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January 7, 2019

Via Electronic Filing

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

***Re: Comments on Request for Extension of Time to Complete Atlantic Bridge
Project, Docket Number CP16-9-000***

Dear Secretary Bose:

The Town of Weymouth respectfully submits these comments on the request of Algonquin Gas Transmission, LLC to extend the time to complete construction of the Atlantic Bridge Project, including the construction of a gas compressor station in Weymouth, until January 25, 2021. Instead of providing the public an opportunity to comment on that request, the Commission staff swiftly and without apparent reflection approved the request within minutes of its filing. Not only did the Commission's action strip the public of the ability to comment, its decision is also without merit and unjustified given Algonquin's documented inability to comply with the environmental conditions of the Certificate of Public Convenience and Necessity (the "Certificate"). Weymouth requests that the approval be rescinded and the request denied.

As you are undoubtedly aware, Representative Stephen F. Lynch requested, on January 3, 2018, that the Commission deny any application for an extension of the time to begin work on the Weymouth site. The Commission Chair, however, rejected Rep. Lynch's request on the ground that no extension was then pending. The Commission could have, and should have, considered Rep. Lynch's request to be a continuing one, to be taken into account when an extension request was received. However, the Commission's decision to issue the extension makes no reference to Rep. Lynch's prior comments.

The swift response from the Commission belies any consideration at all of Rep. Lynch's request. Weymouth's congressional representative is deserving of more respect from the Commission than he has received. At a very minimum, the issues raised in his January 3 letter in support of denial of an extension are worthy of the Commission's attention before acting on Algonquin's request.

Furthermore, based on the advice from the Commission, Rep. Lynch and members of the public have been waiting to file comments until Algonquin submitted its request for the extension.

The Commission's decision to approve the request in approximately 30 minutes after its filing demonstrates the Commission's intent to stifle public comment rather than to consider it.

If the public had had an opportunity to comment on the request, the comments would have supported a denial of Algonquin's request. Algonquin is not currently in compliance with conditions of the Certificate or the requirements of Massachusetts law. Therefore, at the very least, an extension of the Certificate should not be granted unless and until Algonquin can demonstrate such compliance.

Specifically, Weymouth has consistently expressed to the Commission its concern about construction on this contaminated site. Algonquin and the Commission have dismissed these concerns because they consider the contamination to be associated with "Historic Fill," and thus not subject to the more stringent aspects of the Massachusetts Contingency Plan (MCP) (310 CMR 40.0000), which governs contaminated soils. See Certificate Order, 158 FERC ¶61,061, ¶128 (describing the fill as "historic"). However, in August of 2018, Algonquin's Licensed Site Professional (LSP), Kelley Race, testified before the Massachusetts Department of Environmental Protection that the significant arsenic contamination on site does not meet the definition of "Historic Fill" under the MCP and that the fill at the site of the proposed compressor station does contain hazardous materials originating from activities at the location of emplacement. Ms. Race's testimony is attached as Exhibit 1. Algonquin is still refusing to follow the more protective regulations that are applicable to such fill.

The FERC Certificate is conditioned on Algonquin's "efforts to identify and manage any contamination in compliance with state requirements sufficient to address concerns associated with the safety risks of disturbing contaminated soils at the Weymouth Compressor Station site." Certificate Order, 158 FERC ¶61,061, ¶129. The Order on Rehearing reiterates the requirement to comply with all state laws, including the MCP:

[W]e remind all parties that the certificate of public convenience and necessity is contingent upon Applicants' compliance with all applicable laws, including those required pursuant to the applicable provisions of the Massachusetts Contingency Plan. Should Applicants violate any conditions, the environmental inspector is empowered to order correction of acts that violate the environmental conditions of the January 2017 Order.

Order on Rehearing, 161 FERC ¶61,255, ¶67.

Based on these facts, no request for an extension should be approved until Algonquin submits a proposal to the Commission for remediating the site contamination in accordance with Massachusetts law. As Algonquin's current MCP plan violates the law (and thus, the Certificate itself) and the Commission has not given this issue even cursory review, approval of the request for an extension is both premature and inappropriate.

Kimberly D. Bose, Secretary

January 7, 2019

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Thank you for your courtesy in considering these comments.

Respectfully submitted,
TOWN OF WEYMOUTH, MASSACHUSETTS
By its attorneys,



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EXHIBIT 1

1 **COMMONWEALTH OF MASSACHUSETTS**
2 **EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**
3 **MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

4 _____ **X**

5 **OADR Docket No.**

6 **In the Matter of** **WET-2016-025**

7 **File No.**

8 **Algonquin Gas transmission, LLC** **SE 81-1170**

9 **Weymouth, MA**

10 _____ **X**

11 **BEFORE: JANE A. ROTHCHILD, PRESIDING OFFICER**

12

13 **Volume 2**

14

15 **HELD AT:**

16 **Massachusetts Department of Environmental Protection**

17 **20 Riverdale Street**

18 **Lakeville, Massachusetts**

19 **Friday, August 10, 2018**

20 **9:31 a.m.**

21

22

23

24

1 MS. LACEY: Not from me.

2 PRESIDING OFFICER: Mr. Hayden?

3 MR. HAYDEN: No. Thank you.

4 PRESIDING OFFICER: Mr. Costa. Thank you.

5 You are excused.

6 Applicant, please call your next witness.

7 MR. CRAMB: The Applicant calls Kelly Race.

8 PRESIDING OFFICER: Good afternoon,

9 Ms. Race.

10 THE WITNESS: Good morning or afternoon.

11

12 KELLEY RACE,

13 having been duly sworn, was examined and testified

14 as follows:

15 DIRECT EXAMINATION

16 BY MR. CRAMB:

17 Q. Good afternoon, Ms. Race.

18 Did you submit pre-file direct testimony in
19 connection with these proceedings?

20 A. Yes, I did.

21 Q. And do you have a copy of it in front of
22 you?

23 A. Yes, I do.

24 Q. Did you sign that testimony under the pains

1 and penalties of perjury?

2 A. Yes, I did.

3 Q. And do you adopt your written testimony as
4 your testimony here today in these proceedings?

5 A. Yes, I do.

6 Q. Thank you.

7 PRESIDING OFFICER: Ms. Race is available
8 for cross-examination.

9 CROSS EXAMINATION

10 BY MS. LACEY:

11 Q. Hello, Ms. Race.

12 A. Hi.

13 Q. So just to establish some background, in
14 Paragraphs 1 to 2, you state that you are a licensed
15 site professional employed by TRC Environmental
16 Services, Inc., correct?

17 A. Correct.

18 Q. And, in Paragraphs 5 to 7, you state that
19 TRC is carrying out response actions on behalf of
20 Algonquin Gas Transmission, LLC regarding two
21 reportable releases of oil and hazardous material
22 under the Massachusetts contingency plan at the
23 proposed compressor station site, correct?

24 A. Correct.

1 PRESIDING OFFICER: So the question is,
2 without looking at the definition, do you consider
3 coal ash a hazardous material.

4 THE WITNESS: Coal ash contains
5 constituents that are -- are hazardous materials.

6 PRESIDING OFFICER: Does that answer your
7 question?

8 MS. LACEY: Yes. Thank you.

9 BY MS. LACEY:

10 Q. And would you agree that in the
11 definition -- and, again, this is just your
12 knowledge as an LSP without actually referring to
13 the definition. Do you agree that the definition of
14 hazardous material in the MCP does not contain an
15 explicit exemption for coal ash?

16 A. Without, again, there are certain
17 exemptions in the MCP strictly related to coal ash.
18 So, without actually looking at the definition, I
19 would have to -- I don't know the answer off the top
20 of my head.

21 Q. Okay. So let me just one more time go over
22 this statement. The statement that I want to ask
23 you to comment on is this statement. (As read)
24 "Fill at the site of the proposed compressor station

1 does contain hazardous materials originating from
2 activities at the location of emplacement." Do you
3 agree with that statement or disagree? I just want
4 to -- just a one-word answer. Do you agree or
5 disagree?

6 A. Based on this sentence, I would agree.

7 Q. Okay. We can put that report aside.

8 Please refer to Paragraph 41 of your
9 testimony. Do you have that?

10 A. (Witness reviews document) I do.

11 Q. Page 41 refers -- states, (as read)
12 "Exhibit 7 is a memorandum report I prepared with a
13 colleague, re: infiltration based on mounding and
14 LNAPL analysis," correct?

15 A. Correct.

16 Q. So Exhibit 7 has as an attachment Mark
17 Costa's mounding analysis, correct?

18 A. Correct.

19 Q. And I assume that this type of analysis is
20 something that you encounter from time to time in
21 your work? It's within your area of expertise,
22 reviewing -- reviewing a mounding analysis?

23 A. I did review it.

24 Q. Okay. And would you consider that to be

C E R T I F I C A T E

**I, Valerie Rae Johnston, Registered
Professional Reporter, do hereby certify that the
foregoing transcript, Volume 2, is a true and
accurate transcription of my stenographic notes
taken on Friday, August 10, 2018.**

A handwritten signature in cursive script, reading "Valerie Rae Johnston", is positioned above a horizontal line.**Valerie Rae Johnston****Registered Professional Reporter**