that are required to be reported under the Federal Emergency Planning and Community Right-to-Know Act or other prevailing/applicable Federal law are reportable to:

- The State Emergency Response Commission (CT DEEP at 860-424-3338);
- The National Response Center at 800-424-8802;
- The local community emergency coordinator.

A report by the Project construction contractor to the local fire department is also recommended (911 throughout Connecticut).

Note: Unless specifically requested for a particular incident, CT DEEP does not require a written submission when reporting a spill.

**It is the Project construction contractors' responsibility to report spills of any amount to CT DEEP. Spills must be reported immediately (24/7) to:**

**CT DEEP Emergency Response and Spill Prevention Division**

**860-424-3338 or toll free at 866-337-7745 (866-DEPSPIIL)**

**If the above numbers are unavailable for any reason, call 860-424-3333**

### **3.3.2 Notification and Reporting to Diamond**

In addition to notifying the CT DEEP, the construction contractor or other Project personnel who first observes a spill will provide immediate verbal notification to the designated Project representative. Within 24 hours of a spill, the construction contractor will prepare and submit to the designated Project representative a Spill Report Form (refer to Attachment 1). This form must include the following information regarding the spill, along with any relevant supporting information and representative photographs:

- Date, time, and location of the spill, including name and address of the owner of the property where the spill occurred;
- The quantity and type of the substance, material, or waste spilled;
- Circumstances that caused the spill;

- List of water resources affected or potentially affected by the release (if applicable);
- Statement verifying whether a sheen is present;
- Size of the affected area;
- Estimate of the depth that the material has reached in water or in soil;
- Determination of whether the release has or will migrate off Project work areas (e.g. Diamond property, road ROWs, staging areas, private property);
- Determination of whether the release is under control;
- Status of the cleanup effort and a description of the methods used (or to be used) to clean up the release;
- Name(s), company affiliation(s), and address(es) of the personnel who identified the release;
- List of any soil and water samples taken;
- Names of contacts made to federal, state, and local agencies, as applicable, and time of report; and
- Name, address, and company affiliation of the person who completed the Spill Report Form.

The designated Project representative will verify that the construction contractor's Spill Report Form is complete and will submit it to Diamond.

4 Contact information for the Project environmental compliance team personnel (Diamond), including the designated Project representative, will be provided to all construction contractors as part of the required Project environmental training.

### **3.4 Spill Cleanup**

Diamond's construction contractors will clean up all spills promptly using appropriate containment and cleanup measures. Spill containment equipment will not be used for storing wastes resulting from cleanup efforts or other contaminated material.

Small spills may be contained and cleaned up by Project construction crews using the on-site spill containment and cleanup materials. In such cases, all contaminated materials will be properly handled, contained, and transported in secure containment to a staging area for pick-up and ultimate disposal by the construction contractor's designated and pre-approved spill response firm. **In no case will spills or contaminated materials (including waste oils) be buried or otherwise disposed of on Project sites.** If the Project construction contractor determines that a release cannot be adequately excavated and disposed of by its construction crews alone, the construction contractor will contact the designated spill response firm. Prior to any cleanup, the construction contractor will obtain the necessary permit(s) as required by CGS Section 22a-454 and the work will be performed by a licensed spill response contractor. The Project construction contractor will work with the spill response contractor(s) and will verify that all excavated wastes are transported to a licensed disposal facility approved by Diamond.

### **3.5 Penalties for Non-Reporting**

Any person who fails to report incidents as required by Section 22a-450 may be fined by CT DEEP not more than \$1,000 and the employer of such person not more than \$5,000.





\*\*If so, what methods are being or will be used? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have soil and/or water samples been taken?                      Y        N  
\*\*\*If yes, list sample types: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name of Contractor Representative:**

Print Name and Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**Name of Designated Project Representative:**

Print Name and Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_