

Decommissioning Plan – Top Hat Energy

September 25th, 2026

Top Hat Energy, LLC (The Project Company) and EDP, have prepared this Decommissioning Plan (Plan) for the proposed solar photovoltaic facility to be constructed on private property located at 2-6 Electric Drive, Moreau, NY.

The Plan describes the process for decommissioning the Facility in accordance with state and local requirements.

Facility Description

The Facility will consist of a 2,500-kilowatt (AC) capacity solar power-generating array secured within a chain-link fence surrounding the solar panels and equipment, accessed through a locked gate located inside the property. Each Facility will include the following site features:

- PV Modules, inverter(s), and transformer (filled with biodegradable mineral oil)
- Combiner boxes and switchgear
- Concrete pad(s)
- Screw or driven piles and racking to support the PV modules
- DC and AC wiring
- A gravel access drive
- Two metal personnel gates throughout the system fence line
- Overhead utility lines and poles

Stakeholders

	Role	Contact Information
Top Hat Energy, LLC	System Owner	Attn: Top Hat Energy, LLC 101 Summer St, Flr 2 Boston, MA 02110 Phone: 617.431.1440 Email: Legal@Nexamp.com
Town of Moreau – Code Enforcement	Town zoning Enforcement and Site Inspection	351 Reynolds Road, Moreau, NY 12828 Phone: 518-792-1030 ext. 5
Town of Moreau – Planning Board	Site Plan Jurisdiction	Town Planning Board 351 Reynolds Road, Moreau, NY 12828 Phone: 518-792-1030
Town of Moreau – Town Board	Decommissioning Bond Holder	Town Board 351 Reynolds Road, Moreau, NY 12828 Phone: 518-792-1030
National Grid	Utility Operator	Distributed Generation Office 300 Erie Boulevard West, Syracuse, NY, 13202 Phone: 1-800-642-4272

All listed stakeholders will receive a copy of the decommissioning plan when executed, and will receive revised copies when revisions are made. All subsequent changes to the Decommissioning Plan will need to be approved by the Town Board, and recorded with the County Clerk upon execution.

Expected Lifetime

Top Hat Energy, LLC has a land purchase agreement with the owner of the parcels in question and intends to operate the system for its entire life span of approximately 40 years. Panels are warranted for 25 years, and the Project Company anticipates the replacement of inverters with equivalent models as necessary. The project is expected to operate for a bare minimum of 25 years, but is expected to operate for the full term of useful life.

Decommissioning Plan

The Facility will be decommissioned by completing the following major steps: Dismantlement, Demolition, and Disposal or Recycle; and Site Stabilization, as further described below. In addition to the tasks outlined below, the Project Company agrees that all Decommissioning obligations will be done in accordance with NYS Department of Agriculture and Markets Guidelines, as set forth in the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects (Revised October 18th, 2019), Hereto attached as Exhibit A to this agreement.

The Project Company has the sole responsibility to remove the system per the terms of this agreement. Should The Project Company be sold or transferred, all Decommissioning responsibilities will transfer to the owning entity. Should the Project Company fail to complete its decommissioning obligations, a surety will be provided to the Town to pay for the costs associated with Decommissioning the system.

Dismantlement, Demolition, and Disposal or Recycle

A significant portion of the components that comprise each Facility will include recyclable or re-saleable components, including copper, aluminum, galvanized steel, and modules. Due to their re-sale monetary value, these components will be dismantled, disassembled, and recycled rather than being demolished and disposed of. Typically, salvage value is taken into account when estimating net decommissioning costs. Nexamp has proceeded to omit those costs to alleviate concerns about recycling availability and market instability.

Following coordination with National Grid ("Utility") regarding timing and required procedures for disconnecting each Facility from the utility distribution network, all electrical connections to the system will be disconnected and all connections will be tested locally to confirm that no electric current is running through them before proceeding. All electrical connections to the PV modules will be severed at each module, and the modules will then be removed from their framework by cutting or dismantling the connections to the supports. Modules will be removed and sold to a purchaser or recycler. In the event of a total fracture of any modules, the interior materials are

silicon-based and are not hazardous. Disposal of these materials at a landfill will be permissible.

The PV mounting system framework will be dismantled and recycled. The metal piles will be removed from their approximated depth of four feet and recycled. All other associated structures will be demolished and removed from the site for recycling or disposal. This will include the site fence and gates, which will likely be reclaimed or recycled.

Grade slabs will be broken and removed to a depth of one foot below grade, and clean concrete will be crushed and disposed of off-site or recycled (reused either on- or off-site). The portion of the gravel access road created specifically for the project, will be removed as well.

Aboveground utility poles owned by The Project Company will be completely removed and disposed of off-site in accordance with utility best practices. Any overhead wires will be removed from each Facility and will terminate at the utility-owned connections inside the property. The access road will remain in place to the final utility-owned electrical poles and the Utility will be responsible for dismantling those overhead wires and poles under its ownership. Coordination with The Utility, personnel will be conducted to facilitate removal of any poles and overhead wires located on the site.

A final site walkthrough will be conducted to remove debris and/or trash generated during the decommissioning process, and will include removal and proper disposal of any debris that may have been wind-blown to areas outside the immediate footprint of each Facility being removed.

Road Removal

All access road materials will be removed, and graded areas will be returned to grade using local soils stockpiled during construction. Re-graded area will be seeded and stabilized immediately upon completion.

Stormwater Feature Removal

All stormwater features will be removed and regraded. Where appropriate, vegetation will be removed and all stormwater features will be filled with local soils stockpiled during construction. Re-graded area will be seeded and stabilized immediately upon completion.

Screening Removal

Removal of screening will be conditional based on Town feedback at the time of Building Permit Review. Without explicit town approval All vegetative screening features will remain on site following Decommissioning. Should removal be mandated, screening will be disposed of offsite in an appropriate manner. Where appropriate and necessary, soil

depressions will be filled with local soils stockpiled during construction. Re-graded area will be seeded and stabilized immediately upon completion.

Site Stabilization

The areas of each Facility that are disturbed during decommissioning will be re-graded to establish a uniform slope and stabilized via hydroseeding with a ground treatment approved by the Building Inspector.

Permitting Requirements

Given the size and location of each Facility, several approvals will be obtained prior to initiation of the decommissioning process. Table 1 provides a summary of the expected approvals if the decommissioning were to take place in January 2023. Noting that the decommissioning is expected to occur at a much later date, the permitting requirements listed in the table below will be reviewed at that time and updated based on then current local, state, and federal regulations.

Table 1. Current Permitting Requirements for Decommissioning

Permit	Agency	Threshold/Trigger
State Pollutant Discharge Elimination System (SPDES) General Permit for Discharges from Construction Activity	New York State Department of Environmental Conservation (NYSDEC)	Ground disturbance of greater than 1 acre with discharge to wetlands or water bodies. Requires preparation of a Stormwater Pollution Prevention Plan, including erosion and sedimentation controls.
Building Permit	County Building Department	A building permit must be obtained for any construction, alteration, repair, demolition, or change to the use or occupancy of a building.

Proposed Schedule

Decommissioning activities shall commence once National Grid has confirmed the facility has been safely disconnected from the electric system. The decommissioning work shall continue for a period of up to 180 days, provided that if such 180 day term begins or ends within the months of December, January, February, March, or April, the decommissioning period shall extend to the next-occurring July 31.

Decommissioning Surety Proposal – Top Hat Energy, LLC

September 25th, 2026

Consistent with the requirements listed in the Town of Moreau’s Zoning Code, Top Hat Energy, LLC (the Project Company), offers to provide a decommissioning surety bond, to be posted prior to the commercial operation date, in the amount of \$192,595.73 for decommissioning of the solar system in the unlikely event that the Project Company is unable to meet its contractual obligations for solar project removal and restoration.

The decommissioning bond, of which the Project Company will serve as the principal and the Town of Moreau shall serve as the as the obligee, starting at the commercial operation date, shall remain in place for the life of the system and for 18 months following the removal of the system. The Town shall have the right to draw on this bond should it be made aware that the system has not produced energy and conveyed it to the electric grid after initial commissioning. Upon drawing on the balance of the bond, the Town assumes responsibility for the decommissioning of the system.

In developing the decommissioning surety bond, the Project Company utilized recent decommissioning costs estimate from similar Community Solar projects to propose a \$70,034.73/MWac cost. The estimation leading to this rate is attached to this proposal as Exhibit B. Such estimation has been affirmed by our engineering partners at EDP, as memorialized by the New York State Professional Engineer Stamp affixed to the estimate.

This bond will be reviewed every five years until which time the Project Company’s decommissioning obligations have been fulfilled. The Project Company agrees to submit revised removal cost estimates to the Town and the bond company on five-year intervals. Posted bonds will reflect this estimate for the next five years, until which time the costs of removal are reassessed.

The bond’s start date shall occur prior to issuance of a building permit. The bond has no set term, and will remain in place for until 18 months following system removal.

Below is a summary of the analysis:

Project Size (MWac)	2.50
Estimated Decommissioning Cost- Year 1	\$ 175,086.73
Contingency (10%)	\$17,509
Total	\$ 192,595.73

[Signatures on the following page]

Top Hat Energy, LLC agrees that if the surety is not renewed or cancelled it will forfeit its Certificate of Occupancy and right to continue to operate until a replacement surety has been posted.

Town of Moreau, NY

Authorized Signature:

Name: Richard Lane

Title: Supervisor

Top Hat Energy, LLC

Authorized Signature:

Name: Chris Clark

Title: SVP

EXHIBIT A – NYSDAM GUIDELINES

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance¹ within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices² (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

¹Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

² An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

1. For projects involving less than 50 acres of agricultural land within the limits of disturbance (LOD),³ the EM shall be available for consultation and/or on-site whenever construction or restoration work that causes Ground Disturbance is occurring on agricultural land.
2. For projects involving 50 acres or more of agricultural land within the (LOD) (including projects involving the same parent company whether phased or contiguous projects), the EM shall be on site whenever construction or restoration work requiring or involving Ground Disturbance is occurring on agricultural land and shall notify NYSDAM of Project activity. The purpose of the agency coordination would be to assure that the mitigation measures of these guidelines are being met to the fullest extent practicable. The Project Company and the NYSDAM will agree to schedule inspections in a manner that avoids delay in the work. NYSDAM requires the opportunity to review and will approve the proposed EM based on qualifications or capacities.

Construction Requirements

- Before any topsoil is stripped, representative soil samples should be obtained from the areas to be disturbed. The soil sampling should be consistent with Cornell University's soil testing guidelines, and samples should be submitted to a laboratory for testing PH, percent organic material, cation exchange capacity, Phosphorus/Phosphate (P), and Potassium/Potash (K). The results are to establish a benchmark that the soil's PH, Nitrogen (N), Phosphorus/Phosphate (P), and Potassium/Potash (K) are to be measured against upon restoration. If soil sampling is not performed, fertilizer and lime application recommendations for disturbed areas can be found at https://www.agriculture.ny.gov/ap/agsservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf.
- Stripped topsoil should be stockpiled from work areas (e.g. parking areas, electric conductor trenches, along access roads, equipment pads) and kept separate from other excavated material (rock and/or sub-soil) until the completion of the facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace (ATWS) may be needed along "open-cut" underground utility trenches. All topsoil will be stockpiled as close as is reasonably practical to the area where stripped/removed and shall be used for restoration on that particular area. Any topsoil removed from permanently converted agricultural areas (e.g. permanent roads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area. Clearly designate topsoil stockpile areas and topsoil disposal areas in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD (as designated on the site plan or by the EM) area should be allotted to allow adequate access to the stockpile for topsoil replacement during restoration.
 - Topsoil stockpiles on agricultural areas left in place prior to October 31st should be seeded with Aroostook Winter Rye or equivalent at an application rate of three bushels (168 lbs.) per acre and mulched with straw mulch at rate of two to three bales per 1000 Sq. Ft.
 - Topsoil stockpiles left in place between October 31st and May 31st should be mulched with straw at a rate of two to three bales per 1000 Sq. Ft. to prevent soil loss.
- The surface of access roads located outside of the generation facility's security fence and constructed through agricultural fields shall be level with the adjacent field surface. If a level road design is not

³ The Limits of Disturbance (LOD) includes all project related ground disturbances and all areas within the project's security fencing.

feasible, all access roads should be constructed to allow a farm crossing (for specific equipment and livestock) and to restore/ maintain original surface drainage patterns.

- Install culverts and/or waterbars to maintain or improve site specific natural drainage patterns.
- Do not allow vehicles or equipment outside the planned LOD without the EM seeking prior approval from the landowner (and/or agricultural producer), and associated permit amendments as necessary. Limit all vehicle and equipment traffic, parking, and material storage to the access road and/or designated work areas, such as laydown areas, with exception the use of low ground pressure equipment.⁴ Where repeated temporary access is necessary across portions of agricultural areas outside of the security fence, preparation for such access should consist of either stripping / stockpiling all topsoil linearly along the access road, or the use of timber matting.
- Proposed permanent access should be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g. permanent roads, equipment pads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area.
- When open-cut trenching is proposed, topsoil stripping is required from the work area adjacent to the trench (including segregated stockpile areas and equipment access). Trencher or road saw like equipment are not allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. Horizontal Directional Drilling (HDD) or equivalent installation that does not disrupt the soil profile, may limit agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged must be removed from agricultural areas. Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, are exempt from topsoil segregation.
- Electric collection, communication and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside of the security fence must be buried in agricultural fields wherever practicable. Where overhead utility lines are required, (including Point(s) of Interconnection) installation must be located outside field boundaries or along permanent access road(s) wherever possible. When overhead utilities must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.
- All buried utilities located **within** the generation facility's security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).⁵
- The following requirements apply to all buried utilities located **outside** of the generation facility security fence:
 - In cropland, hayland, and improved pasture buried electric conductors must have a minimum depth of 48-inches of cover. In areas where the depth of soil over bedrock is less than 48-inches, the

⁴ low ground pressure vehicles that do not result in a visible rut that alters soil compaction.

⁵ Burial of electrical conductors located within the energy generation facility may be superseded by more stringent updated electrical code or applicable governing code.

electric conductors must be buried below the surface of the bedrock if friable/rippable, or as near as possible to the surface of the bedrock.

- In unimproved grazing areas or on land permanently devoted to pasture the minimum depth of cover must be 36-inches.
- Where electrical conductors are buried directly below the generation facility's access road or immediately adjacent (at road edge) to the access road, the minimum depth of cover must be 24-inches. Conductors must be close enough to the road edge as to be not subject to agricultural cultivation / sub-soiling.
- When buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. Install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tile must meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles should be consistent with the NYSDAM's details for "*Repair of Severed Tile Line*" found in the pipeline drawing A-5 (<http://www.agriculture.ny.gov/ap/agsservices/Pipeline-Drawings.pdf>).
- In pasture areas, it may be necessary to construct temporary fencing (in addition to the Project's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be required to delay the pasturing of livestock within the restored portion of the LOD until pasture areas are appropriately revegetated. Temporary fencing including the project's required temporary access for the associated fence installations should be included within the LOD as well as noted on the construction drawings. The Project Company will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Project Company should be responsible for removal of the temporary fences.

Post-Construction restoration requirements applicable to continued use agricultural areas that suffered ground disturbance due to construction activities (typically lands outside of the developed project's security fence).

- All construction debris in active agriculture areas including pieces of wire, bolts, and other unused metal objects will need to be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.
- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. Remove all excess subsoil and rock unearthed from construction related activities occurring in areas intended to return to agricultural use. On-site disposal of such material is not permissible in active agricultural lands. Designated spoil disposal locations should be specified in the associated construction plans. If landowner agreements, LOD boundary, or Project's land use approvals do not allow for on-site disposal, material must be removed from the site.⁶

⁶ Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the facility operator, with the cooperation of the landowner when required.

- Excess stripped topsoil shall not be utilized for fill within the project area. Any extra topsoil removed from permanently impacted areas (e.g. roads, equipment pads, etc.) should be evenly spread in adjacent agricultural project areas, however not to significantly alter the hydrology of the area.
- Regrade all access roads outside of the security fencing (as determined necessary by the EM), to allow for farm equipment crossing and restore original surface drainage patterns, or other drainage pattern incorporated into the design.
- Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.
- On agricultural land needing restoration because of ground disturbance, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded, and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No permanent project restoration activities shall occur in agricultural areas between the months of October through May unless favorable soil moisture conditions exist.
- In all continued use agricultural land where the topsoil was stripped, subsoil decompaction shall be conducted prior to topsoil replacement. Following construction, all such areas will be decompacted to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) throughout the decompacted 18 inches as measured with a soil penetrometer. Following decompaction, all rocks 4 inches and larger in size unearthed from decompaction will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger from topsoil shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with NYSDAM. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth for stabilization⁷ to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to prevent potential springtime erosion, as well as restore any eroded areas in the springtime, to establish proper growth. Excess stripped topsoil shall be evenly spread in the adjacent project areas, or adjacent agricultural areas (within the LOD), however, not to significantly alter the hydrology of the area.
- In all continued use agricultural areas where the topsoil was not stripped, including timber matted areas, the EM shall determine appropriate activities to return the area to agricultural use. These activities may include decompaction, rock removal, and revegetation. Soil compaction should be tested in the affected areas and the affected area's adjacent undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. Soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch (PSI), by

⁷ Sufficient growth for stabilization should be determined by comparison with unaffected crop production. Annual crops restored after normal planting window (as determined by the landowner or associated producer) should be stabilized with Aroostook Winter Rye at the rate of 150/100 lbs. per acre (broad cast/drill seeder).

comparing probing depths of both the affected and unaffected areas. Where representative soil density of the affected area's collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area's mean soil density, additional decompaction may be required to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following decompaction, remove all rocks unearthed from decompaction activities 4 inches and larger in size from the surface. Revegetation shall be performed in accordance with the instructions below.

- Seed all agricultural areas from which the vegetation was removed or destroyed with the seed mix specified by the landowner/agriculture producer or as otherwise recommended in the Department's fertilizer, lime and seeding guideline: [\[https://www.agriculture.ny.gov/ap/agsservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf\]](https://www.agriculture.ny.gov/ap/agsservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf). Soil amendments should be applied as necessary so that restored agricultural areas' soil properties, at minimum, reasonably reflect the pre-construction soil test results or as otherwise agreed to by the involved parties to ensure continued agricultural use. All parties must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to restore and/or re-seed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Monitoring and Remediation

Project Companies shall provide a monitoring and remediation period of one complete growing season following the date upon which the desired crop is planted. All projects subject to NYS Public Service Law Article 10 will provide a monitoring period of two complete growing seasons following the date upon which the project achieves the establishment of the desired crop.

On site monitoring shall be conducted seasonally at least three times during the growing season (Spring, Summer, Fall). Monitoring is required to identify any remaining impacts directly associated with the construction of the project on agricultural lands proposed to remain or resume agriculture production, including the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring observations can be made. NYSDAM expects the Project Company (or its contractor) to retain the EM for follow-up monitoring and remediation (as needed) in agricultural areas. Monitoring is limited to the restored agricultural area. Non-project related impacts affecting the restored project area will be discussed with NYSDAM staff and considered for omission from future monitoring and remediation. The EM is expected to record the following observations from onsite inspections:⁸

- **Topsoil Thickness and Trench Settling** – The EM observations may require small hand dug holes to observe the percentage of settled topsoil in areas where the topsoil was stripped, or trenching was performed without stripping topsoil. Observations concerning depth of topsoil deficiencies shall require further remediation by re-appropriating additional topsoil. Acceptable materials for remediation are: known areas of native excess topsoil (according to records of project specific excess topsoil disposal spread within the original LOD) or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site.

⁸ The activities that follow are not necessary for restored agricultural lands on which the farmer or landowner has commenced activities, including agricultural activities or other use that tend to reverse restoration or create conditions that would otherwise trigger restoration. Should NYSDAM contend upon inspection that conditions indicate that post-construction restoration activities were improperly performed or insufficient, NYSDAM may inform the project company and NYSEDA for further investigation and remediation.

- **Excessive Rock (>4-inches)** - Determined by a visual inspection of disturbed areas as compared to unaffected portions of the same field located outside the construction area. Observations concerning excess stone material in comparison to off-site conditions shall require further remediation including removal and disposal of all excess rocks and large stones.
- **Soil Compaction** - Project affected agricultural soils should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made at regular intervals of distance throughout the access or work areas, including each soil type identified on the affected agricultural areas. Where representative soil density of the affected area exceeds the representative soil density of the unaffected areas, additional decompaction may be required. Consultation with NYSDAM staff and the agricultural producer(s) should be conducted prior to scheduling additional decompaction. If warranted, decompaction to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Restoration of displaced topsoil to original depth and re-establish original contours where possible. Decompaction deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock (Four-inches) material that is uplifted/unearthed to the surface as a result of the deep shattering will be removed.
- **Drainage** – The EM shall visually inspect the restored agricultural areas in search of pervasive stunted crop growth due to seasonal saturation, not previously experienced at the site and not resulting from the agricultural producer’s irrigation management or due to excessive rainfall. Identified areas of stunted crop growth shall be compared to the nearest undisturbed adjacent areas under a substantially equivalent terrain and crop management plan. Drainage observations should be evaluated to determine if the project affected surface or sub-surface drainage during construction or restoration. Project caused drainage issues affecting or likely to reduce crop productivity of the adjacent areas will have to be remediated via a positive surface drainage, sub-surface drainage repair or an equivalent.
- **Agriculture Fencing and Gates** – The EM shall inspect Project associated fencing and gates (installed, altered or repaired) within the Project’s LOD associated with agricultural activities for function and longevity. The Project Company is responsible during the Monitoring and Remediation Phase for maintaining the integrity of Project associated fencing and gates.

The Project Company (or its contractor) shall consolidate each applicable growing season’s observations into an annual report during the monitoring period and shall be provided upon request to NYSDAM. Annual reports should include date stamped photographs illustrating crop growth in comparison with unaffected portions the agricultural areas.

The EM shall record observations of the establishment of the desired crop and subsequent crop productivity within restored agricultural areas and shall be evaluated by comparing its productivity to that of the nearest adjacent undisturbed agricultural land of similar crop type within the same field. If a decline in crop productivity is apparent the Project Company as well as other appropriate parties must determine whether the decline is due to project activities. If project activities are determined to be the primary detrimental factor, the project EM will notify NYSDAM concerning unsuccessful restoration and to potentially schedule a NYSDAM staff field visit. If project restoration is determined to be insufficient, the Project Company will develop a plan for appropriate rehabilitation measures to be implemented. NYSDAM staff will review and approve said plan prior to implementation. Additional monitoring may be required depending on additional restoration activities needed.

The Project Company is not responsible for site conditions and/or potential damages attributable to the agricultural producer's land use management or others' land use management.

Decommissioning

If the operation of the generation facility is permanently discontinued, remove all above ground structures (including panels, racking, signage, equipment pad, security fencing) and underground utilities if less than 48-inches deep. All concrete piers, footers, or other supports must be removed to a minimum depth of 48-inches below the soil surface. The following requirements apply to electric conductors located at the respective range of depth below the surface:

- 48-inches plus: All underground electric conduits and direct buried conductors may be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses.
- Less than 48-inches: All underground direct buried electric conductors and conductors in conduit and associated conduit with less than 48-inches of cover must be removed, by means of causing the least amount of disturbance as possible.

Access roads in agricultural areas must be removed, unless otherwise specified by the landowner. If access is to be removed, topsoil will have to be returned from recorded project excess native topsoil disposal areas, if present, or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Restore all areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, and as required by any applicable permit, the Soil and Water Conservation District, and NYSDAM.

Monitoring and restoration requirements in accordance to the prior sections of these guidelines, will be required for the decommissioning restoration. NYSDAM requires notice before the Project Company undertakes decommissioning.

EXHIBIT B – Decommissioning Estimate



Decommissioning Cost Estimate (2.5 mW AC)

Removal and Restoration Components	Quantity	Units	Unit Cost	Total Cost	Cost/MW
Local Permitting Approval for Decommissioning	1.0	LS	\$ 1,000.00	\$ 1,000	\$ 400
Coordinate with Utility to Deenergize System	1.0	LS	\$ 1,000.00	\$ 1,000	\$ 400
Prepare SWPPP & Submit NOI	1.0	LS	\$ 2,500.00	\$ 2,500	\$ 1,000
Predecommissioning Conference	1.0	LS	\$ 500.00	\$ 500	\$ 200
Install Erosion and Sediment Control Features	1.0	LS	\$ 5,000.00	\$ 5,000	\$ 2,000
Remove Above-Ground Rack Wiring	26400.0	LF	\$ 1.10	\$ 29,040	\$ 11,616
Remove Panels and Associated Above Ground Wiring	5354.0	Ea	\$ 5.00	\$ 26,770	\$ 10,708
Dismantle Racks	74.0	Ea	\$ 136.00	\$ 10,064	\$ 4,026
Remove Transformer Equipment	1.0	Ea	\$ 2,000.00	\$ 2,000	\$ 800
Breakup and Remove Concrete Pad	93.3	SY	\$ 25.96	\$ 2,423.12	\$ 969
Stack and Transport Racks offsite for Recycling	34.4	TON	\$ 100.00	\$ 3,442.80	\$ 1,377
Remove Combiner Boxes	10.0	EA	\$ 60.00	\$ 600.00	\$ 240
Remove Underground DC Cabling	3600.0	LF	\$ 1.45	\$ 5,220.00	\$ 2,088
Remove Underground MV Cabling	715.0	LF	\$ 1.45	\$ 1,036.75	\$ 415
Remove Ground Screws	1400.0	EA	\$ 7.00	\$ 9,800.00	\$ 3,920
Remove Power Poles and Overhead Utility Line	6.0	EA	\$ 460.83	\$ 2,764.95	\$ 1,106
Remove & Fill Stormwater Management Infrastructure	350.0	CY	\$ 2.60	\$ 908.67	\$ 363
Remove Fence and Gates	3525.0	LF	\$ 3.30	\$ 11,632.50	\$ 4,653
Remove Access Road	765.0	CY	\$ 4.50	\$ 3,442.50	\$ 1,377
Transport Aluminum to Recycling Facility	34.4	TON	\$ 15.00	\$ 516.00	\$ 206
Decompact heavily compacted areas (tilling)	12.5	AC	\$ 850.00	\$ 10,625.00	\$ 4,250
Soil Restoration in Heavily Trafficked/Compacted Area	1.3	AC	\$ 2,500.00	\$ 3,357.44	\$ 1,343
Reseed Disturbed Areas	25.0	AC	\$ 1,557.72	\$ 38,943.00	\$ 15,577
SWPPP Inspectiosn and File Notice of Termination	1.0	Ea	\$ 2,500.00	\$ 2,500.00	\$ 1,000
2026 Decommissioning Estimate:				\$ 175,086.73	\$ 70,034.69
Projected Average Inflation Rate:				3.0%	
Length of Time Before Decommissioning (years):				20	
Estimated Future Decommissioning Value:				\$316,226.11	
Estimated Salvage Value	Quantity	Units	Unit Cost	Total Cost	
Wiring Salvage (AC, DC components)	4.3	Ton	\$ 1,000.00	\$ 4,315.00	\$ 863.00
Module Racking	34.4	Ton	\$ 796.00	\$ 27,404.69	\$ 5,480.94
Racking Screws	52.5	Ton	\$ 780.00	\$ 40,950.00	\$ 8,190.00
PV Modules	5354.0	Ea	\$ 8.00	\$ 29,982.40	\$ 5,996.48
2026 Salvage Value (for reference only , not included in decommissioning bond):				\$ 102,652.09	\$ 41,060.84
Future Salvage Value Estimate:				\$ 185,401.09	\$ 74,160.44

Decommissioning Estimate Notes:

Decommissioning unit prices estimated based on EDPs research into similarly sized renewable energy decommissioning projects, experience with local construction costs in New York State and a review of RSMMeans Construction Cost Data. An estimated salvage value has been provided for reference only and has not been deducted from the decommissioning estimate.



This Decommissioning Plan and Estimate for Top Hat Energy, LLC, as prepared by Nexamp and EDP, dated 9/25/2026, has been reviewed by a Professional Engineer licensed in the State of New York:

Name and Title: Travis Mitchel, PE



Date: 9/25/2026