

**May 29, 2026 Public Comment on PUC Case No. 21-2939-NMP**

Earlier today (May 29, 2026) Michael Binder filed an Environmental Violation Report with the Department of Environmental Conservation because the developer has built a project with greater than 0.5 acres impervious surface and has not obtained the required Operational Stormwater Permit.

According to the Site Plan, the Access Road is 1059 ft long and is 12 ft wide.

$12 \text{ ft} \times 1059 \text{ ft} = 12,708 \text{ square ft} = 0.29 \text{ acres}$  of impervious road surface.

This 0.29 acres does NOT include the turn-around or the staging area or the foundations of the solar array. The developer claims the TOTAL project impervious surface is 0.3 acres.

The developer has now constructed a road that is 30 ft wide. A 30 ft wide roadbed has more than twice the impervious surface of a 12 ft wide roadbed. The impervious surface of the project as now constructed exceeds 0.5 acres and the project has not obtained the Operational Stormwater Permit that is required for a project of this size.

Rule 5.106(D)(5)(e) requires that a Site Plan have “Detailed plans for any drainage of surface and/or sub-surface water”. The developer has constructed ditches alongside the road and placed culverts under the road. No culverts or drainage ditches are shown anywhere on the Site Plan.

In addition to lacking the requisite Operational Stormwater Permit, the substantial and unpermitted modification of the access road design is a violation of the CPG.