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August 17, 2015

**SENT VIA FIRST CLASS MAIL AND
E-MAIL TO Jane.Murray@des.nh.gov**

Martin Honigberg, Chairman
Alex Speidel, Acting Chairman
New Hampshire Site Evaluation Committee
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

OF COUNSEL
NICHOLAS R. AESCHLIMAN

RETIRED
ROBERT B. DONOVAN

ROBERT A. BATTLES
(1951-2010)

**Re: SEA-3, Inc. / Town of Newington
Witness List and Prefiled Testimony
Docket No. 2015-01**

Dear Chairman Honigberg and Acting Chairman Speidel:

Enclosed for filing please find an original and three copies of the Town of Newington's Witness List and the named witnesses Prefiled Testimony.

I certify that copies of the above-referenced documents have this day been sent to all parties listed on the SEC's Service List.

Very truly yours,

DONAHUE, TUCKER & CIANDELLA, PLLC

John J. Ratigan
jratigan@dtclawyers.com

JJR:nes

cc: Town of Newington
Jane Murray, NH DES
Service List

DONAHUE, TUCKER & CIANDELLA, PLLC

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THE STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

**TOWN OF NEWINGTON'S WITNESS LIST FOR
ADJUDICATORY PUBLIC HEARING**

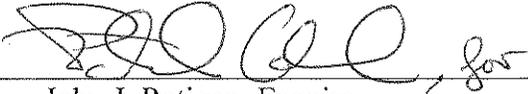
NOW COMES the Town of Newington, New Hampshire, by and through its attorneys, Donahue, Tucker & Ciandella, PLLC, and submits its list of witnesses, together with their prefiled testimony filed herewith, pursuant to the Committee's Procedural Order dated June 18, 2015, as follows:

- 1) Nicholas J. Cricenti, Jr., P.E.
29 Jonathan Lane
Bow, NH 03304
- 2) Justin C. Richardson, Esquire
32 Old Post Road
Newington, NH 03801
- 3) Andrew W. Head, Fire Chief
Town of Newington
25 Rowell Road
East Kingston, NH 03827
- 4) Denis J. Hebert
20 Gundalow Landing
Newington, NH 03801

Dated this 17th day of August, 2015.

Respectfully submitted,
TOWN OF NEWINGTON

By its attorneys:
DONAHUE, TUCKER & CIANDELLA, PLLC

By:  for
John J. Ratigan, Esquire
NHB #4849
225 Water Street
Exeter, NH 03833
(603) 778-0686
jratigan@dtclawyers.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Witness List has this 17th day of August, 2015 been sent to all parties on the Service List by electronic mail or first class mail.

 for
John J. Ratigan

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

PREFILED DIRECT TESTIMONY OF NICHOLAS J. CRICENTI, JR., P.E.

August 12, 2015

1. Q. Please state your name and address.
2. A. My name is Nicholas J. Cricenti, Jr. and I live at 29 Jonathan Lane, Bow, NH 03304.
3. Q. How are you employed?
4. A. I am a consulting fire protection engineer and President of SFC Engineering Partnership, Inc.
5. Q. What is your educational background and qualifications?
6. A. I have an Associate in Science degree from Vermont Technical College in Civil Engineering, a Bachelor of Science in Civil Engineering from New England College and a Graduate Studies in Fire Protection Engineering from Worcester Polytechnic Institute in Worcester, Massachusetts.
7. Q. Have you been retained by the Town of Newington?
8. A. Yes.
9. Q. What did the Town of Newington ask you to do?
10. A. Complete an assessment of (1) Sea-3's site plans; (2) a hydrology study depicting drainage and storm water management at Sea-3's Newington facility; and (3) a Fire Safety Analysis (FSA) prepared by Phillip Sherman for Sea-3's liquefied petroleum gas (LPG) facility in Newington and to identify potential areas of legislative or regulatory non-compliance with each of the above.
11. Q. Have you ever completed these types of assessments in the past?

12. A. Yes.
13. Q. What qualifications do you have to review site plans, hydrology studies and Fire Safety Analyses'?
14. A. I have been a designer and reviewer of LP Gas facilities for many years. My training as a civil engineer and practice as a civil engineer qualifies me to review the civil aspects of the project.
15. Q. Did you submit any reports as part of your assessment?
16. A. Yes, I submitted three reports.
17. Q. With regard to the first report, which is marked Exhibit #1, can you identify this document?
18. A. Yes, it is a copy of my report dated January 29, 2014, analyzing SEA-3's site plan for legislative or regulatory non-compliance.
19. Q. Can you identify the legislative or regulatory framework you used to analyze the conformity of SEA-3's site plan?
20. A. Yes. This site plan falls under the New Hampshire State Fire Code SafC 6000. The National Fire Prevention Association (NFPA) 1, *Fire Code 2009*, is adopted under SafC 6000 and forms the specific requirements for fire safety compliance in the State of New Hampshire. NFPA 58 and NFPA 54 were adopted by reference under SafC 6000 as incorporated documents under NFPA 1. NFPA 58 and NFPA 54 have specific applicability for compliance of systems such as the facility that my report concerns.
21. Q. What are NFPA 58 and NFPA 54?
22. A. NFPA 58 and NFPA 54 are the only New Hampshire State Fire Codes that control liquefied petroleum gas and natural fuel gas.
23. Q. Based on your review of SEA-3's site plan, what did you conclude regarding its compliance with the NFPA 58 and NFPA 54?
24. A. The SEA-3 plan shows, in general terms, compliance with these two codes. After site plan approval, further design and review is required to provide a greater level of detail not required for a site plan, but is necessary for issue of building and electrical permits and for construction to code.

25. Q. Turning your attention to Exhibit #2, can you identify this report?
26. A. Yes, it is a copy of my report dated February 7, 2014, identifying potential areas of legislative or regulatory non-compliance with drainage and storm water management relative to SEA-3's facility expansion in Newington.
27. Q. Can you identify the regulatory standard that you considered to determine whether SEA-3's site plan conformed with drainage and storm water management requirements?
28. A. I reviewed New Hampshire Administrative Rules, specifically Env-Wq 1400 *Shoreline Protection*, Env-Wq 1500 *Alteration of Terrain*, as well as the Town of Newington Building Code. I did not review Env-Wq 1900, *Rules for the Protection of Instream Flow on Designated Rivers* because the Piscataqua River is not a "designated river" under the Rivers Management & Protection Act, RSA 483.
29. Q. What documents did you assess in making your determination?
30. A. Hydrology Study dated December 2013 and Site Plan for SEA-3's Facility Expansion.
31. Q. What did you conclude in your report as to whether there was any regulatory or code non-compliance with regard to drainage and storm water runoff?
32. A. No legislative or regulatory non-compliance was found at the time of the report. The addition of sediment controls as depicted on the plans will likely improve storm water quality flowing off-site.
33. Q. Turning your attention to Exhibit #3, can you identify this report?
34. A. It is an analysis of the Fire Safety Analysis prepared by Phillip Sherman.
35. Q. Explain the regulatory framework you undertook to determine whether the Fire Safety Analysis prepared by Phillip Sherman for SEA-3 was in compliance with NFPA 58?
36. A. The same legislative framework I undertook with Exhibit #1.
37. Q. What documents did you review in preparation for completing Exhibit #3?

38. A. I reviewed Phillip Sherman's Fire Safety Analysis dated March 20, 2014.
39. Q. Have you ever worked with Phillip Sherman in the past?
40. A. Yes.
41. Q. Do you know anything about his reputation in the fire safety industry?
42. A. Mr. Sherman has an excellent reputation in the industry.
43. Q. What did you conclude about Phillip Sherman's Fire Safety Analysis in Exhibit #3?
44. A. The Fire Safety Analysis completed by Phillip Sherman appeared to comply with NFPA 58 and no significant problems were found with the proposed system or the FSA. However, my review assumes that a more complete FSA document will be submitted prior to the issuing of a Building Permit because a FSA requires more detailed plans than would customarily be submitted at site plan approval.
45. Q. When the final design of the facility is completed, will SEA-3 need to obtain any permits or approvals from the Town of Newington or the State of New Hampshire to demonstrate final compliance with NFPA 58?
46. A. SEA-3 will have to get a building permit from the Town of Newington. Depending upon the final amount of disturbance, Wetlands and Alteration of Terrain Permits from NH DES may be required.
47. Q. Do you know Fire Chief Head?
48. A. Yes.
49. Q. Did you meet with him on February 26?
50. A. Yes.
51. Q. Let me direct your attention to Exhibit #4, can you identify this document?
52. A. It is a Project Memorandum that I prepared on March 5, 2014 regarding issues the Newington Fire Chief had with the site.
53. Q. Can you explain those issues?
54. A. Early on in 2014, Chief Head had issues with access to the site, specifically he

was concerned that because there is only one way onto the site, if there was an emergency, the Fire Department might not be able to easily access this site. I recommended that SEA-3 should add a second access point suitable for fire apparatus access to the facility.

55. Q. Has SEA-3 addressed the issue of needing a second access point?
56. A. Yes.
57. Q. Were there any other issues articulated in Exhibit #4?
58. A. Yes. The two master stream appliances were going to be removed in favor of spray protection for the tanks. Chief Head wanted to have the master streams installed along the railroad sidings so they could be used to provide water protection for the railcars.
59. Q. Has SEA-3 indicated a willingness to install the master streams along the railroad sidings?
60. A. Yes.
61. Q. Will the proposed improvements enhance fire safety at the facility?
62. A. Yes.
63. Q. Are you aware of any legislative or regulatory nonconformance with SEA-3's site plan from an engineering perspective?
64. A. No.

Exhibit List

- Exhibit #1 - Report dated January 29, 2014
- Exhibit #2 - Report dated February 7, 2014
- Exhibit #3 - Report dated April 9, 2014
- Exhibit #4 - Memorandum dated March 5, 2014
from Nick Cricenti to Tom Morgan

EXHIBIT 1

Site Location

Lots 20/13 & 14/2
190 Shattuck Way
Newington, NH

Scope

SFC Engineering Partnership, Inc. (SFC) has been engaged by the Town of Newington to complete an assessment of site plans depicting a planned facility expansion to be constructed at the Sea-3 liquefied petroleum gas (LPG) facility in Newington, New Hampshire.

This report is a first assessment of site plans to identify potential areas of legislative non-compliance, prior to submission of further documentation for permitting at a later stage. All conclusions drawn here are from the provided site plans only. No fire safety analysis, mechanical/electrical or structural plans have been reviewed at the time of writing. Conclusions drawn as part of this assessment may be rendered non-applicable on receipt of further documentation pertaining to system details.

Facility Design Documents Referenced

Site Plan, Sea-3 Facility Expansion, Lots 20/13 & 14/2, 190 Shattuck Way, Newington, NH. Author: Haight Engineering, PLLC, Dover, NH.

Legislative Framework (Abridged)

In terms of legislative compliance, the design and installation of this system falls under the New Hampshire State Fire Code Saf-C 6000. The National Fire Prevention Association (NFPA) 1, *Fire Code*, 2009, is adopted under Saf-C 6000 and hence forms the specific requirements for fire safety compliance in the State of New Hampshire. NFPA 58, *Liquefied Petroleum Gas Code*, 2008, and NFPA 54, *National Fuel Gas Code*, 2009, are adopted by reference under Saf-C 6000 as incorporated documents in NFPA 1. NFPA 58 and 54 have specific applicability for compliance of systems such as the facility this report concerns.

Facility Expansion Description

Description of the facility expansion works, as it appears to the reviewer:

Additions to existing facility:

- Additional rail car offloading system (5 offloading stations).
- Rail siding(s) to service new unloading area.
- Three (3) 90,000 G.W.C. LPG storage tanks (bullet pressure tanks).
- Propane processing equipment housed in a new building.
- Outdoor propane processing equipment: pumps, compressors, condensers and dryers.
- Piping to service this equipment, including a (presumably insulated) line to the facility's main bulk refrigerated storage system.
- Fire suppression system, including two (2) monitor nozzles.
- Electrical works to service this equipment, including a new transformer box.
- Civil works as per grading plan (C-3).
- Extension of fencing to encompass new rail offloading area.
- Relocation of system flare.

It is noted that the reviewed plans do not indicate any works associated with transfer piping to vessels, nor piping for refrigerated propane other than a line (or lines) from the new condenser to the main site refrigerated tanks.

Specific Review Comments: Selected Sections from NFPA 58

The following tabulation contains specific commentary on the compliance of the proposed facility site plan for selected sections of NFPA 58. This is not an exhaustive list. Only parts relating to general layout have been considered.

| Section | Compliance | Comments |
|--------------------------------|-----------------------------------|--|
| 6.3 – Separation Distances | Yes | Separation of new storage tanks to property lines (approximate): SE property border: 160 ft., NE: 110 ft. (river shore), NW: 160 ft., SW: 930 ft. Minimum requirement: 100 ft. for 90,000 G.W.C tanks. It is noted that properties abutting Sea-3 on three sides are industrial/commercial, with residential properties across the river. |
| 6.3 – Separation Distances | Yes (but more information needed) | Separation of new storage tanks to important buildings: new machinery building: 40 ft., existing equipment storage building: 70 ft. The minimum requirement is 100 ft. for 90,000 gallon tanks, however clause 6.3.5 allows buildings that are 'devoted exclusively to gas manufacturing and distribution' to be within 10 ft. of storage tanks (if not wooden construction). The new machinery building is probably fine to be included in this exclusion, however more information is needed about the construction and contents of the existing storage building to determine if it can be considered to be 'devoted exclusively to gas manufacturing and distribution'. |
| 6.22 - Ignition Source Control | Yes (but more information needed) | Separation of LPG system components from ignition sources must be achieved in accordance with classified areas outlined in Table 6.22.2.2. It can be seen that the proposed transformer box is clear of the new storage tanks by approximately 70 ft. This appears sufficient, however an assessment should be made of electrical plans in order to ensure the installation is adherent to this section and NFPA/NEC 70, <i>National Electric Code</i> . |
| 6.25 – Fire Protection | More information required | Fire protection: Two (2) monitor nozzles (one is adjacent to tanks). Fire suppression cart. Further information is required as to the disposition of the monitor nozzle adjacent to the tanks. |

Information Required for More Detailed Compliance Review

The following documentation is required in order to complete a more complete review of system compliance for the equipment added in this system expansion. It is noted that information listed here may be already earmarked for submittal as part of a Fire Safety Analysis or permit application.

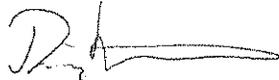
- Cut sheets, or documentation depicting LPG storage tank compliance to ASME *Boiler and Pressure Vessel Code*, Section VIII, "Rules for the Construction of Unfired Pressure Vessels"; or *API-ASME Code for Unfired Pressure Vessels for Petroleum Liquids and Gases*. In addition, drawings or other depiction of container safety appurtenances including, where appropriate, pressure relief valves, excess flow valves etc.
- Details of rail car unloaders, including redundant safety systems.
- System piping schematic (process and instrumentation diagram). This may be a partial schematic depicting only new equipment.
- Electrical classified area plan.
- Further details of the existing storage building construction and contents (as mentioned in previous section).
- Details of new machinery building adherence to NFPA 58 Chapter 10: Buildings or Structures Housing LP-Gas Distribution Facilities.
- Details/calculations regarding water flow rate and design specifications of water deluge system as per NFPA 15: *Standard for Water Spray Fixed Systems for Fire Protection*.
- Details of any non-odorized propane to be stored at the site.
- Site lighting plan.

Concluding Remarks

Overall the site plan appears to be in general compliance with NFPA 58 and 54. In terms of fire safety compliance, no significant problems have been found with this layout.

Having said this, a review further documentation as listed, will would be required in order to more fully determine legislative compliance.

SFC ENGINEERING PARTNERSHIP, INC.



Doug Fountain
Engineer



Nick Cricenti, P.E.
President

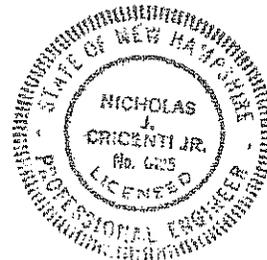


EXHIBIT 2

Site Location

Lots 20/13 & 14/2
190 Shattuck Way
Newington, NH

Scope

SFC Engineering Partnership, Inc. (SFC) has been engaged by the Town of Newington to complete a review of civil site plans and a drainage report depicting civil works and stormwater management for a planned facility expansion to be constructed at the Sea-3 liquefied petroleum gas (LPG) facility in Newington, New Hampshire.

This report is aims to identify any potential areas of legislative non-compliance. All conclusions drawn here are from the provided site documentation only.

Legislative Framework

The proposed civil and drainage works fall under the New Hampshire Codes of Administrative Rules: Env-Wq 1400 *Shoreland Protection*, Env-Wq 1500 *Alteration of Terrain*, as well as the Town of Newington *Building Code*. The Piscatqua River, abutting the northeastern boundary of the site, is not a 'Designated River' under the Rivers Management & Protection Act, RSA 483. As such *Env-Wq 1900, Rules for the Protection of Instream Flow on Designated Rivers*, is not applicable for these works.

As the proposed works will alter 65,000 ft² within 250 ft of the highest observable tide line of the river, Shoreland and Alternation of Terrain (AOT) state permits are likely to be required (Env-Wq 1406.01, RSA 483-B, Env-Wq 1503.02).

Referenced Applicant Documentation

Hydrology Study for SEA-3 Inc. Facility Expansion Lots 20/13 & 14/2, 190 Shattuck Way, Newington NH, December 2013.

Site Plan, Sea-3 Facility Expansion, Lots 20/13 & 14/2, 190 Shattuck Way, Newington, NH. Author: Haight Engineering, PLLC, Dover, NH.

Plan Set Review Comments

- Plans C-3 through C-6 meet the requirements for Env-Wq 1504.03 Excavation, Grading, and Reclamation Plans, including information specified in Env-Wq 1504.06 (a) through (l).
- Plans WS-1 and WS-2 included with the hydrology report meet the requirements for drainage area plans, delineating each sub-basin for pre-/post-development (Env-Wq 1504.09 e).
- The plans show excavation and grading works to achieve a modestly inclined area where the LPG storage tanks will be located. One of the existing storm water swales will be partially removed during these works. In addition a six foot high earthen berm is to be constructed at the southeastern end of the site.
- Acceptable means of temporary sediment and erosion control are detailed on the plans.
- In terms of water runoff, the post-development grading will generally maintain a somewhat similar topology to the current conditions.
- New impervious cover will be the mechanical building and outdoor LPG processing equipment (presumably installed on concrete slabs).
- Sediment control for water runoff in the direction of the river is achieved with Slitsoxx tube (equivalent to Slit Fence as per Env-Wq 1506.04).

Hydrology Study Comments

- The report format appears to be in line with criteria set out in Env-Wq 1504.09 for a stormwater drainage report.
- HydroCAD hydrologic calculations depicted in the report are in line with methods outlined in Env-Wq 1509.04 (b). These calculations have not been resynthesized by this reviewer; however the use of the drainage software package is good and the results do appear accurate.
- The outcome of the stormwater modelling resulted in a minor increase (0.6 cfs for a 2-year event) in peak flow for 'Watershed A', which drains to the river.
- Considering the sediment and erosion control measures that are to be put in place, and the size of the tidal river, it is agreed that this additional peak flow is negligible, and will have no adverse effects.

Concluding Remarks

The reviewed documents show only a minor increase in peak flow into the river during a storm. Whilst one existing stormwater swale is removed during the works, the addition of sediment controls as depicted will likely improve stormwater quality flowing off-site. No legislative non-compliance has been found at the time of writing; however the applicant should be aware of applicable state permits for this project.

SFC ENGINEERING PARTNERSHIP, INC.

Doug Fountain
Engineer

Nick Cricenti, P.E.
President

EXHIBIT 3

Site Location

Lots 20/13 & 14/2
190 Shattuck Way
Newington, NH

Scope

SFC Engineering Partnership, Inc. (SFC) has been engaged by the Town of Newington to complete an assessment of a Fire Safety Analysis (FSA) for a facility expansion to be constructed at the Sea-3 liquefied petroleum gas (LPG) facility in Newington, New Hampshire.

The reviewed document has been prepared by Phillip Sherman, P.E. for Sea-3 Inc, and is dated 03/20/14. The FSA document is preliminary and notes that final detailed design for the facility expansion has not yet been completed. As such, NFPA 58 compliance has been assumed at this point for much for the piping and mechanical design. This level of detail is fine for site plan purposes, but this review assumes in good faith that a more complete FSA document will be submitted prior to the issuing of a building permit and system commissioning.

Please note two items relating to secondary means of site access and installation of master streams were covered in a memo dated 04/05/2014, by Nick Cricenti, P.E. of SFC. Material covered in that memo has not been repeated in this review report.

Facility Design Documents Referenced

Fire Safety Analysis, Sea-3 Facility Expansion, Lots 20/13 & 14/2, 190 Shattuck Way, Newington, NH. Author: Phillip Sherman, P.E., 03/20/14.

Legislative Framework (Abridged)

In terms of legislative compliance, the design and installation of this system must comply with the New Hampshire State Fire Code Saf-C 6000. The National Fire Prevention Association (NFPA) 1, *Fire Code*, 2009, is adopted under Saf-C 6000 and hence forms the specific requirements for fire safety compliance in the State of New Hampshire. NFPA 58, *Liquefied Petroleum Gas Code*, 2008, and NFPA 54, *National Fuel Gas Code*, 2009, are adopted by reference under Saf-C 6000 as incorporated documents in NFPA 1. NFPA 58 and 54 have specific applicability for compliance of systems such as the facility this report concerns. As per NFPA 58 a fire safety analysis is required to be drafted prior

to construction of a facility where storage of more than 4,000 gallons of LPG is proposed.

Specific Review Comments:

The following tabulation contains specific commentary on the compliance of the FSA document, and more broadly the proposed propane and fire protection systems.

| Section Reference | Compliance | Comments |
|----------------------|------------|--|
| FSA – document whole | Yes | Generally the submitted FSA document and appended forms meet the required format as outlined in NFPA 58 and the NPGA FSA manual. |
| Pg. 1 | Yes | The use of NFPA 58, 2011 edition is noted. |
| Pg. 2-3 | Yes | Separation distances listed meet or exceed those laid out in NFPA 58 (90,000 gallon tank spacing minimum separation distances between containers should be calculated as per NFPA 58, Table 6.3.1, listed in this FSA document and check against the intended spacing as the design is completed). |
| Pg. 4 | TBA | Assumptions regarding NFPA 58 compliance for the final LPG piping and equipment designs are noted here, and throughout applicable appended forms. |
| Pg. 5 | Yes/TBA | Active water spray systems for the 90,000 gallon day tanks and 33,500 gallon rail cars appear conceptually satisfactory as described. Flow design calculations and engineering drawings that show compliance with NFPA 15 should accompany a more detailed FSA submission. These should be approved by the Newington FD prior to system commissioning. |
| Pg. 6 | Yes | Whilst all proposed tank locations meet NFPA 58 separation distances, the commentary pertaining to appended table 7.1 identifies the 400,000 BBL refrigerated tank and cottages across the southern property border as being potentially exposed in the event of a major failure at the rail cars or day tanks respectively. There are no code compliance issues here, and further measures to reduce risk at both the rail car unloading point and the day tank farm are noted. It is this reviewer's opinion that the proposed water spray systems, if properly implemented, would provide adequate additional risk mitigation in this instance. |
| Pg. 7 | Yes | Detailed fire department response section noted. This information should be double-checked for accuracy by the Newington FD Fire Chief. |

| | | |
|-------|-----|---|
| Pg. 7 | Yes | It is noted that it appears that the fire pump will meet a flow rate to wet the 90,000 gallon day tanks or three (3) rail cars via their respective spray systems, but it will not be able to service both at once. Considering the distance between these tank sets, and the local fire department response times, this arrangement should be satisfactory. As stated before, flow design calculations and engineering drawings that show that this system will work as described should be submitted. |
|-------|-----|---|

Information Required for More Detailed Compliance Review

The following documentation will be required in order to complete a more complete review of system compliance for the equipment added in this system expansion. It is noted that information listed here may be already earmarked for submittal as part of a more detailed Fire Safety Analysis or permit application.

- Fire Safety Analysis completed after engineering design has been finished.
- Cut sheets, or documentation depicting LPG storage tank compliance to ASME *Boiler and Pressure Vessel Code*, Section VIII, "Rules for the Construction of Unfired Pressure Vessels"; or *API-ASME Code for Unfired Pressure Vessels for Petroleum Liquids and Gases*. In addition, drawings or other depiction of container safety appurtenances including, where appropriate, pressure relief valves, excess flow valves etc.
- Details of rail car unloaders, including redundant safety systems.
- System piping schematic (process and instrumentation diagram). This may be a partial schematic depicting only new equipment.
- Electrical classified area plan.
- Details of new machinery building adherence to NFPA 58 Chapter 10: *Buildings or Structures Housing LP-Gas Distribution Facilities*.
- Details/calculations regarding water flow rate and design specifications of water deluge systems as per NFPA 15: *Standard for Water Spray Fixed Systems for Fire Protection*.
- Details of any non-odorized propane to be stored at the site.
- Site lighting plan.

Concluding Remarks

This FSA document appears to be in general compliance with NFPA 58, and the NGPA FSA manual. No significant problems have been found with the proposed system or the FSA at this point however the above-listed detailed documentation should be submitted and reviewed prior to the issuing of a building permit and system commissioning.



Town of Newington – Sea-3 Facility Expansion FSA Review

April 9, 2014

SFC ENGINEERING PARTNERSHIP, INC.


Doug Fountain
Engineer

EXHIBIT 4

Project Memorandum

To: Tom Morgan

From: Nick Cricenti P.E. 

RE: Fire Chief Mtg.

CC:

Project: SEA-3

Project No.: 601701

Date: March 5, 2014

On February 26 I met with Chief Head about any site plan issues that he may have with the proposed LP Gas handling changes that are being made at SEA-3. He has two issues at the site plan stage. The first issue and most important is that currently there is only one way onto the site. He states that if that way is blocked in some manner then the Fire Department cannot access the site. He is correct. SEA-3 should add a second access point suitable for fire apparatus to the facility.

The second point he made that since the two master stream appliances are going to be removed in favor of spray protection for the tanks he would like to have the master streams installed along the railroad sidings so that they can be used to provide water protection for the rail cars. We also agree with this request.

You had requested that I also meet with the City of Portsmouth Fire Chief. That meeting was scheduled and postponed due to weather and has not been rescheduled.

Thank you

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

PREFILED DIRECT TESTIMONY OF JUSTIN RICHARDSON

August 17, 2015

1. **Q. Please state your background and current employment?**

2. A. I am a partner with the law firm of Upton & Hatfield, LLP. I reside at 32 Old Post Road in Newington, N.H.

I practice municipal, utility and land use law in Portsmouth, New Hampshire. Over the last 2 decades, I have represented clients before the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, and advised government agencies regarding energy issues before administrative agencies in Ohio, Maine, New York, Massachusetts and other jurisdictions.

Since entering into private practice in New Hampshire in 2005, I have regularly represented municipalities with a focus on municipal utilities and land use issues. I have also represented utilities before the Public Utilities Commission including Lakes Region Water Company, the Fryeburg Water Company and Concord Steam Corporation.

3. **Q. What role did you serve in Newington's review of the SEA-3 expansion?**

4. A. I served as a member of the Newington Planning Board ("Planning Board") during the review of the SEA-3 project. I also served as the Planning Board's representative to the Zoning Board of Adjustment ("ZBA") when the ZBA issued two variances for the project.

As an individual Planning Board member, I worked extensively with the Planning Board's legal counsel and sought to ensure that the Newington Planning Board met its obligations to review the project to the full extent allowed by state, Federal and local law to ensure that the SEA-3 project complied with the requirements of the Newington Zoning Ordinance and Site Plan regulations. I led the discussions and made the motion to approve the SEA-3 project, subject to conditions, after a comprehensive, dedicated and thorough public hearing process at which numerous experts provided reports, opinions and testimony.

5. Q. **When did you first become familiar with SEA-3?**

6. A. In 1998 I served as Counsel for the Public on the applications of Newington Energy, LLC, a 525 MW proposed gas-fired generating station immediately adjacent to SEA-3. The Newington Energy, LLC's transmission lines were originally proposed to follow the railroad tracks adjacent to the SEA-3 project. I investigated and advocated for alternative transmission line routes to minimize construction within the railroad right-of-way, including the alternative approved by the Committee.

As Counsel for the Public, I retained fire safety consultant Henry Renfrew to evaluate chemical and fire safety issues regarding the Newington Energy project and provide testimony before the Committee. It is my recollection that Mr. Renfrew was directly involved in the review and permitting of the SEA-3 facility and performed the fire safety analysis as required by Section 112r of the Clean Air Act amendments of 1990 for the proposed SEA-3 project. He explained to me the importance of developing an industrial access corridor which would allow industrial development to be separated from commercial, retail and other areas used by the public.

Mr. Renfrew's recommendations and those of the Town of Newington led a requirement that Newington Energy, LLC help finance construction of the major "industrial corridor road" now known as Shattuck Way that today serves Newington Energy, LLC, SEA-3, Sprague Energy's River Road and Avery Lane terminals, Tyco (then known as 'Simplex Industries') and other major industrial developments. As counsel for the public, I testified in favor of the layout of the industrial corridor road because it would significantly reduce conflicts between industrial and chemical traffic which formerly used Woodbury Avenue, as well as protect the environment. Today, Shattuck Way provides a safe means for propane deliveries to access the state highway system, including Spaulding Turnpike, Interstate 95 and New England markets.

7. Q. **How did the Newington Planning Board determine that SEA-3's proposed expansion would promote public safety and the orderly development of the region?**

8. A. SEA-3's proposed expansion is located in an area that is used almost exclusively for industrial development. The nearby facilities include 2 Sprague energy fuel and chemical storage areas, a nuclear reactor manufacturing facility, a 525 MW natural gas (and oil) fired generating station, that are accessed by New Hampshire's only deep water port, the Town's industrial corridor road, and by rail. As proposed, industrial fuels

such as propane and chemical deliveries can be delivered from the State and Interstate highway system without travelling through residential areas.

9. Q. **Why is that significant from a land use and safety perspective?**
10. A. New Hampshire and New England face a shortage of propane which has reached or approaches a crisis level. If SEA-3's expansion is not constructed, New Hampshire and New England will be forced to construct facilities at other locations that may require construction and/or transportation through residential areas. The use of rail to bring propane to the New Hampshire and New England markets is substantially safer than transporting large volumes of propane by truck. Alternatives to the SEA-3 facility are less safe.
11. Q. **How else will SEA-3 improve public safety?**
12. A. It is my understanding, based on testimony before the Planning Board, that the rail lines through Portsmouth to Rockingham Junction in Newfields are currently used to transport spent nuclear fuel rods from the Portsmouth naval shipyard to interim cask storage locations. The SEA-3 project will result (and has resulted) in significant upgrades to these rail lines that currently are considered "excepted" track that does not meet minimum safety standards. Construction of the SEA-3 project will allow this rail line to be upgraded to Class II standards which will enhance public safety.
13. Q. **Why did the Newington Planning Board not require SEA-3 to perform a comprehensive study of public safety?**
14. A. The first and most important reason is that the Article V, Section 6 of the Newington Zoning Ordinance required the Planning Board to perform its own study of public safety before approving the site plan for the project. The Zoning Ordinance states:

"Prior to the issuance of a building permit by the Building Inspector, the prospective user shall submit the following information: (1) An estimate of the maximum number of employees contemplated for the proposed development and the number of shifts during which they would work. (2) A description of the operation proposed in sufficient detail to indicate the effect of those operations in producing traffic congestion, or problems of noise, glare, sewerage, odor, air or water pollution, fire safety hazards or other factors detrimental to the health, safety and welfare of the area.

Upon a finding by the Planning Board that the contemplated use will constitute a development of sustained desirability and stability, that it will be in harmony with the character of the surrounding area, and

consistent with the overall long-range plans for the community, that it will not result in an over-intensive use of the land, that it will not result in undue traffic congestion or traffic hazards, that the plans indicate that it will be adequately landscaped and otherwise promote the health, safety and welfare of the community, the Building Inspector shall issue a permit for a proposed development in the "W" District."

The Planning Board heard extensive testimony from its own fire safety consultant, its Fire Chief, a senior Federal Railway Authority official, a State railway official, as well as engineers and experts retained by the applicant which demonstrated conclusively that SEA-3's proposed expansion would "promote the health, safety and welfare of the community". After receiving testimony over some 7 days of public hearings, I led the discussion reviewing every word in the above-section of the Zoning Ordinance in order to determine that all of the requirements for approval had been met.

The Planning Board members determined that SEA-3's expansion would promote public safety based on the extensive testimony and record before it. Once the Planning Board made this determination, it determined that it had no authority to require additional studies to be completed.

As a Planning Board member with a background in energy and environmental law, I also personally reviewed close to a hundred decisions by Federal courts and the Surface Transportation Board, including all of the authorities cited by the applicant, Pan Am, abutters and the Board's legal counsel, in order for the Newington Planning Board to exercise the full extent of its legal authority to protect public safety. It is my opinion that the Newington Planning Board did this by expressly relying representations by SEA-3 as the applicant and by Pan Am, that the rail lines would be upgraded to Class II status. See e.g. *Rye v. Ciborowski*, 111 N.H. 77, 81 (1971); *Dahar v. Department of Bldgs*, 116 N.H. 122 (1976); and *1808 Corp. v. Town of New Ipswich*, 161 N.H. 772, 775 (2011) (representations by an applicant to a board create implied conditions of approval). Newington required that SEA-3 notify all fire officials in the event that the rail line used by the project do not meet federal safety standards, and, were such a condition to arise, it is likely that Newington could require SEA-3 to require corrective action.

15. Q. **What about addressing impacts such as those claimed by the City of Portsmouth and abutters?**
16. A. During the public hearings, I specifically asked City Manager John

Bohenko and other city officials and residents what they wanted the Newington Planning Board to do. After its assistant city manager suggested that the SEA-3 project would require 2.4 million dollars in highway upgrades (a figure he calculated by multiplying six crossings by \$400,000), I asked several city officials to provide concrete engineering estimates of costs and to explain the reasons such improvements were required during the public hearings. City Manager Bohenko stated in response to my question as to what action he wanted the Newington Planning Board to take, that he wanted the Planning Board to listen and consider the testimony presented, and to study the issues identified.

I and other members of the Newington Planning Board took this request very seriously. Newington contacted our state and congressional delegations to ensure that state and Federal railroad officials provided testimony on the safety of rail transport of propane. We hired our own independent experts to review public safety information and explored every possible safety concern. Newington has an extensive well trained Fire Department that is regularly trained to respond to chemical and fuel emergencies due to the extensive industrial development in Newington. Our Fire Chief assured us that the Newington Fire Department was prepared to respond to any emergency that might arise at the SEA-3 facility or as a result of the rail transportation of propane. Newington fire officials also collaborated with their counterparts in Portsmouth and surrounding communities and were assured that the response capabilities were more than adequate to protect public safety.

The Newington Planning Board conducted an extensive investigation into all public safety aspects of the proposed project. While many expressed concerns about the safety of rail transportation of propane, no credible reports, engineering or other studies were presented to suggest a risk to public safety or that further study was required.

17. **Q. What is your opinion of the impact of the SEA-3 expansion on the orderly development of the region?**
18. A. Based on the evidence presented, I believe that the SEA-3 expansion is critical to the supply of propane to New Hampshire for residential and other uses and will promote orderly economic development. Denial or delay of the project would have adverse conditions on New Hampshire's residential propane supply.
19. **Q. What is your opinion on the impact of the SEA-3 expansion on its impact to public safety?**
20. A. Again, based on the evidence presented, I believe that the SEA-3

expansion will promote public safety because it is the safest means to transport propane to New Hampshire and New England markets. It will also upgrade existing rail lines to Class II standards that do not meet current federal safety standards. This will be a significant benefit to the public safety of the region.

21. **Q. Addressing the exemption standards that the Committee will review SEA-3's exemption request, can you please state your opinion on whether "existing state or federal statutes, state or federal agency rules or municipal ordinances provide adequate protection of the objectives of RSA 162-H:1?"**
22. A. In my opinion, review under existing state, federal and local laws is (and was) more than adequate to protect the objectives of RSA 162-H. A second review by the Committee would serve little or no purpose in this case because safety issues have been appropriately addressed by review under NFPA and SEA-3 is an existing operating facility.
23. **Q. Can you please state your opinion as to whether a review of the application or request for exemption reveals that consideration of the proposal by only selected agencies represented on the Committee is required and the objective of RSA 162-H:1 can be met by those agencies without exercising the provisions of RSA 162:H?**
24. A. The safety concerns regarding SEA-3 proposal are the use of railways to deliver propane are governed by the NFPA and Federal law. I do not believe that the Committee's criteria under RSA 162-H:16, IV are required or appropriate for the review of modifications to an existing facility as SEA-3 has proposed. The Planning board appropriately resolved these issues during the review to the full extent allowed by Federal law.
25. **Q. Can you please state your opinion whether response to the application for request for exemption from the general public indicates that the objectives of RSA 162-H:1 are met through individual review processes of the participating agencies?**
26. A. The Planning Board conducted 7 public hearings over 6 months. This was a full and open process that examined all issues over which the Town and state have conceivable regulatory authority. The exemption will promote the objectives that undue delay in the permitting of the facility expansion is to be avoided. The Planning Board process resulted in the full and complete disclosure to the public of the proposed expansion plans. The Planning Board process was an exhaustive, comprehensive land use planning process, which resulted in all environmental, economic and

technical issues of the proposed facility expansion being addressed and resolved in an integrated fashion.

27. **Q. Can you please state your opinion whether all environmental impacts or effects are adequately regulated by other federal, state or local statutes, rules or ordinances?**
28. A. The SEA-3 project is located entirely in a highly disturbed industrial area. As a result, there are no environmental impacts which would benefit from review by the Committee.
29. **Q. Does this conclude your testimony?**
30. A. Yes.

**STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE**

DOCKET NO. 2015-01

PREFILED DIRECT TESTIMONY OF ANDREW HEAD

August 4, 2015

Q. Please state your name and address.

A. Andrew W. Head, 25 Rowell Road, East Kingston, NH.

Q. What is your educational background and qualifications?

A. Associates degree in Fire Science, Level 3 Firefighter, Hazardous Materials Technician.

Q. How are you employed?

A. Fire Chief, Town of Newington.

Q. How long have you been employed there?

A. Since 1/2010.

Q. Are you familiar with property located at 190 Shattuck Way in the Town of Newington owned by SEA-3, Inc.?

A. Yes.

Q. Have you visited 190 Shattuck Way before?

A. Yes.

Q. Are you familiar with the facility's present fire safety systems?

A. Yes.

Q. Is SEA-3's fire safety system tied into the Town's system in any way?

A. SEA-3 has an alarm system that is connected to the Fire Station as do most commercial buildings in the Town of Newington.

Q. What is your understanding of SEA-3's proposed expansion?

A. Increase rail car receiving capability by increasing off loading facility to off load liquefied petroleum gas (LPG), otherwise known as propane.

Q. Will SEA-3's proposed improvements materially change the existing operations at its facility?

A. No. SEA-3 currently has an existing facility to off load LPG rail cars.

Q. Will SEA-3's proposed improvements materially increase the fire safety risk at the facility?

A. No. This is the same process they use now. The new fire protection equipment proposed to be installed will lower the risk of a fire.

Q. Did your predecessor Fire Chief Dale Sylvia have any involvement with SEA-3's proposed expansion?

A. Yes.

Q. I've provided you with a document marked as Exhibit AH -1, can you tell me what that is?

A. [Interoffice Memorandum of Chief Sylvia to the Planning Board dated Oct 9, 2013].

Q. Did Chief Sylvia have any meetings with the State Fire Marshal's Office regarding SEA-3's planned expansion?

A. I was not involved with the original meetings with SEA-3. but I do remember Chief Sylvia meeting with SEA-3 and the Fire Marshal's office.

Q. Is the Newington Fire Department a member of any mutual aid pacts?

A. Yes, Seacoast Chief Officers.

Q. What are some of the other communities that Newington has entered into mutual aid pacts with?

A. All the area cities and towns are members of the Seacoast Chiefs.

Q. Have any of those communities reviewed SEA-3's plans and indicated an inability to respond to propane incidents?

A. All the departments that have “rail” in their jurisdiction were invited to a meeting. The discussion was reference to concerns with the proposed changes. No major concerns came out of the meeting.

Q. Have you spoken with Portsmouth’s Fire Chief about SEA-3’s plans?

A. I have.

Q. What were his observations regarding the ability of the Portsmouth Fire Department’s ability to respond to propane incidents resulting from SEA-3’s plans?

A. I cannot speak directly for Chief Achilles, but I don’t believe there were any major concerns over the expansion.

Q. Has the Newington Fire Department or its members participated in any training or educational programs for responding to propane incidents?

A. Annually as budget allows the department tries to send firefighters to a class provided by the Propane Gas Association of New England.

Q. When the final design of the facility is completed will SEA-3 need to obtain any permits or approvals from the Town of Newington or the State of New Hampshire to demonstrate that its final design complies with NFPA 58?

A. The Fire Department requires that SEA-3 provide a stamped set of plans from a Fire Engineer. We would then forward those to a “third party” Fire Engineer for review. With a project like this I would most likely also ask the State Fire Marshal’s office to review and comment upon the plans. Once all concerns and questions have been met, we would give approval. Permits from the Fire Department would be dependent on final project plans. Meaning fire alarm system and tank installation.

Exhibit List

Exhibit AH - 1 - Interoffice Memorandum dated October 9, 2013

EXHIBIT AH-1

INTEROFFICE MEMORANDUM

TO: PLANNING BOARD
FROM: CHIEF SYLVIA
SUBJECT: SEA III
DATE: OCTOBER 9, 2013
CC: FILE

In reference to Sea III request to expand their rail capability, we have been researching this a great deal. I met with the NH Fire Marshall's office to discuss the operation and with two Fire Marshall's we inspected the proposed site. In addition to fire protection we are reviewing federal laws and how this may affect our neighboring communities. From a fire department view I believe this is positive for Newington, because it gives us the opportunity to update and increase fire protection systems that are already in place but outdated. The operation they are proposing is not dramatically different than their current operation.

Working with the Fire Marshall's office we are also going to require a third party Fire Engineer review, but one that specializes in propane operations. The State is researching potential engineers for us.

Having said that, we recommend conditional approval in concept. If approved by Newington Planning Board to go forth, Sea III will have numerous requirements set by Newington Fire, with the assistance of the State Fire Marshall's office and an independent Engineer.

Respectfully submitted,

Chief Dale Sylvia

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

DOCKET NO. 2015-01

PREFILED DIRECT TESTIMONY OF DENIS HEBERT

August 15, 2015

1. Q. Please state your name and address.
2. A. Denis J. Hebert, 20 Gundalow Landing, Newington, NH
3. Q. Please state your education and employment history?
4. A. Bachelors of Science in electrical Engineering(BSEE). I spent 34 years in the Air Force and Air National Guard. I rose to the rank of Lt. Col. and held the position of **The Base Engineer and The Base Fire Marshal**. During my career, I was responsible for the design, construction and final acceptance for several large projects including the Base Jet Fuel Bulk Storage Tanks, Jet Fuel Truck off loading and on loading stations, Jet Fuels pump house and two mile underground fueling system, which included 12 aircraft fueling stations, diesel and gasoline fuel truck off loading station, vehicle fuel stations, 80 million BTU central heat plant (natural gas or #6 fuel)and base wide heating distribution system , Base 34.5Kvolts electrical substation and underground electrical distribution system, several office type buildings, fire station, energy projects and many other civil projects to numerous to mention here. I retired from the Air Force in December of 2008 and was employed by the Navy as a Planner for the overhaul of electrical systems on submarines until May 2015. I am presently working as a volunteer for the Town of Newington for the proposed 115Kvolt transmission line through Newington.
5. Q. Do you volunteer on the Newington Planning Board?
6. A. Yes, I am the current Chairman. I have served as chair since 2002 and I have been a member of the Planning Board for approximately 19 years.
7. Q. Please give the Committee as sense of the occupational and experiential background of some of your fellow Planning Board members?
8. A. --Christopher Cross, electrical engineer, pilot, retired Air Force has been on the

planning board for approximately 25 years. Presently working as an Electrical Engineer for the Air Force.

--Bernie Christopher, well-Seasoned developer for residential homes. Has been on the board for 4 years.

--Jack Pare, engineer retired, has been on the Planning Board for approximately 10 years.

--Justin Richardson, attorney(land use) has been on several land use boards including the Conservation Board, Zoning Board and Planning Board.

--Mike Marconi, Real estate for most of his life was on the board for approximately six years.

--Rick Stern, Board Of Selectmen, has been on the Planning Board for approximately 4 years.

9. Q. Are you familiar with the Site Plan application filed by SEA-3?
10. A. Yes. The Planning Board compiled an voluminous 580+ page record in its review of the SEA-3 application. I understand SEA-3 has submitted a copy of this record to the Site Evaluation Committee. My testimony will reference some of that record as Newington Planning Board Certified Record pages ____ (or abbreviated to "CR pg. ____").
11. Q. Explain the process the Newington Planning Board has undergone to analyze SEA-3's Site Plan application?
12. A. SEA-3 operates a liquefied petroleum gas storage and shipping facility. It has the capacity to accept shipment of LPG by rail and by ship, it stores the LPG in storage tanks on the premises. It serves as a distribution center for loading LPG delivery trucks that then deliver this LPG (propane) to residential and commercial customers throughout the northeast. I understand the SEA-3 facility is the second largest distributor of propane in New England.
13. Q. Did the Newington Planning Board hire any consultants to review SEA-3's submittals?
14. A. Yes, the Planning Board hired technical and engineering consultants to advise it about the general site improvements, including fire safety, site development, drainage, wetlands impacts and traffic impacts.
15. Q. Did the Newington Planning Board require a fire safety analysis for the site

improvements?

16. A. Yes, the Board retained Nicholas Cricenti and his firm, SFC Engineering Partnership, Inc. to review the civil engineering and fire safety aspects of the proposed site development plan.
17. Q. Why did the Newington Planning Board require a fire safety analysis for the site improvements?
18. A. The proposal calls for alterations of the existing off-loading and storage of LPG on the site. The Fire Safety regulations that govern such improvements are quite technical and was prudent for the Board to retain an experienced fire safety engineering consultant to review SEA-3's submittal.
19. Q. Did the Newington Planning Board consider requiring any studies regarding the railroad?
20. A. The Board considered and discussed the issue.
21. Q. Why did the Newington Planning Board ultimately decide not to require a railroad study?
22. A. The Board concluded, after considering the advice of its legal counsel, the input from Shelley Winters of the NH Department of Transportation (CR pgs. 176-177), input from John Killoy of the US Federal Railway Administration, and input from John Robinson, the NH Railway Inspector, that jurisdiction over issues of rail transportation lay with the federal government, that jurisdiction for rail maintenance and inspections lay jointly with the NH DOT and with the Federal Rail Administration, and that these were not issues over which the Newington Planning Board has statutory jurisdiction to review.
23. Q. How many public hearings did the Newington Planning Board conduct on SEA-3's site plan review?
24. A. The Newington Planning Board conducted 7 public hearings over a span of approximately 6 months on the SEA-3 application.
25. Q. In you tenure as Planning Board Chair, have you ever had that many public hearings before making a determination on a site plan review?
26. A. Certainly, but not recently. Most applications that come before the Board are addressed in 3 meetings or less. It is more remarkable that the review of the SEA-3 application was so lengthy, as this site is an existing, on-going business

concern that has been in operation receiving and distributing LPG for approximately 40 years. While there is some LPG rail car off-loading, handling and storage capacity expansion that will happen as a result of the Board's approval of the SEA-3 site plan, the use of the site will remain the same, the existing permitted traffic volume arising the delivery LPG delivery trucks traveling to and from the site is not expected to increase as they are not expanding their truck loading facility. (See CR pgs. 312-315, 393).

27. Q. Are you aware of whether SEA-3 has obtained an exemption from the Site Evaluation Committee in the past in relation to proposed site improvements at its Newington facility?
28. A. It is my understanding that following the last time that SEA-3 came before the Newington Planning Board for site plan approval, SEA-3 obtained that approval from the Board, SEA-3 then applied for and was granted an exemption from having to obtain a certificate from the Site Evaluation Committee.
29. Q. Why did the Newington Planning Board send a regional impact notice to Greenland, Portsmouth, Newfields and Stratham?
30. A. On 10/28/13, Greenland Town Administrator, Karen Anderson, wrote to the Planning Board requesting that the Board make a determination that the SEA-3 project was a Development of Regional Impact as that term is used in RSA 36:54 et seq. The Planning Board determined at its first meeting (11/18/13) in review of the SEA-3 application that it was indeed an Development of Regional Impact and provided the notices required by statute following this determination. (See, CR pgs. 32, 91-92).
31. Q. Did the Newington Planning Board ultimately approve SEA-3's Site Plan review?
32. A. Yes. After 6 months of review, following input for multiple federal, state and local officials, fire safety, civil and traffic engineers, after input from scores of members of the public (few of whom were Newington residents, most of whom lived over 2 miles from the site and many who lives much further away) the Board deliberated for two evenings on the application. It drew upon a record of over 583 pages of materials to adopt 54 factual findings in support of its decision to approve the SEA-3 application, subject to certain conditions of approval. (CR. 534-543).
33. Q. Does SEA-3 have to undergo a final fire safety analysis as part of the building permit process?
34. A. Yes, it is my understanding that a final design for construction of the site

improvements will be submitted to the Newington building inspector, who in turn will review the submittal with the Newington Fire Chief. (CR. Pg. 326). The permit application will be sent out the town's fire safety consultant, Nicholas Cricenti of FSC Engineering to review the final design, and the Fire Chief will submit the proposed design for review and approval by the NH State Fire Marshall's office. Following these reviews, a determination will be made if a building permit will be issued. Further, the Planning Board required the updating the existing safety plans that will be reviewed and approval by the appropriate town officials (including the Newington Fire Chief), prior to the commercial operation of the improvements authorized by the Planning Board's site plan approval.

35. Q. Are you aware of public statements by Portsmouth Fire Chief Achilles that were presented to the Planning Board concerning any additional risks presented to the public by the SEA-3 proposal?
36. A. Yes. The Board received a news article that confirmed the substances of conversations that Newington Fire Chief Head summarized for the board. The article quoted Chief Achilles as saying: "it was our general feeling that the additional tank car transportation does not pose an additional significant hazard that does not exist right now. . . if something were to happen, most of the time we handle it. . .this is something the fire service is prepared for." (CR pg. 275).
37. Q. In what way did the Newington Planning Board consider the environmental aspects of SEA-3's plan?
38. A. FSC Engineering reviewed the SEA-3 application to confirm whether or not its proposed site development would comply with the Town's wetlands ordinance, with site drainage regulations and the Town's site plan and zoning ordinance requirements. The Board was advised that the town's environmental regulations had all been satisfied.
39. Q. During your tenure, has the Newington Planning Board reviewed comparable industrial sites to SEA-3's?
40. A. There are a multitude of significant industrial enterprises in Newington Industrial Waterfront district, including the Sprague Energy terminal, the Gypsum facility, The Domtar plant, the ConEd gas electric generating facility, the Newington Station electric generating facility, to name some of the most sizable facilities. The Planning Board has been closely involved in the reviews of all of these facilities, even in the instance of the ConEd plant, where the Town and its consultants took the lead before the Site Evaluation Committee on issues related to fire safety, noise and traffic impacts. The Industrial and Industrial Waterfront zoning districts in Newington have been heavily developed over the years with

substantial industrial businesses. Shattuck Way has been constructed since SEA-3's last expansion and approval. It provides traffic access to the SEA-3 site and has made traffic flows within these zoning districts safer. Newington is proud of its management of industrial and commercial development in town. It provides important access to the river for shipping that is vital to NH's economy, it provides a home for heavy industry and for commercial development that serves this region well.