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Georgia Public Service Commission

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DOCKET# 37043
DOCUMENT# 216301

Docket No. 37043

City of Dawson Gas & Water Dept.
P. O. Box 190
Dawson, GA 39842

REF: DIMP – Implementation Inspection # DL23-002

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Mr. Tracy Hester

On January 11, 2023, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered DL23-002 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. 37043 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

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: DL23-002

OPERATOR: City of Dawson Gas & Water Dept.

INVESTIGATOR: David Lewis

INSPECTION DATE: January 11, 2023 REPORT MAILED DATE: November 6, 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
192.615(b)(3)	Review employee activities to determine whether the procedures were effectively followed in each...	AT19-013	3/4/2019
192.383(b)	Installation required. An EFV installation must comply with the performance standards in...	AT19-013	3/4/2019
192.616	Public education.	JH20-043	12/15/2020
192.703(c)	Hazardous leaks must be repaired promptly.	DL23-001	1/9/2023
Consent Agreement Pending	Operator is negotiating Consent Agreement with the FPU Director	DL23-001	1/9/2023

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED REPORT

CITY OF DAWSON / DIMP IMPLEMENTATION INSPECTION
INSPECTION NUMBER DL23-002/ DOCKET NUMBER 37043

From January 11, 2023 Staff reported to the City of Dawson 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.

During this inspection the Operator was represented by:
Tracy Hester – City Manager
John Batz - Gas Superintendent/Public Works Director
Joe Carter – Gas Technician
Eddie Harp – Harp and Associates
Peter Shultz – Harp and Associates

Commission Staff was represented by:
David Lewis – Lead Inspector
Joe Jones – Pipeline Safety Inspector

At the time of this inspection the City of Dawson was under 19 existing probable violations. Staff reviewed these probable violations with the Operator on Inspection number DL23-001.

During this inspection Staff reviewed the City of Dawson's DIMP Plan, DIMP Inspection dated 5/14/2019, the previous DIMP review dated December 22, 2022, Operator Qualifications, five years of PHMSA form 7100, and five years of leak surveys.

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

LETTER OF CONCERN:

1) 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.

   STAFFS COMMENTS: During this inspection (DL23-002) the Operator was unable to provide Staff with ten years of records. The Operator could not produce records before calendar year 2016, which are an essential part of documentation needed when identifying information needed for compliance with Part 192.1007.

   Staff notes that the City of Dawson were cited for this same probable violation in Inspection Number AT16-035 and again in Inspection Number DL19-048 with a proposed civil penalty of $5,000.00. In the last follow up inspection Staff noted that "During this inspection (DL23-001) Staff found that records are now being kept, but due to the time frame that records have only recently been kept it will be several years until the Operator can achieve compliance. Staff also found that the Operator is negotiating a Consent Agreement with the Director for the Proposed Civil Penalty.

On May 16, 2023 the City of Dawson met with the Facility Protection Unit Director to discuss the mitigation of multiple proposed civil penalties from Inspection Numbers AT19-013, JH20-043, DL19-048 and JH18-041. During this informal conference the Operator was advised to submit their proposal for mitigation to the Director in writing. Because this informal conference was held after this inspection Staff has elected to list this item as a Concern. The Operator is advised that any future failures to maintain documentation as required may result in additional enforcement action.

STAFFS CONCERN: The City of Dawson has failed to maintain records demonstrating compliance with the requirements of 49 CFR, Part 192, Subpart P.

2) §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:

STAFFS COMMENTS: During this inspection (DL23-002) the Operator was unable to provide Staff with ten years of records. The Operator could not produce records before calendar year 2016, which are an essential part of documentation needed when identifying information needed for compliance with Part 192.1007.

Staff notes that the City of Dawson were cited for this same probable violation in Inspection Number AT16-035 and again in Inspection Number DL19-048 with a proposed civil penalty of $5,000.00. In the last follow up inspection Staff noted that "During this inspection (DL23-001) Staff found that records are now being kept, but due to the time frame that records have only recently been kept it will be several years until the Operator can achieve compliance. Staff also found that the Operator is negotiating a Consent Agreement with the Director for the Proposed Civil Penalty.

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STAFFS CONCERN: The City of Dawson has failed to maintain records demonstrating compliance with the requirements of 49 CFR, Part 192, Subpart P. The failure to maintain these records impacts the Operators ability to ensure that they can develop and monitor performance measures from an established baseline as required by §192.1007(e)(1).

During this inspection Staff conducted three (3) Protocol nine inspections:
John Batz and Joseph Carter performed covered tasks. Staff examined the individual records for Mr. Batz and Mr. Carter before observing the performance in the field. Staff verified that qualification records for these individuals were current. All tasks were successfully performed according to the operator's procedures.

- John Batz, Utility Supervisor , performed Task #0301 – Manually Opening and Closeting valves, qualified 08/29/2022 thru 8/28/2025
- Joseph Carter – Gas Technician, performed Task #0141 – Visual Inspection for Atmospheric Corrosion, qualified 11/06/2018 thru 11/05/2023, and Task #0151 – Visual Inspection for Buried Pipe Components, qualified 09/17/2020 thru 09/16/2023.

Both individuals performed these covered tasks according to the procedures and were able to identify generic and task specific abnormal conditions and define the applicable actions.

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.

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:	)	
	)	
Letter of Concern	)	**DOCKET NO. 37043**
City of Dawson Gas & Water Department	)	
Inspection DL23-002 on January 11, 2023	)	
	)	

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 Dawson Gas & Water Department* 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

*Tracy Hester, City Manager
City of Dawson Gas & Water Department
P.O. Box 190
Dawson, GA 39842
tracyhester@cityofdawson.org

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

Respectfully Submitted this 9th day of November 2023:

Cathy Nesbitt

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