

Appendix 29-1:

Decommissioning and Restoration Plan



# DECOMMISSIONING & RESTORATION PLAN

Excelsior Energy Center  
Genesee County, New York  
September 2020

**Facility Operator:**  
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## Attachments

Attachment A. Detailed Cost Analysis - REDACTED

## 1.0 Introduction

Excelsior Energy Center, LLC (Applicant) has prepared this Decommissioning and Restoration Plan (Plan) to detail the decommissioning process and associated costs in relation to the Excelsior Energy Center (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 of the Article 10 Certificate issued for the Project.

The Project will be located on approximately 1,629 acres of land leased from private landowners in the Town of Byron, Genesee County, New York within an overall Project Area of 3,443 acres.

The Plan has been developed by the Applicant for the proposed 280 megawatt (MW) solar energy generation facility and 20 MW/4-hour duration energy storage system. The Plan includes a detailed decommissioning budget outlining the decommissioning costs and activities for each major Project component including, but not limited to, solar arrays, energy storage components, 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 energy and storage 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 order to protect Project personnel and the public.

For decommissioning, the Applicant shall:

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

- Acquire permits not supplanted by Article 10, as needed, and develop a Stormwater Pollution Prevention Plan (SWPPP) for the 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.

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

The solar arrays will be constructed on privately owned lands controlled by lease 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, energy storage components, 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 (NYSDAM) guidelines.

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 (Excelsior 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 tornados; 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 Town of Byron at least 60 days prior to commencement of decommissioning activities.

## **2.1 Timeline**

The decommissioning of the Project is estimated to take approximately 9 months to complete, which includes any time required to repair property damages that may have been caused by the installation or removal of the facility. The site shall be restored to as natural a condition as possible within six months from the decommissioning and removal of the Facility.

## **2.2 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;
  - The Energy storage system will be housed in a shipping container and transported off-site;
- 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.

### **2.3 Proposed Agricultural Restoration**

Agricultural restoration will be completed in accordance with NYSDAM Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (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 NYSDAM 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 Genesee County Soil and Water Conservation District and the NYSDAM. 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.

### **3.0 Estimated Cost of Decommissioning**

The estimated cost of decommissioning the Project is approximately [REDACTED]. This includes the cost of decommissioning for the solar modules, as well as the energy storage facility. A detailed cost analysis for the decommissioning efforts is provided as Attachment A to the Appendix. The estimate cost will be updated periodically as price trends fluctuate.

#### **3.1 Financial Assurance**

The Applicant will provide financial assurance for the cost of decommissioning for the solar modules and energy storage system 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.

### **3.2 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**