



EAST POINT ENERGY CENTER

Case No. 17-F-0599

1001.15 Exhibit 15

Public Health and Safety

Contents

Exhibit 15: Public Health and Safety	1
15(a) Anticipated Gaseous, Liquid, and Solid Wates Produced at the Project during Construction and Operation.....	2
15(b) Anticipated Volumes of Waste to be Released to the Environment at the Project during Construction and Operation	3
15(c) Treatment Processes to Eliminate or Minimize Waste Released to the Environment...3	
15(d) Collection, Handling, Storage, Transport, and Disposal or Wastes Retained	3
15(e) Wind Power Facility Impacts.....	3
15(f) Study Area Maps and Analysis	3
15(g) Significant Impacts on the Environment, Public Health, and Safety	4
15(h) Adverse Impacts on the Environment, Public Health, and Safety.....	4
15(i) Irreversible and Irretrievable Commitment of Resources	5
15(j)and (k) Proposed Minimization and Mitigation Measures	6
15(l) Proposed Impact Monitoring.....	7
15(m) Receptor Locations.....	7
15(n) Employment of Herbicides or Fertilizers	7
15(o) Glare Analysis	8
References	9

Figures

Figure 15-1. Public Health and Safety

Figure 15-2. Receptor Locations

Exhibit 15: Public Health and Safety

This Exhibit will track the requirements of proposed Stipulation 15, dated August 20, 2019, and therefore, the requirements of 16 NYCRR § 1001.15.

Commercial-scale solar arrays provide the means to harness solar energy for electricity production that is both clean and renewable. Through the development of solar energy technology, communities can maintain air quality with minimal, temporary emissions produced during construction activities, typical of any major construction site. Minimal air emissions associated with construction activities for this Project are further discussed in Exhibit 17: Air Emissions.

As explained in Exhibit 10, solar energy significantly contributes to the New York State energy planning objectives of the New York State's 2015 State Energy Plan (SEP), along with the Biennial Report to the New York State Energy Plan, which was published in 2017. It promotes the objectives of the DPS adopted Clean Energy Standards and helps achieve the aggressive renewable goals of the Climate Act.

New York State's 2015 State Energy Plan is designed to conserve the environment by reducing greenhouse gas (GHG) emissions and other air pollutants to provide New York with a clean, resilient, and affordable energy system. The plan is designed to promote solar energy technology and increase the amount of energy generated by renewable energy technologies in New York. New York State has established the SEP to reduce statewide greenhouse gas (GHG) emissions by 40% from 1990 levels and generate 50% of the State's electricity from non-GHG sources by 2030. In the Biennial Report to the New York State Energy Plan, Governor Cuomo also set forth a goal to install 3,000 megawatts of solar capacity by 2030. Solar energy technology plays a significant role in reducing GHG emissions by providing clean energy, which successively improves the quality of the overall environment. Development of solar energy production will help move New York toward a more sustainable environment. Solar energy is a dependable source in the energy market that will improve public health by providing better air quality and water quality.

More recently, the Climate Leadership and Community Protection Act (Climate Act) was passed and signed into law. The Climate Act intends to increase the State's renewable energy generation goal to 70% by 2030, more specifically with 6 gigawatts (GW) of solar generation by 2025. Otherwise stated, the Climate Act requires 100% carbon-free electricity in New York State by 2025.

15(a) Anticipated Gaseous, Liquid, and Solid Wastes Produced at the Project during Construction and Operation

Solar energy technology allows for production of electricity without creating any gaseous, liquid, or solid wastes during operation, and therefore eliminates the need to treat, collect, transport and dispose of such waste in any significant amount. During the construction phase, which will last up to one year, the Project anticipates the disposal of minimal solid waste. Dumpsters will be located in construction staging areas for proper disposal of construction related materials. Approximately five, 40-yard dumpsters will be placed in areas nearest construction activity producing waste material to later be disposed of at local landfill facilities. Waste materials generated during construction are typical of construction projects and will include plastic, wood, cardboard, and metal packing materials, construction scrap, and general refuse that will be properly disposed of at local landfill facilities. Minimal construction material will accrue over the construction phase. During operation of the Facility, routine maintenance activities will generate small amounts of waste and will be disposed of at the appropriate landfill facilities (e.g. cardboard, cleaning rags, and general refuse).

Waste materials from Facility construction are anticipated to be collected in dumpsters and receptacles located on site at the laydown yards. Currently, Casella offers waste collection services in the Town of Sharon. It is anticipated that Casella or another local company will collect and properly dispose of waste at the nearby Schoharie County transfer station, or another local waste disposal facility.

Gaseous and liquid waste will be limited to the operation of construction equipment that will be managed by the designated contractor. Construction equipment and vehicles will be fueled by unleaded gasoline and ultra-low sulfur diesel and will have maintained mufflers.

Concrete truck washout will generate small amounts of waste during construction. Concrete washout will be located near foundation areas (at the POI facilities). The concrete will settle within the concrete truck washout. The contractor will be responsible for the removal and disposal of concrete at a licensed facility.

Where Project Components impact forested land parcels, there will be some amount of tree clearing for access roads, solar panel placement, and to prevent shading. The locations of tree clearing are shown on Sheet C-002 of the Preliminary Design Drawings in Appendix 11-1. Trees otherwise not claimed by the given landowner will be cut, logged, and removed to local

timber/firewood buyers. To reduce impacts to existing land uses, branch and brush debris will be chipped in place and spread in upland areas (safely away from water resources) on-site so as not to interfere with existing land use practices.

15(b) Anticipated Volumes of Waste to be Released to the Environment at the Project during Construction and Operation

No additional volume of waste beyond that addressed in Section 15(a) will be released to the environment by the Project during construction or operation.

15(c) Treatment Processes to Eliminate or Minimize Waste Released to the Environment

No treatment process to eliminate or minimize waste will be necessary as no additional volume of waste beyond that addressed in Section 15(a) will be released to the environment by the Project during construction or operation.

15(d) Collection, Handling, Storage, Transport, and Disposal of Wastes Retained

Collection, handling, storage, transport and disposal procedures are addressed in Section 15(a).

15(e) Wind Power Facility Impacts

Impacts specific to wind powered facilities will not be addressed in the Application as they are not applicable to the Project.

15(f) Study Area Maps and Analysis

Figures 15-1 and 15-2 show the relation of Project Area to public water supply resources; community emergency response resources, facilities including police, fire and emergency medical response facilities and plans; emergency communications facilities hospitals and emergency medical facilities; existing known hazard risks including flood hazard zones, dams, bridges and related infrastructure; explosive or flammable materials transportation or storage facilities; contaminated sites; and other local risk factors.

Designated evacuation routes, storm surge zones, areas of coastal erosion hazard, landslide hazard areas, and areas of geologic, geomorphic or hydrologic hazard (aside from flood hazard) are not applicable to the Project.

15(g) Significant Impacts on the Environment, Public Health, and Safety

No significant impact on the environment, public health and safety were determined through the many studies performed to prepare this Application evaluation. Proposed setback distances from homes, structures, utilities and roads were deemed sufficient in accordance with the Town 100-foot buffer required between utility-scale solar energy systems and parcel boundary liens (see Figure 15-3).

Based on the weight of scientific evidence and the design measures incorporated into the proposed Project design, the Project will not have any impact on public health or safety. No short-term, long-term, or cumulative receptor impacts are anticipated. This includes issues surrounding audible sound, low frequency noise, glare, ambient air, potable water or other quality of life issues. Evaluations of these issues are discussed in the respective exhibits. A Glint and Glare Analysis (Appendix 24-2) is discussed below and in Exhibit 24.

Based on the weight of scientific evidence of the peer-reviewed literature on solar farms and health, no significant impacts on public health or safety are anticipated from the designed Project. Public health can be positively influenced as a result of renewable energy technology and its contribution to displace harmful emissions from other fossil fuel generation technologies. The total potential human health benefit is heavily dependent upon the amount of emissions a generation facility is capable of displacing and its capacity factor, therefore the larger the facility the greater the potential human health benefits (Buonocore et al., 2015). The Project capacity factor has been calculated at 24% (annually), which is on the higher end of the projected New York capacity factors for solar generation facilities in a study completed by the New York State Research and Development Authority (NYSERDA, 2012).

15(h) Adverse Impacts on the Environment, Public Health, and Safety

There are no adverse impacts on the public health and safety that are anticipated with the construction or operation of the Project. However, it is acknowledged that solar panels will introduce a new visual cue in the environment. A glint and glare analysis is available in Appendix 24-2 which indicates that there will be insignificant glare impacts as part of the Project. In summary, there will be no glare effects on any airports or roadways, and there will be minimal glare for a relatively short duration on two homes. However, the modeling was conservative as it did not account for obstructions such as trees, vegetation, or buildings. There are no applicable quantitative standards for glare but scientific literature suggests that doubling the annual 30-hour

shadow flicker standard (applicable to wind facilities) could be used as benchmark. The glare analysis indicates that the potential duration significantly below even the 30-hour standard.

All workers will be trained and familiar with the Project's Emergency Response Plan (ERP) (Appendix 18-2). The ERP contains contact details for emergency workers, fire, ambulance and police/sheriff and location of closest hospitals. In addition, in the unlikely event that hazardous materials or environmental contaminants are encountered during excavation, the quality protocol in the ERP will be followed. This plan will be updated and refined as a filing with the Secretary post certification and when a contractor is selected.

Construction impacts are short-lived. Long-term unavoidable impacts associated with operation and maintenance of the Project includes varying degrees of panel visibility and loss of forest land as evaluated through site-specific environmental and ecological analyses, which are presented in Exhibits 4, 22 and 24 of the Application, these impacts are not considered significant, and are outweighed by the benefits of providing a source of clean, renewable energy. Thus, by contributing to this effort of adding electricity from a renewable energy source to the power grid, the Project will have an incremental and long-term beneficial impact on climate and air quality.

15(i) Irreversible and Irrecoverable Commitment of Resources

There are several resources that will be committed to the proposed Project for construction and operation.

During the Article 10 Application phase there are significant human and financial resources committed to the Project. This includes an irretrievable investment by the Applicant and its partners in preparing the necessary studies and evaluations required for the Application. However, through proper design and the proposal of mitigation measures, it is assumed that the Application will be successful, and the Project will proceed to construction and operation. In addition, it is recognized that State of New York agencies, Schoharie County, and the Town of Sharon will be expending human resources on the review of the Application.

During the construction phase of the Project, a number of manufacturing, construction materials and building supplies will be committed to the Project. This includes the material required for physical components of the solar arrays, gravel, concrete, steel, cables, etc., that will be dedicated for the life of the Project. Where possible these materials will be recovered and reused at the end

of the useful economic life of the Project. Details on this reclamation are provided in Exhibit 29: Site Restoration and Decommissioning.

15(j)and (k) Proposed Minimization and Mitigation Measures

The Applicant is committed to minimize the commitment of resources to the Project and any potential adverse impacts on the environment, public health, and safety. The Applicant is consistently striving to achieve efficiencies throughout the development and operational phases of solar projects.

The Project has been designed according to setbacks contained in Exhibit 31, Table 31-1, in compliance with the Town of Sharon zoning setback regulations for utility-scale solar systems and industry standards. The mitigation measures contained in the Application together with the proposed setbacks will provide that there is no risk to public health and safety, while also serving to minimize annoyance of local residents. The solar arrays are also located on leased and/or purchased private property. Therefore, public access to the Project is limited.

Compliance with Article 10 regulations assures that public and agency comments are solicited and appropriately addressed. The Applicant intend to propose certificate conditions based upon applicable best management practices and other mitigation measures adopted by the Department of Public Service Staff and NYPSC. Compliance with applicable federal, state, and substantive local regulations (that are not unreasonably burdensome-see Exhibit 31), pertaining to the construction and operation of the proposed Project also will serve to minimize adverse impacts. Construction activities and Project engineering will be undertaken in compliance with applicable state, and substantive local building codes (that are not unreasonably burdensome), and federal OSHA guidelines in order to protect the safety of workers and the public. The implementation of a state-approved SPDES permit for construction-related stormwater runoff will protect all water resources. The SPCC Plan will protect against inadvertent spills during construction and operation. Road use and repair and traffic control will be coordinated at the local level, to assure that safety, congestion, and damage to roadways in the area is avoided, minimized. or repaired through a Road Use Agreement to be negotiated with the Town of Sharon.

15(l) Proposed Impact Monitoring

Baseline sound monitoring has already been conducted in the Study Area (see Exhibit 19). Upon operation, East Point Energy Center will undertake a post-construction sound monitoring program that is detailed in Exhibit 19. This will ensure that sound levels are in compliance with certificated levels.

In addition, the Applicant has provided a Complaint Resolution Plan (Appendix 12-3). The objective of this plan is to establish a consistent method and procedure by which the Applicant will address public complaints during the construction and operation of the Project. The Complaint Resolution Plan outlines the numerous ways an individual can file a complaint, how the Applicant will investigate and attempt to resolve the complaint and dispute resolution procedure.

To provide compliance with the Article 10 certificate conditions and other applicable regulations, the Applicant will provide funding for an environmental monitor to oversee Project construction and restoration activities.

15(m) Receptor Locations

Receptors have been identified by the Applicant via field review along public roads, correspondence with local stakeholders, and review of aerial photos and tax records. Residential receptors have been differentiated between “full-time” or “seasonal,” and have been categorized conservatively – in that if there was uncertainty as to whether it was full-time or seasonal, in many instances it was conservatively identified as full-time. Additionally, all receptors identified by the Applicant have been further divided to participating and non-participating receptors, based on whether they have entered a lease or purchase agreement with the Applicant. Receptor locations are shown on multiple figures as part of the Application, including Figure 15-2.

15(n) Employment of Herbicides or Fertilizers

Selective use of herbicides may be employed as a secondary means of control where necessary. All applications would be handled in spot treatment method and target specific discrete locations; broadcast and aerial applications of herbicides is not proposed. If necessary, herbicides are anticipated to treat invasive species as needed. All herbicide use will comply with the regulations and requirements of NYSDEC Bureau of Pesticide Management.

No fertilizers are planned for use. Fertilizer may be utilized during the planting of trees and shrubs associated with the landscape buffer proposed for screening purposes. However, no fertilizers are planned for use during operation of the Facility.

15(o) Glare Analysis

A glare analysis was prepared in order to evaluate the significance and extent of glare from the Facility (see Appendix 24-2). As previously discussed above, no significant impacts from glare are expected from the Project.

References

- Buonocore, J.J., Luckow, P., Norris, G., Spengler, J.D., Biewald, B., Fisher, J., Levy, J., (2015). Health and Climate Benefits of Different Energy-Efficiency and Renewable Energy Choices. *Nature Climate Change*. Available at: nature.com/natureclimatechange
- New York State Energy Planning Board (NYSEPB) (2017). *Biennial Report to the 2015 State Energy Plan*. Available at: <https://energyplan.ny.gov/Plans/2015-Update>
- New York State Energy Research and Development Authority (NYSERDA) (2012). *An Analysis of the Benefits and Costs of Increasing Generation from Photovoltaic Devices in New York*. Available at: [file:///C:/Users/akmartin/Downloads/NY-Solar-Study-Report%20\(1\).pdf](file:///C:/Users/akmartin/Downloads/NY-Solar-Study-Report%20(1).pdf)