



Enbridge  
5400 Westheimer Court  
Houston, Texas 77056

**By Electronic Mail**

November 4, 2020

Mr. Alan K. Mayberry  
Associate Administrator for Pipeline Safety  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

**Re: Algonquin Gas Transmission, LLC  
Corrective Action Order, CPF 1-2020-014-CAO  
Withdrawal of Request for Hearing**

Dear Mr. Mayberry:

The above referenced Corrective Action Order (CAO) was issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) to Algonquin Gas Transmission, LLC (AGT or the Company) on October 1, 2020, to address two emergency shutdown (ESD) events that occurred at the Company's Weymouth Compressor Station (Station) on September 11, 2020 and September 30, 2020. Following the issuance of the CAO, PHMSA and AGT were able to meet briefly to discuss a number of issues. On October 13, 2020, AGT filed a Request for Hearing to preserve its rights under 49 C.F.R. § 190.233(b)-(c).

Concurrently, as AGT believed that the issues were capable of resolution, AGT requested that PHMSA refrain from scheduling a hearing to allow the parties the opportunity to conclude their discussions. Following subsequent discussions, PHMSA issued an Amended CAO on October 30, 2020 that addressed previously agreed upon revisions. In the spirit of cooperation, AGT is willing to accept the Amended CAO and withdraw its Request for Hearing on the initial CAO, without admission of the allegations set forth in the CAO or Amended CAO or waiving any of its rights. AGT strongly believes, however, that the Amended CAO continues to reflect information and legal conclusions that are unsupported by the facts and the law.

In particular, AGT believes that PHMSA's hazardous facility finding in the CAO and Amended CAO is unwarranted under the circumstances. Both events at issue were small in nature, and neither qualified as reportable "incidents" under PHMSA regulations. Specifically, AGT was in the process of bringing the Station into service when the two ESD events occurred and the Station was not yet fully online or fully operational. The ESD system was designed and operated in a manner consistent with PHMSA regulations and in both events acted to make the station safe, as intended. Further, in 2019, AGT conducted extensive gas dispersion modeling, consistent with 49 C.F.R. § 192.167, which demonstrates that operation of the ESD system at the Station is not a

significant risk to the surrounding community. Notably, the events did not even approach the level of emissions considered to be a hazard under that modeling. Moreover, the responsibility for regulating air emissions in Massachusetts does not lie with PHMSA, but with other federal and state regulatory agencies.

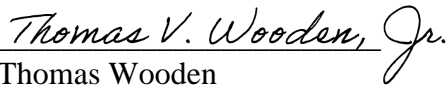
AGT has determined that the first ESD event on September 11, 2020 resulted from the failure of an improper O-ring gasket on a sump tank that occurred during the Station's commissioning activities. AGT in response initiated a manual blowdown of the ESD system using the source control silencer, resulting in a controlled release of approximately 156 mscf of natural gas.<sup>1</sup> The second ESD event, which occurred on September 30, 2020, resulted in a controlled release of approximately 195 mscf of natural gas. AGT has determined that the preliminary direct cause of this second event was a temporary loss of power to the ESD panel. Notably, due to the small volume of the gas released, and lack of injuries, fatalities, or property damage associated with these ESD events, neither constitutes a reportable "incident" under the applicable PHMSA regulation at 49 C.F.R. § 191.3.

AGT believes that these facts were not fully considered by the Agency in issuing the CAO or the Amended CAO, and thus there is no reasonable basis for PHMSA's hazardous facility finding. That said, AGT appreciates PHMSA's willingness to engage in productive discussions to resolve many of the issues presented by the CAO and correct certain preliminary facts and definitions in the Amended CAO. In keeping with our ongoing and collaborative discussions that led to the Amended CAO, AGT hereby withdraws its Request for Hearing regarding the above referenced CAO and accepts the Amended CAO, without admission of the factual or legal allegations set forth in the CAO or Amended CAO or waiving any rights available to it.

AGT shares PHMSA's desire to ensure public safety and to enhance pipeline system integrity. It is with that commitment in mind that AGT has already: (1) replaced all of the components involved in the direct cause of both events; (2) begun implementing the required corrective actions required by the Amended CAO; and (3) prepared a Restart Plan to submit to the Agency in the very near future. AGT will continue to work collaboratively with the PHMSA Eastern Region as the Company proceeds with implementing the required corrective actions.

If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Thomas Wooden  
Vice President, GTM Engineering and  
Asset Management  
Algonquin Gas Transmission, LLC

---

<sup>1</sup> An additional 13 mscf was released at ground level during the first event, for a total release of 169 mscf.

cc: Ms. Linda Daugherty, Deputy Associate Administrator for Field Operations, PHMSA  
Mr. Robert Burrough, Director, Eastern Region, PHMSA  
Ms. Y. Ajoke Agboola, Esq., Attorney Advisor, PHMSA Office of Chief Counsel  
Ms. Michele Harradence, Senior Vice President and Chief Operations Officer, Gas  
Transmission and Midstream Business Unit, AGT  
Mr. Nathan Atanu, Supervisor, Operational Compliance at Enbridge  
Ms. Karen F. Stallings, Esq., Enbridge  
Mr. Jeffrey S. Dehner, Esq., Enbridge  
Ms. Catherine Little, Esq., Troutman Pepper, LLP