NORTH SENECA
SOLAR PROJECT

North Seneca Solar Project

ORES Permit Application No. 23-00036

1100-2.24 Exhibit 23

Site Restoration and Decommissioning

Revision 1

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EXHIBIT 23 SITE RESTORATION AND DECOMMISSIONING

(a) Decommissioning and Restoration Plan

North Seneca Solar Project, LLC (the Applicant) anticipates a lifespan of approximately 35 years for the North Seneca Solar Project (the Project or the Facility). At the end of its useful life, the Facility will be decommissioned, and the areas hosting Facility components will be restored. In the event the Facility reaches its end of life and ceases operations, or if initial construction cannot be completed, the Facility will be decommissioned per the Decommissioning and Site Restoration Plan (Appendix 23-A). Decommissioning may also be triggered if the Facility is non-operational for a continuous period of 12 months.

Decommissioning will consist of the following activities:

- All above-ground structures, including photovoltaic (PV) arrays, racking structures, inverters, fencing, and the collection substation will be disassembled and transported off-site for disposal, reuse, recycling, or resale. The point of interconnection (POI) substation and generation tie line will remain in place and will be owned by National Grid following construction. Support structures connecting the collection substation to the POI substation will be removed, except for the access road, screening vegetation, and the stormwater management best management practices (BMPs) that manage runoff from the POI substation. Components installed within a depth of 48 inches in agricultural lands and 36 inches in non-agricultural lands will be removed offsite and disposed of or recycled. The removal and disposal of all components will comply with applicable federal, state, and local regulations.
- Access roads, including crossing infrastructure (e.g., culverts, armoring, etc.), will be removed, de-compacted, and graded to reflect pre-construction conditions to the maximum extent practicable. Where appropriate and in accordance with applicable federal, state, or local requirements, the Applicant may leave in place any access roads, fences, gates, buffer plantings, or culverts, which underlying landowners have sought to retain as improvements following decommissioning of the Facility. All vegetative buffers are anticipated to remain in place and will not be removed.
- Buried electric conduits and direct buried conductors at a depth of 48 inches or more will be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses. Otherwise, electric conduits and direct buried conductors will be removed by means causing the least amount of disturbance possible. In limited circumstances, the Applicant may seek to leave certain limited buried components in place where removal of those components would cause significant adverse environmental impacts, such as horizontal directional drilling conduits used to cross under wetlands or streams. However, those issues would be addressed with the New York Office of Renewable Energy Siting and Electric Transmission (ORES) and the town of Junius and Waterloo at the time of decommissioning.
- As described in Exhibit 15, following decommissioning, agricultural lands used for the Facility will be restored consistent with requirements in 16 NYCRR Section 1100-6.6(a), allowing for a return to their

previous agricultural use, depending upon the intentions of the landowners. Restoration of agricultural land will be performed in accordance with landowner agreements and New York State Department of Agriculture and Markets' (NYSAGM) *Guidelines for Agricultural Mitigation for Solar Energy Projects* (NYSAGM, 2019), where applicable. Disturbed areas not used for agricultural purposes will be revegetated by the Applicant using a seed mix appropriate for the region or allowed to revegetate naturally. Portions of the Facility intended to return to agricultural production may be re-seeded with agricultural crops at the discretion of the landowner or agricultural producer. In addition to seeding, these areas will be returned to pre-construction condition, to the maximum extent practicable, through grading, backfilling, and stabilizing.

- Erosion and sedimentation controls for decommissioning efforts will include similar measures and BMPs outlined in the Facility's stormwater pollution prevention plan (SWPPP) and in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. Common BMPs that may be employed at the site during restoration will include the following measures:
    - minimize disturbed areas
    - protect natural features of the site
    - control stormwater runoff and flow to and from disturbed areas
    - stabilize soils following disturbance of work areas
    - protect slopes and exposed soils.

Should decommissioning be required, it will be conducted in accordance with the standards and criteria outlined in Table 23-1.

Table 23-1. Decommissioning Performance Criteria

Consideration	Performance Standard or Criteria
Safety and Removal of Hazardous Conditions	The decommissioning of the Facility shall be supervised and conducted by trained personnel familiar with the risks associated with decommissioning of electrical and/or potentially hazardous equipment. During the decommissioning process, any hazardous material such as oil or lubricants will be removed in accordance with applicable federal, state, and local requirements.
Environmental Impacts	The Applicant commits to implementing plans to address spill prevention and countermeasures as outlined in Exhibit 13. The Applicant also commits to utilizing stormwater and erosion control measures similar to those used during the construction phase. These methods are included in the Facility's SWPPP (Appendix 13-B). Stormwater and erosion control measures will remain in place until the restored site is stabilized. Additional potential impacts from decommissioning efforts include elevated sound levels similar to those anticipated during construction; however, such activities will occur during daylight hours and will conform to any applicable restrictions.
Aesthetics	Once decommissioning is complete and the site is restored, the Facility Site shall resemble its pre-construction condition. All aboveground features will be removed, except for the POI

Consideration	Performance Standard or Criteria
	substation, which will be under the control of National Grid. The Facility Site will be graded to meet adjacent ground contours, to the extent practical. Disturbed areas will be seeded using an appropriate seed mix for the area, or with agricultural crops if desired by the landowner or agricultural producer. All vegetative buffers are anticipated to remain in place and will not be removed, unless otherwise requested by the landowner.
Recycling	Most of the materials used for the Facility are reusable or recyclable, including PV modules. Any materials remaining due to decommissioning will be removed and disposed of at an appropriate off-site facility. During the Facility's lifespan, it is anticipated that technology will continue to advance and new recycling and reuse practices will become available. The Applicant will determine the best method of disposal and/or recycling for PV modules and additional components at the time of decommissioning, in accordance with manufacturer's guidelines and State and federal regulations.
Future Uses of the Site	The goal of decommissioning is the safe and efficient removal of all solar energy facility components and reclamation of the site to conditions as close to pre-construction characteristics as possible including restoration of native vegetation, habitat and/or land use including agricultural crops. All components in agricultural areas will be removed to a minimum depth of 48 inches, or the depth of bedrock. Restoration measures for agricultural lands will be compliant with the 2019 NYSAGM Guidelines for Agricultural Mitigation for Solar Energy Projects (NYSAGM, 2019) and will be carried out in accordance with landowner agreements.
Funding	Financial assurance will be a bond, letter of credit, or other acceptable financial security for the Town of Junius, and a performance surety bond for the Town of Waterloo, filed with the Town Clerks in a form reasonably acceptable to the Towns which shall be in an amount required by the USCs, which is sufficient to ensure good faith performance of decommissioning and to provide for the removal and restoration of the site subsequent to removal. When the Applicant posts financial assurance, it will provide the Towns with clear instructions on how to access the financial assurance should it become necessary.
Schedule	The Applicant will notify the towns of Waterloo and Junius at least six weeks prior to commencement of any decommissioning activities. The decommissioning process is expected to take approximately 12 months. The following summarizes the assumed timeline for the decommissioning activities: • Site mobilization, site preparation and erosion and sediment control installation, de-energize electrical components – 4 to 12 weeks • Disassemble solar panels, remove and reclaim panel racking and foundations, transformers, substation,

Consideration	Performance Standard or Criteria
	collection lines, temporary laydown areas, and access roads – 16 to 20 weeks • Restoration work including decompacting soils, grading, backfilling, replacing topsoil, reseeding and revegetation – during disassembly and removal of solar panels and up to 12 to 16 weeks thereafter • Reclamation monitoring: several months • Additional restoration work – as needed. All decommissioning activities will be completed within one year of decommissioning initiation unless otherwise approved by the Towns of Waterloo and Junius.

In addition to providing detailed information concerning the site decommissioning process and the performance standards and criteria, Appendix 23-A provides the following information:

- A breakdown of the timeframe required for decommissioning of the Facility
- A detailed cost estimate to support the proposed decommissioning and site restoration funding upon the cessation of operation of the Facility
- Details of the methodology for removal of the equipment, salvage value, and wage assumptions for future equipment removal
- Site rehabilitation and restoration practices
- Environmental protection measures
- Decommissioning schedule and public notification.

(b) Estimated Decommissioning and Restoration Timeframe

The Applicant plans to finish decommissioning within 12 months after starting decommissioning. Once decommissioning finishes, restoration will start and should take no more than 6 months following the completion of decommissioning activities. To ensure proper decommissioning and restoration, the Applicant is seeking a waiver from ORES of §134.6.B(3)(h) of the Town of Waterloo Town Code, which requires among other things, that decommissioning be completed within 30 days of abandonment of the Facility. See Exhibit 24: Local Laws and Ordinances for additional information regarding waiver requests. The Applicant will coordinate with the towns of Junius and Waterloo, Seneca County, landowners, ORES, and other required parties as needed before beginning any decommissioning.

(c) Description of Security Agreements

All Facility components will be located on private land under lease agreement with landowners, and all leases contain a provision on decommissioning. Although the specific terms of lease agreements are confidential, decommissioning will involve the removal of all above ground Facility components consistent with the guidelines outlined in Section (a) and the Decommissioning and Site Restoration Plan. The POI

substation and generation tie-line will remain in place and will be owned by National Grid following decommissioning.

Financial assurance will be a bond, letter of credit, or other acceptable financial security for the Town of Junius, and a performance surety bond for the Town of Waterloo, filed with the Town Clerks in a form reasonably acceptable to the Towns. The Applicant will provide the amount of financial security required by 16 NYCRR Section 1100-6.6, which is an amount sufficient to ensure good faith performance of the decommissioning and to provide for the removal and restoration of the site subsequent to removal. As discussed in Exhibit 24, the Applicant is seeking a waiver to the extent that it requires the security to be structured in the form of a 20-year bond which must be renewed after 15 years for an additional 20 years, and which does not allow salvage value to be included in the cost of the decommissioning and site restoration estimate. In comparison, Article VIII requires that the financial security remains active until the Facility is fully decommissioned and allows projected salvage values to be incorporated in the net decommissioning cost estimate. Although Article VIII does not require escalation, it requires that the decommissioning cost estimate be re-evaluated every 5 years by a licensed professional and that the security be updated accordingly. Further discussion of the requested waivers can be found at Exhibit 24.

When the Applicant posts financial assurance, it will provide the towns of Junius and Waterloo with clear instructions on how to access the financial assurance should it become necessary. The Final Decommissioning and Site Restoration Plan, to be filed pursuant to Section 1100-10.2(b) of the Article VIII Regulations as a pre-construction compliance filing, will be binding upon the Applicant, or any of its successors, or assignees.

(d) Gross/Net Decommissioning and Site Restoration Cost Estimates

Appendix 23-A includes the detailed gross and net decommissioning cost estimates described in this exhibit.

REFERENCES

New York State Department of Agriculture and Markets. 2019. *Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands* (Revision 10/18/2019). Accessible at: https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf (Accessed January 2024)