

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director

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[www.dec.ny.gov](http://www.dec.ny.gov)

June 10, 2023

George McConochie  
GreenSpark Solar, LLC ("GreenSpark")  
[george.mcconochie@greensparksolar.com](mailto:george.mcconochie@greensparksolar.com)

John Chaimanis  
AC Power 9, LLC ("ACP9")  
[jchaimanis@kendallsustainableinfrastructure.com](mailto:jchaimanis@kendallsustainableinfrastructure.com)

Re: Letter Agreement to Allow Solar Facility Installation Work to Recommence at Fort Edward Landfill Site, No. 558001

Dear George McConochie and John Chaimanis:

The New York State Department of Environmental Conservation ("DEC" or "Department") writes to propose the following requirements in this Letter Agreement to allow GreenSpark, ACP9 and/or their contractors ("Solar Companies") to resume installation of solar energy infrastructure at Fort Edward Landfill Site, No558001 ("Site"). GreenSpark and ACP9 ("Solar Companies") agree to the following:

1. Provide DEC a figure showing the phases of work and the area in which the work is proposed for each phase. For example, "Phase 1: Northeast slope area, 1 acre; Phase 2: north slope, 2.2 acres; etc."
2. Provide DEC with a schedule for when GreenSpark and ACP9 plan to commence work in each Phase/Area.
3. Provide DEC with Work Plans for pipe design and work in swales. Any new design drawings must be prepared by a PE licensed in New York.
4. Submit and comply with the Notice of Intent and Stormwater Pollution Prevention Plan ("SWPPP").
5. Have ample erosion control products on-site, including but not limited to, the following, once the SWPPP is final and work is scheduled to start:
  - a. Straw mulch,
  - b. Silt fence,
  - c. Rolled erosion control products,
  - d. Stone, gravel and rock rip-rap, and
  - e. Pumping and diversion materials such as sump pumps and culvert pipes.



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Conservation

6. Accompany DEC for weekly erosion control inspections at the Site. Deficiencies identified during these inspections will need to be corrected by the Solar Companies within one business day of the inspection. During each inspection, the Solar Companies shall verify sediment control practices and record the approximate degree of sediment accumulation as percentage of acceptable sediment storage volume, inspect erosion and sediment control practices and record maintenance performed, and observe and record deficiencies relative to implementation of the SWPPP.
  - a. If multiple parties are performing work on the landfill cap, each party shall have a representative present during the weekly erosion control inspections.
7. Communicate to DEC if GreenSpark, ACP9, and/or any of their contractors encounter anything unexpected, unusual, or questionable at the Site, and provide said notices as soon as encountered, but no later than 24 hours after discovery, to Payson Long by phone and email at: (518) 402-9651, [payson.long@dec.ny.gov](mailto:payson.long@dec.ny.gov).
8. Immediately stop work upon written request by DEC if there are violations of this agreement or serious environmental concerns raised by DEC regarding the work done at the Site by the Solar Companies that will cause or has caused an immediate threat to the landfill cap integrity or significant non-compliance with the SPDES General Permit (GP-0-20-001) or SWPPP. This immediate stop work power will be in place until the violations or concerns relating to the immediate threat have been cured.
9. Provide all requested documents to Payson Long by email at [payson.long@dec.ny.gov](mailto:payson.long@dec.ny.gov). Please ec Leia Schmidt, attorney for the Department at [leia.schmidt@dec.ny.gov](mailto:leia.schmidt@dec.ny.gov).
10. Project parties will pay \$25,000 in costs to the Department. This is the total sum of any costs to be paid to the Department or State by the Solar Companies regarding the December 2022 incident at the landfill.

Upon signing this Letter Agreement and returning the signed Letter Agreement to the Department, GreenSpark, ACP9, and/or their contractors may recommence work at the Site in accordance with the terms of this Letter Agreement.

By: Andrew Juglielmi

Division of Environmental Remediation  
NYS Department of Environmental Conservation

By: [Signature]  
Sustainable Energy Developments, Inc. dba GreenSpark Solar

By: [Signature]  
AC Power 9, LLC

Date: May 31, 2023

Date: May 31, 2023

EC:

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