

220 CMR 105.00: USE OF PROFESSIONAL ENGINEERS FOR GAS UTILITY WORK

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105.01: Purpose and Scope

(1) Purpose. 220 CMR 105.00 establishes regulations to promote the safety of natural gas engineering work or services through the use of Professional Engineers with sufficient knowledge of natural gas facilities, to provide direction to gas companies for certain engineering work or services. 220 CMR 105.00 does not waive or otherwise modify any provisions of M.G.L. c. 112, §§ 81D through 81T or 250 CMR: *Board of Registration of Professional Engineers and Land Surveyors* which establish requirements for Professional Engineers. Further, 220 CMR 105.00 may be supplemented by guidelines from the Department of Public Utilities, Commonwealth of Massachusetts.

(2) Scope. 220 CMR 105.00 applies to every Gas Company as defined in 220 CMR 105.02.

105.02: Definitions

For the purposes of 220 CMR 105.00, the following definitions apply:

Department. Department of Public Utilities, Commonwealth of Massachusetts.

Division. Pipeline Safety Division of the Department.

Emergency. A sudden or unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, but not including a loss of business or profits.

Gas Company. As defined in M.G.L. c. 164, § 1, a corporation organized for the purpose of making and selling or distributing and selling, gas within the commonwealth, even though subsequently authorized to make or sell electricity; provided, however, that gas company shall not mean an alternative energy producer.

Instruments of Service. The final drawings, plans, specifications, plats, reports, and project specific procedures prepared by, or under the Direct Charge and Supervision of, a registered Professional Engineer. Instruments of Service do not include interim drawings, plans, specifications, plats and reports or drawings, plans, specifications, plats and reports that are marked "preliminary", "not for construction", "for plan check only", or "for review only".

Professional Engineer. A person who is registered as a professional engineer in the Commonwealth of Massachusetts and certified under M.G.L. c. 112, § 81E; provided, however, that the Professional Engineer has Sufficient Knowledge.

Sufficient Knowledge. An understanding of natural gas facilities in general and of the pipeline design, construction, operations, maintenance, standards, and procedures of a particular Gas Company that would permit effective review of that Gas Company's engineering plans or specifications.

105.03: Applications for Exceptions from Provisions of 220 CMR 105.00

Any Gas Company may make a written request to the Department for an exception to the provisions of 220 CMR 105.00, in whole or in part. The request shall justify why the exception should be granted and shall demonstrate why the exception sought does not detract from the safety objectives of 220 CMR 105.00. The request shall include details on the need for the exception, specific information on the circumstances surrounding the requested exception, the provisions of 220 CMR 105.00 from which the exception is sought, the time period for which the exception is sought, and a description of any safety consequences that might result from the exception. Documentation in support of the request shall also be submitted.

The Department may deny the exception or grant the exception as requested, or as modified by the Department and subject to conditions. Any exception shall be issued in writing and may be made by the Director of the Division. Any person aggrieved by a decision of the Director regarding a request for an exception may appeal the Director's decision to the Department. Any appeal shall be in writing and shall be made not later than ten business days following issuance of the written decision of the Director.

105.04: Use of Professional Engineers

(1) Pursuant to M.G.L. c. 164, § 148, each Gas Company shall require the stamp of a Professional Engineer with Sufficient Knowledge who is the engineer of record on any Instruments of Service for engineering work or services that could pose a material risk to public safety, as determined by the Department pursuant to M.G.L. c. 112, § 81R clause (l).

(2) The Professional Engineer's review and use of their Professional Engineer's stamp must comply with the professional and ethical obligations set forth in 250 CMR 5.00: *Professional Practice*.

(3) Each Gas Company shall maintain the Instruments of Service that bear a Professional Engineer's stamp pursuant to 220 CMR 105.00 and supporting documentation. These Instruments of Service and supporting documentation shall be readily accessible upon request by the Department and shall be maintained for the useful life of the pipe, as that term is used in 49 CFR Part 192, and for at least five years after the date of abandonment.

105.05: Gas Company Procedures Manual

Each Gas Company shall incorporate procedures for all requirements of 220 CMR 105.00 into its written procedures under 49 CFR Part 192 as applicable, to ensure compliance with M.G.L. c. 164, §§ 105A and 148, and 220 CMR 105.00.

REGULATORY AUTHORITY

220 CMR 105.00: M.G.L. c. 164, §§ 66, 76, 76C, 105A and 148.