EXCELSIOR ENERGY CENTER

Case No. 19-F-0299

1001.29 Exhibit 29

Site Restoration and Decommissioning

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Appendix

Exhibit 29: Site Restoration and Decommissioning

This Exhibit will track the requirements of Stipulation 29, dated July 6, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.29. The Applicant has prepared a Decommissioning and Restoration Plan (the Plan), which is included in Appendix 29-1 of this Application, that outlines the methods and means to decommission the Project at the end of the Project's useful life. 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.

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 finds 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, reuse, and/or recycle, to the maximum extent practicable, equipment and related materials to 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, which allows for the restoration of these previous land uses. Additionally, to provide that the local community is not at risk to pay for removing any part of the solar Project, Excelsior Energy Center, LLC is required to post security to cover the full costs of the decommissioning efforts. The local community will not be at risk of paying for the removal of the solar facility.

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 and energy storage 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 adverse impacts as a result of stormwater runoff. Any hazardous any hazardous fluids and materials will be removed in accordance with Occupations Safety and Health Administration (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 components (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 or 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 for mainly for agricultural purposes and this use can resume following decommissioning of the Project. In addition, previously forested lands may be restored as a young-growth forested area or converted to alternate land uses as appropriate, to be determined in consultation with the landowner.

(6) The Useful Life of the Project

The useful economic 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, energy storage components, ancillary equipment, and infrastructure will be removed. A detailed Decommissioning and Restoration Plan is provided as Appendix 29-1.

(1) Cost Estimate for Restoration and Decommissioning

The Decommissioning and Restoration Plan included as Appendix 29-1 includes a cost estimate for site restoration activities and decommissioning of the Project. The Applicant will provide financial assurance in the form of a surety bond, performance bond, or letter of credit to cover the cost of decommissioning and restoration activities. The cost estimate does not account for any costs associated with salvaged materials.

Surety Bond: A Surety Bond is a form of collateral/credit support backed by a three-party agreement whereby a surety company assures the oblige (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 oblige 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 decommission 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 guaranty 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 Applicant agrees to work with NYSDPS Staff and the Town on an acceptable form of surety bond, performance bond or letter of credit. The bond or letter of credit will remain active for the life of the Facility, until it is decommissioned.

The decommissioning process is expected to take approximately one year. Phases of work include: site mobilization and preparation; disassembly of the solar arrays, energy storage components, and associated infrastructure; removal and reclamation of access roads; removal and reclamation of the decommissioning laydown area; and demobilization from the site.

(2) Notification Procedure and Schedule

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 New York Independent System Operator (NYISO), if applicable, to ensure no disruption to the overall electrical system. Additionally, the Applicant will give landowners and the Town of Byron at least 60 days advance notice prior to commencing decommissioning activities.

(3) Decommissioning Activities and Sequence

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, reused and/or recycled, while underground sections may 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 Siting Board. Excelsior Energy Center is contractually obligated with the landowners to remove improvements, including solar arrays, foundations, and other facilities to a depth of at least three feet below the surface and restore the property to substantially the same condition that existed immediately prior to construction. The Applicant also plans to remove improvements to a depth of at least 48 inches in agricultural lands.

Each solar array would then be deconstructed with the removal of panels, supports, and posts in that order. Energy storage components would be removed completely. Storage cabinet components, including racking and foundation, would be removed and recycled to the extent possible, and any remaining items would be disposed of at an appropriate facility. Any cabled or connection facilities to the battery cabinets would be removed as discussed in prior paragraphs above. 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 one year to complete.

(4) Agricultural Restoration Techniques

The Applicant's lease agreements with participating landowners include a provision for site restoration and decommissioning in accordance, to the maximum extent practicable, with the applicable New York State Department of Agriculture and Markets (NYSDAM) guidance document "Guidelines for Solar Energy Project – Construction Mitigation for Agricultural Lands," dated October 18, 2019:

Operator (Excelsior 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 non-agricultural lands and 48 inches in 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 may 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 from the decommissioning and removal of the Facility.

(5) Decommissioning on Property Not Owned by Applicant

The Project Area is located on lands owned by property owners other than the Applicant, therefore site restoration, decommissioning, and security agreements between the Applicant and landowner, municipality, or other entity, including provisions for foundations and electrical collection, transmission, and interconnection facilities are required. As noted above, Excelsior Energy Center, LLC is contractually obligated with the participating landowners to remove improvements, including solar arrays, foundations, and other facilities and to restore the property to substantially the same condition that existed immediately prior to construction. Provisions for decommissioning activities and financial assurances are discussed above in 29(a) and 29(b). Additionally, the Applicant is proposing collection lines within road right-of-ways owned by the Town of Byron, Genesee County, and New York State. The Applicant intends to enter into road use agreements with these entities. Such agreements will contain provisions for decommissioning activities.

Additionally, to provide that the local community is not at risk to pay for removing any part of the solar Project, Excelsior Energy Center, LLC is required to post security to cover the full costs of decommissioning. The Applicant agrees to work with the New York State Department of Public Service (NYSDPS) staff and the Town of Byron on an acceptable form of bond or letter of credit. The bond or letter of credit will remain active for the life of the Project until decommissioning occurs. The Town or NYSDPS may hold the letter of credit (if selected as the type of financial surety) and the Applicant would execute a decommissioning agreement with the Town or NYSDPS to establish a right for them to draw on the letter of credit.

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.