

HOUSE No. 4699

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Relative to Natural Gas Leaks..

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 adding the
2 following section:-

3 Section 144. The following shall constitute the Natural Gas Leak Classification Standard
4 for the Commonwealth.

5 Grade 1. A leak that represents an existing or probable hazard to persons or structures.
6 Such leak requires immediate repair until the conditions are no longer hazardous.

7 Grade 2A. A leak that is recognized as being non-hazardous to persons or structures but
8 justifies scheduled repair based on probable future hazard to persons or structures or any leak
9 that is within the drip line or root zone of any tree. Repair is required within 6 months with
10 monthly monitoring.

11 Grade 2. Any leak that is recognized as being non-hazardous to persons or structures but
12 damages public or private vegetation. Repair is required within 15 months with monitoring
13 every six months.

14 Grade 3. Any leak that is non-hazardous to persons, structures or vegetation and is
15 expected to remain non-hazardous to persons, structures or vegetation. Repair is required within
16 36 months. Monitoring is required annually not to exceed 15 months.

17 The Chairman of the Department of Public Utilities shall promulgate such rules and
18 regulations as are necessary to effectuate the purposes of the Natural Gas Leak Classification
19 Standard. Such rules and regulations shall require that companies subject to the Chairman’s
20 supervision that are responsible for the maintenance and repair of natural gas lines report to the
21 Chairman on an annual basis the grades of any leaks detected as part of any mandated
22 compliance surveys. The rules and regulations shall require the repair of any Grade 1, 2A, 2 and
23 3 leaks where excavation of a public way in the ordinary course makes such repair technically
24 feasible.

25 SECTION 2. Chapter 242 of the General Laws is hereby amended by inserting after
26 section 7A the following section:-

27 Section 7B. Any person responsible for the maintenance and repair of any natural gas
28 pipeline shall be liable for any damage to trees on public or private property caused by the
29 leaking of natural gas. Such person shall be liable for single damages only if the leak is repaired
30 in accordance with the Natural Gas Leak Classification Standard established by section 144 of
31 chapter 164, otherwise double or triple damages shall be allowed depending on whether the acts
32 were knowing or willful.