

*Town of Weymouth
Massachusetts*

Robert L. Hedlund
Mayor

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Press Release

Mayor Hedlund Seeks State Review of Compressor Station and Gas Pipeline Projects Facing Weymouth

Weymouth, MA – March 21, 2016 – Mayor Robert L. Hedlund wrote last week to state environmental officials asking them to require natural gas pipeline companies with construction plans for Weymouth to file a joint environmental impact report. The report would review the combined impact of the two projects, which no government regulator has yet to do.

“Spectra is withholding what the actual impacts to Weymouth would be of both these pipeline projects,” says Mayor Hedlund. Although environmental regulators review each project, neither federal nor state regulators are reviewing the cumulative impacts of both projects. Mayor Hedlund’s letter seeks to change that oversight. (See attached letter from Mayor Hedlund.)

Spectra Energy proposes two pipeline projects that would affect Weymouth. Spectra’s Atlantic Bridge project would propose, among other things, construction of a new natural gas compressor station in North Weymouth for Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline, L.L.C. For Eversource Energy & National Grid, Spectra’s Access Northeast project would propose, among other things, construction in Weymouth of at least 4 miles of the largest gas pipelines in Massachusetts.

Access Northeast would also more than double the capacity of the proposed North Weymouth compressor station Spectra would build in 2017. Atlantic Bridge proposes to construct a 7,700 horsepower compressor station. Access Northeast would expand that station a year later, adding another 10,320 horsepower compressor for a total capacity of 18,020 horsepower.

(*** cont ***)

Press Release

Mayor Hedlund Calls Upon State to Review All Impacts of Two Natural Gas Pipelines Projects Facing Weymouth

March 21, 2016

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The Environmental Protection Agency stated in a recent report that the average horsepower of the latest new cars is about 230 horsepower. When completed, Spectra's proposed North Weymouth compressor station would have the same power as more than 75 new cars.

Each project needs many state and local permits since these pipeline projects cross several states and involve miles and miles of pipeline. Environmental laws require developers of large projects to consider the environmental consequences of the projects and minimize and mitigate any damage to the environment their projects would cause.

For example, the environmental review for the proposed North Weymouth compressor considered alternative locations sites in Boston Harbor, including Holbrook, Franklin, and other locations in Weymouth. Spectra ruled out Franklin as an alternative location, in part, because it would require creating at least 30 miles of new pipeline. However, Spectra will create a new pipeline along the same 30-mile pipeline route as part of Access Northeast anyway.

To avoid comprehensive environmental review, what many environmental laws call anti-segmentation, Spectra broke these projects up. Developers typically cannot phase and break up a project into pieces or segments to evade or limit environmental review. "By breaking up what Spectra seeks to do in North Weymouth into two allegedly separate projects, I am concerned Spectra is trying to hide from everyone what is really going on," states Mayor Hedlund.

In another example, in documents Spectra filed with regulators regarding Access Northeast, Spectra refers to the proposed North Weymouth compressor as "existing." "The compressor station is neither existing, constructed, permitted, nor approved," says Mayor Hedlund. Spectra only includes as a footnote that it has yet to build the North Weymouth station.

"Spectra wants the regulators to think that construction of the compressor station is the only issue in the Atlantic Bridge proposal. While the only issue involved in Access Northeast is whether to expand the 'existing' station," continues Mayor Hedlund. "I want regulators to consider the impacts of first building and then expanding any proposed compressor station in North Weymouth. No government regulatory agency appears to be considering all the effects the Town of Weymouth and its residents may suffer because of these two projects," adds Mayor Hedlund.

"Even little children know that they are less likely to get two cookies, if they ask their parents for two cookies to begin with. Kids understand they are more likely to get two cookies, if they ask their parents for a cookie now and then ask for another cookie later. I don't want Weymouth to suffer because of some childish trick," concludes Mayor Hedlund.

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March 15, 2016

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
MEPA Office
100 Cambridge Street
Suite 900
Boston, MA 02114

***Re: Algonquin Gas Transmission, LLC and Maritimes & Northeast
Pipeline, L.L.C. - Atlantic Bridge Project
Request for Advisory Opinion***

Dear Secretary Beaton:

On behalf of the Town of Weymouth, I respectfully request that you issue an Advisory Opinion pursuant to 301 CMR 11.01(6) addressing:

- (1) Whether the Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline, L.L.C. (collectively, "Spectra" or the "Company") has impermissibly segmented its proposed Atlantic Bridge Project ("AB Project") from its Access Northeast Project ("ANE Project") to evade meaningful review of the siting and construction of a new natural gas compressor station in the densely populated community of North Weymouth; and
- (2) Whether the AB Project exceeds MEPA review thresholds.

In the alternative, in the event that you determine that the AB Project is independent from the ANE Project and does not trigger MEPA review, I further request that you employ the Fail-Safe Review procedures of 301 CMR 11.04 in order to ensure that the AB Project is critically reviewed and scrutinized.

As described more fully herein, the Town of Weymouth believes that the Company has impermissibly segmented the AB Project from the ANE Project in order to evade meaningful review,¹ in violation of 301 CMR 11.01(2). Even viewed as distinct projects, however, the Town believes that the AB Project exceeds MEPA

¹ The Town raised this concern to FERC in its July 24, 2015, pre-filing scoping comment letter, and in its December 21, 2015, comment letter.

review thresholds and necessitates, at a minimum, the filing of an Environmental Notification Form.

The Company has impermissibly segmented the Atlantic Bridge Project from the Access Northeast Project.

On October 22, 2015, the Company filed an abbreviated application for a Certificate of Public Convenience and Necessity with the Federal Energy Regulatory Commission (“FERC”), seeking permission to construct the AB Project, which includes a 7,700 hp Compressor Station in the Town of Weymouth.² See FERC CP16-9, Resource Report (“RR”) 1-13. Less than a month later, on November 3, 2015, the Company submitted its pre-file application for the ANE Project. FERC PF16-1. As part of the ANE Project, the Company proposes to more than double the capacity of the Compressor Station by adding an additional 10,320 hp compressor unit, as well as 4.19 miles of new pipeline in the Towns of Weymouth and Braintree.³ FERC PF16-1, Draft RR 1-15, 18.

The applicable MEPA regulation, 301 CMR 11.01(2), requires the Secretary to “consider the entirety of the Project, including any likely future Expansion, and not separate phases or segments thereof.” In determining whether a project has been impermissibly segmented, the Secretary “shall consider all circumstances as to whether various work or activities constitute one Project, including but not limited to: whether the work or activities, taken together, comprise a common plan or independent undertakings, ...any time interval between the work or activities; and whether the environmental impacts caused by the work or activities are separable or cumulative.” *Id.*

Clearly, the AB Project cannot be separated from the ANE Project because the latter is a likely future “Expansion” of the AB Project. The MEPA regulations define “Expansion” as “[any] material increase in Capacity, demand on infrastructure, or physical dimensions of a Project....” 301 CMR 11.02. The ANE Project proposes to more than double the capacity of the Weymouth Compressor Station (FERC PF16-1, Draft RR 1-18), and is completely dependent upon the construction of the Weymouth Compressor Station as part of the AB Project. The ANE Project’s pre-filing documents even refer to the Weymouth Compressor Station as “existing.” *Id.* If the AB Project were not to go forward, the whole ANE Project would have to be reevaluated and reconfigured in order to incorporate construction of

² In addition to the construction of the new compressor station in Weymouth, Spectra proposes to modify an existing regulator station in the Town of Needham and to rebuild two existing Metering and Regulating (M&R) stations in Plymouth. FERC CP16-9, Resource Report 1-14. Gas flow will also be increased to the M&R stations in Assonet and Mystic. However, Spectra has refused review this aspect of the AB Project in its Resource Reports submitted to FERC, claiming that the increase in flow will not result in any station modifications, pressure testing or uprating. *Id.* at 1-16.

³ The ANE Project also proposes to loop approximately 21.68 miles of pipeline in Norfolk County, along its existing Q-1 System, and construct approximately 29.64 miles of new pipeline between Medway and West Boylston and Freetown and Acushnet. FERC PF16-1, Draft RR 1-9.

the compressor into the ANE Project, as the ANE Project assumes the Compressor Station already exists.

The Company also proposes to start construction on the ANE expansion immediately after the AB Project is complete. The Massachusetts Energy Facility Siting Board (EFSB) raised this concerns in its December 21, 2015, comment letter to FERC, in which it stated that “the time that would separate the construction periods for the two projects is rather brief, and to the neighboring community, the two projects might be perceived as essentially continuous.” See also FERC CP16-9, RR 1-62 (The Company indicated that it anticipates that AB would enter construction in 2017 and that ANE is expected to begin in 2018). The Company clearly views these two projects as parts of the same common plan – to upgrade the Algonquin line and to construct a large compressor facility in the densely populated community of Weymouth.

The impacts of the AB Project and the ANE Project are also cumulative, another factor in determining whether a project has been impermissibly segmented. 301 CMR 11.01(2). In fact, the EFSB’s December 21 comment letter specifically noted that the impacts of the AB and ANE projects would be cumulative and requested additional information regarding the noise and air impacts from the operation of both projects.

In segmenting these projects, the Company is clearly attempting to avoid MEPA review of the AB Project – which involves the siting of the facility.⁴ MEPA review is required when a project will alter a half acre or more of any “wetlands.” 301 CMR 11.03(3)(b)(f). As part of the AB Project, the Company is proposing to alter 181,840 square feet (4.2 acres) of Riverfront Area and 20,640 square feet (0.47 acres) of Land Subject to Coastal Storm Flowage. Application for an Order of Conditions filed with the Weymouth Conservation Commission (February 22, 2016).

The Company proposes to more than double the capacity of the Compressor Station as part of the ANE Project. FERC PF16-1, Draft RR 1-18. Thus far, the Company has not provided any information regarding the expanded footprint of the station that will be required in order to accommodate the enlarged Compressor Station.⁵ *Id.* at 1-30. However, it is highly probable that, viewed as one project, the Compressor Station’s expanded footprint would exceed this MEPA threshold. By segmenting the construction of the Compressor Station, the Company has evaded review of the siting of the facility itself. Clearly, once the facility is sited, there will be overwhelming pressure to expand it for the ANE Project, rather than to site an entirely new facility elsewhere. The residents of Weymouth therefore deserve a full

⁴ The Company has already conceded that that ANE Project requires an Environmental Impact Report pursuant to MEPA. FERC PF16-1, Draft Appendix 1B, Table 1B-6.

⁵ On March 2, 2016, FERC requested additional information regarding the “planned modifications to the Weymouth Compressor Station” and directed the Company to provide details on “the location of the new gas compressor and any other modifications to the facility that would be required (i.e., piping, buildings, etc.)” FERC PF16-1, FERC Staff’s Comments on Draft Resource Reports 1 and 10 (March 2, 2016).

and meaningful review of the potential environmental impacts of locating the facility in North Weymouth. The Company has knowingly acted in a manner to evade, defer or curtail MEPA review of the AB Project in violation of 301 CMR 11.01(2).

The Atlantic Bridge Project exceeds MEPA review thresholds.

Even considered by itself, the AB Project requires the filing of an ENF. MEPA applies to projects that require a State agency action and that exceed MEPA review thresholds. Here, the Company has applied for a Chapter 91 Waterways License (transmittal number X267645) and a Comprehensive Air Plan Approval (transmittal number X266786) from the Department of Environmental Protection, a Certificate of Federal Consistency from the Office of Coastal Zone Management and an Order of Conditions under the *Wetland Protection Act* with the Weymouth Conservation Commission (filed February 22, 2016). See also *Environmental Monitor* March 9, 2016 (State agency action is required in order for the AB Project to proceed).⁶

The AB Project also exceeds two MEPA review thresholds:

First, the AB Project will result in a “release of an interest in land held for conservation...purposes.” 301 CMR 11.03(1)(b)(5). Specifically, Spectra proposes to construct a new natural gas compressor station on 16.2-acres of land owned by Calpine Fore River Energy Center LLC (“Calpine”). FERC CP16-9, RR1-15. Of this acreage, a 2.9-acre portion, known as the King’s Cove Parcel, is currently subject to a conservation restriction held by the Town. Norfolk Registry of Deeds, Book 26454, Page 446. The conservation restriction requires that the land be held open to the public for passive recreation, including fishing, hiking, walking, jogging, picnicking, and bicycling. Currently, the King’s Cove Parcel includes a paved walking and biking path and benches for people to sit and enjoy the views of the Fore River.

It is the Town’s understanding that Calpine has not agreed to convey the land to Spectra. Spectra therefore anticipates acquiring the land by eminent domain after the issuance of the Certificate of Public Convenience and Necessity. The *Natural Gas Act*, 15 U.S.C. §717f(h) authorizes any holder of a Certificate of Public Convenience and Necessity to take by eminent domain only “necessary land or other property, in addition to right-of-way, for the location of compressor stations...necessary to the proper operation” of a pipeline. (emphasis added).

In its Chapter 91 Waterways License Application, however, the Company states that it plans to acquire the King’s Cove Parcel “subject to the Conservation Restriction.”

⁶ Obtaining a Certificate of Public Convenience and Necessity does not relieve the Company from complying with the *Coastal Zone Management Act* or the *Clean Air Act*. 15 U.S.C. §717b(d); *Myersville Citizens for a Rural Community, Inc. v. FERC*, 783 F.3d 1301, 1315 (D.C. Cir. 2015).

Chapter 91 Waterways License Application, 2-1.⁷ This is not possible. Spectra's power to take land by eminent domain rests in the issuance of the Certificate of Public Convenience and Necessity from FERC, and will extend only to land and other property that is actually necessary for its project. If Spectra truly intends to take the King's Cove Parcel, then it must be planning to use the parcel for the construction and operation of the Compressor Station. This would require releasing "an interest in land held for conservation...purposes"⁸ (301 CMR 11.03(1)(b)(5)) and the MEPA threshold would clearly be triggered.

Second, 301 CMR 11.03(1)(b)(3) requires MEPA review when a project will result in a "[c]onversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97." The King's Cove conservation restriction is subject to the provisions of Article 97, and cannot be dissolved without the approval of the legislature. The MEPA Office should therefore treat the AB project as a conversion of land held under Article 97 for a purpose not in accordance with Article 97.

Fail-Safe Review is Appropriate

Even if the AB Project does not trigger MEPA review as currently proposed, the Town respectfully requests that the Secretary require the Company to file an ENF and undergo other MEPA review, pursuant to the Fail-Safe Review procedures at 301 CMR 11.04.⁹ MEPA review is appropriate because the AB Project "has the potential to cause Damage to the Environmental and the potential Damage to the Environment...would be caused by a circumstance or combination of circumstances that individually would not ordinarily cause Damage to the Environment." 301 CMR 11.04.

⁷ Note that Spectra's FERC filings do not contain any similar statement. Rather, the Company states only that it will maintain the path after taking the land by eminent domain. FERC CP16-9, RR 8-23.

⁸ If the King's Cove Parcel is not required for the AB Project, as the Company seems to assert, then the Town wonders whether Spectra actually intends to acquire this parcel for the ANE Project Compressor Station expansion.

⁹ Fail-Safe Review is appropriate where:

- (a) the Project is subject to MEPA jurisdiction;
- (b) the Project has the potential to cause Damage to the Environment and the potential Damage to the Environment either:
 - 1. could not reasonably have been foreseen prior to or when 301 CMR 11.00 was promulgated; or
 - 2. would be caused by a circumstance or combination of circumstances that individually would not ordinarily cause Damage to the Environment; and
- (c) requiring the filing of an ENF and other compliance with MEPA and 301 CMR 11.00:
 - 1. is essential to avoid or minimize Damage to the Environment; and
 - 2. will not result in an undue hardship for the Proponent.

301 CMR 11.04.

The proposed Compressor Station in Weymouth is unique and carries with it the potential to cause significant environmental harm. Generally, natural gas compressor stations are constructed in rural environments, away from residences, limiting the impact of noise and air emissions. For example, the compressor stations in Chaplin and Oxford, Connecticut, are sited in communities with a population of 2,200 and 12,680 respectively. Cromwell, Connecticut, home to another compressor station, has a population of 14,005. Additionally, there are only 17 households within a half-mile radius of the Oxford Compressor Station, and none are visible from the property line of the station.

By comparison, Weymouth is far larger, with a population of 55,419 and just across the channel, the City of Quincy has a population of 93,494. There are 964 households within a half-mile radius of the proposed station, including numerous homes within the 786-foot “potential impact radius” of an incident at the site. See FERC CP16-9, RR 11-21; see also Impact Map, attached as “Exhibit A.” Thus, while the remote location of typical compressor stations may not warrant environmental review, the clear danger presented by siting the facility in a densely populated community of North Weymouth warrants a fail-safe review.

In addition siting the facility in urban environment, the Weymouth site is unique in that it is already over-industrialized and abuts an environmental justice community. Specifically, within 0.85 miles of the proposed unit are the following uses:

- 1) A gasoline and oil depot (Citgo Marine Petroleum Terminal);
- 2) A chemical plant (Twin Rivers Technologies);
- 3) Two power plants (Calpine and Braintree Electric Light Department);
- 4) A regional sewage pump station (the Massachusetts Water Resources Authority (“MWRA”));
- 5) A sewage pelletizing plant (MWRA);
- 6) A hazardous waste transfer and treatment facility (Clean Harbors);
- 7) Smaller oil storage facilities and tanks (Calpine); and
- 8) The Algonquin Pipeline.

See Industrial Sites in the Vicinity of the Proposed Weymouth Compressor Map, attached as “Exhibit B”; Environmental Justice Areas 2010 Census Map, attached as “Exhibit C.” The Fore River Bridge and Route 3A also run through the proposed site and the Town. An incident at the site could cause unique environmental consequences not typically experienced when siting compressor stations in more rural locations.

The EFSB also recognized the unique situation presented by siting a compressor station in Weymouth, and requested that FERC complete an Environmental Impact Statement instead of an Environmental Assessment. The EFSB noted that the cumulative impacts of noise and air emissions along with the Company’s refusal to address the EFSB’s concerns all support a heightened level of review for this project.

Given the unique environmental concerns presented by siting the Compressor Station in North Weymouth, the Town respectfully requests that the

Matthew A. Beaton
Algonquin Gas Transmission, LLC and Northeast Pipeline, LLC
Atlantic Bridge Project – Proposed Weymouth Compressor Station
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Secretary utilize the Fail-Safe Review Procedures to ensure that the project is carefully and meaningfully considered.

Cumulative review of natural gas pipeline projects.

Recently, Massachusetts has experienced a significant influx of natural gas pipeline projects. Since March 2015, FERC has granted permission to Spectra and Tennessee Gas Pipeline Company, L.L.C., to construct the Algonquin Incremental Market Project (CP14-96) and the Connecticut Expansion Project (CP14-529), respectively. In 2015, three additional natural gas pipeline projects were proposed; the AB and ANE Project by the Company, and the Northeast Energy Direct Project by Tennessee Gas (CP16-21). The Town is gravely concerned about the rate of natural gas pipeline expansion within the State, especially in light of the Attorney General's recent finding that the region is unlikely to face electric reliability issues in the next 15 years and that additional energy needs can be met more cheaply and environmentally through energy efficiency and demand response.¹⁰ Hibbard J., et. al., *Power System Reliability in New England* (November 2015).

In addition to the questions revolving around project need, these projects are being reviewed independently from one another. The Town believes that a comprehensive and holistic look at pipeline development within the Commonwealth is needed. This should be accomplished through a Generic Environmental Impact Report. Given the fact that these projects will dramatically impact our green spaces and local communities, as well as play a direct role in structuring our energy future and portfolio, our citizens deserve a careful and meaningful review of the natural gas pipeline expansion landscape within our State. The Town therefore urges you to direct the preparation of a GEIR at which the cumulative impacts of all of these facilities can be considered in a thoughtful and comprehensive way.

Thank you for your consideration of these comments. I look forward to your Advisory Opinion.

Sincerely,



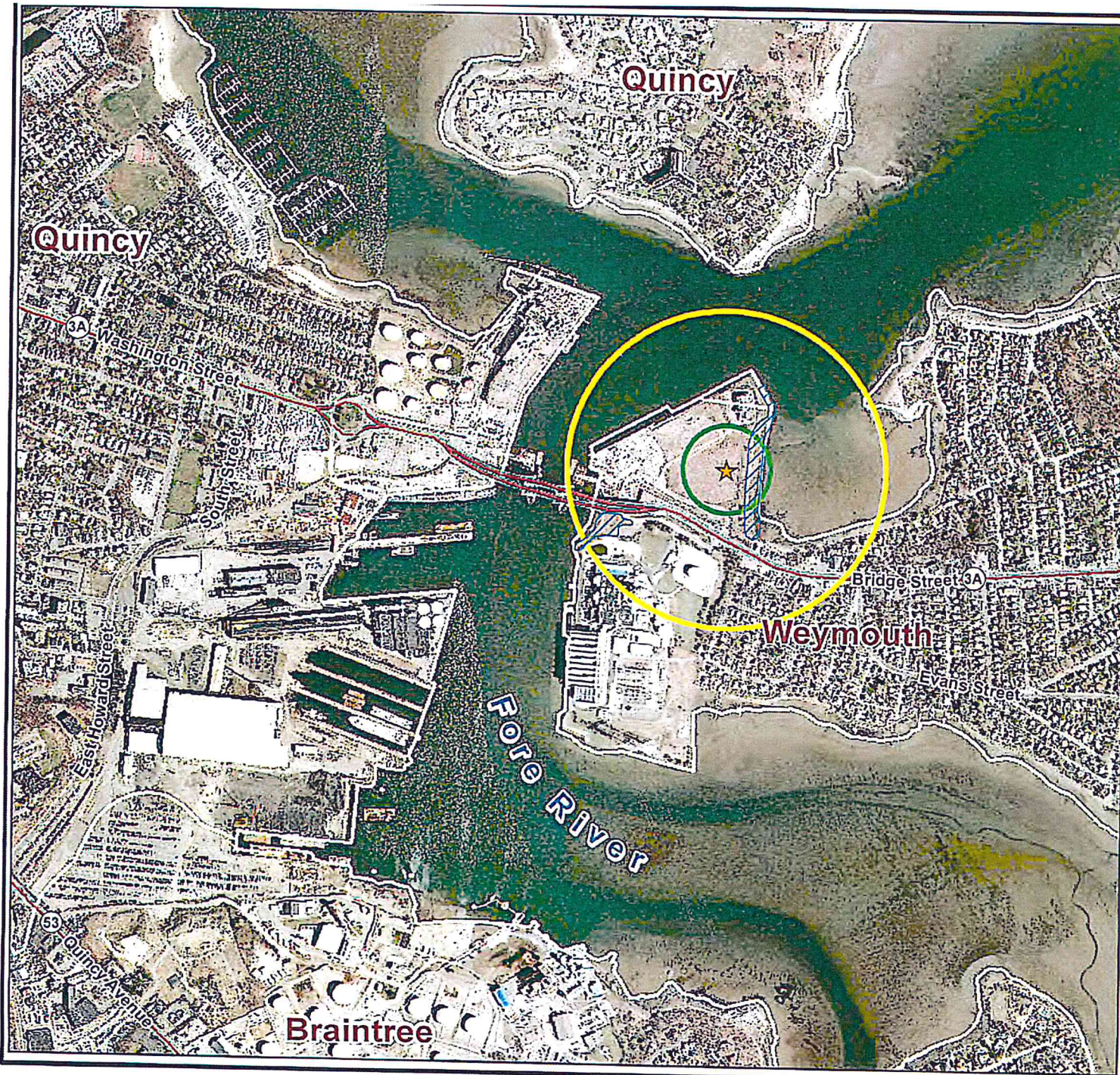
Robert L. Hedlund
Mayor

cc: Chris Harvey, Director of Rates and Certificates, Spectra Energy Partners

¹⁰ While the study included the planned capacity increases from the Company's Algonquin Incremental Market Project and Kinder Morgan's Connecticut Expansion Project, it excluded the planned capacity increases from the Company's AB and ANE projects, as well as the Kinder Morgan's Northeast Energy Direct Project. Hibbard J., et. al., *Power System Reliability in New England* (November 2015), p. 8, n.22.

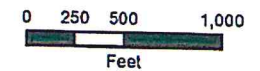
Matthew A. Beaton
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Ralph Child, Attorney for Algonquin Gas Transmission, LLC
Terrance Doyle, Algonquin Gas Transmission, LLC
Michael Tyrrell, Algonquin Gas Transmission, LLC
Robert Shea, Presiding Officer EFSB
Charles D. Baker, Governor
Elizabeth Warren, U.S. Senator
Edward Markey, U.S. Senator
Stephen Lynch, U.S. House of Representatives
James Murphy, State Representative
Ronald Mariano, State Representative
Rebecca Haugh, District 1 Council, Weymouth
Joseph Callanan, Town Solicitor
J. Raymond Miyares, Special Town Counsel



IMPACT MAP

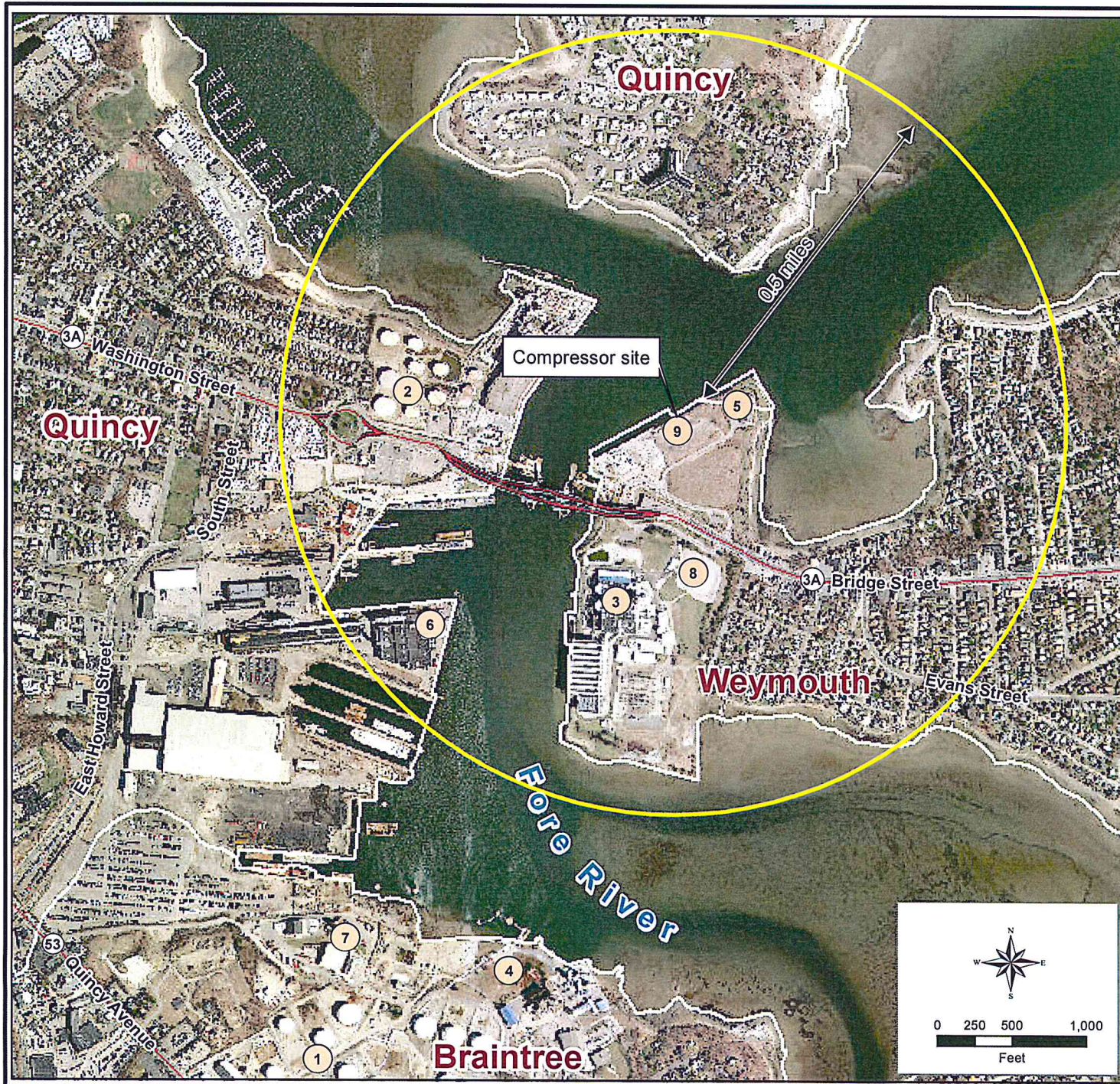
- ★ Proposed Site
- 60dBA Radius (300')
- Impact Radius (786')
- ▨ Kings Cove Conservation Area



Prepared for:
Town of Weymouth
Planning Dept.
By:
Weymouth GIS/IT
November 25, 2015

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Exhibit A



Industrial Sites in the Vicinity of the Proposed Weymouth Compressor

1. Citgo Marine Petroleum Terminal
2. Twin Rivers Technologies
3. Calpine Electric
4. Potter Station Braintree Elec. Light
5. MWRA Sewage pump station
6. Sewage pelletizing plant
7. Clean Harbors Transfer and treatment facil.
8. Oil storage facility Calpine Site
9. Algonquin pipeline






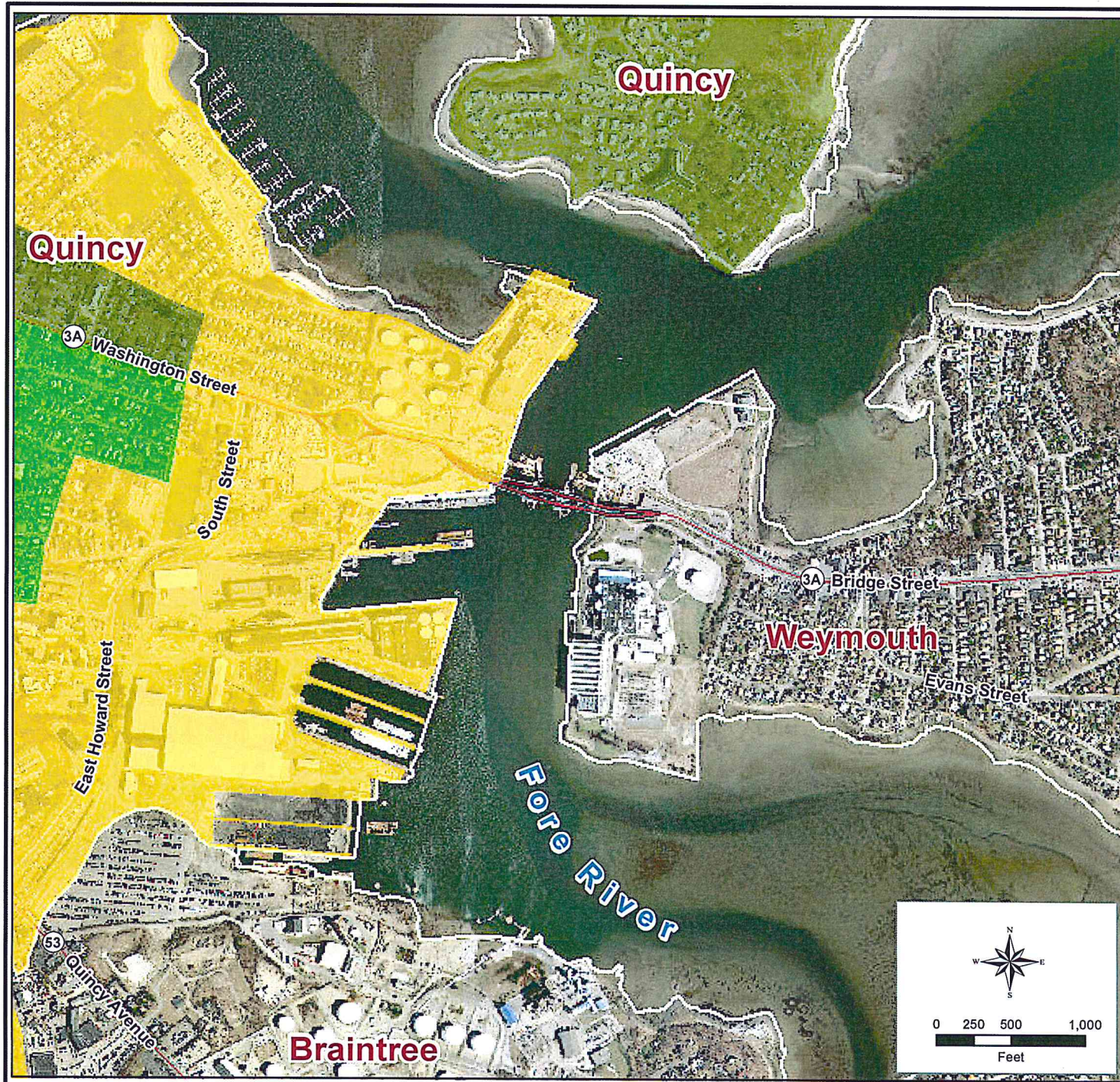
Prepared for:
Town of Weymouth
Planning Dept.
By:
Weymouth GIS/IT
June 10, 2015

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Environmental Justice Areas 2010 Census

Environmental Justice 2010 Populations Criteria by Block Group

-  Minority
-  Income
-  Minority and Income



Prepared for:
Town of Weymouth
Planning Dept.
By:
Weymouth GIS/IT
June 10, 2015

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