



July 17, 2020

Mr. Jody McColman
Presiding Officer
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333

Re: Docket No. 2019-00029 – Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators

Via Email

Dear State Attorney McColman:

The Northeast Gas Association¹ (NGA) respectfully submits the following comments on behalf of our Maine natural gas local distribution company members (“LDCs”) in response to the above referenced Docket.

NGA and the LDCs commend the PUC for its initiative to update the Chapter 420 rules. Proposed changes to the Chapter 420 rules will eliminate outdated regulations and strengthen safety. NGA and the LDCs do have questions and concerns with a few of the proposed changes and appreciate the opportunity to submit these joint industry comments.

For the purposes of this filing, the LDCs are:

- Bangor Natural Gas Company
- Maine Natural Gas Corporation
- Northern Utilities d/b/a Unitil
- Summit Natural Gas of Maine, Inc.

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).

COMMENTS:

1. § 2 DEFINITIONS

Z. Serious Accident

"Serious accident" means any accident occurring upon the premises of an operator or directly or indirectly arising from or connected with the maintenance or operation of an operator's physical facilities or equipment that results in the loss of human life, personal injury requiring in-patient hospital admission, more than seven days' lost work time of an employee of an operator or an independent contractor employed by an operator, or property damage of \$50,000 or more, including the cost of lost gas.

Comment:

LDCs request that the following language be deleted, "more than seven days' lost work time of an employee of an operator or an independent contractor employed by an operator." It will be difficult for an LDC to track and connect this information to an accident. This information may not be known for weeks or not at all, depending on the employee's communication with health care professionals and his/her company.

2. § 3 PARTICIPATION IN UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM

B.1. Pipeline Facility Locator Training and Qualification

"An operator may not use third-party contractors to locate the operator's underground pipeline facilities."

Comment:

LDCs believe that code language should be specific to procedures and materials that will improve the safety of a pipeline, but not how to manage its workforce. All employees, internal or contracted, must be properly trained and qualified to perform locating procedures - but to mandate that only internal employees perform this work is beyond the scope of a state's pipeline safety code.

3. § 3 PARTICIPATION IN UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM

D.2.a. Location of Underground Facilities Where Trenchless Technology Is Used

"Exposed sewer method. Pothole and expose the sewer service lateral or sewer main at the gas crossing; the cutting head must be visible in the pothole. Document the distance between the drilling head and the sewer service lateral or sewer main at all addresses/locations where this method was used. Photographic documentation showing both the drilling head and the sewer lateral is required."

Comment:

LDCs request that the following language be deleted: “Photographic documentation showing both the drilling head and the sewer lateral is required.” Keeping a photograph of all sewer lateral crossings does not provide additional safety value. It adds an additional documentation step that impacts the technology used by workers in the field and how it is submitted and stored. The visual check and documentation of the distances provides the necessary safety measures to successfully perform this work.

4. § 3 PARTICIPATION IN UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM

D.2.c. Location of Underground Facilities Where Trenchless Technology Is Used

“Sonde method. Sewer service lateral and sewer main location and depth may be determined by a sonde transmitter at the crossed location. If this method is used, the drilling head must be equipped with a sonde, and must be at least three feet from the sewer service lateral or sewer main. Each sonde must be calibrated daily. Document the sewer service lateral or sewer main depth and the drilling head depth at each crossed location along with all addresses/locations where this method was used.”

Comment:

Maine’s damage prevention regulations currently require that gas facilities be 18 inches from a sewer lateral or sewer main. Requiring the sonde to be beyond this requirement places unnecessary restrictions on LDC operations.

In addition, calibration of equipment should be dictated by manufacturer’s instructions and not by regulation. Technology changes may require equipment to be calibrated prior to each job, daily, or after a number of designated jobs. Placing a requirement in regulation that does not take into account the technology differences of the equipment is not prudent. LDCs recommend that the language be deleted.

5. § 3 PARTICIPATION IN UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM

D.2.e. Location of Underground Facilities Where Trenchless Technology Is Used

“Televising method. Individual sewer service laterals and sewer mains may be televised after the gas pipe has been installed. No gas may be introduced into the new pipeline until the sewer service lateral or sewer main has been televised. Document with an electronic, visual record of the televising along with a written report. Correlate the sewer lateral connection (wye) location with the street address in written report. Use of this method does not alleviate the operator’s responsibility to obtain all available information regarding the location of sewer service laterals and sewer mains prior to installation of a gas pipeline (maps, drawings, diagrams or other records).”

Comment:

The proposed language requires operators to "... obtain all available information..." It is not clear if the information required is what is noted in parentheses only or if other information will be expected. The language as written could create confusion and lead to additional requirements that is not intended by this language. LDCs propose that the current language, "... Use of this method does not alleviate the operator's responsibility to obtain all available information regarding the location of sewer service laterals and sewer mains prior to installation of a gas pipeline (maps, drawings, diagrams or other records)," be deleted.

6. § 5 INSTALLATION AND MAINTENANCE STANDARDS

C. Installation and Maintenance of Meters, Pressure Regulators and Service Piping

4.c. Accessibility and Location of Pressure Regulators at Meters or Service Piping.

"Vents on pressure regulators installed after July 1, 2011 with over-pressure protection that vent gas to atmosphere shall be at least 3 feet horizontally, or 8 feet vertically, away from any existing building opening, and at least 5 feet away from any existing source of ignition (e.g., electrical meters and dryer vents, openings into direct-vent (sealed combustion system) appliances, or mechanical ventilation air intakes). Pressure regulators that utilize over-pressure shutoff (OPSO) technology or otherwise effectively eliminate venting gas to atmosphere need not abide by the above distance restrictions."

Comment:

The LDCs appreciate the language added in regard to the use of a regulator with an OPSO device. However, the LDCs recommend that the distance setbacks from building openings and sources of ignition move closer to that of NFPA 54. NFPA 54 is used by builders when constructing new buildings as well as when making renovations to existing structures. Additional equipment added to a structure after a service line or regulator are installed can pose future compliance issues. NFPA 54 makes mandatory a 3-foot separation from sources of ignition. The LDCs would like to see this industry standard incorporated into the Maine rule.

7. § 5 INSTALLATION AND MAINTENANCE STANDARDS

D. Installation and Maintenance of Mains and Service Lines

3.b. Minimum Cover and Separation Standards for Mains and Service Lines.

"**Service Lines.** Service lines shall be installed with at least 24 inches of cover above the shallowest appurtenance attached to the service line. Cover may be reduced to 18 inches above the shallowest appurtenance attached to the service line for the connection to a prefabricated riser."

Comment:

The LDCs are questioning the safety value of requiring an additional 6 inches of cover beyond the 18 inches currently required by the federal Part 192 regulation. There is no evidence in the state of Maine or in other parts of the country that show the added 6 inches provides greater safety to gas facilities. LDCs recommend this language be deleted.

8. § 5 INSTALLATION AND MAINTENANCE STANDARDS

D. Installation and Maintenance of Mains and Service Lines

3.d. Minimum Cover and Separation Standards for Mains and Service Lines.

“Shallow installations due to obstructions. When the installed pipe has less than 24 inches of cover, it shall be protected with shielding that conforms with gas industry standards both in respect to material and manner of installation. The provision of this section does not waive any minimum cover depth requirements of the authority having permitting jurisdiction over the facilities being installed.”

Comment:

The LDCs recommend that the word “obstruction” be defined to ensure the meaning is clear and not misinterpreted. The following definition is proposed: “Underground Obstruction - Means one or more sub-surface structures, including other utility infrastructure that would require the lowering of the natural gas facility to a depth greater than 48” to obtain the separation necessary as required by Chapter 420 Section (5)(D)(3)(C). Consolidated Rock is not considered an underground obstruction.”

9. § 5 INSTALLATION AND MAINTENANCE STANDARDS

D. Installation and Maintenance of Mains and Service Lines

4.a. Material Tracking

“Each operator shall utilize a Geospatial Information System (GIS), or other comparable method to accurately track the location, by GPS coordinates, of all materials utilized for the installation and maintenance of mains and service lines that are permanently affixed to or installed with the mains or service lines, regardless of the date of installation.”

Comment:

The LDCs recommend the deletion of the following words, “regardless of the date of installation.” The information may not be available or may be difficult to obtain due to the positioning of the facility.

10. § 5 INSTALLATION AND MAINTENANCE STANDARDS

D. Installation and Maintenance of Mains and Service Lines

5. Maintenance

“Operators are responsible for the maintenance, leak testing, and repair of all of the operator's transmission lines, mains, and service lines.”

Comment:

The LDCs recommend the deletion of this language since it is redundant with federal Part 192 regulation and provides no additional value.

11. § 6 OPERATION STANDARDS

C.1. Scheduling Permanent Abandonment/Disconnection of Inactive Mains and Service Lines

“Within two years of gas no longer being billed to a customer, disconnect from the main and abandon all gas service lines with the exception of cathodically protected steel or plastic gas service lines equipped with an excess flow valve, which shall be disconnected from the main and abandoned within 5 years of gas no longer being billed to a customer.”

Comment:

The LDCs request that the language, “within two years,” be changed to “within five years for bare steel and ten years for plastic.” With town and city moratoriums not allowing gas utilities to open designated streets for five years, this regulation would be difficult to comply with. The timeframes LDCs are requesting are common practices in other northeast states.

12. § 6 OPERATION STANDARDS

E. Leak Classification and Repair

6.c. Post Repair Inspections

“A leak is considered to be effectively repaired when an operator's operating personnel obtains a gas concentration reading of 0%.”

Comment:

For LDCs that operate distribution systems that contain leak-prone pipe (i.e., cast iron and bare steel), it is often difficult to achieve post repair readings of 0%. This is not indicative of additional leaks in an area but can be attributable to soil saturation from small non-hazardous leaks that have been active over time - and also to the effectiveness of today's leak survey equipment that have sensitivities in the 1-3 ppm range. Conducting additional repairs and soil purging for non-hazardous leaks that will be eliminated with PUC approved pipe replacement programs is costly, provides no added safety value, and is not the most effective use of resources.

13. § 6 OPERATIONS STANDARDS

D. Leak Detection

1.a&c Leakage Surveys and Patrols

“a. Each operator shall conduct a leakage survey of all mains on an annual basis.

c. Each operator shall conduct a leak survey at buildings used for public assembly, including schools, post offices, churches, hospitals, nursing homes, theaters, municipal buildings and commercial buildings each year during the period March 1 to December 1. This requirement only applies to all public and commercial buildings having a gas service line.”

Comment:

The LDCs recommend the following language:

- a. Each operator shall conduct a risk-based leakage survey program for all mains with, at a minimum, the requirements as set forth in 49 CFR 192.723.

- c. Each operator shall conduct a leak survey at buildings used for public assembly, including schools, post offices, churches, hospitals, nursing homes, theaters, and municipal buildings each year during the period March 1 to December 1. This requirement only applies to all public buildings having a gas service line.

The LDCs believe that a leak survey is a fundamental prerequisite in implementing effective pipeline safety programs. However, a key consideration should be the effectiveness of how these leak survey programs are implemented. The commitment of safety resources should be commensurate with the risk and whether a greater degree of safety can be achieved with the same or fewer resources allocated more effectively. This is the foundation of Distribution Integrity Management where a high level, flexible risk-based approach is most useful in protecting public safety. LDCs do understand the importance of setting a minimum prescriptive standard, but any identified risk must be prioritized and mitigated regardless of prescriptive standards.

The inclusion of commercial buildings in the requirements for annual service line surveys significantly expands the quantity of these inspections and the complexity of maintaining and updating accurate lists for inspection purposes. In addition, the results of these surveys on commercial buildings produce few results (i.e., positive leaks) and it may be better to allocate these resources to other areas that may provide improved pipeline safety. These results are not an indication of the effectiveness of the survey but rather indicative of the service pipe material utilized in the operator’s distribution system. The vast majority of the services utilize plastic pipe, and plastic pipe does not generally leak - with the exception of third-party damage. This type of survey is not effective in preventing third-party damage and therefore changing the definition will not increase the risk to the general public. These results highlight the need for flexibility in addressing pipeline safety as risks evolve and mature over time.

Conclusion

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

Respectfully submitted,



By: Thomas M. Kiley
President & CEO
Northeast Gas Association
75 Second Avenue, Suite 510
Needham, MA 02494

For further information please contact:

José M. Costa
Vice President, Operations Services
Northeast Gas Association
75 Second Avenue, Suite 510
Needham, MA 02494
781-455-6800 ext. 1090
jcosta@northeastgas.org

OR,

Keith Lincoln
Vice President, Operations
Summit Natural Gas of Maine
Chairman, NGA Maine Advisory Committee
442 Civic Center Drive, Suite 100
Augusta, ME 04330
207-621-8000 Ext. 455
klincoln@summitnaturalgas.com