COMMISSIONERS

TRICIA PRIDEMORE , Chairman
TIM G. ECHOLS , Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

FILED
NOV 10 2022
EXECUTIVE SECRETARY
G.P.S.C.

REECE McALISTER
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
psc.ga.gov

DOCKET# 44673
DOCUMENT# 192140

Docket No. 44673

Silver Oak Apartment Homes (TWG Development)
1301 East Washington Street
Suite 100
Indianapolis, IN 46202

REF: Methane Emission Plan Inspection # JS22-025

☐ Certified Mail ☒ Regular Mail ☐ Email

Attention: Ms. Aushina Robinson

On July 24, 2022, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered JS22-025 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. 44673 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 Thebert

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

COMMISSIONERS

TRICIA PRIDEMORE , Chairman
TIM G. ECHOLS , Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
JASON SHAW

REECE McALISTER
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
psc.ga.gov

REPORT OF NATURAL GAS SAFETY

INSPECTION NO: JS22-025

OPERATOR: Silver Oak Apartment Homes (TWG Development)

INVESTIGATOR: Jason Smith

INSPECTION DATE: July 24, 2022 REPORT MAILED DATE: November 8, 2022

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

1. PURPOSE OF INSPECTION

To perform an inspection of the Operator's methane emission reduction plan for compliance with the Congressional mandate of Section 114 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.603(c)	General - The Associate Administrator or the State Agency that has submitted a current...	JS22-025	7/24/2022

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

SILVER OAK APARTMENT HOMES / METHANE EMISSIONS MITIGATION INSPECTION
INSPECTION NUMBER JS22-025 / DOCKET NUMBER 44673

On July 24, 2022 Pipeline Safety Staff made initial contact with a representative of the Silver Oak Apartment Homes, 1281 Brocket Road, in Clarkston, GA in regard to a performing a methane emissions plan inspection plan for compliance with the Congressional mandate of Section 114 of the Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020.

Staff was advised that this property is owned by:
Silver Oak Apartments, LP
1301 East Washington Street
Suite 100
Indianapolis, IN 46202

Staff was also advised that the registered agent for this property is:
CT Corporation System
289 South Culver Street
Lawrenceville, GA 30046-4805

During this inspection the Operator was represented by:
Theresa Crooks - Property Management
Francisco 'Rex' Zaragoza - Maintenance Manager

Commission Staff was represented by Jason Smith, Pipeline Safety Inspector.

At the time of this inspection the Silver Oak Apartment Homes had no previously existing probable violations.

NOTICE OF PROBABLE VIOLATION

As a result of this inspection Staff found that the Silver Oak Apartment Homes in probable violation of the minimum federal safety standards, specifically;

49CFR §192.603 General
(c) The Associate Administrator or the State Agency that has submitted a current certification under the pipeline safety laws, (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.206 or the relevant State procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety

COMMENTS: The Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020 was signed on December 27, 2020. This statute contains a self-executing mandate requiring operators to update their inspection and maintenance plans to address eliminating hazardous leaks and minimizing releases of natural gas (including intentional venting during normal operations) from their pipeline facilities. Operators must also revise their plans to address the replacement or remediation of pipeline facilities that are known to leak based on their material, design, or past operating and maintenance history.

Section 114 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020, Public Law No. 116-260 (Act) requires operators, by December 27, 2021, to update the inspection and maintenance plan required under section 60108(a) to address the elements described in the amendments to that section outlined below:

Section 60108(a)(2)(D) - the extent to which the plan will contribute to — (i) public safety; (ii) eliminating hazardous leaks and minimizing releases of natural gas from pipeline facilities; and (iii) the protection of the environment; and

Section 60108(a)(2)(E) - the extent to which the plan addresses the replacement or remediation of pipelines that are known to leak based on the material (including cast iron, unprotected steel, wrought iron, and historic plastics with known issues), design, or past operating and maintenance history of the pipeline.

During this inspection (JS22-025) Staff made initial contact with the Silver Oak Apartment Homes on July 24, 2022 with Theresa Crooks, Property Management, who directed me to speak to Francisco 'Rex' Zaragoza, property maintenance manager. Staff explained the need to perform an inspection of the master meter operator's methane emissions mitigation plan, so Mr. Zaragoza advised he would have to reach out to higher ups in TWG Construction to determine if they had anything.

On August 24 and 25, 2022 Staff reported to the property attempting to follow-up with Mr. Zaragoza with no success.

On August 29, 2022 Staff reported to Silver Oak Apartment Home to follow-up with Mr. Zaragoza, the maintenance manager, but met with Ms. Aushiana Robinson; Regional Operations Manager. After briefly explaining my need for speaking with the maintenance manager, she informed Staff that she would look into this matter and be ready to address Staff's concerns on Thursday; September 1, 2022.

On September 8, 2022 Staff followed-up with Ms. Aushiana Robinson, by e-mail to verify the status of Silver Oak Apartment Homes methane emissions mitigation plan. As of September 14, 2022 Staff has not heard back from the master meter Operator that they in fact have a methane emissions mitigation plan.

PROBABLE VIOLATION: Pursuant to section 60108(a)(2) and §192.603(c), Pipeline Safety Staff has determined that the Silver Oak Apartment Homes has failed to meet the requirements of Section 114 of the PIPES Act of 2020.

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.

OPERATOR RESPONSE FORM

Operator Name: Silver Oak Apartment Homes

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 44673

Responses required within **30 days of electronic mail**. Provide the following information for this report:

Response to Inspection Number:_____

Type of Enforcement Action(s) cited in report:			Informal Conference Requested	
☐ Notice of Probable Violation (NOPV)	☐ New	☐Continuing	☐ Yes	☐ No
☐ Notice of Amendment (NOA)	☐ New	☐Continuing	☐ Yes	☐ No
☐ Warning Letter	☐ New	☐Continuing	☐ Yes	☐ No
☐ Letter of Concern	☐ New	☐Continuing	☐ Yes	☐ No
☐ Observed Issue	☐ New	☐Continuing	☐ Yes	☐ No
☐ Proposed Civil Penalty	$ _____ PCP $ Amount (Total for report)			

Indicate below (A-E) based on the type of Enforcement Actions in this report: (Check all that apply)
Complete a separate copy of Page 2, Operator Response to Enforcement Action, for each cited item.

A. Response for **Notice of Probable Violation** (with and without proposed civil penalty):
   1. ☐ Written statement indicating that corrective measures have achieved Compliance or
   2. ☐ Written plan of action outlining the corrective measures that will be taken to achieve compliance and when compliance is anticipated.

B. Response for **NOA:**
   1. ☐ Contested: Attach written explanation, information, or other material in answer to the allegations in the Notice of Amendment stating your reasons for objecting to the NOA, in whole or in part; or
   2. ☐ Not Contested: Explanation, information, or other material believed to warrant modification of the NOA in whole or in part; or
   3. ☐ Written request for clarification. (Attached)

C. Response for **Continuing** and/or **Existing** violations:
   Current status, updates, expected completion dates, proposed modifications, etc., of the continuing and/or existing violations, even if this information was previously provided. Referencing a previously filed response letter, as status, updates, etc. alone is not sufficient for this response. Failure to provide this information may result in formal interrogatories from the Director through data requests.

D. Response for ☐ **Letter of Concern** / ☐ **Warning Letter**
   I acknowledge receipt of the Letter of Concern/Warning Letter:_____
   SIGNATURE / TITLE

   Additional Comments: (Optional)_____

E. Response for **Observed Issue** and **No Violation**: (Optional Response)
   Staff requests that the Operator acknowledge receipt of the Observed Issue/No Violation in writing, or by submitting an email to the FPU Director

Operator Response to Enforcement Action

Enforcement Action for:_____ ☐ New Violation ☐ Continuing Violation

Enter Code / Commission Rule (Complete a separate attachment for each enforcement action)

Enforcement Action(s) cited in report:	Conference Requested:	
☐ Notice of Probable Violation (NOPV)	☐ Yes ☐ No	$_____
☐ Notice of Amendment (NOA)	☐ Yes ☐ No	Proposed Penalty for this violation
☐ Warning Letter	☐ Yes ☐ No	
☐ Letter of Concern	☐ Yes ☐ No	
☐ Observed Issue	☐ Yes ☐ No	
☐ Proposed Civil Penalty	☐ Yes ☐ No	

OPERATORS RESPONSE: _____

_____

_____

_____

_____

_____

_____

_____

Response Provided by: _____ Date:_____

Name / Title

Internal use only:

Lead Inspector: _____ Date Response Reviewed:_____

Actions Acceptable: ☐ Yes ☐No Re-inspection Needed:☐ Yes ☐ No Clear Violation:☐ Yes ☐ No

_____

Supervisor Review by:_____ Date Reviewed:_____

Additional Enforcement Recommended: ☐ Yes ☐ No

_____

Director Review

Approved: ☐ Yes ☐No Schedule Special Follow-up Inspection: ☐ Yes ☐ No

Cleared Violation: ☐ Yes ☐ No

Comments:_____

_____

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

Ms. Sallie Tanner, 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.

Informal Conference:
Any Operator who chooses to request an informal conference shall request such a conference through emailing the Director (michellet@psc.state.ga.us), calling the Director (404-463-2765), or selecting the "Request Conference" choice.

Civil Penalty Payments:
Certified check for the full amount of the recommended civil penalty or consent agreement amount made payable to the Georgia Public Service Commission. The Operator's name, applicable Docket No., and Inspection Report No. must be included on the certified check. Mail payment to:

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

Hearing Requests:
The Operator has the right to request a hearing before the full Commission 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. The request must also indicate whether or not the Operator will be represented by counsel at the hearing.

Open Records and Trade Secret Filings:
The Operator is 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:	)	
	)	
Probable Violation Report	)	**DOCKET NO. 44673**
Silver Oak Apartments	)	
(TWG Development)	)	
Inspection JS22-025 on July 24, 2022	)	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have caused to be served a copy of the foregoing, 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 *Silver Oak Apartments* was served a hard copy of the above-stated document by U.S. Mail, certified/return receipt requested.

*Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

* Aushina Robinson, Regional Operation Mgmt
Silver Oak Apartments
(C/O TWG Development)
1301 East Washington Street
Suite 100
Indianapolis, IN 46202
nrobinson@twgdev.com

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

Respectfully Submitted this 17th day of November 2022:

Cathy Nesbitt

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