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Testimony

February 15, 2011

Proposed Bill No. 5802

An Act Adopting Certain Safety Recommendations of the Thomas Commission

Committee on Public Safety and Security

- Senator Joan Hartley, Co-Chair
- Representative Stephan Dargan Co-Chair
- Senator Eileen Daily, Vice-Chair
- Representative Ed Jutila, Vice-Chair

Dear Chairman Hartley, Chairman Dargan, Vice Chairman Daily, Vice Chairman Jutila and members of the Committee on Public Safety and Security:

Thank you for the opportunity to present testimony on **Bill Number 5802 – An Act Adopting Certain Safety Recommendations of the Thomas Commission.**

I am here today to urge you to take every feasible step possible to prevent a recurrence of the horrible February 7, 2010 explosion at the Kleen Energy Plant in Middletown. The explosion killed six people, injured many and caused property damage in Middletown and Portland, which is located directly across the CT River from the plant.

It should be recalled that the Nevas Commission’s task was to determine the cause of the February 7, 2010 explosion, not to recommend changes in laws or regulations. The Nevas Commission Chairman, Alan Nevas strongly urged that the specific recommendations of the Thomas Commission be adopted and made into law and/or regulation.(Nevas Commission Final Report, page 8)

Each one of the Thomas Commission’s seven specific recommendations should be considered as appropriate for adoption. The recommendations are as follows:

- (1) Flammable gas blows be banned in Connecticut. Kleen Energy has already accepted this. It could hardly do less, given the Governor’s Executive Order Number 45 banning the use of natural gas in gas pipeline purges. The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.
- (2) The Town of Portland considers the second recommendation – that the applicant pay the cost of special inspectors – perhaps the single most important of the seven recommendations.

While Kleen Energy is committed to an alternative method of pipeline purging, the Thomas Commission concluded that alternative purging methods such as nitrogen or compressed air carry their own safety risks. Even such non-flammable gas blows, it

concluded, should be carried out based upon "...a safety plan developed by the permit holder and approved and carried out under the supervision of the local fire marshal, local building inspector and the special inspector." (Thomas Commission Executive Report, page 5)

Not only should the special inspector be someone with the high qualifications the Thomas Commission specifies, he or she should be approved by the local fire marshal and building inspector.

Whatever the expense of hiring the special inspector, it will be money well spent if it averts further disaster. The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(3) Recommendation of a State Agency Clearing House for future applications. The Town commends this approach and urges the adoption of the safety recommendations of the agencies whose opinion has been solicited. A coordinating council would serve during the construction of such power plants to include at least one representative from each of the following agencies: the Departments of Emergency Management and Homeland Security, Public Safety, Consumer Protection, Public Works, and the Labor, in addition to other applicable state agencies.

The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(4 -6) The Thomas Commission recommended that the Department of Public Safety adopt various updatings of the Connecticut Fire Safety Code, Connecticut State Building Code, and Connecticut Fire Prevention Code. These three recommendations have the effect of making these code updates apply to not only new applications, but also to renewals or extensions of existing permits.

The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

(7) The seventh recommendation would require power plant applicants to the Siting Council to pay for the extra training which local fire and building officials will need to deal with the extra complexities such applications present.

The need to avert further disaster supports this recommendation. The Town strongly urges the Committee to amend the General Statutes in accordance with this recommendation.

Public Safety is paramount to all else. I implore you to adopt the necessary legislation to ensure the safety of the public. Adopt the Thomas Commission's recommendations as fully as possible. Thank you for your consideration.

Sincerely yours,

Susan S. Bransfield
First Selectwoman
Town of Portland