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**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

Notice of Proposed Rulemaking

IURC RM #08-01

LSA #09-190

The Indiana Utility Regulatory Commission (the "Commission"), pursuant to IC 8-1-1-3(g), hereby proposes to amend 170 IAC 5-3, regarding pipeline safety standards for transportation of gas, hazardous liquids, carbon dioxide fluids, and related pipeline facilities. The Commission shall hear public comments on the attached proposed rule at a date and time to be determined, in Suite 220, of the National City Center, 101 W. Washington Street, Indianapolis, Indiana.

The Secretary of the Commission is hereby directed to maintain five (5) copies of the proposed rule continuously on file in the Commission Offices for public inspection, and forward copies of the attached proposed rule to the Indiana Legislative Services Agency for publication in the Indiana Register.

**IT IS SO ORDERED.**

**HARDY, GOLC, LANDIS, SERVER, AND ZIEGNER CONCUR:**

**APPROVED: APR 29 2009**

**I hereby certify that the above is a true and correct copy of the Rule as approved.**



**Brenda A. Howe**

**Secretary to the Commission**

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Proposed Rule**  
LSA Document #09-190

**DIGEST**

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

**170 IAC 5-3**

SECTION 1. 170 IAC 5-3-0.1 IS ADDED TO READ AS FOLLOWS:

**Rule 3. Minimum Safety Standards for the Transportation of Gas, Hazardous Liquids, Carbon Dioxide Fluids and Related Pipeline Facilities**

**170 IAC 5-3-0.1 Definitions**

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

**Affected:** IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5

**Sec. 0.1. (a) The definitions in this section apply throughout this rule.**

**(b) Terms used in this rule, unless otherwise provided, have the meanings set forth in:**

**(1) 49 CFR Parts 191, 192, 193, and 195; and**

**(2) IC 8-1-22.5.**

*(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.1)*

SECTION 2. 170 IAC 5-3-0.2 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.2 "Abnormal operation" defined**

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

**Affected:** IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5

**Sec. 0.2. "Abnormal operation" means:**

**(a) Unintended closure of valves or shutdowns;**

**(b) Increase or decrease in pressure or flow rate outside normal operating limits;**

**(c) Loss of communications;**

**(d) Operation of any safety device; or**

**(e) Any other foreseeable malfunction of a component, deviation from normal operation, or personnel error, which may result in a hazard to persons or property.**

*(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.2)*

SECTION 3. 170 IAC 5-3-0.3 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.3 "Accident" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.3. "Accident" means a failure in a hazardous liquids pipeline system that has any of the results listed in 49 CFR 195.50 requiring an accident report.**

*(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.3)*

SECTION 4. 170 IAC 5-3-0.4 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.4 "Commission" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.4. "Commission" means the Indiana utility regulatory commission.** *(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.4)*

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

**170 IAC 5-3-0.5 "Division" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.5. "Division" means the pipeline safety division of the commission.** *(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.5)*

SECTION 6. 170 IAC 5-3-0.6 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.6 "Division engineer" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.6. "Division engineer" means an engineer on the staff of the division.** *(Indiana Utility Regulatory Commission; 170 IAC 5-3-0.6)*

SECTION 7. 170 IAC 5-3-0.7 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.7 "Incident" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.7. "Incident" means:**

**(a) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:**

**(1) A death, or personal injury necessitating in-patient hospitalization; or**

- (2) **Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$ 50,000 or more; or**
  - (b) **An event that results in an emergency shutdown of an LNG facility; or**
  - (c) **An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (a) or (b).**
- (Indiana Utility Regulatory Commission; 170 IAC 5-3-0.7)*

SECTION 8. 170 IAC 5-3-0.8 IS ADDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.8 "Operator" defined**

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

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 0.8. "Operator" means a person or entity that operates intrastate pipeline facilities in the state of Indiana in which any 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 5-3-0.8)*

SECTION 9. 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 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

**Sec. 1. General. (a) In accordance with ~~Indiana Public Law 84, Acts of 1971 IC 1971, 8-1-22.5,~~ each intrastate gas pipeline operator, having gas facilities within the state of Indiana, shall:**

**(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 (~~Public Law 90-481, 49 U.S.C., 1671 et seq.~~) and the Hazardous Liquid Pipeline Safety Act of 1979, as the same may be amended, with the following supplements contained herein in this rule.**

**(2) Comply with any other:**

- (A) code;**
- (B) standard; or**
- (C) regulation**

**contained herein in this rule, insofar as any such code, standard or regulation is herein made applicable; and**

(3) Be governed, after due notice, by any:

- (A) deletion;
- (B) addition;
- (C) revision; or
- (D) amendment;

thereof.

(b) ~~Any and all terms used herein shall, where applicable, be defined in accordance with and be the same as the definitions specified in Parts 191, 192, and 193, Title 49, Code of Federal Regulations and Indiana Public Law 84, Acts of 1971 IC 1971, 8-1-22.5.~~

(c) ~~The Section numbers listed herein refer to the Section numbers of Title 49 Code of Federal Regulations, Parts 191, 192, and 193.~~ **Records shall be made documenting all:**

- (1) **plan review and updates;**
- (2) **surveys;**
- (3) **inspections; and**
- (4) **repairs made.**

All records required by **to document compliance with these rules [170 IAC 5-3] this rule** shall be preserved for at least three years after they are made **in accordance with federal law or a minimum of five (5) years, whichever is longer.** Such records shall be kept readily available within the state of **Indiana**, at the office or offices of the operator located in the territory served by it, 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 herein. (*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 am; Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 pm: 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*)

SECTION 10. 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 8-1-2-1; IC 8-1-2-33; IC 8-1-2-87; IC 8-1-22.5**

Sec. 2. Revisions of Federal Regulations, Title 49 CFR, Part 192 **and Part 195.**

ITEM I ~~Inspection~~ **Operations and Maintenance Plan; Filing of Plan; (Ref: Public Law 84, Acts of 1971, IC 8-1-22.5). 49 CFR 192.605 and 49 CFR 195.402)**

(a) Each operator shall:

(1) have a written plan covering the inspection:

- (A) **emergency;**
- (B) **operations; and**
- (C) **maintenance;**

procedures to be used by the operator to assure the safe operation of its pipeline facilities. The plan shall include, by sections, the ~~inspection~~ **emergency, operations and maintenance procedures of for all such pipeline facilities and shall include procedures for handling abnormal operations.** This plan, when filed, becomes ~~in effect~~ a regulation for the particular operator who filed it.

(2) file ~~two copies~~ **a copy** of the plan, **signed or submitted electronically by an official of the operator**, with the ~~pipeline safety division of the commission; both copies of which are to be signed by an official of the operator.~~

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

(4) revise the plan as:

(A) experience dictates; and

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

(5) file with the ~~pipeline safety division of the commission~~ all subsequent revisions of the plan not later than **twenty (20)** days after the effective date of such changes.

Minor revisions may be made ~~via a~~ **in a** cover letter.

~~ITEM II Joining of Materials Other Than by Welding; (Ref: Title 49 CFR, Part 192, Section 192.273).~~

~~Paragraph (b) shall read:~~

~~(b) Each joint made under this Subpart must be made by a person (or under the supervision of a person) qualified by experience and training, in accordance with written procedures that have been proven by test or experience to produce strong, gastight joints.~~

~~ITEM III Customer Meters and Regulators: Installation; (Ref: Title 49 CFR, Part 192, Section 192.357).~~

~~Paragraph (e) shall read:~~

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

~~(1) the meter and regulator ~~installation~~ are:~~

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

~~(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:**~~

~~(AA) **ice;**~~

~~(BB) **water runoff; and**~~

~~(CC) **snow; and**~~

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

~~ITEM IV Service Lines; Location of Valves; (Ref: Title 49 CFR, Part 192, Section 192.365).~~

~~Paragraph (b) shall read:~~

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

~~ITEM V Service Lines: Cast Iron and Ductile Iron; (Ref: Title 49 CFR, Part 192, Section 192.373).~~

~~Paragraph (a) shall read:~~

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

~~ITEM VI Test Requirements General; (Ref: Title 49 CFR, Part 192, Section 192.503).~~

~~Paragraph (a) shall read:~~

~~(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—~~

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 jurisdictional part of the system a:

- (1) ~~transmission line;~~
- (2) ~~distribution main; or~~
- (3) ~~auxiliary apparatus;~~

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 jurisdictional part of the system the

- (4) ~~transmission line;~~
- (5) ~~distribution main; or~~
- (6) ~~auxiliary apparatus.~~

ITEM VII—Test Requirements for Pipelines to Operate At or Below 100 p.s.i.g.; (Ref: Title 49 CFR, Part 192, Section 192.509).

Paragraph (b) shall read:

(b) Each main ~~other than steel or plastic~~ that is to be operated at less than one (1) p.s.i.g. must be tested to at least ~~ten~~ (10) p.s.i.g., and each main to be operated at or above one (1) p.s.i.g. must be tested to ~~150~~ **one hundred fifty per cent (150%)** of the maximum operating pressure or at least ~~ninety~~ (90) p.s.i.g., whichever is greater.

Paragraph (c) shall read:

~~(c) Each steel main that is to be operated at less than 100 p.s.i.g. must be tested to 150 per cent of the maximum operating pressure or at least 90 p.s.i.g., whichever is greater.~~

ITEM VIII—Test Requirements for Service Lines (Ref: Title 49 CFR, Part 192, Section 192.511).

Paragraph (b) shall read:

(b) Each segment of a service line (other than plastic) stressed under ~~20~~ **twenty per cent (20%)** SMYS must be tested at ~~150~~ **one hundred fifty per cent (150%)** of the maximum operating pressure or at least to ~~ninety~~ (90) p.s.i.g., 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 ~~20~~ **twenty per cent (20%)** or more of SMYS must be tested in accordance with Section 192.505 or 192.507, whichever is applicable, of this Subpart.

ITEM IX—Subpart K—Upgrading; General Requirements; (Ref: Title 49 CFR, Part 192, Section 192.553).

Paragraph (e) shall read:

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

ITEM X—Upgrading: Steel Pipelines To a Pressure That Will Produce a Hoop Stress Less Than 30 Per Cent of SMYS; Plastic, Cast Iron and Ductile Iron Pipelines; (Ref: Title 49 CFR, Part 192, Section 192.557).

Paragraph (b-5) shall read:

(b-5) Isolate by physical separation all mains between the segment of pipeline in which the pressure is to be increased from any adjacent segment that will continue to be operated at the lower pressure, except such 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

ITEM XI-Subpart L-Operations; General Provisions; (Ref: Title 49 CFR, Part 192, Section 192.603, 49 CFR 195).

Paragraph (c) shall read:

(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 form as to facilitate the operation and maintenance of the plant in a safe manner. Such records shall be ~~kept reviewed,~~ **with documentation, and updated, with documentation, when an addition, deletion or change of the system occurs each calendar year** at intervals not exceeding ~~12~~ **fifteen (15)** months. **Included on such 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.**

~~ITEM XII Continuing Surveillance; (Ref: Title 49 CFR, Part 192, Section 192.613).~~

~~Paragraph (c) shall read:~~

~~(c) All records and procedures pertaining to the conditions listed in Paragraphs (a) and (b) and the action taken shall be kept in the file of the operating company.~~

ITEM XIII XII-Emergency Plans; (Ref: Title 49 CFR, Part 192, Section 192.615).

Paragraph (e) shall read:

~~(e) Establish liaison with appropriate communication officials, such as newspaper, radio and television, for assistance in keeping the public informed during emergencies.~~

Paragraph (f) shall read:

(f) Each operator shall carry a listing in the current telephone directory of each community which 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**. ~~The listing shall be under the name of the operator with a designation for hours other than regular business hours.~~

ITEM XIV XIII-Distribution Systems: Leakage Surveys and Procedures; (Ref: Title 49 CFR, Part 192, Section 192.723).

Paragraph (b-1) shall read:

(b-1) A ~~gas detector~~ **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 schools, churches, hospitals, apartment buildings; commercial buildings;
- (3) built-up residential areas where continuous pavement exists; and
- (4) in such other areas as the commission may direct;

**once each calendar year** at intervals not exceeding ~~one year~~ **fifteen (15) months**.

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

Paragraph (b-3) shall read:

(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 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 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:

- (1) Farm taps.
- (2) Services directly off mains that have an operating pressure of 60 psig or greater.
- (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 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) All leaks reported shall be investigated promptly and classified in a manner whereby **accordance with procedures outlined in the operator's operations and maintenance plan. Such procedures shall include acceptable response times and shall ensure that gas leakage that is hazardous to life and/or property shall receive immediate attention for repairs.**

Paragraph (c-2) shall read:

(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 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 am: Rules and Regs. 1973, p. 537; filed May 7, 1982, 2:00 pm: 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)*

SECTION 11. 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 8-1-22.5-4**

**Affected: IC 8-1-2-12; IC 8-1-2-14; IC 8-1-2-15; IC 8-1-22.5**

Sec. 3. Acquisition of Pipe or Components. (a) Pursuant to the provisions of ~~Public Law 84, Acts of 1971 (IC 1971, 8-1-22.5~~, the pipeline safety division, acting through the commission, may acquire from any 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 such failure.

(b) Prior to the acquisition of such pipe or pipeline components, such specimens shall be positively identified ~~in the presence of a representative of the operator or person owning such pipeline components and a Division Engineer~~ 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 such parts.

(c) Upon the acquisition of such pipe or pipeline components, the division shall pursue its examination and/or tests without delay. Upon the completion of such 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 such tests and/or other investigation, the commission may restrict or limit the use of similar pipeline components until such 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 am; 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*)

#### SECTION 12. 170 IAC 5-3-4 IS AMENDED TO READ AS FOLLOWS

##### **170 IAC 5-3-4 Reports to pipeline safety division**

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

**Affected: IC 8-1-2-114**

Sec. 4. Reports. (a) Each operator shall file the following reports **listed in this section** with:

- (1) ~~the pipeline safety division of the Indiana utility regulatory commission and/or;~~ and
- (2) ~~the addressee listed in Section 191.7, Title 49 CFR, Part 191 191.7.~~

(a) (b) **Accident and incident reports.** ~~(1) Reports as required by Public Law Acts of 1913, c. 76, S. 123 (IC 1971, 8-1-2-114), shall be filed with the pipeline safety division of the commission; telephonic report at the earliest practicable moment following discovery with a written report filed within twenty (20) days.~~

~~(2) (1) All accidents or and incidents of a serious nature occurring upon the premises of the operator or the operator's customer's premises, accompanied by an explosion, fire, misapplication and/or escapement of gas hazardous liquids or carbon dioxide, and is attended with total property damage exceeding three thousand dollars (\$3,000), or injury requiring hospitalization as:~~

~~(A) defined in this rule; or~~

~~(B) deemed significant by the operator, such as situations involving:~~

- (i) media attention;
- (ii) high profile locations;
- (ii) large evacuations; or
- (iv) 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.

~~(3)~~ (2) The written report as required in subdivision (1) and ~~(2)~~ above [subdivisions (1) through ~~(2)~~] shall be provided within twenty (20) days of the request and shall include, but not be limited to:

- ~~(i)~~ (A) Name of operator;
- ~~(ii)~~ (B) Date and time of incident;
- ~~(iii)~~ (C) Definite location: street address or, if rural, locate definitely (not R.R.); , 911 address
- ~~(iv)~~ (D) Number of employees injured requiring in-patient hospitalization and/or fatalities: (name, sex, age, and address);
- ~~(v)~~ (E) Number of non-employees injured requiring in-patient hospitalization and/or fatalities: (name, sex, age, and address);
- ~~(vi)~~ (F) Estimated value of total property damage and description of damaged property;
- ~~(vii)~~ (G) Description of accident;
- ~~(viii)~~ (H) Location and description of the operator's plant, including sketches or maps, if necessary, for clarification;
- ~~(ix)~~ (I) Condition of operator's plant as found on inspection;
- ~~(x)~~ (J) Extent of investigation and findings; and
- ~~(xi)~~ (K) Unless submitted electronically, the signature of a responsible representative of the operator.

~~(b) Leak Reports. Leak reports as required by Title 49 C.F.R., Part 191, Sections 191.9 and 191.15, shall be filed in duplicate with the pipeline safety division of the commission as soon as practicable but not more than twenty (20) days after detection. The division shall, after review, forward the original copy to the department of transportation, in accordance with Section 191.7, Title 49 C.F.R., Part 191.~~

~~(i) Telephonic notice shall be made by the operator as required by Section 191.5, and also be made as soon as practicable to the pipeline safety division of the commission.~~

~~(ii) In case an accident occurs as a result of a leak, an accident report shall be filed also under item (a) of this rule [subsection (a)]. In this case the additional information called for in Paragraph (a-3) [subsection (a)(3)] may be an addendum to the commission's copy of the report.~~

~~(e)~~ (b) Interruption of Service Reports.

(1) Each operator shall keep a record of any interruption of service affecting:

- (A) its entire system; or
- (B) a major division thereof of its system;
- (C) 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 including 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, such interruptions shall, except in emergencies, be at a time which will cause the least inconvenience to customers. Those customers who will be most seriously affected by such 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 ~~pipeline safety division of the commission~~ by telephone or electronic submission at the earliest practicable moment following discovery and provide the ~~above~~ information **required in subdivision (2); and**

(B) ~~confirming~~ **confirm the information, upon request of the division, by a written report within twenty (20) days thereafter of the notification; and**

(C) **provide such additional reports as the Commission may require requested by the division.**

~~(d)~~ (c) Annual Reports.

(1) Annual reports ~~for the preceding calendar year, as required by Title 49 C.F.R., Part 191, Section 191.11 and 191.17, shall be filed in duplicate with the pipeline safety division of the commission by not later than March 1st of each year. The division shall, after review, forward the original copy in accordance with Section 191.7 Title 49 C.F.R., Part 191 191.7.~~

(2) **Annual reports as required by 49 CFR 195.49 shall be filed with the division no later than June 1<sup>st</sup> of each year.**

(3) Each **master meter operator as defined in 49 CFR 191.3 shall submit to file with the Pipeline Safety division, of the commission two (2) annual leak repair reports which shall show (1) for the distribution system of the operator and (2) for the transmission system of the operator;**

~~These reports shall be filed with the pipeline safety division of the commission by March 1st for the preceding calendar year.~~

**no later than March 1<sup>st</sup> of each year, a report that shall include the:**

(A) **dates of completion for previous year of the:**

(i) **leak survey;**

(ii) **cp survey; and**

(iii) **valve inspection.**

(B) **name of the person who completed the inspections on behalf of the master meter operator; and**

(i) **Number of unrepaired leak reports on January 1st of the preceding year;**

(ii) **Number of leak reports received during the preceding year;**

(iii) **Number of leaks repaired during the preceding year; and**

(iv) **Number of unrepaired leak reports at the end of the preceding year.**

(v) **These reports shall include all known leak reports regardless of classification, on the respective systems, up to and including the meter outlet; and**

(C) **current information for the individual responsible for the gas system including:**

(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>.**

~~(3) Each operator shall submit to file with the pipeline safety division of the commission within two (2) months after the start of their operating year, a list of major upgrading projects proposed for the ensuing year. A brief description should be given of each proposed upgrading project, such as main and/or service replacements, maintenance projects, installation of cathodic protection on presently unprotected sections, installation of overpressure protection, and any other proposed work of an upgrading nature. Proposed major construction and/or relocation projects of pipelines operating at one hundred (100) p.s.i.g. or more should be included. Include location (town, township, county), amount and size of pipe involved, estimated cost, and other pertinent data.~~  
**notification of construction that is significant to the operator, in a manner that facilitates unannounced inspections. Examples may include:**

- (A) any new construction, replacement or relocation of any 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 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 (1000) customers immediately or in the future; or**
  - (v) hazardous liquid or carbon dioxide facility; or**
- (B) any significant gas service replacement project that encompasses at least twelve (12) city blocks or two hundred fifty (250) services for a single project;**
- (4) The notification required under subdivision (3) shall include:**
  - (i) a description and location of work;**
  - (ii) the type of facility;**
  - (iii) the estimated start date;**
  - (vii) the name and address of the reporting company;**
  - (viii) the name, address and telephone number of person to be contacted concerning the project;**
  - (x) any other significant information concerning the project.**

~~(4) Each operator shall submit to the pipeline safety division of the commission within two (2) months after the end of their operating year a list of major upgrading projects which were completed during the preceding year. The list should contain such information as listed in paragraph (3) above [subdivision (3)], except being for projects actually completed or a major portion completed.~~

~~(5) For pipelines operating at or above forty (40) per cent of the specified minimum yield strength (SMYS) each operator shall certify to the pipeline safety division of the commission by March 1st of each year that it has complied with the federal safety standard, in force and effect from time to time applicable to the determination of change~~

~~in-class location and of confirmation or revision of the maximum allowable operating pressure for such pipelines.~~

~~(6) Each operator shall submit to the pipeline safety division of the commission by August 1st of each year a report of its unaccounted for gas for the twelve (12) month period ending June 30th. This report shall include:~~

~~(i) Total input in cubic feet into their system for the twelve (12) month period; (gas produced and purchased);~~

~~(ii) Total sales and company usage in cubic feet during the twelve (12) month period;~~

~~(iii) Unaccounted for gas in cubic feet during the twelve (12) month period; (item (i) minus item (ii));~~

~~(iv) Per cent of unaccounted for gas for the period; item (iii)  $\times$  100 item (i)~~

~~(7) (5) Each operator shall submit to file with the pipeline safety division of the commission such other reports as may be required that are relevant to the safe operation of the operator's system.~~

**(d) Safety Related Condition Reports.**

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

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

(e) Such reports as listed and required in ~~the foregoing paragraphs of this rule~~ 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)*

SECTION 13. 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 8-1-2-34; IC 8-1-2-35; IC 8-1-2-36**

Sec. 5. Waiver of Compliance. (a) Any operator may apply to the ~~Public Service~~ commission of ~~Indiana~~ for authorization to:

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

(2) ~~otherwise~~ waive in whole or in part compliance with any code, standard or regulation established under this ~~Cause~~ **[170 IAC 5-3] rule.**

(b) The commission shall investigate ~~such an~~ **an** application **made under subsection (a),** and, if it determines that ~~such the~~ application of waiver of compliance with ~~such the~~ code, standard or regulation is not inconsistent with gas pipeline safety, the commission may grant ~~such 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 ~~such the~~ waiver. Authorization will not be granted to install or use ~~such~~ materials or equipment as ~~that~~ are specifically prohibited by the federal ~~and/or~~ 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 am: 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*)