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September 30, 2014

John Goldrosen
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Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington DC 20426

Re: CORRECTED COPY: Town of Dedham Comments on Draft Environmental Impact
Statement (Algonquin Gas Transmission, LLC)
Docket No. CP14-96-000

Dear Ms. Bose:

Enclosed please find a corrected copy of a letter that was sent by mail, and was filed electronically in the above matter, on September 29, 2014. The original copy was missing Page 5. Please disregard the previous letter and replace it with the enclosed. We are filing this copy electronically, as well.

Thank you for your courtesy and understanding in this matter.

Very truly yours,

John J. Goldrosen

JJG/eon

Enc.

cc: Acting Town Manager
507095/DEDH/0001



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Re: Town of Dedham Comments on Draft Environmental Impact Statement
(Algonquin Gas Transmission, LLC)
Docket No. CP14-96-000

Dear Ms. Bose:

The Town of Dedham, Massachusetts (“Town” or “Dedham”) hereby submits the following comments on the Draft Environmental Impact Statement (“DEIS”) for the Algonquin Incremental Market Project (“Project”). Dedham is particularly and directly affected by the West Roxbury Lateral (“Lateral”), which will be constructed through the Town. The Town Board of Selectmen is submitting a separate letter to state its opposition to the Project. This letter is intended to provide more detailed comments on issues that are either addressed insufficiently in the DEIS, or on which the Town disagrees with conclusions stated in the DEIS.

The Lateral will be constructed along a south to north route through the Town, from an existing Algonquin facility in Westwood to a new metering and regulation station in West Roxbury (“M&R Station”). About 2.9 miles of the Lateral will be located within the Town, nearly all of which will be located within densely developed residential and commercial areas. (DEIS, pp. 2-13, 19). The Lateral will also pass through Gonzalez Field, a Town-owned park that is used for recreational purposes.

As discussed below, the DEIS does not take a sufficiently broad view of the available alternatives to meet the stated objective of the Lateral, which is to provide additional gas supplies to Boston Gas (a division of National Grid). Instead, the DEIS assumes that, to meet that objective, the M&R Station must be built in West Roxbury, and the Lateral must pass through Dedham to reach the M&R Station. Further, even under an assumption that the Lateral is necessary to serve the Project purpose, the DEIS does not adequately evaluate alternative routes through Dedham that would reduce impacts on residential areas and avoid Gonzalez Field. Finally, assuming that the Project were to be constructed in its proposed location through the Town, we offer comments on additional measures that should be considered to reduce or mitigate impacts from the construction and operation of the Project, including construction scheduling, noise, traffic, public roadways and property, and safety.

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I. Alternatives to Routing the Lateral Through Dedham and West Roxbury

The stated objective of the Project, as a whole, is to increase overall natural gas supplies to New England, while the particular objective of the Lateral is to provide increased supplies to Boston Gas. According to the DEIS, the latter objective is to be met by locating the new M&R Station in West Roxbury. Even assuming that Boston Gas has a need for additional supplies, the DEIS fails to explain adequately why the additional connection to the Boston Gas system is to be located in West Roxbury, and the DEIS does not explore alternatives to such a connection.¹ Since there are existing Algonquin gas transmission lines that supply Boston Gas, the DEIS should identify and evaluate options to increase supplies using existing routes and existing M&R stations (such as the Ponkapoag M&R station), by modifying or increasing the capacity of those facilities.

Further, if there are technical reasons why a new M&R station is necessary to provide the requested supplies to Boston Gas, the DEIS does not explain the basis for the selection of a site in West Roxbury, rather than in another location within the large region served by Boston Gas. Finally, even if one were to accept the assumption that the selected location for the M&R Station is the most feasible alternative, the DEIS does not examine alternatives to the Westwood/Dedham/West Roxbury route that could be used to reach the West Roxbury site for the M&R Station, using other principal south-to-north roads (e.g., Routes 138 or 28) or west-to-east roads (e.g., Route 9).

In short, based on the narrow focus of the DEIS, it appears that the selection of the West Roxbury M&R Station location was taken as a “given,” as was the assumption that the new M&R Station was to be supplied through a connection to the existing Westwood facility. If the beginning and endpoints of the Lateral are accepted without examination, the most direct route is, indeed, through Dedham. The Town objects to this predetermination of the Lateral’s route, and requests that the DEIS be revised to expand the geographical scope of the alternatives analysis.

II. Alternatives Within Dedham for the Selected Westwood/Dedham/West Roxbury Route for the Lateral

The DEIS examines two alternatives to the Lateral route that Algonquin has selected, involving modifications of the route at its southern and northern ends. Although the southern

¹ The DEIS states: “According to Algonquin, Boston Gas has requested a new delivery point in the West Roxbury section of the City of Boston to enhance and reinforce the existing Boston Gas delivery system and support long-term growth in the area.” (DEIS, p. 3-15). This suggests that the location of the West Roxbury M&R Station, and the consequent location of the Lateral, has been determined by Boston Gas, not by the evaluation of alternatives.

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alternative, identified in the DEIS as the “West Roxbury Lateral South End Alternative Route” (“South End Alternative”), would reduce impacts on residential areas within Dedham, the DEIS concludes that the South End Alternative “would not be preferable to or provide an environmental advantage over the proposed route.” (DEIS, p.3-26). The Town disagrees with this conclusion, which gives insufficient weight to the interests of Dedham residents.

The South End Alternative would follow a route along the north side of Interstate 95 and the northbound off-ramp from I-95 to the Boston-Providence Turnpike (“Highway”), and connect with the Highway at about Mile 1.2 of the Lateral.² This would replace a portion of the selected Lateral Route that passes through residential and commercial areas on Rustcraft Road and Elm Street, east and southeast of the Highway. As summarized in Table 3.5.3-1 (p. 3-24), the South End Alternative would involve much less construction within a roadway (0.1 compared to 0.6 miles), affect half as many residences within 100 feet of the transmission line (12 versus 24), and involve fewer road crossings (3 versus 5). Nonetheless, the DEIS favors the selected Lateral route, primarily, it appears, for the reason that:

“...installation of the [Lateral] adjacent to Interstate 95 would be inconsistent with MassHighway’s “Policy on the Accommodation of Utilities Longitudinally, Along Controlled-Access Highways,” which precludes the placement of utility infrastructure parallel to the interstate highway system absent extenuating circumstances.”

(DEIS, p. 3-24).³ Thus, the DEIS allows a general policy of the Massachusetts Highway Department (“MassHighway”) to outweigh the interest of Dedham residents and businesses in avoiding the adverse impacts of the construction and operation of the pipeline. The Town does not concede that MassHighway should have veto power over an alternative route, when municipalities do not have that degree of control over the Project. Further, the DEIS does not indicate whether any formal request has been made to MassHighway to accept the South End Alternative. Perhaps, if asked, MassHighway would determine that the reduction in impacts on local residents and businesses would be “extenuating circumstances” that would justify waiving its policy for this Project.

Evaluating the South End Alternative by the stated criteria for the examination of alternatives in the DEIS (see p. 3-1), the South End Alternative: (i) meets the objectives of the Project as well

² Section 3.5.3, third line, on p. 3-24, states that the direction of the South End Alternative would be from the north side of I-95 “to the east/northeast for about 0.5 mile....” The direction is actually to the west/northwest.

³ The DEIS does list some other disadvantages of the South End Alternative, but none of those appear to be insurmountable or incapable of mitigation.

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as the selected route; (ii) is “technically and economically feasible and practical”; and (iii) offers “significant environmental advantage” over the selected route. The Town requests that the South End Alternative be fully and objectively evaluated.

III. Mitigating Impacts of the Selected Route

Assuming that the Lateral is to be built on the proposed route through Dedham, the Town has several comments on the assessment of environmental impacts and potential mitigation measures.

A. Traffic

As noted in the DEIS, the Project has the potential for serious disruption of traffic along the selected route, particularly along the Highway and at the intersection of High and East Streets. The DEIS is not as specific as it could be, as to which portions of the Project would be constructed during overnight hours (midnight to 8 AM), as compared with daytime construction. As noted in Table 4.9.5-1 (p. 4-183), traffic volumes are high throughout the daytime hours on weekdays, and on Saturdays as well.

While measures have been implemented to mitigate impacts at the intersections of the Highway and the entrances to Legacy Place, the intersection of High and East Streets has not been adequately addressed. The DEIS acknowledges that there would be “unavoidable significant adverse impacts, particularly at the High Street intersection with East Street and Harris Street.” (P. 4-187). The DEIS states that work at this intersection would be undertaken during “off-peak daytime hours,” and that “it will not be possible to maintain continuous two-way travel during most construction.” (P. 4-186, App. G-49). The Town questions whether this is a realistic approach, given the volume of traffic throughout the day at that intersection. Table 4, at App. G-52, indicates that the Level of Service at High Street would be reduced from B to F during construction, at either morning, midday, or evening hours. This may be a location at which overnight work should be considered, after further consultation with the Town. The decision as to the hours of construction should rest ultimately with the Town, and not with Algonquin.

B. Noise

Noise is a particular concern for Town residents along the proposed route. The Town notes that there is a residential area in the Prospect/Willow/Spruce Street neighborhood on the northwest side of the Highway, between the Dedham Plaza and the Eastern Avenue intersection with the Highway. The choice of nighttime construction along this portion of the Highway for purposes of traffic control, must be balanced against the additional impacts on residents caused by construction during sleeping hours. As noted above, closer consideration of the South End

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Alternative might result in eliminating construction impacts on residents of Rustcraft Road and Elm Streets.

C. Repaving of Town Streets

The Town seeks assurances that repaving of Town roadways will be “from curb to curb,” and not limited to the width of actual construction. The DEIS is not specific as to Algonquin’s commitment to this Town policy, stating only that the policy has been “reviewed” and that repaving would be “in accordance with applicable state and municipal requirements.” (P. 2-28, App. G-44). The Town wishes to be sure that its “curb-to-curb” policy will be observed, even if state law might, arguably, require only that pre-existing conditions be restored.

D. Gonzalez Field

The proposed route would cross Gonzalez Field, a Town-owned park and recreation area. Algonquin has discussed with the Town Parks and Recreation Commission whether there are alternative routes across Gonzalez Field that would reduce impacts on playing surfaces. There have also been discussions about timing construction so as to limit construction to the seasons of the year when the Field is not in use by sports teams. The Town wishes to clarify that these discussions have not resulted in any firm commitment by Algonquin or a final agreement. Further, based on the DEIS, the Project route has been altered by a “minor route variation” that would increase impacts on a soccer field, with the “advantage” of avoiding impacts with future expansions of the Harris Street bridge and the Highway by the Massachusetts Department of Transportation. (P. 3-27). As with the evaluation of the South End Alternative (see above), the interests of state agencies are being favored over those of the Town and its residents.

The DEIS requires Algonquin to file a “site-specific construction plan” for Gonzalez Field, prior to the end of the DEIS comment period, including the timing of construction and measures to be implemented to minimize conflicts with the use of the Field. (Pp. 4-163-4, 5-22-3). If such a plan has been or is to be filed, it should be clear that it has not yet been approved by the Parks and Recreation Commission on behalf of the Town. Nonetheless, the Commission is prepared to work cooperatively with Algonquin to develop and implement such a construction plan, if the final route crosses Gonzalez Field.

E. Timing of Construction

The DEIS notes that, to speed construction, two or three crews may be working on the Project in Dedham at a given time. There may be an advantage to the Town in having the Project completed as quickly as possible, to minimize the duration of disruption, but that must be balanced against the potential for an increased degree of disruption (particularly with respect to

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traffic), if the scheduling of the work is not carefully coordinated. It is difficult to strike this balance, without knowing how quickly work would be completed within a particular section, and in what order. Algonquin should be required to develop a complete construction schedule, and to review it with the Town and state officials both before construction commences and on a continuing basis, to monitor the amount and degree of impacts.

F. Public Safety

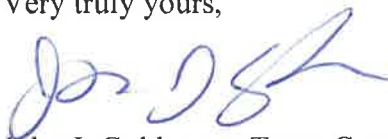
As the DEIS recognizes, the construction and operation of a high-pressure natural gas transmission line raises significant public safety concerns. The route within Dedham, for the most part, passes through heavily populated and developed commercial and residential areas, which are classified as "High Consequence Areas" for purposes of federal natural gas pipeline safety standards. (Pp. 4-255-259). The DEIS discusses procedures for "risk assessment," and for "integrity assessments" based on the level of risk. It is also stated that older pipelines are more likely to present problems from corrosion and material failure. (PP. 4-260-3). This suggests that the Project would be less likely to be inspected post-construction than existing facilities, perhaps for many years, because the Project would be deemed comparatively unlikely to pose a risk of failure. In response to the concerns about public safety, and in recognition of the intense development along the Lateral route, the Town requests that a condition be imposed that an integrity assessment be made within a shorter period of time after construction (e.g., 1-2 years), to ensure against any defects in materials or construction that might become evident within a relatively short time frame.

Conclusion

It is the Town's position that the DEIS does not examine the premises for the construction of the Lateral through Dedham, nor does it adequately assess alternatives to the selected route. The Project should not go forward until the DEIS is revised accordingly, and a further comment period is provided on the revised DEIS.

Nonetheless, if the Project moves forward, the Town requests that additional conditions and mitigation requirements be imposed, and that Algonquin be directed to work closely with Town and state officials to minimize Project impacts.

Very truly yours,



John J. Goldrosen, Town Counsel
On behalf of the Town of Dedham

JJG/eon
cc: Acting Town Manager
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