

T. G. MILLER, P. C.

E N G I N E E R S A N D S U R V E Y O R S

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July 19, 2024

Ray Burger, Director of Planning
Town of Dryden
93 E. Main Street, Dryden, NY 13053

Re: Delaware River Solar
30 Morris Road Solar Facility

Dear Ray,

I have reviewed the revised application materials provided digitally to us on July 11, 2024 along with the applicants response to comments letter also dated July 11, 2024. I have outlined additional information we recommend be provided or revised by the Applicant before commencing the environmental review.

Operations and Maintenance Plan

1. 5/21/24 TGM Comment: Provide a maintenance schedule for the rain garden on the site. Coordinate with Town attorney for O&M Agreement.

6/11/24 PWGC Response: Post-construction maintenance for the proposed rain gardens is included as Section 4.4 of the revised Stormwater Pollution Prevention Plan (SWPPP), and Drainage System Operation, Maintenance and Management Inspection Checklist is included as Appendix I in the SWPPP. The revised SWPPP is enclosed. The applicant will coordinate with the Town Attorney for O&M Agreement.

6/27/24 TGM Comment: Please provide a copy of the O&M Agreement if required based on SWPPP comments below.

7/11/24 PWGC Response: As the application process progresses, the applicant will work with the Town to develop an Operations and Maintenance Agreement.

7/19/24 TGM Comment: Comment addressed. Please provide the O&M Agreement to the Town once complete.

Decommissioning Plan

1. Complete
2. 6/27/24 TGM Comment: What financial mechanism will be used to ensure funds are available for decommissioning? Provide stamped cost estimate by NYS Profession Engineer and compare with NSYSERD decommission recommendations. Will inflation and adjustment values be used?

7/11/24 PWGC Response: A financial security bond will be provided by the applicant on the NYSEDA recommendations and will be adjusted annually at a 2% escalator to account for inflation. See enclosed bond value estimate. Additionally, see enclosed NYSEDA Guidebook "Decommissioning Solar Panel Systems" dated 2023 which was utilized to produce the bond value estimate. As the site plan process progresses, a NYS PE stamped cost estimate will be provided. It is our understanding from the meeting held on June 28, 2024, that this could be provided at a later date. PWGC has included an unstamped version of said cost estimate for Town review.

David A. Herrick, P.E.
Frank L. Santelli, P.E.
Owen B. Barden, P.E.

Donald M. Harner, P.E.
LEED A.P., C.P.E.S.C.

Lee Dresser, L.S.
Darrin A. Brock, L.S.
Jacqueline L. Dresser, L.S.

7/19/24 TGM Comment: The cost estimate seems reasonable. Please update and provide the Town with a NYS PE stamped cost estimate once the site plan is finalized.

3. Completed

Visual Assessment

1. Completed
2. Completed
3. Completed
4. 6/27/24 TGM Comment: Has NYSEG reviewed the point of interconnection? Provide additional details to clarify number of poles and any pole mounted equipment that will be necessary. Consider providing an elevation view from the transition point from below ground to above ground connection point to mitigate any potential visual impact.

7/11/24 PWGC Response: The point of interconnection (POI) located along the north side of the proposed access road on Morris Road has been modified to connect to and upgrade existing infrastructure located along W. Malloryville Road. This proposed location reduces visual impact by eliminating the need for additional tree clearing or new pole installation along Morris Road to the west of the proposed access road. NYSEG has been informed of the POI change and an updated layout has been provided. If required, the applicant will provide a photo-simulation of the transition point from the below ground to above ground connection point. However, it was the applicant's understanding that moving the pole farm further into the access road was satisfactory to the Town Planning Board to reduce visual impact.

7/19/2024 TGM Comment: Provide additional detail for upgrade to existing NYSEG infrastructure. Will additional poles be required outside project limits? Show full extents of NYSEG upgrade. Suggest providing an elevation view of the interconnect (PCC) location.

SWPPP

1. Completed
2. 6/27/24 TGM Comment: Review routing of the time of concentration between the existing conditions and proposed conditions.

7/11/24 PWGC Response: The time of concentration between the existing conditions and proposed conditions has been revised and is included in the Stormwater Pollution Prevention Plan (SWPPP). The routing of the TOC for the proposed conditions is based on the change in grade for the property (existing was a combination of wooded hills and grassed pastures; proposed gradual 10% slope). This TOC has been reviewed and confirmed (shown on Sheets C-603 & C-604).

7/19/24 TGM Comment: The time of concentration should be calculated from the hydraulically most distant point of a watershed. The time of concentration shown on the C-603 begins is in the middle of a much larger watershed that extends up to Morris/W Malloryville Rd. Please provide a drawing of the watershed boundaries, areas, and update time of concentration flow path and calculations. Alternatively, review use of diversion swales or adjusting location of practices to treat impervious surfaces.

1. Complete
2. 6/27/24 TGM Comment: Clarify why hydrologic soil group (HSG) A was selected for soil types of Phelps gravelly silt loam (PhB) and Fredon silt loam (FdB) which are both listed as B/D.

7/11/24 PWGC Response: Hydrologic soil groups (HSGs) were identified based on test pits performed by PWGC. The soil boring results are indicated Sheet B-001 and the soil boring locations are indicated on the Conceptual Site

Layout Plan (see Sheet C-101) (see enclosed). PWGC utilized HSG-A for the stormwater calculations as HSG-A would require the greatest volume of RRv to be provided through stormwater controls. Though portions of the site have varying HSG-A was chosen for uniformity.

7/19/24 TGM Comment: In the site plans and HydroCAD calculations 11.04 acres of soil in the preconstruction watershed is classified as row crop, HSG D. In the post construction watershed 0 acres are classified as HSG D. Please explain how the HSG changed from pre to post construction. Additionally, if existing land use is agriculture, the curve number for the pre-developed condition must be modelled as “meadow” not row crop per Section 4.5 of the New York State Design Manual. Please adjust runoff calculations accordingly.

3. Complete

4. 6/27/24 TGM Comment: Provide justification for land grading and water bar installations to satisfy requirements of the Town solar law (Code 270.13.12) for disturbing lands with slopes greater than 15%. Provide water bar detail and outline DEC requirements for installing solar on slopes greater than 10%.

7/11/24 PWGC Response: In accordance with §270.13.12(2)(c), the proposed solar facility would not be located on slopes greater than 15%. In order to support the proposed development, the project area would be regraded slopes less than 10%. A water bar detail is provided on Sheet C-600 (Site Details) of the enclosed site plans.

7/19/24 TGM Comment: The reduction in slopes through site grading is acceptable. Add water bar inspection and maintenance to the SWPPP.

5. Complete

6. 6/27/24 TGM Comment: Silt fence to be installed parallel to the contours. Review silt fence spacing requirements on slopes and provide additional phased silt fence along contours throughout the site.

7/11/24 PWGC Response: A phasing plan has been prepared by PWGC, which is included as Sheet C-602 on the enclosed site plans.

7/19/24 TGM Response: Please add silt fence to the phasing plan. Silt fence should be shown parallel to the contours.

7. Complete

8. Complete

9. **Add “Conduct a preconstruction meeting with the Town of Dryden Code Enforcement/Stormwater Management Officer” to the 2.0 Construction Sequence and Scheduling section of the SWPPP Narrative. This should be the first item on the list.**

10. **Please demonstrate or describe where the 1.16-acres of impervious cover is coming from or update to match plans.**

11. **Add impervious area to SWPPP narrative section 3.2.2.**

12. **Please justify why the CN for post-development is larger than the existing**

13. **In the SWPPP narrative, please describe the receiving water body and identify if there are any special conditions that affect the design of the rain gardens (i.e. discharge to a trout stream).**
14. **Verify whether or not the project will discharge to a 303d impaired water body. NYSDEC Stormwater Interactive Map shows a 303d stream is within the project parcel.**
15. **How does the proposed design handle stormwater runoff that drains onto the site.**
16. **Please provide a rain garden detail with a cross-section. Additionally, the rain gardens need to be modeled in the HydroCAD calculations.**

General Comments

1. 5/21/24 TGM Comment: Please provide the following documents

- a. Complete
- b. Complete
- c. Notice of Ground Disturbance Form

7/11/24 PWGC Response: Notice of Ground Disturbance is enclosed.

7/19/24 TGM Comment: Provided, but impervious area does not match plans or HydroCAD calculations. Please revise. It shows 0.02 acres plans show 0.05 acres.

- d. Complete
- e. Wetland Delineation Report?

7/11/24 PWGC: The updated wetlands boundary is shown on the latest site plans. Once a survey is completed and the delineation is verified by the NYSDEC, a final wetland survey and report will be provided.

7/19/24 TGM Comment: Provide wetland delineation report when finalized.

- f. Glare Assessment Survey

6/11/24 PWGC Response: Regarding the Glare Assessment Survey, a Federal Aviation Administration (FAA) Notice of Criteria Tool, as well as the Panel Specifications, which indicates the proposed solar panels will have anti-glare coating, is enclosed.

6/27/24 TGM Comment: Incorporate a commitment and requirement to mitigate glare, if any, that is realized from within the existing residential structures that immediately adjoin or are in close proximity to the solar array property boundary. This would require the applicant to install additional vegetative screening of the species and height needed at appropriate line-of-sight locations to intercept the glare. The term of this condition should be at least five years following the date the arrays are fully operational.

7/11/24 PWGC Response: As noted in PWGC's prior comment letter, the solar panels would be equipped with an anti-glare coating and the Federal Aviation Administration (FAA) notice of criteria tool indicates that the proposed project does not require any notice. Should any glare occur following full operations of the proposed solar facility, additional mitigation measures will be discussed by the applicant with the Town of Dryden.

7/19/24 TGM Comment: Review with Town/Planning board. Consider providing condition for glare mitigation as outlined above.

2. 6/27/24 TGM Comment: Recommend that the applicant consult with NYS Agriculture and Markets regarding land grading activities within an agricultural district, including prime

farmlands and highly productive soils. Trenching for underground electric cables or conduits shall follow the NYS Department of Agriculture and Markets “Minimum Construction Standards for Water/Sewer Transmission Mains Located Wholly or Partially in an Agricultural District”. Also refer to “Department of Agriculture and Markets Guidelines for Agricultural Mitigation for Solar Energy Projects”.

7/11/24 PWGC Response: PWGC Response: The applicant would consult with NSYDAM as part of submitting the Notice of Intent (NOI) to disturb farmland on a site located with an agricultural district. As indicated on the Prime Soils Impact Map (see Sheet C-501), the proposed action would disturb 3.26± acres of Soil Group 2 (see enclosed). The NYSDAM requires mitigation measures when disturbing more than 10 acres of prime farmland. As such, mitigation measures would not be necessary. However, upon implementation for the proposed action. Topsoil will be stripped and stockpiled for potential future reuse following decommissioning of the solar facility. Additionally, it is noted that while the Guidelines for Agricultural Mitigation for Solar Energy Projects notes electric conduits buried 48 inches or greater can be abandoned in place, the applicant proposes to remove all buried utilities so as not to impact any potential future agricultural use. See the electrical trench detail on Sheet C-600 (Site Details) of the enclosed plans. Please note that the proposed electrical cables would be less than eight-inches outer-diameter.

Regarding the electric cables, electrical wiring connections would be positioned on the solar panels via cable trays so they can easily be replaced as needed. The Layout Technical Review plan includes the location of the proposed cable trays (see enclosed).

7/19/24 TGM Comment: Is the design intent to stockpile topsoil until the solar facility is decommissioned? If so, I would suggest the topsoil be replaced after final grading is complete to provide adequate growing media. Note on plans to strip, store, and reinstall topsoil.

3. Complete

4. 6/27/24 TGM Comment: Provide coordinated electric system interconnect review letter from NYSEG. Is the intent to cover the NSYEG line extension under the project SEQR or will this be done separately. Please clarify what public interest documents are required for the NYSEG extension along Morris Rd. Recommend provide map or additional information as to what extent may be needed for NYSEG upgrades to accommodate the proposed project.

7/11/24 PWGC Response: PWGC Response: The coordinated electric system interconnect review (CESIR) agreement is enclosed. As indicated above, the POI location has been modified and is proposed to connect off West Malloryville Road. This location effectively eliminates the need for proposed tree clearing or new pole installation along Morris Road to the west of the proposed access road. As the newly proposed POI would connect to and upgrade existing infrastructure, not requiring a complete new circuit build (as the previous POI did), it is respectfully submitted that it would not affect the SEQR process and the revised Part 1 EAF includes all necessary components of the action.

7/19/24 TGM Comment: Provide additional information for offsite improvements that are required for NYSEG infrastructure.

5. 6/27/24 TGM Comment: Are additional NYSEG easements required? If so, show the location and required surface material.

7/11/24 PWGC Response: The applicant will consult with NYSEG to see if any additional easements are required, and if so, it will be shown on the site plan. The confirmation of any required easements would be further defined by NYSEG as the process moves forward during the design stage.

7/19/24 TGM Comment: Easement to be acquired and shown as site plan progresses. Show locations of proposed easements on the maps.

6. Complete
7. Complete
8. Complete
9. Complete
10. Complete
11. Complete
12. 6/27/24 TGM Comment: Review emergency access drive widths and need for turn around within fenced site area with Code Enforcement Officer and Fire Chief. Clarify emergency access drive width on the plans.

7/11/24 PWGC Response: The Site Details (see Sheet C-600) includes a detail of the proposed gravel access road showing a minimum width of 8 feet, which is in compliance with the required emergency access drive width with the Town of Dryden Code Enforcement Officer and Fire Chief (see enclosed). The applicant can review the need for turn around within the fenced site area with the Code Enforcement Officer and Fire Chief.

7/19/24 TGM Comments: Please review the site plan with the Fire Chief for approval.

13. Complete
14. Complete
15. Complete
16. Complete

FEAF Part 1

1. Complete
2. Complete
3. Complete
4. Complete
5. 6/27/24 TGM Comment: Section E.1.b. Site and Setting of Proposed Action: Provide supporting land use/cover type maps with hatches and boundaries that show pre- and post-construction conditions.

7/11/24 PWGC Response: Existing and Proposed Land Use Cover Maps have been prepared and are included in the enclosed site plans (see Sheets V-100 and V-101).

7/19/24 TGM Comment: impervious area does not match plans or HydroCAD calculations. Please revise. It shows 0.02 acres, plans show 0.05 acres.

6. Complete
7. Complete

If you have any questions, please feel free to call me at (607) 272-6477.

Respectfully,

A handwritten signature in blue ink that reads "Donald Harner". The signature is written in a cursive style with a large initial "D".

Donald M. Harner, P.E.

Cc: J. Leifer, Supervisor