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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. 37022

DOCKET# 37022
DOCUMENT# 192868

City of Andersonville Gas System
P. O. Box 35
Andersonville, GA 31711

REF: DIMP – Implementation Inspection # AT22-044

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Mr. Eddie D. Hill

On August 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 AT22-044 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. 37022 in your response.

Please let me know if there are any questions concerning this report at (404) 985-4271 or mthebert@psc.ga.gov. Thank you for your continuing contribution toward increased pipeline safety.

Sincerely,

Michelle Thebert

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

COMMISSIONERS

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: AT22-044

OPERATOR: City of Andersonville Gas System

INVESTIGATOR: Alan Towe

INSPECTION DATE: August 24, 2022 REPORT MAILED DATE: January 19, 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 an inspection of the Operators implementation of their Distribution Integrity Management Program (DIMP) for compliance with the minimum federal standards in 49CFR Part 192, SubPart P.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
192.707	Line markers for mains and transmission lines.	DJ19-015	3/25/2019
192.195(a)	General requirements. Except as provided in §192.197, each pipeline that is connected to a gas...	DJ19-015	3/25/2019

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.1007(a)(5)	Provide for the capture and retention of data on any new pipeline installed.	AT22-044	8/24/2022
192.1011	What records must an operator keep?	AT22-044	8/24/2022
192.1007(e)	Measure performance, monitor results, and evaluate effectiveness.	AT22-044	8/24/2022
192.1007(a)(3)	Identify additional information needed and provide a plan for gaining that information over...	AT22-044	8/24/2022

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION FORM

CITY OF ANDERSONVILLE / DIMP IMPLEMENTATION
INSPECTION NUMBER AT22-044 / DOCKET NUMBER 37022

From August 24, to 25, 2022, Staff reported to the City of Andersonville to perform an inspection of the Operator's implementation of their Distribution Integrity Management Program.

During this inspection the Operator was represented by:
Danny Warren – Gas Superintendent
Bobby Boyd – Consultant (City Services Inc.)

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

At the time of this inspection the City of Andersonville had two previously existing probable violations. These violations will be addressed under Follow-Up Inspection Number DJ22-044.

During this inspection, Staff reviewed the City of Andersonville's Distribution Integrity Management Program to ensure the Operator has implemented their program accordingly utilizing the PHMSA Distribution Integrity Management Implementation inspection form.

NOTICE OF PROBABLE VIOLATION

As a result of this inspection Staff found that the City of Andersonville was in probable violation of the minimum federal safety standards; specifically:

1. 49 CFR §192.1007 - What are the required elements of an integrity management plan?
   A written integrity management plan must contain procedures for developing and implementing the following elements:
   (a) Knowledge. An operator must demonstrate an understanding of its gas distribution system developed from reasonably available information.
   (5) Provide for the capture and retention of data on any new pipeline installed. The data must include, at a minimum, the location where the new pipeline is installed and the material of which it is constructed.

   COMMENTS: Operator stated they installed a new gas service on 10-28-2021 and failed to capture the piping and components specs for their system knowledge.

   PROBABLE VIOLATION: Operator failed to capture and perform retention of material and component data on any new pipeline installed as required under §192.1007(a)(5).

2. 49 CFR §192.1007 - What are the required elements of an integrity management plan?
   A written integrity management plan must contain procedures for developing and implementing the following elements:
   (a) Knowledge. An operator must demonstrate an understanding of its gas distribution system developed from reasonably available information.
   (3) Identify additional information needed and provide a plan for gaining that information over time through normal activities conducted on the pipeline (for example, design, construction, operations or maintenance activities).

COMMENTS: Operator stated their contractor City Services repaired a gas leak in 2020 on a 2-inch polyethylene plastic main. Per Operator they failed to record the repair on their 2-inch polyethylene plastic main located at Cinamid Lane in Andersonville.

PROBABLE VIOLATION: Operator failed to identify additional information needed for gaining information of material and component data on operations and maintenance repairs made as required under Part 192.1007(a)(3).

3. 49 CFR §192.1007 - What are the required elements of an integrity management plan?
(e) Measure performance, monitor results, and evaluate effectiveness.
(1) Develop and monitor performance measures from an established baseline to evaluate the effectiveness of its IM program. An operator must consider the results of its performance monitoring in periodically re-evaluating the threats and risks. These performance measures must include the following:
(i) Number of hazardous leaks either eliminated or repaired as required by § 192.703(c) of this subchapter (or total number of leaks if all leaks are repaired when found), categorized by cause;
(ii) Number of excavation damages;
(iii) Number of excavation tickets (receipt of information by the underground facility operator from the notification center);
(iv) Total number of leaks either eliminated or repaired, categorized by cause;
(v) Number of hazardous leaks either eliminated or repaired as required by § 192.703(c) (or total number of leaks if all leaks are repaired when found), categorized by material; and
(vi) Any additional measures the operator determines are needed to evaluate the effectiveness of the operator's IM program in controlling each identified threat.

COMMENTS: During this inspection the Operator was unable to provide Staff with an established baseline for monitoring their threats.

PROBABLE VIOLATION: Operator failed to established baseline to evaluate the effectiveness of its IM program.

4. 49 CFR §192.1011: What records must an operator keep?
An operator must maintain records demonstrating compliance with the requirements of this subpart for at least 10 years. The records must include copies of superseded integrity management plans developed under this subpart.

COMMENTS: Operator has not recorded and maintained their continuing surveillance documentation in accordance with Chapter 3 page 3 of their DIMP plan.

PROBABLE VIOLATION: Operator failed to maintain records demonstrating compliance with the requirements of this subpart for at least 10 years.

Staff also conducted three (3) Protocol nine inspections on Mr. Danny Warren for the following covered tasks:

1. 0141 – Visual Inspection for Atmospheric Corrosion.
2. 0301– Manual Opening and Closing Valves.

3. 1291 - Locate Gas Lines.

Staff found that Operators qualification records were up to date and no issues were found during this field observation.

PROPOSED CIVIL PENALTY

Under Commission Rule 515-9-1.01, by virtue of the authority vested in the Commission by law and pursuant to orders issued by the Commission on May 4, 1967, July 6, 1967, April 23, 1968, and October 29, 1970, all Rules and Regulations prescribed by the United States Department of Transportation applicable to the "Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards" (C.F.R. 49, Parts 191 and 192) are by this Rule made the Rules and Regulations of the Georgia Public Service Commission for the safe installation and operation of all natural gas transmission and distribution facilities by companies subject to the jurisdiction of the Commission within this State.

Under Commission Rule 515-9-3-.08 (Written Formal Notice of Violation), the Commission may propose a civil penalty in conjunction with this notice of probable violation. Further, the City of Andersonville is subject to civil penalties under O.C.G.A. § 46-2-91(b) which states that: Any operator which violates any rule or regulation of the commission prescribed pursuant to subsection (i) of Code Section 46-2-20, or which fails, neglects, or refuses to comply with any order after notice thereof, shall be liable to a penalty not to exceed the maximum penalties provided for in 49 C.F.R. Section 190.223.

Staff has reviewed the circumstances surrounding the probable violations cited in this report and has elected not to recommend a civil penalty at this time. The Operator is advised that a failure to address the items identified in this report could result in additional enforcement actions in the future.

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 ANDERSONVILLE

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 37022

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. 37022**
City of Andersonville Gas System	)	
Inspection AT22-044 on August 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 *City of Anderson Gas System* 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

*The Honorable Eddie D. Hill, Mayor
City of Andersonville Gas System
P.O. Box 35
Andersonville, GA 31711
andersonville@bellsouth.net

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

Respectfully Submitted this 4th day of January 2023:

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