

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Docket No. DG 24-xxx

Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty  
2025-2026 Local Distribution Adjustment Charge (LDAC)

DIRECT TESTIMONY

OF

LUKE W. SANBORN

August 20, 2024



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1 **I. INTRODUCTION**

2 **Q. Please state your name, job title, and job description.**

3 A. My name is Luke W. Sanborn. I am the Manager, Environment, for Liberty Utilities  
4 Service Corp. (“LUSC”). I am responsible for overseeing the management, investigation,  
5 and remediation of manufactured gas plant (“MGP”) sites for Liberty Utilities  
6 (EnergyNorth Natural Gas) Corp. d/b/a Liberty (“Liberty” or the “Company”), as well as  
7 operational environmental compliance, including air and waste permitting, wetlands  
8 permitting, and spill response.

9 **Q. Please describe your educational and professional background.**

10 A. I hold a Bachelor of Science in Environmental Engineering from the University of New  
11 Hampshire, and a Master of Liberal Arts in Sustainability and Environmental  
12 Management from the Harvard University Extension. I am a Professional Engineer  
13 registered in the State of New Hampshire. I have been employed by LUSC since August  
14 29, 2022, managing the investigation and remediation of Liberty’s MGP sites. Prior to  
15 my employment at LUSC, I had been a consultant for 17 years assisting clients with  
16 various environmental compliance and environmental remediation projects. In addition, I  
17 worked at a power generating facility with the responsibility of environmental  
18 compliance for 1.5 years.

19 **Q. What is the purpose of your testimony?**

20 A. The purpose of my testimony is to discuss the status of Liberty’s site investigation and  
21 remediation efforts at various MGP sites in New Hampshire, to briefly describe the

1 MGP-related activities performed by the various contractors and consultants, to discuss  
2 the costs for which the Company is seeking rate recovery, and to describe the status of  
3 the Company's efforts to seek reimbursement for MGP-related liabilities from third  
4 parties. My testimony is intended to update the information provided by the Company in  
5 prior LDAC proceedings. The costs associated with these investigations and remediation  
6 efforts and certain of the amounts recovered from third parties are included in the  
7 schedules and other data prepared by Mr. Garcia and Ms. Maston as part of the LDAC  
8 filing.

9 **II. STATUS OF INVESTIGATION AND REMEDIATION ACTIVITIES**

10 **Q. Please briefly describe the status of each of the Company's MGP sites.**

11 A. Consistent with past practice, the description of the status of investigation and  
12 remediation efforts at each site, as well as the various efforts to recover the site  
13 investigation and remediation costs from third parties, are summarized in materials  
14 included in the Company's filing in Schedule 3.

15 **Q. Please briefly describe the status of the Company's remediation efforts at the Lower  
16 Liberty Hill site in Gilford and any significant events over the past year at that site.**

17 A. The project has been completed since December 2015. The site is stable, and the grass is  
18 mowed twice a year. The Notice of Activity and Use Restriction ("AUR") was approved  
19 by the New Hampshire Department of Environmental Services ("NHDES") and recorded  
20 at the Belknap Registry of Deeds in February 2017. The groundwater wells are

1 monitored and sampled once a year per the Groundwater Management Permit that was  
2 obtained from NHDES in May 2017 and renewed in 2023.

3 **Q. Please briefly describe the status of the Company's remediation work at the**  
4 **Manchester MGP.**

5 A. Groundwater monitoring is ongoing twice a year pursuant to the Groundwater  
6 Management Permit for this site. Excavation and management of MGP-impacted soil  
7 was performed in July 2022 associated with a sinkhole repair located outside of the  
8 northeastern corner of the LNG area. Follow-up investigation activities were performed  
9 in this area to evaluate the potential for additional settlement, which consisted of a  
10 ground penetrating radar (GPR) survey in January 2024 and monthly spot elevation  
11 surveys starting in November 2023 and continuing through July 2024.

12 The Company performed infrastructure upgrades at the Site in the Fall of 2023, which  
13 included installing a new gas line and a new regulator station. This resulted in the  
14 excavation of approximately 470 tons of impacted soil that was shipped offsite for proper  
15 disposal in November and December 2023.

16 **Q. Please briefly describe the status of the Company's remediation work at the**  
17 **Concord MGP.**

18 A. The Company continues to move toward a remedy for the MGP-impacted “Concord  
19 Pond” site on the parcel known as Healy Park. In 2020, the City and the Company  
20 finalized an access agreement that gives Liberty access for the pre-design investigation  
21 (PDI) fieldwork, the construction of the remedy, and subsequent maintenance of the

1 capped area after its completion. Pre-design field investigations commenced in 2021 to  
2 develop the final design of a wetland and subaqueous cap, per the Remedial Action Plan  
3 approved by NHDES. Based on the results of the PDI, additional data collection tasks  
4 are warranted to evaluate the source and nature of NAPL discharges to the pond in  
5 relation to the stormwater drainage system. The additional data will be used to inform  
6 the final design remedy. Construction of the design remedy is likely to occur in 2026 or  
7 2027.

8 In 2017, the Company received approval from NHDES on a near-bank sediment  
9 sampling program in the Merrimack River, or Monitored Natural Recovery (“MNR”).  
10 This program involves annual sediment sampling for contaminants and river bathymetry  
11 studies to monitor both the chemical and physical behavior of sediments that may have  
12 been impacted by coal tar wastes. The plan involved five annual samplings, the last of  
13 which was conducted in October 2021. Based on the results, it was recommended that an  
14 additional round be performed, which was completed in October 2023. The results are  
15 being evaluated to determine if additional future sample events in the river are needed.

16 As for the Gasholder site, the City of Concord and the Company jointly prepared a report  
17 in 2019 that details various use options for the Gasholder site on the east side of the  
18 highway, including costs for various scenarios ranging from cleaning and fortifying the  
19 holder structure for public entry to the demolition of the structure. In response to  
20 Liberty’s communication that the gasholder needed to be demolished, as the condition of  
21 the structure raised safety concerns, the City Council established a working group in

1 2020, comprised of representatives of the City Council, City Staff, Liberty, and the New  
2 Hampshire Preservation Alliance (“NHPA”), and charged with exploring the viability of  
3 a plan to stabilize and preserve the holder house structure.

4 The working group discussions resulted in a plan for the NHPA to raise funds to stabilize  
5 the holder house and manage the relevant construction, and for Liberty to seek  
6 Commission approval to contribute up to the estimated costs of demolition and  
7 remediation beneath the holder house, as the least cost option for customers. The City,  
8 the NHPA, and Liberty met with Commission Staff in February 2021 and obtained  
9 Staff’s preliminary support for the plan, provided Liberty can demonstrate that the  
10 Company’s contribution toward the stabilization of the holder house is less than the  
11 estimated costs of demolition and remediation that would otherwise have been incurred.

12 In October 2021, the NHPA and Liberty signed a formal Emergency Stabilization  
13 License Agreement to provide for the repairs to the holder house (the “Agreement”).

14 Under the Agreement, NHPA is responsible for the engineering and construction of the  
15 stabilization work. Under the Agreement, Liberty agreed to allow NHPA access to the  
16 site to perform the work and to contribute one-half of the stabilization costs, capped by  
17 the amount Liberty would otherwise have spent to demolish the gasholder, investigate  
18 beneath the gasholder for further contamination, and remedy any contamination found.

19 That is, absent the stabilization work that NHPA completed in the summer of 2022,  
20 Liberty would have incurred those demolition-related costs. The NHPA completed the  
21 stabilization work in July 2022. Liberty completed the estimate to demolish the holder

1 house and investigate and remedy any contamination beneath the holder footprint in  
2 December 2022 to serve as the cap of Liberty's contribution toward stabilization. The  
3 NHPUC approved this approach in an order dated January 11, 2024.

4 Groundwater monitoring continued on the Gasholder site twice per year site in  
5 accordance with the Groundwater Management Permit. Other remedial actions were not  
6 performed.

7 **Q. Please briefly describe the status of the Company's remediation work at the Nashua**  
8 **MGP site.**

9 A. In fall 2022, installation was completed of an engineered cap approved by the NH  
10 Department of Environmental Services (NHDES) Waste Site Bureau over approximately  
11 one-third of the site beneath the newly paved surface where old Holder #2 is situated, as a  
12 remedy for the MGP site. A Remedial Action Implementation Report was prepared and  
13 submitted to NHDES in August 2024. Infrastructure upgrades primarily consisting of  
14 repaving in the other portions of the site have not yet been completed.

15 Groundwater sampling continues on an annual basis and product recovery occurs on a  
16 monthly basis in accordance with the Groundwater Management Permit issued to the  
17 Site. An Application for Renewal of Groundwater Management Permit was submitted to  
18 the NHDES on April 11, 2024..



1 **Q. What other MGP investigation and remediation activity has the Company**  
2 **undertaken in the last year?**

3 A. Infrastructure improvements were performed at the Keene MGP site in the Fall of 2023,  
4 which consisted of trenching and installing new gas piping through the center of the  
5 facility. MGP-related impacts were encountered throughout the project, which required  
6 notification to the NHDES. As a result of the observed impacts, an environmental  
7 consultant was hired to perform oversight of the work, collect samples when necessary,  
8 and perform air monitoring. Soil and groundwater removed from the excavations were  
9 characterized for proper offsite disposal. Approximately 20,600 gallons of water was  
10 pumped from the excavation and shipped offsite for disposal. Approximately 487 tons of  
11 soil was shipped offsite for disposal, and approximately 200 tons of soil remain onsite  
12 and are expected to be shipped offsite for disposal in Quarter 3 of 2024. Following  
13 removal of the remaining soil, a report summarizing observations, analytical results, and  
14 soil disposal information will be prepared and submitted to NHDES. Additional  
15 remediation activities are not expected for the site at this time.

16 **III. STATUS OF INSURANCE COVERAGE LITIGATION**

17 **Q. Have there been any recent significant developments in the Company's efforts to**  
18 **seek contribution from its insurance carriers in the past year?**

19 A. No. Insurance recovery efforts are complete with respect to all the Company's former  
20 MGP sites.

1 **Q. What environmental remediation efforts do you anticipate for the remainder of**  
2 **2024 and 2025?**

3 A. At the Manchester MGP site, the Company will continue assessment of potential  
4 settlement within the footprint of the former Holder #3, as well as install additional  
5 NAPL recovery and monitoring wells downgradient from the site. Discussions will  
6 continue with the City regarding storm drain improvements for a deteriorated drainage  
7 pipe along the western boundary of the property. This work will be coordinated with the  
8 design for the railroad overpass that is planned by the City as part of the “RAISE  
9 Manchester” project.

10 At the Concord Pond site, the Company will continue additional investigation and  
11 assessment activities to assist with developing the final design of a subaqueous cap.  
12 Construction of the remedy is estimated to occur in 2026 or 2027. At the Keene MGP,  
13 the remaining soil will be shipped offsite for disposal and a summary report will be  
14 prepared and submitted to NHDES. At the Concord MGP site, sub-slab soil vapor and/or  
15 indoor air sampling activities are expected to be performed downgradient of the site  
16 during the 2024/2025 heating season. This assessment was requested by NHDES to  
17 determine if conditions have changed since this type of assessment was last performed.  
18 At the Nashua MGP site, activities will consist of groundwater monitoring. All sites are  
19 also now in the monitoring phase (except for the Keene MGP site), so groundwater

1 monitoring will occur at each of them under their respective Groundwater Management  
2 Permits.

3 **Q. Does this conclude your direct testimony?**

4 A. Yes, it does.