

- iii. Collector lines and poles;
  - iv. Collector substation transformer and related equipment;
  - v. Any other related components will be estimated and called out.
3. Provisions for the restoration of the soil and vegetation.
  4. A timetable for site restoration.
  5. The method of estimating decommissioning costs, including restoration, certified by an independent, Professional Engineer to be selected by the Applicant. A description of the scrap and salvage plan, including how it will be carried out, will be provided.
  6. Preliminary per-turbine decommissioning estimate will be included. If a wind turbine model is not selected at the time of Application submission, the per-turbine estimate shall be based on the model (from the list of potential options) with the highest decommissioning estimate.
  7. Preliminary per-foot of access road restoration estimate will be included in the Application.
  8. The Applicant will provide the source of their decommissioning and restoration estimates and will substantiate the projected cost.
  9. Provisions for updating the decommissioning cost estimate.
  10. Provisions that any Road Use Agreements will apply to the decommissioning of wind power facilities to ensure roads are adequately restored to their original condition or better following decommissioning activities.
  - 11.
  12. Identification of procedures for the towns to access financial assurances.
  13. A provision that the terms of the Decommissioning Plan shall be binding upon the Applicant or any of their successors, assigns, or heirs.
  14. A Provision that the towns shall have access to the site, pursuant to reasonable notice, to inspect the results of complete decommissioning.
  15. Removal of machinery, equipment, tower, and all other materials related to the Facility is to be completed within one year of decommissioning.
- c) A description of all site restoration, decommissioning and guaranty/security agreements between the applicant and landowner, municipality, or other entity as applicable, including provisions for turbines, foundations, and electrical collection, transmission, and interconnection facilities.
- d) Information related to nuclear power facilities is not applicable and therefore will not be included in the Application.

### **Stipulation 30-1001.30 Exhibit 30: Nuclear Facilities**

The proposed Facility is not a nuclear power facility, therefore Exhibit 30 will not be included in the Application.

### **Stipulation 31-1001.31 Exhibit 31: Local Laws and Ordinances**

The Applicant has consulted and will continue to consult with the Towns of Somerset and Yates to identify applicable laws and regulations of each municipality. The Applicant will also consult

with both Towns to determine whether any potential request by the Applicant that the Siting Board elect not to apply any such local requirement could be obviated by design changes to the proposed Facility. For local procedural requirements supplanted by PSL 172, the Applicant need not request that the Siting Board elect not to apply them.

Exhibit 31 shall address the requirements of 16 NYCRR § 1001.31 by containing:

- a) A current list of local ordinances, laws, resolutions, regulations, standards and other procedural requirements applicable to the construction or operation of the proposed Facility will be provided in the Application. A preliminary list of these procedural requirements is attached as Appendix A to this Stipulation.
- b) The Applicant has not yet identified any local procedural requirements pursuant to subdivision (a) of this section for which the Applicant requests that the Siting Board expressly authorize the exercise of the procedural requirement by the local municipality. In the event any are identified, the Application will list all such procedural requirements, and will include a statement why such local exercise would be desirable or appropriate.
- c) Identification of the municipal or State agency qualified to review any applicable building plans, inspect the construction work, and certify compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any other applicable electrical, plumbing or building codes, in the Application. The statement of identification will include a description of the preliminary arrangement between the Applicant and the entity to perform the review, approval, inspection, and compliance certification, including arrangements to pay for the costs thereof including the costs for any consultant services necessary due to the complex nature of such facilities.
- d) A current list of local ordinances, laws, resolutions, regulations, standards and other substantive requirements which may be applicable to the construction or operation of the proposed Facility, including local wind energy laws, and other provisions applicable to any facility or related facility components or uses, will be provided in the Application. A preliminary list of these substantive requirements is attached as Appendix A to this Stipulation. Copies of zoning, flood plain and similar maps, tables and/or documents related to the substantive requirements will be included in the Application. The full text of local requirements will be provided as an appendix to Exhibit 31.
- e) A current list of local substantive requirements of local laws for which the Applicant will seek a waiver by requesting that the Siting Board elect not to apply those local laws and find that, as applied to the proposed Facility, such requirements are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers, whether located inside or outside of such municipality. This list will be provided in the Application, and will include citations to the full text of local requirements provided as an appendix to Exhibit 31, as well as a statement of justification for a waiver, as required by 16 NYCRR § 1001.31(e).

- f) A current list of local ordinances, laws, resolutions, regulations, standards and other procedural requirements applicable to the interconnection to or use of water, sewer and telecommunication lines in public rights of way. The Application will also indicate whether Applicant is seeking a waiver from the Siting Board of any of these local requirements, in the event that any such interconnections are proposed.
- g) A current list of local ordinances, laws, resolutions, regulations, standards and other substantive requirements applicable to the interconnection to or use of water, sewer and telecommunication lines in public rights of way. The Application will also indicate whether Applicant is seeking a waiver from the Siting Board of any of these local requirements, in the event that any such interconnections are proposed.
- h) As stated in subparagraphs (f) and (g), the Application will indicate whether the Applicant is seeking a waiver from the Siting Board of any of these local requirements, in the event that any such interconnections are proposed. Such a waiver would be accompanied by a statement of justification showing, with facts and analysis, the degree of burden caused by the requirement, why the burden should not reasonably be borne by the Applicant, that the request cannot be reasonably obviated by design changes to the proposed facility, the request is the minimum necessary, and the adverse impacts of granting the request are mitigation to the maximum extent practicable. The statement will also include the demonstration required by 16 NYCRR § 1001.31(h)(1)-(3).
- i) A summary table of local substantive requirements of local laws required to be identified in subsections (d) and (g) of this Exhibit, in two columns listing the provisions in the first column and a description demonstrating compliance with the substantive provision in the second column.
- j) An identification of the zoning designation or classification of all lands constituting the Facility site; statements of the language in the Zoning Codes or local laws of the host municipalities indicating that the Facility is a permitted use, subject to the grant of a special exception at the proposed site; and a statement of the criteria in the local zoning ordinances or local laws which set forth the qualifications for making a determination regarding said special exception.