EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:
ENVIRONMENT AND PUBLIC WORKS
CHAIR:
SUBCOMMITTEE ON CLEAN AIR, CLIMATE, AND NUCLEAR SAFETY
FOREIGN RELATIONS
CHAIR:
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY
COMMERCE, SCIENCE, AND TRANSPORTATION
SMALL BUSINESS AND ENTREPRENEURSHIP
CHAIR:
U.S. SENATE CLIMATE CHANGE TASK FORCE

United States Senate

SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDBURY STREET
BOSTON, MA 02203
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

April 2, 2021

The Honorable Richard Glick
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Dear Chairman Glick:

I write in response to the Federal Energy Regulatory Commission's (FERC) request for briefs regarding the public safety concerns associated with the operation of the Weymouth Compressor Station in Weymouth, Massachusetts. After receiving numerous pleadings on the approval and operation of the Weymouth Compressor Station, on February 18, 2021, FERC established a paper briefing to "further examine the impact of the station on air quality, public safety, and environmental justice.[1] I am part of the delegation representing the Town of Weymouth and surrounding municipalities in Congress, and I appreciate this opportunity to address the questions FERC raised on these issues in this letter.

Is it consistent with FERC's Natural Gas Act responsibilities to allow the Weymouth Compressor Station to enter and remain in service?

No, it is not consistent with FERC's Natural Gas Act responsibilities to allow the Weymouth Compressor Station to enter and remain in service. Under Section 7(c) of the Natural Gas Act, FERC is authorized to issue certificates of "public convenience and necessity" for "the construction or extension of any facilities . . . for the transportation in interstate commerce of natural gas."[2] Given changed circumstances following the issuance of the January 2017 Order Issuing Certificate and Authorizing Abandonment (Certificate)[3] for Enbridge Inc.'s Atlantic Bridge Project—which includes the Weymouth Compressor Station— the station's construction and operation no longer serves the public convenience and necessity. As such, both the

[1] FERC, *FERC Establishes Paper Briefing to Examine Weymouth Compressor Station Concerns*, https://www.ferc.gov/news-events/news/ferc-establishes-paper-briefing-examine-weymouth-compressor-station-concerns (last visited Mar. 31, 2021).
[2] 15 U.S.C § 717f, https://www.law.cornell.edu/uscode/text/15/717f.
[3] Federal Energy Regulatory Commission, *Order Issuing Certificate and Authorizing Abandonment* (Jan. 25, 2017), https://elibrary.ferc.gov/eLibrary/filelist?document_id=14532864&optimized=false.

Certificate and, more pressingly, the In-Service Authorization issued in September 2020 to allow the station to begin operation should be revoked.

The changed circumstances include the withdrawal of parties to contracts for natural gas supplies affected by the project and the acknowledgment that the Weymouth Compressor Station was no longer necessary. Specifically, the Certificate included a determination that the Atlantic Bridge Project was necessary because eight parties—five local distribution companies, two manufacturing companies, and one municipal utility—had already entered into contracts for natural gas that would flow through Algonquin Gas Transmission's and Maritimes & Northeast's pipeline systems that the Atlantic Bridge Project would modify. But two of the project's customers, New England NG Supply Limited and Exelon Corporation, withdrew.[4] And when National Grid applied to take over the supply agreement with Algonquin, National Grid stated in public testimony that its capacity needs can be met "without the installation of the Weymouth compressor station."[5] Eversource, which holds another of the eight original Atlantic Bridge Project contracts, also stated that its "delivery does not depend on the Weymouth compressor."[6] These developments confirm that this dangerous project is not necessary to meet the needs of the surrounding community, and thus, never warranted being placed into service. FERC should not force the people of the Fore River Basin community to jeopardize their health and safety for a project that lacks sufficient demand, does not serve the surrounding community's needs, and fails to protect and prioritize the public interest.

The "public convenience and necessity" analysis under the Natural Gas Act also must consider environmental factors. That analysis requires an evaluation of "all factors bearing on the public interest,"[7] including environmental factors, as both FERC and the courts have found.[8] As part of its evaluation of environmental factors, FERC should fully consider the project's impacts on climate change and environmental health. Although the project's Environmental Assessment (EA) discussed direct greenhouse gas (GHG) emissions impacts, it did not include upstream or downstream GHG emissions. [9] The Certificate that FERC issued to Enbridge, Inc. provided upper-bound estimates for the project's downstream and upstream GHG emissions, but

[4] New England NG Supply Limited and Boston Gas Company d/b/a National Grid, *Joint Petition for Temporary Waiver of Capacity Release Regulations and Related Tariff Provisions and Request for Expedited Action and Shortened Comment Period*, Federal Energy Regulatory Commission (Sept. 20, 2019), https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=15360446.; https://www.wbur.org/earthwhile/2019/11/05/weymouth-compressor-natural-gas-pipeline-demand.

[5] Boston Gas Company d/b/a National Grid, *Petition of Boston Gas Company d/b/a National Grid for Approval of Supply Agreement with Algonquin Gas Transmission, LLC*, Commonwealth of Massachusetts Department of Public Utilities at 16 (Oct. 25, 2019) https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/11364814.

[6] Bruce Gellerman, Barbara Moran &, Miriam Wasser, *National Grid, Eversource Say They Can Meet Natural Gas Demand Without Weymouth Compressor*, WBUR (Nov. 1, 2019), https://www.wbur.org/earthwhile/2019/11/01/weymouth-compressor-demand-national-grid-eversource.

[7] Columbia Law School, *Will FERC's New Chair Bring a New Approach to Natural Gas Pipeline Approvals?,* http://blogs.law.columbia.edu/climatechange/2021/01/22/will-fercs-new-chair-bring-a-new-approach-to-natural-gas-pipeline-approvals/ (Jan. 22, 2021).

[8] *Id.*

[9] Federal Energy Regulatory Commission, *Atlantic Bridge Project: Environmental Assessment* (2016), https://elibrary.ferc.gov/eLibrary/filelist?document_id=14455185&optimized=false.

acknowledged that the upstream estimate was conservative and involved "a significant amount of uncertainty."[10]

The project also raises other substantive and significant public interest concerns that FERC failed to consider in initially issuing the Certificate and supplying the later In-Service Authorization. These concerns include: (1) the absence of passable evacuation routes at the project site; (2) the compressor station's location in an urban and densely populated area; (3) the project's proximity to coastal waters and susceptibility to flooding; and (4) the impact the project would have on nearby environmental justice communities. Before issuing the Certificate, FERC should have taken these public interest concerns into account. They warranted denying approval of the Certificate and the In-Service Authorization then, and demand their revocation now.

Should changes in the station's projected air emissions impacts or public safety impacts cause the Commission to reexamine the project?

Yes, changes in the station's projected air emissions impacts and public safety impacts should cause the Commission to reexamine the project. In fact, FERC's EA for the Weymouth Compressor Station failed to appropriately analyze the project's air emissions impacts. The EA did evaluate the cumulative impacts of air quality during the station's construction—coming to the troubling conclusion that the "combined impact of multiple construction projects occurring in the same airshed and timeframe as the Atlantic Bridge Project could temporarily add to the ongoing air impacts in the Project area."[11] But the EA failed to account for cumulative air quality impacts once the station was operational. In its reexamination of the project, FERC should require a full assessment of the air quality impacts and use that analysis in determining whether to revoke the Certificate.

Additionally, since FERC issued the In-Service Authorization in September 2020 and allowed the Weymouth Compressor Station to begin operation, there have been significant changes in the core circumstances surrounding the project, namely, two emergency shutdowns that included large unplanned releases of natural gas, and the ongoing respiratory health crisis caused by the COVID-19 pandemic. The effect of these circumstances on air quality and public safety merit a full reexamination of the project.

Last year's two unplanned emergency gas releases put into sharp relief how the Weymouth Compressor Station poses a threat to public safety. On September 11, 2020, a gasket failure on a sump tank necessitated the first emergency shutdown, after the release of 35 pounds of volatile organic compounds (VOCs) and 169,000 standard cubic feet of natural gas, some of which was vented at ground level.[12] On September 30, 2020, a second emergency shutdown occurred after

[10] Federal Energy Regulatory Commission, *Order Issuing Certificate and Authorizing Abandonment at* 43 (Jan. 25, 2017), https://elibrary.ferc.gov/eLibrary/filelist?document_id=14532864&optimized=false.
[11] Federal Energy Regulatory Commission, *Atlantic Bridge Project: Environmental Assessment* (2016) at 2-139, https://elibrary.ferc.gov/eLibrary/filelist?document_id=14455185&optimized=false.
[12] Letter from William T. Yardley, Exec V.P., Enbridge, Inc., to Senators Edward J. Markey and Elizabeth Warren (Sept. 23, 2020).

the unexplained release of approximately 275,000 cubic feet of natural gas into the atmosphere.[13] These two unplanned emergency shutdowns should necessitate FERC's reexamination of the project under a public safety framework, as a massive release of VOCs and natural gas could result in health impacts and explosions, or require an evacuation of the area.

FERC should also consider the COVID-19 pandemic in a reevaluation of the station's air quality impacts. According to recent research, poor air quality is linked to a disproportionate rate of coronavirus deaths.[14] Additionally, a report by the Office of Massachusetts Attorney General Maura Healy found that COVID-19 has had a disproportionate effect on communities of color in Massachusetts' largest municipalities.[15] The ongoing respiratory pandemic will likely amplify any deleterious effects that the station will have on air quality, and FERC should therefore weigh them more heavily in its reexamination.

Finally, FERC could now include in its reassessment the data collected by an air quality monitor recently installed in the Fore River Basin by the Massachusetts Department of Environmental Protection, and which is expected to be operational in the spring of 2021. Neighborhoods surrounding the Weymouth Compressor Station—including Germantown, a state-designated environmental justice community—have also installed new air-quality monitors[16] Data from these new air quality monitors will provide a clearer understanding of the area's existing air quality burdens and the station's impacts.

FERC should supplement the EA with this data. FERC has acknowledged criticism of the EA for relying on background air quality data that underestimated the concentration of air pollutants near the Weymouth Compressor Station.[17] Relying on the existing EA, FERC cannot confidently determine that existing pollution levels and additional emissions from the compressor station will meet emissions standards that qualify its operation as within the public interest. FERC can and should take into consideration new, more accurate, and more comprehensive data as part of any reexamination of its decision to issue an In-Service Authorization for the Weymouth Compressor and approve the project Certificate.

How might these changes affect the surrounding communities, including environmental justice communities?

---

[13] Letter from Howard R. Elliot, Admin., PHMSA, to Senator Edward J. Markey (Oct. 9, 2020).
[14] Antono Frontera et al., *Severe air pollution links to higher mortality in COVID-19 patients: The "double-hit" hypothesis*, J Infect. (Aug. 2020), published online May 21, 2020, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7240268/.
[15]Office of Massachusetts Attorney General Maura Healey, COVID-19's Unequal Effects in Massachusetts (2020), https://www.mass.gov/doc/covid-19s-unequal-effects-in-massachusetts/download#:~:text=COVID%2D19%20is%20disproportionately%20impacting,residents%20are%20people%20of%20color.
[16] Jessica Trufant, *Fore River Basin Air Monitors Called 'Community Science Project'*, The Patriot Ledger (Feb. 2, 2021), https://www.patriotledger.com/story/news/2021/02/02/fore-river-basin-monitors-offer-insight-into-air-quality/4313219001/.
[17] Federal Energy Regulatory Commission, *Order Issuing Certificate and Authorizing Abandonment* at 68-69 (Jan. 25, 2017) https://elibrary.ferc.gov/eLibrary/filelist?document_id=14532864&optimized=false.

The air quality and public safety threats from the Weymouth Compressor Station negatively affect the environment and the health and safety of the surrounding communities. The compressor station is located on a small peninsula bordered by the Fore River Basin, King's Cove, and the densely populated neighborhoods of North Weymouth and Quincy. The site is located within a half mile of Quincy Point and Germantown—environmental justice communities that suffer persistent environmental health disparities due to socioeconomic and other factors—as well as nearly 1,000 homes,[18] a water treatment plant, and a public park.[19] An estimated 3,100 children live or go to school within a mile of the site, and more than 13,000 children attend school within three miles of the compressor station.[20]

When FERC issued the Certificate for the project that included the compressor station in January 2017, it could not possibly have foreseen the COVID-19 crisis and its disproportionate impact on environmental justice communities and communities suffering from pollution. Around 50,000 residents of the county in which the compressor station is located have tested positive for COVID-19 over the course of the pandemic.[21] Given what we now know about COVID-19 and its effects on these communities, this respiratory health crisis further warrants FERC's reassessment of the Certificate and the In-Service Authorization for the Weymouth Compressor Station.

Should FERC impose any additional mitigation measures in response to concerns that have been raised?

FERC should mitigate the harmful effects of the operation of the Weymouth Compressor Station by rescinding its In-Service Authorization. Although deficient in many respects, the EA did correctly determine that the majority of air emissions associated with the Atlantic Bridge Project would result from the operation of the compressor station.[22] These emissions would have a detrimental, cumulative effect on environmental justice communities—especially given the existing impacts of industrial facilities in the area, which include a chemical plant, two power plants, and a hazardous waste site. Other factors militating in favor of rescinding the In-Service Authorization are immutable, including (1) the aforementioned absence of passable evacuation routes at the project site; (2) the compressor station's location in an urban and densely populated area; (3) the project's proximity to coastal waters and susceptibility to flooding; and (3) the impact the project would have on nearby environmental justice communities. Changes to the station's design cannot and will not address these issues; they are inherent to its existence and

[18] Barbara Moran, *New Report Finds More Safety Concerns About Proposed Weymouth Compressor Station*, WBUR (May 13, 2019), https://www.wbur.org/earthwhile/2019/05/13/weymouth-natural-gas-compressor-emergency-response.
[19] FRRACS, Location of Weymouth Compress, https://www.nocompressor.com/location-of-the-compressor (last accessed Feb. 11, 2021).
[20] *Id.*
[21] Massachusetts Department of Public Health COVID-19 Dashboard, *Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by County, January 1, 2020 – March 30, 2021* (Mar. 31, 2021), https://www.mass.gov/doc/county-level-positivity-rates-march-31-2021/download.
[22] Federal Energy Regulatory Commission, *Atlantic Bridge Project: Environmental Assessment* at 2-86 (2016), https://elibrary.ferc.gov/eLibrary/filelist?document_id=14455185&optimized=false.

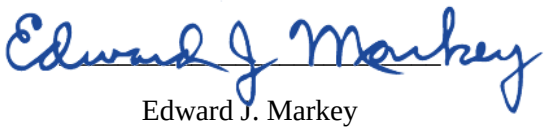
operation where it is located. To ensure the health and safety of the surrounding community and the environment, FERC must rescind the Weymouth Compressor Station's In-Service Authorization.

What would the consequences be if FERC were to stay or reverse the September 2020 authorization order?

If FERC were to stay or reverse the In-Service Authorization for the Weymouth Compressor Station and the Certificate for the Atlantic Bridge Project, the Commission would eliminate the station's immediate threat to the health and public safety of the neighboring communities—including environmental justice communities—and protect the environment. Such a decision would alleviate public health and safety concerns, without impacting local energy supply or costs. To reiterate: National Grid and Eversource have publicly stated that they do not need the Weymouth Compressor Station to fulfill customer needs. Finally, a decision to stay or reverse the In-Service Authorization and the project Certificate would demonstrate FERC's commitment to environmental justice and public participation in the Commission's decision-making process.

Thank you for your consideration of these concerns. I appreciate your request for a briefing on this important matter, and look forward to your decision regarding the rehearing of the placement into service of the Weymouth Compressor Station.

Sincerely,



Edward J. Markey
United States Senator