ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

IURC RM #15-04
LSA #15-424(F)

Amends 170 IAC 5-3-0.5, 170 IAC 5-3-1, 170 IAC 5-3-2, 170 IAC 5-3-3, 170 IAC 5-3-4, and 170 IAC 5-3-5 and adds 170 IAC 5-3-0.6 regarding minimum safety standards for the transportation of gas, hazardous liquids, carbon dioxide fluids, and related pipeline facilities.

Upon prior publication of notice and a public hearing held on March 14, 2016, at 2:00 p.m., local time in Judicial Courtroom 222 of the PNC Center, 101 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, *et seq*., the Indiana Utility Regulatory Commission, on April 6, 2016, at 2:00 p.m. local time, in Judicial Courtroom 222, PNC Center, Indianapolis, Indiana, at which time a majority of members of said Commission were present, adopted the foregoing rule.

The Secretary is hereby directed to submit the aforesaid rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

Carol A. Stephan, Commission Chair

Carolene Mays-Medley, Vice Chair

James F. Huston, Commissioner

Angela Rapp Weber, Commissioner

David E. Ziegner, Commissioner

ATTEST:

Shala M. Coe, Acting Secretary to the Commission

Date: APR 0 6 2016

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Final Rule
LSA Document #15-424(F)

DIGEST

Amends 170 IAC 5-3-0.5, 170 IAC 5-3-1, 170 IAC 5-3-2, 170 IAC 5-3-3, 170 IAC 5-3-4, and 170 IAC 5-3-5 and adds 170 IAC 5-3-0.6 regarding minimum safety standards for the transportation of gas, hazardous liquids, carbon dioxide fluids, and related pipeline facilities. Effective 30 days after filing with the Publisher.

170 IAC 5-3-0.5; 170 IAC 5-3-0.6; 170 IAC 5-3-1; 170 IAC 5-3-2; 170 IAC 5-3-3; 170 IAC 5-3-4; 170 IAC 5-3-5

SECTION 1. 170 IAC 5-3-0.5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-0.5 Definitions
Authority: IC 8-1-1-3; IC 8-1-22.5-4
Affected: IC 8-1-2; IC 8-1-22.5

Sec. 0.5. (a) Terms used in this rule, unless otherwise provided, have the meanings set forth in the following:
(1) 49 CFR Parts 191, 192, 193, and 195.
(2) IC 8-1-22.5.
(b) The following definitions apply throughout this rule:
(1) "Abnormal operation" means any of the following:
(A) An unintended closure of valves or shutdowns.
(B) An increase or decrease in pressure or flow rate outside normal operating limits.
(C) A loss of communications.
(D) The operation of ~~any~~ **a** safety device.
(E) ~~Any other~~ **Another** foreseeable malfunction of a component, deviation from normal operation, or personnel error that may result in a hazard to persons or property.
(2) "Accident" means a failure in a hazardous liquids pipeline system that has ~~any~~ **at least one (1)** of the results listed in 49 CFR 195.50 requiring an accident report.
(3) "Commission" means the Indiana utility regulatory commission.
(4) "Division" means the pipeline safety division of the commission.
(5) "Division engineer" means an engineer on the staff of the division.
(6) "Incident" means an event that:
(A) involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:
(i) a death, or personal injury necessitating inpatient hospitalization; ~~or~~
(ii) estimated property damage, including cost of gas lost, of the operator or others, or both, of fifty thousand dollars ($50,000) or more; **or**

(iii) unintentional estimated gas loss of three million (3,000,000) cubic feet or more;

(B) results in an emergency shutdown of an LNG facility; or

(C) is significant, in the judgment of the operator, even though it did not meet the criteria of clause (A) or (B).

(7) "Jurisdictional" means an operator owned facility that ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter.

(8) "Operator" means a person or entity that operates intrastate pipeline facilities in the state of Indiana in which ~~any~~ **at least one (1)** of the following are transported:

(A) Natural or other hazardous flammable gas.

(B) Hazardous liquids.

(C) Carbon dioxide fluids.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.5; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)

SECTION 2. 170 IAC 5-3-0.6 IS ADDED TO READ AS FOLLOWS:

170 IAC 5-3-0.6 Adoption of United States Department of Transportation gas pipeline safety regulations

Authority: IC 8-1-1-3; IC 8-1-22.5-4
Affected: IC 8-1-2; IC 8-1-22.5

Sec. 0.6. The commission hereby adopts the gas pipeline safety regulations of the United States Department of Transportation contained in 49 CFR Parts 40, 191, 192, 193, 194, 195, 198, and 199, as of March 1, 2016, as augmented by the Indiana specific regulations found in section 2 of this rule.

(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.6)

SECTION 3. 170 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-1 Federal and other standards; compliance; general provisions

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2; IC 8-1-22.5

Sec. 1. (a) In accordance with IC 8-1-22.5, ~~each~~ **an** operator shall do the following:

(1) Construct, operate, and maintain its facilities in accordance with federal safety standards applicable:

(A) to the transportation of:

(i) natural and other gas;

(ii) hazardous liquids; or

(iii) carbon dioxide fluids; and

(B) for pipeline facilities used in this transportation;

established and in effect, from time to time, pursuant to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, with the

supplements contained in this rule.
(2) Comply with ~~any~~ **all** other:
(A) ~~code;~~ **codes;**
(B) ~~standard;~~ **standards;** or
(C) ~~regulation;~~ **regulations;**
contained in this rule.~~ as and~~
(3) Be governed, after due notice, by ~~any:~~ **all**:
(A) ~~deletion;~~ **deletions;**
(B) ~~addition;~~ **additions;**
(C) ~~revision;~~ **revisions;** or
(D) ~~amendment;~~ **amendments**;
thereof.
(b) Records shall be made documenting all:
(1) plan ~~review~~ **reviews** and updates;
(2) surveys;
(3) inspections; and
(4) repairs made.

All records required to document compliance with this rule shall be preserved in accordance with federal law or a minimum of five (5) years, whichever is longer. The records shall be readily available within the state of Indiana, at the office or offices of the operator located in the territory served by the office, and shall be open for examination by the commission or its representatives upon request. The provisions of this subsection shall not be construed so as to lessen or increase the period of maintenance of records as specifically provided by law. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 1; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 p.m.: 5 IR 1175; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)*

SECTION 4. 170 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-2 Federal regulations; revision
Authority: IC 8-1-1-3; IC 8-1-22.5-4
Affected: IC 8-1-2; IC 8-1-22.5

Sec. 2. **Indiana specific** revisions ~~of~~ **to** federal regulations, 49 CFR, Part 192 and Part 195 are as follows:

(1) ~~Operations and Maintenance Plan; Filing of Plan~~ **Procedural manual for operations, maintenance, and emergencies** (49 CFR 192.605 and 49 CFR 195.402) **shall read as follows:**

(a) Each operator shall **do the following:**
(1) Have a written plan covering the:
(A) emergency;
(B) operations; and
(C) maintenance;
procedures to be used by the operator to ~~assure~~ **ensure** the safe operation

of its pipeline facilities. The plan shall include, by sections, the emergency, operations, and maintenance procedures for all ~~such~~ **the** pipeline facilities and shall include procedures for handling abnormal operations. This plan, when filed, becomes a regulation for the particular operator who filed it.

(2) File a copy of the plan, signed or submitted electronically by an official of the operator, with the division.

(3) Keep records necessary to administer the plan effectively.

(4) Revise the plan as:

(A) experience dictates; and

(B) exposure of the facilities and changes in operating conditions might warrant.

(5) File with the division all subsequent revisions of the plan not later than twenty (20) days after the effective date of the changes. Minor revisions may be made in a cover letter.

(2) Customer Meters and Regulators: Installation (49 CFR 192.357). **In addition to the language contained in 49 CFR 192.553,** paragraph (e) **shall be adopted in Indiana and** shall read **as follows:**

(e) An operator may not initiate or reinstate gas service ~~for any new or replacement service (including for his or her own usage)~~ without first ascertaining that:

(1) the meter and regulator are:

(A) properly sized and installed for their intended use;

(B) pressure tight at the operating pressure; and

(C) protected from reasonably anticipated outside forces, including, but not limited to, reasonably anticipated:

(i) vehicular impact; and

(ii) natural forces, ~~such as:~~ **including, but not limited to:**

(AA) ice;

(BB) water runoff; and

(CC) snow; and

(2) for residential customers, the piping from the meter to the customer's appliance valves is pressure tight at the operating pressure.

(3) Service Lines; Location of Valves (49 CFR 192.365). **In addition to the language contained in 49 CFR 192.365 paragraphs (a) and (c), in Indiana,** paragraph (b) shall read **as follows:**

(b) Each service line must have a shutoff valve in a readily accessible location that is outside of the building.

(4) Service Lines: Cast Iron and Ductile Iron (49 CFR 192.373). **In addition to the language contained in 49 CFR 192.373 paragraphs (b) and (c), in Indiana,** paragraph

(a) shall read **as follows:**

(a) Cast or ductile iron pipe shall not be installed for service lines. ~~Delete Paragraphs (b) and (c).~~

(5) Test Requirements–General (49 CFR 192.503). ~~Paragraph~~ **In addition to the language contained in 49 CFR 192.503 paragraphs (b), (c), and (d), in Indiana, paragraphs** (a) **and (e)** shall read **as follows:**

(a) No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated, replaced, or has been abandoned previously, until:

(1) it has been tested in accordance with this subpart and 49 CFR 192.619 to substantiate the maximum allowable operating pressure; and

(2) each potentially hazardous leak has been located and eliminated.

~~Paragraph (e) shall read:~~

(e) No testing, by a medium other than natural gas under this subpart, may be done against a valve on ~~any~~ **a** jurisdictional part of the system that is connected by the valve to a source of gas, unless a positive suitable means has been provided to prevent the leakage or admission of the testing medium into ~~any~~ **a** jurisdictional part of the system.

(6) Test Requirements for Pipelines to Operate at or below 100 psig (49 CFR 192.509). **In addition to the language contained in 49 CFR 192.509 paragraph (a), in Indiana,** paragraph (b) shall read **as follows:**

(b) Each main that is to be operated at less than one (1) psig must be tested to at least ten (10) psig, and each main to be operated at or above one (1) psig must be tested to one hundred fifty percent (150%) of the maximum operating pressure or at least ninety (90) psig, whichever is greater.

(7) Test Requirements for Service Lines (49 CFR 192.511). **In addition to the language contained in 49 CFR 192.511** paragraph **(a), in Indiana, paragraphs** (b) **and (c)** shall read **as follows:**

(b) Each segment of a service line (other than plastic) stressed under twenty percent (20%) SMYS must be tested at one hundred fifty percent (150%) of the maximum operating pressure or at least to ninety (90) psig, whichever is greater. The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

~~Paragraph (c) shall read:~~

(c) Each segment of a service line (other than plastic) stressed to twenty percent (20%) or more of SMYS must be tested in accordance with Section 192.505 or 192.507, whichever is applicable, of this subpart.

(8) Subpart K–Uprating; General Requirements (49 CFR 192.553). **In addition to the language contained in 49 CFR 192.553,** paragraph (e) **shall be adopted in Indiana and** shall read **as follows:**

(e) Service regulators supplying gas from transmission lines or distribution mains that are being uprated under this subpart shall meet the requirements of Section 192.197.

(9) Uprating: Steel Pipelines to a Pressure That Will Produce a Hoop Stress less than 30 Percent of SMYS; Plastic, Cast Iron and Ductile Iron Pipelines (49 CFR 192.557). **In addition to the language contained in 49 CFR 192.557 except for** paragraph ~~(b-5)~~ **(b)(5), in Indiana, paragraph (b)(5)** shall read **as follows:**

~~(b-5)~~ **(b)(5)** Isolate by physical separation all mains between the segment of pipeline in which the pressure is to be increased from ~~any~~ **an** adjacent segment that will continue to be operated at the lower pressure, except ~~such~~ **the** mains that are required to supply through a pressure regulator (with approved overpressure protection designed in accordance with Section 192.195), the adjacent segment that will continue to be operated at the lower pressure; and

(10) Subpart L–Operations; General Provisions (49 CFR 192.603, 49 CFR 195). **In addition to the language contained in 49 CFR 192.603 paragraphs (a) and (b), in Indiana** paragraph (c) shall read **as follows:**

(c) Each operator shall maintain a system of records of its physical plant. These shall include records and maps of its active physical plant in use, and be in ~~such~~ **a** form as to facilitate the operation and maintenance of the plant in a safe manner. The records shall be reviewed, with documentation, and updated, with documentation, when an addition, deletion, or change of the system occurs each calendar year at intervals not exceeding fifteen (15) months. Included on the maps shall be:

(1) main;
(2) sizes;
(3) materials;
(4) pressure ranges; and
(5) location of:
    (A) mains emergency valves;
    (B) regulator stations;
    (C) rectifiers; and
    (D) critical bonds.

(11) Emergency Plans (49 CFR 192.615). **In addition to the language contained in 49 CFR 192.615,** paragraph ~~(f)~~ **(d) shall be adopted in Indiana and** shall read **as follows:**

> ~~(f)~~ **(d)** Each operator shall carry a listing in the current telephone directory of each community ~~which~~ **that** it serves or within which it operates whereby a responsible employee or agent of the operator may be reached on a twenty-four (24) hour basis.

(12) Distribution Systems: Leakage Surveys and Procedures (~~Ref: Title 49 CFR, Part 192, Section~~ (**49 CFR** 192.723). **In addition to the language contained in 49 CFR 192.723** paragraph ~~(b-1)~~ **a, paragraphs (b)(1), (b)(2), (b)(3), (c), (c)(1), (c)(2) and (d) shall be adopted and** shall read **as follows:**

> ~~(b-1)~~ **(b)(1)** A leak survey using gas detection equipment shall be conducted in:
>
> (1) business districts;
>
> (2) areas of high occupancy buildings as identified in the operator's operations and maintenance procedures, ~~such as~~ **including, but not limited to:**
>
> **(A)** schools;
>
> **(B)** churches;
>
> **(C)** hospitals;
>
> **(D)** apartment buildings; **and**
>
> **(E)** commercial buildings;
>
> (3) built-up residential areas where continuous pavement exists; and
>
> (4) ~~such~~ other areas as the commission may direct;
>
> once each calendar year at intervals not exceeding fifteen (15) months. The surveys in business districts and areas of high occupancy buildings, **listed in subdivisions** (1) and (2), shall be made at least to the meter outlet. Tests shall include tests of the atmosphere in utility manholes, at cracks in the pavement and sidewalks and other locations providing an opportunity for finding gas leakage.

~~Paragraph (b-2) shall read:~~

> ~~(b-2)~~ **(b)(2)** Leakage surveys of the distribution system outside of the areas as listed in ~~(b-1)~~ **(b)(1)** must be made as frequently as necessary but at least once every five (5) years at intervals not to exceed sixty-three (63) months. A vegetation type survey shall not be used as a single means of leakage control.

~~Paragraph (b-3) shall read:~~

> ~~(b-3)~~ **(b)(3)** Each operator shall establish and execute a plan by which it will periodically survey each customer-owned service line for leakage once every five (5) calendar years at intervals not to exceed sixty-three (63) months. For purposes of this section, the term "customer-owned service" shall mean buried metallic gas carrying ~~steel~~ piping that is between the outlet of the meter and the entry of the building wall of a residential dwelling. The term does not include **the following:**

(1) Farm taps.

(2) Services directly off mains that have an operating pressure of greater than sixty (60) psig.

(3) Diversions to structures other than the residential dwelling located on the premises.

(4) Services with meter settings adjacent to the structure being served.

~~Paragraph (c) shall read:~~

(c) All leaks reported, regardless of the origin of the reports, shall be recorded on suitable report forms. These report forms ~~should~~ **must** provide space for all pertinent information. Each leak reported shall be accounted for, and actions taken in response to leaks shall be documented and filed in a systematic manner.

~~Paragraph (c-1) shall read:~~

~~(c-1)~~ **(c)(1)** All leaks reported shall be investigated promptly and classified in accordance with procedures outlined in the operator's operations and maintenance plan. The procedures shall include acceptable response times and shall ensure that gas leakage that is hazardous to life or property shall receive immediate attention for repairs.

~~Paragraph (c-2) shall read:~~

~~(c-2)~~ **(c)(2)** Leak indications where repairs are not completed shall be rechecked on subsequent surveys, depending on the operator's classification and in accordance with the operator's procedures.

~~Paragraph (d) shall read:~~

(d) Records shall be made covering these surveys, inspections, and repairs made. These records, along with ~~any~~ **all** other routine or unusual inspections and repairs, shall be kept in the file of the operating company.

(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 2; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 p.m.: 5 IR 1176; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)

SECTION 5. 170 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-3 Acquisition of pipe or components to determine cause of failure

Authority: IC 8-1-1-3; IC 8-1-22.5

Affected: IC 8-1-22.5

Sec. 3. (a) Under IC 8-1-22.5, the division, acting through the commission, may acquire from ~~any~~ **an** operator or person sections of pipe or pipeline components that have failed in operation or test, or of pipeline components similar to the failed component, for the purpose of examination in an effort to determine the cause of the failure.

(b) Prior to the acquisition of the pipe or pipeline components, the specimens shall be positively identified as to:

(1) the item acquired;

(2) the date of the incident;
(3) the date of acquisition;
(4) the position of the component part in the pipeline system; and
(5) other pertinent data.

The operator or person from whom the pipe or pipeline components are acquired shall be given a receipt for the same by the division engineer receiving the parts.

(c) Upon the acquisition of the pipe or pipeline components, the division shall pursue its examination and tests without delay. Upon the completion of the examinations and tests, the division shall return the components acquired to the operator or person from whom acquired, obtaining a receipt for the same.

(d) As a result of the tests or other investigation, the commission may restrict or limit the use of similar pipeline components until ~~such~~ **the** time that they have been proved to be safe for the specified service. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 3; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 541; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)*

SECTION 6. 170 IAC 5-3-4 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-4 Reports to the division

Authority: IC 8-1-1-3; IC 8-1-22.5-4
Affected: IC 8-1-2-114

Sec. 4. (a) Each operator shall file the reports listed in this section with the:
(1) division; and
(2) addressee listed in 49 CFR 191.7.
(b) All accidents and incidents as:
(1) defined in this rule; or
(2) deemed significant by the operator, ~~such as~~ **including, but not limited to,** situations involving:
(A) media attention;
(B) high profile locations;
(C) large evacuations; or
(D) the possibility of recurrence;

shall be reported to the division by telephone or electronic submission at the earliest practicable moment following discovery. This notification shall be followed by a written report upon request by the division.

(c) The written report as required in ~~subdivision~~ **subsection** (b) shall be provided within twenty (20) days of the request and shall include, but not be limited to, the following:
(1) **The** name of the operator.
(2) **The** date and time of the incident.
(3) A definite location: street address or, if rural, locate definitely (not R.R.), 911 address.
(4) The number of employees injured requiring inpatient hospitalization or fatalities, or both (name, sex, age, and address).
(5) The number of nonemployees injured requiring inpatient hospitalization or fatalities,

or both (name, sex, age, and address).
(6) The estimated value of total property damage and a description of the damaged property.
(7) A description of the accident.
(8) The location and a description of the operator's plant, including sketches or maps, if necessary, for clarification.
(9) The condition of the operator's plant as found on inspection.
(10) The extent of the investigation and findings. ~~and~~
(11) Unless submitted electronically, the signature of a responsible representative of the operator.
(d) The following are the requirements for interruption of service reports:
(1) Each operator shall keep a record of ~~any interruption~~ **interruptions** of service affecting:
(A) its entire system;
(B) ~~affecting~~ a major division of its system;
(C) ~~affecting~~ one hundred (100) or more customers at once; or
(D) when the operator deems the event to be significant.
(2) The record required in subdivision (1) shall include a statement of the:
(A) time;
(B) duration;
(C) extent; and
(D) cause;
of the interruption.
(3) Whenever the service is intentionally interrupted for any purpose, the interruptions shall, except in emergencies, be at a time that will cause the least inconvenience to customers. Those customers who will be most seriously affected by the interruption shall, so far as possible, be notified in advance.
(4) Whenever the service is interrupted other than intentionally in a major division or community, the operator shall:
(A) notify the division by telephone or electronic submission at the earliest practicable moment following discovery and provide the information required in subdivision (2);
(B) confirm the information, upon request of the division, by a written report within twenty (20) days of the notification; and
(C) provide ~~such~~ additional reports requested by the division.
(e) The following are the ~~requirements for annual reports:~~ **reporting requirements:**
(1) Annual reports, as required by 49 CFR 191.11 and 191.17, shall be filed with the division not later than March ~~1~~ **15** of each year. ~~The division shall, after review, forward the original copy in accordance with 49 CFR 191.7.~~
(2) Annual reports as required by 49 CFR 195.49 shall be filed with the division no later than June ~~1~~ **15** of each year.
(3) Each ~~master meter~~ operator **of a master meter,** as defined in 49 CFR 191.3**,** shall file with the division, not later than March ~~1~~ **15** of each year, a report that shall include the following:
(A) The dates of completion for previous year of the:
(i) leak survey;

(ii) cp survey; and

(iii) valve inspection.

(B) The name of the person who completed the inspections on behalf of the ~~master meter~~ operator **of a master meter**.

(C) The number of unrepaired leak reports on January 1 of the preceding year.

(D) The number of leak reports received during the preceding year.

(E) The number of leaks repaired during the preceding year. ~~and~~

(F) The number of unrepaired leak reports at the end of the preceding year.

(G) Current information for the individual responsible for the gas system including the following:

(i) Name.

(ii) Title.

(iii) Address.

(iv) Phone number.

(v) E-mail address.

The information required in this subdivision shall be provided to the division on a form available on the division's website at ~~http://www.in.gov/iurc/pipeline.~~ **http://www.in.gov/iurc/2335.htm.**

These reports shall include all known leak reports regardless of classification, on the respective systems, up to and including the meter outlet.

(4) Each operator shall file with the division notification of construction that is significant to the operator, in a manner that facilitates unannounced inspections. Examples may include: ~~any:~~

(A) new construction, replacement, or relocation of ~~any~~ **a** jurisdictional:

(i) gas pipeline facility that is considered transmission by definition under 49 CFR 192.3;

(ii) gas distribution main of a significant footage for a single project, including ~~any~~ **a** cast iron or bare steel replacement project of any length;

(iii) gas purchase point, regardless of number of customers served;

(iv) gas distribution center station that is designed to serve at least one thousand (1,000) customers immediately or in the future; or

(v) hazardous liquid or carbon dioxide facility; or

(B) significant gas service replacement project that encompasses at least twelve (12) city blocks or two hundred fifty (250) services for a single project.

(5) The notification required under subdivision (4) shall include the following:

(A) A description and location of work.

(B) The type of facility.

(C) The estimated start date.

(D) The name and address of the reporting company.

(E) The name, address, and telephone number of person to be contacted concerning the project.

(F) ~~Any~~ **All** other significant information concerning the project.

(6) Each operator shall file with the division ~~such~~ other reports as may be required **by the division** that are relevant to the safe operation of the operator's system, including the following:

(A) Safety related condition reports as required by 49 CFR 191.25.

(B) Safety related condition reports as required by 49 CFR 195.56.

(f) The reports as listed and required in this section shall not imply or be considered an admission of ~~any~~ liability or responsibility of the operator in connection with the accident or incident so mentioned. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 4; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 542; filed Aug 12, 1988, 4:00 p.m.: 12 IR 6; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)*

SECTION 7. 170 IAC 5-3-5 IS AMENDED TO READ AS FOLLOWS:

170 IAC 5-3-5 Waiver of compliance; application; investigation

Authority: IC 8-1-1-3; IC 8-1-22.5-4

Affected: IC 8-1-2

Sec. 5. (a) ~~Any~~ **An** operator may apply to the commission for authorization to:

(1) construct, install, or use material and equipment that have not been approved; or

(2) waive in whole or in part compliance with ~~any~~ **a** code, standard, or regulation established under this rule.

(b) The commission shall investigate an application made under subsection (a), and, if it determines that the application of waiver of compliance with the code, standard, or regulation is not inconsistent with gas pipeline safety, the commission may grant the waiver after due compliance with the requirements of state statute and the provisions of the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 with regard to the waiver. Authorization will not be granted to install or use materials or equipment that are specifically prohibited by the federal or state regulations. *(Indiana Utility Regulatory Commission; No. 32885: Minimum Safety Standards for Transportation of Gas and Related Pipeline Facilities Rule 5; filed May 12, 1972, 10:30 a.m.: Rules and Regs. 1973, p. 545; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; readopted filed Apr 24, 2007, 8:21 a.m.: 20070509-IR-170070147RFA; errata filed Jul 21, 2009, 1:33 p.m.: 20090819-IR-170090571ACA; filed Feb 9, 2010, 9:24 a.m.: 20100310-IR-170090190FRA)*

Rule Signature Page

Rule #: LSA #15-424(F)
Agency: Indiana Utility Regulatory Commission
Subject: Amends 170 IAC 5-3-0.5, 170 IAC 5-3-1, 170 IAC 5-3-2, 170 IAC 5-3-3, 170 IAC 5-3-4, and 170 IAC 5-3-5 and adds 170 IAC 5-3-0.6 regarding minimum safety standards for the transportation of gas, hazardous liquids, carbon dioxide fluids, and related pipeline facilities.

ADOPTED:

By the Indiana Utility Regulatory Commission Date: APR 06 2016

Carol A. Stephan, Commission Chair

Carolene Mays-Medley, Vice Chair

James F. Huston, Commissioner

Angela Rapp Weber, Commissioner

David E. Ziegner, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: _____ Date: _____
Gregory F. Zoeller
Attorney General, State of Indiana

APPROVED:

By: _____ Date: _____
Michael R. Pence
Governor, State of Indiana

ACCEPTED FOR FILING:

By: _____ Date: _____
Indiana Register
Legislative Services Agency