

THE STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE SITE EVALUATION COMMITTEE
DOCKET NO. 2015-06

SUPPLEMENTAL PRE-FILED TESTIMONY OF JACOB J. TINUS

IN SUPPORT OF THE
APPLICATION OF NORTHERN PASS TRANSMISSION LLC
AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY
FOR A CERTIFICATE OF SITE AND FACILITY TO CONSTRUCT A NEW
HIGH VOLTAGE TRANSMISSION LINE AND RELATED FACILITIES IN
NEW HAMPSHIRE

April 17, 2017

1 **Q. Please state your name and business address.**

2 A. My name is Jacob J. Tinus. My business address is 670 N. Commercial Street,
3 Manchester, NH 03101.

4 **Q. Who is your current employer and what position do you hold?**

5 A. I am employed by Burns & McDonnell (“BMCD”) as a Project Manager in the
6 Environmental Studies and Permitting (“ES&P”) Global Practice. I am BMCD’s permitting lead for
7 the Northern Pass Transmission Project (“Northern Pass” or the “Project”) as proposed by Northern
8 Pass Transmission LLC (“NPT”) and Public Service Company of New Hampshire d/b/a Eversource
9 Energy (“PSNH”) (collectively the “Applicants”).

10 **Q. What is the purpose of your supplemental testimony?**

11 A. The primary purpose of my testimony is to provide supplemental information regarding
12 the assessment of the potential effects of the Project on water quality by describing revisions to
13 engineering design and the Alteration of Terrain permit application for the nine development sites
14 since submittal of my original testimony. I also address questions on water quality and stormwater
15 permitting raised by intervenors’ testimony.

16 **Q. First, please explain the significance of the March 1, 2017 Final Decision from the**
17 **New Hampshire Department of Environmental Services (“NHDES”) (App. Ex. 75).**

18 A. NHDES’s approval of the four permit applications (Wetlands, Alteration of Terrain,
19 Shoreland, and the Section 401 Water Quality Certification) indicates that Northern Pass has satisfied
20 all of the state water quality-related permit requirements. As part of its decision, NHDES has imposed
21 various conditions that are customary for these permits, requiring, among other items, that the Project
22 and its contractors follow avoidance and minimization measures and BMPs, that the Project submit
23 prior to construction various monitoring plans, and that the Project employ properly trained
24 environmental monitors during construction.

25 **Q. Have the Applicants conducted any additional engineering, analyses or studies**
26 **relative to your Pre-filed Direct Testimony, dated October 16, 2015?**

27 A. Yes. Based on additional data collected by geotechnical contractors (Quanta
28 Subsurface) during summer and fall 2016 to address specific comments and questions from the
29 NHDES Alteration of Terrain and Watershed Management Bureaus, the Applicants confirmed or
30 revised (as described below) the initial stormwater design for the nine development sites, provided

1 supporting engineering calculations, and updated and re-issued pollutant loading assessments
2 (“PLAs”), stormwater studies and permit plans for each of the nine development sites.

3 Documents responsive to requests for additional information in the NHDES May 2016
4 Progress Report to the SEC, including those related to the Alteration of Terrain (“AoT”) Permit, were
5 submitted on July 12, 2016 (App. Ex. 62); July 15, 2016 (App. Ex. 63); July 18, 2016 (App. Ex. 64);
6 July 28, 2016 (App. Ex. 67); August 11, 2016 (App. Ex. 69); December 14, 2016 (App. Ex. 72); and
7 January 25, 2017 (App. Ex. 74).

8 **Q. Please summarize the modifications that were made to the stormwater system**
9 **components at the nine development sites based on comments from NHDES and based on the**
10 **Applicants’ subsurface investigations.**

11 A. For certain sites, NHDES requested minor plan adjustments, such as additional detail
12 figures for design features, verification of elevations, or adding color-coded watershed boundary plans.
13 Those changes were made to NHDES’s satisfaction.

14 For all nine sites, Project engineers reviewed the design based on the new subsurface
15 geotechnical data collected by Quanta Subsurface during the summer and fall of 2016. The main
16 purpose of this effort was to fine-tune the stormwater treatment design appropriate for the specific
17 conditions to provide that level of treatment necessary to meet NHDES requirements. The refined
18 design based on the subsurface data is slightly revised at all nine sites, but there is no significant
19 change to the initial design at any of the locations. As shown on the revised Pollutant Loading
20 Analysis (“PLA”) worksheets, post-development conditions at each of the sites result in no increases in
21 total suspended solids (TSS), total phosphorous (TP) or total nitrogen (TN) from pre-development
22 conditions. In fact, at most of the development sites, post-development conditions will have reduced
23 pollutant loading compared to pre-development conditions. The PLA data illustrates that once
24 constructed and stabilized the development sites will not contribute negatively to water quality.

25 **Q. Do you expect any further design changes at the development sites?**

26 A. No, we do not expect any design changes that would affect stormwater. NHDES has
27 required in AoT Project Specific Permit Condition #1 and #2 of the NHDES Final Decision letter to
28 the SEC, dated March 1, 2017, that test pit explorations be performed at seven of the nine sites to
29 confirm estimated seasonal high water table elevations collected previously on the sites. The Project
30 anticipates that this will be performed in mid-2017. The results of the additional subsurface data

1 collection and any subsequent design changes (if necessary) will be communicated to the NHDES and
2 SEC when available.

3 **Q. Have you reviewed testimony about the Project’s potential impacts on water**
4 **quality from intervenors?**

5 A. Yes. Several intervenors testified that construction-related erosion and sedimentation
6 will result in a significant impact to wetlands and water quality. I disagree. Northern Pass has
7 identified appropriate best management practices (“BMPs”) for limiting the risk of erosion and
8 sedimentation, and will provide water quality monitoring during construction activities consistent with
9 project permit conditions. The methods proposed have been developed by experts in the construction
10 and regulatory community, comply with state and federal requirements, and are standard practices
11 commonly used on construction projects of all kinds around the state and the region, including
12 transmission projects and other linear projects. Furthermore, in its March 1, 2017 Final Decision letter
13 to the SEC, NHDES specifies many permit conditions that address these topics directly or reference
14 avoidance and minimization measures and BMPs that must be followed by the Project and its
15 contractors.

16 Mr. Robert Cote raised issues in his testimony and at follow-up technical sessions specifically
17 related to stormwater permitting, asserting that the Applicants have not satisfied the requirements of
18 the United States Environmental Protection Agency (“USEPA”) Construction General Permit
19 (“CGP”). The simple answer is that the Applicants have not yet submitted their Notice of Intent
20 (“NOI”) under the CGP. At least 14 days prior to starting construction, the Project contractor will
21 electronically submit an NOI to the USEPA through its eReporting Tool. Submittal of the NOI
22 signifies that the Applicants are seeking authorization of coverage under the CGP. As part of the CGP
23 the NPT must develop a Project-specific stormwater pollution prevention plan (“SWPPP”).
24 Furthermore, §401 Water Quality Certification Condition #9 contained in the NHDES March 1, 2017
25 Final Decision requires that NPT submit the SWPPP to NHDES at least 90 days prior to commencing
26 construction activities.

27 **Q. Are there any statements in your original testimony that you would like to correct?**

28 A. Yes. On page 13, line 17, of my original testimony I state that the Spill Prevention,
29 Control and Countermeasures (“SPCC”) Plan is provided with the Request for a § 401 Water Quality
30 Certification. This statement is incorrect. Three SPCC documents were subsequently provided in
31 discovery, however—1) the M.J. Electric SPCC, 2) the Standard Eversource SPCC and, 3) the

1 Eversource Spill Identification and Reporting Protocol. Further, DES Condition #14 requires that the
2 SPCC plan be submitted prior to construction.

3 **Q. Has your opinion regarding the Project's impact on surface water and**
4 **groundwater quality changed? Please explain.**

5 A. No. My opinion remains that by following established BMPs and other permit
6 requirements the Project will have no adverse effect on surface water quality and ground water quality.
7 That NHDES has now approved the water quality-related permit applications confirms this opinion.

8 **Q. Does this conclude your supplemental pre-filed testimony?**

9 A. Yes.