

SENATE No. 1580

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

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 natural gas leaks.

PETITION OF:

NAME:

Benjamin B. Downing

Cynthia S. Creem

DISTRICT/ADDRESS:

Berkshire, Hampshire, Franklin and Hampden

First Middlesex and Norfolk

SENATE No. 1580

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1580) of Benjamin B. Downing and Cynthia S. Creem for legislation relative to natural gas leaks. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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. Section 1I of chapter 164 of the General Laws is hereby amended by
2 inserting after the first sentence the following sentence:- Each natural gas distribution company
3 report shall include: (i) the percentage loss of natural gas for the previous calendar year, as
4 calculated under section 94J; (ii) measures the company has taken, if any, to reduce avoidable
5 losses from pipelines, including, but not limited to, leakage, meter inaccuracies and theft; and
6 (iii) unavoidable losses, if any, from pipelines.

7 SECTION 2. Said chapter 164 is hereby further amended by inserting after section 94I
8 the following section:-

9 Section 94J. The department shall establish a formula for gas companies to use to
10 calculate the annual percentage loss of natural gas, calculated by comparing the difference
11 between the volume of gas delivered to the company and the volume of gas distributed by the
12 company to ratepayers. A gas company, when filing a schedule required by section 94, shall state
13 the company’s annual percentage loss of natural gas for each year subsequent to its most recent
14 rate proceeding. The department shall establish an annual loss benchmark, not to exceed 1 per
15 cent, for each gas company. The benchmark shall remain in effect until the department approves
16 a new schedule.

17 SECTION 3. (a) Section 103 of said chapter 164, as appearing in the 2010 Official
18 Edition, is hereby amended by striking out the second sentence and inserting in place thereof the
19 following sentence:- A meter shall be adjusted to be as near 0 error as practicable but at a
20 minimum within plus or minus 1 per cent of accuracy.

21 (b) The department shall determine the method for calculating accuracy.

22 SECTION 4. Said chapter 164 is hereby amended by striking out section 112, as so
23 appearing, and inserting in place thereof the following section:-

24 Section 112. (a) Every gas company with capital paid in of \$100,000 or more and every
25 other gas company, if required by the department, and all makers and vendors of meters shall set
26 up on their premises 1 or more meter provers so meters may be tested. The meter provers shall
27 be of a size and type approved, tested and calibrated by the department, so as to register the
28 condition of meters tested within .5 per cent of the reading of accuracy.

29 (b) The department shall determine the method for calculating accuracy.

30 SECTION 5. Section 114 of said chapter 164, as so appearing, is hereby amended by
31 striking out the second and third sentences and inserting in place thereof the following 2
32 sentences:-

33 If the department finds that the meter is within plus or minus 1 per cent of the reading of
34 accuracy, the person requesting the inspection shall pay the fees for the inspection and the
35 expense of removing the meter to be tested and the reinspection shall be stamped on the meter. If
36 the department finds that the meter is more than plus or minus 1 per cent of the reading of
37 accuracy, the gas company shall pay the expenses and shall furnish a new meter without charge
38 to the consumer.

39 SECTION 6. Said chapter 164 is hereby further amended by adding the following
40 section:-

41 Section 144. (a) There shall be a uniform natural gas leak classification standard in the
42 commonwealth for all natural gas companies.

43 (b) All reported gas leaks shall be graded using the following system:

44 (1) Grade 1. A leak that is hazardous or potentially hazardous to persons or property. A
45 grade 1 leak requires repair and continuous action until the conditions are no longer hazardous. A
46 gas company shall schedule repairs immediately and shall keep the grade 1 leak under
47 continuous surveillance until the hazard or source of the leak is eliminated. A gas company shall
48 immediately notify the fire department and chief law enforcement officer in each city or town
49 where a grade 1 leak is identified.

50 (2) Grade 2. A leak that is non-hazardous to persons or property at the time of detection
51 but justifies scheduled repair because of a potential future hazard. A gas company shall repair
52 grade 2 leaks within 12 month, from the date the grade 2 leak was detected. The frequency of
53 reevaluation shall be determined by the location and magnitude of the leak, provided that all

54 grade 2 leaks shall be reevaluated by the gas company at least once every 6 months until
55 eliminated.

56 (3) Grade 3. A leak that is non-hazardous at the time of detection and can be reasonably
57 expected to remain non-hazardous. Grade 3 leaks shall be reevaluated during the next scheduled
58 survey or within 15 months of the last evaluation date, whichever occurs first, until the grade 3
59 leak is eliminated or the main is replaced.

60 (c) Each gas company shall report annually to the department, as part of the service
61 quality standards report required by section 11, the following information: (i) the location of each
62 grade 1, grade 2 and grade 3 leak that has been classified by the company; (ii) the date each
63 grade 1, grade 2 and grade 3 leak was classified; and (iii) the date of repair performed on each
64 grade 1, grade 2 and grade 3 leak.

65 (d) A gas company shall not downgrade a grade 1 or grade 2 leak unless the leak is
66 repaired.

67 (e) The department shall make gas leak information required by subsection (c) available,
68 upon request, to any municipal or state public safety official or any member of the General
69 Court.

70 (f) The department shall promulgate regulations necessary to implement the uniform leak
71 classification standards, as specified in this section, and shall continue to oversee and monitor
72 companies' responses and reporting.

73 (g) The department shall open a docket to determine if winter surveillance and patrol of
74 cast iron gas pipelines in the commonwealth should be required and shall determine whether the
75 presence of extended frost cap conditions may result in additional stress on cast iron pipe
76 segments, requiring enhanced surveillance and patrol. The department may establish minimum
77 uniform procedures for cast iron winter surveillance and patrols. Gas companies may establish
78 procedures that exceed the minimum uniform procedures established by the department. The
79 department shall file a report of the findings, not later than January 1, 2014, with the clerks of the
80 house of representatives and the senate, who shall forward a copy of the report to the chairs of
81 the joint committee on telecommunications, utilities and energy.

82 SECTION 7. The department of energy resources shall study the feasibility of using
83 revenues collected under section 19 of chapter 25 of the General Laws for the repair and
84 replacement of natural gas pipelines in the commonwealth. The department shall file a report of
85 the findings, not later than January 1, 2014, with the clerks of the house of representatives and
86 the senate, who shall forward a copy of the report to the chairs of the joint committee on
87 telecommunications, utilities and energy.

88 SECTION 8. Subsection (c) of section 144 of chapter 164 of the General Laws shall take
89 effect on March 1, 2014.