SENATE DOCKET, NO. 555 FILED ON: 2/2/2021

SENATE . . . . . No. 2166

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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:	
James B. Eldridge	*Middlesex and Worcester*	
Vanna Howard	*17th Middlesex*	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*3/5/2021*
Michael O. Moore	*Second Worcester*	*3/9/2021*

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SENATE . . . . . No. 2166

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 2166) of James B. Eldridge, Vanna Howard, Joanne M. Comerford and Michael O. Moore for legislation to ensure gas safety and consumer fairness. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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:

SECTION 1. Chapter 164, as appearing in the 2018 Official Edition of the General Laws, is hereby amended by inserting after section 94I the following section:-

Section 94J. The department shall disallow allocation to the ratepayer of the cost of any lost and unaccounted for gas as identified and measured pursuant to section 19 of chapter 227 of the Acts of 2018 as coming from leaking infrastructure by January 1, 2025.

SECTION 2. Subsection (b)(2) of section 144 of said chapter 164, as so appearing, is hereby amended by striking out, in line 11, the words “whenever appropriate and feasible,”.

SECTION 3. Said subsection (b)(2) of section 144 of chapter 164, as so appearing, is hereby amended by inserting, in line 12, after the word “notify” the following words:- “within an hour or less of detection”.

SECTION 4. Subsection (b)(3) of said section 144 of chapter 164, as so appearing, is hereby amended by striking out, lines 16 through 22, after the word “future”, and inserting in place thereof the following:- “hazard to be completed as immediately as possible. The gas company shall immediately schedule a completion of repairs, such repair to be completed within 6 months, and the condition of such leak shall be kept under surveillance at a frequency of not less than once every two weeks until the hazard or source of the leak is eliminated. For the purposes of this section, a Grade 2 leak shall include: (i) any leak migrating into the root zone of a tree, defined as co-extensive with the canopy of such tree; (ii) any leak within 10 feet of any foundation or wall; (iii) any gas-in-air reading of up to 1 per cent in any manhole or confined space; (iv) any leak deemed of sufficient magnitude by the fire chief of a municipality to be hazardous or to be a public nuisance; and (v) any gas leak within 150 feet of a school zone, as defined in subsection (d). A gas company shall notify within an hour or less of detection the fire department and chief law enforcement officer in each city or town where a Grade 2 leak is identified.

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

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

SECTION 5. Subsection (b) (4) of said section 144 of chapter 164, as so appearing, is hereby amended by inserting after the word “safety.”, in line 32, the following:- “A gas company shall notify within an hour or less of detection the fire department and chief law enforcement officer in each city or town where a Grade 3 leak is identified.”

SECTION 6. Said section 144 of chapter 164, as so appearing, is here by amended by striking out subsection (c), in lines 33 through 48, and inserting in place thereof the following:-

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

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

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

SECTION 7. Said section 144 of chapter 164, as so appearing, is here by amended by striking out subsection (d), in lines 49 through 54, and inserting in place thereof the following:-

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

SECTION 8. Said section 144 of chapter 164, as so appearing, is here by amended by striking out subsection (e), in lines 55 through 63, and inserting in place thereof the following:-

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

“global positioning system,” a positioning system using satellites that continuously transmit coded information. The information transmitted from the satellites is interpreted by receivers to precisely identify locations on earth by measuring distance from the satellites.

(2) As part of the annual service quality standards report required by section 1I, each gas company shall report to the department the following data as of the time of the report: (i) the location of each Grade 1, Grade 2 and Grade 3 leak; (ii) the date each Grade 1, Grade 2 and Grade 3 leak was classified; (iii) the dates of repairs performed on each Grade 1, Grade 2 and Grade 3 leak; and (iv) the positioning of each such leak according to the global positioning system. A gas company shall specify any reclassification of previously identified leaks in its annual report.

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

SECTION 9. Said section 144 of chapter 164, as so appearing, is hereby amended by inserting after subsection (f), the following:-

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

SECTION 10. Section 145 of said chapter 164, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

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

SECTION 11. Section 145 of said chapter 164, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

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

include those leaks whose estimated gas emissions per day are in the top 7% of all Grade 3 leaks in the commonwealth.

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

SECTION 12. Subsection (d) of said section 145 of said chapter 164, as so appearing, is hereby amended by inserting, in line 63, after the word “public” the following words:- “health and”.

SECTION 13. Said section 145 of chapter 164, as so appearing, is hereby amended by inserting after subsection (h) the following subsection:-

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