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To: [Comments, Urc](#)
Subject: Comments on Strawman Rule 170 IAC 5-3
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To Whom It May Concern:

Below are my comments on the Strawman Rule for 170 IAC 5-3, specifically for 170 IAC 5-3-4(e)(4), as emailed by Jeremy Comeau on 6/19/2024.

170 IAC 5-3-4(e)(4) as it is currently written is unworkable and likely to cause significant problems for both the operations of pipeline safety as well as the operations of utilities within the state, particularly smaller ones. The following points in particular are problematic:

- The division between larger and smaller operators seems unjustified. If the list of activities that must be reported by larger operators is indicative of the types of activities that the commission deems worth its time to inspect, then it would seem that list should apply to small operators as well as large. If it is a problem for large operators to send plans for every small maintenance activity, then it will equally be a problem for small operators to do so, yet that is just what the code as written requires small operators to do. It seems backwards to lay the larger burden at the feet of smaller operators who have fewer personnel and less resources to devote to such compliance activities.
- The language *a repair, replacement, or new construction of* as found in 170 IAC 5-3-4(e)(4)(A) is problematic as it will likely result in the reporting of activities that no reasonable inspector would want to spend time inspecting. Does painting of a regulator station require a report to the commission? A reasonable person would conclude that this is in fact a maintenance activity, so the code says yes. Moreover, many common activities that would fit under this language are likely to be undertaken immediately or without significant planning ahead of time. As the rule is currently written, these activities need to be reported to the commission. Thus, operators are left wondering if they need to delay maintenance activities for the sake of reporting. This will inevitably result in the degradation of public safety compliance will supersede safe decision making.
- The language *in a manner that facilitates unannounced inspections* is problematic even though this is present in the code as is and is not part of the current proposed update to the IAC. The commission has an opportunity here to draw a line in the sand around what level of notice is acceptable for inspections. This will also serve to signify what types of activities are significant enough to warrant inspection. Naturally, more significant activities require more planning, so short notice activities should not need to be reported to the commission ahead of time for two reasons: first, because they may be insignificant and can therefore be handled quickly and without too much oversight, and second, if they are significant and short notice then they likely are also urgent, and thus should not be delayed to accommodate inspections. As stated above, certain conditions in the rule as written may leave operators wondering if maintenance

activities need to be delayed for the sake of reporting. This is a problem in and of itself, but it is compounded by the fact that the operator is left wondering how long he must wait after reporting the intention to undertake these activities before he can commence with them. I would propose that any construction activities that are planned two (2) weeks or more in advance of the commencement of work should be reported to the commission. Anything less than that is unworkable for both operators and inspectors, and it is also likely to be either urgent or insignificant, neither of which is a condition that permits or encourages waiting for inspections.

- The requirement to report work on “low pressure systems” appears twice in 170 IAC 5-3-4(e)(4)(A), first in (A)(iv) and second in (A)(vii).
- The language *high pressure distribution systems* in 170 IAC 5-3-4(e)(4)(A)(viii) is unworkably broad. This language seems to refer to an operator’s distribution system entirely. 49 CFR 192.3 defines a high-pressure distribution system as “a distribution system in which the gas pressure in the main is higher than the pressure provided to the customer.” This encompasses the entirety or near entirety of many operators’ distribution systems and thus renders all other categorizations in this proposed rule moot. An operator could be working on a service line made of modern polyethylene pipe and reasonably conclude that although it is not a transmission line, a regulator station, a city gate or town border station, part of a low pressure system, made of cast iron or bare steel, made of legacy polyethylene, part of a public improvement relocation, involving 20+ services, or involving more than 1,000 feet of main, the operator must still report the work to the commission since it is part of a high pressure distribution system. I doubt this is the intention of the rule, but it seems to be the logical conclusion of the wording. This line item should be struck entirely.
- The requirement for small operators to report “all construction activities, including new construction and replacement work,” is unworkable. As the manager of a small operator, the only way that I can imagine to comply with this requirement is to make changes to my work ticket system that will cause all work tickets to be automatically forwarded to the commission email for such purposes. This will undoubtedly cause a huge number of tickets to flood the system and will be unworkable for inspectors who will have to sort through countless locates, read-and-leave-ons, vegetation removals, bill collections, etc. If this requirement becomes a part of the IAC as it is written in the strawman rule, this is the course of action I will take and it will cause more problems than it will solve, but I would be pinioned by unreasonably broad language of the IAC and unable to do otherwise. As stated above, there should be no distinction between the types of reporting expected from large operators vs small operators, and if the commission wishes to curtail the field of activities that are worthy of reporting, then it should do so universally, reasonably, clearly, and distinctly.

Sincerely,

Paul Lewellyn

Vice President, Boonville Natural Gas