

U.S. Department of Transportation
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 9 1997

Mr. Edward M. Steele
Chief, Gas Pipeline Safety Section
Consumer Services Department
The Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43266-0573

Dear Mr. Steele:

We have considered your letter of July 10, 1997, notifying us the Commission granted the Swickard Gas Company a waiver from complying with the cover requirements of 49 CFR 192.327(b) for a 2-inch plastic main to be installed in the Village of Burgoon. The waiver permits burial of the main at a depth less than the minimum required 24 inches of cover where it crosses a limestone ridge.

To offset the potential loss in safety from reduced burial depth, the waiver imposes four conditions relating to warning tape, line markers, valve spacing, and customer notification (item (7) of the Commission's July 10, 1997, Order). We are concerned, however, that in areas of reduced burial depth the main may not have sufficient protection against external loads. In view of this concern, we would have no objection to the waiver if it is amended to require Swickard to provide additional protection that is equivalent to 24 inches of cover in protecting against anticipated external loads. Alternatively, we would have no objection if the Commission's pipeline safety staff determines that such additional protection is unnecessary for safety in locations where the main is to be installed with less than 24 inches of cover.

Therefore, under 49 U.S.C. § 60108(d), unless the Commission takes either action described above, the Commission's action granting the waiver is stayed. Within 90 days, the Commission may appeal this matter in writing and request an opportunity for a hearing.

Sincerely,
Richard B. Felder
Associate Administrator for Pipeline Safety

The Public Utilities Commission of Ohio

July 10, 1997

Mr. Richard Felder
Associate Administrator of Pipeline Safety
Office of Pipeline Safety
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Dear Mr. Felder:

Today, the Public Utilities Commission of Ohio (PUCO) approved Swickard Gas Company's (Swickard) waiver application which would permit Swickard to install plastic gas main at a depth of less than 24". Swickard's contact for the waiver application is:

Mr. Charles D. Weber, Manager
The Swickard Gas Company 237 State Street
P.O. Box 387
Bettsville, OH 44815

The enclosed PUCO "Finding and Order" in triplicate and cover letter serve as notice to the Research and Special Programs Administration (RSPA) of the waiver. If RSPA does not object within sixty days after receipt of this notice, it is our understanding the waiver will become effective.

If you have any questions or comments, please call me at 614/644-8983.

Sincerely,
Edward M. Steele, Chief
Gas Pipeline Safety Section
Consumer Services Department

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of the)
Swickard Gas Company for a Waiver) Case No. 97-577-GA-UNC
of the Requirement of 49 CFR)
Section 192.327(b).)

FINDING AND ORDER

The Commission finds:

- (1) Pursuant to Rule 4901:1-16-03(A), Ohio Administrative Code (O.A.C.), this Commission has adopted the gas pipeline safety (GPS) regulations of the U.S. Department of Transportation (USDOT) contained in 49 C.F.R. Parts 192 and 199, including all future amendments, additions, modifications and rescissions.
- (2) On May 27, 1997, the Swickard Gas Company (Swickard, Applicant) filed a motion requesting a waiver of GPS standard, 49 CFR Section 192.327(b), which prescribes the minimum cover for buried mains. If the waiver is granted, Swickard will install and maintain a distribution system in the Village of Burgoon (Sandusky County).
- (3) The Commission is a certified State authority pursuant to the Pipeline Safety Act of 1994 as amended, 49 U.S.C.A. 60105, and has authority to grant a waiver of compliance under that Act, 49 U.S.C.A. 60118(d).
- (4) Swickard seeks a waiver from GPS standard Section 192.327(b) which provides in relevant part that:

"...each buried main must be installed with at least 24 inches of cover."
- (5) In support of its request for a waiver, Swickard notes that the Village of Burgoon has approached Applicant to provide gas service for up to 82 residential and 3 commercial customers in the Village. Swickard would install 10,000 feet of main, consisting of 2-inch plastic pipe, which would operate from 5 to 10 p.s.i.g. However, a limestone ridge with an estimated rock depth of 15 inches to five feet runs through the western two-fifths of the pipeline route. Applicant avers that excavation costs to remove sections of the rock to a depth of 24 inches would not be economically feasible.
- (6) On July 27, 1995, USDOT approved a waiver of 49 CFR Section 192.327(b) for a buried main in a residential area in Tucson, Arizona.
- (7) The Commission's Gas Pipeline Safety Staff recommends approval of the waiver, as not inconsistent with pipeline safety, provided Swickard follows the measures below to mitigate additional risk of pipe damage:
 - (a) Warning tape will be buried about six inches above the buried main in affected areas;
 - (b) At least 14 line markers will be installed at road crossings;
 - (c) Valves will be installed at distances which allow for isolation of short sections of the buried main;
 - (d) Customers in Burgoon will receive biannual safety information, including a call-before-you-dig notice.
- (8) Considering both the arguments made by Applicant and the recommendations of our Gas Pipeline Safety Staff, we find Swickard's request for a waiver to be reasonable.

(9) Swickard's request for a waiver of GPS standard 49 CFR Section 192.327(b) on the minimum cover for buried mains, as modified by the recommendations of our Gas Pipeline Safety Staff, should be granted. The Commission's waiver of compliance is subject to USDOT review. The waiver will become effective on September 10, 1997, unless USDOT objects in writing, or when USDOT approves the waiver, whichever is earlier.

It is, therefore,

ORDERED, That the motion of the Swickard Gas Company requesting a waiver of gas pipeline safety standard 49 CFR Section 192.327(b) on the minimum cover for buried mains, as modified by the recommendations of our Gas Pipeline Safety Staff, be granted. It is, further,

ORDERED, That a copy of this Entry be served upon Swickard and the USDOT Research and Special Programs Administration.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones