



APPENDIX 15-B

Drainage Remediation Plan



SOMERSET SOLAR, LLC

MATTER NO. 22-00026

§900-2.16 Exhibit 15

Appendix 15-B – Drainage Remediation Plan

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ACRONYM LIST

Applicant	Somerset Solar, LLC
Facility	Somerset Solar Facility
Facility Site	The approximately 696-acre limit of disturbance associated with the Facility

1 Introduction

Somerset Solar, LLC (the Applicant) has developed this Drainage Remediation Plan to describe the steps taken to identify and address inadvertent damage to surface or sub-surface drainage and to establish procedures that the Applicant and its contractors will implement to avoid, minimize, and remediate potential impacts to drain tile that could result from the construction of the Somerset Solar Facility (Facility).

2 Identification of Drain Tiles

Identifying drain tile systems early in the design process can help mitigate and reduce the incidence of interference and/or potential damage to drain tiles. The Applicant has coordinated with the tenant farmers having agricultural operations at the Project Site, as well as Niagara County representatives to identify the location of drain tiles. Tenant farmers have not identified the location of drain tiles within the Facility Site; however, research was conducted with the United States Department of Agriculture Natural Resources Conservation Service Niagara County office, which maintains drain tile data for the county identified potential locations where drain tiles may be present. The communications log provided in Appendix 15-C includes documentation of the outreach and research conducted and includes a copy of a historical sketch of the area located in between development Areas 4 and 5 of the Facility Site where drain tiles were documented. Appendix 5-A, Sheets PV-C.02.04 and PV-C.02.05, and Figure 15-7 shows the approximately location within the Facility Site where drain tiles could be encountered during construction. Although not anticipated to be impacted by construction, these engineering drawings and figure also identify a potential location of drain tiles off-site and outside the Facility Site, between Area 4 and Area 5. To address any potential impacts to drain tiles that occur during construction, the Applicant will implement this Drainage Remediation Plan.

Prior to construction, the Applicant will hire an independent, third-party Environmental Monitor (EM) to oversee all construction and restoration activities to oversee compliance with the applicable environmental commitments and siting permit requirements. Prior to the commencement of Facility-related construction, an overall site survey will be performed to effectively locate and demarcate the exact location of Facility components and routes. Additionally, the EM, with the support of construction management personnel, will conduct specific site reviews at locations to be impacted, or potentially impacted, by associated construction activities. Pre-construction site review will direct attention to previously identified sensitive

features, such as the location of drainage features (e.g., culverts, ditches) and any known or potential locations of agricultural drain tiles or lines, utilizing the information provided in this plan and approximate locations identified on the Facility Site drawings (Appendix 5-A, Sheets PV-C-02.04 and PV-C02.05), prior to construction. Work area limits and sensitive features will be defined prior to construction using flagging, staking, and/or fencing. Additionally, any agreed-upon landowner-imposed development restrictions (including, but not limited, to those shown on Figure 15-7) and the placement of erosion and sediment control features will be defined during the pre-construction walk over.

3 Drain Tile Avoidance

The presence of potential drain tiles has been identified within the area located between Area 4 and Area 5 of the Facility Site, which includes drainage features that could extend within the Facility Site within a small portion of Area 4 (Appendix 5-A, Sheets PV-C-02.04 and PV-C02.05). Engineering drawings include a note about their potential location and to use caution during construction in this area to avoid damage. If damage occurs, the broken tiles will be replaced in kind as described herein. No additional locations of sub-surface drainage systems, surface drains, or irrigation lines have been identified within the Facility Site, based on research conducted in coordination with county representatives or communication with landowners and tenant farmers. In the event that any additional locations of these features are identified within the Facility Site before or during construction implementation of this Drainage Remediation Plan will address these impacts. Figure 15-7 provides an overview of drainage ditches mapped on the Project Site, as well as USGS National Hydrology Dataset drainages for streams and artificial paths and connectors. Figure 14-2 provides a detailed map of the wetlands and waterbodies mapped on the Project Site.

As noted above in the Identification of Drain Tiles section, the Applicant will continue to work with landowners and tenant farmers to identify drainage infrastructure and areas of landowner-imposed development restrictions to avoid damage to these to the maximum extent practicable.

The Applicant will implement the following drain tile avoidance measures prior to and during construction, as well as during decommissioning activities:

- Drain tile mains have been and will continue to be considered in the development of the final Facility design and avoided where practicable.
- Known drain tile mains will be flagged in the field prior to and/or during construction to facilitate avoidance, wherever practicable.

4 Impacts to Drain Tiles

While identification of existing drain tile systems can aid in minimizing impacts, impacts cannot feasibly be ruled out. If broken drain tiles are visible during construction, drain tile components that are damaged will be identified with flags or stakes until evaluation of damage and permanent repairs are completed. In addition, the location of damaged drain tile systems will be recorded using Global Positioning System technology. Damage to drain tiles during certain aspects of Facility construction (installation of solar panel racking) may not be visible or apparent. This damage may not be apparent immediately following damage but may become more apparent over time. Upwelling of water during high flow periods or holes in the ground above drain tiles during low flow periods are potential indicators of potential drain tile damage. If these conditions are observed either during construction or post-construction, the source of the upwelling will be evaluated and if it is determined to be caused by a damaged drain tile, it would be repaired.

5 Restoration to Drain Tiles

The Applicant is committed to promoting the primary land use (i.e., agriculture) in the agricultural areas hosting the Facility; however, agricultural land within the Facility fenceline will be removed from agricultural production for the duration of the Facility's useful life. Prior to construction, the Applicant will work with landowners to document the condition of drain tiles, to the extent the condition is known or can be ascertained in the field. As such, the Applicant plans to repair damage to known drain tiles, or if encountered or identified during construction, as described below.

The Applicant will keep a record of any damages to drain tile systems that are identified during construction of the Facility. Wherever feasible, drain tile systems will be repaired as soon as practicable after damage occurs. The Applicant will perform repairs to these damaged drain tile systems as described below:

- If water is flowing through the damaged tile line to be repaired, the Applicant will immediately and temporarily repair the tile line, until such time that the Applicant can make permanent repairs to the extent practicable. If the damaged tile line to be repaired is dry, temporary repairs are not needed if the permanent repairs can be completed by the Applicant within 14 business days (weather and soil conditions permitting) of the time said damage occurred. Exposed tile lines will be screened or otherwise protected to prevent the entry of foreign materials or animals into the tile lines.

- All subsurface drains subject to repair shall be repaired or replaced with materials of equal or higher quality and of an equal or larger inside diameter as those which were damaged or removed.
- Commercially reasonable efforts shall be made to maintain the tile line to its original alignment/gradient.
- Following completion of the work, the Applicant will be responsible for correcting or paying for the correction of the performed tile repairs that fail post-construction for a period of 24 months post-construction. The Applicant will not be responsible for drain tile repairs performed by the landowner.

The Applicant is aware of a drain tile system that extends outside the Facility into non-participating parcels (Appendix 15-C and Appendix 5-A, Sheet PV-C02.05). If the drain tile system located within the Facility Site is impacted during construction such that it also impacts the portion of the system located on the non-participating parcel to the east of Area 4, the Applicant will coordinate with the landowner and repair damages as soon as reasonably practicable. This procedure also would apply to any additional drain tile systems that are subsequently identified during the planning, permitting, or construction processes.

As part of Facility decommissioning, the Applicant will use reasonable efforts to restore the drainage of the Facility Site to pre-construction conditions. Once the Facility is decommissioned, any drain tile system that was damaged during construction and was not able to be repaired during Facility construction or operation will be restored to its pre-Facility condition to support future agricultural production. The Applicant will be responsible for correcting or paying for the correction of the tile repairs.

6 Complaint Resolution

The Applicant is committed to addressing landowner concerns regarding drain tile repair and maintenance during construction, operation, and decommissioning of the Facility. As required for pre-construction compliance filings outlined in §900-10.2 (7), a Complaint Resolution Plan will be prepared and approved by the Office of Renewable Energy Siting prior to initiation of construction activities. The Applicant will maintain a toll-free telephone number and email address for purposes of receiving communications from the public regarding the Facility. The Applicant will work to address landowner issues related to drainage in a timely manner.