

267 Water Street
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Warren, Rhode Island 02885
401.889.2373

March 30, 2023

Town of Bristol | Planning Board

Re: Bristol Landfill | Request for Master/ Preliminary Reinstatement

To Whom it May Concern,

Please accept this letter as an official request to reinstate the Master/ Preliminary Permitting Determination to proceed with Final Approval of our permitting package due to good cause burden on the applicant.

Our request aligns with Section 8.7 D of the Town of Bristol Subdivision and Development Review Regulations:

- (a) The comprehensive plan is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application.
- (b) These Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this project.
- (c) The Zoning Map designation for the project has not changed substantially since the time of the original application.
- (d) No substantial change to the physical conditions of the subdivision or development or the neighboring property has occurred since the time of original application.

This project incurred delays due to the following reasons that were out of our control:

1. Offtaker | The project cannot generate electricity without an off-taker for the power. The off taker must be a large, approved entity due to the size of the solar site and economics of the project, such as a municipality. In the State of Rhode Island, in order to execute a Power Purchase Agreement with a municipality or government entity, you must submit bids through a Request for Proposals process.
 - a. We actively submitted to RFP's when they began being released again in mid- 2021.

- b. We executed 100% of the offtake on the project February 25, 2022 after a comprehensive due diligence process by the offtaker.
- 2. Materials Delays and Negotiations with Vendors to Procure Equipment |
 - a. We took a large risk and ordered the inverters and procured modules well in advance of receiving the offtake and had to mitigate further risk by contracting with an off-taker before ordering the racking.
 - b. The racking for the project is currently being delivered to the site and it was the earliest they were able to arrive. The racking order was placed March 23, 2022, once the offtake was locked in.
 - c. The inverters and transformers were previously ordered, but due to material delays from COVID, will not arrive on site until May 2023. That said, we coordinated our timeline around the equipment arriving so we can begin generating electricity to be our Offtaker contractual obligations in Q3/Q4 2023.
- 3. Rhode Island DEM |
 - a. Once we had the equipment selected, we had to run specific calculations in order to ensure the proper weight on the landfill met Rhode Island DEM's requirements. Additionally, we had to provide a more detailed plan set to them to get approval. This delayed the issuance of the permit, which was a requirement of our return to request approval of the Final Plan.

As you can see factors out of our control which include but are not limited to: COVID 19, Equipment and Labor delays, as well as Offtake were major impacts on why the permitting process is delayed. This approval is extremely important for the success of this project and if delayed, could cause an issue with the Offtaker Agreement, Labor and storage of equipment that will be arriving for installation at the site.

If you have any questions, please contact Laura Frazier, Director of Operations & Administration at lfrazier@nugencapital.com.

Best Regards,



David Milner
Chief Executive Officer