

**BEFORE THE
NEW JERSEY BOARD OF PUBLIC UTILITIES**

**IN THE MATTER OF THE PETITION OF OCEAN WIND LLC
PURSUANT TO N.J.S.A. 48:3-87.1(F) FOR A DETERMINATION
THAT CERTAIN EASEMENTS AND CONSENTS NEEDED FOR
CERTAIN ENVIRONMENTAL PERMITS IN, AND WITH RESPECT
TO, THE COUNTY OF CAPE MAY ARE REASONABLY
NECESSARY FOR THE CONSTRUCTION OR OPERATION OF
THE OCEAN WIND 1 QUALIFIED OFFSHORE WIND PROJECT
BPU Docket No. QO22050347**

Rebuttal Testimony

of

Jason Kalwa

**Re: Rebuttal to the Direct Testimony of
Robert Church, Cape May County Engineer
and
Director of the Engineering Department
Dated August 29, 2022**

Dated: September 16, 2022

1 **I. INTRODUCTION AND BACKGROUND**

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

3 A. My name is Jason Kalwa. My business address is 80 Park Plaza, Newark, NJ 07101.

4 **Q. Are you the same Jason Kalwa who submitted pre-filed direct testimony in**
5 **this matter?**

6 A. Yes.

7 **Q. Would you describe the purpose of your rebuttal testimony?**

8 A. I am testifying on behalf of petitioner Ocean Wind, LLC (“Ocean Wind”) in
9 response to the Direct Testimony dated August 29, 2022 of Robert Church, the
10 Cape May County Engineer and Director of the Engineering Department (the
11 “Church Direct Testimony”).¹ More specifically, I respond to the inaccurate
12 suggestion that construction of the on-shore portion of the Ocean Wind 1 Project
13 (“Project”) along the Project’s Preferred Route has not considered or addressed
14 concerns expressed by Mr. Church or will otherwise have negative impacts on
15 Cape May County.

16 As was the case with my Direct Testimony (Exhibit OW-1), this rebuttal
17 testimony supports Ocean Wind’s petition seeking a determination that certain
18 easements and consents needed for certain environmental permits in, and with
19 respect to, the County of Cape May are reasonably necessary for the construction
20 or operation of the Ocean Wind Qualified Offshore Wind Project (“QOWP”).

21

¹ I note that the Church Direct Testimony contains no page numbers. For purposes of clarity, in referring to the pages of such testimony herein, I have not counted the cover sheet leaving five complete pages of single-spaced testimony and a sixth partial page.

1 **II. RESPONSE TO THE DIRECT TESTIMONY OF ROBERT CHURCH ON**
2 **BEHALF OF CAPE MAY COUNTY**
3

4 **Q. On page three of the Church Direct Testimony, Mr. Church suggests a**
5 **preference for the Great Egg Harbor option or the abandoned railroad**
6 **alternative (with a northerly leg extension using the Garden State Parkway)**
7 **as routes that “eliminate conflict on county roads and infrastructure, traffic**
8 **on county roads and minimize resident and commercial business impacts both**
9 **during construction and for long term maintenance accessibility” (at page 3,**
10 **lines 4-11). Do you agree with his assessment?**

11 A. No. First, let me point out that in the Church Direct Testimony, Mr. Church states
12 (at page 1, lines 38-39) that his “review of the project and alternative routes was
13 based solely on the” Direct Testimony of Pilar Patterson, which was offered on
14 behalf of Ocean Wind in this proceeding.² Accordingly, Mr. Church does not refer
15 to my Direct Testimony (Exhibit OW-1) at all because he acknowledges that he has
16 not based any part of his review on it. However, the Church Direct Testimony
17 makes several comments and observations or raises concerns regarding onshore
18 Project construction activity or repercussions whether associated, directly with the
19 Project’s Preferred Route, or indirectly by comparison to the alternative routes that
20 the Project rejected and which Mr. Church prefers or the combination of
21 alternatives (“hybrid versions”) for which he also advocates. (at page 2, lines 5-40
22 and page 3, lines 1-2).

² In her rebuttal testimony, Pilar Patterson addresses certain of Mr. Church’s comments about alternative routes. See Exhibit OW-2 Rebuttal.

1 Second, since it was not part of Mr. Church's review, the Church Direct
2 Testimony does not acknowledge that my Direct Testimony (Exhibit OW-1)
3 describes the construction of the Project's Preferred Route as being similar to any
4 of the other utility-type improvements that are routinely installed along the public
5 roads in Cape May County and nearly every municipality in New Jersey (*See* Direct
6 Testimony of Jason Kalwa, Exhibit OW-1, page 14, lines 1-2, 19-21; page 15, lines
7 8-10; page 16, lines 18-23; and page 17, lines 16-17 and 20-21).

8 To reiterate, let me restate that most of the Preferred Route will be in a duct
9 bank and will involve creating a trench, installing the facilities, and then back-
10 filling and restoring the area (*e.g.*, paving). The duct bank installation will be
11 performed using conventional construction equipment (*e.g.*, hydraulic excavators,
12 and dump trucks). At the Crook Horn Creek crossing, a trenchless construction
13 method (HDD) is planned, which is a common installation method at similar
14 crossings for utilities. HDD involves creating small temporary excavations at either
15 end of the crossing to facilitate the use of a drilling rig without other disturbances
16 to the surface. Similar to the duct bank portion, the area will be restored. These
17 techniques and tools would also be applicable to one degree or the other for each
18 alternative to which Mr. Church refers.

19 Third, Mr. Church also states (Church Direct Testimony at page 3, lines 4-
20 11) the "county's infrastructure perspective" that alternative routes are preferable
21 to the County because they eliminate "conflicts on county roads and infrastructure,
22 traffic on county roads and minimize resident and commercial business impacts."
23 However, as set forth in Ms. Patterson's Direct and Rebuttal Testimonies, the

1 alternative routes, overall, presented greater impacts than the Preferred Route. For
2 instance, from a construction perspective, the areas along Route 9 further south of
3 Roosevelt Blvd. are comparably travelled and far more heavily developed than the
4 part of Roosevelt Blvd. proposed as part of the Preferred Route. Similarly, the
5 Garden State Parkway (“GSP”) is also very heavily travelled. Moreover, the
6 opportunity for occupancy of that type of roadway while adjacent roadways are
7 available for re-routing during construction is extremely rare (as compared against
8 the seasonal traffic patterns and options evident and available along the Preferred
9 Route).

10 With regard to Mr. Church’s suggestion (at page 4, lines 12-17) that the use
11 of HDD instead of cut and cover construction techniques would make the railroad
12 alternative route a more attractive alternative, I believe Mr. Church is significantly
13 underestimating the size of, and challenges with, installing HV Transmission via
14 HDD. Unlike many more common utilities (such as water mains, gas mains and
15 distribution level electric) which typically can be installed in the range of 12” or
16 less in diameter, a transmission voltage HDD requires a minimum casing closer to
17 36” and has more stringent tolerances for bending. In short, these challenges lead
18 to much larger machinery and, as a result, to the need for much larger and intrusive
19 work space requirements.

20 **Q. On page three (and over onto page four), the Church Direct Testimony states**
21 **that there is a lack of detail relative to the impacts of the transmission line**
22 **within the county right of way. (at page 3, line 36 through page 4, lines 1-2).**
23 **Do you agree?**

1 A. No, I do not. This is another of several instances that confirms for a reader of the
2 Church Direct Testimony what Mr. Church reported at the outset, that he has not
3 read my Direct Testimony (Exhibit OW-1) in this proceeding. There, I specifically
4 discussed the dimensions of the conduit/duct work, including, among other things,
5 the expectations as to the approximate 4 feet width to be buried with a target burial
6 depth of 3 feet, as well as the representative cross section of the duct bank design
7 attached to my testimony as Appendix B. (Direct Testimony of Jason Kalwa,
8 Exhibit OW-1, page 6, lines 8-9). Moreover, regarding proximity and set-backs
9 (Church Direct Testimony at page 3, lines 37-38), as is typical with any linear utility
10 project, during the basic design stage, the routing is selected with little emphasis on
11 the precise position of the line within the roadway, since obtaining that level of
12 detailed information for multiple possible alternatives is an overly burdensome
13 administrative process that, given the nature of the records for historic buried
14 utilities, can often omit information.

15 As is typical for this type of utility work, when the detailed design stage for
16 the Preferred Route commences, more precise utility surveys are performed and the
17 level of detail then allows the designer to begin to set the anticipated line position
18 within the roadway. Under ordinary circumstances, the Project would already be in
19 discussions with the County engineer about these matters, which would include
20 review of relevant drawings such as those submitted with my Direct Testimony
21 (Exhibit OW-1) and other drawings, such as those more recently submitted to the
22 New Jersey Department of Environmental Protection (“NJDEP”) on August 3,
23 2022 as part of the Project’s on-going permitting process. Together these show the

1 most current views as to the anticipated location of the proposed transmission line
2 in the roadway and along the Preferred Route. The final step in confirming the
3 location within the roadway is to perform test pits to verify the accuracy of the
4 utility survey information previously gathered and make adjustments as necessary.
5 However, the Project also requires the cooperation of the entity responsible for the
6 roadway permitting, in this case, Mr. Church's County engineering department, in
7 order to perform this important final design step.

8 With regard to sheeting or trench boxes or dewatering (Church Direct
9 Testimony, page 3, lines 38-39 through page 4, lines 1-2), all of these conditions
10 and issues are very common in the construction of utilities' infrastructure, and given
11 the proximity to tidal waterbodies along the causeway that is Roosevelt Blvd., the
12 Project is well aware of the potential impacts. The Project is also aware of the
13 adjacent wetlands, and has planned the Preferred Route in an effort to minimize
14 disturbances to those wetlands to the extent practicable. The previously mentioned
15 drawings (from my Direct Testimony (Exhibit OW-1) and as submitted to NJDEP)
16 clearly show that the Project does intend to place the transmission line under the
17 paved surface of Roosevelt Blvd. Based on the information the Project obtained
18 through the non-invasive utility survey, it appears that the shoulder and unpaved
19 portions of the public rights-of-way ("ROW") are already occupied underground
20 by gas, telecommunications, and water lines, along with the overhead pole lines,
21 which create approach distance issues for any additional installation off the paved
22 surface. The Project's current observation is that the shoulder transitioning into the

1 travel lane will provide the best opportunity to successfully install a transmission
2 system with the necessary manholes with minimal utility conflicts.

3 **Q. On page four, the Church Direct Testimony states “Nor are the issues resulting**
4 **from traffic staging, traffic detours and business disruption will be an adverse**
5 **impact resulting from the construction activities. Roosevelt Boulevard is one**
6 **of the busiest corridors in the county and only one of two commercial route**
7 **servicing Ocean City [sic][discussed]. The economic impact of the**
8 **construction, and subsequent maintenance of the line is not discussed.” (page**
9 **4, lines 2-7). Do you have a response to these construction activity questions**
10 **pertaining to the Preferred Route?**

11 A. Yes. Again, the statement demonstrates an unawareness of my Direct Testimony
12 (Exhibit OW-1). More importantly, with regard to traffic impacts, the Project team
13 has been considering several options, and will continue to develop those options as
14 the design is finalized. The Project anticipates that, when the County is willing to
15 do so, it will be able to include the County in those discussions. This will ensure
16 the Project remains consistent with any similar traffic plans the County has
17 previously approved or used in the area. The ultimate goal (as with any road-related
18 construction) is to attempt to maintain traffic flow via lane shifts, although
19 alternating traffic flow such as would be necessary during the Roosevelt Bridge
20 deck replacement remains a possibility, and can’t be finally determined with
21 certainty until final transmission line placement has been set.

22 It is worth emphasizing, again, from a construction perspective, that the
23 Project looks forward to discussions with the County engineering department (and

1 other pertinent County officials) when they are available to do so, which the Project
2 hopes may yield valuable lessons learned from the deck replacement that can be
3 implemented in the Project's line construction.

4 With regard to the disruptions to the commercial corridor, the Project is
5 aware of the vital importance of Roosevelt Blvd. as one of two routes into Ocean
6 City. The Project plans to optimize construction crews to limit the potential impacts
7 of the eventual traffic plans on actual use. It is worth noting, from a construction
8 perspective, that, with only three distinct commercial property groupings and a full
9 turning lane (between GSP and Roosevelt Bridge), Roosevelt Blvd. provides a
10 distinct opportunity to minimize the potential impacts as compared to alternative
11 routing that would need to traverse longer distances along a much more heavily
12 developed Route 9 in the case of alternatives to the south. In addition, as indicated
13 in my Direct Testimony (Exhibit OW-1), the Project plans to complete all work on
14 the roadway east of the GSP within the tourist off-season to minimize any potential
15 impacts.

16 **Q. On page four, the Church Direct Testimony mentions that Roosevelt**
17 **Boulevard “consists of a concrete subbase, which will likely require removal**
18 **and reconstruction of the lane or lanes in which the main is located” (page 4,**
19 **lines 8-10), as well as expressing concerns regarding traffic and business**
20 **impacts and a lack of specificity regarding means and methods of construction**
21 **or the exact location of the main relative to the paving edge (page 4, lines 10-**
22 **15). Is the Project aware of the concrete subbase under Roosevelt Boulevard,**

1 **the existence of other utilities, and does the Project have a plan to reduce**
2 **impacts to traffic and business?**

3 A. Yes. The Project is aware of these issues and concerns and many of them have
4 already been addressed in my Direct Testimony. *See* Direct Testimony of Jason
5 Kalwa, Exhibit OW-1, pages 10-16. While the Project was aware of the possibility,
6 we were not able to confirm the concrete sub-base with our test borings which were
7 performed out of the travel lanes, and we were unable to confirm with the County
8 engineering department, which was repeatedly unavailable to meet and discuss this
9 issue. Ocean Wind looks forward to discussions with the County to discuss the
10 County's preferences regarding the restoration strategy for concrete-based
11 roadways. I note that my team has extensive utility experience and we are aware of
12 a variety of solutions that have been, and can be, utilized when installing in
13 concrete-based roadways, and working with a variety of New Jersey State agencies,
14 counties and municipalities based on the future plans of those entities for the subject
15 roadways.

16 **Q. On page four, the Church Direct Testimony also mentions that the Project's**
17 **Preferred Route includes multiple utility crossings "including the Cape May**
18 **County Municipal Utilities Authority force main, Ocean City gravity sewers,**
19 **South Jersey gas transmission mains and New Jersey American Water**
20 **Company water mains that will all be within conflict with the proposed route"**
21 **and "likely require rerouting or offsetting those facilities resulting in even**
22 **greater environmental and logistical impacts," which such testimony contends**
23 **have not been adequately considered and which negatively weigh against the**

1 **Preferred Route (at page 4, lines 16-23). Do you agree that these issues exist**
2 **and, if so, has the Project addressed them and how has it addressed them?**

3 A. The Project is aware of the possibility of crossing and paralleling other utilities.
4 This is a common occurrence across the State, especially in developed areas where
5 underground utilities are extremely common, and where most underground
6 transmission is typically installed. In areas where the need to cross utilities is of
7 concern or have been identified, we would anticipate performing test pits to finalize
8 design drawings to accommodate the as-built condition of such lines. Additionally
9 during the installation process, the known utilities in the path of the circuit are
10 positively identified by hand to ensure clearances can be maintained as the new
11 ducts are being installed and trench depths are adjusted as needed. At this juncture,
12 we have not yet confirmed any utilities that may need to be relocated, and if any
13 instances were to occur, the Project will address them in and as part of the normal
14 course of construction.

15 **Q. The Church Direct Testimony (page 4, lines 24-41; page 5, lines 1-2) expresses**
16 **concerns regarding both the northern and southern options for the Preferred**
17 **Route and their proximity relative to the Roosevelt Boulevard bridge,**
18 **including plans for future bridge replacement and ongoing NJDOT interests**
19 **in the bridge. Has the Project addressed these concerns and, to the extent it**
20 **has not, can you do so now?**

21 A. My Direct Testimony (Exhibit OW-1), broadly speaking, addresses these concerns,
22 which are common to most if not all underground transmission projects, which
23 require coordination with state and local authorities and with existing utilities, and

1 which, when practical, may also accommodate proximate and relevant planning
2 pertaining to future changes or refurbishment.

3 Regarding the concern for Project construction in the area of the Roosevelt
4 Bridge, while the Project currently requires the flexibility for either Alternative 1 or
5 2 from a construction perspective, I can say that Project planning for the Crook Horn
6 Creek crossing takes into consideration proximity to the existing bridge, and the
7 location of existing utilities. To the extent practical, such planning also takes into
8 account the potential future replacement of the bridge, and when given the
9 opportunity to do so, we will meet with the County about managing impacts to the
10 County's future work plans. Ultimately, the Project anticipates that final design
11 decisions will reflect these considerations.

12 Mr. Church's testimony also references the area of land leased to, and
13 utilized by, the crew club and speculates regarding the need for different methods
14 and about challenges that the area may present (page 4, lines 38-41). However, on
15 the contrary, the Project's due diligence review in this area has led the Project to
16 conclude that there are no insurmountable issues associated with its intended HDD
17 methodology or with addressing potential conflicts with structures in this area, and
18 a productive meeting in May with various key stakeholders did not change the
19 Project's views as to the feasibility of its current plans in this area.

20 **Q. On page five (at line 20) through page six (at line 17), the Church Direct**
21 **Testimony lists so-called "Other Considerations," which Mr. Church claims**
22 **have been unaddressed by the Project. Can you please respond to these**
23 **statements?**

1 A. Yes. Mr. Church raises several items that have been addressed, or will be addressed
2 in the ordinary course of constructing the transmission line, which, as I have said,
3 is really not distinguishable from other common utility underground line projects.

4 For instance, regarding the County's ability to install additional drainage,
5 without clear understanding of the County plans (which would ordinarily be shared
6 during the kinds of meetings, which I described above, and which have not yet
7 occurred as a result of County engineering department unavailability), even if there
8 are horizontal expansions to the ROW as indicated on page 7 line 15 of Mr.
9 Church's testimony, I would reasonably infer sufficient space will be created to
10 accommodate new installations. Additionally, based on our previously mentioned
11 utility survey data, it appears as though there will be sufficient room within the
12 existing travel lanes even after the installation of our proposed duct bank.

13 Regarding the potential corrosive impact of the Project line on other utility
14 mains, this installation will be similar to other electric line installations near other
15 utilities where such impacts are not deemed significant. Accordingly, we do not
16 anticipate significant impacts for the Project.

17 Regarding the useful life of the transmission line, it is anticipated that the
18 proposed duct bank and cable will be useful for at least the duration of the proposed
19 windfarm, which is in excess of thirty years. It is unclear what potential future use
20 could exist, but one could hypothesize that the line could find further use for a
21 future project, or could be abandoned in place consistent with industry standards
22 when that time arrives.

1 Regarding the impact of the Project on the use of normal road equipment
2 for resurfacing activities, there are no additional precautions necessary, nor will the
3 transmission line interfere with the access to, or maintenance of, other utility
4 systems, which will coordinate with the Project just as the Project will coordinate
5 with them relative to any access, maintenance or other issues.

6 Regarding the possibility of a future raising of the Roosevelt Boulevard
7 causeway, without the further discussions I have previously mentioned with Mr.
8 Church and County engineering department, in which the Project has been unable
9 to engage due to County unavailability, there is no basis, and none is contained in
10 Mr. Church's testimony, as to why such eventuality differs for the Project as
11 compared to the existing utilities within the ROW. At this juncture, there is no basis
12 for considering this as any impediment to the Project at all. However, we remain
13 open to the types of availability and opportunity to discuss such matters as would
14 be reasonably afforded any public utility infrastructure project where issues are
15 resolved, obstacles addressed and cooperation and coordination are standard.

16 **Q. Once the construction is completed, will there be any long-term impacts in**
17 **Cape May County?**

18 A. No. Once construction is completed, the areas will be restored to their previous
19 condition. The underground facilities will not be visible on the beach. In the public
20 road right-of-way, the only visible change will be access lids ("manhole covers" or
21 "handhole lids") to the splice vaults. These access lids will be similar to access lids
22 for other types of utilities installed in the public road right-of-way.

23

1 **III. CONCLUSION**

2 **Q. Please summarize your rebuttal testimony.**

3 A. Contrary to the concerns expressed in the Church Direct Testimony, as discussed
4 herein and in my Direct Testimony (Exhibit OW-1), they are uninformed to the
5 degree Mr. Church acknowledges that he did not consider my Direct Testimony, or
6 they are not significant such as to create any reasonable concern from a construction
7 perspective for the viability of the Project as proposed along the Preferred Route.

8 **Q. Does this conclude your rebuttal testimony at this time?**

9 A. Yes, it does.