

Appendix 29-1:

Decommissioning and Restoration Plan



# DECOMMISSIONING & RESTORATION PLAN

North Side Energy Center  
St. Lawrence County, New York  
FEBRUARY 2021

**Facility Operator:**  
North Side Energy Center, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408

## Contents

|   |   |
|---|---|
| Introduction .....                                | 1 |
| Anticipated Operational Life of the Project ..... | 2 |
| Implementation Plan .....                         | 3 |
| Proposed Agricultural Restoration .....           | 3 |
| Estimated Cost of Decommissioning .....           | 4 |
| Financial Assurance .....                         | 4 |
| Basis of Estimate: Current Day .....              | 5 |

## Attachment

Attachment A. Detailed Cost Analysis

## Introduction

North Side Energy Center, LLC (the Applicant), has prepared this Decommissioning & Restoration Plan (the Plan) to detail the decommissioning process and associated costs in relation to the North Side Energy Center (the Project). The Plan identifies methodology to be used to mitigate potential impacts resulting from the termination of Project operations. The decommissioning and restoration activities will adhere to the applicable conditions in the issued Article 10 Certificate issued for the Project.

The Project will be located on approximately 981 acres of land leased from and/or purchased from private landowners in the Towns of Massena, Brasher, and Norfolk, St. Lawrence, County, New York. The Project components will occupy approximately 781.5 acres of the overall Project Area.

The Plan has been developed by the Applicant for the proposed 180 MW solar energy generation facility. The Plan includes a detailed decommissioning budget outlining the decommissioning costs and activities for each major Project component including, but not limited to the solar array, collection lines, fencing, inverters, collection substation, and access roads.

The Applicant's goal for decommissioning of the Project is the safe and efficient removal of all solar facility components and reclamation of the site to pre-construction conditions to the maximum extent practicable. Reclamation activities include, but are not limited to, restoration of native vegetation, habitat and/or land use. The safety protocols used during construction and operation of the Project will be applied for the decommissioning and restoration efforts in or der to protect Project personnel and the public.

For decommissioning, the Applicant shall:

- Be responsible for all decommissioning costs;
- Commence work decommissioning, removing, and legal disposal of Project components;
- Remove and dispose of all aboveground infrastructure, including arrays and inverter structures;

- Acquire permits not supplanted by Article 10, as needed, and develop a Stormwater Pollution Prevention Plan (SWPPP) for removal of concrete foundations, equipment, pads, and fencing;
- Perform grading and completion of ground stabilization using revegetating or other means in accordance with permits and in compliance with all applicable rules and regulations then in effect governing; and
- Recycle and/or salvage materials to a reasonable extent practical and manage all waste streams in accordance with the State's and local authority's waste hierarchy.

## **Anticipated Operational Life of the Project**

The solar arrays will be constructed on privately owned lands controlled by lease or purchase agreements. The solar modules (panels) used for the arrays have an approximate useful operational life of 30 years, therefore the Project is anticipated to be operational for at least 30 years.

Once the Project has reached the end of its useful economic life, it will be decommissioned, and the Project Area will be restored to as close to pre-construction conditions as possible. During the decommissioning process, the solar modules, collection substation, and associated aboveground infrastructure will be removed. Underground collection lines will be abandoned in place in accordance with the New York State Department of Agriculture and Markets (NYSAGM) guidelines to the maximum extent practicable.

The Project will commence decommissioning activities if electricity is not generated for a period of 12 consecutive months, unless the 12-month period is a result of the following:

- A repair, restoration, or improvement to a Project component that affects the generation of electricity and that the repair, restoration or improvement is diligently being pursued by the Developer (North Side Energy Center), or
- A Force Majeure event occurs. Force Majeure events include, but are not limited to, causes or events beyond the reasonable control of, and without the fault or negligence of the party claiming Force Majeure, including acts of God, sudden actions of the elements such as floods, earthquakes, hurricanes, or tornadoes; sabotage; terrorism; war; riots; explosion; blockades; and insurrection.

Prior to the commencement of decommissioning activities, the Project will be shut down, de-energized, and disconnected from the generation tie line at the collection substation. The Applicant will coordinate with the New York Power Authority (NYPA) for de-energization efforts to ensure disruption to the overall electric utility system does not occur. The Applicant will provide notice by mail to landowners and the Towns of Massena, Brasher, and Norfolk at least 60 days prior to the commencement of decommissioning activity.

## **Implementation Plan**

Decommissioning activities will include the following:

- Disassembly and removal of aboveground structures
  - Solar modules will be inspected for damage and tested for functionality prior to being removed from racking;
- Removal of subsurface structures to a minimum depth of 36 inches below grade in non-agricultural land and 48 inches below grade in agricultural land;
- Abandonment of underground collection lines; and
- Regrading and revegetating disturbed areas.

Affected landowners will be provided a plan for review and approval during decommissioning of any proposed component to be left on site for a proposed continued beneficial use. Access roads will remain in place if requested by the landowner. A professional salvaging company will be contracted for the disassembly, removal, and recycling of major Project components and materials.

## **Proposed Agricultural Restoration**

Agricultural restoration techniques will be in accordance with the NYSAGM Guidelines for Agricultural Mitigation for Solar Energy Projects (Revision 10/18/2019), to the maximum extent practicable and as applicable. An Environmental Monitor will be present on site throughout the decommissioning and restoration process on agricultural land, as required by the NYSAGM Guidelines. Areas used for agricultural production prior to the construction and operation of the facility will be determined by the landowner and in consultation with the St. Lawrence County Soil and Water Conservation District and the NYSAGM. In areas determined to be agricultural land,

Project Components will be removed to a depth of 48 inches below the soil surface, underground electric collection lines will be abandoned in place, and access roads will be removed unless otherwise specified by the landowner.

## **Estimated Cost of Decommissioning**

The estimated cost of decommissioning the Project is approximately \$21,809,778. A detailed cost analysis for the decommissioning efforts is provided as Attachment A to the Appendix. The estimated cost will be updated periodically as price trends fluctuate.

## **Financial Assurance**

The Applicant will provide financial assurance for the cost of decommissioning for the solar modules in the form of a surety bond, performance bond, or letter of credit prior to the start of decommissioning. The financial assurance methods are detailed below:

Surety Bond: A Surety Bond is a form of collateral/credit support backed by a three-party agreement whereby a surety company assures the obligee (recipient of an obligation) that the principal (in this case, the Applicant) will perform a contract obligation or responsibility. Surety Bonds are typically used when a customer requires support for decommissioning and restoration, performance of a task to a certain requirement, and other requirements.

Performance Bond: A Performance Bond is a type of Surety Bond, where the obligee requires security that a task is completed in a satisfactory manner, typically applying to construction activities. A Performance Bond could also apply to a decommissioning obligation of the Applicant's contractor; however, a Decommissioning Bond is more applicable for the purposes of this section of the Application. A Decommissioning Bond is another type of Surety Bond. It is a financial guarantee that ensures proper removal of equipment and restoration of the environment to its pre-existing state. A decommissioning bond relieves the burden from landowners and taxpayers and puts the responsibility of proper decommission on the project owner.

Letter of Credit: A standby Letter of Credit (LC) is a form of collateral/credit support issued by a bank (issuer) to guarantee timely payment to a creditor (LC beneficiary) on behalf of an obligor (LC applicant). The LC is evidenced by a letter provided by the issuer and has a maximum dollar value. In the event the obligor becomes unable to satisfy its obligation or perform under a contract the creditor has the right to present the letter to the bank which

will satisfy the obligation up to an amount that does not exceed the maximum dollar value. The applicant then becomes obligated to pay the bank for the amount of the draw. LCs are used when payment can satisfy decommissioning and restoration obligations.

The New York Public Service Commission (NYPSC) staff will determine in the Article 10 certificate the amount of the financial assurance and the holder of the security.

### **Basis of Estimate: Current Day**

The following assumptions were made to estimate the cost of decommissioning the Project:

- Limited foundation removal to 36 to 48 inches below grade and concrete is adequate for fill or recycling;
- No fill brought on site;
- Waste removal is limited to modules;
- All general waste has been gathered up in a central location by plant personnel;
- All stored lubricants have been brought to a central location by plant personnel;
- Excludes plant personnel salaries, incentives, benefits and other discharge costs;
- Dismantlement may be achieved by any optimal means; and
- Excludes utilities costs (e.g., sewage, potable water, electrical power, IT network).



**ATTACHMENT A**

**DETAILED COST ANALYSIS**

## REDACTED

This document contains critical infrastructure information, confidential commercial information, trade secrets, proprietary information, and/or information protected by law and as such is entitled to confidential treatment under separate cover under Sections 89(5) and 87(2)(d) of the New York State Public Officers Law and the Commission's regulations (16 NYCRR Subpart 6-1). An unredacted version of this document has been submitted under separate cover pursuant to 16 NYCRR § 6-1.4.