

The Field Compliance Unit

Where we came from

Who we are

And what we do



History....

In 1970 the New York State Legislature enacted Article VII of the Public Service Law. This law established a single forum for examining the economic need and environmental impacts associated with the construction of electric and gas transmission lines.



Gas Transmission Lines

Any and all fuel gas transmission lines over 1,000 feet in length and 125 PSI are covered under Article VII of the PSL.







Electric Transmission Line Construction

Article VII covers construction of overhead and underground electric lines between 100 and 125kV extending 10 miles or more or line over 125kV extending one mile or more in distance.






Prior to 1991, Department personnel who were assigned to a particular case were responsible for ensuring that in-field construction activities complied with Commission orders. This model proved “problematic” when larger more complex projects were submitted for approval.



With the submittal of the 300 mile Iroquois Gas Transmission line for approval in 1991, it was determined by myself and others that different method of ensuring in-field compliance was needed. In my direct testimony in Case 70363, I recommended that a “dedicated field compliance unit” be formed to ensure environmental compliance on the Iroquois Gas Transmission line.



The Field Compliance Unit was formed in 1991 and continues to this day. The compliance unit does “face to face” regulation. We are the Commission’s “eyes and ears” We go out in the field, under all conditions, to ensure that Commission Orders are complied with.



Personnel Qualifications & Training


All personnel in the Field Compliance Unit have the following minimum qualifications:

- A Bachelors Degree (or higher) in an Environmental Discipline (Forestry, Wildlife Biology, Hydrology etc.).
- Directly relatable experience either in the industry (vegetation management, gas or electric line construction) or military.



Equipment and Support

In that we are a small unit that must cover the entire State of New York the traditional “centralized” methods of control and support had to be modified.


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- Where applicable field Personnel are stationed “at home” to facilitate travel to remote sections of the State.
 - They are assigned “All Wheel Drive” vehicles to facilitate inspections in remote areas and rights-of-way.
 - They are required to use forms, cameras and bound written field logs to record violations and instances of non-compliance.
 - They have laptops, Global Positioning Units and cellular phones.
 - They have been issued Badges and other forms of official identification.



Pre-inspection protocols

Before going into the field Compliance Staff is required to do the following:


- Become thoroughly familiar with all relevant portions of the Commission issued Certificate, the Commission-approved EM&CPs, 401 Certification, and any other relevant documents;
- Familiarize themselves with the physical and geographic features and geographic locations of the project;
- Attended pre-construction meetings, audit meetings and site visits;

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- Develop the monitoring schedule detail below, in consultation with senior Staff, methods for informing them of their whereabouts on a regular (daily, weekly, etc.) basis
 - Use daily logs, camera, GPS recorders and other technology, for the recording of observations, contacts, events and possible violations;
 - Develop a list of any additional needed equipment; and
 - Develop or modify existing forms necessary to provide weekly progress reports to Senior Staff and record all incidents of non-compliance or violation.



In addition to protocols previously outlined Field Staff must know and have:

- Knowledge of where work is occurring i.e. what spread or road crossings.
- Appropriate contact numbers with company personnel.
- Proper clothing especially wet weather gear, winter clothing and safety gear.

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- Any and all required safety training to permit access to the work site.
 - Any forms or paperwork necessary to carry out in-field monitoring.
 - Transportation to and from the ROW.
 - Lodging if necessary.



Conduct of Inspections

Currently, once a case is assigned to a member of Staff they are allowed to set their own basic schedule or plan of attack. The nature and frequency of inspection will depend on


- The size, nature and location of the project.
- Competing workload.
- Our history with the company building the transmission facility and its contractors.
- Any local environmental and/or political concerns.
- Budgetary constraints.



Parameters of a “normal” Inspections

When Compliance Unit Staff inspects an electric or gas transmission line there are basic areas that are covered:

- A determination of whether construction activities in a given area are authorized.
- Check for ROW “creep”.
- Look for un-authorized off-ROW storage or access road use.
- Ensure placement, efficacy and maintenance of erosion and sediment control devices.
- Noise, mud on local roads and fugitive dust control.

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- Ensure timber cutting and slash disposal operations are within the approved ROW
 - Inspect fuel storage and refueling operations.
 - Observe Overall project traffic control.
 - Inspect stream and wetland crossings
 - Monitor specialized operations in Agricultural lands (topsoil stripping)
 - Observe directional drills and conventional bores.

In-Field Inspection Checklist



Enforcement Authority

Even though Compliance Unit Staff acts in the Commission's name we do not possess law enforcement powers. We can neither arrest nor cite individuals we deem in violation of the Public Service Law but we are by no means powerless.



Enforcement Authority

If in the conduct of an inspection Staff finds a problem he or she can do any or all of the following:

- Contact Company personnel and seek to get the matter immediately resolved.
- In the absence of company personnel direct corrective action themselves.
- Issue a temporary in-field "Stop-Work" order.
- Fill out and serve a "[Non-Compliance Report](#)"
- Fill out and serve a "[Violation Report](#)"
- Call or email superiors in Albany and report the situation



Enforcement Authority

If the incidents of non-compliance are egregious enough and prolonged and willful in nature, the Department can initiate a “Penalty Action” in court. In such instances evidence will be presented and a monetary penalty assessed on the certificate holder.

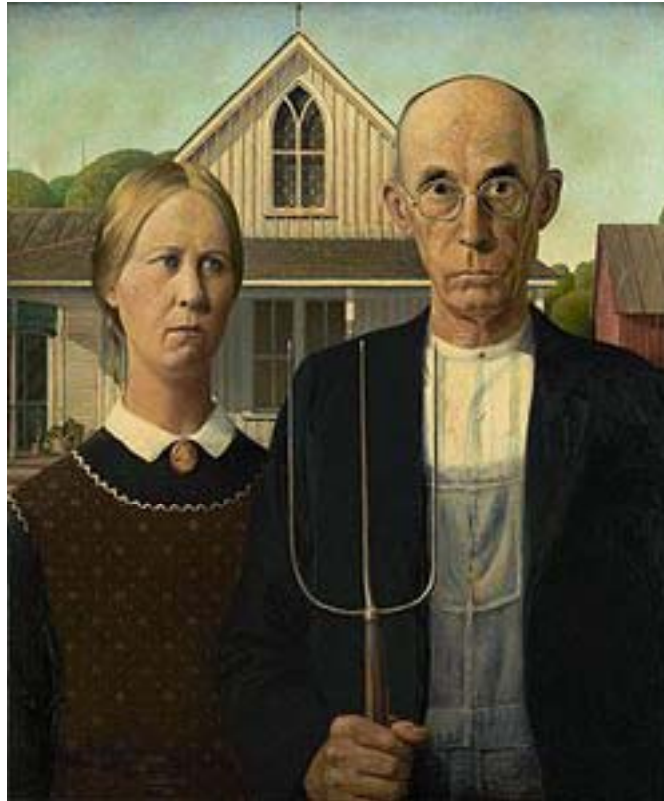


Enforcement Authority

Successful Penalty Actions have been prosecuted 12 times in my 31 years at the Department. Penalties totaling over 20 million dollars have been collected either in cash or other remunerations. The violations included the following:

- Construction of all or part of a subject facility without a Certificate or Commission approval
- Willful and continued ignorance of Commission Orders or directives.
- Violations of other applicable State and local laws.
- Physical and or verbal assaults on Compliance Unit or Department Staff.

Our job is to protect these folks....



From these folks...





Other Duties

In addition to our primary monitoring function, Compliance Unit personnel also handle..

Right Of Way Management



Gas Fueled Generators



Wind Projects











In conclusion...

We are the eyes, ears and, if need be, face of the Commission in the field. We represent the Department and are where the regulatory rubber meets the road.