

**Bristol Town Administrator**

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**From:** Ben Marks <bmarksaec@gmail.com>  
**Sent:** Tuesday, September 1, 2020 9:20 AM  
**To:** Bristol Town Administrator  
**Cc:** Eric Phaneuf; ianalbinson+sb@gmail.com  
**Subject:** AES3-Bristol Landfill Stormwater Permit

**Follow Up Flag:** Follow up  
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Valarie: yesterday, Eric Phaneuf and I spoke with Ian Albinson about a stormwater permit required by the AES3 project. The following is our proposal for how to deal with the timing and cost issues raised by the need for an ANR/DEC Stormwater Discharge Permit:

1. Aegis/Acorn will apply for the permit in the town's name but Aegis/Acorn will pay the entire cost of application preparation and the \$680 application fee. We would agree to do this despite the fact that a AES3's two-tenths of an acre impact would normally not trigger the need for any permit.
2. Until such time as the town engages in stormwater permit amendment triggering activity, AES3 and the town would ratably split all stormwater permit costs, including the annual \$160 fee, and the \$240 renewal fee every 5 years, as well as the engineering certification associated with the 5yr renewals. Ratable means a cost split based on our respective percentages of the "with solar" total impervious surface for the parcel. Solar = 0.2 acre. Town = 1.2 acre. AES3 is  $.2/1.4 = 14.3\%$ , town is  $1.2/1.4 = 85.7\%$ .
3. Given the solar project's *de minimus* impact, and the fact that the project will have borne the entire initial permit application cost, once the town engages in stormwater permit amendment activity for the parcel, the solar project's fee-splitting obligation will expire and the town will bear 100% of the ongoing stormwater permit costs including all the annual and renewal fees.

If this is acceptable to Bristol, I'd propose to draft a side-letter for signature by AES3 and the town incorporating the above terms so as to leave the lease option and lease agreements in place as drafted. I understand the Select Board is next meeting on 9/14. We'd be happy to attend via Zoom and discuss if needed.

Best regards,

Ben Marks  
802-462-3536  
802-598-9562 c.