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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 No. 37036

DOCKET# 37036
DOCUMENT# 192699

City of Cochran Gas System
112 West Dykes St
PO Box 8
Cochran, GA 31014

☐ Certified Mail ☒ Regular Mail

Attention: Mr. Richard Newbern

On February 21, 2022, a representative of the Georgia Public Service Commission Pipeline Safety/Facilities Protection Office conducted a review of the terms of your Consent Agreement and found that the previously agreed upon items have either been addressed, or are continuing, as identified below.

☐ Consent Agreement complied with - All provisions have been completed

☒ Consent Agreement has not yet been complied with

- ☒ Operator is still working to address the provisions of the Consent Agreement / Staff to schedule followup based on Operators response to this inspection.
- ☐ Operator has addressed the provisions of the Consent Agreement / Monitoring by Staff will continue as required under the terms of the Consent Agreement.

☐ Consent Agreement not complied with - Additional Enforcement

- ☐ Notice of Proposed Violation with Proposed Civil Penalty
- ☐ Notice of Proposed Violation
- ☐ Warning Letter
- ☐ Letter of Concern
- ☐ Observed Issue

The enclosed inspection report numbered DL22-011 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. 37036 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

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: DL22-011

OPERATOR: City of Cochran Gas System

INVESTIGATOR: David Lewis

INSPECTION DATE: February 21, 2022 REPORT MAILED DATE: January 10, 2023

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/consent agreement.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

Cleared on 2/21/2022

Violation	Description	Inspection#	Date
Consent Agreement Pending	Operator is negotiating Consent Agreement with the FPU Director	JH19-052	9/30/2019
192.616(c)	The operator must follow the general program recommendations, including baseline and supplemental...	JJ19-055	11/4/2019

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
Under Consent Agreement	Operator is under a Consent Agreement.	DL22-011	2/21/2022

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

On March 9, 2022, Staff met with the City of Cochran to perform a follow-up inspection of the Operator's previously existing probable violations and Consent Agreement.

During this review, the Operator was represented by:
Tracy Jones – City Clerk
Wade Sharpe – MGAG/SRCS (Consultant)

Commission Staff was represented by David Lewis, Lead Inspector.

At the time of this inspection, the City of Cochran was under one (1) previously existing probable violation from Inspection Number JJ19-055; and was negotiating a Consent Agreement with the Director to address a total of $20,000 in outstanding proposed civil penalties for probable violations which were cited in Inspection Number DL17-014. Staff reviewed these items with the Operator and determined the following:

CONSENT AGREEMENT CONTINUING

Regarding the Consent Agreement which was being negotiated for the outstanding proposed civil penalties for probable violations which were cited in Inspection Number DL17-014: Staff found that on November 5, 2020, the Operator entered into a Consent Agreement with the Director to address the outstanding penalties. This agreement was approved by the Commission on January 7, 2022.

Under the Consent Agreement, the City of Cochran agreed that:

1. Cochran shall replace the Empire regulator station at an estimated cost of $16,000. This shall be completed within six (6) months of the Commission approved order in this case.
2. Cochran shall replace cathodic protection ground bed for Empire Community rectifier at an estimated cost of $13,500. This shall be completed within six (6) months of the Commission-approved order in this case.
3. Cochran shall provide online training for Designated Employee Representative (DER) in Drug and Alcohol Plan at an estimated cost of $200. This shall be completed within six (6) months of the Commission approved order in this case.
4. Cochran shall participate in the Georgia Pipeline Emergency Response Initiative (GPERI) for a period of three (3) years at an estimated cost of $275 per year.

FOLLOWUP INSPECTION: During this inspection (DL22-011) Staff found that:

1. The City of Cochran, upon further investigation, determined that the Empire Regulator Station is not their facility, and that it belongs to the Mid-State Energy Commission.
2. The City of Cochran provided Staff with a statement of charges for the replacement of the Empire Community cathodic protection ground bed.
3. The City of Cochran provided Staff with a certificate for training for their DER for Drug and Alcohol training.
4. Staff verified that the City of Cochran did participate in the GPERI program CY's 2020 and 2021.

Due to the issue with the Empire Regulator Station Staff is referring this issue back to the Director for resolution. Staff will also continue to monitor the Operators participation in the GPERI program for the timeframe cited in the Consent Agreement.

DIRECTOR COMMENTS:
Due to the fact that the regulator station does not belong to the City of Cochran, Cochran contact the Director to discuss an alternative option to resolve the outstanding civil penalty.

VIOLATION CLEARED AND CONSENT AGREEMENT FINALIZED

In regard to the probable violation of §192.616(c) which was cited in Inspection Number JJ19-055; in that inspection Staff stated: "Based on the deficiencies identified under Questions 6, 18, 19, 21, 22, and 23, of the PHMSA Public Awareness Program Effectiveness Inspection Checklist, the City of Cochran has failed to conduct a Public Awareness Program as required by 49CFR §192.616."

Staff proposed a civil penalty of $5,000.00 for this probable violation.

FOLLOWUP INSPECTION: During this inspection Staff found that on October 22, 2020, the Operator entered into a Consent Agreement with the Director to address the outstanding penalties. This agreement was approved by the Commission on January 7, 2022.

Under the Consent Agreement, the City of Cochran agreed that:

1. Cochran shall execute this Consent Agreement within thirty (30) days of the Commission's approval of said Consent Agreement;
2. Cochran shall contact the FPU Director within forty-five (45) days of the Commission's approval of this agreement to request Staff Training on the requirements of a compliant public awareness program. This shall be considered training for the PSC Inspector(s). The purpose of this training is to have Staff help Cochran with understanding the rules and regulations required by 49CFR, §192.616 Public Awareness. One outcome of this meeting shall be the establishment of a four-year timeline on Cochran's PAP.
3. Cochran shall submit a certified check for Seven Hundred Fifty ($750.00) dollars made payable to the Georgia Public Service Commission within thirty (30) days of the Commission's approval of the Consent Agreement. The city's name, Docket Number, and Inspection Report number shall be written in the "memo" line of the certified check.

During this inspection:

1. Staff trained City of Cochran City Clerk on the Public Awareness Plan along with reviewing the previous Public Awareness inspection (JJ19-055) with the noted probable violations. Staff reviewed the response letter written by the City of Cochran on April 1, 2020 as well as the commitments made in their response letter.
2. Staff reviewed a copy of the check that was mailed overnight to the Director of the Public Service Commission on March 9, 2022.

Staff determined that the City of Cochran has taken action to address the probable violation, and has met the terms of the consent agreement for the proposed civil penalty. Staff determined that this violation could 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.

OPERATOR RESPONSE FORM

Operator Name: City of Cochran

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 37036

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:	)	
	)	
Consent Agreement non-compliant	)	**DOCKET NO. 37036**
City of Cochran Gas System	)	
Inspection DL22-011 on February 21, 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 *City of Cochran Gas System* was served a hard copy of the above-stated document by U.S. Mail, certified/return receipt requested.

certified/return receipt requested.

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

*Richard Newbern, City Manager/Utilities
City of Cochran Gas System
112 West Dykes Street
P.O. Box 8
Cochran, GA 31014
rnewbern@cityofcochran.com

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

Respectfully Submitted this 18th day of January 2023:

Cathy Nesbitt

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