

United States Court of Appeals For the First Circuit

No. 19-1794

TOWN OF WEYMOUTH, MASSACHUSETTS; ROBERT HEDLUND, Mayor of Town of Weymouth; PATRICK M. O'CONNOR, State Senator; MICHAEL SMART, Vice President District Six; KENNETH J. DIFAZIO, District Three Councilor; JANE HACKETT, Councilor at Large; ED HARRINGTON, District Five Councilor; REBECCA HAUGH, District One Councilor; ARTHUR MATHEWS, District Four Councilor; MICHAEL MOLISSE, Councilor at Large; SCOTT DOWD, Conservation Commissioner; GEORGE LORING, Conservation Commissioner; THOMAS TANNER, Conservation Commissioner; FRANK SINGLETON, Conservation Commissioner; JOHN REILLY, Conservation Commissioner; CITY OF BRAINTREE, MASSACHUSETTS; TOWN OF HINGHAM, MASSACHUSETTS; CITY OF QUINCY, MASSACHUSETTS,

Petitioners,

v.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent,

ALGONQUIN GAS TRANSMISSION, LLC,

Intervenor.

No. 19 1797

ELIZABETH MOULDS; JENNIFER MATHIAN; OLIVIA LANNA; PRIYA HOWELL;
KATHERINE ROGERS; MICHAEL MULLALEY; HEATHER KAAS; KATIE MCBRINE;
JANICE DEYOUNG; A. SILVIA FABRIZIO; KATHLEEN CRONIN,

Petitioners,

v.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent,

ALGONQUIN GAS TRANSMISSION, LLC,

Intervenor.

No. 19 1803

DOROTHY ANDERSON; ALICE ARENA; MARGARET BELLAFFIORE; WENDY CULLIVAN; SUSAN GREENE; REBECCA HAUGH; ANDREA HONORE; MICHAEL LANG; CURTIS NORDGAARD, M.D.; THOMAS PENDERGAST; JUDY ROBERTS; FRANK SINGLETON; BETSY SOWERS; BERNADETTE WILSON,

Petitioners,

v.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Respondent,

ALGONQUIN GAS TRANSMISSION, LLC,

Intervenor.

JUDGMENT

Entered: August 31, 2020

This cause came on to be submitted on a petition for review of an order of the Massachusetts Department of Environmental Protection.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follow: Without vacating the air permit, the matter is remanded to the Massachusetts Department of Environmental Protection (DEP) for it to conduct further proceedings, limited to the purposes identified in this court's June 3, 2020 opinion.

The DEP's unopposed request to extend the completion of its remand proceedings until January 19, 2021 is granted.

Jurisdiction is retained only for the limited purpose of entertaining any further motion concerning the completion deadline.

Petitioner's motion to enjoin Algonquin Gas Transmission from operating the compressor station until DEP makes its final determination is denied.

By the Court:
Maria R. Hamilton, Clerk

cc:

Martin Suuberg, Commissioner, Massachusetts Department of Environmental Protection

Joseph S. Callanan

Joseph Raymond Miyares

Bryan F. Bertram

Ivra Fried

Katherine Elizabeth Stock

Nicole Ilse Taub

Kerry T. Ryan

Janet Petkun

James T. Finnigan

Nicholas C. Cramb

Jeremy C. Marwell

Joshua Stephen Johnson

Julie Elisabeth Green

Maura T. Healey

Seth Schofield

Joshua Edward Olszewski-Jubelirer

Lawrence K. Kolodney

Michael Harley Hayden

Adam J. Kessel

Eda Stark

Natalie Galley

Kayleigh E. McGlynn