

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on July 14, 2025

COMMISSIONER PRESENT:

Rory M. Christian, Chair

CASE 25-T-0074 - Petition of Niagara Mohawk Power Corporation
d/b/a National Grid for a Certificate of
Environmental Compatibility and Public Need,
Pursuant to Article VII of the Public Service
Law, to Replace Approximately 1.1 Miles of
Natural Gas Pipeline in the Towns of Glenville
and Rotterdam, Schenectady County.

ORDER GRANTING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY
AND PUBLIC NEED, WITH CONDITIONS

(Issued and Effective July 14, 2025)

INTRODUCTION

On January 31, 2025, Niagara Mohawk Power Corporation
d/b/a National Grid (National Grid or Company) filed an
application pursuant to Public Service Law (PSL) §121-a(3) for a
Certificate of Environmental Compatibility and Public Need
(Certificate). On May 16, 2025, the Secretary to the Commission
(Secretary) notified National Grid that its application complied
with PSL §121-a and 16 NYCRR §85-1.3 as of May 13, 2025.

Through this Order, National Grid is granted a
Certificate for replacement, operation, and maintenance of an
approximately 1.1-mile section of the existing E18 pipeline.
The replacement project includes the construction of a 20-inch
diameter pipeline with a maximum allowable operating pressure of
490 pound-force per square inch gauge (PSIG) and the
installation of anodes, grounding grids, one main line valve

station, one remote blowdown, and related appurtenances, and the installation of robotic launch points at the valve site (the Facility).

BACKGROUND

On January 31, 2025, National Grid filed an application to replace approximately 1.1 miles of natural gas pipeline within its Upstate New York service territory in the Towns of Glenville and Rotterdam, Schenectady County. National Grid proposed a replacement pipeline that will begin approximately 1,260 feet southwest of NYS Route 5 in the Town of Glenville and end approximately 1,500 feet southwest of National Grid's Rotterdam Substation in the Town of Rotterdam, entirely within Schenectady County. The proposed Facility will have a 20-inch diameter and a maximum allowable operating pressure of 490 PSIG. National Grid explains that the Facility will connect with a 20-inch diameter pipeline on either side. Construction of the Facility will include the installation of anodes, grounding grids, one main line valve station with robotic launch points, one remote blowdown, and related appurtenances. After the Facility is entered into service, the portion of existing pipeline replaced by the Facility will be decommissioned and abandoned in place.

National Grid explains that Pipeline E18 is an approximately 27-mile transmission main in National Grid's Upstate New York region carrying gas in the City of Schenectady, Schenectady County and the Town of Wilton, Saratoga County. The E18 pipeline is subject to the jurisdiction of the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Public Service Commission (Commission). National Grid asserts that E18's pipeline flows are integral to its provision of retail gas in its Eastern

region. National Grid further explains that this replacement is needed to ensure that the southern portion of Pipeline E18 is inspectable via inline inspection (ILI). USDOT and Commission regulations provide that "[a]n operator must select the method or methods best suited to address the threats identified to the covered segment."¹ The Company has determined that these upgrades are needed to facilitate ILI for the safety and reliability of the E18 pipeline. Conducting free-swimming ILI will be consistent with the gas pipeline industry and federal regulations. With the Facility in place, there will be an approximately 3.5-mile segment of 20-inch diameter pipeline from National Grid's gas regulator station (GRR) 445 to GRR 450 that the Company will be able to inspect with these enhanced ILI capabilities. National Grid notes that the northern 24 miles of E18 is 16-inch diameter and has already been made inspectable via ILI.

PUBLIC NOTICE

Pursuant to PSL §121-a(3) and 16 NYCRR §85-1.3(b), National Grid served the application on the Departments of Environmental Conservation, Transportation, Agriculture and Markets, and State; the State Archaeologist; the Office of Parks, Recreation and Historic Preservation, State Historic Preservation Officer; and the chief executive officer of the Towns of Glenville and Rotterdam, and Schenectady County. In addition, National Grid served the application on two public libraries to serve as public viewing locations. On July 8, 2025, the NYS Department of Transportation (NYSDOT) filed a letter that NYSDOT stated included issues regarding the

¹ 49 CFR §192.921; 16 NYCRR §255.921.

application. NYSDOT's comments stated that NYSDOT must ensure compliance with federal laws, regulations, and requirements on interstate highways within its jurisdiction. NYSDOT also indicated that National Grid would need to obtain certain permits before constructing the Facility.

LEGAL AUTHORITY

Public Service Law §121 requires that any entity seeking to construct, operate, and maintain a fuel gas transmission line extending one thousand feet or more to be used to transport gas at pressures of 125 psi or more obtain a Certificate from the Commission. Public Service Law §121-a provides expedited procedures for proposed fuel gas transmission lines that extend a length of less than ten miles.

Under PSL §121-a(7), the Commission must render a decision within 60 days after receiving a complete filing.² Such decision for an application filed pursuant to PSL §121-a(3) shall make the determinations required by PSL §126(1)(a), (b), (f), (g), and (h).³ Pursuant to PSL §126(1)(a), (b), (f), (g), and (h), the Commission will grant a Certificate if it finds: (1) the basis of the need for the pipeline, (2) the nature of any probable environmental impacts, (3) any potential hazards to persons or property, (4) that the location conforms to applicable state and local laws, and (5) that the pipeline will serve the public interest, convenience, and necessity. In

² PSL §121-a(7).

³ Although PSL §121-a(7) refers to PSL §126(1)(a), (b), (f), (e), and (g), a review of the legislative history shows that PSL §121-a(7) was not amended following amendments to PSL §126. It is unquestionable that the Legislature did not intend for the Commission to make a finding that is specifically for "the case of an electric transmission line." See PSL §126(e). Accordingly, the review herein is pursuant to PSL §126(1)(a), (b), (f), (g), and (h).

making these findings, the Commission is authorized to refuse to apply the otherwise applicable State procedural laws the applicant identifies. The Commission may also refuse to apply local procedural and substantive laws and regulations after finding that, as applied to the pipeline, the law or regulation is unreasonably restrictive in view of the existing technology, or of factors of cost or economics, or of the needs of consumers.

Under the Climate Leadership and Community Protection Act (CLCPA), State agencies must consider, in the context of issuing permits, licenses, administrative approvals, and orders, "whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits" established by DEC under the CLCPA.⁴ If such administrative approvals or orders are found to be inconsistent or to interfere with those limits, agencies "shall provide a detailed statement of justification as to why such limits/criteria may not be met, and identify alternatives or greenhouse gas mitigation measures to be required where such project is located." In addition, State agencies are to ensure that their orders will not "disproportionately burden disadvantaged communities."⁵

DISCUSSION

Basis of the Need

National Grid has demonstrated that the Facility is needed. Department of Public Service staff (staff) advises that, consistent with the Company's explanation, National Grid cannot currently utilize ILI to inspect this segment of

⁴ CLCPA §7(2).

⁵ CLCPA §7(3).

pipeline. Instead, alternative integrity management methods are being used. Those current methods are only inspecting for external corrosion issues, whereas the information obtained through ILI would be more detailed and include internal inspections. Staff has generally been supportive of the utilities moving towards ILI. Accordingly, the replacement Facility is needed for safety purposes. Moreover, the Facility is needed for National Grid to continue serving existing gas customers.⁶

Probable Environmental Impacts

The Facility is expected to have minimal environmental impacts. The Facility will be located within the National Grid's maintained right-of-way (ROW). National Grid states in its application that constructing the Facility will have no permanent wetland impacts, and temporary wetland impacts will be approximately 2.5 acres. Construction matting will be used in wetlands to mitigate wetland impacts. Additionally, according to the application, the Facility will be constructed in an existing ROW. Accordingly, there will be minimal clearing of woody vegetation, with clearing predominately consisting of herbaceous cover.

The Facility must cross the Mohawk River. To avoid impacts to the Mohawk River, wetlands, and habitats, the Facility will be installed via horizontal directional drill (HDD) underneath the Mohawk River. Further, National Grid is directed to provide an HDD inadvertent returns plan to staff for staff approval, which will ensure that potential impacts are further minimized. In the application, the Company supplied the New York Office of Parks, Recreation and Historic Preservation Office State Historic Preservation Office opinion that no

⁶ See Public Interest, Convenience, and Necessity, infra.

historic properties, including archeological and historic resources, will be affected by this undertaking.

Furthermore, National Grid has agreed to follow applicable portions of the Environmental Management and Construction Standards and Practices (EM&CS&P). Accordingly, construction, operation, and maintenance of the Facility is expected to result in minimal environmental impact.

Location of the Line

The location of the Facility will not pose an undue hazard to persons or property along the area traversed by the line. As stated above, the Facility will be located fully within the National Grid maintained ROW. The Facility will predominately parallel National Grid's Rotterdam-Lasher Road and Rotterdam-Luther Forest 115 kilovolt (kV) line, to the north of the Mohawk River, and the Rotterdam-Altamont and Rotterdam-Curry Road 115 kV and Rotterdam-Lynn Street 34.5 kV, to the south of the Mohawk River, and Pipeline E36. There are no residential, institutional, industrial, community services, or agricultural land uses are located within the project Area. Given the existing utility uses, the location of the Facility will not pose an undue hazard to persons or property along the area traversed by the line. By facilitating a more thorough inspection methodology, the Facility will work to protect the surrounding communities and resources.

State and Local Laws

The Facility will conform to substantive provisions of State and local laws except to the extent National Grid has requested a waiver of local law. National Grid has requested waivers of local laws of each host municipality. The local laws largely relate to construction activities, including provisions regarding construction noise, parking, and waste disposal. National Grid also requests waivers of zoning laws for both the

Town of Glenville and the Town of Rotterdam that could otherwise possibly prohibit the construction of the Facility. National Grid's request not to comply with specific provisions of local laws is granted because applying those provisions would be unreasonably restrictive view of the existing technology, factors of cost or economics, and/or the needs of consumers. In particular, the zoning requirements that could prohibit this replacement facility are unreasonably restrictive because applying such provisions would prevent National Grid from moving forward with this safety-driven project.

With respect to the comments submitted by NYSDOT, it is noted that National Grid is required to obtain any applicable consents or work permits from NYSDOT for the roadway crossings and construction within its jurisdiction. Further, National Grid has indicated that it has met with NYSDOT regarding the Facility and that the standard NYSDOT permitting process will be utilized. Accordingly, those generalized observations by NYSDOT do not impact the determination that the Facility will conform to substantive provisions of State law.

Public Interest, Convenience, and Necessity

The Facility serves the public interest, convenience, and necessity. As explained, construction of the Facility is expected to result to have little environmental impact, will allow National Grid a greater ability to conduct inspections of its E18 pipeline, and will advance public safety in the communities adjoining the Facility.

Staff advises that National Grid's long-term gas plan was filed and is being evaluated by staff and a consultant, PA

Consulting Group Inc. (PA), in a separate proceeding.⁷ In that proceeding, PA explored whether alternatives to replacement of E18 exist and found that derating the maximum allowable operating pressure of E18 to comply with federal regulations would require reducing the pressure such that USDOT PHMSA would no longer consider E18 a transmission main, negating the need to replace the applicable pipe segments.⁸ Based on models provided by the Company, derating the maximum allowable operating pressure to that level will result in inadequate operating pressures such that National Grid will not be able to deliver adequate volumes of gas to the existing customer base on a design day who depend on such service.⁹ Granting this Certificate and allowing National Grid to construct the Facility will support the provision of safe and reliable service.

Consistency with the CLCPA

Granting National Grid a Certificate for the Facility is not inconsistent with nor will interfere with attainment of the CLCPA's emissions limits because the Facility is not expected to increase greenhouse gas emissions. National Grid confirmed that the Facility will not increase downstream pressures or pipeline capability. The proposed Facility will replace two parallel 16-inch pipes with a single 20-inch pipe. This change will not increase the pipeline's capacity and,

⁷ Case 24-G-0248, Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid.

⁸ Case 24-G-0248, Review of the Long-Term Gas System Plans of The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid, PA Final Report (filed May 19, 2025), p. 68.

⁹ Id.

therefore, will not result in an increase of greenhouse gas emissions.

Further, the Facility will not have a disproportionate impact on disadvantaged communities. As shown in the application, the Facility is not located within a disadvantaged community. Also, as previously discussed, the Facility will allow more comprehensive integrity management inspections and will, thereby, promote public safety in communities along its route.

CONCLUSION

Pursuant to PSL §121-a(7), Niagara Mohawk Power Corporation d/b/a National Grid is granted a Certificate of Environmental Compatibility and Public Need, with Conditions, to construct, operate, and maintain the Pipeline.

It is ordered:

1. Niagara Mohawk Power Corporation d/b/a National Grid is granted a Certificate of Environmental Compatibility and Public Need pursuant to Public Service Law §121-a(7), authorizing the construction, operation, and maintenance of a natural gas pipeline as described in its application, as supplemented, subject to the conditions discussed in the body of this Order and the Certificate Conditions attached hereto as Appendix A.

2. Niagara Mohawk Power Corporation d/b/a National Grid shall, within 30 days after the issuance of the Certificate, file with the Secretary to the Commission (Secretary) either a petition for rehearing or a verified statement that it accepts and will comply with the Certificate.

3. If Niagara Mohawk Power Corporation d/b/a National Grid decides not to commence construction of any portion of the

Project, it shall so notify the Secretary in writing within 30 days of making such decision and shall serve a copy of such notice upon all parties in the same manner and at the same time as it files with the Secretary.

4. National Grid shall not commence construction until it has received a "Notice to Proceed with Construction" sent by the Chief of the Environmental Certification and Compliance Section of the Office of Renewable Energy Siting and Electric Transmission, or equivalent position.

5. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

6. This proceeding is continued.

(SIGNED)

Commissioner

Appendix A

Certificate Conditions

A. Conditions of the Order

1. The Certificate Holder shall apply all the measures and techniques for environmental management, construction, and restoration of this project indicated in its Application, as supplemented, except as modified herein. The Certificate Holder shall follow all construction and restoration techniques described in the Environmental Management and Construction Standards and Practices (EM&CS&P), the Storm Water Pollution Prevention Plan (SWPPP), and the Certificate Conditions.
2. If construction of the Project hereby certified is not commenced within 18 months, this Certificate may be vacated.

B. Laws and Regulations

3. Notwithstanding any contrary provisions of the Certificate, each substantive federal, state, and local law, regulation, code, and ordinance applicable to the Project shall apply, except to the extent that the Commission has expressly refused to apply any substantive local law or regulation as being unreasonably restrictive as discussed herein.
4. A copy of each permit or approval received by the Certificate Holder for this Project from the issuing agencies, including all necessary U.S. Army Corps of Engineers ("USACE") permits for construction in federal wetlands affected by the Project pursuant to Section 404 of the Federal Clean Water Act, and the State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activities (Permit

No. GP-0-25-001 or the then-effective general permit number) ("SPDES General Permit"), shall be provided to the Secretary by the Certificate Holder before commencement of any Project construction that requires such permit or approval.

5. Certificate Holder shall notify all construction contractors that the Commission may seek to recover penalties for violations of the Certificate, not only from Certificate Holder, but also from their construction contractors, and that construction contractors may also be liable for other fines, penalties, and environmental damage caused.

C. Public Health and Safety

6. Certificate Holder shall keep local fire department and emergency management teams apprised of on-site hazardous chemicals and waste.
7. The maximum allowable operating pressure of the pipeline shall not exceed 490 pounds per square inch gauge (PSIG). Certificate Holder shall design, construct, test, operate and maintain the pipeline in accordance with provisions of 16 NYCRR Part 255 applicable to steel gas transmission lines.
8. Certificate Holder shall comply with the requirements for the protection of underground facilities set forth in 16 NYCRR Part 753.
9. The Certificate Holder shall designate a full-time welding inspector(s). The welding inspector(s) shall be present anytime there is active welding to ensure that the welding is being performed in accordance with the qualified procedure under 16 NYCRR §255.225.
10. Certificate Holder shall non-destructively test 100 percent of the welds for the pipeline.
11. Certificate Holder shall make available to OESPP's Pipeline Safety Section the mill certification

corresponding to the steel pipeline being used.

12. At least ten days before hydrostatic testing commences, Certificate Holder shall provide the information concerning the hydrostatic testing of the pipeline to DPS Staff by email at Safety@dps.ny.gov and to DEC. This information shall include a profile that shows the elevation changes and the proposed test pressures at the low and high points along the pipeline.
13. At least five business days prior to starting the pre-activation strength test, the Certificate Holder shall notify the OESPP's Pipeline Safety Section via e-mail at Safety@dps.ny.gov as required by 16 NYCRR §255.505. The Certificate Holder must coordinate with DPS Staff before submitting this notification.
14. At least seven days before hydrostatic testing commences, Certificate Holder shall notify in writing all residents residing within 1,500 feet of the pipeline centerline where hydrostatic testing equipment is located explaining when testing will commence and what they might expect to hear, as well as a Company name and contact telephone number. The Certificate Holder shall provide a copy of the letter to the Secretary.
15. The Certificate Holder shall verify that there will be no cathodic protection interference to or from co-located infrastructure.

D. Notices

16. Certificate Holder shall electronically file with DPS Staff and the Secretary as-built plan and profile drawings and shapefiles within six months of project completion. Such drawings shall be stamped and signed by a licensed professional engineer.
17. "Construction" means the beginning of tree clearing, site clearing, ground disturbance, site preparation, and grading activities related to

installation of the project. "Construction" does not include soils or groundwater testing, surveying (such as geotechnical drilling) and similar preconstruction activities to determine the adequacy of the site for construction and to prepare filings pursuant to this Certificate.

18. At least 10 days prior to the start of construction the Certificate Holder shall notify the Secretary of the proposed construction commencement date.
19. The Certificate Holder shall provide construction contractors with complete copies of this Order and any subsequently issued orders modifying this Order, the EM&CS&P, the approved SWPPP, the SPDES permit, any permit issued pursuant to Section 404 of the Federal Clean Water Act, the Section 401 Water Quality Certification, updated construction drawings, and any site-specific plans.
20. Prior to the commencement of construction, the Certificate Holder shall provide all easement information regarding the Project to DPS Staff.
21. Prior to the commencement of construction, Certificate Holder shall provide notice to the Secretary that all necessary state and federal permits required in connection with this Project, including any road use agreements, have been obtained, and shall provide a copy of all permits and a copy of all other construction related plans and documents discussed in the body of this Order. The Certificate Holder shall comply with the terms and conditions of such permits.
22. The Certificate Holder shall notify all persons who own properties that are on or abut the certified Project route of the planned construction activities and anticipated schedule affecting the abutting properties at least seven (7) days prior to the commencement of such construction. The Certificate Holder shall deliver such

notice by first class mail or, at its option, may instead affix the notices to the doors of the residences. The Certificate Holder shall provide a copy of the generic form of such notice to the Secretary prior to the commencement of construction.

23. The Certificate Holder shall provide DPS Staff and DEC with a status report summarizing construction of the Facility.

E. Oversight and Supervision

24. Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL Sections 8 and 66) as the Commission's designated representatives in the field. In the event of any construction or maintenance activities that represents a significant environmental threat or that violate or may violate the terms of the Certificate or any other order in this proceeding, such DPS Staff representatives may issue a stop work order for that location or activity.
25. A stop work order shall expire 24 hours after issued unless confirmed by a single Commissioner. If a stop work order is so confirmed, the Certificate Holder may seek reconsideration from the confirming Commissioner or the whole Commission.
26. Certificate Holder shall promptly notify DPS Staff and NYSDEC (for NYSDEC-jurisdictional areas or SWPPP violations) of any activity that involves a violation of the Certificate.
27. The Certificate Holder shall report to DPS Staff any proposed changes to the approved Project, including but not limited to proposed changes to the approved measures and techniques to be applied to the environmental management and construction of this Project. DPS Staff shall refer to the Chief of EC&C of Office of Renewable Energy Siting and Electric Transmission (or equivalent

position) for approval those proposed changes that will not cause substantial change in environmental impact or a change in the location of any portion of the certified site or ROW of the Project. DPS Staff will refer all other proposed changes to the Commission for approval and will afford the parties a 15-day period in which to file comments unless an emergency exists. Certificate Holder shall not execute any proposed change until they receive written notification from the Chief of EC&C or the Commission, as appropriate.

28. Nothing herein shall be deemed to limit the right of DEC to enter and inspect the Project to assess compliance with any DEC-issued permit or applicable substantive statute or regulation under DEC's jurisdiction.
29. The Certificate Holder shall conduct a field review to determine compliance with its design and prepare a written report of the Certificate Holder's findings as to whether the Project was constructed in accordance with the design for the Project. The Certificate Holder shall provide a copy of each such report to DPS Staff within three (3) business days after the Certificate Holder receives the report. The Certificate Holder shall notify DPS Staff of when the field reviews will occur.
30. The Certificate Holder's employees, contractors, and subcontractors assigned to the construction of the Project and inspection of such construction work shall be properly trained in their respective responsibilities. To ensure proper training related to safety rules and regulations, the Certificate Holder shall hold a site-specific documented tailboard meeting for site inspectors prior to entry onto the site for work on the Project. Separate training sessions are required for each jobsite. The Certificate Holder must ensure that: (a) the person conducting the briefing shall use their best efforts to

give accurate and complete responses to all requests by such persons for clarification of the scope of work, construction methodology, and other pertinent personal safety information; (b) any document that a person participating in tailboard safety briefing is required to sign at such briefing is legible; (c) all necessary safety information is interpreted for non-English speaking and reading-impaired employees; and (d) that if a person participating in a tailboard safety briefing who signed such a document desires a copy thereof, they shall request it in writing and the Certificate Holder shall provide a copy thereof to the requester within 48 hours of the request.

31. At least ten days prior to the start of construction, the Certificate Holder shall provide the name and qualifications of the Environmental Inspector for DPS Staff and DEC review and DPS Staff approval, pursuant to §1.1.1(a) of the EM&CS&P.
32. At least ten days prior to the start of construction, the Certificate Holder shall provide the name and qualifications of the Construction supervisor to DPS Staff for review and approval. The Construction Monitor shall have stop-work authority over all aspects of the Project. The Construction Monitor shall be on site during all phases of construction and restoration.
33. At least ten days prior to the start of construction, the Certificate holder shall provide the name and qualifications of the Electrical Safety Inspector to DPS Staff for review and approval. The Electrical Safety Inspector shall have stop-work authority over aspects of the project parallel to overhead electrical lines. The Electrical Safety Inspector shall be onsite during all construction parallel to overhead electrical lines.

34. The Environmental Inspector and Construction Monitor shall be equipped with sufficient documentation, transportation, and communication equipment to effectively monitor compliance with the provisions of this Order, applicable provisions of the Public Service Law and Commission regulations, the EM&CS&P, the Environmental Conservation Law (ECL), and the SWPPP.
35. The Certificate Holder shall provide DPS Staff, and DEC the cell phone numbers of the Environmental Inspector, Electrical Safety Inspector, and Construction Monitors. The Environmental Inspectors and Construction Monitors may have direct communication with DPS Staff, and DEC.

F. Construction, Operation, Maintenance, and Restoration

36. No open burning is permitted on this Project.
37. Certificate Holder shall confine construction and subsequent maintenance to the Project ROW.
38. At least ten days prior to the start of construction, the Certificate Holder shall hold a preconstruction meeting. An agenda, location, and attendee list shall be agreed upon between DPS Staff and the Certificate Holder. Maps showing designated travel routes, construction worker parking and access road locations and a general project schedule will be available at the meeting for the attendees. Certificate Holder shall supply draft minutes from this meeting to all attendees. The attendees may offer corrections or comments, and the Certificate Holder shall issue the finalized meeting minutes to all attendees. If, for any reason, the pipeline contractor cannot finish the construction of this Project and a new pipeline contractor is needed, then another pre-construction meeting with the same format as outlined above in this Ordering Clause shall be held.
39. The Certificate Holders shall schedule construction

activities on the Project ROW to occur between the hours of 7:00 a.m. through 6:00 p.m. Monday through Saturday, except no work is allowed on Federal or State holidays. If, due to safety, planned outage restrictions, or continuous operation requirements, such construction activities are required to occur on a Sunday or holiday or after 6:00 p.m. (Extended Work), the Certificate Holders, after consultation with the affected municipality, shall seek approval from DPS Staff for Extended Work. To the extent practicable, such approval shall be requested at least 48 hours in advance.

40. At least 30 days before construction commences, Certificate Holder shall file a letter of intent and report of specifications identical with Form A on Appendix 7-D of Title 16 NYCRR Appendix 7-D (Appendix 7-D) to OESPP's Pipeline Safety Section Staff via email at Safety@dps.ny.gov.
41. At least 30 days before construction commences, Certificate Holder shall make available to DPS Staff a copy of construction standards that conform with 16 NYCRR §255.303. These standards shall encompass all phases of construction, including: welding procedures, welding procedure qualifications, welder qualification, non-destructive testing procedures, backfilling, and coating.
42. Certificate Holder shall use native upland and native wetland seed mixes for both temporary and permanent restoration of the ROW.
43. In areas of the ROW subject to soil erosion (including stream approaches), Certificate Holder shall install temporary erosion control devices as soon as practicable, but in no event later than the end of the workday.
44. Certificate Holder shall use bentonite or sandbag trench breakers in pipeline trench to minimize erosion

washout in and around the trench. Provisions in the EM&CS&P notwithstanding, no foam trench breakers shall be used on this Project.

45. Within ten days after the pipeline is in service, Certificate Holder shall so notify the Secretary in writing.
46. Within one year after the in-service date of the Project, the pipeline ROW shall be fully restored. Within ten days after the ROW is completely restored, Certificate Holder shall so notify the Secretary in writing.
47. Certificate Holder shall promptly notify DPS Staff and the Secretary in writing should it decide not to complete construction of all or any portion of this Project, and it shall serve a copy of such notice upon all statutory parties.

G. Waterbodies and Wetlands

48. The Certificate Holder shall conduct a wetlands evaluation that complies with 6 NYCRR Part 664 and follows DEC's Standard Operating Procedures for Remote Jurisdictional Determinations and Classification of Freshwater Wetlands. The wetlands evaluation shall contain procedures for minimizing, avoiding, or mitigating impacts to wetlands. The Certificate Holder shall submit the wetlands evaluation to DPS Staff and DEC prior to commencing construction for DPS Staff and DEC review.
49. Prior to commencing construction, the Certificate Holder shall provide a horizontal directional drilling inadvertent returns (HDDIR) plan to DPS Staff and DEC for review. The HDDIR plan must include a complete inadvertent return risk factor assessment and inadvertent returns detection methods and indicators.
50. Fuel tanks and all chemical storage shall be

appropriately contained and located a minimum of 300 feet away from any wetland or waterbody. Fuel tanks with storage capacities over 1,100 gallons shall comply with the minimum setbacks under applicable petroleum bulk storage regulations.

51. Equipment shall not be washed in any stream, waterbody, wetland, or DEC 100-foot adjacent area. No runoff resulting from washing operations shall directly enter into these areas.
52. Excavated soil material shall not be stored within 100 feet of wetlands, streams, or waterbodies to prevent runoff into such areas.
53. The Certificate Holder shall inform the USACE of any changes in the design of the Project that have the potential to impact any USACE-issued permit or authorization and shall file a copy of such correspondence with the Secretary.

H. Roads and Highways

54. Prior to the commencement of construction, Certificate Holder shall obtain any consents or work permits from the NYS Department of Transportation (NYSDOT) for crossing roadways under or constructing within its jurisdiction and file copies with the Secretary.
55. Prior to the commencement of construction, the Certificate Holder shall consult with each local department or agency having jurisdiction over public, non-state roads that will be crossed or paralleled by the pipeline or used for direct access to the ROW. At least ten days before Certificate Holder begins construction within the ROW, within the limits of public roads, or where taking direct access from public roads, it shall notify each such department or agency of the approximate date work will begin, the crossing locations and uses, depth of crossings, details, and specifications for

repaving (if any), and related considerations. The Certificate Holder or its supplier, as the case may be, shall obtain any permits from applicable agencies required for the delivery of oversized components for the Project.

I. Invasive Species

56. The Certificate Holder shall comply in all respects with the substantive requirements of 6 NYCRR Part 575. To prevent the potential introduction of invasive species from other areas or regions to the Project area: vehicles, equipment, and materials (including mats) shall be inspected for, and cleaned of, any visible soils, vegetation, insects, and debris before bringing them to the Project area. Equipment and material shall be cleaned prior to leaving the Project ROW. The cleaning method shall include, as applicable, brushing, scraping, or the use of compressed air to remove visible soils and vegetation. Any matter cleaned from equipment and material shall remain within the infested area on the pipeline ROW.

57. The Certificate Holder shall ensure that any transported fill materials come from sources visibly free of invasive species.

58. Provisions of the EM&CS&P notwithstanding, the Certificate Holder shall not use hay as erosion control device or for soil stabilization and re-vegetation of disturbed sites shall use seed in accordance with Agriculture and Markets Law §138.

J. Water Quality Certification

59. The Certificate Holder shall obtain Water Quality Certification from the Commission in connection with its application(s) for permit(s) under Section 404 of the Federal Water Pollution Control Act authorizing construction work in federal-jurisdictional waters and wetlands. To obtain a Water Quality Certification from

the Commission, the Certificate Holder shall comply with applicable federal and state regulations and complete any then applicable forms and preapplication requirements for submittal to the Commission and the Chief of the Transmission Siting or their designee, pursuant to Section 401 of the Federal Water Pollution Control Act.