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DOCKET# 37023
DOCUMENT# 222439

Docket No. 37023

City of Ashburn Gas Department
P. O. Box 766
Ashburn, GA 31714

REF: Public Awareness Inspection # DL24-031

☒ Certified Mail ☐ Regular Mail ☐ Email

Attention: Mr. Daryl Hall

On August 28, 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 DL24-031 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. 37023 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 L. Thebert
Director, Office of Pipeline Safety/Facilities Protection

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REPORT OF NATURAL GAS SAFETY

INSPECTION NO: DL24-031

OPERATOR: City of Ashburn Gas Department

INVESTIGATOR: David Lewis

INSPECTION DATE: August 28, 2024 REPORT MAILED DATE: April 29, 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 Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616.

2. CONTINUING VIOLATIONS

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
192.615(c)	Each operator shall establish and maintain liaison with appropriate fire, police, and other...	DL24-031	8/28/2024
192.616(c)	The operator must follow the general program recommendations, including baseline and supplemental...	DL24-031	8/28/2024
192.616(e)	The program must include activities to advise affected municipalities, school districts,...	DL24-031	8/28/2024

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

On August 20, 2024, Commission Staff requested information to conduct a Public Awareness Plan inspection. Staff received information from The City of Ashburn on August 28, 2024 and started conducting the procedure portion of the inspections virtually. On August 29, 2024, Staff received more requested information to conduct the inspection. Utilizing the received information, Staff conducted the virtual (Teams meeting) part of the inspection on September 3, 2024. Staff utilized Teams meeting to conduct an inspection of the Operator's Public Awareness Program (PAP) for compliance with the minimum federal standards in 49CFR §192.616.

During this inspection, the Operator was represented by:
Daryl Hall - City Manager
Adam Lavendar – Gas Superintendent
Wade Sharpe – MGAG/SRCS (Consultant)

Commission Staff was represented by David Lewis, Lead Inspector.

At the time of this inspection, the City of Ashburn Gas Department had no previously existing probable violations.

NOTICE OF PROBABLE VIOLATION

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

1. 49CFR, §192.615 Emergency plans.
   (c) Each operator must establish and maintain liaison with the appropriate public safety answering point (i.e., 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to:
   (1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;
   (2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;
   (3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and
   (4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

   STAFFS COMMENTS: PHMSA PAP inspection form question #11 & 20 states - Do records indicate liaisons established and maintained with appropriate fire, police, other public officials, and 911 emergency call centers in accordance with procedures?

   During this inspection, the Operator provided documentation showing they e-mailed information to the emergency officials and public official groups in CY's 2019 - 2022. They attached PAP material/messaging to the e-mail. The City of Ashburn Gas Department had no records to demonstrate that there had been a 2023 mail out for a meeting, nor had they included the public officials with the City of Sycamore in any of their mailouts. Also, at the time of this inspection, the City of Ashburn were not a member of GPERI.

   PROBABLE VIOLATION: The City of Ashburn Gas System failed to provide records that demonstrated that they have established and maintained liaison with appropriate emergency and public officials as required by §192.615(c).

2. 49CFR, §192.616 - Public Awareness.
   (c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

PROBABLE VIOLATION: Based on the deficiencies identified in the PHMSA Public Awareness Program Effectiveness Inspection form, the City of Ashburn has failed to conduct a Public Awareness Program as required by 49CFR §192.616.

OBSERVED DEFICIENCIES

a) PHMSA PAP inspection form question #10:
Did the delivery of materials and messages meet or exceed the baseline delivery frequencies specified in API RP 1162, Table 2-1 through Table 2.3?

STAFFS COMMENTS: During this inspection, Staff asked for various documentation that would illustrate the delivery of public awareness material/messages to all stakeholder audience members. In CY's 2019 - 2022, the Operator e-mailed emergency officials and public officials' information regarding awareness of natural gas. The Operator was not able to provide documentation showing any sort of delivery in CY2023 for any group. There was also no documentation to indicate that they had ever included the public officials with the City of Sycamore in any of their mailouts.

OBSERVED DEFICIENCY: Ashburn Gas System failed to ensure delivery of public awareness material/messages met or exceed the baseline frequencies specified in API RP 1162 for Emergency and Public Officials.

b) PHMSA PAP inspection form Question #15 - Has an audit or review of the operator's program implementation been performed annually since the program was developed?

STAFFS COMMENTS: The City of Ashburn could not provide documentation which demonstrated that they had conducted an annual review of their PAP for CY2023.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct an annual review of their PAP as required by §192.616(c) and API RP 1162 Section 8.3.

c) PHMSA PAP inspection form Question 18: Evaluating Program Effectiveness
Do records indicate program effectiveness evaluation(s) have been performed and cover all program requirements and all systems covered by the program?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Section 8.4.

d) PHMSA PAP inspection form Question 19: Measure Program Outreach
In evaluating effectiveness, was actual program outreach for each stakeholder audience tracked?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Section 8.4.1.

e) PHMSA PAP inspection form Question 20. Measure Understandability of Message Content
In evaluating program effectiveness, was the percentage of each stakeholder audience that understood and retained the key information from the messages determined?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Section 8.4.2.

f) PHMSA PAP inspection form Question 21. Measure Desired Stakeholder Behavior
In evaluating program effectiveness, was evaluation made of whether appropriate preventive, response, and mitigative behaviors were understood and likely to be exhibited?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Section 8.4.3.

g) PHMSA PAP inspection form Question 22. Measure Bottom-Line Results
Were bottom-line results of the program measured by tracking third-party incidents and consequences including: (1) near misses, (2) excavation damages resulting in pipeline failures, (3) excavation damages that do not result in pipeline failures?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Section 8.4.4.

h) PHMSA PAP inspection form Question 23. Program Changes
Were needed changes and/or modifications to the program identified and documented based on the results and findings of the program effectiveness evaluations?

STAFFS COMMENTS: The City of Ashburn could not demonstrate they had conducted their 4-year evaluation that was due in CY2022. The last 4-year evaluation was done in CY2018.

OBSERVED DEFICIENCY: The City of Ashburn failed to conduct a 4-year review of their PAP as required by §192.616(c) and API RP 1162 Sections 2.7 and 8.5.

3) §192.616 Public Awareness.

(e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations.

PHMSA PAP inspection form Question 5
Do records identify the individual stakeholders in the four affected stakeholder audience groups: Affected Public, Emergency Officials, Local Public Officials, and Excavators, as well as affected municipalities, school districts, businesses, and residents to which it sends public awareness materials and messages?

STAFFS COMMENTS: During this inspection, the Operator provided documentation showing they e-mailed information to the emergency officials and public official groups in CY's 2019 - 2022. They attached PAP material/messaging to the e-mail. The City of Ashburn Gas Department had no records to demonstrate that there had been a 2023 mail out for a meeting, nor had they included the public officials with the City of Sycamore in any of their mailouts. Also, at the time of this inspection, the City of Ashburn were not a member of GPERI.

PROBABLE VIOLATION: The City of Ashburn Gas System failed to provide records that demonstrated that they have established and maintained liaison with appropriate emergency and public officials as required by §192.615(c).

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 Ashburn 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 listed below. Please note that this recommended amount is less than the amount authorized by Georgia law.

Item #	Code / Rule	Description	Proposed Penalty
2	§192.616(c)	Public Awareness Program	$5,000.00
TOTAL PROPOSED PENALTY			$5,000.00

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

Operator Name: City of Ashburn

Informal Conference Requested: Yes ☐ No ☐

Docket Number: 37023

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	$_____ Proposed Penalty for this violation
☐ Notice of Amendment (NOA)	☐ Yes ☐ No	
☐ 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:	)	
	)	
City of Ashburn Gas Department	)	**DOCKET NO. 37023**
	)	
	)	
	)	

CERTIFICATE OF SERVICE

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

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

*Daryl Hall, City Manager
City of Ashburn Gas Department
P.O. Box 766
Ashburn, GA 31714
dhall@cityofashburn.net

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

Respectfully Submitted this 5th day of May 2025:

Cathy Nesbitt

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