



EAST POINT ENERGY CENTER

Case No. 17-F-0599

1001.29 Exhibit 29

Site Restoration and Decommissioning

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Appendices

Appendix 29-1. Decommissioning & Restoration Plan

Exhibit 29: Site Restoration and Decommissioning

This Exhibit will track the requirements of proposed Stipulation 29, dated August 20, 2019, and therefore, the requirements of 16 NYCRR § 1001.29.

The Applicant has prepared a Decommissioning & Restoration Plan (the Plan) that outlines the methods and means to decommission the Project at the end of the Project's useful life, which is included in Appendix 29-1 of this Application. The purpose of the Plan is to identify the methodology to be used to mitigate potential impacts resulting from the termination of operation of the Facility.

Utility-scale solar panels available on the market today, like the panels proposed for this Project, are typically designed to last for at least 30 years. The solar arrays will be continually maintained for the life of the Project. NextEra is uniquely qualified in all four phases of a solar project's life: development, construction, operation, and decommissioning.

Generally, when NextEra identifies an area with superior solar resources, willing landowners, and access to available transmission facilities, the goal is to utilize the site for as long as possible. While the Plan outlines the standard procedures for decommissioning the Project, the Applicant plans to have the Project in this area for several decades.

In the event that the Project permanently ceases operations, the Plan will be implemented to remove and recycle, to the maximum extent practicable, equipment and related materials to essentially return the Project Area to its substantially pre-construction condition so that it is available for agriculture and other open space usage as determined by the landowner. By installing the solar arrays on driven posts, minimal ground disturbance will occur during construction of the Project allowing for the restoration of these previous land uses. Additionally, to provide the local community is not at risk to pay for removing any part of the solar Project, East Point Energy Center, LLC is required to post security to cover the full costs of decommissioning.

The decommissioning of the Project is, in many ways, the reverse of its construction. Much of the same equipment that was used in the construction of the Project, such as trucks, backhoes, etc., will again be used in the decommissioning and removal of the Components. Steel, cable, and concrete will be removed and transported off site for recycling and/or disposal at approved

facilities. Licensed off-site disposal facilities will be identified at the time of decommissioning, as availability of facilities is likely to change in the decades during the Project's useful economic life.

In general, the decommissioning of the Project will begin with the disconnection of the collection cables from each solar array. Collection cables will be removed and recycled, while underground sections will be abandoned in place to mitigate environmental impacts or may be pulled up and recycled, as will be determined in consultation with the landowner and in accordance with such requirements as may be applicable as determined by the Department of Public Service Staff. East Point Energy Center is contractually obligated with the landowners to remove improvements, including solar arrays, foundations, and other facilities to a depth of at least 3 feet below the surface and restore the property to substantially the same condition that existed immediately prior to construction.

Each solar array would then be deconstructed with the removal of panels, supports, and posts in that order. Security fencing will be removed and recycled and/or disposed. Access roads will be left in place for the use of the landowners or removed at the landowners' discretion if they do not intend to make use of the access roads. Disturbed areas will be regraded, topsoiled, and seeded to the extent necessary. It is anticipated that the decommissioning of the Project would take up to six months to complete.

29(a) Performance Criteria for Site Restoration

The list below includes site restoration performance criteria proposed for Project decommissioning (in the highly unlikely event that construction of the Project begins, but cannot be completed, the same performance criteria would apply).

(1) Safety and the Removal of Hazardous Conditions

As discussed in Exhibit 18, safety is one of the Applicant's most important performance metrics. As such, the goal is zero safety incidents. The removal of all hazardous conditions is an extension of that safety goal. Meeting that goal includes the removal of all above ground facilities and any hazardous conditions upon decommissioning.

(2) Environmental Impacts

As discussed in the Plan, 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 practicable, including restoration of native vegetation, habitat, and/or land use. Erosion control and stormwater management measures are utilized to maintain downstream water quality and prevent soil erosion and water runoff. Any hazardous fluids and any hazardous materials will be removed in accordance with OSHA standards. All above ground facilities will be removed, and reseeding and revegetation of the Project Area will take place. During decommissioning, environmental impacts are minimized and upon completion of reclamation, the Project Area will be as close to pre-construction conditions as practicable.

(3) Aesthetics

Aesthetically, after decommissioning, the Project Area should be in as close to pre-construction condition as practicable. This will be accomplished by removing all above ground facilities and restoring the area where facilities have been removed, included removing access roads (unless the landowner requests the access road not be removed), and reseeding and revegetating the affected areas.

(4) Salvage and Recycling

To the extent practicable, all Project materials will be salvaged and/or recycled. If practicable, facilities will be relocated and reused. Metal facilities (steel, copper, aluminum), including most of the solar panel racking, if not reused, will be salvaged and sold for scrap metal that can be recycled for used for other manufacturing purposes. Gravel from access roads that are removed can be reused.

(5) Potential Future Uses for the Site

The Project Area has multiple future potential uses. As noted above, when and where possible, the Applicant prefers to redevelop or repower solar projects in areas that have superior solar resources, willing landowners, and access to available transmission facilities, making the Project Area ideal for current and

future solar projects. This site is currently used mainly for agricultural purposes and this use can resume following decommissioning of the Project.

(6) Useful life of the Project

The useful life of the Project is at least 30 years.

29(b) Decommissioning and Restoration Plan

At the end of the Project's useful life, the Project will be decommissioned, and the solar arrays, ancillary equipment, and infrastructure will be removed. A detailed Decommissioning and Restoration Plan is provided as Appendix 29-1.

(1) Notification of Municipalities and Landowners

Prior to commencing decommissioning, the Project will be shut down, de-energized, and disconnected from the generation line at the Project collection substation. The Applicant will coordinate de-energization with the local utility company and the NYISO if applicable to ensure no disruption to the overall electrical system. Additionally, the Applicant will give landowners and the Town of Sharon at least 60 days advance notice prior to commencing decommissioning activities.

(2) Agricultural Restoration Techniques

The Applicant's easement agreements with participating landowners include a provision for site restoration and decommissioning in accordance with the applicable NYS DAM guideline described below:

Operator (East Point Energy Center, LLC) shall remove all physical material pertaining to the Facility from the affected Property to a depth of 36 inches beneath the soil surface in both agricultural and non-agricultural lands, and restore the area formerly occupied by the Components to substantially the same physical condition that existed immediately before the construction of the Project. The "Components" include, but are not limited to, the solar arrays, collection facilities, utility infrastructure, and roadway improvements. As indicated above, underground collection lines will be left in place to mitigate environmental impacts or may be pulled up and recycled, as will be determined in consultation with the landowner and in accordance with such requirements as may be applicable as determined by the Siting Board. The site shall be restored to as natural a condition as possible within six months of completing the decommissioning and removal per the Town of Sharon local laws.

The decommissioning process is expected to take approximately four months (but no longer than six months), which includes two weeks of site mobilization and preparation, six to eight weeks to disassemble the solar arrays and associated infrastructure, an additional four weeks after the final array removal to reclaim access roads, and two weeks to remove and reclaim the Project laydown area and demobilize from the site.

29(c) Site Restoration, Decommissioning, and Guaranty/Security Agreements for Wind-Powered Generation Facilities

There are no wind power facilities proposed as part of the Project. Therefore, this section of the Exhibit 29 regulation is not applicable.

29(d) Trust Fund Plan for Nuclear Facilities

No nuclear power facilities are proposed as part of the Project. Therefore, this section of the Exhibit 29 regulation is not applicable.