

N.J. Man Files Suit Over Power Plant Explosion Suit Seeks \$6M In Damages

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Nicholas Novik's job at the Kleen Energy power plant site was to calibrate equipment. His tasks had nothing to do with the "gas blow" procedure that was going on at the nearly finished facility last **Super Bowl** Sunday.

In fact, federal investigators would later say that only a handful of workers, if any, should have been inside the sprawling plant while natural gas coursed through hundreds of pipes at an extremely high pressure to clean the lines.

Novik filed a \$6 million federal lawsuit today. His lawyers say he and other workers were doomed by a decision by those in charge to continue construction activities during the gas blows, a process regarded as inherently dangerous, and one that some federal authorities want to see banned.

The Feb. 7 blast killed six workers and injured several dozen others. Novik, 52, of River Vale, N.J., was working near the turbines in back of the plant, where enough natural gas to fill a basketball arena had pooled outside. Workers were welding, doing carpentry, insulating pipes, and servicing the two-gas fired turbines, among other tasks. Heaters and a large ground defroster unit were running.

The gas ignited. Novik, who was standing near a man who was killed instantly, received a serious head injury that has left him with permanent damage, and is dealing with emotional trauma, said his lawyer Bill Bloss, of Koskoff, Koskoff & Bieder in Bridgeport. Bloss said they filed a federal lawsuit because of the different jurisdictions in the case: Novik is from **New Jersey**, and two of the companies they are suing are from out-of-state.

The venting of the gas "was a bad idea that was poorly executed," Bloss said. "It's hard enough to design a safe way to do it, but this process was awful. No one but the very few workers involved with the venting of the gas should have been at the plant. Everyone else should have been kept away."

The lawsuit names O&G Industries of **Torrington**, the general contractor and a minority owner of the \$1 billion plant; Keystone Construction and Maintenance Services of Rowley, Mass.; and Bluewater Energy Solutions of **Atlanta**, Ga. The companies have 60 days to provide Novik with the evidence on which they plan to base their defense.

On Aug. 5, the U.S. Occupational Safety and Health Administration said the three companies created "deadly conditions" and committed "willful, serious" safety violations before and during the gas blow. OSHA has proposed fines totaling \$16.6 million, among the highest ever assessed by the agency.

The Courant reported that O&G stood to gain a \$19 million financial incentive from the majority owners, Energy Investor Funds of Boston, if the plant opened early. The work was on pace to finish by May or June, at least five months sooner than state regulators had expected.

O&G has said it will appeal the proposed fines, and that it had an exemplary safety record before the blast.

Several other workers or their families have filed lawsuits, and a criminal investigation by **Middletown** and state police is underway. One state commission has studied the blast and determined that no single state or federal agency had oversight responsibility for the gas blows and other procedures at the plant. A second state commission will craft proposed reforms from the first panel's recommendations. Congress is holding hearings on gas blows and construction oversight at power plants, and the U.S. Chemical Safety Board is pressing OSHA to ban the natural gas to blow out pipes.