



IN Pipeline Safety Rules Update

2024 IEA Pipeline Safety Conference
Jeremy Comeau, Assistant General Counsel

Overview



- About the IURC
- Legal Framework – Minimum Pipeline Safety Standards
- Recent and Pending Indiana Pipeline Safety Rulemakings
- Future Pipeline Safety Rulemaking

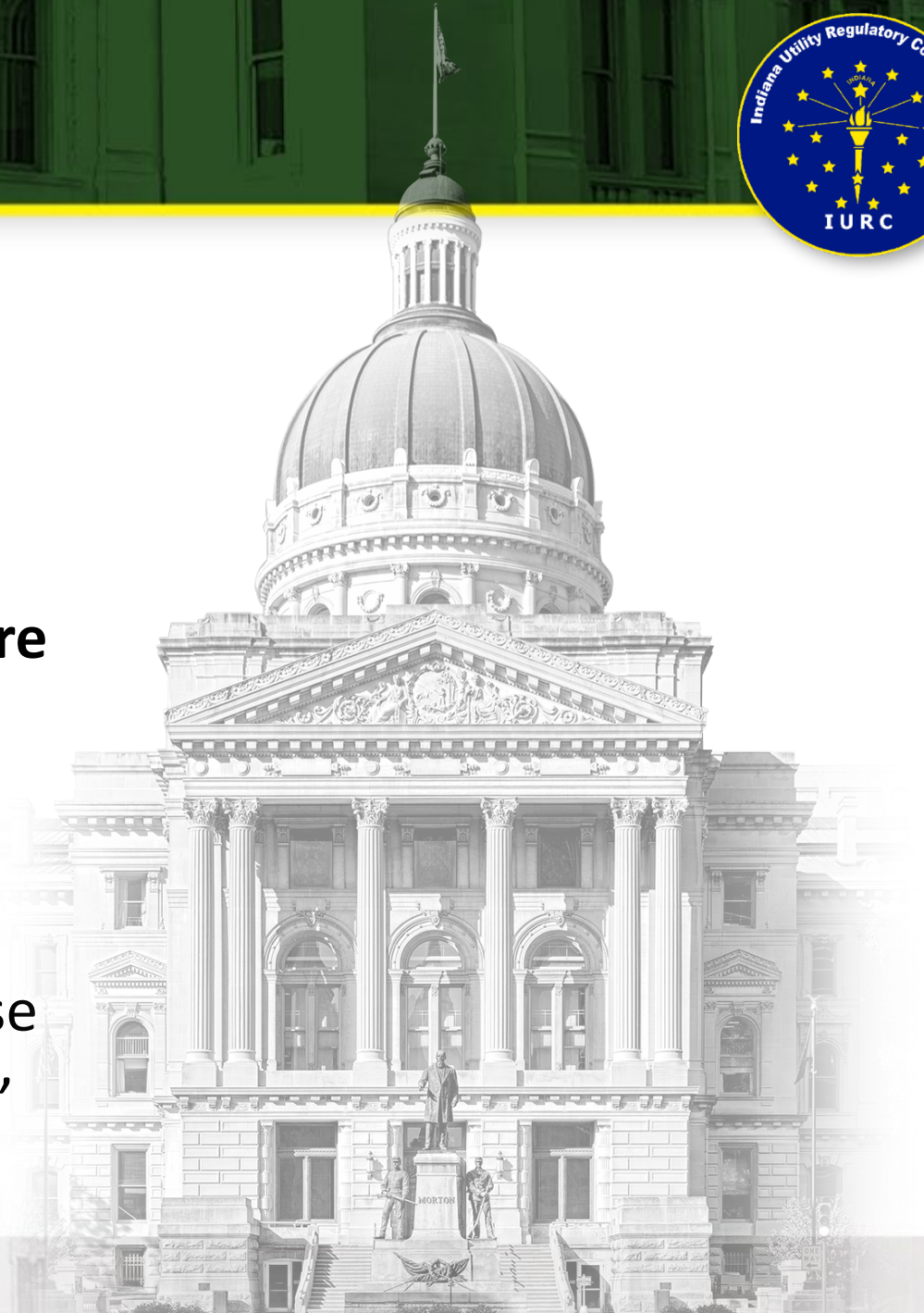


THE IURC

Intro to the IURC



- ✓ Administrative agency that hears evidence in cases and makes decisions based on the evidence.
- ✓ Required to be impartial and make decisions in the public interest to **ensure regulated utilities provide safe and reliable service at just and reasonable rates.**
- ✓ Made of up a dedicated and well-educated professional staff, with diverse skill sets, including accounting, finance, economics, engineering and law.



Commissioners



Bipartisan Commission led by five Governor appointed Commissioners with staggered four-year terms:



**Jim
Huston**
*Commission
Chair*



**Wesley R.
Bennett**
Commissioner



**Sarah
Freeman**
Commissioner



**David
Veleta**
Commissioner



**David
Ziegner**
Commissioner

The IURC also includes a Pipeline Safety Division, which oversees compliance with state and federal pipeline safety regulations.

IURC and Pipeline Safety



IURC pipeline safety authority:

Pipeline Safety Compliance

- 49 CFR 192
- Ind. Code ch. 8-1-22.5
- 170 IAC 5-3

Inspecting gas utility standards, operating pressures, safe operating procedures, materials

Excavation Damages

- Ind. Code ch. 8-1-26
- 170 IAC 5-5

Investigating damages to gas pipelines, assessing penalties when damage to pipeline occurs

IURC Pipeline Safety Division



- 14 pipeline professionals with over 200 years of combined experience
- Pipeline safety engineers enforce federal and state pipeline safety standards
- In addition, the Pipeline Safety Division is responsible for investigating possible violations of the Indiana 811 law.
- Historically, the Division conducts around 900 inspections days of about 89 pipeline operators each year.



Pipeline Safety Law Framework

Pipeline Safety Laws



Federal

49 U.S. Code §
60101, *et. seq.*

49 CFR 192, *et*
seq.

State

Ind. Code ch.
8-1-22.5

170 IAC 5-3



Pipeline Safety Laws

- Federal Laws

- *Enabling Statute - 49 U.S. Code § 60101-60102 (“The Secretary shall prescribe minimum safety standards for pipeline transportation and for pipeline facilities”)*
- *PHMSA Pipeline Safety Rules (Title 49 CFR Parts 190-199)*
 - *49 CFR 190 – Enforcement (by PHMSA)*
 - *49 CFR 191 – Reporting Requirements*
 - *49 CFR 192 – Gas Pipelines*
 - *49 CFR 193 – LNG*
 - *49 CFR 194 – Emergency Response Oil*
 - *49 CFR 195 – Hazardous Liquids*
 - *49 CFR 199 – Drug Testing*
- *For Cybersecurity, see also 49 U.S. Code 114(l)(2)(A) (The TSA Administrator may issue a “regulation or security directive” without notice)*
 - *See e.g. TSA Pipeline Cyber Security Directives 2021-01(B), -02(C)*

Pipeline Safety Laws



- State Certification
 - PHMSA Certifies State Pipeline Safety Programs under 49 U.S.C. §§ 60105- 60106.
 - Certification requirements:
 - State must adopt minimum federal pipeline safety regulations
 - Delegates enforcement for intrastate pipelines
 - Provides partial funding for State program
 - Requires Progress reports and Inspections of state program
 - The Pipeline Safety Division of the IURC is a certified state program in good standing.
 - <https://www.phmsa.dot.gov/working-phmsa/state-programs/evaluation-search>



Pipeline Safety Laws

- State Laws

- *Enabling Statute - Indiana Code § 8-1-22.5 (“Establish, by rules and regulations of the commission, minimum state safety standards for transportation and related pipeline facilities. **Such standards shall not be less stringent than the federal standards**”)*
- *Commission Rules (170 Indiana Administrative Code 5-3)*
 - *170 IAC 5-3-0.5 - Definitions*
 - *170 IAC 5-3-0.6 - Incorporation of federal regulations*
 - *170 IAC 5-3-1 – General Provisions*
 - *170 IAC 5-3-2 - Indiana specific modifications to federal regulations*
 - *170 IAC 5-3-2.1, -2.2, -2.3, -2.4, -2.5, -2.6 - Calibration of Instruments, Pre-tested Pipe, Farm taps, Construction packets, MAOP*
 - *170 IAC 5-3-4 - Reports to the Division*
 - *170 IAC 5-3-4.1 Enforcement by the Division*

Rulemaking Process After July 1, 2023



*A second public hearing and second comment period is required if the rule meets certain circumstances.



Recent and pending Changes to Indiana Minimum Pipeline Safety Standards



Indiana Pipeline Safety Regulations

- 170 IAC Rule 5-3
- **2022 Updates** – Effective April 16, 2022

Major Update

- 1. *Incorporation of federal standards through July 1, 2021*
- 2. *Relief valves or automatic shut-off devices on low-pressure system*
- 3. *Require relief valves or signaling devices on all stations*
- 4. *Flexible risers must be designed to withstand damage*
- 5. *Duration requirements for pressure tests*
- 6. *Require submission of uprate plans to the Pipeline Safety Division.*
- 7. *Require instrument calibration and records*
- 8. *Maintain records for pre-tested pipe*
- 9. *Requirements for farm taps—treated as part of operator's distribution system.*
- 10. *Allow "Method 5" to establish the MAOP on Distribution pipelines <100 psi*
- 11. *New enforcement process language*
- 12. *New definition of "significant event"*



Indiana Pipeline Safety Regulations

- Rule 170 IAC 5-3
- **2023 Updates** – Effective July 3, 2023

Minor Update

- *Incorporation of federal standards through November 1, 2022*
- *Revised Document retention requirements.*
- *Cap on pressure test duration – 24 hours*
- *Training requirements for personnel – initial training, re-qualification training, and training on new tools.*
- *Public awareness – requires direct outreach to public safety personnel in certain circumstances*
- *New requirement to respond to “areas of concern”*

2023 Rulemaking – Summary of Changes



1. Moved the incorporation date for federal minimum pipelines safety standards from July 1, 2021, to **November 1, 2022.** (170 IAC 5-3-0.6.)

Pipeline Safety Division has two years to incorporate new federal standards.

Incorporated the following federal standard:

- Final Rule, effective May 15, 2022, regarding Safety of Gas Gathering Pipelines. 86 FR 63266 (Publ. Nov. 15, 2021).

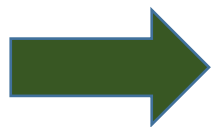


2023 Rulemaking – Summary of Changes



2. Requires maintenance of records for 7 years instead of 5. 170 IAC 5-3-1

5 Years



7 Years



Pressure test records and MAOP records must be maintained for the life of the applicable pipeline. 170 IAC 5-3-1

2023 Rulemaking – Summary of Changes



3. Caps the required pressure test duration at 24 hours, even if the applicable Gas Pipeline Technology Committee (“GPTC”) guidelines call for a longer duration. 170 IAC 5-3-2(i).

[https://www.aga.org/sites/default/files/sites/default/files/media/addendum.p](https://www.aga.org/sites/default/files/sites/default/files/media/addendum.pdf)

[df](https://www.aga.org/sites/default/files/sites/default/files/media/addendum.pdf)



Example Leak Test Duration for Steel Pipe (hours)							
Nominal Pipe Size	2	3	4	6	8	10	12
Schedule	40	40	40	40	40	40	40
ID (in.)	2.067	3.068	4.026	6.065	7.981	10.020	11.938
Length (ft.)							
50	1/4	1/4	1/4	1/2	1/2	3/4	1 1/4
100	1/4	1/4	1/4	3/4	1	1 1/2	2 1/4
200	1/4	1/2	1/2	1 1/4	2	3	4 1/4
300	1/4	1/2	3/4	1 3/4	3	4 1/2	6 1/2
400	1/2	3/4	1	2 1/4	4	6	8 1/2
500	1/2	3/4	1 1/4	2 3/4	4 3/4	7 1/2	10 3/4
1000	3/4	1 1/2	2 1/2	5 1/2	9 1/2	15	21 1/4

2023 Rulemaking – Summary of Changes



4. Operator Qualification Training Requirements 170 IAC 5-3-2 (t)

- Initial training
- Re-qualification training
- Training on distinct tools
- Type of training can depend on individual's experience.

2023 Rulemaking – Summary of Changes



5. Requires direct outreach to public safety personnel for each public safety agency that has not attended a training or group meeting in the past 4 years.

170 IAC 5-3-2(q).



2023 Rulemaking – Summary of Changes



6. Requires a response when the Pipeline Safety Division notifies the operator of an “area of concern.”

The response shall either

- specify the actions the operator has taken or will take to mitigate the concern
- or
- the reasons why the concern does not pose a safety hazard.



2024 811 Rulemaking



170 IAC 5-5 – Effective January 5, 2024

1. Revision to “two full working days.” Operators must mark underground facilities by the start of essentially the third working day from the 811 call.
2. Operators are required to describe the pipeline being marked (size and material type)
3. Operators must provide a positive response to excavators, which is an affirmative statement that the underground pipelines have been marked.
4. Reschedules must include the person rescheduling and a new deadline for marking.





Future Changes to Indiana Minimum Pipeline Safety Standards

2024 Upcoming Rulemaking



New 2024 Rulemaking - Strawman Rule Posted 6/19/24

1. Incorporate new federal regulations through 2023.
2. Require Operator Qualification for installation of new pipelines before activation.
3. Adjust requirements for reconnection after an emergency disconnection
4. Require certain material type and information in maps and records
5. New requirements for construction notices based on the size of the operators
6. Adding factors the IURC will consider in assessing penalties.



2024 Upcoming Rulemaking



2. Operator qualification

- Requires operator qualification for installing any piping and fittings even when the pipe and fittings are not yet active.
- This fixes a loophole in 49 CFR 192.801

2024 Upcoming Rulemaking



3. Allow the reconnection of gas service when disconnection was caused by an **emergency event**, without verifying physical barriers and size requirements of the reconnected assets as required in 49 CFR 192.357.



2024 Upcoming Rulemaking



4. Operator would be required to record the following info in maps and records:

- Material type and size
- Wall thickness or SDR
- Manufacturer
- Lot or production number
- Depth of Cover
- Other identifying information





2024 Upcoming Rulemaking

5. Construction Notices to Division based on Size

Operator with more than 50,000 services report the following construction activities	Operators with less than 50,000 services
<ul style="list-style-type: none">• Transmission mains• Regulator stations• City gate and town border stations• Low pressure systems• Cast iron or bare steel facilities• Legacy polyethylene piping• Low pressure systems• High pressure distribution systems• Public improvement relocations• Projects involving more than 20 services• More than 1,000 feet of main	Report all construction activities

2024 Upcoming Rulemaking



6. Factors for determining Penalties based on:

1. Gravity of the violation
2. Seriousness of the violation
3. Culpability of the operator
4. Violation History
5. Economic advantage by not complying
6. Cooperation with the Division
7. Operator size and ability to pay



Questions & Answers



Q: Why two code sections in Indiana?

A: IC or Indiana Code is created by the house and 8-1-22.5 gives the IURC the power to create rules. IAC is the administrative rules created by the commission.

Q: What can Pipeline Safety Enforce?

A: Indiana Administrative Code (170 IAC 5-3-2-0.6) incorporates the federal rules and therefore can enforce both Federal and State requirements as specified under IC 8-1-22.5 and 170 IAC 5-3-4.1



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