

***Town of Weymouth
Massachusetts***

Robert L. Hedlund
Mayor

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November 27, 2019

By E-Mail (Millie.Garcia-Serrano@mass.gov)

Millie Garcia-Serrano, Regional Director
Massachusetts Department of Environmental Protection Southeast Region
20 Riverside Drive
Lakeville, Massachusetts 02347

Re: Request for MassDEP Review of Release Abatement Measure Plan
Release Tracking Number 4-26230
Atlantic Bridge Project – Weymouth Compressor Station
6 & 50 Bridge Street, Weymouth, Massachusetts
Algonquin Gas Transmission, LLC

Dear Ms. Garcia-Serrano:

On behalf of the Town of Weymouth, I request that you exercise MassDEP's authority under the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, to require further review of the Release Abatement Measure (RAM) Plan submitted by Algonquin Gas Transmission, LLC (the "Natural Gas Company") on November 25, 2019. The RAM Plan would allow the Natural Gas Company to construct the proposed Weymouth Compressor Station on a hazardous waste site, at which the Natural Gas Company recently reported the presence of arsenic in surface soil at a level considered an "Imminent Hazard" under the MCP.

This request is urgent, because the Natural Gas Company has announced that it intends to begin implementing the RAM Plan – in other words, constructing the compressor station – on December 3, 2019.

MassDEP first identified this Site as a disposal site under Chapter 21E on January 15, 1990. Contaminants detected at the Site in initial investigations included arsenic and polynuclear aromatic hydrocarbons (PAH). Further investigations conducted at the Site in 2015 and 2016 found multiple contaminants, including arsenic, PAH, and non-aqueous phase liquid (NAPL). In July 2016, the Natural Gas Company reported to MassDEP that petroleum had been found in soil above Reportable Concentrations under the MCP, and that NAPL had been observed in a monitoring well at the Site. MassDEP assigned Release Tracking Number (RTN) 4-26230 to the soil contamination and RTN 4-26243 to the NAPL in groundwater. The Natural Gas Company thereafter conducted response actions under the MCP at the Site.

On December 20, 2018, the Natural Gas Company submitted a Final Permanent Solution with Conditions Statement to the Department for RTNs 4-26230 and 4-26243. On April 16, 2019, MassDEP issued a Notice of Audit Findings and Notice of Noncompliance (NOAF/NON) to the Natural Gas Company stating that the Permanent Solution with Conditions Statement did not comply with the MCP. The NOAF/NON required the Natural Gas Company to conduct further assessment of the Site and submit additional data and analysis to MassDEP by July 19, 2019. The Natural Gas Company did not meet this deadline; instead, it entered into an Administrative Consent Order (ACO) with the Department on July 19, 2019. The ACO extended the deadline for the Natural Gas Company to submit the data and analysis required by the NOAF/NON to January 17, 2020.

In the course of conducting the additional sampling required by the NOAF/NON, the Natural Gas Company detected arsenic in surface soil outside the existing fence on the property at a level that constitutes an “Imminent Hazard” as defined in the MCP. This was reported to MassDEP on November 12, 2019, and RTN 4-28076 was assigned to the release. This is no isolated detection -- similar levels of arsenic have been found in surface soils throughout the Site. The Natural Gas Company has claimed that these high levels of arsenic do not need to be addressed because they are associated with “Historic Fill,” but MassDEP made clear in its Notice of Noncompliance that it did not accept that argument.

Despite not having completed the sampling and analysis required by the NOAF/NON, and despite having detected arsenic at a level constituting an Imminent Hazard, the Natural Gas Company submitted the RAM Plan to MassDEP on November 25. The plan would allow construction of the entire Weymouth Compressor Station project under the auspices of the Release Abatement Measure provisions of the MCP, 310 CMR 40.0440. The Natural Gas Company’s Licensed Site Professional notified interested parties on November 25 that “subject to receiving all necessary permitting approvals, the implementation of a Release Abatement Measure will be initiated on or about December 3rd 2019.” Also on November 25, the Natural Gas Company informed the Federal Energy Regulatory Commission that the RAM Plan had been submitted and that “it is now in effect because MassDEP’s approval of the RAM Plan is not required.”

The MCP states that approval is not required from MassDEP to conduct a Release Abatement Measure “unless otherwise specified by the Department in writing.” 310 CMR 40.0443(2) (emphasis added). If there were ever a situation in which MassDEP should invoke this provision to prevent a Release Abatement Measure from proceeding without further review, this is it. The Natural Gas Company claims in the RAM Plan that the high levels of arsenic in soils will not pose a significant risk to nearby residents, visitors to the Kings Cove Conservation Area, or construction workers. It also claims that construction of the compressor station will not preclude any remediation determined to be necessary by the ongoing sampling and analysis. These claims should be reviewed by MassDEP’s experts before construction can proceed.

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To protect the health and safety of Weymouth residents and site workers, I urge you to notify the Natural Gas Company, pursuant to 310 CMR 40.0443(2), that it cannot go forward with implementation of the Release Abatement Measure without approval from MassDEP.

Thank you for your courtesy and attention to these comments.

Sincerely,



Robert L. Hedlund
Mayor

cc: Joseph Callanan, Town Solicitor
J. Raymond Miyares, Special Counsel
Charles D. Baker, Governor
Kathleen A. Theoharides, Secretary, EOEEA
Martin Suuberg, Commissioner, MassDEP
Paul Locke, MassDEP Assistant Commissioner, Bureau of Waste Site Cleanup
Gerard Martin, BWSC Deputy Regional Director, MassDEP Southeast Region