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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. 44683

DOCKET# 44683
DOCUMENT# 218918

Thomaston Housing Authority
574 Triune Avenue
Thomaston, GA 30286

REF: Follow Up Inspection # JJ23-043

☒ Certified Mail ☐ Regular Mail ☐ Email

Attention: Ms. Patricia Allen

On October 23, 2023, 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 JJ23-043 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. 44683 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: JJ23-043

OPERATOR: Thomaston Housing Authority

INVESTIGATOR: Joe Jones

INSPECTION DATE: October 23, 2023 REPORT MAILED DATE: May 30, 2024

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 |
|---|---|---|---|
| 192.603(c) | General - The Associate Administrator or the State Agency that has submitted a current... | JJ22-047 | 9/14/2022 |
| 192.703 | General. | JJ22-048 | 9/14/2022 |
| 192.605(a) | Each operator shall prepare and follow for each pipeline, a manual of written procedures for... | JJ22-048 | 9/14/2022 |
| 192.723(a) | Each operator of a distribution system shall conduct periodic leakage surveys in accordance with... | JJ22-048 | 9/14/2022 |
| 192.479(a) | Each operator must clean and coat each pipeline or portion of pipeline that is exposed to the... | JJ22-048 | 9/14/2022 |

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

From October 23 through 26, 2023, Staff reported to Thomaston Housing Authority to perform a follow-up inspection of the Operator's previously existing probable violations.

During this inspection the Operator was represented by:
Patrica Allen – Executive Director /CEO
Phillip Searcy – Maintenance Supervisor
Lloyd Douglas – Maintenance Supervisor

Commission Staff was represented by:
Joe Jones – Lead Inspector
Daphne Jones – Pipeline Safety Inspector
Daniel Clemmons – Pipeline Safety Inspector

At the time of this inspection the Thomaston Housing Authority was under five (5) previously existing probable violations. Staff reviewed these probable violations with the Operator and determined that:

PROBABLE VIOLATION CONTINUING

1. In regard to the probable violation of 49CFR §192.603(c) which was cited in Inspection Number JJ22-047; in that inspection Staff stated: "Pursuant to section 60108(a)(2) and §192.603(c), Staff has determined that the Thomaston Housing Authority does not have an inspection or a maintenance plan to address eliminating hazardous leaks and minimizing releases of natural gas (including intentional venting during normal operations) from their pipeline facilities."

   OPERATOR RESPONSE: In their response letter to Inspection Number LL22-048 (sic), dated November 17, 2022, the Thomaston Housing Authority appeared to have combined a response for the violations of §192.603(c) in Inspection Number JJ22-047, and §192.605(a) from Inspection Number JJ22-048. The Operator stated: "192.605a – Each operator shall prepare and follow written procedures. The agency has developed a temporary Emergency Emission Mitigation Plan. Once a consultant is obtained, the Thomaston Housing Authority and the consultant will develop a permanent Emergency Emission Mitigation Plan and install new manuals to include emergency manual, o/m manuals, as well as training programs to build the capacity of the maintenance personnel to be compliance with 49CFR, Part 192. The new policies are proposed to be in place by April 2023".

   FOLLOW-UP INSPECTION: During this inspection (JJ23-043) the Operator presented Staff with a Methane Emission Plan. Staff reviewed the plan and advised the Operator that it did not comply with the requirements of Section 114 of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020. Staff recommends that the Operator review the inspection protocols which can be found at https://www.phmsa.dot.gov/pipeline/drug-and-alcohol/phmsa-section-114-question-set and revise their plan as required.

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

2. In regard to the probable violation of 49CFR §192.703 which was cited in Inspection Number JJ22-048; in that inspection Staff stated: "The Thomaston Housing Authority has failed to maintain their pipeline facility in accordance with the requirements of 49CFR, Part 192 Transportation of Natural and other Gas by Pipeline: Minimum Federal Safety Standards Pipeline Safety Regulations."

OPERATOR RESPONSE: In their response letter to Inspection Number LL22-048 (sic), dated November 17, 2022, the Thomaston Housing Authority stated that: "The agency is working with a consultant to get surveys, (Cathodic Protection, Leak surveys) performed as soon as possible to be able to evaluate the natural gas system and get in compliance with 49CFR, Part 192.

FOLLOW-UP INSPECTION: During this inspection (JJ23-043), the Operator could not demonstrate that they had taken any action to address this violation.

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

3. In regard to the probable violation of 49CFR §192.723(a) which was cited in Inspection Number JJ22-048; in that inspection Staff stated, "The Thomaston Housing Authority failed to conduct periodic Leakage surveys as required by §192.723."

   OPERATOR RESPONSE: In their response letter to Inspection Number LL22-048 (sic), dated November 17, 2022, the Thomaston Housing Authority stated that: "The (agency) Thomaston Housing Authority is in the process of getting an outside contractor to perform a leak survey and any leak found will be immediately reported to the Atlanta Gas Light company to be repaired. The leak survey and any known grade one or two leaks will be completed within 60 days of this letter."

   FOLLOW-UP INSPECTION: During this inspection (JJ23-043) the Operator could not demonstrate that they had completed a leak survey as they advised they would.

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

4. In regard to the probable violation of 49CFR §192.479(a) which was cited in Inspection Number JJ22-048; in that inspection Staff stated, "The Thomaston Housing Authority failed to clean and each portion of their pipeline that was exposed to the atmosphere as required by §192.479."

   OPERATOR RESPONSE: In their response letter to Inspection Number LL22-048 (sic), dated November 17, 2022, the Thomaston Housing Authority stated that: "The Thomaston Housing Authority or contractor will clean and paint any portion of the pipeline that is to the atmosphere including regulator and meters as well as piping. This will be completed within six months".

   FOLLOW-UP INSPECTION: During this inspection (JJ23-043) the Operator could not demonstrate that they had cleaned and coated each portion of their pipeline that was exposed to the atmosphere as they advised they would.

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

5. In regard to the probable violation of 49CFR §192.605(a) which was cited in Inspection Number JJ22-048; in that inspection Staff stated, "The Thomaston Housing Authority has failed to prepare and follow a manual of written procedures for conducting operations and maintenance activities and for emergency response as required by §192.605(a)."

   OPERATOR RESPONSE: In their response letter to Inspection Number LL22-048 (sic), dated November 17, 2022, the Thomaston Housing Authority appeared to have combined a response for the violations of §192.603(c) in Inspection Number JJ22-047, and §192.605(a) from Inspection Number

JJ22-048. The Operator stated: "192.605a – Each operator shall prepare and follow written procedures. The agency has developed a temporary Emergency Emission Mitigation Plan. Once a consultant is obtained, the Thomaston Housing Authority and the consultant will develop a permanent Emergency Emission Mitigation Plan and install new manuals to include emergency manual, o/m manuals, as well as training programs to build the capacity of the maintenance personnel to be compliance with 49CFR, Part 192. The new policies are proposed to be in place by April 2023".

FOLLOW-UP INSPECTION: During this inspection (JJ23-043) the Operator could not demonstrate that they had taken any action to address this violation.

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

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 Thomaston Housing Authority 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 recommended the civil penalty/penalties listed below. Please note that this recommended amount is less than the amount authorized by Georgia law.

| Item # | Code / Rule | Description | Proposed Penalty |
|---|---|---|---|
| 2 | §192.703(c) | Hazardous leak repair | $2,500.00 |
| 3 | §192.723(a) | Distribution System: Leakage Survey | $2,500.00 |
| 4 | §192.479(a) | Atmospheric corrosion control; General | $2,500.00 |
| 5 | §192.605(a) | Procedural Manual | $2,500.00 |
| TOTAL PROPOSED PENALTY | | | $10,000.00 |

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

Informal Conference Requested: Yes ☐ No ☐

Operator Name: Thomaston Housing Authority

Docket Number: 44683

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) | | | |

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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:** | ) | |
| | ) | |
| **Cleared Violation Report and Violation with** | ) | **DOCKET NO. 44683** |
| **Proposed Civil Penalty** | ) | |
| **Thomaston Housing Authority** | ) | |
| **Inspection JJ23-043 on October 23, 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 *Thomaston Housing Authority* 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

* Patricia Allen, Executive Director
Thomaston Housing Authority
574 Triune Avenue
Thomaston, GA 30286
patriciaallen@thomastonhousing.org

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

Respectfully Submitted this _____ day of June 2024:

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