

**SENATE . . . . . No. 2166**

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

**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:*

1 SECTION 1. Chapter 164, as appearing in the 2018 Official Edition of the General Laws,  
2 is hereby amended by inserting after 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 19 of chapter 227 of  
5 the Acts of 2018 as coming from leaking infrastructure by January 1, 2025.

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

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

11 SECTION 4. Subsection (b)(3) of said section 144 of chapter 164, as so appearing, is  
12 hereby amended by striking out, lines 16 through 22, after the word “future”, and inserting in  
13 place thereof the following:- “hazard to be completed as immediately as possible. The gas  
14 company shall immediately schedule a completion of repairs, such repair to be completed within  
15 6 months, and the condition of such leak shall be kept under surveillance at a frequency of not  
16 less than once every two weeks until the hazard or source of the leak is eliminated. For the  
17 purposes of this section, a Grade 2 leak shall include: (i) any leak migrating into the root zone of  
18 a tree, defined as co-extensive with the canopy of such tree; (ii) any leak within 10 feet of any  
19 foundation or wall; (iii) any gas-in-air reading of up to 1 per cent in any manhole or confined  
20 space; (iv) any leak deemed of sufficient magnitude by the fire chief of a municipality to be  
21 hazardous or to be a public nuisance; and (v) any gas leak within 150 feet of a school zone, as  
22 defined in subsection (d). A gas company shall notify within an hour or less of detection the fire  
23 department and chief law enforcement officer in each city or town where a Grade 2 leak is  
24 identified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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