

HOUSE No. 3173

The Commonwealth of Massachusetts

PRESENTED BY:

Vanna Howard

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to ensuring gas safety and consumer fairness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/10/2023</i>

HOUSE No. 3173

By Representative Howard of Lowell, a petition (accompanied by bill, House, No. 3173) of Vanna Howard relative to ensuring natural gas safety and consumer fairness. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to ensuring gas safety and consumer fairness.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 164 of the General Laws is hereby amended by inserting after
2 section 94I the following section:-

3 Section 94J. The department shall disallow allocation to the ratepayer of the cost of any
4 lost and unaccounted for gas as identified and measured pursuant to section 147 as coming from
5 leaking infrastructure by January 1, 2025.

6 SECTION 2. Paragraph (2) of subsection (b) of section 144 of chapter 164 of the General
7 Laws, as amended by section 86 of chapter 8 of the acts of 2021, is hereby amended by striking
8 out the fourth sentence and inserting in place thereof the following sentence:- A gas company
9 shall notify within an hour or less of detection the fire department and chief law enforcement
10 officer in each city or town where a Grade 1 leak is identified.

11 SECTION 3. Said subsection (b) of said section 144 of said chapter 164 is hereby further
12 amended by striking out paragraph (3) and inserting in place thereof the following paragraph:-

13 (3) A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or
14 property at the time of detection, but justifies scheduled repair based on probable future hazard to
15 be completed as immediately as possible. The gas company shall immediately schedule a
16 completion of repairs, such repair to be completed within 6 months, and the condition of such
17 leak shall be kept under surveillance at a frequency of not less than once every 2 weeks until the
18 hazard or source of the leak is eliminated. For the purposes of this section, a Grade 2 leak shall
19 include: (i) any leak migrating into the root zone of a tree, defined as co-extensive with the
20 canopy of such tree; (ii) any leak within 10 feet of any foundation or wall; (iii) any gas-in-air
21 reading of up to 1 per cent in any manhole or confined space; (iv) any leak deemed of sufficient
22 magnitude by the fire chief of a municipality to be hazardous or to be a public nuisance; and (v)
23 any gas leak within 150 feet of a school zone, as defined in subsection (d). A gas company shall
24 notify within an hour or less of detection the fire department and chief law enforcement officer in
25 each city or town where a Grade 2 leak is identified.

26 (A) A municipality or person whose property is alleged to have been damaged by a gas
27 company may submit a claim for such damages with the department, which shall follow the
28 procedures of chapter 30A for the resolution of any such claim.

29 (B) Any suspected damage to a tree due to a natural gas leak should be reported to the gas
30 company for mandatory inspection by a qualified arborist. If a qualified arborist determines that
31 a tree is damaged or killed by a natural gas leak, the gas company shall provide the entity which
32 owns the tree with the funds of equal or greater value to replace the compromised tree. The
33 department shall promulgate rules and regulations to implement this section.

34 SECTION 4. Paragraph (4) of said subsection (b) of said section 144 of said chapter 164
35 is hereby amended by adding the following sentence:- A gas company shall notify within an hour
36 or less of detection the fire department and chief law enforcement officer in each city or town
37 where a Grade 3 leak is identified.

38 SECTION 5. Said section 144 of said chapter 164 is hereby further amended by striking
39 out subsection (c) and inserting in place thereof the following subsection:-

40 (c)(1) For the purposes of this subsection, a Grade 3 leak identified as having a
41 significant environmental impact shall be defined by the department, and such definition shall
42 include those leaks whose estimated gas emissions per day are in the top 7 per cent of all Grade 3
43 leaks in the commonwealth.

44 (2) Upon the undertaking of a significant project on a public way exposing confirmed
45 natural gas infrastructure, and with sufficient notice, a municipality or the commonwealth shall
46 submit written notification of the project to a gas company. In response to such notice from the
47 municipality or upon seeking a permit from a municipality to open a public way for the purpose
48 of repairing or replacing leak-prone infrastructure, the gas company shall survey the project area
49 for the presence of Grade 1 leaks, Grade 2 leaks and Grade 3 leaks identified as having a
50 significant environmental impact and shall set repair and replacement schedules for all known or
51 newly detected Grade 1 leaks, Grade 2 leaks and Grade 3 leaks identified as having a significant
52 environmental impact. The gas company shall provide to such municipality for each such leak,
53 the location, history and grade classification as defined in this section, and for each such
54 pipeline, the age, type, condition, operating pressure, size and material. Upon completion of any
55 repair or replacement of leak-prone infrastructure, the gas company shall provide to such

56 municipality a report from a certified gas inspector that (i) all pipes are installed at the proper
57 depth and all new joints are sealed; (ii) all gas shutoff valves and gate boxes are uncovered,
58 accessible, operational, tested and capable of accepting a gate key; (iii) the repaired or replaced
59 infrastructure is free from defects that could cause new leaks; and (iv) the repair or replacement
60 has otherwise been properly completed according to state and federal regulations.

61 SECTION 6. Said section 144 of said chapter 164 is hereby further amended by striking
62 out subsection (d) and inserting in place thereof the following subsection:-

63 (d) A gas company shall survey pipelines in every school zone at least once every 12
64 months or during the next scheduled survey, whichever is sooner. Grade 3 gas leaks detected in a
65 school zone shall be repaired by the gas company no later than 6 months from the date the leak
66 was detected. Grade 1 leaks and Grade 2 leaks shall be repaired as required in subsection (b) of
67 this section. For the purposes of this section, "school zone" shall mean on or within 150 feet of
68 the real property comprising a public or private accredited preschool, accredited Head Start
69 facility, elementary, vocational or secondary school.

70 SECTION 7. Said section 144 of said chapter 164 is hereby further amended by striking
71 out subsection (e) and inserting in place thereof the following subsection:-

72 (e) (1) For the purposes of this subsection, the following words shall have the following
73 meaning:-

74 "Global positioning system", a positioning system using satellites that continuously
75 transmit coded information. The information transmitted from the satellites is interpreted by
76 receivers to precisely identify locations on earth by measuring distance from the satellites.

77 (2) As part of the annual service quality standards report required by section 1I, each gas
78 company shall report to the department the following data as of the time of the report: (i) the
79 location

80 of each Grade 1, Grade 2 and Grade 3 leak; (ii) the date each Grade 1, Grade 2 and Grade
81 3 leak was classified; (iii) the dates of repairs performed on each Grade 1, Grade 2 and Grade 3
82 leak; and (iv) the positioning of each such leak according to the global positioning system. A gas
83 company shall specify any reclassification of previously identified leaks in its annual report.

84 (3) The annual service quality standards report shall be posted electronically and
85 publically by March 1 by the department in spreadsheet format, which shall include, or be
86 accompanied by, definitions of terms or acronyms, methodologies and instrumentation used to
87 detect a gas leak and to determine its grade, emissions, volume and emissions impact. The report
88 shall include the cost to ratepayers of (i) lost and unaccounted for gas; (ii) system maintenance;
89 (iii) leak-prone infrastructure replacements and percent remaining under plans mandated by
90 subsection (b) of section 145; (iv) safety violations by each gas company, including but not
91 limited to, over pressurization incidents, third-party hits, and natural force pipe failures, reported
92 both as absolute numbers as well as by incidents per linear mile of pipe; (v) the cost of replacing
93 all leak-prone infrastructure as compared to repairing all known gas leaks in the commonwealth;
94 and (vi) progress by the department and the gas companies regulated under this chapter towards
95 achieving the targets and benchmarks mandated by chapter 21N. The department shall post a
96 map of all leaks by grade classification, updated quarterly, showing the location of such leaks
97 throughout the commonwealth.

98 SECTION 8. Said section 144 of said chapter 164 is hereby further amended by adding
99 the following subsection:-

100 (i) The department shall promulgate regulations establishing uniform standards for winter
101 surveillance and patrol of cast iron pipes subject to hazardous frost cap conditions. Such
102 standards shall meet or exceed federally mandated standards for integrity management
103 requirements for distribution pipelines and shall include criteria to determine the conditions of
104 weather, the duration and oscillation of temperatures around and below 32 degrees Fahrenheit,
105 the type and size of cast iron pipe segments that are prone to cracks and leaks as a result of
106 extended frost cap conditions and the frequency of surveillance and patrol necessary to ensure
107 public safety from hazardous leaks caused by such cracks. Such winter surveillance and patrol
108 standards shall be in effect from December 15 to March 15 unless weather conditions warrant an
109 earlier start or later end date. Such regulations shall be promulgated by the department within 6
110 months of the effective date of this provision.

111 SECTION 9. Section 145 of said chapter 164 is hereby amended by striking out
112 subsection (b), as amended by section 87 of chapter 8 of the acts of 2021, and inserting in place
113 thereof the following subsection:-

114 (b) A gas company shall file with the department a plan to address aging or leaking
115 natural gas infrastructure within the commonwealth in the interest of public health and safety and
116 reducing lost and unaccounted for natural gas through a reduction in natural gas system leaks by
117 number and by volume.

118 SECTION 10. Said section 145 of said chapter 164 is hereby further amended by striking
119 out subsection (c), as amended by section 88 of chapter 8 of the acts of 2021, and inserting in
120 place thereof the following subsection:-

121 (c)(1) For the purposes of this subsection, a Grade 3 leak identified as having a
122 significant environmental impact shall be defined by the department, and such definition shall
123 include those leaks

124 whose estimated gas emissions per day are in the top 7 per cent of all Grade 3 leaks in the
125 commonwealth.

126 (2) Any plan filed with the department shall include, but not be limited to: (i) eligible
127 infrastructure replacement or repair of mains, services, meter sets and other ancillary facilities
128 composed of non-cathodically protected steel, cast iron and wrought iron, prioritized to
129 implement the federal gas distribution pipeline integrity management plan annually submitted to
130 the department and consistent with subpart P of 49 C.F.R. part 192; (ii) replacement
131 infrastructure proposed; (iii) an anticipated timeline for the completion of each project; (iv) the
132 estimated cost of each project; (v) rate change requests; (vi) a description of customer costs and
133 benefits under the plan; (vii) work plans including location by street segments of leak-prone
134 infrastructure scheduled to be replaced as required by this section; and (viii) any other
135 information the department considers necessary to evaluate the plan. Such improvement of
136 existing infrastructure may include repair rather than replacement of a pipe having a Grade 3
137 leak identified as having a significant environmental impact as classified by subsection (c) of
138 section 144, provided, however that such repair shall be cost effective and shall comply with
139 applicable safety regulations related to pipeline infrastructure.

140 SECTION 11. Subsection (d) of said section 145 of said chapter 164, as appearing in the
141 2020 Official Edition, is hereby amended by inserting after the word “public”, in line 63, the
142 following words:- health and.

143 SECTION 12. Said section 145 of said chapter 164, as so appearing, is hereby further
144 amended by adding following subsection:-

145 (i) Within 30 days of approval of any plan submitted to the department by a gas company
146 for replacement or improvement of any existing infrastructure pursuant to this section, the
147 department shall send such plan and such approval to the municipality whose service territory is
148 covered by such plan.