

3-10-11 Appleview

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1 COUNTY OF HUDSON
2 STATE OF NEW JERSEY

3 In Re: APPLE VIEW
4 7009-7101 RIVER ROAD
5 NORTH BERGEN, NEW JERSEY 07047
6 CASE NO. 4-10

Applicant.

March 10, 2011
7:05 p.m.

B E F O R E:

THE NORTH BERGEN PLANNING BOARD

PRESENT:

HARRY D. MAYO, III, Chairman
GEORGE AHTO, JR., Vice Chairman
STEVEN SOMICK, Member
PATRICIA BARTOLI, Member
SEBASTIAN ARNONE, Member
MANUEL FERNANDEZ, Alternate Member
REHAB AWADALLAH, Alternate Member

GITTLEMAN, MUHLSTOCK & CHEWCASKIE, ESQS.
Attorneys for the Planning Board
BY: Steven Muhlstock, Esq.

Geraldine Baker, Board Clerk
Jill Hartmann, Board Planner
James Fordham, Board Engineer

Reported by:
CELESTE A. GALBO, CCR, RPR, RMR

Celeste A. Galbo, CSR, RMR

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3-10-11 Appreview

4 faxed to the "Journal Dispatch" and "Bergen
5 Record" on February 8, 2011 advising that the
6 North Bergen Planning Board will hold a special
7 meeting on March 10, 2011 at 7 p.m. in the
8 chambers of the municipal building located at
9 4233 Kennedy Boulevard, North Bergen, New Jersey
10 07047.

11 Board members, attorneys and
12 applicants were mailed notices on that day, and a
13 copy of this notice was posted on the bulletin
14 board in the lobby of the municipal building for
15 public inspection.

16 (Whereupon roll call is taken and
17 Members Richard Locricchio and Robert Basalice
18 are absent.)

19 THE CHAIRMAN: Okay. Continuation
20 of Case 4-10, 7009 to 7101 River Road. Mr. Lamb,
21 I think it was your show.

22 MR. LAMB: Yes, thank you,
23 Mr. Chairman.

24 MR. MUHLSTOCK: Mr. Chairman, before
25 Mr. Lamb begins, let me just state for the record

Celeste A. Galbo, CCR, RMR

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1 that Ms. Bartoli, Mr. Basalice and Mr. Ahto were
2 absent at the last special meeting last week. We
3 don't have the transcript yet, but I will get it
4 to them as soon as its prepared. We will
5 circulate it and at that point everyone, again,

6 everyone will have been qualified upon the
7 reading of those transcripts. Thank you.

8 THE CHAIRMAN: All right. Thank
9 you, Mr. Muhlstock.

10 MR. LAMB: Thank you, Mr. Chairman.
11 Tonight, as I advised the board and consistent
12 with what I advised the board, Richard Kuprewicz
13 is our pipeline safety expert who flew in from
14 the State of Washington. We also have Peter
15 Steck here; and the third witness that I plan to
16 have tonight would be a member of the board of
17 directors of the Galaxy, Richard Miller. So I'd
18 first like to call Richard Kuprewicz.

19 JILL HARTMANN, having been duly sworn by the
20 Notary Public, was examined and testified as
21 follows:

22 JAMES FORDHAM, having been duly sworn by the
23 Notary Public, was examined and testified as
24 follows:

25 RICHARD KUPREWICZ, having been duly sworn by the

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Kuprewicz - Voir Dire

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1 Notary Public, was examined and testified as
2 follows:

3 VOIR DIRE EXAMINATION

4 BY MR. LAMB:

5 Q. Mr. Kuprewicz, could you state your
6 full name and address, please?

7 A. Richard B. Kuprewicz. The address
8 is 4643 192nd Drive in Redmond, Washington, zip
Page 4

9 code 98074.

10 Q. You have submitted a report dated
11 February 28th, 2011 which has been previously
12 submitted to the planning board; is that correct?

13 A. Yes.

14 Q. And at the end of that there's an
15 Appendix A which refers to your resume and CV; is
16 that correct?

17 A. That's correct.

18 Q. Could you briefly describe your
19 background and experience for the board?

20 A. I have over 38 years in the energy
21 industry, a lot of it focused, most of it focused
22 in pipeline. And I'm considered an expert in
23 pipeline operations, mainly, especially in areas
24 of highly sensitive or high population density.

25 Q. Can you describe what -- your work

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Kuprewicz - Voir Dire

1 experience for the board and your educational
2 experience?

3 A. I have -- I'll start with the
4 education. I have a BS in Chemical Engineering,
5 a BS in Chemistry, a Master's of Business and
6 other higher schooling but not degreed in both
7 chemical engineering and environmental. My
8 background, I spent approximately 20 years in
9 ARCO in various positions there. A lot of it in
10 refining and pipeline, again, in highly sensitive

11 area. Spent a great deal of time in Alaska after
12 the Exxon Valdez brought us there. Also have
13 approximately five years as an independent
14 working for a consulting engineering firm. And
15 about a little over 10 years ago I created by own
16 firm, Accufacts Incorporated, and have been
17 operating since then.

18 Q. And have you been qualified before
19 or recognized as a pipeline safety expert?

20 A. Yes, I have. I have been called in
21 many cases representing all parties. A great
22 deal of our clients have been local governments,
23 citizens, local city, county and state
24 governments as well as federal agencies. I've
25 been called in on both civil and criminal cases,

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Kuprewicz - Voir Dire

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1 and have been an independent witness to give
2 advice on pipelines. I've also testified to
3 Congress. And I'm a representative of the public
4 on various committees. I currently serve on the
5 Technical Liquid Pipeline Safety Standards
6 Committee for the federal government; a position
7 appointed by the secretary of the Department of
8 Transportation, and I represent members of the
9 public in that case. I've also served and been
10 appointed by two governors on the Washington
11 States Assistance Committee on Pipeline Safety,
12 and that's formed by the legislature after the
13 terrible tragedy in Bellingham in 1999.

14 Q. In your capacity as a pipeline
15 safety expert have you had occasion to review or
16 study various pipeline disasters over the last
17 several decades?

18 A. Yes, I have. And it would be fair
19 to say I've seen or reviewed most of the major
20 ones, not all of them, but like the NTSB reports
21 that are usually on the public websites now, you
22 can also access the NTSB because they're a matter
23 of public record. Most of the major incidents as
24 a state investigator majority pipelines in the
25 last 10 or 20 years --

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Kuprewicz - Direct

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1 MR. SHAW: Move the table, God damn
2 you.

3 (Discussion off the record.)

4 THE CHAIRMAN: Mr. Lamb, we'll
5 accept him as an expert.

6 MR. LAMB: Thank you, Mr. Chairman.

7 DIRECT EXAMINATION

8 BY MR. LAMB:

9 Q. And the CV that's attached as
10 Appendix A is a true and accurate representation
11 of what you have done and some of your
12 experiences and some of the cases and matters
13 you've referred to?

14 A. Yes.

15 Q. Could you just briefly -- and,

16 again, you've been accepted as an expert -- could
17 you just briefly describe in general, not in
18 specifics, some of the relevant matters you've
19 worked on which are listed on paragraphs, 9, 10,
20 11, 13 and 21 of your CV; if you can do that?

21 A. Very briefly.

22 Q. Briefly.

23 A. I don't want to put you all to sleep
24 tonight. Engineers like to talk techie and that
25 can be a real problem.

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Kuprewicz - Direct

1 Some of the cases --

2 Q. Just the types of matters that
3 you --

4 A. Well, I think the best thing to do
5 would probably just zero in on some of the lists
6 of publications that I've done. Those are a
7 matter of public record. Cases that are not a
8 matter of public record such as in criminal cases
9 or investigations, those are not a matter of
10 public record. I'm under certain non-disclosure
11 agreements, I can't disclose. But these are
12 clearly a matter of public record. Usually you
13 can find them on the Internet. The ones that are
14 probably relevant more so in terms of focusing in
15 on are my first one, "An Assessment of First
16 Responder Readiness for Pipeline Emergencies".
17 There clearly up in Bellingham where we almost
18 lost the fire department, there was clearly a

19 problem there. I have a very simple philosophy
20 on safety of any fire departments and fire
21 departments lives; we don't pay fire departments
22 to die, we pay them to save. So that was one
23 that might be of some interest to folks, both
24 liquid and gas.

25 The item nine, "The Proposed Corrib

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Kuprewicz - Direct

1 Gas Pipeline," that was a pipeline in Ireland
2 that was going to be proposed originally at 5,000
3 pounds, 20 inch. Tremendous impact zone in a
4 very unstable land slide area after \$13 million
5 in negotiations and litigation they still haven't
6 resolved that issue.

7 "Increasing the MAOP", item 11, "on
8 Gas Transmission Pipelines."

9 Q. Could you describe to the board,
10 because we're going to get into that later, what
11 the MAOP is?

12 A. For gas pipelines it's defined in
13 federal regulations as maximum allowable
14 operating pressure. Maximum allowable operating
15 pressure carries a certain significance in terms
16 of the capability of a pipeline. And I won't
17 bore you with all the details. But in here was
18 many pipeline operators have gone in excess of
19 federal minimum requirements for pipeline safety,
20 and they were allowed to go to what we call a

21 higher design factor. They could operate at
22 higher pressures interval pipe. So there was an
23 example if you did more safety things, you could
24 operate better, more efficient.

25 Q. And the list of articles or

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Kuprewicz - Direct

1 periodicals or other papers that you prepared is
2 also attached to that exhibit?

3 A. That's correct.

4 Q. Could you describe for the board
5 what you have done to prepare not only a report
6 but for your testimony this evening?

7 A. Went through the various testimonies
8 I think except for the one this month, the
9 transcripts of the testimonies, reviewed those
10 for the last year and I've itemized them in the
11 report. Studied the New Jersey disaster just to
12 refresh my memory. At my age I never forget
13 anything, but the recall gets a little slowed
14 down. Those have saved my life and others on
15 many occasions. Looked at the other various
16 reports like the one I saw yesterday from the
17 county planning board about slope stability.
18 Obviously slope stability is an important issue
19 regarding this particular site. It's not a new
20 concept to me, but it's one I pay a lot of
21 attention to because in a land slide, there isn't
22 a pipeline that really can handle or take a
23 serious land slide without rupture.

24 Q. Portions of the zoning ordinance,
25 have you reviewed --

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Kuprewicz - Direct

1 A. Yes, I have. And those are
2 identified -- I'm sorry if I haven't gotten these
3 in detail, but they're mentioned in the report,
4 in my report under specific footnotes. Which, by
5 the way, in many -- in my involvement with many
6 local and city and county governments, ordinances
7 similar to the ones that are in this township are
8 not unusual. You know, protection of the public
9 is one of the higher charters, and so I see this
10 in just about every city, county that I've worked
11 with.

12 Q. Anything else you've reviewed in
13 connection with your preparation?

14 A. Well, but I can't recall all them
15 right now, but I think they're pretty well listed
16 in footnotes in my report.

17 Q. When you were in Washington did you
18 -- when did you first have a chance to inspect
19 the property?

20 A. I saw it -- I do a lot of stuff, I
21 can launch a space shuttle from some of the
22 computers I have. So I can Google Earth and
23 Google Map gives you kind of a perspective, but I
24 still need to go out and see the site, and I did
25 that again yesterday and today.

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Kuprewicz - Direct

1 Q. Now, and the report that you
2 prepared dated February 28, 2011, that's the
3 report that's been submitted to the board?

4 MR. LAMB: Mr. Muhlstock, do you
5 want to mark that report? I believe we're up to
6 O-13.

7 MR. MUHLSTOCK: I don't think we've
8 been marking all the reports but, okay. You can
9 certainly put it in. It is O-13. It's O -- hold
10 on -- yes, O-13.

11 Q. Now, Mr. Kuprewicz --

12 MR. MUHLSTOCK: I'm sorry, O-14 it
13 would be.

14 MR. LAMB: What do you have as O-13?

15 MR. MUHLSTOCK: O-13 is a portion of
16 the cross-section on the site plan C4.1.

17 (Objector's Exhibit 14, report
18 prepared by Richard B. Kuprewicz dated
19 February 28, 2011, was received in
20 evidence.)

21 MR. MUHLSTOCK: O-14 is the report.

22 MR. LAMB: Thank you. And I have
23 extra copies if anyone needs one.

24 Q. Mr. Kuprewicz, we're going to take
25 you through the report, but I don't want to go

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Kuprewicz - Direct

1 through every line of the report. I want to
2 first summarize your recommendations that you've
3 made to the planning board after your review and
4 analysis.

5 A. Yes, and I won't go word for word
6 through the items, but what I will do, hit the
7 major issues, not that there aren't other issues
8 here, but it will help the planning board
9 understand some of the major issues.

10 I'll start with I listed 12 major
11 findings or observations. And of those 12
12 findings I'd start with probably the first issue,
13 the major concept here is -- I've heard in going
14 through various documents and engineering
15 diagrams and whatever references is calling this
16 pipeline, this 36-inch pipeline a gas main. And
17 that gets my attention immediately. Gas mains
18 are substantially different than gas transmission
19 pipelines. And it's not for me to tell you if
20 it's a gas main or a gas transmission.

21 In looking at various other
22 testimony and other evidence, including evidence
23 from the federal government, there's a high
24 probability or highest probability that this
25 pipeline is -- 36-inch pipeline is a gas

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Kuprewicz - Direct

1 transmission pipeline. Okay. So the board needs

2 to ascertain, and Transco is the outfit that
3 needs to tell you that, they're the operator,
4 that this is a gas transmission pipeline.

5 Q. Now, Mr. Kuprewicz, you referred to
6 a letter from the U.S. Department of
7 Transportation Pipeline and Hazardous Material
8 Safety Administration. What is the short name,
9 short initials for that?

10 A. PHMSA, P-H-M-S-A. That's the
11 Pipeline and Hazardous Material Safety
12 Administration. It's the old office of Pipeline
13 Safety. They renamed it a few years back.

14 MR. LAMB: Mr. Muhlstock, if we can
15 mark this O-15. I'll date it today's date with
16 my initials. Give a copy to our court reporter.

17 MR. MUHLSTOCK: Has Mr. Alampi --

18 MR. LAMB: Yes, I gave him first.

19 (Objector's Exhibit 15, letter from
20 the U.S. Department of Transportation
21 Pipeline and Hazardous Material Safety
22 Administration, was received in evidence.)

23 Q. And is that the letter that you
24 referred to --

25 A. That's correct, yep.

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Kuprewicz - Direct

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1 Q. -- in attempting to determine
2 whether this was a 36-inch transmission pipeline
3 as opposed to a main?

4 A. Yes. In fact, I pretty well had
Page 14

5 high probability that it was a transmission line
6 but this just added to that information.

7 Q. Can you explain to the board briefly
8 what's the importance of that distinction?

9 A. 36-inch gas main is a serious
10 pipeline and shouldn't be ignored. But a 36-inch
11 gas transmission pipeline, mains can fail as
12 leaks. They can be very catastrophic leaks.
13 Transmission pipelines can fail as leaks but more
14 importantly they can fail as ruptures. A rupture
15 is a microsecond fracture of the pipeline where
16 it all zips and fractures like glass. It blows
17 massive tonnage of gas and pipe material. And if
18 you've see the San Bruno event on TV in
19 California, September 9th, that's a low mass
20 spectrum release 30-inch pipeline operating at
21 similar pressures as this one. And a rupture is
22 a big event. It's -- you really want to avoid
23 ruptures.

24 Q. And have you, in the course of your
25 review have you determined that the developer's

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Kuprewicz - Direct

1 engineer has referred to the terms correctly or
2 incorrectly?

3 A. In more than one occasion I found
4 the terms referenced incorrectly as mains in both
5 in drawings and various testimony as mains in
6 more than one occasion and also as testimony in

7 various transcripts. And I believe I referenced
8 those, at least some of them, not all of them, I
9 referenced those as well in the report.

10 Q. Okay. And with respect to your
11 recommendations, can you describe in general if
12 there was a problem, a rupture of a gas pipeline,
13 the emergency response involved?

14 A. Well, I got to be very candid here
15 that in a rupture, the first responders are
16 ineffective. You just got to stay away,
17 otherwise if they get too close, they become
18 casualties. And it's very frustrating. It's
19 kind of like, you know, the fire department is
20 trained to go in and save lives. But the heat
21 generation is so great and the explosive forces
22 are so dynamic that they just can't get into the
23 area.

24 And like I'll give you an example.
25 In the San Bruno case, because that's one that's

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Kuprewicz - Direct

1 kind of fresh in everyone's mind, the fire
2 department couldn't go in. They couldn't get
3 people trying to flee. The ones trying to flee,
4 of the eight people, I think five or so died on
5 their way trying to get away. And these are very
6 large impact zones. And so the fire department
7 can't get in to save people without becoming
8 themselves possible victims. It's very
9 frustrating. And you just got to hold back until

10 they can go in and things die down and then they
11 can go in and try to do triage.

12 Q. Do you have a recommendation
13 concerning the One Call, the New Jersey One Call
14 system that's used? And just explain that to the
15 board.

16 A. Yes, I do. The One Call Systems are
17 a good thing in that they try to avoid
18 third-party damage that could cause a pipeline
19 and each state's One Calls, they have major
20 generalities but then they have some differences.
21 And in this case a lot of people think I'll just
22 use One Call and it will protect the pipeline
23 from various threats that could be related to
24 third-party damage.

25 On massive construction projects

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Kuprewicz - Direct

1 like this proposal here, One Call, while it's
2 nice to be able to do that, that is not the only
3 level of safety that you need to have in place.
4 And the pipeline operator plays an important role
5 in preventing certain things from happening
6 because you don't have to hit a pipeline to cause
7 it to rupture.

8 Q. And when you refer to pipeline
9 operator, who are you referring to here?

10 A. I say in the report it's Transco.
11 Now, I'm assuming Transco is the pipeline

12 operator. It's more than just a 50/50 call here,
13 it's a high probability that they are and I state
14 the reasons why in the report.

15 Q. Does the One Call system necessarily
16 protect from all safety risks?

17 A. No, it doesn't. In fact, one of the
18 -- in Congress and PHMSA have been trying to work
19 on this in the last five or ten years and they're
20 really wrestling with this. Congress passed a
21 law in 2006, The Pipes Act of 2006, saying we
22 need to improve the One Calls across the nation.

23 An example of New Jersey One Call,
24 damage is defined as damage that's actually hit
25 the pipeline. Well, that's great if you actually

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Kuprewicz - Direct

1 hit the pipeline, but what about the damage that
2 might cause you to cause the pipeline to fail and
3 you haven't hit it?

4 Q. Can you give the board just some
5 brief examples of a possibility of a rupture or
6 damage where you don't strike the actual
7 pipeline?

8 A. In this particular case one of the
9 issues that needs to be considered is the
10 potential to cause land slide. Land slide would
11 put massive forces on the pipeline. In most
12 probability it would fail and that failure would
13 be, probably be a rupture. It would cause what
14 we call abnormal loading and the pipeline would

3-10-11 Appreview

15 either break or stretch until it broke.

16 Q. Did you have occasion to review the
17 report entitled Palisade Slopes Stability Study,
18 Hudson County, New Jersey PMK Group Number
19 081536?

20 A. Yes, I did that today, but I had
21 already concluded that this was an area. Land
22 slide is a risk of concern that needs to be
23 addressed. If I recall, the report was written
24 in 2008, somewhere 2008 or 2009, and it's not
25 providing me new information.

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Kuprewicz - Direct

1 MR. LAMB: Right. And, Mr.
2 Muhlstock, can we mark that since we've referred
3 to it as --

4 MR. ALAMPI: 16.

5 MR. LAMB: -- 16. That's after 15,
6 right?

7 MR. MUHLSTOCK: Specifically what
8 are you marking?

9 MR. LAMB: That was the Palisades
10 Slope Stability Study of Hudson County, New
11 Jersey dated September 3, 2008 revised February
12 3rd, 2009.

13 (Objector's Exhibit 16, Palisades
14 Slope Stability Study of Hudson County, New
15 Jersey dated September 3, 2008 revised
16 February 3rd, 2009, was received in

20 One call and it failed.

21 MR. SOMICK: What do you suggest,
22 then, if they say everything is fine?

23 THE WITNESS: I'm sorry, I didn't
24 hear the question.

25 MR. SOMICK: What would you suggest,

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Kuprewicz - Direct

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1 then, if they turn around and say everything is
2 fine, if they do?

3 THE WITNESS: No, they need to
4 demonstrate and prove it. I made a list of
5 specific information that I would have -- if I
6 were the planning board, these are the questions
7 I would ask and I'd expect answers. There is no
8 reason why they should not give you those
9 answers. It's not a national security issue.
10 It's not a secrecy issue.

11 You know, they have an obligation to
12 protect this pipeline whether they understand it
13 or not. And I think you're trying -- you're
14 asking them to help you make an informed decision
15 here.

16 Q. Mr. Kuprewicz, and that was a good
17 question. Your report, you have Appendix B. Can
18 you just describe the relevance of that in
19 connection with this question?

20 A. Appendix B -- and it's an analysis
21 of a risk management that was done by the fire

3-10-11 Appleview
22 department or at least involved the input of the
23 fire department for a proposed pipeline in New
24 Brunswick, Canada. And basically, again, with
25 respect to the fire department, their perspective

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Kuprewicz - Direct

1 on risk management, they don't understand certain
2 details. There is no way they can fight a fire
3 for a gas transmission pipeline rupture. You
4 just got to pull back, get the gas shut off as
5 quick as you can. It isn't going to
6 instantaneously shut off.

7 You probably heard a lot of debate
8 about valves and actuator valves. A lot of
9 things are going on right now as a result of the
10 terrible San Bruno tragedy. And I think people
11 will come to grips with that as more information
12 is presented. But the fire department did some
13 analysis there and they called -- they classified
14 an area called the hot zone, and they classified
15 an area called the warm zone. Those are not my
16 terms, those are the ones they came up with.

17 And if you look at that and get into
18 the exhibits, I point to and have specific
19 Appendix B, it kind of shows you the heat flux
20 generator from these tremendous flames. There's
21 a tremendous tonnage of gas being released. And
22 basically their warm zone, if you're in the warm
23 zone which goes to 800 meters, over 2,000 feet,
24 what they aren't saying is you really can't

25 survive. You got to get away from that radiation

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Kuprewicz - Direct

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1 in a matter of a minute or less.

2 Q. Now, and what can a company like
3 Transco or a pipeline operator do to address the
4 risks? What do they do?

5 A. Well, I made some recommendations
6 there. And one of them is they need to
7 physically tell you where this line is actually
8 located. Both laterally -- it may not be in the
9 easement that currently is drawn.

10 Q. Now, you've reviewed the site plan
11 that's submitted by the developer and the
12 developer's engineers?

13 A. Yes, I have. I want to make one
14 comment before we go to the next question. Not
15 only do they have to locate the surface level, I
16 would recommend that they also tell you the depth
17 along that right-of-way. Because depth is going
18 to be an important factor for -- one of the
19 easements shows people are going to be crossing
20 the pipeline. They should be able to tell you
21 what that depth is and then show you the specific
22 calculations that will either you can take this
23 load or you can't take this load.

24 Q. Is there any depth that you saw in
25 the site plan submitted to the board? Do you

Kuprewicz - Direct

1 recall seeing the depth?

2 A. I saw something where someone could
3 misinterpret, and I'm not saying that the
4 engineers were trying to say that was the actual
5 depth, but someone in a construction activity
6 might interpret that as the depth of the
7 pipeline. And we don't know that. So I can't
8 tell you what the depth is but that's an issue
9 that Transco should determine and tell you.

10 MR. SOMICK: Now, is that something
11 that Transco has to do or they should do?

12 THE WITNESS: Ironically under the
13 One Call Law I believe, as I read it, and I look
14 at a lot of states so you'll have to excuse me,
15 but I believe the way it's written in New Jersey,
16 it doesn't mandate that Transco determine that
17 depth. It could be interpreted that someone else
18 could do that. And I got to tell you I have been
19 in cases that people have died where someone else
20 determined that.

21 Q. So your recommendation for the board
22 is for who to determine the actual location,
23 depth with respect to that line?

24 A. Transco or their representatives who
25 speak for them should determine the surface

1 location as well as the depth across this
2 property.

3 Q. Is that something that the
4 developer's engineer could do? There was an
5 indication on the plans, I believe, of some
6 markings.

7 A. He could do it but the only one that
8 I would trust is the person who is absolutely
9 responsible and the first line of the issue if
10 this were to rupture is the operator. And so
11 that's an operator responsibility and they can
12 contract it out but they cannot delegate it, the
13 obligation.

14 MR. SOMICK: Would Transco have
15 somebody at the site when construction was to
16 start?

17 THE WITNESS: I've read testimony
18 where they'll claim to do that, but I've been in
19 at least two cases where -- and I'll cite those.
20 They're in the report but for the record here.
21 In Bellingham they had two on-site observers and
22 that pipeline ruptured. There was a massive
23 fireball, almost took out the fire department,
24 definitely killed three kids, took out a large
25 part of the park and was taking out major

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28

Kuprewicz - Direct

1 infrastructure in the city if it kept on
2 spreading. That was with two people on-site.

3 I'm under a federal judges's order not to
4 disclose the cause of that failure, but I can
5 tell you when they pulled the pipe out, it was
6 mauled, lots of dents. Okay.

7 In the walnut Creek case, which I
8 also cite in the report, there was an on-site
9 pipeline operator on site during activity. And
10 that killed five people. So it's good to have an
11 on-site observer, but you also got to understand
12 that the on-site observer can't be watching
13 everything in a major contract that's going -- or
14 major construction activity going for this
15 activity. Also in many cases the on-site
16 observers aren't the people who understand the
17 load calculations. The engineers have to give
18 them the parameters and that's what Transco
19 should be able to share with you.

20 Q. Does the pipeline operator, Transco,
21 do their obligations -- are they confined to the
22 actual pipeline?

23 A. No, under federal law -- and I cite
24 this in the report -- they're responsible for
25 abnormal loading that could cause this pipeline

Celeste A. Galbo, CCR, RMR

♀

29

Kuprewicz - Direct

1 to fail, either leak, more likely a rupture like
2 a land slide. So there are activities that they
3 have to be monitoring even though they're off the
4 easement.

5 Let's say an example would be a

6 stream. I think in one of Transco's agreements
7 that I've read in one of the testimonies, here,
8 you know, they say you can have blasting within
9 -- as long as it's 200 feet away.

10 Q. And what document is that the --

11 A. It's referenced in my report.

12 You're asking me details that I can -- to recall
13 it would drive you nuts. But it's in the report,
14 you can track it down. And in there it says that
15 you can have blasting as long as it's 200 feet
16 away. Well, that's fine in Flatbush, Kansas,
17 that may be okay, or it may not be. What's the
18 blast detonation? I'm not saying that, you know,
19 the blasting would have out of hand here. But
20 let's say if they blasted on the southwest side
21 of this corner and caused a land slide. So those
22 are issues that Transco has an obligation to
23 really do their homework and tell you what
24 they're doing and demonstrate it to you.

25 Q. Now, you're aware that the

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‡

Kuprewicz - Direct

30

1 developer, to the best of my knowledge, is not
2 proposing blasting here?

3 A. I've heard mixed signals and I have
4 an obligation, I can't rule it out because of
5 mixed signals I'm getting and especially in a
6 land slide sensitive area. And if you're not
7 going to blast, just say you aren't going to

8 blast and commit to it. But that doesn't rule
9 out these other issues that could cause forces on
10 the pipeline, abnormal loading that could cause
11 the pipeline to rupture.

12 Q. what about piling?

13 A. Piling could be run, and maybe it is
14 maybe it isn't. I don't know the answer to that.
15 I don't know the pipeline.

16 Q. Is piling proposed by this
17 developer?

18 A. From my recollection of some of the
19 transcripts, the answer is yes.

20 Q. And what could be the potential
21 problem with piling?

22 A. well, it creates the vibrations and
23 frequency and amplitudes similar to blasting,
24 okay. And obviously the closer you get to the
25 proximity of the pipeline, and given whatever the

Celeste A. Galbo, CCR, RMR

7

31

Kuprewicz - Direct

1 strength of that pipeline is which only the
2 operator is supposed to know, you can run
3 calculations and it either is a problem or it
4 isn't a problem, or you have to say we've got a
5 developer and still require -- the right word is
6 require -- certain things to be sure that your
7 close activity or your activity on this site will
8 not threaten us.

9 Q. Did you review the application
10 submitted by the developer?

11 A. Yes, I did.

12 Q. Does the developer propose a piling
13 and excavation or other type of activities on the
14 site?

15 A. I believe it does. And what gets my
16 attention about those is, again, I don't have the
17 details and I'm not a civil engineer to tell you
18 the loading and all that, but what gets my
19 attention is it doesn't take a rocket scientist
20 to stand at the sidewalk looking up the hill and
21 saying, "Let's avoid a land slide here." And,
22 you know, how do you do that. And maybe they're
23 going to do that but I don't see the details.
24 And when I don't see the details, if I was a
25 pipeline operator -- and I've operated pipelines.

Celeste A. Galbo, CCR, RMR

7

32

Kuprewicz - Direct

1 I've been the first guy in front of the Grand
2 Jury, okay. If something goes wrong, you know,
3 somebody needs to do their homework here and that
4 person is Transco.

5 Q. You have made a series of -- a list
6 of factual information that would be relevant to
7 determine relevant information for this board.
8 And that's set forth, I believe, at the end of
9 your report?

10 A. In the recommendations section, yes.

11 Q. Can you briefly describe that
12 information?

3-10-11 Appleview
13 A. Basically --
14 Q. Just refer to the page so the board
15 can follow.
16 A. I'm sorry, it's page 13. Start with
17 is this a transmission line or not; that's a yes
18 or no answer.
19 MR. MUHLSTOCK: Well, you don't have
20 to read it. I think the board sees items A
21 through O. That's what the planning --
22 THE WITNESS: I wasn't intending to
23 read it. I was just going to hit some major
24 points to help the --
25 MR. MUHLSTOCK: Good.

Celeste A. Galbo, CCR, RMR

♀

33

Kuprewicz - Direct

1 Q. I want to draw your attention
2 specifically to one point, the maximum allowable
3 operating pressure or the MAOP. Do you have any
4 information as to what the MAOP is on this
5 particular line?
6 A. From PHMSA the document that someone
7 in the Galaxy requested under a --
8 Q. That's what we just marked, I
9 believe, as O-15?
10 A. Thank you. You're tracking the
11 numbers, yes. And in that they mention that the
12 maximum allowable operating pressure is 350 PSIG.
13 Q. Just tell the board and public what
14 does that mean?
15 A. The maximum allowable operating
Page 30

3-10-11 Appleview

16 pressure, a certain condition defined under
17 federal law based on certain engineering
18 standards and certain operating practices has
19 been defined 350 for a 36-inch gas transmission
20 pipeline.

21 Q. And what is the when I say the
22 average MAOP for 36-inch gas pipeline?

23 A. For a pipeline of this vintage in
24 the 1950s or so, I don't know the exact date; I
25 heard different numbers. But, you know, it's

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34

Kuprewicz - Direct

1 reasonably '50 or '60s, your maximum allowable
2 operating pressure would be closer to 1400
3 pounds. And so I'm going to give you my first
4 reaction that I did when I heard about the San
5 Bruno. San Bruno was a 30 inch with a maximum
6 allowable operating pressure of 400 pounds. And
7 I'm going what the heck is this doing this low.

8 Q. So therefore --

9 MR. SOMICK: what would that be?
10 Are you talking about if someone was
11 jackhammering next to it? what's the pressure?

12 THE WITNESS: No, that's the
13 pressure of gas inside the pipe, and they've
14 lowered it for some reason. Because a sound
15 stock pipe of that vintage should be able to hand
16 a lot higher pressure. It may be that there is
17 another reason for why that's lower, but Transco

3-10-11 Appleview

18 needs to explain that. Because from my
19 perspective it's like "wait a minute. You're
20 running this line lower; it still can rupture."
21 All right?

22 The San Bruno was 386 pounds they
23 claim. They're still trying to argue about that
24 number. But that was a massive fireball, and I'm
25 just trying to say, you know, "Transco, is there

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35

Kuprewicz - Direct

1 something not right with this pipeline you need
2 to be sharing with the city so that we're sure
3 that the precautions are adequate? Because
4 something doesn't seem right here." It may be
5 it's fine. That's up to them. They have to
6 define that.

7 Q. Does it raise a red flag to you that
8 the current MAOP is so substantially below the
9 average? Does that --

10 A. Yes, that raises a red flag for me
11 and calls it to my attention and just makes me
12 say, "Transco, you need to supply additional
13 information here for the city to do its due
14 diligence."

15 MR. FERNANDEZ: Approximately how
16 old is the pipeline?

17 THE WITNESS: I think it's in the
18 '50s. I've heard '59. I've heard of different
19 '50s; 50 or 60.

20 MR. FERNANDEZ: If you were here

21 today and they were going to build the Galaxy
22 Towers, would it be safe?

23 THE WITNESS: I can't ascertain that
24 because I don't know the condition of the
25 pipeline. I understand your question. I'm not

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♀

36

Kuprewicz - Direct

1 being disrespectful. I can't make a decision to
2 a safety factor or not.

3 MR. FERNANDEZ: The Galaxy Towers
4 are about 40 years old. Maybe the pipeline was
5 only there ten years when they built into the
6 cliffs, okay. And I imagine maybe they -- maybe
7 they blast, maybe they didn't, I can't tell you
8 that. But your main concern is that this project
9 could cause land slides?

10 THE WITNESS: One of the concerns,
11 yes. There are other loading factors but that's
12 one of them.

13 MR. FERNANDEZ: Let's say this
14 project is not there. They want to put in a
15 swimming pool. Would the construction of a
16 swimming pool cause a land slide?

17 THE WITNESS: What I'd say is the
18 pipeline operator would need to be involved in
19 this. Because activity, not so much it could
20 cause a land slide, but it could cause abnormal
21 loading that could cause this pipeline to
22 rupture.

23 MR. FERNANDEZ: And if nothing is
24 done on this property, can we have a land slide
25 and rupture the pipe and take out the buildings?

Celeste A. Galbo, CCR, RMR

37

Kuprewicz - Direct

1 THE WITNESS: Yes, you could but
2 it's pipeline operator's responsibility. They
3 just can't say well, everything is just fine and
4 we'll just ignore it. They need to be dealing
5 with this issue.

6 And I think the point here, though,
7 is the activity that's proposed for this site is
8 additional activity than the status quo.

9 MR. FERNANDEZ: The reason I'm going
10 there is because we're looking at this gas line
11 just on the slope. If you look at your map --
12 and I don't know how accurate it is, I mean your
13 map --

14 THE WITNESS: It's not mine, it's
15 PHMSA's.

16 MR. FERNANDEZ: -- they have built
17 up all of Guttenberg along that gas line since
18 the '50s and --

19 THE WITNESS: It's site specific and
20 section specific. And I completely understand
21 that there I maybe lots of issues where these
22 additional differential threats associated with
23 the site would not be there. Again, I go into
24 these pipeline companies expecting them to answer
25 my specific questions and give me straight

Celeste A. Galbo, CCR, RMR

♀

38

Kuprewicz - Direct

1 answers and not mess around with me. And I have
2 found many of the pipeline operators to be very
3 responsible. If they have a good story here,
4 they should be able to tell it.

5 MR. FERNANDEZ: So the pipe company
6 turns around and tells us, look, they're going to
7 be piling, their footings are going to be 30 feet
8 away from the pipeline, you guys are safe and
9 we're going to have an operator there.

10 THE WITNESS: I'd say under your
11 charter you have an obligation to ask additional
12 questions and get additional facts than just
13 everything is fine. Because I have been in too
14 many cases where that was what somebody said and
15 people died.

16 MR. FERNANDEZ: They tell me the
17 pipeline is down 30 feet and the footings are
18 going down three feet.

19 THE WITNESS: They ought to be able
20 to show that to you on a drawing. And then doing
21 that they should also show you if it's this deep,
22 this is the loading that we can take and here is
23 our limits. I'm not saying yes or no here. I'm
24 not being the judge or jury here.

25 MR. SOMICK: You're just saying that

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♀

Kuprewicz - Direct

1 they should answer additional questions and make
2 sure the pipeline is safe for anything that goes
3 there?

4 THE WITNESS: But what gets my
5 attention is the unusually low pressure of this
6 pipeline segment for a 36. Now, it may be -- and
7 I don't want to hear it's the downstream, you
8 know, the downstream. "Now wait a minute. We're
9 talking about this segment. Why have you lowered
10 this and what's the condition of it?" And the
11 questions are lengthy. I don't want to go
12 through them in all detail. But the MAOP being
13 low, not a good thing.

14 MR. FERNANDEZ: It's just a
15 curiosity question because you have buildings to
16 the east of the pipeline and you have buildings
17 over it to the north of the pipeline that have
18 been there, you know, and the pipeline --

19 THE WITNESS: That's right. And
20 they may be deep enough or they may be thicker
21 pipe; we don't know the detail. It's a valid
22 question and a very good question to ask, but
23 Transco is the ones that need to prove that.

24 MR. AHTO: Do you know where the
25 shut off valve is for this pipeline?

Celeste A. Galbo, CCR, RMR

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Kuprewicz - Direct

1 THE WITNESS: I've got a couple
Page 36

2 ideas, but as you're going to find out in a more
3 public discussion as a result of the San Bruno
4 more public betting, because both sides are
5 gearing, if that's the right word to describe
6 them, there are places where certain shut off
7 valves would be very relevant but they're not
8 going to prevent a blast in a high flame. In San
9 Bruno they went for an hour and a half. In
10 Edison they went for two hours and a half. Come
11 on, there is a point where the fire department
12 says we could get in there and try and save these
13 lives.

14 MR. AHTO: That's why I'm asking do
15 you know where the shut off valve. Is?

16 THE WITNESS: I've seen some valves
17 immediately across the street. I think that may
18 be associated with this pipeline.

19 MR. AHTO: To the east?

20 THE WITNESS: To the river. Towards
21 the river.

22 MR. AHTO: Well, where does this
23 pipeline originate from? It goes across the
24 river but it doesn't come from there.

25 THE WITNESS: It coming from the

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♀

Kuprewicz - Direct

41

1 south, Texas.

2 MR. ARNONE: 69th Street that's
3 where it is. Where the Pathmark is, that's the

4 main.

5 MR. AHTO: So it's 69th Street by
6 Tonnelle Avenue.

7 MR. ARNONE: Right.

8 MR. AHTO: So how does that pipe
9 come up? Do they bore through the Palisades all
10 the way through?

11 THE WITNESS: That's for Transco to
12 answer, but I believe they route up based on the
13 map that PHMSA is giving us -- and, again, I
14 don't want to answer for Transco. I don't want
15 to give you the impression I know all the facts
16 about their pipeline. You know, I have the
17 questions and I can give you what I think the
18 answers are.

19 MR. AHTO: You have in the -- about
20 corrosion. Is that monitored? Is there a camera
21 in the pipe? Is there a mouse that goes in and
22 reports back? How do they know if there's
23 corrosion?

24 THE WITNESS: That's a fair
25 question. That's a fair question. Corrosion,

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42

Kuprewicz - Direct

1 obviously for steel pipelines, is a legitimate
2 risk of concern. There are ways for a pipeline
3 operator to properly mitigate and deal with
4 corrosion even if he -- no pipeline is corrosion
5 fee. This a high consequence area. So Transco,
6 one of my questions is for their integrity

7 management program which I was part of developing
8 the regulations representing the public for gas
9 transmission pipelines. You know, what tools can
10 you use to help inspect pipeline, this pipeline?
11 And I think Transco will tell you they run smart
12 pigs through this section. But they need to tell
13 you that --

14 MR. AHTO: What is that? What
15 exactly is that?

16 A. A Smart Pig is a multi-ton device
17 for this size diameter pipeline that they insert
18 inside the pipeline while it's running so they
19 don't have to shut it down. And it moves, it's
20 instrumented; very sophisticated technology
21 inside the pipeline. And they can tell you the
22 external/internal corrosions, certain types. And
23 related to corrosion risk they can tell you that
24 we've done this and this is what we've found; we
25 didn't find a lot of corrosion here; we found

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♀

43

Kuprewicz - Direct

1 some corrosion, but it's not here, it's not
2 there. And corrosion is only one risk, though.

3 MR. AHTO: I understand. Is it
4 usually 24 hour monitor or one hour a day?

5 THE WITNESS: No, no. This is -- on
6 the instrumented pigs, this is run during --
7 every five or seven years, whenever they decide
8 to do it. Some run it sooner; some later.

9 They're very expensive and they tell you an awful
10 lot of stuff.

11 MR. AHTO: So if they're going to
12 run it every five to seven years, it could be
13 good today but you don't know, it's not a 24-hour
14 monitor?

15 THE WITNESS: That's correct. But
16 the science for corrosion is very sophisticated.
17 That was, you know, 40 years ago, 30, 40 years
18 ago we were developing that technology. And it
19 was a push technology for corrosion, certain
20 types of corrosion. It's very sophisticated.

21 So they could tell you look, if
22 you're concerned about corrosion, here's what
23 we've done. They should have a good story to
24 tell you there if they're following the
25 regulations outlined in minimum federal

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44

Kuprewicz - Direct

1 regulations.

2 Now, corrosion won't take care of
3 abnormal loading.

4 MR. AHTO: I understand.

5 THE WITNESS: That correct.

6 MR. AHTO: But I would think they
7 would want to monitor it more than every five
8 years, but that's neither here nor there.

9 THE WITNESS: When it's the science
10 of corrosion, and in fairness to them, there are
11 ways to control it and mitigate it. The CP --

12 the what we call the cathartic protection system
13 that deals with external corrosion. There's ways
14 -- again, I don't want to get you into a lot of
15 engineering stuff. It's a fair question.

16 MR. AHTO: No, that's okay but I'm
17 curious now myself if it's internal corrosion,
18 how you would they repair that?

19 THE WITNESS: They can't. But they
20 can calculate, they can make certain critical
21 assumptions about corrosion rate and what is
22 causing it. They can even mitigate it. They can
23 inject stuff inside the line that can attack
24 that.

25 I don't want to paint the picture

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‡

45

Kuprewicz - Direct

1 that they can completely do everything. It
2 depends on the pipeline operator. And I've seen
3 pipeline operators who are very responsible and
4 they will exceed minimum federal requirements and
5 they have a very good story to tell. And those
6 are the good guys and I say, you know, "Get out
7 there and tell your good story because you don't
8 want the bad guys bringing you down." And so
9 that's a fair question.

10 MR. AHTO: Now, the pipeline going
11 across River Road and underneath the river -- I'm
12 assuming that's where it goes -- do you know how
13 far below it is?

14 THE WITNESS: No, I don't. Pipeline
15 operator probably has good idea. Sometimes they
16 run a special instrumented Smart Pig that
17 actually tells them the generally depth of the
18 pipeline. Not all of them. We call them
19 GEOPIGS. We were using them in the Trans Alaska
20 Pipeline because there the permafrost the
21 pipeline would settle, and we had to get on it
22 right away because if it went too many feet it
23 would break. So there is good technology. It
24 depends on the risk they're trying to deal with.
25 Q. Following up on that question, is

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♀

46

Kuprewicz - Direct

1 there a mechanism to actually monitor, not
2 periodically the interior with the Smart Pig, but
3 actually monitor vibrations on the pipeline? Is
4 that something that's --
5 A. Actually that's correct. I've been
6 in a couple case where Williams, I think the -- I
7 don't keep track of all the ownership of
8 companies anymore because they keep changing.
9 Williams' operation in the Northwest Pipeline in
10 the western United States. And in Washington
11 State we have a problem with land slide. All
12 that rain, gravity never goes away and it just
13 breaks free. And some of their pipelines, they
14 had a couple pipeline ruptures, no deaths, damage
15 away from like 1,000 feet away from the pipeline.
16 But they came up with a technology where they can

3-10-11 Appreview

17 actually put devices on the pipeline and they can
18 monitor certain types of stresses. And when we
19 tell them is that's really great, you know, if
20 you start feeling where land is just starting to
21 move and it gives you an indication. But the
22 problem is like in Washington State, you usually
23 don't get a warning, it just starts going and it
24 just ruptures. So I tell them that's a good
25 thing and I want to encourage you to do that,

Celeste A. Galbo, CCR, RMR

♀

47

Kuprewicz - Direct

1 keep pushing that technology, maybe it would get
2 better but really it's a rupture detector.
3 MR. AHTO: Let's assume you have a
4 rupture. Whose responsibility is it to shut the
5 valve?
6 THE WITNESS: That's under federal
7 regulation the pipeline operators. And I'll tell
8 you why, because only the pipeline operator knows
9 their system and knows which valves, where
10 they're at. Now, they may not always communicate
11 them in the confusion of these terrible
12 tragedies, okay. 9/11, everybody wanted to help
13 but there was a lot of confusion because the
14 communication breaks down. When you read the
15 NTSB release documents, the 300 megs that came up
16 of electronic files last week in the public
17 hearing, there clearly was confusion in the
18 control room. And, you know, here's the operator

3-10-11 Appleview
19 on the front page of this "The San Francisco
20 Chronicle" saying, the control room operator,
21 "We're screwed." They lost control of their
22 system and the pressure is overpressured and it
23 was just a terrible thing.

24 But there's a lot of chaos and
25 confusion, but to answer your question, that's

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♀

48

Kuprewicz - Direct

1 the responsibility of the pipeline operator.
2 Some pipeline operators have elected to go with
3 automatic closure valves, some place remote
4 operated valves in there and it depends on the
5 pipeline and the system and the distance and all
6 this.

7 I think a public bidding -- I'm not
8 in that camp where everybody needs to have all of
9 these; certain pipelines need to. My position is
10 pipelines which I call that are exotic, over 24
11 inch gas transmission, you'll need to be putting
12 these in the fairly decent locations where
13 there's a lot of people.

14 Q. Did you determine what type of gas
15 pipeline this is? Is this an exotic?

16 A. This is an exotic. It's a 36 inch.
17 And I'm not saying that to scare you. This just
18 commands a higher level of respect.

19 MR. FERNANDEZ: Where would be the
20 pipeline operator?

21 THE WITNESS: Where would be the

22 pipeline operator?

23 MR. FERNANDEZ: Where would he be
24 located?

25 THE WITNESS: Well, the one in the

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49

Kuprewicz - Direct

1 control room and I believe and this one here - -
2 again, I look at a lot of pipelines, so if I
3 don't get this quite right, it's probably in
4 Houston.

5 MR. FERNANDEZ: So he's in Houston.
6 The shut off or the main one of the valves is
7 here on 69th Street North Bergen. Something
8 happens. It has to happen automatically, shut
9 off, because you're not going to get a guy from
10 Houston --

11 THE WITNESS: No. Usually what
12 happens is they get a phone call. Someone calls
13 the number saying we got a huge fireball, like in
14 San Bruno, "We think an airplane crashed."
15 Nobody knows what's going on. And the guy says
16 -- what they do is they'll activate the local
17 guys, emergency response, or they have remote
18 operated valves. They'll close those in; they're
19 automatic.

20 Now, as incredible as this may sound,
21 in a gas pipeline rupture of an exotic where
22 you're releasing hundreds of tons, if not
23 thousand of tons, you don't necessarily see it as

3-10-11 Appleview
24 pressure drop right away. All right. So
25 everybody is saying wait until the pressure --

Celeste A. Galbo, CCR, RMR

♀

50

Kuprewicz - Direct

1 it's too late. The pressure, you get the signal,
2 the damage is done but you need to have it.

3 MR. FERNANDEZ: So we can fairly say
4 that our fire department would have access to
5 that gated valve to turn it off in case of an
6 emergency?

7 THE WITNESS: The one across the
8 street? You're going to be dead.

9 MR. FERNANDEZ: No, not the one
10 across the street. If a rupture happens, the
11 rupture --

12 THE WITNESS: Way further up? You
13 got to get out of the zone. Yeah. I'm sorry,
14 and as an engineer I deal in life and death
15 situations. And, you know, it's like going into
16 an emergency, you want the doctor who is cold and
17 calculating, not emotional. And sometimes I can
18 do that. And I don't mean to elicit laughter
19 from anybody. I'm serious here. They are never
20 going to get near that valve if there's a rupture
21 at the public street.

22 But they'll find which one can we get
23 to and they'll direct people. If they don't have
24 control of it from the control room, they'll
25 direct people out. They'll try to coordinate

♀

51

Kuprewicz - Direct

1 them but that does take time.

2 MR. AHTO: who do they direct, the
3 local fire department? Do they have their own
4 employees around here, around the street?

5 THE WITNESS: There's going to be a
6 lot of debate about this, but right now they
7 direct in most companies, all the ones I've
8 worked with, they direct they're operators.
9 Because in the case of San Bruno they sent a guy
10 to close the valve and he wasn't qualified to
11 close the valve, so he went out there and he
12 couldn't close the valve. And I says, "Just how
13 much qualification do you need to close the
14 valve? It's a valve. It's a hand valve." It's,
15 you know.

16 And so to answer your question, that
17 is within the company, under their control and
18 they say you go out there and close the valve.
19 Now, you don't need to be a highly sophisticated
20 qualified operator to close the valve if the man
21 says close the valve. All right.

22 MR. AHTO: But my question is, how
23 much of a vicinity are there pipeline operators?
24 They can't have a guy in Texas and they have to
25 have local people.

♀

3-10-11 Appleview
Kuprewicz - Direct

1 THE WITNESS: No, I understand your
2 question. Yeah, they'll have local people but
3 that's the question you want to ask Transco about
4 and they'll tell you they're staffing and how
5 their emergency response is. They should be
6 fairly open with you. This isn't a national
7 secret. You people can ask questions. You have
8 that right under national security regulations.

9 MR. AHTO: Because down there on
10 69th Street where the pipeline and valve is, a
11 truck could come down the road and run into it
12 and they have to have somebody to shut it. They
13 can't fly a guy in from Texas.

14 THE WITNESS: No. And I used to do
15 it and I still do advise on emergency response,
16 both gas and liquid and work with the fire
17 departments. You need, to educate on how to do
18 and not take the risk. And I've had fire
19 departments as an operator save people's lives as
20 well as my operation because we were
21 communicating. But fire departments are spread
22 pretty thin right now, so they can't do
23 everything.

24 MR. AHTO: Is it fair to say if they
25 work with the fire departments being that pipe

Celeste A. Galbo, CCR, RMR

♀

Kuprewicz - Direct

53

1 has been there for 50 years, that maybe the five
2 department knows how to shut it down?

3-10-11 Appreview

3 THE WITNESS: I think they do but
4 it's an issue of command and control. You may
5 want to focus in on shutting that, but in doing
6 that you just shutdown New York City. So there
7 is some coordination that has -- in fairness to
8 the pipeline operator, there is a coordination
9 that has to occur and that chews up minutes.

10 THE CHAIRMAN: In your experience,
11 what's the normal response time from an operator?

12 THE WITNESS: It's over an hour in
13 general for gas transmission. Again, it depends
14 on location. Murphy's Law, like in the San
15 Bruno. When it occurred it was 6:00 in the
16 evening approximately, and the guy couldn't get
17 to the valve, the one they sent first because he
18 was in traffic. And so that's one of the debate
19 issues about high density and location. Some can
20 respond a lot faster than that, depends on the
21 pipeline company and what their plans are.
22 That's a fair question. I don't have the answer
23 for you on this one.

24 THE CHAIRMAN: So typically in this
25 location would you say that the operator would

Celeste A. Galbo, CCR, RMR

♀

54

Kuprewicz - Direct

1 normally locate someone in New York City to
2 respond to this?

3 THE WITNESS: Probably New Jersey.

4 THE CHAIRMAN: In New Jersey?

3-10-11 Appleview
THE WITNESS: I would think New

5
6 Jersey in fairness to them. Again, I don't want
7 to answer for them. I have a pretty good idea
8 but I don't know the answers to be honest with
9 you. I'm trying to be truthful and honest with
10 you, straightforward. But I think they can
11 answer that kind of question for you and they
12 should be able to. And they ought to be proud of
13 what their answer should be. If they don't give
14 you a straight answer or they're not quite
15 answering your question, you need to pursue it.

16 Q. With respect to Transco, can you
17 describe a risk management analysis?

18 A. Well, you have to be careful because
19 too often lately, like in the Corrib pipeline in
20 Ireland. You know, they issued this very
21 expensive risk management, and the Europeans have
22 really been working with risk management
23 approaches for pipelines and other energy
24 infrastructure. But what happens is -- I think
25 what you're saying is what you want is a prudent

Celeste A. Galbo, CCR, RMR

8

55

Kuprewicz - Direct

1 pipeline risk management; one where they lay out
2 the relevant assumptions, the relevant facts and
3 back up sufficient science. You don't have to be
4 an engineer to understand it, but they'd give you
5 sufficient information that the average person
6 can understand.

7 Q. As a hypothetical, if the Transco

3-10-11 Appleview

8 identifies 10 major risks and your recommendation
9 is what, that they do it correctly and prudently?

10 A. All right. They need to issue a
11 risk management report but that report should
12 include at least -- and I kind of say this or I
13 do say this in the report -- they should be
14 listing here is the risk that we believe sitting
15 down with the developer that would place this
16 pipeline segment on this property at risk. Is it
17 blasting? No. Okay, take it off. Is it
18 abnormal loading? Is there somebody piling and
19 where are they piling? Have they got an easement
20 that's real close here? Have they located the
21 pipeline? How deep are they? What are we doing
22 to mitigate potential land slide?

23 If we're going to cross the
24 pipeline, if we're going to go with this
25 maintenance easement, you have yet to figure out

Celeste A. Galbo, CCR, RMR

♀

56

Kuprewicz - Direct

1 what that's all about. And I'm not trying to
2 second guess anybody, but to get to it you've got
3 to cross the pipeline. So they should list
4 various threats that the pipeline operators
5 should say "In our responsibility under federal
6 law to address abnormal loading we're going to
7 demonstrate to you here is the list of the
8 threats and here is how we're going to deal with
9 them, and here is the calculations that

3-10-11 Appleview

10 demonstrate our safety factors."

11 Q. And what is that reply called, the

12 response to the risk management identification?

13 Is there a name for that?

14 A. It goes by many different names. I

15 can't think of one at the moment.

16 MR. ALAMPI: Tell him, Jay.

17 MR. LAMB: I don't know. I'm just

18 asking.

19 THE WITNESS: He's asking for a

20 name. I just call it a prudent risk management.

21 And the ones I've been brought into after they

22 have been issued it's "Here is the list of risk

23 and here is how you dealt with it and here is the

24 loading factors back up by a certain

25 calculations."

Celeste A. Galbo, CCR, RMR

♀

57

Kuprewicz - Direct

1 Q. So really it's just the Transco's

2 response to a particular risk so that those major

3 risks are addressed in some fashion?

4 A. Are adequately addressed, not just

5 saying we took care of it. You can actually --

6 an average person can understand. Like in the

7 Corrib pipeline; there they have peat and peat

8 just breaks away. It's worst than saturated

9 water soil; it's almost liquified. And so there

10 they were dancing around it and saying well, wait

11 a minute. This is peat and have you dealt with

12 this. So you need to list those risks. And ask

13 the operator, "Look, you're required to deal with
14 abnormal loading. Have you sat down with the
15 developer and looked at the various activities?
16 And let's go down that list." And if it says
17 blasting is not being considered because -- then
18 blasting is off -- you're not going to blast.

19 Q. Some of the board members I think
20 correctly are saying so, therefore, if you
21 identify the risks and the hypothetical is they
22 address each risk correctly or properly or
23 prudently, then --

24 A. There is no problem.

25 Q. -- then basically for the public and

Celeste A. Galbo, CCR, RMR

7

58

Kuprewicz - Direct

1 for safety you've done as most as you can, you've
2 identified risks and you've responded to them in
3 a prudent way?

4 A. That's right, you have been prudent.
5 As an engineer and as an operator you've done due
6 diligence.

7 MR. SOMICK: There's still no
8 guarantee but, yeah, I understand.

9 THE WITNESS: I also want to warn
10 you in doing that you should understand in the
11 way they answer and how they present that
12 information, either they're a responsible
13 pipeline operator or there is some other agenda
14 going on here because they're like anybody else;

15 they're a complex organization, one hand may not
16 be talking to the other. All right. And so and
17 I think that's important to get that kind of
18 information.

19 Q. You saw the county report
20 concerning -- it didn't really focus on pipelines
21 but just talked about land slides in general?

22 A. Land slides.

23 Q. Is that a possible risk that should
24 be addressed in some fashion?

25 A. Absolutely. I mean, I've said that

Celeste A. Galbo, CCR, RMR

♀

59

Kuprewicz - Direct

1 a couple times tonight, but it is a very serious
2 one. I mean, you can't say, well, it's just not
3 going to fail. Well, show me how -- we're not
4 talking, you know, 10 degree slope here folks.

5 Q. You reviewed the geologist's report,
6 Mr. Cunniff, who testified at the last hearing;
7 did you review that report?

8 A. Yes.

9 Q. And you noticed that he has
10 particular -- I think he identified a couple
11 types of soils?

12 A. Yes. Don't ask me to repeat them.

13 Q. No, I'm not.

14 A. There is some details I look at,
15 understand it, and move on.

16 Q. Is the different types of soils, is
17 that an issue which can simply be addressed in

18 some fashion?

19 A. Yes. They can say, well, is this
20 soil -- is it going to be -- is it a break away
21 soil? Is it going to get saturated? Is it more
22 prone -- I mean, those are the kind of things as
23 a pipeline operator they would say we've looked
24 at the report, we either agree with it or we
25 don't agree with it.

Celeste A. Galbo, CCR, RMR

60

Kuprewicz - Direct

1 Q. Where the maintenance and access
2 crosses the pipeline easement to the north
3 westerly portion, as an example, if that portion
4 of the pipeline was 20 feet below, that might be
5 ability to withstand a --

6 A. Somebody driving over it but, you
7 know --

8 Q. If it's six inches from the
9 surface --

10 A. You got a problem.

11 Q. -- you might have to address the
12 weight of the vehicle?

13 A. Usually anything lower than two feet
14 makes all the engineers real nervous because the
15 calculations are not -- the assumptions are not
16 that exact. But I think the point here is for
17 this particular threat of crossing, they would
18 say we know the depth is this. We could be off a
19 few inches but it's either four feet, 10 feet, 20

3-10-11 Appleview
20 feet. And given that depth, here is the
21 calculations that show you that, you know, you
22 can put an 80,000 pound truck over it and it
23 won't be a problem or you got to limit it to
24 20,000.

25 Q. And as example for the board's

Celeste A. Galbo, CCR, RMR

61

Kuprewicz - Direct

1 questions, if that was one of the risks, if you
2 had this risk analysis report and that was one of
3 the risks, that's how it would be addressed; the
4 reply would be it's low enough so as long as we
5 don't have vehicles over X --

6 A. They put the conditions in it. It's
7 called a risk matrix. In a report nobody likes
8 to read all these things because only us crazy
9 people read them. But, you know, somewhere in
10 there you'll have a risk matrix. It will cite
11 the specific risks. Somebody can look at that
12 and say, wait a minute, these definitely do make
13 sense for this particular case and here is how
14 they're addressing it. And, by the way, it's
15 isn't just because we're going to have somebody
16 standing around.

17 MR. SOMICK: You didn't familiarize
18 yourself with this actual pipeline; is that what
19 you're saying?

20 THE WITNESS: No, I know a lot about
21 this pipeline; some I can talk, some I cannot,
22 but I also don't know the specifics of the

23 pipeline because that's the operator's
24 responsibility.

25 MR. SOMICK: Because I was going to

Celeste A. Galbo, CCR, RMR

62

Kuprewicz - Direct

1 ask you a question. There's a lot of
2 construction going on in Tonnelle Avenue where
3 the pipeline is, a lot of digging up where all
4 the pipeline is. I was wondering in your
5 professional opinion is that considered major
6 construction as to what's being planned on being
7 developed here?

8 THE WITNESS: Here's what I've
9 entered in public records under oath and
10 testimony to Congress and trying to get people to
11 do the right thing in regulations both state and
12 federal, no pipeline operator ever, ever relies
13 on just One Call. And I did a report back after
14 the Bellingham report for what we call the JLAR,
15 it's the Joint Legislative Action whatever
16 Committee. It's a GAO for the Washington State
17 government. And they asked me to do an
18 investigation after this terrible tragedy. And
19 it's listed in the document as a public document.
20 It lists -- you know, one of the factors is
21 prudent pipeline operators. And I've been one
22 and I've talked to a lot who are, do not rely
23 just on One Call to protect their pipeline. And
24 there's reasons for that.

Kuprewicz - Direct

1 regulations for gas pipelines, the specific 49CFR
2 192 section in my report, that it isn't just
3 construction activity. They have to deal with
4 all abnormal loading. And so everybody zeros in
5 on construction activity. So there's activity
6 and risk associated with construction, but
7 there's also after that. And so, you know --

8 Q. And you talked about before
9 construction and during construction. What kind
10 of risks are present after construction?

11 A. Well, the land slide risk would be
12 real depending if someone's diverted like an
13 example that I'm not saying it's necessarily the
14 case here, but if they somehow diverted water so
15 it's running off into the right-of-way easement.
16 Even Transco in their general construction
17 guidelines general procedures that aren't very
18 detailed even say, you know, we really pay
19 attention to people diverting water onto our
20 right-of-way. And there's a reason for that
21 depending on where you're at. If it's flat land,
22 it's like putting the pipeline in water, but in
23 slopes it can liquify the slope and cause it to
24 break away.

25 MR. AHTO: That could be doing it

Celeste A. Galbo, CCR, RMR

Kuprewicz - Direct

1 right now?

2 THE WITNESS: That's right. And the
3 pipeline operator has an obligation to be paying
4 attention to that and just saying oh, we've
5 missed it and the pipeline ruptured. That's a
6 valid question.

7 My point here, however, is the
8 activity on the development site adds additional
9 stuff that needs to be addressed and may be
10 addressed but we haven't heard it.

11 MR. FERNANDEZ: Construction further
12 north can cause land slide on that particular
13 property.

14 THE WITNESS: Pardon me?

15 MR. FERNANDEZ: Any type of
16 construction on those cliffs further north or
17 east could cause vibration on the cliffs of
18 course --

19 THE WITNESS: Sure. Someone has to
20 do their homework if they're doing activity. You
21 know, you guys probably know better than I, but
22 there are many competent people who are
23 responsible and they'll answer straight
24 questions.

25 Q. Is it fair to say that there could

Celeste A. Galbo, CCR, RMR

♀

Kuprewicz - Direct

66

1 be a land slide on this property and it wouldn't
2 cause an increase risk of rupture to the pipe?

3 A. Yes, it could because I can't rule
Page 60

4 anything out. But just the nature of the terrain
5 is, you're talking a pretty tight piece of
6 property here. So, again, I'm not trying -- I'm
7 not here to scare people. Here are the facts,
8 what are the answers; as an engineer, what's the
9 risk.

10 MR. MUHLSTOCK: Well, if you had
11 those answers on page 13, if you had all of the
12 answers A through O that you posed as questions
13 that Transco should provide here, okay, at that
14 point are there standards? Are they in the
15 federal regulations that then tell whatever body
16 is overlooking this that they are either
17 compliant or non-compliant and therefore this
18 project should not or should be --

19 THE WITNESS: No, there isn't that
20 detail. There are areas but the responsible --

21 MR. MUHLSTOCK: So what is it?

22 THE WITNESS: The responsibilities,
23 however, are fairly clear. Because there's a lot
24 -- regulations can't be written to cover every
25 situation.

Celeste A. Galbo, CCR, RMR

†

67

Kuprewicz - Direct

1 MR. MUHLSTOCK: Understood. So who
2 is the arbiter? If you had all this information,
3 who, someone like you would then sit down and say
4 okay, now I know the depth, now I know when it
5 was installed, now I know the diameter, now I

6 know the location of the nearest upstream or
 7 downstream compressor station; at that point who
 8 then says this is not safe or this is safe
 9 because precautions are taken?
 10 THE WITNESS: That's a fair question
 11 but there's a point where enough information
 12 could be provided in sufficient detail where a
 13 body of independent engineers -- and I don't need
 14 the business, all right -- a body of independent
 15 engineers, could be a civil engineer, whatever,
 16 depending on the loading calculations of that,
 17 sufficient information could be provided where
 18 the average person could get help and
 19 ascertain -- you know, your engineers, you know,
 20 if they're professional engineers, if they got
 21 the right information -- you know, 90 percent of
 22 being smart is knowing what you're dumb at. So
 23 you just say either I have the information or I
 24 don't.

25 And I want to point out answering

Celeste A. Galbo, CCR, RMR

♀

68

Kuprewicz - Direct

1 these specific questions that I've listed here
 2 just tells you about the condition of the pipe.
 3 There are other recommendations in the body that
 4 I didn't want to spend a lot of your time going
 5 over here, but like the risk matrix where they
 6 list out -- I say in there, you know, you need
 7 the -- Transco needs to present to you we've
 8 looked with the developer and here are the

9 various at risk, the risk matrix, here is our
10 comments to these things, and take you through
11 this. It doesn't take 16 mandates of meeting to
12 do that.

13 MR. AHTO: Why wouldn't Transco be
14 upfront and truthful about the conditions? They
15 have no stake in this application. So they
16 couldn't care less if the application goes
17 forward or it doesn't go forward.

18 THE WITNESS: I understand. And
19 that's a question that I've asked myself; where
20 the hell are they? They're the experts in this
21 stuff, stand up and tell you what the hell is
22 going on. But I've seen in companies a
23 reluctance sometimes to do that. There's
24 competing pressures within a company.

25 And if Transco is here today, speak

Celeste A. Galbo, CCR, RMR

‡

69

Kuprewicz - Direct

1 up, because I got to tell you, I deal with people
2 who are responsible people and I also deal with
3 people who don't have a problem lying under oath.
4 Well, guess what; you get to go to jail. So
5 let's not do this. All right? That's a position
6 I don't want to be here. I'm trying to help you
7 guys understand in trying to make a very
8 difficult decision and you've got more patience
9 than I have.

10 Q. Mr. Kuprewicz, in all of record, any

11 of the transcripts, the documents you reviewed,
 12 the site plan, is there any indication that there
 13 has been any attempt to identify any risk in --
 14 not only identify that risk but provide a
 15 mitigation or measure or response to it?

16 A. No, especially not from Transco who
 17 is really the person who needs to demonstrate
 18 that they've got this under control.

19 Q. And Transco -- again, the board is
 20 trying to figure out what they should do here.
 21 If Transco did an assessment, they can do an
 22 assessment and provide the technical information
 23 and propose a response to address it. And if
 24 they propose the correct response, then the board
 25 or the public has done as best as they can,

Celeste A. Galbo, CCR, RMR

‡

70

Kuprewicz - Direct

1 knowing that one of the questions was they can't
 2 remove all risk, but you've tried to remove as
 3 much risk as possible?

4 A. You've done due diligence. And,
 5 again, what I keep on running into in risk
 6 management, people will think low risk, think of
 7 McCondo well; you got a blowout preventer one
 8 mile below the water and it doesn't work. I'm
 9 from a different school; my safety is fail safe.
 10 They don't fail. Somebody interpreted -- and I'm
 11 not going to get into all the details here --
 12 somebody took a last line of defense, your fail
 13 safe device, and assumed it was low risk

3-10-11 Appleview

14 therefore we'd never need it. There's low,
15 there's calculated risk and, you know, you're
16 never going to get zero risk, but you can have a
17 calculated risk what you make informed decisions.

18 Q. You notice and you did review the
19 board engineer Boswell report that had attached
20 to it the Transco construction guidelines and
21 requirements. Did you get a chance to review
22 those?

23 A. Yes, I did. More than once.

24 Q. And if all of those requirements
25 were imposed upon the developer or on the

Celeste A. Galbo, CCR, RMR

♀

71

Kuprewicz - Direct

1 easement, would that be satisfactory to address
2 the risks or concerns with respect to this
3 project?

4 A. No, it would not. And I've run
5 across this in other companies. They're kind of
6 generic corporate philosophy wrap a flag type
7 thing. And you need more specifics, and
8 especially if you're dealing with a more at risk.
9 Now, in you're in the middle of Nowhere, Alaska
10 you might be able to take a failure and nobody
11 would --the population density is what, one per
12 mile or something? But this is a fairly
13 challenging site; all the more reason to make
14 sure due diligence has been done.

15 Q. Can you give me an example of the

16 requirement in that construction requirements and
17 guidelines that might not work on this site as an
18 example?

19 A. Well, you know, the one that comes
20 to mind -- again, I don't regard them all -- but
21 the blasting at 200 feet away. Well, that's
22 nice. But, you know, it doesn't mention anything
23 about the conditions of, you know, the slope may
24 be unstable or could be a problem. It may be
25 things are fine but, you know. Again, these are

Celeste A. Galbo, CCR, RMR

72

Kuprewicz - Direct

1 very generic -- I see these in corporate -- I
2 used to work in corporations. You need to get
3 down where there are actually tools to help the
4 operator, the people in the field doing the job.
5 We call these general policies an operator setup.
6 All right. The operator gets lulled into a trap
7 because they haven't been given specific
8 information, and then they go and do something
9 that they didn't know they were getting into and
10 that's how we lose it.

11 Q. Did you have a chance to review the
12 proposed right-of-way that was recently obtained
13 by the developer's attorney, Mr. Alampi, from
14 Transco?

15 A. Yes, I think that was a January fax
16 between -- letter and fax between you and him,
17 yes.

18 Q. And is it -- can you describe the --

19 if there are any satisfactory requirements in
20 that proposed right-of-way?

21 A. No, that's a right-of-way agreement.
22 And I've looked at thousands and thousands of
23 right-of-way agreements and they don't address
24 these issues.

25 Q. And those construction guidelines

Celeste A. Galbo, CCR, RMR

♀

73

Kuprewicz - Direct

1 were not a part of that?

2 A. I believe that's true, yes.

3 Q. Is there any requirements that could
4 be attached to that to protect the public and be
5 reasonable under this circumstances?

6 A. Yes, they could put more specific
7 conditions but, again, I want to emphasis under
8 federal law, you're supposed to be doing this
9 stuff regardless of what the contract says. You
10 just can't have a contract that says you can go
11 negate federal minimum safety standards on
12 pipelines. They usually gets people's attention.

13 Q. But those general construction
14 details and requirements would, if attached to
15 that right-of-way, would still not be sufficient
16 in your opinion?

17 A. That's correct.

18 Q. Would -- if they were site specific,
19 how does that affect it? If the specific
20 requirements were site specific, would that

24 why. Probably where I would be coming from, but
25 I'm not making that decision but that's a fair

Celeste A. Galbo, CCR, RMR

♀

75

Kuprewicz - Direct

1 question.

2 MR. AHTO: Let's assume if they get
3 an approval, assume if they get an approval and
4 Transco says it's too dangerous, then they can't
5 build. Am I correct in assuming that?

6 THE WITNESS: Transco has certain
7 obligations. Now, they got a whole battery of
8 lawyers, so if someone says you're going to
9 rupture our pipeline. You do an activity that's
10 illegal that's going to cause us to kill people,
11 we're going to own you.

12 MR. AHTO: I believe they have to go
13 before the county board also?

14 THE WITNESS: You're asking, yes --

15 MR. AHTO: No, no, no, I'm asking
16 the attorney. They have to go before the county
17 board, and regardless what any board says, I'm
18 assuming from the dialogue we're having that
19 Transco probably has the ultimate decision here,
20 if they deem it's too dangerous to build.

21 THE WITNESS: I think Transco has
22 the ultimate responsibility to prove that their
23 pipeline will not fail. And there's many ways
24 for them to do that. But, you know, it's not a
25 yes or no answer, I'm sorry.

Celeste A. Galbo, CCR, RMR

♀

76

Kuprewicz - Direct

1 Q. Is it --

2 A. Now --

3 Q. Let me give you one example. When
4 we talked about Appendix B before, there's an
5 example of a risk management analysis where there
6 was, you -- did you make comments on the risk
7 management analysis to address things that you
8 didn't think the pipeline provider covered?

9 A. Or the risk management study, yeah.

10 Q. So it's possible that Transco would
11 correctly identify the risks and provide the
12 response or they might give it in some of the
13 cases and maybe not some of the case, you don't
14 know?

15 A. That's right.

16 Q. But it is possible when you -- to
17 identify the risk and provide the solution, it's
18 possible that this problem is addressed?

19 A. That's right. The other side of it
20 too is to kind of -- I think where your question
21 was, and I apologize if I haven't answered it
22 clearly -- is that working with a lot of local
23 governments, and you'll see all kinds of people
24 dancing around, this is a federal jurisdictional
25 issue versus the state and local government. And

Celeste A. Galbo, CCR, RMR

♀

Kuprewicz - Direct

1 there's a long series of case history here about
2 the charter and responsibilities and the
3 obligations of local governments to protect their
4 citizens regarding safety.

5 And so this is a battle -- it's not
6 a yes or no answer. But the states and the local
7 governments take their obligations and
8 responsibilities to insure due diligence
9 regarding safety very seriously. And in some
10 places the local governments win and in some
11 cases they lose.

12 MR. AHTO: And whose obligation is
13 it to contract Transco, ask these questions and
14 to get the answers? Is it the developer? Is it
15 the board here? Is it the objectors? whose
16 responsibility is it?

17 THE WITNESS: That I don't have an
18 answer for. It doesn't matter as long as Transco
19 comes in here and gets to you guys and answers
20 the questions to you. It could be the developer
21 asks it. It could be you guys ask them. This is
22 a public report. Give it to them if they don't
23 already have it, in terms of my report.

24 MR. LAMB: Well, I'm going to answer
25 that by saying one of the things after reviewing

Celeste A. Galbo, CCR, RMR

f.

Kuprewicz - Direct

1 this report and hearing the testimony, I'm going

2 to request that the board get a representative of
 3 Transco by using its requested or alternatively
 4 use its subpoena powers to address the issue so
 5 that the board can cross this issue off of its
 6 review of this application. And, remember, that
 7 we started our appearance in this -- we started
 8 this application with my position that Transco
 9 had proposed an access and a maintenance area and
 10 a staging area on the subject property that dealt
 11 with the gas transmission line, not only on the
 12 Lot 8 to the north, but also across the rear of
 13 the subject property. And that's why our
 14 position was Transco has to be an applicant for
 15 their operation so that they can come in and
 16 answer questions about are you having 10 trucks a
 17 year, one truck a year? Are you driving over
 18 that pipeline once a year? Once a month? Are
 19 you storing heavy materials there, heavy pipes,
 20 or no pipes? What are you doing? And that's why
 21 we had made that the request.

22 But since we don't have them here,
 23 then the only thing that I can see in trying to
 24 make sure that for not only my client, the
 25 Galaxy, but the public, if they can send an

Celeste A. Galbo, CCR, RMR

7

79

Kuprewicz - Direct

1 engineer, either by request or subpoena, we
 2 intend to send them this report and let them
 3 address this.

4 There is a way. I know Mr. Alampi
 Page 72

5 will -- you know, there is a way for them to
6 provide a risk management analysis and address
7 it. And if they address it satisfactorily, I
8 think that's what we're after.

9 MR. FERNANDEZ: I think they've done
10 -- hasn't Transco gone up to that property to
11 make repairs with heavy equipment in the past?

12 THE WITNESS: I don't know. It's a
13 hell of a steep slope.

14 MR. FERNANDEZ: I don't know, I'm
15 asking.

16 MR. LAMB: I mean, one of the things
17 is we have no knowledge of what Transco has or
18 has not done.

19 MR. AHTO: I think, I know this has
20 been an issue from day one from the first meeting
21 we've had. I thought maybe either the objector's
22 attorney or the applicant's attorney, one of you,
23 would have addressed the issue rather than wait.
24 This has been a sticking point for months.

25 MR. LAMB: I've said this from day

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♀

80

Kuprewicz - Direct

1 one. I said we need Transco here. I said that
2 from the first hearing and my first letter.

3 MR. AHTO: I think one of the two
4 attorneys should contact them.

5 MR. ALAMPI: Mr. Ahto, to set the
6 record straight, we've stated that the applicant

7 notified Transco as required by law of the
8 development application, provided all the plans,
9 all the review letters, all the comment letters,
10 and all the details of this application
11 repeatedly over the past year and a half. We've
12 had a constant dialogue with Transco's legal
13 department and their engineering department.
14 We've provided them with the specifics of the
15 application, the application forms, the site
16 plans, the architectural, the studies, the
17 comment letters, Mr. Lamb's letters. Mr. Lamb
18 has been in touch with Transco's attorneys.
19 Transco's attorneys have been in touch with me.
20 This has been going on and on and on. They're
21 fully cognizant of the application.

22 I'm going to, again, raise an
23 objection to Mr. Lamb's request that a subpoena
24 be issued at this late stage. I thought this
25 issue had been discussed at length and resolved

Celeste A. Galbo, CCR, RMR

♀

81

Kuprewicz - Direct

1 that Transco is not a co-applicant and Transco is
2 not the applicant at all. And by providing
3 merely an access area in order to allow some
4 elbow room, some area, not on the easement, not
5 on the infrastructure, but adjacent to the
6 structure at their request and at the request of
7 your engineer and at the request of your town
8 administration, on behalf of the MUA and the
9 Guttenberg MUA, we're just providing a controlled

3-10-11 Appleview

10 access for the infrastructure that's there. And
11 to turn this around and say, well, now we have to
12 make them a co-applicant again, just for the
13 record I note my objection. It's been discussed
14 eight or nine months ago and a decision was made
15 on that.

16 MR. LAMB: And I'm not saying --

17 THE CHAIRMAN: Hold it. Hold it.

18 Mr. Alampi, just one question based on what you
19 just said, the front end of what you said. You
20 supplied a lot to Transco?

21 MR. ALAMPI: Supplied everything to
22 Transco.

23 THE CHAIRMAN: Okay. Was there any
24 response back from them?

25 MR. ALAMPI: Yes. Their response

Celeste A. Galbo, CCR, RMR

†

82

Kuprewicz - Direct

1 was that we would like for you to work with us on
2 a 20-foot wide access area which is the subject
3 that everybody knows about. That's all that they
4 requested. And of course they provided us with
5 the construction safety protocol form which
6 everybody has, which Mr. McGrath produced, and
7 that's it.

8 THE CHAIRMAN: Okay.

9 MR. LAMB: Just for the record, I
10 know we addressed the co-applicant issue at the
11 beginning. I've said throughout the hearings

12 that I wanted to see the right-of-way and the
13 agreement that Transco was going to require. And
14 I also said I only got it by letter to the board
15 on January 13th, 2011, there was a right-of-way
16 agreement. It didn't have all the -- it didn't
17 say the developer, the property owner shall
18 comply with all the construction details and
19 requirements. And even if it said that, even if
20 it attached what Mr. McGrath had gotten in the
21 pipeline safety seminar that he attended, even if
22 he attached it, that's one of the questions I
23 asked our expert. I said, look, if they do all
24 of this, it's nine or ten pages single spaced of
25 you shall not do this and you shall do this, is

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♀

83

Kuprewicz - Direct

1 that sufficient? And as stated, what Mr. Alampi
2 sent us, they don't even have what the board
3 engineer thought was the minimum. And now we
4 have the information that that is not even
5 correct for the examples that our expert gave.
6 MR. ALAMPI: Well --
7 MR. LAMB: And I can certainly --
8 when it was my case and my case only, started a
9 joint witness the last meeting, but as part of my
10 case I have an obligation to do everything I can
11 to try to get Transco here to -- now that I've
12 seen what's involved, to identify the risks and
13 make sure that they're addressed. That's my
14 obligation. The only way that I can think of --

3-10-11 Appleview

15 they're not here as a co-applicant -- is to ask
16 them to send a technical engineering person to do
17 that risk management analysis and the solutions
18 or subpoena the person. I don't have the
19 subpoena powers but under the county
20 investigations law, county, municipal and
21 investigations law, the Chair and the board has
22 the power to require it. And because Mr. Alampi
23 rested, he didn't bring anyone, I have to now try
24 to figure that out how do I try to get somebody
25 --

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♀

84

Kuprewicz - Direct

1 MR. MUHLSTOCK: Yeah, but let's be
2 fair about it for a second, Mr. Lamb. What Mr.
3 Kuprewicz has suggested here in terms of getting
4 information from Transco, this could have been
5 done a long time ago also, and this information
6 could also have been requested either by you or
7 your expert some time ago. We're here tonight
8 and I understand what you're saying. I don't see
9 that Transco is a co-applicant. I disagree with
10 that.

11 Now, as to your motion for a
12 subpoena, I'm going to have to take that under
13 advisement. I don't know the answer right now.

14 MR. LAMB: Just let me say that, as
15 Mr. Kuprewicz testified. That is a list of just
16 basic questions. But he has recommendations in

3-10-11 Appleview

17 the front of his report. We don't -- for
18 example, we think it's a 1959, 1950 pipe.
19 Suppose it's a 1900 pipe, does that make a
20 difference?

21 MR. MUHLSTOCK: I'm not arguing with
22 you. I'm suggesting that this should have done
23 months ago or that you or your expert could have
24 gotten this information from Transco also. I
25 don't know that they --

Celeste A. Galbo, CCR, RMR

85

Kuprewicz - Direct

1 MR. LAMB: Mr. Muhlstock --
2 MR. MUHLSTOCK: Let me finish. I
3 don't know that they would stonewall you or him.
4 I don't know that. You're suggesting by your
5 motion that this board is the only one that can
6 get that information. I don't know that that's
7 true. Why can't you get it? Or demonstrate that
8 you can't get it before we have to invoke, which
9 is in my estimation, an extreme type of
10 proceeding, that is, a subpoena, to a non-party
11 here. So I'm just saying be fair. Be fair.
12 This could have been done; it wasn't. Maybe it
13 should; I don't know, the board will have to
14 decide.

15 MR. LAMB: I just want to address
16 one thing and I think it's important. I
17 represent the Galaxy Towers Condominium
18 Association, that's the entity that I represent.
19 We believe that the developer has the obligation

20 to show that this is safe, not us. Having said
21 that --

22 MR. MUHLSTOCK: It's no different
23 than any other expert, with all due respect to
24 you. You have a planner that's going to come in
25 and presumptively say there are problems

Celeste A. Galbo, CCR, RMR

♀

86

Kuprewicz - Direct

1 planning-wise. You could have had an expert,
2 this expert or someone else, who gathered this
3 information through investigation with Transco.
4 It's the same thing. I don't think the burden
5 can be shifted to the board here.

6 MR. LAMB: All I'm pointing out is
7 that there are issues. And I think --

8 MR. MUHLSTOCK: They could have been
9 done months ago by you.

10 MR. LAMB: The developer has the
11 obligation. We don't have the obligation. We
12 pointed it out, Mr. Muhlstock, in saying there's
13 information that we think you need.

14 MR. MUHLSTOCK: You're opposing it;
15 you could have gotten it too. All right. That's
16 enough because we're not going to go back and
17 forth forever.

18 THE CHAIRMAN: Mr. Alampi, you
19 had --

20 MR. ALAMPI: Yeah, I do want to --

21 THE CHAIRMAN: Folks, please.

22 MR. ALAMPI: -- I do want to clarify
23 the record. Mr. McGrath has been in receipt,
24 because I have been copied, of many letters from
25 Transco acknowledging acceptance of the plans,

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♀

87

Kuprewicz - Direct

1 the methodology, the construction and such. So
2 there's been a continuous flow of correspondence
3 by the board's expert on the point. And perhaps
4 I'm aware of it because I've seen all these
5 letters and participated in them.

6 MR. LAMB: Mr. Chairman, I want to
7 be very clear. I've had conversations with
8 Transco's attorney, and Transco's attorney -- and
9 I can get out the memo that I did to the file
10 after I hung up the phone with him -- but
11 Transco's attorney said, yeah, they'd prefer a
12 50-foot easement, but they looked through their
13 records historically -- and this is all the
14 attorney telling me -- and one of their problems
15 was they couldn't find that easement. They
16 couldn't locate it. And so I think they're
17 coming, frankly, from a disadvantage if they
18 don't have that nice recorded easement that they
19 want. That's one of the issues.

20 So maybe they've decided to settle on
21 20 feet but that doesn't mean we have to settle
22 on 20 feet. Because the board can impose 50 feet
23 if they think it's appropriate.

24 MR. ALAMPI: I don't think so. We

25 know the law on this point. Let's not argue.

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‡

88

Kuprewicz - Direct

1 MR. LAMB: I think the board can
2 certainly order any easement or setback that they
3 want because the applicant is requesting major
4 variances from this board.

5 MR. ALAMPI: The applicant --
6 Mr. Lamb full knows the Municipal Land Use Law,
7 the case law, the federal laws on this. He knows
8 that's a misstatement. He knows it.

9 MR. LAMB: I do not know it's a
10 misstatement.

11 MR. MUHLSTOCK: Let's go on to
12 cross. Let's move.

13 MR. LAMB: I still have a few more
14 questions.

15 MR. MUHLSTOCK: Mr. Lamb, is there
16 really something else that you --

17 MR. LAMB: Yes, actually there is.

18 Q. Mr. Kuprewicz, are there maps that
19 Transco keeps that identifies unstable slopes?

20 A. If they're a prudent pipeline
21 operator, and I know one of their subsidiaries
22 and, again, the ownership changes name, but
23 Williams has northwest pipeline operations.
24 We're well aware of it as my activity as a
25 citizens committee public representative that

Kuprewicz - Direct

1 they keep maps of high risk land slide areas.
2 And they actually went to the extent in certain
3 areas to actually monitor them and pay particular
4 attention. Again, they've had some pipeline
5 ruptures, some with damage and others,
6 fortunately, no one has died or casualty that
7 way. So they're well aware of the phenomena.
8 And a prudent pipeline operator as part of their
9 responsibility for abnormal loading should
10 understand certain risk.

11 Now, what tends to happen -- and
12 we're seeing it like in the PGE case with the San
13 Bruno event, they've lost their records, they
14 went to computers, they don't know what the hell
15 is going on. Right now they're currently filling
16 the cal pow with like 3.5 million records trying
17 to decide what their MAOP was and how they
18 determined it. And so I'm just saying that a
19 prudent pipeline operator will have certain basic
20 information and that's one of them.

21 Q. Are there various classes of levels
22 of safety?

23 A. Well, you mean, area
24 classifications? There's various zones of --
25 related to building density and certain other

3-10-11 Appleview

1 risks; class 1, area class 1, area class 2, area
2 class 3, and area class 4.

3 I can't get from the records whether
4 this is a class 3 or class 4. Class 3 is a very
5 serious high density area, a lot of buildings
6 around it. Class 4 is when you're over four
7 stories and that requires additional safety
8 factors which may be one of the reasons they've
9 lowered the -- or why they have such a low MAOP
10 at 350. But that's up to them to demonstrate
11 why.

12 Q. Is there anything else that you'd
13 like to add in your testimony this evening?

14 A. No, I think we've pretty well
15 summarized it up here. Again, I'm not here to be
16 a judge or jury. I've just been brought in to
17 raise certain issues. I've been here before on
18 other -- not to you folks, but in other cases and
19 issues.

20 These are valid questions. A
21 prudent pipeline operator will have no problem
22 getting to these issues. If they start dancing
23 around them or if they're very -- that's probably
24 not a good sign. I would hope that Transco would
25 be a responsible pipeline operator and they will

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‡

91

Kuprewicz - Cross

1 be able to address these issues for you and help
2 you make an informed decision.

3-10-11 Appleview
3 MR. LAMB: Thank you. I have
4 nothing further, Mr. Chairman.
5 THE CHAIRMAN: Thank you. Mr.
6 Alampi.
7 CROSS EXAMINATION
8 BY MR. ALAMPI:
9 Q. Mr. Kuprewicz --
10 A. Kuprewicz, but that's okay, I've
11 been called worse before.
12 Q. Mr. Kuprewicz, have you been in
13 contact with the gasoline operator Transco with
14 regard to this application?
15 A. No.
16 Q. Have you attempted to be in touch
17 with Transco with regard to his application?
18 A. No.
19 Q. Do you know who Jose Rodriguez is?
20 A. No. I may know a lot of Jose
21 Rodriguezes but I don't know this one. I assume
22 I don't know this one.
23 Q. well, if I told you he was from the
24 New Jersey area, would you know Jose Rodriguez?
25 A. No.

Celeste A. Galbo, CCR, RMR

92

Kuprewicz - Cross

1 Q. So you made no efforts to contact
2 Transco in regard to your --
3 MR. LAMB: I think he has answered
4 the question.
5 MR. MUHLSTOCK: He has. He answered
Page 84

6 it.

7 MR. ALAMPI: Excuse me.

8 MR. MUHLSTOCK: He has.

9 A. Yes, I have made no effort.

10 MR. MUHLSTOCK: He's made no
11 efforts.

12 Q. I notice in your report on page 13
13 you have a series of questions, I guess, A
14 through O?

15 A. Um-hum.

16 Q. Now, can you tell us who retained
17 you for your services?

18 A. The Galaxy Tower Condominium
19 Association.

20 Q. No one else?

21 A. No.

22 Q. Do you know a person by the name of
23 Siat Ng? Do you know a Siat Ng?

24 A. Yes.

25 Q. And how do you know this person?

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♀

93

Kuprewicz - Cross

1 A. Through the contacts of the Galaxy
2 Towers. And I think I met her at some years ago
3 at a pipeline safety trust conference in New
4 Orleans.

5 Q. Okay. And is that the person to
6 whom this document that was marked as 0-15 was
7 addressed to from, what do you call it, PHMSA?

- 8 A. It's PHMSA. They should have left
9 that as OPS but God knows why.
- 10 Q. And did you have an opportunity to
11 review this Exhibit O-15?
- 12 A. That's the FOIA, yes.
- 13 Q. There are a couple of people
14 referred to in that report?
- 15 A. I'd have to look at it but, yeah,
16 that might be the case.
- 17 Q. I'll show it to you.
- 18 A. I think I've got it right here. Is
19 this the March 1st --
- 20 Q. 2011.
- 21 A. Okay, yep.
- 22 Q. There are a series of names, Byron
23 Coy, Regional Director. Do you know who that is?
- 24 A. Yes.
- 25 Q. Could you tell us what his position

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†

94

Kuprewicz - Cross

- 1 is?
- 2 A. It says he's Regional Director,
3 Eastern Region in West Trenton. I've worked with
4 him before.
- 5 Q. What I meant to ask you is, what is
6 his function with this organization?
- 7 A. He's from PHMSA.
- 8 Q. What is --
- 9 A. I don't keep track of the
10 organizations that close.

3-10-11 Appleview

11 Q. And --

12 A. Though I've worked with him on other
13 subcommittee regulatory efforts.

14 Q. And with regard to the questions
15 that you have on your page 13 of your report, has
16 anyone provided you with answers to those
17 questions?

18 A. No, I don't believe so.

19 Q. Where did we leave off with the a --

20 A. There's some general questions
21 regarding integrity management. There were some
22 general response to the questions on integrity
23 management but they haven't answered the full
24 question. Does that help you?

25 Q. I don't know I wanted to mark this.

Celeste A. Galbo, CCR, RMR

95

Kuprewicz - Cross

1 MR. LAMB: Is that the letter that I
2 already marked?

3 MR. ALAMPI: No, this is something
4 else. Jay, I should have made copies; I didn't.

5 MR. LAMB: Is this the same letter?

6 MR. ALAMPI: No, no, this is an
7 e-mail I picked up. I should have made copies.

8 Chairman, I have a document I wanted
9 to mark but I neglected to make copies and I
10 should have. I'm going to let Mr. Lamb have two
11 minutes to look at it before we mark it.

12 THE CHAIRMAN: Why don't we take a

13 quick recess.

14 MR. ALAMPI: Can we make a few
15 copies? Do we have the facility to make -- it's
16 only two pages or three.

17 THE CLERK: Yes.

18 (Recess taken.)

19 THE CHAIRMAN: Let the record
20 reflect that all the board members who were
21 present before the break are again present.

22 Mr. Alampi.

23 MR. ALAMPI: Thank you.

24 MR. LAMB: I have one question on
25 this, can Mr. Alampi advise us, first of all, if

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7

96

Kuprewicz - Cross

1 this was all the e-mails he received or did he
2 take any --

3 MR. MUHLSTOCK: Mr. Alampi hasn't
4 even marked it yet, okay. Let him mark it.

5 MR. ALAMPI: When I mark it, I'll
6 answer his question.

7 We're marking as A-14, a three-page
8 exhibit. I'll represent that this is the
9 entirety of what was transmitted to me, three
10 pages.

11 (Applicant's Exhibit 14, three-page
12 document, was received in evidence.)

13 Q. And Mr. Kuprewicz, I had -- and I'm
14 sorry if I'm miss pronouncing it -- I had marked
15 in A-14. Did your attorney have a extra copy?

3-10-11 Appreview

16 Do you have a copy?

17 A. I have one right here. Thank you.

18 MR. ALAMPI: And the board now has a
19 copy?

20 MR. MUHLSTOCK: Yes.

21 Q. And I show you what is a three-page
22 document, A-14. Do you recognize this?

23 A. Yes.

24 Q. And, in fact, wasn't this provided
25 to you before this evening?

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‡

97

Kuprewicz - Cross

1 A. Yes.

2 Q. Can you tell me when this was
3 provided to you?

4 A. I don't know the exact date but it's
5 somewhere towards the end of February. Again, I
6 don't know the exact date. I have to look at the
7 e-mail record.

8 Q. Now, your report dated February 28,
9 2011 is marked as Objector 14, correct?

10 A. That's correct.

11 Q. And although you received this
12 report at the end of February, you did not
13 incorporate the information from this exhibit
14 into your report, did you?

15 A. That's correct.

16 Q. Can you tell us why?

17 A. Well, it doesn't answer all the

18 questions, for one thing, and it's only partial
19 answers in many other cases.

20 Q. But did you feel that it was not
21 appropriate to provide these answers even if they
22 were limited? Couldn't you have qualified the
23 answers?

24 A. I could have probably doubled the
25 size of the report. They want to read a doubled

Celeste A. Galbo, CCR, RMR

♀

98

Kuprewicz - Cross

1 sized report, that's fine.

2 Q. Well, we want to know as much as we
3 can, don't we?

4 A. We want to know as much as you can I
5 believe from a pipeline perspective related to
6 specific conditions related to the pipeline.

7 Q. Well, for example, you have on page
8 13 a series of questions that you feel are
9 important to be answered and in this report the
10 pairs that those questions are in dark print and
11 then what purports to be an answer in the light
12 print follows it; is that true?

13 A. No, it isn't.

14 Q. It's not true that the --

15 A. No. Let me finish my answer,
16 please.

17 They've answered part of the
18 question but they haven't completed the question.
19 In certain areas that didn't get to the relevant
20 issues to many of the items I've listed here. I

21 can give you an example.

22 Q. I'm not asking you.

23 with regard to this document, this

24 is a document in which PHMSA I guess --

25 A. PHMSA.

Celeste A. Galbo, CCR, RMR

♀

99

Kuprewicz - Cross

1 Q. -- facilitated this information by
2 contacting Transco and asking Transco to provide
3 these responses?

4 A. Well, I believe the context was, if
5 I understand, I may not have this exactly
6 correct, there was a Freedom of Information Act
7 request sent to the federal government, the
8 federal agency. And this is an attempt for them
9 apparently to respond to some of that request.
10 And we had no idea that they were going to
11 respond to it at all. And they're not required
12 to do it in a timely manner, by the way.

13 Q. But in any event you chose not to
14 incorporate these responses in your report even
15 though you had these responses?

16 A. No, that's not quite the right
17 characterization. They are incomplete and they
18 aren't necessarily answering the specific
19 information I've requested for.

20 THE CHAIRMAN: Excuse me, but when
21 you say then that the board ought to ask these 13
22 questions, you're really saying we need to ask

23 them in a particular way, we who are not experts?

24 THE WITNESS: No, that's fair. Some
25 of the answers can be very quickly answered, like

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†

100

Kuprewicz - Cross

1 the MAOP. And I'll explain that in a minute if I
2 get the opportunity to do that. But they don't
3 necessarily address the complete issue. And I
4 can give you some examples of that later if given
5 the opportunities to do that.

6 THE CHAIRMAN: That's all right. Go
7 ahead, Mr. Alampi.

8 MR. ALAMPI: Thank you.

9 Q. Now, with regard to the pipeline
10 itself, you haven't had the opportunity to
11 personally inspect this segment of the pipeline
12 that traverses the top ridge of the subject
13 property?

14 A. No, I have not, nor would I expect
15 to.

16 Q. And with regard to the activities
17 surrounding the pipe or the support underneath
18 the pipe or any surface -- soil condition under
19 the pipe, you also would not have had the
20 opportunity to personally inspect those items?

21 A. Not personally, though I've read
22 some reports that kind of give me a general
23 flavor, but you're right.

24 Q. Now, again, with Transco, they call
25 it Williams Gas Pipeline-Transco, with regard to

Celeste A. Galbo, CCR, RMR

101

Kuprewicz - Cross

1 Williams Gas Pipeline-Transco, in Hudson County
2 are you aware of any violations that were cited
3 by any federal agency in the last 10 or 20 years
4 regarding Transco and this gas pipeline in Hudson
5 County?

6 A. No, I'm not.

7 Q. Are you aware of any notices of
8 violation of any type whether a penalty was
9 affixed or not?

10 A. No, I'm not. Though a lot of that
11 information is not publicly available.

12 Q. Do you have any evidence that this
13 gas pipeline is operating in a substandard
14 manner?

15 A. I don't know what substandard means,
16 though I have a little concern about the MAOP as
17 answered in this question.

18 Q. And do you have any evidence or
19 documentation or firsthand knowledge that there
20 is any rupture or separation of the pipe, at
21 least in this segment, within 1,000 feet of the
22 subject property in either direction?

23 A. Is your question has this pipe ever
24 ruptured in that pipeline segment?

25 Q. Within 1,000 feet of the subject

Celeste A. Galbo, CCR, RMR

Kuprewicz - Cross

1 property, either east or west, do you have any
2 knowledge of any failure --

3 A. I have no knowledge because I've
4 only really zeroed in on the subject property.

5 Q. Well, did you focus in on the
6 pipeline itself?

7 A. I focused on the pipeline questions
8 related to the quality of the pipeline segment
9 that's at threat related to the pipeline property
10 on this particular property site.

11 Q. I'm sorry, I didn't understand
12 your --

13 A. I focused in on the pipeline segment
14 related to the Transco operation -- I assumed it
15 was Transco -- and what could influence it from
16 this particular activity from this site.

17 Q. Now, why do you say that you assume
18 it was Transco? Can't you document that Transco
19 is the operator of this gas line?

20 A. Actually there were still
21 considerable question on who the hell the
22 pipeline was because the PHMSA National Pipeline
23 Safety Mapping System is not very precise. And
24 even in the -- as an example, in the -- I forget
25 what the exhibit number is -- the closure FOIA

Celeste A. Galbo, CCR, RMR

Kuprewicz - Cross

1 report, they point out that this map may not be
Page 94

3-10-11 Appleview

2 accurate which is fair, that's truthful, from
3 PHMSA.

4 Q. Do you have any reason to believe
5 that it's not Transco who is the operator?

6 A. No, I don't, but, again, I think I
7 stated my testimony it's more -- it's most
8 probable that they are, but it's their call, not
9 mine.

10 Q. Now, did you have the opportunity to
11 evaluate whether or not there has been any
12 construction on or near within 50 feet of this
13 gas pipeline going either east or west within
14 1,000 feet of the subject property?

15 A. I don't understand your question.
16 Let me play it back here.

17 Q. Well, I'll withdraw it and I'll
18 repeat it.

19 with regard to the gas pipeline
20 which emanates in through the Township of
21 Guttenberg and North Bergen, it's my
22 understanding that this pipeline then heads
23 underneath the Hudson River; is that correct?

24 A. It apparently from the maps, yes.

25 Q. And purportedly this gas product is

Celeste A. Galbo, CCR, RMR

104

Kuprewicz - Cross

1 to service the City of New York; is that an
2 understanding?

3 A. It sounds like a logical assumption,

4 yes.

5 Q. And with regard to the pipeline
6 whether under the Hudson River or under River
7 Road or through the MUA property or up on the
8 Palisades or even going within 1,000 or 2,000
9 feet in a westerly direction, are you aware of
10 the nature of construction that's within 50 feet
11 of either side of the gas line?

12 A. No, I'm not.

13 Q. With regard to the municipality, the
14 Township of North Bergen, did you contact the
15 fire department of the Township of North Bergen?

16 A. No, I did not.

17 Q. Don't you think it might be
18 important to discuss with the fire department
19 whether they have a response system available?

20 A. I think I made it real clear in the
21 report for the board the ineffectiveness of fire
22 response and at this stage of the game there may
23 be a time to contact them but it's not relevant
24 to this issue. And in my report I summarized it
25 very clearly. First responders are not an

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105

Kuprewicz - Cross

1 effective safety prevention in terms of dealing
2 with a gas pipeline rupture.

3 Q. Well, the board members had
4 questions with regard to valves and shut offs and
5 such. Did you have the opportunity to determine
6 the exact location of shut off valves for this

7 segment of the pipeline?

8 A. I had some general information but
9 since I couldn't verify it, I couldn't assume it
10 and put it in the report. Then again it would
11 not affect the outcome or the nature of a gas
12 pipeline rupture.

13 Q. You're saying that no matter what
14 the protocol, no matter what the response, no
15 matter what the first responders do, there's
16 nothing you could do if there's a rupture?

17 A. There's a time and place for first
18 response but in the early stages as clearly
19 evidenced in many of the gas pipeline ruptures,
20 the first 15 minutes, maybe about half hour
21 depending on the pipeline you just got to stay
22 back and try to get the damn valves closed and
23 hope they're located in the right spot and hope
24 they're automatic, and if not, remotely.

25 Q. Well, you used the term in your

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106

Kuprewicz - Cross

1 report several times exotic when describing the
2 gas line. You've described it as an exotic /TOBG
3 gas line; is that correct?

4 A. Yes.

5 Q. Can you tell us where in the federal
6 regulations the adjective exotic is applied in
7 the text of any other federal regulation?

8 A. There is no such reference in

- 9 federal regulation.
- 10 Q. It's just a term that you have
- 11 developed?
- 12 A. It's a term that I have used and
- 13 developed and have defined and been very public
- 14 about it and why.
- 15 Q. And with regard to the gas line,
- 16 this gas line, the product in this gas line is
- 17 natural gas?
- 18 A. I believe it is. It says natural
- 19 gas transmission line somewhere in these
- 20 documents.
- 21 Q. Do you have any reason to doubt that
- 22 it's anything other than natural gas?
- 23 A. No, I don't but Transco should be
- 24 the one telling you that, not me.
- 25 Q. Do you believe that the -- that in

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107

Kuprewicz - Cross

- 1 this country we should abandon or limit the
- 2 transmission of the natural gas supply?
- 3 A. No.
- 4 Q. Actually it's a good thing that we
- 5 have natural gas, isn't it?
- 6 A. If they're prudently and properly
- 7 operated, yes.
- 8 Q. Is there any other way to
- 9 economically transmit natural gas in this country
- 10 or in this part of the country except through
- 11 underlying gas transmission lines?

3-10-11 Appreview

12 A. No, they're the most economical way
13 to do that. But, again, the key here is to be
14 sure they're operated prudently. And many
15 operators do operate them prudently.

16 Q. Now, you have enumerated in your
17 report the significant danger and/or the
18 catastrophe that would occur if there was a
19 rupture of this line. Is that a fair statement
20 that you've indicated it would be nothing less
21 than a catastrophe?

22 A. It's a very, very serious event,
23 yes.

24 Q. Do you think that the Galaxy for
25 example, your client, do you think they as a body

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108

Kuprewicz - Cross

1 corporate or the individual units owners should
2 identify any members of the public who are
3 interested in buying the unit at the Galaxy that
4 they should put in writing a disclaimer to the
5 public that they are sitting in close proximity
6 to a gas line?

7 MR. LAMB: I'm going to object, he's
8 not a lawyer. He's a pipeline safety expert.

9 MR. MUHLSTOCK: Sustained.
10 Sustained.

11 I have a question.

12 THE WITNESS: Yes.

13 MR. MUHLSTOCK: You've read A-14?

3-10-11 Appleview
14 THE WITNESS: Yes.
15 MR. MUHLSTOCK: Okay.
16 THE WITNESS: I've seen it before,
17 too.
18 MR. MUHLSTOCK: Okay. Assuming the
19 veracity of what's in A-14 which comes through
20 PHMSA, right?
21 THE WITNESS: Yes.
22 MR. MUHLSTOCK: Mr. Coy, right?
23 THE WITNESS: Byron Coy, yes.
24 MR. MUHLSTOCK: Assuming the
25 veracity, does this information and what's

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109

Kuprewicz - Cross

1 contained in his letter in any way ameliorate any
2 of your concerns?
3 THE WITNESS: It answers some of the
4 questions, to get to your question. It doesn't
5 answer them all of the ones I've listed here,
6 plus address the issues in the text of the body,
7 the 12 observations.
8 MR. MUHLSTOCK: Okay. So
9 specifically --
10 THE WITNESS: Can I give you an
11 example?
12 MR. MUHLSTOCK: Not an example.
13 Specifically, which concerns remain?
14 THE WITNESS: All right. Let me
15 just start with the maximum allowable operating
16 pressure. The answer is, "The maximum allowable