

**Date of Request: November 15, 2019**

**Case 18-T-0604**

**Application of Deepwater Wind South Fork, LLC for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 3.5 Miles of Submarine Export Cable from the New York State Territorial Waters Boundary to the South Shore of the Town of East Hampton in Suffolk County and Approximately 4.1 Miles of Terrestrial Export Cable from the South Shore of the Town of East Hampton to an Interconnection Facility with an Interconnection Cable Connecting to the Existing East Hampton Substation in the Town of East Hampton, Suffolk County.**

**INTERROGATORY/DOCUMENT REQUEST**

<b>Request No.:</b>	Kinsella-1
<b>Directed To:</b>	Deepwater Wind South Fork, LLC
<b>From:</b>	Simon Kinsella

Deepwater Wind South Fork, LLC (“DWSF”) objects to the information asserted as part of the “Background” section of Information Request Set Kinsella-1 (specifically, pages 1-3) on the grounds that the information is inaccurate and not based in fact. DWSF’s responses to the Information Requests within Kinsella-1 should not be construed as acceptance or agreement with the information contained within the “Background” section. Further, DWSF hereby reserves its rights to further object to and/or challenge the information contained in the “Background” section at a later date. Notwithstanding the foregoing and without waiving said objection, DWSF hereby provides responses to the Information Requests within Kinsella-1.

**Information Requested:**

- 1. [Has the Applicant] tested the soil and/or groundwater for PFAS contamination at any location(s) within the Beach Lane Route A cable corridor? If yes, please provide full laboratory test results for all tests related to PFAS contamination and any other contaminant that was included in the tested results.**

**Response:**

No. Information relating to any contaminated soil testing that DWSF has performed to date can be found in the Article VII Application at Exhibit 4, Section 4.5.2.1 and Section 4.8.1.3.

**Name of Person(s)**

**Preparing Response:** Counsel and Susan Moberg

**Date:** November 25, 2019

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**Information Requested:**

- 2. [Has the Applicant] conducted any analysis and/or assessment of the extent of existing PFAS contamination within the Beach Lane Route A cable corridor? If yes, please provide all analyses and assessments related to PFAS contamination and any other contaminant that was included in the analyses and/or assessments.**

**Response**

Please see response to Information Request Kinsella-1-1.

**Name of Person(s)**

**Preparing Response:** Susan Moberg

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**Information Requested**

- 3. [Has the Applicant] addressed issues related to the process of installing at least thirteen underground cable vaults and approximately 2.4 miles of underground duct banks through the contaminated area that would require excavating somewhere from 8,000 to 12,000 tons of contaminated material? If yes, please provide all documents where excavation of contaminated soil is discussed.**

**Response**

DWSF objects to this request on the grounds that it includes statements that have no basis in facts. DWSF also objects to this request on the grounds that DWSF has not made a determination that the underground duct bank will be installed through a contaminated area or that such installation will require excavating contaminated material. Notwithstanding the foregoing, without waiving said objections, and without agreeing to the characterizations stated in the request, DWSF will address issues relating to any construction activities in or around potentially contaminated soil in the Environmental Management and Construction Plan (“EM&CP”).

**Name of Person(s)**

**Preparing Response:** Counsel and Susan Moberg

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**Information Requested**

- 4. [Has the Applicant] considered the possibility of significant adverse impacts to public health given that the Beach Lane Route A Cable Corridor runs through a residential neighborhood and groundwater protection district? If yes, please provide all documents related to potential adverse impacts to public health from PFAS contamination and any other contaminant.**

**Response**

DWSF objects to this request on the grounds that it is ambiguous, and is not clear and concise as required by 16 N.Y.C.R.R. Section 5.3 (a) of the Commission's rules regarding discovery. **DWSF also objects to this request on the grounds that it includes statements that have no basis in facts.** Notwithstanding the foregoing, without waiving said objections, and without agreeing to the characterizations stated in the request, please see the response to Information Request Kinsella-1-3.

**Name of Person(s)**

**Preparing Response:** Counsel and Susan Moberg

**Date:** November 25, 2019

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**Information Requested**

- 5. [Has the Applicant] prepared plans for the excavation, collection, identification, possible treatment, transportation, and disposal of contaminated materials? If yes, please provide all documents related to the excavation, collection, identification, possible treatment, transportation, and disposal of contaminated materials?**

**Response**

Please see the response to Information Request Kinsella-1-3.

**Name of Person(s)**

**Preparing Response:** Counsel and Susan Moberg

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**Information Requested:**

- 6. [Has the Applicant] identified and located a properly registered and authorized industrial hazardous waste management facility that can receive material contaminated with PFAS contaminants? If yes, please provide the location of the facility and the planned safe driving route.**

**Response**

Please see the response to Information Request Kinsella-1-3.

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**Preparing Response:** Counsel and Susan Moberg

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**Information Requested**

- 7. [Has the Applicant] established emergency procedures in the event of accidental spillage or mishandling of hazardous waste during excavation, loading, storage, and/or transportation? If yes, please provide all such emergency procedures.**

**Response**

Please see the response to Information Request Kinsella-1-3.

**Name of Person(s)**

**Preparing Response:** Counsel and Susan Moberg

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**Information Requested**

- 8. [Has the Applicant] assessed the possibility of any significant increase in risks to public health posed by disturbing a site that is highly contaminated with PFAS? If yes, please provide all documents related to any significant increase in risks to public health posed by disturbing a contaminated site.**

**Response**

DWSF objects to this request on the grounds that it is ambiguous, and is not clear and concise as required by 16 N.Y.C.R.R. Section 5.3 (a) of the Commission's rules regarding discovery. DWSF also objects to this request on the grounds that it includes statements that have no basis in facts. Notwithstanding the foregoing, without waiving said objection, and without agreeing to the characterizations stated in the request, DWSF will address issues relating to any construction activities in or around potentially contaminated soil in the Environmental Management and Construction Plan ("EM&CP"). As is standard for any development within an area with potential contamination, the Applicant will comply with all applicable legal obligations, and utilize the required investigation, handling and disposal methods with respect to the proposed Project area. The Applicant will utilize qualified environmental professionals to assess the conditions and handle any necessary remediation. Review of the potential extent of any contamination within the anticipated limit of Project-related excavation will be completed prior to submitting the EM&CP, and if any PFOS/PFOA materials are encountered, the Applicant will adhere to any and all applicable New York State Department of Environmental Conservation ("NYSDEC") and New York State Department of Health ("NYSDOH") regulations, guidance, and best management practices, to minimize or eliminate potential exposure resulting from construction activities. Any soil or groundwater containing PFOA or PFOS materials will be handled and disposed of in accordance with NYSDEC hazardous waste management requirements, and brought to properly permitted facilities for treatment or disposal. The Project, once

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constructed, is not anticipated to leave any exposure pathways of any PFOA/PFOS materials. Taken together, these measures will mitigate the possibility of any public health risks relating to construction on or near a contaminated site.

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**Preparing Response:** Susan Moberg

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**Information Requested**

- 9. Please provide any and all reports, assessments, studies, laboratory test results that mention soil or groundwater contamination for any chemical contaminant pursuant to the US EPA Fourth Unregulated Contaminant Monitoring Rule including but not limited to PFASs, cyanotoxins, and hexavalent chromium undertaken by the Applicant for this project.**

**Response**

DWSF is not in possession of any documents responsive to this request.

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**Preparing Response:** Susan Moberg

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**Information Requested**

- 10. [Has the Applicant] prepared any plans and/or assessments on the potential local impacts to the neighboring residential communities related to the excavation of contaminated material, including but not limited to increased truck traffic, noise, aesthetics, and impact on quality of life? If yes, please provide all plans and/or assessments on the potential impact to the neighboring residential communities related to the excavation of contaminated material.**

**Response**

Please see the response to Information Request Kinsella-1-3.

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**Preparing Response:** Susan Moberg

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**Information Requested**

**11. [Has the Applicant] prepared a remediation plan for the Beach Lane Route A cable corridor? If yes, please provide the remediation plan.**

**Response**

Please see the response to Information Request Kinsella-1-3.

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**Preparing Response:** Susan Moberg

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