



Baron Winds Project

Case No. 15-F-0122

1001.29 Exhibit 29

Site Restoration and Decommissioning

EXHIBIT 29 SITE RESTORATION AND DECOMMISSIONING

(a) Performance Criteria

Performance criteria during decommissioning and associated restoration are generally based on the Applicant's commitment to use existing infrastructure (e.g., access roads) during such activities. Therefore, no new environmental impacts are anticipated during decommissioning and restoration. See Section (b) below, which discusses when decommissioning would be triggered, the schedule for conduct of decommissioning and site restoration activities, as well as financial assurance for decommissioning costs, taking into account salvage value and/or resale value of the Facility components at the end of the turbine's useful life (approximately 30 years) and site restoration to previous land use.

Decommissioning will be conducted in accordance with the following performance standards/criteria.

Environmental Consideration	Performance Standard or Criteria
Safety and the Removal of Hazardous Conditions	Decommissioning will be conducted in accordance with the Emergency Action Plan, Health and Safety Plan, and Site Security Plan, as relevant.
Environmental Impacts	The Applicant commits to using existing roads and infrastructure at the Facility Site. As a result, no new environmental impacts are anticipated from decommissioning. To address stormwater concerns, the Applicant will comply with State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-002 or its successor, as appropriate, and will implement appropriate soil and erosion control best management practices to avoid impacts to local surface waters.
Aesthetics	Upon decommissioning, the landscape character of the Facility Site will be restored to pre-construction conditions. As such, no specific criteria are required.
Salvage and Recycling	See Section 29(b).
Potential Future Uses for the Site	The Applicant will perform decommissioning, if needed, in a manner consistent with the future intended use of the site.
Useful Life of the Facility	Life span is assumed to be 30 years.

(b) Decommissioning and Restoration Plan

Megawatt-scale wind turbine generators typically have a life expectancy of approximately 30 years. The current trend in the wind energy industry has been to replace or "re-power" older wind energy projects by upgrading older equipment with more efficient turbines. Performance criteria applicable to decommissioning would be applicable to re-powering (see discussion of performance criteria in (a) above).

However, if the turbines are not upgraded or if they are continuously non-operational for an extended period of time (typically one year or more) and there is no expectation of their returning to operation, they will be decommissioned in accordance with the Decommissioning Plan (attached as Appendix RRR). This Plan will be filed separately under confidential cover, and includes the following provisions:

- Decommissioning would be triggered if a wind turbine is non-operational for a continuous one-year period, unless otherwise agreed to by the Towns and New York State Department of Public Service (DPS) staff or unless the Applicant demonstrates to the Towns and DPS staff that it has been making good faith efforts to restore the turbine to an operable condition. See performance criteria in (a) above for decommissioning and restoration.
- All aboveground structures, including turbines, blades, nacelles, towers, transformers, aboveground collection cables and poles, permanent meteorological towers, and the collection substation, will be disassembled and transported off-site for reuse, recycling, reclamation, or sale. The POI substation will remain in place and will be owned and operated by NYSEG following construction. Foundations and collection lines buried above a depth of 36 inches in non-agricultural lands and 48 inches in agricultural lands will be removed unless otherwise mandated by local law. However, components buried lower than these depths will remain in place provided the decision does not violate any permits or legal requirements. The Applicant may allow access roads to remain in place upon receipt of written approval by the landowner. Final removal of all machinery, equipment, and all other materials related to decommissioning activities is to be completed within one year of decommissioning initiation, unless otherwise agreed to by the Town(s) and DPS staff.
- Ground disturbance during decommissioning will be minimized to the extent practicable and the site will be restored to its original ground contours to the extent practicable. Soils stockpiled during site restoration will be used in the restoration and not transported off site. Vegetation will be re-established using a native seed mix or, in agricultural areas, in coordination with the landowner to allow the desired crop to be planted. The Applicant will not be responsible for planting crops following site restoration but may plant a temporary seed mix in agricultural areas to be planted later with crops.
- The Applicant will provide written notification to the Towns two weeks prior to the commencement of site restoration following decommissioning activities. In the notification the Applicant will provide a timetable to be approved by the Town(s) prior to commencing site restoration activities. The Applicant will obtain any federal, State or local permits required for site restoration prior to commencing decommissioning activities.
- The Applicant will reimburse the Towns for the cost of having a decommissioning estimate prepared for the Facility. The decommissioning estimate will be prepared by a qualified independent engineer licensed to practice in the State of New York hired by the Towns. The decommissioning estimate will be prepared on a

per-turbine basis and submitted for DPS staff and Town review to ensure consistency with the methodology approved in the Article 10 certificate and local laws. The estimate will be based on the turbine(s) selected for the Facility and the exact number of turbines as well as the length/number of other Facility components (access road, collection line, etc.). To estimate scrap values, the engineer will review and use current scrap commodity prices and disposal service rates. For resale value, the most recent estimate readily obtained of turbine component value will be considered. The resale value will also consider the age of the components. Those components that are considered for resale will be subtracted from any scrap value calculations included in the decommissioning estimate. To estimate the total cost of decommissioning, mobilization costs to complete site decommissioning will be estimated. These costs include hard costs such as mobilization of cranes and other equipment as well as soft costs such as those relating to project management and the acquisition of necessary permits to complete decommissioning and site restoration. The total cost of decommissioning will also account for an estimate of the time to disassemble each turbine and the collection substation as well as other associated Facility components. In order to be conservative, the estimate will assume that all Facility components that could remain at landowner discretion (i.e., access roads) will be removed. However, the cost of removing Facility components buried lower than 36 inches in non-agricultural lands and 48 inches in agricultural lands will not be included in the total decommissioning cost. Decommissioning removal and transport costs will also be taken into account. Lastly, the decommissioning cost will include the costs to complete site restoration, which will take into account the total area that must be restored and seed mix costs to re-vegetate the disturbed ground. To ensure the accuracy of this information and to reflect the final design certified by the Siting Board and turbine selected by the Applicant, this information is not provided in the Application because the estimates and costs to be provided for an initial decommissioning estimate can vary over the course of a year or more (from the time of application submission until the time turbines are selected for the Facility).

- The first decommissioning estimate will be provided at least 90 days prior to Facility construction, the second estimate after one year of Facility operation, and subsequent estimates every fifth year thereafter. Inflation will be considered when updating the decommissioning costs after one year of Facility operation and every fifth year thereafter. The requisite financial security will be provided by the Applicant prior to construction and the Applicant proposes that this be included as a Certificate Condition.
- The Applicant plans to enter into Road Use Agreements (RUAs) either as separate agreements or as part of the Host Community Agreement to address the use and restoration of roads in conjunction with the delivery of turbine components. The provisions of the RUAs will also apply to the decommissioning of the Facility in order to ensure that roads are adequately restored to their pre-decommissioning condition.
- The Applicant will post and maintain financial assurance in the amount of the net decommissioning costs as approved/agreed to by the Town(s). The net decommissioning costs are the total cost of decommissioning

less the salvage value of the equipment and/or re-sale value. The estimate, which will be submitted to DPS and the Town(s) for review, will be prepared on a per-turbine basis by taking the decommissioning cost and dividing it by the total number of turbines to determine the amount of money each Town will receive for decommissions. If the total cost of decommissioning exceeds the salvage value of the equipment and/or re-sale value, the Applicant will post and maintain financial assurance in an amount equal to the net decommissioning cost within two months. Financial assurance may be in the form of a letter of credit, a bond, escrow account, a parent guarantee or other form as agreed to by the Towns and DPS staff. These forms of financial assurance are discussed in more detail in the Decommissioning Plan (Appendix RRR).

- When the Applicant posts the financial assurance, it will provide the Towns with clear instructions as to how they can access the financial assurance should the Applicant violate the provisions of the Decommissioning Plan. For example, if the financial assurance is in the form of a letter of credit, the Applicant will make the Towns a beneficiary of the letter of credit and provide instructions as to how they can access the funds in the letter of credit if needed. The Applicant will consult with the Towns to ensure that the forms are acceptable.
- The Decommissioning Plan will be binding upon the Applicant, or any of its successors, assigns, or heirs.
- The Towns in which decommissioning activities have occurred will have access to the Facility, upon reasonable notice to the Applicant, to inspect the completed decommissioning activities.
- As stated above, final removal of all machinery, equipment, and all other materials related to decommissioning activities is to be completed within one year of commencing decommissioning, unless otherwise agreed to by the Town(s) and DPS staff.

(c) Description of Decommissioning/Restoration Agreements Between Applicant and Landowners

All Facility components will be located on private land under lease agreement with the landowners, and all leases with private landowners contain a provision on decommissioning. Although the specific terms of these lease agreements are confidential, decommissioning will involve the removal of all above and below ground Facility components to a depth of three feet (four feet on agricultural land). Information on the method and schedule for updating the cost of decommissioning and restoration, the method of ensuring funds will be available for decommissioning and restoration, and the method by which the Facility will be decommissioned and the site restored is provided in (b) above.

(d) Nuclear Power Facilities

This section is not applicable and therefore is not addressed in this Application.