



**Sent via Electronic Mail**

August 30, 2021

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Office of Civil Rights and Diversity  
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**Re: Complaint Under Civil Rights Act of 1964, 42 U.S.C. § 2000d**

Dear Ms. Stoneman, Ms. Dorka, Ms. Goodwill, and Ms. Tallbear:

Brownsville Green Justice, the Ocean Hill-Brownsville Coalition of Young Professionals, Mi Casa Resiste and the Indigenous Kinship Collective submit this complaint against the New York State Department of Environmental Conservation ("DEC"), the New York State Department of Public Service ("DPS"), and National Grid for bypassing federal and state environmental and pipeline safety laws to construct and operate a fracked gas pipeline through predominantly Black and Latinx communities in Brooklyn, New York. These actions are racially discriminatory and have caused unjustified, disproportionate adverse impacts on the basis of race and ethnicity in violation of Title VI of the Civil

Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and the implementing regulations of the United States Department of Transportation (“DOT”), 49 C.F.R. Part 21, the United States Environmental Protection Agency (“EPA”), 40 C.F.R. Part 7, and the United States Department of Energy (“DOE”), 10 C.F.R. Part 1040.

The National Grid Metropolitan Reliability Infrastructure Project (“North Brooklyn Pipeline” or “MRI pipeline”) is an incomplete seven-mile 30-inch high pressure pipeline designed to transport fracked gas under the predominantly Black and Latinx neighborhoods of Brownsville, Ocean Hill, Bushwick, and East Williamsburg, in Brooklyn, New York to National Grid’s Greenpoint depot facility near Newtown Creek.<sup>1</sup> From there, National Grid planned to truck Liquefied Natural Gas (“LNG”) to Massachusetts.<sup>2</sup>

Representing the pipeline to the public as small segments, National Grid evaded public hearings and disguised the nature of its construction work so that community members did not learn of the pipeline until it was nearly complete. National Grid began operating the pipeline without informing the public; pressure testing the pipeline; submitting critical integrity management and mapping information to the Pipeline and Hazardous Materials Safety Administration (“PHMSA”); conducting any environmental assessment or analysis of the pipeline’s impact on communities of color; planning any evacuation process; or seeking the approval of the New York City Council as required by state law. National Grid claimed that it needed to build the pipeline to maintain safe and adequate service, but the scale of the project dwarfed those needs and demonstrated National Grid’s true purpose: a massive expansion of fracked gas infrastructure that would generate profits for National Grid at the expense of predominantly Black and Latinx community members. The pipeline endangers community health and safety to this day.

National Grid did not need to build this pipeline. And it certainly did not need to build the pipeline where it did—almost exclusively through communities of color that already experience disproportionate poverty, pollution, and poor health outcomes in almost every category compared to whites. National Grid had other options, including routing the pipeline through whiter, higher-income areas and not building a pipeline at all.

New York’s regulatory agencies—the DEC and DPS—allowed this travesty to happen. The DEC issued a legally flawed order finding that National Grid’s proposed expansion of its Greenpoint Liquefied Natural Gas (LNG) facility would have no significant environmental impact while refusing to assess the impact of the very pipeline that fed that facility, despite taking the opposite position on a different pipeline planned in a predominantly white community, and despite the established literature on the serious adverse health consequences of pipelines for the surrounding community. The DPS violated its regulatory duty by ignoring to National Grid’s failure to comply with pipeline safety laws and even awarded National Grid a rate hike—yet another cost that will disproportionately burden Black and Latinx New Yorkers. At the eleventh hour, DPS barred National Grid from continuing construction on the small

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<sup>1</sup> *Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for gas Service and KeySpan Gas East Corp. d/b/a National Grid for Gas Service*, Cases 19-G-0309 & 19-G-0310 [herein after Case 19-G-0309 et al.], Dkt. No. 238, *Order Approving Joint Proposal, as Modified, and Imposing Additional Requirements*, at 43 n. 76 (July 6, 2021), <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=19-G-0309&submit=Search>.

<sup>2</sup> *Sane Energy Project et al v. City of New York et al*, Case No. 518354/2021, Dkt. No 7, Art. 78 Petition, Ex. F, LNG Variance Petition, at 5, 20 (July 23, 2021), <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=iK7Vyu3k1B/zGJuxqMhDVQ==>.

part of the pipeline that directly crosses a majority white community, but DPS approved an expansion of the pipeline that substantially increased the amount of gas flowing through Brownsville, Ocean Hill, Bushwick and East Williamsburg. At no point did DEC, DPS, or National Grid even consider, much less analyze, the racially adverse disparate impacts of the pipeline on Black and Latinx New Yorkers despite their legal obligations to do so.

DEC, DPS, and National Grid have discriminated against Black and Latinx residents of Brooklyn and disproportionately subjected them to unjustified health and safety risks and economic harms on the basis of race, in violation of Title VI. Title VI required all three entities to include communities of color in their decision-making and to analyze the disproportionate impact of their decisions on communities of color, and DEC, DPS and National Grid failed to do so. Complainants request that the DOT Departmental Office of Civil Rights, the EPA Office of Civil Rights, and DOE Office of Civil Rights and Diversity accept this complaint and investigate whether DEC, DPS and National Grid violated Title VI of the Civil Rights Act and its implementing regulations. For reasons of economy, we request that these investigations be consolidated, and that EPA, DOT and DOE collaborate and coordinate on remedial approaches. We request that EPA take the lead role at the federal level. We also request that the Civil Rights Division of the Department of Justice play an active role in coordinating these federal investigative and enforcement actions, consistent with the mission of the Federal Coordination & Compliance Section.

Complainants demand that National Grid stop the flow of gas through the North Brooklyn Pipeline. Complainants further request that DEC, DPS and National Grid: (a) conduct a full and fair analysis of disparate impacts from the pipeline (including air quality monitoring and modeling, soil and water analysis, a health assessment, a cooperative community needs assessment, and an economic assessment); (b) conduct a full and fair consideration of alternatives that would avoid such disparate impacts; and (c) ensure that National Grid perform all required environmental analysis, safety testing and address all identified risks for leaks, and obtain the legally required approval from the New York City Council for the pipeline route. Complainants request a public hearing, an opportunity they have never had. Finally, Complainants demand remedial measures to counter the negative impacts of the pipeline on the harmed communities, including regularly conducting and reporting on air quality monitoring for all pollutants of concern, making investments to improve the environment in the affected communities, and protecting residents from rate increases. If the DEC, DPS, and National Grid do not come into compliance voluntarily, Complainants request that DOT, EPA, and DOE suspend or terminate the federal financial assistance that they receive and take immediate legal action to ensure their compliance with Title VI.

## **I. COMPLAINANTS**

### Brownsville Green Justice

Brownsville Green Justice (“BGJ”) is a Black and Brown led community collective focused on pushing back against climate and environmental injustice. BGJ is reclaiming autonomy and community power by addressing environmental racism through advocating for racial equity, green futures, and green infrastructure in Ocean Hill Brownsville. BGJ’s relationship to the pipeline is a reactionary one, where the Ocean Hill-Brownsville community were misinformed, dis-informed, and deceived by National Grid around this project. The reality of this pipeline shows the true intentions of entities like National Grid. In knowing that, BGJ got involved to represent and advocate on behalf of the Black and Brown folks who were not informed or knowledgeable of an environmental monster project coming to their back yard at their expense, physically, mentally, and financially. BGJ is picking up the slack and lack of information sharing done on National Grid’s behalf, to inform, educate and empower BGJ’s own to advocate for better.

### Ocean Hill-Brownsville Coalition of Young Professionals

The Ocean Hill-Brownsville Coalition of Young Professionals (“CYP”) serves to improve Ocean Hill-Brownsville by using CYP’s professional resources to make the community a viable place to live, work, and socialize through partnerships with existing organizations working within the community; professional, personal, and community development; and philanthropy. In the summer of 2020, members of CYP were informed about the North Brooklyn Pipeline and its location origin in Brownsville. Three existing members of CYP who took an interest in the matter went on to help establish the Brownsville Residents Green Committee (which eventually became Brownsville Green Justice) and base build to establish community awareness. As a plan to garner community attention, CYP used established community partnerships and contacts to collaborate with the then-Brownsville Residents Green Committee and local gardens to facilitate a series of teach-ins. In September of 2020, CYP anchored a community rally that was led by over 200 community residents and supporters.

### Mi Casa Resiste

Mi Casa Resiste is an anti-capitalist collective of New Yorkers based in Bushwick, Brooklyn using art and direct action to build a visible resistance to gentrification and the displacement of poor Black and Brown families in New York City and beyond. Mi Casa began organizing in opposition to the North Brooklyn Pipeline after Mi Casa found out about the pipeline around January 2020. Mi Casa engaged in community education and direct action and joined several other Black, Brown, and Indigenous-led organizations to form the Frack Outta BK Coalition.

### Indigenous Kinship Collective New York City

The Indigenous Kinship Collective New York City (“KIN”) are a community of urban Indigenous womxn, femmes, and gender non-conforming folx who gather on Lenni Lenape land to honor each other and KIN relatives through art, activism, and education. KIN, as matriarchs and knowledge keepers, center intersectional narratives by practicing accountability with community and self-determination. KIN are committed to living lives from anti-capitalist and anti-colonial perspectives and are dedicated to reclaiming KIN cultures and protecting the lands and waters with a diversity of tactics. KIN uplift intergenerational Indigenous voices and welcome mixed race, non-enrolled, Indigenous femme, non-binary, trans, and two-spirit people. KIN denounce colonial power structures of leadership and blood quantum. KIN are defined by those who came before us.

As Indigenous people KIN have been fighting to protect the land, water, and our peoples since colonization. Through centuries of attempted genocide and assimilation, KIN are still fighting today all over Turtle Island. KIN’s collective actively supports frontline relatives in many pipeline fights, including the one in our own backyard, North Brooklyn. From Standing Rock, to Wet’suwet’en, Tiny House Warriors, to South Texas, and to Line 3—KIN actively raise awareness, show up on the frontlines, send money and are in complete solidarity with our kin at this critical moment to protect Mother Earth for future generations.

## **II. JURISDICTION AND TIMING**

Title VI of the Civil Rights Act of 1964 and its implementing regulations prohibit discrimination in federal, state, local, and private programs or activities that receive federal financial assistance. 42 U.S.C. § 2000d.



## **A. Program or Activity**

The DEC, DPS, and National Grid are all programs or activities within the ambit of Title VI. Title VI defines program or activity as “all of the operations of . . . a department, agency, special purpose district, or other instrumentality of a State or of a local government . . . any part of which is extended Federal financial assistance.” 42 U.S.C. § 2000d-4a(1). If any part of a state entity receives federal funds, the whole entity is covered by Title VI.<sup>3</sup>

Title VI also defines program or activity to include “an entire corporation ... which is principally engaged in the business of providing education, health care, housing, [or] social services.” 42 U.S.C. § 2000d-4a(3)(A)(iii); 10 C.F.R. § 1040.3 (DOE regulations). The term “social services” should be construed broadly consistent with ordinary meaning.<sup>4</sup>

The DPS<sup>5</sup> and DEC<sup>6</sup> are agencies or instrumentalities of the State of New York. National Grid is a corporation that receives federal assistance and provides a “social service.” Specifically, it provides gas, heat and electricity, which are critical social services for over 1.3 million customers in the New York Area. In addition, National Grid provides low-cost fuel and Home Energy Assistance Program (“HEAP”) benefits.<sup>7</sup> As such, all three entities meet the definition of program or activity under Title VI and must comply with Title VI in all of their duties.

## **B. Federal Financial Assistance**

DPS, DEC, and National Grid are recipients of federal financial assistance as defined in Title VI implementing regulations for DOT, EPA, and DOE. The regulations define federal financial assistance to

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<sup>3</sup> *Ass’n of Mexican-Am. Educators v. Cal.*, 195 F.3d 465, 474-75 (9th Cir. 1999), *rev’d in part on other grounds*, 231 F.3d 572 (9th Cir. 2000).

<sup>4</sup> U.S. Dep’t of Justice, TITLE VI LEGAL MANUAL 30 (Section V), <https://www.justice.gov/crt/book/file/1364106/download> (“The terms ‘education, health care, housing, social service, or parks and recreation’ should be construed broadly consistent with ordinary meaning.”) (last visited Aug. 28, 2021).

<sup>5</sup> The New York State Department of Public Service (DPS) regulates and oversees access to electric, gas, and other services, and ensures that natural gas pipelines are constructed and operate safely, and comply with all state and federal requirements. NYS PBS § 3. The Public Service Commission (PSC) is the agency within DPS that oversees the manufacturing, transportation, sale, and distribution of gas and electricity. NYS PBS § 4. Under state law and through an agreement with the Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA), DPS is responsible for developing and enforcing safety standards for all natural gas and hazardous liquid pipelines located within the state. Before constructing and operating a pipeline, all pipeline operators must submit a letter of intent and proof of compliance with state and federal pipeline safety standards with DPS.

<sup>6</sup> The New York State Department of Environmental Conservation (DEC) is the State’s environmental protection and regulatory agency and is charged with regulating and enforcing New York’s environmental protection laws and related federal laws pursuant to an agreement with the Environmental Protection Agency. DEC’s administers state and federal anti-air pollution laws and plays a key role in issuing permits for gas infrastructure. NYS ECL § 3-0301(1)(i) (describing the DEC’s purpose as the “prevention and abatement of all water, land and air pollution including, but not limited to, that related to hazardous substances, particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids.”).

<sup>7</sup> National Grid provides substantial assistance to low-income individuals. *See, e.g.*, National Grid, *New York City gas customers: Do you need help paying your bills?*, [https://www.nationalgridus.com/media/pdfs/billing-payments/bill-inserts/nyc/gas\\_financial\\_assistance\\_ny\\_bill\\_insert.pdf](https://www.nationalgridus.com/media/pdfs/billing-payments/bill-inserts/nyc/gas_financial_assistance_ny_bill_insert.pdf) (last visited Aug. 26, 2021).

mean “any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty)”). 10 C.F.R. § 1040.2(b)(3).

DPS receives pipeline safety base grants awarded by DOT’s PHMSA. According to PHMSA, DPS received a Natural Gas Pipeline Safety Base Grant in the amount of \$4,656,327 for fiscal years 2020-21.<sup>8</sup> It has received \$517,432 this year.<sup>9</sup>

DEC has nine active grants with the Environmental Protection Agency totaling \$492.5 million.<sup>10</sup> In 2021, DEC received \$213.6 million from the EPA.<sup>11</sup>

National Grid currently has a \$12.4 million grant from the Department of Energy to facilitate research and development.<sup>12</sup>

### C. Timeliness

On March 2, 2021, DEC issued a “negative declaration,” finding no significant environmental impact for an Article 19 Air State Facility permit application related to a limited part of Phase 5 of National Grid’s MRI project. In making this assessment, DEC impermissibly segmented its review and failed to analyze the “whole action,” including Phases 1-4 of the same project. Further, DEC failed to consider the impact of the pipeline on communities of color, despite the fact that it is routed through such communities.

On August 12, 2021, DPS approved a rate increase authorizing National Grid to complete construction and recover costs associated with Phases 1-4 of the MRI project. DPS approved this rate hike even though it was on notice that National Grid failed to comply with key components of the Pipeline Safety Act and state law. Furthermore, DPS failed to analyze the environmental impact of the pipeline. Nor did it analyze or consider the disproportionate impact of the pipeline on communities of color. DPS

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<sup>8</sup> USA Spending, Department of Transportation Grant Summary to New York State Public Service Commission for 2021, [https://www.usaspending.gov/award/ASST\\_NON\\_693JK32030032PGSB\\_6957](https://www.usaspending.gov/award/ASST_NON_693JK32030032PGSB_6957) (last visited Aug. 26, 2021). The purpose of this funding is to “develop, support and maintain inspection and enforcement activities for State gas and hazardous liquid pipeline safety programs.” *Id.*

<sup>9</sup> *Id.* In 2019, DPS received over \$5.5 million in federal special revenue funding. NYS DPS 2018-2019 Appropriations, <https://www.budget.ny.gov/pubs/archive/fy19/exec/agencies/appropData/PublicServiceDepartment.html> (last visited Aug. 26, 2021).

<sup>10</sup> USA Spending, Spending by Prime Award (Grants) FY 2021, <https://www.usaspending.gov/search/?hash=81ff1e533f058d96bcbc2ec1742d4d3f> (last visited Aug. 26, 2021).

<sup>11</sup> USA Spending, New York State Department of Environmental Conservation: 12-month federal grants and trends, <https://www.usaspending.gov/recipient/12daf674-a8e1-1168-cc5e-1600ca96e02f-C/latest> (last visited Aug. 26, 2021).

<sup>12</sup> National Grid, National Grid Annual Report and Accounts 2020/21, at 13, <https://www.nationalgrid.com/document/142126/download> (“[T]he US Department of Energy awarded \$12.4 million to facilitate research and development in accelerating hydrogen blending into the transmission infrastructure.”) (last visited Aug. 28, 2021); *see also id.* at 17, 42 (same). According to the DOJ, “the financial assistance does not have to relate to a program in which the complainant participates or seeks to participate or used for the complainant’s benefit. Rather, an agency only has to prove that the entity received federal financial assistance when the alleged discrimination occurred.” DEP’T OF JUSTICE, *supra* note 4 at 11-12 (Section V) (*citing Howe v. Hull*, 874 F. Supp. 779, 789 (N.D. Ohio 1994) (“Defendant cannot receive federal funds on the one hand, and on the other deny he is covered by the [federal Rehabilitation Act] simply because he received no federal funds for his involvement with [complainant].”).

did, however, require National Grid to halt construction on the portion of the MRI project that would have directly impacted majority white communities.

National Grid's siting, construction, and operation of the pipeline constitutes a systematic policy and practice of discrimination that continues to this day.<sup>13</sup>

### **III. FACTUAL BACKGROUND**

#### **A. The Harmed Communities**

##### **1. Demographics of the MRI North Brooklyn Pipeline Route**

The North Brooklyn Pipeline runs through the neighborhoods of Brownsville and Ocean Hill (Brooklyn Community District 16), Bushwick (Brooklyn Community District 4) and East Williamsburg, Williamsburg, and Greenpoint (Brooklyn Community District 1).<sup>14</sup>

Approximately 159,000 New Yorkers, who are predominantly and disproportionately Black and Latinx, live within the 1,275-foot blast evacuation radius of the North Brooklyn Pipeline.<sup>15</sup> Overall, approximately 70 percent of the community surrounding the pipeline is non-white, and 30 percent is white.<sup>16</sup> The population of the surrounding communities in the 1,275 square foot blast zone of the pipeline in Brownsville is 78 percent Black, and 44 percent Black for the entire pipeline route.<sup>17</sup> In stark contrast, the population of New York City is only 30 percent Black. Similarly, the population of the 1,275 square foot blast-zone in Brownsville is 65% Latinx, and approximately 39.3 percent for the entire pipeline route blast-zone, while Latinx only comprise 29.8 percent of the population in New York City.<sup>18</sup>

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<sup>13</sup> On March 12, 2021, National Grid reported to PHMSA and DPS that it had not conducted any pressure tests and that it did not install any new transmission pipeline during 2020 even though it began operating Phases 1-4 of the pipeline in that year and continues operating the untested pipeline to this day. PHMSA FOIL Response, PHMSA FOIL Response, National Grid Annual Report for Calendar Year 2020 Natural Or Other Gas Transmission and Gathering Systems (March 12, 2021), Exhibit K [hereinafter PHMSA FOIL Response, National Grid Annual Transmission System Reports, Ex. K].

<sup>14</sup> The 59 Community Districts ("CDs") were established citywide by local law in 1975. For a complete listing of all CDs and their boundaries, visit <https://communityprofiles.planning.nyc.gov>; see also Hinterland K. et al., Community Health Profiles 2018, Brooklyn Community District 16: Brownsville; 2018, 40(59) [hereinafter "Brownsville Community Health Profiles 2018"]; Hinterland K. et al., Community Health Profiles 2018, Brooklyn Community District 4: Bushwick; 2018, 28(59) [hereinafter "Bushwick Community Health Profiles 2018"]; King L. et al., Community Health Profiles 2015, Brooklyn Community District 1: Greenpoint and Williamsburg; 2015, 25(59) [hereinafter "Greenpoint and Williamsburg Community Health Profiles 2015"].

<sup>15</sup> "New Yorkers mount resistance against North Brooklyn Pipeline", FRACTRACKER ALLIANCE, 18 May 2020, <https://www.fracktracker.org/2020/05/new-yorkers-resistance-against-north-brooklyn-pipeline/>

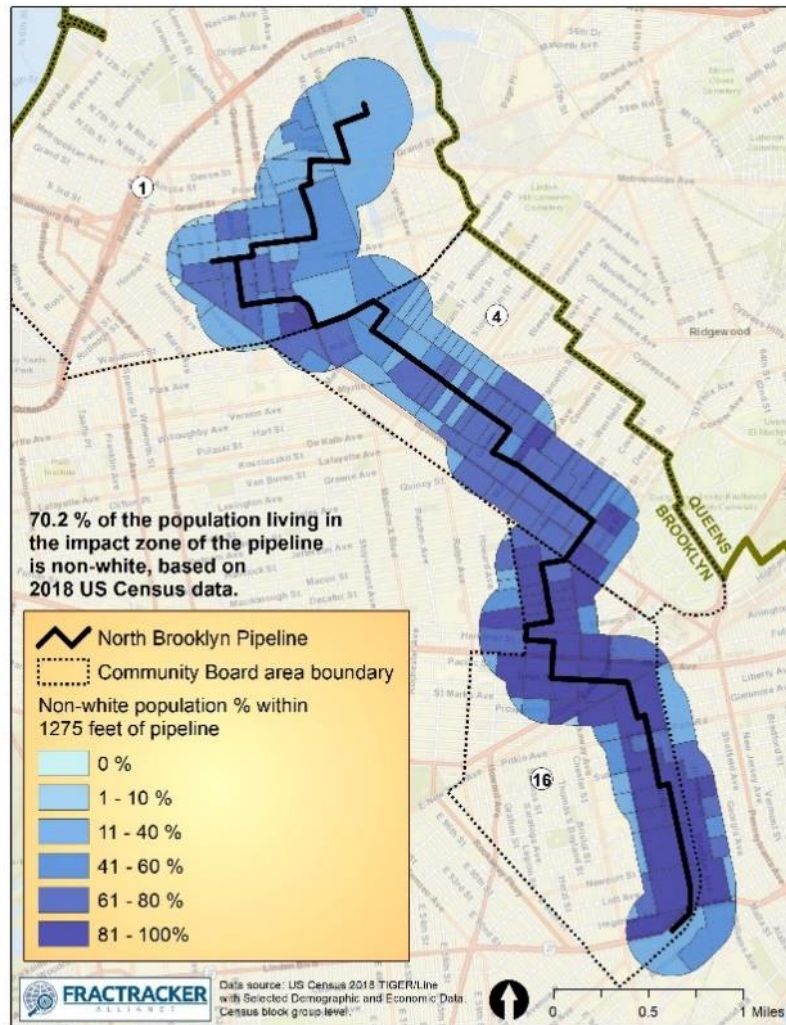
<sup>16</sup> Audrey Carleton, 'They're Liars': Activists Say Brooklyn Residents Were Not Informed Of Fracked Gas Pipeline, GUARDIAN (Dec. 21, 2020), <https://www.theguardian.com/environment/2020/dec/21/brooklyn-natural-gas-pipeline-fracking-bushwick>; Fracktracker Alliance analysis for National Center of Law and Economic Justice (on file with authors).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*; United States Census Bureau, Quick Facts for New York City, New York: Population Estimates (July 1, 2019), <https://www.census.gov/quickfacts/newyorkcitynewyork>

Race of Residents in Blast Zone v NYC <sup>19</sup>			
Residents in Blast Zone			NYC
White	47,619	29.8%	42.7%
Black	70,849	44.3%	24.3%
Latinx	62,895	39.3%	29.1%

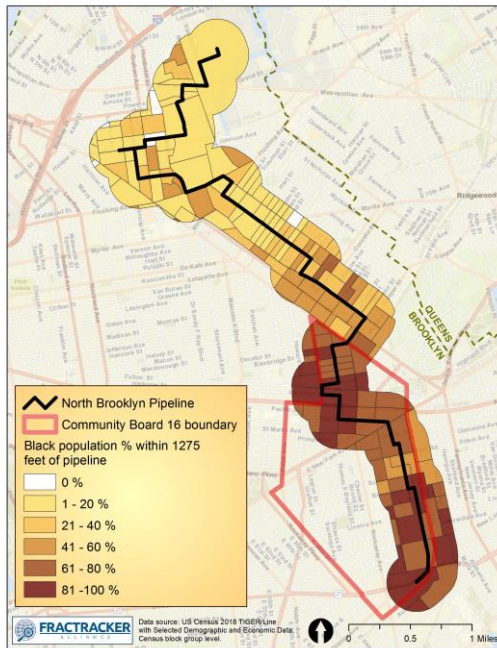
### Racial Demographics of Pipeline Blast Zone



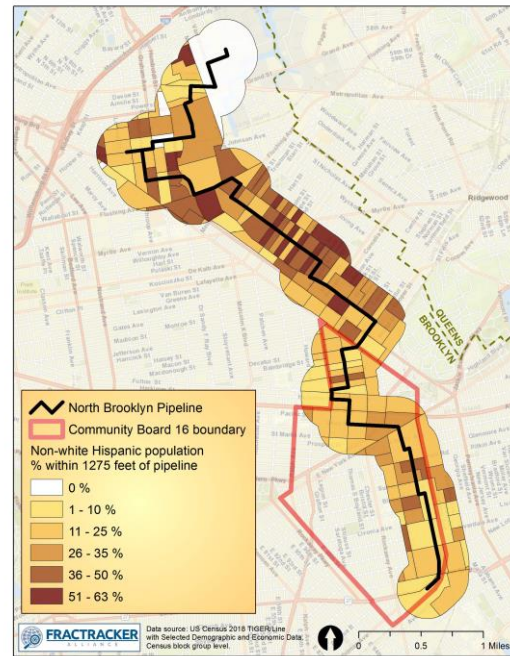
<sup>19</sup> *Id.* This complaint uses “Latinx” for U.S. Census-defined Hispanic population.



## Black Population of Blast Zone



## Latinx Population of Blast Zone



## 2. Brownsville and Ocean Hill

Brownsville and Ocean Hill residents already contend with staggering environmental injustices resulting from decades of racist public policies.<sup>20</sup> The City has designated this neighborhood an Environmental Justice Area.<sup>21</sup> The community is 76% Black<sup>22</sup> in sharp contrast to New York City as a whole, which is 22% Black<sup>23</sup> In Brownsville and Ocean Hill, the median household income hovers below \$33,000—49% lower than the citywide median.<sup>24</sup> Twenty eight percent of residents live in poverty, compared to 20% of all New York City residents.<sup>25</sup>

<sup>20</sup> Jennifer Pierre et al., *Building a Culture of Health at the Neighborhood Level Through Governance Councils*, 45 J. OF COMMUNITY HEALTH 871, 872 (2020): (“For New York City residents living in neighborhoods like East Harlem, Tremont and Brownsville, historical injustices, racist practices and policies have worsened environmental conditions and perpetuated poor health outcomes.”).

<sup>21</sup> See *Environmental Justice Areas*, NYCDOH, <https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf> (designating Brownsville, Ocean Hill, Bushwick, and East Williamsburg Environmental Justice Areas) (last visited Aug. 26, 2021).

<sup>22</sup> Brownsville Community Health Profiles 2018, *supra* note 14, at 2.

<sup>23</sup> *Id.*

<sup>24</sup> NYU Furman Center, *State of the City 2019: Brownsville*, <https://furmancenter.org/neighborhoods/view/brownsville> (last visited Aug. 26, 2021).

<sup>25</sup> Brownsville Community Health Profiles 2018, *supra* note 14, at 7.

The health inequities currently and historically born by the Brownsville and Ocean Hill communities are astounding and unacceptable. New York City Department of Health and Mental Hygiene reports that a “baby born to a family that lives in the Upper East Side will live 11 years longer than a baby born to a family in Brownsville.”<sup>26</sup> The leading cause of premature death in the neighborhood is cancer, at a rate nearly twice as high as the citywide average.<sup>27</sup> Brownsville also has the highest rate for adult asthma in New York City (14%)<sup>28</sup> and more than double the rate of child asthma emergency department visits than the city average.<sup>29</sup> The neighborhood also has the second-highest concentration of public housing in the city and a high concentration of housing exposed to mold and pests.<sup>30</sup> The average life expectancy in Brownsville and Ocean Hill is six years below the citywide average.<sup>31</sup>

These existing health disparities are caused by many factors, including the quality of the local environment. The levels of the most harmful air pollutant, fine particulate matter (PM<sub>2.5</sub>), are 8.0 micrograms per cubic meter in Brownsville and Ocean Hill compared to 7.5 citywide.<sup>32</sup> Along the proposed pipeline route in these communities, there are 28 environmental remediation sites.<sup>33</sup>

Brownsville has the highest score of the city’s Heat Vulnerability Index, a measure of the risk of heat-related illness or death.<sup>34</sup> Only 71% of households have air conditioning, compared to 89% citywide.<sup>35</sup>

Brownsville is a resilient community that continues to resist the forces of racial capitalism. Situated on land stolen from the Lenape by white colonizers, the modern incarnation of Brownsville was developed as a residential neighborhood for Jewish immigrants who worked in factories in lower Manhattan.<sup>36</sup> The demographics shifted from the 1930s, as Black migrants from the Jim Crow era South moved into the neighborhood and Jews moved out, exercising social mobility not available to the Black residents.<sup>37</sup> The white flight out of Brownsville was precipitous: the neighborhood was two-thirds white

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<sup>26</sup> *Id.*, at 5.

<sup>27</sup> *Id.*, at 18 (reporting premature death from cancer in Brownsville at 80.8 compared to 46.2 citywide).

<sup>28</sup> Ian Kumamoto, *A Fracked Gas Pipeline Is Coming to Brooklyn. Residents Are Invoking BLM to Fight It*, VICE (Oct. 15, 2020, 10:36 am), <https://www.vice.com/en/article/v7m444/fracking-pipeline-brownsville-brooklyn-black-lives-matter-blm> (last visited Aug. 26, 2021); “Is Your Home Bad for Your Health? Know if Mold, Roaches and Rodents Are a Problem Before Moving In,” LOCALIZE (Jan. 21, 2019), <https://www.localize.city/blog/is-your-home-bad-for-your-health-know-if-mold-roaches-and-rodents-are-a-problem-before-moving-in/>.

<sup>29</sup> Brownsville Community Health Profile 2018, *supra* note 14, at 12.

<sup>30</sup> Kumamoto, *supra* note 29.; “Is Your Home Bad for Your Health? Know if Mold, Roaches and Rodents Are a Problem Before Moving In,” *supra* note 20.

<sup>31</sup> Brownsville Community Health Profile 2018, *supra* note 14, at 20.

<sup>32</sup> *Id.*, at 9.

<sup>33</sup> U.S. ENV’T’L PROTECTION AGENCY, “Aerometric Information Retrieval System—Airs Faculty Subsystem,” [https://cfpub.epa.gov/si/si\\_public\\_record\\_Report.cfm?Lab=&dirEntryID=2779](https://cfpub.epa.gov/si/si_public_record_Report.cfm?Lab=&dirEntryID=2779) (last visited Aug. 28, 2021). Draft DEC Environmental Assessment Form for National Grid North Brooklyn Pipeline Route created by NCLEJ staff, Exhibit N [hereinafter Draft DEC EAF North Brooklyn Pipeline, Ex. N].

<sup>34</sup> NEW YORK CITY DEP’T OF HEALTH, “Environment & Health Data Portal: Heat Vulnerability Index,” [https://a816-dohbsp.nyc.gov/IndicatorPublic/HeatHub/hvi.html#:~:text=The%20Heat%20Vulnerability%20Index%20\(HVI,contribute%20to%20neighborhood%20heat%20risk](https://a816-dohbsp.nyc.gov/IndicatorPublic/HeatHub/hvi.html#:~:text=The%20Heat%20Vulnerability%20Index%20(HVI,contribute%20to%20neighborhood%20heat%20risk).

<sup>35</sup> Brownsville Community Health Profile 2018, *supra* note 14, at 9.

<sup>36</sup> Wendell Pritchett, *BROWNSVILLE, BROOKLYN: BLACKS, JEWS, AND THE CHANGING FACE OF THE GHETTO* 9 (University of Chicago Press 2002).

<sup>37</sup> *Id.*; see also Jerald Podair *Book Review: Brownsville, Brooklyn: Blacks, Jews, And The Changing Face Of The Ghetto*, URBAN STUDIES, Vol. 40, No. 1, 183-185 (January 2003).



in the mid-1950s and three-quarters Black and Puerto Rican in 1962.<sup>38</sup> Environmental injustice is a foundational feature of Brownsville: in the 1880s, fumes from the glue factories along Jamaica Bay would blow upwind into Brownsville.<sup>39</sup> In June of 1970, activists protested the mass accumulation of garbage in their neighborhood.<sup>40</sup> In 1988, a group of Brownsville activists sued the City for \$1.5 million for damages associated with the smoke stacks attached to the North River Sewage Treatment Plant. The plant was located less than half a mile away from the local middle school. As well, there was a 24-hour constant cycle of diesel trucks idling outside the plant, further adding to the poor air quality.<sup>41</sup>

### 3. Bushwick

Bushwick is also an Environmental Justice Area and overburdened with health inequities stemming from decades of racist public policies.<sup>42</sup> The Bushwick community is 65% Latinx,<sup>43</sup> in contrast to New York City as a whole at 29% Latinx.<sup>44</sup> Bushwick is a rapidly gentrifying area, increasing pressures on its community.<sup>45</sup> 25% of Bushwick residents live in poverty, compared to 20% of all New York City residents.<sup>46</sup>

Bushwick has the second highest score of the city's Heat Vulnerability Index.<sup>47</sup> Bushwick's level of the most harmful air pollutant, fine particulate matter (PM2.5), is 8.1 micrograms per cubic meter compared to 7.5 citywide.<sup>48</sup> Bushwick also sites a waste transfer station, further polluting its air quality.<sup>49</sup> Along the proposed pipeline route in Bushwick, there are multiple environmental remediation sites.<sup>50</sup>

### 4. East Williamsburg, Williamsburg, and Greenpoint

The end of the pipeline traverses the neighborhoods of East Williamsburg, Williamsburg, and Greenpoint, all part of Brooklyn Community District 1.<sup>51</sup> East Williamsburg is a designated

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<sup>38</sup> Pritchett, *supra* note 37, at 149, 152.

<sup>39</sup> *Id.*

<sup>40</sup> Joseph Lelyveld, *Brownsville Erupts in Violence Over Huge Accumulations of Garbage*, N.Y. TIMES, June 13, 1970, at 1, <https://www.nytimes.com/1970/06/13/archives/brownsville-erupts-in-violence-over-huge-accumulations-of-garbage.html> (last visited Aug. 28, 2021).

<sup>41</sup> NYC ENVIRONMENTAL RACISM, *Environmental Racism Case Study: New York City* <https://sites.google.com/a/owu.edu/nyc-environmental-racism/environmental-racism-case-study-new-york-city> (last visited Aug. 26, 2021).

<sup>42</sup> See NEW YORK CITY DEP'T OF HEALTH, "Environmental Justice Areas," <https://nycdohmh.maps.arcgis.com/apps/instant/lookup/index.html?appid=fc9a0dc8b7564148b4079d294498a3cf> (designating Brownsville and Bushwick Environmental Justice Areas) (last visited Aug. 28, 2021).

<sup>43</sup> Bushwick Community Health Profiles 2018, *supra* note 14, at 2.

<sup>44</sup> *Id.*

<sup>45</sup> Chelsey Sanchez, *High Rises In Bushwick? City's Rezoning Scheme Ignores Previous Community Plans*, *The Independent*, Dec 19, 2019, [https://independent.org/2019/12/high-rises-in-bushwick-citys-rezoning-scheme-ignores-previous-community-plans/?fbclid=IwAR1rwVpk5Le7hdqEAijnIZ7xbOYFdzn-pR3RCPC\\_D6BgHrSuvQY7bj0Uy8o](https://independent.org/2019/12/high-rises-in-bushwick-citys-rezoning-scheme-ignores-previous-community-plans/?fbclid=IwAR1rwVpk5Le7hdqEAijnIZ7xbOYFdzn-pR3RCPC_D6BgHrSuvQY7bj0Uy8o).

<sup>46</sup> Bushwick Community Health Profiles 2018, *supra* note 14, at 7.

<sup>47</sup> NEW YORK CITY DEP'T OF HEALTH, *supra* note 34.

<sup>48</sup> Bushwick Community Health Profiles 2018, *supra* note 14, at 9.

<sup>49</sup> Emily Pontecorvo, *Bike Messengers*, GRIST (June 12, 2020) <https://grist.org/energy/a-bike-ride-through-brooklyn-traces-the-path-of-national-grids-proposed-pipeline/> (last visited Aug. 27, 2021).

<sup>50</sup> U.S. ENV'T'L PROTECTION AGENCY, *supra* note 33; Draft DEC EAF North Brooklyn Pipeline, Ex. N *supra* note 33.

<sup>51</sup> Greenpoint and Williamsburg Community Health Profiles 2015, *supra* note 14.

Environmental Justice Area and Williamsburg is a Potential Environmental Justice Area.<sup>52</sup> Greenpoint, the only neighborhood on the pipeline route that is not an Environmental Justice Area, is predominantly white.<sup>53</sup> Notably, however, the only part of this area that is not predominantly white, the New York City Housing Authority (“NYCHA”) Cooper Park Houses, is adjacent to National Grid’s LNG facility.<sup>54</sup> Greenpoint is home to one of the largest oil spills in U.S. history, as oil refineries leaked nearly 30 million gallons of oil into Newtown Creek for decades.<sup>55</sup> Newtown Creek is currently a Superfund site for which National Grid is partially responsible.<sup>56</sup>

## **B. History of the North Brooklyn Pipeline**

### **1. The 2016 Rate Case**

In January 2016, National Grid filed a rate case with the DPS Public Service Commission seeking higher rates for the period January 1, 2017 through December 31, 2019.<sup>57</sup> In its filing, National Grid explained its intent to use some of the increase to fund the Metropolitan Reliability Infrastructure Project, which it described as “an operational loop to the existing Brooklyn backbone system through the installation of approximately 34,000 feet of 30 inch, 350 psig transmission main from Linden Boulevard in Brownsville to Maspeth Avenue in Greenpoint and installation of associated gate stations.”<sup>58</sup> National Grid claimed the expansion was necessary to increase system reliability and operational flexibility. *Id.* The company also described its plans for capital upgrades to the Greenpoint Liquefied Natural Gas (LNG) facility.<sup>59</sup>

Though framed as a system reliability upgrade, in reality National Grid planned and proposed a major, multi-state expansion of fracked gas infrastructure, from which it would earn a profit and low-income Black and Latinx communities in Brooklyn would bear the risk. National Grid planned to use the pipeline to transport an additional 850,000 dekatherms of gas per day.<sup>60</sup> Under National Grid’s grand plan, it would bring fracked gas from Pennsylvania through the North Brooklyn Pipeline to the

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<sup>52</sup> See NYCDOH, *supra* note 43.

<sup>53</sup> *Id.*

<sup>54</sup> Samantha Maldonado, *Judge Temporarily Freezes Plan to Truck Frigid Liquid Natural Gas to Brooklyn*, The City (Aug. 5, 2021), <https://www.thecity.nyc/environment/2021/8/5/22612076/brooklyn-pipeline-national-grid-liquid-natural-gas-trucking> (last visited Aug. 29, 2021).

<sup>55</sup> Amir Khafagy, *A Pipeline Battle in the Heart of Brooklyn*, PROSPECT (Mar. 18, 2021), <https://prospect.org/environment/pipeline-battle-in-the-heart-of-brooklyn/> (last visited Aug. 27, 2021).

<sup>56</sup> U.S. ENVTL. PROTECTION AGENCY, *Case Summary: Settlement Reached at Newtown Creek Superfund Site*, <https://www.epa.gov/enforcement/case-summary-settlement-reached-newtown-creek-superfund-site> (last visited Aug. 27, 2021).

<sup>57</sup> *Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for gas Service and KeySpan Gas East Corp. d/b/a National Grid for Gas Service*, Cases 16-00252/16-G-0059 0310 [herein after Case 16-00252], Dkt. No. 1, *KEDNY Major Rate Case Filing*, (Jan. 26, 2016), <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-g-0059&submit=Search>.

<sup>58</sup> Case 16-00252, Dkt. No. 2, KEDNY-KEDLI Book 4-NY, at 82-83 (Jan. 29, 2016), <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-g-0059&submit=Search>.

<sup>59</sup> *Id.* at 79-80.

<sup>60</sup> Case 16-00252, Dkt. No. 2: KEDNY-KEDLI Book 4-NY, at 82-83 (Jan. 29, 2016); Case 16-00252, Dkt. No. 13, Book 4 KEDNY - C&U, at 23 (April 4, 2016).

Greenpoint LNG facility in New York, which would expand to increase production capacity.<sup>61</sup> From there, National Grid intended to transport LNG by truck for sale in Massachusetts.<sup>62</sup> Despite the fact that National Grid sought to bring gas from Pennsylvania to New York and then to Massachusetts, it did not seek a permit from the Federal Energy Regulatory Commission, which regulates the transportation of gas in interstate commerce.

National Grid did not assess the environmental risks of the proposed pipeline, including the impact on communities of color or greenhouse gas emissions it would produce.<sup>63</sup> Nor did National Grid consider the disparate impact of the pipeline on communities of color.<sup>64</sup> Similarly, National Grid did not evaluate potential greenhouse gas emissions or environmental justice impacts of the proposed Greenpoint LNG facility expansion or the LNG trucking station.<sup>65</sup> National Grid never conducted an evacuation zone study to determine how schools, residents, or businesses should respond in case of an emergency, and maintained that such a study was not necessary.<sup>66</sup> Nor did it seek the approval of the New York City Council for the pipeline law route, as required by state law.

National Grid routed the pipeline through predominantly Black and Latinx communities, with Phases 1-4 snaking through Brownsville, Ocean Hill, and Bushwick. In the primary part of Phase 5, the proposed pipeline route circumvented predominantly White areas to pass through predominantly Latinx neighborhoods. National Grid provided no reason for this convoluted route.<sup>67</sup>

National Grid considered and rejected various alternatives to the proposed pipeline. For example, National Grid rejected a possible route along Third Avenue in Brooklyn because it “would likely be more expensive and challenging from a routing and construction perspective, and would not provide as many benefits as the proposed project.”<sup>68</sup> National Grid did not elaborate on why the Third Avenue route—which would have been shorter and traversed a less heavily-residential neighborhood—offered fewer benefits and why it would be more expensive. However, this route would have traveled through some majority white and higher income neighborhoods.

National Grid also considered and rejected the option of doing “nothing.” *Id.* But it did not explore whether any actions short of building a massive fracked gas pipeline could improve system reliability and flexibility.

DPS did not hold hearings anywhere along the proposed pipeline’s route. DPS did not consider or acknowledge the disproportionate impact of the route on Black and Latinx communities. DPS approved a

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<sup>61</sup> The MRI pipeline “brings natural gas from Pennsylvania and runs through the Brownsville, Bedford-Stuyvesant, Bushwick, East Williamsburg and Greenpoint neighborhoods, ending at the National Grid depot facility in Maspeth, Queens near Newton Creek.” Case 19-G-0309 et al. *supra* note 1, at 43 n.76.

<sup>62</sup> *Sane Energy Project et al v. City of New York et al*, Case No. 518354/2021, Dkt. No 7, Art. 78 Petition, Ex. F, LNG Variance Petition, at 5, 20 (July 23, 2021), <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=iK7Vyu3k1B/zGJuxqMhDVQ> [hereinafter National Grid FDNY Variance Petition].

<sup>63</sup> Case 19-G-0309 et al., Dkt. No. 111, Corrected Evid. Hrg. Transcript Volume 9, Corrected - Tuesday, Feb. 25, 2020 at 4590: 9-13 (Mar. 19, 2020).

<sup>64</sup> *Id.* at 4591: 13-21.

<sup>65</sup> *Id.* at 4602:19-4603:17.

<sup>66</sup> Case 19-G-0309 et al., *supra* note 1, Dkt No. 208: Exhibit Sane 11.4 (Mar. 02, 2020) at 2.

<sup>67</sup> Aiysha Rodriguez, *A Case Study of Environmental Injustice in New York City*, (Dec. 1, 2020) <https://storymaps.arcgis.com/stories/915c36e02c3d4c81b422c26eaa975155> (last visited Aug. 27, 2021).

<sup>68</sup> Case 16-00252, Dkt. No. 2: KEDNY-KEDLI Book 4-NY, Testimony of the Gas Infrastructure and Operations Panel, at 218, at 77 (Jan. 29, 2016) [hereinafter Testimony of the Gas Infrastructure and Operations Panel].

rate increase in an order issued and effective December 16, 2016.<sup>69</sup> Brownsville, Ocean Hill, Bushwick and East Williamsburg residents did not participate in the rate case, nor did they know of National Grid's plans for their neighborhoods.

## **2. Construction of the North Brooklyn Pipeline Begins**

National Grid segmented the MRI project into five phases of construction. Construction of Phase 1—the Brownsville segment—began quietly in May 2017.<sup>70</sup> National Grid failed to obtain authorization from the New York City Council as required by New York Transportation Corporation Law § 87. There were no public hearings or other opportunities for community members to learn about the proposed pipeline and share their concerns. National Grid claims that it performed public outreach to advise community members of the project.<sup>71</sup> Community members say otherwise.<sup>72</sup> Regardless, National Grid's website and published materials misrepresent the nature of its work. An informational flyer for Phase 1 of the pipeline states that the company is "installing about 1.4 miles of new gas main from Linden Boulevard to Glenmore Avenue."<sup>73</sup> National Grid made similar misrepresentations in the "Construction Updates" section of its website (these "Construction Updates" began in July 2018, in Phase 2 of pipeline construction).<sup>74</sup> In fact, National Grid was not installing a "gas main" but rather a transmission pipeline. The two are not the same.<sup>75</sup> The National Grid website describes construction of small segments of "gas main," but nowhere does it describe the pipeline as a large, 7-mile expansion of its gas infrastructure designed to carry massive amounts of gas at high pressure.<sup>76</sup> And as described below, National Grid hid the nature of the project even when asked by local residents about the purpose of active construction.

## **3. National Grid Fails to Comply with Public Awareness Requirements under the Pipeline Safety Act**

The federal Pipeline Safety Act and New York's implementing regulations require pipeline operators to educate the general public about safety risks associated with a pipeline, including possible

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<sup>69</sup> Case 16-00252, Dkt. No. 127, *Order Adopting Terms of Joint Proposal and Establishing Gas Rate Plans* (Dec. 16, 2016).

<sup>70</sup> Jessie Edwards, *Controversial Fracked Gas Pipeline in Brooklyn Continues, Despite Calls to Stop Construction Immediately*, BK READER (October 13, 2020), <https://www.bkreader.com/2020/10/13/controversial-fracked-gas-pipeline-in-brooklyn-continues-despite-growing-calls-to-stop-construction> (last visited Aug. 27, 2021); NATIONAL GRID, "About the Metropolitan Natural Gas Reliability Project (June 2021),"

<sup>71</sup> *Id.*

<sup>72</sup> See e.g., *id.* ("Everyone in the neighborhood thought they were fixing the plumbing.").

<sup>73</sup> National Grid, "Metropolitan Natural Gas Reliability Project – Phase 1," [http://www.eastbrooklynbid.org/uploads/6/4/5/8/6458522/national\\_grid\\_metropolitan\\_gas\\_project\\_final\\_2017.pdf](http://www.eastbrooklynbid.org/uploads/6/4/5/8/6458522/national_grid_metropolitan_gas_project_final_2017.pdf) (last visited Aug. 29, 2021).

<sup>74</sup> National Grid, "Construction Update: July 18, 2018," <https://nationalgridgasprojectsny.com/brooklynmetro/news/update-2/> (last visited Aug. 27, 2021).

<sup>75</sup> A "main" is "a distribution line that serves as a common source of supply for more than one service line." 49 C.F.R. § 192.3. A "transmission line" is "a pipeline, other than a gathering line, that: (1) Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center; (2) operates at a hoop stress of 20 percent or more of SMYS; or (3) transports gas within a storage field." *Id.*

<sup>76</sup> See, e.g., National Grid, "Construction Update: November 5, 2018," <https://nationalgridgasprojectsny.com/brooklynmetro/news/construction-update-november-5-2018/> (last visited August 29, 2021).

leaks and what to do in case of accident.<sup>77</sup> The public education materials must be in English and other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.<sup>78</sup> National Grid must submit its public education program to its state regulator, the New York State Department of Public Safety, for periodic review. Under the regulatory structure imposed by the PSA, DPS has primary responsibility for ensuring that National Grid meets its public awareness obligations.

Community members living in close proximity to the Brooklyn pipeline have consistently reported that they did not see any such public awareness materials. They report that National Grid never informed them of the pipeline, its risks, or precautions they should take in the case of an accident. For this reason, residents did not know that National Grid built a pipeline through their neighborhoods until 2020—in some areas, well after construction ended and even after part of it was operational. For example:

- According to Celina Trowell, a Black woman, social worker, and community organizer with Brownsville Green Justice and the Ocean Hill-Brownsville Coalition of Young Professionals, who lives close to the pipeline with her son and husband, National Grid never sent or gave her any information about the pipeline, its risks, or precautions she should take in case of an explosion or leak.<sup>79</sup> She did not learn of the pipeline until June 2020, when a friend invited her to a protest held by the No BK Pipeline Coalition. In addition, she contacted New York State Assemblymember Latrice Walker to set up a meeting. When they spoke around August 25, 2020, the Assemblymember stated that “she did not know much about the North Brooklyn Pipeline and that she thought the construction was just upgrading infrastructure.” In September 2020, Ms. Trowell gave a presentation about the pipeline to Brooklyn Community Board 16, which includes Brownsville and Ocean Hill, to “inform[] them about the pipeline’s size, the lack of environmental review it had undergone, and the impending rate hikes associated with its construction.” Ms. Trowell stated that “[p]rior to my contacting them, the community board did not seem to know anything about the pipeline” and that “[t]he members had a lot of questions about my presentation.”
- Matilda Dyer, a sixty-eight year old Black woman and retired nurse who has lived in Brownsville for over 30 years and who lives on the street where the pipeline is located, also never received any information from National Grid about the construction of the pipeline, the potential for leaks and hazards, or precautions to take in case of an emergency.<sup>80</sup> Around 2018 and again in January 2020, she often saw and heard construction on and around her block. She did not learn about the pipeline until well after construction crews had left in Summer 2020, after it had already been installed and was allegedly operational. According to Matilda, “I am anxious and upset because the pipeline was placed so close to my home and I had no idea until at least two years after it was installed. It is very

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<sup>77</sup> 49 U.S.C. § 60116(a) (“Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.”); 9 C.F.R. § 192.616(a), (d) (“...each pipeline operator must develop and implement a written continuing education program that follows the guidance provided in the American Petroleum Institute’s (API) Recommended Practice (RP) 1162....”); 16 N.Y.C.R.R. § 255.616(a), (d) (same).

<sup>78</sup> 49 C.F.R. § 192.616(g) (“The program must be conducted in English in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operation’s area.”).

<sup>79</sup> Exhibit B, Statement of Celina Trowell [hereinafter Trowell Statement].

<sup>80</sup> Exhibit C, Statement of Matilda Dyer [hereinafter Dyer Statement].

unnerving because I know that gas lines in other areas have caused so much damage. I am concerned because we have both young people with asthma and other health conditions and senior citizens in this area. Respiratory issues are prevalent health concerns in our neighborhood.”<sup>81</sup>

- Edith Margarito, a sixty-two year old Latina woman and retired corrections officer who has lived in Brownsville for over thirty years and currently resides a half block away from the pipeline, also never heard about the pipeline from National Grid.<sup>82</sup> There was frequent construction on her block beginning in 2018 or earlier. When Edith asked a construction supervisor what they were doing, he replied that he worked for National Grid but did not tell her he was building a pipeline. Edith volunteers on the board of the Brownsville Nehemiah Homeowners Association, which had to pay approximately \$7,000 to fix a sewer break on their block in 2019. Edith believes this break was caused by National Grid’s construction. Edith learned about the pipeline when her neighbors were protesting against it in the summer of 2020. Since 2017, Edith has never received any information about the pipeline from National Grid, including information about the potential risks to her health and safety. Edith states, “To say I am disappointed about the pipeline is an understatement. I feel targeted. I am angry that my neighbors and I were not informed about the pipeline before it was installed.”<sup>83</sup>
- Fabian Rogers, a twenty-six year old Black man who has lived in Ocean Hill-Brownsville in proximity to the pipeline site since 2005, also stated that National Grid never notified him of the pipeline, any risks of fire or explosion, or any precautionary measures. Nor has he seen any permits. He did not hear about the pipeline until he attended a rally in September 2020, where people were protesting the pipeline—when it was already operational. According to Fabian, “Having National Grid build this pipeline in my neighborhood without my knowledge or consent feels like a slap in the face. It is frustrating and disrespectful that things like this happen in Black and Brown communities and it is hard to accept that this is happening and try to figure out how to fix it when it is not something we asked for.”<sup>84</sup>
- Similarly, Pati Rodriguez, who is of Ecuadorian and Indigenous descent, and who lives three or four blocks away from the North Brooklyn Pipeline in Bushwick, Brooklyn, was never informed about the pipeline by National Grid. The first time she heard about it was in January 2020, when the No Bk Pipeline Coalition contacted her to challenge the pipeline. She was “especially surprised to hear that a pipeline was being constructed because we were community organizers and our work regularly included environmental and climate justice organizing.” National Grid never notified her of her proximity to the pipeline or the risks of or precautions to take against leaks and explosions, nor has she seen a permit. In addition, even though her daughter attends a public school that is adjacent to the pipeline site in Bushwick, she never received information from her daughter’s school or from National Grid concerning the pipeline or safety information.<sup>85</sup>
- Maritza Henriquez, a 34-year-old mixed-race mother who lives on the pipeline route in Williamsburg Brooklyn with her son who goes to a school three blocks away from the pipeline, also never heard about the pipeline or any risks or precautions from National Grid. Maritza, who is also a member of

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<sup>81</sup> *Id.*

<sup>82</sup> Exhibit D, Statement of Edith Margarito [hereinafter Margarito Statement].

<sup>83</sup> *Id.*

<sup>84</sup> Exhibit E, Statement of Fabian Rogers [herein after Rogers Statement].

<sup>85</sup> Exhibit F, Statement of Pati Rodriguez [herein after Rodriguez Statement].



the Frack Outta Bk Coalition, first learned about the pipeline from in May 2020 from social media. She never heard about it from her son's school, and tried contacting them to do education, but no one ever got back to her. According to Maritza, "Community members who attended the FOBK teach-ins were in disbelief when they heard about the pipeline. Many community members assumed that the construction on their streets had to do with water main issues. They had no idea that a pipeline was being built. It was interesting to track the different reactions of different members of the community when they learned about the pipeline because Williamsburg has many Black and Brown residents who are mostly low-income, but it also has some more affluent white residents. The Black and Brown residents were surprised to learn that the pipeline was why there had been digging and holes on their blocks. A lot of the small businesses in the neighborhood that are owned by people of color lost business from the construction that was blocking the road. However, many of the white residents did not even know about the construction because there was nothing happening on their streets."<sup>86</sup>

#### **4. National Grid Files Second Rate Case Before DPS and Seeks Air Permit from the DEC, Triggering SEQRA Review**

In April 2019, National Grid filed a *second* rate case. This case sought additional recovery for Phases 4 and 5 of the pipeline, including the Greenpoint LNG facility and proposed LNG trucking station.

In May 2019, National Grid filed an air permit application with the NY DEC seeking to repermit the Greenpoint LNG station from a major Title V permit to a minor state facility permit. National Grid also sought permission to add two new CNG injection heaters and two new LNG vaporizers to the Greenpoint facility. The air permit application triggered the SEQRA review process, under which DEC must assess the environmental impact of the "whole action" of which the permitted process forms a part.

Although the work on the Greenpoint LNG facility was directly tied to the North Brooklyn Pipeline, National Grid made no reference to the pipeline in its application. In its rate case filings, National Grid repeatedly stated that the purpose of expanding the LNG facility was to produce and store gas that could be injected into the distribution system via the North Brooklyn Pipeline during times of peak demand. There would have been no reason to expand the Greenpoint facility without the extra capacity generated by the North Brooklyn Pipeline.<sup>87</sup> In fact, as National Grid represented to its shareholders and in the rate case for revenue, the North Brooklyn Pipeline and the Greenpoint LNG facility expansion (including the trucking station) were pieces of a single grand plan.

#### **5. Community Opposition Mounts As Brooklyn Residents Learn About the Pipeline**

In 2020, Brownsville, Ocean Hill, and Bushwick community members began learning about the pipeline for the first time through organizers with the No Brooklyn Pipeline Coalition, which includes the Sane Energy Project. Sane Energy, an environmental advocacy group, had intervened in the 2019 rate case and learned of the existence of the pipeline. After finding out about the pipeline by attending events organized by the No BK Pipeline Coalition, in the summer of 2020, Brownsville community members formed the Brownsville Residents Green Committee (now Brownsville Green Justice) to organize opposition to the pipeline. Concerned about the pipeline's impact on their health and safety, residents organized and joined protests, contacted their elected officials, submitted remarks in the rate case, and conducted community education to raise awareness about the pipeline.

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<sup>86</sup> Exhibit G, Statement of Maritza Henriquez [herein after Henriquez Statement].

<sup>87</sup> See generally Case 19-G-0309 et al., Dkt. No. 131, Exhibit 735 IR DPS-1091 (April 17, 2020).

For example, Celina Trowell, a founding member of BGJ, organized and participated in protests, contacted and met with her Assemblywoman and presented to Community Board 16 in September 2020.<sup>88</sup> According to Celina, “I am outraged that this pipeline was built in my community without my knowledge or consent. As the already densely populated New York City continues to build much-needed low-income housing in the neighborhood, there is an even greater risk of emergency if there is a leak or explosion and people have to evacuate. I am also terrified for my son’s future and the possible health effects associated with this pipeline.”<sup>89</sup> Maritza Henriquez, who is involved with the Parent-Teacher Association (PTA) at her son’s school, three blocks from the pipeline, informed science teachers and school officials about the pipeline, but did not hear back. She then joined Frack Out of Bk and began doing teach-ins at schools to educate them about the pipeline. She said that “community members who attended the FOBK teach-ins were in disbelief when they heard about the pipeline.”<sup>90</sup> Many residents expressed concern and protested the pipeline, based on deep concern about the health and safety of their and their families’ lives. For example, Pati Rodriguez, a member of Mi Casa Resiste, who lives close to the pipeline, and whose daughter attends public school right next to the pipeline, helped organize Frack Out of BK, a Black, Brown, and Indigenous-led Coalition formed in opposition to the pipeline, protested pipeline construction multiple times, and even chained herself to the construction site.<sup>91</sup> According to Pati: “I am upset that this pipeline was placed in our neighborhood without our knowledge or consent. I am concerned because I know that the risks are real and that there have been fracked gas leaks in other states that contaminate air, water, dirt, and the earth. The fumes are toxic and can cause cancer and asthma. You can see from the map that these pipelines are deliberately being placed in Black and Brown neighborhoods.”<sup>92</sup>

After Matilda Dyer, a 30-year resident of Brownsville and President of the Brownsville Nehemiah Homeowners Association, learned about the pipeline through a protest in 2020, “my neighbors and I did our own research and started informing our community as well. We started passing out flyers, held meetings in parks, and went door to door educating homeowners in Brownsville.”<sup>93</sup> She stated: “I think it is very unfair that certain neighborhoods are picked on and used for these purposes without their input. I believe it is only fair that when entities come into neighborhoods, they inform residents, so they have a say.”<sup>94</sup> Matilda was also one of the thousands of residents who submitted a comment in the rate case opposing the pipeline and rate hike to the former Governor and DPS PSC.<sup>95</sup>

In addition, elected officials began to learn and speak out about the pipeline publicly, to elected officials, and in the DPS-PSC rate case. On October 7 2020, Ocean Hill-Brownsville Assemblywoman Latrice M. Walker (D- 55), Councilwoman Alicka Ampry-Samuel wrote now-former Governor Cuomo, PSC Commissioner John Rhodes, and Mayor DeBlasio a letter expressing concern about the lack of transparency and environmental harms of the pipeline. Walker and Samuel stated:

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<sup>89</sup> *Id.*

<sup>90</sup> Henriquez Statement.

<sup>91</sup> Rodriguez Statement, *see also* Todd Maisel, *Four chained demonstrators arrested in Brooklyn pipeline protest*, AMNY (Oct 15. 2020), <https://www.amny.com/news/brooklyn-demonstrators-chain-gas-pipeline-fracking/>.

<sup>92</sup> Rodriguez Statement.

<sup>93</sup> Dyer Statement.

<sup>94</sup> *Id.*

<sup>95</sup> Case 19-G-0309 et al., Comment No. 2057, Comment of Matilda Dyer to Governor Cuomo and Honorable Michelle Phillips, Public Service Commission (Oct. 19, 2020) (“We at Brownsville do not need a fracking gas line in our community. This will be a deterrent and a hazard to our community our water and our people. We say no to the Brooklyn gas pipeline.”).

We are fierce advocates for our beloved Brownsville community and some of us are lifelong residents, with a deep understanding of the historical implications of a lack of an investment in our community's infrastructure, and as time passes our systems begin to wane and must be modernized. However, due to a lack of transparency around this entire effort and a dearth of input from local residents, it is unclear whether the MRI Project accomplishes this goal or seeks to accomplish goals that are far beyond what is necessary for the sake of modernization and reliability. Many in our community have reason to suspect that this project is actually a pipeline that intends to circumvent state laws and transport fracked gas across Brooklyn, leading to the expansion of liquefied and compressed natural gas depots. Continuing to undertake fossil fuel expansion projects will only exacerbate the emissions of greenhouse gasses and criteria air pollutants that have devastated our residents, many of which are already suffering from a plethora of respiratory health issues that have become even more life-threatening as a result of the COVID-19 pandemic.<sup>96</sup>

And in March 2021, Councilwoman Alicka Ampry-Samuel and Public Advocate Jumaane Williams introduced a resolution in the New York City Council urging the New York State Public Service Commission to deny a rate hike and all fossil fuel infrastructure development for the Metropolitan Reliability Infrastructure project.<sup>97</sup> In their resolution, they noted that the “seven-mile long pipeline will trench through several low-income neighborhoods where the majority of the population are people of color, and these same communities are considered ‘environmental justice’ neighborhoods as the residents face disproportionate environmental health burdens,” and highlighted that “78 percent of Brownsville residents are Black and the neighborhood has the highest rates of adult asthma and the lowest life expectancy in the City of New York.”<sup>98</sup>

## **6. National Grid Unlawfully Begins Operating Phases 1-4 of Pipeline Without Critical Safety Procedures, Including Pressure Testing the Pipeline**

In April 2020, National Grid began operating phases 1-3 of the pipeline,<sup>99</sup> and it added phase 4 into service in November 2020.<sup>100</sup> National Grid performed no public education or outreach to inform the community that an active gas transmission pipeline now ran through their neighborhood. In fact, National

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<sup>96</sup> Exhibit H; Case 19-G-0309 et al., Comment No. 2209, Assemblywoman Latrice M. Walker New York Assembly, (Oct. 10, 2020). In the opening comment in the rate case, Assemblywoman Walker noted elected officials had been pleading with the city and DPS to stop construction and revoke work permits. *Id.* (“We the undersigned electorate collectively representing the community of Brownsville are writing to you in the voice of our constituents who have been pleading with the City and State administrations to revoke work permits administered to National Grid by New York City and to deny National Grid’s Rate Case for the construction of Phase 5 of the Metropolitan Reliability Infrastructure (MRI) Project.”).

<sup>97</sup> N.Y. City Council Res. No. 1562 (as introduced on Mar. 18, 2021)

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4856753&GUID=5DD20438-43C9-4F06-9C01-837F222ED230&Options=&Search=> (last visited Aug. 27, 2021).

<sup>98</sup> While the bill is still in conference, it especially is notable because, as described below, state law required National Grid to get the approval of two-thirds of the City Council for the route and to install and operate the pipeline, but failed to do so. N.Y.S. Trans .Corp. § 87. This resolution in opposition is the only reference to the pipeline in City Council’s records.

<sup>99</sup> Case 19-G-0309 et al., Dkt. No 131, Exhibit 735 (April 17, 2020) [hereinafter Exhibit 735].

<sup>100</sup> National Grid Response to SANE-23 Request for Information No. NG-1487, Case No. 19G-0-309 et al Date of Request: December 21, 2020 Request No. SANE-23 (Jan. 4, 2020), <https://drive.google.com/file/d/10XoUrB4Cp6U20OTUQRbkXVEdLTSCr3eo/view>

Grid did not disclose that it had begun operating the pipeline until January 2021, and only then when forced to answer questions as part of the discovery process in the rate case.

The federal Pipeline Safety Act and New York’s implementing regulations, issued by the Public Service Commission, impose critical public safety requirements on gas transmission pipeline operators to ensure safe operation of pipelines. National Grid appears to have flouted many of these provisions:

- **Failure to test:** Prior to operation a pipeline operator must file a report certifying the maximum operating pressure and that the line has been constructed and tested in accordance with the law, and that all leaks have been located and eliminated. **National Grid reported to PHMSA that it did not perform any pressure testing in 2018, 2019, or 2020, in violation of law.**<sup>101</sup>
- **Failure to submit mapping data to PHMSA:** Federal law requires pipeline operators to submit geospatial data to the PHMSA for inclusion in the National Pipeline Mapping System.<sup>102</sup> **National Grid did not do this, and as a result the North Brooklyn Pipeline does not appear in the National Pipeline Mapping System.**<sup>103</sup> The PHMSA uses geospatial data, in part, to identify high consequence areas in which pipeline operators must take additional safety precautions.

**Failure to file operating and maintenance plan:** Prior to operation a pipeline operator must prepare and file a detailed operating and maintenance plan.<sup>104</sup> The plan requirements are extremely detailed and comprehensive in order to assure safe operation. The PHMSA has no record of such a plan for the North Brooklyn pipeline, nor does the DPS website show that such a plan was ever filed.

## **7. DEC Issues a “Negative Declaration” and Refuses to Consider the Environmental Impact of the North Brooklyn Pipeline**

In November 2020, the DEC issued its first “Negative Declaration,” in response to National Grid’s application to expand its Greenpoint gas processing center,<sup>105</sup> in which DEC stated that the

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<sup>101</sup> National Grid Annual Transmission System Reports, Ex. K, *supra* note 13. Pressure testing is required by 16 N.Y.C.R.R. § 255.503(a) (“No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been reconstructed, relocated, replaced, or reactivated until it has been tested in accordance with this Part to substantiate the proposed maximum allowable operating pressure and each leak has been located and eliminated.”). *See also* 49 C.F.R. § 192.503(a)(1) (same); 49 U.S.C. § 60139(d) (same).

<sup>102</sup> 49 U.S.C. § 60132(a)(1), (a)(4) (“[t]he operator of a pipeline facility (except distribution lines and gathering lines) shall provide to the Secretary of Transportation the following information with respect to the facility: (1) Geospatial data appropriate for use in the National Pipeline Mapping System or data in a format that can be readily converted to geospatial data. / (4) Any other geospatial or technical data, including design and material specifications, that the Secretary determines are necessary to this section.”).

<sup>103</sup> Department of Transportation Pipeline and Hazardous Materials Safety Administration, National Pipeline Mapping System, available at <https://pvnpm.phmsa.dot.gov/PublicViewer/> (last visited Aug. 28, 2021).

<sup>104</sup> 16 N.Y.C.R.R. § 255.603(b) (“Each operator shall prepare and file a detailed written operating and maintenance plan for complying with all the provisions of this Part before operations of a pipeline system commence...”).

<sup>105</sup> Exhibit A; *Sane Energy Project et al v. New York State Dept. of Environmental Conservation et al*, Case No. 706273/2021, Dkt. No. 3 Article 78 Petition, Exhibit A at 6 (March 18, 2021), <https://iapps.courts.state.ny.us/nyscef/DocumentList?docketId=QUstSgUASZLimsxWiySDoQ==&display=all&courtType=Queens%20County%20Supreme%20Court&resultsPageNum=1> (last visited Aug. 28, 2021) [hereinafter Negative Declaration].

proposed changes at the Greenpoint facility would not negatively impact the surrounding community.<sup>106</sup> The DEC also announced that the Greenpoint LNG expansion did not fall under Commissioner Policy 29,<sup>107</sup> which requires full environmental review and public hearings whenever a permit issuance would affect an environmental justice community (defined as a minority or low-income community that may bear a disproportionate burden of negative environmental consequences).<sup>108</sup> In reaching this decision, the DEC looked solely at the Greenpoint LNG facility and did not assess the environmental impact of the pipeline on the Brooklyn communities it impacted. Phases 1-4 of the pipeline run entirely through low-income communities of color that already bear a disproportionate share of environmental burdens even without the added burden of a fracked gas transmission pipeline.

BGC, along with Sane Energy Project and the University Network for Human Rights, filed a public comment opposing the Negative Declaration on the grounds, among others, that DEC had improperly segmented its review, that SEQRA required the agency to consider the environmental impact of the “whole action” including the pipeline, and that CP-29 clearly applied given the communities affected by the pipeline.

Following the round of public comments, National Grid submitted a revised permit application in February 2021, and on March 2, 2021, DEC issued an updated negative declaration.<sup>109</sup> The “updated” negative declaration is virtually identical to the first. That is, DEC once again failed and refused to assess the environmental impact of the North Brooklyn Pipeline on the low-income communities of color through which it runs. This is in direct contrast to a position DEC took with federal regulatory authorities and in a permit denial decision in a predominantly white community on the basis that a pipeline and related infrastructure must be subject to a unified review.<sup>110</sup>

#### **8. DPS and National Grid Agree to Rate Case Settlement that Benefits White Communities in Greenpoint but Harms Low-Income Black and Latinx Communities Along the Pipeline Route**

In May 2021, the parties to the rate case reached a proposed joint settlement. The settlement provided that National Grid would stop construction on Phase 5 of the North Brooklyn pipeline and the Greenpoint LNG facility. Expenditures for those projects were excluded from the rate hike. But Phases 1-4 would continue in service and National Grid would be permitted to raise rates to pay for them.

In the staff statement in support of the settlement proposal, DPS staff explained that if National Grid wished to pursue Phase 5, it would need to submit an additional petition supported by a need analysis. The proposal would be reviewed by an independent expert, and work could only proceed if DPS specifically authorized it. Phase 5 of the pipeline is a small spur that would have directly connected the North Brooklyn Pipeline to the Greenpoint LNG facility, and it is the only section of the pipeline that runs through a majority white neighborhood.

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<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> N.Y.S. DEP’T ENV’T CONSERVATION, *CP-29 Environmental Justice and Permitting* (Mar.19, 2003), [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/cp29a.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/cp29a.pdf) [Hereinafter CP-29].

<sup>109</sup> Negative Declaration, *supra* note 105 at 7-8.

<sup>110</sup> James Nani, *DEC Denies Permits for CPV Power Plant Pipeline* (Aug. 31, 2017), <https://www.recordonline.com/news/20170831/dec-denies-permits-for-cpv-power-plant-pipeline>; Letter and attachment from Thomas Berkman, Deputy Commissioner and General Counsel of the Department of Environmental Conservation to Georgia Carter, Vice President and General Counsel of Millennium Pipeline Company, (Aug. 30, 2017).

DPS allowed National Grid to continue running gas through Phases 1-4 of the pipeline even though DPS knew that no agency had reviewed and assessed the pipeline's safety or environmental impact on surrounding Black and Latinx communities, and even though DPS knew that National Grid never reported pressure testing or even the existence of the pipeline to state or federal regulatory agencies. Unlike with Phase 5 and the LNG Facility, DPS did not insist that an independent expert examine the need for and safety of Phases 1-4 of the pipeline.

In their Reply Brief in support of the settlement, DPS staff went so far as to deny that the North Brooklyn Pipeline disproportionately burdens disadvantaged communities, even though the pipeline exclusively runs through disadvantaged communities – except for the segment DPS put on hold. The residents of the pipeline communities, already overburdened with environmental hazards, bear all the environmental and public health risks and at the same time can least afford rate increases. DPS's only justification for its continued support for Phases 1-4 was that these phases had previously been approved in 2016 – when National Grid failed to comply with public awareness laws, avoided public hearings concerning its development plans, and actively misled community members about the nature of the project it had undertaken. The bottom line is that with Phases 1-4 of the pipeline in service, significantly more gas at significantly higher pressure is running through Brownsville, Ocean Hill, Bushwick and East Williamsburg, placing these communities—and only these communities—at risk.

On August 12, 2021, DPS entered an order approving the joint settlement and rate hike. In its Order, DPS applied New York's Climate Leadership and Community Protection Act (CLCPA), which requires all agencies to review whether their decisions create a negative environmental impact on disadvantaged communities. While DPS examined Phase 5, DPS barely acknowledged the pipeline and wrongly found that the North Brooklyn Pipeline did not disproportionately burden disadvantaged communities. In making this determination, DPS did not evaluate the relative economic, public safety, or environmental burden of the North Brooklyn pipeline on disadvantaged, Brown or Latinx communities as opposed to other communities. It simply stated that National Grid had an obligation “to continue providing safe and reliable service,” as if that obligation provides a blanket justification for requiring low-income communities of color to bear both the risks and the costs of providing such service.

### **C. National Grid's Pattern of Hazardous Leaks in New York**

Records submitted by National Grid indicate that emissions and leaks plague its Brooklyn pipeline structure, both new and old pipeline alike. Since 2016, there have been at least 22,107 leaks on the Brooklyn Backbone system alone.<sup>111</sup> In 2018, National Grid estimated that methane emissions throughout the delivery system totaled approximately 18,853 metric tons.<sup>112</sup> And each year, there are thousands of leaks that National Grid does not fix.<sup>113</sup> In 2020, National Grid had a backlog of 1,944 open leaks in its Brooklyn Backbone system.<sup>114</sup> National Grid-Brooklyn had the second-highest backlog of hazardous leaks that went unremedied in 2020, second only to National Grid Upstate.<sup>115</sup> These leaks

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<sup>111</sup> Exhibit J; Case 16-00252, Dkt. No. 366, Year End Leak Report (Jan. 29, 2021); Dkt. No. 56, 2019 Year End Leak Report (Jan. 27, 2020), Dkt. No. 271, Year End Leak Report (Jan. 31, 2019); Dkt. No. 213, Correction to Year End Leak Report (Jan. 31, 2018); Dkt. No. 144, 2016 Year End Leak Report and 2017 LPP Prioritization, Type 3 Leaks, and Capital Plan Report (Feb. 17, 2017) [hereinafter National Grid Year End Leak Reports, Ex. J].

<sup>112</sup> Case 19-G-0309 et al., Dkt. No. 98, Exhibit 611, Sane-1 Response (Mar. 2, 2020).

<sup>113</sup> National Grid Annual Leak Reports, Ex. J, *supra* note 111.

<sup>114</sup> Case 16-00252, *supra* note 58, Dkt. No. 12, Year End Leak Report (Jan. 29, 2021).

<sup>115</sup> NEW YORK STATE DEP'T OF PUB. SERV., 2020 Pipeline Safety Performance Measures Report, at 30 (2021), <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/9DBA66C148A1310985257B2600750639?OpenDocument>. National



result in a steady stream of emissions of methane and other toxic gasses, and put surrounding communities at risk of catastrophic fires and explosions.<sup>116</sup>

<b>Total Leaks on National Grid New York City System: 2020<sup>117</sup></b>		
<b>Leak Type</b>	<b>Total Leaks</b>	<b>Leaks currently outstanding</b>
Type 1 <sup>118</sup>	1,893	10
Type 2	283	3
Type 3	2,058	1,931

National Grid has spent an increasing amount on repairing leaks on its related Brooklyn Union Gas infrastructure. Between 2016 and 2019, National Grid doubled its expenditures on repairing Brooklyn Union pipeline leaks, from \$15.7 million in 2016 to \$28.9 million in 2019.<sup>119</sup>

In the last several years, National Grid has been cited and fined for thousands of regulatory violations for new pipeline segments that were not properly installed and for failing to repair leaking pipes. For example, in March 2021, DPS fined National Grid more than \$16 million for multiple regulatory violations and forced National Grid to re-dig all recently completed pipelines to ensure the integrity of pipeline joints and to repair and replace improper fuses.<sup>120</sup> In addition, DPS fined National Grid \$6 million for failing to fix substandard “cathodic pressure” protections at four regulator stations in Long Island. In its decision mandating this fine, DPS recognized that these systems protect against corrosion and “prevent methane leaks and the associated safety and environmental impacts associated with such leaks.”<sup>121</sup>

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Grid-Brooklyn also had among the highest number of unremedied leaks overall, second only to National Grid-Long Island. *Id.* at 31.

<sup>116</sup> See Section III. C.

<sup>117</sup> National Grid Year End Leak Reports, Ex. J, *supra* note 111.

<sup>118</sup> Type 1 leaks “constitute[] a potentially hazardous condition to the public or buildings” and “require[] an immediate effort to protect life and property,” and continuous repairs and surveillance until the leak is corrected N.Y. Comp. Codes R. & Regs. tit. 16, § 255.811(a), (b) (N.Y.C.R.R.).

<sup>119</sup> National Grid Annual Leak Reports 2016-2019.

<sup>120</sup> Order adopting Settlement Agreement, Case No. 17-G-0317 - In the Matter of an Investigation into The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid Compliance with Operator Qualification, Performance, and Inspection Requirements with Respect to Work Completed by Company and Contractor Personnel; Case 18-G-0094 - Proceeding on Motion of the Commission for an Enforcement Against National Grid USA and its Subsidiary KeySpan Gas East Corporation d/b/a National Grid for Failure to Maintain and Reestablish Cathodic Protection. (Issued and Effective March 18, 2021).

<sup>121</sup> *Id.*

## IV. LEGAL VIOLATIONS

### A. Background: Title VI

Title VI of the Civil Rights Act of 1964 and its implementing regulations prohibit discrimination in federal, state, local, and private programs that receive federal financial assistance. 42 U.S.C. § 2000d; Title VI prohibits recipients from engaging in intentional discrimination or activities that result in a disparate impact on the basis of race. *Alexander v. Choate*, 469 U.S. 287, 293–94 (1985).<sup>122</sup>

Title VI's implementing regulations “seek to ensure that programs accepting federal money are not administered in a way that perpetuates the repercussions of past discrimination.”<sup>123</sup> Congress enacted these regulations to ensure “that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”<sup>124</sup> Thus, they require federal agencies “to take a close look at neutral policies that disparately exclude minorities from benefits or services, or inflict a disproportionate share of harm on them.”<sup>125</sup>

The regulations specifically prohibit recipients from “choos[ing] a site or location of a facility that has the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program or activity to which this part applies on the grounds of race, color, or national origin or sex; or with the purpose or *effect* of defeating or substantially impairing the accomplishment of the objectives of this subpart.” *Id.* § 7.35(c);<sup>126</sup>

In addition, Title VI regulations prohibits recipients of federal financial assistance from “us[ing] criteria or methods of administering its program which have the *effect* of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, national origin, or sex.”<sup>127</sup>

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<sup>122</sup> “Courts considering claims under analogous Title VI regulations have looked to Title VII disparate impact cases for guidance.” *New York Urban League, Inc. v. New York*, 71 F.3d 1031, 1036 (2d Cir. 1995) (citations omitted).

<sup>123</sup> Dep’t of Justice, *supra* note 4, at 2 (Section 7).

<sup>124</sup> *Id.* at 1 (citing H.R. Misc. Doc. No. 124, 88th Cong., 1st Sess. 3, 12 (1963)).

<sup>125</sup> For example, environmental agencies are required under Title VI to consider racially disparate adverse impacts when determining whether to issue an air pollution permit in addition to the applicant's compliance with applicable air quality standards. *South Camden Citizens in Action v. New Jersey Dept. of Environmental Protection*, 145 F. Supp. 2d 446, 52 (D.N.J. 2001), *opinion modified and supplemented*, 145 F. Supp. 2d 505 (D.N.J. 2001), *order rev’d on other grounds*, 274 F.3d 771, (3d Cir. 2001).

<sup>126</sup> See also 49 C.F.R. § 21.5(c) (“In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.”); 49 C.F.R. § 1040.13(d) (In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination because of race, color, national origin, or sex (when covered by section 16 or 401) or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI or this subpart.”).

<sup>127</sup> *Id.* § 7.35(b) (EPA); 49 C.F.R. § 21.5(b)(2) (DOT); 28 C.F.R. § 42.104(b)(2) (DOJ regulations). The regulations broadly protect against the “exclu[sion] from participation in, be denied the benefits of, or be subjected to discrimination under any [covered] program or activity . . . on the basis of race, color, national origin, or on the basis of sex in any program or activity receiving . . . assistance . . . .” 40 C.F.R. § 7.30; 49 C.F.R. § 21.5.

To establish a disparate-impact claim, the practice must have a “disproportionately adverse effect on minorities” and be “otherwise unjustified by a legitimate rationale.”<sup>128</sup> “[P]olicies, criteria or methods of administering programs that are neutral on their face but have the effect of discriminating” can result in a Title VI violation if the recipient cannot articulate a “‘substantial legitimate justification’ for the challenged policy or practice.”

Even when there is a substantial legitimate justification, employing a neutral policy that leads to disparate impacts may still constitute a violation of Title VI if there are less discriminatory alternatives that would achieve the same purpose.<sup>129</sup>

## **B. Adverse Disproportionate Impact Of The North Brooklyn Pipeline On Black And Latinx Individuals**

“I am anxious and upset because the pipeline was placed so close to my home and I had no idea until at least two years after it was installed. It is very unnerving because I know that gas lines in other areas have caused so much damage. I am concerned because we have both young people with asthma and other health conditions and senior citizens in this area. Respiratory issues are prevalent health concerns in our neighborhood.”

- Matilda Dyer, a 68 year-old Black woman and retired Nurse who lives on the same block as the pipeline in Brownsville<sup>130</sup>

“I am outraged that this pipeline was built in my community without my knowledge or consent. As the already densely populated New York City continues to build much-needed low-income housing in the neighborhood, there is an even greater risk of emergency if there is a leak or explosion and people have to evacuate. I am also terrified for my son’s future and the possible health effects associated with this pipeline.”

- Celina Trowell, a Black woman, social worker, and community organizer with Brownsville Green Justice, who lives close to the pipeline with her son and husband,<sup>131</sup>

The pipeline adversely impacts the health, safety, and economic circumstances of the predominantly Black and Latinx residents of Brownsville, Ocean Hill, Bushwick, and East Williamsburg. First, the pipeline imposes serious health risks to the surrounding community because of emissions of methane and other toxic substances that will affect the respiratory function of the surrounding community and create other health hazards. Second, the pipeline carries a risk of explosion, exacerbated by the failure to perform basic safety testing. And finally, the rate hike imposes a disproportionate energy burden on the harmed communities.

### **1. Disproportionate Health and Environmental Risks**

The construction and operation of the pipeline negatively impacts the health of the residents of the Brooklyn community along the pipeline route in multiple ways. First, methane and particulate matter emitted from the pipeline leads to ground-level ozone which affects respiratory function of the members

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<sup>128</sup> *Texas Dep’t of Hour. & Cmty. Affairs v. Inclusive Communities*, 135 S. Ct. 2507, 2521 (2015) (internal cites omitted).

<sup>129</sup> Dep’t of Justice, TITLE VI LEGAL MANUAL, Section VII, <https://www.justice.gov/crt/book/file/1364106/download> (last visited Aug. 28, 2021).

<sup>130</sup> Exhibit C, Statement of Matilda Dyer.

<sup>131</sup> Exhibit B, Statement of Celina Trowell.

of the surrounding community, a disproportionate number of whom already suffer from some of the highest asthma rates and other respiratory conditions in the City. Second, the greenhouse gases created by the transmission and production of gas adversely impacts residents' health over the long-term by contributing to climate change, which aggravates existing health conditions like asthma and cardiovascular disease. In addition, the construction and operation of the pipeline leak methane and other toxic substances in the soil and water systems, harming and even killing the trees that mitigate the effects of climate change. Given that these communities already suffer from disproportionately high rates of cardiovascular, cancer, and respiratory disease, these harms are particularly severe.

#### a. Gas<sup>132</sup> Emissions and Methane

Brooklyn residents living alongside the North Brooklyn pipeline face immediate and long-term health risks from leaks of hazardous air pollutants including methane, a greenhouse gas that contributes to ground level ozone and atmospheric warming at an estimated 86 times more than carbon dioxide. Natural gas pipelines also release other toxic chemicals, including volatile organic compounds, through “fugitive air emissions,” which are both intentional and unintentional.<sup>133</sup> These fugitive emissions from pipelines expose the surrounding community to air pollutants that adversely impact air quality and the health of the surrounding community.<sup>134</sup>

Intentional emissions from vents or “blow-downs” are designed into the system for operational and safety purposes.<sup>135</sup> Blowdowns typically emit pipeline contents and methane at much higher concentrations than annual emissions data suggest. Thus, they hold the potential for release of large amounts of methane and other pollutants, exposing nearby residents to greater concentrations of toxic substances than are reflected in the estimates of exposure used in permitting decisions.<sup>136</sup>

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<sup>132</sup> According to the Congressional Research Service, “Natural gas is primarily a mixture of low molecular-weight hydrocarbon compounds that are gaseous in form at normal conditions. While the principal component of natural gas is methane (CH<sub>4</sub>), gas may contain smaller amounts of other hydrocarbons, such as ethane, propane, and butane, as well as heavier hydrocarbons. These nonmethane hydrocarbons include types of VOCs, classified as ground-level ozone (i.e., smog) precursors, as well as, in some cases, hazardous (i.e., toxic) air pollutants (HAPs).” U.S. CONGRESSIONAL RESEARCH SERVICE, METHANE AND OTHER AIR POLLUTION ISSUES IN NATURAL GAS SYSTEMS 3 (2020), <https://fas.org/sgp/crs/misc/R42986.pdf> (last visited Aug. 26, 2021); see also David A. Kirchgessner, et al., U.S. ENVIRONMENTAL PROTECTION AGENCY, ESTIMATE OF METHANE EMISSIONS FROM THE U.S. NATURAL GAS INDUSTRY 12, , <https://www3.epa.gov/ttnchie1/ap42/ch14/related/methane.pdf> (last visited Aug. 26, 2021);

<https://fas.org/sgp/crs/misc/R42986.pdf>  
<sup>133</sup> Congressional Research Service, *Methane and Other Air Pollution Issues in Natural Gas Systems*, at 3 (2020), <https://fas.org/sgp/crs/misc/R42986.pdf>; David A. Kirchgessner, Robert A. Lott, et al., *Estimate of Methane Emissions from the U.S. Natural Gas Industry*, U.S. Environmental Protection Agency, at 12, <https://www3.epa.gov/ttnchie1/ap42/ch14/related/methane.pdf>.

<sup>134</sup> Jiaxin Fu et al., *Identifying and Regulating the Environmental Risks in the Development and Utilization of Natural Gas as a Low-Carbon Energy Source*, FRONTIERS IN ENERGY RSCH, March 2021, at 2, <https://www.frontiersin.org/article/10.3389/fenrg.2021.638105>; Nathan Phillips et al., *Mapping Urban Pipeline Leaks: Methane Leaks Across Boston*, ENV’T POLLUTION, 2013, <https://www.sciencedirect.com/science/article/abs/pii/S0269749112004800?via%3Dihub>.

<sup>135</sup> CONG. RSCH. SERV., R42833, AIR QUALITY ISSUES IN NATURAL GAS SYSTEMS 5 (2013), [https://www.everycrsreport.com/files/20130416\\_R42833\\_cee3e19ca94a72e47364b1107fe688b024a71f75.pdf](https://www.everycrsreport.com/files/20130416_R42833_cee3e19ca94a72e47364b1107fe688b024a71f75.pdf).

<sup>136</sup> N.Y. State Madison Cnty. Dept of Health, Comment Letter Concerning Docket No. CP14-497-000, Dominion Transmission, Inc. (Oct. 15, 2014), [https://www.otsego2000.org/wp-content/uploads/2012/08/Madison\\_County\\_DOH\\_Comments\\_-\\_Docket\\_No.\\_CP14-497-000.pdf](https://www.otsego2000.org/wp-content/uploads/2012/08/Madison_County_DOH_Comments_-_Docket_No._CP14-497-000.pdf).

Unintentional emissions result from leaks in the system as well as malfunctions and excavation and other accidents. According to a report by the EPA’s Office of Inspector General, underground pipeline leaks are the second leading cause of fugitive emissions, and comprise 15 percent of total methane emissions from natural gas systems in the U.S..<sup>137</sup> Pipeline leaks contribute to “more than 13 million metric tons of carbon dioxide equivalent emissions.”<sup>138</sup> Recent research has found that the observed methane emissions from cities are about twice that reported in the U.S. EPA GHG inventory, and that nationwide methane emissions from gas distribution pipes are about five times greater than projected by the U.S. EPA GHG inventory.<sup>139</sup> Natural gas leaks occur throughout the gas distribution process and are one of the largest source of anthropogenic methane emissions in the United States,<sup>140</sup> According to the EPA, “[s]teady emissions result from unintentional leaks from sealed surfaces such as pipe connectors, valve packing, flange gaskets at surface facilities, and components and small holes in underground pipelines.”<sup>141</sup> As described below, with National Grid’s pipeline system, both old and new, is constantly leaking, and its failure to fix thousands of leaks a year, and these steady emissions are even more acute.

Leaks are common in pipeline systems, and are caused by material defects and failures, improper installation and connection of pipelines and joints, corrosion, excavation damage, and shoddy maintenance.<sup>142</sup> For this reason, proper installation and safety and testing precautions, as well as integrity management and reporting pipeline routes to federal and state agencies, are critical to minimizing leaks. This is particularly troubling for the pipeline because National Grid-New York City (Brooklyn and Queens) had the highest rate of pipeline damage due to its excavation practices in 2020, and between 2018-2020, National Grid reported 996 incidents of damage and 534 incidents of excavation damage in its New York City distribution system.<sup>143</sup>

Methane emissions, the primary air pollutant emitted and principal component of natural gas, are highly toxic and can have serious health consequences for the surrounding community.<sup>144</sup> Methane is a

<sup>137</sup> David A. Kirchgessner, Robert A. Lott, et al., *Estimate of Methane Emissions from the U.S. Natural Gas Industry*, U.S. ENV’T PROT. AGENCY, <https://www3.epa.gov/ttnchie1/ap42/ch14/related/methane.pdf>.

<sup>138</sup> U.S. ENV’T PROT. AGENCY OFF. INSPECTOR GEN., IMPROVEMENTS NEEDED IN EPA EFFORTS TO ADDRESS METHANE EMISSIONS FROM NATURAL GAS DISTRIBUTION PIPELINES 3 (July 25, 2014), [https://www.epa.gov/sites/default/files/2015-09/documents/20140725-14-p-0324\\_0.pdf](https://www.epa.gov/sites/default/files/2015-09/documents/20140725-14-p-0324_0.pdf).

<sup>139</sup> Genevieve Plant et al., *Large Fugitive Methane Emissions from Urban Centers Along the U.S. East Coast*, 46 GEOPHYSICAL RSCH. LETTERS 8500, 8500 (July 2019), [agupubs.onlinelibrary.wiley.com/doi/abs/10.1029/2019GL082635](https://agupubs.onlinelibrary.wiley.com/doi/abs/10.1029/2019GL082635); Weller et al., *A National Estimate of Methane Leakage from Pipeline Mains in Natural Gas Local Distribution Systems*, 54 ENV’T SCI. & TECH. 8958 (June 2020), [pubs.acs.org/doi/10.1021/acs.est.0c00437](https://pubs.acs.org/doi/10.1021/acs.est.0c00437).

<sup>140</sup> Robert B. Jackson et al., *Natural Gas Pipeline Leaks Across Washington, DC*, 48 ENV’T SCI. & TECH. 2051, 2051 (2014), <http://www.epa.gov/climatechange/ghgemissions/usinventoryreport.html>.

<sup>141</sup> David A. Kirchgessner, Robert A. Lott, et al., *Estimate of Methane Emissions from the U.S. Natural Gas Industry*, U.S. ENV’T PROT. AGENCY, at 6, <https://www3.epa.gov/ttnchie1/ap42/ch14/related/methane.pdf>.

<sup>142</sup> U.S. Department of Transportation, *The State of the National Pipeline Infrastructure*, Pipeline and Hazardous Materials Safety Administration <https://www.hsd1.org/?view&did=804318> (“The potential consequences of gas transmission pipeline releases vary primarily both as a result of the size and operating pressure of the pipeline and as a consequence of the number of people living near the pipeline.”); KIRCHGESSNER ET AL., *supra* note 138 at 6.

<sup>143</sup> PHMSA FOIL Response, National Grid Annual Distribution System Reports (2018-2020), Exhibit L [hereinafter National Grid Annual Distribution System Reports, 2018-2020, Ex. L]; NEW YORK STATE DEP’T OF PUB. SERV., *2020 Pipeline Safety Performance Measures Report*, at 18, 30-31 (2021), <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/9DBA66C148A1310985257B2600750639?OpenDocument>.

<sup>144</sup> CONG. RSCH. SERV., R42986, *supra* note 138, at 5-6; Audrey Carleton, ‘They’re Liars’: Activists Say Brooklyn Residents Were Not Informed Of Fracked Gas Pipeline, GUARDIAN (Dec. 21, 2020), <https://www.theguardian.com/environment/2020/dec/21/brooklyn-natural-gas-pipeline-fracking-bushwick>. Methane

precursor to ground-level ozone (smog), which is an air pollutant that contributes to a range of serious harm to human health. Methane, through ozone, reacts with lung tissue and can harm breathing passages, decrease the lungs' working ability and cause coughing and chest pain, eye and throat irritation and breathing difficulties even for healthy individuals.<sup>145</sup> These issues are especially acute for children and individuals with respiratory problems such as allergies, asthma, bronchitis and emphysema.<sup>146</sup> Methane can also exacerbate cardiovascular disease.<sup>147</sup> According to EPA's 2013 Integrated Science Assessment for Ozone, ozone exposures have been linked to increase risks of hospitalization for acute myocardial infarction, coronary atherosclerosis, stroke, and heart disease, even at ambient ozone levels well-below current air quality standards.<sup>148</sup> The impact of methane emissions is particularly severe for Brownsville, Ocean Hill, and Bushwick residents, because the air quality impacts from fugitive methane could especially impact those with asthma. All three areas have twice the child and adult asthma rate compared to the rest of the city; Brownsville and Ocean Hill have the highest rate for adult asthma in New York City (14%), with almost twice the amount of hospitalizations for both child and adult asthma.<sup>149</sup>

Methane is also associated with serious health effects through its contribution to climate change. Along the pipeline route, residents are in the 60<sup>th</sup>-100<sup>th</sup> percentile of exposure to air toxins, with most areas ranking in the 80<sup>th</sup> percentile in the state.

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has been found to leak from fracking wells, equipment, and pipelines at rates that make it worse for the environment than coal. Physicians for Social Responsibility, *Too Dirty, Too Dangerous: Why Health Professionals Reject Natural Gas*, 10 (Feb. 2017), <https://www.psr.org/wp-content/uploads/2018/05/too-dirty-too-dangerous.pdf>

<sup>145</sup> Pasquale Russo et al., *Air Emissions from Natural Gas Facilities in New York State*, INT'L J. ENV'T RES. PUB. HEALTH, May 2019; WASHINGTON COUNCIL OF GOV'T, STATE IMPLEMENTATION PLAN TO IMPROVE AIR QUALITY IN THE WASHINGTON, DC-MD-VA REGION 30 (2007), <https://www.mwcog.org/uploads/pub-documents/9FhcXg20070525084306.pdf>.

<sup>146</sup> Tim Keyes et al., AN ENHANCED PROCEDURE FOR URBAN MOBILE METHANE LEAK DETECTION 2 (October 2020), <https://www.cell.com/action/showPdf?pii=S2405-8440%2820%2931719-9>; David Shindell, *Reducing Methane is Crucial for Protecting Climate and Health, and It Can Pay For Itself – So Why Aren't More Companies Doing It?*, CONVERSATION (May 6, 2021), <https://theconversation.com/reducing-methane-is-crucial-for-protecting-climate-and-health-and-it-can-pay-for-itself-so-why-arent-more-companies-doing-it-160423>.

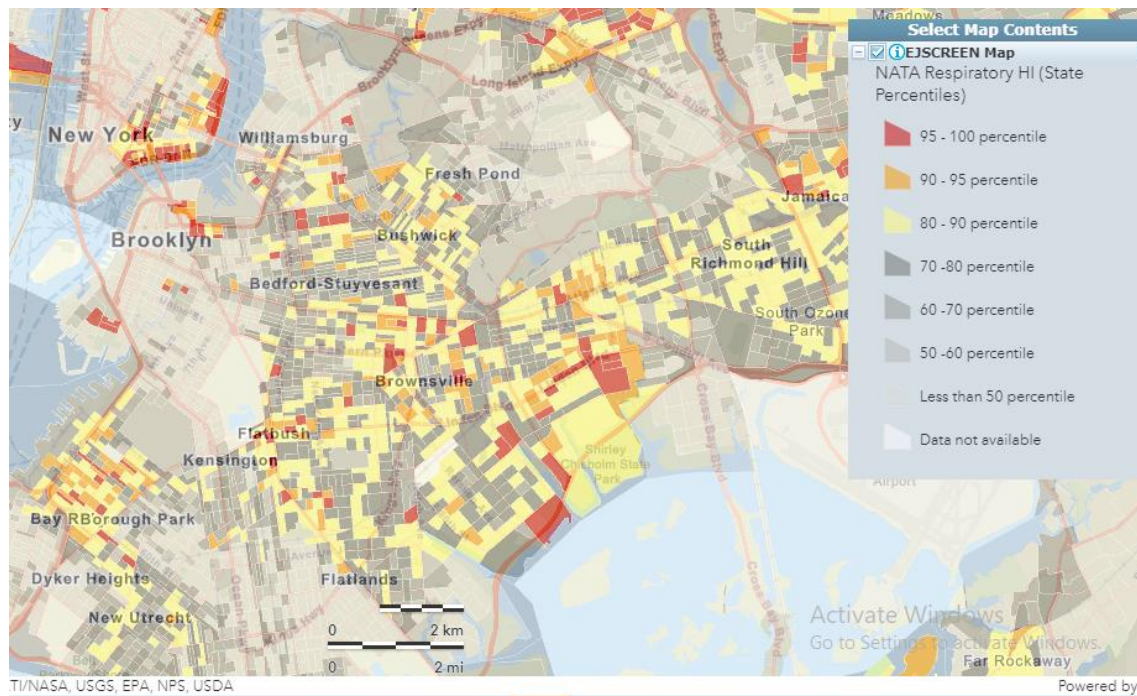
<sup>147</sup> *Id.*; Michelle C. Turner et. al., *Long-Term Ozone Exposure and Mortality in a Large Prospective Study*, *American Journal of Respiratory and Critical Care Medicine*, 193 AM. J. RESPIRATORY AND CRITICAL CARE MED. 1134, 1135 (May 2016), <https://www.atsjournals.org/doi/pdf/10.1164/rccm.201508-1633OC>.

<sup>148</sup> U.S. ENV'T PROT. AGENCY, INTEGRATED SCIENCE ASSESSMENT FOR OZONE AND RELATED PHOTOCHEMICAL OXIDANTS 6-168 - 6-185 (Feb. 2013), <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=247492>.

<sup>149</sup> Brownsville Community Health Profiles 2018, *supra* note 11, at 12; Ian Kumamoto, *A Fracked Gas Pipeline is Coming to Brooklyn. Residents Are Invoking BLM to Fight It*, VICE (Oct. 15, 2020), <https://www.vice.com/en/article/v7m444/fracking-pipeline-brownsville-brooklyn-black-lives-matter-blm; Is Your Home Bad for Your Health? Know if Mold, Roaches and Rodents Are a Problem Before Moving In>, LOCALIZE (Jan. 21, 2019), <https://www.localize.city/blog/is-your-home-bad-for-your-health-know-if-mold-roaches-and-rodents-are-a-problem-before-moving-in/>. In addition, Brownsville has one of "the highest rates of premature mortality and chronic disease in New York City, with cancer, heart disease, HIV, and drug-related conditions being among the leading causes of premature mortality." JENNIFER PIERRE ET AL., BUILDING A CULTURE OF HEALTH AT THE NEIGHBORHOOD LEVEL THROUGH GOVERNANCE COUNCILS 872 (March 2020), <https://link.springer.com/content/pdf/10.1007/s10900-020-00804-0.pdf>. *Bushwick Community Health Profile 2018*, *supra* note at 12.



## NATA Respiratory Hazard Index



Source, EPA EJ Screen<sup>150</sup>

### b. Radioactive material

Another disproportionate impact that Brooklyn residents suffer is the potential buildup of radioactive material under the streets resulting from fracked gas.<sup>151</sup> Large fracked gas transmission pipelines—like the North Brooklyn Pipeline—pose particularly serious health and safety hazards. Radioactive materials naturally occur in shale and build up in pipelines. Evidence suggests that fracked gas from the Marcellus shale—the source of a significant portion of National Grid’s gas supply—may contain much higher concentrations of radioactive materials than previously estimated.<sup>152</sup>

### c. Contamination: Soil, Trees, and Water

Studies have also found that gas pipelines increase methane levels in the surrounding soil and water, negatively impact plant health, groundwater quality, and human health. Although methane is not directly toxic to plant matter, methane-rich soil can induce anaerobic soil conditions that are harmful for tree root

<sup>150</sup> *Id.*

<sup>151</sup> Justin Nobel, *America’s Radioactive Secret*, ROLLING STONE (Jan. 21, 2021), <https://www.rollingstone.com/politics/politics-features/oil-gas-fracking-radioactive-investigation-937389/>; Jessie Edwards, *Controversial Fracked Gas Pipeline in Brooklyn Continues, Despite Calls to Stop Construction Immediately*, BK READER (Oct. 13, 2020), <https://www.bkreader.com/2020/10/13/controversial-fracked-gas-pipeline-in-brooklyn-continues-despite-growing-calls-to-stop-construction/>.

<sup>152</sup> *Id.*

systems.<sup>153</sup> For example, one study in Massachusetts found that exposure to elevated soil methane concentrations was associated with significant increased odds of tree death, and that fugitive emissions from natural gas distribution infrastructure negatively impact urban vegetation health.<sup>154</sup> Just in National Grid's preliminary stages of constructing the pipeline in Brownsville, it had to get permits to build adjacent to construction to 209 trees along the pipeline route.<sup>155</sup>

Brooklyn residents also face potential adverse impacts to their water from pipeline leaks.<sup>156</sup> Applying the DEC mapping tool that the DEC and National Grid should have used in its application for its air permit to DEC had it properly submitted approval for the "whole action," see section VII A, the North Brooklyn Pipeline runs in close proximity to the Brooklyn-Queens Sole Source Aquifer, which is the sole or principal drinking water source for 650,000 people.<sup>157</sup> Contamination of this aquifer could create a significant hazard to public health. In addition, according to National Grid, the MRI Pipeline crossed three Department of Environmental Protection water pipelines.<sup>158</sup>

Given these serious health consequences of the pipeline resulting from pipeline emissions, radiation, and contamination and in light of the health and environmental burdens borne by Brown and Latinx residents, the pipeline is likely to have an adverse disproportionate impact on Black and Latinx residents living in proximity of the pipeline.<sup>159</sup> As described above, the community in Brownsville and Ocean Hill is 76% Black and 20% Latinx;<sup>160</sup> in sharp contrast to New York City as a whole, which is 22% Black and 29% Latinx.<sup>161</sup> The Bushwick community is 65% Latinx,<sup>162</sup> in contrast to New York City as a whole, which is 29% Latinx.<sup>163</sup>

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<sup>153</sup> Claire Schollaert et al, *Natural Gas Leaks and Tree Death: A First-Look Case-Control Study Of Urban Trees in Chelsea, MA*, ENV'T POLLUTION, Aug. 2020, at 2, <https://www.sciencedirect.com/science/article/pii/S0269749119376717>. ; M.D. Steven, et. al, *Oxygen and methane depletion in soil affected by leakage of natural gas*, EUR. J. SOIL SCI., 57 (6) (2006), at 800-807, 10.1111/j.1365-2389.2005.00770.x .

<sup>154</sup> Claire Schollaert et al, *Natural Gas Leaks and Tree Death* at 2.

<sup>155</sup> Case No. 19-G-0309, Dkt. No 95, Ex. 815-ALJ-1 Attachment 3 (Part 2) at 51-90 (June 22, 2021).

<sup>156</sup> Meghan Betcher et al., PIPELINE IMPACTS TO WATER QUALITY DOCUMENTED IMPACTS AND RECOMMENDATIONS FOR IMPROVEMENTS iv (August 2019), <https://www.tu.org/wp-content/uploads/2019/10/Pipeline-Water-Quality-Impacts-FINAL-8-21-2019.pdf>

<sup>157</sup> Draft DEC EAF North Brooklyn Pipeline, Ex. N supra note 33; *How May I Be Exposed by Contaminated Surface Water and Groundwater?*, N.Y.S. OFF. ATT'Y GEN., <https://ag.ny.gov/environmental/oil-spill/how-may-i-be-exposed-contaminated-surface-water-and-groundwater> (last visited Aug. 26, 2021).

<sup>158</sup> Exhibit 735, supra note 101, at 3.

<sup>159</sup> *S. Camden Citizens in Action v. N.J. Dep't of Env'tl. Prot.*, 145 F. Supp. 2d 446, 490-91 (D.N.J. 2001)l *opinion modified and supplemented*, 145 F. Supp. 2d 505 (D.N.J.), *rev'd on other grounds*, 274 F.3d 771 (3d Cir. 2001).

<sup>160</sup> Brownsville Community Health Profiles 2018, supra note 14 at 2.

<sup>161</sup> *Id.*

<sup>162</sup> Bushwick Community Health Profiles 2018, supra note 14 at 2.

<sup>163</sup> *Id.*

## 2. Disproportionate Risk of Explosion

“I am outraged that this pipeline was built in my community without my knowledge or consent. As the already densely populated New York City continues to build much-needed low-income housing in the neighborhood, there is an even greater risk of emergency if there is a leak or explosion and people have to evacuate. I am also terrified for my son’s future and the possible health effects associated with this pipeline.”

- Celina Trowell, Brownsville resident who lives on the pipeline route<sup>164</sup>

The North Brooklyn pipeline also imposes a risk of explosion, often caused by leaks. The East Coast fracking boom of the past several years has resulted in several pipeline explosions, with devastating and catastrophic consequences. Scientists measured methane leakage from distribution pipes under the streets of Boston and found that of 100 natural gas leaks surveyed, 15 percent qualified as “potentially explosive,” concluding that “[a]ll leaks must be addressed, as even small leaks cannot be disregarded as ‘safely leaking.’”<sup>165</sup> According to the PHMSA, over the last 20 years there have been 12,506 pipeline incidents reported in the United States. Of these, around 300 significant pipeline incidents have killed 256 people and injured 1,142 others. For example, in 2010, a natural gas pipeline exploded in a residential neighborhood in San Bruno, California, killing eight people, injuring dozens more, and destroying 38 homes.<sup>166</sup>

As described above, the potential for damage from leaks from National Grid’s pipeline is serious, given National Grid’s poor safety record and the thousands of leaks on its New York pipeline system each year, including very recently upgraded pipelines. National Grid-NYC has continued to have the highest rates excavation damage and unremedied leaks in the state, which increases the chances of accidents.<sup>167</sup> According to DPS “[d]amage to underground natural gas facilities due to excavation activity is one of the leading causes of natural gas pipeline failures and accidents, both statewide and nationally.”<sup>168</sup> As described above, regulators recently found 1,616 violations on a new pipeline National Grid had just constructed, and fined National Grid \$6 million on a separate pipeline for unremedied valves that were leaking methane. National Grid recently experienced two significant safety incidents in its Brooklyn system, including an explosion resulting from excavation damage to a 12-inch leaking main that National Grid had failed to adequately mark. The explosion injured four people, one of whom had to be hospitalized, caused \$53,000 in damage, and released 1,158 thousand standard cubic feet of gas.<sup>169</sup>

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<sup>164</sup> Statement of Celina Trowell, Exhibit B.

<sup>165</sup> Margaret Hendrick; Robert Ackley, et. al., *Fugitive methane emissions from leak-prone natural gas distribution infrastructure in urban environments*, Environmental Pollution, 213, 710-716. doi: 10.1016/j. (2016).

<sup>166</sup> *San Bruno Residents Remember Those Killed In Pipeline Explosion*, ABC 7 NEWS (Sept. 9, 2014), <https://abc7news.com/san-bruno-natural-gas-explosion-anniversary-pge-pipeline-4-years/302058/>.

<sup>167</sup> PHMSA FOIL Response, National Grid Annual Distribution System Reports (2018-2020). **Exs. ;** NEW YORK STATE DEP’T OF PUB. SERV., *2020 Pipeline Safety Performance Measures Report*, at 18, 30-31 (2021), <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/9DBA66C148A1310985257B2600750639?OpenDocument> .

<sup>168</sup> *Id.* at 12.

<sup>169</sup> PHMSA Foil Response, National Grid 2020 PHMSA Incident Report, Ex. .

Approximately 159,000 New Yorkers, who are predominantly and disproportionately Black and Latinx, live within the 1,275-foot blast evacuation radius of the North Brooklyn Pipeline.<sup>170</sup> Overall, approximately 70 percent of the community surrounding the pipeline is non-white, and 30 percent is white.<sup>171</sup> The population of the surrounding communities in the 1,275 square foot blast zone of the pipeline in Brownsville is 78 percent Black, and 44 percent Black for the entire pipeline route.<sup>172</sup> In stark contrast, the population of New York City is only 30 percent Black. Similarly, the population of the 1,275 blast-zone in Bushwick is 65% Latinx, and approximately 39.3 percent of all residents on the pipeline route Latinx, while Latinx residents only comprise 29.8 percent of the population in New York City.<sup>173</sup>

	Pipeline- 1275 ft	NYC
White	29.8%	42.7%
Black	44.3%	24.3%
Latinx (any race)	39.3%	29.1%

This area also contains 81 daycare facilities, 55 public schools, 22 public housing complexes, nine health care centers, eight private schools, three nursing homes, three EMS stations, and a medical center.<sup>174</sup> And the risk to the surrounding community is amplified because, as discussed above, National Grid failed to pressure test the pipeline prior to operation.

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<sup>170</sup>Kim Fraczek and Karen Edelstein, *New Yorkers mount resistance against North Brooklyn Pipeline*, FRACTRACKER ALLIANCE, (May 18, 2020), <https://www.fracktracker.org/2020/05/new-yorkers-resistance-against-north-brooklyn-pipeline/>.

<sup>171</sup> Audrey Carleton, *'They're Liars': Activists Say Brooklyn Residents Were Not Informed Of Fracked Gas Pipeline*, GUARDIAN (Dec. 21, 2020), <https://www.theguardian.com/environment/2020/dec/21/brooklyn-natural-gas-pipeline-fracking-bushwick>; Fracktracker Alliance analysis for National Center of Law and Economic Justice (on file with authors).

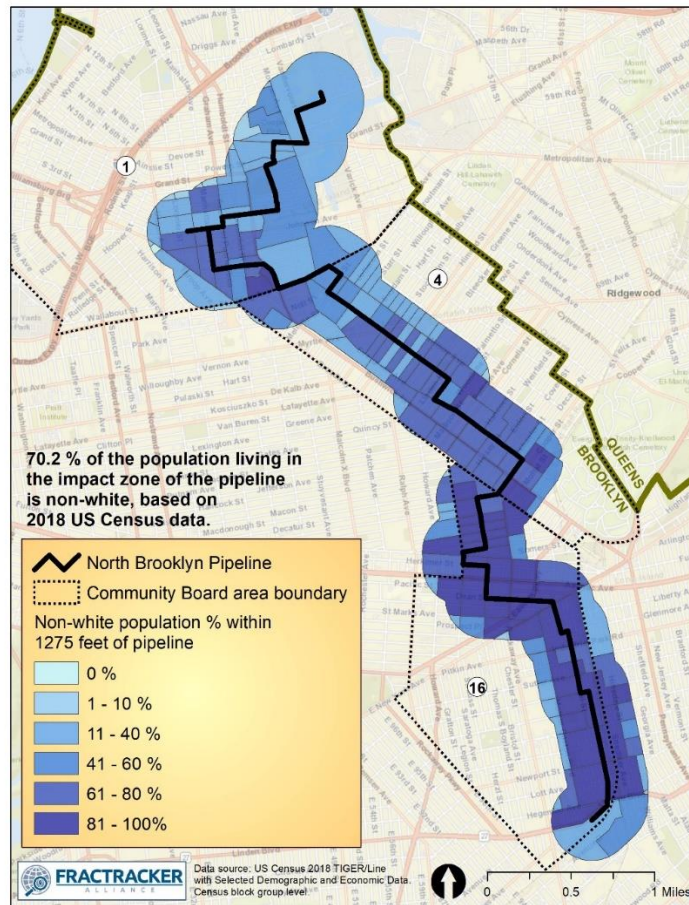
<sup>172</sup> *Id.*

<sup>173</sup> *Id.*; United States Census Bureau, Quick Facts for New York City, New York: Population Estimates (July 1, 2019), <https://www.census.gov/quickfacts/newyorkcitynewyork>

<sup>174</sup> *Id.*



## Demographics of Pipeline Blast Zone



### 3. Disproportionate Economic Harms – Increased Energy Burden

Finally, the rate hike associated with the pipeline will cause disproportionate economic harm to Black and Latinx community members. Residents simply cannot afford these rate hikes. For example, in the most recent rate case, National Grid received an average monthly increase of \$4.89 per local customer. This may not matter much to an upper-income customer, but many low-income customers could not pay their bills before the rate hike, and the increase is crushing in light of the heavy energy burden already shouldered in these communities.

Energy burden is the percentage of household income dedicated to energy costs.<sup>175</sup> The average energy burden for households in the U.S. is approximately 3% of household income. For low-income households, and those living in environmental justice communities, that number jumps to an average of 8.6%.<sup>176</sup> An energy burden is considered high if a household spends more than 6% of household income

<sup>175</sup> *Energy Burden: What It Is and How Renewables Can Help*, CLIMATE REALITY PROJECT (Mar. 10, 2020), <https://www.climate realityproject.org/blog/energy-burden-what-it-and-how-renewables-can-help>.

<sup>176</sup> *Id.*

on energy costs.<sup>177</sup> Black households experience a median energy burden that is approximately 64% higher than white households, while Latinx households experience a median energy burden that is approximately 24% greater. In Brownsville, the median household income hovers below \$33,000—49% lower than the citywide median.<sup>178</sup> In addition, the rent burden for Brownsville residents is 57% of their income, and 55% for Bushwick, compared to 51% for New York City as a whole.<sup>179</sup> The implications are plain: rising gas bills create a disparate impact.

Moreover, the high price tag of new gas infrastructure like the North Brooklyn Pipeline will not only burden community members now — that burden could grow in the future. As climate policies push New Yorkers to switch to electric stoves and heating systems, the gas ratepayer pool will grow smaller, and fewer customers could be left footing the bill. Unless the state plans for an equitable transition, those remaining ratepayers are likely to be low-income residents who cannot afford electric upgrades.<sup>180</sup>

## **VII. DISCRIMINATORY ACTS BY DEC, DPS, AND NATIONAL GRID**

### **A. DEC Unlawfully Failed to Assess the Environmental Impact of the Pipeline, Which Had a Significant Disparate Impact on Black and Latinx Communities in Brooklyn**

On March 2, 2021, DEC determined that National Grid’s application for an air permit at the Greenpoint LNG facility had no significant effect on the environment and that it would not conduct a full environmental review of the project. DEC issued this determination without considering the impact of the pipeline and trucking station integrally associated with the LNG facility. DEC’s actions violated Title VI, state law, and its own policy.

First, Title VI imposes an affirmative obligation on funding recipients to include consideration of Title VI criteria in their permitting decisions.<sup>181</sup> DEC therefore had an obligation to consider whether its decision not to conduct an environmental review of the entire MRI Project (including the Greenpoint expansion, North Brooklyn Pipeline, and trucking station) would have a disproportionate impact on communities of color.<sup>182</sup>

Second, the State Environmental Quality Review Act (SEQRA)<sup>183</sup> requires DEC to make a positive declaration and prepare an environmental impact statement for any action “which may have a

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<sup>177</sup> Ariel Dreihobl et al., HOW HIGH ARE HOUSEHOLD ENERGY BURDENS? ii (2006), <https://www.aceee.org/sites/default/files/pdfs/u2006.pdf>.

<sup>178</sup> *State of the City 2019: Brownsville*, *supra* note 25. *Energy Burden*, *supra* note 179.

<sup>179</sup> Brownsville Community Health Profiles 2018, at 7, *supra* note 14; Bushwick Community Health Profiles 2018, at 7, *supra* note 14.

<sup>180</sup> Pontecorvo, *supra* note 50.

<sup>181</sup> *S. Camden Citizens in Action v. N.J. Dep’t of Env’t. Prot.*, 145 F. Supp. 2d 446, 476 (D.N.J. 2001), F. Supp. 2d 505 (D.N.J.), *rev’d on other grounds*, 274 F.3d 771 (3d Cir. 2001). (finding NJDEP violated section 602 of Title VI, and the EPA’s implementing regulations to that section, by failing to consider the potential adverse, disparate impact of its permitting decision with respect to a proposed facility in a predominantly Black neighborhood).

<sup>182</sup> In addition, DEC Commissioner Policy-29 Environmental Justice and Permitting Policy requires DEC to conduct an enhanced public participation plan in Potential Environmental Justice Areas to ensure meaningful and effective public notification and participation, and requires a full environmental assessment for communities of color. *Supra* note 111.

<sup>183</sup> 6 N.Y.C.R.R. Part 617; ECL art. 8; NYS ECL §§ 3-0301(1)(b); 3-0301(2)(m); 8-0113. In determining whether it must prepare an environmental impact statement, the agency must consider factors including the creation of hazards to human health, adverse changes in air quality or ground water, impairment of historical resources, as well as the geographic scope and number of people affected. 6 N.Y.C.R.R. § 617.7. If the agency determines either that there



significant effect on the environment.”<sup>184</sup> Critically, SEQRA regulations prohibit segmentation of connected actions into discrete parts.<sup>185</sup> The agency must consider the “entire set of activities or steps”<sup>186</sup> including “other simultaneous or subsequent actions which are . . . included in any long-range plan of which the action under consideration is a part.”<sup>187</sup> Here, the pipeline, LNG vaporizers and trucking station formed part of a single long-range plan to expand National Grid’s fracked gas infrastructure so as to increase gas production and processing capacity and sell more gas to more customers, including in Massachusetts.<sup>188</sup> National Grid has explicitly discussed these projects as interdependent, making clear that the Greenpoint LNG expansion had little utility if not connected to the North Brooklyn Pipeline, which was designed to add capacity to the existing, more limited 16-inch pipeline.<sup>189</sup> For this reason,

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will be no adverse environmental impacts or that the impacts will not be significant, it may issue a “negative declaration” that the proposed action will not significantly affect the environment. . *Coca-Cola Bottling Co. v. Board of Estimate*, 72 N.Y.2d 674, 680. The agency must identify and analyze relevant areas of environmental concern and support its determination with reasoned elaboration. *H.O.M.E.S. v. N.Y.S. Urb. Dev. Corp.*, 69 A.D.2d 222 (4th Dept. 1979).

<sup>184</sup> ECL § 8–0109(2); 6 N.Y.C.R.R. § 617.7(a)(1). To determine if an action may have a significant impact and requires an environmental impact statement, the agency must “thoroughly analyze ... relevant areas of environmental concern” to determine if there is a potential for adverse impacts, and prepare a written “determination of significance” that includes a “reasoned elaboration” of its conclusion. N.Y. COMP. CODES R. & REGS. tit. 6, §§ 617.7(b)(3), (4). While the agency may conclude that the action does not have the potential for adverse impact and therefore no EIS need be done, its determination must contain persuasive documentation demonstrating that the agency took a “hard look” at the likely consequences of the action. *H.O.M.E.S. v. New York State Urban Development Corp.*, 418 N.Y.S.2d 827, 832 (4th Dept 1979); *Chinese Staff and Workers Assn. v. City of New York*, 68 N.Y.2d 359, 363–364 (1986). The threshold for requiring an EIS is low and the standard for compliance is strict. *H.O.M.E.S.*, 418 N.Y.S.2d at 832.

<sup>185</sup> 6 N.Y.C.R.R. §§ 617.7(b)(1) and 617.3(g).

<sup>186</sup> 6 N.Y.C.R.R. §§ 617.3(g); 617.2(ah).

<sup>187</sup> 6 N.Y.C.R.R. § 617.7(c)(2)(i). New York courts have repeatedly held that the agency “must consider reasonably related long-term ... and cumulative effects, including other simultaneous or subsequent actions which are included in any long-range plan of which the action under consideration is a part.” *Farrington Close Condo. Bd. of Mgrs. v. Inc. Vill. of Southampton*, 205 A.D.2d 623, 626 (2nd Dept. 1994); *see also Westbury. v. Dep’t of Transp.* 75 N.Y.2d 62 (1989). To determine whether there has been illegal segmentation, an agency and courts consider: (1) the purpose or goal for each segment; (2) if there is a common reason for the timing of goals/are they occurring at the same time; (3) if there is a common geographic location involved; (4) if any of the activities share a common impact; and (5) whether the segments under the same or common ownership or control. N.Y.S. DEP’T OF ENV’T CONSERVATION, THE SEQR HANDBOOK 53 (Fourth Edition 2020) [hereinafter SEQR HANDBOOK]. In assessing whether there is a common impact, agencies consider whether the activities, in their totality, result in a potentially significant adverse impact, even if the impact of a single activity is not necessarily significant by themselves. *Id.* The prohibition against segmentation is “designed to guard against a distortion of the approval process by preventing a project with potentially significant environmental effects from being split into two or more smaller projects, each falling below the threshold requiring full-blown review.” *Long Island Pine Barrens Soc’y v. Planning Bd.*, 611 N.Y.S.2d 917, 919 (2nd Dept. 1994). Even where actions subject to SEQRA review may occur in stages, SEQRA requires they be considered together in a review of the “whole action” and prohibits segmenting environmental review of an action by defining various activities or stages of the action as unrelated as if they should be determined individually. The SEQR Handbook notes that typical situations of segmentation include an intentional avoidance of environmental review by a project sponsor or activities which may occur at different times. SEQR HANDBOOK, at 57.

<sup>188</sup> Exhibit 735, *supra* note 101.

<sup>189</sup> *Id.*, at 10; National Grid, ANNUAL REPORT AND ACCOUNTS 2019/20 40, <https://www.nationalgrid.com/document/138751/download> [hereinafter NATIONAL GRID ANNUAL REPORT]. “One of our larger investments, The Metropolitan Reliability Infrastructure Project, will increase system reliability and operational flexibility of the existing transmission system in Brooklyn, New York ... [and] increase supply diversity.

SEQRA required DEC to assess the environmental impact of the pipeline along with the proposed expansion of the LNG facility. By failing to undertake this review, DEC violated Title VI.

As evidence of DEC's racial bias, in 2018 DEC took the opposite position in denying a permit for a new 7.8-mile section of the Millennial pipeline to supply a power plant in the town of Wawayanda, which is 92% white, on the ground that the federal review failed to analyze the environmental impact of both the pipeline *and* the power plant together.<sup>190</sup> DEC even objected to FERC's approval and environmental review of the pipeline without the power station for "fail[ing] to consider or quantify the downstream greenhouse gas emissions from the combustion of the natural gas transported by the project."<sup>191</sup> DEC denied permits to the Wawayanda pipeline, yet it failed to consider the same harms with respect to the North Brooklyn Pipeline and the Greenpoint Energy Center. DEC's failure to review the North Brooklyn Pipeline in connection with the LNG facility upgrade is part of a troubling pattern of environmental racism, enforcing environmental laws in white communities, while ignoring the environmental harms in communities of color.<sup>192</sup>

Finally, DEC's Commissioner Policy 29<sup>193</sup> requires full environmental review and public hearings whenever a permit issuance would affect an environmental justice community.<sup>194</sup> All of the communities along the pipeline route are state-designated Environmental Justice Areas that would be affected by the massive influx of fracked gas flowing through their communities because of the increased processing capacity afforded by the permit issuance. As Matilda Dyer, a Black woman and 30-year Brownsville Resident who lives on the same block as the pipeline, described: "I think it is very unfair that

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The project consists of roughly 40,000 feet of transmission main that will connect the Southern line to the Brooklyn Backbone and our Greenpoint Facility by autumn 2021." *Id.* at 40

<sup>190</sup> James Nani, *DEC Denies Permits for CPV Power Plant Pipeline*, RECORD ONLINE (Aug. 31, 2017), <https://www.recordonline.com/news/20170831/dec-denies-permits-for-cpv-power-plant-pipeline>; Letter and attachment from Thomas Berkman, Deputy Commissioner and General Counsel of the Department of Environmental Conservation to Georgia Carter, Vice President and General Counsel of Millenium Pipeline Company, (Aug. 30, 2017), [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/valleydecltr.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/valleydecltr.pdf).

<sup>191</sup> *Id.*

<sup>192</sup> See, e.g., Sydney Brown and James Jones, *Environmental Justice Must be done in Delavan-Grider*, BUFFALO NEWS (Sept. 17, 2020), [https://buffalonews.com/opinion/another-voice-environmental-justice-must-be-done-in-delavan-grider/article\\_b27bf66c-f901-11ea-a1af-47bac005b439.html](https://buffalonews.com/opinion/another-voice-environmental-justice-must-be-done-in-delavan-grider/article_b27bf66c-f901-11ea-a1af-47bac005b439.html) (describing concerns about DEC's creation of a formal community Tonawanda Coke Working Group to address remediation in the predominantly white city of Tonawanda, and failure to create a similar working group to address the remediation of American Axle, located in a predominantly African American section of Buffalo); Eliza Sherpa et al., UNCOVERING ENVIRONMENTAL INJUSTICE USING COMMUNITY-BASED PARTICIPATORY RESEARCH IN ALBANY, NY, 16-17 (2014), [https://www.skidmore.edu/environmental\\_studies/capstone/projects/documents/8-SherpaShepherdVidal.pdf](https://www.skidmore.edu/environmental_studies/capstone/projects/documents/8-SherpaShepherdVidal.pdf) (describing community concerns over DEC's failure to assess risks and issuance of a Complete Application and failure to apply CP-29 to Global LLC oil shipments and boiler plant and related facilities in predominantly minority South Albany, which is already disproportionately overburdened environmental justice community); *Lawmaker Screams Environmental Racism After Hamptons Garbage Shipped To His Town*, CBS N.Y. (Jul. 28, 2014), <https://newyork.cbslocal.com/2014/07/28/lawmaker-screams-environmental-racism-after-hamptons-garbage-shipped-to-his-town/> (describing resident and legislators' complaints about DEC's approval to allow garbage from predominantly-white Hamptons to be held in predominantly-minority Brentwood); *N.Y. State Accused of Environmental Racism For Incinerator Site*, CHRISTIAN SCI. MONITOR (February 8, 1994), <https://www.csmonitor.com/1994/0208/08111.html> (describing DEC's failure to address and denial of the environmental hazards of a trash-burning incinerator in a predominantly Black neighborhood in Albany that burned approximately 350 tons of waste each day - sending arsenic, lead, mercury, and other pollutants into the air).

<sup>193</sup> CP-29, *supra* note 110.

<sup>194</sup> *Id.*

certain neighborhoods are picked on and used for these purposes without their input. I believe it is only fair that when entities come into neighborhoods, they inform residents, so they have a say.”

Had DEC conducted a full environmental review as required by SEQRA and CP-29, it may very well have found the project impermissible under SEQRA.<sup>195</sup> It would be classified as a Type 1 action, and there are multiple areas of potentially significant environmental impact in connection with the pipeline that would trigger review. These include hazardous materials, historical resources, proximity to more than two dozen remediation sites, gas methane emissions, soil contamination, and potential water contamination: the pipeline crosses three DEP water pipes and is in proximity to the Brooklyn-Queens aquifer, which supplies water to 650,000 people<sup>196</sup>. Moreover, DEC would have held public hearings, allowing the communities affected by the pipeline to ask important questions and present evidence about the existing environmental and public health burdens already borne by the community to which the pipeline would add. Instead DEC issued a negative declaration without analyzing the whole project or its racially disproportionate impact, ignoring community needs and subjecting individuals to discrimination because of their race.

DEC had no substantial legitimate justification for refusing to conduct a full environmental review of the North Brooklyn Pipeline, nor has DEC explained why the primary purpose of its permitting program—the protection of air quality—cannot be achieved equally well in a less discriminatory manner. This constitutes a violation of Title VI.

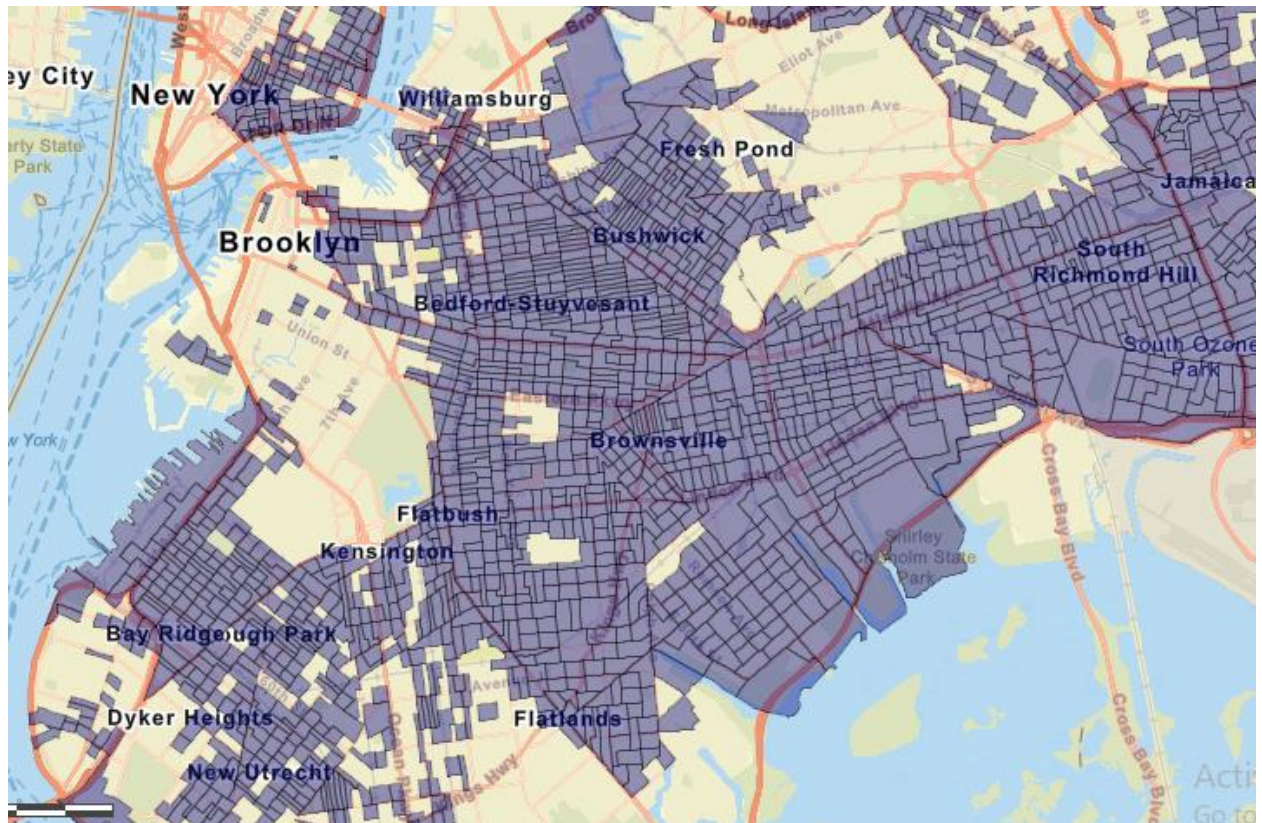
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<sup>195</sup> The pipeline itself is a Type 1 action subject to SEQRA review: the seven-mile massive high-pressure pipeline is a physical alteration of 4,480 feet of land, well over the 10 feet listed in the definition for a Type I action. 6 NYCCR § 617.4(b)(2). In addition, according to the DEC’s own Environmental Assessment tool, the pipeline route is within 2000 feet of 28 DEC Environmental Remediation sites and in close proximity to a major water source. Further, the pipeline is substantially contiguous to 26 different National or State Register of Historic Places or State Eligible Sites, which also triggers a full environmental review. *See* Draft DEC EAF North Brooklyn Pipeline, Ex. N *supra* note 33; N.Y.C.R.R. § 617.7. *See, e.g., Sun Co., Inc. (R & M) v City of Syracuse Indus. Dev. Agency*, 209 A.D.2d 34 (4th Dept 1995); *Green Earth Farms Rockland, L.L.C. v Town of Haverstraw Planning Bd.*, 153 A.D.3d 823 (2d Dept 2017); *County of Orange v Vill. of Kiryas Joel*, 11 Misc. 3d 1056(A) (2d Dept. 2007); *Fleck v. Town of Colden*, 792 N.Y.S.2d 281 (4th Dept. 2005); *Chenango Valley Cent. Sch. Dist. v. Town of Fenton Planning Bd.*, No. 31820(U) (N.Y. Sup. Ct. 2017); *Cty. of Orange v. Vill. of Kiryas Joel*, 44 A.D.3d 765 (2nd Dept. 2007). Contrary to National Grid’s assertion, it would not have been exempted from review. *Town of Goshen v Serdarevic*, 17 AD3d 576, 579 (2d Dept 2005) (addition of drainage pipe, replacement of another pipe with a larger one, and extension of ditches were not matters of routine maintenance and subject to SEQRA review). In addition, contrary to National Grid’s misrepresentation, it had to apply for multiple discretionary permits that should have triggered SEQRA review.

<sup>196</sup> Draft DEC EAF North Brooklyn Pipeline, Ex. N *supra* note 195; Environmental Protection Agency, *EJSCREEN: Environmental Justice Screening and Mapping Tool*, <https://www.epa.gov/ejscreen> (last visited Aug. 29, 2021); New York State Department of Environmental Conservation, *DEC Mapping tools, Maps & Geospatial Information System (GIS) Tools for Environmental Justice*, [https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential Environmental Justice Area PEJA Communities/FeatureServer&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential%20Environmental%20Justice%20Area%20PEJA%20Communities/FeatureServer&source=sd)



## New York State-Designated Environmental Justice Areas



Source: Department of Environmental Conservation<sup>197</sup>

**B. DPS Violated Title VI by failing to Require National Grid to comply with pipeline safety laws and by approving a rate hike without considering the disparate impact on people of color, each of which has had a disproportionate impact on communities of color**

“Community members who attended the FOBK teach-ins were in disbelief when they heard about the pipeline. Many community members assumed that the construction on their streets had to do with water main issues. They had no idea that a pipeline was being built. It was interesting to track the different reactions of different members of the community when they learned about the pipeline because Williamsburg has many Black and Brown residents who are mostly low-income, but it also has some more affluent white residents. The Black and Brown residents were surprised to learn that the pipeline was why there had been digging and holes on their blocks. A lot of the small businesses in the neighborhood that are owned by people of color lost business from the construction

<sup>197</sup>New York State Dept, of Environmental Conservation, *DEC Mapping tools, Maps & Geospatial Information System (GIS) Tools for Environmental Justice*, [https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential\\_Environmental\\_Justice\\_Area\\_PEJA\\_Communities/FeatureServer&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd)

that was blocking the road. However, many of the white residents did not even know about the construction because there was nothing happening on their streets.”

- Maritza Henriquez, 34 year old mixed-race mother, who lives on the pipeline route in Williamsburg Brooklyn

The DPS used criteria and methods that have the effect of discriminating on the basis of race in violation of Title VI by approving a rate hike that authorized National Grid to construct the pipeline without complying with critical pipeline safety requirements that DPS is charged with regulating. In addition, in approving the rate hike, DPS failed to consider the pipeline’s environmental impact on communities of color, while analyzing the impact on communities in the predominantly white area of the project. As a result, DPS’ decision to approve the rate hike disproportionately put Black and Brown communities in serious danger of pipeline accidents in violation of both state law and Title VI. 49 CFR § 21.5(b)(2).

### **1. DPS failed to ensure that National Grid complied with federal safety standards prior to approving the rate hike, resulting in a disproportionate impact on Black and Latinx communities**

Pursuant to an agreement with the Department of Transportation, DPS enforces and oversees federal pipeline safety, integrity and public education standards for pipelines within New York State under the Natural Gas Pipeline Safety Act (“PSA”),<sup>198</sup> as well as state standards.<sup>199</sup> DPS is “the first line of defense” and is required to ensure that pipeline operators engage in required safety, testing, and public education and other federal standards before constructing and operating a pipeline, in order to “provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities.”<sup>200</sup>

In addition, the DPS Public Service Commission oversees gas companies’ requests to increase the rates consumers pay to build its gas infrastructure.<sup>201</sup> Before approving a utility’s ability to raise rates to expand its infrastructure, it must assure that the settlement is just, reasonable and in the public interest,

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<sup>198</sup> 49 U.S.C. § 60101 *et seq.* (“Pipeline Safety Act” or “PSA”).

<sup>199</sup> The Department of Transportation promulgates minimum federal safety standards for natural gas pipelines, and allows states to assume regulatory authority if it certifies it has adopted federal safety standards and damage prevention. 49 U.S.C. § 1674; 49 U.S.C. § 60105(b)(2). New York State law imposes similar mandates, and requires all pipeline operators to submit a letter of intent with precise specifications prior to beginning the construction of these pipelines. 16 NYCCR §§ 255.301, 255.302. While New York State normally subjects all pipelines over 125 psig to an extensive siting approval process, the statute exempts pipelines that are fully underground and located wholly within a City. The MRI pipeline is 300 psig and 34,000 feet and 7 miles. Case 16-00252, Dkt. No. 2, KEDNY-KEDLI Book 4-NY, *supra* note 59.

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-g-0059&submit=Search>). N.Y. Pub. Serv. Law §§ 121(2)(b). However, under federal and state law, all testing, education, and integrity requirements apply to pipeline construction and operation.

<sup>200</sup> 49 U.S.C. § 60102(a)(1)-(2); *Regulatory Fact Sheet: New York*, U.S. DEP’T TRANSP., [https://primis.phmsa.dot.gov/comm/FactSheets/States/NY\\_State\\_PL\\_Safety\\_Regulatory\\_Fact\\_Sheet.htm?nocache=748](https://primis.phmsa.dot.gov/comm/FactSheets/States/NY_State_PL_Safety_Regulatory_Fact_Sheet.htm?nocache=748) (last visited Aug. 26, 2021).

<sup>201</sup> N.Y. Pub. Serv. Law §§ 4; 5; 64 *et seq.* The Public Service Commission consist of five members who are appointed by the Governor, with the advice and consent of the Senate.

including that it is “consistent with the law and regulatory economic, social and environmental State and Commission policies”<sup>202</sup> and that it does “not disproportionately burden disadvantaged communities.”<sup>203</sup>

On August 12, DPS abdicated many of its statutory obligations in approving the settlement of the rate case and completion of the pipeline, disproportionately harming Black and Latinx individuals. First, DPS failed to ensure National Grid complied with PSA legal requirements prior to approving the pipeline. Under the PSA and New York State Law, pipeline operators must contact and notify residents, cities, schools, and businesses about their proximity to the pipeline, safety risks, including possible leaks, and what to do in the event of an accident, and submit its educational materials to DPS.<sup>204</sup> As described above, community members living in close proximity to the Brooklyn pipeline, including Celina Trowell, Maritza Henriquez, Pati Rodriguez, Matilda Dyer and multiple residents along the pipeline route said they never received any notification from National Grid—even though National Grid began operating the pipeline in April 2020. Further, National Grid did not start online website construction updates related to the project until July 18, 2018, after it completed most of the construction in Brownsville, and did not include any information about the full project, safety risks, or precautions as required by statute.<sup>205</sup>

National Grid’s public representations about its activities were deceptive and misleading, in that they implied that the massive fracked gas transmission pipeline under construction simply represented improvements to existing infrastructure. National Grid lulled community members into a false sense of security with these misleading representations, and DPS allowed this to occur. Had National Grid engaged in the robust communications required by the Pipeline Safety Act, the community would have learned about the pipeline in time to intercede against it. Thus, DPS bears direct responsibility for the fact that the Black and Brown communities along the pipeline route did not learn about the pipeline until it was too late—and they still have not received important public safety information. There is no substantial legitimate justification for this regulatory failure, and a less discriminatory alternative would have been for DPS to enforce the public awareness requirements of the Pipeline Safety Act.

Further, DPS failed to ensure that National Grid conducted the required pressure testing before operating the pipeline and complied with federal and state reporting obligations. Prior to operating a pipeline, an operator must test its pipelines for safety and file a report certifying the maximum operating pressure and that the line has been constructed and tested in accordance with the law, and that all leaks

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<sup>202</sup> Public Service Commission, Case No. 92-M-0138, Dkt. No 1, *Opinion, Order, and Resolution Adopting Settlement Procedures and Guidelines* (March 24, 1992) [hereinafter *Opinion, Order, and Resolution Adopting Settlement Procedures and Guidelines*]; Public Service Commission, Case No. 19-G-0309, Dkt. No 197, Staff Statement in Support of Joint Proposal (June 3, 2021) [hereinafter *Staff Statement in Support of Joint Proposal*].

<sup>203</sup> ECL 75-0109(3)(d); Jackson Morris & Miles Farmer, *Unpacking New York’s Big New Climate Bill: A Primer*, NRDC (June 20, 2019), <https://www.nrdc.org/experts/miles-farmer/unpacking-new-yorks-big-new-climate-bill-primer-0>.

<sup>204</sup> 49 U.S.C. § 60116; 9 C.F.R. § 192.616; 16 N.Y.C.R.R. § 255.616. The public education materials and outreach must be in English and other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator’s area.

<sup>205</sup> Repeating its approach throughout its construction, National Grid minimized the nature of the seven-mile pipeline project and characterized it as simply limited installation of discrete segments, and not a massive seven-mile pipeline. See, e.g., *Construction Update: July 18, 2018*, NAT’L GRID, <https://nationalgridgasprojectsny.com/brooklynmetro/news/update-2/>. When two residents asked National Grid workers about what construction they were working on in Brownsville, they did not provide any information. See Statement of Matilda Dyer, Ex. C; Statement of Edith Margarito, Ex. D.



have been located and eliminated.<sup>206</sup> Operators also must file annual reports detailing new pipeline and the safety and testing measures conducted each year.<sup>207</sup> On March 12, 2021, National Grid reported to PHMSA and DPS that it had not added any new transmission pipeline in its New York City system in 2020, despite the fact that it informed DPS that it placed Phases 1-3 in service in April 2020, and Phases 1-4 began operating as a transmission pipeline in November 2020.<sup>208</sup> Further, National Grid reported that it did not conduct any pressure or baseline testing of any pipe in 2018, 2019, or 2020.<sup>209</sup> DPS's failure to ensure National Grid complied with reporting and testing requirements is particularly troubling because Phase 4 of the pipeline significantly increased the volume and pressure of gas flowing under the streets of Brownsville, Ocean Hill, Bushwick and East Williamsburg. The absence of testing and reporting not only flouts state and federal law, but imposes a disproportionate impact on the safety of the surrounding Black and Latinx community.

The failure to pressure test and report the pipeline also raises concerns because DPS was aware that in its annual reports and leak reports, National Grid reported a high frequency of insufficient excavation practices and damage to its pipeline system. Between 2018-2020, National Grid reported 996 incidents of damage and 534 incidents of excavation damage in its New York City distribution system.<sup>210</sup> These incidents, as well as the number of leaks it reports on an annual basis to DPS, suggest that pipeline damage is frequent. In addition, according to DPS' State-wide annual pipeline safety report, in 2020, National Grid-New York had the highest rate of pipeline damage due to excavation practices and other safety failures of New York's 12 gas companies, and the second highest level of unremedied leaks in the state, including hazardous leaks.<sup>211</sup> As described above, National Grid submitted leak reports to DPS admitting to 22,000 leaks over the last five years, with a backlog of 1,944 leaks in need of repair as of December 2020.<sup>212</sup> In addition, National Grid reported 240 insufficient location practices and 122 insufficient incidents of its one-call notification system over the last three years, which is designed to prevent damage by notifying other operators to limit construction and accidents near highly flammable gas systems.<sup>213</sup>

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<sup>206</sup> 16 NYCCR § 255.302(b); 49 C.F.R. §§ 192.507; 192.509.

<sup>207</sup> 16 N.Y.C.R.R. § 255.829; 49 C.F.R. § 191.11; § 191.17; 49 U.S.C. § 60142(d)(1). According to the mandated annual report, "[f]ailure to report may result in a civil penalty not to exceed \$100,000 for each violation for each day the violation continues up to a maximum of \$1,000,000 as provided in 49 USC 60122."

See U.S. Dep't of Transp., *Annual Report for Calendar Year 2020*,

[https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2021-05/GD\\_Annual\\_Form\\_PHMSA%20F%207100.1-1\\_CY%202018%20through%202020.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2021-05/GD_Annual_Form_PHMSA%20F%207100.1-1_CY%202018%20through%202020.pdf).

<sup>208</sup> PHMSA FOIL Response, National Grid Annual Transmission System Reports, Ex. K, *supra* note 13.

<sup>209</sup> *Id.*; PHMSA FOIL Response, National Grid Annual Report for Calendar Year 2019 Natural Or Other Gas Transmission and Gathering Systems (March 2, 2020); National Grid Annual Report for Calendar Year 2018 Natural Or Other Gas Transmission and Gathering Systems (March 7, 2019), Exhibit K. [hereinafter PHMSA FOIL Response, National Grid Annual Transmission System Reports, Ex. K]. Pressure testing is required by 16 N.Y.C.R.R. § 255.503(a); 49 C.F.R. § 192.505 (strength testing); 49 U.S.C. § 60139. Strength and baseline testing is required by 49 C.F.R. § 192.506 (segment of steel transmission pipelines operating at a hoop stress level of 30 percent or more of SMYS must be spike and pressure tested); 49 C.F.R. § 192.507 (less than 30% of SYMS and above 100 psi); 49 C.F.R. § 192.509 (below 100 psi); 49 C.F.R. § 192.511 (service lines). National Grid reported inspecting 5 miles of pipeline with corrosion and metal tools and dent and deformation tools in 2020. However, these inspections do not appear to qualify for the requisite testing, and does not appear to apply to new pipeline, as National Grid reported none. National Grid 2020 Annual PHMSA Report at 3, 6. Ex.K.

<sup>210</sup> PHMSA FOIL Response, National Grid Annual Distribution System Reports, 2018-2020, Ex. L, *supra* note 101.

<sup>211</sup> NEW YORK STATE DEP'T OF PUB. SERV., *2020 Pipeline Safety Performance Measures Report*, at 18, 30-31 (2021), <https://www3.dps.ny.gov/W/PSCWeb.nsf/All/9DBA66C148A1310985257B2600750639?OpenDocument>.

<sup>212</sup> Case 16-00252, Item No. 12, Year End Leak Report (Jan. 29, 2021); National Grid Year End Leak Reports, Ex. J, *supra* note 111.

<sup>213</sup> PHMSA FOIL Response, National Grid Annual Distribution System Reports, 2018-2020, Ex. L, *supra* note 101

Similarly, the PSA requires pipeline operators to submit mapping and geospatial data to the PHMSA for inclusion in the National Pipeline Mapping System.<sup>214</sup> National Grid did not do this, and as a result the North Brooklyn Pipeline does not appear in the National Pipeline Mapping System.<sup>215</sup> The PHMSA uses geospatial data, in part, to identify high consequence areas in which pipeline operators must take additional safety precautions and to notify other operators of active pipeline systems to prevent serious damage from other construction projects.

PHMSA Map of Pipelines in Kings County, New York<sup>216</sup>



DPS received these reports, and despite knowing that the North Brooklyn Pipeline was operational in 2020 through National Grid’s filing in the rate case, failed to ensure that National Grid was taking the legally required precautions to ensure the safety of the Black and Latinx communities along the pipeline route. In addition, DPS approved the rate hike for the North Brooklyn pipeline despite knowing it was in violation of its regulatory duty to ensure that its approval of the settlement was “consistent with the law and regulatory economic, social and environmental State and Commission policies.”<sup>217</sup> DPS thereby violated Title VI by approving a rate hike authorizing payment for the completion and operation

<sup>214</sup> 49 U.S.C. § 60132

<sup>215</sup> U.S. Department of Transportation, U.S. DEP’T TRANSP. NATIONAL PIPELINE MAPPING SYSTEM, <https://www.npms.phmsa.dot.gov/> (click on use public map viewer, choose “New York” as the “State” and “Kings” as the “County”).

<sup>216</sup> *Id.*

<sup>217</sup> *Opinion, Order, and Resolution Adopting Settlement Procedures and Guidelines*, *supra* note 207; Staff Statement in Support of Joint Proposal, *supra* note 207.

of the pipeline, despite National Grid's violation of basic regulatory standards, creating a serious disproportionate impact on the safety of Black and Latinx communities.<sup>218</sup> DPS's failure to ensure that National Grid complied with its core legal obligations under the PSA can have no substantial legitimate justification.

In contrast, DPS has repeatedly taken rigorous enforcement actions to mandate National Grid to fix pipeline construction and integrity issues in white communities. For example, in March 2021, DPS fined National Grid \$6 million for failing to fix substandard "cathodic pressure" protections at four regulator stations located in 90% white communities in Long Island. In its decision mandating this fine, DPS recognized that these systems are critical to protect against corrosion and "prevent methane leaks and the associated safety and environmental impacts associated with such leaks."<sup>219</sup>

## **2. DPS failed to consider the impact on communities of color in approving the rate hike, in violation of CLCPA and Title VI**

DPS twice authorized the construction of and rate recovery for the pipeline without considering whether such actions would have a discriminatory impact. As a recipient of federal funds, DPS always had a clear legal obligation under Title VI to ensure that its actions did not have a racially discriminatory impact. DPS also failed to ensure that the North Brooklyn pipeline complied with the New York State Climate Leadership and Community Protection Act (CLCPA),<sup>220</sup> which requires agencies to "[p]rioritize measures to maximize net reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities."<sup>221</sup> Although DPS's Public Service Commission found the CLCPA applied, DPS staff and the PSC made no effort to analyze the impact of the pipeline on disadvantaged communities.<sup>222</sup> In their brief supporting the rate hike, DPS staff even argued, counterfactually, that "there is no evidence in these cases that the location of MRI project Phase 1 through Phase 4 or the proposed projects at the Greenpoint LNG facility 'disproportionately burden disadvantaged communities.'"<sup>223</sup>

In approving the rate hike, PSC recognized that the CLCPA applied and analyzed the environmental impact of the Greenpoint expansion, located in a primarily white community. However, it declined to review the environmental impacts of the pipeline. DPS never analyzed whether its actions in approving the pipeline construction and associated rate hikes disproportionately harm Black and Latinx individuals. In its most recent order approving the joint settlement and rate hikes, DPS found that the pipeline and rate hike did not disproportionately burden disadvantaged communities because "the Joint

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<sup>218</sup> 49 C.F.R. § 21.5(b)(2).

<sup>219</sup> Public Service Commission, Case No. 17-G-0317, *In the Matter of an Investigation into The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan Gas East Corporation d/b/a National Grid Compliance with Operator Qualification, Performance, and Inspection Requirements with Respect to Work Completed by Company and Contractor Personnel*, Dkt. No 7, *Order Adopting Settlement Agreement* (March 18, 2021); Public Service Commission, Case No. 18-G-0094-*Proceeding on Motion of the Commission for an Enforcement Against National Grid USA and its Subsidiary KeySpan Gas East Corporation d/b/a National Grid for Failure to Maintain and Reestablish Cathodic Protection*, Dkt. No. 15, *Order Adopting Settlement Agreement* (March 18, 2021).

<sup>220</sup> Jackson Morris & Miles Farmer, *Unpacking New York's Big New Climate Bill: A Primer*, NATIONAL RESOURCE DEFENSE COUNSEL (June 20, 2019), <https://www.nrdc.org/experts/miles-farmer/unpacking-new-yorks-big-new-climate-bill-primer-0>.

<sup>221</sup> ECL § 75-0109(3)(d). Section 7 of the CLCPA requires agencies issuing relevant approvals to ensure that they (1) do not interfere with the attainment of required greenhouse gas emissions limits; and (2) do not disproportionately burden disadvantaged communities. *Id.*

<sup>222</sup> Case No. 19-G-0309 et al, Dkt. No 238, *Order Approving Joint Proposal, as Modified, and Imposing Additional Requirements*, 69-70 (August 12, 2021) [hereinafter *Order Approving Joint Proposal*].

<sup>223</sup> Case No. 19-G-0309 et al, Dkt. No 205, DPS Staff Reply Statement, at 9 (June 14, 2021).

Proposal will allow the Companies to continue providing safe and reliable service” and because ensuring service through the winter “must be a priority for all communities impacted by the Joint Proposal, particularly low-income New Yorkers that may not be able to afford the energy efficiency products and heat pumps incentivized by the Joint Proposal.”<sup>224</sup> But this is beside the point. Of course, National Grid must ensure safe and adequate service throughout the winter heating season. The question is whether the low-income communities of color along the pipeline route shoulder a *disproportionate* amount of the burden associated with providing safe and adequate service. DPS failed even to consider this question. DPS did not, for example, weigh the environmental burdens imposed on the pipeline communities and compare those to burdens imposed on other communities or the burdens of not building the pipeline at all and instead undertaking other prudent action to address system reliability concerns. Nor did DPS consider the specific economic burden of raising rates in communities along the pipeline route and whether these low-income ratepayers should have to shoulder the expense of a pipeline built without their knowledge and against their wishes that poses significant public health risks to them. DPS failed to assess the impact of the pipeline on disadvantaged communities even though it approved Phase 4 which significantly increased the amount of gas running through the pipeline, and thus increased the environmental risks to communities of color.

By applying the mandated environmental impact analysis only to the predominantly white area surrounding the Greenpoint facility, and failing to examine the impact to communities of color, DPS violated both state law and Title VI by using criteria and methods that had a disproportionate impact on the safety of Black and Latinx individuals.

**C. National Grid’s siting of the pipeline, violation of public safety laws, and evasion of regulation discriminated against Black and Latinx communities by putting them at disproportionate risk in violation of Title VI.**

“Having National Grid build this pipeline in my neighborhood without my knowledge or consent feels like a slap in the face. It is frustrating and disrespectful that things like this happen in Black and Brown communities and it is hard to accept that this is happening and try to figure out how to fix it when it is not something we asked for.”

- Fabian Rogers, a 26 year-old Black male resident of Brownsville since 2005

**1. Site Selection**

National Grid discriminated on the basis of race by choosing a route through communities that are 80% Black, Latino low-income, and that are already burdened by health disparities and environmental degradation. National Grid had other options which could have served the same purpose as the MRI Pipeline, but the company failed to analyze whether any of those routes might cause fewer disproportionately adverse impacts.<sup>225</sup>

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<sup>224</sup> *Order Approving Joint Proposal*, *supra* note 227, at 81.

<sup>225</sup> 10 C.F.R. § 1040.13(d) (“In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination because of race, color, national origin, or sex (when covered by section 16 or 401) or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI or this subpart.”).

Not only did National Grid testify that it conducted no analysis of the pipeline's impact on disadvantaged communities,<sup>226</sup> it vehemently denied that the MRI Project was "located in areas with high concentrations of people of color and that the projects will have an adverse health impact on these communities,"<sup>227</sup> characterizing this reality as "unsupported by any meaningful evidence." National Grid further contended that the "arguments regarding the disproportionate impact on disadvantaged communities or purported adverse health impacts are without support in the record" and "based on opinion pieces and general studies."<sup>228</sup> National Grid's denial that the pipeline runs directly through Black and Brown communities despite the basic demographic reality, or that the pipeline could have any negative impact, speaks volumes to its discriminatory approach to this project, and constitutes a direct violation of Title VI's mandate that projects must consider the impact on Black and Brown communities.

Further, National Grid's assertion that the pipeline has no adverse environmental consequences to the surrounding communities is unsound, because it testified that it never assessed the environmental impact to determine how the surrounding communities would be impacted by the construction and operation of this massive pipeline.<sup>229</sup> As described above, it presented a legally impermissible segmented air permit application to DEC for expanding its LNG capacity at Greenpoint, which was dependent on the pipeline and trucking facility.

National Grid lacked a substantial legitimate justification for siting the pipeline where it did, and less discriminatory alternatives were available. For example, National Grid itself explained that it could have built the pipeline along Third Avenue in Brooklyn. This option also would have resulted in an operational loop to the Brooklyn Backbone, and National Grid admitted that it "could meet some of the objectives that the MRI Project provides."<sup>230</sup> National Grid's reasons for rejecting this option were perfunctory at best. National Grid asserted that a Third Avenue pipeline "would not provide as many benefits" but provided no explanation of what the "benefits" were and why a Third Avenue pipeline could not provide them.<sup>231</sup> The real reason for avoiding Third Avenue is contained in National Grid's statement that it "would likely be more expensive and challenging from a routing and construction perspective." There is nothing inherent in the geography or topology of Brooklyn to make construction on Third Avenue more difficult than along the chosen route. But the Third Avenue route would have required building through some upper-income, majority white neighborhoods with high property values. National Grid certainly would have encountered political opposition, and the residents of some neighborhoods along a hypothetical Third Avenue route would have had the financial and political resources to expose and fight the pipeline construction at an earlier stage. National Grid's specious rejection of the Third Avenue option raises the serious possibility that National Grid intentionally chose to site the pipeline in low-income Black and brown communities precisely because these communities were more likely to lack the political power and resources to oppose the pipeline in time to stop it. And that is exactly what occurred.

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<sup>226</sup> Case No. 19-G-0309, Corrected Evidentiary Hearing Transcript Volume 9 - February 25, 2020. at 394, Lines 17-21; 406, Lines 13-17 (March 19, 2020).

<sup>227</sup> Case No. 19-G-0309, Dkt. No 204, Reply Statement of the Brooklyn Union Gas Company D/B/A National Grid (June 14, 2021) at 12.

<sup>228</sup> *Id.* at 13.

<sup>229</sup> Case No. 19-G-0309, Corrected Evidentiary Hearing Transcript Volume 9 - February 25, 2020. at 393, Lines 9-13 (March 19, 2020).

<sup>230</sup> Testimony of the Gas Infrastructure and Operations Panel, *supra* note 69.

<sup>231</sup> *Id.* at 218.



Finally, National Grid lacked a substantial legitimate justification for embarking upon the North Brooklyn Pipeline and Greenpoint LNG expansion in the first place. National Grid did not have to build a new transmission pipeline in order to improve system reliability and operational flexibility. As documented in the March 2019 report *False Demand: The Case Against the Williams Fracked Gas Pipeline*,<sup>232</sup> National Grid did not need to increase system capacity in order to accommodate growth. National Grid admitted in the rate case that if it wished only to address PHSMA-required work on the Brooklyn Backbone, it would have designed and routed the pipeline differently.<sup>233</sup> And as National Grid ultimately conceded when it agreed to abandon Phase 5 and the LNG facility expansion, it can satisfy its obligation to deliver safe and adequate service with a smaller and more limited project than originally proposed.

Though National Grid characterized the pipeline as serving system reliability interests, the scale of the proposed project went far beyond simply shoring up the system in Brooklyn and Queens. National Grid's installation of 350 psi, 30-inch pipe, efforts to increase processing capacity in Greenpoint, and attempts to obtain permits to truck the processed gas to Massachusetts all strongly suggest that the real goal of the project was to bring in more gas than was needed locally in order to sell the excess downstream, boosting profits for National Grid and its shareholders at the expense of low-income people of color in Brooklyn.

National Grid never seriously tried to identify less discriminatory alternatives for meeting safety and reliability needs. And because National Grid successfully evaded regulatory oversight of the pipeline siting decision, no agency ever assessed the alternatives either. Meanwhile, while further expansion of fracked gas infrastructure no longer immediately threatens the predominantly white neighborhoods in Brooklyn, gas is running through the predominantly low-income Black and Latinx communities in Phases 1-4—and their gas bills will increase to pay for it.

## **2. Lack of Compliance**

At every step, from planning to construction to operation, National Grid employed criteria and methods that have the effect of discriminating on the basis of race by taking measures to evade state and federal regulations necessary to ensure the safety of the surrounding Black and Latinx community. Specifically, National Grid failed to comply with the Pipeline Safety Act's public awareness and testing requirements. Today, according to National Grid's most recent annual reports, gas is flowing through pipes that have not been pressure tested and checked for leaks. National Grid never conducted an evacuation zone study to determine how schools, residents, or businesses should respond in case of an emergency, and maintained that such a study was not necessary.<sup>234</sup> National Grid's evasion of its basic legal obligations has no substantial legitimate justification.

## **3. Regulatory Evasion**

National Grid demonstrated a consistent pattern of evading regulatory review at all levels of government. Critically, National Grid failed to apply to the Department of Energy's Federal Energy

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<sup>232</sup> 350.ORG, FALSE DEMAND: THE CASE AGAINST THE WILLIAMS FRACKED GAS PIPELINE 3 (Mar. 2019), [https://350.org/wp-content/uploads/2019/03/Stop\\_Williams\\_False\\_Demand.pdf](https://350.org/wp-content/uploads/2019/03/Stop_Williams_False_Demand.pdf) (last visited Aug. 29, 2021).

<sup>233</sup> Exhibit 735, *supra* note 101, at 7.

<sup>234</sup> Public Service Commission, Case No. 19-G-0309, Dkt. No 101, Exhibit 683 SANE-11 Response (March 2, 2020) at 2.



Regulatory Commission (FERC), and conduct the requisite environmental analysis for approval to build the pipeline.<sup>235</sup> At the time of construction, the pipeline was subject to FERC because it was intended to connect to an interstate pipeline and receive gas from Pennsylvania that would be transported out of state for consumption in Massachusetts. 15 U.S.C. § 717(b), (c).<sup>236</sup> Section 7 of the Natural Gas Act thus required National Grid to apply to FERC and justify the necessity of the pipeline and include an environmental assessment of its impact. To determine whether to approve or deny the project, FERC would have assessed whether the pipeline was in the public interest, including the full environmental justice impact of the pipeline and related gas infrastructure, and held public hearings.<sup>237</sup> However, there is no record that National Grid applied for or received a Certificate of Necessity in FERC's database, and National Grid has testified that it never conducted an environmental analysis of the pipeline that was necessary for its application.<sup>238</sup>

Similarly, contrary to National Grid's assertion that it was never subject to State Environmental Review because it never applied for discretionary permits in constructing the pipeline,<sup>239</sup> National Grid applied for multiple permits that should have triggered environmental review. In addition to its application for a permit for expansion of the Greenpoint Energy Center, National Grid applied for permits from the New York City Department of Environmental Protection for disposing billions of gallons of wastewater that should have triggered environmental review.<sup>240</sup> National Grid also conducted work pursuant to a DEP order to strengthen a sewer through which the pipeline passed, and the pipeline crossed through three separate Department of Environmental Protection water mains.<sup>241</sup> National Grid should have conducted and submitted an environmental assessment for these projects, and been subjected to SEQRA or the New York City Environmental Quality Review process.<sup>242</sup>

National Grid also did not apply for permits and approvals mandated by state and local law. For example, New York State Transportation Corporations Law § 87 prohibits the construction of a pipeline through a city without the approval of two thirds of its legislature. Specifically, prior to constructing the pipeline, National Grid was required to obtain "a resolution prescribing the route, manner of construction and terms upon which granted." N.Y.S. Trans. Corp. § 87. Despite this statutory requirement, there is no

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<sup>235</sup> While intrastate pipelines are largely exempt from FERC, if such pipelines receive gas from out of state that will be consumed out of state, FERC applies. 15 U.S.C. § 717(b), (c). *Okla. Nat. Gas Co. v. FERC*, 28 F.3d 1281, 1285-86 (D.C. Cir. 1994); *La. Power & Light Co. v. Fed. Power Com.*, 483 F.2d 623 (5th Cir. 1973). Before the pipeline can be built, FERC must approve the project and grant the developer a "certificate of public convenience and necessity," 15 U.S.C. §§ 717f(c)(1)(A); 717f(e).

<sup>236</sup> National Grid FDNY Variance Petition, *supra* note 62. It is also connected to a pipeline system that transports gas out of state. See YOU ARE HERE: MAPPING LOCAL FRACKING INFRASTRUCTURE AND COMMUNITIES OF RESISTANCE, <https://www.youareheremap.org/> (last visited Aug. 26, 2021).

<sup>237</sup> See 15 U.S.C. § 717f. To assess the pipeline, FERC is required to prepare an environmental impact statement (EIS) before approving the project under the National Environmental Policy Act of 1969 (NEPA), which requires for each "major Federal action [ ] significantly affecting the quality of the human environment." See 42 U.S.C. § 4332(C). As part of this process, FERC is required to solicit public comments, hold public meetings on the project's environmental effects, and, if necessary, modify any project plans in response to public concerns. It then must release a draft, then final impact statement. See also *Sierra Club v. FERC*, 867 F.3d 1357, 1364 (D.C. Cir. 2017). FERC is also empowered to attach "reasonable terms and conditions" to the certificate, as necessary to protect the public. *Id.*

<sup>238</sup> At the least, even if all gas is consumed wholly within NYS, National Grid should have applied for and received a FERC certificate under 18 C.F.R. § 284.224. Our review of FERC records indicate no such certificate.

<sup>239</sup> Case No. 19-G-0309, Dkt. No 210, Ex. 815-ALJ-1 Attachment 3 (Part 2) at 117-118 (June 22, 2021).

<sup>240</sup> *Id.* at 91-114.

<sup>241</sup> Exhibit 735, *supra* note 101, at 7.

<sup>242</sup> CEQR is the process by which New York City agencies determine what effect, if any, a discretionary action they approve may have upon the environment. See generally, 62 Rules of the City of New York (RCNY), Chapter 5.

record of National Grid ever seeking the approval of the New York City Legislature, or the Legislature passing such a resolution. To the contrary, the only reference to the MRI pipeline in New York City legislative records is a resolution proposed by Brownsville Councilmember Alicka Ampy-Samuel and former Councilmember and current Public Advocate Jumaane Williams vehemently objecting to the rate hike for the MRI pipeline based in large part on the unregulated dangers the pipeline imposes on Black and Latinx communities.<sup>243</sup>

In addition, National Grid failed to apply for other relevant permits, including permits for which it applied for smaller transmission pipelines in other communities. Despite the fact that the North Brooklyn Pipeline is located close to 28 historical sites, National Grid did not apply for the mandated City or State permits to excavate land to construct and operate the pipeline. Nor did it apply for a Stormwater Pollution Prevention Plan (SWPPP), even though it dumped billions of gallons of wastewater into New York City Sewers in building the MRI Pipeline. In contrast, when National Grid built a much smaller 8200 foot 12” 350 psig transmission main in Riverhead, which is 71.4% white, it applied and obtained approval for a SWPPP from DEC, as well as approvals from the New York State Department of Transportation (which it never did for the MRI project).<sup>244</sup> Similarly, prior to building similar infrastructure in South Hampton, which is 85.3% white, National Grid applied for and obtained the same approvals from DOT and DEC for constructing an 8,500 foot of 16-inch, 350 psig transmission main, a regulator station, and a 5,800 foot of 12-inch steel distribution main.<sup>245</sup>

National Grid’s bypassing of federal and state oversight has no legitimate justification. These practices have jeopardized and continue to jeopardize the lives and safety of the Black and Brown residents living around the pipeline and constitute “criteria and methods” that violate Title VI.<sup>246</sup>

### VIII. Relief Requested

In order to comply with Title VI and prevent unjustified disparate impacts:

- DOT should ensure that **DPS immediately stop the flow of gas**, rescind its approval of the rate hike, and analyze the disproportionate impact of the pipeline and rate hike on Black and Latinx individuals. Further, DOT must ensure that DPS investigates all of National Grid’s regulatory failures and evidence that National Grid never notified the public, tested, or even reported the existence of the pipeline to PHMSA. DOT must never allow National Grid to operate a pipeline without complying with the PSA and state law.
- EPA should ensure that DEC rescinds its negative declaration. If DEC considers National Grid’s application to upgrade its LNG capacity or renew any permits for the facility, DEC must consider the “whole action,” that includes the pipeline. DEC must then consider, in light of the whole action, whether its environmental assessment and permitting decision would

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<sup>243</sup> N.Y. City Council Res. 1562 (N.Y.C. 2021), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4856753&GUID=5DD20438-43C9-4F06-9C01-837F222ED230&Options=&Search=>.

<sup>244</sup> Case No. 19-G-0309, Dkt. No 210, Ex. 815-ALJ-1 Attachment 3 (Part 2) at 169 (June 22, 2021); Case No. 19-G-0309, Dkt. No. 111, Corrected Evidentiary Hearing Transcript Volume 9. February 25, 2020. at 1494-95 (March 19, 2020); United States Census Bureau, Quick Facts for Riverhead, New York: Population Estimates (July 1, 2019), <https://www.census.gov/quickfacts/riverheadcdpnnewyork>

<sup>245</sup> *Id.*; United States Census Bureau, Quick Facts for East Hampton, New York: Population Estimates (July 1, 2019), <https://www.census.gov/quickfacts/fact/table/southamptontownsuffolkcountynynewyork/IPE120219>

<sup>246</sup> 10 C.F.R. § 1040.13.

have discriminatory effects, which includes disparate levels of risk to air quality, soil, water, and safety of the community, and DEC must take affirmative steps to consider and prevent disparate impacts.<sup>247</sup> It also must hold hearings with the impacted communities prior to reaching a decision on the permit, and it must require National Grid to take affirmative steps to remediate the negative environmental impacts of the pipeline.

- DOE should investigate whether FERC had and continues to have jurisdiction over the North Brooklyn Pipeline based on National Grid's intent at the time of construction to use the pipeline to transport gas in interstate commerce from Pennsylvania to New York to Massachusetts. If applicable, FERC should order National Grid to stop the flow of gas and mandate that National Grid complies with FERC's regulatory process.
- Should DEC, DPS and/or National Grid fail to come into compliance, the relevant federal agencies should revoke all federal funding and pursue all legal relief to stop the flow of the gas and require that the disproportionate impacts on Black and Latinx residents are considered and their voices are heard as required by Title VI and state law.

In addition, we request these investigations be consolidated, and that EPA, DOT, DOE, and DOJ collaborate and coordinate on remedial approaches, and provide complainants with a public hearing.

Sincerely,

*/s/ Britney Wilson*

Britney R. Wilson  
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*/s/ Anjana Malhotra*

Anjana Malhotra  
Claudia Wilner  
Leah Lotto

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275 Seventh Ave., Suite 1506  
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<sup>247</sup> Beyond rejecting the permit outright, DEC may be able to ensure compliance with Title VI by modifying permit conditions or requiring a different route; these would potentially be less discriminatory alternatives that satisfy DEC's other obligations.

## Exhibit List

Exhibit A	Negative Declaration from <i>Sane Energy Project et al v. New York State Dept. of Environmental Conservation et al</i> , Case No. 706273/2021, Dkt. No. 3 Article 78 Petition, Exhibit A (March 18, 2021).
Exhibit B	Statement of Celina Trowell
Exhibit C	Statement of Matilda Dyer
Exhibit D	Statement of Edith Margarito
Exhibit E	Statement of Fabian Rogers
Exhibit F	Statement of Pati Rodriguez
Exhibit G	Statement of Maritza Henriquez
Exhibit H	Comment of Assemblywoman Latrice M. Walker, New York Assembly, Rate Case No. 19-G-6309, Comment No. 2209 (Oct. 10, 2020).
Exhibit I	Demographic Maps of Pipeline Route
Exhibit J	National Grid Year End Leak Reports (Combined)
Exhibit K	PHMSA FOIL Response, National Grid Annual Transmission System Reports (2018-2020)
Exhibit L	PHMSA FOIL Response, National Grid Annual Distribution System Reports (2018-2020)
Exhibit M	PHMSA FOIL Response, National Grid Incident reports (2018-2020)
Exhibit N	Draft DEC Environmental Assessment Form for National Grid North Brooklyn Pipeline Route Phases 1-4 Created by NCLEJ Staff

# EXHIBIT A

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing


**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Brooklyn Union Gas Company, dba National Grid			
Name of Action or Project: Re-permitting of the Greenpoint Energy Center			
Project Location (describe, and attach a location map): Greenpoint Energy Center - 287 Maspeth Avenue, Brooklyn NY 11211. See attached map.			
Brief Description of Proposed Action: National Grid is seeking to re-permit the Greenpoint Energy Center from a Major Title V permit to a minor state facility permit. Additionally, the facility is installing <del>2 new compressed natural gas (CNG) injection heaters</del> and two new vaporizers. Further details are included in the Air Permit Application.			
Name of Applicant or Sponsor:  Brooklyn Union Gas, dba National Grid - c/o Thomas Smith		Telephone: 631-755-4790  E-Mail: tsmith3@nationalgrid.com	
Address: 1 Metrotech Center			
City/PO: Brooklyn		State: NY	Zip Code: 11201
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Fire Dept. of City of New York		NO <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		104 acres	
b. Total acreage to be physically disturbed?		<1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		104 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

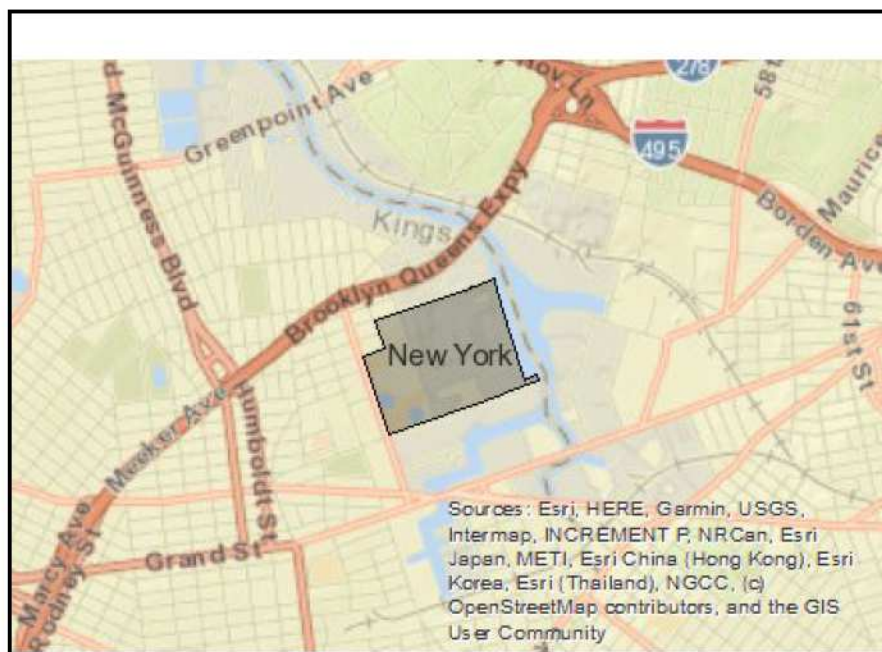


5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Not applicable	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
_____			
_____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
The Greenpoint Energy Center receives construction debris and soils from gas infrastructure construction projects. Some material is recycled and others are transported off site for disposal.		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
The Greenpoint Energy Center is the site of a former manufactured gas plant and gas holders. The site is currently the subject of a DEC approved and supervised Site Management Plan.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: Adam Yablonsky      Date: <u>5/21/20</u> Rev. 2/18/21		
Signature:  Title: Lead Environmental Scientist		

## EAF Mapper Summary Report

Thursday, May 21, 2020 9:33 AM



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

Project: 2-6101-00071/00024 Greenpoint

Date: 11/02/2020 (Revised 03/02/2021)

## Short Environmental Assessment Form

### Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	4	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	4	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	4	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	4	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	4	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	4	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	4	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	4	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	4	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	4	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	4	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	4	<input type="checkbox"/>







2-6101-00071/00024-SEAF, PART III (continued)

11/02/2020 (revised 03/02/21)

Reasons Supporting This Determination:

No significant impacts are expected to existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal. The site is currently developed. No significant changes to aesthetic, agricultural, archaeological, historic or other natural or cultural resources or community or neighborhood character are anticipated by the issuance of this permit. Impacts are not anticipated to vegetation, fauna, fish, shellfish, wildlife species, significant habitations, or threatened or endangered species. This project is consistent with local land use plans/zoning and will not significantly change use or intensity of land. This project will not result in the need for additional services or cause expansion of local area. No long term or cumulative impacts are anticipated.

The proposed action is to be subject to enforceable State and enforceable Federal conditions, as well as, provisions for monitoring, recordkeeping and submission of reports, as required by the permit. The latest AP-42 factor was used in the formula to demonstrate compliance with the 24.9 ton per year NOx emission cap and records demonstrating compliance with the facility-wide NOx cap will be kept in accordance with the permit special conditions. The permit will include the following condition to address the New York State Climate Leadership and Community Protection Act (CLCPA): "Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels."

# EXHIBIT B

## **STATEMENT OF CELINA TROWELL**

Celina Trowell states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a thirty-four-year-old Black woman, social worker, and community organizer in Brooklyn, New York.
3. I am a founding member of Brownsville Green Justice (formerly the Brownsville Residents Green Committee (BRGC)). I am also a member of the Ocean Hill-Brownsville Coalition of Young Professionals (CYP). Both groups are complainants in this action.
4. I was born and raised in Brownsville, Brooklyn, and I have lived here my entire life. I currently live with my husband and six-year-old son.
5. My family and I live less than a mile away from the pipeline in Brownsville.
6. My son attends a public school in Ocean Hill.
7. I first found out about the pipeline in or around June 2020 after a friend and fellow Brownsville resident invited me to a bike ride that a group that had formed in other Brooklyn neighborhoods in opposition to the pipeline's construction was having. The group was called the No BK Pipeline Coalition ("the Coalition").
8. While I was not able to attend the bike ride, later that month I attended a rally the Coalition held in Bushwick, Brooklyn. During the rally, there were speak-outs held along the route of the pipeline, and a member of the Coalition asked me to speak.

9. In or around July 2020, I attended another event the Coalition held about the pipeline in a community garden in Brownsville.
10. After the event, I volunteered to inform other community members about the pipeline. In or around July 2020, I conducted two teach-ins at a community garden in Brownsville.
11. From 2017 to the present, I have never seen or received a notification from National Grid concerning my proximity to the pipeline.
12. From 2017 to the present day, I have never seen or received information from National Grid about the potential hazards from pipeline leaks and explosions.
13. From 2017 to the present day, I have never seen or received information from National Grid about how to recognize a leak or release through physical indications.
14. From 2017 to the present day, I have never seen or received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak or what to do if there is a leak.
15. From 2017 to the present day, I have never seen or received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.
16. From 2017 to the present day, I have never seen or received information from my son's school or from National Grid concerning safety information related to the fact that his school is located in proximity to the pipeline.
17. On or about July 2020, I contacted New York State Assemblywoman Latrice Walker, who represents Brownsville and the neighboring community of Ocean Hill, Brooklyn to schedule a meeting about the pipeline.

18. During our meeting on or about August 25, 2020, Assemblywoman Walker told me she did not know much about the pipeline and that she thought the construction was just upgrading infrastructure.
19. In or around September 2020, National Grid was scheduled to present at the community board meeting but canceled. When I found out National Grid had canceled, I asked to speak instead. I gave a presentation to the general membership of Brooklyn Community Board 16, which includes Brownsville and Ocean Hill, informing them about the pipeline's size, the lack of environmental review it had undergone, and the impending rate hikes associated with its construction.
20. Prior to my contacting them, the community board did not seem to know anything about the pipeline. The members had a lot of questions about my presentation.
21. In or around August or September 2020, I partnered with other Brownsville residents to form what was then the Brownsville Residents Green Committee (BRGC).
22. On or about September 26, 2020, BRGC led a rally with the No BK Pipeline Coalition in opposition to the construction of the pipeline.
23. I am concerned about pipeline leaks because on the day of the rally, community members told me about a leak at the Buckeye Pipeline on Linden Boulevard in Brooklyn. I believe the Buckeye Pipeline is part of older pipeline infrastructure in Brownsville. Community members found out about the Buckeye Pipeline leak through a cell phone application called the Citizen app.
24. Although we could not confirm it, community members believed the leak to be connected to the National Grid construction.



25. I also worry about other issues that the pipeline might bring into our neighborhood because I have heard reports that homeowners in Brownsville have complained about damage to their sewer line that is possibly related to National Grid's construction.
26. I am outraged that this pipeline was built in my community without my knowledge or consent.
27. As the already densely populated New York City continues to build much-needed low-income housing in the neighborhood, there is an even greater risk of emergency if there is a leak or explosion and people have to evacuate. I am also terrified for my son's future and the possible health effects associated with this pipeline.
28. I certify that the foregoing is true and correct. Executed this 28th day of August, 2021.

A handwritten signature in black ink, appearing to read "Celina Trowell", is written over a horizontal line.

CELINA TROWELL

# EXHIBIT C

## **STATEMENT OF MATILDA DYER**

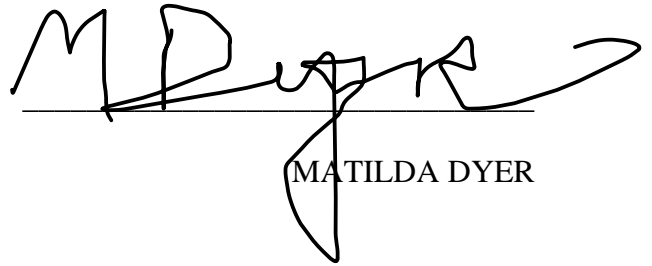
Matilda Dyer states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a sixty-eight-year-old Black woman and a retired nurse. I have lived in Brownsville, Brooklyn for more than thirty years.
3. I am also the President of the Brownsville Nehemiah Homeowners Association ("the Association"). We work to preserve the wellbeing of our neighborhood, including by maintaining the function of our private sewer line.
4. The pipeline runs down the street I live on.
5. I first found out about the pipeline in or around the summer of 2020 after demonstrators protested against it in my neighborhood.
6. While I noticed construction on my block in or around 2018 or earlier, I thought the construction was related to renovations and new buildings being worked on near my home.
7. From 2017 to the present, I have never seen or received a notification from National Grid concerning my proximity to the pipeline.
8. From 2017 to the present day, I have never seen or received information from National Grid about the potential hazards from pipeline leaks and explosions.
9. From 2017 to the present day, I have never seen or received information from National Grid about how to recognize a leak or release through physical indications.

10. From 2017 to the present day, I have never seen or received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak.
11. From 2017 to the present day, I have never seen or received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.
12. After learning about the pipeline, my neighbors and I did our own research and started informing our community as well. We started passing out flyers, held meetings in parks, and went door to door educating homeowners in Brownsville.
13. In or around 2019, there was a break in the sewer on one of the blocks that the Association includes in Brownsville. I was informed of the break by residents and members of the Association who live on that block. Although we are not sure about the details of what caused the break, residents believed that it was caused by construction.
14. Because all of the Nehemiah homes are connected to one private sewer, the Association was forced to pay for the repair of the sewer. It cost approximately seven thousand dollars.
15. I am anxious and upset because the pipeline was placed so close to my home and I had no idea until at least two years after it was installed.
16. It is very unnerving because I know that gas lines in other areas have caused so much damage. I am concerned because we have both young people with asthma and other health conditions and senior citizens in this area. Respiratory issues are prevalent health concerns in our neighborhood.

17. I think it is very unfair that certain neighborhoods are picked on and used for these purposes without their input. I believe it is only fair that when entities come into neighborhoods, they inform residents, so they have a say.

18. I certify that the foregoing is true and correct. Executed this 28th day of August, 2021.

A handwritten signature in black ink, appearing to read 'MDyer', is written over a horizontal line. The signature is stylized with a large 'M' and a long, sweeping 'y' that extends below the line.

MATILDA DYER



# EXHIBIT D

## **STATEMENT OF EDITH MARGARITO**

Edith Margarito states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a sixty-two-year-old Latina woman and retired corrections officer in Brooklyn, New York. I also volunteer on the board of the Brownsville Nehemiah Homeowners Association ("the Association").
3. I live in Brownsville with my family, and I have lived here for over thirty years.
4. I live approximately half a block away from the site of the pipeline in Brownsville.
5. I first found out about the pipeline in or around the summer of 2020 after some of my neighbors were protesting against it.
6. Before I knew what the pipeline was, I saw and heard construction on and around my block. There was often construction happening on or around my block beginning in or around 2018 or earlier. It seemed to happen more regularly in or around January 2020.
7. When I asked a construction supervisor what the digging was about, he told me he worked for National Grid. He did not tell me he was installing a pipeline.
8. From 2017 to the present, I have never seen or received a notification from National Grid concerning my proximity to the pipeline.
9. From 2017 to the present day, I have never seen or received information from National Grid about the potential hazards from pipeline leaks and explosions.
10. From 2017 to the present day, I have never seen or received information from National Grid about how to recognize a leak or release through physical indications.

11. From 2017 to the present day, I have never seen or received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak.
12. From 2017 to the present day, I have never seen or received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.
13. In or around 2019, there was a break in the sewer on my block. Someone from the New York City Department of Environmental Protection (DEP) came to my door and told me about the break. He told me that the water on our block would be shut off if we did not fix it.
14. I informed the Nehemiah Homeowners Association and advocated with New York City officials to not have our water shut off. The Association ultimately paid approximately seven thousand dollars to have the sewer break repaired.
15. Although I do not know what specifically caused the break, I believe it was caused by some of the construction that was always happening on my block.
16. To say I am disappointed about the pipeline is an understatement. I feel targeted. I am angry that my neighbors and I were not informed about the pipeline before it was installed.
17. I certify that the foregoing is true and correct. Executed this 28th day of August, 2021.

“/S/” Edith Margarito\_\_\_\_\_

EDITH MARGARITO

# EXHIBIT E

## **STATEMENT OF FABIAN ROGERS**

Fabian Rogers states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a 26-year-old Black man, community advocate, and tenant organizer in Brooklyn, New York.
3. I am an active member of Brownsville Green Justice (formerly the Brownsville Residents Green Committee (BRGC)), one of the complainants in this action.
4. I currently live in Ocean Hill-Brownsville, Brooklyn, and I have lived here since 2005.
5. I live an approximately 10 or 15-minute walk away from the pipeline in Brownsville.
6. I found out about the pipeline in or around September 2020 after a friend and colleague asked me to attend a rally hosted by the No BK Pipeline Coalition ("the Coalition") on behalf of an organization for which I volunteer. The colleague asked me to attend because I live in Ocean Hill.
7. On or about September 26, 2020, I attended the rally, and I was asked to speak. I spoke about how much pipeline cost, its impact on Black and Brown communities, and the fact that the gas it is carrying does not actually serve us.
8. While at the rally, I met members of what was then BRGC for the first time. I realized the group was in its beginning stages of development and offered to help out by taking notes on community calls. I eventually became a member and conducted teach-ins, facilitated townhalls, and other meetings.



9. I had never heard anything about the pipeline before being asked to attend the rally in or around September 2020. I was shocked when I found out about it, especially because I have family friends who live about a block away from the pipeline.
10. From 2017 to the present, I have never seen or received a notification from National Grid concerning my proximity to the pipeline.
11. From 2017 to the present day, I have never seen or received information from National Grid about the potential hazards from pipeline leaks and explosions.
12. From 2017 to the present day, I have never seen or received information from National Grid about how to recognize a leak or release through physical indications.
13. From 2017 to the present day, I have never seen or received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak.
14. From 2017 to the present day, I have never seen or received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.
15. I worry about the possibility of pipeline leaks because on or about December 2020, one of the No BK Pipeline Coalition members told me about a leak near the site of the pipeline construction in Brownsville that was still being paved over. She said the leak had occurred on or around November or December of 2020.
16. Having National Grid build this pipeline in my neighborhood without my knowledge or consent feels like a slap in the face. It is frustrating and disrespectful that things like this happen in Black and Brown communities and it is hard to accept that this is happening and try to figure out how to fix it when it is not something we asked for.
17. I certify that the foregoing is true and correct. Executed this 28<sup>th</sup> day of August, 2021.

A handwritten signature in black ink, appearing to read 'Fabian Rogers', with a large, stylized flourish at the end.

FABIAN ROGERS

# EXHIBIT F

## **STATEMENT OF PATI RODRIGUEZ**

Pati Rodriguez states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a thirty-nine-year-old community organizer and advocate of Ecuadorian Indigenous descent in Brooklyn, New York.
3. I am a founding member of Mi Casa Resiste. I am also a member of the Indigenous Kinship Collective. Both groups are complainants in this action.
4. I live approximately three or four blocks away from the site of the North Brooklyn Pipeline ("the pipeline") in Bushwick, Brooklyn, New York.
5. I was raised in Brooklyn my whole life. I moved to Bushwick, Brooklyn when I was eight years old, and I currently live here with my family.
6. My daughter attends a public school that is adjacent to the site of the pipeline in Bushwick, Brooklyn.
7. I first found out about the North Brooklyn Pipeline around January 2020 after organizers from the No BK Pipeline Coalition requested Mi Casa Resiste's participation in direct actions challenging the pipeline's construction.
8. As soon as we were informed about this pipeline, the members of Mi Casa Resiste and I, along with several other organizations led by Black, Brown, and Indigenous residents who lived along the pipeline route in Brooklyn started our own coalition called Frack Outta BK.

9. Since this was the first time we had heard about the pipeline, we did not want to immediately engage in direct actions without doing our own research and informing our community as well. As a result, in or around January 2020, the members of Mi Casa Resiste along with the coalition we helped form, Frack Outta BK, started doing community education, town halls, and passing out flyers in Bushwick. We shared information regarding the risks associated with having a pipeline in our neighborhood and the possibility of leaks.
10. The members of Mi Casa Resiste and I were especially surprised to hear that a pipeline was being constructed because we were community organizers and our work regularly included local racial and social justice organizing.
11. From 2017 to the present, I have never seen or received a notification from National Grid concerning my proximity to the pipeline.
12. From 2017 to the present day, I have never seen or received information from National Grid about the potential hazards from pipeline leaks and explosions.
13. From 2017 to the present day, I have never seen or received information from National Grid about how to recognize a leak or release through physical indications.
14. From 2017 to the present day, I have never seen or received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak.
15. From 2017 to the present day, I have never seen or received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.

16. From 2017 to the present day, I have never seen or received information from my daughter's school or from National Grid concerning safety information related to the fact that her school is located in proximity to the pipeline.
17. Mi Casa Resiste and other members of the Frack Outta BK coalition continued to do public speak-outs and outreach with the local community, and in October 2020, I began to participate in direct actions in opposition to the construction of the pipeline. I participated in several direct actions in a row over the span of approximately two weeks.
18. I chained myself to the pipeline and was arrested along with several other members of Frack Outta BK. At one point, I was taken to a police precinct in Brownsville, along with other Brownsville residents who were participating in direct actions against the pipeline there.
19. While there, I was handcuffed to a bench for eight hours. I could not move. I vomited and got extremely sick.
20. I am upset that this pipeline was placed in our neighborhood without our knowledge or consent. I am concerned because I know that the risks are real and that there have been fracked gas leaks in other states that contaminate air, water, dirt, and the earth. The fumes are toxic and can cause cancer and asthma. You can see from the map that these pipelines are deliberately being placed in Black and Brown neighborhoods.
21. I certify that the foregoing is true and correct. Executed this 29th day of August, 2021.

s/ Pati Rodriguez

PATI RODRIGUEZ



# EXHIBIT G

## **STATEMENT OF MARITZA HENRIQUEZ**

Maritza Henriquez states the following:

1. I make the following statement in support of this Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d regarding National Grid's construction of the North Brooklyn Pipeline ("the pipeline").
2. I am a thirty-four-year-old paralegal of mixed race in Brooklyn, New York. I have lived in Williamsburg, Brooklyn with my son since January 2017.
3. I am a member of the Frack Outta BK Coalition ("FOBK"), which includes Mi Casa Resiste and Indigenous Kinship Collective, both of which are complainants in this action.
4. I live directly on the pipeline, on the same block as the site of the pipeline construction in Williamsburg.
5. My son attends a public school approximately three blocks away from the pipeline.
6. I first found out about the pipeline in or around May 2020 after, Pati Rodriguez, whom I know from organizing spaces, was posting about it on social media. After I saw her post, I realized that that was what the construction happening on my block was.
7. I reached out to different science teachers and the principal at my son's school to see if they could inform other students' families about the pipeline. I never got a response.
8. In or around September 2020, I reached out to Pati about getting information about the pipeline out to other members of the community.
9. I was involved in the Parent-Teacher Association (PTA) at my son's school and beginning in November 2020, FOBK began doing monthly teach-ins at schools across the district about the pipeline. Eventually, I began conducting teach-ins too, and I became a member of FOBK.

10. FOBK still conducts monthly teach-ins about the pipeline in the school districts.
11. From 2017 to the present, I have never received a notification from National Grid concerning my proximity to the pipeline.
12. From 2017 to the present day, I have never received information from National Grid about the potential hazards from pipeline leaks and explosions.
13. From 2017 to the present day, I have never received information from National Grid about how to recognize a leak or release through physical indications.
14. From 2017 to the present day, I have never received information from National Grid about steps that should be taken for public safety if there is a leak, including mechanisms for reporting a leak.
15. From 2017 to the present day, I have never received information from National Grid about applications for permits to build a pipeline, and the meaning of a permit.
16. From 2017 to the present day, I have never received information from my son's school or from National Grid concerning safety information related to the fact that his school is located in proximity to the pipeline.
17. Community members who attended the FOBK teach-ins were in disbelief when they heard about the pipeline. Many community members assumed that the construction on their streets had to do with water main issues. They had no idea that a pipeline was being built.
18. It was interesting to track the different reactions of different members of the community when they learned about the pipeline because Williamsburg has many Black and Brown residents who are mostly low-income, but it also has some more affluent white residents.

19. The Black and Brown residents were surprised to learn that the pipeline was why there had been digging and holes on their blocks. A lot of the small businesses in the neighborhood that are owned by people of color lost business from the construction that was blocking the road. However, many of the white residents did not even know about the construction because there was nothing happening on their streets.
20. I used to have monthly meetings with the former Superintendent of Schools in North Brooklyn, Alicja Winnicki, in which I would bring up the pipeline. I never received a response to the concerns I raised.
21. Having the pipeline here feels like a deliberate act of violence and racism against low-income, Black, Indigenous, and people of color (BIPOC) residents. I have spent money on water filtration systems just in case something happens to the water supply. I am very afraid.
22. I am also a single parent. A lot of the people who live along the pipeline are in a similar situation. We cannot afford to relocate if something happens.
23. I certify that the foregoing is true and correct. Executed this \_\_\_\_\_ day of August, 2021.



8/28/2021

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MARITZA HENRIQUEZ

# EXHIBIT H



LATRICE M. WALKER  
MEMBER OF ASSEMBLY  
55<sup>TH</sup> ASSEMBLY DISTRICT  
KINGS COUNTY

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Legislative Commission on  
Science & Technology (LCST)

COMMITTEES  
Codes  
Corrections  
Election Law  
Housing  
Judiciary

October 7, 2020

Governor Andrew Cuomo  
The Executive Chamber, Capitol  
Albany, New York 12224  
c/o Melissa DeRosa

Commissioner John Rhodes  
New York State Public Service Commission  
3 Empire State Plaza- 20th Floor Albany, NY 12223  
c/o James Denn

Mayor Bill de Blasio  
City Hall  
New York, NY 10007  
c/o Emma Wolfe

**RE: National Grid's Metropolitan Reliability Infrastructure Project Permits & Rate Case**

Dear Governor Andrew Cuomo, Commissioner John Rhodes, and Mayor Bill de Blasio:

We the undersigned electorate collectively representing the community of Brownsville are writing to you in the voice of our constituents who have been pleading with the City and State administrations to revoke work permits administered to National Grid by New York City and to deny National Grid's Rate Case for the construction of Phase 5 of the Metropolitan Reliability Infrastructure (MRI) Project.

We are fierce advocates for our beloved Brownsville community and some of us are lifelong residents, with a deep understanding of the historical implications of a lack of an investment in our community's infrastructure, and as time passes our systems begin to wane and must be modernized. However, due to a lack of transparency around this entire effort and a dearth of input from local residents, it is unclear whether the MRI Project accomplishes this goal or seeks to accomplish goals that are far beyond what is necessary for the sake of modernization and reliability. Many in our community have reason to suspect that this project is actually a pipeline that intends to circumvent state laws and transport fracked gas across Brooklyn, leading to the expansion of liquefied and compressed natural gas depots. Continuing to undertake fossil fuel expansion projects will only exacerbate the emissions of greenhouse gasses and criteria air pollutants that have devastated our residents, many of which are already suffering from a plethora of respiratory health issues that have become even more life-threatening as a result of the COVID-19 pandemic.

Infrastructure projects such as this are not aligned with the will of the people and are not in line with the goals and the legislative intent of the Climate Leadership and Community Protection Act (CLCPA), which our state enacted as the national gold standard for climate legislation.

In the past 4 phases, National Grid has recouped \$237 million off the backs of residents. The Phase 5 request will only be a hit of \$9 Million to this corporation which has received several federally backed payouts during this economic downturn. However, it's unconscionable and deceitful for National Grid to request the financial burden be put on the backs of residents who are already in financial distress while in the same vain submitting proposals requesting \$50 Million in aid to mitigate customers utility burdens. They are asking the Public Service Commission to approve a tariff on low-income and working-class customers to essentially pay for their poison.

Our community needs alternative, renewable, environmentally friendly potential long-term solutions such as the replacement of gas pipelines with shared geothermal loops and building on the \$250 Million investment by way of the Brooklyn Queens Demand Management (BQDM) by continuing the energy-efficient upgrades in Brownsville and surrounding affected areas.

We are calling on this MRI project to be brought to an immediate halt and for any pending rate case to be denied at least until the economic hardship of COVID-19 has passed, public hearings can be conducted and to ensure a more transparent and community-minded approach.

If there is more information that you require during your deliberations, please do not hesitate to contact Assemblywoman Latrice Walker by phone (718)342-1256 or via email: [walkerl@nyassembly.gov](mailto:walkerl@nyassembly.gov). Alternatively, please contact her Chief of Staff, Isis McIntosh Green, by email: [mcinton@nyassembly.gov](mailto:mcinton@nyassembly.gov).

Yours in Partnership,



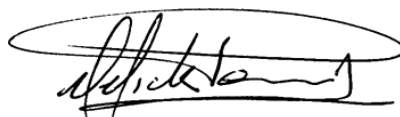
Assemblywoman Latrice M. Walker (D- 55)



Councilwoman Alicka Ampry-Samuel (D-41)



Assemblyman Charles Barron (D- 60)



Assemblyman N. Nick Perry (D- 58)



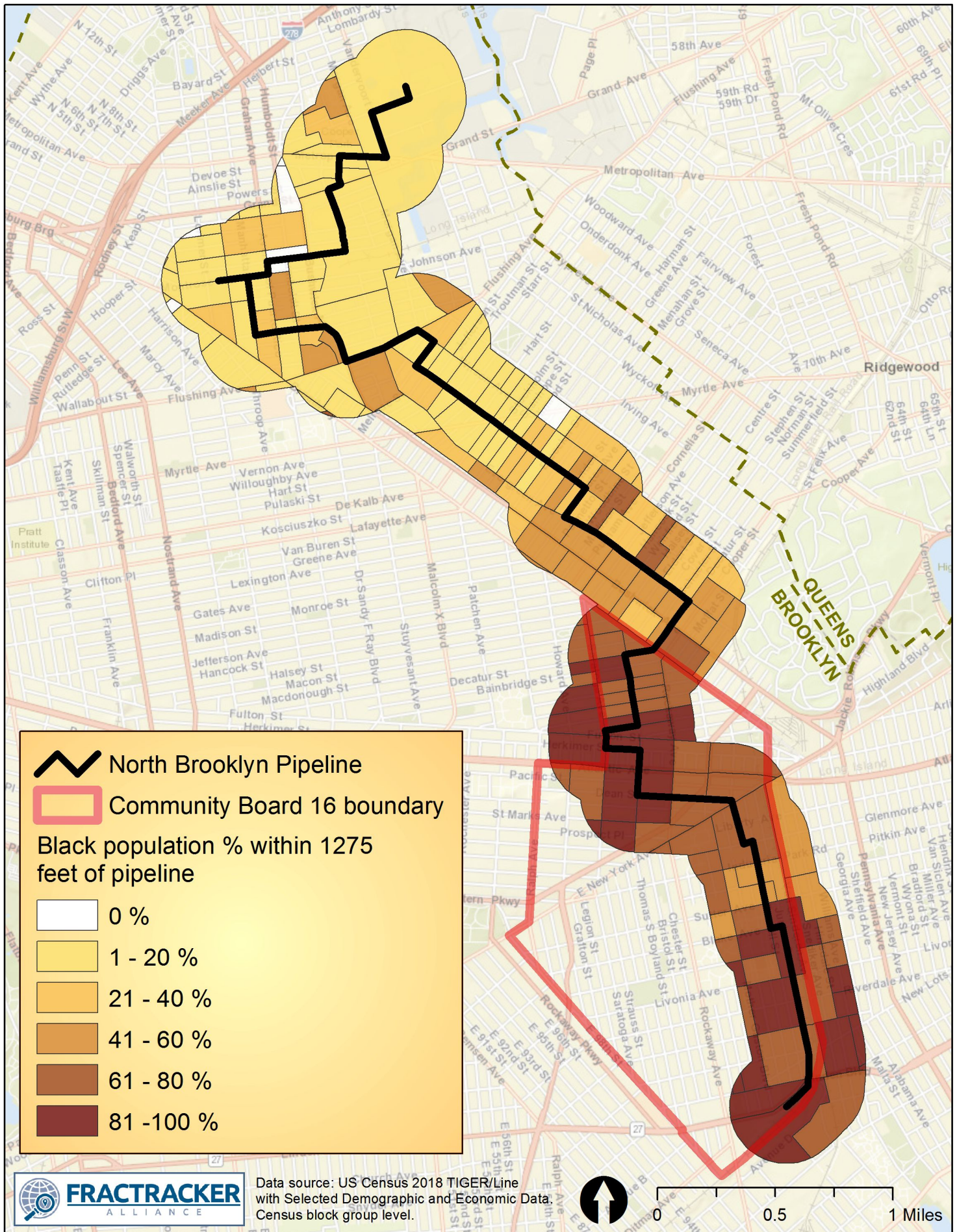
Senator Zellnor Myrie (D- 20)



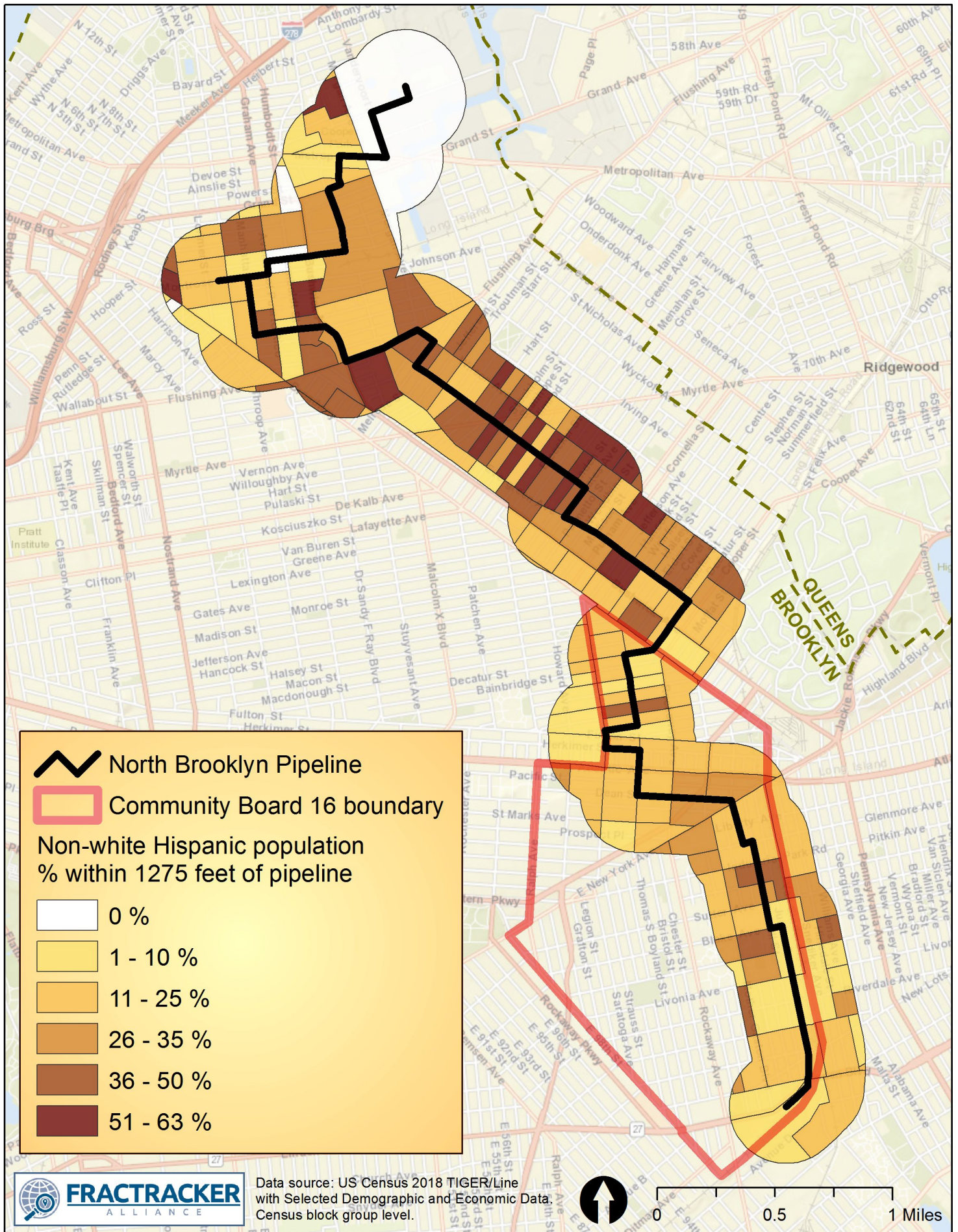
Congresswoman Yvette D. Clarke (NY- 09)



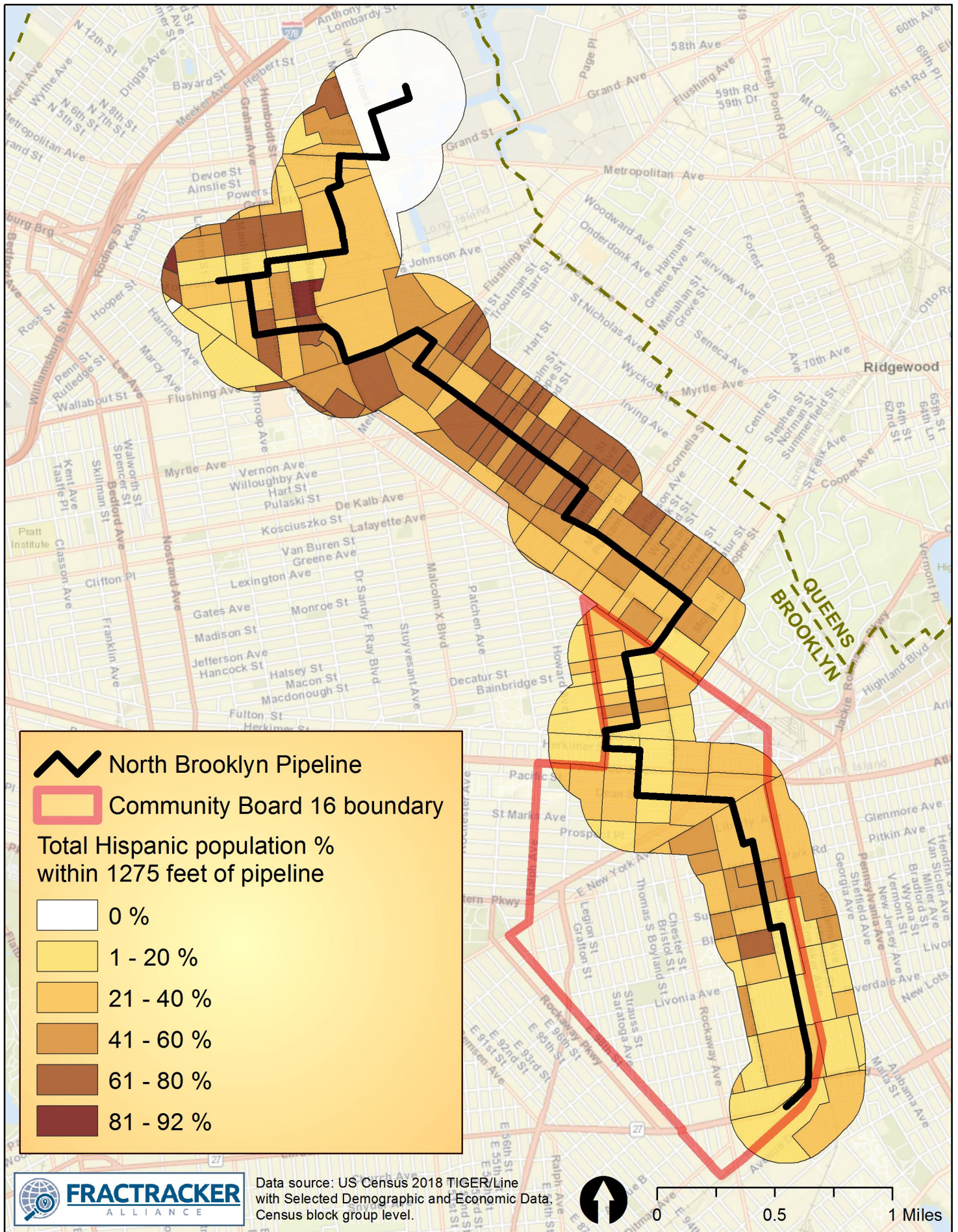
# EXHIBIT I



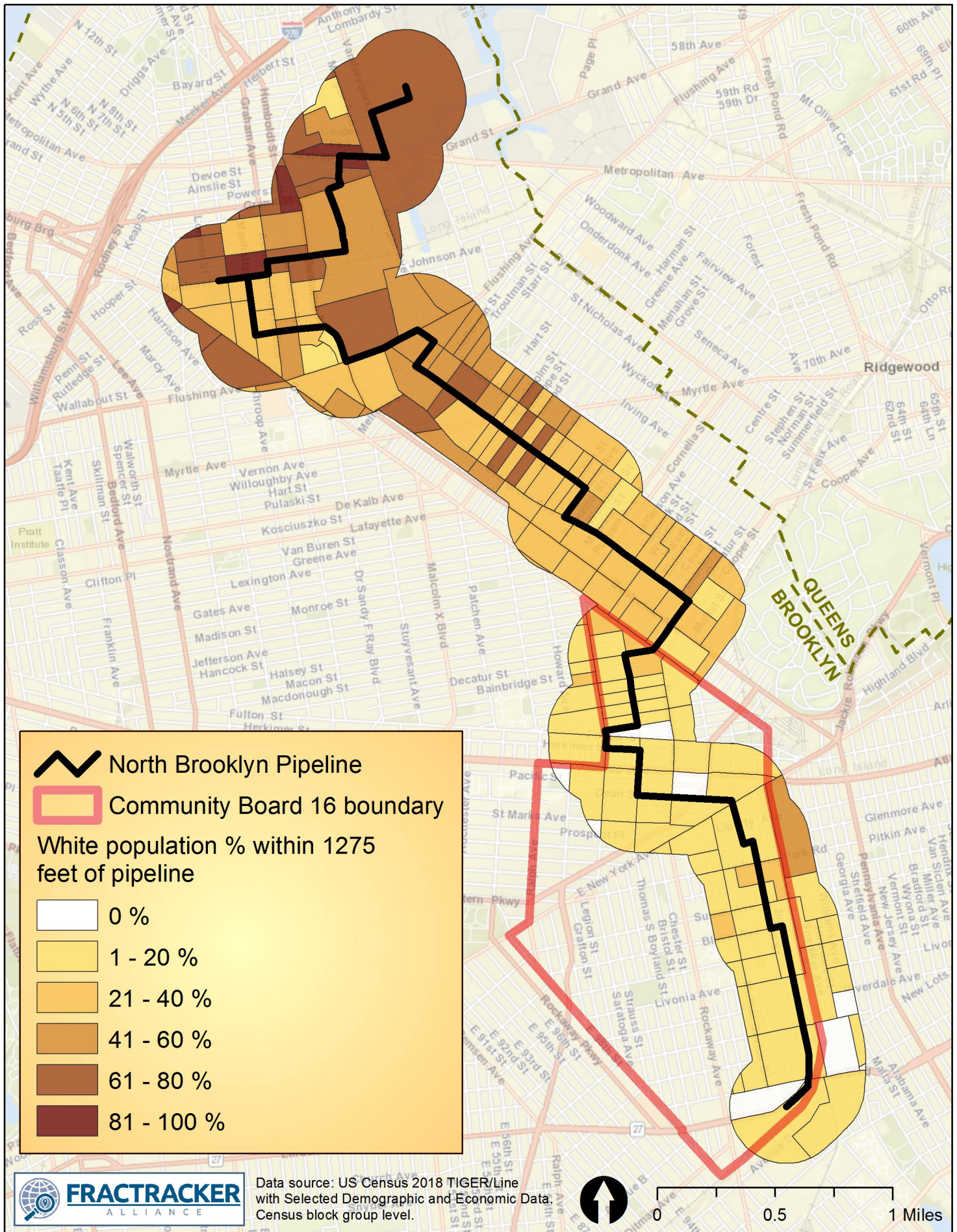




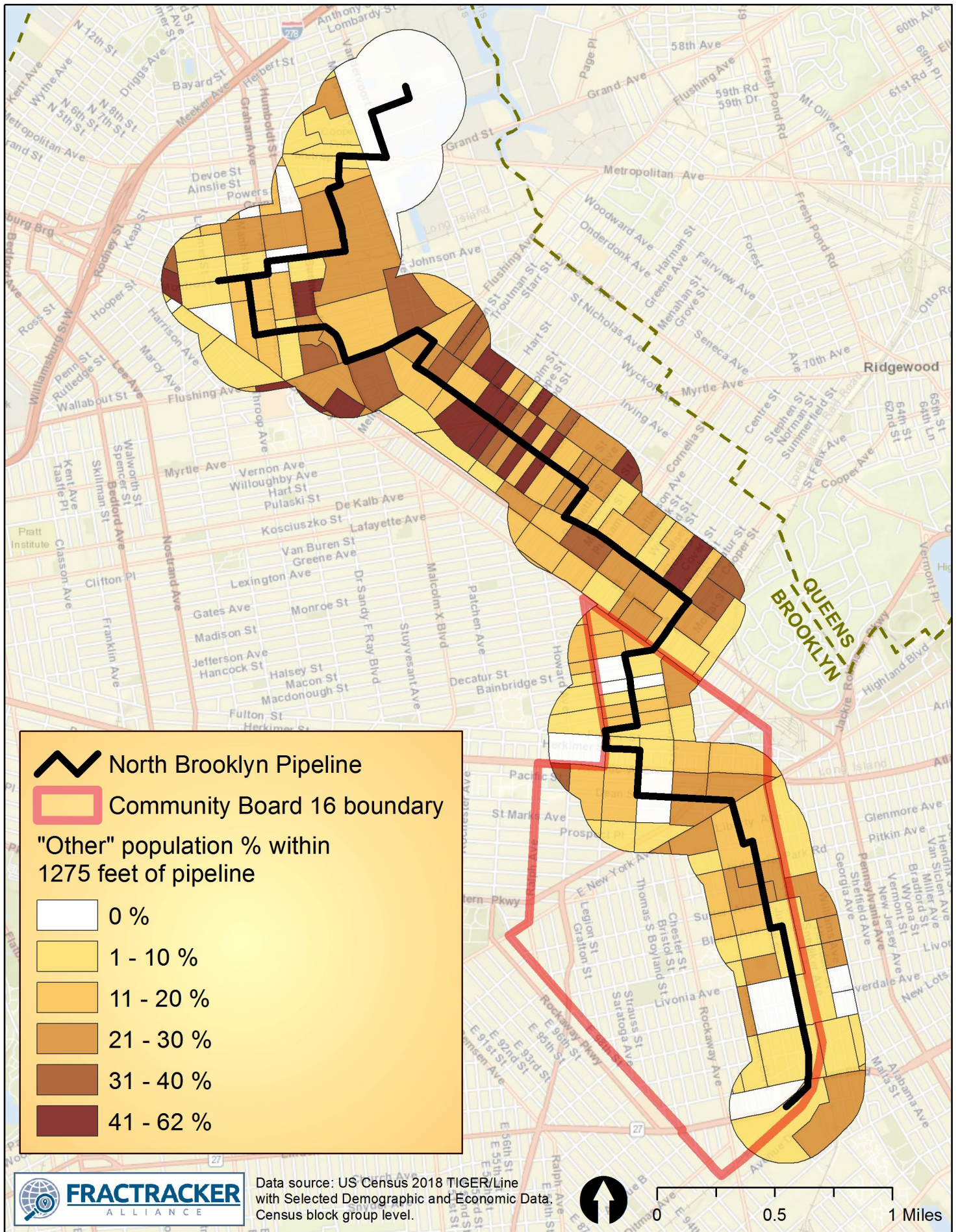




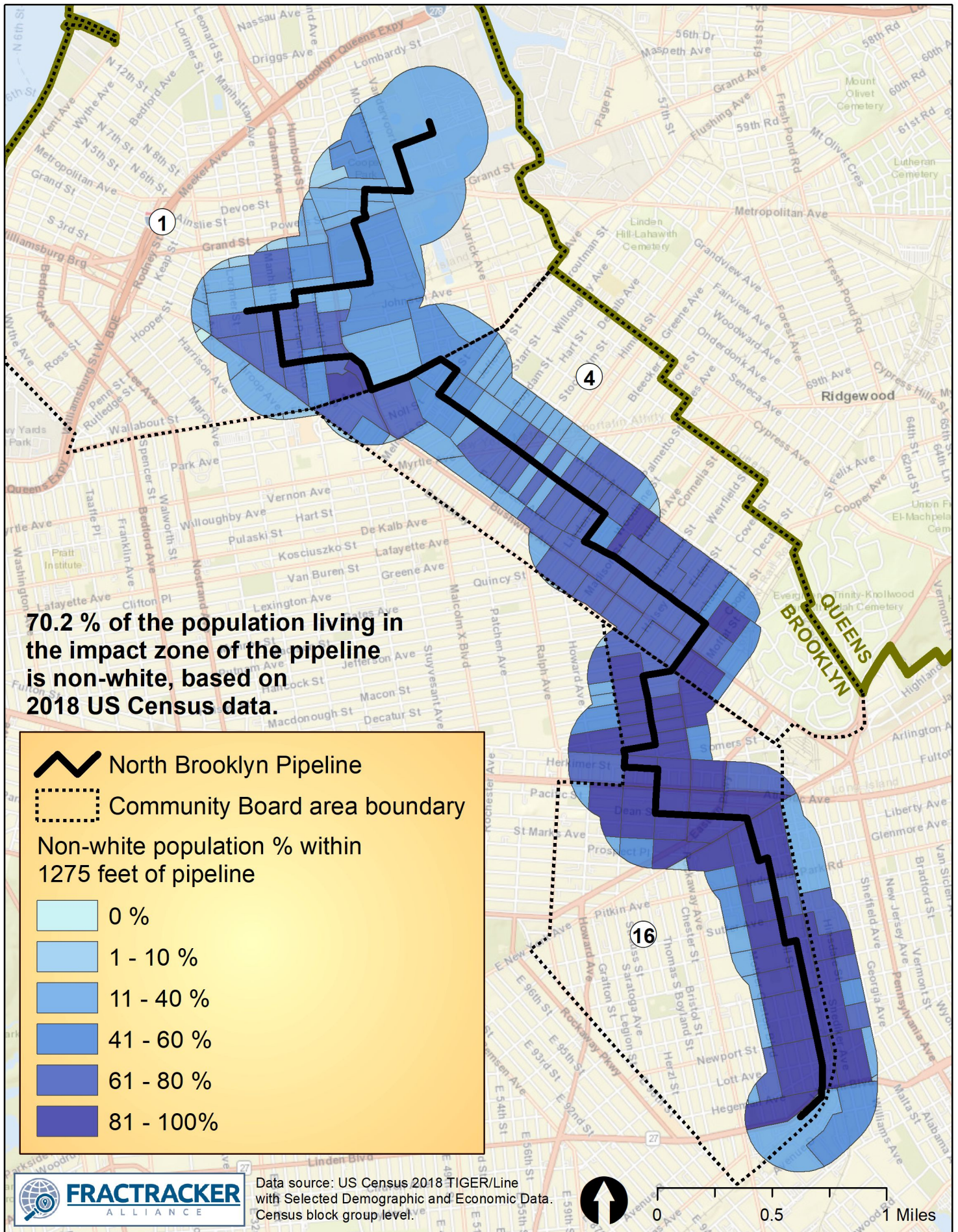














# EXHIBIT J

February 17, 2017

**VIA ELECTRONIC FILING**

Honorable Kathleen H. Burgess, Secretary  
New York State Department of Public Service  
3 Empire State Plaza, 19th Floor  
Albany, NY 12223-1350

**Re: Case 16-G-0058 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a National Grid for Gas Service**

**Case 16-G-0059 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service;**

**Year End Leak Report & Annual LPP Prioritization, Type 3 Leak and Capital Plan Report**

Dear Secretary Burgess,

Pursuant to the Commission's Order dated December 16, 2016 in the above-captioned matters, KeySpan Gas East Corporation d/b/a National Grid ("KEDLI") and The Brooklyn Union Gas Company d/b/a National Grid NY ("KEDNY") hereby submit the Year-end Leak Report and the LPP Prioritization, Type 3 Leak and Capital Plan Report as follows:

**Year End Leak Report**

(1) Year-end leak backlog:

	KEDLI	KEDNY
Type 1	1	23
Type 2A	0	0
Type 2	0	0
Type 3	10,555	3,653
Total	10,556	3,676

(2) Leaks eliminated in the prior year (CY 2016)

	KEDLI	KEDNY
Type 1	789	2,988
Type 2A	332	399
Type 2	979	489
Type 3	613	324
Total	2,713	4,200

(3) Total cost of leaks repaired (CY 2016):

KEDLI	KEDNY
\$9,476,683	\$15,704,648

LPP Prioritization, Type 3 Leak and Capital Plan Report

The LPP prioritization summary and approved five-year capital plan for KEDLI and KEDNY are attached hereto. The number of Type-3 leaks on each system is provided in Item 1, above.

Please contact me if you have any questions regarding this filing, and thank you for your attention to this matter.

Respectfully submitted,

*/s/ Katherine E. Smith*  
Katherine E. Smith

cc: Aric Rider, DPS

**Katherine E. Smith**  
Senior Counsel I  
1 MetroTech Center  
14<sup>th</sup> Floor – Legal Department  
Brooklyn, NY 11201  
T: 929-324-4502  
Katherine.Smith@nationalgrid.com

January 31, 2018

**VIA ELECTRONIC FILING**

Honorable Kathleen H. Burgess, Secretary  
New York State Department of Public Service  
3 Empire State Plaza, 19th Floor  
Albany, NY 12223-1350

**Re: Case 16-G-0058 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a National Grid for Gas Service**

**Case 16-G-0059 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service;**

**Correction to 2017 Year End Leak Report**

Dear Secretary Burgess:

Yesterday, January 30, 2018, KeySpan Gas East Corporation d/b/a National Grid (“KEDLI”) and The Brooklyn Union Gas Company d/b/a National Grid NY (“KEDNY”) submitted the 2017 Year End Leak Report pursuant to the Commission’s Order dated December 16, 2016 in the above-captioned matters. The report overstated KEDLI leaks eliminated during 2017 due to an inadvertent manual data entry error. The corrected information for leaks eliminated in 2017 for KEDLI is presented below.

Leaks eliminated in the prior year (CY 2017):

	KEDLI
Type 1	747
Type 2A	335
Type 2	876
Type 3	498
Total	2,456

Please contact me if you have any questions regarding this filing, and thank you for your attention to this matter.

Very truly yours,

*/s/ Katherine E. Smith*

Katherine E. Smith

cc: Aric Rider, DPS

Katherine E. Smith  
Senior Counsel I  
1 MetroTech Center  
14<sup>th</sup> Floor – Legal Department  
Brooklyn, NY 11201  
T: 929-324-4502  
Katherine.Smith@nationalgrid.com

January 31, 2019

**VIA ELECTRONIC FILING**

Honorable Kathleen H. Burgess, Secretary  
New York State Department of Public Service  
3 Empire State Plaza, 19th Floor  
Albany, NY 12223-1350

**Re: Case 16-G-0058 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a National Grid for Gas Service**

**Case 16-G-0059 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service;**

**2018 Year End Leak Report**

Dear Secretary Burgess:

Pursuant to the Commission’s Order dated December 16, 2016 in the above-captioned matters, KeySpan Gas East Corporation d/b/a National Grid (“KEDLI”) and The Brooklyn Union Gas Company d/b/a National Grid NY (“KEDNY”) hereby submit the 2018 Year End Leak Report.

**Year End Leak Report**

1. Year-end Leak Backlog:

Open Leaks	KEDLI	KEDNY
Type 1	-	7
Type 2A	-	2
Type 2	-	1
Type 3	8,199	2,793
Total	8,199	2,803
Target	9,250	3,400

2. Leaks eliminated in the prior year (CY 2018):

	KEDLI	KEDNY
Type 1	809	3,938
Type 2A	427	92
Type 2	990	345
Type 3	511	335
Total	2,737	4,710

3. Total cost of leaks repaired (CY 2018):

KEDLI	KEDNY
\$11,555,064	\$28,868,685

Please contact me if you have any questions regarding this filing, and thank you for your attention to this matter.

Very truly yours,

*/s/ Katherine E. Smith*

Katherine E. Smith

cc: Aric Rider, DPS



January 24, 2020

**VIA ELECTRONIC FILING**

Honorable Michelle L. Phillips  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 16-G-0058 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a National Grid for Gas Service**

**Case 16-G-0059 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service**

**2019 Year End Leak Report**

Dear Secretary Phillips:

Pursuant to the Commission's Order dated December 16, 2016 in the above-captioned matters, KeySpan Gas East Corporation d/b/a National Grid ("KEDLI") and The Brooklyn Union Gas Company d/b/a National Grid NY ("KEDNY") hereby submit the 2019 Year End Leak Report.

1. Year-End Leak Backlog:

Open Leaks	KEDLI	KEDNY
Type 1	-	8
Type 2A	-	0
Type 2	-	1
Type 3	7,256	2,373
Total	7,256	2,382

2. Leaks Eliminated in the Prior Year (CY 2019):

	KEDLI	KEDNY
Type 1	795	3,498
Type 2A	331	266
Type 2	959	331
Type 3	716	494
Total	2,801	4,589

3. Total Cost of Leaks Repaired (CY 2019):

KEDLI	KEDNY
\$12,593,100	\$29,928,800

Please let me know if you have any questions regarding this letter. Thank you for your time and attention in this matter.

Sincerely,

*/s/ Kara J. Krueger*

Kara J. Krueger  
National Grid  
300 Erie Blvd. West, A4  
Syracuse, New York 13202

cc: Active Parties in Cases 16-G-0058 and 16-G-0059 (via DMM)  
Aric Ryder, DPS Staff (via e-mail)

January 26, 2021

**VIA ELECTRONIC FILING**

Honorable Michelle L. Phillips  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: Case 16-G-0058 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a National Grid for Gas Service**

**Case 16-G-0059 – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a National Grid NY for Gas Service**

**2020 Year End Leak Report**

Dear Secretary Phillips:

Pursuant to the Commission's Order dated December 16, 2016 in the above-captioned matters, KeySpan Gas East Corporation d/b/a National Grid ("KEDLI") and The Brooklyn Union Gas Company d/b/a National Grid NY ("KEDNY") hereby submit the 2020 Year End Leak Report.

1. Year-End Leak Backlog:

Open Leaks	KEDLI	KEDNY
Type 1	1	10
Type 2A	-	3
Type 2	-	0
Type 3	6,434	1,931
Total	6,435	1,944

2. Leaks Eliminated in the Prior Year (Calendar Year 2020):

	KEDLI	KEDNY
Type 1	520	1,883
Type 2A	181	101
Type 2	524	179
Type 3	227	127
Total	1,452	2,290

3. Total Cost of Leaks Repaired (Calendar Year 2020):

KEDLI	KEDNY
\$8,753,300	\$17,957,100

Please let me know if you have any questions regarding this letter. Thank you for your time and attention in this matter.


Sincerely,

*/s/ Kara J. Krueger*

Kara J. Krueger  
National Grid  
300 Erie Blvd. West, A4  
Syracuse, New York 13202

cc: Active Parties in Cases 16-G-0058 and 16-G-0059 (via DMM)  
Mary Ann Sorrentino, DPS Staff (via e-mail)

# EXHIBIT L

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed 100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed \$1,000,000 as provided in 49 USC 60122.					OMB NO: 2137-0629 EXPIRATION DATE: 10/31/2021						
 U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration	Initial Date Submitted:				03/15/2019						
	Form Type:				INITIAL						
	Date Submitted:										
<b>ANNUAL REPORT FOR          CALENDAR YEAR 2018          GAS DISTRIBUTION SYSTEM</b>											
A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0629. Public reporting for this collection of information is estimated to be approximately 16 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.											
<b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a> .											
PART A - OPERATOR INFORMATION			(DOT use only)		20190950-38400						
1. Name of Operator			KEYSPAN ENERGY DELIVERY - NY CITY								
2. LOCATION OF OFFICE (WHERE ADDITIONAL INFORMATION MAY BE OBTAINED)											
2a. Street Address			25 HUB DRIVE								
2b. City and County			MELVILLE								
2c. State			NY								
2d. Zip Code			11747								
3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER			1800								
4. HEADQUARTERS NAME & ADDRESS											
4a. Street Address			40 SYLVAN RD.								
4b. City and County			WALTHAM								
4c. State			MA								
4d. Zip Code			02451								
5. STATE IN WHICH SYSTEM OPERATES			NY								
6. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP (Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)											
Natural Gas											
7. THIS REPORT PERTAINS TO THE FOLLOWING TYPE OF OPERATOR (Select Type of Operator based on the structure of the company included in this OPID for which this report is being submitted.):											
Investor Owned											
PART B - SYSTEM DESCRIPTION											
1.GENERAL											
	STEEL				PLASTIC	CAST/ WROUGHT IRON	DUCTILE IRON	COPPER	OTHER	RECONDITION ED CAST IRON	SYSTEM TOTAL
	UNPROTECTED		CATHODICALLY PROTECTED								
	BARE	COATED	BARE	COATED							
MILES OF MAIN	290.344	0	0	1139.420	1451.49	1272.518	0	0	0	2.529	4156.301
NO. OF SERVICES	24773	0	0	33988	406239	0	0	104988	0	0	569988

	2.MILES OF MAINS IN SYSTEM AT END OF YEAR														
MATERIAL		UNKNOWN		2" OR LESS		OVER 2" THRU 4"		OVER 4" THRU 8"		OVER 8" THRU 12"		OVER 12"		SYSTEM TOTALS	
STEEL		0		194.108		153.183		675.146		336.316		71.011		1429.764	
DUCTILE IRON		0		0		0		0		0		0		0	
COPPER		0		0		0		0		0		0		0	
CAST/WROUGHT T IRON		0		1.190		164.164		800.174		202.089		104.901		1272.518	
PLASTIC PVC		0		0		0		0		0		0		0	
PLASTIC PE		0		250.876		120.984		983.816		94.933		0.881		1451.49	
PLASTIC ABS		0		0		0		0		0		0		0	
PLASTIC OTHER		0		0		0		0		0		0		0	
OTHER		0		0		0		0		0		0		0	
RECONDITIONE D CAST IRON		0		0		0		0.288		0.020		2.221		2.529	
TOTAL		0		446.174		438.331		2459.424		633.358		179.014		4156.301	
Describe Other Material:						Unknown									
3.NUMBER OF SERVICES IN SYSTEM AT END OF YEAR									AVERAGE SERVICE LENGTH: 45						
MATERIAL		UNKNOWN		1" OR LESS		OVER 1" THRU 2"		OVER 2" THRU 4"		OVER 4" THRU 8"		OVER 8"		SYSTEM TOTALS	
STEEL		0		20534		31049		6594		566		18		58761	
DUCTILE IRON		0		0		0		0		0		0		0	
COPPER		0		19908		85065		13		2		0		104988	
CAST/WROUGHT T IRON		0		0		0		0		0		0		0	
PLASTIC PVC		0		0		0		0		0		0		0	
PLASTIC PE		0		260108		136641		8827		660		3		406239	
PLASTIC ABS		0		0		0		0		0		0		0	
PLASTIC OTHER		0		0		0		0		0		0		0	
OTHER		0		0		0		0		0		0		0	
RECONDITIONE D CAST IRON		0		0		0		0		0		0		0	
TOTAL		0		300550		252755		15434		1228		21		569988	
Describe Other Material:						Unknown									
4.MILES OF MAIN AND NUMBER OF SERVICES BY DECADE OF INSTALLATION															
	UNKNOWN	PRE-1940	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2019	2020-2029	TOTAL			



<b>MILES OF MAIN</b>	0	1177.257	179.882	280.478	397.716	319.404	309.261	403.660	458.080	630.563		4156.301
<b>NUMBER OF SERVICES</b>	0	6144	1707	17375	112401	110577	91785	92905	61955	75139		569988

**PART C - TOTAL LEAKS AND HAZARDOUS LEAKS ELIMINATED/REPAIRED DURING THE YEAR**

CAUSE OF LEAK	MAINS		SERVICES	
	TOTAL	HAZARDOUS	TOTAL	HAZARDOUS
CORROSION FAILURE	156	132	377	320
NATURAL FORCE DAMAGE	143	133	59	51
EXCAVATION DAMAGE	25	25	226	224
OTHER OUTSIDE FORCE DAMAGE	1	1	37	35
PIPE, WELD OR JOINT FAILURE	3	3	2	1
EQUIPMENT FAILURE	152	134	708	600
INCORRECT OPERATIONS	0	0	0	0
OTHER CAUSE	2917	2389	4	4
NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR : 10				

**PART D - EXCAVATION DAMAGE**

1. TOTAL NUMBER OF EXCAVATION DAMAGES BY APPARENT ROOT CAUSE: 328

- a. One-Call Notification Practices Not Sufficient: 40
- b. Locating Practices Not Sufficient: 96
- c. Excavation Practices Not Sufficient: 192
- d. Other: 0

2. NUMBER OF EXCAVATION TICKETS : 281328

**PART E - EXCESS FLOW VALUE (EFV) AND SERVICE VALVE DATA**

Total Number Of Services with EFV Installed During Year: 9555

Estimated Number Of Services with EFV In the System At End Of Year: 141780

\* Total Number of Manual Service Line Shut-off Valves Installed During Year: 16793

\* Estimated Number of Services with Manual Service Line Shut-off Valves Installed in the System at End of Year: 518980

*\*These questions were added to the report in 2017.*

**PART F - LEAKS ON FEDERAL LAND**

TOTAL NUMBER OF LEAKS ON FEDERAL LAND REPAIRED OR SCHEDULED TO REPAIR: 0

**PART G-PERCENT OF UNACCOUNTED FOR GAS**

UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL CONSUMPTION FOR THE 12 MONTHS ENDING JUNE 30 OF THE REPORTING YEAR.

[(PURCHASED GAS + PRODUCED GAS) MINUS (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS)] DIVIDED BY (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS) TIMES 100 EQUALS PERCENT UNACCOUNTED FOR.


FOR YEAR ENDING 6/30: 1.4%

**PART H - ADDITIONAL INFORMATION**

Service leak repairs (Total and Hazardous) include 0 Hazardous above ground leak repairs.

PART I - PREPARER

Saadat Khan,Operator (Preparer's Name and Title)	(631)770-3510 (Area Code and Telephone Number)
saadat.khan@nationalgrid.com (Preparer's email address)	 (Area Code and Facsimile Number)

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed 100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed \$1,000,000 as provided in 49 USC 60122.						OMB NO: 2137-0629 EXPIRATION DATE: 10/31/2021					
 U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration	Initial Date Submitted:				03/13/2020						
	Form Type:				SUPPLEMENTAL						
	Date Submitted:				03/15/2021						
<b>ANNUAL REPORT FOR          CALENDAR YEAR 2019          GAS DISTRIBUTION SYSTEM</b>											
A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0629. Public reporting for this collection of information is estimated to be approximately 16 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.											
<b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a> .											
PART A - OPERATOR INFORMATION				(DOT use only)		20201232-42650					
1. Name of Operator				KEYSPAN ENERGY DELIVERY - NY CITY							
2. LOCATION OF OFFICE (WHERE ADDITIONAL INFORMATION MAY BE OBTAINED)											
2a. Street Address				25 HUB DRIVE							
2b. City and County				MELVILLE							
2c. State				NY							
2d. Zip Code				11747							
3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER				1800							
4. HEADQUARTERS NAME & ADDRESS											
4a. Street Address				40 SYLVAN RD.							
4b. City and County				WALTHAM							
4c. State				MA							
4d. Zip Code				02451							
5. STATE IN WHICH SYSTEM OPERATES				NY							
6. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP (Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)											
Natural Gas											
7. THIS REPORT PERTAINS TO THE FOLLOWING TYPE OF OPERATOR (Select Type of Operator based on the structure of the company included in this OPID for which this report is being submitted.):											
Investor Owned											
PART B - SYSTEM DESCRIPTION											
1.GENERAL											
	STEEL				PLASTIC	CAST/ WROUGHT IRON	DUCTILE IRON	COPPER	OTHER	RECONDITION ED CAST IRON	SYSTEM TOTAL
	UNPROTECTED		CATHODICALLY PROTECTED								
	BARE	COATED	BARE	COATED							
MILES OF MAIN		326.009	0	1094.128	1539.359	1198.156	0	0	0	2.244	4159.896
NO. OF SERVICES		22087	0	33262	418525	0	0	96795	0	0	570669

	2.MILES OF MAINS IN SYSTEM AT END OF YEAR														
MATERIAL		UNKNOWN		2" OR LESS		OVER 2" THRU 4"		OVER 4" THRU 8"		OVER 8" THRU 12"		OVER 12"		SYSTEM TOTALS	
STEEL		0		192.905		150.744		664.483		331.675		80.33		1420.137	
DUCTILE IRON		0		0		0		0		0		0		0	
COPPER		0		0		0		0		0		0		0	
CAST/WROUGHT T IRON		0		1.103		146.189		750.182		196.88		103.802		1198.156	
PLASTIC PVC		0		0		0		0		0		0		0	
PLASTIC PE		0		257.811		126.148		1049.095		105.439		0.866		1539.359	
PLASTIC ABS		0		0		0		0		0		0		0	
PLASTIC OTHER		0		0		0		0		0		0		0	
OTHER		0		0		0		0		0		0		0	
RECONDITIONE D CAST IRON		0		0		0		0.289		0.02		1.935		2.244	
TOTAL		0		451.819		423.081		2464.049		634.014		186.933		4159.896	
Describe Other Material:															
3.NUMBER OF SERVICES IN SYSTEM AT END OF YEAR									AVERAGE SERVICE LENGTH: 45						
MATERIAL		UNKNOWN		1" OR LESS		OVER 1" THRU 2"		OVER 2" THRU 4"		OVER 4" THRU 8"		OVER 8"		SYSTEM TOTALS	
STEEL		0		19281		29187		6474		395		12		55349	
DUCTILE IRON		0		0		0		0		0		0		0	
COPPER		0		20746		76035		12		2		0		96795	
CAST/WROUGHT T IRON		0		0		0		0		0		0		0	
PLASTIC PVC		0		0		0		0		0		0		0	
PLASTIC PE		0		267877		140962		9023		660		3		418525	
PLASTIC ABS		0		0		0		0		0		0		0	
PLASTIC OTHER		0		0		0		0		0		0		0	
OTHER		0		0		0		0		0		0		0	
RECONDITIONE D CAST IRON		0		0		0		0		0		0		0	
TOTAL		0		307904		246184		15509		1057		15		570669	
Describe Other Material:															
4.MILES OF MAIN AND NUMBER OF SERVICES BY DECADE OF INSTALLATION															
	UNKNOWN	PRE-1940	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2019	2020-2029	TOTAL			

<b>MILES OF MAIN</b>	0	1105.452	172.826	287.606	389.303	315.32	305.428	400.781	453.697	729.483	0	4159.896
<b>NUMBER OF SERVICES</b>	0	5124	1454	14997	99812	102293	89004	102451	64910	90624	0	570669

**PART C - TOTAL LEAKS AND HAZARDOUS LEAKS ELIMINATED/REPAIRED DURING THE YEAR**

CAUSE OF LEAK	MAINS		SERVICES	
	TOTAL	HAZARDOUS	TOTAL	HAZARDOUS
CORROSION FAILURE	201	146	662	461
NATURAL FORCE DAMAGE	96	86	77	62
EXCAVATION DAMAGE	46	46	91	85
OTHER OUTSIDE FORCE DAMAGE	5	5	13	12
PIPE, WELD OR JOINT FAILURE	0	0	1	1
EQUIPMENT FAILURE	92	69	404	325
INCORRECT OPERATIONS	0	0	3	2
OTHER CAUSE	2910	2214	27	20
NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR : 9				

**PART D - EXCAVATION DAMAGE**

1. TOTAL NUMBER OF EXCAVATION DAMAGES BY APPARENT ROOT CAUSE: 301

- a. One-Call Notification Practices Not Sufficient: 51
- b. Locating Practices Not Sufficient: 82
- c. Excavation Practices Not Sufficient: 168
- d. Other: 0

2. NUMBER OF EXCAVATION TICKETS : 288821

**PART E - EXCESS FLOW VALUE (EFV) AND SERVICE VALVE DATA**

Total Number Of Services with EFV Installed During Year: 10974

Estimated Number Of Services with EFV In the System At End Of Year: 152754

\* Total Number of Manual Service Line Shut-off Valves Installed During Year: 15028

\* Estimated Number of Services with Manual Service Line Shut-off Valves Installed in the System at End of Year: 534008

*\*These questions were added to the report in 2017.*

**PART F - LEAKS ON FEDERAL LAND**

TOTAL NUMBER OF LEAKS ON FEDERAL LAND REPAIRED OR SCHEDULED TO REPAIR: 0

**PART G-PERCENT OF UNACCOUNTED FOR GAS**

UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL CONSUMPTION FOR THE 12 MONTHS ENDING JUNE 30 OF THE REPORTING YEAR.

[(PURCHASED GAS + PRODUCED GAS) MINUS (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS)] DIVIDED BY (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS) TIMES 100 EQUALS PERCENT UNACCOUNTED FOR.

FOR YEAR ENDING 6/30: 2.2%


**PART H - ADDITIONAL INFORMATION**

Service leak repairs (Total and Hazardous) include 0 Hazardous above ground leak repairs.

PART I - PREPARER

Saadat Khan,Operator (Preparer's Name and Title)	(631)770-3510 (Area Code and Telephone Number)
saadat.khan@nationalgrid.com (Preparer's email address)	 (Area Code and Facsimile Number)



NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed 100,000 for each violation for each day that such violation persists except that the maximum civil penalty shall not exceed \$1,000,000 as provided in 49 USC 60122.					OMB NO: 2137-0629 EXPIRATION DATE: 10/31/2021						
 U.S Department of Transportation Pipeline and Hazardous Materials Safety Administration	Initial Date Submitted:				03/12/2021						
	Form Type:				INITIAL						
	Date Submitted:										
<b>ANNUAL REPORT FOR          CALENDAR YEAR 2020          GAS DISTRIBUTION SYSTEM</b>											
A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0629. Public reporting for this collection of information is estimated to be approximately 16 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.											
<b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a> .											
PART A - OPERATOR INFORMATION			(DOT use only)		20211123-42557						
1. Name of Operator			KEYSPAN ENERGY DELIVERY - NY CITY								
2. LOCATION OF OFFICE (WHERE ADDITIONAL INFORMATION MAY BE OBTAINED)											
2a. Street Address			25 HUB DRIVE								
2b. City and County			MELVILLE								
2c. State			NY								
2d. Zip Code			11747								
3. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER			1800								
4. HEADQUARTERS NAME & ADDRESS											
4a. Street Address			40 SYLVAN RD.								
4b. City and County			WALTHAM								
4c. State			MA								
4d. Zip Code			02451								
5. STATE IN WHICH SYSTEM OPERATES			NY								
6. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP (Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)											
Natural Gas											
7. THIS REPORT PERTAINS TO THE FOLLOWING TYPE OF OPERATOR (Select Type of Operator based on the structure of the company included in this OPID for which this report is being submitted.):											
Investor Owned											
PART B - SYSTEM DESCRIPTION											
1.GENERAL											
	STEEL				PLASTIC	CAST/ WROUGHT IRON	DUCTILE IRON	COPPER	OTHER	RECONDITION ED CAST IRON	SYSTEM TOTAL
	UNPROTECTED		CATHODICALLY PROTECTED								
	BARE	COATED	BARE	COATED							
MILES OF MAIN	333.318	0	0	1087.240	1607.888	1150.735	0	0	0	3.569	4182.75
NO. OF SERVICES	21086	0	0	32839	424430	0	0	93693	0	0	572048

	2.MILES OF MAINS IN SYSTEM AT END OF YEAR											
MATERIAL	UNKNOWN	2" OR LESS	OVER 2" THRU 4"	OVER 4" THRU 8"	OVER 8" THRU 12"	OVER 12"	SYSTEM TOTALS					
STEEL	0	192.036	147.971	659.014	334.225	87.312	1420.558					
DUCTILE IRON	0	0	0	0	0	0	0					
COPPER	0	0	0	0	0	0	0					
CAST/WROUGHT T IRON	0	0.975	137.900	715.095	194.428	102.337	1150.735					
PLASTIC PVC	0	0	0	0	0	0	0					
PLASTIC PE	0	260.707	128.931	1105.767	111.617	0.866	1607.888					
PLASTIC ABS	0	0	0	0	0	0	0					
PLASTIC OTHER	0	0	0	0	0	0	0					
OTHER	0	0	0	0	0	0	0					
RECONDITONE D CAST IRON	0	0	0	0.289	0.020	3.260	3.569					
TOTAL	0	453.718	414.802	2480.165	640.29	193.775	4182.75					
Describe Other Material:			Unknown									
3.NUMBER OF SERVICES IN SYSTEM AT END OF YEAR					AVERAGE SERVICE LENGTH: 90							
MATERIAL	UNKNOWN	1" OR LESS	OVER 1" THRU 2"	OVER 2" THRU 4"	OVER 4" THRU 8"	OVER 8"	SYSTEM TOTALS					
STEEL	0	19044	28089	6392	388	12	53925					
DUCTILE IRON	0	0	0	0	0	0	0					
COPPER	0	20543	73136	12	2	0	93693					
CAST/WROUGHT T IRON	0	0	0	0	0	0	0					
PLASTIC PVC	0	0	0	0	0	0	0					
PLASTIC PE	0	271832	142741	9188	666	3	424430					
PLASTIC ABS	0	0	0	0	0	0	0					
PLASTIC OTHER	0	0	0	0	0	0	0					
OTHER	0	0	0	0	0	0	0					
RECONDITONE D CAST IRON	0	0	0	0	0	0	0					
TOTAL	0	311419	243966	15592	1056	15	572048					
Describe Other Material:			Unknown									
4.MILES OF MAIN AND NUMBER OF SERVICES BY DECADE OF INSTALLATION												
	UNKNOWN	PRE-1940	1940-1949	1950-1959	1960-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2019	2020-2029	TOTAL

<b>MILES OF MAIN</b>	0	1062.846	168.039	284.522	386.075	313.589	304.125	398.903	451.481	734.862	78.308	4182.75
<b>NUMBER OF SERVICES</b>	0	4937	1387	14567	96213	100716	88174	101785	64665	90101	9503	572048

**PART C - TOTAL LEAKS AND HAZARDOUS LEAKS ELIMINATED/REPAIRED DURING THE YEAR**

CAUSE OF LEAK	MAINS		SERVICES	
	TOTAL	HAZARDOUS	TOTAL	HAZARDOUS
CORROSION FAILURE	119	102	317	281
NATURAL FORCE DAMAGE	81	73	30	27
EXCAVATION DAMAGE	33	32	281	274
OTHER OUTSIDE FORCE DAMAGE	2	2	18	18
PIPE, WELD OR JOINT FAILURE	0	0	1	1
EQUIPMENT FAILURE	70	66	195	172
INCORRECT OPERATIONS	0	0	1	1
OTHER CAUSE	1455	1139	2	2
NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR : 13				

**PART D - EXCAVATION DAMAGE**

1. TOTAL NUMBER OF EXCAVATION DAMAGES BY APPARENT ROOT CAUSE: 267

- a. One-Call Notification Practices Not Sufficient: 31
- b. Locating Practices Not Sufficient: 62
- c. Excavation Practices Not Sufficient: 174
- d. Other: 0

2. NUMBER OF EXCAVATION TICKETS : 237373

**PART E - EXCESS FLOW VALUE (EFV) AND SERVICE VALVE DATA**

Total Number Of Services with EFV Installed During Year: 8468

Estimated Number Of Services with EFV In the System At End Of Year: 161222

\* Total Number of Manual Service Line Shut-off Valves Installed During Year: 19058

\* Estimated Number of Services with Manual Service Line Shut-off Valves Installed in the System at End of Year: 553066

*\*These questions were added to the report in 2017.*

**PART F - LEAKS ON FEDERAL LAND**

TOTAL NUMBER OF LEAKS ON FEDERAL LAND REPAIRED OR SCHEDULED TO REPAIR: 0

**PART G-PERCENT OF UNACCOUNTED FOR GAS**

UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL CONSUMPTION FOR THE 12 MONTHS ENDING JUNE 30 OF THE REPORTING YEAR.

[(PURCHASED GAS + PRODUCED GAS) MINUS (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS)] DIVIDED BY (CUSTOMER USE + COMPANY USE + APPROPRIATE ADJUSTMENTS) TIMES 100 EQUALS PERCENT UNACCOUNTED FOR.

FOR YEAR ENDING 6/30: 2.4%


**PART H - ADDITIONAL INFORMATION**

Service leak repairs (Total and Hazardous) include 0 Hazardous above ground leak repairs.

PART I - PREPARER

Saadat Khan,Operator (Preparer's Name and Title)	(631)770-3510 (Area Code and Telephone Number)
saadat.khan@nationalgrid.com (Preparer's email address)	 (Area Code and Facsimile Number)

# EXHIBIT K

 <p>U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration</p>	<p align="center"><b>ANNUAL REPORT FOR CALENDAR YEAR 2018 NATURAL OR OTHER GAS TRANSMISSION and GATHERING SYSTEMS</b></p>	<p><b>Initial Date Submitted</b></p>	<p><b>03/07/2019</b></p>
<p><b>Report Submission Type</b></p>		<p><b>INITIAL</b></p>	
<p><b>Date Submitted</b></p>			
<p>A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0522. Public reporting for this collection of information is estimated to be approximately 42 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.</p> <p><b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a>.</p>			
<p><b>PART A - OPERATOR INFORMATION</b></p>		<p>DOT USE ONLY</p>	<p><b>20190362 - 35696</b></p>
<p>1. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER (OPID)</p> <p align="center"><b>1800</b></p>	<p>2. NAME OF OPERATOR:</p> <p align="center"><b>KEYSPAN ENERGY DELIVERY - NY CITY</b></p>		
<p>3. RESERVED</p>	<p>4. HEADQUARTERS ADDRESS:</p> <p><b>40 SYLVAN RD.</b> Street Address</p> <p><b>WALTHAM</b> City</p> <p>State: <b>MA</b> Zip Code: <b>02451</b></p>		
<p>5. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP: <i>(Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)</i></p> <p><b>Natural Gas</b></p>			
<p>6. RESERVED</p>			
<p>7. FOR THE DESIGNATED "COMMODITY GROUP", THE PIPELINES AND/OR PIPELINE FACILITIES INCLUDED WITHIN THIS OPID ARE: <i>(Select one or both)</i></p> <p>INTERstate pipeline – List all of the States and OSC portions in which INTERstate pipelines and/or pipeline facilities included under this OPID exist. etc.</p> <p>INTRAstate pipeline – List all of the States in which INTRAstate pipelines and or pipeline facilities included under this OPID exist. <b>NEW YORK</b> etc.</p>			
<p>8. RESERVED</p>			



**For the designated Commodity Group, PARTs B and D will be calculated based on the data entered in Parts L and P respectively. Complete Part C one time for all pipelines and/or pipeline facilities – both INTERstate and INTRAstate - included within this OPID.**

PART B – TRANSMISSION PIPELINE HCA MILES	
	Number of HCA Miles
<b>Onshore</b>	69.22
<b>Offshore</b>	0
<b>Total Miles</b>	69.22

PART C - VOLUME TRANSPORTED IN TRANSMISSION PIPELINES (ONLY) IN MILLION SCF PER YEAR (excludes Transmission lines of Gas Distribution systems)		<input checked="" type="checkbox"/> Check this box and do not complete PART C if this report only includes gathering pipelines or transmission lines of gas distribution systems.
	<b>Onshore</b>	<b>Offshore</b>
Natural Gas		
Propane Gas		
Synthetic Gas		
Hydrogen Gas		
Landfill Gas		
Other Gas - Name:		

PART D - MILES OF STEEL PIPE BY CORROSION PROTECTION										
	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other	Total Miles
<b>Transmission</b>										
Onshore	0	69.21	0	0	0	0	0	0	0	69.21
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	69.21	0	0	0	0	0	0	0	69.21
<b>Gathering</b>										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
<b>Total Miles</b>	0	69.21	0	0	0	0	0	0	0	69.21

<sup>1</sup>Use of Composite pipe requires a PHMSA Special Permit or waiver from a State

<b>PART E – RESERVED</b>
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**For the designated Commodity Group, complete PARTs F and G one time for all INTERstate pipeline facilities included within this OPID and multiple times as needed for the designated Commodity Group for each State in which INTRAstate pipeline facilities included within this OPID exist. Part F "WITHIN AN HCA SEGMENT" data and Part G may be completed only if HCA Miles in Part L is greater than zero.**

<b>PARTs F and G</b>
<p><b>The data reported in these PARTs applies to: (select only one)</b></p> <p><input type="checkbox"/> Interstate pipelines/pipeline facilities</p> <p><input checked="" type="checkbox"/> Intrastate pipelines/pipeline facilities in the State of NEW YORK (complete for each State)</p>

<b>PART F - INTEGRITY INSPECTIONS CONDUCTED AND ACTIONS TAKEN BASED ON INSPECTION</b>	
<b>1. MILEAGE INSPECTED IN CALENDAR YEAR USING THE FOLLOWING IN-LINE INSPECTION (ILI) TOOLS</b>	
a. Corrosion or metal loss tools	2.86
b. Dent or deformation tools	2.86
c. Crack or long seam defect detection tools	0
d. Any other internal inspection tools, specify other tools:	0
1. Internal Inspection Tools - Other	none
e. Total tool mileage inspected in calendar year using in-line inspection tools. (Lines a + b + c + d )	5.72
<b>2. ACTIONS TAKEN IN CALENDAR YEAR BASED ON IN-LINE INSPECTIONS</b>	
a. Based on ILI data, total number of anomalies excavated in calendar year because they met the operator's criteria for excavation.	0
b. Total number of anomalies repaired in calendar year that were identified by ILI based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of conditions repaired WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>3. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON PRESSURE TESTING</b>	
a. Total mileage inspected by pressure testing in calendar year.	0
b. Total number of pressure test failures (ruptures and leaks) repaired in calendar year, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of pressure test ruptures (complete failure of pipe wall) repaired in calendar year WITHIN AN HCA SEGMENT.	0
d. Total number of pressure test leaks (less than complete wall failure but including escape of test medium) repaired in calendar year WITHIN AN HCA SEGMENT.	0
<b>4. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON DA (Direct Assessment methods)</b>	
a. Total mileage inspected by each DA method in calendar year.	8.32
1. ECDA	8.32
2. ICDA	0
3. SCCDA	0
b. Total number of anomalies identified by each DA method and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	2
1. ECDA	2
2. ICDA	0
3. SCCDA	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0

2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>5. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON OTHER INSPECTION TECHNIQUES</b>	
a. Total mileage inspected by inspection techniques other than those listed above in calendar year.	0.002
1. Other Inspection Techniques	Guided Wave UT
b. Total number of anomalies identified by other inspection techniques and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>6. TOTAL MILEAGE INSPECTED (ALL METHODS) AND ACTIONS TAKEN IN CALENDAR YEAR</b>	
a. Total mileage inspected in calendar year. (Lines 1.e + 3.a + 4.a.1 + 4.a.2 + 4.a.3 + 5.a)	14.042
b. Total number of anomalies repaired in calendar year both within an HCA Segment and outside of an HCA Segment. (Lines 2.b + 3.b + 4.b.1 + 4.b.2 + 4.b.3 + 5.b)	2
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT. (Lines 2.c.1 + 2.c.2 + 2.c.3 + 2.c.4 + 3.c + 3.d + 4.c.1 + 4.c.2 + 4.c.3 + 4.c.4 + 5.c.1 + 5.c.2 + 5.c.3 + 5.c.4)	0
d. Total number of actionable anomalies eliminated by pipe replacement in calendar year WITHIN AN HCA SEGMENT:	0
e. Total number of actionable anomalies eliminated by pipe abandonment in calendar year WITHIN AN HCA SEGMENT:	0
<b>PART G- MILES OF BASELINE ASSESSMENTS AND REASSESSMENTS COMPLETED IN CALENDAR YEAR (HCA Segment miles ONLY)</b>	
a. Baseline assessment miles completed during the calendar year.	0
b. Reassessment miles completed during the calendar year.	11.18
c. Total assessment and reassessment miles completed during the calendar year.	11.18

**For the designated Commodity Group, complete PARTs H, I, J, K, L, M, P Q and R covering INTERstate pipelines and/or pipeline facilities for each State in which INTERstate systems exist within this OPID and again covering INTRASTate pipelines and/or pipeline facilities for each State in which INTRASTate systems exist within this OPID.**

PARTs H, I, J, K, L, M, P, Q, and R									
The data reported in these PARTs applies to: <i>(select only one)</i>									
INTRASTATE pipelines/pipeline facilities NEW YORK									
PART H - MILES OF TRANSMISSION PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	6.13	0	3.31	0	6.3
	22	24	26	28	30	32	34	36	38
	0	14.33	15.78	0	23.37	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
69.22	Total Miles of Onshore Pipe – Transmission								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Transmission								
PART I - MILES OF GATHERING PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore Type A	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	

	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type A Pipe – Gathering								
Onshore Type B	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type B Pipe – Gathering								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Gathering								

PART J – MILES OF PIPE BY DECADE INSTALLED						
Decade Pipe Installed	Unknown	Pre-40	1940 - 1949	1950 - 1959	1960 - 1969	1970 - 1979
<b>Transmission</b>						
Onshore	0	0	0	47.96	18.82	0.53
Offshore		0				
Subtotal Transmission	0	0	0	47.96	18.82	0.53
<b>Gathering</b>						
Onshore Type A	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0
Offshore		0				
Subtotal Gathering	0	0	0	0	0	0
<b>Total Miles</b>	0	0	0	47.96	18.82	0.53
Decade Pipe Installed	1980 - 1989	1990 - 1999	2000 - 2009	2010 - 2019	2020 - 2029	Total Miles
<b>Transmission</b>						
Onshore	0.2	0.49	0.06	1.15		69.21
Offshore						0
Subtotal Transmission	0.2	0.49	0.06	1.15		69.21
<b>Gathering</b>						

Onshore Type A	0	0	0	0		0
Onshore Type B	0	0	0	0		0
Offshore						0
Subtotal Gathering	0	0	0	0		0
<b>Total Miles</b>	<b>0.2</b>	<b>0.49</b>	<b>0.06</b>	<b>1.15</b>		<b>69.21</b>

#### PART K- MILES OF TRANSMISSION PIPE BY SPECIFIED MINIMUM YIELD STRENGTH

ONSHORE	CLASS LOCATION				Total Miles
	Class 1	Class 2	Class 3	Class 4	
Steel pipe Less than 20% SMYS	0	0	0	0	0
Steel pipe Greater than or equal to 20% SMYS but less than 30% SMYS	0	0	0	66.48	66.48
Steel pipe Greater than or equal to 30% SMYS but less than or equal to 40% SMYS	0	0	0	2.74	2.74
Steel pipe Greater than 40% SMYS but less than or equal to 50% SMYS	0	0	0	0	0
Steel pipe Greater than 50% SMYS but less than or equal to 60% SMYS	0	0	0	0	0
Steel pipe Greater than 60% SMYS but less than or equal to 72% SMYS	0	0	0	0	0
Steel pipe Greater than 72% SMYS but less than or equal to 80% SMYS	0	0	0	0	0
Steel pipe Greater than 80% SMYS	0	0	0	0	0
Steel pipe Unknown percent of SMYS	0	0	0	0	0
All Non-Steel pipe	0	0	0	0	0
<b>Onshore Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>69.22</b>	<b>69.22</b>
<b>OFFSHORE</b>	Class 1				
Less than or equal to 50% SMYS	0				
Greater than 50% SMYS but less than or equal to 72% SMYS	0				
Steel pipe Greater than 72% SMYS	0				
Steel Pipe Unknown percent of SMYS	0				
All non-steel pipe	0				
<b>Offshore Total</b>	<b>0</b>				<b>0</b>
<b>Total Miles</b>	<b>0</b>				<b>69.22</b>

#### PART L - MILES OF PIPE BY CLASS LOCATION

	Class Location				Total Class Location Miles	HCA Miles in the IMP Program
	Class 1	Class 2	Class 3	Class 4		
Transmission						
Onshore	0	0	0	69.22	69.22	69.22
Offshore	0	0	0	0	0	
Subtotal Transmission	0	0	0	69.22	69.22	
Gathering						



Onshore Type A	0	0	0	0	0	
Onshore Type B	0	0	0	0	0	
Offshore	0	0	0	0	0	
Subtotal Gathering	0	0	0	0	0	
<b>Total Miles</b>	0	0	0	69.22	69.22	69.22

## PART M – FAILURES, LEAKS, AND REPAIRS

### PART M1 – ALL LEAKS ELIMINATED/REPAIRED IN CALENDAR YEAR; INCIDENTS & FAILURES IN HCA SEGMENTS IN CALENDAR YEAR

Cause	Transmission Leaks, and Failures					Gathering Leaks		
	Leaks				Failures in HCA Segments	Onshore Leaks		Offshore Leaks
	Onshore Leaks		Offshore Leaks			Type A	Type B	
	HCA	Non-HCA	HCA	Non-HCA				
External Corrosion	0	0	0	0	0	0	0	0
Internal Corrosion	0	0	0	0	0	0	0	0
Stress Corrosion Cracking	0	0	0	0	0	0	0	0
Manufacturing	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Incorrect Operations	0	0	0	0	0	0	0	0
Third Party Damage/Mechanical Damage								
Excavation Damage	0	0	0	0	0	0	0	0
Previous Damage (due to Excavation Activity)	0	0	0	0	0	0	0	0
Vandalism (includes all Intentional Damage)	0	0	0	0	0	0	0	0
Weather Related/Other Outside Force								
Natural Force Damage (all)	0	0	0	0	0	0	0	0
Other Outside Force Damage (excluding Vandalism and all Intentional Damage)	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

### PART M2 – KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR

<b>Transmission</b>	0	<b>Gathering</b>	
<b>PART M3 – LEAKS ON FEDERAL LAND OR OCS REPAIRED OR SCHEDULED FOR REPAIR</b>			
<b>Transmission</b>		<b>Gathering</b>	
Onshore	0	Onshore Type A	
		Onshore Type B	
OCS	0	OCS	0
Subtotal Transmission	0	Subtotal Gathering	0
Total	0		

**PART P - MILES OF PIPE BY MATERIAL AND CORROSION PROTECTION STATUS**

	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other <sup>2</sup>	Total Miles
Transmission										
Onshore	0	69.21	0	0	0	0	0	0	0	69.21
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	69.21	0	0	0	0	0	0	0	69.21
Gathering										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
Total Miles	0	69.21	0	0	0	0	0	0	0	69.21

<sup>1</sup>Use of Composite pipe requires PHMSA Special Permit or waiver from a State

<sup>2</sup>specify Other material(s):

**Part Q - Gas Transmission Miles by §192.619 MAOP Determination Method**

	(a)(1) Total	(a)(1) Incomplete Records	(a)(2) Total	(a)(2) Incomplete Records	(a)(3) Total	(a)(3) Incomplete Records	(a)(4) Total	(a)(4) Incomplete Records	(c) Total	(c) Incomplete Records	(d) Total	(d) Incomplete Records	Other <sup>1</sup> Total	Other Incomplete Records
Class 1 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 1 (not in HCA)	0		0		0		0		0		0		0	
Class 2 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 2 (not in HCA)	0		0		0		0		0		0		0	
Class 3 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 3 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 4 (in HCA)	0	0	69.22	1.25	0	0	0	0	0	0	0	0	0	0
Class 4 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	0	0	69.22	1.25	0	0	0	0	0	0	0	0	0	0
<b>Grand Total</b>									69.22					
<b>Sum of Total row for all "Incomplete Records" columns</b>									1.25					

<sup>1</sup>Specify Other method(s):

Class 1 (in HCA)		Class 1 (not in HCA)	
Class 2 (in HCA)		Class 2 (not in HCA)	
Class 3 (in HCA)		Class 3 (not in HCA)	
Class 4 (in HCA)		Class 4 (not in HCA)	

**Part R – Gas Transmission Miles by Pressure Test (PT) Range and Internal Inspection**

	PT ≥ 1.25 MAOP		1.25 MAOP > PT ≥ 1.1 MAOP		PT < 1.1 or No PT	
Location	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE
Class 1 in HCA	0	0	0	0	0	0
Class 2 in HCA	0	0	0	0	0	0
Class 3 in HCA	0	0	0	0	0	0
Class 4 in HCA	18.16	49.81	0	0	0.01	1.24
in HCA subTotal	18.16	49.81	0	0	0.01	1.24
Class 1 not in HCA	0	0	0	0	0	0
Class 2 not in HCA	0	0	0	0	0	0
Class 3 not in HCA	0	0	0	0	0	0
Class 4 not in HCA	0	0	0	0	0	0
not in HCA subTotal	0	0	0	0	0	0
Total	18.16	49.81	0	0	0.01	1.24
PT ≥ 1.25 MAOP Total			67.97	Total Miles Internal Inspection ABLE		18.17
1.25 MAOP > PT ≥ 1.1 MAOP Total			0	Total Miles Internal Inspection NOT ABLE		51.05
PT < 1.1 or No PT Total			1.25	Grand Total		69.22
Grand Total			69.22			

***For the designated Commodity Group, complete PART N one time for all of the pipelines and/or pipeline facilities included within this OPID, and then also PART O if any gas transmission pipeline facilities included within this OPID have Part L HCA mile value greater than zero.***

**PART N - PREPARER SIGNATURE**

**Adele DiBiasio**

**(631)770-3521**

Telephone Number

Preparer's Name(type or print)

**Principal Engineer Gas Transmission Engineering**

Preparer's Title

**adele.dibiasio@nationalgrid.com**

Preparer's E-mail Address

**PART O - CERTIFYING SIGNATURE (applicable only to PARTs B, F, G, and M1)**

**(781)907-2759**

Telephone Number

**John Stavrakas**


Senior Executive Officer's name certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**Vice president Gas Asset Management**

Senior Executive Officer's title certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**John.Stavrakas@National.Grid.com**

Senior Executive Officer's E-mail Address

 <p>U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration</p>	<p><b>ANNUAL REPORT FOR CALENDAR YEAR 2019 NATURAL OR OTHER GAS TRANSMISSION and GATHERING SYSTEMS</b></p>	Initial Date Submitted	03/02/2020
		Report Submission Type	INITIAL
		Date Submitted	

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0522. Public reporting for this collection of information is estimated to be approximately 42 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

**Important:** Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <http://www.phmsa.dot.gov/pipeline/library/forms>.

<b>PART A - OPERATOR INFORMATION</b>	DOT USE ONLY	20200368 - 37038
1. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER (OPID)  <b>1800</b>	2. NAME OF OPERATOR:  <b>KEYSPAN ENERGY DELIVERY - NY CITY</b>	
3. RESERVED	4. HEADQUARTERS ADDRESS:  <b>40 SYLVAN RD.</b> Street Address  <b>WALTHAM</b> City  State: <b>MA</b> Zip Code: <b>02451</b>	
5. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP: <i>(Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)</i>  <b>Natural Gas</b>		
6. RESERVED		
7. FOR THE DESIGNATED "COMMODITY GROUP", THE PIPELINES AND/OR PIPELINE FACILITIES INCLUDED WITHIN THIS OPID ARE: <i>(Select one or both)</i>  INTERstate pipeline – List all of the States and OSC portions in which INTERstate pipelines and/or pipeline facilities included under this OPID exist. etc.  INTRAstate pipeline – List all of the States in which INTRAstate pipelines and or pipeline facilities included under this OPID exist. <b>NEW YORK</b> etc.		
8. RESERVED		

**For the designated Commodity Group, PARTs B and D will be calculated based on the data entered in Parts L and P respectively. Complete Part C one time for all pipelines and/or pipeline facilities – both INTERstate and INTRAstate - included within this OPID.**

PART B – TRANSMISSION PIPELINE HCA MILES	
	Number of HCA Miles
<b>Onshore</b>	71.41
<b>Offshore</b>	0
<b>Total Miles</b>	71.41

PART C - VOLUME TRANSPORTED IN TRANSMISSION PIPELINES (ONLY) IN MILLION SCF PER YEAR (excludes Transmission lines of Gas Distribution systems)		<input checked="" type="checkbox"/> Check this box and do not complete PART C if this report only includes gathering pipelines or transmission lines of gas distribution systems.
	<b>Onshore</b>	<b>Offshore</b>
Natural Gas		
Propane Gas		
Synthetic Gas		
Hydrogen Gas		
Landfill Gas		
Other Gas - Name:		

PART D - MILES OF STEEL PIPE BY CORROSION PROTECTION										
	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other	Total Miles
<b>Transmission</b>										
Onshore	0	71.41	0	0	0	0	0	0	0	71.41
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	71.41	0	0	0	0	0	0	0	71.41
<b>Gathering</b>										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
<b>Total Miles</b>	0	71.41	0	0	0	0	0	0	0	71.41

<sup>1</sup>Use of Composite pipe requires a PHMSA Special Permit or waiver from a State

<b>PART E – RESERVED</b>
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**For the designated Commodity Group, complete PARTs F and G one time for all INTERstate pipeline facilities included within this OPID and multiple times as needed for the designated Commodity Group for each State in which INTRAstate pipeline facilities included within this OPID exist. Part F "WITHIN AN HCA SEGMENT" data and Part G may be completed only if HCA Miles in Part L is greater than zero.**

<b>PARTs F and G</b>
<p><b>The data reported in these PARTs applies to: (select only one)</b></p> <p><input type="checkbox"/> Interstate pipelines/pipeline facilities</p> <p><input checked="" type="checkbox"/> Intrastate pipelines/pipeline facilities in the State of NEW YORK (complete for each State)</p>

<b>PART F - INTEGRITY INSPECTIONS CONDUCTED AND ACTIONS TAKEN BASED ON INSPECTION</b>	
<b>1. MILEAGE INSPECTED IN CALENDAR YEAR USING THE FOLLOWING IN-LINE INSPECTION (ILI) TOOLS</b>	
a. Corrosion or metal loss tools	1.27
b. Dent or deformation tools	1.27
c. Crack or long seam defect detection tools	
d. Any other internal inspection tools, specify other tools:	
1. Internal Inspection Tools - Other	
e. Total tool mileage inspected in calendar year using in-line inspection tools. (Lines a + b + c + d )	2.54
<b>2. ACTIONS TAKEN IN CALENDAR YEAR BASED ON IN-LINE INSPECTIONS</b>	
a. Based on ILI data, total number of anomalies excavated in calendar year because they met the operator's criteria for excavation.	13
b. Total number of anomalies repaired in calendar year that were identified by ILI based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	12
c. Total number of conditions repaired WITHIN AN HCA SEGMENT meeting the definition of:	1
1. "Immediate repair conditions" [192.933(d)(1)]	1
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>3. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON PRESSURE TESTING</b>	
a. Total mileage inspected by pressure testing in calendar year.	0
b. Total number of pressure test failures (ruptures and leaks) repaired in calendar year, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of pressure test ruptures (complete failure of pipe wall) repaired in calendar year WITHIN AN HCA SEGMENT.	0
d. Total number of pressure test leaks (less than complete wall failure but including escape of test medium) repaired in calendar year WITHIN AN HCA SEGMENT.	0
<b>4. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON DA (Direct Assessment methods)</b>	
a. Total mileage inspected by each DA method in calendar year.	0.33
1. ECDA	0.33
2. ICDA	0
3. SCCDA	0
b. Total number of anomalies identified by each DA method and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	0
1. ECDA	0
2. ICDA	0
3. SCCDA	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0

2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>5. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON OTHER INSPECTION TECHNIQUES</b>	
a. Total mileage inspected by inspection techniques other than those listed above in calendar year.	0
1. Other Inspection Techniques	
b. Total number of anomalies identified by other inspection techniques and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>6. TOTAL MILEAGE INSPECTED (ALL METHODS) AND ACTIONS TAKEN IN CALENDAR YEAR</b>	
a. Total mileage inspected in calendar year. (Lines 1.e + 3.a + 4.a.1 + 4.a.2 + 4.a.3 + 5.a)	2.87
b. Total number of anomalies repaired in calendar year both within an HCA Segment and outside of an HCA Segment. (Lines 2.b + 3.b + 4.b.1 + 4.b.2 + 4.b.3 + 5.b)	12
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT. (Lines 2.c.1 + 2.c.2 + 2.c.3 + 2.c.4 + 3.c + 3.d + 4.c.1 + 4.c.2 + 4.c.3 + 4.c.4 + 5.c.1 + 5.c.2 + 5.c.3 + 5.c.4)	1
d. Total number of actionable anomalies eliminated by pipe replacement in calendar year WITHIN AN HCA SEGMENT:	0
e. Total number of actionable anomalies eliminated by pipe abandonment in calendar year WITHIN AN HCA SEGMENT:	0
<b>PART G— MILES OF BASELINE ASSESSMENTS AND REASSESSMENTS COMPLETED IN CALENDAR YEAR (HCA Segment miles ONLY)</b>	
a. Baseline assessment miles completed during the calendar year.	0
b. Reassessment miles completed during the calendar year.	1.59
c. Total assessment and reassessment miles completed during the calendar year.	1.59

**For the designated Commodity Group, complete PARTs H, I, J, K, L, M, P Q and R covering INTERstate pipelines and/or pipeline facilities for each State in which INTERstate systems exist within this OPID and again covering INTRASTate pipelines and/or pipeline facilities for each State in which INTRASTate systems exist within this OPID.**

PARTs H, I, J, K, L, M, P, Q, and R									
The data reported in these PARTs applies to: <i>(select only one)</i>									
INTRASTATE pipelines/pipeline facilities NEW YORK									
PART H - MILES OF TRANSMISSION PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	6.13	0	3.31	0	6.3
	22	24	26	28	30	32	34	36	38
	0	14.33	15.78	0	25.56	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
71.41	Total Miles of Onshore Pipe – Transmission								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Transmission								
PART I - MILES OF GATHERING PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore Type A	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	

	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type A Pipe – Gathering								
Onshore Type B	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type B Pipe – Gathering								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Gathering								

<b>PART J – MILES OF PIPE BY DECADE INSTALLED</b>						
<b>Decade Pipe Installed</b>	Unknown	Pre-40	1940 - 1949	1950 - 1959	1960 - 1969	1970 - 1979
<b>Transmission</b>						
Onshore	0	0	0	47.94	18.76	0.54
Offshore		0				
Subtotal Transmission	0	0	0	47.94	18.76	0.54
<b>Gathering</b>						
Onshore Type A	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0
Offshore		0				
Subtotal Gathering	0	0	0	0	0	0
<b>Total Miles</b>	0	0	0	47.94	18.76	0.54
<b>Decade Pipe Installed</b>	1980 - 1989	1990 - 1999	2000 - 2009	2010 - 2019	2020 - 2029	Total Miles
<b>Transmission</b>						
Onshore	0.2	0.49	0.06	3.43		71.42
Offshore						0
Subtotal Transmission	0.2	0.49	0.06	3.43		71.42
<b>Gathering</b>						

Onshore Type A	0	0	0	0		0
Onshore Type B	0	0	0	0		0
Offshore						0
Subtotal Gathering	0	0	0	0		0
<b>Total Miles</b>	<b>0.2</b>	<b>0.49</b>	<b>0.06</b>	<b>3.43</b>		<b>71.42</b>

#### PART K- MILES OF TRANSMISSION PIPE BY SPECIFIED MINIMUM YIELD STRENGTH

ONSHORE	CLASS LOCATION				Total Miles
	Class 1	Class 2	Class 3	Class 4	
Steel pipe Less than 20% SMYS	0	0	0	0	0
Steel pipe Greater than or equal to 20% SMYS but less than 30% SMYS	0	0	0	67.63	67.63
Steel pipe Greater than or equal to 30% SMYS but less than or equal to 40% SMYS	0	0	0	3.78	3.78
Steel pipe Greater than 40% SMYS but less than or equal to 50% SMYS	0	0	0	0	0
Steel pipe Greater than 50% SMYS but less than or equal to 60% SMYS	0	0	0	0	0
Steel pipe Greater than 60% SMYS but less than or equal to 72% SMYS	0	0	0	0	0
Steel pipe Greater than 72% SMYS but less than or equal to 80% SMYS	0	0	0	0	0
Steel pipe Greater than 80% SMYS	0	0	0	0	0
Steel pipe Unknown percent of SMYS	0	0	0	0	0
All Non-Steel pipe	0	0	0	0	0
<b>Onshore Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>71.41</b>	<b>71.41</b>
<b>OFFSHORE</b>	Class 1				
Less than or equal to 50% SMYS	0				
Greater than 50% SMYS but less than or equal to 72% SMYS	0				
Steel pipe Greater than 72% SMYS	0				
Steel Pipe Unknown percent of SMYS	0				
All non-steel pipe	0				
<b>Offshore Total</b>	<b>0</b>				<b>0</b>
<b>Total Miles</b>	<b>0</b>				<b>71.41</b>

#### PART L - MILES OF PIPE BY CLASS LOCATION

	Class Location				Total Class Location Miles	HCA Miles in the IMP Program
	Class 1	Class 2	Class 3	Class 4		
Transmission						
Onshore	0	0	0	71.41	71.41	71.41
Offshore	0	0	0	0	0	
Subtotal Transmission	0	0	0	71.41	71.41	
Gathering						

Onshore Type A	0	0	0	0	0	
Onshore Type B	0	0	0	0	0	
Offshore	0	0	0	0	0	
Subtotal Gathering	0	0	0	0	0	
<b>Total Miles</b>	0	0	0	71.41	71.41	71.41

## PART M – FAILURES, LEAKS, AND REPAIRS

### PART M1 – ALL LEAKS ELIMINATED/REPAIRED IN CALENDAR YEAR; INCIDENTS & FAILURES IN HCA SEGMENTS IN CALENDAR YEAR

Cause	Transmission Leaks, and Failures					Gathering Leaks		
	Leaks				Failures in HCA Segments	Onshore Leaks		Offshore Leaks
	Onshore Leaks		Offshore Leaks			Type A	Type B	
	HCA	Non-HCA	HCA	Non-HCA				
External Corrosion	0	0	0	0	0	0	0	0
Internal Corrosion	0	0	0	0	0	0	0	0
Stress Corrosion Cracking	0	0	0	0	0	0	0	0
Manufacturing	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Incorrect Operations	0	0	0	0	0	0	0	0
Third Party Damage/Mechanical Damage								
Excavation Damage	0	0	0	0	0	0	0	0
Previous Damage (due to Excavation Activity)	0	0	0	0	0	0	0	0
Vandalism (includes all Intentional Damage)	0	0	0	0	0	0	0	0
Weather Related/Other Outside Force								
Natural Force Damage (all)	0	0	0	0	0	0	0	0
Other Outside Force Damage (excluding Vandalism and all Intentional Damage)	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

### PART M2 – KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR

Transmission		Gathering	
<b>PART M3 – LEAKS ON FEDERAL LAND OR OCS REPAIRED OR SCHEDULED FOR REPAIR</b>			
Transmission		Gathering	
Onshore		Onshore Type A	
		Onshore Type B	
OCS		OCS	
Subtotal Transmission		Subtotal Gathering	
Total			

**PART P - MILES OF PIPE BY MATERIAL AND CORROSION PROTECTION STATUS**

	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other <sup>2</sup>	Total Miles
Transmission										
Onshore	0	71.41	0	0	0	0	0	0	0	71.41
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	71.41	0	0	0	0	0	0	0	71.41
Gathering										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
Total Miles	0	71.41	0	0	0	0	0	0	0	71.41

<sup>1</sup>Use of Composite pipe requires PHMSA Special Permit or waiver from a State

<sup>2</sup>specify Other material(s):

**Part Q - Gas Transmission Miles by §192.619 MAOP Determination Method**

	(a)(1) Total	(a)(1) Incomplete Records	(a)(2) Total	(a)(2) Incomplete Records	(a)(3) Total	(a)(3) Incomplete Records	(a)(4) Total	(a)(4) Incomplete Records	(c) Total	(c) Incomplete Records	(d) Total	(d) Incomplete Records	Other <sup>1</sup> Total	Other Incomplete Records
Class 1 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 1 (not in HCA)	0		0		0		0		0		0		0	
Class 2 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 2 (not in HCA)	0		0		0		0		0		0		0	
Class 3 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 3 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 4 (in HCA)	0	0	71.41	1.25	0	0	0	0	0	0	0	0	0	0
Class 4 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	0	0	71.41	1.25	0	0	0	0	0	0	0	0	0	0
<b>Grand Total</b>									71.41					
<b>Sum of Total row for all "Incomplete Records" columns</b>									1.25					

<sup>1</sup>Specify Other method(s):

Class 1 (in HCA)		Class 1 (not in HCA)	
Class 2 (in HCA)		Class 2 (not in HCA)	
Class 3 (in HCA)		Class 3 (not in HCA)	
Class 4 (in HCA)		Class 4 (not in HCA)	



**Part R – Gas Transmission Miles by Pressure Test (PT) Range and Internal Inspection**

	PT ≥ 1.25 MAOP		1.25 MAOP > PT ≥ 1.1 MAOP		PT < 1.1 or No PT	
Location	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE
Class 1 in HCA	0	0	0	0	0	0
Class 2 in HCA	0	0	0	0	0	0
Class 3 in HCA	0	0	0	0	0	0
Class 4 in HCA	19.4	50.76	0	0	0.01	1.24
in HCA subTotal	19.4	50.76	0	0	0.01	1.24
Class 1 not in HCA	0	0	0	0	0	0
Class 2 not in HCA	0	0	0	0	0	0
Class 3 not in HCA	0	0	0	0	0	0
Class 4 not in HCA	0	0	0	0	0	0
not in HCA subTotal	0	0	0	0	0	0
Total	19.4	50.76	0	0	0.01	1.24
PT ≥ 1.25 MAOP Total			70.16	Total Miles Internal Inspection ABLE		19.41
1.25 MAOP > PT ≥ 1.1 MAOP Total			0	Total Miles Internal Inspection NOT ABLE		52
PT < 1.1 or No PT Total			1.25	Grand Total		71.41
Grand Total			71.41			

***For the designated Commodity Group, complete PART N one time for all of the pipelines and/or pipeline facilities included within this OPID, and then also PART O if any gas transmission pipeline facilities included within this OPID have Part L HCA mile value greater than zero.***

**PART N - PREPARER SIGNATURE**

**Adele DiBiasio**

Preparer's Name(type or print)

**(631)770-3521**

Telephone Number

**Consulting Engineer, GTE**

Preparer's Title

**adele.dibiasio@nationalgrid.com**

Preparer's E-mail Address

**PART O - CERTIFYING SIGNATURE (applicable only to PARTs B, F, G, and M1)**

**Thomas Bennett**

Senior Executive Officer's name certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**VP Gas Asset Management And System Planning**


Senior Executive Officer's title certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**Thomas.Bennett@NationalGrid.com**

Senior Executive Officer's E-mail Address

**(631)770-3502**

Telephone Number

 <p>U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration</p>	<p><b>ANNUAL REPORT FOR CALENDAR YEAR 2020 NATURAL OR OTHER GAS TRANSMISSION and GATHERING SYSTEMS</b></p>	Initial Date Submitted	03/12/2021
		Report Submission Type	INITIAL
		Date Submitted	

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0522. Public reporting for this collection of information is estimated to be approximately 42 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

**Important:** Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <http://www.phmsa.dot.gov/pipeline/library/forms>.

<b>PART A - OPERATOR INFORMATION</b>	DOT USE ONLY	20210998 - 39311
1. OPERATOR'S 5 DIGIT IDENTIFICATION NUMBER (OPID)  <b>1800</b>	2. NAME OF OPERATOR:  <b>KEYSPAN ENERGY DELIVERY - NY CITY</b>	
3. RESERVED	4. HEADQUARTERS ADDRESS:  <b>40 SYLVAN RD.</b> Street Address  <b>WALTHAM</b> City  State: <b>MA</b> Zip Code: <b>02451</b>	
5. THIS REPORT PERTAINS TO THE FOLLOWING COMMODITY GROUP: <i>(Select Commodity Group based on the predominant gas carried and complete the report for that Commodity Group. File a separate report for each Commodity Group included in this OPID.)</i>  <b>Natural Gas</b>		
6. RESERVED		
7. FOR THE DESIGNATED "COMMODITY GROUP", THE PIPELINES AND/OR PIPELINE FACILITIES INCLUDED WITHIN THIS OPID ARE: <i>(Select one or both)</i>  INTERstate pipeline – List all of the States and OSC portions in which INTERstate pipelines and/or pipeline facilities included under this OPID exist. etc.  INTRAstate pipeline – List all of the States in which INTRAstate pipelines and or pipeline facilities included under this OPID exist. <b>NEW YORK</b> etc.		
8. RESERVED		

**For the designated Commodity Group, PARTs B and D will be calculated based on the data entered in Parts L and P respectively. Complete Part C one time for all pipelines and/or pipeline facilities – both INTERstate and INTRAstate - included within this OPID.**

PART B – TRANSMISSION PIPELINE HCA MILES	
	Number of HCA Miles
<b>Onshore</b>	71.38
<b>Offshore</b>	0
<b>Total Miles</b>	71.38

PART C - VOLUME TRANSPORTED IN TRANSMISSION PIPELINES (ONLY) IN MILLION SCF PER YEAR (excludes Transmission lines of Gas Distribution systems)		<input checked="" type="checkbox"/> Check this box and do not complete PART C if this report only includes gathering pipelines or transmission lines of gas distribution systems.	
	Onshore	Offshore	
Natural Gas			
Propane Gas			
Synthetic Gas			
Hydrogen Gas			
Landfill Gas			
Other Gas - Name:			

PART D - MILES OF STEEL PIPE BY CORROSION PROTECTION										
	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other	Total Miles
<b>Transmission</b>										
Onshore	0	71.38	0	0	0	0	0	0	0	71.38
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	71.38	0	0	0	0	0	0	0	71.38
<b>Gathering</b>										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
<b>Total Miles</b>	0	71.38	0	0	0	0	0	0	0	71.38

<sup>1</sup>Use of Composite pipe requires a PHMSA Special Permit or waiver from a State

PART E – RESERVED
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**For the designated Commodity Group, complete PARTs F and G one time for all INTERstate pipeline facilities included within this OPID and multiple times as needed for the designated Commodity Group for each State in which INTRAstate pipeline facilities included within this OPID exist. Part F "WITHIN AN HCA SEGMENT" data and Part G may be completed only if HCA Miles in Part L is greater than zero.**

<b>PARTs F and G</b>
<p><b>The data reported in these PARTs applies to: (select only one)</b></p> <p><input type="checkbox"/> Interstate pipelines/pipeline facilities</p> <p><input checked="" type="checkbox"/> Intrastate pipelines/pipeline facilities in the State of NEW YORK (complete for each State)</p>

<b>PART F - INTEGRITY INSPECTIONS CONDUCTED AND ACTIONS TAKEN BASED ON INSPECTION</b>	
<b>1. MILEAGE INSPECTED IN CALENDAR YEAR USING THE FOLLOWING IN-LINE INSPECTION (ILI) TOOLS</b>	
a. Corrosion or metal loss tools	5.09
b. Dent or deformation tools	5.09
c. Crack or long seam defect detection tools	0
d. Any other internal inspection tools, specify other tools:	0
1. Internal Inspection Tools - Other	
e. Total tool mileage inspected in calendar year using in-line inspection tools. (Lines a + b + c + d )	10.18
<b>2. ACTIONS TAKEN IN CALENDAR YEAR BASED ON IN-LINE INSPECTIONS</b>	
a. Based on ILI data, total number of anomalies excavated in calendar year because they met the operator's criteria for excavation.	1
b. Total number of anomalies repaired in calendar year that were identified by ILI based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	1
c. Total number of conditions repaired WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>3. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON PRESSURE TESTING</b>	
a. Total mileage inspected by pressure testing in calendar year.	0
b. Total number of pressure test failures (ruptures and leaks) repaired in calendar year, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of pressure test ruptures (complete failure of pipe wall) repaired in calendar year WITHIN AN HCA SEGMENT.	0
d. Total number of pressure test leaks (less than complete wall failure but including escape of test medium) repaired in calendar year WITHIN AN HCA SEGMENT.	0
<b>4. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON DA (Direct Assessment methods)</b>	
a. Total mileage inspected by each DA method in calendar year.	1.06
1. ECDA	1.06
2. ICDA	0
3. SCCDA	0
b. Total number of anomalies identified by each DA method and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	11
1. ECDA	11
2. ICDA	0
3. SCCDA	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0

2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>5. MILEAGE INSPECTED AND ACTIONS TAKEN IN CALENDAR YEAR BASED ON OTHER INSPECTION TECHNIQUES</b>	
a. Total mileage inspected by inspection techniques other than those listed above in calendar year.	0
1. Other Inspection Techniques	
b. Total number of anomalies identified by other inspection techniques and repaired in calendar year based on the operator's criteria, both within an HCA Segment and outside of an HCA Segment.	0
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT meeting the definition of:	0
1. "Immediate repair conditions" [192.933(d)(1)]	0
2. "One-year conditions" [192.933(d)(2)]	0
3. "Monitored conditions" [192.933(d)(3)]	0
4. Other "Scheduled conditions" [192.933(c)]	0
<b>6. TOTAL MILEAGE INSPECTED (ALL METHODS) AND ACTIONS TAKEN IN CALENDAR YEAR</b>	
a. Total mileage inspected in calendar year. (Lines 1.e + 3.a + 4.a.1 + 4.a.2 + 4.a.3 + 5.a)	11.24
b. Total number of anomalies repaired in calendar year both within an HCA Segment and outside of an HCA Segment. (Lines 2.b + 3.b + 4.b.1 + 4.b.2 + 4.b.3 + 5.b)	12
c. Total number of conditions repaired in calendar year WITHIN AN HCA SEGMENT. (Lines 2.c.1 + 2.c.2 + 2.c.3 + 2.c.4 + 3.c + 3.d + 4.c.1 + 4.c.2 + 4.c.3 + 4.c.4 + 5.c.1 + 5.c.2 + 5.c.3 + 5.c.4)	0
d. Total number of actionable anomalies eliminated by pipe replacement in calendar year WITHIN AN HCA SEGMENT:	0
e. Total number of actionable anomalies eliminated by pipe abandonment in calendar year WITHIN AN HCA SEGMENT:	0
<b>PART G— MILES OF BASELINE ASSESSMENTS AND REASSESSMENTS COMPLETED IN CALENDAR YEAR (HCA Segment miles ONLY)</b>	
a. Baseline assessment miles completed during the calendar year.	0
b. Reassessment miles completed during the calendar year.	6.15
c. Total assessment and reassessment miles completed during the calendar year.	6.15

**For the designated Commodity Group, complete PARTs H, I, J, K, L, M, P Q and R covering INTERstate pipelines and/or pipeline facilities for each State in which INTERstate systems exist within this OPID and again covering INTRASTate pipelines and/or pipeline facilities for each State in which INTRASTate systems exist within this OPID.**

PARTs H, I, J, K, L, M, P, Q, and R									
The data reported in these PARTs applies to: <i>(select only one)</i>									
INTRASTATE pipelines/pipeline facilities NEW YORK									
PART H - MILES OF TRANSMISSION PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	6.12	0	3.31	0	6.29
	22	24	26	28	30	32	34	36	38
	0	14.33	15.77	0	25.56	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
71.38	Total Miles of Onshore Pipe – Transmission								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Transmission								
PART I - MILES OF GATHERING PIPE BY NOMINAL PIPE SIZE (NPS)									
Onshore Type A	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	



	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type A Pipe – Gathering								
Onshore Type B	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Onshore Type B Pipe – Gathering								
Offshore	NPS 4 or less	6	8	10	12	14	16	18	20
	0	0	0	0	0	0	0	0	0
	22	24	26	28	30	32	34	36	38
	0	0	0	0	0	0	0	0	0
	40	42	44	46	48	52	56	58 and over	
	0	0	0	0	0	0	0	0	
	Additional Sizes and Miles (Size – Miles;): 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0; 0 - 0;								
0	Total Miles of Offshore Pipe – Gathering								

PART J – MILES OF PIPE BY DECADE INSTALLED						
Decade Pipe Installed	Unknown	Pre-40	1940 - 1949	1950 - 1959	1960 - 1969	1970 - 1979
<b>Transmission</b>						
Onshore	0	0	0	47.91	18.76	0.54
Offshore		0				
Subtotal Transmission	0	0	0	47.91	18.76	0.54
<b>Gathering</b>						
Onshore Type A	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0
Offshore		0				
Subtotal Gathering	0	0	0	0	0	0
<b>Total Miles</b>	0	0	0	47.91	18.76	0.54
Decade Pipe Installed	1980 - 1989	1990 - 1999	2000 - 2009	2010 - 2019	2020 - 2029	Total Miles
<b>Transmission</b>						
Onshore	0.2	0.49	0.06	3.43	0	71.39
Offshore						0
Subtotal Transmission	0.2	0.49	0.06	3.43	0	71.39
<b>Gathering</b>						

Onshore Type A	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0
Offshore						0
Subtotal Gathering	0	0	0	0	0	0
<b>Total Miles</b>	<b>0.2</b>	<b>0.49</b>	<b>0.06</b>	<b>3.43</b>	<b>0</b>	<b>71.39</b>

#### PART K- MILES OF TRANSMISSION PIPE BY SPECIFIED MINIMUM YIELD STRENGTH

ONSHORE	CLASS LOCATION				Total Miles
	Class 1	Class 2	Class 3	Class 4	
Steel pipe Less than 20% SMYS	0	0	0	0	0
Steel pipe Greater than or equal to 20% SMYS but less than 30% SMYS	0	0	0	67.6	67.6
Steel pipe Greater than or equal to 30% SMYS but less than or equal to 40% SMYS	0	0	0	3.78	3.78
Steel pipe Greater than 40% SMYS but less than or equal to 50% SMYS	0	0	0	0	0
Steel pipe Greater than 50% SMYS but less than or equal to 60% SMYS	0	0	0	0	0
Steel pipe Greater than 60% SMYS but less than or equal to 72% SMYS	0	0	0	0	0
Steel pipe Greater than 72% SMYS but less than or equal to 80% SMYS	0	0	0	0	0
Steel pipe Greater than 80% SMYS	0	0	0	0	0
Steel pipe Unknown percent of SMYS	0	0	0	0	0
All Non-Steel pipe	0	0	0	0	0
<b>Onshore Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>71.38</b>	<b>71.38</b>
<b>OFFSHORE</b>	Class 1				
Less than or equal to 50% SMYS	0				
Greater than 50% SMYS but less than or equal to 72% SMYS	0				
Steel pipe Greater than 72% SMYS	0				
Steel Pipe Unknown percent of SMYS	0				
All non-steel pipe	0				
<b>Offshore Total</b>	<b>0</b>				<b>0</b>
<b>Total Miles</b>	<b>0</b>				<b>71.38</b>

#### PART L - MILES OF PIPE BY CLASS LOCATION

	Class Location				Total Class Location Miles	HCA Miles in the IMP Program
	Class 1	Class 2	Class 3	Class 4		
Transmission						
Onshore	0	0	0	71.38	71.38	71.38
Offshore	0	0	0	0	0	
Subtotal Transmission	0	0	0	71.38	71.38	
Gathering						

Onshore Type A	0	0	0	0	0	
Onshore Type B	0	0	0	0	0	
Offshore	0	0	0	0	0	
Subtotal Gathering	0	0	0	0	0	
<b>Total Miles</b>	0	0	0	71.38	71.38	71.38

## PART M – FAILURES, LEAKS, AND REPAIRS

### PART M1 – ALL LEAKS ELIMINATED/REPAIRED IN CALENDAR YEAR; INCIDENTS & FAILURES IN HCA SEGMENTS IN CALENDAR YEAR

Cause	Transmission Leaks, and Failures					Gathering Leaks		
	Leaks				Failures in HCA Segments	Onshore Leaks		Offshore Leaks
	Onshore Leaks		Offshore Leaks			Type A	Type B	
	HCA	Non-HCA	HCA	Non-HCA				
External Corrosion	0	0	0	0	0	0	0	0
Internal Corrosion	0	0	0	0	0	0	0	0
Stress Corrosion Cracking	0	0	0	0	0	0	0	0
Manufacturing	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Incorrect Operations	0	0	0	0	0	0	0	0
Third Party Damage/Mechanical Damage								
Excavation Damage	0	0	0	0	1	0	0	0
Previous Damage (due to Excavation Activity)	0	0	0	0	0	0	0	0
Vandalism (includes all Intentional Damage)	0	0	0	0	0	0	0	0
Weather Related/Other Outside Force								
Natural Force Damage (all)	0	0	0	0	0	0	0	0
Other Outside Force Damage (excluding Vandalism and all Intentional Damage)	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	1	0	0	0

### PART M2 – KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR

<b>Transmission</b>	0	<b>Gathering</b>	0
<b>PART M3 – LEAKS ON FEDERAL LAND OR OCS REPAIRED OR SCHEDULED FOR REPAIR</b>			
<b>Transmission</b>		<b>Gathering</b>	
Onshore	0	Onshore Type A	0
		Onshore Type B	0
OCS	0	OCS	0
Subtotal Transmission	0	Subtotal Gathering	0
Total	0		

**PART P - MILES OF PIPE BY MATERIAL AND CORROSION PROTECTION STATUS**

	Steel Cathodically protected		Steel Cathodically unprotected							
	Bare	Coated	Bare	Coated	Cast Iron	Wrought Iron	Plastic	Composite <sup>1</sup>	Other <sup>2</sup>	Total Miles
Transmission										
Onshore	0	71.38	0	0	0	0	0	0	0	71.38
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Transmission	0	71.38	0	0	0	0	0	0	0	71.38
Gathering										
Onshore Type A	0	0	0	0	0	0	0	0	0	0
Onshore Type B	0	0	0	0	0	0	0	0	0	0
Offshore	0	0	0	0	0	0	0	0	0	0
Subtotal Gathering	0	0	0	0	0	0	0	0	0	0
Total Miles	0	71.38	0	0	0	0	0	0	0	71.38

<sup>1</sup>Use of Composite pipe requires PHMSA Special Permit or waiver from a State

<sup>2</sup>specify Other material(s):

**Part Q - Gas Transmission Miles by §192.619 MAOP Determination Method**

	(a)(1) Total	(a)(1) Incomplete Records	(a)(2) Total	(a)(2) Incomplete Records	(a)(3) Total	(a)(3) Incomplete Records	(a)(4) Total	(a)(4) Incomplete Records	(c) Total	(c) Incomplete Records	(d) Total	(d) Incomplete Records	Other <sup>1</sup> Total	Other Incomplete Records
Class 1 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 1 (not in HCA)	0		0		0		0		0		0		0	
Class 2 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 2 (not in HCA)	0		0		0		0		0		0		0	
Class 3 (in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 3 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Class 4 (in HCA)	0	0	71.38	1.25	0	0	0	0	0	0	0	0	0	0
Class 4 (not in HCA)	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>	0	0	71.38	1.25	0	0	0	0	0	0	0	0	0	0
<b>Grand Total</b>									71.38					
<b>Sum of Total row for all "Incomplete Records" columns</b>									1.25					

<sup>1</sup>Specify Other method(s):

Class 1 (in HCA)		Class 1 (not in HCA)	
Class 2 (in HCA)		Class 2 (not in HCA)	
Class 3 (in HCA)		Class 3 (not in HCA)	
Class 4 (in HCA)		Class 4 (not in HCA)	

**Part R – Gas Transmission Miles by Pressure Test (PT) Range and Internal Inspection**

	PT ≥ 1.25 MAOP		1.25 MAOP > PT ≥ 1.1 MAOP		PT < 1.1 or No PT	
Location	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE	Miles Internal Inspection ABLE	Miles Internal Inspection NOT ABLE
Class 1 in HCA	0	0	0	0	0	0
Class 2 in HCA	0	0	0	0	0	0
Class 3 in HCA	0	0	0	0	0	0
Class 4 in HCA	21.54	48.6	0	0	0	1.24
in HCA subTotal	21.54	48.6	0	0	0	1.24
Class 1 not in HCA	0	0	0	0	0	0
Class 2 not in HCA	0	0	0	0	0	0
Class 3 not in HCA	0	0	0	0	0	0
Class 4 not in HCA	0	0	0	0	0	0
not in HCA subTotal	0	0	0	0	0	0
Total	21.54	48.6	0	0	0	1.24
PT ≥ 1.25 MAOP Total			70.14	Total Miles Internal Inspection ABLE		21.54
1.25 MAOP > PT ≥ 1.1 MAOP Total			0	Total Miles Internal Inspection NOT ABLE		49.84
PT < 1.1 or No PT Total			1.24	Grand Total		71.38
Grand Total			71.38			

***For the designated Commodity Group, complete PART N one time for all of the pipelines and/or pipeline facilities included within this OPID, and then also PART O if any gas transmission pipeline facilities included within this OPID have Part L HCA mile value greater than zero.***

**PART N - PREPARER SIGNATURE**

**Adele DiBiasio**

**(516)419-1641**

Telephone Number

Preparer's Name(type or print)

**Consulting Engineer**

Preparer's Title

**adele.dibiasio@nationalgrid.com**

Preparer's E-mail Address

**PART O - CERTIFYING SIGNATURE (applicable only to PARTs B, F, G, and M1)**

**(347)865-3425**

Telephone Number

**Thomas Bennett**

Senior Executive Officer's name certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**VP Gas Asset Management And System Planning**

Senior Executive Officer's title certifying the information in PARTs B, F, G, and M as required by 49 U.S.C. 60109(f)

**Thomas.Bennett@NationalGrid.com**

Senior Executive Officer's E-mail Address

# EXHIBIT M



NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty as provided in 49 USC 60122.		OMB NO: 2137-0635 EXPIRATION DATE: 5/31/2024	
 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration	<b>Original Report Date:</b>	04/01/2019	
	<b>No.</b>	20190034- 32205	
	(DOT Use Only)		
<b>INCIDENT REPORT - GAS DISTRIBUTION SYSTEM</b>			
A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0635. Public reporting for this collection of information is estimated to be approximately 12 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding the burden or any other aspect of this collection of information, including suggestions for reducing the burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.			
<b>INSTRUCTIONS</b>			
<i><b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a>.</i>			
<b>PART A - KEY REPORT INFORMATION</b>			
Report Type: (select all that apply)	<b>Original:</b>	<b>Supplemental:</b>	<b>Final:</b>
Last Revision Date	05/28/2019	Yes	Yes
1. Operator's OPS-issued Operator Identification Number (OPID):	1800		
2. Name of Operator	KEYSpan ENERGY DELIVERY - NY CITY		
3. Address of Operator:			
3a. Street Address	40 SYLVAN RD.		
3b. City	WALTHAM		
3c. State	Massachusetts		
3d. Zip Code	02451		
4. Earliest local time (24-hr clock) and date an incident reporting criteria was met:	03/05/2019 11:00		
4a. Time Zone for local time (select only one)			
4b. Daylight Saving in effect?			
5. Location of Incident:			
5a. Street Address or location description	intersection of Kent Avenue and Broadway		
5b. City	Brooklyn		
5c. County or Parish	Kings		
5d. State:	New York		
5e. Zip Code:	11249		
5f. Latitude / Longitude	40.712043, -73.968144		
6. Gas released:	Natural Gas		
- Other Gas Released Name:			
7. Estimated volume of gas released unintentionally: - thousand standard cubic feet (mcf)	1,158.000		
8. Estimated volume of intentional and controlled release/blowdown: - thousand standard cubic feet (mcf)			
9. Were there fatalities?	No		
- If Yes, specify the number in each category:			
9a. Operator employees			
9b. Contractor employees working for the Operator			
9c. Non-Operator emergency responders			
9d. Workers working on the right-of-way, but NOT associated with this Operator			
9e. General public			
9f. Total fatalities (sum of above)			
10. Were there injuries requiring inpatient hospitalization?	No		
- If Yes, specify the number in each category:			
10a. Operator employees			
10b. Contractor employees working for the Operator			
10c. Non-Operator emergency responders			
10d. Workers working on the right-of-way, but NOT associated with this Operator			
10e. General public			
10f. Total injuries (sum of above)			

11. What was the Operator's initial indication of the Failure? ( <i>select only one</i> )	Notification from Emergency Responder
- If Other, Specify:	
11a. If "Controller", "Local Operating Personnel, including contractors", "Air Patrol", or "Ground Patrol by Operator or its contractor" is selected in Question 11, specify.	
12. Local time operator identified failure	03/05/2019 11:24
If 11 = Notification from Emergency Responder, skip questions 13 through 15.	
13. Did the operator communicate with Local, State, or Federal Emergency Responders about the incident?	
- If No, skip A14 and A15	
14. Which party initiated communication about the incident?	
15. Local time of initial Operator and Local/State/Federal Emergency Responder communication	
16. Local time operator resources arrived on site:	03/05/2019 11:45
17. reserved for local time of confirmed discovery – proposed in "Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes" rulemaking	
18. Local time (24-hr clock) and date of initial operator report to the National Response Center:	03/05/2019 14:42
19. Initial Operator National Response Center Report Number:	1239301
19a. Additional NRC Report numbers submitted by the operator:	
20. Method of Flow Control ( <i>select all that apply</i> )	
"Key/Critical" Valve – inspected in accordance with Part 192.747	
Main Valve other than "Key/Critical"	
Service (curb) Valve	
Meter/Regulator shut-off Valve	
Excess flow valve	
Squeeze-Off	
Stoppie fitting	
Other	
- If Other, Specify:	
21. Did the gas ignite?	Yes
If A21 = Yes, answer A21a through A21d.	
21a. Local time of ignition	
21b. How was the fire extinguished?	
- If Other, Specify:	
21c. Estimated volume of gas consumed by fire (MCF): (must be less than or equal to A7.)	
21d. Did the gas explode?	No
22. Number of general public evacuated:	0
<b>PART B - ADDITIONAL LOCATION INFORMATION</b>	
1. Was the Incident on Federal land?	No
2. Location of Incident	Public property
3. Area of Incident:	Underground
Specify:	Exposed due to excavation
If Other, Describe:	
3a. Depth of Cover:	48
3b. Were other underground facilities found within 12 inches of the failure location?	
4. Did Incident occur in a crossing?	No
- If Yes, specify type below:	
- If Bridge crossing –	
Cased/ Uncased:	
- If Railroad crossing –	
Cased	
Uncased	
Bored/drilled	
- If Road crossing –	
Cased	
Uncased	
Bored/drilled	
- If Water crossing –	
Cased	
Uncased	
Bored/drilled	

Name of body of water (If commonly known):	
Approx. water depth at time and location of Incident (ft):	
(select only one):	
<b>PART C - ADDITIONAL FACILITY INFORMATION</b>	
1. Indicate the type of pipeline system:	Investor Owned
- If Other, specify:	
2. Part of system involved in Incident:	Main
- If Other, specify:	
2a. Year item involved in the incident was installed:	Unknown
2b. Year item involved in the incident was manufactured:	
When 2 is any value other than "Main", "Main Valve", "District Regulator/Metering Station", or "Other":	
2c. Indicate the customer type: (select only one)	
2d. Was an EFV installed on the service line before the time of the incident?	
If 2d = Yes, then 2e. Did the EFV activate?	
2f. Was a curb valve installed on the service line before the time of the incident?	
3. When 2. is "Main" or "Service" answer 3a through c and 4:	
3a. Nominal Pipe Size:	12
3b. Pipe specification (e.g., API 5L, ASTM D2513):	Unknown
3c. Pipe manufacturer:	Unknown
4. Material involved in Incident:	Cast/Wrought Iron
- If Other, specify:	
4a. If Steel, Specify seam type:	
- If Other, specify:	
4b. If Steel, Specify wall thickness (inches):	
4c. If Plastic, Specify type:	
- If Other, describe:	
4d. If Plastic, Specify Standard Dimension Ratio (SDR):	
Or wall thickness:	
Unknown	
4e. If Polyethylene (PE) is selected as the type of plastic in Part C, Question 4.c:	
- Specify PE Pipe Material Designation Code (i.e. 2406, 3408, etc.)	
Unknown?	
5. Type of release involved :	Mechanical Puncture
- If Mechanical Puncture - Specify Approx size:	
Approx. size: in. (axial):	6.00
in. (circumferential):	6.00
- If Leak - Select Type:	
- If Other, Describe:	
- If Rupture - Select Orientation:	
- If Other, Describe:	
Approx. size: (widest opening):	
(length circumferentially or axially):	
- If Other - Describe:	
<b>PART D - ADDITIONAL CONSEQUENCE INFORMATION</b>	
1. Class Location of Incident :	Class 4 Location
2. Estimated Property Damage :	
2a. Estimated cost of public and non-Operator private property damage paid/reimbursed by the Operator	\$ 0
2b. Estimated cost of Operator's property damage & repairs	\$ 11,800
2c. Estimated cost of emergency response	\$ 36,240
2d. Estimated other costs	\$ 0
- Describe:	
2e. Property damage subtotal (sum of above)	\$ 48,040
<b>Cost of Gas Released</b>	
Cost of Gas in \$ per thousand standard cubic feet (mcf):	\$
2f. Estimated cost of gas released unintentionally	\$ 5,155
2g. Estimated cost of gas released intentionally during controlled release/blowdown	\$
2h. Total estimated cost of gas released (sum of 2f and g)	\$ 5155
2i. Estimated Total Cost (sum of 2e and 2h)	\$ 53,195
3. Estimated number of customers out of service:	

3a. Commercial entities	1
3b. Industrial entities	0
3c. Residences	0
Injured Persons not included in A10 The number of persons injured, admitted to a hospital, and remaining in the hospital for at least one overnight are reported in A10. If a person is included in A10, do not include them in D4.	
4. Estimated number of persons with injuries requiring treatment in a medical facility but not requiring overnight in-patient hospitalization:	
If a person is included in 4, do not include them in 5.	
5. Estimated number of persons with injuries requiring treatment by EMTs at the site of incident:	
<b><u>Buildings Affected</u></b>	
6. Number of residential buildings affected (evacuated or required repair or had gas service interrupted):	
7. Number of business buildings affected (evacuated or required repair or had gas service interrupted):	
<b>PART E - ADDITIONAL OPERATING INFORMATION</b>	
1. Estimated pressure at the point and time of the Incident (psig):	.30
2. Normal operating pressure at the point and time of the Incident (psig):	.33
3. Maximum Allowable Operating Pressure (MAOP) at the point and time of the Incident (psig):	.43
3a. MAOP established by 49 CFR section:	
3b. Date MAOP established:	
4. Describe the pressure on the system relating to the Incident:	Pressure did not exceed MAOP
5. Type of odorization system for gas at the point of failure:	
- If Other, Specify:	
6. Odorant level near the point of failure measured after the failure:	
Not Measured	
7. Was a Supervisory Control and Data Acquisition (SCADA) based system in place on the pipeline or facility involved in the Incident?	Yes
- If Yes:	
7a. Was it operating at the time of the Incident?	Yes
7b. Was it fully functional at the time of the Incident?	Yes
7c. Did SCADA-based information (such as alarm(s), alert(s), event (s), and/or volume or pack calculations) assist with the initial indication of the Incident?	No
7d. Did SCADA-based information (such as alarm(s), alert(s), event (s), and/or volume calculations) assist with the confirmed discovery of the Incident?	No
8. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contributing factor to the Incident? (select all that apply):	No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: (provide an explanation for why the Operator did not investigate)
- If "No, the operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to:" (provide an explanation for why the operator did not investigate)	The operator did not find that an investigation of the controller's actions or control room issues was necessary. This incident was due to a report of contractor damage.
- If Yes, Specify investigation result(s) (select all that apply):	
- Investigation reviewed work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Investigation did NOT review work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Provide an explanation for why not:	
- Investigation identified no control room issues	
- Investigation identified no controller issues	
- Investigation identified incorrect controller action or controller error	
- Investigation identified that fatigue may have affected the controller(s) involved or impacted the involved controller(s) response	
- Investigation identified incorrect procedures	
- Investigation identified incorrect control room equipment operation	
- Investigation identified maintenance activities that affected control room operations, procedures, and/or controller response	

- Investigation identified areas other than those above	
Describe:	
<b>PART F - DRUG &amp; ALCOHOL TESTING INFORMATION</b>	
1. As a result of this Incident, were any Operator employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
1a. How many were tested:	
1b. How many failed:	
2. As a result of this Incident, were any Operator contractor employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
2a. How many were tested:	
2b. How many failed:	
<b>PART G - CAUSE INFORMATION</b>	
<i>Select only one box from PART G in shaded column on left representing the Apparent Cause of the Incident, and answer the questions on the right. Enter secondary, contributing, or root causes of the Incident in Part J – Contributing Factors.</i>	
<b>Apparent Cause:</b>	G3 - Excavation Damage
<b>G1 - Corrosion Failure</b> – only one <b>sub-cause</b> can be picked from shaded left-hand column	
<b>Corrosion Failure Sub-Cause:</b>	
<b>- If External Corrosion:</b>	
1. Results of visual examination:	
- If Other, Specify:	
2. Type of corrosion:	
- Galvanic	
- Atmospheric	
- Stray Current	
- Microbiological	
- Selective Seam	
- Other	
- If Other, Describe:	
2a. If 2. is Stray Current, specify	
2b. Describe the stray current source:	
3. The type(s) of corrosion selected in Question 2 is based on the following:	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
4. Was the failed item buried or submerged?	
- If Yes:	
4a. Was failed item considered to be under cathodic protection at the time of the incident?	
- If Yes, Year protection started:	
4b. Was shielding, tenting, or disbonding of coating evident at the point of the incident?	
4c. Has one or more Cathodic Protection Survey been conducted at the point of the incident? (select all that apply)	
If "Yes, CP Annual Survey" – Most recent year conducted:	
If "Yes, Close Interval Survey" – Most recent year conducted:	
If "Yes, Other CP Survey" – Most recent year conducted:	
Describe Other CP Survey:	
- If No:	
4d. Was the failed item externally coated or painted?	
5. Was there observable damage to the coating or paint in the vicinity of the corrosion?	
6. Pipeline coating type, if steel pipe is involved:	
- If Other, Describe:	
6a. Field Applied?	
<b>- If Internal Corrosion:</b>	

7. Results of visual examination:	
- If Other, Describe:	
8. Cause of corrosion <i>(select all that apply)</i> :	
- Corrosive Commodity	
- Water drop-out/Acid	
- Microbiological	
- Erosion	
- Other	
- If Other, Specify:	
9. The cause(s) of corrosion selected in Question 8 is based on the following: <i>(select all that apply)</i> :	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
10. Location of corrosion <i>(select all that apply)</i> :	
- Low point in pipe	
- Elbow	
- Drop-out	
- Other	
- If Other, Describe:	
11. Was the gas/fluid treated with corrosion inhibitor or biocides?	
12. Were any liquids found in the distribution system where the Incident occurred?	
<b>Complete the following if any Corrosion Failure sub-cause is selected AND the "Part of system involved in incident" (from PART C, Question 2) is Main, Service, or Service Riser.</b>	
13. Date of the most recent Leak Survey conducted	
14. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>G2 – Natural Force Damage – only one sub-cause can be picked from shaded left-handed column</b>	
<b>Natural Force Damage – Sub-Cause:</b>	
<b>- If Earth Movement, NOT due to Heavy Rains/Floods:</b>	
1. Specify:	
- If Other, Specify:	
<b>- If Heavy Rains/Floods:</b>	
2. Specify:	
- If Other, Specify:	
<b>- If Lightning:</b>	
3. Specify:	
<b>- If Temperature:</b>	
4. Specify:	
- If Other, Specify:	
<b>- If Other Natural Force Damage:</b>	
5. Describe:	
<b>Complete the following if any Natural Force Damage sub-cause is selected.</b>	
6. Were the natural forces causing the Incident generated in conjunction with an extreme weather event?	
6.a If Yes, specify <i>(select all that apply)</i> :	
- Hurricane	
- Tropical Storm	
- Tornado	
- Other	
- If Other, Specify:	
<b>G3 – Excavation Damage – only one sub-cause can be picked from shaded left-hand column</b>	
<b>Excavation Damage – Sub-Cause:</b>	Excavation Damage by Third Party
<b>- If Previous Damage due to Excavation Activity: Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.</b>	
1. Date of the most recent Leak Survey conducted	02/19/2019

2. Has one or more pressure test been conducted since original construction at the point of the Incident?	No
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>Complete the following if Excavation Damage by Third Party is selected.</b>	
3. Did the operator get prior notification of the excavation activity?	Yes
3a. If Yes, Notification received from: <i>(select all that apply)</i> :	
- One-Call System	Yes
- Excavator	
- Contractor	Yes
- Landowner	
3b. Per the primary Incident Investigator report, did State law exempt the excavator from notifying the one-call center?	
If yes, answer 3c through 3e.	
3c. (select only one)	
- If Other, Specify:	
3d. Exempting Authority:	
3e. Exempting Criteria:	
<b>Complete the following mandatory CGA-DIRT Program questions if any Excavation Damage sub-cause is selected.</b>	
4. Do you want PHMSA to upload the following information to CGA-DIRT ( <a href="http://www.cga-dirt.com">www.cga-dirt.com</a> )?	Yes
5. Right-of-Way where event occurred <i>(select all that apply)</i> :	
- Public	Yes
- If Public, Specify:	City Street
- Private	
- If Private, Specify:	
- Pipeline Property/Easement	
- Power/Transmission Line	
- Railroad	
- Dedicated Public Utility Easement	
- Federal Land	
- Data not collected	
- Unknown/Other	
6. Type of excavator :	Contractor
7. Type of excavation equipment :	Backhoe/Trackhoe
8. Type of work performed :	Water
9. Was the One-Call Center notified?	Yes
If No, skip to question 13	
9a. If Yes, specify ticket number:	190590316
9b. If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center notified:	New York 811
10. Type of Locator:	Contract Locator
11. Were facility locate marks visible in the area of excavation?	Yes
12. Were facilities marked correctly?	No
13. Did the damage cause an interruption in service?	Yes
13a. If Yes, specify duration of the interruption:	7
14. Description of the CGA-DIRT Root Cause <i>(select only the one predominant first level CGA-DIRT Root Cause and then, where available as a choice, the one predominant second level CGA-DIRT Root Cause as well)</i> :	
- Root Cause Description:	Locating Practices Not Sufficient
- If One-Call Notification Practices Not Sufficient, specify:	
- If Locating Practices Not Sufficient, specify:	Facility marking or location not sufficient
- If Excavation Practices Not Sufficient, specify:	Excavation practices not sufficient (other)
- If Other/None of the Above, explain:	
<b>G4 - Other Outside Force Damage</b> - only one sub-cause can be selected from the shaded left-hand column	
Other Outside Force Damage – Sub-Cause:	
<b>- If Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation:</b>	
1. Vehicle/Equipment operated by:	
If this sub-cause is picked, complete questions 7-13 below.	
<b>- If Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring:</b>	



2. Select one or more of the following IF an extreme weather event was a factor:	
- Hurricane	
- Tropical Storm	
- Tornado	
- Heavy Rains/Flood	
- Other	
- If Other, Specify:	
<b>- If Previous Mechanical Damage NOT Related to Excavation:</b> Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.	
3. Date of the most recent Leak Survey conducted:	
4. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
<b>- If Intentional Damage:</b>	
5. Specify:	
- If Other, Specify:	
<b>- If Other Outside Force Damage:</b>	
6. Describe:	
Complete the following if Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation sub-cause is selected.	
7. Was the driver of the vehicle or equipment issued one or more citations related to the incident?	
If 7. is Yes, what was the nature of the citations (select all that apply)	
7a. Excessive Speed	
7b. Reckless Driving	
7c. Driving Under the Influence	
7d. Other:	
- If Other, Specify:	
8. Was the driver under control of the vehicle at the time of the collision?	
9. Estimated speed of the vehicle at the time of impact (miles per hour)?	
Unknown	
10. Type of vehicle?	
11. Where did the vehicle travel from to hit the pipeline facility?	
12. Shortest distance from answer in 11. to the damaged pipeline facility (in feet):	
13. At the time of the incident, were protections installed to protect the damaged pipeline facility from vehicular damage?	
If 13. is Yes, specify type of protection (select all that apply):	
13a. Bollards/Guard Posts	
13b. Barricades, including "jersey" barriers and fences	
13c. Guard Rails	
13d. Meter Box	
13e. Ingress or Regress at a Residence	
13f. Other	
- If Other, Specify:	
<b>G5 - Pipe, Weld, or Joint Failure</b> - only one sub-cause can be selected from the shaded left-hand column	
<b>Pipe, Weld or Joint Failure – Sub-Cause:</b>	
<b>- If Body of Pipe:</b>	
1. Specify:	
- If Other, Describe:	
<b>- If Butt Weld:</b>	
2. Specify:	
- If Other, Describe:	
<b>- If Fillet Weld:</b>	
3. Specify:	
- If Other, Describe:	
<b>- If Pipe Seam:</b>	
4. Specify:	
- If Other, Describe:	
<b>- If Mechanical Joint Failure</b>	

5a. Specify the Mechanical Fitting Involved (select only one)	
Other Compression Type Fitting (specify):	
5b. Specify the Type of Mechanical Fitting (select only one)	
Other (specify):	
5c. Fitting Manufacturer:	
Unknown	
5d. Part or Model Number:	
Unknown	
5e. Fitting Material (select only one)	
Other (specify):	
5f. How did the joint failure occur? (select only one)	
Other (specify):	
<b>- If Fusion Joint:</b>	
6. Specify:	
- If Other, Specify:	
7. Year installed:	
8. Other attributes:	
9. Specify the two materials being joined:	
9a. First material being joined:	
- If Other, Specify:	
9b. Second material being joined:	
- If Other, Specify:	
<b>- If Other Pipe, Weld, or Joint Failure:</b>	
10. Describe:	
<b>Complete the following if any Pipe, Weld, or Joint Failure sub-cause is selected.</b>	
11. Additional Factors (select all that apply):	
- Dent	
- Gouge	
- Pipe Bend	
- Arc Burn	
- Crack	
- Lack of Fusion	
- Lamination	
- Buckle	
- Wrinkle	
- Misalignment	
- Burnt Steel	
- Other	
- If Other, Specify:	
12. Was the Incident a result of:	
- Construction defect	
Specify:	
- Material defect	
Specify:	
- If Other, Specify:	
- Design defect	
- Previous damage	
13. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>G6 - Equipment Failure - only one sub-cause can be selected from the shaded left-hand column</b>	
<b>Equipment Failure – Sub-Cause:</b>	
<b>- If Malfunction of Control/Relief Equipment:</b>	
1. Specify:	
- Control Valve	
- Instrumentation	
- SCADA	
- Communications	
- Block Valve	
- Check Valve	
- Relief Valve	

- Power Failure	
- Stopple/Control Fitting	
- Pressure Regulator	
- Other	
- If Other, Specify:	
<b>- If Threaded Connection Failure:</b>	
2. Specify:	
- If Other, Specify:	
<b>- If Non-threaded Connection Failure:</b>	
3. Specify:	
- If Other, Specify:	
<b>- If Valve:</b>	
4. Specify:	
- If Other, Specify:	
4a. Valve type:	
4b. Manufactured by:	
4c. Year manufactured:	
4d. Valve Material:	
- If Other, Specify:	
<b>- If Other Equipment Failure:</b>	
5. Describe:	
<b>G7 - Incorrect Operation</b> - only one <b>sub-cause</b> can be selected from the shaded left-hand column	
<b>Incorrect Operation Sub-Cause:</b>	
<b>- If Other Incorrect Operation:</b>	
1. Describe:	
<b>Complete the following if any Incorrect Operation sub-cause is selected.</b>	
2. Was this Incident related to: (select all that apply)	
- Inadequate procedure	
- No procedure established	
- Failure to follow procedure	
- Other	
- If Other, Describe:	
3. What category type was the activity that caused the Incident:	
4. Was the task(s) that led to the Incident identified as a covered task in your Operator Qualification Program?	
4a. If Yes, were the individuals performing the task(s) qualified for the task(s)?	
<b>G8 - Other Incident Cause</b> - only one <b>sub-cause</b> can be selected from the shaded left-hand column	
<b>Other Incident Cause – Sub-Cause:</b>	
<b>- If Miscellaneous:</b>	
1. Describe:	
<b>- If Unknown:</b>	
2. Specify:	
Mandatory comment field:	
<b>PART J - CONTRIBUTING FACTORS</b>	
The Apparent Cause of the accident is contained in Part G. Do not report the Apparent Cause again in this Part J. If Contributing Factors were identified, select all that apply below and explain each in the Narrative:	
External Corrosion	
External Corrosion, Galvanic	
External Corrosion, Atmospheric	
External Corrosion, Stray Current Induced	
External Corrosion, Microbiologically Induced	
External Corrosion, Selective Seam	
Internal Corrosion	
Internal Corrosion, Corrosive Commodity	
Internal Corrosion, Water drop-out/Acid	
Internal Corrosion, Microbiological	
Internal Corrosion, Erosion	
Natural Forces	

Earth Movement, NOT due to Heavy Rains/Floods	
Heavy Rains/Floods	
Lightning	
Temperature	
High Winds	
Snow/Ice	
Tree/Vegetation Root	
Excavation Damage	
Excavation Damage by Operator (First Party)	
Excavation Damage by Operator's Contractor (Second Party)	
Excavation Damage by Third Party	
Previous Damage due to Excavation Activity	
Other Outside Force	
Nearby Industrial, Man-made, or Other Fire/Explosion	
Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation	
Damage by Boats, Barges, Drilling Rigs, or Other Adrift Maritime Equipment	
Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation	
Electrical Arcing from Other Equipment or Facility	
Previous Mechanical Damage NOT Related to Excavation	
Intentional Damage	
Other underground facilities buried within 12 inches of the failure location	
Pipe/Weld Failure	
Design-related	
Construction-related	
Installation-related	
Fabrication-related	
Original Manufacturing-related	
Equipment Failure	
Malfunction of Control/Relief Equipment	
Threaded Connection/Coupling Failure	
Non-threaded Connection Failure	
Valve Failure	
Incorrect Operation	
Damage by Operator or Operator's Contractor NOT Excavation and NOT Vehicle/Equipment Damage	
Valve Left or Placed in Wrong Position, but NOT Resulting in Overpressure	
Pipeline or Equipment Overpressured	
Equipment Not Installed Properly	
Wrong Equipment Specified or Installed	
Inadequate Procedure	
No procedure established	
Failure to follow procedures	

#### **PART H - NARRATIVE DESCRIPTION OF THE INCIDENT**

\*\*Supplement created 5/28/2019. Revised number of individuals injured to 0 based on information at site. We do not know the extent of the injuries, but 4 people were treated for minor injuries (minor burns, sprain). No further detail has been provided and no update has been provided to the company regarding more serious injury to any individual(s).\*\*

At 11:38, National Grid Dispatch and Schedule was notified by the FDNY of a fire in a trench at the intersection of Kent Ave and Broadway. Customer Meter Services (CMS) was dispatched to the location and discovered 12 inch cast iron main leaking and ignited inside the trench. The root cause of the incident was third party damage as a result of City/State Construction activity. The gas main was marked out but mark-out failed to mark the location of a tee connection and stub. There was a 1 foot gap between gas main and new water main. Additionally, it was found that the National Grid inspector on-site failed to identify the tee that was on the print IDs but not on the markout. The contractor hit the stub piece while excavating with the backhoe and the gas main ignited. Field Operations located the damage and secured the main on either side of the fire on 3/5/2019 at 20:00. There were 4 injuries on the location (3 males were taken to Cornell Medical Center for fire related injuries and 1 male was taken to Wyckoff Hospital for a non-fire related injury). Field Operations secured the main on either side of the fire at (3/5/2019 at approx. 20:00) using stopper and creating a firewall, causing the temporary interruption of service to (1) customer. Field Operations replaced a 7 foot section of the affected main to make the repair.

As a result of this incident, an Incident Analysis was performed. As recommended by principles of Pipeline Safety Management, all future City/State construction daily reports will now include documentation for the inspector to verify the gas markouts and perform the job walk-through.

<b>PART I - PREPARER AND AUTHORIZED PERSON</b>	
Preparer's Name	Corinne Byrnes
Preparer's Title	Principal Program Manager Gas Work Methods
Preparer's Telephone Number	6317703549
Preparer's E-mail Address	corinne.byrnes@nationalgrid.com
Preparer's Facsimile Number	
Local Contact Name:	
Local Contact Email:	
Local Contact Phone:	
Authorize Signature's Name	Corinne Byrnes
Authorized Signature's Title	Principal Program Manager Gas Work Methods
Authorized Signature's Email Address	corinne.byrnes@nationalgrid.com

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty as provided in 49 USC 60122.		OMB NO: 2137-0635 EXPIRATION DATE: 5/31/2024	
 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration	<b>Original Report Date:</b>	02/26/2020	
	<b>No.</b>	20200030- 33445	
	(DOT Use Only)		
<b>INCIDENT REPORT - GAS DISTRIBUTION SYSTEM</b>			
A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0635. Public reporting for this collection of information is estimated to be approximately 12 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding the burden or any other aspect of this collection of information, including suggestions for reducing the burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.			
<b>INSTRUCTIONS</b>			
<b>Important:</b> Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <a href="http://www.phmsa.dot.gov/pipeline/library/forms">http://www.phmsa.dot.gov/pipeline/library/forms</a> .			
<b>PART A - KEY REPORT INFORMATION</b>			
Report Type: (select all that apply)	Original:	Supplemental:	Final:
		Yes	Yes
Last Revision Date	03/10/2020		
1. Operator's OPS-issued Operator Identification Number (OPID):	1800		
2. Name of Operator	KEYSPAN ENERGY DELIVERY - NY CITY		
3. Address of Operator:			
3a. Street Address	40 SYLVAN RD.		
3b. City	WALTHAM		
3c. State	Massachusetts		
3d. Zip Code	02451		
4. Earliest local time (24-hr clock) and date an incident reporting criteria was met:	01/28/2020 10:00		
4a. Time Zone for local time (select only one)			
4b. Daylight Saving in effect?			
5. Location of Incident:			
5a. Street Address or location description	Bay Ridge Parkway & 19th Avenue		
5b. City	Brooklyn		
5c. County or Parish	Kings		
5d. State:	New York		
5e. Zip Code:	11204		
5f. Latitude / Longitude	40.612236, -73.993575		
6. Gas released:	Natural Gas		
- Other Gas Released Name:			
7. Estimated volume of gas released unintentionally: - thousand standard cubic feet (mcf)	22		
8. Estimated volume of intentional and controlled release/blowdown: - thousand standard cubic feet (mcf)			
9. Were there fatalities?	No		
- If Yes, specify the number in each category:			
9a. Operator employees			
9b. Contractor employees working for the Operator			
9c. Non-Operator emergency responders			
9d. Workers working on the right-of-way, but NOT associated with this Operator			
9e. General public			
9f. Total fatalities (sum of above)			
10. Were there injuries requiring inpatient hospitalization?	Yes		
- If Yes, specify the number in each category:			
10a. Operator employees	0		
10b. Contractor employees working for the Operator	2		
10c. Non-Operator emergency responders	0		
10d. Workers working on the right-of-way, but NOT associated with this Operator	0		
10e. General public	0		
10f. Total injuries (sum of above)	2		

11. What was the Operator's initial indication of the Failure? ( <i>select only one</i> ) - If Other, Specify:	Local Operating Personnel, including contractors
11a. If "Controller", "Local Operating Personnel, including contractors", "Air Patrol", or "Ground Patrol by Operator or its contractor" is selected in Question 11, specify.	Operator employee
12. Local time operator identified failure	01/28/2020 10:00
If 11 = Notification from Emergency Responder, skip questions 13 through 15.	
13. Did the operator communicate with Local, State, or Federal Emergency Responders about the incident? - If No, skip A14 and A15	
14. Which party initiated communication about the incident?	
15. Local time of initial Operator and Local/State/Federal Emergency Responder communication	
16. Local time operator resources arrived on site:	01/28/2020 10:26
17. reserved for local time of confirmed discovery – proposed in "Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes" rulemaking	
18. Local time (24-hr clock) and date of initial operator report to the National Response Center:	01/28/2020 11:45
19. Initial Operator National Response Center Report Number:	1269757
19a. Additional NRC Report numbers submitted by the operator:	
20. Method of Flow Control ( <i>select all that apply</i> )	
"Key/Critical" Valve – inspected in accordance with Part 192.747	
Main Valve other than "Key/Critical"	
Service (curb) Valve	
Meter/Regulator shut-off Valve	
Excess flow valve	
Squeeze-Off	
Stoppie fitting	
Other	
- If Other, Specify:	
21. Did the gas ignite?	Yes
If A21 = Yes, answer A21a through A21d.	
21a. Local time of ignition	
21b. How was the fire extinguished? - If Other, Specify:	
21c. Estimated volume of gas consumed by fire (MCF): (must be less than or equal to A7.)	
21d. Did the gas explode?	No
22. Number of general public evacuated:	0
<b>PART B - ADDITIONAL LOCATION INFORMATION</b>	
1. Was the Incident on Federal land?	No
2. Location of Incident	Utility Right-of-way / Easement
3. Area of Incident:	Underground
Specify:	Exposed due to excavation
If Other, Describe:	
3a. Depth of Cover:	36
3b. Were other underground facilities found within 12 inches of the failure location?	
4. Did Incident occur in a crossing?	No
- If Yes, specify type below:	
- If Bridge crossing –	
Cased/ Uncased:	
- If Railroad crossing –	
Cased	
Uncased	
Bored/drilled	
- If Road crossing –	
Cased	
Uncased	
Bored/drilled	
- If Water crossing –	
Cased	
Uncased	
Bored/drilled	



Name of body of water (If commonly known):	
Approx. water depth at time and location of Incident (ft):	
(select only one):	
<b>PART C - ADDITIONAL FACILITY INFORMATION</b>	
1. Indicate the type of pipeline system:	Investor Owned
- If Other, specify:	
2. Part of system involved in Incident:	Main
- If Other, specify:	
2a. Year item involved in the incident was installed:	2017
2b. Year item involved in the incident was manufactured:	
When 2 is any value other than "Main", "Main Valve", "District Regulator/Metering Station", or "Other":	
2c. Indicate the customer type: (select only one)	
2d. Was an EFV installed on the service line before the time of the incident?	
If 2d = Yes, then 2e. Did the EFV activate?	
2f. Was a curb valve installed on the service line before the time of the incident?	
3. When 2. is "Main" or "Service" answer 3a through c and 4:	
3a. Nominal Pipe Size:	12
3b. Pipe specification (e.g., API 5L, ASTM D2513):	Unknown
3c. Pipe manufacturer:	Unknown
4. Material involved in Incident:	Steel
- If Other, specify:	
4a. If Steel, Specify seam type:	Other
- If Other, specify:	Unknown
4b. If Steel, Specify wall thickness (inches):	.375
4c. If Plastic, Specify type:	
- If Other, describe:	
4d. If Plastic, Specify Standard Dimension Ratio (SDR):	
Or wall thickness:	
Unknown	
4e. If Polyethylene (PE) is selected as the type of plastic in Part C, Question 4.c:	
- Specify PE Pipe Material Designation Code (i.e. 2406, 3408, etc.)	
Unknown?	
5. Type of release involved :	Mechanical Puncture
- If Mechanical Puncture - Specify Approx size:	
Approx. size: in. (axial):	.20
in. (circumferential):	.20
- If Leak - Select Type:	
- If Other, Describe:	
- If Rupture - Select Orientation:	
- If Other, Describe:	
Approx. size: (widest opening):	
(length circumferentially or axially):	
- If Other - Describe:	
<b>PART D - ADDITIONAL CONSEQUENCE INFORMATION</b>	
1. Class Location of Incident :	Class 4 Location
2. Estimated Property Damage :	
2a. Estimated cost of public and non-Operator private property damage paid/reimbursed by the Operator	\$ 0
2b. Estimated cost of Operator's property damage & repairs	\$ 14,139
2c. Estimated cost of emergency response	\$ 5,463
2d. Estimated other costs	\$ 0
- Describe:	
2e. Property damage subtotal (sum of above)	\$ 19,602
<b>Cost of Gas Released</b>	
Cost of Gas in \$ per thousand standard cubic feet (mcf):	\$
2f. Estimated cost of gas released unintentionally	\$ 94
2g. Estimated cost of gas released intentionally during controlled release/blowdown	\$
2h. Total estimated cost of gas released (sum of 2f and g)	\$ 94
2i. Estimated Total Cost (sum of 2e and 2h)	\$ 19,696
3. Estimated number of customers out of service:	

3a. Commercial entities	0
3b. Industrial entities	0
3c. Residences	25
Injured Persons not included in A10 The number of persons injured, admitted to a hospital, and remaining in the hospital for at least one overnight are reported in A10. If a person is included in A10, do not include them in D4.	
4. Estimated number of persons with injuries requiring treatment in a medical facility but not requiring overnight in-patient hospitalization:	
If a person is included in 4, do not include them in 5.	
5. Estimated number of persons with injuries requiring treatment by EMTs at the site of incident:	
<b><u>Buildings Affected</u></b>	
6. Number of residential buildings affected (evacuated or required repair or had gas service interrupted):	
7. Number of business buildings affected (evacuated or required repair or had gas service interrupted):	
<b>PART E - ADDITIONAL OPERATING INFORMATION</b>	
1. Estimated pressure at the point and time of the Incident (psig):	.30
2. Normal operating pressure at the point and time of the Incident (psig):	.32
3. Maximum Allowable Operating Pressure (MAOP) at the point and time of the Incident (psig):	.43
3a. MAOP established by 49 CFR section:	
3b. Date MAOP established:	
4. Describe the pressure on the system relating to the Incident:	Pressure did not exceed MAOP
5. Type of odorization system for gas at the point of failure:	
- If Other, Specify:	
6. Odorant level near the point of failure measured after the failure:	
Not Measured	
7. Was a Supervisory Control and Data Acquisition (SCADA) based system in place on the pipeline or facility involved in the Incident?	Yes
- If Yes:	
7a. Was it operating at the time of the Incident?	Yes
7b. Was it fully functional at the time of the Incident?	Yes
7c. Did SCADA-based information (such as alarm(s), alert(s), event (s), and/or volume or pack calculations) assist with the initial indication of the Incident?	No
7d. Did SCADA-based information (such as alarm(s), alert(s), event (s), and/or volume calculations) assist with the confirmed discovery of the Incident?	No
8. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contributing factor to the Incident? (select all that apply):	No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: (provide an explanation for why the Operator did not investigate)
- If "No, the operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to:" (provide an explanation for why the operator did not investigate)	The incident was related to events that occurred at the excavation site.
- If Yes, Specify investigation result(s) (select all that apply):	
- Investigation reviewed work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Investigation did NOT review work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Provide an explanation for why not:	
- Investigation identified no control room issues	
- Investigation identified no controller issues	
- Investigation identified incorrect controller action or controller error	
- Investigation identified that fatigue may have affected the controller(s) involved or impacted the involved controller(s) response	
- Investigation identified incorrect procedures	
- Investigation identified incorrect control room equipment operation	
- Investigation identified maintenance activities that affected control room operations, procedures, and/or controller response	

- Investigation identified areas other than those above	
Describe:	
<b>PART F - DRUG &amp; ALCOHOL TESTING INFORMATION</b>	
1. As a result of this Incident, were any Operator employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
1a. How many were tested:	
1b. How many failed:	
2. As a result of this Incident, were any Operator contractor employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
2a. How many were tested:	
2b. How many failed:	
<b>PART G - CAUSE INFORMATION</b>	
<i>Select only one box from PART G in shaded column on left representing the Apparent Cause of the Incident, and answer the questions on the right. Enter secondary, contributing, or root causes of the Incident in Part J – Contributing Factors.</i>	
<b>Apparent Cause:</b>	G7 - Incorrect Operation
<b>G1 - Corrosion Failure</b> – only one <b>sub-cause</b> can be picked from shaded left-hand column	
<b>Corrosion Failure Sub-Cause:</b>	
<b>- If External Corrosion:</b>	
1. Results of visual examination:	
- If Other, Specify:	
2. Type of corrosion:	
- Galvanic	
- Atmospheric	
- Stray Current	
- Microbiological	
- Selective Seam	
- Other	
- If Other, Describe:	
2a. If 2. is Stray Current, specify	
2b. Describe the stray current source:	
3. The type(s) of corrosion selected in Question 2 is based on the following:	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
4. Was the failed item buried or submerged?	
- If Yes:	
4a. Was failed item considered to be under cathodic protection at the time of the incident?	
- If Yes, Year protection started:	
4b. Was shielding, tenting, or disbonding of coating evident at the point of the incident?	
4c. Has one or more Cathodic Protection Survey been conducted at the point of the incident? (select all that apply)	
If "Yes, CP Annual Survey" – Most recent year conducted:	
If "Yes, Close Interval Survey" – Most recent year conducted:	
If "Yes, Other CP Survey" – Most recent year conducted:	
Describe Other CP Survey:	
- If No:	
4d. Was the failed item externally coated or painted?	
5. Was there observable damage to the coating or paint in the vicinity of the corrosion?	
6. Pipeline coating type, if steel pipe is involved:	
- If Other, Describe:	
6a. Field Applied?	
<b>- If Internal Corrosion:</b>	

7. Results of visual examination:	
- If Other, Describe:	
8. Cause of corrosion <i>(select all that apply)</i> :	
- Corrosive Commodity	
- Water drop-out/Acid	
- Microbiological	
- Erosion	
- Other	
- If Other, Specify:	
9. The cause(s) of corrosion selected in Question 8 is based on the following: <i>(select all that apply)</i> :	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
10. Location of corrosion <i>(select all that apply)</i> :	
- Low point in pipe	
- Elbow	
- Drop-out	
- Other	
- If Other, Describe:	
11. Was the gas/fluid treated with corrosion inhibitor or biocides?	
12. Were any liquids found in the distribution system where the Incident occurred?	
<b>Complete the following if any Corrosion Failure sub-cause is selected AND the "Part of system involved in incident" (from PART C, Question 2) is Main, Service, or Service Riser.</b>	
13. Date of the most recent Leak Survey conducted	
14. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>G2 – Natural Force Damage – only one sub-cause can be picked from shaded left-handed column</b>	
<b>Natural Force Damage – Sub-Cause:</b>	
<b>- If Earth Movement, NOT due to Heavy Rains/Floods:</b>	
1. Specify:	
- If Other, Specify:	
<b>- If Heavy Rains/Floods:</b>	
2. Specify:	
- If Other, Specify:	
<b>- If Lightning:</b>	
3. Specify:	
<b>- If Temperature:</b>	
4. Specify:	
- If Other, Specify:	
<b>- If Other Natural Force Damage:</b>	
5. Describe:	
<b>Complete the following if any Natural Force Damage sub-cause is selected.</b>	
6. Were the natural forces causing the Incident generated in conjunction with an extreme weather event?	
6.a If Yes, specify <i>(select all that apply)</i> :	
- Hurricane	
- Tropical Storm	
- Tornado	
- Other	
- If Other, Specify:	
<b>G3 – Excavation Damage – only one sub-cause can be picked from shaded left-hand column</b>	
<b>Excavation Damage – Sub-Cause:</b>	
<b>- If Previous Damage due to Excavation Activity: Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.</b>	
1. Date of the most recent Leak Survey conducted	

2. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>Complete the following if Excavation Damage by Third Party is selected.</b>	
3. Did the operator get prior notification of the excavation activity?	
3a. If Yes, Notification received from: <i>(select all that apply)</i> :	
- One-Call System	
- Excavator	
- Contractor	
- Landowner	
3b. Per the primary Incident Investigator report, did State law exempt the excavator from notifying the one-call center?	
If yes, answer 3c through 3e.	
3c. (select only one)	
- If Other, Specify:	
3d. Exempting Authority:	
3e. Exempting Criteria:	
<b>Complete the following mandatory CGA-DIRT Program questions if any Excavation Damage sub-cause is selected.</b>	
4. Do you want PHMSA to upload the following information to CGA-DIRT ( <a href="http://www.cga-dirt.com">www.cga-dirt.com</a> )?	
5. Right-of-Way where event occurred <i>(select all that apply)</i> :	
- Public	
- If Public, Specify:	
- Private	
- If Private, Specify:	
- Pipeline Property/Easement	
- Power/Transmission Line	
- Railroad	
- Dedicated Public Utility Easement	
- Federal Land	
- Data not collected	
- Unknown/Other	
6. Type of excavator :	
7. Type of excavation equipment :	
8. Type of work performed :	
9. Was the One-Call Center notified?	
If No, skip to question 13	
9a. If Yes, specify ticket number:	
9b. If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center notified:	
10. Type of Locator:	
11. Were facility locate marks visible in the area of excavation?	
12. Were facilities marked correctly?	
13. Did the damage cause an interruption in service?	
13a. If Yes, specify duration of the interruption:	
14. Description of the CGA-DIRT Root Cause <i>(select only the one predominant first level CGA-DIRT Root Cause and then, where available as a choice, the one predominant second level CGA-DIRT Root Cause as well)</i> :	
- Root Cause Description:	
- If One-Call Notification Practices Not Sufficient, specify:	
- If Locating Practices Not Sufficient, specify:	
- If Excavation Practices Not Sufficient, specify:	
- If Other/None of the Above, explain:	
<b>G4 - Other Outside Force Damage</b> - only one <b>sub-cause</b> can be selected from the shaded left-hand column	
<b>Other Outside Force Damage – Sub-Cause:</b>	
<b>- If Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation:</b>	
1. Vehicle/Equipment operated by:	
If this sub-cause is picked, complete questions 7-13 below.	
<b>- If Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring:</b>	

2. Select one or more of the following IF an extreme weather event was a factor:	
- Hurricane	
- Tropical Storm	
- Tornado	
- Heavy Rains/Flood	
- Other	
- If Other, Specify:	
<b>- If Previous Mechanical Damage NOT Related to Excavation:</b> Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.	
3. Date of the most recent Leak Survey conducted:	
4. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
<b>- If Intentional Damage:</b>	
5. Specify:	
- If Other, Specify:	
<b>- If Other Outside Force Damage:</b>	
6. Describe:	
Complete the following if Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation sub-cause is selected.	
7. Was the driver of the vehicle or equipment issued one or more citations related to the incident?	
If 7. is Yes, what was the nature of the citations (select all that apply)	
7a. Excessive Speed	
7b. Reckless Driving	
7c. Driving Under the Influence	
7d. Other:	
- If Other, Specify:	
8. Was the driver under control of the vehicle at the time of the collision?	
9. Estimated speed of the vehicle at the time of impact (miles per hour)?	
Unknown	
10. Type of vehicle?	
11. Where did the vehicle travel from to hit the pipeline facility?	
12. Shortest distance from answer in 11. to the damaged pipeline facility (in feet):	
13. At the time of the incident, were protections installed to protect the damaged pipeline facility from vehicular damage?	
If 13. is Yes, specify type of protection (select all that apply):	
13a. Bollards/Guard Posts	
13b. Barricades, including "jersey" barriers and fences	
13c. Guard Rails	
13d. Meter Box	
13e. Ingress or Regress at a Residence	
13f. Other	
- If Other, Specify:	
<b>G5 - Pipe, Weld, or Joint Failure</b> - only one sub-cause can be selected from the shaded left-hand column	
<b>Pipe, Weld or Joint Failure – Sub-Cause:</b>	
<b>- If Body of Pipe:</b>	
1. Specify:	
- If Other, Describe:	
<b>- If Butt Weld:</b>	
2. Specify:	
- If Other, Describe:	
<b>- If Fillet Weld:</b>	
3. Specify:	
- If Other, Describe:	
<b>- If Pipe Seam:</b>	
4. Specify:	
- If Other, Describe:	
<b>- If Mechanical Joint Failure</b>	

5a. Specify the Mechanical Fitting Involved (select only one)	
Other Compression Type Fitting (specify):	
5b. Specify the Type of Mechanical Fitting (select only one)	
Other (specify):	
5c. Fitting Manufacturer:	
Unknown	
5d. Part or Model Number:	
Unknown	
5e. Fitting Material (select only one)	
Other (specify):	
5f. How did the joint failure occur? (select only one)	
Other (specify):	
<b>- If Fusion Joint:</b>	
6. Specify:	
- If Other, Specify:	
7. Year installed:	
8. Other attributes:	
9. Specify the two materials being joined:	
9a. First material being joined:	
- If Other, Specify:	
9b. Second material being joined:	
- If Other, Specify:	
<b>- If Other Pipe, Weld, or Joint Failure:</b>	
10. Describe:	
<b>Complete the following if any Pipe, Weld, or Joint Failure sub-cause is selected.</b>	
11. Additional Factors (select all that apply):	
- Dent	
- Gouge	
- Pipe Bend	
- Arc Burn	
- Crack	
- Lack of Fusion	
- Lamination	
- Buckle	
- Wrinkle	
- Misalignment	
- Burnt Steel	
- Other	
- If Other, Specify:	
12. Was the Incident a result of:	
- Construction defect	
Specify:	
- Material defect	
Specify:	
- If Other, Specify:	
- Design defect	
- Previous damage	
13. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
<b>G6 - Equipment Failure - only one sub-cause can be selected from the shaded left-hand column</b>	
<b>Equipment Failure – Sub-Cause:</b>	
<b>- If Malfunction of Control/Relief Equipment:</b>	
1. Specify:	
- Control Valve	
- Instrumentation	
- SCADA	
- Communications	
- Block Valve	
- Check Valve	
- Relief Valve	

- Power Failure	
- Stopple/Control Fitting	
- Pressure Regulator	
- Other	
- If Other, Specify:	
<b>- If Threaded Connection Failure:</b>	
2. Specify:	
- If Other, Specify:	
<b>- If Non-threaded Connection Failure:</b>	
3. Specify:	
- If Other, Specify:	
<b>- If Valve:</b>	
4. Specify:	
- If Other, Specify:	
4a. Valve type:	
4b. Manufactured by:	
4c. Year manufactured:	
4d. Valve Material:	
- If Other, Specify:	
<b>- If Other Equipment Failure:</b>	
5. Describe:	
<b>G7 - Incorrect Operation</b> - only one <b>sub-cause</b> can be selected from the shaded left-hand column	
<b>Incorrect Operation Sub-Cause:</b>	Damage by Operator or Operator's Contractor NOT Related to Excavation and NOT due to Motorized Vehicle/Equipment Damage
<b>- If Other Incorrect Operation:</b>	
1. Describe:	
<b>Complete the following if any Incorrect Operation sub-cause is selected.</b>	
2. Was this Incident related to: (select all that apply)	
- Inadequate procedure	
- No procedure established	
- Failure to follow procedure	Yes
- Other	
- If Other, Describe:	
3. What category type was the activity that caused the Incident:	Construction
4. Was the task(s) that led to the Incident identified as a covered task in your Operator Qualification Program?	Yes
4a. If Yes, were the individuals performing the task(s) qualified for the task(s)?	Yes, they were qualified for the task(s)
<b>G8 - Other Incident Cause</b> - only one <b>sub-cause</b> can be selected from the shaded left-hand column	
<b>Other Incident Cause – Sub-Cause:</b>	
<b>- If Miscellaneous:</b>	
1. Describe:	
<b>- If Unknown:</b>	
2. Specify:	
Mandatory comment field:	
<b>PART J - CONTRIBUTING FACTORS</b>	
The Apparent Cause of the accident is contained in Part G. Do not report the Apparent Cause again in this Part J. If Contributing Factors were identified, select all that apply below and explain each in the Narrative:	
External Corrosion	
External Corrosion, Galvanic	
External Corrosion, Atmospheric	
External Corrosion, Stray Current Induced	
External Corrosion, Microbiologically Induced	
External Corrosion, Selective Seam	
Internal Corrosion	
Internal Corrosion, Corrosive Commodity	
Internal Corrosion, Water drop-out/Acid	
Internal Corrosion, Microbiological	
Internal Corrosion, Erosion	



Natural Forces	
Earth Movement, NOT due to Heavy Rains/Floods	
Heavy Rains/Floods	
Lightning	
Temperature	
High Winds	
Snow/Ice	
Tree/Vegetation Root	
Excavation Damage	
Excavation Damage by Operator (First Party)	
Excavation Damage by Operator's Contractor (Second Party)	
Excavation Damage by Third Party	
Previous Damage due to Excavation Activity	
Other Outside Force	
Nearby Industrial, Man-made, or Other Fire/Explosion	
Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation	
Damage by Boats, Barges, Drilling Rigs, or Other Adrift Maritime Equipment	
Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation	
Electrical Arcing from Other Equipment or Facility	
Previous Mechanical Damage NOT Related to Excavation	
Intentional Damage	
Other underground facilities buried within 12 inches of the failure location	
Pipe/Weld Failure	
Design-related	
Construction-related	
Installation-related	
Fabrication-related	
Original Manufacturing-related	
Equipment Failure	
Malfunction of Control/Relief Equipment	
Threaded Connection/Coupling Failure	
Non-threaded Connection Failure	
Valve Failure	
Incorrect Operation	
Damage by Operator or Operator's Contractor NOT Excavation and NOT Vehicle/Equipment Damage	
Valve Left or Placed in Wrong Position, but NOT Resulting in Overpressure	
Pipeline or Equipment Overpressured	
Equipment Not Installed Properly	
Wrong Equipment Specified or Installed	
Inadequate Procedure	
No procedure established	
Failure to follow procedures	

#### **PART H - NARRATIVE DESCRIPTION OF THE INCIDENT**

Gas Field Operations Senior Supervisor reported that a contractor crew was prepping a work location for a LP main tie in scheduled for January 29, 2020. While contractor (Hallen) Foreman and Operator were working in this excavation with a live gas main drilling a tap hole, an ignition occurred resulting in both employees sustaining second degree burns. FDNY, EMS, NYPD, PSC, Gas Field Operations (GFO) and incident command responded to the location.

The CMS Supervisor reported (as per FDNY Chief Donadio, Engine 318) that the 2 contractors were taken to Staten Island Burn Center for further evaluation and we were informed they were kept overnight. The contractors were not drug tested due to their injuries.

GFO Senior Supervisor reported that at 14:48, the 12" LP ST main was secured by securing 2 LP valves and squeezing off a section of the main. CMS reported that the isolation and repair work performed by GFO resulted in the interruption of gas to 6 services supplying 25 customers. These customers were secured as a precaution prior to the repair work. CMS and GFO crews remained on site until repairs are completed and turned over for the relight process.

PART I - PREPARER AND AUTHORIZED PERSON	
Preparer's Name	Corinne Byrnes
Preparer's Title	Principal Program Manager Gas Work Methods
Preparer's Telephone Number	6317703549
Preparer's E-mail Address	corinne.byrnes@nationalgrid.com
Preparer's Facsimile Number	
Local Contact Name:	
Local Contact Email:	
Local Contact Phone:	
Authorize Signature's Name	Corinne Byrnes
Authorized Signature's Title	Principal Program Manager Gas Work Methods
Authorized Signature's Email Address	corinne.byrnes@nationalgrid.com

# EXHIBIT N

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

## C. Planning and Zoning

### C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

### C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐  
 If Yes, describe: \_\_\_\_\_

*iv.* Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

*iii.* Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

*d.* Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐



<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____          _____          _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____          _____          _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____          _____          _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____          _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____          _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____          _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____  Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____  _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

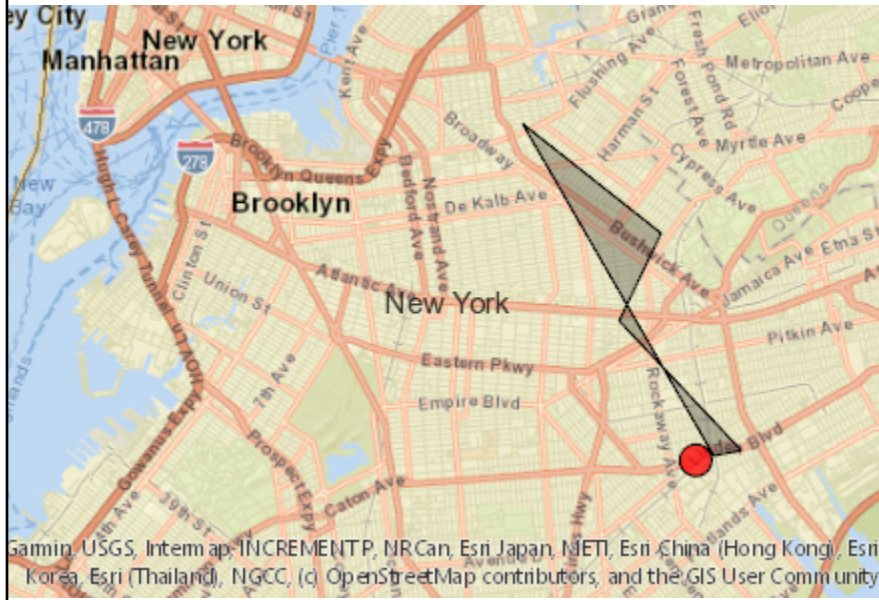
#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_





**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C224253, Remediation Sites:C224280
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C224253, C224280
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00192, 224283, C224275, C224198, C224240A, 224179, C224241, C224253, C224162, C224102A, C224176, 224042, V00669, C224308, C224312, V00170, 224036, C224279, C224280, C224202, C224195, C224269, C224036, 224067, C224232, C224036A, C224180, C224223
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No

E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Brooklyn-Queens SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:P.S. 299, Thomas Warren Field School, Eligible property:SARATOGA BRANCH OF THE BROOKLYN PUBLIC LIBRARY, Eligible property:FIREHOUSE: ENGINE CO. 231 (HOOK & LADDER 120), Eligible property:FIREHOUSE: ENGINE CO. 252, Eligible property:APARTMENT BLDG, Eligible property:PS 137, Eligible property:PUBLIC SCHOOL 26 (JUNIOR ACADEMY), Eligible property:BROOKLYN PUBLIC LIBRARY, DEKALB BRANCH, Eligible property:(c. 1905), Eligible property:proposed Bushwick Avenue Historic District, Eligible property:4-story brick neo-Renaissance tenement, Eligible property:3-story Romanesque Rev. apartment bldg., Eligible property:3-story residential bldg. (1907; altered first floor), Eligible property:Home for the Aged of the Little Sisters for the Po, Eligible property:Saratoga Square HD, Eligible property:Brownsville Children's Library (aka Stone Ave. Library), Eligible property:brick rowhouse, Eligible property:brownstone tenement, Eligible property:Romanesque Revival rowhouse, Eligible property:829 Halsey Street, Eligible property:Brownsville Houses (NYCHA, 1948), Eligible property:22 1/2 Patchen Ave, Eligible property:939 Putnam Avenue, Eligible property:SAINT BARBARA'S RC CHURCH, Eligible property:PS 5 School (Hornbostel, 1966), South Bushwick Reformed Protestant Dutch Church Complex, Bushwick Avenue Central Methodist Episcopal Church
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No