APPENDIX N

PLAN FOR UNANTICIPATED DISCOVERY OF HAZARDOUS WASTES OR CONTAMINATED SITES

Plan for the Unanticipated Discovery of Hazardous Wastes or Contaminated Sites

Contaminated soils associated with these or other, undocumented hazardous waste sites could be encountered during construction of the proposed pipeline facilities. If hazardous wastes or other forms of contamination, as defined in applicable federal, state and local regulations and guidelines, are encountered during construction of the Project, AES would implement the Plan for the Unanticipated Discovery of Hazardous Wastes or Contaminated Sites. The procedures described below would be used to determine the extent, nature, and disposition of suspected contamination in areas which will impact construction. The intent of these procedures is to mitigate unanticipated impacts from contaminated media during construction activities. This plan for management and handling of contaminated media encountered during construction includes the following:

- Excavation or subsurface activities;
- Contaminated media classification;
- Contaminated material handling requirements; and
- Dewatering and sedimentation control.

Potentially contaminated soil, material and/or groundwater may be encountered during excavation, dewatering or other project construction activities. During these activities, AES would designate Environmental Inspectors to monitor the construction process. The Environmental Inspectors will be responsible for ensuring that the contractor manages project related materials (i.e., soil, groundwater, drilling muds, etc.) in accordance with federal, state, local regulations and project permitted conditions. In the event that the discovery of hazardous wastes or contaminated sites occurs, AES would perform the following steps:

- Cordon off or otherwise restrict access to the suspected area;
- Notify the Environmental Inspectors and construction manager;
- Notify the landowner(s) of the subjected parcel(s); and
- Consult with appropriate local, state or federal regulatory agencies (as appropriate) with respect to the management and/or disposal of contaminated media.

During excavation or HDD activities AES would perform the following tasks if known or suspected environmental contaminants are identified:

- Observe excavation or HDD activities for visual or olfactory evidence of contamination.
- Ensure that contaminated material is excavated in the presence of the Environmental Inspectors, allowing sampling of excavated material and/or in-situ material at the excavation limits.
- If contaminated material is identified during HDD activities, contaminated media will be segregated as directed by the Environmental Inspector in accordance with procedures for handling contaminated media.
- Contaminated material will not be mixed with uncontaminated material while excavating, handling, or stockpiling. If encountered and feasible, AES will direct haul contaminated material from the project site and dispose of the material at an agency-permitted disposal site.
- Backfilling of excavations or HDD borings will not be allowed without approval of the AES Environmental Inspector.

- If extraction or discharge of groundwater is necessary, AES will obtain necessary permits or comply with existing project permit conditions from local, State and Federal agencies with respect to withdrawal, management and discharge of groundwater. AES will arrange for collection of effluent samples, chemical analysis, and reporting of data to the local Publicly-Owned Treatment Works (POTW), State and Federal agencies in accordance with permit requirements.
- Equipment used in contaminated work areas will be decontaminated prior to working in other areas, as directed by the AES Environmental Inspectors.
- Control measures to minimize airborne dust and prohibit rainfall from collecting in open excavations will be implemented at known or identified contaminated sites.
- Periodic inspections of equipment for leakage of fluids in accordance with the project Spill Prevention and Pollution Control (SPCC) Plan will be conducted to ensure areas are not being contaminated by equipment or project operations.

The construction contractor, under the supervision of the AES Environmental Manager and Inspectors, would identify where to stockpile or how to store suspected contaminated materials including excavated spoils, accumulated HDD spoils or mud, or collected contaminated water.

An Environmental Inspector would ensure that excavated materials, in particular contaminated material, is managed appropriately so as not to further spread environmental contaminants. Classifications such as uncontaminated material, non-hazardous contaminated material or hazardous materials will be utilized. These material categories will be confirmed by chemical laboratory testing and appropriately managed in accordance with this plan. Materials will be managed in the interim period between detection or identification of suspect environmentally impaired media and receipt of analytical results (and ultimately disposal) in accordance with all applicable Federal, State, County, and local government guidelines and regulations.

Where applicable, the construction contractor would be required to observe the following general provisions, which may be subject to alterations based on site conditions to allow safe working conditions in performance of the work.

- Allow Environmental Inspectors to monitor material to determine requirements for handling and testing, along with disposition requirements for off-site disposal or treatment.
- Segregate excavated material based on field screening performed by the Environmental Inspectors during excavation. Direct haul excavated contaminated material off-site and avoid stockpiling of excavated contaminated material on-site whenever possible.
- Not remove regulated material from the site for disposal or treatment without an approval for off-site disposal at a permitted landfill, or a USEPA Hazardous Waste Manifest for off-site disposal or treatment of hazardous waste.
- Maintain project documentation with accurate records of environmental conditions within the project work area, material tracking and disposal transportation manifests, and disposal certification. Documentation may include daily and monthly status reports or minutes of meetings.
- Suspend work in the area and notify the AES Environmental Inspectors if the presence of potentially hazardous conditions is evident. These conditions include, but are not limited to, buried containers, drums or tanks, or explosive conditions due to contaminated vapors. Secure the area in order to restrict access until the conditions can be resolved.

- Observe appropriate provisions when transporting excavated material, including handling material within established right-of-way limits, cleaning any material from public streets, covering all trucks during material handling, and transporting contaminated material in accordance with applicable agency Solid Waste and Hazardous Waste Regulations.
- Observe appropriate provisions when stockpiling excavated material, including: avoid soil stockpiles whenever possible by direct hauling of excavated materials off-site for disposal; managing site grades to facilitate surface drainage; and prevent dust and leaching from stockpiles (by covering and utilizing temporary berms or silt fence barriers). The Environmental Inspectors will routinely inspect stockpiles during construction and record inspection observations in a log book.
- Stockpiled materials classified as hazardous waste will be appropriately handled by storing the excavated material in containers, tanks, or a containment building, in accordance with state agency and RCRA provisions for the less-than-90-day storage permit exemption (40 CFR 262.34).

Design and operation of the dewatering systems, including treatment if necessary, would be completed by AES' contractor. The dewatering systems will be designed to limit migration of potentially contaminated groundwater. AES's contractor will prevent erosion or sedimentation from stockpiled material or other construction areas, obtain all required treatment and discharge permits (in accordance with Federal, State and local POTW requirements), and arrange for sampling and analysis of water, as required by permit conditions.