

**BEFORE THE
DEPARTMENT OF PUBLIC UTILITIES
THE COMMONWEALTH OF MASSACHUSETTS**

Investigation of the Department of Public)	Docket No. D.P.U 22-100
Utilities, on its own motion, instituting a)	
rulemaking pursuant to G.L. c. 30A, 2, and 220)	
CMR 2.00, to amend 220 CMR 100.00,)	
Massachusetts Gas Distribution Code, and 220)	
CMR 101.00 Massachusetts Natural Gas Pipeline)	
Safety Code.)	

COMMENTS OF THE AMERICAN PUBLIC GAS ASSOCIATION

The American Public Gas Association (APGA) is the trade association representing more than 730 communities across the U.S. that own and operate their retail natural gas distribution entities. These include not-for-profit gas distribution systems owned by municipalities and other local government entities, all accountable to the citizens they serve.

In its December 5, 2022 notice of public hearing and request for comments, the Commonwealth of Massachusetts Department of Public Utilities (D.P.U.) proposed to amend 220 Code of Massachusetts Regulations (CMR) 100.00, Massachusetts Natural Gas Pipeline Safety Code to comply with Chapter 8 of the An Act Creating Next-Generation Roadmap for Massachusetts Climate Policy, and other changes.

APGA supports the comments submitted by the Northeast Gas Association (NGA). These comments are provided in addition and provide a national perspective from publicly owned natural gas distribution companies.

APGA supports impactful advancements in pipeline safety regulations through state regulations. Lessons learned from pipeline safety accidents have demonstrated the need for a continued emphasis on overpressure protection, meter and regulator station design, qualifications for natural gas operators, reliable pressure records, and contractor oversight; all of which D.P.U 22-100 attempts to address. APGA

supports the MA D.P.U. in furthering pipeline safety in these areas but cautions against codification of state pipeline safety regulations that are directly related to ongoing federal pipeline safety rulemakings.

Title II of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act 2020), or the Leonel Rondon Pipeline Safety Act, includes several mandates for the Pipeline and Hazardous Materials Safety Administration (PHMSA) to codify new federal pipeline safety regulations to address the same pipeline safety challenges outlined by D.P.U. 22-100. PHMSA has described the Safety of Gas Distribution Pipeline rulemaking (Regulation Identification Number 2137-AF53) as the rulemaking that will address the Leonel Rondon Act¹. This federal rulemaking is currently being drafted by PHMSA and the proposed rule is anticipated to be published in May 2023. For example, Section 206 of the PIPES Act of 2020 includes mandates for PHMSA to,

“promulgate regulations to require that each operator of a distribution system assesses and upgrades, as appropriate, each district regulator station for the operator to ensure that...the regulator station has secondary or backup pressure-relieving or overpressure-protection safety technology, such as a relief valve or automatic shutoff valve, or other pressure-limiting devices appropriate for the configuration and siting of the station, and in the case of a regulator station that employs the primary and monitor regulator design, the operator shall eliminate the common mode of failure or provide backup protection capable of either shutting the flow of gas, relieving gas to the atmosphere to fully protect the distribution system from overpressurization events, or there must be technology in place to eliminate a common mode of failure..”²

¹ PHMSA PIPES Act Web Chart. Updated December 6, 2022. <https://www.phmsa.dot.gov/legislative-mandates/pipes-act-web-chart>

² Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020, Section 206, Pipeline Safety Practices.

The regulatory changes to 49 Code of Federal Regulations (CFR) Part 192 that result from this mandate will address the same concerns as MA D.P.U. Proposed Regulation 220 CMR 101.06(2). There are other examples of overlap between D.P.U. 22-100 and the Safety of Gas Distribution Pipelines rulemaking, including, meter and regulator station design, qualifications for natural gas operators, and reliable pressure records.

APGA supports state pipeline safety offices in advancing pipeline safety regulations in ways that are specific to the unique operating environments within their state. APGA appreciates the MA D.P.U.'s proactiveness in addressing these known pipeline safety challenges. However, APGA believes preceding the federal rulemaking process may ultimately cause confusion for MA gas distribution pipeline operators. While state pipeline safety regulations supersede federal regulations if deemed more stringent, when the federal and state rulemaking processes are happening in parallel, it can cause significant confusion for the regulated entities.

APGA appreciates the opportunity to comment on this proposal and encourages further discussion on this proposal at the public hearing on February 1, 2023, prior to it being finalized.

Respectfully submitted,

January 12, 2023

A handwritten signature in black ink, appearing to read "Erin Kurilla". The signature is fluid and cursive, with the first name "Erin" and last name "Kurilla" clearly distinguishable.

Erin Kurilla
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