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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- NATURAL GAS SAFETY ACT

Introduced By: Representatives Handy, Valencia, and Walsh

Date Introduced: February 28, 2012

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "Public Utilities and Carriers" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 29

4 THE NATURAL GAS SAFETY ACT

5 **39-29-1. Gas leak classification. --** (a) The administrator shall establish a natural gas
6 leak classification standard to determine the degree or extent of the potential hazard resulting
7 from gas leakage to persons, property or the environment due to leaking methane as a greenhouse
8 gas and furthermore the administrator is directed to prescribe remedial actions, as prescribed in
9 this title.

10 (b) All reported gas leaks shall be assessed a grade based on the following system:

11 (1) Grade 1. Any leak recognized as an existing or probable hazard to persons or
12 property, and requires immediate repair of continuous action until the conditions are no longer
13 hazardous. Provided, however, daily monitoring or surveillance shall not qualify as a "repair."

14 (2) Grade 2A. Any leak recognized as non-hazardous to persons or property, but justifies
15 schedule repair based on probable future hazard to persons or property. Repair is required within
16 six (6) months with monitoring every two (2) weeks until repaired.

17 (3) Grade 2. Any leak recognized as non-hazardous to persons or property, any grade 3
18 leak that could migrate under frost or other conditions in the judgment of the operating personnel
19 at the site of the leak. Repair is required within 1 year with monitoring every six (6) months.

1 (4) Grade 3. Any leak recognized as non-hazardous at the time of detection or monitoring
2 and may be expected to remain non-hazardous. Repair shall be required within thirty-six (36)
3 months. The leak shall be re-surveyed during “mid-frost season,” so-called. The leak shall be re-
4 evaluated during the next required leak survey or annually, whichever is less, and shall include a
5 tree damage survey of any tree on public or private property within a forty feet (40’)
6 circumference of the leak.

7 (c) Gas companies shall repair grade 1 leaks identified prior to December 31, 2010 on or
8 before March 1, 2012. Operator shall repair grade 2 leaks identified prior to December 31, 2010
9 on or before March 1, 2015. For all leaks identified after December 31, 2010, gas companies shall
10 comply with the requirements of this chapter.

11 (d) It shall be the duty of each gas company to promptly respond to any notification of a
12 gas leak or gas odor or any notification of damage to facilities by excavators or other outside
13 sources to protect persons, property, and limit the amount of greenhouse gas expelled to the
14 atmosphere.

15 (e) Any suspected damage to trees due to any gas leak from a utility owned pipeline,
16 should be reported to the company responsible for inspection by a qualified arborist. Repairs,
17 damages and replacement will be subject to the division’s rules and regulations.

18 (f) All buildings or structures within a determined underground gas leak migration area
19 shall be checked for traces of natural gas. If a positive reading is detected, company personnel
20 shall take appropriate action to protect persons and property, as well as grading the gas leak
21 according to this chapter.

22 (g) The division shall promulgate rules and regulations necessary to carry out the
23 provisions of this chapter. The rules and regulations shall require that companies subject to the
24 administrator’s supervision who are responsible for the maintenance and repair of natural gas
25 lines shall report annually to the administrator the grades of any leaks detected as part of any
26 mandated compliance surveys.

27 **39-29-2. Cast-iron main maintenance required.** -- (a) For the purposes of this chapter
28 “winter patrol cast-iron survey” means a survey performed by driving a gas sensing vehicle over
29 all cast-iron mains during winter months to locate any leakage caused by freezing temperatures.

30 (b) A winter patrol cast-iron survey shall be deployed when any one of the following
31 criteria are present:

32 (1) There are significant variations in temperature oscillating above and below thirty-two
33 degrees fahrenheit (32° F); or

34 (2) When the ambient temperature is forecasted to remain at thirty-two degrees fahrenheit

1 (32° F) or lower for seven (7) or more consecutive days and the system experiences three (3)
2 breaks or more per day over two (2) successive days; or

3 (3) When the temperature falls below twenty degrees fahrenheit (20° F) and field verified
4 frost depth conditions of twenty-four inches (24”) or greater exist.

5 (c) When deployed, the high-speed cast-iron survey will concentrate on four inch (4”),
6 six inch (6”), and eight inch (8”) cast-iron mains and areas with historical cast-iron breaks.

7 **39-29-3. Safety and transparency required.** -- (a) The division of public utilities shall
8 provide and make publicly available on the Internet all data and reports of all oversight and
9 enforcement actions taken by the division’s safety department or any person or agency acting on
10 their behalf involving distribution gas pipeline companies in the state of Rhode Island.

11 (b) Any data collected, pursuant to this chapter, shall include, but not be limited to, the
12 following: requested and approved waivers; operations and maintenance (O&M) manual
13 modifications; pilot programs; interpretations; notice of probable violations (NOPV); fines;
14 warnings; appeals; field inspection reports; all operator qualification (OQ) personnel qualified to
15 perform work on any distribution pipeline in Rhode Island; annual 3rd party damage reports; gas
16 leakage information including repairs; annual leak backlog totals; lost gas due to leakage; and
17 information on all repairs performed on leak grade types.

18 (c) The division shall update on its website postings to comply with this chapter within
19 seven (7) business days of any change and post the date on which the information was updated. A
20 public utility, pursuant to title 39, may also post the information required to be posted but is not
21 required to do so.

22 (d) In the event an emergency, such as an earthquake, flood, fire or hurricane, severely
23 disrupts the division’s normal business operations, the posting requirements in this part may be
24 suspended. If the disruption lasts longer than one month, the division shall notify the Rhode
25 Island court system and may seek a further exemption from the posting requirements.

26 (e) All website postings required by this chapter must be sufficiently prominent as to be
27 readily accessible.

28 (f) If the division determines any of the information required by this chapter is or could
29 be or used as a threat to the public and/or homeland security an industry secured database shall be
30 created to allow only identified groups, organizations and labor unions access to said material.
31 Rejection of access may only be redeemed by a proven threat or lack of credentials as a regular
32 participant of division business.

33 **39-29-4. Gas leakage environmental damage.** -- (a) Any potential hazard resulting from
34 gas leakage to persons, property or the environment due to leaking methane as a Greenhouse Gas

1 (GHG) shall be prescribed remedial actions. Each gas company shall promptly respond to any
2 notification of a gas leak, gas odor or any notification of damage to facilities by excavators or
3 other outside sources to protect persons and property and limit the amount of GHG expelled to
4 the atmosphere.

5 (b) Any suspected damage to trees due to any gas leak from a utility owned pipeline
6 should be reported to the company responsible for inspection by a qualified arborist. Repairs,
7 damages and replacements will be subject to the rules and regulations of the division of public
8 utilities and the environmental affairs office.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- NATURAL GAS SAFETY ACT

- 1 This act would create a gas safety act to classify gas leaks and repair priorities and would
- 2 require that reports of enforcement actions be made public.
- 3 This act would take effect upon passage.

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