



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JAN 7 2013

Mr. Peter A. Chace
Program Manager
Gas Pipeline Safety Section
Facility and Operations Field Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

PHMSA-2012-0327

Dear Mr. Chace:

On November 13, 2012, the Pipeline and Hazardous Materials Safety Administration (PHMSA) received a notice from the Public Utilities Commission of Ohio (Commission) informing us that on July 29, 2008, the Commission issued a State waiver to Columbia Gas of Ohio (Columbia) granting modification of compliance with 49 CFR § 192.285(c), as adopted by Ohio pursuant to Rule 4901:1-16-03 of the Ohio Administrative Code. Specifically, the waiver requested by Columbia would allow it to establish a process under which all persons covered by the regulation will be mandatorily re-qualified to make plastic piping joints at least once each calendar year not to exceed 15 months after the last requalification, versus any 12 month period as specified in the code.

Under 49 U.S.C. 60118(d), a State authority must give PHMSA written notice of the waiver at least 60 days before its effective date to ensure PHMSA has opportunity to review the proposed waiver and raise any objection should PHMSA have one. In the November 13, 2012 letter, the Commission explained its failure to provide such notice back in 2008 as being due to complications with an administrative transition during the same time the waiver was requested. The Commission's waiver order included conditions imposed by the Commission to ensure an equivalent or better level of pipeline safety is maintained. Among other things, the Commission order noted that granting the request does not alter, in any way, Columbia's responsibility under 49 CFR § 192.513 (Test requirements for plastic pipelines.).

PHMSA has no objections to the waiver, provided the following additional condition is met:

- In addition to mandatory re-qualification at least once each calendar year not to exceed 15 months, an individual must be re-qualified if any production joint made by that individual is found unacceptable by testing under § 192.513 before that individual can perform another production joint.

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Mr. Peter A. Chace

Public Utilities Commission of Ohio
PHMSA-2012-0327

If you wish to discuss this or any other pipeline safety matter, my staff would be pleased to assist you. Please contact David Barrett, Region Director, PHMSA Central Region at 816-329-3800 for field operation matters, and Max Kieba, 202-493-0595 on technical matters. Thank you for your continued efforts in pipeline safety.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Wiese". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jeffrey D. Wiese
Associate Administrator for Pipeline Safety



Public Utilities Commission

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Cheryl Roberto
Steven D. Lesser
Andre T. Porter
Lynn Slaby

November 8, 2012

NOV 13 2012

Mr. Jeffery D. Wiese, Associate Administrator for Pipeline Safety
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Second Floor, East Building
Washington, DC 20590

Dear Mr. Wiese:

This letter is written notification of a waiver granted by the Public Utilities Commission of Ohio for your review and consideration. Please find the following information as required by the "Guidelines for States Participating in the Pipeline Safety Program" for waiver notifications:

- 1) The applicant is Columbia Gas of Ohio, 200 Civic Center Dr., Columbus OH 43215. Point of contact is Mr. Rob Smith, Operational Compliance Manager, (614) 419-1096.
- 2) The waiver is regarding 49 C.F.R. 192.285(c). Specifically, the waiver is to allow Columbia to establish a process under which all persons covered by the regulation will be mandatorily re-qualified to make plastic piping joints at least once every calendar year and no more than 15 months after the last requalification.
- 3) The waiver would cover all pipeline facilities operated by Columbia Gas of Ohio.
- 4) Columbia Gas of Ohio makes between 100,000 and 150,000 plastic joints each year, and their existing work management systems are not able to track the conditions described under 49 C.F.R. 192.285(c)(1) and (c)(2) that would require a re-qualification. As an alternative, the waiver will allow Columbia to proactively re-qualify all covered persons, regardless of whether these persons would require re-qualification under 192.285(c) or not. Further, as the 12-month period set forth in the regulation provides little flexibility to accommodate work schedules, emergencies, and absences, Columbia will re-qualify covered persons once each calendar year not to exceed 15 months, instead of every 12 months. This waiver is consistent with pipeline safety as it re-qualifies more covered persons and the time requirement is substantively the same as every 12 months and is consistent with the wording of other annual requirements found in the Pipeline Safety Regulations.
- 5) A copy of the Finding and Order from the Public Utilities Commission of Ohio is enclosed.

Please note that this waiver was approved by the Commission during a period of time between when former GPS Program Manager Ed Steele left his position and current GPS Program Manager Pete Chace was hired. Due to complications with the transition, this waiver was not submitted to you at that time. This was discovered by GPS Staff during a recent audit of Columbia Gas of Ohio. I apologize and regret the error.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter A. Chace", with a long horizontal flourish extending to the right.

Peter A. Chace, Program Manager
Gas Pipeline Safety Section
Facility and Operations Field Division

PC:jn
enclosure

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the request of Columbia)
Gas of Ohio, Inc., for a Waiver of) Case Nos. 09-305-GA-WVR
Requirement of 49 C.F.R. Section 192.285(c).)

FINDING AND ORDER

The Commission finds:

- (1) Rule 4901:1-16-03, Ohio Administrative Code (O.A.C.), states that the Commission has adopted federal pipeline safety regulations codified at 49 C.F.R. 40, 191, 192, and 199. Pursuant to 49 C.F.R. 192.285, persons making joints in plastic pipes being used for the transportation of natural gas are required to be appropriately qualified. Subsection (c) of that section specifically requires requalification of any person who, during a 12-month period, does not make any joints or has either three joints or three percent of joints made, whichever is greater, found to be unacceptable, pursuant to testing that is specified in 49 C.F.R. 192.513.
- (2) On April 7, 2009, Columbia Gas of Ohio, Inc., (Columbia) filed a request in this proceeding for a waiver of the requirement in 49 C.F.R. 192.285(c). Specifically, Columbia asks that it be allowed to establish a process under which all persons covered by this regulation would be mandatorily requalified at least once every calendar year and no more than 15 months after the last requalification. This proposal would require an extension of the 12-month period set forth in the regulation.
- (3) Columbia explains that it and its contractors make between 100,000 and 150,000 plastic joints each year. It submits that its existing work management systems are not able to track this type of information automatically. Thus, it continues, compliance with the regulation would require its project managers to monitor and report this information manually, a process that Columbia feels would be unduly burdensome and impractical. Alternatively, Columbia suggests proactive requalification of every covered person, regardless of whether those individuals would have been disqualified under the regulation or not. Further, as the 12-month period set forth in

the regulation provides little flexibility to accommodate work schedules, emergencies, and absences, Columbia suggests automatic requalification every 15 months and once every calendar year.

- (4) Upon consideration of Columbia's request for a waiver, the Commission finds that the request is reasonable and should be granted. Pursuant to this waiver, each person who is required to be qualified to make plastic joints must be mandatorily requalified in every procedure being used, once every calendar year, but no less than every 15 months. The Commission would also note that granting this request for a waiver does not alter, in any way, Columbia's responsibilities under 49 C.F.R. 192.513. Further, the waiver herein will not be effective for a period 70 days from the date of this entry.
- (5) Finally, in light of the fact that Columbia is requesting a waiver, this case should have been coded as a "WVR" case. Accordingly, the Commission's docketing division should change the case codes on this case from "UNC" to "WVR," and all future filings regarding this case should utilize the "WVR" case code.

It is, therefore,

ORDERED, That Columbia's application for a waiver be granted to the extent set forth in this entry. It is, further,

ORDERED, That the Commission's docketing division change the case code on this case from "UNC" to "WVR" and that all future filings regarding this case use the "WVR" case code. It is, further,

ORDERED, That a copy of this entry be served on all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

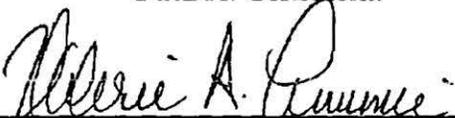
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

Cheryl L. Roberto

JWK;geb

Entered in the Journal

JUL 29 2008



Renee J. Jenkins
Secretary