

Appendix 23-1:  
FOIL Requests and NYSDOH Correspondence



215 Greenfield Pkwy.  
Suite 102  
Liverpool, NY 13088

T 315.671.1600  
TRCcompanies.com

December 17, 2020

**Sent via email to: [cchealth@cayugacounty.us](mailto:cchealth@cayugacounty.us)**

Cayuga County Health Department  
Attn: Kathleen Cuddy, MPH, Public Health Director  
8 Dill Street  
Auburn, NY 13021

**Subject: Case 20-F-0043  
Garnet Energy Center, LLC  
Garnet Energy Center Project  
Town of Conquest, Cayuga County, New York  
Information Request**

Dear Ms. Cuddy,

Garnet Energy Center, LLC is proposing the development of a solar energy center with an energy storage system in the Town of Conquest in Cayuga County, New York. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

Proposed is the construction of a 200-megawatt (MW) solar photovoltaic electric generating facility and a 20 MW/four-hour energy storage system on land leased or purchased from owners of private property. The Project location is illustrated on the attached map (Figure 1). Proposed Project Components will include commercial-scale solar arrays, energy storage infrastructure, inverters, access roads, fencing, buried (and possibly overhead) electric collection lines, laydown/staging areas, a collection substation, and electrical interconnection facilities. The Project is scheduled to begin construction in late 2022. Additional information about the Project can be found on the Project website at [www.garnetenergycenter.com](http://www.garnetenergycenter.com).

TRC, on behalf of Garnet Energy Center, LLC, is requesting groundwater well information for the area outlined in the enclosed shapefiles. More specifically, we request the location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas in Cayuga County, New York for which the Department has record information.

The enclosed shapefile package has been provided to assist in your review of the Project Study Area and outline the area requested for groundwater well information. Please note, this information request is being made in order to help prepare the Article 10 Application.

If you have any questions regarding the Project or the request herein, please contact me at TRC by calling (315) 715-1642 or via email at [HEffler@trccompanies.com](mailto:HEffler@trccompanies.com).

Sincerely,

Hayley Effler  
Environmental Permitting Project Manager

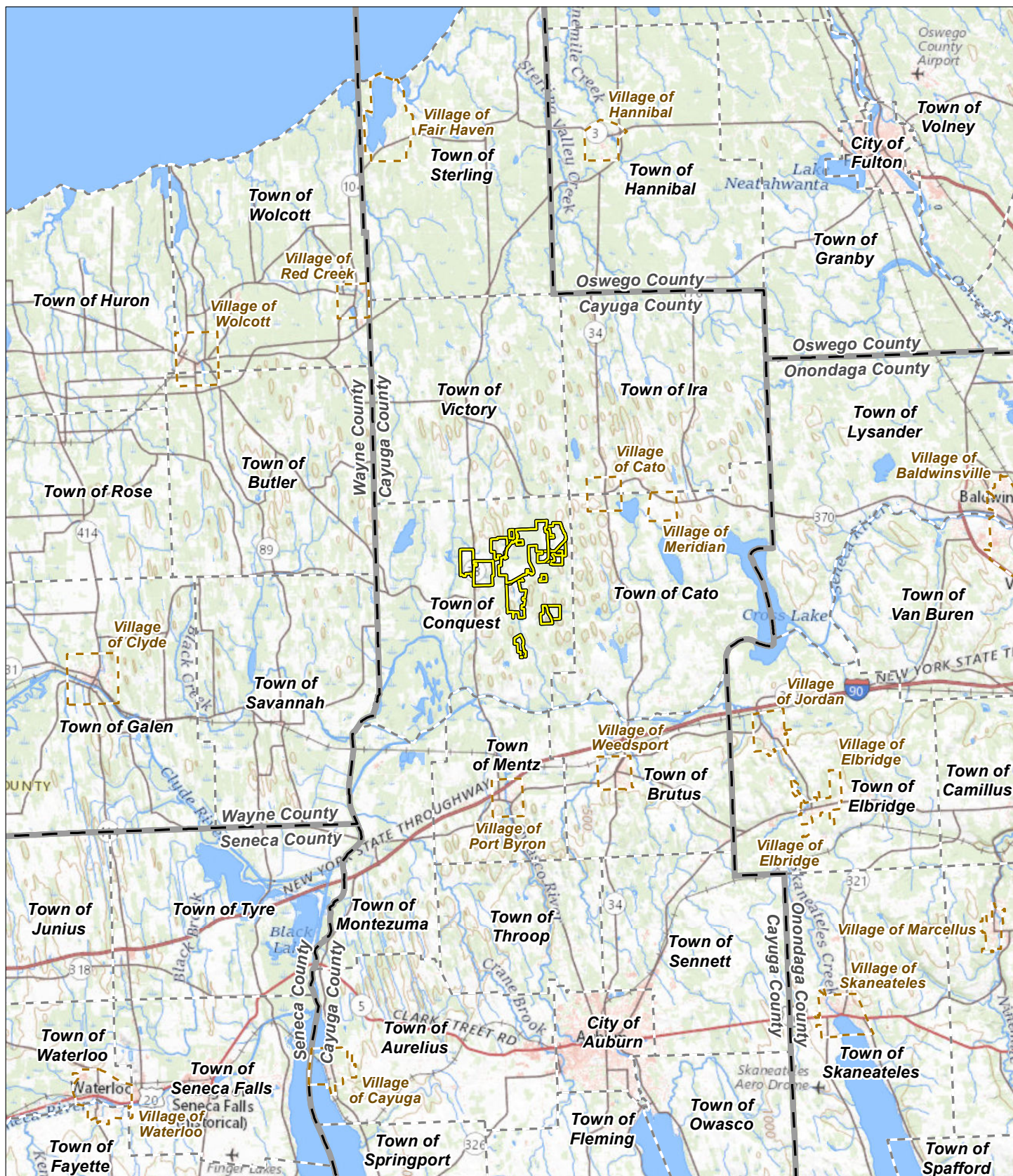
cc: Kris Scornavacca, NextEra Energy Resources, LLC  
Bill Boer, NextEra Energy Resources, LLC

Attachments: Figure 1: Site Location Map  
Project Study Area Shapefiles



**Figure 1:**  
**Site Location Map**





- Project Area
- Village Boundary
- Municipal Boundary
- County Boundary



0 1 2 3 4  
Miles

Base Map: USGS/The National Map, 2020

#### MAP LOCATION



#### SITE LOCATION MAP GARNET ENERGY CENTER, LLC TOWN OF CONQUEST

FIGURE 1 | DECEMBER 2020

Map Produced by TRC



**From:** [Effler, Hayley](#)  
**To:** [Paetow, Olivia](#)  
**Subject:** FW: [EXTERNAL] Information Request -- Garnet Energy Center  
**Date:** Friday, April 30, 2021 3:16:32 PM  
**Attachments:** [image002.png](#)

---

**Hayley Effler** (she/her)

Environmental Permitting Project Manager



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088

C 315.715.1642

[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

---

**From:** Richard Graham <[rgraham@cayugacounty.us](mailto:rgraham@cayugacounty.us)>

**Sent:** Friday, April 30, 2021 3:14 PM

**To:** Effler, Hayley <[HEffler@trccompanies.com](mailto:HEffler@trccompanies.com)>

**Cc:** Eileen O'Connor <[eoconnor@cayugacounty.us](mailto:eoconnor@cayugacounty.us)>; Lacey Bailey <[lbailey@cayugacounty.us](mailto:lbailey@cayugacounty.us)>

**Subject:** [EXTERNAL] Information Request -- Garnet Energy Center

**This is an EXTERNAL email. Do not click links or open attachments unless you validate the sender and know the content is safe.**

Dear Ms. Effler,

Please let this serve as Cayuga County's response to your FOIL request for information pertaining to public water supplies near the Garnet Energy project. Your request in its current form is denied, although we are amenable to try to work out an accommodation. Public Officer's Law 87(2)(f) provides that a FOIL request may be denied if the disclosure of a public record would endanger the life or safety of any person. The County Public Health Department, consistent with advice they have received from the State, considers the release of the location of public water supplies to pose a security risk to the residents who rely on those sources. For that reason, the County is not willing to provide a wholesale release of the water source locations.

Nevertheless, is it possible for you to narrow the request so that it is easier for us to pinpoint specific locations that must be avoided? In other words, if you have a draft survey showing the proposed location of your underground cables, Public Health officials could compare that to the information they have available and determine whether your proposed location would interfere with a given water source, and be able to specify the location(s) where the cables should be re-located. I understand that what I am proposing is not the usual method engineers use to design a cable system, but it is a method whereby we can protect the information and data we consider confidential while also assisting you in the placement of utility lines.

Feel free to give me a call at your convenience to discuss further.

Thank you.

Sincerely,

Rich

Richard J. Graham, Esq.

Chief Assistant County Attorney

Cayuga County

160 Genesee Street

Auburn, NY 13201

Office: 315-253-1097

Cell: 315-486-4600

**CONFIDENTIALITY NOTICES:**

PLEASE TAKE NOTICE: This message is being sent by or on behalf of a lawyer; it is intended for the exclusive use of its intended recipient(s) and may contain information that is privileged or confidential or otherwise legally exempt from disclosure. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify us immediately by telephone, discard any paper copies and delete all electronic files of the message. If you are not sure as to whether you are the intended recipient, please respond to: CAYUGA COUNTY ATTORNEY, 160 GENESEE STREET, AUBURN, NEW YORK 13021 315.253.1274.

**PLEASE TAKE FURTHER NOTICE:** If this message is being sent to an employee of the County of Cayuga please be further advised that this message is CONFIDENTIAL ATTORNEY WORK PRODUCT and may not be released or forwarded to others, under NYS Freedom of Information Law, or otherwise, without the express authority of the Cayuga County Attorney and/or a valid subpoena, court order or other operation of law.

**PLEASE TAKE FURTHER NOTICE** that unauthorized disclosure or redisclosure of this message, or the information contained therein, may subject you to civil and/or criminal penalties under Local, State or Federal Law and/or disciplinary action under the County Policy Manual. This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or legally protected, and as such is not a public document. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution or use of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender immediately by return e-mail message and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

**From:** [Effler, Hayley](#)  
**To:** [doh.sm.BOB-FOIL](#)  
**Cc:** [Boer, William](#); [Scornavacca, Kris](#)  
**Subject:** Information Request -- Garnet Energy Center  
**Date:** Thursday, December 17, 2020 1:42:16 PM  
**Attachments:** [DOH WSP Confidentiality Agreement Garnet 12-17-2020.docx](#)  
[Garnet\\_StudyArea\\_20201201.zip](#)  
[Fig1 Garnet Site Location Map 2020-12-01.pdf](#)  
[image003.png](#)

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To whom it may concern,

Garnet Energy Center, LLC is proposing the development of a solar energy center in the Town of Conquest, Cayuga County, New York. Garnet Energy Center, LLC plans to submit an application to the NYS Board on Electric Generation Siting and the Environment in pursuit of a Certificate of Environmental Compatibility and Public Need to construct the Garnet Energy Center (the Project) under Article 10 of the Public Service Law (PSL).

The Project will consist of a 200-megawatt (MW) solar photovoltaic electric generating facility and a 20 MW/four-hour energy storage system on land leased or purchased from owners of private property. The Project location is illustrated on the attached map (Figure 1). Proposed components will include commercial-scale solar arrays, energy storage infrastructure, inverters, access roads, fencing, buried (and possibly overhead) electric collection lines, laydown/staging areas, a collection substation, and electrical interconnection facilities. The Project is scheduled for construction in late 2022. Additional information about the Project can be found on the Project website at [www.garnetenergycenter.com](http://www.garnetenergycenter.com). As part of the State's application review process, Garnet Energy Center, LLC is required to consult with the NYSDOH to identify wells within the Project Study Area. TRC, on behalf of Garnet Energy Center, LLC, is requesting groundwater well information for the area outlined in the enclosed shapefiles. More specifically, we request the location, construction logs, depths, and descriptions of encountered bedrock for groundwater wells within the indicated areas in Cayuga County, New York for which the Department has record information. TRC respectfully submits this Freedom of Information Request to obtain this information. Please find attached a signed Confidentiality and Data Use Agreement for the Garnet Energy Center.

Thank you for your attention.

**Hayley Effler**

Environmental Permitting Project Manager



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088

C 315.715.1642

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**From:** [Effler, Hayley](#)  
**To:** [Sacks, William G \(HEALTH\)](#)  
**Cc:** [Boer, William](#); [Scornavacca, Kris](#)  
**Subject:** FW: Information Request -- Garnet Energy Center  
**Date:** Friday, December 18, 2020 3:12:26 PM  
**Attachments:** [DOH WSP Confidentiality Agreement Garnet 12-17-2020.docx](#)  
[Garnet\\_StudyArea\\_20201201.zip](#)  
[Fig1 Garnet Site Location Map 2020-12-01.pdf](#)  
[image003.png](#)  
[image002.png](#)

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Good afternoon, Mr. Sacks.

Please see attached and below regarding an information request for the Garnet Energy Center. Please let me know if you have any questions.

Hayley

**Hayley Effler**

Environmental Permitting Project Manager



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088

**C** 315.715.1642

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---

**From:** Effler, Hayley

**Sent:** Thursday, December 17, 2020 1:41 PM

**To:** doh.sm.BOB-FOIL <foil@health.ny.gov>

**Cc:** Boer, William <William.Boer@nexteraenergy.com>; Scornavacca, Kris  
<Kris.Scornavacca@nexteraenergy.com>

**Subject:** Information Request -- Garnet Energy Center

To whom it may concern,

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Environmental Permitting Project Manager



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**C** 315.715.1642

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**From:** [doh.sm.BOB-FOIL](#)  
**To:** [Effler, Hayley](#)  
**Subject:** [EXTERNAL] \*20-12-365-RAO\*  
**Date:** Friday, December 18, 2020 3:07:51 PM  
**Attachments:** [Acknowledgement Letter 20-12-365.pdf](#)

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This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Good afternoon –

Please see the attached correspondence regarding your Freedom of Information Law (FOIL) request.

Thank you,

Records Access Office

**New York State Department of Health**

2364 Corning Tower  
Albany, NY 12237

P (518) 474-8734 | F (518) 486-9144



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

LISA J. PINO, M.A., J.D.  
Executive Deputy Commissioner

December 18, 2020

Hayley Effler  
TRC  
215 Greenfield Parkway, Suite 102  
Liverpool, NY 13088

FOIL #: 20-12-365  
RE: Garnet Energy Center

Dear Ms. Effler:

This will acknowledge receipt of your request for records under the Freedom of Information Law (FOIL), received by this office on December 17, 2020.

Your request has been forwarded to the appropriate Department program area(s) to identify documents that are responsive to your request and which may be made available pursuant to all applicable provisions of the Freedom of Information Law.

A determination as to whether your request is granted or denied will be reached in approximately 20 business days or we will notify you in writing if the responsible program area(s) should require additional time to locate, assemble, and review documents that may be responsive to your request.

Please note that, pursuant to Article 6 of the Public Officers Law, a charge may be applied to your request, including the actual cost of the medium used to respond to your Freedom of Information Law request and/or other related costs. When responsive records have been identified, you will be informed of any cost and how payment should be made.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemarie H.", written in a cursive style.

Rosemarie Hewig, Esq.  
Records Access Officer

RH/sjp

**From:** [Sacks, William G \(HEALTH\)](#)  
**To:** [Effler, Hayley](#)  
**Subject:** Re: [EXTERNAL] Re: Information Request -- Garnet Energy Center  
**Date:** Monday, January 4, 2021 9:41:57 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[GarnetSolar RESULTS final.xlsx](#)

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This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

Good Morning and Happy New Year,

The public water access data for Garnet Solar is attached. One facility was located within 1 mile of the provided site boundary file.

Please feel free to let me know if there are any questions or concerns.

Regards,

William G. Sacks  
Senior Attorney, Bureau of Program Counsel  
Department of Health - Division of Legal Affairs  
2468 Corning Tower, Albany NY 12237

NOTICE: The contents of this email are confidential and protected by attorney-client privilege, as attorney work-product, or by other privileges or provisions of law.

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**From:** Sacks, William G (HEALTH) <William.Sacks@health.ny.gov>  
**Sent:** Monday, December 21, 2020 1:46 PM  
**To:** Effler, Hayley <HEffler@trccompanies.com>  
**Subject:** Re: [EXTERNAL] Re: Information Request -- Garnet Energy Center

Good call, converting to PDF did the trick.

I'll forward the site data to Water Supply Protection right away.

Thanks,  
Will

William G. Sacks  
Senior Attorney, Bureau of Program Counsel  
Department of Health - Division of Legal Affairs  
2468 Corning Tower, Albany NY 12237

NOTICE: The contents of this email are confidential and protected by attorney-client privilege, as attorney work-product, or by other privileges or provisions of law.

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**From:** Effler, Hayley <HEffler@trccompanies.com>  
**Sent:** Monday, December 21, 2020 12:24 PM

**To:** Sacks, William G (HEALTH) <William.Sacks@health.ny.gov>  
**Subject:** RE: [EXTERNAL] Re: Information Request -- Garnet Energy Center

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hi Will,

Apologies. Is it OK if I send it as a PDF to you instead to resolve this issue?

**Hayley Effler**

Environmental Permitting Project Manager



215 Greenfield Parkway, Suite 102, Liverpool, NY 13088

**C** 315.715.1642

[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

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**From:** Sacks, William G (HEALTH) <William.Sacks@health.ny.gov>  
**Sent:** Monday, December 21, 2020 12:12 PM  
**To:** Effler, Hayley <HEffler@trccompanies.com>  
**Cc:** Boer, William <William.Boer@nexteraenergy.com>; Scornavacca, Kris <Kris.Scornavacca@nexteraenergy.com>  
**Subject:** [EXTERNAL] Re: Information Request -- Garnet Energy Center

**This is an EXTERNAL email. Do not click links or open attachments unless you validate the sender and know the content is safe.**

Good Afternoon,

I'm sorry for the imposition, but whatever formatting changes you made to accommodate your e-signature have changed the margins on the DOH side so that I can't reformat and sign without obscuring your signature. Please redo/resend.

Will

William G. Sacks  
Senior Attorney, Bureau of Program Counsel  
Department of Health - Division of Legal Affairs  
2468 Corning Tower, Albany NY 12237

NOTICE: The contents of this email are confidential and protected by attorney-client privilege, as attorney work-product, or by other privileges or provisions of law.

---

**From:** Effler, Hayley <[HEffler@trccompanies.com](mailto:HEffler@trccompanies.com)>  
**Sent:** Friday, December 18, 2020 3:10 PM

**To:** Sacks, William G (HEALTH) <[William.Sacks@health.ny.gov](mailto:William.Sacks@health.ny.gov)>  
**Cc:** Boer, William <[William.Boer@nexteraenergy.com](mailto:William.Boer@nexteraenergy.com)>; Scornavacca, Kris  
<[Kris.Scornavacca@nexteraenergy.com](mailto:Kris.Scornavacca@nexteraenergy.com)>  
**Subject:** FW: Information Request -- Garnet Energy Center

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Hayley

**Hayley Effler**

Environmental Permitting Project Manager



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[LinkedIn](#) | [Twitter](#) | [Blog](#) | [TRCcompanies.com](#)

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**Sent:** Thursday, December 17, 2020 1:41 PM  
**To:** doh.sm.BOB-FOIL <[foil@health.ny.gov](mailto:foil@health.ny.gov)>  
**Cc:** Boer, William <[William.Boer@nexteraenergy.com](mailto:William.Boer@nexteraenergy.com)>; Scornavacca, Kris  
<[Kris.Scornavacca@nexteraenergy.com](mailto:Kris.Scornavacca@nexteraenergy.com)>  
**Subject:** Information Request -- Garnet Energy Center

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for groundwater wells within the indicated areas in Cayuga County, New York for which the Department has record information. TRC respectfully submits this Freedom of Information Request to obtain this information. Please find attached a signed Confidentiality and Data Use Agreement for the Garnet Energy Center.

Thank you for your attention.

**Hayley Effler**

Environmental Permitting Project Manager



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**C** 315.715.1642

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Water System Name	Water System ID	Source Name	Principle County Served	Population Served	Water System Type	Distance (ft)	Latitude	Longitude
CONQUEST MUNICIPAL CENTER	NY0530061	DRILLED WELL	CAYUGA	25	NC	2482	43.122876	-76.655137

NC = Non-Community Water System

**\*\*Distances are an estimate from the nearest boundary of the facility site provided by the applicant.**



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

LISA J. PINO, M.A., J.D.  
Executive Deputy Commissioner

March 2, 2021

Hayley Effler  
TRC  
215 Greenfield Parkway, Suite 102  
Liverpool, NY 13088

FOIL #: 20-12-365

Dear Ms. Effler:

This letter responds to your Freedom of Information Law (FOIL) request of December 17, 2020, in which you requested environmental records pertaining to "[Garnet Energy Center] in the Town of Conquest, Cayuga County, New York."

Please be advised that after conducting a diligent search, no records responsive to your request have been located.

The public water system within 1 mile of the project site is the Conquest Municipal Center, (NY0530061). Any violation reports for the public water system can be found at the following website:

[http://www.health.ny.gov/environmental/water/drinking/violations/previous\\_compliance\\_reports.htm](http://www.health.ny.gov/environmental/water/drinking/violations/previous_compliance_reports.htm)

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig, Esq.  
Records Access Officer

RH/dt