

From: [Switala, Robert](#)
To: [Plante, David](#); [Redding, Eric](#)
Subject: FW: Solar Farms SWPPP/NOI Question
Date: Tuesday, March 23, 2021 3:09:18 PM
Attachments: [image002.png](#)

See below for response from DEC on the pervious access road, question #2.

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From: Gasper, David J (DEC) <david.gasper@dec.ny.gov>
Sent: Tuesday, March 23, 2021 11:19 AM
To: Switala, Robert <rswitala@BERGMANNPC.com>
Subject: RE: Solar Farms SWPPP/NOI Question

See responses below.

From: Switala, Robert <rswitala@BERGMANNPC.com>
Sent: Tuesday, March 23, 2021 10:00 AM
To: Gasper, David J (DEC) <david.gasper@dec.ny.gov>
Subject: Solar Farms SWPPP/NOI Question

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Dave,

Sorry for the randomness of my email and for interrupting your day. I had two questions that have come up recently from solar developers and wanted to get the DEC's opinion on them:

1. For projects that have received NOI approval and received letter of acknowledgements but construction for the solar project has not commenced, is the solar developer responsible for third party impacts. For example, say we receive the NOI approval in the Spring but construction does not start for a few months and during that time the landowner goes onto the site and does disturbance (i.e. farming, tree clearing, off-road four wheeler track, whatever), is the solar developer responsible for managing that disturbance even though they have not mobilized or started construction.

Response: I would recommend that the Solar Developer send a letter to the Regional DOW staff and let them know if this concern.

2. Can you confirm that the limited use pervious access road detail that was approved by the DEC on 5/2019 is still an acceptable BMP for use on solar projects. We had heard from a local code enforcement official that it was no longer accepted by the DEC and roads need to be considered impervious for stormwater design. Any input on this would be appreciated as I had

not heard anything official from the DEC on this.

Response: We have still been accepting the detail for the “Limited Use Pervious Access Road” that TRC developed (dated 5/2019). Is it more of a local issue? You may need to discuss with the Regional DOW staff to see if they are aware of this issue.

Let me know if you have additional questions.

Thank you for your time on these two matters

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