

**Exhibit 7B**  
**Third-Party Inspection Program**

## **1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION**

Champlain Wind, LLC (Champlain) anticipates that the Maine Land Use Regulation Commission (LURC) will require the retention of a third-party inspector to monitor compliance with LURC permit conditions during construction. A regular, qualified field presence for LURC during construction fosters greater compliance, and allows flexibility in erosion control determinations depending on the precise field conditions at the time of construction, both resulting in an efficient construction process that minimizes environmental impact. The objectives of this requirement are:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the LURC-approved drawings and specifications;
- 2) to document field approved changes to erosion control measures;
- 3) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations; and
- 4) to ensure communication between the contractor and LURC regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the applicant, the LURC, and the inspector.

## **2.0 SELECTING THE INSPECTOR**

At least 30 days prior to starting construction activity on-site, Champlain will submit the names of at least two inspector candidates to LURC staff. Each candidate must meet the minimum qualifications listed under Section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency. LURC staff will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If LURC staff fail to act within 15 days, Champlain may use either of the proposed candidates. If LURC staff reject both candidates, then LURC shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of LURC or start the selection process over by nominating a new candidate, or candidates.

## **3.0 THE INSPECTOR'S QUALIFICATIONS**

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science, civil engineering, or other demonstrated expertise;
- 2) a practical knowledge of erosion control practices and stormwater hydrology;
- 3) experience in management or supervision on large construction projects;
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management;
- 5) the ability to clearly document activities being inspected;
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in Section 5.0 in a timely manner; and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

## **4.0 INITIATING THE INSPECTOR'S SERVICES**

The applicant will not formally and finally engage for service any inspector under this permit condition prior to approval or waiver by omission under Section 2.0. Unless authorized by the terms of the permit approval for the Bowers Wind Project, no clearing, grubbing, grading, filling, stockpiling, or other

construction activity will take place on the development site until the applicant retains the LURC-approved inspector for service.

### **TERMINATING THE INSPECTOR'S SERVICES**

The applicant will not terminate the services of the LURC-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the LURC.

### **5.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES**

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the LURC-issued permit and other relevant permits, conditions, and restrictions related to the protection of natural resources within the project area.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, installing the erosion control measures to be used on-site, and temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. Additional measures must be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities. If the third-party inspector determines that field conditions warrant a change to the approved location of erosion control measures, such a change must be documented in the weekly inspection report.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater management resources, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings and observance of permit conditions or restrictions related to the same.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph protected natural resources both before and after construction and will photograph areas of non-compliance. Photographs will be identified with, at a minimum, the date the photo was taken, the location, and the name of the individual taking the photograph. *Note: the frequency of these inspections as contained in this condition can be varied to best address the particular project needs.*
- 10) During construction, the inspector will prepare and submit weekly inspection reports to LURC staff.
- 11) During construction, the inspector will notify LURC immediately of any significant non-compliance issues.
- 12) Subsequent to construction, the inspector will monitor the stormwater and erosion and sedimentation control measures at the site monthly for a period of one year after the project begins power production.

## 6.0 INSPECTION REPORTS

The inspector will submit weekly written reports to LURC that will include photographs of representative compliance measures and potential violations. Reports will be prepared using a form provided by LURC. Each report will be due by the Friday following the inspection week (Monday through Sunday). The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on-site.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland or stream. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, turbine pads, detention basins, stream crossings, or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area (e.g., grubbing in the process, grubbing complete, rough grading in progress, rough grading complete, finish grading in progress, finish grading complete, permanent seeding completed, and area fully stable and temporary erosion controls removed).
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, relocated or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.