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May 5, 2026

Mr. John Strough, Town Supervisor
Town of Queensbury
742 Bay Road
Queensbury, NY 12804

RE: Queensbury Ridge Rd. Landfill Solar Project – AC Power 47 LLC
Community Comment-Response Letter

Dear Supervisor Strough:

AC Power is reaching out to provide you/the Town with feedback on questions and comments raised by residents living south of the Queensbury Ridge Road landfill, regarding our proposed, community solar energy project. We have reviewed the transcripts of both the April 6, 2026, and April 20, 2026 Town Board meetings, particularly the public comment portions, and have distilled the information (as best we could) into specific comments/concerns that require technical response.

We have also reviewed comments provided via email and addressed those in a separate section, below. Please note we have the Town Board Workshop on the calendar for May 12th at 3:00 PM at the municipal center. Annika Colston, President and CEO of AC Power LLC will be in attendance, along with a representative from TetraTech, our consulting engineer, to provide a more in-depth response to any questions the Board and/or any neighbors might still have.

As background, below is a summary of the site environmental regulatory status and existing site conditions, an overview of engineering, and an explanation of the permit submission, review and approval process of various authorities having jurisdiction (AHJs) over the Queensbury Landfill solar project.

The Queensbury Landfill is regulated by the New York State Department of Environmental Conservation (NYSDEC) Region 5 (Site Code #557005) and listed on the NYSDEC list of Inactive Landfills. Most of the landfill is unlined due to its age; initial and early operations predate the NYSDEC regulations pertaining to engineering/design and construction of new landfill facilities. The landfill is closed and capped with a final cover system, a passive gas venting system, and a groundwater monitoring well network at the perimeter of the site (and off-site) outside the proposed project area. The final cover system installed in 1995 (per NYSDEC closure documentation) consists of the following several layers:

- Approximately 12 inches of soil cover;
- A polypropylene geotextile fabric;
- Landfill gas venting layer consisting of 12 inches of sand;
- 60-mil very low-density polyethylene (VLDPE) geomembrane liner (textured on slopes exceeding 25 percent and smooth on slopes less than 25 percent);
- 12-inch thick soil barrier protection layer ; and

- Topsoil with a thickness of 6 inches on slopes less than 25 percent and 9 inches on slopes exceeding 25 percent. A separation geotextile was also placed between the topsoil and barrier protection layer on slopes greater than 25 percent (i.e., areas requiring 9 inches of topsoil).

The Town of Queensbury currently implements a post-closure monitoring program consisting of routine groundwater sampling, surface water sampling, and site inspections in accordance with 6 New York Codes, Rules, and Regulations (NYCRR) Part 360 and a site-specific post-closure monitoring and maintenance manual.

AC Power LLC worked closely with their environmental consultant and engineer-of-record, TetraTech, to prepare the site plan for the solar on landfill project in accordance with NYSDEC solar on landfill design parameters/guidance documents, and in consultation with Department staff, as is standard practice. The top priority in any landfill solar project is to design the project in such a way as to protect and preserve the remedy (e.g. cover system and all engineering controls – wells, vents). In addition to preparing a full Issue for Permitting (IFP) plan set, numerous engineering deliverables and supporting documents were prepared for permitting, including:

- Geotechnical calculations/study to analyze the integrity of the cover system and its ability to support a solar energy facility (required by NYSDEC);
- Engineering Report for Post-closure Use Modification (required by NYSDEC)
- Preliminary Stormwater Pollution Prevention Plan (SWPPP; required by NYSDEC);
- Glint/glare analysis (required by Adirondack Park Agency [APA]);
- Decommissioning Plan with engineer-certified cost estimates and financial surety obligation (required by Town and APA);
- Typical Solar Facility O & M Plan (Required by NYSDEC and Town)
- Post-closure Monitoring and Maintenance Plan (Required by NYSDEC)
- Visual simulations (required by APA and scope of the study prescribed by APA);
- Threatened/Endangered species reviews by both US Fish and Wildlife service (USFWS) and NYSDEC Natural Heritage program (required by NYSDEC and APA);
- Informal consultation with NYSDEC regarding potential impacts to grassland birds (required by NYSDEC); and
- State Historic Preservation Office reviews/approval.

All required discretionary land use permits and approvals have been issued to AC Power 47 LLC, after extensive review by all permitting authorities and in accordance with required public and regulatory process. The Town's review included an independent review by an environmental engineering firm retained by the Town of Queensbury.

Public Comments - Town Board Meeting April 6, 2026:

Comment #1: *"The main concern anyone looking into this should be paying attention to is stated right in AC Power's own decommissioning plan from the APA materials, which states, decommissioning activities, particularly the removal of project components could result in environmental effects similar to those of the construction phase. For example, there is a potential for disturbance, erosion, sedimentation to adjacent water courses or significant natural features."*

Response: The statement referenced above regarding the "…*potential* for disturbance (erosion/sedimentation) to adjacent watercourses or significant natural features" was followed by a summary of mitigation measures, as noted below:

"Mitigation measures including obtaining all required permits and coverage under the most current NYS SPDES General Permit for Stormwater Discharges from Construction Activity will be implemented. These measures will remain in place until the site is stabilized in order to mitigate erosion and silt/sediment runoff and any impacts on the significant natural features or water bodies located adjacent to the Project Site. All removed components will be recycled/disposed of in accordance with local, state, and federal waste disposal regulations." The general statement commenter focused on, is conservatively included in all decommissioning plans does not mean there will be such disturbances. Please note that no grading or major earth disturbance is proposed within the landfill cap during either the construction or decommissioning phase of the project.

Comment #2: "AC Power's own website states that they only install on landfills that are thoroughly remediated, and we know that zero remediation has taken place to the unlined Beansbury Town landfill."

Response: There seem to be varying interpretations of "remediation" and how it is defined. Remedial actions, as acknowledged by environmental regulatory authorities (e.g. NYSDEC or USEPA) include installation of a final cover system and other engineering controls such as a groundwater monitoring well network and landfill gas venting system. Post-closure ongoing environmental monitoring can also be considered part of remedial actions, along with other institutional controls such as land use restrictions, regulation of such uses and environmental covenants.

Comment #3: "I have also read that installing solar panels on an unlined or improperly lined landfill significantly increases the risk of groundwater contamination and structural failure. Because there is no impermeable bottom barrier, any increase in water infiltration or surface disturbance can accelerate the leaching of legacy waste and newly introduced solar-related toxins into the environment. This major concern isn't being addressed, or even considered. "

Response: The factors mentioned by this commentor were, in fact, considered heavily in the design of this solar-on-landfill project. One of the key aspects of designing a project of this type is ensuring the integrity of the installed landfill cap system so as to prevent water infiltration or disturbance of contaminated sediments. The use of a ballasted racking system, as opposed to a typical pile-driven racking system, prevents the need for any structures to be inserted into the landfill cap, which would risk damaging the installed landfill final cover (cap) system. Additionally, the project was specifically designed to avoid grading above the landfill cap. The only grading or vegetation removal proposed in association with the project is at the corner of Jenkinsville Road and Ridge Road, wherein infrastructure associated with connecting the project to the power grid will be installed. This area is located outside of the landfill cap area. Lastly, the project was designed to avoid areas with steep slopes, thus mitigating the potential for erosion and sedimentation. Given the lack of soil disturbance proposed within the landfill cap area, and based on analyses conducted in the course of drafting the project's preliminary SWPPP, the project is not expected to significantly alter stormwater or groundwater dynamics. This statement is corroborated by thorough third-party review that was conducted by the Town's engineer, LaBella Associates.

Comment #4: "A 5MW project requires significant concrete. If using 20,000 ballast. At an average of 750 pounds each, that is 15 million pounds of concrete. That is not counting the weight of the modules

and all the equipment, putting an immense amount of pressure on a landfill full of chemicals. According to biodiversity experts that I've spoken to, 15 million pounds of concrete could produce about 2,000 metric tons of CO2 emissions during production. That's not environmentally friendly. And then all the trucks and fuel it will take to get up there and dump it somewhere after, is that good for the environment?"

Response: As part of the Engineering Report for Post-Closure Use Modification, submitted to NYSDEC, as is standard practice for solar on landfill projects, AC Power's engineer prepared a geotechnical settlement and stability analysis, taking into account site specific surface (e.g., slopes) and subsurface conditions (e.g. the engineered cover system), as well as all anticipated ballasts and equipment to be placed on the landfill. It was concluded that the solar panel foundations will have no adverse impact to the landfill. In addition, low ground pressure construction equipment will be used during installation and decommissioning.

Comment #5: *"Based on AI estimates, because no one else can answer me, the total weight of the solar panels, equipment, ballast blocks, extra layers of soil, and all the gravel being trucked in on a 20-acre landfill, assuming a typical landfill solar configuration can exceed 17,000 to 25,000 tons, roughly 34 to 50 million pounds. This is a massive engineering undertaking, where the weight has to be strategically distributed to avoid damaging the landfill's clay cap."*

Response: See response to comment #4., above. In addition, the NYSDEC considered the generic environmental impacts of concrete ballasts solar and landfill projects and determined that it does not create a significant adverse environmental impact.

Comment #6: *"I respectfully ask the board to pass a resolution tonight stating that you will halt this project for further review and hold another meeting where this can be discussed and evaluated more thoroughly."*

Response: The landfill solar project has received all discretionary land use permits and approvals, including: Adirondack Park Agency permit and NYSDEC Conditional Approval of Post-closure Use Modification Request; conditions include: NYSDEC review of final Issue for Construction (IFC) plans for building permit applications and acknowledgment that no soil excavation or penetration of the cap is permitted and that all excavation for electrical grounding rods is to occur outside the landfill cap perimeter. In addition, AC Power has been granted a Special Use Permit and Site Plan Approval, along with wetlands and SEQR sign-off from the Town of Queensbury Planning Board, after full review by Town Engineer, LaBella Associates. AC Power responded to, and provided, all additional information requested during the review process. Other pertinent permits and approvals include Federal and State threatened and endangered species review, as well as NYS Office of Parks, Recreation and Historic Preservation no impact determination. AC Power is in a position, and has a legal right, to apply for and obtain building permits.

Comment #7: *"With regards to the solar panel project, we're actually here in support of what Christina talked about, and we're really looking for a delay until we understand a little bit more about this project. We also, too, you know, share the same concerns about the environmental contamination that's possible with this project, and the potential negative effect that it may have on our neighborhood right now."*

Response: AC Power provided all required technical support and engineering documentation required to permit the project. All permit application materials were reviewed by AHJs and permits/approvals were granted.

Comment #8: "And…I gotta say that we're not against alternative energy solutions, but at this time, based on our current situation that we're dealing with, with contaminants, I don't think it's really an appropriate time to take on a project, like this, and kind of moving forward…"

Response: As noted above, AC Power is in a position, and has a legal right, to apply for and obtain building permits, after following proper regulatory process for all permits and approvals.

Comment #9: "The lease agreements that are made with the, energy What other potential benefits? Does the town and or its residents see by hosting?"

Response: The solar on landfill project is a NYSERDA NY Sun project with a community solar award. The project supports NY State's renewable energy goals and is considered redevelopment of a brownfield site, with limited, viable re-use options. In addition, there is a resulting substantial carbon footprint reduction, job creation during construction, long-term energy price stability, and increased energy security and grid stability.

Comment #10: *"I also have concerns for the wildlife and the birds on Mud Pond and the geese. And the view, when you come down Ridge Road and turn onto Jenkinsville, you look out over the Green Mountains. It's a beautiful view."*

Response: As part of its permitting process, the APA required a glint and glare study and visual simulations to assess potential impacts; none were identified. As noted above in response to Comment #6, pertinent permits and approvals include Federal (US Fish & Wildlife) and State (NYSDEC Natural Heritage Program) threatened and endangered species review. The solar project will not impact noted resources. Stormwater controls that will be used during the construction and decommissioning phase will prevent adverse impacts to nearby Mud Pond. As noted in the SWPPP, the project will also not significantly change stormwater dynamics within the landfill from existing conditions.

Comment #11: *"…back in November, when I first heard about this project, I did ask a lot of questions. I sent some emails with my concerns, and at that time, I was kind of told to trust the process. I'm probably the only person that has watched the entire process, and I have a lot of concerns since then. I've only watched the process since November. There was a Queensbury Planning Board approval on January 27th of 2026. I looked up the minutes, and there's not a single mention of the water contamination at all…. No questions were asked at all, other than about the size of the offense, like we only care about appearance. No public comments were received, because no one knew about the meeting.."*

Response: There was, likely, no mention of water contamination because the proposed solar on landfill project was being fully reviewed by the NYSDEC. Based on communications with the Department's remediation division, AC Power's understanding is that the proposed solar on landfill use would not interfere with any potential future remediation (if needed) relevant to off-site groundwater contamination. AC Power provided all required engineering information (e.g. geotechnical/stability calculations and analysis) requested for the project, as is standard practice under NYSDEC guidance and applicable regulations.

Comment #12: "Then I spoke with the presenter and asked him technical building questions, such as the weight or number of concrete blocks being used, and the threshold that the landfill cap can hold. He did not know."

Response: We are not sure when (at which meeting) this question was asked. Please note that the weight and number of ballasts proposed is not something that is easily recalled when asked on the spot, but is included in detail in the approved issued for permitting engineering design drawings and geotechnical report. See response to Comment #4, above, for an overview of the geotechnical analysis that was prepared for the project and reviewed by NYSDEC.

Comment #12: "I have spoken to experts as well that say the APA should be very concerned with this project. Lake George and the Hudson River are within 2 miles of this landfill, and major disturbances could certainly cause the migration of contaminants to stretch much further."

Response: All required regulatory reviews by AHJs, including the APA, were completed in accordance with applicable laws and regulations and all required, discretionary land use permits/approvals were obtained for the project. Again, the project has been specifically designed to avoid soil or other landscape disturbances that would change stormwater dynamics or impact nearby surface waters.

Comment #14: "I'm currently working with a biodiversity expert to get a proposal for you if you are actually interested in assessing environmental risks for this project. The independent neutral company is called Hudsonia, and as soon as I receive that proposal, I will pass that along to you. They will offer suggestions to help the environment, such as collecting methane gas from the landfill, instead of letting this methane escape into the atmosphere as a potent greenhouse gas….It is captured and converted into electricity, fuel, or heat. I have read articles where some municipalities are making $5 million a year from doing this."

Response: AC Power worked with a full-service environmental consulting and engineering firm with extensive nationwide experience in siting and design of solar on landfill projects. In addition, the Town Engineer, LaBella Associates, also has comparable experience in developing renewable energy projects, including solar on landfill. Through review of materials provided by the USFWS and NYSDEC, it was determined that this project will not adversely impact biodiversity within the development area or in the immediate vicinity. As noted above in responses to Comments #6 and #10, AC Power obtained all pertinent permits and approvals for the project, which include Federal (US Fish & Wildlife) and State (NYSDEC Natural Heritage Program and regional biologist review) threatened and endangered species review. The solar project will not impact noted resources.

Comment #15: "I've also done a lot of research on solar panels, and I wanted to believe that this was clean energy, too, and that it could somehow benefit our electric bills. But the truth is, there's nothing clean about these solar panels. What they're made of includes more PFAs in our environment."

Response: As is standard moving from permit design to construction design, solar modules for the proposed project will be specified based on availability and procurement timelines. Based on industry information, some module manufacturers *might* use fluoropolymers in backsheets/the rear layer), which are considered low-risk and stable vs mobile PFAS compounds.

Comment #16: "Is there… I don't even know what the ability that we can do at this point. It's been in the making for, what, 4 years. Are you thinking pausing the permit process? I think I got an email

from Tony Medivier, I think you had spoken to him. You know, so we can... at least...compile more information. I don't know what, you know, I don't know what else we can do. McGualty? Because you're carrying on the conversation, I don't want to take away your time. No, no, go ahead. We... last time you spoke, Christina, we did not have, we thought we did, but DEC had not approved the project. Has DEC... Yeah. They haven't proved it at this point. Okay. They just approve it from optimal staff, they just approve it for post-closure use. Was it caps? Yeah, okay, you know it's passed. So, that's my understanding. I have email communication."

Response: See response to Comment # 6, above. AC Power has applied for and obtained all necessary, discretionary land use permits for the project and is in a position (and has a legal right) to apply for and obtain building permits.

Comment #17: "That had to be addressed by the solar company, and I know the DEC is very strict about the...Solar fields going on the landfills."

Response: Yes. The NYSDEC has conducted a detailed evaluation of solar on landfill projects as part of generating new State Environmental Quality Review Act regulations in 2018 (Final GEIS Part 617 Amendments 2018) and in generating solar on landfill technical guidance in 2023 (DMM-4 Photovoltaic Solar Projects at Closed Solid Waste Landfills). AC Power LLC worked closely with their environmental consultant and engineer-of-record, Tetra Tech, to prepare the site plan for the solar on landfill project in accordance with NYSDEC strict guidance and requirements. The plans were reviewed by the Town's independent engineer, the NYSDEC, the APA and other agencies resulting in approval of the project.

As noted in the introduction to this letter, the top priority in any landfill solar project is to design the project in such a way as to protect and preserve the remedy (e.g. cover system and all engineering controls – wells, vents). That is what AC Power has done throughout the permitting process for this project.

*Comment #18: "Maybe, maybe as a board, because this is our town and you guys are our residents, maybe we do pause it, at least the permit side, because we can control that part of it. And then find out from the APA and the DEC. Maybe there's things that they can do, maybe there's things that they didn't do, that they should have done. Maybe there wasn't some facts that they should have had, and mad*e a different decision, I don't know."

Response: Please see introductory narrative and response to Comment #6, above.

Public Comments - Town Board Meeting April 20, 2026:

Comment #1: "I think it would make...my neighborhood feel better and more supported if it was on the record that you were pausing this project in order to look into this further to ensure our health and safety in the Jenkinsville community."

Response: As noted above, the landfill solar project has received all discretionary land use permits and approvals, including: APA permit and NYSDEC Conditional Approval of Post-closure Use Modification Request; conditions include: NYSDEC review of final Issue for Construction (IFC) plans for building permit applications and acknowledgment that no soil excavation or penetration of the cap is permitted and that all excavation for electrical grounding rods is to occur outside the landfill cap perimeter. In

addition, AC Power has been granted a Special Use Permit and Site Plan Approval, along with Wetlands and SEQR sign-off from the Town of Queensbury Planning Board, after full review by Town Engineer, LaBella Associates. AC Power responded to, and provided, all additional information requested during the review process and public comment period associated with the SEQR process. Other pertinent permits and approvals include Federal and State threatened and endangered species review, as well as NYS Office of Parks, Recreation and Historic Preservation no impact determination. AC Power is in a position, and has a legal right, to apply for and obtain building permits.

Comment #2: *"..it was said that DEC had approved the project. I was dumbfounded. I reached out to them immediately. I believe others' neighbors did as well. And DEC said it wasn't approved, and it wouldn't happen unless it was remediated.*

Response: Please see response to Comment #17, above.

Comment #3: "*So, we didn't worry about it. We thought, well, this landfill is not going to be remediated until the investigation's done. The investigation hasn't been concluded, then the remediation would have to happen. Phew, we don't really have to worry about this. That was our thought process. Fast forward to March 20th of this year, I saw an article in the Adirondack Explorer that the APA approved the project. I had no idea what was going on. That was the first, again, that I've heard of it. We thought it wouldn't happen until this landfill had been remediated. We had no idea, again, that back on November 18th and January 27th, the Planning Board had been moving this project along, all while nobody in the Jenkinsville community had any idea.*"

Response: See response to Comment #17, above. In addition, AC Power's understanding is that the Town of Queensbury staff provided all required notice and publication under applicable regulations.

Comment #4: "*Then we found out through further review that DEC had also approved this project in January. I had just talked to them in November, other neighbors had as well, and they said this wouldn't happen unless landfill was remediated. I don't know how, it didn't get remediated from November to January, and I've sent you proof of that recent update. from the, remediation Department of DEC themselves that says, still, no remediation has taken place at the Town of Queensbury landfill.*"

Response: Please see introductory information and response to Comment #17, above.

Comment #5: "*This is a risky project, and it would be responsible to pass a resolution tonight to put a hold on it until you can ensure the safety of the Jenkinsville community.*"

"We're requesting tonight a formal hold on the issuance of a building permit."

Response: The landfill solar project has received all discretionary land use permits and approvals, including: Adirondack Park Agency permit and NYSDEC Conditional Approval of Post-closure Use Modification Request; conditions include: NYSDEC review of final Issue for Construction (IFC) plans for building permit applications and acknowledgment that no soil excavation or penetration of the cap is permitted and that all excavation for electrical grounding rods is to occur outside the landfill cap perimeter. In addition, AC Power has been granted a Special Use Permit and Site Plan Approval, along with Wetlands and SEQR sign-off from the Town of Queensbury Planning Board, after full review by Town Engineer, LaBella Associates. AC Power responded to, and provided all additional information

requested during the review process. Other pertinent permits and approvals include Federal and State threatened and endangered species review, as well as NYS Office of Parks, Recreation and Historic Preservation no impact determination. AC Power is in a position, and has a legal right, to apply for and obtain building permits.

Comment #6: "*Is the integrity of the landfill In question…. So you're… John, I guess, help me understand now, so instead of the liner, because I didn't have that back in the day, this other thing you're saying, is in lieu of the liner? They got the clay, the whole thing is covered with clay, and you're not allowed to grow trees on it or anything else. It has to be mowed, like, twice a year. So we do the mowing, and they have to put in a report. Did you notice anything about the vent tubes or anything else? Anything out of whack? That goes into the report.*"

Response: As part of the Engineering Report for Post-Closure Use Modification, submitted to NYSDEC, as is standard practice for solar on landfill projects, AC Power's engineer prepared a geotechnical settlement and stability analysis, taking into account site specific subsurface conditions (e.g. the engineered cover system), as well as all anticipated ballasts and equipment to be placed on the landfill. It was concluded that the solar panel foundations will have no adverse impact to the landfill. In addition, low ground pressure construction equipment will be used during installation and decommissioning.

AC Power LLC worked closely with their environmental consultant and engineer-of-record, Tetra Tech, to prepare the site plan for the solar on landfill project in accordance with NYSDEC solar on landfill design parameters and in consultation with Department staff, as is standard practice. The priority in any landfill solar project is to design the project in such a way as to protect and preserve the remedy (e.g. cover system and all engineering controls – wells, vents) and allow for access for long term operations and maintenance, as well as ongoing environmental monitoring.

Comments Received by the Town Supervisor/Town Board via Email:

Comment #1: "*I find myself is disbelief just about every day trying to wrap my head around how this solar project even got to this point. Who would ever think its okay to build any structure on an unlined, unremediated landfill, with people on well water surrounding it, already plagued with well water contamination? And I think I found out how we got here. False information.*"

Response: NY State, actually, has a siting preference for solar on landfills they deem suitable, and "Brownfields" with no higher or better use, to meet renewable energy goals, rather than clearing forested land or installing such projects on farmland. AC Power LLC worked closely with their environmental consultant and engineer-of-record, Tetra Tech, to prepare the site plan for the solar on landfill project in accordance with NYSDEC solar on landfill design parameters and in consultation with Department staff, as is standard practice. The priority in any landfill solar project is to design the project in such a way as to protect and preserve the remedy (e.g. cover system and all engineering controls – wells, vents) and allow for access for long term operations and maintenance, as well as ongoing environmental monitoring. Based on communications with the Department's remediation division, AC Power's understanding is that the proposed solar on landfill use would not interfere with any *potential* future remediation (if needed) relevant to off-site groundwater contamination. AC Power provided all required engineering information (e.g. geotechnical/stability calculations and analysis) requested for the project, as is standard practice under NYSDEC guidance and applicable regulations, and were granted approval for the project.

Comment #2: *"The attached is a major issue and may be a reason to terminate the lease. The last page of your lease states AC Power "understands" the landfill to be a "remediated site pursuant to NY State DEC" which is how AC power is getting away with this. And in the lease you hold AC Power harmless, so they don't care. They have no risk. Your community has a lot of risk. So the lease has false information in it. Who is responsible for this false information? I attached this page of the lease and once again the recent confirmation from DEC that confirms no remediation has taken place at the Town of Queensbury landfill."*

Response: There seem to be varying interpretations of "remediation" and how it is defined. Remedial actions, as acknowledged by environmental regulatory authorities (e.g. NYSDEC or USEPA) include installation of a final cover system and other engineering controls such as a groundwater monitoring well network and landfill gas venting system. Post-closure ongoing environmental monitoring can also be considered part of remedial actions, along with other institutional controls such as land use restrictions, regulation of such uses and environmental covenants.

Comment #3: *"Here is another suggestion to make sure the solar project is safe for surrounding bodies of water, soil, and wildlife. If interested please contact Erik directly. Seems like a small fee to conduct some due diligence. Erik Kiviat PhD PWS, Executive Director, Hudsonia Ltd. tel. 845-758-7273; kiviat@bard.edu; www.hudsonia.org P.O. Box 5000 / 30 Campus Road, Annandale NY 12504 USA"*

Response: As noted above in response to Comment # 14, AC Power worked with a full-service environmental consulting and engineering firm with extensive nationwide experience in siting and design of solar on landfill projects. In addition, the Town Engineer, LaBella Associates, also has comparable experience in developing renewable energy projects, including solar on landfill. Through review of materials provided by the USFWS and NYSDEC, it was determined that this project will not adversely impact biodiversity within the development area or in the immediate vicinity.. As noted above in responses to Comments #6 and #10, AC Power obtained all pertinent permits and approvals for the project, which include Federal (US Fish & Wildlife) and State (NYSDEC Natural Heritage Program) threatened and endangered species review. The solar project will not impact said resources.

Comment #5: "I received a call today with a suggestion for you that I wanted to pass on. A temporary moratorium is a legally authorized, time-limited temporary "pause" you could utilize to look into the concerns without any recourse. Please consider this."

Response: AC Power has applied for and obtained all necessary, discretionary land use permits for the project and is in a position (and has a legal right) to apply for and obtain building permits.

Comment #6: "Its my understanding that the building permit has not been approved yet and a moratorium could be deemed necessary due to public safety concerns since building has not commenced and the needed permit to do so has not been issued. There also has not been an appropriate SEQR review so that should be done first. I went back and listened to the meeting again and it was a joke to them. I encourage you all to listen for yourselves."

Response: Again, AC Power has applied for and obtained all necessary, discretionary land use permits for the project and is in a position (and has a legal right) to apply for and obtain building permits. Please note that the project did in fact proceed through the SEQR process, with the Town acting as the lead agency; the project received a negative declaration after SEQR review was completed.

Comment #7: *"I have attached two documents from the Planning Board. One is the PowerPoint presentation from AC Power stating the landfill has been remediated. The second is the SEQR short form document where they state conflicting information that the site has not been remediated. It can't be both. And as their website states, they only install on "thoroughly remediated" landfills."*

Response: See response to Comment #2 in this section, above.

Comment #8: *"DEC confirmed with me this morning that no remediation has been done at the Queensbury landfill. So AC power has been presenting false information throughout this process. That should be enough to halt it."*

Response: Again, see response to Comment #2 in this section, above. Perhaps the Department intended to mean no additional remediation related to the off-site groundwater quality issue has been conducted.

Comment #9: *"Hi again, I was sent this presentation by DEC about solar installations on landfills yesterday. Looks to be from 2016. Right in the presentation it states that the entire containment system is not to be disturbed. The Town of Queensbury landfill is NOT lined. How can anyone ensure the integrity of a liner that doesn't exist?*

Also, AC Power looks to be a new company with only 9 operational sites under their belt, and I couldn't find any mention of them ever using the concrete ballasts before. I've reached out to them with questions on a few occasions since November, and they never respond. Maybe you can answer these questions. What is the threshold of the landfill as far as weight and what is the weight of the system being installed? That seems important to know prior to issuing a building permit. The presentation also mentions minimizing weight for these projects, as seen in the attached. I left a message with Craig Brown a couple of days ago thinking he might be a good person to ask, but he has not called me back. I think its very reasonable to get some answers before even considering to move forward on this. We are your neighbors-in your town. We pay your salaries and elect you to speak for us. To make decisions that will not harm our quality of life here in Queensbury. You should care more than a state agency because we are your neighbors. Thank you for any time or further consideration you are willing to put into this. I care so much because this effects my family and my neighbors."

Response: Respectfully, many of the statements above are untrue and could, quite frankly, be considered libelous, along with the false information a resident provided to the local newspaper for a recent article. AC Power is not a "new" company but has been in the "Brownfield" solar development business for ten years. Annika Colston, CEO and Founder, established the company after a long and successful career in the landfill gas to energy industry. All of AC Power's solar on landfill projects are designed and constructed on a ballasted foundation system, as required by environmental regulatory authorities having jurisdiction. See link to AC Power's website found at: https://www.acpowerllc.com/ If AC Power receives any emails or telephone calls about a project during permitting of a project, we refer the commenter to the appropriate AHJ and advise that they submit all comments in writing so they can be addressed in accordance with public process.

Comment #10: *"According to who? DEC has openly stated many times that it is not [lined], and hence why its the landfill of focus for the investigation. Its also well-documented. I attached an example.*

Response: Correct, the Queensbury Landfill is not lined. As noted in the introductory narrative, most of the landfill is unlined due to its age; initial and early operations predate the NYSDEC regulations pertaining to engineering/design and construction of new landfill facilities. The landfill is closed and

capped with a final cover system, a passive gas venting system, and a groundwater monitoring well network at the perimeter of the site (and off-site) outside the proposed project area.

Please let us know if you have, or receive, any additional questions before the Town Board Workshop on May 12, and we will be prepared to respond, accordingly. Thank you for the opportunity to meet with the Board and residents of the Queensbury community.

Best regards,

Annika Colston
President and CEO

Cc: M. Kissane, Town Attorney
L. Moore, Land Use Planner
Craig Brown, Zoning Administrator
K. White, NYSDEC Region 5, DMM
A. Bollasino, NYSDEC (Remediation)
M. Scott, NYSDEC Region 5, DMM
D. Korn, APA
B. Kearns, Tetra Tech
M. Hecker, Esq.