

Town of Farmington Planning Board
1000 County Rd. 8
Farmington, NY 14425

October 1, 2020

RE: Project Status Log – 10-1-2020

Dear Town of Farmington Planning Board,

Delaware River Solar (“DRS”) is pleased to have the opportunity to bring the benefits of Community Solar to the Town of Farmington. Submitted with this letter are:

1. **Special Use Permit comments to Condition 7.** Comments refer to the use of a Sampling Analysis Plan (see below) to carry out Condition 7, and where Condition 7 is referenced in Conditions 25 and 45;
2. **Draft Sampling Analysis Plan (SAP)** – This plan was prepared by environmental scientists at Bergmann Associates to provide a clear methodology and purpose for monitoring and reporting soil quality, to achieve the practical intent of Condition 7 and the Decommissioning Plan.

We ask the Planning Board to consider and accept the comments made herein to the Special Use Permit at the October 7 meeting, and to accept the Draft SAP as part of the Decommissioning Plan, to be completed in Final form after the Special Use Permit has been adopted and before it is referred to the Town Board for consideration with Planning Board comments.

Copies (10) of all materials listed above will be delivered to the Town Hall in advance of the October 1, 2020 12pm deadline for distribution to the Planning Board and Town staff. We thank the Town of Farmington for the thorough review of these projects and look forward to the completed review of the Site Plan, Subdivision, and Special Permit applications.

Sincerely,

Daniel Compitello
Project Developer

Below are comments to Condition 7, and where Condition 7 is referenced in Conditions 25 and 45 of the Yellow Mills Solar Special Use Permit. Attached to this letter is the Sampling Analysis Plan referenced below.

DRS respectfully asks the Planning Board to accept these changes to the Special Use Permit, and amend them into the Special Use Permit resolution for adoption at the October 7, 2020 meeting.

Condition 7:

To ensure that each solar farm is properly monitored to enable full restoration of the lot to its agricultural condition at the same prime soils classifications and condition presently existing (a fundamental principle and condition on which this Special Use Permit approval is being granted), a detailed Sampling and Analysis Plan (“SAP”) shall be conducted, which will characterize and document the surface soil quality before construction, during operations and upon decommissioning of the solar panels as necessary to return lots #1, #2 and #3 of the Roger and Carol Smith Subdivision to agricultural use once the solar farms have been decommissioned. The soil sampling procedures and analytical parameters in the SAP will be consistent with Cornell University’s soil testing guidelines for measuring contaminant levels in a particular area regarding collection, labeling and packaging of representative soils beneath and around solar panels and solar system equipment according to soil sampling locations specified on the final site plan approved for its lot. In addition to submission of baseline soil sampling as detailed in the SAP, the results of testing detailed in the SAP will be included with every corresponding three-year report required by Condition No. 25, and the pre-decommissioning and post-decommissioning requirements of Condition No. 45 to verify soil restoration quality.

In the event a reported monitored item deviates significantly from acceptable levels of monitored factors in agricultural soils in the corresponding starting benchmark, as provided in the SAP, Applicants or System Operators’ shall prepare a scientific summary at each sampling period explaining the potential reasons for the deviation(s). It is noted that deviations from the baseline sampling event do not necessarily indicate negative impacts from the solar panels, as the soils will regain nutrients from being fallow rather than being farmed annually.

Condition 25:

As a condition of this Special Use Permit approval, every three (3) years from the date of issuance of the Certificate of Compliance by the Code Enforcement Officer with the final site plan for each solar farm, and up to the final reclamation of the land, there shall be provided to the Code Enforcement Officer by the System Operator for each solar farm a written report on the status and condition of their solar farm over the past three year term. Such report shall provide adequate information on the current status of the solar farm’s operations, condition and safety. Such report shall include at least the following information: status of the surety; the solar farm’s rated capacity for generating electricity and the solar electricity generated during the past term, broken down annually, and with references to all restrictions on the production of solar energy imposed by identified factors beyond the control of the System Operator; the identification and status of all System Operator contracts with RG&E or other utilities relating to the production and distribution of solar energy; current condition and operation of the solar system equipment; any indications of, or experiences with, fire in the past

period at the solar farm; copies of notices received by Applicants or System Operators by reason of the solar farm from other local, county, state or federal agencies; identification of the manufacturer and model of all solar panels installed and stored at the solar farm during the period sufficient for the Town to be able to determine all materials involved in the production of each solar panel, and the number of each such models on site at the solar farm and their location; results of the most recent soil sampling required under Condition No. 7 of this Special Use Permit Resolution; number and dates of replacements of solar panels and/or supports or significant equipment and reason therefore; required plantings replaced or needing replacement and the plan for such replacement if incomplete; indications of significant erosion or deterioration of equipment or components at the site; changes to the land use associated with the solar farm lot, such as agricultural production (kind, level and location) and grazing livestock (kind and number); and changes in ownership, operations, management or significant contractual relationships involving the solar farm occurring during the period; plus such additional information as may be reasonably requested by the Town Code Enforcement Officer in order to discharge his or her duties under the Town Code, Special Use Permit conditions and the Decommissioning Plan. The Town Code Enforcement Officer shall review such written report for compliance with applicable requirements, and is entitled to request and obtain from the System Operator or Applicants clarifying information or additional information needed to discharge his or her duties regarding the solar farms conditionally permitted use under this authorization. Failure to submit an adequate report as required herein shall be considered a violation subject to the penalties in Article X of Chapter 165 of the Town Code.

Condition 45:

As a condition of this Special Use Permit approval, decommissioning of a solar farm also consists of final soil sampling as provided in the Sampling Analysis Plan as referenced in Condition No. 7, and restoration of the ground surface and soil of the associated lot to the benchmark soil conditions determined by the SAP in Condition No. 7, subject to minor deviations as are acceptable by the landowners, the Planning Board, the Ontario County Soil and Water Conservation District and the State Department of Agriculture and Markets.

---END OF COMMENTS---