

Town of Farmington Planning Board
1000 County Rd. 8
Farmington, NY 14425

June 25, 2020

RE: Project Status Log – 6-25-2020

Dear Town of Farmington Planning Board,

Delaware River Solar (“DRS”) is pleased to have the opportunity to bring the benefits of Community Solar to the Town of Farmington. This letter provides the following information for the August 5, 2020 Planning Board meeting:

1. Comment responses to the MRB Group comments dated May 19, 2020 (MRB PROJECT NO. 0610.12001.000 – PHASE 086);
2. Decommissioning Plan, June 2020, Version 5 – updated as per comments from MRB Group dated May 19, 2020;
3. In-line responses to the draft Special Use Permit resolution provided by the Town of Farmington Planning Board on May 8, 2020.

We thank the Town of Farmington for the thorough review of these projects and look forward to the continued review of the Site Plan, Subdivision, and Special Permit applications.

Sincerely,

Daniel Compitello
Project Developer



DRS Responses to the MRB Comments dates May 19, 2020

DELAWARE RIVER SOLAR, LLC – YELLOW MILLS RD SOLAR FACILITY

SPECIAL USE PERMIT REVIEW – DECOMMISSIONING PLAN & OPERATIONS & MAINTENANCE PLAN

MRB PROJECT NO. 0610.12001.000 – PHASE 086

Comment responses from DRS and Bergmann Associates are entered below each comment from MRB Group.

DESIGNATION OF ENVIRONMENTAL MONITOR & STATEMENT OF DUTIES

1. The DRS letter dated February 10, 2020 regarding the Designation of Environmental Monitor & Statement of Duties is to be inserted within the Decommissioning Plan.
 - α. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, Appendix III – Environmental Monitor and Statement of Duties.

2. The letter dated February 10, 2020 regarding the Designation of Environmental Monitor & Statement of Duties will need to be revised to update the anticipated construction timeframes within the first paragraph.
 - α. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, Appendix III – Environmental Monitor and Statement of Duties, first paragraph, last sentence.

3. Within the letter it is identified that the Environmental Monitor (EM) will have received the four (4) hour NYS Erosion & Sediment Control Training certification and the OSHA 10-hour certification. These certifications will need to be provided as an attachment to this letter. For now, we suggest a place holder be provided. Also this letter and all of the attachments will also need to be inserted within the project SWPPP.
 - α. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, Appendix III – Environmental Monitor and Statement of Duties, which now includes all certifications. A note will be added to the SWPPP to include this letter prior to SWPPP submittal for MS4 review by the Town.

4. Under the SWPPP Weekly Inspections section, the stakeholders involved including the Town of Farmington should be identified for each bullet provided.
 - α. **Bergmann Associates Response:** Noted. The stakeholder list has been added to the SWPPP Weekly Inspection section of the revised Environmental Monitor & Statement of Duties in Appendix IV to the Decommissioning Plan.

5. Under the Health & Safety Inspections section, the site-specific Health & Safety Inspection Checklist to be provided by the EM is to be an attachment to this letter.

- α. **Bergmann Associates Response:** Noted. See revised Appendix IV to the Decommissioning Plan - Environmental Monitor & Statement of Duties now includes the site-specific Health & Safety Inspection Checklist.

- 6. The stakeholders involved with this process including the Town of Farmington should be identified.
 - α. **DRS Response:** Noted. See revised Appendix IV to the Decommissioning Plan - Environmental Monitor & Statement of Duties, which now includes the stakeholder list in the Health & Safety Inspection Checklist.

- 7. The letter identifies that Bergman will be the EM for this project. An agreement between the two parties is to be provided to the Town of Farmington and the letter as previously described should be signed by Bergman as acknowledgement to these responsibilities.
 - α. **DRS Response:** DRS and Bergmann Associates will be able to contract with the EM for the project after the Site Plan and Special Use Permit approvals are granted by the Town Planning Board. This and all other contractual obligations necessary to the commercial preparations to commence construction can only be done after these board approvals are made. DRS can provide evidence of an EM contract after the Site Plan and Special Use Permit approvals are obtained, as Building Permits are filed for.

DECOMMISSIONING PLAN & OPERATION AND MAINTENANCE PLAN

- 8. The land owner's acknowledgement of the requirements associated with the decommissioning plan letter dated February 13, 2020 is to be inserted into the plan.
 - α. **DRS Response:** See revised Decommissioning Plan – June 2020, Appendix IV.

- 9. Signature lines for all stakeholders associated with this project including the land owners, the applicant, and its affiliates are to be added to the plan.
 - α. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, page 16.

- 10. Section 4.1 of the Decommissioning Plan should be expanded to provide the full decommissioning sequence, inclusive of permitting requirements, notifications, erosion and sediment control installation and removal, and restoration and stabilization of the site.
 - α. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020 Section 4.1 – Sequence for Decommissioning.

- 11. Provide contingencies to ensure that in the event of the solar infrastructure being decommissioned at different times as there are three (3) lots, that the remaining facilities will

be responsible for removing any shared infrastructure, such as access roads, landscaping, infrastructure, etc... and that sufficient funds remain available to remove any shared infrastructure in the event of the remaining facilities not being decommissioned completely and in accordance with the Town Code.

- a. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020 Section 4.1 – Sequence for Decommissioning.
- b. **Bergmann Associates Response:** The decommissioning estimates were prepared to include a decommissioning estimate for each individual project assuming that specific project is decommissioned individually while the other projects remain. In addition, there is a combined estimate if all three projects are decommissioned at the same time.

12. Section 4.3 should note that site restoration shall also follow the New York State Standards and Specifications for Erosion and Sediment Control (latest version) for soil restoration, seeding, mulching, and/or any other applicable sections as required.

- a. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, Section 4.3.2.

13. The Town of Farmington needs to approve the form of the financial assurance to be provided as part of the Decommissioning Plan. The plan details two options for the Town with Option A being in the form of a Bond and Option B in the form of a deposit. Once a form is decided by the Town of Farmington, this section of the plan is to be updated.

- a. **DRS Response:** Noted. DRS will seek approval from the Town of Farmington Town Board after the Decommissioning Plan has been accepted by the Planning Board as part of the Special Use Permit approval, and will update the preferred method of financial assurance after the Town Board has approved the form of assurance.

14. On page 16 of the plan, a signature line for DRS is to be added.

- a. **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, page 16.

15. The following comments pertain to the decommissioning cost estimates:

- a. The unit price for PV Modules decreases to \$0.40 on the combined estimate whereas on the individual estimates it's at \$0.50 each. The combined estimate is to be revised to match the individual estimates at \$0.50.
 - **Bergmann Associates Response:** Please refer to note under the total cost for the combined estimate that states “unit rates have been reduced where applicable to account for cost savings associated with volume”. In our professional opinion certain unit costs will be decreased due to the size of the project if all three projects are decommissioned at one time rather than as individual projects.

- b. The unit price in the combined estimate for a number of line items appears to be less than as shown on the individual estimates. The combined estimate is to be revised to increase the unit prices to match the unit prices shown for the individual estimates.
- **Bergmann Associates Response:** See response above to comment 15a.
- c. The total of the combined estimates should be \$257,591.00. Please revise and resubmit.
- **Bergmann Associates Response:** See response above to comment 15a.
- d. The quantity for gravel in the combined estimate significantly exceeds the sum of the gravel quantities for the individual facilities. Please clarify.
- **Bergmann Associates Response:** The quantity for the estimate of the gravel road in the combined estimate and individual projects has been updated.
- e. The combined geotextile quantity is less than the sum of the individual facility quantities for geotextile. Please review and resolve these discrepancies.
- **Bergmann Associates Response:** The quantity for the estimate of the geotextile fabric in the combined estimate and individual projects has been updated.
- f. The re-seeding item quantity should be increased significantly and is to include mulching with a tackifier. The item description is to be revised.
- **Bergmann Associates Response:** The total area of disturbance for the proposed construction per the design plans is approximately 93,615 square feet. The decommissioning work is anticipated to disturb approximate the same area of disturbance. Additional area has been included for any miscellaneous that may occur during decommissioning. The unit cost has been adjusted to include mulching with a tackifier.
- g. Landscaping and vegetative screening removal should be added to each of the estimates.
- **DRS Response:** Noted. See revised Decommissioning Plan – June 2020.
 - **Bergmann Associates Response:** Landscaping and vegetative screening removal has been added to the decommissioning estimate.
- h. Overhead wires and utility pole removal should be added to the estimates.
- **DRS Response:** This item in the Decommissioning Cost Estimate cannot include the NYSEG owned equipment for which removal of is covered under

the Interconnection Agreements for each project.

- **Bergmann Associates Response:** As noted in the response from DRS, the overhead wires and utility poles cannot include any NYSEG owned equipment and therefore has not been included as a line item in the decommissioning estimate.
- i. Two of the proposed facilities do not appear to be separated by any internal fence and share a common perimeter fence. The estimates for these facilities should include an item for relocating and/or installing new perimeter fence to provide security for the remaining facility in the event of one facility remaining.
- **DRS Response:** Noted. See revised Decommissioning Plan – June 2020, Section 4.1.12
 - **Bergmann Associates Response:** **Bergmann Associates Response:** Project 1 and Project 2 would need an additional fence if one project was decommissioned and the other was to stay. The cost for the additional fence has been included in the decommissioning estimate for Project 1 and Project 2.

-----END OF COMMENTS-----