

COMMISSIONERS

STAN WISE, CHAIRMAN
TIM G. ECHOLS
CHUCK EATON
H. DOUG EVERETT
LAUREN "BUBBA" McDONALD, JR.



DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION UNIT DIRECTOR

Georgia Public Service Commission

(404) 463-6526
(800) 282-5813

244 Washington Street, SW
Atlanta, GA 30334-5701

FILED FAX: (404) 463-6532
www.psc.state.ga.us

AUG 10 2017

**EXECUTIVE SECRETARY
G.P.S.C.**

City of Lumpkin Gas Department
P. O. Box 278
Lumpkin, GA 31815

Docket No. 37066	
DOCKET #	
DOCUMENT #	169294
<input type="checkbox"/> Certified Mail	<input checked="" type="checkbox"/> Regular Mail

Attention: Ms. Shirley Walker

On June 6, 2017, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered CS17-015 is provided for your information and file.

In conjunction with this inspection report, Staff has recommended the following enforcement(s):

Enforcement Action:

- Notice of Probable Violation
- Notice of Probable Violation with Proposed Civil Penalty
- Notice of Amendment

Enforcement Letter:

- Warning Letter
- Letter of Concern

Enforcement Notification:

- Observed Issue
- No Violation

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Actions, Enforcement Letters, and Notifications Issued by the Georgia Public Service Commission. Please refer to Docket No. 37066 in your response.

Please let me know if there are any questions concerning this report at (404) 463-6526 or michellet@psc.state.ga.us. Thank you for your continuing contribution toward increased pipeline safety.

Sincerely,

Michelle L. Thebert
Director, Office of Pipeline Safety/Facilities Protection

COMMISSIONERS

STAN WISE , CHAIRMAN
TIM G. ECHOLS
CHUCK EATON
H. DOUG EVERETT
LAUREN "BUBBA" McDONALD, JR.



DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MICHELLE THEBERT
FACILITIES PROTECTION UNIT DIRECTOR

Georgia Public Service Commission

(404) 463-6526
(800) 282-5813

244 Washington Street, SW
Atlanta, GA 30334-5701

FAX: (404) 463-6532
www.psc.state.ga.us

REPORT OF NATURAL GAS SAFETY

INSPECTION NO: CS17-015

OPERATOR: City of Lumpkin Gas Department

INVESTIGATOR: Chris Swann

INSPECTION DATE: June 6, 2017

REPORT MAILED DATE: July 31, 2017

Any questions concerning this report may be directed to the above address or by telephoning (404) 463-6526.

1. PURPOSE OF INSPECTION

To conduct an inspection of the Operators operator qualification (OQ) program for compliance with the minimum federal standards in 49CFR §192, SubPart N.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
192.455	External corrosion control: Buried or submerged pipelines installed after July 31	LB10-047	5/4/2010
199.101	Anti-Drug Plan	LB16-003	1/6/2016
199.105	Drug Test Required	LB16-003	1/6/2016
40.73(c)	As a collector or collection site, you must ensure that each specimen you collect is shipped to...	LB16-003	1/6/2016
40.67(d)(2)	As the collector, you must explain to the employee the reason, if known, under this part for a...	LB16-003	1/6/2016
40.67(g)	As the collector, you must ensure that the observer is the same gender as the employee. You must...	LB16-003	1/6/2016

3. CLEARED VIOLATIONS

Cleared on 6/6/2017

Violation	Description	Inspection#	Date
199.117	Recordkeeping	LB16-003	1/6/2016
40.33	What training requirements must a collector meet?	LB16-003	1/6/2016
40.11	What are the general responsibilities of employers under this regulation?	LB16-003	1/6/2016

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

On June 6, 2017, Staff reported to the City of Lumpkin to perform an inspection of the Operator's Operator Qualification program.

During this inspection the Operator was represented by:
Shirley Walker – City Manager
Randall Butts – City Manager (Retired)
Chris Welborn – MGAG/SRCS (Consultant)

Commission Staff was represented by:
Christopher Swann – Lead Inspector
David Lewis – Pipeline Safety Inspector

At the time of this inspection the City of Lumpkin was under nine (9) previously existing probable violation(s). These violations will be addressed under Follow-Up Inspection Number CS17-014.

LETTER OF CONCERN

As a result of this inspection, Staff identified an item of concern regarding the City of Lumpkin's Operator Qualification program; specifically:

CODE REQUIREMENT: 49 CFR, §192.805(g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed.

COMMENTS: During this inspection, Staff noted that the Operator's personnel's qualifications for some covered tasks had expired (e.g. Tasks: 0321 – Valve Corrective Maintenance, 0341 – Valve Preventative Maintenance, 0681 – Joining of Plastic Pipe – Stab Fittings, 0711 – Joining of Pipe – Compression Couplings, etc.). However, upon investigation of the matter, Staff determined that although the qualifications had expired, the Operator's personnel had not performed any of the tasks since their expiration.

CONCERN: Staff is concerned that if the Operator does not actively monitor its personnel's qualifications and ensure that they are current, covered tasks could be performed for which their personnel are not qualified.

Please review and respond to this report in accordance with the attached Instructions for Responding to Enforcement Letters Issued by the Georgia Public Service Commission.

Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director

Commission Rules 515-9-3-.09 and .10 provide the options available to respond when an Enforcement Letter is issued by the Facilities Protection Unit Director/Pipeline Safety Director (Director) of the Georgia Public Service Commission ("Commission"). The following information provides natural gas operators with general information, the process for responding to said Enforcement Letters, and procedures for requesting a hearing.

For all written responses or any other official correspondence, the Operator shall file the response at the following address:

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

The Operator must file **five (5)** copies of any response and/or official correspondence, as well as a CD with an electronic version of the response in Microsoft Word and/or a PDF, if applicable.

I. General Information Regarding Enforcement Actions, Enforcement Letters, and Notifications Issued by the Commission

A. Enforcement Actions:

1. Notice of Probable Violation (NOPV)-The purpose of this enforcement action is to document and to provide notice concerning any probable violations of a rule or regulation. A NOPV may or may not contain a proposed civil penalty.
2. Notice of Amendment (NOA)-The purpose of this enforcement action is to document and to provide notice concerning a required plan amendment for an Operator.

Enforcement Actions require a written response from the Operator detailing how the issue will be addressed or corrected, and the proposed timeframe(s) for said corrections. See *Process for Responding to Enforcement Actions* below for additional details.

B. Enforcement Letters:

1. Warning Letter-The purpose of this letter is to document and to provide notice concerning any probable violations of a rule or regulation.
2. Letter of Concern- The purpose of this letter is to document concerns with an Operator's plans, programs, or facilities, which could result in a probable violation unless action is taken to address the issue.

Enforcement Letters require a written response within thirty (30) days acknowledging receipt of the letter(s). Enforcement Letters serve as notice to the Operator that if appropriate action is not taken to correct the probable violation(s), enforcement actions may be taken if a subsequent inspection reveals continuing or new violation(s). The Operator is not required to provide corrective action or file a written plan of action; however, it is in the best interest of the Operator to provide notice as to whether any corrective action will be taken. Failure to provide this information may result in formal interrogatories from the Director through data requests.

C. Notifications:

1. Observed Issue: The purpose of this notification is to inform the Operator of identified or observed conditions or operating practices that may or may not be in violation at the time. However, if the issue is not corrected, it may result in a future violation or an unsafe situation.

Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director

2. **No Violation:** The purpose of this notification is to inform the Operator that no violations were noted during the inspection. This notification will be sent to the Operator by electronic mail. Please note that it is the Operator's responsibility to ensure that the GPSC has the correct e-mail address for the required recipient of Commission correspondence.

Notifications require an electronic response to the Director @ michellet@psc.state.ga.us within five (5) days acknowledging receipt of the notification.

II. Process for Responding to Enforcement Actions

Unless otherwise noted, the Operator has thirty (30) days from the date the Enforcement Action is received by the Operator filed to file a written response with the Executive Secretary or request an informal conference with the Director. Any Operator who chooses to request an informal conference shall request such a conference through either emailing or calling the Director at michellet@psc.state.ga.us / 404-463-2765.

A. Notice of Probable Violation (NOPV)

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOPV. The violation may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue. If you chose not to seek an informal conference, the following due process options are available:

1. The Operator may submit a written statement to the Director indicating that corrective measures have achieved compliance; or
2. The Operator may submit a written plan of action to the Director outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.

If the corrective measures that the Operator presents or proposes are acceptable to the Director, the violation may be cleared at this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the operator's facilities.

If the proposed solution as outlined is not satisfactory to the Director, the violation shall be referred to the Commission for formal resolution in either of the following manners:

1. The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
2. The Commission may issue a show cause order and/or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth by O.C.G.A. §46-2-91.

B. Notice of Probable Violation with a Proposed Civil Penalty

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOPV and proposed civil penalty. The violation and/or proposed civil penalty may be resolved at this stage; however, if agreement cannot be reached, enforcement procedures shall continue. If you chose not to seek an informal conference, the following due process options are available:

1. If you are not contesting the violation alleged or the proposed civil penalty, submit a written response notifying the Director of your desire to settle this matter by paying the recommended proposed civil penalty. Upon such notification, you will be provided with a Consent Agreement that shall be fully executed by the Operator, and submitted along with a

Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director

certified check for the full amount of the recommended civil penalty and made payable to the Georgia Public Service Commission. You must ensure that the Operator's name and the applicable Docket No. and Inspection Report No. are included in the "memo" line of the certified check. The certified check shall be mailed to:

Ms. Michelle Thebert, Director
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street
Atlanta, Georgia 30334

2. If you are not contesting the violation alleged, but are contesting the proposed civil penalty, and wish to submit written explanations, information, or other materials you believe warrant mitigation of the civil penalty, you may submit such materials. The Director will review the materials and provide the operator with a draft Consent Agreement that will represent the Staff's initial settlement offer. You must either sign the draft Consent Agreement or submit a counter-offer back to the Staff within thirty (30) days. Please refer to Commission Rule 515-9-3-.011, for the factors that the Commission considers regarding the assessment of civil penalties.

If an agreement cannot be reached, the alleged violation and proposed civil penalty shall be referred to the Commission for formal resolution in either of the following manners:

1. The Commission may seek an injunction or mandamus in superior court in cases where immediate action is necessary; or
 2. The Commission may issue a show cause order and/or schedule a hearing requiring the operator to demonstrate why the operator should not be subject to the penalties set forth by O.C.G.A. §46-2-91.
3. If you are contesting both the alleged violation and the proposed civil penalty, you may request a hearing before the Commission. Please see *Procedures for Requesting a Hearing* below.

C. Notice of Amendment (NOA)

The Operator may request an informal conference with the Director and/or her Staff to discuss the NOA. If you chose not to seek an informal conference, the following due process options are available:

1. If you are not contesting the NOA, you must submit to the Director the measures taken or of your plan(s) to address the observed deficiencies identified in the NOA. If the corrective measures that you present, or propose, are acceptable to the Director, the violation may be cleared this point. Such acceptance shall be verified by written statement issued by the Director following a re-inspection of the operator's facilities;
2. If you are not contesting the NOA, but you wish to submit written explanations, information, or other materials believed to warrant modification of the NOA in whole or in part, or if you are seeking clarification of the terms of the NOA, you may submit such materials; or
3. If you wish to contest the NOA, you must submit written explanations, information, or other materials in answer to the allegations in the NOA stating your reasons for objecting to the NOA, in whole or in part. If the information provided is acceptable to the Director, the issue may be closed at this point. Such acceptance shall be verified by written

**BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

**Enforcement Letter: Letter of Concern
City of Lumpkin Gas Department
Inspection CS17-015 on June 6, 2017**

)
)
)
)
)
)

DOCKET NO. 37066

CERTIFICATE OF SERVICE


I hereby certify that the *Enforcement Letter: Letter of Concern, City of Lumpkin Gas Department, Inspection CS17-015 on June 6, 2017* was filed with the Commission's Executive Secretary in the above-styled Docket, and a copy of same was served upon all parties and persons listed below via electronic mail as indicated by an asterisk. I further certify that the *City of Lumpkin Gas Department* was served a hard copy of the above-stated document by U.S. Mail, certified/return receipt requested.

*Reece McAlister, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

*Shirley Walker, City Manager
City of Lumpkin Gas Department
P.O. Box 278
Lumpkin, GA 31815
lumpkinadmin@bellsouth.net

*Michelle Thebert, Facilities Protection Unit Director
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

Respectfully Submitted this 31st day of August 2017:



Cathy Nesbitt, Administrative Assistant
Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, GA 30334