



FLAT CREEK SOLAR

Permit Application No. 23-00054

**Appendix 15-4
Drainage Remediation Plan**

August 2024

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1.0 Introduction

Flat Creek Solar NY LLC (the Applicant) has prepared this Drainage Remediation Plan to address inadvertent damages to surface and subsurface drainage associated with the construction of the Flat Creek Solar Project (the Facility), located in the Towns of Canajoharie and Root in Montgomery County, New York. This Plan addresses the identification of surface and subsurface drainage features, the likelihood of impacts, and the anticipated repair methods.

2.0 Identification of Surface and Subsurface Drainage and Avoidance Measures

The Applicant is committed to working with participating landowners to minimize impacts to their sub-surface drainage infrastructure during construction, and to determine if there will be unanticipated post-construction impacts as well. Prior to construction, the Applicant, in coordination with the participating landowners, will identify sub-surface drainage infrastructure to the maximum extent practicable. Prior to this application submittal, the Applicant distributed Agricultural Viability Landowner Survey in May of 2024 to participating landowners and specifically requested that landowners identify surface and sub-surface drainage infrastructure on their property. The results from the survey indicated that 10 parcels within the Facility Site contain drainage tiles (Figure 15-2 of Exhibit 15). Based on this analysis, there are approximately 432.65 acres of land within the Facility Site where drain tiles occur. Identifying drain tile prior to construction can help reduce, minimize, and mitigate potential damage to such systems. The Applicant will take surface and subsurface drainage features into consideration when developing the final Facility design. Surface and subsurface drainage features will be avoided to the maximum extent practicable.

Prior to construction, the Applicant will hire an independent, third-party Environmental Monitor (EM). The EM will be responsible to oversee construction and restoration activities to ensure compliance with the applicable environmental commitments and siting permit requirements. Additionally, the EM, with the support of construction management personnel, will conduct specific site reviews of surface and subsurface drainage at locations to be impacted, or potentially impacted, by associated construction activities. Sensitive features, such as culverts and ditches, will be identified as well as known agricultural drain tiles. Prior to construction, flagging, staking, and/or fencing will be installed to identify subsurface drainage and sensitive features to prevent construction impacts.

3.0 Impacts to Surface and Subsurface Drainage

Existing drain tile and subsurface drainage within the limits of disturbance will be monitored for damages during construction and post-construction. If damages occur to surface or subsurface drainage features during construction, the damaged feature will be identified with flags or stakes until a thorough evaluation of the damage can be conducted and repairs are completed. It is possible that damage to surface and subsurface features will not be immediately visible but may become more apparent over time. Potential indicators of drain tile damage include, but is not limited to, holes in the ground above drain tiles (during low flow periods) and upwelling of water within the adjacent areas (during high flow periods).

If construction of the Facility damages the existing drain tile or subsurface drainage, replacement or repairs will be consistent with the New York State Department of Agricultural and Markets “Repair of Severed Tile Line” to the maximum extent practicable.

4.0 Methods of Repair

The Applicant will keep record of any damages to drain tile systems that are identified during construction of the Facility. The Applicant will execute repairs to damaged drain tile systems as described below:

- Immediate and temporary repairs will be made to the tile lines until permanent repairs can be made.
- Repairs to existing drain tile will be made with, or replaced with, materials of equal or better quality and equal or larger diameter.
- During repair of drain tile, reasonable efforts will be made to maintain the original alignment/gradient of the damaged drain tile/
- 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. The Applicant will not be responsible for tile line repairs performed by the landowner.

Prior to construction, the Applicant will work with landowners to document the condition of drain tiles, to the extent the condition is known. As part of Facility decommissioning, the Applicant will use reasonable efforts to restore the drainage in the area to pre-construction conditions.