



Mill Point
SOLAR I PROJECT

ConnectGen Montgomery County LLC

Mill Point Solar I Project

Matter No. 23-00034

§ 900-2.24 Exhibit 23

Site Restoration and Decommissioning

Revised August 2024

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Glossary Terms

- Applicant:** ConnectGen Montgomery County LLC (ConnectGen), a direct subsidiary of ConnectGen LLC, is the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State (NYS) Executive Law.
- Facility:** The proposed components to be constructed for the generation, collection and distribution of energy for the Project will include: photovoltaic (PV) solar modules and their rack/support systems; direct current (DC) and communications cables connecting the panels to inverters; the inverters, with their support platforms, control electronics, and step-up transformers; buried alternate current (AC) medium voltage collector circuits; fencing and gates around each array of modules; access roads; temporary laydown/construction support areas; a medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a new 3-breaker ring bus point of interconnection switchyard (POI switchyard); two adjacent approximately 305 foot-long 345 kV transmission line segments to interconnect the new POI switchyard to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; and an operations and maintenance (O&M) building with parking/storage areas as well as any other improvements subject to ORES jurisdiction.
- Facility Site:** The tax parcels proposed to host the Facility, which collectively totals 2,665.59 acres.
- Point of Interconnection (POI) or POI Switchyard:** A new 3-breaker ring bus point of interconnection switchyard will be constructed adjacent to the existing National Grid Marcy – New Scotland 345-kilovolt transmission line; the substation will tie into the new POI switchyard via an overhead span and deliver power produced from the Facility onto the electric grid through two overhead spans tapping the National Grid-owned Marcy – New Scotland 345-kV transmission line. The POI switchyard is located off Ingersoll Road in the northeastern portion of the Facility Site.

Limits of Disturbance (LOD):

The proposed limits of clearing and disturbance for construction of all Facility components and ancillary features are mapped as the LOD. The LOD encompasses the outer bounds of where construction may occur for the Facility, including all areas of clearing, grading, and temporary or permanent ground disturbance. This boundary includes the footprint of all major Facility components, defined work corridors, security fencing, and proposed planting modules, and incorporates areas utilized by construction vehicles and/or personnel to construct the Facility.

Project or Mill Point Solar I

Collectively refers to permitting, construction, and operation of the Facility, as well as proposed environmental protection measures and other efforts proposed by the Applicant.

Study Area:

In accordance with the Section 94-c Regulations, the Study Area for the Facility includes a radius of five miles around the Facility Site boundary, unless otherwise noted for a specific resource study or Exhibit. The 5-mile Study Area encompasses 96,784.84 acres, inclusive of the 2,665.59-acre Facility Site.

Acronym List

AC	Alternating current
DC	Direct current
EPA	United States Environmental Protection Agency
HDD	Horizontal directional drilling
kV	Kilovolt
LOC	Letter of credit
LOD	Limits of Disturbance
NREL	National Renewable Energy Laboratory
NYS	New York State
NYSAGM	New York State Department of Agriculture and Markets
O&M	Operations and Maintenance
ORES	Office of Renewable Energy Siting
OSHA	Occupational Safety and Health Administration
POI	Point of Interconnection
PV	Photovoltaic
PVC	Polyvinyl chloride
SPCC	Spill Prevention and Control and Countermeasure
SWPPP	Stormwater Pollution Prevention Plan
W	Watt

EXHIBIT 23 SITE RESTORATION AND DECOMMISSIONING

23(a) Performance Criteria for Site Restoration

The Mill Point Solar I Facility is anticipated to reliably and safely operate for up to 35 years. After this time, the Facility may be decommissioned, and the land hosting Facility components will be restored to pre-existing conditions. Details of site restoration, decommissioning, and financial assurance agreements are included in the Decommissioning and Site Restoration Plan (Plan), which is included as Revised Appendix 23-1 of this Exhibit.

The intent of the Plan is to provide a general scope of the Facility's decommissioning as well as a cost estimate to act as a mechanism for decommissioning financial assurance. The Plan outlines the decommissioning activities required to remove Facility equipment, restore disturbed soil and vegetation, and return the site to pre-development conditions that will allow future use.

The land leasing arrangement for the approximately 2,665.59-acre Facility Site between the Applicant and the current landowners provides for up to 35 years of operation. Upon termination of the lease, it requires the Applicant remove Facility components and return the land to existing conditions.

Section 5(21)(ii) of the Town of Glen Solar Energies Facility Law ("Glen Solar Law") (Town of Glen 2022) states that "The site shall be restored to as natural a condition as possible within 12 months of removal. Any disturbed area must be reseeded, and all footings, concrete bases, underground/buried utilities, and roadways must be removed, and the property restored to preconstruction condition. Notwithstanding, the property owner may ask the Planning Board for permission to retain the roadways on the site if they have a use for the roadways."

The Applicant will remove all aboveground equipment and buried components down to a depth of 48 inches below grade. However, removal of Facility components that are buried below these depths (collector cabling via horizontal directional drilling [HDD]) and the concrete pier foundations at the proposed substation would result in significant impacts to the resources beneath them. Therefore, the Applicant is requesting a waiver for this local law. Further discussion on the Applicant's justification of this waiver request is detailed and discussed in Revised Exhibit 24, Appendix 24-5. Furthermore, the Point of Interconnection (POI) switchyard will be owned and operated by the utility company and will not be decommissioned as part of this Plan.

(1) Safety and the Removal of Hazardous Conditions

As discussed throughout Revised Exhibit 6, safety is one of the Applicant's most important performance metrics. Safety protocols used during construction and operation of the Facility will be applied for the decommissioning and restoration efforts. The Applicant developed a Site Security Plan and a Safety Response Plan for the Facility; both plans are included in Revised Exhibit 6, Appendix 6-1 and 6-2, respectively. Any hazardous fluids or materials will be removed in accordance with the Occupational Safety and Health Administration (OSHA), United States Environmental Protection Agency (EPA), or New York State (NYS) standards, as applicable.

Transformers and switchgear will be drained of fluids before transport, as applicable, and such materials will be disposed of offsite at appropriate facilities. During decommissioning, fuel and lubricating oils may be present onsite and will be managed in accordance with the Spill Prevention, Control, and Countermeasure (SPCC) Plan that will be developed for the decommissioning of the Facility. All non-recyclable waste materials will be disposed of in accordance with state and federal law at an approved licensed solid waste facility.

(2) Environmental Impacts

As discussed in the Decommissioning and Site Restoration Plan (Revised Appendix 23-1), the goal of decommissioning is to ensure the safe and efficient removal of Facility components while restoring land to pre-construction conditions to the greatest extent practicable. This reclamation effort may include, but is not limited to, restoration of native vegetation, habitat, and/or land use (i.e., agricultural use). Erosion control and stormwater management measures will be utilized to maintain downstream water quality and prevent soil erosion and/or adverse impacts that may result from stormwater runoff. These methods are included in the Facility's Stormwater Pollution Prevention Plan (SWPPP), Revised Exhibit 13, Appendix 13-3. Following the removal of Facility components, grading (as applicable) and revegetation of the Facility Site will take place.

The decommissioning process will involve a short, temporary increase in sound levels due to decommissioning activities at the Facility Site; however, decommissioning activities will occur during daytime hours.

(3) Aesthetics

Upon decommissioning, aboveground Facility components including photovoltaic (PV) arrays, trackers, inverters, aboveground substation components, and generation tie line will be removed, and the site will be graded to achieve an even ground surface. In accordance with Section 5(21)(ii) of the Glen Solar Law (Town of Glen 2022), the Facility Site will be aesthetically restored to as close to pre-construction conditions as practicable within 12 months. Access roads will be removed unless the landowner requests the access road(s) remain in place to the extent allowed by Federal, State and Local laws. Disturbed areas that require grading shall be revegetated with native species unless the area is planned for agricultural activities.

Unless the landowner requires removal of the installed landscaping modules surrounding the Facility, they will be left in place to the extent allowed by Federal, State and Local laws.

(4) Recycling

Facility materials will be recycled and/or salvaged to the maximum extent practicable at approved facilities, with preference given to local recycling/salvage facilities, if available. Facility components may be relocated or reused if feasible. Metal components (steel, copper, and aluminum), including solar array racking, will be salvaged and sold for scrap metal if not reused. Aluminum trim is easily removed during disassembly in the field and will be salvaged separately from other module components and is salvaged. Gravel removed from the access roads may be removed and reused, or used for clean fill to allow for recycling along with any concrete that may be removed from onsite.

The PV solar modules are also recyclable and contain materials that may be reclaimed (silicon, metal). PV manufacturers are currently establishing programs to receive recycled PV modules. The Applicant will determine the best method of disposal for solar modules and other components at the time of decommissioning and in accordance with manufacturer's guidelines and State, local, and federal regulations. See Revised Appendix 23-1 for discussion of salvage details.

The following general statements can be made about the present state of the salvage market with regards to crystalline silicon PV modules:

- The United States has a robust market for the salvage, recycling, and re-sale of

industrial materials including the aluminum frame, glass fronts, and silicon which comprise the majority of a PV module.

- A number of websites post publicly available data on the scrap values of industrial materials in different regions of the United States. Example websites for pricing include: scrapmonster.com, rockawayrecycling.com, and recycleinme.com.
- Decommissioned PV modules from the Facility can be resold as industrial materials in the nationalsalvage market. Possible salvage operations include: Cleanlites, Metal & Catalyst Resources, and Morgen Industries.
- PV modules may also be resold as functional modules for power production. PV modules will continue to operate after years of use, though producing less power than their initial ratings. The industry has observed a degradation rate of 0.2% – 1% per year, with 0.7% used as an industry-wide assumption in the United States. Based on a 0.7% degradation rate, a 360-watt (W) PV module would be rated at 302 W after 25 years of operation. The module would need to be tested prior to re-sale to verify the new ratings.
- PV power plants may be re-powered at “end-of-life” with the installation of new components or may be decommissioned and removed.
- PV modules are expected to be priced at \$0.05 - \$0.1 per watt at the time of Facility decommissioning, significantly less than the price for new modules projected by the National Renewable Energy Laboratory (NREL).

(5) Potential Future Uses for the Site

The Applicant will perform decommissioning in a manner consistent with allowable future intended use of land within the Facility Site. The Facility Site is currently primarily active agriculture and forested land. At the end of life, if decommissioning is determined to be the most optimal option for the site, as opposed to repowering, lands previously used for agricultural production may resume upon decommissioning and previously forested lands will also be restored as a young-growth forest to match preconstruction conditions, to the maximum extent practicable. Post-decommissioning, the land which hosted the Facility is privately owned and therefore, the landowner may choose to return the land to a variety of uses that include farming, residential housing, or commercial use. The operation of a solar facility and planned decommissioning will not inhibit future land use options.

(6) Funding

Financial assurance will be provided by the Applicant in the form of a letter of credit (LOC) or other financial assurance (e.g., surety bond or performance bond) to be coordinated with the Town of Glen prior to construction. The financial assurance will cover the net estimate of decommissioning and restoration activities, plus a fifteen percent contingency cost and will be based on a Professional Engineer's certified estimate of decommissioning cost. This financial assurance will be approved by the Office of Renewable Energy Siting (ORES) and established by the Applicant to be held by the Town of Glen through the life of the Facility. Section 5(21)(b) of the Glen Solar Law states, "Prior to the start of construction, a surety bond to cover the full cost of the removal and disposal of the utility-scale solar collector system and any associated accessory structures shall be provided by the owner/operator. The owner/operator shall provide an updated Decommissioning Cost Estimate, accounting for anticipated rates of inflation, prepared by a Town designated NYS Licensed Engineer every five (5) years, and the surety bond shall be adjusted, if necessary, to reflect the then current decommissioning cost. Any such surety bond must be provided pursuant to a Decommissioning Agreement with the Town, approved by the Town Board and Town Attorney as to form, sufficiency and manner of execution. All surety bonds must not lapse before decommissioning is complete and must be provided by an A rated, or better, institution."

The Applicant will update the decommissioning estimate after one 1 year of operation and every five years, however the above does not state that salvage value may not be taken into consideration in determining the estimated cost of decommissioning. A prohibition on taking salvage value into consideration is unreasonably burdensome and inconsistent with the regulations adopted by ORES, and therefore, the Applicant will be requesting a waiver for this local law. Accounting for salvage value of materials is standard decommissioning practice across the industry. Excluding salvage value would result in an overestimate of decommissioning costs, which would cause the Applicant to incur additional financial costs for the Project which acts as a financial disincentive with no actual provided benefit to the host community. Further discussion on the Applicant's justification for this waiver request is detailed and discussed in Revised Exhibit 24, Appendix 24-5.

(7) Schedule

Prior to the commencement of decommissioning activities, the Facility will be shut down, de-energized, and disconnected from the generation tie line at the substation. The Applicant will

coordinate with National Grid and local utilities, if applicable, for de-energization efforts to ensure disruption to the overall electric utility system does not occur. The Applicant will provide notice by mail to the participating landowners, the Town of Glen, and ORES prior to the commencement of decommissioning activities.

Decommissioning, demolition, and dismantling of the Facility and site restoration has an estimated duration of twelve months from the date of abandonment or discontinuance of operations and should not occur during the winter months or require multiple mobilizations. This timeline may be extended if there is a delay beyond the control of Applicant including, but not limited to, inclement weather conditions, planting requirements, equipment failure, or the availability of equipment or personnel to support decommissioning.

The Applicant will engage one or more reputable contractors to perform the Facility decommissioning. The decommissioning and restoration work will generally involve the following:

- Planning, permitting, and consultation;
- Disassemble and remove PV panels;
- Remove inverter stations, combiner boxes, and switchboards;
- Remove low voltage above ground direct current (DC) cable, and applicable underground medium voltage alternating current (AC) cable;
- Remove surface components of the substation including transformers, and transport the transformers to a licensed facility for draining and disassembly;
- Remove circuit breakers from the substation and transport for degassing and disassembly;
- Disassemble tracker steel components;
- Disassemble substation steel and components;
- Remove tracker I-beam posts;
- Remove access roads;
- Remove perimeter fencing;
- Collect and dispose of non-recyclable materials (loose debris, road filter fabric, aboveground substation components, above ground polyvinyl chloride (PVC) conduits);

- Regrading and decompaction as needed;
- Re-vegetation; and
- Clean up and inspection.

Decommissioning and removal of Facility components from the Facility Site is anticipated to occur within 12 months following discontinuation of operations of the Facility Site.

23(b) Site Restoration, Decommissioning, and Guaranty/Security Agreements on Property Not Owned by Applicant

Facility components will be located on private land under lease or easement agreements with the landowners and all such agreements contain a provision on decommissioning and site restoration. The Decommissioning and Site Restoration Plan, provided as Revised Appendix 23-1, details the site restoration, decommissioning, and financial assurance agreements for the Facility Site.

As noted above, the Applicant will work with the Town of Glen on an acceptable form of financial assurance. The financial assurance will remain active for the life of the Facility until decommissioning. The Town of Glen will hold the financial assurance and the Applicant will execute a decommissioning agreement with the Town of Glen to establish a right for them to draw on the financial assurance should the Applicant fail to complete decommissioning and restoration activities.

The Applicant will provide notification to landowners, the Town of Glen, and ORES at least 14 days prior to the commencement of decommissioning activities. Notification may be in the form of letters, newspaper notices, and updates on the Mill Point Solar I Project website.

Upon decommissioning, restoration of agricultural land within the Facility Site 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). Disturbed areas not planned for agricultural purposes will be revegetated by the Applicant using native seed appropriate for the Facility Site. Portions of the Facility Site intended to return to agricultural production will be re-seeded by the landowner. All areas will be returned to pre-construction condition, to the maximum extent practicable, through grading, backfilling, and stabilization (as applicable).

In accordance with the NYSAGM Guidelines, all underground direct buried electric conductors and conductors in conduit with less than 48-inches of cover will be removed. In a few instances

where HDD is proposed under roads, streams, and wetlands, more disturbance would occur in removing these components than by leaving them in place. When removing a bored (via HDD) collection line, a qualified contractor will excavate both ends of the installed conduit, pull the cable from the conduit, and then attempt to remove the conduit from the earth. The disadvantage of removing bored conduit involves risk, as the conduit can break or separate at a joint when being pulled out of the ground. This leaves a section of conduit remaining under the road, utility, or wetland that would need to be excavated (via surface trenching) from the stuck position – potentially hundreds of feet from the terminus of the bore. Excavating an isolated section of conduit from under important infrastructure or ecological feature will significantly impact the subject surface feature, potentially requiring road closures, additional permitting and approvals, and enhanced safety measures required for the removal of components at such depths. Moreover, the HDD components are not a danger to the natural or built environment and should be left in place. Therefore, conduit installed via HDD are proposed to remain in situ after the life of the Facility.

The Applicant also proposes to leave concrete pier foundations in place located at the substation due to the depth of the structures and potential disruption to adjacent plant communities, habitat, and land uses. Aside from the aforementioned exceptions, all underground components will be removed.

23(c) Gross and Net Decommissioning and Site Restoration Estimate

A gross and net decommissioning and site restoration estimate, including a 15 percent contingency of the gross decommissioning costs, has been provided in the Decommissioning and Site Restoration Plan included as Revised Appendix 23-1. The estimate includes the anticipated cost of decommissioning and restoration activities associated with each Facility component, as well as projected salvage value. Most underground collection lines will be buried less than four (4) feet below ground and will be fully removed at decommissioning. Select Facility components will be buried at a depth of greater than four (4) feet which are primarily horizontal directional drilled (HDD) collection lines crossing beneath roadways, wetlands, or other sensitive features, as well as the concrete pier foundations located at the Project substation.

23(d) References

New York State Department of Agriculture and Markets (NYSAGM). 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 October 2023.

Town of Glen. 2022. Solar Energy Facilities Law of the Town of Glen. Available at: https://www.co.montgomery.ny.us/web/municipal/glen/documents/FinalAdoptedSolarLaw-5_2022.pdf. Accessed October 2023.