



Department of Public Service
Office of Renewable Energy Siting
and Electric Transmission

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ORES Interim Executive Director

August 26, 2026

Justin Solan
Horseshoe Solar Energy LLC
One South Wacker Drive
Suite 1500
Chicago, IL 60606
jsolan@invenergy.com

RE: ORES DMM Matter No. 21-02480 – Application of Horseshoe Solar Energy LLC for a Major Renewable Energy Facility Siting Permit Pursuant to Article VIII of the New York State Public Service Law to Develop, Design, Construct, Operate, Maintain, and Decommission a 180-Megawatt (MW) Solar Energy Facility located in the Town of Caledonia, Livingston County and the Town of Rush, Monroe County, New York.

Horseshoe Solar – Request for HDD Bore Hole #4 Monitoring Plan

Dear Justin Solan:

Pursuant to Article VIII and its implementing regulations (Title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York [16 NYCRR] Part 1100), the Office of Renewable Energy Siting and Electric Transmission (Office or ORES) issued the above-captioned Major Renewable Energy Facility Siting Permit (Permit) to Horseshoe Solar Energy LLC (Permittee or HSS) for a 180 MW solar facility (Facility) on December 9, 2022.

Subject to the terms, conditions, and requirements in the Permit, the Permittee is authorized to develop, design, construct, operate, maintain, and decommission a solar facility with a nameplate generating capacity of up to 180 MW in the Town of Caledonia, Livingston County and the Town of Rush, Monroe County.

On November 28, 2025, the Office issued a limited Notice to Proceed with construction of Phase 2 of the overall phasing plan, which involved installation of underground conduits under the Genessee River using horizontal directional drilling (HDD) (DMM Item No. 120). Subsequently, groundwater emerged from several HDD bore entrances. The Office approved Minor Modification No. 4 on February 24, 2026 (DMM Item No. 129) and Minor Modification No. 5 on April 15, 2026 (DMM Item No. 135) – pertaining to the horizontal directional drill #4 (HDD-004) conduit – to allow remedial work to address this condition using chemical grout.

Work authorized by Minor Modification No. 4 has been completed. In addition, based on a May 21, 2026, email from the Permittee's Project Manager, the Office understands that grouting work pursuant to Minor Modification No. 5 has been completed and that the contractor has demobilized. The email also noted that groundwater seepage in the area of HDD-004 was still occurring. A subsequent message on June 24, 2026, noted that the "area has significantly dried up and groundwater surfacing has been eliminated."

In light of the above, pursuant to Permit Subparts 6(h)(2) (Site-Specific Crossing Plan), 7.1(f)(5) (Inadvertent Return Flow Plan), and 7.1(e)(6) (Environmental Monitoring Plan), the Office hereby requests that the Permittee provide a plan within 30 days which, at a minimum, includes the following provisions:

1. A minimum 12-month (from the date of demobilization) monitoring plan to (1) determine the geographic extent of the seepage, (2) estimate its volume, and (3) determine whether there are other factors causing the seepage (e.g. seasonality and groundwater); and
2. Submission to ORES, within 30 days of the end of the monitoring period, of recommendations to fully resolve this issue – including a determination regarding whether any further remedial action is necessary and preliminary recommendations for any such action – if monitoring determines that the seepage is an ongoing issue (i.e. still occurring or expected to re-occur after the initial 12 months of monitoring).

As always, my staff and I are available to discuss this issue.

Sincerely,



Alon Dominitz, PE
Deputy Director, Generation
Office of Renewable Energy Siting and Electric Transmission

cc: Party List for this Proceeding