

HOUSE No. 2845

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 to promote gas safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>

<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>

HOUSE No. 2845

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2845) of Carolyn C. Dykema and others for legislation to establish within the Department of Public Utilities an energy infrastructure oversight board to promote gas safety. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to promote gas safety.

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 154 of the Acts of 2018 is hereby amended by inserting the
2 following item:-

3 2100-0018 For the hiring of additional gas line and pipeline inspectors within the
4 department of public
5 utilities.....\$1,500,000.

6 SECTION 2. Chapter 25 of the General Laws, as appearing in the 2016 Official Edition,
7 is hereby amended by inserting after section 2A the following section:-

8 Section 2B. There is hereby established within the department of public utilities an
9 energy infrastructure oversight board, to be appointed by the governor, consisting of 9 members:
10 the 3 commissioners of public utilities; 1 representative of an investor-owned gas utility; 1
11 representative of the environmental community; 1 representative of the business community; 1

12 consumer representative; 1 professional engineer; and 1 representative of organized labor. Said
13 oversight board shall make recommendations to the governor respecting gas safety, oversight
14 and inspection of gas facilities, employment of inspectors and engineers to oversee pipeline
15 construction and maintenance, and emergency response protocols for gas-related incidents. Said
16 advisory board shall report to the governor annually, which report shall also be submitted to the
17 house and senate committees on ways and means no later than December 31 of each year.
18 Members shall serve for terms of 3 years and may be reappointed. The members of the advisory
19 board shall serve without compensation.

20 SECTION 3. Section 185 of chapter 149 of the General Laws, as so appearing, is hereby
21 amended by inserting the following definition:-

22 “Public utility employer,” a gas and electricity public utility provider.

23 and hereby further amended by inserting in lines 4, 20, 24, 29, 32, 33, 42, 43, 57, 61, 79,
24 84, 88, 89, 97, 99, and 103 after the word “employer” in each instance thereof the following:- or
25 public utility employer

26 and hereby further amended by inserting in lines 34 and 44 after the word “relationship”
27 in each instance thereof the following:- including private contractors hired to perform work
28 customarily performed by employees of public utility employers.

29 SECTION 4. Section 1E of chapter 164 of the General Laws, as so appearing, is hereby
30 amended in line 12 by inserting after the word “levels” the following:- , public safety measures,.

31 SECTION 5. Section 1F of said chapter 164, as so appearing, is hereby amended by
32 adding the following:-

33 (h) The department shall ensure that all written complaints under this section received
34 from customers and the public regarding gas or electricity providers are investigated and a
35 response to the complainant provided in a timely manner. The department shall establish a
36 publicly accessible database of all complaints received, noting the category of complaint, the
37 date it was received, the steps taken to address the complaint and that date it was resolved.

38 SECTION 6. Section 1J of said chapter 164, as so appearing, is hereby amended in line 5
39 by striking out the figures “\$250,000” and inserting in place thereof “275,000” and in line 8 by
40 striking out the figures “\$20,000,000” and inserting in place thereof the figures “\$35,0000,000”.

41 SECTION 7. Said chapter 164, as so appearing, is hereby amended by adding the
42 following section:-

43 Section 1L. There shall be a special commission to undertake a review of gas
44 infrastructure in the Commonwealth, referred to in this section as the commission. The
45 commission shall consist of the commissioner of the department of public utilities or a designee,
46 who shall serve as chair; the attorney general or a designee; the commissioner of the department
47 of environmental protection or designee; and 5 additional members to be appointed by the
48 Governor: 1 shall be a representative of residential consumers; 1 shall be a representative of the
49 environmental community; 1 shall be a representative of the clean energy technology industry; 1
50 shall be a representative of businesses, including large end users; and 1 shall be a representative
51 of labor.

52 The commission shall report its findings to the General Court by January 1, 2020.

53 SECTION 8. Said chapter 164, as so appearing, is hereby amended by adding the
54 following section:-

55 Section 1M. (a) The department shall establish a notification system in order to provide
56 to and receive information regarding incidence of gas-related emergencies from neighboring
57 states, including Connecticut, New Hampshire, New York, Rhode Island, and Vermont.

58 (b) When a gas-related emergency occurs in a city or town within 10 miles of a
59 neighboring state's border, including loss of life or property damage in excess of \$50,000, the
60 Department shall provide notice to the neighboring state including the emergency contact
61 number for both the gas company whose lines are affected and the emergency response
62 personnel covering the cities and towns affected.

63 (c) The department shall promulgate the rules and regulations necessary to implement
64 this section.

65 SECTION 9. Said chapter 164, as so appearing, is hereby amended by adding the
66 following section:-

67 Section 147. (a) The department shall review and approve, deny, or otherwise
68 recommend action on all proposals for substantial construction, renovation, repair, or expansion
69 for facilities that store, vaporize, or produce liquefied natural gas as defined in section 69G of
70 chapter 164. Any proposal submitted to the department must include an analysis of the
71 proposal's impact on the safety of the facility and the distribution system during and after
72 construction.

73 (b) The department may request an additional review by the Energy Facilities Siting
74 Board or the Massachusetts Environmental Policy Act Office. If the department determines that
75 the proposal will substantially alter the functional operation of the facility, the department may
76 request updated safety or emergency response policies from the owner of the facility. Proposals

77 must be submitted in writing and the department shall issue a decision within 120 days of
78 submission unless the department requests an additional review.

79 (c) The facility owner shall notify the department of any changes to the facility security
80 protocols prior to implementation, including, but not limited to, changes in agreements between
81 the facility owner and outside security companies and substantial changes to the number or class
82 of security personnel employed or contracted at the facility. The department may request
83 additional information or make recommendations to the facility owner.

84 (d) The department shall promulgate rules and regulations necessary to implement the
85 requirements of this section.

86 SECTION 10. Said chapter 164, as so appearing, is hereby amended by adding the
87 following section:-

88 Section 148. (a) The following words, as used in this section, shall have the following
89 meanings:

90 "Pipeline engineer," a person employed by the department of public utilities for the
91 purpose of pipeline inspection who meets the qualifications of a professional engineer as defined
92 in section 81D of chapter 112.

93 (b) The department shall employ pipeline engineers to oversee construction on or
94 adjacent to distribution company pipelines, ensure compliance with all relevant statutory and
95 regulatory requirements, and investigate complaints. All pipeline engineers shall receive the
96 necessary training and qualification to perform field duties, as determined by the department,
97 within 6 months of employment. The department shall employ no less than one pipeline engineer

98 for every 100 miles of pipeline owned by a distribution or one pipeline engineer for every 2000
99 customers, provided that the department employs the number of pipeline engineers needed to
100 meet the higher requirement.

101 SECTION 11. The department of public utilities shall promulgate regulations
102 establishing requirements for the maintenance and security of gas regulators, including, but not
103 limited to, service quality metrics. The department shall implement these regulations no later
104 than January 1, 2021.