



Resilient Grids. Strong Networks. Safe Energy.

November 24, 2021

Mr. Michael Gilsenan, Assistant Commissioner  
NYC Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

Re: Request for Variance for Idling Law

Dear Mr. Gilsenan:

Osmose Utilities Services, Inc. (Osmose) is a nationwide leading provider of critical inspection, maintenance and restoration services for the infrastructure of utility and telecom customers. Since 2008, Osmose has been operating in New York City as a contractor for ConEd inspecting their underground facilities which consists of Manholes, Transformer Vaults and Service Boxes. These inspection are required by law.

Recently, Osmose received several idling complaint citations brought forward by the Citizens Air Complaint Program under Local Law 58 of 2018. The citations were issued because our work trucks were idling while our crew member is inside the vehicle utilizing and/or charging one of the critical pieces of equipment necessary to complete the different types of inspection and data that is collected for ConEd. The equipment cannot be charged unless the work truck is turned on and the equipment being charged is used throughout the day. Therefore, it needs to be continually charged utilizing power from the vehicle.

Examples of equipment and processing devices which need continual charging include tablet for collecting and transmitting data, air monitoring device for enclosed space entry, flashlights, water pumps, air pumps and strobe lights.

Osmose is committed to protecting the environment and have programs in place to support that commitment. For instance, certain vehicles have the Derive System installed. The Derive System is a program uploaded into the Electronic Control Module of the vehicle. This program reduces the rpms that the engine is turning when it is idling, and it also adjusts shift points so that the vehicle is more fuel efficient and thus it reduces the carbon footprint of the vehicles. We also operate Flex-fuel vehicles that pump fewer toxic fumes into the environment and contributes fewer greenhouse gases.

Pursuant to section 24-110 of the New York City Administrative Code, Osmose is requesting a variance to Local Law 58 of 2018 for the circumstances described herein. We request that

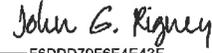


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when an Osmose vehicle is on, has an Osmose employee inside and has the vehicle's amber strobe lights on, that it be exempt from receiving an idling citation.

If you have any questions or require further information, please do not hesitate to contact us. We thank you in anticipation of your co-operation and look forward to hearing from you with a favorable response.

Sincerely,

DocuSigned by:  
  
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John G. Rigney  
Chief Administrative and Legal Officer



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January 27, 2022

Mr. Michael Gilsonen, Assistant Commissioner  
NYC Department of Environmental Protection  
59-17 Junction Boulevard  
Flushing, NY 11373

Re: Supplemental Request for Variance for Idling Law

Dear Mr. Gilsonen:

Thank you for your time in meeting with us to discuss our request for a variance. At your request, please let this serve as a supplement to the variance request we submitted dated 11/24/2021.

Our vehicles are clearly marked with the Osmose logo and must idle during the course of doing business in order to operate devices and equipment that need continual charge for the inspection of ConEd's manholes, transformer vaults and service boxes. As set forth in our 11/24/2021 request, this equipment includes the following: tablets for collecting and transmitting data and images to ConEd; air monitoring devices for enclosed space entry; flashlights; water pumps; air pumps; and strobe lights. All of this equipment is necessary for Osmose to perform its work and has to stay charged.

Osmose has installed two batteries in the rear of our vans to power our equipment without having our vehicles idle. However, the equipment draws high amounts of power, and even if our crews begin the day with fully charged batteries and equipment, the charge only holds for a few hours. The equipment needs to be continually charged utilizing power from the vehicle. Our crews inspect on average 9 locations of ConEd's underground electrical service equipment per day. The inspections are in close proximity to each other and as such do not allow for sufficient time to charge the equipment used between locations.

The citations issued provide only 3-4 minutes of video evidence which is a small fragment of the inspection taking place. This is the time that our crew member is inside their vehicle charging their equipment for the next inspection and transmitting data collected to the customer. While Osmose is continually looking for alternatives that provide efficient battery life for the equipment used and reduce our vehicle idling time, the equipment as currently used, including battery packs, are the most feasible on the market for the work we are performing.



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Once again, Osmose respectfully requests a variance to the NYC idling law when an Osmose vehicle is on, has an Osmose employee inside and the vehicle's amber strobe light is on indicating they are working. We currently have 4 citations pending with the following hearings: 3/2/2022, 3/14/2022, 3/29/2022, and 4/18/2022.

If you have any questions or require further information, please do not hesitate to contact me at 770-632-6766 or [jrigney@osmose.com](mailto:jrigney@osmose.com). We thank you in anticipation of your cooperation and look forward to hearing from you with a favorable response.

Sincerely,

DocuSigned by:  
  
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John G. Rigney  
Chief Administrative and Legal Officer