

United States Senate
WASHINGTON, DC 20510

June 17, 2020

The Honorable Neil Chatterjee
Chairman
Federal Energy Regulatory Commission
888 First Street SE
Washington, DC 20426

Dear Chairman Chatterjee:

We write to you regarding the recent court decision invalidating the Massachusetts Department of Environmental Protection's air quality permit for the Weymouth compressor station.¹ The U.S. Circuit Court of Appeals for the First Circuit found that the state agency "analysis was inadequate because the Agency failed to undertake its own independent analysis of the cost-effectiveness of the various options of controlling air emissions,"² concluding that it "did not follow its own established procedures" and therefore "[remanding] to the agency to redo that analysis."³ Given the invalidation of the facility's air quality permit, construction must stop immediately.

In November 2019, we wrote to you to express our concerns about the notice to proceed with construction on the Weymouth compressor station.⁴ In the letter, we urged the Federal Energy Regulatory Commission (FERC) to reevaluate the project's final approval due to its serious potential for risk to the surrounding community and the lack of demonstrated need.⁵ The construction and operation of the Weymouth compressor station would cause significant health, safety, and environmental effects on Weymouth and surrounding communities.⁶ Our concerns with the compressor's construction and operation remain. In light of the court's invalidation of

¹ Town of Weymouth, et al. v. Massachusetts Department of Environmental Protection, et al., No. 19-1794 (1st Circuit, 2020), <http://media.ca1.uscourts.gov/pdf/opinions/19-1794P-01A.pdf>; WBUR, "Court Vacates Weymouth Compressor Air Permit," Barbara Moran, June 3, 2020, <https://www.wbur.org/earthwhile/2020/06/03/court-vacates-weymouth-compressor-air-permit>.

² National Law Review, "First Circuit Vacates Air Permit Due to Inadequate BACT Analysis," Emily Dupraz and Randall Rich, June 10, 2020, <https://www.natlawreview.com/article/first-circuit-vacates-air-permit-due-to-inadequate-bact-analysis>.

³ Town of Weymouth, et al. v. Massachusetts Department of Environmental Protection, et al., No. 19-1794 (1st Circuit, 2020), <http://media.ca1.uscourts.gov/pdf/opinions/19-1794P-01A.pdf>;

⁴ Letter from Senators Edward J. Markey and Elizabeth Warren to Federal Energy Regulatory Commission, November 20, 2019, <https://www.markey.senate.gov/imo/media/doc/Weymouth%20Compressor%20FERC%20Necessity%20Letter.pdf>.

⁵ *Id.*

⁶ Physicians for Social Responsibility and Greater Boston Physicians for Social Responsibility, "Health Risks of a Proposed Compressor Station in Weymouth, Massachusetts," Anna Baker, Matt Bivens, Richard Clapp, Regina LaRocque, Brita Lundberg, Peter Moyer, Susan Racine, and Caren Solomon, February 7, 2019, https://d279m997dpfwgl.cloudfront.net/wp/2019/02/GB-PSR-Report-on-Health-Risks-of-Proposed-Weymouth-Compressor-Station_Feb-7-2019.pdf.

the air quality permit, FERC should rescind its notice to proceed and direct Enbridge and its subsidiaries to stop construction at the Weymouth compressor station.

We thank you for your attention to this important issue.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator