

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on September 18, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 25-T-0133 - Petition of Central Hudson Gas & Electric Corporation for a Certificate of Environmental Compatibility and Public Need, Pursuant to Section 121a-(3) of the Public Service Law, for the Installation of an Approximately 1.99 Miles Natural Gas pipeline in the Towns of Lloyd and Marlborough, Ulster County.

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

(Issued and Effective September 19, 2025)

BY THE COMMISSION:

INTRODUCTION

On February 24, 2025, Central Hudson Gas & Electric Corporation (Central Hudson 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 July 30, 2025, the Secretary to the Commission (Secretary) notified Central Hudson that as of July 24, 2025, its application complied with PSL §121-a and 16 NYCRR §85-1.3.

Through this Order, Central Hudson is granted a Certificate for the construction, operation, and maintenance of

a new 1.99-mile section of pipeline. This replacement project includes the construction of the new 10-inch diameter pipeline with a maximum allowable operating pressure of 900 pounds per square inch gauge (psig) and the reduction in pressure of 1.53 miles of existing transmission pipeline to distribution pressure (the Facility).

BACKGROUND

On February 24, 2025, Central Hudson filed an application to replace approximately 1.53 miles of the existing Tuxedo-to-Poughkeepsie (TP) transmission gas pipeline located in the Towns of Lloyd and Marlborough, Ulster County, to comply with the Pipeline and Hazardous Materials Safety Administration (PHMSA) Mega Rule (49 CFR §192.624). The existing TP Line runs underground along New York State Route 9W (9W). The proposed segment of new transmission line would run underground from the existing line to a Central Hudson electrical right of way (ROW), which runs approximately 500-feet west of Route 9W, before returning to the existing TP Line. The new segment of pipeline will have a 10-inch diameter and a maximum allowable operating pressure (MAOP) of 900 psig. The Project would include multiple temporary workspaces along the ROW. Existing roadways and lanes would be used for access to the ROW wherever possible, and final access will be based on the results of field surveys and final design.

Following the commissioning of the new transmission pipeline, Central Hudson intends to downrate the segment of the original TP Line from transmission pressure (512 psig MAOP) to distribution pressure (120 psig MAOP). This portion of the line will be used to continue serving existing customers, who currently take gas service directly from the TP line through farm taps. Central Hudson explains that no additional customers

are being added to its customer base as a result of this Project. Central Hudson plans to begin construction of the Project in the fall of 2025, and the project is expected to be completed by December 2026. This project was included in Central Hudson's Long Term Gas Plan¹ and was, accordingly, evaluated by PA Consulting Group (PA), an independent consultant retained on behalf of Department of Public Service (DPS) Staff in that proceeding.²

PUBLIC NOTICE

Pursuant to PSL §121-a(3) and 16 NYCRR §85-1.3(b), Central Hudson 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; Ulster County; the Towns of Lloyd and Marlborough; and the relevant State Senator and Assembly Member. Central Hudson also served the application on landowners whose property would be traversed by the Project, and two public libraries to serve as public viewing locations.

¹ Case 23-G-0676, Review of the Long-Term Gas System Plans of Central Hudson Gas & Electric Corporation, Final Long Term Gas Plan (Nov. 21, 2024) at p. 28.

² Case 23-G-0676, Review of the Long-Term Gas System Plans of Central Hudson Gas & Electric Corporation, PA Consulting's Final Report on Central Hudson's Final Gas System Long-Term Plan (Jan. 15, 2025), pp. 56-57 (hereinafter PA Report on Central Hudson's Long Term Gas Plan). The Commission recently reviewed the Company's long-term gas plan, PA's assessment of that plan, and the related public comments. Case 23-G-0676, Review of the Long-Term Gas System Plans of Central Hudson Gas & Electric Corporation, Order Regarding Long-Term Natural Gas System Plan and Directing Further Actions (July 17, 2025) (hereinafter Order on Central Hudson's Long Term Gas Plan).

COMMENTS

The Department of Environmental Conservation (DEC) submitted comments on August 28, 2025. DEC commented on a single topic: the information that Central Hudson submitted with regards to the Facility's impact on fugitive emissions. DEC objects to the sparse and conclusory nature of the emissions analysis Central Hudson submitted. DEC indicates that based on its review of the Application and related filings, it does not believe the Company had provided information substantiating its claim that the Facility will not increase fugitive emissions. DEC recommends that the Applicant provide an estimate of emissions changes associated with the Facility using the emissions factors listed in 40 CFR Part 98, *Table W-5 Default Methane Population Emission Factors*. DEC also advised that it considers the new segment of pipeline to be new emissions because the segment being replaced is being downrated instead of decommissioned. The Commission reviewed the Company's filings in this proceeding and in the long term gas planning proceeding.³ Based on this review, the Commission concludes that the Facility is unlikely to result in a material increase in emissions and will not require additional submissions at this time. That being said, the Commission agrees that applications for certificates should include more comprehensive emissions analyses.

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

³ Id.

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.⁴ 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).⁵ 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 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,

⁴ PSL §121-a(7).

⁵ 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).

"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.⁶ 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."⁷

DISCUSSION

Basis of Need

Central Hudson explains that the Project is necessary due to changes in federal pipeline safety regulations, which require additional documentation regarding the safety testing of gas transmission pipelines. These additional requirements have been incorporated into the Commission's pipeline safety regulations at 16 NYCRR §255.624. These regulations require companies to retest, replace, or otherwise address the risks posed by certain gas transmission lines for which companies lack complete and verifiable pressure testing records.⁸ Central Hudson explains that the Company lacks the required testing records for 1.8 miles of its gas transmission network, including the segment to be replaced. Accordingly, this segment must be re-tested if it is to remain in service as a transmission line. The Company represents that it would be impractical to take this

⁶ CLCPA §7(2).

⁷ CLCPA §7(3).

⁸ Sixteen NYCRR §255.624

line out of service for the necessary testing because this line serves as a critical link with the rest of the Company's gas system that, if the line were taken out of service, the Company would be forced to purchase gas from more expensive sources to meet its demand.

Furthermore, this project was considered in Central Hudson's long-term gas plan.⁹ In the long term gas proceeding, PA reviewed the Company's plans to address this issue by replacing the affected segments and concluded that it appeared reasonable when compared to the other more burdensome alternatives.¹⁰ The Commission recently reviewed the Company's long-term gas plan, PA's assessment of that plan, and the related public comments.¹¹ Accordingly, the installation of a new section of transmission pipeline is needed to bring the Company's gas transmission network into compliance with the new safety regulations.

Probable Environmental Impacts

The Facility is expected to have minimal environmental impacts. Central Hudson states in its Application that it will abide by the relevant approved Environmental Management and Construction Standards and Practices, and, where applicable, the

⁹ Case 23-G-0676, Review of the Long-Term Gas System Plans of Central Hudson Gas & Electric Corporation, PA Consulting's Final Report on Central Hudson's Final Gas System Long-Term Plan (Jan. 15, 2025), p. 57.

¹⁰ Id.

¹¹ Case 23-G-0676, Review of the Long-Term Gas System Plans of Central Hudson Gas & Electric Corporation, Order Regarding Long-Term Natural Gas System Plan and Directing Further Actions (July 17, 2025).

Department of Agriculture and Markets' guidelines for pipeline construction in agricultural lands.¹²

Impacts to wetlands will occur as a result of Project construction, including clearing of vegetation, and earthwork. The proposed permanent conversion of forested wetlands and temporary impacts of emergent and scrub shrub are summarized the Application. The Project will result in 0.562 acres of permanent forested wetland conversion due to the establishment of the proposed 20-foot-wide maintained easement for the TP Line Replacement. Additionally, 0.618 acres of temporary forested wetland conversion are proposed for necessary clearing to accommodate temporary workspaces and laydown areas for construction of the Facility. While permanent and temporary conversion of forested wetlands is proposed for the establishment of the 20-foot-wide ROW, no permanent fill is proposed. Additionally, Project construction activities are expected to result in temporary impacts to approximately 3.162 acres of wetlands within the Project site and 1.810 acres of State-regulated 100-foot adjacent area.

All impacted wetlands will be returned to pre-construction contours and conditions and result in no loss of wetland acreage. While no permanent impacts are proposed as part of the Project, the Company must mitigate for the proposed wetland conversion. As such, the Company must provide a draft mitigation plan for DPS Staff review prior the commencement of construction.

¹² DPS Staff recommends that the Company expand the planned ROW and temporary construction area by 10 to 20 feet in agricultural areas, to allow a temporary ROW of 50 to 90 feet, in order to ensure sufficient working space to implement these guidelines. If the Company pursues such an expansion, DPS Staff advises that such a request should follow the change process established in the conditions established herein.

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 underground, primarily within existing Central Hudson maintained ROW. The new pipeline segment will begin at 9W and proceed south-west to a Central Hudson ROW which runs parallel to 9W. Finally, the pipeline will return to 9W to connect with the TP line. The portion of the TP line along 9W that the Facility will replace will remain in service at distribution pressure. The substantial majority of the Facility will be located in a Highway Business District or a Highway Development district, while a small portion will be located in residential areas. The Facility will not cross any state or county public lands but will cross a small Town-operated ballfield located on Central Hudson-owned property. Agricultural land is present in the area, but the Facility has been routed primarily through Central Hudson's ROW, and the Company anticipates that the project will have minimal impacts on agricultural production. 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.

State and Local Laws

The Facility will conform to substantive provisions of State and local laws except to the extent that Central Hudson has requested a waiver of a local law. Central Hudson has requested waivers of local laws of each host municipality. The local laws relate to construction activities, including provisions regarding noise restrictions, trimming and removing trees, parking restrictions, and solid waste removal. Central Hudson also requests a waiver of the Town of Marlborough's

zoning law that would otherwise prohibit the construction of the Facility.

Central Hudson's request for waivers of specific provisions of local laws is granted because applying such provisions would be unreasonably restrictive in 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 are unreasonably restrictive because applying such provisions would prevent Central Hudson from moving forward with this safety-driven, necessary project. Public Interest, Convenience, and Necessity

The Facility serves the public interest, convenience, and necessity. The work is necessary to bring Central Hudson's gas transmission network in compliance with State and federal pipeline safety regulations and the proposal to do so by replacing the segment in question is reasonable.

As discussed in the proceeding regarding Central Hudson's Long Term Gas Plan, one safety-driven component of the Company's plan is to eliminate gas service lines that are directly connected to a transmission pipeline operating at a pressure greater than 125 psig due to safety risks associated with these hookups. The reduction in pressure on the replaced segment of original piping below 125 psig will mitigate these safety risks. Accordingly, the construction of the Facility is expected to have little environmental impact and will advance public health and safety in the communities surrounding the Facility.

Furthermore, this Project is necessary for Central Hudson's pipeline to remain in compliance with State and federal pipeline safety regulations. Central Hudson has an obligation to provide safe and reliable gas service to its existing customers, and it must do so in compliance with applicable laws

and regulations. If the Project is not completed, the Company will need to downrate the segment in question, which it states would have significant impacts on customer reliability, cost, and continuity of service for the entire Central Hudson gas system. Granting this Certificate and allowing Central Hudson to construct the Facility allows the Company to fulfill its obligations to provide safe and reliable service to its existing gas customers.

Consistency with the CLCPA

Granting Central Hudson 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. The Project will reduce the pressure in 1.53 miles of the approximately 50-year-old pipe currently serving as a segment of the TP line, from 512 psig MAOP to 120 psig MAOP, and install a 1.99 miles of new steel pipe, at an MAOP of 900 psig. The roughly 70% reduction in pressure in the older pipe will result in decreased fugitive emissions from that pipe. The new pipeline will be designed to modern standards and will have fewer fugitive emissions than the old pipe. Central Hudson also represents that it is not planning on increasing the volume or capacity of natural gas in its gas systems as a result of this project. Accordingly, Central Hudson explains that it does not expect the project to result in an increase of greenhouse gas emissions. Based on a review of the Application, we agree that this Project is not expected to increase greenhouse gas emissions and, accordingly, is not expected to interfere with the attainment of the CLCPA's emissions limits.

The Facility will not have a disproportionate impact on disadvantaged communities. While the Project is located in two disadvantaged communities, the project is not expected to

increase the greenhouse gas emissions and will improve public safety in these communities. The new segment of pipe will have fewer fugitive emissions than the existing pipe, which was constructed in 1975. The 13 customers who are currently served by the high-pressure transmission line, located either in the disadvantaged communities or in the immediate vicinity, will be served by a distribution line that mitigates the safety risks presented by the current arrangement. Furthermore, the work is necessary to bring the pipeline into compliance with State and federal pipeline safety regulations because Central Hudson does not possess necessary pressure testing records for the segment being replaced. While there will be temporary impacts to the communities associated with construction, Central Hudson explains that the proposed route through its electric ROW was selected in order to avoid the greater impacts on the communities during construction that would be associated with replacing the pipeline in its current location alongside 9W. Accordingly, the Project is expected to result in safer and more reliable gas service for existing customers in the affected communities.

CONCLUSION

Pursuant to PSL §121-a(7), Central Hudson Gas & Electric Corporation is granted a Certificate of Environmental Compatibility and Public Need, with Conditions, to construct, operate, and maintain the Pipeline.

The Commission orders:

1. Central Hudson Gas & Electric Corporation 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. Central Hudson Gas & Electric Corporation 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 Central Hudson Gas & Electric Corporation 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. Central Hudson Gas & Electric Corporation shall not commence construction until it has received a "Notice to Proceed with Construction" sent by the Chief of the Transmission Siting Section of the Office of Renewable Energy Siting and Electric Transmission, or equivalent position, or their designee.

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.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

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 new pipeline shall not exceed 900 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 the Secretary, and provide to DPS Staff, 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 (and residents, if different from owners) 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 status reports summarizing the construction of the Facility at an appropriate interval to be agreed upon by the Certificate Holder and DPS Staff.

E. Oversight and Supervision

24. Certificate Holder shall regard DPS Staff representatives (authorized pursuant to PSL §§8 and 66(8)) 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 NYS Department of Environmental Conservation (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 the Transmission Siting Section (Transmission Siting) of the Office of Renewable Energy Siting and Electric Transmission (or equivalent position), or their designee (Chief of Transmission Siting), 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 Transmission Siting 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.

31. 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.

- a. The Certificate Holder must ensure that: (i) the person conducting the briefing uses 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; (ii) any document that a person participating in tailboard safety briefing is required to sign at such briefing is legible; (iii) all necessary safety information is interpreted for non-English speaking and reading-impaired employees; and (iv) 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.

32. 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.
33. At least ten days prior to the start of construction, the Certificate Holder shall provide the name and qualifications of the Agricultural Specialist to DPS Staff and the New York State Department of Agriculture and Markets (AGM) for review, and DPS Staff approval.
34. 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 Supervisor shall have stop-work authority over all aspects of the Project. The Construction Supervisor shall be on site during all phases of construction and restoration.
35. 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.

36. The Environmental Inspector, Agricultural Specialist, 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.
37. The Certificate Holder shall provide DPS Staff, and DEC the cell phone numbers of the Environmental Inspector, Agricultural Specialist, 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

38. No open burning is permitted on this Project.
39. Certificate Holder shall confine construction and subsequent maintenance to the Project ROW.
40. 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.

41. 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.
42. 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.
43. 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.
44. Certificate Holder shall use native upland and native wetland seed mixes for both temporary and

permanent restoration of the ROW.

45. 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.
46. 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.
47. Within ten days after the pipeline is in service, Certificate Holder shall so notify the Secretary in writing.
48. 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.
49. 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. Agricultural Resources

50. The Certificate Holder shall have an Agricultural Specialist with sufficient agricultural construction and restoration experience to review the Certificate Holder's construction plans and monitor construction and restoration of this Project in active agricultural fields. The Agricultural Specialist shall be on the ROW when construction and restoration activity is occurring

in active agricultural fields or other agricultural tasks are being implemented. If an Environmental Inspector has appropriate agricultural qualifications, the Environmental Inspector may satisfy the responsibilities of the Agricultural Specialist. The Agricultural Specialist (if different from the Environmental Inspector) shall maintain regular contact with the Environmental Inspector throughout the construction phase. This inspector also shall maintain regular contact with the affected farmers and Ulster County Soil and Water Conservation District concerning farm resources and management matters pertinent to the agricultural operations and the Certificate Holder's implementation of the EM&CS&P.

51. The Agricultural Specialist shall work with the farm operators during the planning phase to develop a plan to delay the pasturing of the ROW, following construction until pasture areas are adequately revegetated. The Certificate Holder shall be responsible for maintaining the temporary fencing on the ROW until the Agricultural Specialist determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Certificate Holder shall be responsible for removal of the fences.
52. If shallow bedrock depths are observed, the top of the pipeline shall be buried below the top of the bedrock. At no time shall the depth of cover be less than 24- inches below the soil surface. It will be the responsibility of the Agricultural Specialist to determine the required pipeline burial depths based upon subsurface conditions encountered during Project construction. In agricultural areas, ripped or

shattered rock may be used as backfill, but the rock shall not be backfilled closer than 24 inches from the exposed working construction surface of the ROW.

53. Drain tiles damaged or severed during Project construction shall be repaired in accordance with the sample design drawings contained in the AGM Pipeline Construction Guidelines ("Repair of Severed Drain Tile") and the EM&CS&Ps.

54. The Certificate Holder shall work with farm operators during the planning phases of construction to develop a plan to delay the pasturing of the ROW following construction until pasture areas are adequately re-vegetated. The Certificate Holder shall be responsible for maintaining the temporary fencing in pasture-designated parcels on, and along the ROW, until the Agricultural Specialist determines that the vegetation on the ROW is established and able to accommodate grazing. At such time, the Certificate Holder shall remove the temporary fencing.

55. During the restoration phase of the Project when soil moisture conditions permit, the subsoil shall be decompacted to a minimum depth of 18 inches below ground surface using a subsoiler, and rocks greater than 4-inches in diameter that have been uplifted to the surface as a result of the deep shattering shall be "picked" from the ROW prior to topsoil replacement.

56. Final deep shattering shall be performed with a subsoiler through the "restored" soil profile to alleviate any additional compaction caused by heavy equipment during final topsoil replacement spreading and landfilling activities. Soil decompaction shall be performed using tractor-drawn farming equipment. Soil

compaction shall be tested using an appropriate soil penetrometer or other soil compaction measuring device. Soil compaction results obtained within the affected area shall be compared with those obtained from the adjacent unaffected portion of the farm field or soil unit. Where representative soil density of the affected area exceeds the representative density of the unaffected areas, additional shattering of the soil profile shall be performed using the appropriate tractor drawn decompaction equipment.

57. If blasting is required in agricultural areas of till over bedrock, 30 days prior to conducting such blasting the Certificate Holder shall file a blasting plan requiring that: the Certificate Holder use matting or controlled blasting to limit the dispersion of blast rock fragments; all blasted rock not used as backfill shall be removed from croplands, haylands, and improved pastures; the till and topsoil shall be returned in natural sequence to restore the soil profile; and the Certificate Holder give farm owners/operators timely notice prior to blasting on farm property.
58. After topsoil replacement and seedbed preparation, the Certificate Holder shall apply seed and soil amendments in accordance with the AGM recommendations contained in Fertilizer, Lime, and Seeding Recommendations for Restoration of Construction Projects on Farmland in New York (revised 9/25/2012) or as specified by the farmland owner or operator.
59. During the monitoring and remediation period, on-site monitoring shall be conducted at least three times during each growing season and shall include a comparison of growth and yield for crops on and off the

ROW.

60. When the subsequent crop productivity within the affected ROW is less than that of the adjacent unaffected agricultural land, the Agricultural Specialist, in conjunction with the Certificate Holder and other appropriate organizations, shall help to determine the appropriate rehabilitation measures for the Certificate Holder to implement (soil de-compaction, topsoil replacement, etc.).
61. During the various stages of the Project, all affected farm operators shall be periodically apprised of the duration of remediation by the Agricultural Specialist. Because conditions that require remediation may not be noticeable at or shortly after the completion of construction, the end of the remediation period shall not obviate the Certificate Holder's responsibility to fully redress all Project impacts, and the Certificate Holder shall continue to respond to the reasonable requests of the farmland owner/operators to correct Project related effects on the impacted agricultural resources after completion of the specific remediation period.
62. The Certificate Holder shall provide all farm owners/operators with a telephone number to facilitate direct contact with the Certificate Holder and the Agricultural Specialist through all stages of the Project. The farm owner/operators shall also be provided with a telephone number to facilitate direct contact with the Certificate Holder's Project Manager (or other representative of the Certificate Holder) for the Project during operation and maintenance of the transmission line.

H. Waterbodies and Wetlands

63. 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.
64. Before pipeline construction may commence the Certificate Holder shall file within the Secretary a wetland mitigation plan, after consultation with DPS Staff and NYSDEC. This wetland mitigation plan is subject to acceptance by DPS Staff.
65. 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.
66. 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.
67. 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.

68. Excavated soil material shall not be stored within 100 feet of wetlands, streams, or waterbodies to prevent runoff into such areas.
69. 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.

I. Roads and Highways

70. 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.
71. 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.

J. Invasive Species

72. 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.

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

74. 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.

K. Water Quality Certification

75. 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.