

City of Lumpkin
552 MLK JR Drive
P.O. Box 278
Lumpkin, GA 31815
lumpkinadmin@bellsouth.net

June 27, 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington Street
Atlanta, GA 30334

RE: Docket No. 37066
Inspection No. LB16-003

Dear Mr. McAlister:

The City of Lumpkin (“Lumpkin”) respectfully files this response to the Report on Inspection No. LB16-003, which was filed on April 7, 2016, under Docket No. 37066, in accordance with the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC’s Pipeline Safety Director* that was attached to the Report.

Enclosed herewith are five (5) copies of this response, as well as a CD containing an electronic version of the response.

NOTICE OF PROBABLE VIOLATION WITH A PROPOSED CIVIL PENALTY

“As a result of this inspection, Staff found that the City of Lumpkin was in probable violation of the minimum federal safety standards: specifically:

- 1) 49CFR §199.101...

PROBABLE VIOLATION: The City of Lumpkin failed to follow their written anti-drug plan.”

RESPONSE

In accordance with sections IA1 and IIB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC’s Pipeline Safety Director*, Lumpkin will submit a proposal for measures to

mitigate the Proposed Civil Penalty and provides the following response to this Probable Violation:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

2) "49CFR §199.105(d)..."

PROBABLE VIOLATION: The Operator performed a drug test of a covered employee in violation of the requirements under 49CFR §199.105(d) and their established anti-drug plan."

RESPONSE

In accordance with sections IA1 and IIB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin will submit a proposal for measures to mitigate the Proposed Civil Penalty and provides the following response to this Probable Violation:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

3) "49CFR §40.73(c)..."

PROBABLE VIOLATION: The Operator's contractor for urine specimen collection failed to ship specimens for testing as required under §40.73(c)."

RESPONSE

In accordance with sections IA1 and IIB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin will submit a proposal for measures to mitigate the Proposed Civil Penalty and provides the following response to this Probable Violation:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

4) "49CFR §40.67(d) (2)..."

PROBABLE VIOLATION: The Operators urine collector personnel are performing directly observed collections in violation of the requirements under §40.67(d) (2)."

RESPONSE

In accordance with sections IA1 and IIB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin will submit a proposal for measures to mitigate the Proposed Civil Penalty and provides the following response to this Probable Violation:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

5) "49CFR §40.67(g)..."

PROBABLE VIOLATION: The Operators urine collector personnel are performing directly observed collections in violation of the requirements under §40.67(g)."

RESPONSE

In accordance with sections IA1 and IIB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin will submit a proposal for measures to mitigate the Proposed Civil Penalty and provides the following response to this Probable Violation:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

WARNING LETTER

1) "49CFR §40.11..."

PROBABLE VIOLATION: The City of Lumpkin failed to ensure that their officials, representatives, and agents carried out their requirements in accordance with the DOT and PHMSA requirements."

RESPONSE

In accordance with section IB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin acknowledges receipt of this Warning Letter and provides notice that the following action(s) will be taken:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

2) "49CFR §199.117(a)..."

PROBABLE VIOLATION: The City of Lumpkin failed to maintain records demonstrating compliance with the requirements of 49CFR §199.117(a).”

RESPONSE

In accordance with section IB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin acknowledges receipt of this Warning Letter and provides notice that the following action(s) will be taken:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

3) 49CFR §40.33...

PROBABLE VIOLATION: During this inspection the Operator was unable to produce documentation which demonstrated that their collector currently meets all requirements under §40.33.”

RESPONSE

In accordance with section IB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin acknowledges receipt of this Warning Letter and provides notice that the following action(s) will be taken:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

LETTER OF CONCERN

1) “49CFR 40.333(c)...

STAFFS CONCERN: Staff advised the Operator that access to records which are required to be maintained under §199.117(a) must be maintained in a location with controlled access, and that the release of these records is subject to the provisions of 49CFR Part 40, SubPart P.”

RESPONSE

In accordance with section IB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin acknowledges receipt of this Letter of Concern and provides notice that the following action(s) will be taken:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

2) "49CFR §199.103..."

STAFFS CONCERN: Staff advised the Operator of their requirement to ensure that they do not use a person who has failed, or refuses a drug test to perform any safety sensitive functions until they have completed the return-to-duty process under 40CFR Part 40, SubPart O."

RESPONSE

In accordance with section IB of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director*, Lumpkin acknowledges receipt of this Letter of Concern and provides notice that the following action(s) will be taken:

Lumpkin's new City Manager will appoint a new DER and will ensure that the written Anti-Drug Plan is followed in accordance with Parts 199 and 40.

CONTINUING PROBABLE VIOLATION

In accordance with section IID of the *Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director* that was included with this Report, Lumpkin provides the current status, updates, expected completion dates, and proposed modifications, if any, of the Continuing and/or existing Violation(s) that were not cleared as a result of the current Inspection.

During this inspection Staff reviewed the observed deficiencies and found that some deficiencies have been addressed, while other deficiencies still exist. Staff determined that this violation cannot be cleared at this time. Staff made the following observations:"

a) 192.455...

STATUS

Lumpkin has replaced, inserted, or abandoned all but seven bare steel services known to exist in its system.

b) 192.13(c)...

STATUS

Cleared in Inspection DJ16-002.

Please let us know if you have any questions or need additional information.

Sincerely,

CITY OF LUMPKIN O: (229)-838-4333

Shirley Walker C: (229)-321-0229

City Manager

cc: Michelle Thebert, GPSC
Lynn Buffington, GPSC
Chris Welborn, SRCS