

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

August 5, 2019

In the Matter of

Algonquin Gas Transmission LLC

OADR Docket Nos. 2019-008, 2019-009,
2019-010, 2019-011, 2019-012 and 2019-
013

Air Quality Plan Approval
Weymouth, MA

RECOMMENDED FINAL DECISION ON RECONSIDERATION

INTRODUCTION

These six consolidated administrative appeals involve an Air Quality Plan Approval (“the air permit”) that the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued pursuant to 310 CMR 7.02 to Algonquin Gas Transmission LLC (“the Applicant”) for the construction and operation of a natural gas compressor station in the Town of Weymouth (“the proposed Project”). The proposed Project is one component of Algonquin's Atlantic Bridge Project ("AB" or "AB Project"), an interstate natural gas transmission project that the Federal Energy Regulatory Commission ("FERC") authorized pursuant to the Natural Gas Act 15 U.S.C. §§ 717 et seq. The appeals were filed by a Ten Persons Group (with residents of Weymouth, Braintree, Newton and Quincy); a Ten Persons Group (from Hingham); the Town of Hingham; the City of Quincy; the Town of

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Braintree; and the Town of Weymouth with a Ten Citizens Group, (collectively “the Petitioners”).

I issued a Recommended Final Decision on June 27, 2019 recommending that the Department’s Commissioner issue a Final Decision affirming the air permit but with changes to certain permit conditions based on credible evidence in the record as presented at the multi-day evidentiary Adjudicatory Hearing (“Hearing”) that I conducted in the matter in May and June 2019, and with the corrections noted in the attachment to the pre-filed testimony of L. Barry Goodrich. See RFD at pp. 62 and 63. The Commissioner issued his Final Decision on July 12, 2019, adopting the RFD as his Final Decision and directing the Department to make the changes to the Air Quality Plan Approval as recommended in the RFD at pp. 62 and 63. Those changes as stated in the RFD include:

(1) Corrections to the Air permit provided by Mr. Goodrich as Exhibit B to his pre-filed direct testimony be included in the Final Air Permit;

(2) Revisions to Table 8D to reflect a “Not to Exceed” limit of 18 minutes for startups and 17 minutes for shutdowns, based on credible evidence that the current permit limit of 30 minutes is likely to result in emissions above the AALs;

(3) Revisions to Table 10, Record Keeping Requirements, #16 such that it states “The Permittee shall make records required by this Plan Approval available to MassDEP, USEPA and the Towns of Weymouth, Braintree and Hingham and the City of Quincy upon request.”

(4) Revisions to Table 11, Reporting Requirements, #2, such that the required notification of scheduled maintenance events expected to result in a blowdown with volume expected to be greater than 10,000 scf is made no later than 72 hours (not 48 hours) prior to the

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event and that notification to the Towns of Weymouth, Braintree and Hingham and the City of Quincy be made simultaneously with the notification to MassDEP.

(5) Revisions to Table 11, Reporting Requirements, #3, such that the required notification of unplanned releases with a volume greater than 10,000 scf be made within 2 hours and that notification to the Towns of Weymouth, Braintree and Hingham and the City of Quincy be made simultaneously with the notification to MassDEP.

(6) Addition of a condition limiting blowdowns associated with pipeline maintenance to no more than 2 per year, consistent with Response to Comment #25.

The Department filed the revised Air Quality Plan Approval with the Office of Appeals and Dispute Resolution (“OADR”) on July 23, 2019, reflecting the revisions required by the Final Decision. The Department also filed a Motion for Clarification regarding recommended condition (6), seeking clarification that Condition 6 is meant to specify full station blowdowns from the facility. Because the Department’s Motion for Clarification identified a factual error in the RFD, I have treated it as a Motion for Reconsideration pursuant to 310 CMR 1.01(14)(d).¹

The recommended Condition (6) was meant to specify and apply to full station blowdowns, not blowdowns associated with pipeline maintenance and which are existing operations on the Applicant’s pipeline. The condition as stated in the RFD was clearly erroneous, and I recommend that Condition (6) be revised as proposed by the Department in its motion and as presented in the proposed final Air Quality Plan Approval filed by the Department on July 23, 2019. These revisions include a revision to Table 8A to add a condition limiting full compressor

¹ This regulation states, in pertinent part, “Where a finding of fact or ruling of law on which a final decision is based is clearly erroneous, a party may file a motion for clarification setting forth specifically the grounds relied upon to sustain the motion.”

station blowdowns to no more than two (2) in a consecutive 12-month period; a revision to Table 9 to add a requirement that the Permittee monitor the date, time, duration and quantity of gas released for each full Compressor Station blowdown; and a revision to Table 10 to add a requirement that the Permittee maintain records of the date, time, duration and quantity of gas released for each full Compressor Station blowdown. In response to the Department's Motion for Clarification, the Applicant filed a memorandum supporting the Motion, but none of the Petitioners filed a memorandum either supporting or opposing the Motion.

With the revisions to Condition (6) noted above, I recommend that the Department's Commissioner issue a Final Decision on Reconsideration affirming the Air Quality Plan Approval as revised and filed by the Department on July 23, 2019.

Date: 8/5/2019



Jane A Rothchild
Presiding Officer

NOTICE-RECOMMENDED FINAL DECISION ON RECONSIDERATION

This decision is a Recommended Final Decision On Reconsideration of the Presiding Officer. It has been transmitted to the Department's Commissioner for his Final Decision on Reconsideration in this matter. This decision is therefore not a Final Decision on Reconsideration and may not be appealed to the U.S. Court of Appeals for the First Circuit pursuant to the federal Natural Gas Act, 15 U.S.C. § 717r(d)(1) and M.G.L. c. 30A, § 14(1). The Commissioner's Final Decision on Reconsideration may be appealed and will contain a notice to that effect.

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SERVICE LIST

IN THE MATTER OF:

ALGONQUIN GAS TRANSMISSION, LLC

Docket Nos. 2019-008, 009, 010, 011, 012, 013

Weymouth

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DEPARTMENT

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