

News

## City judge hears arguments on evidence in Kleen Energy plant explosion

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By HANNAH VAHL, Press Staff

MIDDLETOWN — Superior Court Judge Robert L. Holzberg asked attorneys to work out an agreement over access to evidence in the Kleen Energy Systems power plant explosion at a hearing Monday and to come back to court next week.

Attorneys Robert Reardon and M. H. Reese Norris, representing three workers present at the plant on the day of the blast and the wife of a worker who was killed, are seeking to have their own experts look over evidence in advance of potentially filing a civil suit against companies responsible for the plant's construction.

The Feb. 7 blast killed six workers and injured at least 26.

New Jersey-based gas explosion expert Dehong Kong, Massachusetts-based fire ignition and origin expert Thomas Klem and famed forensic scientist Henry Lee were on the plant site Friday for four hours and took more than 200 pictures as part of their investigation for Reardon and Norris. Their visit was supervised by a U.S. Occupational Safety and Health Administration lawyer and an OSHA investigator, Reardon said.

Jeffrey Blueweiss, a lawyer for plant general contractor O&G Industries, said Monday he did not object to allowing access to evidence and would give the same courtesy to other victims' attorneys. But he said an agreement between O&G, plant owner Kleen Energy Systems, OSHA and the U.S. Chemical Safety Board may mean that those federal agencies, which were not named in the petition for a bill of discovery, would have say in the matter.

State's Attorney Timothy J. Liston, citing law enforcement investigative privilege, objected to allowing Norris and Reardon's experts access to the at least 75 pieces of evidence that police have collected, including a diagram that shows where the evidence was taken from and where injured and killed workers were found.

"The evidence has to remain secured," Liston said. "We can't trot it out any time anyone expresses an interest."

Middletown Acting City Attorney Timothy Lynch added that allowing access to the diagram and inventory "could be prejudicial to law enforcement action."

In court Monday, Blueweiss said he would make copies of surveillance tapes from the site for Reardon and Norris, and Holzberg requested that Reardon and Norris at least provide evidence of consent from OSHA and the U.S. Chemical Safety Board to any access given.

O&G and Kleen Energy Systems also agreed to hold up demolition on the site at least until next week. The plant owners have taken out permits to demolish three buildings comprising the plant and to rebuild three others, including the power block building, from the city Building Department, state prosecutor Maureen Platt said.

Blueweiss said he hoped the permits could be acted on speedily, although he also said that chemical safety board investigators

have suspended their on-site investigation for three weeks so that hazards can be cleared and are hoping to later return for another three days of investigation.

"We very much need to do the work referenced in the permits in order to put people back to work," he said.

Hannah Vahl can be reached by e-mail at [hvahl@middletownpress.com](mailto:hvahl@middletownpress.com).

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