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Todd Anthony Bianco, Coordinator
Energy Facility Siting Board
89 Jefferson Boulevard
Warwick, RI 02888

March 31, 2017

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID'S APPLICATION TO CONSTRUCT THE AQUIDNECK ISLAND RELIABILITY PROJECT IN PORTSMOUTH AND MIDDLETOWN, RHODE ISLAND – DOCKET NO. SB-2016-01

Dear Mr. Bianco,

Enclosed please find for filing, in the above-referenced docket, the Pre-Filed Rebuttal Testimony of Steven Cabral on behalf of the Town of Middletown, and the Town of Middletown's Response and Objection to National Grid's Objection and Motion to Strike a Portion of Testimony of Steven M. Cabral. Five copies of these filings are being sent to you via regular mail.

The Town of Middletown will be effecting service upon all parties in the service list via electronic mail.

Thank you for your assistance in this regard.

Sincerely,

Marisa A. Desautel

ec: Service List for Docket No. SB-2016-01

**BEFORE THE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**Re: Docket No. SB-2016-01
The Narragansett Electric Company d/b/a National Grid Application to Construct
the Aquidneck Island Reliability Project in Portsmouth and Middletown Rhode
Island**

**REBUTTAL TESTIMONY
OF
STEVEN M. CABRAL**

**SUBMITTED ON BEHALF OF
THE TOWN OF MIDDLETOWN**

MARCH 31, 2017

1 Q. Please state your name and business address.

2 A. Steven M. Cabral, 151 Centerville Road, Warwick, RI 02886.

3 Q. On whose behalf are you providing this testimony?

4 A. The Town of Middletown, RI.

5 Q. Have you previously provided testimony for this matter?

6 A. Yes. I filed direct testimony on March 13, 2017.

7 Q. Have you reviewed the Pre-Filed Rebuttal Testimony of Renee L. Codega for this matter?

8 A. Yes, I reviewed it.

9 Q. Do you agree with Ms. Codega's testimony regarding the classification of the fill material
10 which will raise the existing ground level by up to 16 feet higher than natural ground
11 level?

12 A. No. I have engineering concerns with Ms. Codega's testimony. First, beginning on page
13 2, line 21, of Ms. Codega's Pre-Filed Rebuttal Testimony, Ms. Codega states that the
14 Town of Middletown's Code requires a project's stormwater analysis to include an
15 evaluation and mitigation of the 2-year, and 25-year 24 -hour storm events. However, the
16 Town of Middletown's Zoning Ordinance also states: "Stormwater management plans
17 shall incorporate best management practices for water quality control as described in the
18 Rhode Island Stormwater Design and Installation ("RISDISM") Standards Manual, as
19 amended, which in combination with structural BMPs, are generally required to achieve
20 the following minimum average pollutant removal efficiencies: 85% removal of total
21 suspended solids, 60% removal of pathogens, and 30% removal of total phosphorous for
22 freshwater systems. The water quality design volume shall be defined as one inch (1") of
23 runoff over all impervious surfaces and a minimum water quality volume of 0.2

24 watershed inches over the entire disturbed area. The documents presented to the Town of
25 Middletown do not demonstrate conformance to this requirement.

26 Q. Why is that important?

27 A. As discussed in the RISDISM, stormwater, when not properly controlled or treated,
28 causes pollution of the waters of the state, threatens public health, and damages property.
29 Stormwater carries pollutants into receiving areas.

30 Q. Did you review Ms. Codega's testimony regarding impervious cover?

31 A. Yes. Beginning on page 3, line 10, of her testimony Ms. Codega provides a statement that
32 the proposed fill for the substation yard does not meet the RISDISM definition of
33 compacted gravel, therefore, the substation fill is not defined as impervious material
34 under definitions provided in the RISDISM. In contradiction to her own statement, page
35 3 line 20, clearly reveals that the substation yard fill will be gravel compacted to 95%
36 density. This density represents highly compacted gravel fill material and clearly meets
37 the definition of compacted gravel, which the RISDISM defines as impervious. Ms.
38 Codega also incorrectly states that a 2 inch per hour infiltration rate allows for filtering of
39 rainfall. This infiltration rate value is not suitable for accepting runoff without extended
40 periods of ponding due to its inability to freely infiltrate.

41 Q. How do you know this?

42 A. This statement is based upon actual rainfall data. For example, a 100 year frequency
43 storm event has a rainfall intensity that reaches up to 9.9 inches per hour. This maximum
44 value exceeds the 2 inch per hour assumed soil capacity. Therefore, excess runoff will
45 result. Also, the substation yard itself is designed to drain away from Jepson Lane,

46 therefore most of the substation yard is not designed to allow for ponding on the gravel
47 surface.

48 Q. Do you agree with Ms. Codega's testimony that the project is not seeking waivers to the
49 RISDISM?

50 A. No, I do not agree. The materials that are being used for the substation yard gravel does
51 not conform to the RISDISM, therefore, the use of those materials represent a waiver
52 from the established requirements. Also, as discussed in my previous testimony, the
53 Town of Middletown's standards, which require conformance with the standards of the
54 RISDISM, are not being achieved.

55 Q. On page 4, beginning on line 8, Ms. Codega states that she disagrees with your previous
56 testimony that the proposed underdrains will prevent groundwater recharge. Do you have
57 any comments on her evaluation of this issue?

58 A. Ms. Codega's testimony is, again, contradictory.. On line 9, Ms. Codega confirms the
59 Town of Middletown's concern that the proposed underdrains will intercept the
60 groundwater. The interception of groundwater and diversion onto a downstream surface
61 results in a decrease in groundwater levels, and any infiltration in these areas that may
62 occur through the compacted gravel will be intercepted by these underdrains. The net
63 impact is a reduction of groundwater recharge. The "Recharge" analysis for this project,
64 which is required by the RISDIM, provides an incomplete analysis of the long term
65 recharge. The project's analysis states conformance to the RISDISM Recharge Standard
66 by demonstrating that the required recharge of the new bituminous access roads is
67 satisfied, but the analysis ignores the impact of the underdrains, the loss of infiltration
68 within the substation yard and the net reduction of recharge. The installation of

69 underdrains below the seasonal groundwater levels and the diversion of surface waters in
70 a manner which prevents infiltration, does not represent a design that mimics existing
71 conditions.

72 Q. Have you reviewed the Pre-Filed Rebuttal Testimony of Susan Moberg for this matter?

73 A. Yes, I reviewed it.

74 Q. Do you agree with Ms. Moberg's testimony regarding freshwater wetlands on the subject
75 property?

76 A. No. The concern with the rebuttal testimony of Ms.Moberg is that National Grid
77 continues to display no regard to the Town of Middletown's ordinances. For example,
78 Ms.Moberg refers to the 8,578 square feet of RIDEM-regulated perimeter wetland, but
79 she does not inform the Energy Facility Siting Board that the project eliminates
80 approximately 30,000 square feet of the 100-foot wetland buffer that exists under the
81 Town of Middletown's Land Development Regulations. This buffer was established by
82 the Town of Middletown in recognition of the need for additional wetlands regulations to
83 protect the natural resources and public health, welfare and safety of this island
84 community.

85 Q. Have you reviewed the Pre-Filed Rebuttal Testimony of Daniel McIntyre for this matter?

86 A. Yes, I reviewed it.

87 Q. Do you agree with Mr. McIntyre's testimony regarding evaluation of alternative sites?

88 A. No. On page 8, Lines 12-18, Mr. McIntyre asserts that a qualitative evaluation of the
89 existing substation site is sufficient to conclude that a "fatal flaw" exists which then
90 justifies elimination of the existing substation parcel from further consideration. This
91 alleged "fatal flaw" is based upon the existing substation parcel size, known

92 environmental resources, and the zoning of the existing substation site. Mr. McIntyre
93 further states that the proposed site in the Town of Middletown is clearly a superior
94 location, therefore there was absolutely no need to perform a detailed constructability
95 analysis of the existing substation site. This conclusion can only be made with no
96 consideration to the Town of Middletown's ordinances, regulations, Comprehensive Plan,
97 and environmental concerns. A reliable and comprehensive testimony by Mr. McIntyre
98 would have stated that a new substation on the existing parcel is not "prohibited" by
99 zoning of the existing site and that a new substation on the existing substation parcel
100 could be designed to have no impact on regulated wetlands, wetland buffers and/or
101 drinking water supplies. Instead, the testimony suggests that a "fatal flaw" of the existing
102 substation site was declared, due to the perceived ease of construction on the new site and
103 within the regulated wetlands and wetland buffers of the new site. It should also be
104 recognized that testimony by Mr. Booth, the expert retained by the Public Utilities
105 Commission, confirmed that the existing substation site could be a reasonable alternative
106 to constructing on the new site, albeit at a somewhat higher cost. Mr. Booth estimated
107 this added cost to be approximately 2.4 million dollars, but also revealed that his cost
108 estimates did not consider the Town of Middletown's ordinances, environmental impacts,
109 the added costs of the 16 feet of compacted gravel fill needed on the proposed site, or the
110 added cost of a 530 foot long retaining wall on the proposed site that extends up to 16.5
111 feet in height. The theoretical "fatal flaw" suggested by Mr. McIntyre for re-use of the
112 existing substation parcel only exists by avoiding recognition of the Town of
113 Middletown's ordinances and environmental requirements, and by avoiding a
114 comprehensive evaluation of the re-use of the existing substation site.

115 Q. Does this conclude your testimony?

116 A. Yes, it does.