



March 2, 2020

Hon. Michelle L. Phillips
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

RE: CASE 19-G-0182 - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR - Proposed Amendments to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas, to Ensure Conformance with Title 49, Code of Federal Regulations, Part 192, Transportation of Natural and Other Gas by Pipeline.

Via Email

Dear Secretary Phillips:

The Northeast Gas Association¹ (NGA) respectfully submits the following comments on behalf of our New York State natural gas local distribution company members (LDCs) in response to the above referenced Notice. The New York State Public Service Commission's (Commission) December 16, 2019 *Memorandum and Resolution Initiating Promulgation Process for Proposed Amendments to Gas Safety Regulations (Memorandum)* amends the rules relating to gas pipeline facilities contained in Title 16 NYCRR Part 10, Referenced Material (Part 10), and 16 NYCRR Part 255, Transmission and Distribution of Gas (Part 255). The proposed changes are intended to bring Part 10 and Part 255 into conformance with Federal Regulations found in 49 CFR Part 192. In addition, a new section, §255.724, is being proposed.

For the purposes of this filing, the LDCs are:

- Central Hudson Gas and Electric Corp.
- Consolidated Edison Company of New York, Inc.
- Corning Natural Gas Corp.
- Hamilton Municipal Gas
- Liberty Utilities
- National Fuel Gas Distribution Corp.
- National Grid
- New York State Electric and Gas Corp.

¹ NGA is a regional trade association that focuses on education and training, technology research and development, operations, planning, and increasing public awareness of natural gas in the Northeast U.S. NGA represents natural gas distribution companies, transmission companies, liquefied and compressed natural gas suppliers, and associate member companies. Its member companies provide natural gas service to over 13 million customers in 9 states (CT, ME, MA, NH, NJ, NY, PA, RI, VT).

- o Orange and Rockland Utilities, Inc.
- o Rochester Gas and Electric Corp.
- o Valley Energy Inc.

As noted in the Memorandum, the Commission is a federally certified state pipeline safety program administrator and is required pursuant to 49 USC §60105(b)(2) to adopt federal pipeline safety standards. While most of the proposed regulations are verbatim to PHMSA's rules, the LDCs believe that the proposed new section 255.724 is ambiguous and requires clarification. In addition, the dates in sections 255.143, 255.145, 255.149(c), 255.281(g)(4), and 255.455(g) are not consistent with recent PHMSA communications.

1. §255.724 Distribution systems: Service Lines

(a) When an operator has access to a customer's premises for, among other things, responding to an odor complaint or conducting inspections required under sections 255.481 or 255.723 of this Part, where the service line is installed below grade through the outer foundation wall of the building, the operator shall visually inspect the seal at the foundation wall and replace or install the seal, as needed.

The LDCs agree with the intent of the proposed regulation to identify and mitigate a substandard condition² associated with improper sealing of a below grade interior service entrance point (point-of-entry, POE) at the foundation wall as required in 255.361(e)(3). LDCs feel that mandating a regulatory driven inspection process may not provide the optimal approach to intended safety benefit and that coupling an inspection in multiple sections of existing code may have unintended consequences of compromising a technician's focus while performing their primary task.

As Staff is aware, LDCs are required to train and qualify individuals in recognition of substandard conditions associated with day-to-day work assignments. Perhaps rather than creating an additional prescriptive code requirement, the most effective way to meet the intent of the proposal (enhanced recognition of a POE seal substandard condition) is to ensure that existing training and substandard condition recognition programs specifically address recognition and mitigation of improper POE seals. Having a broader group of employees knowledgeable in POE seal substandard condition recognition and reporting would serve the same end result of mandating a new inspection requirement, and perhaps broaden the opportunity for corrective action, without the added administrative burdens which formal conformance with a new code section brings.

This approach to enhancing recognition and promoting day-to-day operational ownership and broadening the spectrum of pipeline safety substandard condition recognition and planned corrective action, aligns with the intent of current pipeline safety management system implementation efforts. To further ensure consistent conformance, this safety critical substandard condition recognition requirement would be incorporated into DIMP plans such that substandard conditions are reported, and corrective action is taken as described in an auditable, company specific operating procedure. Much like interior piping atmospheric corrosion

² Some operators refer to this condition as an Abnormal Operating Condition (AOC) as defined by company specific procedures, training materials or qualification programs, while others refer to a missing or improper POE seal as a substandard condition.

inspection requirements, once an initial POE inspection is complete and corrective action is taken, the likelihood of seal failure within the timeframe of 3-5 years, for example, is remote at best. As a result, if Staff feels compelled to mandate these inspections by introducing a new code requirement beyond the abovementioned enhanced substandard condition recognition and reporting strategy highlighted above, the LDCs recommend that the formal inspection frequency be coupled with other interior piping safety inspections for atmospheric corrosion; or, if a consolidated alternate frequency of inspection is in place, during the combined atmospheric corrosion / leak survey inspections³. In this fashion, inspections can be synergistically combined to maximize rate payer and public safety value.

As Staff is aware, some LDCs have requested a consolidated alternate frequency of inspection in accordance with 255.1013, and others are considering similar requests based on results of the recently completed risk-based inspection study. Incorporating the proposed POE seal inspection requirement into the overall interior piping safety inspection(s) within each LDC's identified inspection cycle would address Staff's concerns of providing a formal, focused and auditable process. This synergistic approach to conducting interior piping safety inspections would optimize use of resources while maximizing public safety value of existing mandated interior piping inspections. Some companies have already included this safety related substandard condition as part of their mandated baseline inspections and corrective action (where required) is already in progress. In New York City, the POE seal inspection is already incorporated into Licensed Master Plumber (LMP) Training required to meet Local Law 152 interior piping safety inspection requirements. The LMP's are Operator Qualified, including visual recognition of a simulated improper/missing seal during the Practical Exam.

LDCs agree that while performing a leak investigation when responding to an inside odor complaint (in the vicinity of the seal), substandard condition recognition of an improper seal is essential; particularly if during the investigation gas migration into the building is apparent. LDCs agree that leak investigation protocols and response actions should be revisited to ensure focus on the requirement for a proper POE seal.

In addition, as proposed, the phrase, "among other things", is interpretive and may lead to inconsistent application and subjective compliance determination. As stated above, performing an inspection of the seal during an atmospheric corrosion inspection or during a combined inside piping atmospheric corrosion / leak survey inspection within each LDC's identified inspection cycle interval - in addition to visually assessing for a substandard condition associated with the POE seal during an inside odor complaint (in the vicinity of the seal) - is appropriate to ensure the seal is sound and maintains public safety. Any additional inspection expectations would require further evaluation to ensure any incremental resources required to conduct these inspections outside of routine work identified above are in balance with anticipated public safety benefits.

³ Some LDCs have filed to engage in a Pilot Program, considering a risk-based inspection approach to consolidating atmospheric corrosion inspections with leak survey inspections to maximize public safety value from these interior jurisdictional piping safety inspections. If this is the case, LDCs recommend incorporating the seal inspection as part of the combined atmospheric corrosion / leak survey inspection process. Otherwise, one should conduct the inspection as part of the atmospheric corrosion inspection process.

If Staff feels additional code driven inspection requirements are essential to public safety beyond the enhanced substandard condition recognition and mitigation actions proposed to be incorporated in company specific procedures and DIMP, the LDCs recommend the following changes to the proposed rule.

§255.724 Distribution systems: Service Lines

(a) ~~When an operator has access to a customer's premises gas point of entry⁴ for, among other things, responding to an odor complaint or conducting an inspections required under sections 255.481 or 255.723 of this Part,~~ **on an inside meter set, where the service line is installed below grade through the outer foundation wall of the building, the operator shall visually inspect the seal at the foundation wall and replace or install the seal, as needed the interior seal between the service entry piping and the foundation wall and replace or install the seal, as needed in accordance with company O&M procedures.**

Additional Request:

The LDCs request that the effective date for 255.724 be eighteen (18) months from the published date of the regulation. Sufficient time must be provided to allow for the development of new procedures, forms, additional OQ evaluations⁵ and changes to company databases and IT platforms⁶. In addition, personnel will require training and qualification.

2. Adoption of PHMSA Plastic Pipe Rule

While LDCs appreciate the time and effort expended by PHMSA during the Pipeline Safety Plastic Pipe Rule (Final Rule) rulemaking process, and supports PHMSA's amendments to federal pipeline regulations which take into consideration advancements in plastic pipe design, manufacturing, and technologies that advance public safety, there remain several areas of the Final Rule that require clarification and correction when adopted by New York State. The LDCs provide recommendations which clarify the regulatory language requiring all fusions, except for electrofusions, to comply with ASTM F2620-12 "Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings".

The LDCs' comments echo comments of the American Gas Association previously provided to PHMSA.⁷

LDCs, like AGA, do not believe the intent of PHMSA was to exclude other qualified procedures to join polyethylene (PE) pipe and fittings that are equivalent and/or more stringent than the heat

⁴ It should not be expected that such an inspection be performed if access to the premises is gained, but the work is not near the point of entry.

⁵ By mandating this inspection as a code requirement, the inspection now meets the definition of a covered task and will require OQ plan modifications, including enhancements to exams.

⁶ In order to record a documented inspection, this additional seal check must be incorporated into an LDC's inside atmospheric corrosion inspection forms. Many LDCs utilize electronic smart forms, which will require not only the form itself to be changed, but additional prompts and follow-up actions, based on the inspection outcome. Such changes will require IT involvement and take time to implement.

⁷American Gas Association Petition for Reconsideration for the Plastic Pipe Rule, August 23, 2019.

fusion procedures detailed in ASTM F2620-12. LDCs in New York State and the natural gas industry as a whole have developed and have been using qualified (in accordance with § 192.283) sound heat fusion procedures for many years. The current wording in the final rule that operators “must comply with the heat fusion procedures listed in ASTM F2620-12” could be interpreted to mean that other qualified procedures are no longer acceptable, and could require each operator to spend many hours to re-train employees and re-qualify joining procedures in order to implement these changes into their PE pipe and fitting operating procedures. As AGA has clearly pointed out in their petition, discussions within the Gas Pipeline Advisory Committee (GPAC) in June 2016, as well as the language found within the Plastic Pipe Final Rule Preamble, support the abovementioned conclusion.

Specific comments and suggested clarifying language are highlighted below:

1. § 255.281 Plastic pipe.

(e) Each heat-fusion joint on a PE [plastic] pipe or component, except for electrofusion joints, must comply with ASTM F2620 (as described in Section 10.3 of this Title) **or other procedures qualified in accordance with § 255.283 (i.e., PPI TR 33, PPI TR 41)** and the following criteria.

2. § 255.285 Plastic pipe: Qualifying persons to make joints.

(1) tested under any one of the test methods listed under section 255.283(a), or for PE heat fusion joints (except for electrofusion joints) visually inspected and tested in accordance with ASTM F2620 (as described in Section 10.3 of this Title)[of this Part] applicable to the type of joint and material being tested **or other procedures qualified in accordance with § 255.283 (i.e., PPI TR 33, PPI TR 41) applicable to the type of joint and material being tested; or...**”

3. Implementation Dates:

§255.143 General requirements.

(c) *Except for excess flow valves, each plastic pipeline component installed after **January 22, 2019** must be able to withstand operating pressures and other anticipated loads in accordance with a listed specification.*

3. Implementation Dates (Cont’d):

§255.145 Valves.

(f) *Except for excess flow valves, plastic valves installed after **January 22, 2019** must meet the minimum requirements of a listed specification. A valve may not be used under operating conditions that exceed the applicable pressure and temperature ratings contained in the listed specification.*

§255.149 Standard fittings.

(c) *Plastic fittings installed after **January 22, 2019** must meet a listed specification.*

§255.281 Plastic pipe.

(g) *Each compression type mechanical joint on plastic pipe must comply with the following criteria:*

(4) All mechanical joints or fitting installed after **January 22, 2019** must be Category 1 as defined by a listed specification for the applicable material, providing a seal plus resistance to a force on the pipe joint equal to or greater than that which will cause no less than 25% elongation of pipe, or the pipe fails outside the joint area if tested in accordance with the applicable standard.

§255.455 External Corrosion control: Buried or submerged pipelines installed after July 31, 1971.

(g) Electrically isolated metal alloy fittings installed after **January 22, 2019** that do not meet the requirements of paragraph (f) must be cathodically protected and must be maintained in accordance with the operator's integrity management plan.

NGA requests that the January 22, 2019 dates, underlined above, be revised to correspond with PHMSA's new date of **January 22, 2020** per PHMSA's agreement in the above referenced AGA petition. In addition, regarding **§255.281 Plastic pipe**, the LDCs are concerned that they may be challenged with availability of fittings including mechanical couplings in certain common size ranges (4" through 12"). As a practical matter, manufacturers have indicated these couplings will not be available, compliant with testing requirements in ASTM F1948, until on or about **June 30, 2020**.

4. §255.329 Installation of plastic pipelines by trenchless excavation.

(b) For each pipeline section, plastic pipe and components that are pulled through the ground must use a weak link, as defined by §255.3, to ensure the pipeline will not be damaged by any excessive forces during the pulling process.

The LDCs request DPS Staff clarify their understanding of 255.329(b) applicability in the regulation's preamble. The LDCs believe the intent of this section is that one is required to use weak links only when performing a directional drill trenchless excavation⁸.

5. §255.329 Installation of plastic service lines by trenchless excavation.

LDCs have similar concerns as with **§255.329** and request DPS Staff clarify the practical application of this requirement, describing the applicable mechanical means (directional drilling) by which damage could occur.

6. Minimum Wall Thickness for 1" CTS Should be 0.101"

The minimum wall thickness for 1" CTS in table(s) in §255.121(c)(2)(iv), §255.121(d)(2)(iv), §255.121(e)(2)(iv) needs to be **corrected to 0.101"**.⁹

7. §255.367(b)(3) Service lines: General requirements for connections to main piping.

⁸ As per 255.3(53), weak link is defined as a device or method used when pulling PE pipe, "typically through methods such as horizontal directional drilling" to ensure that damage will not occur.

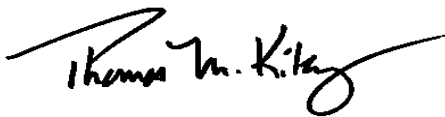
⁹ Plastic Pipe Rule Discussion, NAPSR National Meeting, September 12, 2019, Max Kieba, Engineering & Research Division, Office of Pipeline Safety.

“...no more than 25%” is incorrect, PHMSA acknowledged it should be “**no less than 25%**”, see supporting documentation referenced in footnote 9.

Conclusion

The LDCs and NGA appreciate the opportunity to provide the above comments. Please contact us if you have any questions.

Respectfully submitted,



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