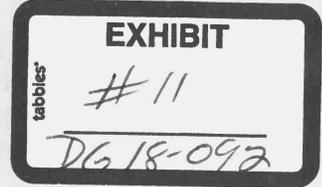


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# Ashuelot River Local Advisory Committee

Washington Lempster Marlow Gilsum Sullivan Surry Keene Swanzey Winchester Hinsdale



**BEFORE THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION  
Docket No. DG 18-092**

**Liberty Utilities (Energy North Natural Gas) Corp. d/b/a Liberty Utilities  
Petition for a License to Construct and Maintain a Natural Gas Pipeline beneath the Ashuelot  
River in Keene**

**Intervenor, Ashuelot River Local Advisory Committee's testimony at public hearing of  
November 26, 2018**

1. ARLAC has concerns that if proper oversight is not employed during the drilling, the public right to clean waters for recreational use, and a healthy river system for fish, plant, and wildlife will be impacted. It has been explained that the Commission examines whether the license requested by a utility "may be exercised without substantially affecting the public rights in said waters," and that the Commission will not adjudicate environmental concerns that are appropriately decided by other agencies.

Provided is a copy of a string of emails between ARLAC and Ted Diers, NHDES Watershed Management Bureau Administrator. Mr. Diers clearly states that

- "Neither Shoreland nor Wetlands would have oversight of the actual boring / drilling portion of the project. Shoreland would only have jurisdiction over the impacts in the drill entry and exits locations. If the drills breaks the riverbed it would be a wetlands violation under RSA 482-A and would be a water quality violation until [sic] (under) RSA 485-A. Similarly, unless there is a discharge request, water quality permitting does not come into play."
- "NHDES' jurisdiction over this project is limited... That said, the PUC has broad regulatory authority to review the project. It is entirely appropriate that you raise these concerns with the PUC."

It is clear that NHDES would only come into play once a violation would occur. Any preventive actions would have to be provided through jurisdiction of the PUC.

2. Liberties Utilities provided documents from their O&M Manual that covers installation of trenchless pipe that directly relate to the proposed crossing. ARLAC believes if these procedures were followed along with compliance with Puc 506.02, 49 CFR Part 192 requirements, and the North American Society for Trenchless Technology's Horizontal Directional Drilling Good Practices Guidelines (4<sup>th</sup> edition) then the necessary precautions would be made for a safe and environmentally sound operation. However, we have concerns that Liberty Utilities' recent record for inattention to detail leaves the project vulnerable to errors.

Of note is the Oct 3, 2018 Safety Division's report cited in a Keene Sentinel article (Oct.31, 2018) regarding Liberty Utilities expansion project in Keene. Found were instances of incomplete or incorrect documentation and planning deficiencies that needed correcting. Inadequate

documentation earned Liberty Utilities a \$20,000 fine last winter. “According to a notice of probable violation attached to the Safety Division report, Liberty did not fully follow its own documentation procedures during pressure testing of the decompression skid’s piping in October 2017.”

Given the project’s proximity to the river and groundwater, ARLAC would like to see an assigned monitor in attendance during construction to assure procedures are properly followed. This monitor would have an understanding of potential risks, and the ability to manage situations that may cause environmental damage and provide advice during an emergency.