New York Community Solar
Facility Decommissioning Plan & Procedure Agreement

Prepared For:

Town of East Greenbush, New York

Subject:

4.8 MWac Solar PV Project on 82 Moore Rd, East Greenbush, NY 12061

REVISED DECEMBER 10, 2024

CP East Greenbush I, LLC
c/o Citrine Power LLC
170 Mason St, Suite 103
Greenwich, CT 06830

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(DEC 10) REVISIONS PER TOWN PLANNING DEPARTMENT EMAIL DATED DEC 5, 2024 and LETTER DATED NOVEMBER 26, 2024

This Decommissioning Plan and Procedure Agreement has been updated per the requests by the Town of East Greenbush Planning Department (email dated December 5, 2024) and letter furnished by Stantec via Town of East Greenbush dated November 26, 2024. In addition, we have included acknowledgement and approval signature page for Parties to ratify this Decommissioning Plan and Procedure Agreement.

(MAY 8) REVISION NARRATIVE AS A RESPONSE TO LETTER #2 DATED MARCH 28, 2024

13. Provide quantities and unit costs for the cost estimate line items in Section 4. The decommissioning line items relies on a sample of decommissioning costs in the NYSERDA Guide Book. These estimated costs vary based on project size, location and complexity and these factors need to be accounted for.

14. Include costs associated with NYSAGM restoration guidelines within the estimate.

15. Include a 50% contingency per Sec. 57-57(G)(5)(a)(22)(h) in the costs table.

As requested, we have provided an alternative using estimate of quantities and unit costs in comment #13, #14, and #15 (please see Table 2 – Option 2). It should be noted that these are estimates and as such will be finalized based on feedback from Town Board and Planning Bpard and final building permit plans approved prior to start of construction.

Our team has found the current NYSERDA guidance which we have provided below is a relevant and objective estimation of an appropriate decommissioning bond. We have included the 50% contingency as requested above comment #15 in Table 2 - Option 1 and provided that as another benchmark.

We believe between these two options the Planning Board and the Town Board have reliable estimates at this stage of the permitting and planning process. As mentioned in this report before and in line with Sec. 57-57(G)(5)(a)(22) of the Town Code, a Decommissioning Plan Agreement will be executed by the Town, CP East Greenbush I, LLC and the Landlord prior to the start of construction and will be based on the final building permit plans.

16. Include all requirements of Sec. 57-57(G)(5)(a)(22) of the Town Code and add a requirement to provide annual reports of the power generation to the Town as included in the O&M Plan.

Throughout our report we have mapped and bolded out where Sec. 57-57(G)(5)(a)(22) items were addressed for reader's benefit. We also added the Sec. 57-57(G)(5)(a)(22) as Exhibit B again for reader's benefit. We also added annual report requirement as requested above.

17. Add a reference to the Project Plans for specifications pertaining to restoration and seeding. Add notes, procedures and specifications for restoration to the Project Plans.

Plans are also updated accordingly. We will provide an updated set of plans including above once we receive Stantec's comments on the site plans and SWPPP submitted March 20th.

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1. Introduction

Citrine Power, LLC ("Citrine") and its project company CP East Greenbush I, LLC ("Project Company") are developing a 4.8 Megawatt (MW) Alternating Current (AC), ground mounted photovoltaic (PV) solar facility ("Solar Facility") in the Town of East Greenbush, NY. The proposed Solar Facility will be built on approximately 24 +/- acres across three properties (156.-3-26.1, 156.-3-26.1 and 167.-4-8.3). The property address for all three parcels is known as 82 Moore Rd, East Greenbush, NY, 12061 ("Facility Site" or "Project Site"), in Rensselaer County in the State of New York.

This Decommissioning Plan & Procedure Agreement ("Plan") broadly describes the activities that will occur during the decommissioning phase at the end of the Solar Facility's lifetime unless other events occur that will require decommissioning as described below. Decommissioning Plan includes overviews related to land restoration activities, material and waste management, projected costs, and a decommissioning financial assurance plan and agreement.

This Plan assumes System will have a minimum maturity date of minimum twenty-five years (25) years and that the Facility Site will be restored to a state similar to that of pre-construction conditions at the end if the lease term. The plan also covers decommissioning in the case of the abandonment of the Solar Facility, for any reason, prior to the minimum 25-year maturity date. **Sec. 57-57(G)(5)(a)(22) (e)**

Facility Description
Decommissioning of the Solar Facility will include the disconnection of the Solar Facility from the electrical grid and the removal of all Solar Facility components, including: **Sec. 57-57(G)(5)(a)(22) (a) and (f). Specific to the Solar Facility there are:**

- 4020 linear feet of perimeter chain link fence encompassing 24 acres
- 10,902 of PV solar modules (panels)
- 20 string inverters
- 189 Single axis tracker racking frames and racking motors
- 3380 Racking Posts / Screws
- One equipment pad (concrete) / 2 transformers
- LV DC wiring
- MV AC wiring (overhead and underground)
- Utility poles
- Stormwater features

2. Applicant & Project Information

CP East Greenbush I, LLC or any future owner/operator will manage and coordinate the approval process of decommissioning related activities. Project Company will obtain all necessary regulatory approvals that vary depending on jurisdiction, project capacity, and site location. CP East Greenbush I, LLC and/or any future owner/operator will be committed to the safety, health, and welfare of the Town of East Greenbush.

The conditions and obligations of this Decommissioning Plan shall be bounded upon CP East Greenbush I, LLC or its successors and assigns.

Contact Information for the Applicant:

Company:	CP East Greenbush I, LLC (c/o Citrine Power, LLC)
Contact:	Cela Sinay-Bernie
Address:	170 Mason St, Ste 103 Greenwich, CT 06830
Phone:	203-557-5554 (Ext 1)
Email:	cela@citrinepower.com

2.1 Project Information

Address: 82 Moore Rd, East Greenbush, NY 12061
Property Tax IDs: 156.-3-26.1, 156.-3-26.2, 167.-4-8.3
Project Size (Estimated): Approximately 4.8 MWac
Property Owner: Chavin Enterprises, LLC and Kevin Chavin
Site Agreement: Option and Lease Agreement

3. Decommissioning of the Solar Facility

At the time of decommissioning, installed components will be removed, reused, disposed of, and recycled when possible according to **Sec. 57-57(G)(5)(a)(22) of Town of East Greenbush Code and NYSDAM Guidelines as mentioned above and as attached in Exhibit A**. The Project Site will be restored to a state similar to that of pre-construction. All equipment removal will be done with accordance of any applicable regulation and manufacturer recommendations. Decommissioning and restoration activities will be in accordance with all applicable federal and municipal laws, as well as local permitting requirements. All applicable permits will be acquired and all practices will be in compliance with State Environmental Quality Review (SEQRA) requirements. **Sec. 57-57(G)(5)(a)(22) (a), (b), (c)**

3.1 Equipment Dismantling and Removal

Typically, the decommissioning of Solar Facilities occurs in the reverse order of installation.

- Notification of stakeholders including the town, utility, and any other authority having jurisdiction
- Disconnect Solar Facility from the utility power grid. Owner / Operator will provide the Town with a report where it can be determined that the solar energy system has not delivered electricity to the grid for any consecutive thirty day period. **Sec. 57-57(G)(5)(a)(22) (f) (i)**
- Obtain all required permits and approvals
- PV modules shall be disconnected, collected, and disposed at an approved solar module recycler or reused / resold on the market. Although the PV modules will not be cutting edge technology at the time of decommissioning, they are estimated to still produce 80% of the original electricity output at year 25 and add value for many years. **Sec. 57-57(G)(5)(a)(22)(a)(j)**

- All above and underground electrical interconnection and distribution cables shall be removed and disposed off-site and an approved facility **Sec. 57-57(G)(5)(a)(22) (a)**
- In Accordance with NYSDAM guidelines, all underground direct buried electrical conduits and conductors with less than 48-inches of cover shall be removed by means causing the least amount of disturbance possible **Sec. 57-57(G)(5)(a)(22) (a)**
- Underground electrical conduits and direct buried conductors with 48-inches or more of ground cover shall be a abandoned in place. In accordance with NYSDAM guidelines, abandoned conduit must be sealed or capped in accordance with best practices at the time of decommissioning to avoid the potential of directing subsurface drainage to neighboring land uses **Sec. 57-57(G)(5)(a)(22) (a), (b) and (g)**
- Galvanized steel or aluminum PV module support and racking system supports shall be removed and disposed off-site to be recycled/salvages at an approved facility
- Electrical and electronic devices, including transformers and inverters shall be removed and disposed off-site at an approved facility
- Concrete foundations shall be removed and disposed off-site at an approved facility
- Access road to be removed, unless otherwise instructed by Landlord
- Provide additional soil restoration in line with NYSDAM guidelines and approved site plans **Sec. 57-57(G)(5)(a)(22) (b)(c)(g)**
- Remove any temporary sediment and erosion controls in line with NYSDAM guidelines and approved site plans. **Sec. 57-57(G)(5)(a)(22) (g)**
- Provide proper seeding as required in line with approved plans and NYSDAM guidelines **Sec. 57-57(G)(5)(a)(22) (c)**
- Fencing and gates to be removed and disposed off-site at an approved facility **Sec. 57-57(G)(5)(a)(22) (a)**
- Close out any remaining permits

3.2 Environmental Effects

Decommissioning activities, particularly the removal of project components could result in environmental effects similar to those of the construction phase. For example, there is the potential for disturbance (erosion/sedimentation/fuel spills) to adjacent watercourses or significant natural features. Mitigation measures similar to those employed during the construction phase of the Solar Facility will be implemented. These will remain in place until the site is stabilized in order to mitigate erosion and silt/sediment runoff and any impacts on the significant natural features or water bodies located adjacent to the Facility Site. **Sec. 57-57(G)(5)(a)(22)(b) (c) (g)**

Road traffic will temporarily increase due to the movement of decommissioning crews and equipment. There may be an increase in particulate matter (dust) in adjacent areas during the decommissioning phase. Decommissioning activities may lead to temporary elevated noise levels from heavy machinery and an increase in trips to the project location during permitted work hours. Work will be undertaken during daylight hours and conform to any applicable restrictions. Recycling of components will be maximized to the extent possible to reduce solid waste disposal.

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3.3 Site Restoration & NYSDAM Guideline Compliance

3.3.A.Restoration to Pre-Construction Conditions / Agricultural Monitoring

- Per NYSDAM "Guidelines for Solar Energy Projects – Construction and Mitigation for Agricultural Lands" (Exhibit A) requirements we will have an Environmental Monitor ("EM") prior to start of decommissioning activities. Accordingly, prior to construction, EM will collect representative soil samples and submit to laboratory testing for PH, percent organic material, cation exchange capacity, Phosphorus / Phosphate (P), and Potassium / Potash (K). Sampling and testing will be performed pursuant to Cornell University's soil testing guidelines.
- Prior to the start of decommissioning, EM will measure soil compaction, within representative locations throughout the site, using a soil penetrometer.
- The EM will compare all the data to the previously obtained data prior to the construction of the Facility since the same EM data collection requirements will be applicable and necessary per the NYSDAM Guideline.
- EM will perform all requirements of the NYSDAM Guideline in Exhibit A and SWPPP inspections and consult the Facility owner with the proper mitigation measures in line with the NYSDAM Guideline.
- At the completion of the decommissioning activities, EM will prepare a letter relative to compliance with NYSDAM Guidelines.
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3.3.B. NYSDAM Compliance

Through the decommissioning, the Facility Site will be restored to a state similar to its pre-construction conditions. Pre-construction condition of the site has been documented in photos in Appendix A. This site is currently considered a "Homestead Parcel" with hay cropping being conducted an a large portion of the land, so the goal of the site restoration is to return the project area back to preconstruction haying operation. At the time of decommissioning, CP East Greenbush I, LLC or the future owner operator will coordinate with the landowner, the Soil and Water Conservation District, The Department of Agriculture and Markets, and will follow the environmental monitoring and restoration requirements of the NYSDAM Guidelines (Exhibit A). Additionally, any disturbed area, including areas where compaction is likely to occur, shall receive soil restoration in accordance with the most current NYDEC standards. **Sec. 57-57(G)(5)(a)(22)(a)(b)(c)(g)**

All project components (discussed in Table 1) will be removed. Lands may be seeded with a species similar to those surrounding the Facility Site or low growing species such as clover to stabilize and enhance soil structure and increase soil fertility.

In addition, the Decommissioning Plan & Procedure Agreement outlined hereall decommissioning activities will incorporate the guidance provided by New York State Department of Agriculture and Management (NYSDAM) "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands" as attached in Exhibit A.

3.4 Managing Materials and Waste **Sec. 57-57(G)(5)(a)(22) (j)**

Throughout the decommissioning phase, a variety of excess materials and waste (discussed in Table 1) will be generated. Most of the materials used in a Solar Facility are reusable or recyclable and some equipment may have manufacturer take-back and recycling requirements. Any remaining materials will be removed and disposed at and appropriate, approved offsite facility. Citrine or the future owner-operator will establish policies and procedures to maximize recycling and reuse and will work with manufacturers, local subcontractors, and waste firms to separate material to be disposed of, recycled, or reused.

CP East Greenbush I, LLC will be responsible for the logistics of collecting and recycling the PV modules and to minimize potential for modules to be discarded in the municipal waste stream. Currently there exist companies that fully recycle modules when they have reached the end of their lifespan, and some manufactures are investigating ways to reuse module components. CP East Greenbush I, LLC will determine the best method of disposing of modules using best practices at the time of decommissioning.

Table 1. Management of Excess Material and Waste **Sec. 57-57(G)(5)(a)(22) (j)**

Material/Waste	Method of Managing Excess Materials and Waste
PV Panels	If there is no possibility for reuse, the panels will either be returned to the manufacturer for appropriate disposal or will be transported to a recycling facility where the glass, metal, and semiconductor materials will be separated and recycled.
Metal Racking	These materials will be disposed off-site at an approved facility
Transformers and Substation Components	The small amount of oil from the transformers will be removed on-site to reduce the potential for spills and will be transported to an approved facility for disposal. The substation transformer (if needed) and step-up transformers in the inverter units will be transported off-site to be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards and best practices.
Inverters Fans and Fixtures	The metal components of the inverters, fans and fixtures will be disposed of or recycled, where possible. Remaining components will be disposed of in accordance with the standards of the day.
Gravel (or other Granular)	It is possible that the municipality may accept uncontaminated material without processing for use on local roads, however, for the purpose of this report it is assumed that the material will be removed from the project location by truck to a location where the aggregate can be processed for salvage. It will then be reused as fill for construction. It is not expected that any such material will be contaminated.
Geotextile Fabric	It is assumed that during excavation of the aggregate, a large portion of the geotextile will be “picked up” and sorted out of the aggregate at the aggregate reprocessing site. Geotextile fabric that is remaining

	or large pieces that can be readily removed from the excavated aggregate will be disposed of off-site at an approved disposal facility.
Concrete Inverter / Transformer Foundations	Concrete foundations will be broken down and transported by certified and licensed contractor to a recycling or approved disposal facility.
Cables and Wiring	The electrical line that connects the substation to the point of common coupling will be disconnected and disposed of at an approved disposal or recycling facility. Support poles, if made of untreated wood, will be chipped for reuse. Associated electronic equipment (isolation switches, fuses, metering) will be transported off-site to be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards and best practices
Fencing	Fencing will be removed and recycled at a metal recycling facility.
Debris	Any remaining debris on the site will be separated into recyclables/residual wastes and will be transported from the site and managed as appropriate.

3.5 Decommissioning During Construction or Abandonment Before Maturity **Sec. 57-57(G)(5)(a)(22) (e)**

In case of abandonment of the Solar Facility during construction or before its 25-year maturity, the same decommissioning procedures as for decommissioning after ceasing operation will be undertaken and the same decommissioning and restoration program will be honored, in as far as construction proceeded before abandonment. The Solar Facility will be dismantled, materials removed and disposed, the soil that was removed will be graded as needed and the site restored to a state similar to its preconstruction condition. (See 3.3 Site Restoration & NYSDAM Guideline Compliance)

3. 6 Decommissioning Notification

Decommissioning activities may require the notification of stakeholders given the nature of work at the Facility Site. The Town of East Greenbush will be notified prior to commencement of any decommissioning activities. Six months prior to decommissioning, Facility Site operator will update their list of stakeholders and notify appropriate municipalities of decommissioning activities. Federal, county, and local authorities will be notified as needed to discuss the potential permits and approvals required to engage in decommissioning activities.

3.7 Approvals

Well-planned and well-managed renewable energy facilities are not expected to pose environmental risks at the time of decommissioning. Decommissioning of a Solar Facility will follow standards of the day. Facility Site owner-operator will ensure that any required permits are obtained prior to decommissioning.

This Decommissioning Plan will be updated as necessary in the future, but not less than every 3 years to ensure that changes in technology and site restoration methods are taken into consideration. All revisions to the Decommissioning Plan will be reviewed by the Town of East Greenbush. (See 5. Decommissioning Assurance and Agreement)

4. Decommissioning Time Frame / Contingency Plan / Cost

Decommissioning time frame will be within 180 days from the day of the Operator's notice to the Town of East Greenbush assuming all necessary approvals are in place to start the decommissioning process.

Decommissioning shall begin immediately after the facility has ended its planned useful life, or, abandoned due to a period of twelve months or longer of cessation of operation as a solar energy facility collecting and storing energy, and transferring and distributing it to the electrical grid. Periods during which the facility is not operational for maintenance, repair, or due to catastrophic events beyond the Applicant's control, during which the Applicant works diligently to return the facility to full operating status, shall not trigger the decommissioning requirement herein. The Applicant will provide written notice to the Towns and adjacent property holders prior to commencement of decommissioning activity. The notice is expected to include a preliminary timeline of decommissioning activities prior to the start of decommissioning and restoration activities. It is anticipated that the Applicant, or its agent, will obtain any necessary federal, state, or local permits required to complete the decommissioning and site restoration activities described herein. Removal of the equipment will take approximately 3 to 4 months, and completion of the reclamation will take an additional 2 to 3 months. This timeline may be extended if there is a delay beyond the control of Applicant including, but not limited to, inclement weather conditions, planting requirements, equipment failure, or the availability of equipment or personnel to support decommissioning. This timeline will also be dependent upon appropriate seasons for final site restoration, as per the NYSDAM Guidelines. It is anticipated that decommissioning planning (notification to Towns/stakeholders, securing permits and approvals) would begin in late winter to early spring, to allow demolition and restoration to take place during summer and fall months to the extent possible.

The cost estimates in Table 2 - Decommissioning Costs is the basis for the Decommissioning Financial Assurance. Total Decommissioning Financial Assurance is $452, 730.42 This estimate considered the location of the site within a NYS Agricultural district, including compliance with the NYSDAM Guidelines. The cost estimate is based upon the best available information and engineering and demolition experience with other types of projects and includes contingency.

The salvage values of valuable recyclable materials (steel, copper, aluminum, etc) are not factored into the decommissioning cost estimate and scrap value will be determined on current market rates at the time of salvage.

TABLE 2 - DECOMMISSIONING COSTS

		Quantity	Unit	Uni Rate (2024)	Total Cost	Assumptions*
	Disassembly & Disposal					
1	PV Modules	10902	EA	$ 3.07	$ 33,424.85	Assume A-5 (2 Electrician, .25 Truck Driver; .25 Flatbed Truck) = $1962.20. Assumes 40 modules / hr/ electrician
2	String Inverters	20	EA	$ 98.11	$ 1,962.20	Assume A-5 (2 Electrician, .25 Truck Driver; .25 Flatbed Truck) = $1962.20. Assume all can be removed in a day
3	Transformers	1.5	Days	$ 1,962.20	$ 2,943.30	Assume A-5 (2 Electrician, .25 Truck Driver; .25 Flatbed Truck) = $1962.20. Assume all can be removed in 1.5 days
4	Racking Frame	189	EA	$ 18.01	$ 3,403.25	Assume A-5 (2 Laborer, .25 Truck Driver; .25 Flatbed Truck) = $1440.53 Assume crews can remove 80/day
5	Racking Posts & Screws	3380	EA	$ 8.00	$ 27,049.95	Assume A-5 (2 Laborer, .25 Truck Driver; .25 Flatbed Truck) = $1440.53 Assume crews can remove 90 post pairs/day
6	Tracker Motors	189	EA	$ 9.00	$ 1,701.63	Assume A-5 (2 Laborer, .25 Truck Driver; .25 Flatbed Truck) = $1440.53 Assume crews can remove 160/day
7	LV DC Wiring	15000	LF	$ 1.31	$ 19,622.00	Assume A-5 (2 Electrician, .25 Truck Driver; .25 Flatbed Truck) = $1962.20. Assume crews can remove 1500 LF /day
8	MV AC Wiring	3151	LF	$ 7.63	$ 24,040.64	Assume A-5 (2 Electrician, .25 Truck Driver; .25 Flatbed Truck) = $1962.20+ B11M = $1852.66; Assume crews can remove 500 LF /day
9	Fence	4020	LF	$ 2.40	$ 9,651.55	Assume A-5 (2 Laborer, .25 Truck Driver; .25 Flatbed Truck) = $1440.53 Assume crews can remove 600 LF/day
10	Equipment Pad Removal	1	EA	$ 1,727.12	$ 1,727.12	Assume B-17 (2 Laborers, 1 Equip Operator; 1 Truck Driver; 1 Backhoe; 1 Dump Truck) = $3454.23 Assume can remove 2 / day
11	Gravel Equipment Pad Area	90	CY	$ 20.48	$ 1,843.05	Assume B-17 + 4 truck (2 Laborers, 1 Euip Operator; 4 Truck Driver; 1 Backhoe; 4 Dump Truck) = $7167.42 Assume 350 cubic yards/day
12	General Demolition	1.5	DAYS	$ 4,199.64	$ 6,299.46	Asume B-3B (2 Laborers; 1 Equip Operator; 1 Truck driver; 1 Backhoe Loader; 1 Dump Truck) = =$4199.64 Assume 1.5 days
13	Removal of Utility Poles	6	EA	$ 450.00	$ 2,700.00	Estimate based one experience (labor and tools)
14	Earthwork & Restoration	1	Lumpsum	$ 12,000.00	$ 12,000.00	Estimate based one experience (labor and tools)
16	E&S Controls + Contingency	1	Lumpsum	$ 8,000.00	$ 8,000.00	Estimate based one experience (labor and tools)
17	SWPPP/ Permitting / Inspections + Contingency	1	Lumpsum	$ 5,500.00	$ 5,500.00	Estimate based one experience (labor and tools)
18	Legal Contingency	1	Lumpsum	$ 5,000.00	$ 5,000.00	Estimate based one experience (labor and tools)
				TOTAL COST 2024**	**$ 166,869.00**	

Total Cost 2024	$	166,869.00
Total Cost in 25 Years (inflationary escalation 2.5%)	$	301,820.28
50% Contingency	$	150,910.14
Total Decommissioning Assurance Amount	**$**	**452,730.42**

ASSUMPTIONS*

A-5, B-17, B-11M, B-3B Crew Costs are derived from RS Means Manual

Rates are adjusted as necessary for Albany City Index from RS Means Manual

** Total Cost is for 4.8 MWac	$	166,869
Per MWAc =	$	34,764

Decommissioning unit prices estimated based on similarly sized renewable energy decommissioning projects, experience with local construction costs in New York State and a review of RS Means Construction Cost Data.

		Daily (8 hr days)
Crew A5 E	2 Electricians	1683.2
	.25 Truck Driver	164
	.25 Flatbed Truck	115
		$ 1,962.20
Crew A5 L	2 Laborers	1160.8
	.25 Truck Driver	164
	.25 Flatbed Truck, Gas, 1.5 Ton	115.73
		$ 1,440.53
Crew B17	2 Laborer	1160.8
	1 Equipment Operator	735.6
	1 Truck Driver	680.8
	1 Backhoe Loader 48 HP	320.1
	1 Dumptruck 8 CY, 220HP	556.93
		$ 3,454.23

Crew B-3B	2 Laborers	1160.8
	1 Equip operator	771.2
	1 Truck Driver	680.8
	1 Backhoe Loader	501.06
	1 Dump Truck	1085.78
		$ 4,199.64
Crew B-11M	1 Equipment Operator	771.2
	1 Laborer	580.4
	1 Backhoe Loader 80 HP	501.06
		$ 1,852.66

5. Decommissioning Assurance & Agreement **Sec. 57-57(G)(5)(a)(22) (k) (i)**

Prior to the issuance of a building permit, CP East Greenbush I, LLC will post a form of surety bond or a letter of credit **("Decommissioning Financial Assurance")** to the Town for the amount equal to the **Estimated Decommissioning Assurance Amount** as stated in Table 2. We confirm that the calculations in Table 2 include inflation adjustments and is 150% of the estimated costs. Although CP East Greenbush I, LLC intends to own, operate, and decommission the Solar Facility, unforeseen circumstances such as Solar Facility sale or going out of business are possible. Such surety bond or letter of credit shall be reviewed and approved by the Town prior to the issuance of the building permit. The Decommissioning Financial Assurance shall be in place for the lifetime of the Project and will be renewed annually and will be subject to review every three years per below.

5.1 Annual Renewal Process

The Decommissioning Financial Assurance instrument will be renewed at the anniversary of the date on which the first Decommissioning Financial Assurance was posted with the Town of East Greenbush. Revised Decommissioning Financial Assurance will be mailed to the Town Supervisor's office within five business days of the expiration of the previous Decommissioning Financial Assurance.

5.2 Review Every Third Year

The **Estimated Decommissioning Assurance Amount** will be updated every third year thereafter specifying changes to the estimated cost of implementing the decommissioning plan. Refreshed calculations will be provided to the Planning Department and Town Supervisor (via email) for the remainder of the useful life of the Project with the then current decommissioning costs projected for the remainder of the lifetime of the project taking inflation escalation into account("R**evised Estimated Decommissioning Assurance Amount**")

Planning Department / Town Supervisor may ask their Town Engineer and Town Attorney to review the "Revised Estimated Decommissioning Assurance Amount" at the Applicant's expense not to exceed $3000 in total. Such Revised Estimated Decommissioning Assurance Amount will be presented to the Planning Department / Town Supervisor 3 months prior to the renewal of the annual Decommissioning Bond / Letter of Credit. For avoidance of doubt, Estimated Decommissioning Assurance Amount and revisions is at 150% of the estimated / calculated costs and have taken inflationary adjustments into account.

Decommissioning may be triggered by any of the events below:

- End of the life of the System
- Prior to the end of the life of the System, in the event the System fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a period of 12 consecutive months shall be deemed to be abandoned.
- If the owner or operator fails to perform substantial construction within 36 months of commencement of construction, the Town may notify the owner or operator to implement the decommissioning plan.
- Revocation of Special Use Permit for non-compliance

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Applicant / Operator will provide a mandatory annual report to the Town of East Greenbush as the verifiable means by which it can be determined the power generation of the System as included also in the Operations and Maintenance / Fire Protection and Emergency Response Plan. Annual report can also be used to determine as a verifiable means by which it can be determined that the solar energy system has or has not delivered electricity to the grid for any consecutive thirty day period.

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6. Acknowledgement & Approval

By signing the below, CP East Greenbush I, LLC, Town of East Greenbush and the Landlord ("Parties") acknowledge and accept the Decommissioning Plan and Procedure as outlined in this document. Parties acknowledge the Decommissioning Plan and Procedure outlined here and the Decommissioning Financial Assurance is in compliance with the decommissioning provisions of the Solar Zoning Law of the Town of East Greenbush as amended by the Town of East Greenbush and amount

CP East Greenbush I, LLC

By:
Name: Cela Sinay Bernie
Title: Member / Manager
Date: 1/13/2025

Town of East Greenbush

By:
Name: Jack Conway
Title: Town Supervisor
Date: 1/7/25

Owner(s) of the Land

By:
Name: Kevin Chavin & Chavin Enterprises LLC
Title: Landlord / Owner
Date: 1/14/25

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EXHIBIT A - New York State Department of Agriculture and Management (NYSDAM) "Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands".

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance[1] within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices[2] (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

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[1]Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

[2] An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

1. For projects involving less than 50 acres of agricultural land within the limits of disturbance (LOD),[3] the EM shall be available for consultation and/or on-site whenever construction or restoration work that causes Ground Disturbance is occurring on agricultural land.

2. For projects involving 50 acres or more of agricultural land within the (LOD) (including projects involving the same parent company whether phased or contiguous projects), the EM shall be on site whenever construction or restoration work requiring or involving Ground Disturbance is occurring on agricultural land and shall notify NYSDAM of Project activity. The purpose of the agency coordination would be to assure that the mitigation measures of these guidelines are being met to the fullest extent practicable. The Project Company and the NYSDAM will agree to schedule inspections in a manner that avoids delay in the work. NYSDAM requires the opportunity to review and will approve the proposed EM based on qualifications or capacities.

Construction Requirements

- Before any topsoil is stripped, representative soil samples should be obtained from the areas to be disturbed. The soil sampling should be consistent with Cornell University's soil testing guidelines, and samples should be submitted to a laboratory for testing PH, percent organic material, cation exchange capacity, Phosphorus/Phosphate (P), and Potassium/Potash (K). The results are to establish a benchmark that the soil's PH, Nitrogen (N), Phosphorus/Phosphate (P), and Potassium/Potash (K) are to be measured against upon restoration. If soil sampling is not performed, fertilizer and lime application recommendations for disturbed areas can be found at https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf .

- Stripped topsoil should be stockpiled from work areas (e.g. parking areas, electric conductor trenches, along access roads, equipment pads) and kept separate from other excavated material (rock and/or sub-soil) until the completion of the facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace (ATWS) may be needed along "open-cut" underground utility trenches. All topsoil will be stockpiled as close as is reasonably practical to the area where stripped/removed and shall be used for restoration on that particular area. Any topsoil removed from permanently converted agricultural areas (e.g. permanent roads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD) ; however not to significantly alter the hydrology of the area. Clearly designate topsoil stockpile areas and topsoil disposal areas in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD (as designated on the site plan or by the EM) area should be allotted to allow adequate access to the stockpile for topsoil replacement during restoration.

    - Topsoil stockpiles on agricultural areas left in place prior to October 31st should he seeded with Aroostook Winter Rye or equivalent at an application rate of three bushels (168 lbs.) per acre and mulched with straw mulch at rate of two to three bales per 1000 Sq. Ft.

    - Topsoil stockpiles left in place between October 31st and May 31st should be mulched with straw at a rate of two to three bales per 1000 Sq. Ft. to prevent soil loss.

- The surface of access roads located outside of the generation facility's security fence and constructed through agricultural fields shall be level with the adjacent field surface. If a level road design is not

[3] The Limits of Disturbance (LOD) includes all project related ground disturbances and all areas within the project's security fencing.

feasible, all access roads should be constructed to allow a farm crossing (for specific equipment and livestock) and to restore/ maintain original surface drainage patterns.

- Install culverts and/or waterbars to maintain or improve site specific natural drainage patterns.

- Do not allow vehicles or equipment outside the planned LOD without the EM seeking prior approval from the landowner (and/or agricultural producer), and associated permit amendments as necessary. Limit all vehicle and equipment traffic, parking, and material storage to the access road and/or designated work areas, such as laydown areas, with exception the use of low ground pressure equipment.[4] Where repeated temporary access is necessary across portions of agricultural areas outside of the security fence, preparation for such access should consist of either stripping / stockpiling all topsoil linearly along the access road, or the use of timber matting.

- Proposed permanent access should be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g. permanent roads, equipment pads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area.

- When open-cut trenching is proposed, topsoil stripping is required from the work area adjacent to the trench (including segregated stockpile areas and equipment access). Trencher or road saw like equipment are not allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. Horizontal Directional Drilling (HDD) or equivalent installation that does not disrupt the soil profile, may limit agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged must be removed from agricultural areas. Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, are exempt from topsoil segregation.

- Electric collection, communication and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside of the security fence must be buried in agricultural fields wherever practicable. Where overhead utility lines are required, (including Point(s) of Interconnection) installation must be located outside field boundaries or along permanent access road(s) wherever possible. When overhead utilities must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

- All buried utilities located **within** the generation facility's security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).[5]

- The following requirements apply to all buried utilities located **outside** of the generation facility security fence:

    - In cropland, hayland, and improved pasture buried electric conductors must have a minimum depth of 48-inches of cover. In areas where the depth of soil over bedrock is less than 48-inches, the

[4] low ground pressure vehicles that do not result in a visible rut that alters soil compaction.
[5] Burial of electrical conductors located within the energy generation facility may be superseded by more stringent updated electrical code or applicable governing code.

electric conductors must be buried below the surface of the bedrock if friable/rippable, or as near as possible to the surface of the bedrock.

- In unimproved grazing areas or on land permanently devoted to pasture the minimum depth of cover must be 36-inches.

- Where electrical conductors are buried directly below the generation facility's access road or immediately adjacent (at road edge) to the access road, the minimum depth of cover must be 24-inches. Conductors must be close enough to the road edge as to be not subject to agricultural cultivation / sub-soiling.

- When buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. Install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tile must meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles should be consistent with the NYSDAM's details for *"Repair of Severed Tile Line"* found in the pipeline drawing A-5 (http://www.agriculture.ny.gov/ap/agservices/Pipeline-Drawings.pdf).

- In pasture areas, it may be necessary to construct temporary fencing (in addition to the Project's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be required to delay the pasturing of livestock within the restored portion of the LOD until pasture areas are appropriately revegetated. Temporary fencing including the project's required temporary access for the associated fence installations should be included within the LOD as well as noted on the construction drawings. The Project Company will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Project Company should be responsible for removal of the temporary fences.

Post-Construction restoration requirements applicable to continued use agricultural areas that suffered ground disturbance due to construction activities (typically lands outside of the developed project's security fence).

- All construction debris in active agriculture areas including pieces of wire, bolts, and other unused metal objects will need to be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.

- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. Remove all excess subsoil and rock unearthed from construction related activities occurring in areas intended to return to agricultural use. On-site disposal of such material is not permissible in active agricultural lands. Designated spoil disposal locations should be specified in the associated construction plans. If landowner agreements, LOD boundary, or Project's land use approvals do not allow for on-site disposal, material must be removed from the site.[6]

[6] Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the facility operator, with the cooperation of the landowner when required.

- Excess stripped topsoil shall not be utilized for fill within the project area. Any extra topsoil removed from permanently impacted areas (e.g. roads, equipment pads, etc.) should be evenly spread in adjacent agricultural project areas, however not to significantly alter the hydrology of the area.

- Regrade all access roads outside of the security fencing (as determined necessary by the EM), to allow for farm equipment crossing and restore original surface drainage patterns, or other drainage pattern incorporated into the design.

- Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.

- On agricultural land needing restoration because of ground disturbance, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded, and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No permanent project restoration activities shall occur in agricultural areas between the months of October through May unless favorable soil moisture conditions exist.

- In all continued use agricultural land where the topsoil was stripped, subsoil decompaction shall be conducted prior to topsoil replacement. Following construction, all such areas will be decompacted to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) throughout the decompacted 18 inches as measured with a soil penetrometer. Following decompaction, all rocks 4 inches and larger in size unearthed from decompaction will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger from topsoil shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with NYSDAM. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth for stabilization[7] to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to prevent potential springtime erosion, as well as restore any eroded areas in the springtime, to establish proper growth. Excess stripped topsoil shall be evenly spread in the adjacent project areas, or adjacent agricultural areas (within the LOD), however, not to significantly alter the hydrology of the area.

- In all continued use agricultural areas where the topsoil was not stripped, including timber matted areas, the EM shall determine appropriate activities to return the area to agricultural use. These activities may include decompaction, rock removal, and revegetation. Soil compaction should be tested in the affected areas and the affected area's adjacent undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. Soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch (PSI), by

[7] Sufficient growth for stabilization should be determined by comparison with unaffected crop production. Annual crops restored after normal planting window (as determined by the landowner or associated producer) should be stabilized with Aroostook Winter Rye at the rate of 150/100 lbs. per acre (broad cast/drill seeder).

comparing probing depths of both the affected and unaffected areas. Where representative soil density of the affected area's collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area's mean soil density, additional decompaction may be required to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following decompaction, remove all rocks unearthed from decompaction activities 4 inches and larger in size from the surface. Revegetation shall be performed in accordance with the instructions below.

- Seed all agricultural areas from which the vegetation was removed or destroyed with the seed mix specified by the landowner/agriculture producer or as otherwise recommended in the Department's fertilizer, lime and seeding guideline: [https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf]. Soil amendments should be applied as necessary so that restored agricultural areas' soil properties, at minimum, reasonably reflect the pre-construction soil test results or as otherwise agreed to by the involved parties to ensure continued agricultural use. All parties must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to restore and/or re-seed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Monitoring and Remediation

Project Companies shall provide a monitoring and remediation period of one complete growing season following the date upon which the desired crop is planted. All projects subject to NYS Public Service Law Article 10 will provide a monitoring period of two complete growing seasons following the date upon which the project achieves the establishment of the desired crop.

On site monitoring shall be conducted seasonally at least three times during the growing season (Spring, Summer, Fall). Monitoring is required to identify any remaining impacts directly associated with the construction of the project on agricultural lands proposed to remain or resume agriculture production, including the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring observations can be made. NYSDAM expects the Project Company (or its contractor) to retain the EM for follow-up monitoring and remediation (as needed) in agricultural areas. Monitoring is limited to the restored agricultural area. Non-project related impacts affecting the restored project area will be discussed with NYSDAM staff and considered for omission from future monitoring and remediation. The EM is expected to record the following observations from onsite inspections:[8]

- **Topsoil Thickness and Trench Settling** – The EM observations may require small hand dug holes to observe the percentage of settled topsoil in areas where the topsoil was stripped, or trenching was performed without stripping topsoil. Observations concerning depth of topsoil deficiencies shall require further remediation by re-appropriating additional topsoil. Acceptable materials for remediation are: known areas of native excess topsoil (according to records of project specific excess topsoil disposal spread within the original LOD) or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site.

[8] The activities that follow are not necessary for restored agricultural lands on which the farmer or landowner has commenced activities, including agricultural activities or other use that tend to reverse restoration or create conditions that would otherwise trigger restoration. Should NYSDAM contend upon inspection that conditions indicate that post-construction restoration activities were improperly performed or insufficient, NYSDAM may inform the project company and NYSERDA for further investigation and remediation.

- **Excessive Rock (>4-inches)** - Determined by a visual inspection of disturbed areas as compared to unaffected portions of the same field located outside the construction area. Observations concerning excess stone material in comparison to off-site conditions shall require further remediation including removal and disposal of all excess rocks and large stones.

- **Soil Compaction** - Project affected agricultural soils should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made at regular intervals of distance throughout the access or work areas, including each soil type identified on the affected agricultural areas. Where representative soil density of the affected area exceeds the representative soil density of the unaffected areas, additional decompaction may be required. Consultation with NYSDAM staff and the agricultural producer(s) should be conducted prior to scheduling additional decompaction. If warranted, decompaction to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Restoration of displaced topsoil to original depth and re-establish original contours where possible. Decompaction deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock (Four-inches) material that is uplifted/unearthed to the surface as a result of the deep shattering will be removed.

- **Drainage** – The EM shall visually inspect the restored agricultural areas in search of pervasive stunted crop growth due to seasonal saturation, not previously experienced at the site and not resulting from the agricultural producer's irrigation management or due to excessive rainfall. Identified areas of stunted crop growth shall be compared to the nearest undisturbed adjacent areas under a substantially equivalent terrain and crop management plan. Drainage observations should be evaluated to determine if the project affected surface or sub-surface drainage during construction or restoration. Project caused drainage issues affecting or likely to reduce crop productivity of the adjacent areas will have to be remediated via a positive surface drainage, sub-surface drainage repair or an equivalent.

- **Agriculture Fencing and Gates** – The EM shall inspect Project associated fencing and gates (installed, altered or repaired) within the Project's LOD associated with agricultural activities for function and longevity. The Project Company is responsible during the Monitoring and Remediation Phase for maintaining the integrity of Project associated fencing and gates.

The Project Company (or its contractor) shall consolidate each applicable growing season's observations into an annual report during the monitoring period and shall be provided upon request to NYSDAM. Annual reports should include date stamped photographs illustrating crop growth in comparison with unaffected portions the agricultural areas.

The EM shall record observations of the establishment of the desired crop and subsequent crop productivity within restored agricultural areas and shall be evaluated by comparing its productivity to that of the nearest adjacent undisturbed agricultural land of similar crop type within the same field. If a decline in crop productivity is apparent the Project Company as well as other appropriate parties must determine whether the decline is due to project activities. If project activities are determined to be the primary detrimental factor, the project EM will notify NYSDAM concerning unsuccessful restoration and to potentially schedule a NYSDAM staff field visit. If project restoration is determined to be insufficient, the Project Company will develop a plan for appropriate rehabilitation measures to be implemented. NYSDAM staff will review and approve said plan prior to implementation. Additional monitoring may be required depending on additional restoration activities needed.

The Project Company is not responsible for site conditions and/or potential damages attributable to the agricultural producer's land use management or others' land use management.

Decommissioning

If the operation of the generation facility is permanently discontinued, remove all above ground structures (including panels, racking, signage, equipment pad, security fencing) and underground utilities if less than 48-inches deep. All concrete piers, footers, or other supports must be removed to a minimum depth of 48-inches below the soil surface. The following requirements apply to electric conductors located at the respective range of depth below the surface:

- 48-inches plus: All underground electric conduits and direct buried conductors may be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses.

- Less than 48-inches: All underground direct buried electric conductors and conductors in conduit and associated conduit with less than 48-inches of cover must be removed, by means of causing the least amount of disturbance as possible.

Access roads in agricultural areas must be removed, unless otherwise specified by the landowner. If access is to be removed, topsoil will have to be returned from recorded project excess native topsoil disposal areas, if present, or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Restore all areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, and as required by any applicable permit, the Soil and Water Conservation District, and NYSDAM.

Monitoring and restoration requirements in accordance to the prior sections of these guidelines, will be required for the decommissioning restoration. NYSDAM requires notice before the Project Company undertakes decommissioning.

_**CP EAST GREENBUSH I, LLC**_____ (Project Company) hereby agrees to use best efforts to adopt and employ the provisions of the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects in all material aspects of the construction, post construction and decommissioning of this project. Where Project Company determines that it cannot perform an activity in a manner that meets the material terms of any provision of the Guidelines, the Project Company or its Environmental Monitor will notify NYSDAM and make good faith efforts to devise an alternative solution that will mitigate adverse agricultural impacts.

_____Cela Sinay Bernie__ ___02/05/2024_____
Signature Date

CITRINE
170 Mason Street, #103
Greenwich, CT 06830
203.557.5554

EXHIBIT B: Sec. 57-57(G)(5)(a)(22)

"A decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the large-scale solar energy system. The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
[a]
Removal of all aboveground solar energy equipment, structures and restoration of areas previously used for agricultural production, according to recommendations by the owner, the Soil and Water Conservation District, the Town Engineer, the Department of Agriculture and Markets, and/or other qualified entity; removal of concrete piers, footers, or other supports to a depth of 48 inches below the soil surface; and removal of access roads, unless otherwise specified by the owner and subject to approval during site plan review. For solar energy systems constructed on designated farmland, the restoration of the designated farmland pursuant to the decommissioning guidelines of the New York State Agriculture and Markets Solar Energy Project Guidance.
[b]
Restoration of the surface grade and soil after removal of equipment.
[c]
Revegetation of restored soil areas with native or agricultural seed mixes, excluding any invasive species.
[d]
A time frame for the execution of the decommissioning plan work.
[e]
Anticipated life of the solar energy system.
[f]
The disconnection of the solar energy system from the utility power grid.
[g]
Stabilization or revegetation of the site as necessary to minimize erosion.
[h]
Estimated decommissioning costs, including contingency costs of at least 50% (in current dollars), consistent with the then-current NYSERDA guidance, or based on a detailed engineering assessment, and certified by a New York State-licensed professional engineer.
[i]
The verifiable means by which it can be determined that the solar energy system has not delivered electricity to the grid for any consecutive thirty-day period.
[j]
The plan to dispose or recycle all waste generated from the decommissioning of the solar energy system pursuant to local, state, and federal solid waste regulations.
[k]
Method for ensuring that funds will be available for decommissioning and restoration as set forth in the decommissioning surety requirements of Subsection G(6) of this section."

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EXHIBIT C: Sample Decommissioning Bond

Bond No. _TBD_

DECOMMISSIONING BOND

KNOW ALL MEN BY THESE PRESENTS:

That ___Principal_____ (hereinafter called Principal), as Principal and The Hanover Insurance Company, a corporation of the State of New Hampshire, with its Home Office in Worcester, MA, and duly authorized and licensed to do business in the State of (Obligee State) (hereinafter called Surety), as Surety, are held and firmly bound unto __(Obligee Name)_____ (hereinafter called Town), in the full and just sum of ___(Bond Penalty)____ Dollars ($000,000), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the __(Obligee Name)_____, on (Insert Date), accepted Principal's estimate for decommissioning of _____(Insert Address)_____which estimate is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, that the term of this bond shall be for the period from _____, 2024 through ____, 2025, and any annual extensions of this bond shall be executed via Certificate of Continuation. The failure of the Surety to extend this bond at any annual bond anniversary shall not in itself be the basis for a claim against the bond. Any and all claims by the Obligee shall be reimbursed by the Surety on the basis of reasonable, actual costs incurred of takeover by the Obligee. The Obligee, with the acceptance of this bond, acknowledges that the provision and conditions of this bond are specifically incorporated in the Contract as an amendment thereto and that the language of this bond shall supersede and preempt any Contract language to the contrary. Surety may terminate this bond and be released of further liability hereunder by delivering 60 days' notice to the obligee. Such termination shall take effect 60 days from the date said notice of cancellation is received by the Obligee. Regardless of the number of extensions of this bond, the aggregate liability of the Surety is limited to the penal amount and shall not be cumulative.

No right of action shall accrue on this bond to or for the use of any person, governmental entity or corporation other than the Obligee. Any suit under this bond must be instituted before the expiration of one (1) year from the first occurrence date of any event that forms the basis for the material service default underlying the Conditions Precedent unless such limitation is prohibited by the law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

Signed and sealed on _____.

ATTEST: _____(SEAL)

_____

(If Corporate)

The Hanover Insurance Company

By_____

_____, Attorney-in-Fact

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APPENDIX A – Pre-Construction Photos

170 Mason Street, #103
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