



# **Mayor Bob Hedlund**

## **SPECTRA/ENBRIDGE UPDATE**

### **“Progress for Weymouth”**

#### **Our fight against Spectra/Enbridge’s proposed compressor station in North Weymouth**

- Consists now of 17 different lawsuits and administrative appeals filed by or against the Town. These include:
  - 6 appeals in the United States Court of Appeals for the District of Columbia Circuit to challenge the project’s approval by **Federal Energy Regulatory Commission (FERC)**;
  - 1 appeal in the United States Court of Appeals for the First Circuit (**First Circuit**) appealing the Town’s ability to enforce its own wetlands ordinance;
  - 2 lawsuits in the United States District Court for the District of Massachusetts over whether the Town may enforce its own wetland ordinance and the state may consider the Town’s zoning ordinance when considering allowing state permits, such as a waterways license;
  - 1 lawsuit in Massachusetts Superior Court, which was then transferred to the Massachusetts Land Court over whether the natural gas company can subdivide land without approval from the Town;
  - 3 administrative appeals at the state’s Department of Environmental Protection challenging the state’s wetlands permit, waterways license, and air quality permit; and
  - 3 administrative rate appeals at the Department of Public Utilities challenging the need for more natural gas to go through Weymouth.
- When Mayor Hedlund took office in January 2016, the Town faced two natural gas expansion projects that intended to build a compressor station in 2017 and then double its size in 2018. Now, in 2019, there is no compressor station and there are no more plans to expand it. Even if built, it would be no earlier than 2020, if the Town loses any challenge from here on.
- Town and residents have been able to do this so far because we took the following actions over the past three years:
- Petitioned **FERC** to conduct a more comprehensive environmental review, an environmental impact statement (EIS) of the Atlantic Bridge Project, instead of the cursory review FERC approved, called an environmental assessment (EA).

- **FERC** did not require this comprehensive review. Instead, on May 2, 2016, FERC released a shorter, less intense environmental review, the EA, not the EIS the Town sought.
- Conducted numerous meetings with Spectra (now Enbridge) to push them to consider alternative locations outside of Weymouth, such as Holbrook and Franklin.
- Opposed Spectra/Enbridge's efforts to obtain a wetlands permit from the Town.
  - The **Conservation Commission** under my administration, refused to accept—twice— Spectra/Enbridge's filing for a wetlands permit, requiring Spectra/Enbridge to file accurate and complete documents;
  - On June 15, 2016, our **Conservation Commission** denied their wetlands permit;
  - Spectra/Enbridge appealed the denial, which we opposed at the state's **Department of Environmental Protection (DEP)**;
  - On September 21, 2016, we appealed **DEP Wetlands's** grant of a wetlands permit; and
  - On November 21, 2016, we succeeded in staying the wetlands review.
  - On April 7, 2017, we succeeded in extending the stay of the wetlands permit appeal despite the natural gas companies' efforts to lift the stay.
- On March 15, 2016, I first sought an independent environmental review by the state's **Secretary of Energy and Environmental Affairs**. No other community or citizens group opposing natural gas pipelines had asked for this type of comprehensive review. Weymouth was the only community to take such action.
  - Asked the Secretary to review Atlantic Bridge and Access Northeast separately, together, AND together with other natural gas pipeline projects in other parts of the state to consider their possible combined impact.
  - After issuing a call to action from opponents of natural gas pipelines across the state, we submitted 90 additional comments from 23 communities including not just from Weymouth residents, but supportive emails from multiple residents of Sharon, Westwood, Quincy, Acushnet, Upton, and the City of Boston, including the neighborhoods of Charlestown, Hyde Park, Roslindale, and West Roxbury. We also received comments from individuals in Cambridge, Dartmouth, Dedham, Freetown, Grafton, Marblehead, Mendon, Milton, New Bedford, Norfolk, Rehoboth, Walpole, and West Newbury.
- Intervened in three different rate proceedings by the state's **Department of Public Utilities (DPU)** concerning the natural gas companies' expansion plans, including specifically Access Northeast. Weymouth was the only community to intervene in several of these proceedings.

- Attempted to block Spectra/Enbridge’s ability to purchase the parcel of land to build compressor station from Calpine by repeatedly meeting with Calpine asking them to join our fight.
- Testified personally at several public hearings including:
  - On March 28, 2016, before **DEP Waterways**;
  - On May 11, 2016, before the **Energy Facility Siting Board (EFSB)**;
  - On May 19, 2016, to **FERC**; and
  - On May 25, 2016, to our own **Conservation Commission** each time asking regulators to deny siting a facility in such an inappropriate location.
- Filed on March 30, 2016, nine-page comment letter with 180 pages of attachments to the **Massachusetts Office of Coastal Zone Management (CZM)** on Spectra/Enbridge’s weakest argument—siting a natural gas compressor station adjacent to the waterfront.
  - We identified Spectra/Enbridge’s weakest link and sought to exploit it with environmental regulators.
  - To build along the waterfront, Spectra/Enbridge must prove its compressor station is a water-dependent use.
  - Spectra/Enbridge’s own documents show that it considered sites in Holbrook, Franklin, and other areas of Weymouth without waterfront.
- Created an email address [nocompressor@weymouth.ma.us](mailto:nocompressor@weymouth.ma.us) to allow residents one place to send in comments that we forwarded to the proper regulator before each separate deadline. For example:
  - We submitted 104 pages of emails to the **EFSB** on May 20, 2016, opposing the project.
  - We submitted 178 pages of emails to the Town’s **Conservation Commission** on May 25, 2016, along with a five-page comment letter, asking them to deny the project.
  - We submitted 221 pages of emails to state’s Secretary of Environmental Affairs on May 30, 2016, asking **CZM** to deny the project.
  - We submitted an additional 225 pages of emails to state’s Secretary of Environmental Affairs on June 28, 2016, asking **MEPA** to review comprehensively all pending natural gas projects.
- Sought several times an extension of time to allow more citizen input before **FERC** made decisions that affected Weymouth. For example:
  - On May 25, 2016, I asked **FERC** to provide Weymouth residents the same amount of time to comment on Access Northeast that they provided to residents opposing Kinder Morgan’s natural gas pipeline project in Western Massachusetts;

- On May 27, 2016, I asked **FERC** to provide more time to comment on Atlantic Bridge because of the intentionally confusing and overlapping public comment periods;
  - On June 20, 2016, I asked **FERC** to delay a decision the Atlantic Bridge environmental assessment while the state's Secretary of Environmental Affairs reviewed whether to require a separate cumulative review of all natural gas projects; and
  - On August 19, 2016, I asked **FERC** to reopen comments because of changes Spectra/Enbridge made to its plan to avoid rigorous environmental review.
- On May 20, 2016, I urged the state's **EFSB** to require **FERC** to conduct a combined, comprehensive review of the cumulative impacts of both Atlantic Bridge and Access Northeast. Spectra/Enbridge evaded review by segmenting its projects; we sought to have regulators review the entire picture—not just a sliver at a time.
  - On May 30, 2016, I wrote the state's **Secretary of Environmental Affairs** asking him to consider additional information as part of his review that Spectra/Enbridge's plans are consistent with state policies designed to protect the public waterfront, hoping that **CZM's** federal consistency review will prevent a compressor station here.
  - On June 1, 2016, I wrote **FERC** a 25-page comment letter stating the EA was inadequate, and that full and complete environmental review was necessary.
  - On August 3, 2016, **CZM** delayed its review of Atlantic Bridge because of concerns we addressed. Without **CZM's** approval, Spectra/Enbridge cannot proceed with Atlantic Bridge even with **FERC** approval. This delay is still in place and now set to expire in July 2019.
  - On August 25, 2016, I notified **DEP Waterways** in a nine-page letter of the numerous problems Spectra/Enbridge has with its attempt to obtain a waterways license, such as no wetlands permit, changes in Spectra/Enbridge's plans from its original application, and that a compressor station that Spectra/Enbridge admits could be sited elsewhere should not be licensed on land in which the public has rights because it was once land covered by water.
  - On November 1, 2016, our **Planning Board** voted to deny a plan by Spectra/Enbridge seeking to subdivide Calpine's property so Spectra/Enbridge could buy a portion.
  - Despite the plan denial, Spectra/Enbridge bought a portion of Calpine land and recorded an illegal plan on December 2, 2016.
  - On December 23, 2016, I filed a complaint in **Norfolk Superior Court** seeking a court ruling that Spectra/Enbridge illegally subdivided Calpine's land and illegally recorded a plan rejected by the Town.

- On January 6, 2017, Spectra/Enbridge’s existing metering and regulating station leaked natural gas for nearly two hours. On January 11, I met with Spectra/Enbridge officials and the Town’s **Fire Chief** to investigate this safety concern. I asked Spectra/Enbridge to pay for increased video surveillance of the existing natural gas facilities to which Spectra/Enbridge agreed on February 3, 2017, which it has since installed.
- On January 25, 2017, **FERC** issued a conditional certification of the Atlantic Bridge Project. We intend to challenge this action in Federal court.
- On February 17, 2017, Town Councilors, Conservation Commission members, and I filed a “ten-citizen” suit to strengthen the Town previous intervention before **DEP Air Quality** to argue that the emissions from the proposed compressor station would exceed Federal Clean Air Act standards.
- On February 24, 2017, we filed with **FERC** a 79-page request for rehearing with 111-pages of exhibits arguing to **FERC** why it should not have granted Spectra/Enbridge a certificate.
- On March 27, 2017, **FERC** “granted” our request for a rehearing. We were skeptical that FERC would actually take a fresh look at their decision to certify the Atlantic Bridge Project as FERC rarely changes its decision. Instead, FERC typically uses this rehearing requirement to “toll,” or delay, the opponents’ opportunity to challenge FERC’s decision in court. Furthermore, while “the Commission”—a majority of the five members—could grant rehearing, here only a single staff person “granted” the request, which we think is illegal. We challenged this decision in court to speed up the chance to have an independent court decide our case instead of letting the natural gas company go forward with construction while opponents are stuck in limbo.
- On March 30, 2017, **DEP Air Quality** issued a 25-page proposed decision allowing the natural gas company to pollute our air and wake us up at all hours of the night. We think there are many problems with the decision and submitted comments.
- In April 2017, we worked with North Weymouth residents to install four independent noise monitors that measured background noise for six days, instead of three minutes as the natural gas company did. These independent noise monitors showed **DEP Air Quality** that the compressor station would be substantially more noisy than claimed and would exceed the allowable nighttime noise standards by 260%.
- On April 26, 2017, we began the process, by filing a six-page request asking **FERC** for a rehearing, for a court to determine whether one staff person a FERC can deny us judicial review of FERC’s decision to allow the project to go forward.
- On May 1, 2017, on behalf of the Town, we filed with **DEP Air Quality** a five-page letter that included nine-pages of reports from two independent experts who were not beholden to the natural gas companies. The letter argued the compressor

station, if built, could violate up to four different air quality and several different noise standards.

- On May 4, 2017, Enbridge filed a lawsuit against the Town in the United States District Court for the District of Massachusetts in Boston (**Federal Court**) to have a court declare the Town could not enforce its own local wetlands ordinance, even though the natural gas company had not even received approval from FERC.
- On May 17, 2017, **DEP-Waterways** issued a written determination allowing a conditional waterways license.
- On May 24, 2017, on behalf of the Town, we filed in the District of Columbia Circuit of the United States Court of Appeals a lawsuit to overturn a single **FERC** staff person's denial blocking judicial review of FERC's decision.
- On June 6, 2017, we appealed **DEP-Waterways** decision arguing the natural company's own documents show a compressor station could be built elsewhere, so it cannot be a "water-dependent use" allowing it to be permitted within tidelands. We also showed **DEP-Waterways** that no Federal agency can show a similar compressor station so close to the ocean.
- On June 29, 2017, Enbridge withdrew the Access Northeast project from **FERC** review. Weymouth now only faces one natural gas expansion project.
- On July 14, 2017, **Governor Charlie Baker** wrote the Mayor informing us that state agencies will request more information about the compressor station's public health, safety, and environmental dangers.
- On August 22, 2017, we succeeded in staying **DEP-Waterways** as we had the **DEP Wetlands** appeal.
- On August 31, 2017, the Town's **Health Department** wrote DEP and DPH indicating what these health professionals thought would be necessary to include in the state's **HIA** to ensure a "collaborative process [that] protect[s] the residents of the Fore River basin."
- In September 2017, Dr. Curtis L Nordgaard MD MSc analyzed using a Federal agency's public model, called ALOHA, the threats an uncontrolled release of natural gas would cause to area residents. The Town's independent expert repeated his work and found if there was an explosion at the proposed compressor station, people on a 1/10 mile stretch of the Fore River Bridge would have less than 60 seconds to get off the bridge before suffering potentially lethal third-degree burns. People up to 990 feet away or on a 1/3 mile stretch of the Fore River Bridge could experience pain from the heat of the fire.
- In September 2017, residents and Town's **Health Department** sought from **DEP-21E program** Public Involvement Plan (PIP) designation for the site of the proposed compressor station to ensure the hazardous waste cleanup meets or exceeds the safest standards.
- On November 13, 2017, Enbridge held its first **PIP** public meeting.

- On December 4, 2017, the **Secretary of Environmental Affairs** committed to a “10-12 month” long **health impact assessment** (HIA) that was intended to be a “transparent, impartial, and independent evaluation” of the concerns we addressed to his agencies.
- On December 15, 2017, **FERC** denied in a 71-page decision the requests for rehearing by the Town and local citizens. This decision moved review and legal challenges to FERC’s approval to Federal court in the United States Court of Appeals for the District of Columbia.
- On December 29, 2017, the **Federal Court** in Boston ruled against the Town that we were unable to hold the natural gas company to local ordinances we have every other builder in Town comply.
- On January 30, 2018, residents and the Town filed a 112-page brief, along with a 129-page statutory addendum, in the **DC Circuit** arguing **FERC** should not have granted the natural gas company its Federal permit. The one-year period between FERC approval and review in court was unusually short due to the Town’s aggressive litigation strategy. Many pipeline opponents, even if they win in court, are faced with the problem that the natural gas company can start construction before opponents can get their day in court. We succeeded in getting to court before the natural gas company was able to get into the ground.
- On February 16, 2018, the natural gas company filed a lawsuit in the **DC Circuit**, not against the Town, but against the state. The company argued that the state was taking too long in approving its air permit. The state, defended by the Massachusetts **Attorney General’s Office**, agreed with the natural gas company to a schedule that allows the **HIA** to be completed. This agreement resolved the lawsuit and set firm deadlines for a decision on an air permit by January 2019 and conclusion of any administrative appeals by July 2019. This agreement virtually guarantees that, even if the Town loses every appeal, the earliest a compressor station could be built would be 2020.
- Also on February 16, 2018, because of the **Federal Court’s** decision on the Town’s ability to enforce its local wetlands ordinance, the ALJ in the **DEP Wetlands** lifted the stay in that appeal allowing the case to move forward.
- On February 28, 2018, **CZM** delayed for the fourth time its review of the project until May 15, 2018, with an expected completion of June 5, 2018. Without **CZM’s** approval, Spectra/Enbridge cannot proceed with Atlantic Bridge even with **FERC** approval.
- On March 14, 2018, the **Land Court** held a hearing on whether the natural gas company illegally subdivided its property. This was the first substantive hearing involving the lawsuit the Town filed on December 23, 2016 about the natural gas company’s purchase of the North Parcel.
- On April 3, 2018, the **Land Court** ruled the natural gas companies broke the land by avoiding the Town’s **Planning Board** and illegally subdividing its property.

- Also on April 3, 2018, the natural gas company held another *PIP* public meeting—this time on its proposed draft “Permanent Solution with Conditions Statement Report,” on how it intended to clean up the site.
- On April 20, 2018, the ALJ in the *DEP Wetlands* denied our motion for summary decision seeking to avoid a contested hearing and requiring remand back to the Town’s Conservation Commission because the natural gas company sought to avoid review by either the Town or the state of a quarter of wetland resources the natural gas company seeks to alter.
- On May 3, 2018, Enbridge filed another lawsuit against the Town in *Federal Court*. This time it asked the court to declare the Town could not ask the state to enforce local zoning as part of state permitting programs that would typically consider zoning. For example, every other developer must comply with local zoning to get a waterways license or a CZM federal consistency determination. But, the natural gas company thinks it is above the law and asked the Federal Court to agree.
- On June 3, 2018, residents with the assistance of the Town requested for the first time that *DEP-21E program* “audit” the conclusion of the natural gas company’s expert regarding cleanup of the site.
- On July 17, 2018, the Town appealed to the *First Circuit* the Federal Court’s decision denying the Town’s ability to enforce local wetlands ordinance.
- On August 1, 2018, the ALJ in the *DEP Waterways* began two days of hearings in first part of the Town’s and residents’ appeal of the state’s waterways license.
- On August 9, 2018, the ALJ in the *DEP Wetlands* began two days of hearings about the Town’s and residents’ appeal of the state’s wetlands permit.
- On August 24, 2018, the Town filed a 39-page final brief in the *DEP Waterways* appeal arguing the natural gas company should not have received a license because a compressor station is not a “water-dependent use.” As the natural gas company admits it could have been built away from the water and no compressor stations on the east or west coast of the United States is this close to the water.
- On September 13, 2018, excessive pressure in natural gas lines caused a series of explosions and fires to occur in the Merrimack Valley, Massachusetts. As many as 40 homes caught fire, there were over 80 individual fires, one person was killed and 30,000 were forced to evacuate their homes
- On September 26, 2018, as part of the *HIA* public process local public safety officials met with the state’s *Undersecretary of Public Safety* about their concerns over the proposed compressor station.
- On October 9, 2018, the Town filed a 93-page brief in the *First Circuit* appeal of the December 29, 2017 decision by the *Federal Court* that the Town could not enforce local ordinances against the natural gas company.
- On November 23, 2018, the ALJ in the *DEP Waterways* appeal issued her decision in the first half of this administrative appeal. She ruled against the Town on some

of its best arguments why the proposed compressor station should not be so close to the water.

- On December 5, 2018, the Town's outside counsel traveled to the **DC Circuit** in Washington to argue that the court should reverse **FERC's** approval of the project.
- On December 26, 2018, **FERC** let the natural gas company ignore one of the few conditions it imposed on the natural gas company. **FERC's** conditional certificate stated the natural gas company had to start construction within two years. Within 34 minutes of its request, and without any opportunity for public comment, **FERC** allowed the natural gas company another two years.
- On December 27, 2018, the **DC Circuit** agreed with **FERC's** issuance of the Federal permit.
- On January 4, 2019, **HIA** issued. The report concluded the proposed compressor would be "safe," but also that Fore River Basin has elevated levels of cancer-causing chemicals in the air, the region suffers from elevated rates of cancers caused by those chemicals, and the proposed compressor station would emit more of those cancer causing chemicals.
- On January 8, 2019, the Town argued before the **First Circuit** its appeal of the **Federal Court** decision that the Town could not enforce local ordinances against the natural gas company.
- On January 9, 2019, the Mayor wrote **Governor Charlie Baker** asking him to reject the **DEP Air Quality** despite the conclusions of the **HIA**.
- On January 11, 2019, **DEP Air Quality** issued its approval of the natural gas company's air permit.
- On January 12, 2019, Greater Boston Physicians for Social Responsibility condemn the **HIA's** conclusion stating "Multiple health impacts are in fact likely to occur if the compressor station is built."
- On January 24, 2019, Congressman Lynch, and the Mayors of Weymouth, Quincy, and Braintree meet with **Governor Charlie Baker** to urge him face-to-face to stop the compressor station. He agrees to additional review, including an audit of the natural gas company's expert's conclusion on necessary hazardous waste cleanup.
- On February 1, 2019, Weymouth, along with Quincy, Braintree, and Hingham, along with citizen groups, including **FRRACS** and a group of Hingham residents, appeal **DEP Air Quality** issuance of an air permit.
- On February 6, 2019, the ALJ in the **DEP Waterways** began two days of hearings in second part of the Town's and residents' appeal of the state's waterways license. During this hearing, Town's expert testifies to threat posed to people on the Fore River Bridge if catastrophic explosion occurred, such as had occurred on an Enbridge pipeline in Michigan two weeks before.

- On February 13, 2019, the Mayors of Weymouth, Quincy, and Braintree send a letter following up on their meeting with **Governor Charlie Baker** asking him to follow through on his agreement for additional review of the proposed compressor station project.
- On February 19, 2019, **DEP-21E program** agrees to audit of the natural gas company's expert's work as residents requested the previous June and Governor Baker agreed to in his meeting with Mayor the month before.
- Sought assistance from anyone and everyone in opposing Spectra/Enbridge.
  - Calpine about blocking the sale of the property.
  - Spectra/Enbridge's lawyers and lobbyists about alternative locations.
  - Our Federal delegation about swaying FERC.
  - Town Councilors about how they could help.
  - Area residents and activists familiar with the issues.
  - Four North Weymouth residents who allowed us to place noise monitors on their property that allowed us to show **DEP Air Quality** that the natural gas companies figures were wrong.
  - My staff, including my Chief of Staff, our Town Solicitor, and various department heads.
  - Other communities that have compressor stations, such as Hopkinton, Mendon, Charlton, and Agawam to ask about their experiences with compressor stations.
  - Residents statewide that similarly oppose natural gas pipelines.
  - Outside counsel previously retained by the Town.
- Continued to retain experienced outside counsel previously retained by the Town and instructed the law firm to aggressively continue efforts to stop the compressor station from being built in North Weymouth.
- For the first time Weymouth hired an in-house, full-time Town Solicitor. My choice was partly based on his background and experience in real estate litigation including working for the state regulators including the state's Secretary of Environmental Affairs, DEP, and the state's Attorney General.

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