

Appendix 23-1:

FOIL Requests and New York State Department of Health Correspondence

March 20, 2020

**Sent via email to: [access.records@dec.ny.gov](mailto:access.records@dec.ny.gov)**

New York State Department of Environmental Conservation  
Records Access Office  
625 Broadway  
Albany, NY 12233-1500

**RE: Case 19-F-0299  
Excelsior Energy Center, LLC  
Excelsior Energy Center Project  
Town of Byron, Genesee County, New York  
Information Request**

To Whom It May Concern:

Excelsior Energy Center, LLC is proposing the development of a solar energy center in the Town of Byron in Genesee County, New York. Excelsior Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Excelsior Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

TRC, on behalf of Excelsior Energy Center, LLC, is requesting groundwater well information for the area outlined in the enclosed shapefiles. More specifically, we request the location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas in Genesee County, New York for which the Department has record information. TRC respectfully submits this Freedom of Information Request to obtain this information.

The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for groundwater well information. Please note, this information request is being made in order to help prepare the Article 10 Application.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (716) 221-4128 or via email at [KMcCormick@TRCcompanies.com](mailto:KMcCormick@TRCcompanies.com).

Sincerely,



Kaitlin McCormick  
Senior Project Manager

cc: Bill Boer, NextEra Energy Resources, LLC  
Keddy Chandran, NextEra Energy Resources, LLC

Attachments: Project Study Area shapefiles

**From:** [McCormick, Kaitlin](#)  
**To:** [McGowan, Katherine](#); [Keddy Chandran \(Guest\)](#); [William Boer \(Guest\)](#)  
**Subject:** Fwd: [EXTERNAL] FOIL Request :: W067223-032420  
**Date:** Tuesday, March 24, 2020 9:28:11 AM

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Kaitlin McCormick  
Senior Project Manager  
TRC  
O: 716-221-4128 C: 716-289-2409  
[kmccormick@trccompanies.com](mailto:kmccormick@trccompanies.com)

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**From:** New York DEC Support <[newyorkdec@mycusthelp.net](mailto:newyorkdec@mycusthelp.net)>  
**Sent:** Tuesday, March 24, 2020 8:42:44 AM  
**To:** McCormick, Kaitlin <[KMccormick@trccompanies.com](mailto:KMccormick@trccompanies.com)>  
**Subject:** [EXTERNAL] FOIL Request :: W067223-032420

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Kaitlin:

Thank you for your Freedom of Information Law (FOIL) request. Your request has been received and is being processed. Your request was received in this office on 3/24/2020 and given the reference number FOIL #W067223-032420 for tracking purposes. You may expect the Department's response to your request no later than **4/21/2020**.

Record Requested: **Please see the attached.**

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the FOIL Center.

Please note that due to the COVID-19 outbreak, DEC may be experiencing staffing shortages and some records custodians may be working remotely. This may result in a delayed response time to your FOIL request. We appreciate your understanding and cooperation.

[https://mycusthelp.com/NEWYORKDEC/\\_rs/RequestLogin.aspx](https://mycusthelp.com/NEWYORKDEC/_rs/RequestLogin.aspx)

New York State Department of Environmental Conservation, Record Access Office

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Track the issue status and respond at:

[https://mycusthelp.com/NEWYORKDEC/\\_rs/RequestEdit.aspx?rid=67223](https://mycusthelp.com/NEWYORKDEC/_rs/RequestEdit.aspx?rid=67223)

March 20, 2020

**Sent via email to: [foil@health.ny.gov](mailto:foil@health.ny.gov)**

New York State Department of Health  
Records Access Office  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

**RE: Excelsior Energy Center, LLC  
Excelsior Energy Center Project  
Town of Byron, Genesee County, New York  
Information Request**

To Whom It May Concern:

Excelsior Energy Center, LLC is proposing the development of a solar energy center in the Town of Byron in Genesee County, New York. Excelsior Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Excelsior Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

TRC, on behalf of Excelsior Energy Center, LLC, is requesting groundwater well information for the area outlined in the enclosed shapefiles. More specifically, we request the location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas in Genesee County, New York for which the Department has record information. TRC respectfully submits this Freedom of Information Request to obtain this information.

The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for groundwater well information. Please note, this information request is being made in order to help prepare the Article 10 Application.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (716) 221-4128 or via email at [KMcCormick@TRCcompanies.com](mailto:KMcCormick@TRCcompanies.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kaitlin McCormick".

Kaitlin McCormick  
Senior Project Manager

cc: Bill Boer, NextEra Energy Resources, LLC  
Keddy Chandran, NextEra Energy Resources, LLC

Attachments: Project Study Area shapefiles

**From:** [McCormick, Kaitlin](#)  
**To:** [McGowan, Katherine](#)  
**Subject:** FW: [EXTERNAL] FOIL #20-03-345  
**Date:** Wednesday, April 22, 2020 9:18:27 AM  
**Attachments:** [image001.jpg](#)  
[image003.png](#)

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**Kaitlin McCormick, M.B.A., CEP, PMP**  
Senior Project Manager

**PLEASE NOTE THAT OUR OFFICE HAS MOVED – NEW ADDRESS BELOW**



1090 Union Road, Suite 280, West Seneca, NY 14224  
**T** 716-221-4128 | **C** 716-289-2409  
[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

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**From:** doh.sm.BOB-FOIL <foil@health.ny.gov>  
**Sent:** Wednesday, April 22, 2020 9:16 AM  
**To:** McCormick, Kaitlin <KMccormick@trccompanies.com>  
**Subject:** [EXTERNAL] FOIL #20-03-345

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Kaitlin McCormick  
TRC  
1090 Union Road, Suite 280  
West Seneca, NY 14224

FOIL #: 20-03-345

Dear Ms. McCormick:

This letter responds to your Freedom of Information Law (FOIL) request of March 23, 2020, in which you requested “groundwater well information” for specified areas in Genesee County. Specifically, you requested: “location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas.”

Please be advised that the Department of Health does not maintain records responsive to your request. Records of the type you have requested, however, may be maintained by the New York State Department of Environmental Conservation. The contact information for this office is as follows:

Records Access Officer  
New York State Department of Environmental

## Conservation

625 Broadway  
Albany, NY 12233-1500  
Phone: (518) 402-9522  
Email: [access.records@dec.ny.gov](mailto:access.records@dec.ny.gov)

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Rosemarie Hewig, Esq.  
Associate Counsel / Records Access Officer  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower, Room 2354  
Albany NY 12237-0026  
Phone: 518-474-8734

state



March 20, 2020

**Sent via email to: [bradley.mudrzynski@ny.nacdnet.net](mailto:bradley.mudrzynski@ny.nacdnet.net)**

Natural Resources Conservation Service  
Genesee County SWCD  
Attn: Brad Mudrzynski – District Manager  
29 Liberty Street, Suite #3  
Batavia, NY 14020

**RE:               Excelsior Energy Center, LLC  
Excelsior Energy Center Project  
Town of Byron, Genesee County, New York  
Information Request**

To Mr. Mudrzynski:

Excelsior Energy Center, LLC is proposing the development of a solar energy center in the Town of Byron in Genesee County, New York. Excelsior Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Excelsior Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

Excelsior Energy Center, LLC is proposing to construct a 280-megawatt (MW) solar photovoltaic electric generating facility and a 20 MW/4 hour energy storage system on land leased from owners of private property. The Project location is illustrated on the attached map (Figure 1). Proposed components will include commercial-scale solar arrays, access roads, fencing, buried (and possibly overhead) electric collection lines, energy storage, and electrical interconnection facilities. The Project is scheduled for construction in late 2021. Additional information about the Project can be found on the Project website at [excelsiorenergycenter.com](http://excelsiorenergycenter.com).

TRC, on behalf of Excelsior Energy Center, LLC, is requesting groundwater well information for the area outlined in the enclosed shapefiles. More specifically, we request the location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas in Genesee County. The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for groundwater well information. Please note, this information request is being made in order to help prepare the Article 10 Application.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (716) 221-4128 or via email at [KMccormick@TRCcompanies.com](mailto:KMccormick@TRCcompanies.com)

Sincerely,

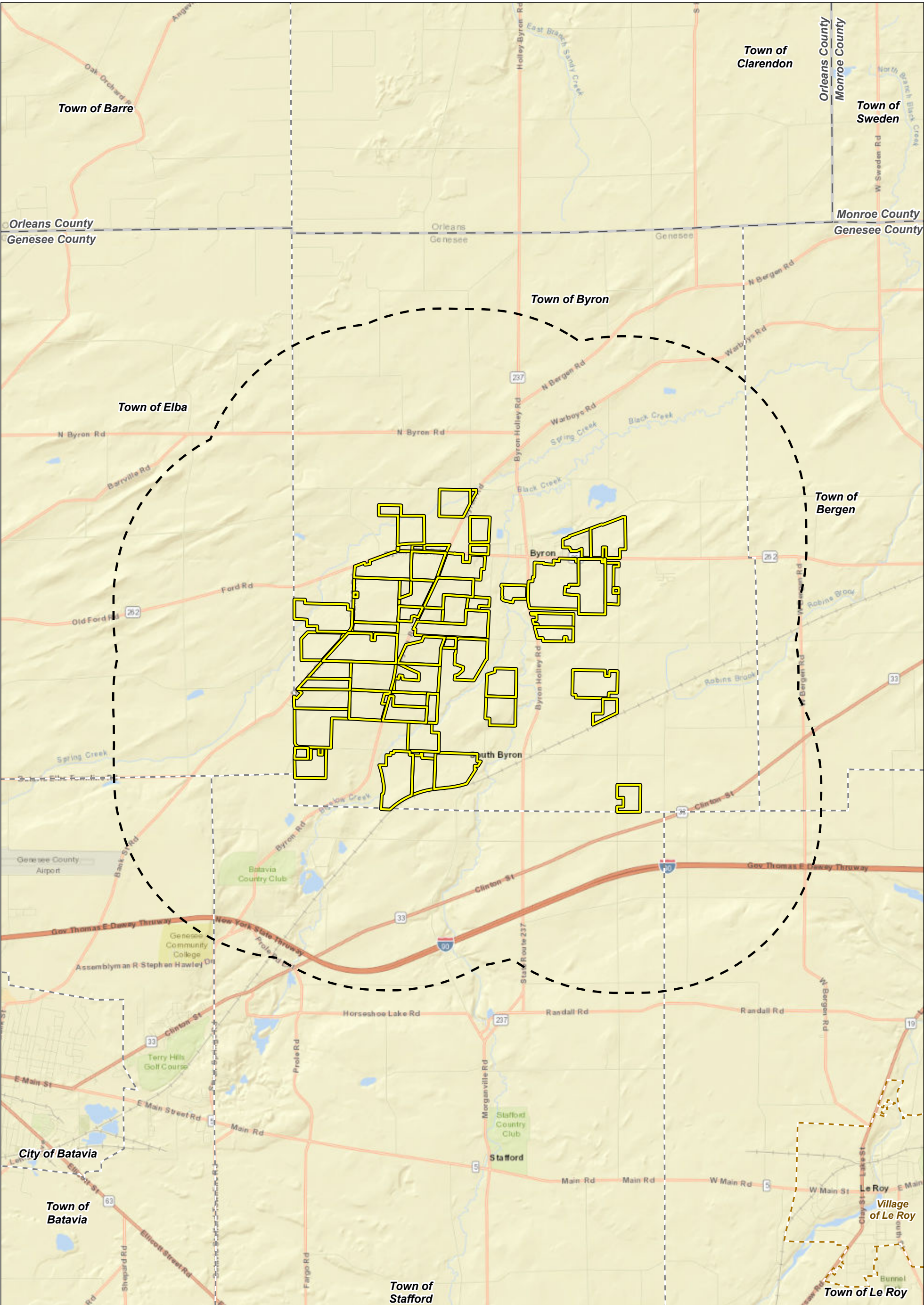


Kaitlin McCormick  
Senior Project Manager

cc:       Bill Boer, NextEra Energy Resources, LLC  
          Keddy Chandran, NextEra Energy Resources, LLC

Attachments:   Figure 1: Site Location Map  
                  Project Study Area shapefiles



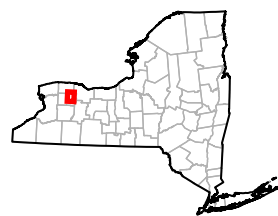


- Project Area
- 2-Mile Article 10 Study Area
- Village Boundary
- Municipal Boundary
- County Boundary

Data: NYS Office of Information Technology  
Services, GIS Program Office, 2017  
Base Map: Esri and its contributors

0 0.5 1  
Miles

MAP LOCATION



PROJECT AREA AND STUDY AREA  
EXCELSIOR ENERGY CENTER, LLC  
TOWN OF BYRON, NY

FIGURE 1 1/10/2020

Map Produced by TRC

**From:** [Mudrzynski, Bradley - NRCS-CD, Batavia, NY](#)  
**To:** [McCormick, Kaitlin](#)  
**Cc:** [Keddy Chandran \(Guest\)](#); [McGowan, Katherine](#); [William Boer \(Guest\)](#)  
**Subject:** [EXTERNAL] RE: Information Request - Excelsior Energy Center  
**Date:** Wednesday, March 25, 2020 12:28:52 PM  
**Attachments:** [image001.png](#)

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This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Kaitlin,

Thank you for your request. However, our department has not been involved with well drilling or data logging so we do not have those data. I would suggest reaching out to the County Health department. I know they at least have some involvement (at least water testing on an as-needed basis), but I cannot guarantee they have the data you are looking for. They also might be busy over there given the current health situation.

Let me know if I can be of assistance moving forward.

Brad Mudrzynski  
District Manager  
Genesee County Soil & Water Conservation District  
29 Liberty Street, Suite 3  
Batavia, NY 14020  
(585) 343-2362 ext. 5  
[Bradley.Mudrzynski@ny.nacdnet.net](mailto:Bradley.Mudrzynski@ny.nacdnet.net)

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**From:** McCormick, Kaitlin <KMccormick@trccompanies.com>  
**Sent:** Monday, March 23, 2020 2:59 PM  
**To:** Mudrzynski, Bradley - NRCS-CD, Batavia, NY <Bradley.Mudrzynski@ny.nacdnet.net>  
**Cc:** Keddy Chandran (Guest) <Keddy.Chandran@nexteraenergy.com>; McGowan, Katherine <KMCGowan@trccompanies.com>; William Boer (Guest) <William.Boer@nexteraenergy.com>  
**Subject:** Information Request - Excelsior Energy Center

Dear Mr. Mudrzynski,

Please see the attached information request for groundwater well information in Genesee County, New York.

Should you have any questions, please do not hesitate to contact me via the information below.

Thank you,

Kaitlin

**Kaitlin McCormick, M.B.A., CEP, PMP**

Senior Project Manager

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1090 Union Road, Suite 280, West Seneca, NY 14224

**T** 716-221-4128 | **C** 716-289-2409

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July 22, 2020

**Sent via email to: [health@co.genesee.ny.us](mailto:health@co.genesee.ny.us)**

Paul Pettit, MSL, CPH, Public Health Director  
Genesee County Public Health Department  
3837 West Main Street Road  
Batavia, NY 14020

**RE: Excelsior Energy Center, LLC  
Excelsior Energy Center Project  
Town of Byron, Genesee County, New York  
Information Request**

Dear Mr. Pettit:

Excelsior Energy Center, LLC is proposing the development of a solar energy center in the Town of Byron in Genesee County, New York. Excelsior Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Excelsior Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

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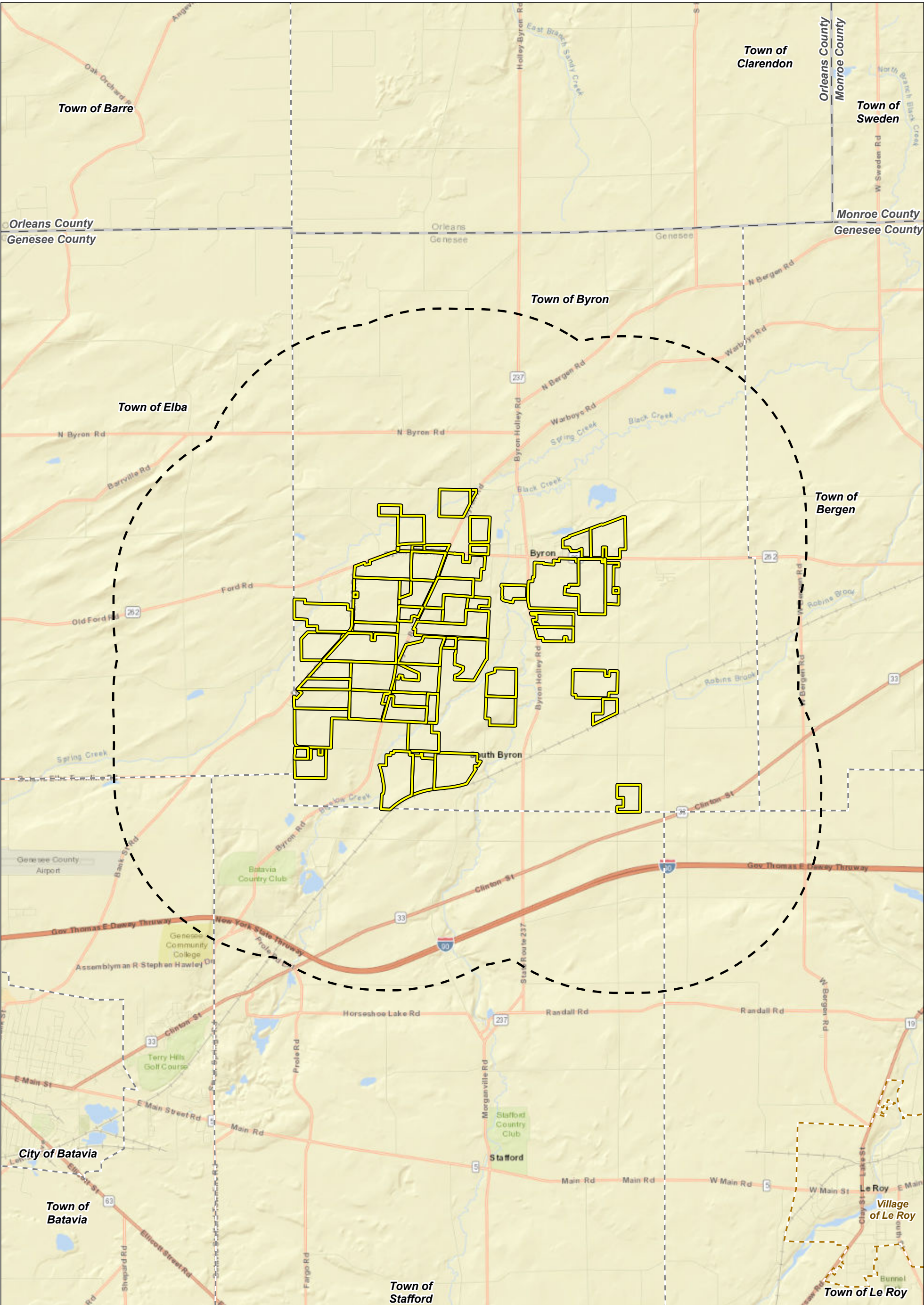
A handwritten signature in blue ink, appearing to read "Kaitlin McCormick".

Kaitlin McCormick  
Senior Project Manager

cc: Bill Boer, NextEra Energy Resources, LLC  
Keddy Chandran, NextEra Energy Resources, LLC

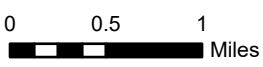
Attachments: Figure 1. Site Location Map  
Project Study Area shapefiles





- Project Area
- 2-Mile Article 10 Study Area
- Village Boundary
- Municipal Boundary
- County Boundary

Data: NYS Office of Information Technology  
Services, GIS Program Office, 2017  
Base Map: Esri and its contributors



**PROJECT AREA AND STUDY AREA**  
**EXCELSIOR ENERGY CENTER, LLC**  
**TOWN OF BYRON, NY**

FIGURE 1

1/10/2020

Map Produced by