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

DOCKET#	Docket No. 37066
DOCUMENT#	170287

FILED
NOV 27 2017
EXECUTIVE SECRETARY
G.P.S.C.

Certified Mail

Regular Mail

Attention: Ms. Shirley Walker

On July 26, 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 AT17-022 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

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: AT17-022

OPERATOR: City of Lumpkin Gas Department

INVESTIGATOR: Alan Towe

INSPECTION DATE: July 26, 2017

REPORT MAILED DATE: November 8, 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 Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616.

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

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

On 7-27-17 Staff reported to City of Lumpkin to perform a Public Awareness inspection of the Operator's program and records.

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

Commission Staff was represented by:
Alan Towe – Lead Inspector
Jack Hewitt – Pipeline Safety Inspector

At the time of this inspection the City of Lumpkin had six previously existing probable violations. These violations will be addressed under Follow-Up Inspection Number CS17-014.

NO VIOLATIONS FOUND

During this inspection Staff reviewed the City of Lumpkin public awareness plan and records for compliance with Part 192.616 of the Pipeline Safety Regulations. As a result of this inspection Staff noted no probable violations of the minimum federal safety standards.

Staff also conducted three (3) Protocol nine inspections on Mr. Mike Robinson for the following covered task:

1. 0141 – Visual Inspection for Atmospheric Corrosion
2. 0641 – Visual Inspection of Pipe & Components Prior to Installation
3. 0301 – Manually Opening and Closing Valves

Staff found Mr. Mike Robinson qualification records were up to date and no issues were found during this field observation.

ITEM OF CONCERN

STAFF'S CONCERN - During this inspection Staff noted that the Operator is not participating in the Georgia Pipeline Emergency Response Initiative (GPRI). Staff is concerned that the Operator may not be able to fully demonstrate that they have met the liaison requirements of 49CFR §192.615(c) in regard to the fire response officials for their natural gas system.

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.

MEMORANDUM

TO: Natural Gas Operators

FROM: Michelle Thebert, Director Pipeline Safety, GPSC

DATE: September 26, 2017

RE: Georgia Pipeline Emergency Response Initiative (“GPERI”) and Compliance with Firefighter Emergency Official Liaison

Pursuant to 49CFR §192.615(c) - Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to:

- (1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;
- (2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
- (3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and,
- (4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

Meeting this regulatory requirement has been a struggle for most operators. Based on information from the Georgia Fire Chiefs Association, many first responders feel unprepared, under-trained, and ill-equipped to safely and effectively address a natural gas emergency. After observing several operator liaison meetings/activities, participating in multiple operator inspections, and partaking in numerous individual and group discussions with first responders, it is abundantly clear that a majority of the liaison activities/meetings are not in compliance with, nor meet the intent of, 49CFR §192.615(c) for fire-officials.

The Georgia Pipeline Emergency Response Initiative (GPERI) was created by a coalition of stakeholders, including Federal/State regulators, Interstate/Intrastate (private and public) Pipeline Operators, and various other State of Georgia agencies and emergency responders¹. The goal of GPERI is to enhance emergency responders' understanding of pipeline hazards; strengthen relationships among responders, pipeline operators and regulators; and to improve the prevention of and management of pipeline emergencies through better communication.

As developed and designed, GPERI will meet the above regulatory requirement for fire-officials. However, simply being a member of GPERI does not relieve the operator of its responsibility to conduct individual liaison activities, which can be accomplished by full and active participation in the program. Full and active participation includes, but is not limited to, paying annual GPERI memberships fees and attending first responder training sessions. During these first

¹ For additional information about the genesis of GPERI, please contact the Georgia Municipal Association.

responder training sessions, the operator is provided an opportunity to: acquaint the first responders with the operator's abilities when responding to a gas pipeline emergency, identify the types of gas pipeline emergencies when the operator will notify the first-responder, plan how the operator and first responder can engage in mutual assistance to minimize hazards to life or property, share company-specific information about pipeline locations, discuss the risks and hazards associated with the operator specific pipeline, and build relationships with the emergency responders within the operator's pipeline footprint.

Full and active participation in the GPERI program will satisfy for the operator's regulatory requirement for firefighter liaison with emergency responders. (49CFR §192.615(c))

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

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

statement issued by the Director. If the information provided is not acceptable to the Director, then the Operator will be given the option of an Informal Conference with the Director or the case will be referred to the Commission for a formal resolution on the contested issue.

D. Continuing and/or Existing Violations

Continuing and/or existing violations that were not cleared as a result of the current inspection must be addressed in the response letter. The Operator shall provide the current status, updates, expected completion dates, proposed modifications, etc., of the continuing and/or existing violations in each response letter, even if this information was provided in a previously filed response letter. Failure to provide this information may result in formal interrogatories from the Director through data requests. **Please Note:** Referencing a previously filed response letter does not meet the intent of this provision.

III. Procedures for Requesting a Hearing

The Operator has the right to request a hearing to contest the alleged probable violations, recommended civil penalties, and all other proposed actions of enforcement. A request for a hearing must be submitted in writing and in accordance with Commission Rule 515-2-1-.04. The Operator must include a statement of the issues that you intend to raise at the hearing. The issues may relate to the allegations, new information, proposed compliance order, proposed civil penalty, or any other recommendation for enforcement action. Please refer to Commission Rule 515-9-3-.11 and O.C.G.A. § 46-2-91 for assessment considerations upon which civil penalties are based. An operator's failure to specify an issue may result in a waiver of the right to raise that issue at hearing. Your request must also indicate whether or not you will be represented by counsel at the hearing.

You are advised that any material provided to the Commission, and all materials prepared by the Commission, including the Notice of Probable Violations and any Orders issued in this case, may be considered public information and subject to disclosure under the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.).

If you believe that any portion of your response material is security sensitive, privileged, confidential or may cause your company competitive disadvantages and would qualify for protection under the Commission's "Trade Secret Rule" (Commission Rule 515-3-1-.11), you must, along with the complete original document clearly marked "TRADE SECRET" on each page, provide a second copy of the document with the portions you believe qualify for trade secret treatment redacted, and an explanation of why you believe the redacted information qualifies for such trade secret treatment. Should the Commission receive a request for disclosure of any "TRADE SECRET" material, you will be notified, if after review, the materials and your provided justification are deemed not to meet any exemptions provided in the Georgia Open Records Act. You may appeal the Commission's decision to release material at that time. Your appeal will stay the release of those materials until a final decision is made.

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

IN THE MATTER OF:

**Enforcement Notification: Observed Issue
City of Lumpkin Gas Department
Inspection AT17-022 on July 26, 2017**

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DOCKET NO. 37066

CERTIFICATE OF SERVICE

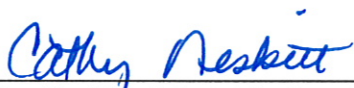
I hereby certify that the *Enforcement Notification: Observed Issue, City of Lumpkin Gas Department, Inspection AT17-022 on July 26, 2017* was filed with the Commission's Executive Secretary in the above-styled Docket, and a copy of same was served upon all parties and persons listed below via electronic 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 29th day of November 2017:



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