

1 COUNTY OF HUDSON
2 STATE OF NEW JERSEY
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3
4 In Re: APPLE VIEW
5 7009-7101 RIVER ROAD
6 NORTH BERGEN, NEW JERSEY 07047
7 CASE NO. 4-10

8
9 Applicant.
-----X

10
11 March 6, 2012
12 8:01 p.m.

13 B E F O R E:

14 THE NORTH BERGEN PLANNING BOARD

15 PRESENT:

16 HARRY D. MAYO, III, Chairman
17 GEORGE AHTO, JR., Vice Chairman
18 ROBERT BASELICE, Member
19 PATRICIA BARTOLI, Member
20 SEBASTIAN ARNONE, Member
21 MANUEL FERNANDEZ, Alternate Member
22 REHAB AWADALLAH, Alternate Member

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

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

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

Celeste A. Galbo, CSR, RMR

3-6-12 Appleview

4 name is Richard Tucker, I'm with the Watson
5 Stevens office.

6 MR. ALAMPI: Mr. Chairman, my name
7 is Carmine Alampi, I'm the attorney for the
8 applicant, Appleview, LLC. Celeste, that's
9 A-L-A-M-P-I.

10 Chairman, I believe that Mr. Stevens
11 had the floor with his witness, Jose Rodriguez,
12 who I believe completed testimony and the public
13 completed questioning and it's over to Mr. Lamb
14 for cross-examination.

15 THE CHAIRMAN: Correct. Mr. Lamb.

16 MR. LAMB: Thank you. I'm happy to
17 go first and I'd like to go first but I don't
18 think the public was finished.

19 THE CHAIRMAN: Well, that's true, we
20 did have a line. All right. Let's do this, it's
21 now a couple minutes after eight, you go to 8:45,
22 we'll get the last 15 minutes for the public.
23 How's that?

24 MR. LAMB: That's fine. I'm going
25 to go beyond 8:45 -- I mean, I'm not going to

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1 finish but that's fine.

2 THE CHAIRMAN: I understand. We're
3 ending at nine.

4 MR. LAMB: Yeah, I understand. We
5 have to average out for that last late one, I'm

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6 in favor of that.
7 THE CHAIRMAN: Okay.
8 MR. LAMB: I also just want to note
9 for the record I did send a letter to the board
10 dated March 6, 2012. I requested a number of
11 documents that were the subject of some
12 discussion on the February 7th meeting, and so I
13 will obviously not be finished this evening, so I
14 would request before the next meeting that those
15 document be provided.
16 MR. MUHLSTOCK: Mr. Stevens, do you
17 have the documents that Mr. Lamb refers to?
18 MR. STEVENS: Mr. Muhlstock, I
19 wanted to address that, that's actually why I
20 came up here.
21 Good evening, Mr. Chairman, board
22 members, Mark Stevens, Watson, Stevens, Rutter &
23 Roy out of Freehold and representing
24 Transcontinental Gas Pipeline Company, LLC.
25 Again, Transco's participation and

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1 appearance here this evening is without prejudice
2 to its rights and obligations under the Natural
3 Gas Act and implementing regulations. As
4 Mr. Lamb indicated, we received a letter this
5 afternoon. I have not had a chance to speak with
6 either Mr. Lamb about it yet or Mr. Alampi for
7 that matter or you, Mr. Muhlstock. The purpose
8 of the letter was to point out to the board that
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9 certain information had been requested last time;
10 among the items were I think two exhibits. There
11 was also a request for I believe a 2005 smart pig
12 results and I specifically wanted to address that
13 matter.

14 I learned today that it is Transco's
15 policy to not provide either the raw data
16 generated by the smart pig run or any internal
17 reports that are in turn generated by the raw
18 data. Had I known of that policy last time, I
19 apologize, I would have obviously made the board
20 and Mr. Lamb aware of it. But my purpose of
21 stating this is to let the board know that -- let
22 Mr. Lamb know that Transco will not be providing
23 the 2005 smart pig run data. Having said that, I
24 don't believe that in any way that affects the
25 testimony that the board heard last time from Mr.

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1 Rodriguez. I repeat, Mr. Rodriguez would repeat
2 under oath, I will make a representation that I
3 have been informed that the data shows no
4 anomalies, no problems, nothing that has to be
5 investigated on or about the Appleview site. But
6 and in addition, the -- whether or not the data
7 is provided has nothing to do with Mr.
8 Rodriguez's opinion which he expressed last time
9 which is that if this board were to approve the
10 Appleview application, the construction of the

11 building would in no way affect the pipeline. So
 12 having said that, I'll ask for any comments or
 13 statements that might be made. It's something
 14 obviously that we have to talk about. Again, I
 15 apologize for bringing this up at this point but
 16 I learned this today.

17 MR. MUHLSTOCK: All right.
 18 Mr. Lamb, why don't you respond to the fact or
 19 the statement there that the data is according to
 20 Transco somewhat privileged and they won't be
 21 providing it.

22 MR. LAMB: Thank you. First of all,
 23 Mr. Muhlstock, he did not use the word
 24 privileged, he said it's their policy.

25 MR. MUHLSTOCK: I said somewhat

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1 privileged, somewhat in quotes. I don't know if
 2 it is privileged or not.

3 MR. LAMB: With all due respect,
 4 I've heard nothing to say why this information
 5 should not be provided. The fact that it's a
 6 policy by a for profit corporation in my opinion
 7 is irrelevant. Mr. Rodriguez testified for
 8 probably three or so hours at the last hearing.
 9 And if you notice, and we're going to find out
 10 through my cross-examination, virtually every
 11 opinion he made referred to an investigation
 12 report, inspection or something that was never
 13 provided or produced. Respectfully his entire

14 testimony was a net opinion.

15 I have brought with me subpoenas
16 tonight and in light of the fact if Transco does
17 not request -- does not produce the information,
18 especially since it was already discussed and
19 agreed to and ruled on by Mr. Muhlstock, I'm
20 going to ask the board to issue a subpoena to
21 provide the information, and, respectfully, this
22 is only the first part of it. Because an
23 attorney can make whatever representations he
24 wants but somebody makes a statement there is no
25 anomalies, there is no problems in these tests, I

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1 looked at documents but I'm not going to tell you
2 what documents I looked at, we respectfully do
3 not trust Transco. They were brought here only
4 through the court's decision. I asked for years
5 to have a Transco representative come up here and
6 when somebody resists this much, when somebody
7 only basically puts us to have to go into court,
8 my client, and get a court order to come back and
9 get this information and now it's very clear
10 what's required, then I want to see every single
11 document that was the subject of that testimony.

12 So respectfully, I'm happy to give
13 you a blank subpoena. You can provide the
14 information and based upon this initial threshold
15 issue, I have lots of questions about all the

16 other documents that were reviewed but not one
17 produced except for Mr. Rodriguez held up a draft
18 I think it was risk identification agreement that
19 Mr. Bertin authored and he had some lines and
20 revisions, et cetera in it, and that was another
21 document that was the subject of this. That's
22 the only document that I saw held up in three
23 hours of testimony that was relevant to the
24 testimony.

25 MR. MUHLSTOCK: Okay. Do you want

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1 to respond briefly?

2 MR. STEVENS: If --

3 MR. LAMB: And with all due respect,
4 they have two attorneys, they can pick which
5 attorney they want. But respectfully they should
6 have one attorney doing this instead of having
7 two attorneys come up and try to do it. Somebody
8 should --

9 MR. STEVENS: I disagree with that.

10 MR. MUHLSTOCK: We're not in a
11 courtroom, so I'm not so sure about that.

12 MR. STEVENS: First of all, I
13 respectfully disagree with Mr. Lamb's assessment
14 on a number of levels. Transco resisted nothing.
15 If the board had sent a letter to Transco years
16 ago and said, you know, please consider appearing
17 or please appear, that would have been considered
18 and in all likelihood we would have been here.

19 But with respect to the smart pig
20 results, Mr. Lamb and his clients are welcome to
21 make a Freedom of Information Request to the
22 PHMSA, Pipeline and Hazardous Materials Safety
23 Administration. If that agency which regulates
24 Transco pursuant to the -- you know, under the
25 Federal DOT regulations wishes to ask Transco to

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1 make that information available, then Transco
2 will certainly comply with anything that PHMSA
3 says. But that's what I have to say about the
4 smart pig data.

5 MR. TUCKER: Thank you. Let me just
6 add that I think that Mr. Lamb's objection
7 properly goes to the weight of Mr. Rodriguez's
8 opinion. And I say that because the rules of
9 evidence, one of which I cited at the last
10 meeting, provides that the basis for the expert's
11 opinion can be basically anything and that goes
12 to weight and that the underlying data need not
13 be admissible in evidence or offered in evidence.
14 Also let me add that while Mr. Lamb indicates
15 that he has been waiting for years to get this
16 information, he served no subpoena before, he's
17 done nothing to get Transco before this board.
18 We're here voluntarily, basically as a friend of
19 the board in trying to address these questions.
20 This is not Transco's application, we have

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21 nothing in this. We have no skin in this game.
22 We're here to cooperate and be informative.
23 Thank you.
24 MR. MUHLSTOCK: Okay.
25 MR. LAMB: I'd just like to respond

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1 briefly. To correct the statements made, as the
2 board knows, although Transco's counsel doesn't
3 know because they weren't here, I have requested
4 the board to subpoena Transco. I've sent
5 numerous letters requesting Transco to be
6 involved and Mr. Alampi knows that I have been
7 trying for two years. Now, whether Mr. Alampi
8 had communicated every request to Transco but
9 they certainly are aware of his application.

10 I am moving to strike the entire
11 testimony of Mr. Rodriguez. You can do what you
12 want. I'm making --

13 MR. MUHLSTOCK: And I would
14 suggest -- okay, thank you. I would suggest to
15 the board that Mr. Lamb's last motion be denied.
16 I would suggest to the board that we continue
17 with Mr. Lamb's cross-examination, that he hand
18 up the subpoenas, that I will take them under
19 advisement, that if I do some research and I find
20 that subpoena can validly be served on this, then
21 I will correspond with the board and we will
22 serve the subpoenas before the next meeting. But
23 I would suggest that Mr. Lamb continue

24 cross-examination at this point with that issue
25 being reserved and I'll take it under advisement.

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1 MR. LAMB: And for the board
2 attorney's edification, I believe it's the County
3 Municipal Planning Act specifically allows the
4 board to issue subpoenas and there's a section in
5 the Cox's Handbook that refers to it.

6 MR. MUHLSTOCK: I'm very well aware
7 that a board can serve a subpoena, Mr. Lamb. I
8 said, if you listened, I don't know whether this
9 particular party has to comply with that subpoena
10 from this board. Do you?

11 MR. LAMB: I absolutely do. The
12 party is represented by counsel, appeared and
13 gave testimony. They're subject to a subpoena.

14 MR. MUHLSTOCK: Okay. Well, if I
15 find out that you're right, and you certainly, by
16 the way, can send me a memo on that and support
17 for that in the next couple of days -- and by the
18 way, don't leave it to the last day before the
19 next hearing like you have been doing on your
20 memos. It would be helpful if these issues would
21 be brought to the board's attention in advance so
22 that I and the board would have the opportunity
23 to hit these issues on the head and maybe solve
24 them before the meetings.

25 MR. LAMB: Mr. Muhlstock, with all

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1 due respect, there is no doubt that I sent a
2 letter today, but respectfully I waited until the
3 absolute last minute that I could have gotten
4 something and I didn't get anything. So I've got
5 to now write a letter requesting what was
6 promised and represented in the last transcript.

7 MR. MUHLSTOCK: But you could have
8 written that letter ten days ago and I could have
9 got involved.

10 MR. LAMB: Certainly I could have.

11 MR. MUHLSTOCK: Maybe I could have
12 solved it for you and maybe we wouldn't have this
13 problem. I don't know.

14 MR. LAMB: For purposes of the
15 subpoena, what exhibit are we up to, Celeste?
16 G-4, I'm going to mark this, Mr. Muhlstock, it's
17 a blank subpoena.

18 MR. MUHLSTOCK: You can hand it up
19 to me.

20 (Galaxy Exhibit 4, blank subpoena,
21 was marked for identification.)

22 MR. MUHLSTOCK: I would suggest, I
23 just read your subpoena real quickly, I would
24 suggest that if you are serious, that you be
25 much, much more specific with respect to your

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1 request of the documents you want instead of
2 being what I think is a little too broad. Maybe
3 you want to fix that and give it back.

4 MR. LAMB: well, you're absolutely
5 right, that was a blank subpoena in case we had a
6 problem.

7 MR. MUHLSTOCK: I understand but
8 give me one that we can execute on.

9 MR. LAMB: I'm happy to put --

10 MR. STEINHAGEN: I'll have one
11 tomorrow.

12 MR. LAMB: No, I'm happy to attach
13 my letter dated March 6 and say the documents
14 referred therein. So if you'd like me to make
15 that change --

16 MR. MUHLSTOCK: well, we can do it
17 after the meeting.

18 MR. TUCKER: Yes, if I may. There's
19 a second document that was requested in
20 Mr. Lamb's letter from today, and that was the
21 notes, he referred to them, I believe, as notes
22 that Mr. Rodriguez had with him when he testified
23 at the last meeting.

24 THE CHAIRMAN: Right.

25 MR. TUCKER: Now, let me say that I

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1 suppose that the basis for this demand is that

2 Rule 612 of the New Jersey Rules of Evidence that
 3 indicate that if a witness is using a writing to
 4 refresh his memory, then the adverse party is
 5 entitled to get that writing. So Mr. Lamb's
 6 application supposes that that was why Mr.
 7 Rodriguez had those notes in his possession. I
 8 think that's a matter of proof and at the risk of
 9 representing or proffering, I would submit Mr.
 10 Rodriguez would testify that that's not why he
 11 had those notes.

12 Secondly, let me say that, again,
 13 I'll represent that the papers he had with him
 14 were documents prepared by our office, they were
 15 sent to Mr. Rodriguez. The documents are
 16 privileged within the attorney/client privilege
 17 and that trumps any suggestion in Rule 612 that
 18 the documents are entitled to be produced and
 19 given to an adverse party.

20 MR. MUHLSTOCK: Well, I don't
 21 necessarily agree with everything you just said.
 22 If there were notes that the witness was using
 23 during his testimony, and he certainly did have
 24 some papers while he was standing at the podium,
 25 and if you're saying that those documents were

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1 privileged, you may be right, he probably
 2 shouldn't have been using them at that time, but
 3 if the documents weren't privileged, he certainly
 4 should provide them because he was -- he

5 certainly was using them during his testimony and
6 referring to them. And I think the record
7 indicates that, I believe. So I would suggest
8 that before we serve this subpoena, if that's
9 what happens, before this issue, you know, has to
10 wind up then going to court, that we be real
11 clear about what documents and maybe those be
12 marked. And if you want to send them to me, you
13 know, with notations privileged, we'll mark them
14 outside of this proceeding, that would be fine.
15 We'll get to the bottom of whether or not they
16 are privileged or not.

17 MR. TUCKER: In connection with that
18 submission, I'd like to also refer to the rule
19 that I've cited that I think is applicable.

20 MR. LAMB: And the response I'd like
21 to note that Mr. Tucker was here throughout the
22 entire hearing, this issue was already argued and
23 the board based upon the advice of counsel
24 already made a ruling on it.

25 MR. MUHLSTOCK: Well, the issue of

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1 privilege wasn't raised last meeting.

2 MR. LAMB: Two attorneys sat here
3 and said nothing when that was discussed.

4 MR. MUHLSTOCK: But it wasn't
5 raised. I mean, now they're saying that that
6 document was privileged. I don't know, you don't

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7 know, no one knows. We're going to have to look
8 at it and see if it was. And the court may have
9 to look at it to see if it was. All right.
10 THE CHAIRMAN: Okay. Let's move
11 forward, we're not going to rule the testimony is
12 invalid. Mr. Lamb, please proceed with your
13 cross.
14 MR. LAMB: Thank you.
15 MR. MUHLSTOCK: Mr. Rodriguez, step
16 up and be re-sworn, please.
17 JOSE RODRIGUEZ, having been duly sworn by the
18 Notary Public, was examined and testified as
19 follows:
20 THE WITNESS: Could I make a
21 statement first or just clarify what was just
22 covered?
23 MR. MUHLSTOCK: Well, I think why
24 don't we limit this to cross-examination at this
25 point. We've already argued that out.

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Rodriguez - cross

1 CROSS-EXAMINATION
2 BY MR. LAMB:
3 Q. Good evening, Mr. Rodriguez.
4 A. Good evening.
5 Q. Have you ever identified yourself as
6 a pipeline safety expert or professional?
7 A. Identified myself as a pipeline
8 professional.
9 THE CHAIRMAN: Please speak up.

10 THE WITNESS: Pipeline professional,
11 not as a pipeline safety professional
12 specifically. Although everything that I do and
13 everything that the engineers do in the pipeline
14 is structured around the safety requirements of
15 the code and federal regulations which they're
16 strictly as safety rules. So in that regard I'm
17 a safety engineer.

18 Q. I'm not saying that you're not a
19 pipeline engineer. Have you ever held yourself
20 out in any tribunal as a pipeline safety expert
21 or a pipeline safety professional?

22 A. As a pipeline safety -- as a
23 pipeline expert, not as a pipeline safety expert.

24 Q. Thank you.

25 MR. LAMB: And I'm going to mark

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Rodriguez - cross

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1 G-5. G-5 is 3/6/12. I'm going to give you a
2 copy while I pass it out. I have a copy for
3 everyone.

4 (Galaxy Exhibit 5, Pipeline Safety
5 Trust document entitled Recommended
6 Independent Pipeline Safety Professionals,
7 was marked for identification.)

8 Q. Mr. Rodriguez, while Miss Baker is
9 passing them out just to keep things moving, I
10 show you what's been marked as G-5, it is a
11 document from the Pipeline Safety Trust. Have

3-6-12 Appreview
12 you ever heard of the Pipeline Safety Trust?
13 A. No, I have not.
14 Q. Okay. Pipeline Safety Trust has
15 recommended independent pipeline safety
16 professionals, that's the term that they use.
17 Are you aware of any other companies, entities,
18 agencies that use the words pipeline safety
19 professionals?
20 A. No.
21 Q. Have you ever dealt --
22 MR. MUHLSTOCK: By the way, Mr.
23 Lamb, before you continue, did you identify on
24 the record G-5 so we all know what it is?
25 MR. LAMB: Yes, it's a Pipeline

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Rodriguez - cross

1 Safety Trust document entitled Recommended
2 Independent Pipeline Safety Professionals.
3 MR. MUHLSTOCK: It's not dated but
4 where is this from? Is this from any book? Is
5 this --
6 MR. LAMB: No, this is directly from
7 the Pipeline Safety Trust.
8 MR. MUHLSTOCK: From the people who
9 call themselves Pipeline Safety Trust?
10 MR. LAMB: Yes, received within the
11 last three days, although it's not dated. But he
12 answered, Mr. Muhlstock, that he --
13 MR. MUHLSTOCK: Yes.
14 MR. ALAMPI: Mr. Muhlstock, I'd like

15 a proffer from Mr. Lamb before we go into any
16 questioning on this Exhibit G-5. Many of us may
17 know about this organization or entity, many of
18 us don't. I think we need a proffer, what is
19 this organization, what are their credentials,
20 what status do they hold, are they recognized by
21 the government, things like that. Let's do a
22 proffer first before we get into it.

23 MR. LAMB: I'm going to make
24 everybody's day very happy. He said he hadn't
25 heard of them and so I'm not going to really ask

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Rodriguez - cross

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1 any more questions on it.

2 MR. MUHLSTOCK: That's fine. That's
3 fine. You don't have to.

4 MR. LAMB: He never heard of them.

5 MR. MUHLSTOCK: There doesn't need
6 to be a proffer on this document, it is what it
7 is.

8 MR. LAMB: That was simple.

9 Q. Can you name any professionals or
10 experts that hold themselves out as pipeline
11 safety experts or pipeline safety professionals
12 other than Mr. Kuprewicz who is the Galaxy's
13 expert?

14 A. We have pipeline safety engineers
15 within our company, that is their title, that's
16 as far as I could speak to.

17 Q. So Transco retains pipeline safety
18 engineers?

19 A. Engineers, that's their title. I
20 can't say that you would consider them to be the
21 same as these three people here but that is their
22 title.

23 Q. Where are they located?

24 A. In Houston.

25 Q. Transco does not have any pipeline

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Rodriguez - cross

1 safety engineers in the State of New Jersey; is
2 that correct?

3 A. Transco does not have any engineers
4 with that title in New Jersey.

5 Q. Now, you testified that only
6 qualified employees can operate the valves?

7 A. DOT qualified employees.

8 Q. You don't fall within that category,
9 is that correct, or are you --

10 A. I had been qualified to operate
11 valves, but since I'm no longer in an operations
12 position I let my qualification lapse.

13 Q. Okay. And so to find out about the
14 proper operational aspects of the valves I
15 shouldn't ask you, there is somebody else in
16 Transco? I know that there's several other
17 people in Transco --

18 A. No, that's not correct.

19 Q. Now, are you aware of the
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20 construction details and requirements that
21 Transco provides in construction of pipelines, a
22 form construction details and requirements?

23 A. We have a list of our minimum
24 requirements of third party individuals if that's
25 what you're referring to.

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Rodriguez - cross

1 Q. Just bear with me. I'm going to he
2 show you the letter report of Rick McGrath dated
3 October 18, 2010 from Boswell McClave Engineering
4 to the North Bergen Planning Board. I'll give it
5 out to you first while I pass it out or while
6 it's passed out.

7 MR. MUHLSTOCK: Was this previously
8 marked, Mr. Lamb?

9 MR. LAMB: Yes, it was.

10 MR. MUHLSTOCK: Do you know what the
11 document number --

12 MR. LAMB: No, I don't. Since I
13 only had about 10 exhibits in this, I thought I'd
14 just have it --

15 MR. MUHLSTOCK: That's all right.
16 we'll find it.

17 Q. If you could just take a second, Mr.
18 Rodriguez, and review that letter and the
19 attachments in particular.

20 A. I have.

21 Q. Have you ever seen that letter by

22 Mr. McGrath?

23 A. I don't know that I've seen the
24 letter. I may have.

25 Q. And I'm particularly interested in

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Rodriguez - cross

1 the attachments to the letter.

2 A. Yes.

3 Q. The first attachment is the
4 Requirements For Construction or Maintenance
5 Activities page -- there's six pages?

6 A. Yes.

7 Q. And then there are --

8 A. I'm very familiar with this
9 document.

10 Q. -- Williams Gas Pipeline
11 Requirements For Landowner and Third Party
12 Construction, that's another seven pages?

13 A. Right.

14 Q. Okay. Is it fair to say that these
15 are general requirements or conditions that
16 Transco and Williams -- I'll use them
17 interchangeably -- Transco finds it desirable to
18 impose on property owners and contractors and
19 developers to insure that -- or help insure that
20 its policies and the safety is maximized and the
21 risks minimized?

22 A. That is correct, that's how I do my
23 job as a division engineer to insure that the
24 project is safe to be constructed in the vicinity

25 of our pipeline.

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Rodriguez - cross

1 Q. Okay.

2 A. The second version -- the second
3 document is really just a revised updated version
4 of the first one. So it would be correct to say
5 it is our current requirements, it is an updated
6 version of the earlier dated one.

7 Q. Okay. So the second set of
8 attachments, the seven pages --

9 A. The ones with a later date are the
10 most current.

11 Q. The ones that are dated on the
12 bottom right-hand side September 16, 2009?

13 A. That's correct.

14 Q. Have there been any changes to
15 this -- these requirements since that date?

16 A. I believe these are the current
17 requirements.

18 Q. Now, when you say you believe, is
19 there a doubt in your mind? Is there someplace
20 you need to check to make sure that this is the
21 current set?

22 A. Well, I hate to say that things are
23 exact or 100 percent unless I know them to be 100
24 percent. I believe it is 95 percent or 99
25 percent most current version.

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Rodriguez - cross

- 1 MR. LAMB: Okay. And I'm going to
2 ask before the next meeting that Mr. Rodriguez
3 check to make sure that this is the most recent
4 version to the extent that there is even a small
5 doubt in his mind.
- 6 Q. You're aware that this developer has
7 been attempting to develop this project in
8 various designs and site plans for approximately
9 four years?
- 10 A. Yes, I am.
- 11 Q. And in that period of time has
12 Transco ever enter into an agreement with the
13 developer that required the developer to comply
14 with these general requirements?
- 15 A. We have no agreement even today on
16 anything, any written agreement. We have an
17 understanding of what is required, what we
18 require, and they have that same understanding
19 but there is no agreement in those terms of what
20 an agreement is to me.
- 21 Q. And you were here obviously on the
22 February 7th meeting before the board?
- 23 A. Yes.
- 24 Q. When I believe the developer's
25 counsel indicated that they would submit the

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Rodriguez - cross
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1 agreement to the board before the next hearing.
2 Do you recall that?

3 A. which agreement would that be?

4 Q. well, I'm not sure. It just says
5 agreement.

6 A. well, I'll tell you that we've spoke
7 of a right-of-way agreement and we spoke of a
8 Risk Identification Report which we are in
9 agreement with, but we have not talked that we
10 have an agreement with them.

11 MR. LAMB: Okay. And Mr. Tucker can
12 advise the board, but my question is do you have
13 that Risk Identification Agreement that was in
14 draft form? Is that something that you're
15 objecting to?

16 A. I have the risk identification --

17 Q. Let your counsel --

18 MR. STEVENS: I have no objection to
19 it.

20 Q. Do you have that draft document with
21 you?

22 A. Yes, I do.

23 MR. LAMB: I'd like to request a
24 copy of it before the next meeting assuming
25 that's not part of the objectionable

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 documentation.

2 Q. Is it fair to say that it's your

3 expectation that Transco when it enters into an
4 easement agreement with the developer will attach
5 that Risk Identification Agreement to that
6 easement?

7 A. We're speaking of two different
8 things. The right-of-way agreement is an
9 agreement between the property owner and the
10 pipeline for what rights we will have. Then
11 there is an agreement or -- it's not a signed
12 agreement, it's an agreement that must be reached
13 between the developer and us for us to have no
14 objection to their project. For us to reach --
15 these are two separate items. For us to reach
16 that second stage which is where we are, where we
17 issued a letter of no objection, we have to be in
18 agreement on what they're going to do and what
19 we're going to allow them to do.

20 Q. How does -- did you ever see the
21 draft easement agreement that Mr. Alampi had
22 prepared and submitted to this board by a letter
23 dated January 19, 2011? And I'll give it to you
24 and mark this as G-6.

25 (Galaxy Exhibit 6, draft easement

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 agreement, was marked for identification.)

2 A. I've never seen this version of it,
3 but I've seen -- I've seen parts of this. Maybe
4 this entire right-of-way agreement.

5 THE CHAIRMAN: So this is the
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6 original right-of-way agreement?

7 THE WITNESS: There is no
8 right-of-way agreement currently. This is the
9 right-of-way agreement that we will have at
10 the -- once they grant us a right-of-way.

11 Q. So it's fair to say that from your
12 expectation you, one, want to have an agreement
13 that's not recorded in the clerk's office?

14 A. No --

15 Q. On that risk identification, is that
16 an agreement that doesn't get recorded?

17 A. That's correct, it's an agreement
18 that does not need to be recorded. It is not a
19 property agreement.

20 Q. Isn't it appropriate, though, when
21 entering into this easement agreement that you
22 require the developer at the same time to satisfy
23 these requirements because they're important in
24 connection with the construction of the project?

25 A. No, not at all. We have

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 right-of-way agreements that are drawn up before
2 pipelines are built. We have to get a
3 right-of-way first. It's an agreement just --
4 right-of-way agreement is a land agreement, it's
5 land rights. It has nothing to do with
6 construction activities except it limits or will
7 allow certain rights which -- including from our

8 perspective, our ability to construct and
9 maintain and operate a pipeline. It's
10 generally -- those right-of-way agreements are
11 for what rights we are getting.

12 Q. So you're saying that agreement is
13 kind of one side of it, the rights that you get?

14 A. That's our side of it.

15 Q. Let me ask, then, you agree that
16 these requirements and standards and limitations
17 on the developer, that's something that helps
18 make the project more safe if the developer
19 complies with those requirements?

20 A. All right. I'm not going to get too
21 complicated here because the agreements -- the
22 right-of-way agreements that are for this
23 projects are twofold, one is a right-of-way
24 agreement for a pipeline and one is an access
25 agreement for an area where our pipeline is not.

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 So not to get too complicated but in the portion
2 where a pipeline exists, where it's a
3 right-of-way agreement, that agreement will allow
4 us to maintain and operate our pipeline. Okay,
5 that's what's in the agreement. And then when we
6 have that agreement, that legally binds the
7 landowner to his activities that he cannot do
8 activities that would interfere with our safe
9 operation and maintenance of the pipeline. None
10 of that would apply to the access agreement.

11 Q. I guess from my standpoint I don't
12 really care how many agreements there are.

13 A. Okay.

14 Q. You're saying you want a
15 right-of-way agreement for your rights, you want
16 an access agreement for --

17 A. Access.

18 Q. -- the access that's shown on the
19 site plan.

20 A. Um-hum.

21 Q. You want to impose other
22 requirements on the developer in the Risk
23 Identification Report that Mr. Bertin prepared?

24 A. Yes.

25 Q. Okay. And you also want to have

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 these, the most recent version of these
2 requirements what they're entitled general
3 requirements also imposed on the developer?

4 A. I don't know that I would use the
5 word impose but this is our minimum requirements
6 for just what it says for landowners and third
7 party construction. The intent of these
8 guidelines is so that we can operate our pipeline
9 safely.

10 Q. And so therefore the planning board
11 looking at this application, is it not prudent
12 for the planning board to also insure that at the

13 very least your general requirements in these
14 seven pages would also be obligations with
15 respect to the project?

16 A. You said it yourself, they're
17 general requirements, they're not specific
18 requirements. They're everything -- there are
19 rules and there are guidelines but there is a
20 specific application of those rules and
21 guidelines.

22 Q. Now, you testified that Transco
23 meets and exceeds those regulations at every
24 opportunity that we have?

25 A. I said Transco meets and exceeds

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 these regulations.

2 MR. MUHLSTOCK: What regulations are
3 you referring to?

4 A. 49 Code of Federal Regulations, Part
5 192. These -- this document that you produced
6 are not regulations.

7 Q. No, no, I understand. They're your
8 internal --

9 A. Guidelines. Right. You said --

10 Q. No, now I'm talking --

11 A. I'm just answering your question.

12 Q. -- I'm talking CFR. You said you
13 exceed some of those. Which regulations do you
14 exceed?

15 A. Since we talked about smart pigging,
Page 30

16 we smart pig our lines before they were required
17 to be smart pigged, that's an example of
18 exceeding the regulations.

19 Q. And when did the smart pigging
20 regulations come into place, if you know?

21 A. I don't recall the year offhand.

22 Q. But the smart pigging regulations
23 have been in place for at least a decade, is that
24 fair to say?

25 A. I don't know the exact date. But

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 I'll tell you that with me today are other
2 Transco professionals, including my division
3 technical manager, Dan Schwitzer, who could
4 easily answer that question to a better degree
5 than I can.

6 Q. Okay. I'll wait for Mr. Schwitzer.

7 Now, you also testified that you
8 made inquiries to a general compliance with the
9 regulations. Who did you make inquiries to?

10 A. I don't understand your question.

11 Q. In the transcript you testified that
12 you made inquiries as to a general compliance
13 with the regulations. Do you make inquiry to
14 somebody to make sure that Transco is complying
15 with those regulations?

16 MR. STEVENS: Do you understand the
17 question?

3-6-12 Appleview
18 THE WITNESS: I don't understand the
19 question.
20 MR. MUHLSTOCK: Can you rephrase it?
21 MR. STEVENS: Can you rephrase it?
22 Q. Do you have to talk to anybody to
23 see if there's compliance with all of those
24 regulations?
25 A. These regulations?

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 Q. Yes.
2 A. The Code of Federal Regulations?
3 Q. Yes.
4 A. This Code of Federal Regulations is
5 vast and it is more than the job that I do.
6 Q. Okay. That's fine.
7 A. So I could not possibly know that
8 everything in here is -- the details of
9 everything that's in here and how it's applied.
10 Q. Does Transco prepare compliance
11 reports with respect to, in this particular case,
12 in New Jersey with respect to a particular length
13 of pipeline or a specific area of pipeline?
14 A. I don't know.
15 THE CHAIRMAN: Mr. Lamb, you've got
16 three minutes.
17 Q. Are you a structural engineer?
18 A. I'm a civil engineer.
19 Q. Okay. You're not a mechanical
20 engineer?

21 A. I like concrete especially.
22 Q. Not a geologist?
23 A. No, no. I did take geology courses
24 and soil courses. I love soil courses.
25 Q. But are you a geologist?

Celeste A. Galbo, CCR, RMR

♀

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Rodriguez - cross

1 A. No, I'm not.
2 Q. Are you a geotechnical engineer?
3 A. No, that would be a subpart of a
4 civil engineer.
5 Q. Okay. Are you a hydrologist?
6 A. No, I am not.
7 Q. Are you a hydrological engineer?
8 A. No, I'm not.
9 Q. Now, you also testified there are a
10 lot of inspections. I think you said walking the
11 line inspections, I think you said drive by
12 inspections. Let's take walking the line
13 inspections first.
14 A. Okay.
15 MR. LAMB: Mr. Chairman, you just
16 interrupt me when you want to interrupt me.
17 THE CHAIRMAN: Okay.
18 Q. When you do walking the line
19 inspections, when you're done with walking the
20 line, do you go back to your office and prepare a
21 report that says everything was okay or I noticed
22 this or there was some soil erosion here or

3-6-12 Appleview
23 somebody better check out something? Do you do a
24 report when you walk the line?
25 A. Yes, we do.

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Rodriguez - cross

1 Q. And how many times have you walked
2 the line on this particular area of the pipeline
3 on the subject property in the last four years?

4 A. On an official inspection?

5 Q. Let's start with official
6 inspection, yes.

7 A. I will tell you that the frequency
8 is either once a year or twice a year and I also
9 can refer you to the district management that is
10 here that can tell you exactly. He's in charge
11 of the people that walk the line. I can further
12 -- I'd further like to offer -- and this is
13 something you won't need to mark as an exhibit
14 because it's on our web page and open to the
15 public, that details some of the inspections that
16 we do. It also details our Gas Pipeline
17 Integrity Management Program. These are the
18 things that we do beyond me checking the project
19 to see if it's safe.

20 Q. Okay. Getting --

21 A. I'm answering your question.

22 Q. Okay. Go ahead.

23 A. I'm answering your question because
24 you talked about inspections.

25 Q. Yes.

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 A. Those inspections are in here,
2 including the one that you might be referring to
3 which is the leak detection survey. A leak
4 detection survey is done once every year. There
5 are details for varied other stuff and you can
6 mark this as an exhibit or you can get it
7 offline.

8 Q. If you're referring to we can mark
9 it as T --

10 MR. MUHLSTOCK: Let's mark it --

11 A. And it details the various safety --

12 THE CHAIRMAN: Mr. Lamb, that's it.

13 A. -- inspections that we do. Part of
14 our bigger picture Gas Pipeline Integrity
15 Management Plan is to watch for third party
16 mechanical damage being that third party
17 mechanical damage is one of the most significant
18 causes of pipeline leaks.

19 Q. But getting back to those
20 inspections reports --

21 MR. LAMB: Mr. Chairman, if I can
22 just finish this line.

23 MR. MUHLSTOCK: Let us mark that so
24 we don't lose sight of it.

25 MR. STEVENS: I'm sorry, was that

Celeste A. Galbo, CCR, RMR

Rodriguez - cross

1 T --

2 MR. MUHLSTOCK: I think we're up
3 to -- this is Transco's document.

4 MR. STEINHAGEN: It's T-5.

5 MR. STEVENS: T-5 will be a two-page
6 document the words Williams Gas Pipeline
7 Integrity appear prominently on the first of two
8 pages. A second document to which Mr. Rodriguez
9 referred is a three-page document which I will
10 mark T-6 and that is a document that features in
11 blue lettering Gas Pipeline Integrity Management
12 Program Summary.

13 (Transco Exhibit 5, two-page document
14 with the words Williams Gas Pipeline
15 Integrity, was marked for identification.)

16 (Transco Exhibit 6, Gas Pipeline
17 Integrity Management Program Summary, was
18 marked for identification.)

19 MR. LAMB: And if I could get a copy
20 of that if you have extras now or your counsel,
21 Mr. Stevens, can send it to me?

22 MR. STEVENS: I'll send it to you.

23 MR. LAMB: Before the next meeting
24 is fine.

25 A. As a matter of fact, to further

Celeste A. Galbo, CCR, RMR

♀

Rodriguez - cross

1 answer your question, one of these comments about
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2 when the smart pigging requirement was initiated
3 and when we started, so it's actually in writing
4 what those dates are.

5 Q. But getting back to those official
6 annual inspections --

7 A. Okay.

8 Q. --somebody makes -- just to finish
9 this line -- somebody makes a report?

10 A. That's correct.

11 Q. And that report gets sent to
12 Transco?

13 A. That report is made by Transco.

14 Q. Okay. But at headquarters?

15 A. It's kept locally.

16 Q. Okay. Carlstadt office?

17 A. Yes, I would believe so.

18 Q. And with respect to the non-annual
19 inspections which was the other half of your
20 answer --

21 A. Okay.

22 Q. -- do they make -- when they're the
23 non-annual inspections do you make inspection
24 reports?

25 A. For the specific site or in general?

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 Q. In general and for the specific
2 site.

3 MR. LAMB: I'm sorry, Mr. Chairman.

4 A. Any time we expose the pipeline we
5 have to make a report, a coding report and an
6 inspection report. In this particular section we
7 didn't dig up the line, so we wouldn't have had
8 to make a report, such a report.

9 Q. How many times have you inspected
10 this or Transco representative have inspected
11 this property within the last four years?

12 A. That's a question that I can't
13 answer. That would be part of the district
14 management which is represented today by Collin
15 Wisser and his assistant district manager who is
16 responsible for those inspections and whose
17 people do those inspections. He will be glad to
18 answer your questions.

19 MR. LAMB: Okay. Mr. Chairman, I'll
20 finish it. I have a lot more obviously, I'll
21 finish with this, but I'm going to request a copy
22 of all the inspection reports that were prepared
23 with respect to this area of the pipeline. I
24 don't need other areas, I just need right around
25 the subject property.

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 THE CHAIRMAN: Is there some time
2 limit?

3 MR. MUHLSTOCK: Mr. Stevens, let me
4 ask you a question on that.

5 MR. STEVENS: Mr. Chairman, I'm
6 going to generally object unless Mr. Lamb can

7 tell us how this goes to the question of whether
8 or not construction of the Appreview structure
9 would affect the pipeline. I'd like to know
10 that. You know, in other words, is a copy of all
11 the inspection reports which we have and --

12 MR. MUHLSTOCK: Well, let's ask
13 Mr. Lamb for a proffer, why --

14 MR. LAMB: It's very --

15 MR. MUHLSTOCK: -- why do you think
16 that's relevant?

17 MR. LAMB: Why do I think that's
18 relevant?

19 MR. MUHLSTOCK: Yes.

20 MR. LAMB: Because our pipeline
21 safety expert has already testified that one of
22 the things you have to do is identify the threat
23 and the risks to the pipeline. And in doing that
24 you have to evaluate the pipeline itself. And
25 the testimony of the witness on direct was that

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 we test the pipeline and there's a pig test in
2 2005 and there was another one last year. So
3 they've already testified about the condition and
4 I want to see exactly what those tests were.

5 MR. MUHLSTOCK: Okay.

6 MR. LAMB: And I'm hopeful that all
7 the tests are fine but I don't respectfully trust
8 them.

9 MR. MUHLSTOCK: Mr. Stevens, on
10 these inspection reports that are apparently
11 generated, is that going to need to be part of
12 the subpoena in your -- tell us what you think at
13 this point.

14 THE WITNESS: I would think -- can I
15 speak?

16 MR. MUHLSTOCK: If you know.

17 THE WITNESS: I would think this is
18 not the typical thing that we share with the
19 public.

20 MR. MUHLSTOCK: Okay. All right.
21 Mr. Lamb, let's include that in your subpoena so
22 that -- because it appears that that may be
23 something that pursuant to their policy they
24 might not want to give us voluntarily, so we'll
25 amend your subpoena to include those also.

Celeste A. Galbo, CCR, RMR

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Rodriguez - cross

1 MR. LAMB: That's fine.

2 MR. MUHLSTOCK: If we have to go to
3 court to enforce some sort of a subpoena, we'll
4 have all the documents that you'll need to see.

5 MR. LAMB: Thank you.

6 MS. GESUALDI: We as the town would
7 like to join in with Mr. Lamb on that subpoena in
8 terms of the construction aspects.

9 MR. MUHLSTOCK: Well, if you want to
10 add, Ms. Gesualdi, if you want add your name
11 along with Beattie Padavano to this --

12 MR. LAMB: I have no objection.

13 MR. MUHLSTOCK: Well, prepare a new
14 subpoena and send it to me. And, Mr. Lamb, I
15 would suggest that as quickly as you can within
16 the next several days amend the subpoena, get it
17 to my office so I can start working on this for
18 you.

19 MR. LAMB: That's fine.

20 MR. MUHLSTOCK: That's G-4.

21 MR. STEVENS: And, Mr. Muhlstock, I
22 would ask if I may have a copy of that at the
23 earliest opportunity, if not a copy tonight from
24 Mr. Lamb.

25 MR. MUHLSTOCK: Well, Mr. Lamb,

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Rodriguez

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1 you're going to amend it, but we'll circulate it
2 when the subpoena is complete so we all know what
3 documents are being sought so you can make your
4 arguments if need be to the court and go from
5 there. Everyone will be noticed.

6 MR. STEVENS: Thank you.

7 THE CHAIRMAN: Okay. Public. And I
8 think you wanted to speak, yes.

9 SIAT NG, residing at 7004 Boulevard East,
10 Guttenberg, New Jersey, having been duly sworn by
11 the Notary Public, was examined and testified as
12 follows:

13 THE CHAIRMAN: Yes, ma'am.

14 3-6-12 Appleview
MS. NG: So Mr. Rodriguez --
15 MR. MUHLSTOCK: Speak up so we can
16 all hear.
17 MS. NG: I have a few questions on
18 the erosion incidents. Do you mind putting up
19 the site plan?
20 THE WITNESS: Sure, let me pass this
21 off to my esteemed attorney. Which drawing would
22 you like to look at?
23 MS. NG: C-2.3.
24 THE WITNESS: This is Transco 2.
25 MS. NG: Could you just point to me

Celeste A. Galbo, CCR, RMR

♀

Rodriguez

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1 like which area was affected by that erosion
2 incident?
3 THE WITNESS: If I don't blind
4 myself with this laser pointer there is a
5 pipeline right here. Here is the Summit House
6 and the erosion was in the very top here,
7 probably came down the hill a little bit.
8 MR. LAMB: If we could identify
9 that, Mr. Chairman, I have a blue Magic Marker.
10 You can mark where the erosion was.
11 THE CHAIRMAN: I think that's
12 better.
13 MR. STEINHAGEN: I think this
14 drawing was marked at the last hearing as T-2.
15 MR. MUHLSTOCK: Yes, it's already
16 marked T-2.

3-6-12 Appleview

17 MR. ALAMPI: Transco 2.

18 THE WITNESS: In general it was
19 somewhere I would say here.

20 MS. NG: Could you --

21 THE WITNESS: And actually if you
22 really want to know, you can go out there and see
23 the evidence of it because the little blocks of
24 geo tech that was put in there to hold the soil
25 are exposed. That was well over, what, 10, 15

Celeste A. Galbo, CCR, RMR

♀

Rodriguez

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1 years ago, and it's held up since. You can see
2 the ending point of it of where the repair was
3 and see the top which is up in the Summit House.

4 MS. NG: Could you tell me exactly
5 what needed to be done to repair the site?

6 THE WITNESS: Basically fill in the
7 wash soil and stabilized --

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

10 MR. STEVENS: Keep your voice up.

11 THE WITNESS: I'm sorry.

12 Okay. The pipeline is very deep
13 there, the soil was washed away from the -- from
14 above the pipeline because it's a hill, water
15 running down the hill washed the soil away. All
16 that needed to be done was the soil basically put
17 back, compacted and then the top of it stabilized
18 so that the natural vegetation could grow. That

3-6-12 Appleview
19 is what was done. There might have been sandbags
20 that were put along the pipeline also because
21 that's generally what we do to hold the earth in
22 place until it can vegetate. I don't know that
23 part as a fact but I can see from the -- being on
24 the site the finished repair which is the plastic
25 geo squares to hold the soil.

Celeste A. Galbo, CCR, RMR

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Rodriguez

1 Let me just also add to you that
2 although there was pipeline erosion, the pipeline
3 was never exposed and it was never -- that
4 situation did not develop into where it was an
5 actual risk to the pipeline. There was no safety
6 risk with it.

7 MS. NG: So to do all that work did
8 you have to bring in excavators, backhoes, dump
9 trucks?

10 THE WITNESS: I don't know exactly
11 what was done but some of the people in this room
12 were involved in that repair also.

13 MS. NG: Okay. You would assume so?
14 One would assume so?

15 THE WITNESS: From my understanding
16 they repaired it from the top of the site. I
17 don't know how they got the material down to it
18 but it was not -- I doubt it was by hand. I
19 don't know.

20 THE CHAIRMAN: You mentioned that
21 the soil was compacted. Do you know by what

22 process?

23 THE WITNESS: No, I don't know and
24 they might have, like I had said about sandbags,
25 they might have compacted around the side of the

Celeste A. Galbo, CCR, RMR

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Rodriguez

1 pipe and then piled sandbags basically around the
2 pipe and just filled the soil on top of the pipe.
3 I don't know exactly what they did.

4 THE CHAIRMAN: But there is someone
5 from your company who does know?

6 THE WITNESS: My boss, Mr. Dan
7 Schwitzer, happened to have been the district
8 manager at the time involved and our boss's boss
9 Barry Decoco(phonetic) whose name is on that
10 document was the technical manager at that time.

11 MR. LAMB: Mr. Chairman, just to
12 move it along, I'm also going to request on that
13 subpoena that repair report incident so we don't
14 have to do a separate one later.

15 MS. NG: I have a couple more
16 questions on this but I think I'll hold off until
17 Mr. Dan testifies.

18 THE WITNESS: Dan Schwitzer.

19 MS. NG: He would testify, right?

20 THE WITNESS: If he's asked to.

21 THE CHAIRMAN: I'm asking.

22 MS. NG: Okay. So you had said that
23 this situation was discovered when the line was

24 3-6-12 Appleview
walked and so you responded to Mr. Lamb's
25 question, this line is walked every six months or

Celeste A. Galbo, CCR, RMR

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Rodriguez

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1 12 months, right?
2 THE WITNESS: Yes, and I don't know,
3 I'm assuming that's how it was discovered.
4 MS. NG: Okay.
5 THE WITNESS: That's my
6 understanding.
7 MS. NG: Okay.
8 THE WITNESS: Okay. I was not there
9 at the time. I do not have any personal
10 knowledge other than what I've read.
11 MS. NG: Maybe I'll just give all my
12 questions relating to this until Mr. Dan speaks.
13 Okay, the staging area, could you
14 also show me where the proposed staging area is?
15 THE WITNESS: Staging area for what?
16 MS. NG: I believe you have a
17 staging area for the equipment, for the access.
18 THE WITNESS: For that repair work?
19 MS. NG: No, no, just for the
20 pipeline.
21 THE WITNESS: I don't understand
22 unless you're speaking of this area that we're
23 going to be allowed to utilize for maintenance.
24 MS. NG: Exactly.
25 THE WITNESS: There might have been

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Rodriguez

1 wording at some time about staging but that's
2 nothing that we've asked for.

3 MS. NG: Is that not part of the
4 agreement? I've never seen that as one of the
5 conditions in the agreement.

6 MR. MUHLSTOCK: I can't hear you.
7 Can you talk into the microphone?

8 MS. NG: I'm sorry. I believe I've
9 seen that in part of the agreement there is a
10 proposed staging area on this site.

11 THE WITNESS: Staging for what?
12 Just refresh my memory.

13 MS. NG: For maintenance.

14 THE WITNESS: I believe that the
15 developer, this area, you're referring to that?

16 MR. MUHLSTOCK: What document are
17 you referring to?

18 THE WITNESS: Document C-2.2. Okay.
19 Let me just tell you this from my perspective.
20 This area has been offered as additional space
21 for us to use if we have maintenance needs. We
22 didn't ask for it but we could utilize it. We
23 did without it with our past work but it's
24 available and offered to us. We'll gladly accept
25 it as an easement.

♀

1 MR. MUHLSTOCK: Mr. Rodriguez, is
2 there ever a time when equipment, vehicles, have
3 to go over the pipeline in that area that you're
4 pointing to?

5 THE WITNESS: In this area?

6 MR. MUHLSTOCK: Yes.

7 THE WITNESS: No, there is no reason
8 why any -- for us, would have to go across here
9 at all. The Summit House as you know pretty much
10 comes -- occupies the entire property.

11 MR. MUHLSTOCK: Is there any time
12 when equipment ever has to be maneuvered over the
13 pipeline from one side to the other, ever?

14 THE WITNESS: Not for our purposes.

15 MR. MUHLSTOCK: For what purposes?

16 THE WITNESS: The only possible
17 purpose would be if this sewer line had to do
18 maintenance.

19 MR. MUHLSTOCK: Okay. And when you
20 have to do maintenance and equipment may have to
21 go over the pipeline --

22 THE WITNESS: Yes.

23 MR. MUHLSTOCK: -- what precautions
24 are taken, if any, to protect the pipeline?

25 THE WITNESS: I think I finally have

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1 understood what you're asking me. If we needed
2 to use this area and had to cross the pipeline or

3 someone else did to use that area, what we would
4 do is we would do a crossing analysis for
5 loading. Right now the pipeline has enough cover
6 that it can be crossed without adding any
7 additional protection. It can be crossed with
8 tracked equipment.

9 I did a calculation myself in the
10 last week because your question was
11 hypothetically asked of me by our people and it
12 would require no additional protection to cross.
13 what we would do is we would do an analysis of
14 how that loading would affect the pipeline. It
15 has enough cover -- it has more than enough cover
16 that we would even be able to bench this
17 hillside. In other words, if the hillside is at
18 this angle, you could actually cut in and bench
19 and take cover off the pipeline if we or someone
20 else needed to cross the pipeline or work on that
21 hill.

22 MR. LAMB: Mr. Muhlstock, not to
23 interrupt, but adding to that subpoena, he
24 testified to the original loading analysis he did
25 before the February 7th testimony. He just

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1 indicated he did another one after that, I'd ask
2 that both of those calculations be sent to Mr.
3 McGrath.

4 MR. MUHLSTOCK: why to Mr. McGrath?

5 MR. LAMB: Because he's the board
6 engineer.

7 MR. MUHLSTOCK: Why not to the
8 board?

9 MR. LAMB: Well, to the board and
10 Mr. McGrath, yeah.

11 MR. MUHLSTOCK: Okay. I agree but
12 make sure you document this all in the subpoena
13 so we know exactly what we're asking for.

14 MR. LAMB: Yes.

15 MS. NG: Okay. So you say you don't
16 think you ever have to use that area, that
17 proposed staging area?

18 THE WITNESS: Well, never?

19 MS. NG: Well, not likely to use
20 because you never had to. So where would you --
21 where on this part of land would you use -- where
22 on this property are you using currently as a
23 maintenance area?

24 THE WITNESS: Since this pipeline
25 has been built, the only maintenance we have had

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1 to do was that soil erosion situation. If we had
2 to -- if as a result of a smart pig that we had
3 an anomaly, which we do not have, and we were
4 required to dig up the pipeline or by some other
5 inspection we decided that we had to re-coat the
6 pipeline, that is the only reason why we'd have
7 to work there. And what we would want to do is

8 have space along the side of the pipeline and of
9 course space over the pipeline with enough room
10 that we could excavate the line, put the soil
11 into piles or into trucks or into other equipment
12 and it would generally be parallel with the line.

13 That is why in our earlier version of
14 their proposal we objected to it. We objected to
15 the proposal. We objected to the proposal that
16 had the building right along us because we
17 wouldn't be able to work on the line and also
18 because it was very close to the pipeline. And
19 we objected to the ramp that was along here
20 because we would not have access.

21 The developer has complied with our
22 objections to allow us to have enough space to
23 work on the line and therefore what has been laid
24 out as right-of-way is adequate for our needs for
25 whatever type of maintenance that we feel we will

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1 ever have to do.

2 MS. NG: Okay, I just ask one other
3 question on the discovery of this erosion
4 incident. So that was discovered as far as you
5 know through the line walk and that's every six
6 months or 12 months. Now, what would happen if
7 there is an incident where the pipeline is
8 exposed or there is a sinkhole in between those
9 walks, how would you discover those?

10 THE WITNESS: Well, I'll tell you
11 that sinkholes are very common and they're even
12 more common in other areas of the country like
13 Pennsylvania. It's very common and typical to
14 have sinkholes occur right on the pipeline.
15 Actually the last one that I'm aware of occurred
16 in Patterson just last year right along the
17 pipeline and I think that's the Passaic River.

18 MS. NG: So in this segment how
19 would you discover, is it through the line
20 walking?

21 THE WITNESS: It would be through
22 the line walking. A sinkhole by itself --

23 MS. NG: I'm sorry to interrupt but
24 this is an area that's highly prone to landslides
25 and this is said by many experts that are more

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1 qualified than me and you with due respect and
2 this is, you know, this is an area that's very
3 complicated. Yes, it has solid rock but it has
4 the worst type of soil. And this is testified by
5 a geologist, it has soil that is prone to
6 liquefaction which means it behaves like liquid
7 which means it is not good news for your
8 pipeline. So with all this complication can you
9 just help us understand how incidents like that
10 would be discovered? Is it monitored by Houston?
11 Is there technology? I'm sorry, go ahead.

12 THE WITNESS: You covered a lot of
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13 territory. First of all, sinkholes are
14 associated with limestone environments which is
15 not the environment here, that's why it's
16 prevalent in Pennsylvania.

17 MS. NG: I'm sorry, but the
18 geologist said --

19 THE CHAIRMAN: No, no, you asked the
20 question, let him answer.

21 MS. NG: Go ahead.

22 THE WITNESS: I'm only talking about
23 sinkholes because you asked me about them. So
24 it's not likely to have a sinkhole here. It's
25 likely to have surface erosion. It's not likely

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1 to have a deep seated landslide by your own
2 reports that you referred to. The evidence of
3 that is the fact that that line has been in there
4 since 1959, if I have the date correct, without
5 any landsliding. In other words, there's -- in
6 engineering there's a term called -- sometimes
7 things are proved by observation. By observation
8 there is no -- there has been no soil situation
9 on this property and therefore it's not likely to
10 have one in the near future.

11 MS. NG: Germs and bacteria cannot
12 be seen by the naked eye, so I don't believe in
13 pure observation. So, I'm sorry, I just need to
14 get through my questions and I need to understand

15 if there is a situation you may not believe that
16 sinkholes would happen, but whatever the
17 emergency situation is because of the area that
18 is so prone to flooding and stormwater and
19 chronic stormwater runoff, how would you detect
20 that?

21 THE WITNESS: We would detect it by
22 seeing it but I can tell you that it's not likely
23 in this property. Let me go on, for --

24 MR. MUHLSTOCK: All right. Mr.
25 Rodriguez, she's right. Answer her question.

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1 THE WITNESS: Okay.

2 MR. MUHLSTOCK: Okay. You don't
3 have to speculate. You answered it, I think.

4 THE WITNESS: All right. I'm sorry.

5 MR. MUHLSTOCK: You would --

6 THE CHAIRMAN: How do you discover
7 it?

8 MR. MUHLSTOCK: You detect it by
9 seeing it. That was the answer.

10 THE WITNESS: I'm sorry, engineer's
11 flaw, speaking too much.

12 THE CHAIRMAN: That was her last
13 question.

14 MR. LAMB: Mr. Chairman, and I just
15 want to note for the next meeting, I know that
16 there maybe residents and interested parties who
17 have questions. They're going to go over -- I'm

18 going to go over subject matters that they're
19 going to ask with maybe more detail and different
20 questions. I think it's more productive and
21 efficient to let me finish and hopefully I answer
22 almost all their questions and what I haven't
23 asked and has been answered, they can clean up
24 but I think that's going to make it go a little
25 quicker.

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1 THE CHAIRMAN: That's probably a
2 good idea, Mr. Lamb. Thank you.

3 Okay. Folks, we are passed nine, so
4 we're done for this evening. Okay.

5 MS. NG: Mr. Chairman, can I just
6 clarify if I can come back again? Because I
7 didn't know that was my last question. I would
8 have picked my question if I knew there was time.

9 THE CHAIRMAN: You told us that was
10 your last one. You said one more question and
11 you gave the question.

12 MS. NG: On the line walk, that's
13 what I said.

14 THE CHAIRMAN: All right. You'll
15 have an opportunity in the future.

16 MS. NG: Thank you very much.

17 THE CHAIRMAN: All right. Folks,
18 this matter will be heard at our next regular
19 meeting which is April 3rd. You'll not receive

20 3-6-12 Appleview
new notice. This is your notice I'm giving you
21 now.

22 MR. LAMB: April 3rd at 7:00, Mr.
23 Chairman?

24 THE CHAIRMAN: April 3rd at 7:00 in
25 these chambers. Mr. Lamb, the meeting starts at

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1 seven, the case may not be heard.

2 MR. LAMB: I understand we may be
3 second or third depending on the agenda.

4 THE CHAIRMAN: Correct.

5 MR. ALAMPI: Thank you.

6 THE CHAIRMAN: The Chair will
7 entertain a motion for adjustment.

8 MR. AHTO: Motion to adjourn.

9 MR. BASELICE: Second.

10 THE CHAIRMAN: All in favor?

11 (Chorus of ayes.)

12 THE CHAIRMAN: Opposed?

13 (No response.)

14 THE CHAIRMAN: Meeting stands
15 adjourned.

16 (Time noted: 9:13 p.m.)

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EXHIBITS

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GALAXY

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Exhibit 4 blank subpoena

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Exhibit 5 Pipeline Safety Trust document
entitled Recommended Independent
Pipeline Safety Professionals

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Exhibit 6 draft easement agreement

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Transco

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Exhibit 5 two-page document with the words
Williams Gas Pipeline Integrity

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Exhibit 6 Gas Pipeline Integrity Management
Program Summary

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CERTIFICATE

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STATE OF NEW JERSEY)

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COUNTY OF BERGEN)

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I, CELESTE A. GALBO, a Certified
Court Reporter and Notary Public within and for
the State of New Jersey do hereby certify:

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

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

In witness whereof, I have hereunto
set my hand this 12th day of March
2012.

CELESTE A. GALBO, CCR, RPR, RMR
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