



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

FEB 25 2011

Mr. Thomas M. Stemrich
Pipeline Safety Program Manager
Gas and Energy Division
Public Service Commission of Wisconsin
610 North Whitney Way
P. O. Box 7854
Madison, Wisconsin 53707

Dear Mr. Stemrich:


On December 27, 2010, the Pipeline and Hazardous Materials Safety Administration (PHMSA) received a notice from the Public Service Commission of Wisconsin (Commission) informing us that on December 12, 2010, the Commission granted a waiver to the Milwaukee Metropolitan Sewage District (MMSD) for the use of 16-inch high density polyethylene (HDPE) miter joint pipe fittings on the Muskego landfill to Jones Island, Milwaukee pipeline.

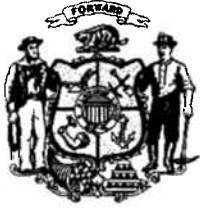
PHMSA has completed its technical review and has no objections to the waiver granted to MMSD, provided the following recommendations are met.

In restriction 1, the Commission states that the fittings must be constructed of High Density Polyethylene (HDPE) 3408 material meeting the requirements of ASTM D 2513. PHMSA recommends that the Commission allow PE3408, and to additionally recognize and allow PE4710, a HDPE material that exceeds the requirements of PE3408. In many cases, new resin/pipe will be dual marked in order to both meet ASTM D 2513 and 49 C.F.R. § 192.63, and to indicate the material also meets the improved properties of PE4710. PHMSA also recommends that PE4710 mitered fittings must be dual marked (PE3408/PE4710), in order to comply with 49 C.F.R. § 192.63 and the requirements of ASTM D 2513.

If you wish to discuss this or any other pipeline safety matter related to this request, my staff would be pleased to assist you. Please call John Gale, Director, Standards and Rulemaking Division (202-366-0434), for regulatory matters or Jeffery Gilliam, Director, Engineering and Research Division (202-603-1550), for technical matters specific to this request.

Sincerely,


for Jeffrey D. Wiese
Associate Administrator for Pipeline Safety



Public Service Commission of Wisconsin

Eric Callisto, Chairperson
Mark Meyer, Commissioner
Lauren Azar, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

December 20, 2010

DEC 27 2010

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

Re: Waiver of Pipeline Safety Rules

File: 5-PS-104

Request of the Milwaukee Metropolitan Sewerage District,
a natural gas system operator, for a waiver from certain
provisions of the pipeline safety codes.

Dear Mr. Wiese:

At its open meeting on December 12, 2010, the Public Service Commission of Wisconsin granted the Milwaukee Metropolitan Sewerage District (MMSD), an operator of a jurisdictional landfill gas line, a waiver from certain sections of the pipeline safety codes.

MMSD is proposing to construct 16-inch HDPE fittings by the use of miter joints. In granting the waiver the Commission imposed several conditions. The specific test requirements are outlined in the attached Commission Order. We are requiring MMSD to run qualifying tests on these fittings that are essentially the same as any new, molded fittings would have to meet. We are utilizing the Sustained Pressure Test and the Minimum Hydrostatic Burst Pressure Test as outlined in ASTM D-2513-99 and D-3261-97 for qualifying the fittings. I have been in contact with Richard Sanders at T&Q in setting these requirements.

If you have any questions please free to contact me at any time at tom.stemrich@wi.gov or call at 608-212-6352. Thank you for your time in this matter.

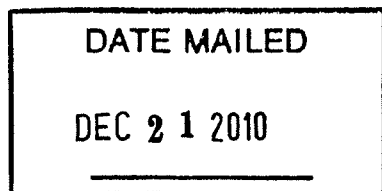
Sincerely,

Thomas M. Stemrich

Thomas M. Stemrich
Pipeline Safety Program Manager
Gas and Energy Division

TMS:DLS:mem:N:\PSSafety\Letters\2010\MMSDwaiver Weise Letter

Attachment



BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Pipeline Safety Enforcement for 2010

5-PS-104

ORDER

At its open meeting of December 16, 2010, the Commission reviewed the August 25, 2010, request of the Milwaukee Metropolitan Sewerage District (MMSD) for a waiver from certain sections of the state and federal pipeline safety codes to allow the use of 16-inch polyethylene (PE) pipe fittings. The Commission grants the waiver in part and denies the waiver in part.

MMSD is constructing a 16-inch-Standard Dimension Ratio (SDR) 11 PE pipeline from the Muskego landfill to Jones Island in Milwaukee. The pipeline will transport natural gas and is a jurisdictional pipeline system for purposes of enforcing the applicable pipeline safety codes. Because there are no manufacturers of 16-inch PE fittings (SDR 9) meeting the requirements of 49 C.F.R. §§ 192.7, 192.59, or 192.281, MMSD seeks a waiver to enable special manufacturing of the required 45 and 90 degree fittings and 20-inch tees.

The Commission approves the requested waiver from 42 C.F.R. §§ 192.7, 192.59, and 192.281 in part for the purposes of fabricating the 45 and 90 degree fittings subject to the following restrictions:

1. The fittings fabricated by mitering must be constructed in a factory of High Density Polyethylene 3408 piping material meeting the requirements of ASTM D-2513. The fitting must have an SDR no greater than 9.2.
2. For 45 and 90 degree elbow fittings the type face shall not be mitered more than 11.25 degrees in fabricating those fittings.

3. All fittings manufactured by mitering must be tested in accordance with sections 6.6 (Sustained Pressure Test) and 6.7 (minimum Hydrostatic Burst pressure) in ASTM Standard D-2513-99 (1999 edition). At a minimum, 10 percent of the fittings used (by type) or three of each fitting, whichever is greater, must be subjected to these tests.
4. Sustained Pressure Testing -- At least 4 fittings will be tested by the manufacturer prior to use. The tests will require the fittings to be tested either 400 psi at 73.4 F for 1000 hours, 134 psi at 176 F for 1000 hours, or 170 psi at 176 F for 170 hours. At least one test must be for 1000 hours. The pipe must pass these tests without failing. In addition the pipeline itself must be tested to 150 psi before being placed into service.
5. The operating pressure for the pipeline shall not exceed 100 psig.

The Commission denies the waiver in part for the use of the special manufactured 20-inch tees. There are other options available to MMSD to construct these fittings in accordance with applicable codes through the use of currently available fittings and pipe.

The Commission directed Commission staff to forward a copy of its decision to the appropriate federal office at the U.S. Department of Transportation. The waiver is effective 60 days from the date of this conveyance unless a written objection is filed by the federal authorities.

Dated at Madison, Wisconsin, December 20, 2010

By the Commission:



Sandra J. Paske
Secretary to the Commission

SJP:DLS:mem:g:\order\pending\05-PS-104 Order.doc

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

¹ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.