

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

FEB 27 2003

Mr. Edward M. Steele
Chief, Gas Pipeline Safety Section
Consumer Services Department
Public Utilities Commission of Ohio
Columbus, Ohio 43215-3793

Dear Mr. Steele:

In response to your letter of January 22, 2003, the Office of Pipeline Safety (OPS) has reviewed the waiver issued by the Public Utilities Commission of Ohio (PUCO) to Columbia Gas of Ohio (Columbia) on January 16, 2003. The waiver granted a nine-month time extension (from October 28, 2002 to mid-July 2003) for compliance with the operator personnel qualification regulations at 49 CFR Part 192, Subpart N, as it applies to plumbers or other third-party workers performing covered tasks on customer-owned service lines.

In a September 18, 2002, interpretation letter, OPS stated that the local distribution company (LDC), the operator of customer-owned service lines, is responsible for ensuring that all individuals performing covered tasks are qualified in accordance with the operator qualification regulation. PUCO accepts Columbia's reasoning that the interpretation letter was issued too close to the October 28 compliance date for Columbia to qualify all plumbers or other third-party workers performing covered tasks on customer-owned service lines. Columbia was unclear of its responsibility to ensure that contractors hired by a customer to perform covered tasks on a customer-owned service line needed to be qualified in accordance with Columbia's qualification program.

The PUCO waiver does not relieve Columbia from the duty to fully comply with the operator qualification regulation as it applies to Columbia employees and contractor personnel. Under the waiver, Columbia must ensure that all persons performing covered tasks on pipeline facilities operated by the company, including customer-owned service lines, are qualified in accordance with the operator qualification rule by mid-July 2003.

The Office of Pipeline Safety has no objection to the PUCO waiver.

Sincerely,
Stacey L. Gerard
Associate Administrator
for Pipeline Safety

The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

January 22, 2003

Ms. Stacey L. Gerard
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 Ms. Gerard:

On January 16, 2003, the Public Utilities Commission of Ohio (PUCO) approved Columbia Gas of Ohio's (COH) waiver application that would grant an extension of time for compliance with the Operator Qualification Rule with regard to plumbers working on customer-owned service lines. COH's contact for the waiver amendment is:

David C. Keenan
Columbia Gas of Ohio, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OH 43216-0117
(614) 460-4880

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

U.S. Department of Transportation
Research and Special Programs Administration
400 Sevenths Street, S.W.
Washington, D.C. 20650

September 18, 2002

Mr. Edward M. Steele
Chief, Gas Pipeline Safety Section
Public Utilities Commission of Ohio
110 East Broad Street
Columbus, OH 0215-.5793

Dear Mr. Steele;

This is in response to your request of June 21, 2002, for an interpretation of the applicability of the operator qualification regulations at 49 CFR part 192, Subpart N to individuals replacing customer-owned service lines.

In Ohio the operator of the system, usually the local gas distribution company (LDC), is responsible for operation and maintenance of all service lines, but the customer is responsible for replacement of failed customer-owned service lines. Usually, this replacement is performed by a plumber hired by the customer.

The LDC is responsible for complying with the gas pipeline safety regulations, including ensuring that all individuals performing covered tasks are qualified. The gas pipeline safety regulations at 49 CFR §192.801(b) define a covered task for purposes of operator qualification as one that 1) is performed on a pipeline facility, 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.

Question: When a plumber makes a replacement of the entire length of the customer-owned portion of the service line, is that plumber performing an operations and maintenance task, or is this similar to new construction?

Answer: The replacement of a service line with new pipe, whether by insertion or direct burial, is an operations and maintenance (O&M) activity that meets the "four part test" in §192.801(b). It is not new construction because it is designed to maintain the serviceability of an existing service line. In addition, major parts of the service line, such as meters and risers, are not usually replaced. The LDC, as the operator of the service line, is responsible for ensuring that the individuals performing these tasks are qualified in accordance with the operator qualification program required by §192.805.

Question: Does it make a difference in the method of replacement is by insertion?

Answer: No.

Question: Are plumbers who make the replacement to the customer-owned portion of the service line, as addressed in the above paragraph, subject to drug and alcohol regulations at 49 CFR Part 199?

Answer: Yes. The drug and alcohol regulations at 49 CFR Part 199 require operators of pipeline facilities to test covered employees for the presence of prohibited drugs and alcohol. *Covered employer, employee, or individual to be tested* is defined at §199.2 as "a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors." As noted above, in Ohio the operator of the system, usually the local gas distribution company (LDC) is responsible for operation and maintenance of all service lines, but the customer is responsible for replacement of failed customer-owned service lines. Therefore, a plumber hired by a gas customer to replace a customer-owned service line is performing a covered function on the LDC's system and is subject to the drug and alcohol regulations.

If you have any further questions about the pipeline safety regulations, please contact me at (202) 366-4656.

Sincerely,
Richard D. Hurliaux, P.E.
Manager, Regulations
Office of Pipeline Safety