



May 2, 2019

Mark D. Marini, Secretary
MA Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110

RE: Reply Comments to D. P.U. 19-34, Inquiry by the Department of Public Utilities, Into the Use of Professional Engineers by Natural Gas Companies

Dear Secretary Marini:

On December 31, 2018, Governor Baker signed into law, “An Act Ensuring the Safety and Soundness of the Commonwealth’s Natural Gas Infrastructure.” This regulation requires a professional engineer stamp on engineering plans that could pose a material risk to public safety. The regulation also authorized the Department of Public Utilities (“Department”) to promulgate regulations, as necessary, to implement the new regulation.

On March 18, 2019, the Department issued an Inquiry seeking initial written comments on the issues that the professional engineer regulations should address. Comments were submitted by Northeast Gas Association¹ (“NGA”) members: Columbia Gas of Massachusetts, Eversource Energy, Liberty Utilities, National Grid, The Berkshire Gas Company and Unitil. In addition, comments were also provided by: the Massachusetts Board of Registration of Professional Engineers and Land Surveyors (“MBRPE”), the American Council of Engineering Companies of Massachusetts (“ACEC/MA”), the Massachusetts Society of Professional Engineers (“MSPE”), New England Gas Workers Alliance (“NEGWA”) and the National Association of Pipeline Safety Representatives (“NAPSR”).

NGA appreciates the opportunity to provide these reply comments in response to the initial comments filed.

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 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).

REPLY COMMENTS:

Determining the scope of work, services and documents that should require a Professional Engineer (“PE”) review and certification stamp is a complex process that requires significant dialogue and fundamental knowledge of a natural gas pipeline system, including design, construction and operations. There is “work, services and documents” identified by all utilities and several public commenters in their initial filings that should be considered for review and certification by a PE; for example, work on compressor stations. There is other “work, services and documents” that are not as well defined and require a full understanding of their particular function in gas distribution operations and their impact to pipeline workers and public safety. As stated in MSPE’s comments, “Phrases like ‘all gas utility work’ are too vague and potentially impact work that would not need or benefit from PE oversight.”

Not all work, services and documents require a PE stamp. NGA also believes that some common and repetitive jobs can be completed safely using PE stamped standard designs/drawings. Work and services using day-to-day construction or operations practices, such as those using the same process, materials and tools, should not require supplemental or duplicative PE stamped designs/drawings. Work procedures applied to work of similar scope and complexity that reference prior approval by a position of authority (which may include a PE review and approval) is sufficient to properly and safely perform the work.

NGA believes that additional dialogue and discussion is needed to strike the appropriate balance of review requirements to achieve the intended public safety benefit. Applying a “good science/common sense” approach to enhancing current review and approval processes, based on work scope risk, meets the intent of the law and provides additional process safety layers of protection to ensure personnel safety, public safety and system reliability. NGA recommends that the Department proceed with an option noted in the Order, “the Department will establish a further procedural schedule that may provide for technical sessions.” Technical sessions, in our opinion, are needed.

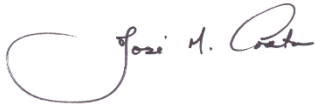
MBRPE stated in their comments, “There are approximately 15,000 professional engineers in Massachusetts.” MBRPE’s website states, “The Board currently licenses in the following disciplines: aeronautical, agricultural, architectural, chemical, civil, control systems, electrical, environmental, fire protection, heating & ventilation, industrial, land surveyor, mechanical, metallurgical, mining and mineral, naval architecture, nuclear, petroleum, safety, sanitary, structural. The Board no longer licenses in the following disciplines: aeronautical/aerospace, architectural marine, astronautical, ceramic, construction, corrosion, electronic, engineering physics, geotechnical, highway, manufacturing, marine, materials, plumbing, quality, railroad, systems, traffic, or transportation.” NGA concludes from the licenses listed above that the majority of the 15,000 PEs licensed by MBRPE have little to no experience in gas distribution pipeline design and operations and thus would add little or no real public safety value. NGA believes that the availability of experienced pipeline and gas operations PEs to perform work in the natural gas industry depends on the scope of work, services and documents requiring a PE stamp.

NAPSR’s comments stated, “The National Association of Pipeline Safety Representatives (NAPSR), established in 1982, is an organization of state agency pipeline safety managers who are responsible for the administration of their state's Pipeline Safety Programs.” The state pipeline safety managers are pipeline and gas distribution trained, “PHMSA Partners.” Many of NAPSR’s comments mirrored NGA’s comments above. For example, “...it will be more difficult for smaller municipal Distribution companies to get access to a Professional Engineer, especially an engineer that would be familiar with the system.” “Several respondents were more comfortable working with highly experienced operators rather than engineers who are not as familiar with the distribution system.” “...requiring a PE would have benefits but to require a PE stamp for the wide range of possibilities under the proposal would be excessive.” NAPSR also observed: “...a stamp should only be required for larger more complex projects such as pressure limiting stations.”

NGA looks forward to continuing the dialogue with the Department, its member utilities and interested parties to assess the appropriate PE stamp requirements that provide safety for the worker and the public. This needs to be accomplished, in our view, without significantly impacting the important replacement work of our existing infrastructure that is already underway. We need to ensure in this process that sufficient trained and experienced pipeline and gas distribution PEs are available to perform the daily work so pivotal to public safety and to the integrity of the Commonwealth's energy delivery system.

NGA appreciates the opportunity to present these reply comments.

Respectfully submitted,



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