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Georgia Public Service Commission

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244 Washington Street, SW
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DOCKET#	Docket No. 37070
DOCUMENT#	178217
<input type="checkbox"/> Certified Mail	<input checked="" type="checkbox"/> Regular Mail

City of Monroe Natural Gas Department
P. O. Box 725
Monroe, GA 30655

Attention: Mr. Logan Propes

On February 12, 2019, a representative of the Georgia Public Service Commission Pipeline Safety/Facilities Protection Office conducted an on-site inspection of your gas system and found that previously identified probable violation(s) of the Pipeline Safety Regulations have either been cleared or are continuing, as identified below.

- Previously existing probable violation(s) has/have been cleared.
- Previously existing probable violation(s) still exist.
- Additional Enforcement
 - Notice of Proposed Violation
 - Notice of Proposed Violation with Proposed Civil Penalty
 - Warning Letter
 - Letter of Concern
 - Observed Issue
- Consent Agreement Pending

The enclosed inspection report numbered JJ19-009 is provided for your information and file.

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. 37070 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: JJ19-009

OPERATOR: City of Monroe Natural Gas Department

INVESTIGATOR: Joe Jones

INSPECTION DATE: February 12, 2019 REPORT MAILED DATE: August 27, 2019

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

1. PURPOSE OF INSPECTION

To conduct a follow-up inspection of the Operators previously existing probable violations.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
192.181(b)	Each regulator station controlling the flow or pressure of gas in a distribution system must have...	DL18-029	8/8/2018
192.703(b)	Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.	DL18-029	8/8/2018

3. CLEARED VIOLATIONS

Cleared on 2/12/2019

Violation	Description	Inspection#	Date
192.619(a)	No person may operate a segment of steel or plastic pipeline at a pressure that exceeds a maximum...	DL18-029	8/8/2018
192.703(c)	Hazardous leaks must be repaired promptly.	DL18-029	8/8/2018
192.743(a)	Pressure relief devices at pressure limiting stations and pressure regulating stations must have...	DL18-029	8/8/2018

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

CITY OF MONROE / FOLLOW-UP INSPECTION
INSPECTION NUMBER JJ19-009 / DOCKET NUMBER 37070

On February 13, 2019 Staff reported to The City of Monroe to perform a follow-up inspection of the Operator's previously existing probable violations.

During this inspection, the Operator was represented by:

Bryan Pittman- Foreman
Mathew Peters- Regulatory Compliance
Tim Franklin- MGAG/SRCS (Consultant)

Commission Staff was represented by:

Joe Jones – Lead Inspector
David Lewis – Pipeline Safety Inspector

At the time of this inspection, the City of Monroe was under four (4) previously existing probable violation. Staff reviewed this probable violation with the Operator and determined that:

PROBABLE VIOLATION CLEARED

- 1) In regard to the probable violation of 49CFR §192.703(c) which was cited in Inspection Number DL18-029 in that inspection Staff stated that: "The Operator failed to promptly repair two hazardous leaks."

OPERATOR RESPONSE: At the time of this inspection, Staff found no response letter from the Operator for Inspection Number DL18-029. The Operator has received their inspection report but is within the timeframe to respond and has not yet responded. Subsequent to this inspection, on February 20, 2019, the Operator responded to this probable violation and stated that: "In accordance with sections IA1 and IIA1 of the Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director, Monroe does not contest the violation alleged or request an informal conference to discuss this NOPV and files the following written statement indicating that corrective measures have achieved compliance: Monroe determined that the gas detected during the rechecks requested by Staff was due to a new leak in the same main. Monroe has since replaced the main in this area."

FOLLOWUP INSPECTION: During this inspection (JJ19-009) Staff examined the invoice for the replacement of 1,000 feet of 2 inch PE and the pressure charts for tests on Bryant St that replaced the areas that were found with leaks.

Staff determined that this probable violation can be cleared at this time.

- 2) In regard to the probable violation of 49CFR §192.743(a) which was cited in Inspection Number DL18-029 in that inspection Staff stated that: "The City of Monroe failed to demonstrate that the relief devices at their regulator stations have been calculated for sufficient capacity."

OPERATOR RESPONSE: At the time of this inspection, Staff found no response letter from the Operator for Inspection Number DL18-029. Operator has received letter but is within the timeframe to respond and has not yet responded. Although, the Operator has completed clearing this Probable Violation. Subsequent to this inspection, on February 20, 2019, the Operator responded to this probable violation and stated that: "In accordance with sections IA1 and IIA1 of the Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the

CITY OF MONROE / FOLLOW-UP INSPECTION
INSPECTION NUMBER JJ19-009 / DOCKET NUMBER 37070

GPSC's Pipeline Safety Director, Monroe does not contest the violation alleged or request an informal conference to discuss this NOPV and files the following written statement indicating that corrective measures have achieved compliance: Monroe has documented calculations demonstrating that the capacities of relief devices at its regulator stations are sufficient.”

FOLLOWUP INSPECTION: During this inspection (JJ19-009), Staff examined records with the calculations as well as a new inspection from January 17, 2019 that includes the calculation.

Staff determined that this probable violation can be cleared at this time.

- 3) In regard to the probable violation of 49CFR §192.619(a) which was cited in Inspection Number DL18-029 in that inspection Staff stated that:—The City of Monroe was unable to provide documentation of their determination of the maximum allowable operating pressures of their various pipeline operating systems.

OPERATOR RESPONSE: At the time of this inspection, Staff found no response letter from the Operator for Inspection Number DL18-029. Operator has received letter but is within the timeframe to respond and has not yet responded. Although, the Operator has completed clearing this Probable Violation. Subsequent to this inspection, on February 20, 2019, the Operator responded to this probable violation and stated that: “In accordance with sections IA1 and IIA1 of the Information for Natural Gas Operators Regarding Enforcement Actions, Enforcement Letters, & Notifications Issued by the GPSC's Pipeline Safety Director, Monroe does not contest the violation alleged or request an informal conference to discuss this NOPV and files the following written statement indicating that corrective measures have achieved compliance: Monroe has determined and documented the MAOPs of its pipeline systems.”

FOLLOWUP INSPECTION: During this inspection (JJ19-009) Staff examined records that shows the Operator has determined the maximum allowable pressures for their entire system, through either pressure charts or history.

Staff determined that this probable violation can be cleared at this time.

PROBABLE VIOLATION CONTINUING

- 1) In regard to the probable violation of §49CFR §192.181(b) which was cited in Inspection Number DL18-029 in that inspection Staff stated: “The City of Monroe failed to install a valve on the inlet piping at the Harrison Road, Vine Street, and Spring & Bankers regulator stations, at a distance from the regulator stations sufficient to permit the operation of the valve during an emergency that might preclude access to the station.”

OPERATOR RESPONSE: At the time of this inspection, Staff found no response letter from the Operator for Inspection Number DL18-029. Operator has received letter but is within the timeframe to respond and has not yet responded.

Subsequent to this inspection, on February 20, 2019, the Operator responded to this probable violation and stated that: “Monroe will install the required valves at the cited stations by July 31, 2019.”

CITY OF MONROE / FOLLOW-UP INSPECTION
INSPECTION NUMBER JJ19-009 / DOCKET NUMBER 37070

FOLLOWUP INSPECTION: During this inspection (JJ19-009) Staff determined that the Operator has ordered these valves and will schedule this work when the valves arrive.

Staff determined that this probable violation can not be cleared at this time.

- 2) In regard to the Notice of Amendment for 49CFR §192.703(b) which was cited in Inspection Number DL18-029; in that inspection Staff stated that: “The City of Monroe must amend their leak repair procedures to require a leak re-check following repairs. This recheck is to ensure that the repair was effective, and that there are no other leaks remaining. This revised procedure must ensure that the re-check occurs after any residual gas has had time to dissipate, so that the Operator can ensure that the repair was effective, and so that any remaining leaks can be detected and graded as required.”

OPERATOR RESPONSE: At the time of this inspection, Staff found no response letter from the Operator for Inspection Number DL18-029. The Operator has received their inspection report but is within the timeframe to respond and has not yet responded.

Subsequent to this inspection, on February 20, 2019, the Operator responded to this probable violation and stated that: “Monroe will review its leak repair procedures and revise as-necessary by April 30, 2019.”

FOLLOWUP INSPECTION: During this inspection (JJ19-009) Staff found that the Operator had not yet revised their procedure to require a leak re-check following repairs.

Staff determined that this probable violation can not be cleared at this time.

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

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:

Cleared and Continued Violation(s))
City of Monroe Natural Gas Department) DOCKET NO. 37070
Inspection JJ19-009 on February 12, 2019)
)

CERTIFICATE OF SERVICE

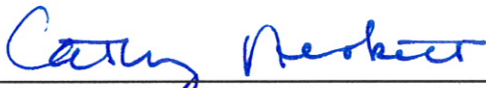
I hereby certify that the *Cleared and Continued Violation(s), City of Monroe Natural Gas Department, Inspection JJ19-009 on February 12, 2019* was filed with the Commission's Executive Secretary in the above-styled Docket, and a copy of same was served upon all parties and persons listed below via electronic mail as indicated by an asterisk. I further certify that the *City of Monroe Natural 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

*Logan Propers, City Administrator
City of Monroe Natural Gas Department
P.O. Box 725
Monroe, GA 30655
lpropes@monroega.gov

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

Respectfully Submitted this 11th day of September 2019:



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

Cleared and Continuing Violation(s),
City of Monroe Natural Gas Department
Inspection JJ19-009
Docket No. 37070/Document No. 178217