

PRESS RELEASE

Press Release Tennessee Gas, Contractor Resolve Claims of Wetland, Clean Water Violations During Pipeline Expansion Project in Sandisfield and Otis State Forest

Tennessee Gas Will Also Pave Four Miles of Cold Spring Road in Sandisfield

FOR IMMEDIATE RELEASE:

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- Office of Attorney General Maura Healey
- Massachusetts Department of Environmental Protection

BOSTON — Tennessee Gas Pipeline Company LLC (Tennessee Gas) and its contractor, Henkels & McCoy (Henkels), Inc. have agreed to pay a total of \$300,000 in penalties and payments to the Massachusetts Natural Resource Damages Trust to settle allegations that they violated environmental protection laws when their workers damaged a vernal pool and other protected wetland resources areas, degraded water quality in a cold water fishery, and discharged 15,000 gallons of contaminated pipeline test water directly onto the ground during construction of a natural gas pipeline through Sandisfield and Otis State Forest in 2017.

As a separate matter, Tennessee Gas has also agreed—at the request of the AG’s Office—to fund the paving of four miles of Cold Spring Road in Sandisfield, which was used heavily during the pipeline construction

“Tennessee Gas repeatedly assured the state and Sandisfield residents that water quality and wetlands would be protected during pipeline construction, but they failed to make that happen,” said **AG Healey**. “My office will continue to hold accountable those who violate our critical environmental protection laws. The paving of Cold Spring Road greatly benefits the town, whose residents suffered through the disruption caused by pipeline construction.”

Today's consent judgment resolves claims in a complaint filed today by the AG's Office alleging that Tennessee Gas, a subsidiary of Kinder Morgan Inc., and Henkels violated the state's Wetlands Protection Act and the Massachusetts Clean Waters Act and their corresponding regulations, when they failed to maintain required erosion and sedimentation controls, resulting in soil and sediment runoff into more than 630 square feet of wetlands, and when they excavated and filled portions of an ecologically important vernal pool. The AG's Office further alleges in its complaint that by shutting down a required dewatering pump, Henkels caused a breach that temporarily degraded water quality in Spectacle Pond Brook. According to the AG's complaint, the defendants also unlawfully discharged 15,000 gallons of contaminated pipeline test water directly onto the ground adjacent to Tennessee Gas' pipeline compressor station in Agawam.

"The Commonwealth's wetland regulations are there to ensure that wetlands, waterways, and their surrounding ecosystems are protected from any negative intrusion," said **Commissioner Martin Suuberg of the Massachusetts Department of Environmental Protection (MassDEP)**. "This settlement requires Tennessee Gas and Henkels to make a significant contribution to the Natural Resource Damages Trust, which will directly benefit wetland resources in the Commonwealth and is in addition to the requirement to restore the wetlands damaged during the pipeline construction."

"The Town of Sandisfield is extremely grateful for the efforts of the Attorney General and Representative Smitty Pignatelli for assisting the Selectboard in getting Cold Spring Road restored," said **Brian O'Rourke, Chairman of the Sandisfield Selectboard**. "This agreement will also make sure Tennessee Gas Pipeline honored the commitments they first made when the pipeline expansion project started. The Town of Sandisfield would not have been able to do this without Smitty and the Attorney General's team."

"This has been a long time coming but, without the commitment from the Attorney General's office, this never would have been resolved," said **Rep. Smitty Pignatelli**. "Standing up for the Town of Sandisfield has always been my priority. To see this stretch of roadway properly repaired gives me great hope that when we work together David can take on Goliath and win. The company has finally done right by this community."

"I appreciate the Attorney General's efforts throughout this process," said **Sen. Adam Hinds**. "It is unfortunate that laws in this country dictated this outcome. This is actually the least Tennessee Gas can do. This project violated Article

97 land in Massachusetts, moved forward despite widespread local and state opposition, and destroyed local forests and roads in the process. Sandisfield residents deserve this at a minimum.”

According to the terms of the settlement, the defendants will pay a total of \$300,000 to settle the state claims. Tennessee Gas will pay \$85,000 and Henkels will pay \$50,000 in civil penalties to the state’s General Fund. Tennessee Gas will also pay \$45,000 and Henkels will pay \$120,000 to MassDEP’s Natural Resource Damages Trust.

Separately from the consent judgment, Tennessee Gas has agreed to contract with Palmer Paving Company in Springfield to pave the four miles of road in Sandisfield at a cost to Tennessee Gas of more than \$500,000. The paving is expected to begin next week. Tennessee had previously repaired damage to Cold Spring Road from truck and equipment traffic during pipeline construction, but the road’s condition has since deteriorated.

Following the damage to the vernal pool, MassDEP issued a unilateral administrative order to Tennessee Gas requiring it to take immediate corrective actions to stabilize and restore this important ecological resource. The company restored the vernal pool in compliance with a restoration and monitoring plan approved by MassDEP and will continue annual monitoring of the restoration. To date, Tennessee has spent nearly \$86,000 on the vernal pool restoration and monitoring.

This case was handled by Assistant Attorneys General Matthew Ireland and Elizabeth Mahony, both of AG Healey’s Energy and Environment Bureau, with assistance from MassDEP attorney Christine LeBel, Regional Deputy Director Brian Harrington, Wetland Section Chief David Cameron, and Environmental Analyst David Foulis, all of MassDEP’s Western Regional Office.

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