

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Strawman Rule**  
LSA Document #24-\_\_\_

**DIGEST**

Amends 170 IAC 5-3-0.6, 170 IAC 5-3-1, 170 IAC 5-3-2, 170 IAC 5-3-2.1, 170 IAC 5-3-4, and 170 IAC 5-3-4.1, to incorporate new federal regulations through December 31, 2023; to adjust requirements for reconnection after an emergency disconnection; to require operator qualification for installation of new pipelines, to specify the information on the material of pipeline required in maps and records; to distinguish the requirements to provide notice of construction by operator size and to correct references and style. Adds 170 IAC 5-3-6 to set forth the considerations in assessing penalties under IC 8-1-22.5. Effective July 1, 2025.

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**170 IAC 5-3-0.6; 170 IAC 5-3-1; 170 IAC 5-3-2; 170 IAC 5-3-2.1; 170 IAC 5-3-4; 170 IAC 5-3-4.1**

SECTION 1. 170 IAC 5-3-0.6 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 5-3-0.6 Incorporation of United States Department of Transportation 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 incorporates in this rule the 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 ~~November 1, 2022~~ **July 1, 2024**, as revised by section 2 of this rule. (*Indiana Utility Regulatory Commission; 170 IAC 5-3-0.6; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA; filed Sep 20, 2018, 3:04 p.m.: 20181017-IR-170170448FRA; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA*)

SECTION 2. 170 IAC 5-3-1 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. (a) Indiana specific revisions to certain federal regulations incorporated in section 0.6 of this rule are as set forth in this section.

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(b) 49 CFR 192.201(c) (Required capacity of pressure relieving and limiting stations) is revised to read as follows:

"(c) Relief valves or automatic shutoff devices must be installed at or near each regulator station in a low-pressure distribution system, with a capacity to limit the maximum pressure in the main to a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilization equipment."

(c) 49 CFR 192.201 is augmented to include an additional paragraph (a)(2)(iv) to read as follows:

"(a)(2)(iv) At a minimum have a device installed that would notify the operator or the public of a malfunction."

(d) 49 CFR 192.357 (Customer Meters and Regulators: Installation) is augmented to include an additional paragraph ~~paragraphs~~ (e) and (f) to read as follows:

"(e) An operator may not ~~initiate or reinstate~~ initiate or reinstate gas service ~~after an emergency disconnection~~ without first ascertaining that:

~~(1) the meter and regulator are pressure tight at the operating pressure.  
(f) Except for routine meter replacements, an operator may not initiate or reinstate gas service after a non-emergency 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, 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."~~

(e) 49 CFR 192.365(b) (Service Lines; Location of Valves) is revised to read as follows:

"(b) Each service line must have a shutoff valve in a readily accessible location that is outside of the building. The required shutoff valve may include, but is not limited to:

- (1) outside meter valves; or
- (2) curb valves."

(f) 49 CFR 192.373(a) (Service Lines: Cast Iron and Ductile Iron) is revised to read as follows:

"(a) Cast or ductile iron pipe shall not be installed for service lines."

(g) 49 CFR 192.375(a) (Installation of Plastic Pipe) is revised to read as follows:

"(a) This provision takes effect after July 1, 2021. Each plastic service line outside a building must be installed below ground level, except that it may be installed in accordance with § 192.321(g). A flexible riser must be designed to withstand damage from outside or a casing must also be installed to protect the flexible riser from lawn mowers, weed eaters, hedge trimmers, and other possible sources of external damage."

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(h) 49 CFR 192.467 (External corrosion control: Electrical isolation) is augmented to include an additional paragraph (g) to read as follows:

"(g) For the purposes of this section, "electrical isolation" and "electrically isolated" means a substantial resistance between a buried or submerged pipeline and an underground metallic structure. If the differential between pipe-to-soil of underground metallic structure is less than 100 millivolts, this may indicate an electrical isolation issue and further investigation shall be conducted to verify electrical isolation is adequate in accordance with paragraph (d) of this section."

(i) 49 CFR 192.503 (Test Requirements - General) ~~In addition to the language contained in 49 CFR 192.503 paragraphs (b), (c), and (d), paragraphs (a) and (e) are revised~~ **is augmented to include an additional paragraph (f)** to 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.~~

~~...~~  
~~"(e)(f) No testing, by a medium other than natural gas under this subpart, may be done against a valve on 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 a jurisdictional part of the system. When performing a pressure test, the operator shall use a calibrated tool or chart in accordance with section 2.2 of this rule".~~

(j) 49 CFR 192.509(b) (Test Requirements for Pipelines to Operate at or below 100 psig) is revised to read as follows and 49 CFR 192.509 is augmented to include an additional paragraph (c) to 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.

(c) Distribution pipelines tested to comply with this rule must be tested to meet at least the durations specified in the Gas Piping Technology Committee guidelines under section 192.509 and 192.513, for the applicable pipeline material, size, and lengths, except no duration shall be required to exceed 24 hours."

(k) 49 CFR 192.511 (Test Requirements for Service Lines). In addition to the language contained in 49 CFR 192.511 paragraph (a), paragraphs (b) and (c) are revised to 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.

(c) Each segment of a service line (other than plastic) stressed to twenty percent (20%)

**Commented [WBS1]:** Unsure of intention on this removal.

**Commented [WBS2]:** This seems okay to approve.

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or more of SMYS must be tested in accordance with Section 192.505 or 192.507, whichever is applicable, of this subpart."

(l) 49 CFR 192.553(c) (Subpart K - Uprating; General Requirements) is revised to read as follows:

"(c) Written plan. Each operator who uprates a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of this subpart is complied with. An operator shall submit a copy of its written uprate plan to the division at least thirty (30) days before work commences under the plan, and submit to the division all subsequent revisions of the plan prior to performing work under those provisions. The operator shall submit to the Division a cover letter summarizing the revisions."

(m) 49 CFR 192.553 (Subpart K - Uprating; General Requirements) is augmented to include an additional paragraph (e) to 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."

(n) 49 CFR 192.557(b)(5) and (c) (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) are revised to read as follows:

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

(c) After complying with paragraph (b) of this section, the increase in maximum allowable operating pressure must be made in increments that are equal to 10 p.s.i. (69 kPa) gage or 25 percent of the total pressure increase, whichever produces the fewer number of increments. The highest pressure at which the pipeline is surveyed is the newly established MAOP. Whenever the requirements of paragraph (b)(6) of this section apply, there must be at least two approximately equal incremental increases."

(o) 49 CFR 192.605 (Procedural manual for operations, maintenance, and emergencies) is augmented to include an additional paragraph (f) to read as follows:

"(f) The written manual required by paragraph (a) of this section, referred to as the plan in this subsection, shall ensure the safe operation of the operator's pipeline facilities. The plan shall include, by sections, the emergency, operations, and maintenance procedures for all the pipeline facilities and shall include procedures for handling abnormal operations. This plan, when submitted, becomes a regulation for the particular operator who filed it. In addition, an operator shall:

- (1) submit a copy of the plan to the division;
- (2) keep records necessary to administer the plan effectively;
- (3) revise the plan as:
  - (A) experience dictates; and

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

(4) submit to 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."

(p) 49 CFR 192.615 (Emergency Plans) is augmented to include an additional paragraph (d) to read as follows:

"(d) Each operator shall publish a listing in the current telephone directory of each community that it serves or in a conspicuous location on its publicly available website whereby a responsible employee or agent of the operator may be reached on a twenty-four (24) hour basis."

(q) 49 CFR 192.616 (Public Awareness) is augmented to include an additional paragraph ~~(j)~~(k) to read as follows:

"~~(j)~~(k) The operator's public awareness program shall include, at a minimum, a plan to directly contact appropriate government organizations and emergency responders at least once every four years for organizations that have not affirmatively attended group public awareness meetings at least once every four years."

(r) 49 CFR 192.723 (Distribution Systems: Leakage Surveys and Procedures) is revised to read as follows:

"(a) Each operator of a distribution system shall conduct periodic leakage surveys in accordance with this section.

(b) 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, including, but not limited to:
  - (A) schools;
  - (B) churches;
  - (C) hospitals;
  - (D) apartment buildings;
  - (E) commercial buildings, including commercial box-style warehouse stores;
  - (F) strip malls;
  - (G) day care centers;
  - (H) nursing homes;
  - (I) assisted living centers; and
  - (J) identified sites in the operator's plan;
- (3) built-up residential areas where continuous pavement exists; and
- (4) 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.

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(c) Leakage surveys of the distribution system outside of the areas as listed in paragraph (b) 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.

(d) 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 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.

(e) All leaks reported, regardless of the origin of the reports, shall be recorded on suitable report forms. These report forms 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.

(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.

(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.

(f) An operator shall document surveys, inspections, and repairs made. These records, along with all other routine or unusual inspections and repairs, shall be kept in the file of the operating company."

(s) 49 CFR 192.740(a) (Pressure regulating, limiting, and overpressure protection - Individual service lines directly connected to production, gathering, or transmission pipelines) is revised to read as follows:

"(a) This section applies, except as provided in paragraph (c) of this section, to any service line directly connected to a production, gathering, or transmission pipeline that serves three (3) or more customers."

~~(t) 49 CFR 192.801(b) is revised to read as follows:~~

~~"(b) For the purpose of this subpart, a covered task shall include an activity that:~~

~~(1) Is performed on:~~

~~(A) a pipeline facility;~~

~~(B) a pipeline that is being installed for the purpose of transporting gas, including new construction; or~~

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~~(C) appurtenances to the pipeline that is being installed for the purpose of transporting gas, including new construction;  
(2) Is an operations or maintenance task;  
(3) Is performed as a requirement of this part; and  
(4) Affects the operation or integrity of the pipeline.~~

Commented [WBS3]: Discuss language in next Rule Making

(u) 49 CFR 192.805(h) (Qualification Program) is revised to read as follows:

"(h) Provide training to individuals performing covered tasks to ensure that the individuals have the knowledge and skills needed to perform the tasks, which is the operator qualification training. An operator shall have and follow a written training program for employees performing covered tasks. When assigning training to an employee, an operator may modify the type of training considering the employee's prior experience with the operator's gas system, tools, and equipment; nonetheless the training shall include, at a minimum:

- (1) initial training;
- (2) re-qualification training; and
- (3) training on tools and equipment that will be utilized by the employee, with the following considerations:

(A) Training may be accomplished by the tool or equipment vendor or manufacturer's representative, or by an operator's designated trainer, supervisor, or a competent employee or designee.

(B) Additional training is only required on uniquely operating tools and equipment, where the equipment's functionality varies by operation and not only by manufacturing brand.

The training shall provide the individuals performing covered tasks have the necessary knowledge and skills to perform these tasks in a manner that ensures the safe operation of pipeline facilities; and".

(u) 49 CFR 192.1003 (What do the regulations in this subpart cover?) is revised to read as follows:

~~"(a) General. Unless exempted in paragraph (b) of this section this subpart prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this part, including liquefied petroleum gas systems. A gas distribution operator, other than a master meter operator or a small LPG operator, must follow the requirements in §§ 192.1005 through 192.1013 of this subpart. A master meter operator or small LPG operator of a gas distribution pipeline must follow the requirements in § 192.1015 of this subpart."~~

Commented [WBS4]: Okay with leaving change.

(v) 49 CFR 195.402 (Procedural manual for operations, maintenance, and emergencies) is augmented to include an additional paragraph (g)(i) to read as follows:

~~(g)(i)~~ (i) The written manual required by paragraph (a) of this section, referred to as the plan in this subsection, shall ensure the safe operation of the operator's pipeline facilities. The plan shall include, by sections, the emergency, operations, and maintenance procedures for all the pipeline facilities and shall include procedures for handling abnormal operations. This plan, when filed, becomes a regulation for the particular

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operator. ~~who filed it.~~ In addition, an operator shall:

- (1) submit a copy of the plan to the division;
- (2) keep records necessary to administer the plan effectively;
- (3) revise the plan as:
  - (A) experience dictates; and
  - (B) exposure of the facilities and changes in operating conditions might warrant;
- and
- (4) submit to 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."

(w) 49 CFR 195.440 (Public Awareness) is augmented to include an additional paragraph ~~(i)~~(j) to read as follows:

"~~(i)~~(j) The operator's public awareness program shall include, at a minimum, a plan to directly contact appropriate government organizations and emergency responders at least once every four years for organizations that have not affirmatively attended group public awareness meetings at least once every four years."

~~(x) 49 CFR 195.501(b) is revised to read as follows:~~

~~"(b) For the purpose of this subpart, a covered task shall include an activity that:~~

- ~~(1) Is performed on:
  - ~~(A) a pipeline facility;~~
  - ~~(B) a pipeline that is being installed for the purpose of transporting hazardous liquid, including new construction; or~~
  - ~~(C) appurtenances to the pipeline that is being installed for the purpose of transporting hazardous liquid, including new construction;~~~~
- ~~(2) Is an operations or maintenance task;~~
- ~~(3) Is performed as a requirement of this part; and~~
- ~~(4) Affects the operation or integrity of the pipeline.~~

~~(x)~~(y) 49 CFR 195.505(h) (Qualification Program) is revised to read as follows:

"(h) Provide training to individuals performing covered tasks to ensure that the individuals have the knowledge and skills needed to perform the tasks, which is the operator qualification training. An operator shall have and follow a written training program for employees performing covered tasks. When assigning training to an employee, an operator may modify the training considering the employee's prior experience with the operator's gas system, tools, and equipment; nonetheless the training shall include, at a minimum:

- (1) initial training;
- (2) re-qualification training; and
- (3) training on tools and equipment that will be utilized by the employee, with the

following considerations:

- (A) Training may be accomplished by the tool or equipment vendor or manufacturer's representative, or by an operator's designated trainer, supervisor, or a competent employee or designee.

**Commented [WB55]:** Discuss language in next Rule Making



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(B) Additional training is only required on uniquely operating tools and equipment, where the equipment's functionality varies by operation and not only by manufacturing brand.

The training shall provide the individuals performing covered tasks have the necessary knowledge and skills to perform these tasks in a manner that ensures the safe operation of pipeline facilities; and".

~~(y)~~(z) 49 CFR 195.575 (Which facilities must I electrically isolate?) is augmented to include an additional paragraph (f) to read as follows:

"(f) For the purposes of this section, "electrical isolation" and "electrically isolated" means a substantial resistance between a buried or submerged pipeline and an underground metallic structure. If the differential between pipe-to-soil of underground metallic structure is less than 100 millivolts, this may indicate an electrical isolation issue and further investigation shall be conducted to verify electrical isolation is adequate in accordance with paragraph (d) of this section."

*(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; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA; filed May 24, 2023, 3:24 p.m.: 20230621-IR-170220324FRA)*

SECTION 3. 170 IAC 5-3-2.1 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 5-3-2.1 Maps and records**

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

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

Sec. 2.1. (a) An 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 a form as to facilitate the operation and maintenance of the plant in a safe manner. Included on the maps and records shall be the information and location, if applicable, regarding:

- (1) mains;
- (2) services;
- (3) sizes;
- (4) materials;
- (5) pressure ranges;
- (6) mains emergency valves;
- (7) regulator stations;
- (8) rectifiers;
- (9) farm taps; and
- (10) critical bonds.

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~~(b) for a new pipeline facility, an operator shall capture and retain in its maps and records, at a minimum, the following data:~~

- ~~(1) installation location;~~
- ~~(2) material type;~~
- ~~(3) material size;~~
- ~~(4) wall thickness or standard dimension ratio;~~
- ~~(5) manufacturer;~~
- ~~(6) lot or production number; and~~
- ~~(7) depth of cover.~~

~~(b)(c)~~ (c) An operator that does not utilize geographic information systems (GIS) or electronic maps shall, at a minimum, review its maps and records once each calendar year at intervals not exceeding fifteen (15) months. Documentation shall be made available for review by the division.

~~(e)(d)~~ (d) An operator that utilizes GIS or electronic maps shall reflect changes to the maps on an on-going basis. An operator shall maintain documentation of electronic updates that occur within their GIS. *(Indiana Utility Regulatory Commission; 170 IAC 5-3-2.1; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA; filed May 24, 2023, 3:24 p.m.: 20230621-IR-170220324FRA)*

**Commented [WBS6]:** Discuss language in next Rule Making

SECTION 4. 170 IAC 5-3-2.4 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 5-3-2.4 “Farm taps” defined**  
**Authority: IC 8-1-1-3; IC 8-1-22.5-4**  
**Affected: IC 8-1-2; IC 8-1-22.5**

Sec. 2.4. (a) For purposes of this section, “farm tap” means a service line directly connected to a production, gathering, or ~~interstate~~ interstate ~~interstate~~ intrastate transmission pipeline.

(b) An operator shall operate a farm tap as with any other part of the operator's distribution system. By way of example, farm taps shall be:

- (1) odorized in compliance with this rule;
- (2) subject to maximum allowable operating pressure (MAOP) requirements in this rule;
- (3) located by the operator when a request to the one-call program in Indiana;
- (4) included in the operator's maps and records;
- (5) required to have cathodic protection and protected from vehicular traffic in compliance with this rule; and
- (6) included in an operator's distribution integrity management program plan.

**Commented [WBS7]:** Leave as interstate

SECTION 5. 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; IC 8-1-26**

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Sec. 4. (a) An operator shall notify the division by telephone at the division's emergency contact number posted on the commission's website as soon as practicable but not to exceed one (1) hour following discovery of the following:

- (1) Accidents as defined in this rule.
- (2) Incidents as defined in this rule.
- (3) Other significant events, including, but not limited to, situations involving:
  - (A) traditional media attention during the event;
  - (B) high profile locations as defined by the operator in writing;
  - (C) evacuations:
    - (i) of twenty (20) or more people;
    - (ii) ordered by public safety personnel onsite;
    - (iii) requested by an operator onsite; or
    - (iv) of a school, hospital, or health care facility;
  - (D) rerouting of traffic or closing a roadway by public safety personnel;
  - (E) an over-pressure event that exceeds the maximum allowable operating pressure (MAOP) plus allowable build-up (under 49 CFR 192.201);
  - (F) the possibility the same event will reoccur in a short period of time, such as repeated gas odor calls;
  - (G) a service interruption described in subsection (d)(1); or
  - (H) an event reported to the Pipeline and Hazardous Materials Safety Administration (PHMSA).

(b) The notification in subsection (a) shall be followed by a written report upon request by the division.

(c) The written report as required in 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.
  - (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 interruptions of service affecting:

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- (A) its entire system;
  - (B) a major division of its system;
  - (C) one hundred (100) or more customers at once; or
  - (D) when the operator deems the interruption of service 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.
- (e) An operator shall submit the following reports to the division:
- (1) Annual reports, as required by 49 CFR 191.11 and 191.17, shall be submitted to the division not later than March 15 of each year.
  - (2) Annual reports as required by 49 CFR 195.49 shall be submitted to the division not later than June 15 of each year.
  - (3) Each operator of a master meter, as defined in 49 CFR 191.3, shall submit to the division, not later than March 15 of each year, a report that shall include the following:
    - (A) The dates of completion for the previous year of the:
      - (i) leak survey;
      - (ii) cathodic protection survey; and
      - (iii) valve inspection.
    - (B) The name of the person who completed the inspections on behalf of the 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.
    - (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) Email 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/2335.htm>

<https://www.in.gov/iurc/pipeline-safety-division/regulation-of-gas-operators/>.

These reports shall include all known leak reports regardless of classification, on the respective

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systems, up to and including the meter outlet.

(4) Each operator shall submit to the division notification of construction ~~that is significant to the operator~~, in a manner that facilitates unannounced inspections ~~Examples may include: as follows:~~

- (A) ~~new construction, replacement, or relocation of 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 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~~

~~(A) For an operator with fifty thousand and one (50,001) services or more, a repair, replacement, or new construction of:~~

- ~~(i) transmission mains;~~
- ~~(ii) regulator stations;~~
- ~~(iii) city gate and town border stations;~~
- ~~(iv) low pressure systems;~~
- ~~(v) cast iron or bare steel facilities;~~
- ~~(vi) legacy polyethylene piping;~~
- ~~(vii) low pressure systems;~~
- ~~(viii) high pressure distribution systems;~~
- ~~(ix) public improvement relocations;~~
- ~~(x) projects involving more than twenty (20) services; or~~
- ~~(xi) more than one thousand (1,000) feet of main;~~

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

~~(B) For an operator with fifty thousand (50,000) services or fewer: all construction activities, including new construction and replacement work.~~

(5) The notification required under subdivision (4) shall ~~be made in the manner directed by the Division and 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 the person to be contacted concerning the project.
- (F) All other significant information concerning the project.

(6) An operator shall submit to the division 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.

**Commented [WBS8]:** Discuss language in next Rule Making

**Commented [WBS9R8]:** Discuss language in next Rule Making

**Commented [WBS10R8]:** Discuss language in next Rule Making

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

(7) An operator shall submit to the division a report of damage to its facilities as defined in IC 8-1-26, and as further described in 170 IAC 5-5-2.

(A) It is a violation of this rule for an operator to knowingly submit inaccurate or falsified information to the division in the initial submission of a damage report or follow-up information related to the specific damage.

(B) The operator shall provide the information required by this subdivision on the form provided by the commission.

(f) The reports as listed and required in this section shall not imply or be considered an admission of liability or responsibility of the operator in connection with the accident or incident so mentioned.

(g) An operator submitting a document to the commission under this rule shall submit the document in accordance with instructions on the commission's website. (*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; filed May 27, 2016, 11:39 a.m.: 20160622-IR-170150424FRA; filed Mar 17, 2022, 12:34 p.m.: 20220413-IR-170210213FRA; filed May 24, 2023, 3:24 p.m.: 20230621-IR-170220324FRA*)

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

#### **170 IAC 5-3-6 Penalty Considerations**

**Authority: IC 8-1-22.5**

**Affected: IC 8-1-22.5**

Sec. 6. (a) **When imposing a civil penalty under IC 8-1-22.5-7, the commission shall consider the escalating and mitigating factors listed in this section.**

(b) **The commission may impose a civil penalty up to the maximum amount specified in IC 8-1-22.5-7.**

(c) **The commission shall consider the following factors in escalating a civil penalty:**

(1) **Gravity of the violation, including whether and the degree to which the violation resulted in property damage, injury, hospitalization, or fatality.**

(2) **Seriousness of the violation, including whether and the degree to which the violation posed an imminent hazard to public health and safety.**

(3) **Culpability of the operator including whether the violation was negligent, reckless, or intentional.**

(4) **Violation history, such as whether the type of violation has been repeated by the operator one or more times.**

(5) **Economic advantage for not complying, including to the extent the operator gained an economic benefit by not complying.**

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**(d) The commission shall consider the following factors in mitigating all or part of a civil penalty:**

**(1) Cooperation, including whether the operator self-reported the violation and took immediate action to rectify the violation.**

**(2) Operator size and ability to pay, including whether the penalty would cause the operator to be unable to continue to serve customers.**

**(e) The commission may also consider other factors as justice may require.**

*(Indiana Utility Regulatory Commission; 170 IAC 5-3-6)*

SECTION 7. SECTIONS 1 through 5 of this document take effect January 1, 2025.