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Georgia Public Service Commission

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DOCKET# 37032
DOCUMENT# 221389

Docket No. 37032

City of Cartersville Gas Department
PO Box 1390
Cartersville, GA 30120

REF: 199 Inspection # JS24-028

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Mr. Dan Porta

On August 5, 2024, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered JS24-028 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. 37032 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: JS24-028

OPERATOR: City of Cartersville Gas Department

INVESTIGATOR: Jason Smith

INSPECTION DATE: August 5, 2024 REPORT MAILED DATE: February 5, 2025

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 Operator's anti-drug and alcohol programs required by 49CFR Parts 40 and 199.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
199.101	Anti-Drug Plan	JS24-028	8/5/2024
199.105(c)(6)	The operator shall randomly select a sufficient number of covered employees for testing during...	JS24-028	8/5/2024
40.213(g)	What training requirements must STTs and BATs meet? Documentation.	JS24-028	8/5/2024

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

On August 5, 2024, Pipeline Safety Staff began reviewing the city of Cartersville Gas Department's Anti-Drug & Alcohol plan, version 3.2.4. Then on August 15, 2024, Staff reported to the city of Cartersville to perform an inspection of the Operator's drug and alcohol program.

During this inspection, the Operator was represented by:
Elizabeth Jacobs - Human Resources Director (DER)
Greg Thacker - Regulatory & Compliance Supervisor
Christopher Givens - Regulatory & Construction Coordinator
Maurice Chaney - MGAG / SRCS (consultant)

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

At the time of this inspection the city of Cartersville Gas Department had no previously existing probable violations.

WARNING LETTER

As a result of this inspection Staff found that the city of Cartersville Gas Department was in probable violation of the minimum federal safety standards; specifically:

1. §199.101 *Anti-drug plan.*
   (a) Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT Procedures. The plan must contain—
   (3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional;

   STAFFS COMMENTS: While reviewing the Operator's Anti-Drug and Alcohol plan, Chapter 2 'Contact Information' Table 2.7 'Medical Review Officer' listed Dr. Stephen Kracht out of Overland Park, Kansas as a service agent for Cartersville Gas Department.

   Staff asked the Operator if they had any sort of record showing the listed MRO meets the applicable qualification requirements of Part 40 and Part 199. After a brief search, Cartersville Gas Department's DER determined that they no longer use Dr. Stephen Kracht as their Medical Review Officer.

   The last record the DER was able to find during the inspection, that listed the name of a MRO was signed by George Dorsey and dated November 26, 2021. Cartersville's DER then informed Staff that they currently use Christopher Morgan, MD for medical review officer services.

   PROBABLE VIOLATION: Cartersville Gas Department's written anti-drug and alcohol plan fails to conform to the requirements of Part 199 by containing the name and address of their Medical Review Officer.

2. §40.213 *What training requirements must STTs and BATs meet?*
   To be permitted to act as a BAT or STT in the DOT alcohol testing program, you must meet each of the requirements of this section:

(g) Documentation. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are negotiating to use your services.
(h) Other persons who may serve as BATs or STTs.
(2) Law enforcement officers who have been certified by state or local governments to conduct breath alcohol testing are deemed to be qualified as BATs. They are not required to also complete the training requirements of this section in order to act as BATs. In order for a test conducted by such an officer to be accepted under DOT alcohol testing requirements, the officer must have been certified by a state or local government to use the EBT or ASD that was used for the test.

COMMENTS: The Operator's Anti-Drug and Alcohol plan, Chapter 2 'Contact Information', Table 2.1 list Major Eric S. Williams of Cartersville Police Department as Breath Alcohol Technician; and Table 2.9 list Major Terry Ellis of Cartersville PD as Screen Test Technician.

Staff asked the Operator if they could provide documentation showing the Cartersville Police Department meet the applicable qualification requirements of Part 40 and Part 199. The Operator's DER informed Staff that both STT and BAT certifications were no longer valid (STT certification expired in 2022).

PROBABLE VIOLATION: Cartersville Gas Department failed to ensure their Screen Test Technician and Breath Alcohol Technician meet all requirements of §40.213.

3. §199.105 *Drug tests required.*
Each operator shall conduct the following drug tests for the presence of a prohibited drug:
(c) Random testing.
(6) The operator shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator. If the operator conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual operator or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this subpart or any DOT drug testing rule.

COMMENTS: During this inspection the Operator's DER informed Staff that in calendar year 2022 the gas department had 30.75 employees subject to random drug testing when the testing rate was at 50%. In calendar year 2023 the gas department had 27.75 employees subject to random drug testing when the testing rate was 25%.

When reviewing Cartersville Gas Department's MIS data collection form for 2022, it indicated 31 covered employees, and 15 random drug test being done. The 2023 form indicated 28 covered employees, and 6 random drug test being done.

In 2022, fifty percent of the 31 covered employees would equal 15.5 (16) random test; and in 2023 twenty-five percent of the 28 covered employees would equal 7 random test. Staff contends the Operator fell short by one random drug test in calendar years 2022 and 2023.

PROBABLE VIOLATION: Cartersville Gas Department failed to randomly select a sufficient number of covered employees for testing during each calendar year to equal the annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator.

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:	)	
	)	
City of Cartersville Gas Department	)	**DOCKET NO. 37032**
	)	
	)	
	)	

CERTIFICATE OF SERVICE

I, do hereby certify that I have this day served a copy of the within and foregoing document on the following persons via email or United States Mail as follows:

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

*Dan Porta, City Manager
City of Cartersville Gas Department
P.O. Box 1390
Cartersville, GA 30120
dporta@cityofcartersville.org

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

Respectfully Submitted this 19th day of February 2025:

Cathy Nesbitt

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