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August 12, 2020

Mr. Steve Kahl
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

**Re: *Wenck Construction Inspection Report
Merricourt Wind Project
Case Nos. PU-08-932 and PU-19-144***

Dear Mr. Kahl:

This letter and enclosures respond to the Merricourt Wind Power Project Construction Inspection Report (the "Report") prepared for the Commission by its third-party inspector, Wenck Associates, Inc. The Report was filed in the above-referenced docket on August 3, 2020.

By way of background, our company acquired the 150 MW Merricourt Wind Project (the "Project") from EDF Renewables Development, Inc. and certain of its affiliates ("EDF") on July 16, 2019. Since early August 2019, an affiliate of EDF has been constructing the Project under a Turnkey Engineering, Procurement and Construction (EPC) Services Agreement. As the primary contractor for our company, an affiliate of EDF, in turn, is party to an EPC agreement with Wanzek Construction, Inc. ("Wanzek"), which itself has additional subcontractors at work on the Project.

In the days immediately following the filing of the Report, representatives of our company have had several conversations with representatives of EDF and Wanzek, along with Commission staff, aimed at addressing the issues identified in the Report. The Report described concerns regarding adequate topsoil segregation and instances of soil erosion due to failing sediment fences identified during a July 21, 2020 site visit by representatives of Wenck Associates, Inc.

Wanzek's responses and commitment to addressing the issues referenced in the Report are detailed in the Wanzek letter included herein as *Attachment A* (the "Wanzek Response"). More specifically the Wanzek Response addresses the inquiries identified in the Report and sets forth specific action steps in response to each of the four recommendations included in Section 3.0 of the Report. Additionally, a map of the Project site showing the areas of concern is enclosed as *Attachment B*.

Notably, the site recorded over seven (7) inches of rainfall in the month of July. This significant rainfall contributed to some of the challenges observed onsite.

Mr. Steve Kahl, ND PSC
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We are confident the action steps being taken in response to the Report will address the topsoil segregation and soil erosion concerns identified in the Report.

Thank you for your attention to this matter. Please feel free to call me at (218) 739-8922 if you have any questions or concerns.

Sincerely,

Mark B. Bring

pp.

Mark B. Bring
Director of Legislative Affairs and
Associate General Counsel

Enclosures

cc: Jerry Lein
Dave Cliff
Sara Bergan
Brad Tollerson
Harvey McMahon

ATTACHMENT A

Wanzek Response

ATTACHMENT A



August 10, 2020

EDF-RE US DEVELOPMENT, LLC
15445 Innovation Drive
San Diego, California
Attention: John Papasergia
Email: john.papasergia@edf-re.com

**RE: Wanzek Job # 1422
Merricourt Wind Energy, McIntosh and Dickey Counties (the "Project")
Response to The North Dakota PSC / Wenck Associates, Inc. (Wenck)**

Dear Sir:

We are writing in reference to PSC Report PU-19-144 for the above-referenced Project. Below is Wanzek response to 2.2 Problematic Observations made (1-5)

1. Wanzek Response:
 - a. Wanzek understands and has been trained to remove all topsoil until slight discoloration begins in the sub soils. Reiteration of the importance of separating topsoil from sub soils will take place with onsite civil supervision.
 - b. A Road was closed down July 21, 2020 following Wenck's conversation with John Papasergia. Wanzek plans not use the road and to reclaim the existing landowner farm road to its condition prior to the project commencement.
2. Wanzek Response:
 - a. Over the month of July 2020, the site recorded over 7 inches of rainfall resulting in multiple BMP non conformances across site that were not repaired or replaced in a timely manner. Following Wenck's feedback on July 21, 2020 to John Papasergia Wanzek increased manpower focus to repairing, replacing and adding redundant BMPs across the project site boundaries.
3. Wanzek Response:
 - a. Wanzek plans to monitor reclaim of Wenck Observation Points Z-5, Z-6, 2837, 2828, 2840 & 2842 to ensure that subsoils placed over topsoil do not become more intermixed. For subsoils encroaching topsoil Wanzek will implement additional SWPPP BMPs as necessary. If Wenck or others have recommendations, please feel free to share. Furthermore, Wenck or others are welcome to observe this reclaim as well.
4. Wanzek Response:
 - a. Wanzek has completed the wtg foundation backfill process across the project site. Wanzek will remediate Wenck Observation Points Z-5, 2841, 2842, 2844 & 2848 to ensure adequate segregation of soils. Wanzek will perform the same remediations at WTG 49 (north side) and will remove the sub soils that may have mixed with top soil during the crane pad reclamation. Finally stock piled top soil will be utilized to close out reclamation of WTG 49 unless other recommendations are shared.
5. Wanzek Response:
 - a. Throughout Spring 2020 backfill activities moisture levels were in the upper limits due to 2019 precipitation amounts oversaturating much of North Dakota. Additional drying practices such as



farming of subsoils to allow for drying to the optimum moisture levels were essential to allow achieving 95% standard proctor when testing using a nuclear density testing device.

In regards to the PSC Report PU-19-144 Section 3.0 Recommendations, Wanzek's responses are below;

- “Incorporate frequent inspection of erosion control measures, especially along shoulder and backslopes and near waterbodies, as well as frequently monitor, replace, and repair non-functioning BMPs (i.e., silt fence)
 - Wanzek Response: Inspection of erosion control measures are being inspected once per week and following any qualifying rain event. Due to the size of the project, Wanzek Construction will provide an additional qualified inspector.
- “Install erosion control devices such as straw wattles, or velocity-reducing barriers along access roads (Observation Point Z-4) where channels can form and degrade soils and waterbodies”
 - Wanzek will install velocity-reducing measures at Z-4 and where other erosion of a similar nature is observed or potential for.
- “Inquire about previous topsoil stripping and segregation near Observation Points Z-5, Z-6, 2837, 2838, 2840, 2842, 2846, 2847, 2860, 2861 (Turbine Locations 36, 48, 49, MET2 and MET2 access road) and proposed reclamation techniques.”
 - Wanzek used a combination of dozers and tractor with pans for topsoil stripping. Stockpiles where soil mixing has occurred will have mixed soils segregated and placed below the reclaimed topsoil.
- “Implement methods to alleviate compaction during abandonment and reclamation at temporary road “A” as documented at observation point 2860/2861.”
 - Wanzek will reclaim temporary road “A”.
- “Inquire as to how stripping information is disseminated across the construction crews and organization for soil handling work. If construction crews cannot identify stockpile types, inquire as to what communication methods and available information is used to distinguish the appropriate use for stockpiled soil replacement.”
 - From the initial site visit to audit Wanzek's stripping and stockpiling procedures, Wanzek's Civil management used those expectations to train its operators in distinguishing topsoil from subsoils. This was in person training, so the operators knew when to stop stripping topsoil.
- “Implement erosional control methods for covering topsoil stockpiles, such as hydromulches, to prevent erosion of stockpiled topsoil, especially if stockpiled soil is to be left over winter.”
 - Wanzek plans to track walk the topsoil stockpiles for stabilization and followed up with temporary seeding of winter wheat until reclaimed.

Please contact the undersigned with any requests or questions.

Sincerely,




Tavita J. Bird, Senior Project Manager
Wanzek Construction, Inc.
[Email: tbird@wanzek.com](mailto:tbird@wanzek.com)

With copy to:

David Cliff – EDF
Craig Moller – EDF
John Papasergia – EDF



WANZEK

a MasTec company 

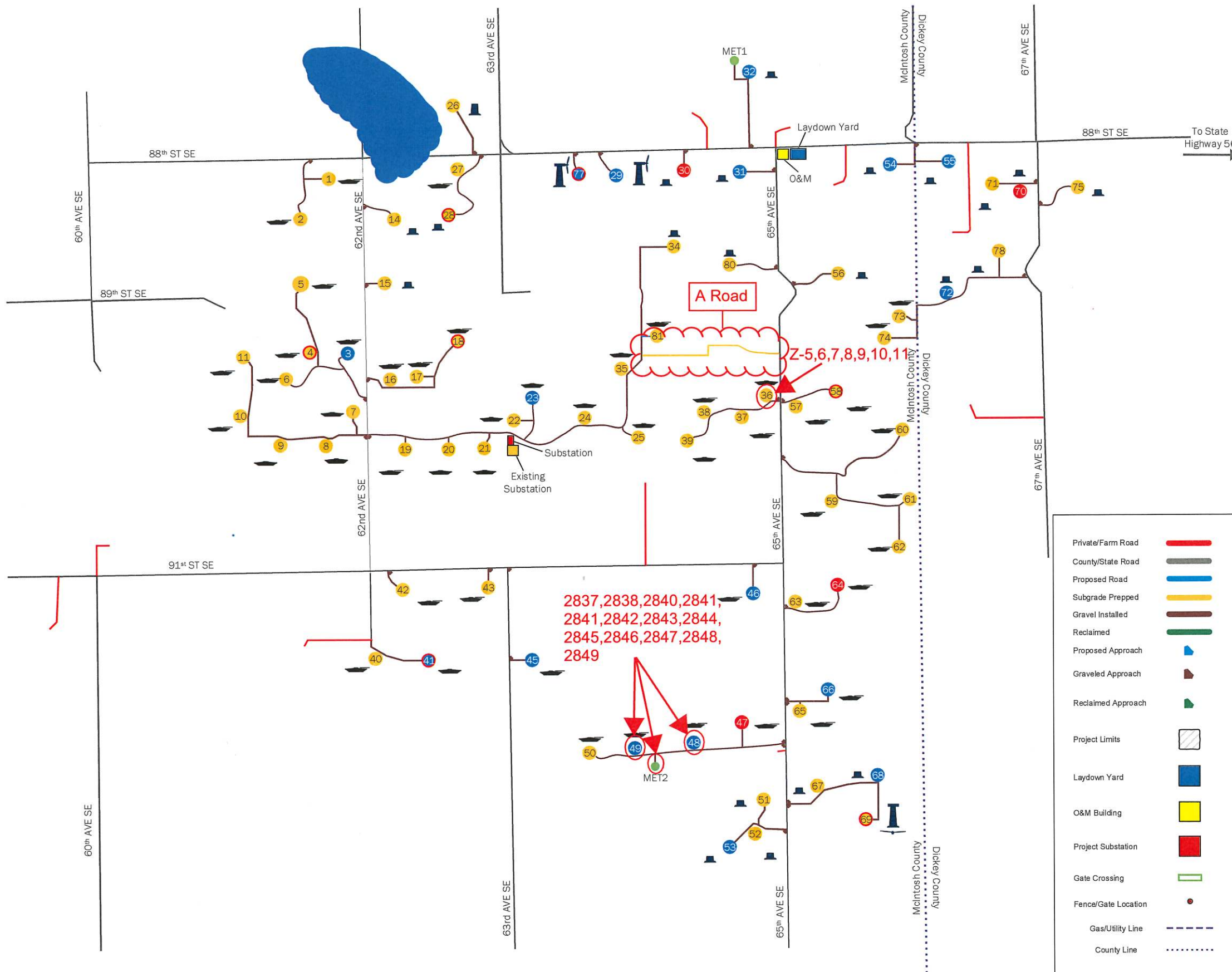
Erik Bute – Wanzek
Skye Shibley – Wanzek
Derek Ambrosie – Wanzek



ATTACHMENT B

Site Map

ATTACHMENT B



Private/Farm Road	Excavate Base	52' WTG Foundation
County/State Road	Mud Mat	58' WTG Foundation
Proposed Road	Bottom Rebar	Over Ex 52' WTG Foundation
Subgrade Prepped	Set Bolt Cage	Over Ex 58' WTG Foundation
Gravel Installed	Top Rebar	Stone Column 58' WTG Foundation
Reclaimed	Form Foundation	MET Tower Location
Proposed Approach	Pour Foundation	Feeder 1
Graveled Approach	Backfilled	Feeder 2
Reclaimed Approach	Crane Pad	Feeder 3
Project Limits	Set Base	Feeder 4
Laydown Yard	Set Mid	Feeder 5
O&M Building	Build Rotor	Feeder 6
Project Substation	Set Top	Fiber to O&M
Gate Crossing	Set Nacelle	Splice Location
Fence/Gate Location	Set Rotor	Splice Completed
Gas/Utility Line	Tower Wiring Complete	Junction Box Location
County Line	Mechanically Complete	Junction Box Set
		Junction Box Terminated
		Fiber Splice Location
		Fiber Splice Complete
		Cable Installed

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