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2 COUNTY OF HUDSON
3 STATE OF NEW JERSEY
4 -----X
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6 In Re: APPLE VIEW
7 7009-7101 RIVER ROAD
8 NORTH BERGEN, NEW JERSEY 07047
9 CASE NO. 4-10
10
11 Applicant.
12 -----X
13
14 April 3, 2012
15 7:08 p.m.
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18 B E F O R E:
19
20 THE NORTH BERGEN PLANNING BOARD
21
22 PRESENT:
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24 HARRY D. MAYO, III, Chairman
25 GEORGE AHTO, JR., Vice Chairman
26 STEVEN SOMICK, Member
27 SEBASTIAN ARNONE, Member
28 MANUEL FERNANDEZ, Alternate Member
29 REHAB AWADALLAH, Alternate Member
30
31
32 GITTLEMAN, MUHLSTOCK & CHEWCASKIE, ESQS.
33 Attorneys for the Planning Board
34 BY: Steven Muhlstock, Esq.
35
36 Geraldine Baker, Board Clerk
37 Jill Hartmann, Board Planner
38 Elliot Sachs, Board Engineer
39
40 Reported by:
41 CELESTE A. GALBO, CCR, RPR, RMR
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Celeste A. Galbo, CCR, RPR, RMR

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17 DANIEL STEINHAGEN, ESQ.
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18 BY: MARK STEVENS, ESQ.
RICHARD TUCKER, ESQ.

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1 THE CHAIRMAN: Pursuant to the Open
2 Public Meetings Act, please be advised that
3 notice of this meeting was faxed to the Journal
4 Dispatch and Bergen Record on March 21st, 2012
5 advising that the North Bergen Planning Board
6 will hold a meeting on April 3rd, 2012 at 7 p.m.
7 in the chambers of the municipal building located
8 at 4233 Kennedy Boulevard, North Bergen, New
9 Jersey 07047.

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

15 Gerry, please call the roll.

16 (Whereupon roll call is taken and
17 Members Robert Baselice, Patricia Bartoli and
18 Richard Locricchio are absent.)

19 MR. AHTO: Mr. Chairman, I make a
20 motion we dispense with the read of the minutes.

21 MR. SOMICK: Second.

22 THE CHAIRMAN: Moved and seconded.
23 All in favor?

24 (Chorus of ayes.)

25 THE CHAIRMAN: Opposed?

1 (No response.)

2 THE CHAIRMAN: Reading of the
3 minutes is hereby waived.

4 Okay, couple of announcements. Case
5 No. 2-12 which is 1417 11th Street has been
6 carried to our May 3rd --

7 THE CLERK: No, it was carried to
8 this meeting and it's been adjourned from this
9 meeting to May 1st.

10 THE CHAIRMAN: Sorry. May 1st
11 meeting. Okay. Let me repeat then, that's been
12 carried to our May 1st regular meeting.

13 Also Case No. 4-12 which is 1101 to
14 1107 Tonnelle Avenue has also been carried to our
15 May 1st meeting.

16 Which leaves us with Appleview.

17 MR. LAMB: Mr. Chairman, who do you
18 want to hear from first? Because everybody has
19 got something to say.

20 THE CHAIRMAN: Let me hear from the
21 applicant.

22 MR. ALAMPI: Thank you, Chairman.
23 For the record, Carmine Alampi, A-L-A-M-P-I, for
24 the applicant, Appleview LLC. I think we're
25 resuming cross-examination in response to the

1 subpoena that was issued through the objectors
2 through the board. I have no commentary
3 referring to Transco, counsel is here tonight.

4 THE CHAIRMAN: Okay.

5 MR. MUHLSTOCK: Let me just, if you
6 don't mind, let me just set up for everybody and
7 the public, just refresh the board members as to
8 where we are. At the last meeting we allowed or
9 we indicated that Mr. Lamb on behalf of the
10 objector was going to furnish to the board a

11 subpoena for certain documentation from Transco;
12 a proposed subpoena. The board received the
13 subpoena from Mr. Lamb and did in fact serve that
14 on the attorneys for Transco. The board
15 specifically took no position as to whether or
16 not the subpoena included relevant or irrelevant
17 requests and/or whether or not the board had
18 jurisdiction over Transco it being in the nature
19 of a quasi federal agency perhaps or whether the
20 jurisdiction, I should say, over Transco lies
21 with other entities.

22 So the board took no position but did
23 in fact serve the subpoena on behalf of the
24 objector. Thereafter Transco did by its letter
25 of March 29, 2012 serve certain documentation in

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1 response to the subpoena and also took the
2 position -- and I won't go characterizing every
3 single aspect of their letter -- but objected,
4 let's say it that way, objected to some of the
5 requests which had been made for production of
6 documents. And then Mr. Lamb on behalf of the
7 objectors responded on April 3 indicating that he
8 believed, of course, that the requests in the
9 subpoena were appropriate, correct, and that it
10 would impair to a certain extent his
11 cross-examination or his ability to go forward.

12 I don't believe -- Mr. Alampi, you
13 can correct me if I'm wrong -- I don't believe
14 the applicant took a position at least in writing
15 as to the subpoenas; is that correct?

16 MR. ALAMPI: We took no position on
17 the subpoenas.

18 MR. MUHLSTOCK: Okay. So that's
19 where we are with respect to the subpoena. You
20 all have, I believe, copies of Mr. Tucker's March
21 29th memo and Mr. Lamb's response dated April 3,
22 2012. My suggestion to the board is the
23 following, since we've taken no position with
24 respect to whether or not the subpoena and its

25 embodiment is appropriate or not, I would suggest

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1 that we continue the cross-examination of the
2 Transco witnesses tonight, since we have no other
3 matters on, and that if Mr. Lamb and the
4 objectors feel shorted with respect to what has
5 been produced, that they would then file an
6 application to Judge Farrington since she
7 specifically reserved jurisdiction of this case
8 and that she'd be in a better position to
9 interpret her own remand and the breath and
10 extent of the remand since part of the objection
11 to the subpoena from Transco deals with that very
12 issue, i.e., what was encompassed and what did
13 the judge intend by her remand. And rather than
14 us sit here and make some sort of determination
15 which one party is going to be unhappy with, and
16 since the board hasn't taken a position, I think
17 that that would be the appropriate way that we
18 continue the hearing and that if there is a
19 feeling by the objector that it needs these
20 documents, has to have these documents to
21 continue its cross-examination, application be
22 made to Judge Farrington and let her rule as to
23 what she intended. That would be my suggestion
24 to the board.

25 THE CHAIRMAN: Mr. Lamb, did you

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1 want to --

2 MR. LAMB: Yes, thank you,
3 Mr. Chairman. First of all, I'd like to just
4 modify what Mr. Muhlstock said. He was trying to
5 give a history of it and I know he didn't include
6 every letter but I think the record should have
7 all the letters and we should update the
8 exhibits. Since the last hearing on March 6th
9 we've had a flurry of letters and so the record

10 should have all the flurry of letters that we
11 have.
12 MR. MUHLSTOCK: Do you think any of
13 those letters are relevant?
14 MR. LAMB: Yes, I think lots of
15 letters are relevant.
16 MR. MUHLSTOCK: Which ones?
17 MR. LAMB: All of them.
18 MR. MUHLSTOCK: Why?
19 MR. LAMB: Because I think it
20 documents our attempts to try to get the
21 information that we have been requesting
22 repeatedly during the hearings. For example, Mr.
23 Muhlstock, you sent me a letter dated March 27th
24 and you indicate "I've spoken with Mr. Mayo and
25 he approved a previous subpoena which was not

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1 executed." So my understanding is that the
2 subpoena was approved.
3 MR. MUHLSTOCK: That is correct.
4 MR. LAMB: Now, certainly, certainly
5 Transco can make a request that although the
6 subpoena has been approved, this is why take out
7 number -- you know, this item or that item or
8 what's a particular problem. We --
9 MR. MUHLSTOCK: Transco, my
10 understanding is that Transco is not objecting to
11 the procedure of the subpoena at all, it objects
12 to the substance, the actual documents, the scope
13 and the substance, not that the first subpoena
14 wasn't signed. They're not objecting to that.
15 MR. LAMB: No, I understand that.
16 But my understanding is that the board through
17 its chairman who has the right under the local
18 county government law can issue the subpoena.
19 And if the board wants to change that or reverse
20 that or withdraw that, they're certainly free to
21 do it but from where I stand right now, a
22 subpoena has been issued.
23 MR. MUHLSTOCK: Okay, it has.

24 MR. LAMB: So the issue is there's a
25 four-page letter received this past Friday from

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1 Transco's counsel that raises every objection
2 under the rules of evidence, New Jersey law or
3 anything they could think of and then a couple
4 more.

5 Now, with all due respect, putting
6 the burden on my client to go into court for an
7 adjudication of this because Transco who is not a
8 party to the litigation decides to construe it a
9 certain way, that's an unfair burden. I don't
10 think we have to do that burden. I'm not
11 advising my client to spend that money, and I'm
12 still renewing my request, Transco doesn't have
13 to produce the documents, we are prejudiced, they
14 have an expert who has testified based upon all
15 these documents which they have not provided.

16 MR. MUHLSTOCK: Okay. Listen,
17 Mr. Lamb, I'm not saying that anyone has to take
18 any action, you don't have to go to Judge
19 Farrington. That would be my suggestion.

20 MR. LAMB: You know, the procedure
21 is not to go into interlocutory matters to a
22 court when we're in the middle of a planning
23 board action.

24 MR. MUHLSTOCK: Yeah, but if you
25 feel that this is critical to your case --

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1 MR. LAMB: Why are you putting
2 burden on my client, Mr. Muhlstock?

3 MR. MUHLSTOCK: Because you served
4 the subpoena.

5 MR. LAMB: And the subpoena was
6 approved. If you want to un-approve that --

7 MR. MUHLSTOCK: We're not

8 un-approving it. Specifically my letter was the
9 board doesn't take -- we were a mere conduit for
10 service of that subpoena. The board took no
11 position at all with respect to its breath or its
12 substance.

13 MR. LAMB: But now the board has to
14 make a decision. I mean, I said at the last
15 hearing this is what I was going to request, I
16 said it related to the questions that I asked Mr.
17 Rodriguez. He didn't have the answers and --

18 MR. MUHLSTOCK: Okay.

19 MR. LAMB: -- and the remedy for the
20 board is very simple, Mr. Muhlstock, if they
21 don't produce it, you can strike the testimony,
22 that's the remedy.

23 MR. MUHLSTOCK: Okay. If that is
24 the way you want this proceeding to take place,
25 that's fine. I have no problem with that,

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1 Mr. Lamb.

2 MR. LAMB: That's what I'm
3 requesting.

4 MR. MUHLSTOCK: Okay. Okay. Well,
5 I'm going to suggest to the board that the
6 testimony not be stricken, and that we continue
7 and that you can certainly -- board members can
8 certainly attribute what weight you want to the
9 testimony of the Transco witnesses based upon
10 their production of documents or based upon the
11 non-production of documents pursuant to the
12 subpoena. Whether you feel in your minds that
13 these documents are important material, add to
14 this, don't add to this, you decide and you'll
15 weigh the evidence in accordance. I have no
16 problem with that, Mr. Lamb, for the board.

17 So is there anything else that the
18 Transco attorneys want to say on this -- the
19 issue of the subpoena?

20 MR. STEVENS: Good evening, Mr.
21 Chairman, board, Mark Stevens appearing on behalf

22 of Transcontinental Gas Pipeline Company, LLC.
23 Thank, you Mr. Muhlstock for the summary.
24 Transco does not object to the
25 process by which the subpoena was served.

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1 Transco did object to portions of the requests in
2 the subpoena and this appearance this evening
3 continues as I believe the board understands
4 without prejudice to its right under the Natural
5 Gas Act and appropriate implementing regulations.
6 Transco's position continues to be
7 that it has responded appropriately to the remand
8 of the judge and to the information that the
9 board needs in order to make an informed decision
10 about whether or not the construction can or
11 cannot go forward in the presence of the
12 pipeline. We believe the board has all of the
13 information it needs, that's our position. We
14 are here this evening to proceed with the
15 cross-examination of Mr. Rodriguez. He's
16 available. And but the -- we believe also that
17 we have responded appropriately with respect to
18 the documents that were requested. And I really
19 have nothing further at this point.
20 MR. MUHLSTOCK: Okay.
21 MR. STEVENS: Thank you.
22 MR. LAMB: Mr. Muhlstock, so Mr.
23 Muhlstock, just to make sure that the record
24 accurately reflects what's transpired, there was
25 a letter from your office to me dated March 13,

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1 2012 which if you want to mark it as B,
2 whatever --
3 MR. MUHLSTOCK: I don't think those
4 documents have to be marked but read them into
5 the record.
6 MR. LAMB: Okay. We had a problem

7 at the last court action with marking documents
8 for identification into evidence and I'm trying
9 to avoid that. There was a letter that I sent to
10 Chairman Mayo and the board dated March 15, 2012.
11 There was a letter by Mr. -- I'm sorry, Mr.
12 Muhlstock dated March 20th, 2012 to Mr. Stevens.
13 There was my letter to Mr. Muhlstock with a copy
14 to the board dated March 22nd. There was my
15 letter to Mr. Muhlstock dated March 28th which
16 inquired as to when we might be getting the
17 documents. There was the letter of Mr. Stevens
18 dated March 29, 2012 to Mr. Muhlstock and then
19 there is my -- I'm sorry, the letter dated March
20 27 from Mr. Muhlstock concerning the approval of
21 a subpoena. And then my letter dated April 3rd,
22 2012 which indicates my preliminary response to
23 the subpoena.

24 MR. MUHLSTOCK: Thank you.

25 MR. LAMB: So I think that --

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1 THE CHAIRMAN: All right. Thank
2 you.

3 MR. LAMB: That has it.

4 THE CHAIRMAN: Does any board member
5 wish to make a motion to strike Transco's
6 testimony in its entirety?

7 (No response.)

8 THE CHAIRMAN: All right. Hearing
9 no such motion, let's move on to the
10 cross-examination.

11 MR. ALAMPI: Yes, Chairman, before
12 that, I also submitted to the board, a copy to
13 all attorneys, a Pipe Risk Identification Report
14 by Bertin Engineering originally authored March
15 22, 2011, last revised March 7, 2012. That was
16 the day after the last public hearing. As I
17 recall, the board as well as the objectors'
18 attorneys and others wanted the final risk
19 identification report and we endeavored to secure
20 the same final as I submit to the board. I'd

21 like that marked as A-6.
22 MR. MUHLSTOCK: Was that ever
23 previously marked?
24 MR. ALAMPI: No. I'd like to mark
25 it as A-6 for identification. I will note that

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1 it is referenced and copied and embodied in the
2 response to the subpoena in question by Transco,
3 part of their voluminous package in there you'll
4 see e-mails and you'll see drafts on that
5 document. But just to keep the record, we
6 initially the day after the public hearing
7 organized it and sent it in on March 21, 2012 but
8 we're just marking it as A-6 and, again, it was
9 in response to everyone's request.

10 THE CHAIRMAN: All right. Thank
11 you.

12 MR. LAMB: And, Mr. Chairman, for
13 the record I don't have any objection to it being
14 marked for identification but I expect that Mr.
15 Bertin will come at some point during the
16 hearings to testify concerning the changes from
17 that and the previous March -- the previous March
18 23rd, 2011 report that was the one that I
19 executed.

20 MR. ALAMPI: I'll put it on the
21 record.

22 MR. LAMB: We don't need that
23 tonight.

24 MR. ALAMPI: No, no, we'll put it on
25 the record. Of course Mr. Bertin who authored

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1 the original and revised report will authenticate
2 the same through sworn testimony. I didn't think
3 we'd reach it tonight so I didn't call Mr. Bertin
4 here and then I noted over the weekend while I

5 was watching the basketball games that it was
6 included in the response to the subpoena to
7 Transco.

8 THE CHAIRMAN: All right. Thank
9 you. Let's proceed to the cross-examination --

10 MR. LAMB: Mr. Chairman, the last
11 bit of housekeeping. Mr. Alampi at the hearing
12 on February 7th indicated that he was going to
13 provide that final agreement and I assume this is
14 what he's referring to because there's a bunch of
15 agreements floating around.

16 MR. ALAMPI: I didn't finalize it.
17 I didn't finalize the easement access agreement,
18 is that what you're referring to?

19 MR. LAMB: That's what I thought you
20 were referring to, yes.

21 MR. ALAMPI: No, no, I was referring
22 to the risk assessment report.

23 MR. MUHLSTOCK: Okay. So you didn't
24 finalize --

25 MR. ALAMPI: No, because of the

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1 voluminous number of letters and such that seemed
2 to occupy the docket, I didn't have a chance to
3 get into that but we will.

4 MR. LAMB: Okay. We also had a -- I
5 had also asked and despite all the documents I
6 didn't see it, T-5 and T-6. T-5 was a two-page
7 William Gas Pipeline Integrity documents and T-6
8 was a blue letter with Gas Pipeline Integrity
9 Management Program Summary. They were marked T-5
10 and T-6 on the March 6th, 2012 hearing, page 36
11 of the transcript and I did not receive those I
12 don't believe in the documents that were sent to
13 me which I received on Friday. So that's a
14 housekeeping item that can await the next hearing
15 but I would request those documents.

16 MR. STEVENS: Mr. Chairman, I can
17 supply those.

18 THE CHAIRMAN: All right. Thank

19 you. Okay.
20 JILL HARTMANN, having been duly sworn by the
21 Notary Public, was examined and testified as
22 follows:
23 ELLIOT SACHS, having been duly sworn by the
24 Notary Public, was examined and testified as
25 follows:

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Rodriguez - cross

1 JOSE RODRIGUEZ, having been duly sworn by the
2 Notary Public, was examined and testified as
3 follows:
4 MR. MUHLSTOCK: A-6 was mark as the
5 Transco Pipe Transmission Line Risk
6 Identification report prepared by Mr. Bertin
7 dated March 23, 2011 revised March 7, 2012.
8 (Applicant's Exhibit 6, Transco Pipe
9 Transmission Line Risk Identification
10 report revised March 7, 2012, was marked
11 for identification.)
12 CROSS-EXAMINATION
13 BY MR. LAMB:
14 Q. Good evening, Mr. Rodriguez. Mr.
15 Rodriguez, your attorneys indicated that -- your
16 attorneys sent a letter to the board dated March
17 29, 2012 concerning their position on the
18 subpoena. Did you review that at all or have you
19 seen that?
20 A. I have seen it but I didn't really
21 review or read it.
22 Q. Your attorneys make a statement, and
23 I'll quote on page 4 of the letter, "After
24 investigation by Transco there are no such
25 inspection reports."

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Rodriguez - cross

1 Now, you testified in front of this
2 board on March 6th that there are various
3 inspection reports. Do you recall that

4 testimony?
5 A. Yes.
6 Q. Okay. I believe you indicated that
7 there were annual inspections and non-annual
8 inspections?
9 A. Yes, I did.
10 Q. With respect to the annual
11 inspections, you said that those were in writing?
12 A. Inspections are in writing, yes.
13 MR. TUCKER: Excuse me,
14 Mr. Chairman, if I may, if we're going to quote
15 from the letter, may I have the witness have the
16 letter in front of him so he can see what it
17 says?
18 THE CHAIRMAN: Yes.
19 MR. TUCKER: Thank you.
20 A. And actually I believe what the
21 letter says, it says there's no inspection
22 reports for the specific property.
23 Q. Please.
24 A. Which I -- because we don't do
25 inspections of properties, we do inspections of

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Rodriguez - cross
1 segments of pipeline.
2 THE CHAIRMAN: Mr. Lamb, you were
3 referring to item 4 on page 4; is that correct?
4 MS. HARTMANN: Item 3.
5 MR. LAMB: Paragraph 4 on page 4,
6 Mr. Chairman, third line from the top.
7 THE CHAIRMAN: "There are no such
8 inspection reports."
9 MR. TUCKER: Mr. Chairman, if I may.
10 I'd like to make an objection that I think that
11 board needs to deal with at this point. And this
12 question I think is a perfect example. I quoted
13 at some length from the judge's decision in the
14 letter I wrote on March 29th. I submit that
15 based on those citations which come directly from
16 the judge's opinion that the proper scope of this
17 remand and therefore what is relevant is what

18 safeguards will be in place during construction.
19 We're not here for a symposium on general
20 pipeline safety. There's nothing in the judge's
21 opinion that would take us that far afield of
22 where we are. We're dealing with the potential
23 impact of this construction on this pipeline and
24 indirectly public safety. That I submit is the
25 scope of the judge's remand. We should keep

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Rodriguez - cross

1 ourselves within that scope.

2 MR. LAMB: Mr. Chairman, I'll just
3 repeat, that for an attorney for a non-party in
4 the litigation to try to interpret what the judge
5 meant having not been -- not appearing once
6 during the planning board proceedings, not once,
7 and not a party to the action, I believe is not
8 appropriate. And you can make the decision but
9 respectfully, I can think of --

10 MR. MUHLSTOCK: Talk about what you
11 believe to be, in response what you believe to be
12 the scope of the remand insofar as what counsel
13 just said as to whether or not the board should
14 be focusing on safety during construction or are
15 we focusing on some wider issue of general
16 pipeline safety. That's -- I think that's
17 important.

18 MR. LAMB: First of all, with all
19 due respect, the judge did not say we're only
20 going to talk about safety during the
21 construction and that somehow after the
22 construction, everything else is irrelevant. The
23 judge did not say that. And as a matter of fact,
24 you have a building that is going up, it's five
25 stories high, the building is about 24, 25 feet

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Rodriguez - cross

1 from the actual pipeline, that building has to be

2 operated, the building has to be maintained.
3 There's an access road between the pipeline and
4 the building that's going to be used by the North
5 Bergen MUA, North Bergen, Guttenberg and Transco.
6 So the operation of that entire area and what
7 happens is subject to this, it's not just the
8 construction. I would be honest in telling you
9 construction is a major issue but it's also how
10 this whole things works after the construction.
11 And respectfully, if you have a pipe --
12 MR. MUHLSTOCK: Well, let me stop
13 you. What -- if there's an access easement on
14 the subject premises, how is that fact different
15 whether or not there's a building in place or not
16 on the subject premises?
17 MR. LAMB: If there's an access
18 easement, the access is over the pipeline to the
19 maintenance area as shown on the site plan
20 whether the building is there or not. So that's
21 an issue.
22 MR. MUHLSTOCK: All right. So --
23 MR. LAMB: And there is an issue of
24 the casing over that crossing and the load
25 analysis there. That is an issue.

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Rodriguez - cross

1 MR. MUHLSTOCK: So you're focusing
2 on the access agreement rather than the
3 construction?
4 MR. LAMB: No, I'm focusing on --
5 there's two things; it's going to be built,
6 assuming it's going to be built, and then what
7 happens after its built. There's two things.
8 The -- is there an increased danger of a
9 landslide; what is the propensity of the cliffs
10 for a landslide after its built and two years ago
11 goes by. All of those are issues that are
12 relevant --
13 MR. MUHLSTOCK: Was there any
14 testimony from, I forget his name, your expert?
15 MR. LAMB: Robert Kuniff (phonetic).

16 Yes.
17 MR. MUHLSTOCK: I don't remember
18 that.
19 MR. LAMB: I'm happy to point it out
20 on the last page of his report there's a whole
21 discussion of the property having an issue with
22 landslides, the property having two different
23 types of soil, that the movement from part area
24 can undermine the pipe in another area.
25 MR. MUHLSTOCK: So is it your

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Rodriguez - cross
1 position that this property shouldn't be built at
2 all?
3 A VOICE: Yes.
4 MR. LAMB: No, that's not my
5 position. That may be my client's position, that
6 may be my client's position but I'm not advancing
7 that legally.
8 MR. MUHLSTOCK: Okay.
9 MR. LAMB: And I'll cite you the
10 case where that's not appropriate.
11 MR. MUHLSTOCK: Thank you. Thank
12 you. So what is -- your position is that it
13 should be built but it should be built
14 differently?
15 A VOICE: No variance.
16 MR. LAMB: A project that is built
17 within the parameters of the zoning code in a
18 safe manner that minimizes the risks to the
19 pipeline both for construction and the operation
20 of whatever is built is in my opinion relevant.
21 MR. MUHLSTOCK: Okay. Okay. Fine.
22 Let's do it this way. Let's give a
23 little leeway and you can certainly object to
24 individual questions if you feel they're
25 irrelevant and I guess I'll have to advise or

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Rodriguez - cross

1 suggest to the board whether or not I think
2 Mr. Lamb is going too far afield.
3 MR. TUCKER: All right. Thank you,
4 Mr. Muhlstock.
5 MR. ALAMPI: Mr. Muhlstock, because
6 that is a verbatim record of this proceeding, and
7 it may go on to a higher authority, I wouldn't
8 want it to appear that the applicant is taking no
9 position. I think that Mr. Lamb articulated his
10 position with clarity. We vehemently disagree
11 that the scope of the remand includes the ongoing
12 perpetual activity of the access area and it is
13 limited to the construction. Just for the record
14 that's the applicant's position pretty much.
15 THE CHAIRMAN: All right. Thank
16 you.
17 MR. MUHLSTOCK: All right. Go
18 ahead, Mr. Lamb. Continue.
19 BY MR. LAMB:
20 Q. Mr. Rodriguez, you testified,
21 specifically and I'll quote, my question was
22 "Somebody makes" -- just to finish this line,
23 "somebody makes a report?" And your answer was
24 "That's correct."
25 "Question: And that report gets

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Rodriguez - cross
1 sent to Transco?
2 "Answer: That report is made my
3 Transco." And you also answered "It's kept
4 locally in the Carlstadt office."
5 Do you recall that testimony?
6 A. Yes, I do.
7 Q. So from your testimony right now
8 there are inspection reports, annual inspection
9 reports in Carlstadt?
10 A. Yes, there are.
11 Let me clarify what I believe this
12 response is here. There are no reports for the
13 specific property. And I believe that is what we
14 are trying to relay. There is not a specific

15 report for Appleview and the properties adjoining
16 Appleview. Is that --
17 MR. MUHLSTOCK: Well, don't ask your
18 counsel.
19 THE WITNESS: You're right.
20 THE CHAIRMAN: You can't do that.
21 THE WITNESS: He did the wording.
22 MR. MUHLSTOCK: Okay. So you said
23 there are no reports --
24 THE WITNESS: There are no reports
25 for this specific property.

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Rodriguez - cross

1 MR. MUHLSTOCK: -- for the specific
2 property. What reports are there?
3 THE WITNESS: There is a report for
4 when we walked the line and if we find nothing,
5 the report just says that we walked the line from
6 this date to this date, nothing was found.
7 MR. MUHLSTOCK: Okay. So in other
8 words what you're saying is, the line which
9 should go from the river across the country, the
10 reports just respect checking the line, they
11 don't -- do these reports indicate where the
12 person inspecting is located?
13 THE WITNESS: Yes. In this -- we
14 can ask the people that actually produced the
15 report. My assumption is that the segment is
16 probably from, say, our valves near Route 1 over
17 to the Hudson River, that would be a segment.
18 And if we found nothing, it would say we started
19 at this station or mile post, ended at this
20 station or mile post and nothing was found. But
21 there is no -- I believe, our response in here is
22 that there is no report for the specific
23 property, therefore, there was nothing to offer.
24 MR. MUHLSTOCK: Okay. Okay. That's
25 your answer.

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Rodriguez - cross

1 Q. So there's a written report, at
2 least one written report involving -- and I'm not
3 interested in a long far away distance. On this
4 property and Applevue, there's a written report,
5 even if it says, okay, or nothing to report,
6 there's a written report that says that?

7 A. Yes.

8 Q. Now, you also testified that
9 sometimes they do drive-by's, I guess, and when
10 they inspect various areas there is a report,
11 they memorialize that drive-by as a report. Is
12 that now changed?

13 A. They do live patrol. I don't
14 believe there's a daily report except for if they
15 find things. We don't make reports if there is
16 no findings.

17 Q. Okay. So only a report would show
18 up if they found something. For example, in 1989
19 there appeared to be a report issued because
20 North Bergen Municipal Utilities Authority was
21 doing construction. Is that the type of report
22 that would -- is that the type of visual
23 observation that would --

24 A. I don't know what you're speaking
25 about.

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Rodriguez - cross

1 Q. Okay. Did you review the documents
2 that were provided by your attorneys pursuant to
3 the portions of the subpoena they chose to
4 respond to?

5 A. I skimmed through those documents.
6 Most of them came from me. I did not read every
7 document that was produced.

8 Q. Can you tell me which documents
9 didn't come from you?

10 A. No, because they didn't come from
11 me.

12 Q. Were you involved with obtaining the

13 1994 soil erosion documentation?
14 MR. TUCKER: Excuse me,
15 Mr. Chairman, if I may. Again as to relevancy
16 based on the scope of the remand --
17 MR. MUHLSTOCK: Okay. You've made
18 an objection.
19 Mr. Lamb, how about a proffer on
20 that? Where are you going with it?
21 MR. LAMB: Mr. Muhlstock, with all
22 due respect, and I understand your position, but
23 all I do is ask for proffers, okay. The
24 testimony, this testimony from this witness
25 literally February 7th and March 6th was the

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Rodriguez - cross

1 incident that we found there was soil erosion in
2 about 1994; he testified to it.
3 MR. MUHLSTOCK: I understand. There
4 was an objection, what is your proffer? Where
5 are you going with that specific soil erosion
6 incident? What -- tell the board in your mind
7 what relevance that has so the board --
8 THE CHAIRMAN: This deliberation --
9 MR. MUHLSTOCK: -- can determine
10 whether this witness is being credible and should
11 the board give weight to this. What are you --
12 what about that incident is important to the
13 board?
14 MR. LAMB: If the board had a proper
15 risk assessment analysis, not the risk
16 identification report that Mr. Bertin submitted
17 and after the board voted, I should say, that
18 report didn't come in the original hearings, if
19 you had gotten that, one of the issues is soil
20 erosion. And Mr. Rodriguez testified on his
21 direct examination that there's a concern with
22 the drainage and the water and that can undermine
23 the pipe. There was a whole thing. So he's the
24 one that said there was a problem in 1994.
25 That's the only problem he remembers. He also

Rodriguez - cross

1 said recently there was some depression and maybe
2 there was soil erosion.

3 MR. MUHLSTOCK: So if I'm
4 understanding you correctly, the 1994 soil
5 erosion incident leads you or it should lead the
6 board to assume that there's continuing problems
7 or that could be continuing as a result of this
8 construction.

9 MR. SOMICK: Was there a corrective
10 action plan or any correction done to it, do you
11 know?

12 MR. LAMB: Yes. Well, from the
13 documents that we just received they spent I
14 think \$78,000 and they repaired that and the
15 testimony was that there might be another
16 depression area, I think, more recently they
17 found.

18 MR. MUHLSTOCK: All right. Fine.
19 Mr. Tucker, let's let the witness answer that
20 question if he knows; that one question.

21 A. I'm sorry, ask me the question,
22 please.

23 Q. Do you recall the testimony that you
24 gave that a recent inspection showed that there
25 might be another area that's depressed, there

Rodriguez - cross

1 might be another soil erosion issue? Do you
2 recall that testimony?

3 A. At this site?

4 Q. Yes.

5 A. Yeah, I think there is an area where
6 there could use a little more fill, yes.

7 THE CHAIRMAN: I'm sorry, say that
8 again.

9 THE WITNESS: There is an area that
10 could use a little bit more fill.

11 THE CHAIRMAN: Okay.

12 THE WITNESS: Very, very,
13 insignificant, minor.
14 Q. Okay. And so that hasn't been
15 rectified, repaired or remediated since you
16 testified; is that correct?
17 A. There is not a need to, no.
18 Q. And the fact that there is some
19 erosion which you consider to be minor, isn't it
20 a fact that a small amount of erosion can become
21 worse depending upon the drainage in the
22 stormwater management runoff?
23 MR. TUCKER: Mr. Chairman, if I may.
24 MR. LAMB: We're going to be at this
25 --

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Rodriguez - cross

1 MR. MUHLSTOCK: Is there an
2 objection?
3 MR. TUCKER: Yes. The erosion in
4 1994 or any other time is irrelevant unless it's
5 related to the construction of the building. The
6 soil is there. The pipeline is there. If
7 there's going to be erosion, it's totally
8 unrelated to the construction of this building.
9 It's irrelevant. Thank you.
10 Excuse me, Mr. Lamb, I didn't really
11 mean to interrupt.
12 MR. MUHLSTOCK: Go ahead, Mr. Lamb.
13 MR. LAMB: We're just going to go
14 through this point by point. Everybody can make
15 objections and rulings, and I've got a lot of
16 time on this.
17 THE WITNESS: Should I answer your
18 question?
19 MR. MUHLSTOCK: You can answer the
20 question if you want.
21 THE CHAIRMAN: Go ahead.
22 MR. MUHLSTOCK: If you can.
23 THE CHAIRMAN: If you can.
24 THE WITNESS: I believe I can.
25 A. I did mention that there is minor

Rodriguez - cross

1 evidence of some erosion on the hill slope. It's
2 near the bottom of the hill slope. I've also
3 testified that the pipeline is very deep through
4 that hill slope. In fact, one of its location
5 gives you -- is near there, is deep, and so that
6 minor erosion which may be an area that needs to
7 be filled about this deep, considering a pipeline
8 is very deep, is of no significance to the
9 pipeline.

10 MR. MUHLSTOCK: Okay.

11 MR. LAMB: Okay.

12 Q. And --

13 THE CHAIRMAN: Excuse me, when you
14 say this for the record, when you say "this
15 deep", you're indicating about a foot?

16 THE WITNESS: Yes, sir.

17 THE CHAIRMAN: Thank you.

18 Q. And Mr. Rodriguez, do you know how
19 deep the pipeline is at that location?

20 A. We produced documents that have
21 that. I can't remember exactly what it was.

22 MR. MUHLSTOCK: Do you know? Just
23 answer yes or no.

24 A. No, I do not know offhand but we
25 have it in the record.

Rodriguez - cross

1 Q. And the severity of what that
2 depression depends upon -- isn't a factor the
3 depth of the pipeline below that depression,
4 isn't that a factor in reviewing whether it's
5 severe or could be a problem?

6 A. Sure.

7 Q. Do you know whether this depression
8 is in a similar location as the previous soil
9 erosion problem that -- in 1994?

10 A. It's in the same general area.
11 MR. MUHLSTOCK: Where is that area
12 in relation to the proposed construction?
13 THE WITNESS: It is a third of the
14 way up the hill and the rear of the Appleview
15 property. It is not within the limit of
16 disturbance of the Appleview construction site.
17 MR. SOMICK: And there's access or
18 ability to correct any problem between where the
19 building is being proposed and any type of
20 structural problems that need to be remedied?
21 THE WITNESS: We could -- if we
22 viewed this erosion that I mentioned as needing
23 to be addressed, we would address it today.
24 MR. SOMICK: But you have the
25 ability to do it from where --

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Rodriguez - cross

1 THE WITNESS: We have the ability to
2 do that.
3 MR. FERNANDEZ: How deep is the pipe
4 to the top of the pipe?
5 THE WITNESS: I believe the pipe --
6 it's a document that I produced, it's in the
7 package. It's an exhibit. It's, well, 50 -- I
8 think on that hill slope, the shallowest it was
9 was 54 inches, the shallowest it was. And what
10 is required or recommended is three feet of
11 cover. That's well in excess of that.
12 MR. MUHLSTOCK: Okay.
13 MR. AHTO: I got a question. I'm
14 getting confused here. What does the erosion
15 have to do with the proposed building that the
16 building isn't even there and you got the
17 erosion? Is it the fault of a proposal that's
18 it's eroding or it's going to erode anyway,
19 whatever is going to happen is going to happen?
20 THE WITNESS: It's a leftover --
21 it's a hill. Hills erode. It has nothing to do
22 with this project.
23 MR. AHTO: And the erosion going up

24 the hill, does it have anything to do with --
25 THE WITNESS: That is not an issue.

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Rodriguez - cross

1 That was fixed before and it remains fixed.
2 THE CHAIRMAN: All right.
3 MR. AHTO: So these are all
4 what-ifs, is that what we're talking about? What
5 if somebody throws a hand grenade, it's the fault
6 of the building? I'm confused here.
7 THE CHAIRMAN: Let me just go back
8 to the prior question, so I make sure that was
9 clear. Once the building is built, if assuming
10 that they get approved --
11 THE WITNESS: Yes, sir.
12 THE CHAIRMAN: -- you will have
13 adequate room for access to deal with that
14 erosion?
15 MR. SOMICK: Or any erosion.
16 THE CHAIRMAN: Or any erosion should
17 it get worse.
18 THE WITNESS: And in addition,
19 currently we do not have right-of-way, access
20 right-of-way along the side of our pipeline which
21 means we would have to ask for it. We would
22 probably get it, but with this proposal we will
23 end up with legal, written, documented recorded
24 right-of-way for access.
25 THE CHAIRMAN: Thank you.

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Rodriguez - cross

1 MR. FERNANDEZ: Once you get these,
2 how often would you go out to service a road?
3 THE WITNESS: Only if there's an
4 issue. The last time there was an issue was
5 1994.
6 MR. FERNANDEZ: 1994, so --
7 THE WITNESS: And that was not by
8 random. That was because the water line, there

9 was a leak in the Summit House garage, water ran
10 for three days, that erosion was not naturally
11 occurring, that's why it occurred. Short of
12 another leak like that we may not be on the hill
13 site.

14 MR. MUHLSTOCK: Okay. Go ahead.

15 Q. And is the result of your knowledge
16 that there's a leak based upon those 1994
17 documents that were provided pursuant to the
18 subpoena? Is that how you know about that, those
19 documents in that file in 1994?

20 A. I know about that leak because I
21 found that file by researching the records and we
22 gave you our entire file with everything that we
23 had for that project.

24 Q. That's the only question I asked at
25 the beginning. Now, do you agree that sometimes

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Rodriguez - cross

1 problems relate, anomalies, issues with respect
2 to the pipeline occur after construction occurs,
3 there's a time delay? Do you agree with that?

4 MR. TUCKER: Excuse me.

5 Mr. Chairman, again, it's the same objection.
6 There could be an incident arising out of soil
7 erosion, plane falling out of the sky. I don't
8 think the board member is confused at all. Is it
9 possible that something could happen to this
10 pipeline after the building is finished --

11 MR. MUHLSTOCK: That's not what he
12 asked, though. He asked specifically in his
13 opinion if he knows, will the construction have a
14 potential effect on erosion. The construction
15 below, could it have after settlement, let's say,
16 years later, could it have an effect? If you
17 know the answer.

18 THE WITNESS: The answer is in my
19 opinion, no.

20 MR. MUHLSTOCK: Okay. Go ahead.

21 Q. So did you review Mr. Kuprewicz's
22 report, the Galaxy's expert?

23 A. Yes, I did.
24 Q. So if he opines that you can have a
25 delayed reaction and something can happen after

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Rodriguez - cross

1 construction, you disagree with that?
2 A. No, things can always happen. It's
3 the significance of the thing. There can be
4 erosion and settlement afterwards. It's the
5 impact and is the impact of significance to us.
6 Q. Is this proposed construction
7 digging into the cliffs and causing disturbance
8 of a portion of the cliffs?
9 A. They're not digging into the cliff
10 is my understanding. A limited disturbance is at
11 the base of the slope.
12 Q. So do you know how many cubic yards
13 they're removing from the cliffs?
14 A. No.
15 Q. Okay. Do you know that they need a
16 rear yard setback because they are not complying
17 with the zoning ordinance of the Township of
18 North Bergen?
19 A. No. No.
20 Q. If they could construct this project
21 without excavating or removing rock and dirt on
22 the cliffs, is that a safer scenario for Transco
23 and the public?
24 A. No.
25 Q. So it's just as safe to go in and

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Rodriguez - cross

1 claw out X thousands of cubic yards of fill,
2 that's just as safe as if they didn't do any of
3 that?
4 MR. ALAMPI: Let me just object to
5 the word clawing out.
6 MR. MUHLSTOCK: Okay.

7 MR. ALAMPI: I'm sure that's just a
8 characterization.
9 MR. MUHLSTOCK: You understand the
10 question?
11 THE WITNESS: Yes, I do.
12 MR. MUHLSTOCK: Can you answer it?
13 THE WITNESS: Yes, I can.
14 MR. MUHLSTOCK: Go ahead.
15 A. They are not excavating at a depth
16 where they are going to be lower than our
17 pipeline and therefore they will not be removing
18 any lateral support to the pipeline and therefore
19 the pipeline will not move or be affected.
20 MR. MUHLSTOCK: All right.
21 Q. And you are not a geologist, isn't
22 that what you testified on March 6th?
23 A. That is correct.
24 Q. Did you hear Mr. Bertin's testimony
25 on February 7th which indicated that they're

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Rodriguez - cross
1 preparing another slope study?
2 A. Yes, I did.
3 Q. Have you received that slope study
4 yet?
5 A. No, I haven't.
6 Q. So you've made this opinion before
7 you saw a slope study that indicated what the
8 impact might be on the cliffs?
9 A. Well, let me just say this in simple
10 terms. Although I am a licensed land surveyor,
11 one doesn't need to be licensed to understand
12 that if the pipeline is at this elevation and
13 they are not digging below that elevation, it is
14 not going to undermine the pipeline. So if they
15 stay up here or down here --
16 THE CHAIRMAN: You mean above?
17 THE WITNESS: Above, above, above,
18 above, they're not going to undermine the
19 pipeline.
20 Q. So you're saying that as long as you

21 dig above the pipeline -- and let's take
22 landslides away. Other than landslides, no earth
23 shifting can cause that pipeline to shift?
24 A. I'm not going to speculate on earth
25 shifting and things outside the scope of this

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Rodriguez - cross

1 project. On this project, on this property,
2 provided they do not dig below the elevation of
3 the pipeline and remove lateral support, we do
4 not object to the project.
5 Q. I didn't ask whether you objected.
6 A. We do not have a problem with it.
7 Q. And do you know how many types of
8 soils there are on this property?
9 A. No, I would not like to speculate.
10 Q. And if I tell you that a geologist
11 testified in this hearing that -- the prior
12 hearing that there are two different types of
13 soil types on the property, would that impact the
14 or provide a possibility where that pipeline
15 could shift because of the different soil types?
16 A. I don't believe in this instance
17 that the soil type would make a difference in
18 what they're proposing to affect our pipeline.
19 Q. You're not a geologist?
20 A. That's correct.
21 Q. You didn't do a slope study
22 yourself; is that correct?
23 A. That is correct.
24 Q. You did testify that you reviewed
25 the Palisades Slope Stability Study prepared by

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Rodriguez - cross

1 the county engineers; is that correct?
2 A. That's correct.
3 Q. And I believe you testified that you
4 agreed with them?
5 A. I agreed with them in that they

6 state right in that report that there is no
7 danger of deep seated landslides. If there is no
8 danger of a deep seated landslide, our pipeline
9 is deep, it means that there will be no landslide
10 that is deep that would push dirt and exert a
11 lateral pressure on our pipeline.

12 Q. And are you aware that they also
13 recommended on this site that they put a gabion
14 net to make sure that rocks don't fall even
15 without that report mentioning the presence of a
16 pipeline?

17 MR. TUCKER: Again, Mr. Chairman, if
18 I may, it's the same objection.

19 MR. MUHLSTOCK: The only question is
20 he asks was he aware. It's a yes or no.

21 A. I'm aware of it and I'm also aware
22 that they cover a large range, not just this
23 property.

24 Q. So one of the safety conditions that
25 the board could consider if they were to approve

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Rodriguez - cross

1 this is to insure that there's the gabion nets to
2 make sure that rock doesn't fall and especially
3 as it relates to the pipeline, isn't that
4 something that makes the project more safe?

5 A. It is not an issue with the
6 pipeline. What they do outside of the pipeline
7 for the public's interest outside of the pipe is
8 in their regard and not ours.

9 Q. Do you know how many pounds of
10 pressure needs to fall on an area of the pipeline
11 from the slope? Is that something that you
12 review based upon the height of the cliffs and
13 the rocks? Is there a calculation that's made
14 kind of like a loading analysis?

15 A. I've said there's various loading
16 analyses on this project, as I've testified and
17 as you've been given a sample of, we did not do
18 any analyses of cliffs falling on it or mountains
19 of dirt falling on it because we do not see that

20 as a possibility on this specific site.

21 Q. Did you send that report to Mr.
22 McGrath or Boswell, the board's engineers, that
23 loading analysis?

24 A. The report was sent long with the
25 attorney's package as a sample report.

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Rodriguez - cross

1 Q. Now, you indicated also that on this
2 particular property based upon some construction
3 years ago there's a geofabric?

4 A. That was the erosion measures that
5 were taken.

6 Q. Does the applicant's site plan show
7 where the geofabric is located?

8 A. No, but there's photographs capture
9 their location.

10 MR. LAMB: Do we have those
11 exhibits?

12 Q. You're saying that they're shown on
13 the photographs?

14 A. Yes, I am.

15 MR. LAMB: Mr. Bertin, I believe, on
16 February 7th had some pictures. Do you remember
17 they were -- I think they were blown up. I think
18 there were five of them.

19 MR. MUHLSTOCK: There was some
20 photos. I don't have them.

21 THE CLERK: Let me see. Let me
22 check my folder.

23 MR. LAMB: I think they were on one
24 board. If they were on a board, too, he may have
25 taken them.

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Rodriguez - cross

1 Mr. Chairman, they can look for them
2 later.

3 THE WITNESS: You could ask me the

4 questions on these and we can move it on.
5 MR. MUHLSTOCK: Why don't you see if
6 you can ask the question around not having the
7 document.
8 Q. Do you recall approximately what
9 area the geofabric is located over?
10 A. Yes.
11 Q. About how --
12 A. How big of an area?
13 Q. Yes, square feet.
14 A. I can't speculate. We gave you our
15 entire file which includes a survey draft of the
16 exposure that occurred at the time.
17 Q. And is it fair to say that geofabric
18 is one method that was used to avoid soil erosion
19 to -- as a safety measure; is that fair to say?
20 A. No, it is used to stabilize the soil
21 to the grass, natural grasses can grow back on
22 the slope. It's to provide a stable surface that
23 you plant grasses in so that they can take root
24 and then grow. That's their purpose.
25 Q. Is a stable surface safer for the

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Rodriguez - cross
1 project and the property than an unstable
2 surface?
3 A. It's not a matter of safety in this
4 instance because we're very deep. It's a matter
5 of stabilizing the soil so that the grass can
6 grow and stop -- otherwise the bank will continue
7 to erode and it will just -- it's to stop the
8 erosion and to grow the grass.
9 Q. Is there a plan that Transco has in
10 its files that shows exactly where this safety --
11 this, I'm sorry, geofabric is located like a site
12 plan or a plan or a survey?
13 A. For that project?
14 Q. Yes.
15 A. You had the entire file.
16 Q. So the answer is no?
17 A. That's correct.

18 Q. Now, there's a requirement, is there
19 not, that Transco meets with local emergency
20 responders or the Office of Emergency Management;
21 is that a requirement?
22 A. I don't know the specific wording of
23 the requirement but it's something close to that.
24 Q. And is that -- is there a periodic
25 basis for those meetings?

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Rodriguez - cross

1 A. This is outside the realm of what I
2 do on a daily basis and I would defer to someone
3 else.
4 MR. MUHLSTOCK: So the answer is you
5 don't know?
6 THE WITNESS: I don't know.
7 MR. MUHLSTOCK: Go ahead.
8 Q. You testified about all the CFR
9 regulations and Section 192 and --
10 A. That's correct.
11 Q. Right. And one of those --
12 A. It's a big book.
13 Q. Excuse me?
14 A. It's a big book.
15 Q. I understand. And one of those is
16 there are requirements for meeting with emergency
17 responders, you don't know whether that's been
18 satisfied?
19 A. That's correct.
20 Q. You don't know when the last time
21 that occurred?
22 A. That's correct.
23 Q. Now, you indicated that Transco did
24 not have a recorded easement; is that correct?
25 A. Yes.

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Rodriguez - cross

1 Q. Did you review Transco's files?
2 A. Yes.

3 Q. Okay. And is it fair to say that
4 under the federal guidelines, the -- actually the
5 gas act, that one of the purposes is to have --
6 make sure that the utility providers have files
7 with all the up-to-date information? Isn't that
8 one of the purposes of the, I guess, it's IM?

9 A. That would make sense, yes.

10 Q. Are you aware that the easement that
11 Transco has is set forth in a 1966 deed?

12 A. Easement where?

13 Q. On the subject property. Did you
14 ever see that in a file, the deed from Tibetts &
15 Company and also the Township of North Bergen,
16 did you ever --

17 A. No, I haven't. I'd like to see
18 that. Share it.

19 Q. I've shared it with your attorney
20 about four years ago.

21 Now, does Transco also have on its
22 pipeline, even though this pipeline -- I know
23 there's been a couple dates, 1950, 1959. It's
24 1959; is that correct?

25 A. Yes.

Celeste A. Galbo, CCR, RPR, RMR

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Rodriguez - cross

1 Q. And are there any as built plans
2 from 1959 that show the location of the pipeline?

3 A. There's as built survey notes and
4 there are alignment sheets that were produced
5 from those notes.

6 Q. And were those produced to Mr.
7 Bertin?

8 A. I gave Mr. Bertin a copy of the
9 field notes at the -- as built field notes at
10 River Road. And extended through the part of the
11 property.

12 Q. Okay.

13 A. Not all the way up the hill.

14 Q. And I think your e-mails back and
15 forth to Mr. Bertin indicated that you really
16 have the information by River Road and not

17 necessarily to the west of River Road?
18 A. I don't understand what you're
19 saying.
20 Q. Is it fair to say that you don't --
21 whatever information you have it's closer to
22 River Road than the rest of the pipe going
23 westerly up to the cliffs?
24 A. We have as built information for our
25 entire pipeline but we do not have profile

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Rodriguez - cross

1 information for our entire pipeline. So I might
2 have been referring to elevations. We as built
3 the pipeline, we did not as built the elevations
4 going up the slope.
5 Q. What is the -- you know we've talked
6 a lot about the depth of the pipeline matters,
7 that's relevant to this review of landslides,
8 soil erosion, slopes, it's where the depth of
9 that pipe is?
10 A. Yes.
11 Q. Do those notes indicate the various
12 depths at least back in 1959?
13 A. Those -- the purpose of those notes
14 was to as built the road crossing and the casing
15 that was installed so the elevations are only
16 around River Road.
17 Q. Okay. And I'm going to show you the
18 report and I believe I already marked it, this is
19 Mr. Bertin's March 23, 2011 report marked Transco
20 Pipe Transmission Line Risk Identification.
21 A. Yes.
22 Q. Will you take a look at that?
23 A. Sure.
24 Q. Now, when you last testified you
25 seemed to have a March 17th, 2011 draft.

Celeste A. Galbo, CCR, RPR, RMR

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Rodriguez - cross

1 A. Yes.
2 Q. You had like a marked up copy which
3 I think was provided to us?
4 A. That's correct.
5 Q. And you were not aware, is that
6 correct, that Mr. Bertin had finished that report
7 and submitted it to at least the Hudson County
8 Planning Board, is that correct, and you didn't
9 know that the report was finished?
10 A. I did not track where he was with
11 this report, for followup.
12 Q. You expressed I think it's fair to
13 say surprise that there was a March 23rd date
14 because that didn't align with your date that you
15 had in your possession?
16 A. I don't believe I was surprised
17 about any dates of reports. I view this report
18 and you'll see it in the chain of e-mail that you
19 have as a process, that the end product would be
20 able to identify all the risk and how we would
21 handle that, a combination of this report and the
22 drawing that goes with it. So I do not -- I
23 expect it to be a work in progress until we're
24 done.
25 Q. And what is the minimum depth under

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Rodriguez - cross

1 the current regulations that is required between
2 the surface and a pipeline, what's the minimum
3 depth, is that something like 44 inches?
4 A. No.
5 Q. What is it?
6 A. It's three feet unless it's in solid
7 rock, then it's two feet.
8 Q. Okay.
9 A. And at the time the pipeline was
10 built these regulations did not exist and we
11 exceed those regulations as if they did exist.
12 Q. And on Mr. Bertin's report --
13 MR. LAMB: Do you want to mark this
14 as -- we finished G-6 but this might be G-7,

15 although it's been marked before.
16 MR. MUHLSTOCK: Why do we need to
17 remark it?
18 MR. LAMB: We don't. I asked Mr.
19 Bertin the question --
20 MR. MUHLSTOCK: Just refer to the
21 documents by name.
22 Q. Mr. Bertin indicates on paragraph 2D
23 the depth. Can you tell us what the depth is in
24 that report?
25 A. It says three to 10 feet.

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Rodriguez - cross

1 Q. Okay. And where is the three feet
2 portion on this pipeline?
3 A. Well, I'll just tell you that that
4 report comes from the information that was
5 submitted by Transco to PHMSA and that's just a
6 copy of the PHMSA report that it was gained by
7 the public and Appleview by way of the Freedom of
8 Information Act.
9 That three foot -- no, you asked me
10 a question. That three foot is the assumed depth
11 that I decided because we do not profile the
12 entire line at the time that we were asked that
13 question, and I still assume that there could be
14 a three foot depth at the very corner where the
15 pipeline bends and goes, starts to go up the
16 hill.
17 Q. Okay. So you assumed the three feet
18 and that's the information that was provided to
19 PHMSA, your assumption of three feet?
20 A. What I gave to PHMSA was three to 10
21 feet.
22 Q. But that's based on an assumption.
23 I'm trying --
24 A. It's based on a combination of what
25 I know and what I expect. I know it's 10 feet at

Celeste A. Galbo, CCR, RPR, RMR

Rodriguez - cross

1 the road, I know up the hill is much deeper. And
2 I had indications that it was around -- that it
3 was no less than three feet.

4 Q. And Mr. Bertin signed this report
5 but he got all this information from you; is that
6 correct?

7 A. No, he got that information I
8 believe from PHMSA. I believe it's written in
9 the report.

10 Q. And where did PHMSA get the
11 information?

12 A. From us.

13 Q. And when you say us, who is us?

14 A. Transco.

15 Q. Who from Transco? Who does that
16 from Transco? You said you didn't do it, who
17 does that from Transco?

18 A. It's a -- that's a group, it's our
19 pipeline safety group.

20 Q. Okay. Those are the ones in
21 Houston?

22 A. Yes, that reply.

23 Q. Okay. What else does the -- does
24 the pipeline safety group, do they ever do a risk
25 assessment report? Is that something that they

Celeste A. Galbo, CCR, RPR, RMR

Rodriguez - cross

1 do?

2 A. I don't know.

3 Q. Okay.

4 A. I don't know specifically what all
5 they do.

6 Q. Have you ever seen Transco prepare a
7 risk assessment report?

8 A. I don't know. I don't believe so
9 that I personally --

10 Q. You have never done?

11 A. No, not in the definition of what
12 you're calling the risk assessment report.

13 Q. What other types of reports would

14 you prepare to evaluate a particular project?
15 A. I evaluate projects against our
16 requirements, our minimum requirements which you
17 have referenced earlier. I evaluate for
18 encroachments, whether they could potentially
19 impact, physically impact the pipeline or impact
20 our ability to operate or maintain the pipeline.
21 Q. Does anybody at Transco do a risk
22 assessment, risk identification, risk review,
23 project review, anything like that?
24 A. All right --
25 Q. Is there a person that prepares a

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Rodriguez - cross

1 document?
2 A. We do not do specific risk analysis
3 of properties. The entire Code of Federal
4 Regulations and our policies and procedures are
5 designed with safety in mind and to operate a
6 pipeline safely. When all of that is done and
7 done correctly, as we're audited by PHMSA to make
8 sure that we are, that is how we handle the risk.
9 We do not do risk reports as the type that your
10 expert has done.
11 Q. So you can say, you can tell us that
12 Transco doesn't do these risk assessment, risk
13 identification, risk reports, you don't do them?
14 Transco has never done them, is that your
15 testimony?
16 A. We have never done the type of
17 report that your expert has said he has done.
18 Q. Now, you indicated that you did try
19 to identify the location of the pipeline, I
20 assume, to assist Mr. Bertin by using the iron
21 steel pipe probing?
22 A. We probed the pipeline, yes.
23 Q. Did you do that?
24 A. No, I did not.
25 Q. Somebody from Transco did that?

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Rodriguez - cross

1 A. Yes.

2 Q. Do you probe the whole pipeline or
3 samples of it or --

4 A. We probed what the crew thought was
5 representative of that slope.

6 Q. Do you share that information with
7 Mr. Bertin to make sure that his location of the
8 pipeline is as accurate as possible?

9 A. Okay. Let me go back a ways. When
10 I became involved in the project there were
11 pipeline depths on the drawing. In review I
12 could not find the source of those depths, so I
13 asked our people, I asked Mr. Bertin where he got
14 that information from. It had to be -- my
15 assumption was it had to be with our people but I
16 had no documentation. So I asked because it's a
17 foundation of a review for a verification of that
18 data from our people. That's the exhibits that
19 were given to you.

20 Q. Those handwritten like engineer's
21 notes of numbers and --

22 A. No, the one Google photograph that
23 has three depths on it and then there is another
24 sketch that has four depths and distances from
25 the River Road.

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Rodriguez - cross

1 Q. Okay. And those are the depths,
2 those are the three points that you testified to
3 on February 7th, I believe, you did one at River
4 Road and a couple others?

5 A. There is like four from River Road
6 back to where it leaves the municipal authority
7 property and then there are three up the hill.
8 Those are the depths that I can speak of and know
9 of with certainty along with the as built notes.
10 Anything before that I could not find
11 documentation to support it, that's why I asked

12 to have it done.

13 Q. And so did somebody make a
14 determination from Transco, that yes, okay, Mr.
15 Bertin's numbers, that was correct, that was
16 accurate or close to accurate?

17 A. When I reviewed Mr. Bertin's plans,
18 what he had on his drawings looked to be -- now
19 we're talking about up a hill along the side of
20 the property, looked to be reasonable with the
21 information that I had, and since he's not
22 building along the pipeline or up the hill or
23 over on the municipal authority, it was adequate
24 information.

25 Q. Do you know, and Mr. Muhlstock asked

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Rodriguez - cross

1 the question how far is the actual structure, the
2 building from the pipeline, and I think your
3 answer was 24, 25 feet, in there?

4 A. Yes.

5 Q. Do you recall that? Are you also
6 aware that in addition to construction of the
7 building, you have to excavate the footings and
8 foundations for that building? And so my
9 question on a follow-up from Mr. Muhlstock's is
10 how far are you from the pipeline when you do the
11 excavation of the foundations and provide the
12 footings, is it fair to say that less than the 24
13 to 25 feet?

14 A. It's fair to say that he will dig
15 out a few feet wider. It would depend if the
16 he's putting piles in, he's just going to go the
17 width of the piles. Whether they're an augered
18 pile, there will be no additional excavation. It
19 would just be the width of the pile, the diameter
20 of the pipe, augered pile, no additional
21 excavation.

22 Q. And is there any place on his plans
23 right now -- and I know you've said you now want
24 to impose a requirement that there be augering of
25 the piles, is there anyplace on the plans that

Rodriguez - cross

1 were submitted to this board that specifically
2 require augering of those piles?

3 A. In the risk identification report it
4 speaks to how he will do pile driving, not how he
5 will apply his piles.

6 Q. I'm going to ask you again. On the
7 plans that were submitted to the board --

8 A. I don't know what's on the plans to
9 the board, of all the full sets of plans to the
10 board, say.

11 Q. You reviewed those plans, is that
12 correct, as part of your review of this?

13 A. I reviewed various versions of the
14 plans. I do not know that I've reviewed the
15 plans that you're referring to.

16 Q. So you didn't review the plans to
17 see if that requirement of pre-augering is on
18 there that was important enough for you to add to
19 the risk identification report?

20 A. I don't know if they're on the
21 plans, that's correct.

22 Q. Okay. And so that's something that
23 the developer should do, it's not only it's in
24 this report but they should put it on the plans
25 exactly what they're proposing, that's something

Rodriguez - cross

1 that makes it more safe?

2 A. As you have read our e-mails that
3 were submitted to the board and to yourself, what
4 we would like is that this risk identification
5 report along with the drawings identify every
6 issue that we feel impacts Transco and how we're
7 going to address that. Anything outside of that
8 is outside of what our concern is.

9 Q. So if your concerns includes making
10 engineering changes, then your recommendation to

11 the board on behalf of Transco is make those
12 changes and put them on the plans, whatever you
13 say in that report, you want it transformed into
14 the plans --

15 A. I don't -- it's not my privy what
16 happens with the plans and what the board
17 reviews.

18 Q. You're aware that there's a 20-foot
19 access easement, is that correct, between the
20 building and the current pipeline easement, is
21 that correct, around 20 feet?

22 A. That's correct.

23 Q. Are you aware that there's a
24 drainage line that's supposed to be constructed
25 in the middle of that?

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Rodriguez - cross

1 A. Yes, I am.

2 Q. And so is it also fair to say that
3 in addition to the construction of the building
4 about 25 feet away, and in addition to the
5 footings and foundations that maybe move it
6 another five feet closer, there's also a drainage
7 line which may be -- how far away would you say
8 is the drainage line from the pipeline, 10 to 15
9 feet? Is that a fair --

10 A. I would say on a --

11 MR. MUHLSTOCK: Can we -- let's ask
12 one question at a time. I couldn't follow that
13 question, I don't know if the board can.

14 THE WITNESS: I did, though.

15 MR. MUHLSTOCK: You did? Go ahead.

16 THE WITNESS: I did.

17 MR. MUHLSTOCK: Fine.

18 A. There is a drainage line, storm
19 sewer line, it's called four inch drain line that
20 runs parallel to us in the access area. It is
21 about in the middle of that 20 foot access strip.
22 It is, again, at an elevation above our pipeline
23 and it is far enough away from our pipeline that
24 we do not have an issue with it. It is not -- it

25 does not present a risk to us.

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Rodriguez - cross

1 MR. MUHLSTOCK: Okay.

2 Q. Now, you said, you had testified
3 that you happened to be involved in the
4 construction on the property adjacent to this, I
5 believe it's lot 8, of what's been referred to
6 the North Bergen Municipal Utilities Authority?

7 A. Yes.

8 Q. And I think they were shown pictures
9 of a blue stairwell?

10 A. Yes.

11 Q. That's about, and correct me if I'm
12 wrong, eight to ten feet from the pipeline, that
13 stairwell?

14 A. Yes.

15 Q. Okay. And that was pre-augered?

16 A. That was pre-augered and piles were
17 driven at a depth that began below our pipeline.

18 Q. And so, again, the common theme here
19 for the board is there are no circumstances that
20 you can envision with construction above the
21 elevation of the pipeline that create a problem?

22 A. No, that's not true. The
23 circumstances that are present in this project do
24 not create a problem for the pipeline.

25 Q. Now, you indicated that you had

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Rodriguez - cross

1 problems with the original site plan, that
2 Transco had problems with the original site plan?

3 A. I believe the first two iterations
4 we had issues with.

5 Q. Okay. And in fact your predecessor
6 was Gerald McLaughlin, is that correct? Is he
7 your functional equivalent?

8 A. That's correct.

9 Q. Not the same functional equivalent,
10 he does the same job tasks that you currently do?
11 A. Yes.
12 Q. And he's still employed with
13 Transco; is that correct?
14 A. Gainfully.
15 Q. Now, you do agree that the proposal
16 here is to have a maintenance area that is on the
17 other side of the pipeline in the northwesterly
18 corner of the --
19 A. Are we speaking of the staging area?
20 Q. Yes.
21 A. I will reiterate that Transco has
22 not asked for that staging area, we do not need
23 that staging area and we do not have any plans to
24 utilize the staging area.
25 Q. So that can be eliminated?

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Rodriguez - cross

1 A. If -- if that's what the board would
2 prefer, fine from our point of view.
3 Q. So basically there is no reason to
4 cross over the Transco pipeline if you don't need
5 the maintenance or staging area to the
6 northwesterly corner of the property?
7 A. What I said is we did not ask for
8 the staging area, we do not need the staging
9 area, we may need to cross our pipeline depending
10 on the work that we have do.
11 Q. And is it fair to say that you cross
12 the pipeline at the location which goes into that
13 maintenance area or staging area?
14 A. We may or may not, it depends on
15 where the issue is.
16 Q. You're aware that it is proposed to
17 have other agencies use the pipeline, Guttenberg,
18 North Bergen, the North Bergen MUA, is that also
19 proposed to have a simultaneous access?
20 A. I'm aware of the access easements
21 that are proposed.
22 Q. Has there been any review on the

23 location of the pipeline where people might
24 traverse that, what the depth is or what -- is
25 there any casing or anything else on that

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Rodriguez - cross

1 particular location?

2 A. Those are the depths that were
3 provided to you in the Google photograph that
4 show it to be, oh, I believe 84 inches at the top
5 of the hill and probably 54 or thereabouts
6 somewhere in the middle.

7 Q. Okay. That particular location?

8 A. In that general area. The pipeline
9 is in that -- generally that deep throughout that
10 slope.

11 Q. Now, is it fair to say that
12 Mr. McLaughlin I believe sent correspondence to
13 Appleview concerning the original project as
14 proposed?

15 A. He did.

16 Q. Do you remember that letter?

17 A. Yes, I do.

18 Q. I'm going to show you --

19 MR. Lamb: I guess, Mr. Muhlstock,
20 we're up on -- should we wait for the chairman?

21 MR. MUHLSTOCK: No, T-7.

22 MR. LAMB: I'll mark it T-7 and
23 today's date is 4/3/12.

24 Q. Can you look at that, please?

25 A. Yes, I can.

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Rodriguez - cross

1 MR. LAMB: With a copy to counsel.

2 (Transco Exhibit 7, letter from
3 Williams Gas Line to North Bergen City Hall
4 dated March 13, 2007, was marked for
5 identification.)

6 Q. Can you take a look at that?

7 A. Yes, I'm familiar with it.

8 Q. Okay.

9 MR. MUHLSTOCK: Let's, for the

10 record, T-7 is a letter from Williams Gas Line to

11 North Bergen City Hall dated March 13, 2007

12 signed by Gerald McLaughlin.

13 MR. LAMB: Correct.

14 Q. And is it fair to say Mr. McLaughlin

15 expressed his concerns, maybe not to a planning

16 board or zoning board but to the municipality

17 concerning the project as proposed at that time?

18 A. That's correct.

19 Q. Okay. And is it fair to say that

20 one of his concerns was the resultant stresses

21 imposed upon the pipeline and the first one, a

22 potential for blasting into the cliff side?

23 A. Yes.

24 Q. Now, we've eliminated blasting from

25 this proposal?

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Rodriguez - cross

1 A. That's correct.

2 Q. Okay. The excavation operations --

3 A. Um-hum.

4 Q. Prior to -- page 1, "Prior to

5 pouring concrete foundations the contractor will

6 need to dig parallel to the pipeline in excess of

7 400 feet. This type of operation has the

8 potential to weaken lateral stability along the

9 pipeline."

10 A. Right.

11 Q. It talks about the pipeline

12 shifting. That's still a concern or that concern

13 has been eliminated?

14 A. I believe, although I did not write

15 this letter, but I believe that that is where the

16 first proposal was parallel to our pipeline along

17 the slope. That is no longer the case and so

18 therefore that is also eliminated.

19 Q. Okay. One of the other concerns was

20 heavy -- and I'm not going to read the whole

21 thing -- heavy construction vehicles operating on

22 the pipeline, that was a concern of his?

23 A. Read what it all says.

24 Q. Well, you can read it.

25 A. I'll read it for you.

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Rodriguez - cross

1 MR. MUHLSTOCK: Don't read it. It's
2 there.

3 A. Okay.

4 Q. It's there.

5 MR. MUHLSTOCK: It's there.

6 A. It's not a concern, it could be a
7 concern, it has to be looked at.

8 Q. Okay. Now, I'm going to show you
9 what I'd like to mark as T-8. It's your letter
10 to Bertin Engineering. I'll mark it 4/3/12.
11 Give a copy to counsel.

12 A. Yes.

13 Q. You're familiar with that, Mr.

14 Rodriguez?

15 A. Yes.

16 MR. MUHLSTOCK: Did you identify it?

17 MR. LAMB: I'm sorry. It's a letter
18 from Mr. Rodriguez dated November 10, 2010 to
19 Bertin Engineering.

20 (Transco Exhibit 8, letter from Mr.
21 Rodriguez dated November 10, 2010 to Bertin
22 Engineering, was marked for
23 identification.)

24 Q. And you specifically indicate that
25 you need to receive the maintenance and access

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Rodriguez - cross

1 agreements that have been discussed between you
2 and Mr. Bertin?

3 A. Yes.

4 Q. Do you have those agreements yet?

5 A. I do not have signed executed

6 agreements.

7 Q. Now, are you aware of Mr. McGrath's
8 recommendation that the easement actually be 25
9 and not 20 feet?

10 A. The easement will be greater than 25
11 feet, the net easement that we will have will be
12 greater than 25 feet.

13 Q. Well, it will be 20 feet plus the
14 12, 10 to 12 depending upon how you construct it?

15 A. Yes. Yes.

16 Q. Let's say it's 12.

17 A. Okay.

18 Q. So it's 32 feet?

19 A. Right, more than 25.

20 Q. Is it fair to say that there's
21 little opportunity for access from the northerly
22 property because of what it is, a Municipal
23 Utility Authority?

24 A. The problem would be actually the
25 Summit House as far as the northern property to

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Rodriguez - cross

1 come in along the pipeline.

2 Q. In addition to the Summit House,
3 isn't there a problem with access by the big
4 sewerage --

5 A. Well, the topography would mean that
6 you would really want to come in from the Summit
7 House, that is how we -- that is how the erosion
8 repair was done before.

9 Q. Okay. And but is it fair to say
10 that it's easier to come in from the Applevue
11 property than the North Bergen Municipal
12 Utilities Authority property?

13 A. Yes.

14 Q. And what is the -- and a woman from
15 the audience, her name escapes me, specifically
16 asked you would Transco would have preferred a
17 larger easement. Can you answer that question?

18 A. Yes.

19 Q. Okay. And what is the normal size

20 easement that Transco would prefer?
21 A. On existing pipeline like this there
22 is not per se a normal, there is probably typical
23 but I'm not aware of what that typical exactly
24 is.
25 Q. You're not aware that typically for

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Rodriguez - cross

1 new easements 50 feet is required or requested?
2 I shouldn't say required, requested.
3 A. For new construction it could be.
4 I'd like to just add that what we have, these
5 existing pipelines that are old and easement
6 agreements that either existed or were minimal at
7 a time, there is not per se a typical along --
8 there was not typical when this line was built
9 and so therefore we can't necessarily apply a new
10 construction typical standard to an existing
11 condition.

12 Q. Mr. Rodriguez, I've marked an
13 Interstate Natural Gas Facility on My Land
14 portion of the pamphlet from the Federal Energy
15 Regulatory Commission. Have you had a chance to
16 review that?

17 A. Not recently. I might have seen it
18 before.

19 (Transco Exhibit 9, excerpt of a
20 pamphlet entitled "Interstate Natural Gas
21 Facility On My Land?" from the Federal
22 Energy Regulatory Commission, was marked
23 for identification.)

24 MR. TUCKER: Mr. Chairman --

25 MR. ALAMPI: Let me jump in front of

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Rodriguez - cross

1 you, counsel.
2 Chairman, I'll object to this excerpt
3 unless there's some authentication as well as the
4 entirety of the pamphlet. Apparently select

5 pages were excerpted, so that's my objection.

6 MR. LAMB: Respectfully I'm happy to

7 produce the whole pamphlet but I only prepared --

8 I only copied the relevant portions so that we

9 could eliminate another 30 plus pages.

10 MR. MUHLSTOCK: All right. Well,

11 okay, so your objection is noted.

12 MR. ALAMPI: That's my objection.

13 THE CHAIRMAN: You had an object as

14 well?

15 MR. TUCKER: Yes, Mr. Chairman, that

16 was my objection as well.

17 MR. LAMB: I only have one copy of

18 the entire pamphlet. We'll mark that as T --

19 MR. ALAMPI: I'm so sorry, I have

20 that pamphlet in my files. I think everybody has

21 that pamphlet.

22 THE WITNESS: Yeah, we can talk

23 about it.

24 Q. Is it not fair to say that one of

25 the questions on page 6 is about the size of the

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Rodriguez - cross

1 right-of-way and the pamphlet indicates it's

2 generally 75 to 50 -- 75 to 100 feet wide during

3 construction?

4 A. And it says a permanent right-of-way

5 is usually about 50 feet wide.

6 Q. Right. Okay. So during

7 construction 75 to 100, permanent right-of-way is

8 usually about 50 feet wide?

9 A. This is new construction, current,

10 if we were to do something right now, this is

11 what we would look for.

12 Q. And the board is being asked to

13 approve this project with variances. The

14 developer is not able to build this as a matter

15 of right. Do you understand that?

16 A. Yes, I understand.

17 Q. And the board can impose what it

18 believes to be reasonable conditions.

19 A. Yes.
20 Q. So my question is if there was a
21 50-foot easement, is that safer than the current
22 proposed easement?
23 A. We can operate our pipeline and do
24 what we need to do in the space that we have
25 agreed to have.

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Rodriguez - cross

1 Q. Yes or no, answer, please. Is it
2 safer if it had a 50-foot easement, yes or no?
3 A. No, it's not safer.
4 Q. It's not safer. So you disagree
5 with this typical standard 50-foot right-of-way,
6 you disagree that you don't need 50 feet?
7 A. It's easier to work with 50 feet.
8 Q. And --
9 A. But it's not safer.
10 Q. When you say it's easier -- if I had
11 a project that's 100 feet away from this pipeline
12 in construction, isn't it fair to say that that's
13 safer than if I have a project that's two feet
14 from the pipeline?
15 A. Yes.
16 Q. Isn't there a function of the
17 farther away the construction of the project is,
18 the safer that it is?
19 A. Inherently it is -- inherently
20 bigger is better and farther away is safer. But
21 I will add that this room right here is about 25
22 feet wide and that is a lot of space.
23 MR. SOMICK: How far is the Summit
24 House from the pipeline?
25 THE WITNESS: The Summit House

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Rodriguez - cross

1 actually has a beam that extends over the
2 pipeline to a structure that's on the -- to a

3 pile that's actually south of the pipeline. The
4 Summit House itself is not over the pipeline but
5 this beam is over the pipeline, it's virtually up
6 to the pipeline. And the only --

7 MR. SOMICK: The Galaxy, how far is
8 that?

9 THE WITNESS: The Galaxy is pretty
10 far away.

11 MR. SOMICK: It's a street away?

12 THE WITNESS: Very far away. But I
13 guess what would be more relevant is Mr. McGrath,
14 your engineer has detailed where we are through
15 the Town of North Bergen and Guttenberg and you
16 can see that we are -- we operate with the sort
17 of spacing that we're asking for here. And those
18 locations are in his reports.

19 Q. And those locations, they're not
20 subject to an application before the planning
21 board right now, are they?

22 A. That's correct.

23 Q. And is it fair to say that Transco
24 is a for profit corporation, it's not a nonprofit
25 corporation, right?

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Rodriguez - cross

1 A. I hope so.

2 Q. Okay. And it's getting an easement,
3 it's getting paid -- it's not getting paid for
4 that easement, it's getting it for free; is that
5 correct? Appleview is giving Transco --

6 A. Yes.

7 Q. -- this easement for free, that's
8 something that helps Transco?

9 A. It's something that puts in writing
10 the space that we would expect to have to
11 maintain our pipeline.

12 Q. But, again, if this board came in
13 and said, you know what, I'm looking at all this,
14 they need all these variances, I'm going to
15 impose a 50-foot setback that's something that's
16 safer, is it not?

17 A. That extra space alone does not make
18 it safer, it makes it more convenient and it's
19 within the board's privity on what they do beyond
20 what we've agreed to.

21 Q. If I take a vehicle, a Transco
22 vehicle or anything else and I go down that
23 accessway --

24 A. I already said bigger is better.

25 Q. Okay, okay, and that's fair. If I

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Rodriguez - cross

1 go down the accessway with a truck, am I able to
2 turn around that truck and go back out when I
3 only have 20 feet or do I have to back all the
4 way out?

5 A. You could back the truck around in
6 25 feet. This room is 25 feet, can you turn a
7 truck around in here? You can, it's difficult,
8 but you can.

9 Q. It's difficult?

10 A. It's difficult.

11 Q. You'd have to do a K-turn with a
12 truck?

13 A. You'd have to really work it, yes.
14 But we don't necessarily have to be turning
15 around trucks to work on that slope.

16 Q. Now, you also indicated that your
17 proposal now with respect to the latest plan is
18 to install a fence to make sure that any vehicles
19 or activities don't go beyond that fence level.

20 A. As a suggestion in the interest of
21 public feeling more safe.

22 Q. Okay.

23 A. We do not need a fence.

24 Q. You don't need a fence but you
25 believe that it's something that it's a plus, it

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Rodriguez - cross

1 makes it a little more safe, the project?

2 A. It makes it plainly obvious when
3 someone has gone beyond where they said they
4 would.
5 Q. And another thing, another of your
6 safer recommendations is, again, the no pile
7 driving unless it's pre-augered?
8 A. It's one of the two proposals that
9 they've made.
10 Q. Another thing that makes it safe is
11 to have a monitor, a Transco representative there
12 during construction, not overnight but when
13 there's construction, that's another thing that
14 makes the project more safe?
15 A. Only as needed by the specific work
16 that they're doing, not necessarily 24 hours a
17 day while they're there --
18 Q. I didn't say 24 hours.
19 A. Only in relationship to the specific
20 work that they're doing. If there's work that
21 they're doing that we view is of a safety
22 concern, then we need to have an inspector there.
23 If there's not, they we don't.
24 Q. So, now the last time you testified
25 that it's more helpful to have an inspector there

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Rodriguez - cross

1 when all the construction is occurring, isn't
2 that what you testified to? When there's
3 construction there -- you know, when it stops
4 you're not going to have somebody overnight, I
5 get that. But when there's construction, you're
6 going to have an inspector there, isn't that what
7 you testified to?
8 A. I did say that, yes.
9 Q. So now that's being changed, you're
10 saying now it's only specific construction
11 activities, not all construction activities?
12 A. Let me clarify. To have someone
13 there all the time would be a waste of manpower.
14 It could be done but it is not necessary.
15 Q. Did you have discussions with

16 Appleview or their representatives about paying
17 for that cost while -- during construction
18 between your testimony on February 7th and today?
19 A. No.
20 Q. Okay. So now this is just you just
21 changed your mind on your testimony, you decided
22 we don't -- it's not safer to have somebody there
23 the whole time?
24 A. No, I actually conferred with my
25 larger team.

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Rodriguez - cross

1 Q. Who is your larger team?
2 A. These men right here.
3 Q. And can you name their names,
4 please?
5 A. Dan Schweitzer, technical manager,
6 Mario DiCocco division director. I mostly
7 referred to Dan.
8 Q. And they're the ones that told you
9 you don't need somebody there all time?
10 A. We conferred and I'm in full
11 agreement that it is -- I had said that and the
12 idea of going beyond what is required, we
13 discussed it, it was going beyond, there is no
14 need to go beyond.
15 MR. FERNANDEZ: Isn't that the
16 responsibility of the local enforcement agency?
17 MR. LAMB: No, at the last hearing
18 we had this whole discussion and the testimony
19 was that it is better to have somebody there at
20 all times without any limitations. The chairman,
21 the transcript will show that the chairman said
22 yes, and that's something that we can impose and
23 now that has been modified to be --
24 THE WITNESS: That's correct.
25 MR. AHTO: The portion that you're

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Rodriguez - cross

1 talking about being modified, are you talking
2 about you want a representative there when
3 they're doing spackling and painting and trimming
4 out the plumbing and trimming out the electric,
5 is that what you're talking about?

6 MR. LAMB: No, no.

7 MR. AHTO: Well, then --

8 MR. LAMB: But during the main
9 construction.

10 MR. AHTO: The main construction. I
11 have a question.

12 MR. LAMB: You obviously don't need
13 one when somebody is in the inside painting, I
14 agree with that.

15 MR. AHTO: I have a question. An
16 hour and a half ago you said that there was an
17 easement with the town at Tibetts Construction in
18 1959.

19 MR. LAMB: '66, but, yes.

20 MR. AHTO: '66. What was the
21 footage of the easement?

22 MR. LAMB: I don't believe it was
23 delineated which is one of the issues. And then
24 I believe that it's shown on the tax map,
25 although I have to double-check. My recollection

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Rodriguez - cross

1 is it's shown as 12 feet on the tax map. Mr.
2 Bertin has said it's either ten or 12 feet, I
3 believe his testimony is, but the township
4 conveyed the property to Tibetts Company and
5 apparently they reserved an easement for the
6 utility line and that's my -- that was my
7 research and I shared that with Mr. Stevens about
8 three or four years ago.

9 THE WITNESS: May I speak?

10 Q. Yes.

11 A. Therefore it does coincide with what
12 I said which was there was no easement when the
13 line was built in 1959. At some point in '65 or

14 '69 an easement was gained, I was just not aware
15 of it. So it did not exist, it was accurate what
16 I said, when the pipeline was built. I'm just
17 clarifying.

18 And further on the work
19 requirements, we just do not view a need to have
20 inspectors there when there is not an issue
21 that's worthy of inspecting.

22 MR. FERNANDEZ: Well, you will have
23 an inspector -- you will have an inspector there
24 when they're putting in their piles, putting in
25 their footings. Once the foundation walls go up,

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Rodriguez - cross

1 that's it?

2 THE WITNESS: Well, not necessarily.
3 We will be doing a weekly line patrol and we will
4 hope and I will ask, I will ask that the board
5 ask them to keep us informed of where they are so
6 that we can make a determination as we go to
7 where we might need to have someone or not.

8 MR. FERNANDEZ: Once the footing is
9 up, I'm hoping that once the footings are done
10 they're not going to get any closer to your --

11 THE WITNESS: They might be putting
12 the storm sewer line in or grading for the swale.
13 There may be something and there's always things
14 that are unplanned. I found the best way to deal
15 with these developers is to have an open
16 communication and a constant one.

17 Q. Now, this particular -- Mr. Bertin,
18 you've been dealing with Mr. Bertin. You agree,
19 your office became involved in the 2007 One Call
20 violation; is that correct?

21 A. Yes.

22 MR. LAMB: This is T-10,
23 Mr. Chairman.

24 A. I'm aware of it.

25 (Transco Exhibit 10, e-mails and

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Rodriguez - cross

1 photographs, were marked for
2 identification.)

3 Q. I'm going to show you what's been
4 marked as T-10.

5 A. Okay.

6 Q. And that is also something when you
7 reviewed the records in response to --

8 MR. MUHLSTOCK: Wait a second. Do
9 you want this marked as T-10?

10 MR. LAMB: Yes.

11 MR. MUHLSTOCK: And why don't you
12 identify it.

13 MR. LAMB: Yeah, I'm sorry, Mr.
14 Muhlstock. This is an e-mail from Siat Ng. This
15 is dated February 7, 2012 and Mr. McLaughlin's --
16 I'm sorry. I'm sorry.

17 This is an e-mail from Mr. McLaughlin
18 dated April 30th, 2007 in response to Ms. Ng's
19 e-mail dated April 25, 2007.

20 MR. FERNANDEZ: Thank you, Mr. Lamb.
21 You just answered my question.

22 Q. And that's correct that there was a
23 violation of that One Call on this particular
24 piece of property and your predecessor had
25 addressed that?

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Rodriguez - cross

1 A. It appears so.

2 Q. Now, you talked about that you
3 agreed with the Palisades Slope Stability Study.
4 Who gave you that? Where did you get that from?

5 A. I think I got it from our attorney.

6 MR. MUHLSTOCK: I don't know that
7 the witness ever said he agreed with it. He said
8 he read it, he's familiar with it.

9 MR. LAMB: No, he said he agreed
10 with it.

11 THE WITNESS: I agree with parts of
12 it. I didn't agree with every single part.

13 Q. The part I think it was parcel
14 number 6 that this was called the Appleview
15 parcel?
16 A. Let's put it like this. I agree
17 that deep seated landslides are not an issue. I
18 did not read it in regards to pedestrian interest
19 or traffic. I reviewed it from a perspective of
20 what was of interest to Transco and in that
21 regard I agreed with it.
22 Q. Transco doesn't care if that gabion
23 net is provided over the rocks, they don't really
24 have a position?
25 A. We do not have a position.

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Rodriguez - cross

1 Q. But Transco's position is that the
2 slope stability and the review of the cliffs is a
3 document that you'd like to review as part of
4 this process; is that correct?
5 A. The proposed one?
6 Q. The proposed project.
7 A. The proposed document that their
8 engineers are going to make, is that what you're
9 speaking of?
10 Q. Yes. I haven't seen it, but, yes.
11 A. Yes, I would like to see it.
12 Q. And that would be relevant in you
13 forming a decision on whether there was any other
14 issues that were as a result of that study? You
15 want to see that to see if it affects decision?
16 A. I want to see it, yes.
17 MR. LAMB: Mr. Chairman, do you know
18 what time we're going to?
19 THE CHAIRMAN: You have time yet.
20 MR. LAMB: I have time. Okay. So
21 you just --
22 THE CHAIRMAN: I'll let you know
23 when you're getting there.
24 Q. Now, is it fair to say your
25 testimony was that Transco has had no major

Rodriguez - cross

1 pipeline incidents in New Jersey, is that your
2 testimony?

3 MR. TUCKER: Objection,
4 Mr. Chairman. What does this have to do with
5 construction of this building vis-a-vis this
6 pipeline?

7 MR. MUHLSTOCK: Mr. Lamb, what kind
8 of proffer you want to give on that?

9 MR. LAMB: I'm going to give a very
10 simple proffer.

11 MR. MUHLSTOCK: Go ahead.

12 MR. LAMB: He testified on his
13 direct examination that Transco has had no
14 problems, there's been no major incidents, that's
15 what he testified to.

16 MR. MUHLSTOCK: Okay. So you're
17 talking about pure credibility?

18 MR. LAMB: Pure credibility.

19 MR. MUHLSTOCK: Not having to do
20 with the substance of any other incident which
21 may have taken place all over the world, pure
22 credibility?

23 MR. LAMB: Pure credibility.

24 MR. MUHLSTOCK: All right. Ask him
25 that then, do you remember your prior testimony?

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Rodriguez - cross

1 THE WITNESS: May I see my prior
2 testimony --

3 MR. MUHLSTOCK: Fine.

4 THE WITNESS: -- to refresh my
5 memory?

6 MR. MUHLSTOCK: Give him his prior
7 testimony. He doesn't remember.

8 THE CHAIRMAN: Folks, we're going to
9 take a brief recess.

10 (Recess taken.)

11 THE CHAIRMAN: Mr. Lamb, just for
12 information purposes, how much longer do you
13 expect to go?
14 MR. LAMB: I'm probably halfway
15 done.
16 THE WITNESS: I don't mind staying,
17 I would rather be done and stay. All right.
18 MR. LAMB: I doubt he would be done,
19 because respectfully since I just got an inch and
20 a half of documents on Friday, I haven't even
21 looked at those substantially. So respectfully,
22 I'm going to ask that he come back even if for
23 some reason I was done.
24 THE CHAIRMAN: All right.
25 MR. LAMB: Also, Mr. Chairman, Ms.

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Rodriguez - cross

1 Gesualdi gave me a copy of a letter dated April
2 3, 2012 addressed to you that indicates that the
3 Town of Guttenberg joins in our request for the
4 issuance of the subpoena, and I just want to make
5 sure the record reflected that. And I assume
6 counsel got a copy of that?
7 MR. ALAMPI: No.
8 MR. LAMB: I only have one copy.
9 She gave it to me.
10 MR. MUHLSTOCK: Here.
11 MR. ALAMPI: Was she here tonight?
12 MR. LAMB: She came and she had to
13 leave.
14 THE CHAIRMAN: She had a family
15 situation.
16 Q. Mr. Rodriguez, I show you what's
17 been marked as T-12 entitled -- from the U.S.
18 Department of Transportation a document entitled
19 Significant Incident Data Access.
20 A. Okay.
21 MR. MUHLSTOCK: Did we skip 11,
22 Mr. Lamb?
23 MR. LAMB: I'm sorry, T-11 is a
24 portion of the February 7, 2012 transcript. You

25 could review --

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Rodriguez - cross

1 MR. MUHLSTOCK: We're not going to
2 mark that separately. That's a transcript.

3 MR. LAMB: Okay.

4 THE WITNESS: I wanted to see it.

5 MR. LAMB: He wanted to see it.

6 MR. MUHLSTOCK: He can see it but
7 I'm not marking that. T-11 --

8 MR. LAMB: T-12 becomes T-11.

9 MR. MUHLSTOCK: And what was it
10 called a U.S. Department of Transportation,
11 Significant Incident Data Access.

12 (Transco Exhibit 11, a document
13 entitled Significant Incident Data Access
14 from the U.S. Department of Transportation,
15 was marked for identification.)

16 Q. Now, Mr. Rodriguez, I show you page
17 57 of your February 7, 2012 transcript, a series
18 of questions where I asked -- excuse me, where
19 your counsel, Mr. Stevens, asked "In general how
20 is Transco's safety record?" Your answer was
21 "very, very good."

22 "Question: Is it fair to say that
23 it's operated every day in New Jersey since 1950
24 without a major incident?

25 "Answer: That's correct."

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Rodriguez - cross

1 Do you recall that testimony?

2 A. Yes, I do.

3 Q. Okay. Have you had a chance to
4 review what's been marked as T-11?

5 A. Yes, I have.

6 Q. Is it fair to say that in New Jersey
7 there has been reported by the Federal DOT at
8 least six, what they deem significant incidents?

9 A. I first were would like to answer

10 your question and that is that I do not change my
11 opinion that we have not had a major incident in
12 New Jersey.

13 Q. Okay. So your opinion is that none
14 of those incidents are major?

15 A. That's correct.

16 Q. Okay. But you agree that the U.S.
17 DOT categorizes them as significant?

18 A. Yes.

19 Q. So now I'm going to change the
20 question. Have there been any significant
21 incidents in New Jersey?

22 A. Yes.

23 Q. Okay. And those are the six that
24 are referred to?

25 A. There's probably other ones beyond

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Rodriguez - cross

1 that. But when I think of -- I'll just -- well,
2 when I think of a major incident or a significant
3 it would be a pipeline rupture. We have had had
4 no pipeline ruptures --

5 Q. Okay.

6 A. -- in New Jersey.

7 Q. And you've seen also what's attached
8 to that, in the other states, the significant
9 incidents or flagged incidents from 1986 to 2011?

10 A. Okay.

11 Q. Is it fair to say that there have
12 been major or were significant incidents in the
13 category that you have indicated in other --
14 outside of New Jersey?

15 A. Let me go through them. I'm not
16 familiar with the structure of this. I'm not
17 familiar with the structure of this spreadsheet
18 so it's going to take me a long time to look at
19 it. But I would certainly say that if the
20 current value of it is in the millions, that that
21 would be significant and you could even say
22 major. And I don't see anything in here in New
23 Jersey that's in the millions.

24 Q. I asked out of New Jersey.
25 A. Pardon me?

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Rodriguez - cross

1 Q. I asked outside of New Jersey. You
2 already answered with respect to New Jersey.
3 Outside of New Jersey.
4 A. A new question?
5 Q. Yes, the question that I asked is
6 follow-up.
7 A. There are plainly items here that
8 are well, six, \$7 million that you could say that
9 is significant and I want to point out that some
10 of this here is Transco Gas Pipeline gathering
11 which is separate from the transmission line and
12 has a different set of rules, so I would not
13 agree that it's part of anything that I can speak
14 to. It's a technicality but it's not the
15 business that I'm in, gathering. Okay.
16 Q. Now, you indicated that there were
17 several pig tests, one in 2005 and one I believe
18 it was last year.
19 A. Yes.
20 Q. You also -- now, is it fair to say
21 that pig tests have various purposes? It's a
22 test that sometimes it looks for thickness of the
23 pipeline, sometimes it looks for anomalies or low
24 spots, it depends on the purpose of that
25 particular test, is that a fair statement?

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Rodriguez - cross

1 A. There are different -- there are pig
2 runs, they're not tests. That's where we run a
3 pig device through the pipeline and various pig
4 devices have various abilities such as for wall
5 loss or dents, yes.
6 Q. Now, is it fair to say that for
7 every pig test or every pig run there is a

8 report?

9 A. Yes.

10 Q. Okay. Now, when was the one that --

11 the pig test that was last year, what -- do you

12 recall the purpose of that?

13 A. It would have been an integrity test

14 to look for anomalies or defects in the pipeline

15 whether they be dents or I would imagine metal

16 loss.

17 Q. Do you know when that took place,

18 approximately?

19 A. No, sometime last year.

20 Q. Okay. Isn't it fair to say that

21 that Code of Federal Regulations, Section 192 has

22 specific requirements for completing a review of

23 those pig tests?

24 A. Yes, I would say that's fair,

25 although I do not know the specifics of those

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Rodriguez - cross

1 rules.

2 Q. You don't know that -- you're not

3 familiar with a test being required to be

4 completed in six months from the test?

5 A. I do not work on a daily basis or

6 even a yearly basis with specifics of the pig

7 runs.

8 Q. Do you think it's -- well, has

9 the -- that last pig test been evaluated now

10 since we -- from the last meeting to today? Is

11 there a completion of that review?

12 A. There is no completion of that

13 review, however, what has been produced so far is

14 a notification from the vendor to us of anomalies

15 on this segment. And I'll refer to the segment

16 as, from the sake of discussion here, these

17 heater valves near Tonnelle Avenue up through

18 there to the Hudson River, there's not a formal

19 report that we have but there has been a

20 notification of anomalies on that segment.

21 Q. And when you say notification of

22 anomalies, in other words there are anomalies on
23 that section?

24 A. There is an anomaly on that section.

25 Q. And can you describe that anomaly?

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Rodriguez - cross

1 A. That anomaly is a dent, a dent in
2 the pipe.

3 THE CHAIRMAN: Dent?

4 THE WITNESS: Dent.

5 Q. Didn't you testify that there were
6 no problems with those tests, no anomalies, no
7 nothing? Wasn't that your testimony?

8 A. I testified that there were no
9 anomalies on the Appleview site or near the
10 Appleview site.

11 Q. Okay. And so where is this anomaly,
12 the anomaly that you're referring to?

13 A. This one is two blocks west of
14 Kennedy Boulevard in North Bergen.

15 Q. Okay. So there is a report that
16 says there's an anomaly off the track and,
17 frankly, we're not really -- I mean, the public
18 may be concerned about two blocks away, but we're
19 focusing on Appleview.

20 A. Okay. More than a mile from
21 Appleview. So more than a mile is not near
22 Appleview.

23 Q. But on Appleview there's a report
24 you believe that says that there is no anomalies?

25 A. No, I told you that the board has

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Rodriguez - cross

1 been notified to us is an anomaly dig list of all
2 the anomalies on the segment, and I'm going to
3 define the segment as being from our valves west
4 of Route 1, Tonnelle Avenue to the Hudson River.

5 There is one anomaly. There is not a report,
6 we've been notified. I do not know how we've

7 been notified, whether it's verbally or if there
8 is an e-mail or a letter from the pig vendor to
9 our pipeline integrity group, but I know what
10 I've said.

11 Q. And in the process who -- the pig
12 vendor, is that an independent third party that
13 runs these tests for you, Transco?

14 A. They own the pig and they run the
15 pig and either they or a different contractor
16 evaluates the pig run data. And then what they
17 do is they tell us because it's highly
18 specialized, they tell us against a criteria that
19 they use what needs to be excavated and looked
20 at. Those are the anomalies and there was one
21 anomaly in the segment that I spoke of.

22 Q. Okay. And so is there a problem
23 with producing to the board proof that there is
24 no anomalies in that test if it shows nothing, is
25 that a problem?

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Rodriguez - cross

1 A. There is no report to produce.
2 There's an -- as of right now, this is all just
3 ongoing, unfolding as we speak, there is also
4 that pig run with a list of anomalies which is a
5 list of one, so there is not a report that says
6 there are no anomalies on the Appleview site that
7 I can give you because there is no such thing.

8 Q. But how did you just find out that
9 there was one anomaly off the site, how do you
10 know that?

11 A. I know that because I was told that
12 and I saw an in-house spreadsheet that lists the
13 anomalies on that segment.

14 Q. So then there is an in-house
15 spreadsheet that says that there is no anomalies
16 on the Appleview site?

17 A. No, it says what anomalies do exist,
18 it does not say what anomalies do not exist.

19 Q. Now, you testified the width of the
20 pipeline is, and correct me if I'm wrong, half an

21 inch?
22 A. Yes, I did.
23 Q. Okay. Did you go out and measure
24 that?
25 A. As a matter of fact, I have measured

Celeste A. Galbo, CCR, RPR, RMR

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Rodriguez - cross

1 it in the past.
2 Q. Well --
3 A. Yes.
4 Q. For this?
5 A. Not in this location, no, but in
6 this same pipe specification happens to be the
7 same from here all the way to where I've worked
8 previously in the Shanick Station.
9 Q. And where did you measure it?
10 A. I've measured it and I've been
11 responsible for the people that probably -- I'll
12 say I was a district manager in that area and we
13 had a similar dent anomaly -- this is prior to
14 pig runs -- and we measured the wall thickness of
15 that line there. This was near the Shanick, near
16 78.
17 Q. So is it fair to say -- and again
18 I'm not interested in the thickness on Route 78,
19 I'm trying to focus just on this property.
20 Is there records of Transco that
21 Transco has in its historical records that says
22 this is the relevant information about this pipe,
23 this is the thickness, this is the type of
24 material, this is where the casing is by River
25 Road, is there some -- something that says that?

Celeste A. Galbo, CCR, RPR, RMR

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Rodriguez - cross

1 A. There's as-builts field notes which
2 I believe we gave you a copy of in your subpoena
3 request.
4 Q. And that's all you have?

5 A. There's more but that is an example
6 of it and it should show the pipe depth, the
7 casing.

8 Q. What more is there in addition to
9 those field notes?

10 A. Well, you take those field notes and
11 you compile them into a linemen sheet which we
12 spoke of earlier, and it details all the various
13 materials along the length of pipeline and where
14 it changes, the stations, point of changes, the
15 coating that's on the pipe.

16 Q. Are there seams on this length of
17 pipe between River Road and going through the
18 Appleview property, are there seams in the pipe?

19 A. This pipe has seams in it inherently
20 because it is not seamless pipe, but I think
21 you're referring to the fact whether it has small
22 pups or not, small sections of pipe.

23 I think where Mr. Lamb is going is
24 that there's a thought that the San Bernardino,
25 however you pronounce it, incident had to do with

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Rodriguez - cross

1 pups. Our response, this was asked by Siat's
2 request of pups, we responded to PHMSA and it's
3 in the -- in that response. I don't recall what
4 it says.

5 Q. But so --

6 A. There is no pups in that segment.
7 Those are the types of seams of relevance that
8 you're speaking.

9 Q. So there is no pups in there but
10 there are areas where the pipe connects; is that
11 correct?

12 A. Must be because the pipe normally
13 comes in 40 foot lengths and there has to be a
14 joining of those lengths. So there is a seam.

15 Q. And is that a special --

16 A. That's not actually referred to as a
17 seam. That's a --

18 Q. Weld?

19 A. That's a joint. The seam is usually
20 the long weld along the pipe and this pipe has it
21 along all of it.

22 Q. Does Transco have any records on
23 where those seams are on the subject line and
24 have they done a pig test to test those seam
25 areas?

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Rodriguez - cross

1 A. Are we referring to what I'm
2 referring to as a seam --

3 Q. Not pups --

4 A. Which is longitudinal?

5 Q. No, the joints.

6 A. The joints. The pig run, we do not
7 as built joints.

8 Q. And you don't know -- well, it's
9 clear that the pipeline takes a turn and goes up
10 the cliffs; is that correct?

11 A. In our reference we actually run
12 from south to north or west to east, so it comes
13 down the hill and then across to New York.

14 Q. And when the pipe goes up the
15 cliffs, right, it takes --

16 A. I would say down the cliff.

17 Q. -- down the cliffs, but the pipe
18 goes from River Road makes a little bit of a
19 left, a little bit of a jog I think, and then
20 goes down the cliffs up to the Boulevard East?

21 A. Right.

22 Q. Is that fair to say?

23 A. Towards the Summit House property,
24 under that little pile.

25 Q. And is it fair to say that there is

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Rodriguez - cross

1 construction occurring below that area, below
2 where the pipe goes, down the cliffs or up the
3 cliffs up to Boulevard East?

4 A. You mean at an elevation that's
5 lower than the top --
6 Q. Yes.
7 A. Yes, that's correct. That is also a
8 significant distance horizontally away.
9 Q. And you've studied where the
10 proposed disturbance is on the project and the
11 excavation of the dirt and rock for this
12 particular project?
13 A. Yes, I looked at it, yes.
14 Q. Okay. And so even though there's
15 excavation against the cliffs --
16 A. Even though there's excavation at
17 the base of the --
18 MR. MUHLSTOCK: Let him finish his
19 question.
20 THE WITNESS: I'm sorry.
21 Q. Even though there's excavation on
22 the lower portion of the cliffs, is it fair to
23 say that that excavation is lower than the pipe
24 that goes up the cliffs to Boulevard East?
25 A. Yes.

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Rodriguez - cross

1 MR. SOMICK: Does that have anything
2 to do with the document that you just handed us?
3 MR. LAMB: No, that was just in
4 response to his comment that there were no major
5 incidents.
6 MR. SOMICK: But this shows, if I'm
7 reading it correctly, it shows that Transco has a
8 maintenance plan in operation to the state
9 showing that they check these things and correct
10 them. So is this a good thing or a bad thing
11 according to you?
12 MR. LAMB: I'm just saying that when
13 somebody testifies that there is no problems in
14 New Jersey and I get a report that says there are
15 problems --
16 MR. SOMICK: Okay, just because he
17 said that, you're showing this.

18 MR. LAMB: I assume that Transco has
19 rectified -- I assume that Transco has addressed
20 all of those on that report because I think that
21 PHMSA would make them do that.

22 Q. Now, is it appropriate to have a pig
23 test every year? I mean, is that something that
24 makes this more safe?

25 A. No, we don't do it every year. I

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Rodriguez - cross

1 think frequency is five or seven years. I think
2 seven years.

3 Q. Now, you also referred to, and I
4 didn't quite understand it, there's a coded
5 report?

6 A. I said coated. Coating report. It
7 was transcribed as coded.

8 Q. Okay. Coating, C-O-A-T?

9 A. Yes, C-O-A-T, coating.

10 Q. In other words, that just says what
11 portion of the pipe are coated?

12 A. What kind of outside finish is on
13 it.

14 Q. I did not understand that.

15 You also indicated that there were
16 tests holes done in front of the flame ionization
17 work? You made a statement to that?

18 A. I'll have to look at the transcript
19 but those are two different issues where you do
20 tests holes and flame ionization. That's leak
21 detection.

22 Q. Now, you indicated that you made a
23 statement, I guess, in the transcript that the
24 people around like in the Galaxy would be able to
25 see if there's a problem. You're not suggesting

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Rodriguez - cross

1 that the Galaxy is obligated to police what

2 happens on this gas pipeline, are you?
3 A. No, I'm not.
4 Q. And really under the CFR
5 regulations, it's squarely on Transco to safely
6 operate it and maintain it; is that correct?
7 A. Absolutely.
8 Q. And also to address landslides is an
9 issue, isn't there a regulation that specifically
10 addresses landslides?
11 A. Yes, there is.
12 Q. Now, we talked about the fencing, we
13 talked about the on-site Transco worker. We
14 talked about pre-augering the piles. Is it fair
15 to say that those are all risks that Transco is
16 basically recommending to the developer and the
17 board to address as part of this process?
18 A. Those are how we viewed the project
19 should be executed, not that those are risks.
20 That is the -- that is the best way to perform
21 that construction in the vicinity of the
22 pipeline.
23 Q. Okay. But it's a good thing to add
24 these safety precautions that minimizes risks,
25 does it not? If we have a person there when

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Rodriguez - cross

1 major construction or some construction is doing,
2 when we put in the fence to stop somebody from
3 going over there, when we pre-auger, those are
4 all things that make this safer; is that correct?
5 A. Yes. And Transco along with
6 Appleview has come to agree to that and that is
7 the purpose of the risk identification report and
8 the accompanying drawings which will detail -- my
9 goal is that it will detail everything that is of
10 concern to Transco and will detail what the
11 contractor will do in response to that. And that
12 way when our inspector is out on the job, he will
13 clearly know what these expectations are.
14 MR. MUHLSTOCK: So, Mr. Rodriguez,
15 the answer to the question was yes?

16 THE WITNESS: Yes.
17 MR. MUHLSTOCK: Thank you. I'm sure
18 this will go a lot faster if you answer the
19 questions that Mr. Lamb asks.
20 THE WITNESS: I'm sorry.
21 Q. One of the suggestions, and I think
22 this was your change to Mr. Bertin's risk
23 identification report was to put in vibration
24 monitoring at the location of the pipeline. That
25 was a paragraph that I think you sent and asked

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Rodriguez - cross

1 him to put in. Is that --
2 A. Yes.
3 Q. Thank you.
4 MR. LAMB: Thank you, Mr. Muhlstock.
5 MR. MUHLSTOCK: Thank you.
6 MR. ALAMPI: Feels strange.
7 MR. LAMB: I'm at a loss for words.
8 Q. And so, therefore, we got the fence,
9 the monitoring, the pre-augering, we have
10 vibration monitoring according to the standards
11 that you suggested, that's another thing that
12 makes this project safer?
13 A. Yes.
14 Q. It helps minimize that risk that the
15 Galaxy is concerned about?
16 A. Yes.
17 Q. Okay. Now, T --
18 MR. MUHLSTOCK: You're up to T-12.
19 Q. I'm going to show you what's been
20 marked as T-12. It's a letter from Mr. Stevens
21 to Chairman Mayo dated March 28, 2011.
22 (Transco Exhibit 12, letter from
23 Mr. Stevens to Chairman Mayo dated March
24 28, 2011, was marked for identification.)
25 MR. MUHLSTOCK: Why don't you just

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Rodriguez - cross

1 give them there and we'll pass them around.

2 Q. Have you had a chance to review
3 that?

4 A. I've seen the letter before, but the
5 part that was added about emergency responders,
6 it is not something -- I do not deal with
7 emergency responders myself, so I really can't
8 speak to any of the programs that involve
9 emergency responders.

10 Q. Is it fair to say that this letter
11 was basically Transco's approval of the prior --
12 the proposed project before the board voted?
13 This letter dated March 28, 2011, this was
14 Transco saying we are approving this project? It
15 says on the first page "As a result, Transco has
16 no obligation to the applicant's proposed
17 construction as it relates to" --

18 A. That's correct.

19 Q. Okay. And it also says that the
20 applicant -- it refers to the applicant's
21 engineer has provided appropriate data and
22 Transco's engineers has reviewed this
23 information. Are you the Transco engineer that
24 is referred to in that letter?

25 A. Yes, I am.

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Rodriguez - cross

1 Q. Is it fair to say then that Transco
2 before this board last approved this project
3 approved the project without pre-augering
4 piles --

5 A. No, oh, no.

6 MR. ALAMPI: Let me just note an
7 objection. The pre-augering was documented
8 before this board and the county planning board
9 long before the final vote on this application.
10 It was agreed to long before.

11 THE CHAIRMAN: All right. Thank
12 you, Mr. Alampi.

13 Q. Is it on the site plans, the
14 pre-augering?

15 A. It is in the documents that we
16 provide you by your subpoena.
17 Q. When this board got submitted an
18 application, is there anything on the site plan
19 that says pre-augering is proposed?
20 A. No.
21 Q. Is there anything in this letter
22 that says our approval is subject to, for
23 example, pre-augering?
24 A. Not in this letter.
25 Q. Okay. Is there anything in this

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Rodriguez - cross

1 letter that says that there should be an on-site
2 inspector during either all construction or some
3 construction? Is that in this letter?
4 A. This letter says that we have no
5 objection to as it's proposed because Appleview's
6 engineers and myself have worked out the details.
7 The working out of those details is in our
8 correspondence between us and Appleview.
9 Q. Does this approval letter say that
10 it's subject to that correspondence and agreement
11 that's not specified in here?
12 A. No, it doesn't.
13 Q. Okay. So the approval was given by
14 Transco through their counsel, it didn't provide
15 for pre-augering, it's not mentioned in there,
16 okay; is that right?
17 A. That's correct.
18 Q. Okay. Didn't provide for on-site
19 monitoring during any type of construction; is
20 that correct?
21 A. That's correct.
22 Q. Didn't provide for let's add a fence
23 to prevent contractors or other third parties
24 from going over the line, it doesn't say the
25 fence, does it?

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Rodriguez - cross

1 A. The fence did not become a thought
2 until the last few -- until the last meeting.

3 Q. So the answer is no?

4 A. Correct.

5 Q. And it also doesn't have anything
6 about we're going to approve this project for
7 this particular project but put vibration
8 monitoring on the -- by the pipeline when the
9 construction is occurring, does it have that?

10 A. Not in this letter.

11 Q. Okay. Is there anything on the
12 plans, the site plans that you reviewed various
13 iterations of that have any of those what I call
14 safety conditions in it?

15 A. Not in the site plans.

16 THE CHAIRMAN: Mr. Lamb, you got a
17 little over 15 minutes.

18 MR. LAMB: I've 15 minutes more?
19 Okay, thank you.

20 Q. And it's also fair to say that one
21 of the other conditions you needed to see is the
22 final risk identification report, that's one of
23 the other things that you wanted?

24 A. Where all those things that you
25 spoke of are to be in.

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Rodriguez - cross

1 Q. And that letter doesn't say that
2 either, does it?

3 A. That's correct.

4 Q. Did Transco other than this letter
5 to the planning board send any other thing that
6 they approved the project subject to various
7 conditions or concerns or agreements? Did they
8 send anything other than this letter to approve
9 this particular project that's you're aware of?

10 MR. MUHLSTOCK: Do you know?

11 Q. If you know.

12 MR. MUHLSTOCK: Do you know?

13 A. No.
14 Q. Your answer is no, you don't know --
15 MR. MUHLSTOCK: He says he doesn't
16 know.
17 Q. Is it no, you don't know or --
18 A. I don't believe we have.
19 Q. Okay. Now, the other thing is we
20 all recognize and it's been subject to testimony
21 that there are problems sometimes with
22 subcontractors. Most projects have
23 subcontractors, so you can get, as an example,
24 Transco can get Mr. Bertin and Appleview to agree
25 to things but they may have subcontractors that

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Rodriguez - cross

1 are also going to do some of the work?
2 A. Yes.
3 Q. Is there any procedure that you put
4 in place to make sure that subcontractors have to
5 comply with certain requirements to make sure
6 that the top guys get the conditions but the
7 lower guys also get the conditions?
8 A. By our inspections.
9 Q. So don't you think it's appropriate
10 to limit the risks to make certain requirements
11 of the subcontractors as well to make sure that
12 well, the contractor may know or the owner may
13 know, that the subcontractor also knows?
14 A. That's the idea of the drawing and
15 the risk identification report that we were
16 putting together.
17 Q. So you believe that every
18 subcontractor then should have the risk
19 identification report so that they're aware of
20 the things that they should look out for?
21 A. I cannot control what someone else
22 will do, but I can help our people be prepared
23 and they will inspect to that document.
24 Q. But isn't it safer and less risky to
25 make sure that everybody who is working on that

Rodriguez - cross

1 site does certain basic things?

2 A. Yes.

3 Q. And that letter from Mr. Stevens
4 dated March 28, 2011, that also doesn't say
5 anything about putting limitations or controls or
6 information to the subcontractors?

7 A. Correct.

8 Q. Now, you indicate that one of the
9 problems -- and I think you acknowledge as a
10 problem -- is if the vibration monitoring goes
11 off at a certain level, I forget whatever,
12 whatever it is, it goes off and it's the bad
13 alarm?

14 A. Peak particle velocity, two inches
15 per second.

16 Q. You agree that there was, there's
17 sometimes a time delay in getting the work to
18 stop that's causing that alarm to go off, that
19 excess limit?

20 A. There would be no time delay if
21 we're there.

22 Q. Okay. So what you're saying then is
23 that while there's anything going on that might
24 cause any vibration, you should -- there was some
25 questions about, you know, painting inside isn't

Rodriguez - cross

1 one of them, but anything that's causing any kind
2 of vibration you should have somebody there?

3 A. Of significance.

4 Q. Of significance.

5 MR. FERNANDEZ: What's the range for
6 it to pick up the vibration?

7 THE WITNESS: Well, two inches per
8 second was a New Jersey state law for and
9 building for blasting. I don't anticipate seeing
10 anywhere near that and therefore probably not
11 tightly monitoring it because of what they're

12 doing. I have not established a specific range
13 that we would look at.
14 MR. FERNANDEZ: If there was a
15 vibration monitor there driving 40-foot concrete
16 piles into the ground, it would not pick up any
17 vibration?
18 THE WITNESS: Oh, it would pick that
19 up, yes.
20 MR. FERNANDEZ: It would? Thank
21 you.
22 THE WITNESS: Yes: Yes.
23 MR. FERNANDEZ: All right.
24 THE CHAIRMAN: Hold it. What were
25 you going to add?

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Rodriguez - cross

1 THE WITNESS: See, but it's not --
2 we're going to monitor at the property line which
3 is near our pipeline. The further away they are,
4 the less of a reading, the less an impact. So
5 the closest ones will be of course show up as
6 more significant, further away would be less, and
7 then on the other side of the property it
8 shouldn't even show up.
9 MR. FERNANDEZ: Okay.
10 Q. So is it fair to say then that that
11 monitoring level decreases as the construction
12 goes farther away from the pipeline?
13 A. We will evaluate it as we go.
14 Q. Is it correct that the vibrations
15 decrease as the building and construction occur
16 farther away from the pipeline?
17 MR. MUHLSTOCK: Mr. Lamb, let me ask
18 a question of you. I mean, really isn't all this
19 details of the actual construction and the
20 coordination of the Building Department, the
21 engineers, the contractors during construction
22 phase and, honestly, all due respect to the board
23 members, what expertise does the planning board
24 have with respect to these issues?
25 MR. LAMB: Well, I think what the

Rodriguez - cross

1 planning board is presented with on what I call
2 this go-around, this second hearing, is some
3 additional safety factors and risk factors which
4 if the board approves it --

5 MR. MUHLSTOCK: I think you're going
6 beyond that now. Your cross-examination or some
7 of it I think dealt with the safety factors that
8 I think Judge Farrington was concerned with. As
9 to these intimate details, I think it's beyond
10 the purview of the board members to be talking
11 about these construction issues. I mean, I know
12 Mr. Fernandez knows about it because he works in
13 the construction department in a neighboring
14 municipality, but honestly, I honestly think
15 you're getting far afield.

16 MR. LAMB: Let me just say this.
17 Mr. McGrath in his letter dated October 10, 2010
18 specifically enclosed and attached for the
19 board's review the construction requirements.

20 MR. MUHLSTOCK: Just because the
21 engineer gives us something, doesn't -- wait a
22 second -- doesn't mean that this board
23 necessarily has to agree, disagree, know about
24 it, agree with it. It may not be particularly
25 relevant or germane to the planning issues that

Rodriguez - cross

1 are before this planning board. That's all I'm
2 saying. I think we're going a little far afield.
3 Can we keep -- let's see if we can keep generally
4 with is this going to be safe which is what Judge
5 Farrington wanted to know, I think.

6 MR. AHTO: When you come before a
7 board, they come with a set of drawings. If you
8 get an approval, then you need working drawings,
9 all together different and then all those details

10 are on the working drawing. They're not on the
11 drawings that come before the board.
12 MR. LAMB: But if this board doesn't
13 impose conditions like this, even if Transco is
14 offering them, the board doesn't have to accept
15 them, but if the board doesn't impose these
16 conditions and they're not in this agreement,
17 which the board has already indicated we want to
18 see that agreement, and we agree but the
19 agreement is being negotiated for four plus years
20 and so we want to see the agreement.
21 MR. MUHLSTOCK: And these items have
22 been discussed --
23 MR. AHTO: These are conditions.
24 These were conditions.
25 MR. MUHLSTOCK: -- between the

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1 engineers, between Transco, between the engineer,
2 Mr. Bertin. I mean, it's not been -- these
3 haven't been ignored as you seem to indicate just
4 because they weren't in Mr. Stevens' letter. I
5 mean, they certainly were discussed.
6 MR. LAMB: Mr. Muhlstock, that is
7 incorrect. Now, I am not -- my recollection
8 is --
9 MR. MUHLSTOCK: Well, the record
10 will reflect. I don't want to argue.
11 MR. LAMB: My recollection is not on
12 the pre-augering. I don't believe it's on the
13 site plan. If Mr. Alampi says --
14 MR. MUHLSTOCK: It's not on the site
15 plan, there is no question.
16 THE CHAIRMAN: He says it wasn't.
17 MR. MUHLSTOCK: We said it wasn't.
18 MR. LAMB: But certainly there is no
19 on-site monitoring, certainly there is no fence,
20 certainly there is no vibration monitoring.
21 MR. MUHLSTOCK: And he said he's not
22 involved with it. All right. Go ahead. Finish
23 your cross.

24 THE WITNESS: May I make a comment?

25 THE CHAIRMAN: Go ahead.

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Rodriguez - cross

1 THE WITNESS: What we would simply
2 hope is that if you were to approve the project,
3 that you would simply -- we would assume, that
4 there would be wording that would say that the
5 construction would have to be in accordance with
6 agreed upon what Transco would like and that
7 would --

8 MR. MUHLSTOCK: It was. It's in the
9 resolution.

10 MR. AHTO: All that is in the
11 resolution.

12 MR. MUHLSTOCK: But Mr. Lamb is
13 saying -- I think he's saying and his argument
14 before the court was that wasn't sufficient and
15 there should have been a little more coordination
16 between and Transco had the obligation to come
17 forward and insure the board that this
18 construction could be undertaken in a safe manner
19 which I think is what we're talking about.

20 THE WITNESS: Yes.

21 MR. MUHLSTOCK: And that's really
22 where we should stay.

23 THE WITNESS: Right. And can I just
24 add something? I issue a lot of -- by the way,
25 we didn't approve the project, we just don't

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Rodriguez - cross

1 object to it. And I issue a lot of those
2 letters. And we do not put the details that got
3 us to that in those letters. And then my only
4 other comment is that it's like a Catch-22. Why
5 are we talking about construction stuff when we
6 may not even be approving the project? Approve
7 it or don't approve it --

8 MR. MUHLSTOCK: All right. Let

9 Mr. Lamb keep going.
10 Q. One of the other things that you
11 suggest is that the boring pits should be shored?
12 MR. LAMB: How much more time do I
13 have Mr. Chairman?
14 THE CHAIRMAN: You have about eight
15 minutes.
16 A. Which boring pits? You have to
17 refresh my memory.
18 Q. There are boring pits in the
19 construction and you --
20 A. Which boring -- there are
21 excavations that may need to be shored, I'll
22 leave it like that.
23 Q. Okay.
24 A. There are deep excavations that may
25 require sheet piling.

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Rodriguez - cross

1 Q. And so you testified in the February
2 7th hearing that there should be wood shoring?
3 A. There normally -- it is normally
4 wood shoring.
5 Q. That's another requirement to make
6 sure that there is no --
7 A. I don't care what type of shoring
8 that they use.
9 Q. As long as there's some type of
10 shoring?
11 A. No, my only concern is the vibration
12 in installing the shoring. The type is their
13 business.
14 Q. The other thing you wanted to see
15 before you finally say that there is no objection
16 is the final set of drawings, is that another
17 thing?
18 A. Yes.
19 Q. Okay. So just to try to run through
20 this, construction fence is an issue, is
21 something that should be address, on-site
22 monitoring, the pre-augering we went through,

23 vibration monitoring?
24 A. Yes.
25 Q. The vibration monitor by a third

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Rodriguez - cross

1 party consultant, is that who you use, somebody
2 who is a third party?
3 A. Yes.
4 Q. The risk identification report has
5 to be finished and agreed to by you?
6 A. Yes.
7 Q. The possibility of directing the
8 subs to make sure that they comply with --
9 A. That is not a requirement that I
10 will make. It's their business.
11 Q. Approval of the final construction
12 drawings?
13 A. Only in regards to the pipeline
14 issues that we identify.
15 Q. And the shoring of the boring pits
16 depending on --
17 A. Any shoring if we -- anything that
18 we find may have an impact on the pipeline is
19 where our concern is only.
20 Q. Now, a Miss Kolstein asked you about
21 the valves, the checking of the valves. Is that
22 automatic -- I didn't quite understand the whole
23 testimony. Is the shut off valve in Carlstadt or
24 Houston or other locations, is that automatic
25 that if there's a problem, they shut it off?

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Rodriguez - cross

1 A. No. They are not automatic.
2 Q. So if there's a problem, if
3 Carlstadt or Houston see that there's a problem,
4 what has to happen? How do they -- there's a bad
5 reading or the valves need to be shut off for
6 whatever reason you determine, how does that

7 valve get shut off?

8 A. Well, first of all, at Tonnelle

9 Avenue there is our meter station which is fully

10 remotely controllable and we want a human to make

11 a decision and then another human to carry out

12 that decision. So the decision will be made on

13 what to be done and then that meter station can

14 be remotely shut in along with the valves at the

15 river which can be remotely closed but they are

16 not automatic.

17 Q. Well, when I say automatic, I guess

18 I mean --

19 A. Automatic means there is no person

20 involved, it's automatic.

21 Q. Okay. Then all I'm saying is from a

22 distance they can be shut off --

23 A. Remotely operated.

24 Q. Remotely operated?

25 A. Yes.

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Rodriguez - cross

1 Q. Nobody has to get in their car and

2 drive X number of miles and turn a valve?

3 A. For those two locations I spoke of.

4 Q. Okay. Is that the case for -- is

5 that generally the case on your pipeline or just

6 on these two pipelines?

7 A. Those two locations.

8 Q. Okay. Now, you also indicated

9 that -- and I'll quote "We do a close internal

10 interval survey where we measure the potential

11 along the pipeline. "

12 A. Close interval. You got to leave

13 out internal.

14 Q. Leave out internal?

15 A. Close interval survey.

16 Q. And is that survey something that's

17 in writing? Just with respect to --

18 A. In some form, yes.

19 Q. Just with respect to the pipeline --

20 A. From here to here this survey was

21 done.
22 Q. You also indicated "Everything that
23 we have says that this is in good condition."
24 Is that everything the pig tests --
25 A. Everything that --

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Rodriguez - cross

1 Q. -- the internal survey, all of those
2 items?
3 A. All the data that is available to me
4 that I'm aware of indicates that this pipeline is
5 safe and that there are no anomalies across the
6 Appleview site.
7 MR. LAMB: Mr. Chairman, this is
8 probably a good point to stop. I mean, I'm not
9 done.
10 THE CHAIRMAN: I thought so too.
11 Thank you.
12 Okay, folks, this matter will be
13 continued at the board's next regular meeting
14 which is on --
15 A VOICE: Excuse me, I'm a member of
16 the public. Can I make a statement because I
17 can't come to the next meeting?
18 THE CHAIRMAN: I'm sorry, we did
19 open it to the public last time around, this time
20 we gave it to the lawyer. I'm sorry. We've
21 already determined when we would close it --
22 A VOICE: It's my life which is at
23 risk, sir. You can give me two minutes to speak
24 about.
25 THE CHAIRMAN: Unfortunately no, I

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Rodriguez - cross

1 can't, not tonight.
2 A VOICE: Fuck you.
3 THE CHAIRMAN: Again, the next
4 meeting that is on this hearing or on this
5 application will be at our May 1st meeting.

6 That's our next regular meeting.

7 MR. LAMB: At 7:00, Mr. Chairman?

8 THE CHAIRMAN: At 7:00. Now bear in

9 mind that's a regular meeting, so there are other

10 items on the agenda.

11 MR. LAMB: I'd like to thank

12 Ms. Baker for advising me that we moved up on the

13 agenda.

14 THE CHAIRMAN: Okay. The Chair will

15 entertain a motion for adjournment.

16 MR. AHTO: Motion.

17 MR. FERNANDEZ: Second.

18 THE CHAIRMAN: Moved and seconded.

19 All in favor?

20 (Chorus of ayes.)

21 THE CHAIRMAN: Opposed?

22 (No response.)

23 THE CHAIRMAN: Meeting stands

24 adjourned.

25 (Time noted: 10 p.m.)

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1 CERTIFICATE
2
3 I, CELESTE A. GALBO, a Certified

4 Court Reporter and Notary Public within and for
5 the State of New Jersey do hereby certify:

6 That all the witnesses whose
7 testimony is hereinbefore set forth, was duly
8 sworn by me and that such is a true record of the
9 testimony given by such witnesses.

10 I further certify that I am not
11 related to any of the parties to this action by
12 blood or marriage and that I am in no way
13 interested in the outcome of this matter.

14 In witness whereof, I have hereunto
15 set my hand this 26th day of April 2012.

16

17

18 CELESTE A. GALBO, CCR, RPR, RMR
19 License No. 30X100098800

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