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Georgia Public Service Commission

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Docket No. 37086

DOCKET# 37086
DOCUMENT# 227411

City of Sylvania Gas Department
104 South Main Street
Sylvania, GA 30467

REF: 199 Inspection # JS26-009

☐ Certified Mail ☐ Regular Mail ☒ Email

Attention: Stacy Mathis

On February 19, 2026, a representative of the Georgia Public Service Commission Pipeline/Facilities Safety Office conducted an inspection of your gas system. The enclosed inspection report numbered JS26-009 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. 37086 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: JS26-009

OPERATOR: City of Sylvania Gas Department

INVESTIGATOR: Jason Smith

INSPECTION DATE: February 19, 2026 REPORT MAILED DATE: July 30, 2026

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 program required by 49CFR Part(s) 40 and 199.

2. CONTINUING VIOLATIONS

Violation	Description	Inspection#	Date
Consent Agreement Pending	Operator is negotiating Consent Agreement with the FPU Director	JJ20-030	6/9/2020
192.807(b)	Records supporting an individual's current qualification shall be maintained while the individual...	JS25-001	1/21/2025
192.1007(c)	Evaluate and rank risk.	JS26-007	2/2/2026
192.1007(f)	Periodic Evaluation and Improvement.	JS26-007	2/2/2026
192.1007(b)	Identify threats. The operator must consider the following categories of threats to each gas...	JS26-007	2/2/2026
192.1007(f)	Periodic Evaluation and Improvement.	JS26-008	2/2/2026

3. CLEARED VIOLATIONS

4. NEW VIOLATIONS

Violation	Description	Inspection#	Date
199.101	Anti-Drug Plan	JS26-009	2/19/2026
199.105(c)(7)	Each operator shall ensure that random drug tests conducted under this subpart are unannounced and..	JS26-009	2/19/2026
199.101(a)(1)	Methods and procedures for compliance with all the requirements of this part, including the...	JS26-009	2/19/2026

5. OTHER RECOMMENDATIONS/COMMENTS

SEE ATTACHED INSPECTION REPORT

On February 19, 2026, Pipeline Safety Staff began reviewing the City of Sylvania Gas System's Anti-Drug and Alcohol Plan using the PHMSA Anti-Drug and Alcohol Misuse Program inspection form. On February 24 and 25, 2026, Staff reported to Sylvania to complete the inspection.

During this inspection the Operator was represented by:
Amanda Bogart - Human Resources / Designated Employer Representative
Chris Cawley - MGAG / SRCS (consultant)

Commission Staff was represented by:
Jason Smith - Lead Inspector
Brian Withrow - Pipeline Safety Inspector

At the time of this inspection, the City of Sylvania Gas System was under one (1) previously existing probable violation that the Operator had not yet received at the time of this inspection. Since the Operator has not had the opportuninty to submit a written response to this probable violation, Staff did not perform a follow-up inspection. Sylvania Gas System was also negotiating a Consent Agreement with the Facilities Protection Unit Director, which was discussed during an informal conference that occurred on September 29, 2025.

During this inspection, Staff reviewed the City of Sylvania Natural Gas' Anti-Drug and Alcohol Plan version 6.1.1 (effective: 2026-01-01) and the previous plan, version 5.1.1 (effective: 2021-06-01). Staff reviewed records from 2021 through 2025 that would have been covered under the plan version 5.1.1.

NOTICE OF AMENDMENT

§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 -

(1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;

STAFFS COMMENTS: Under §199.105(c)(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.

During this inspection, Staff reviewed the City of Sylvania's Anti-Drug and Alcohol Plan version 5.1.1, which showed an effective date of 2021-06-01. In Chapter 4, Section 4.1, under Random Testing, the plan states:

> *"City of Sylvania Natural Gas will randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less the minimum annual percentage rate for random drug testing determined by the Administrator. If City of Sylvania Natural Gas 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 section or any DOT drug testing rule. City of Sylvania Natural Gas will ensure that random drug tests conducted under this plan are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year, as outlined below:

Random drug tests will be performed at least Quarterly."

Staff determined that the statement "If City of Sylvania Natural Gas conducts random drug testing through a consortium…" in the Operator's plan provides conflicting guidance for the Designated Employer Representative, which has resulted in an unacceptable procedure for how they are conducting their random testing. This appears to have resulted in the Operator not being able to demonstrate if they have performed the minimum required test for each year during this inspection.

REQUIRED AMENDMENT: The City of Sylvania must amend their procedures for random testing to address the requirements under §199.105(c)(6). Specifically, the procedure needs to address if Sylvania is using a consortium; whether or not the consortium is testing the covered employees in a Sylvania only pool or including the covered employees in the consortium wide testing pool.

WARNING LETTER

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

1. 49CFR §199.105 - Drug tests required.
   Each operator shall conduct the following drug tests for the presence of a prohibited drug:
   (c) Random testing.
   (7) Each operator shall ensure that random drug tests conducted under this subpart are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

   COMMENTS: Anti-Drug and Alcohol Plan version 5.1.1 (2021-06-01) Section 4.1 'Drug Test Required' under Random Testing it states:

   "City of Sylvania Natural Gas will randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less the minimum annual percentage rate for random drug testing determined by the Administrator. If City of Sylvania Natural Gas 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 section or any DOT drug testing rule.

   Sylvania Natural Gas will ensure that random drug test conducted under this plan are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year, as outlined below:

   Random drug test will be performed at least Quarterly."

While reviewing the Operator's MIS data reports and records for drug tests that took place between 2021 through 2025 Staff found:

- In 2021, the minimum annual percentage rate for random drug testing was 50 percent of covered employees. Sylvania Natural Gas System consisted of two covered employees, but one was being tested under FMCSA (motor carrier) requirements instead of under PHMSA testing. In addition, during this time, the Operator had others (non-covered employees) who answered the phones and individuals they considered to be on call also in the PHMSA random drug testing pool. Three (3) random tests were conducted in the year.

- In 2022, the minimum annual percentage rate for random drug testing was 50 percent of covered employees. Sylvania Natural Gas System consisted of two covered employees, but one was being tested under FMCSA (motor carrier) requirements instead of under PHMSA testing. In addition, during this time, the Operator had non-covered employees, individuals considered to be on call also in the PHMSA random drug testing pool. Two (2) random tests were conducted in the year.

- In 2023, the minimum annual percentage rate for random drug testing was moved down to 25 percent of covered employees. Sylvania Natural Gas System consisted of three covered employees, but one was being tested under FMCSA (motor carrier) requirements instead of under PHMSA testing. In addition, during this time they had non-covered employees, individuals considered to be on call also in this PHMSA random drug testing pool. One (1) random test was conducted in the year (on 9/20/2023).

- In 2024, the minimum annual percentage rate for random drug testing stayed at 25 percent of covered employees. Sylvania Natural Gas System consisted of two covered employees, but one was being tested under FMCSA (motor carrier) requirements instead of under PHMSA testing. In addition, during this time they had non-covered employees, individuals considered to be on call also in this PHMSA random drug testing pool. Two (2) random tests were conducted in the year (both done on 7/22/2024).

Staff asked the Operator to confirm Staff's understanding of what 'random drug test will be performed at least quarterly' would mean. Staff assumed the Operator's records would contain at least four random test results for each of the years testing was done, since testing was at least quarterly.

The Operator understood where Staff was going with this question but stated they believed their employees were in a consortium wide drug testing pool during the years in question, which would explain not having quarterly test results (4 test results).

During the years mentioned above (2021-2024), the City of Sylvania used Nationwide Testing Association consortium to handle their random drug testing pools. When Staff asked the Operator if they could demonstrate that their employees were in a consortium wide random testing pool, they informed Staff that they would not be able to provide such documentation because Nationwide Testing Association went out of business.

In 2025, the minimum annual percentage rate for random drug testing went back up to 50 percent of covered employees. Sylvania Natural Gas System consisted of two covered employees, but one was being tested under FMCSA (motor carrier) requirements instead of under PHMSA testing. One (1) random test was conducted in the year. At this time, they began using Compliance Systems, LLC

consortium. They provided documentation from Compliance Systems, LLC consortium stating the Sylvania Gas System covered employees were in a consortium wide random drug testing pool.

PROBABLE VIOLATION: City of Sylvania Gas System failed to follow their procedure to ensure random drug testing is conducted at least quarterly.

2. 49CFR §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.

COMMENTS: City of Sylvania Natural Gas System's Anti-Drug and Alcohol Plan version 5.1.1 (effective: 2021-06-01) Chapter 1 'Definitions' list the following:

> #26. Covered Employee, Employee, or Individual to be Tested - (§199.3) Means a person who performs a covered function, including person employed by operators, contractors engaged by operators and persons employed by such contractors.
>
> #27. Covered Function (Safety Sensitive Functions) - (§199.3) Means an operations, maintenance, or emergency-response function regulated by Part 192, 193, or 195 that is performed on a pipeline or an LNG facility.
>
> #32. Employee - (§40.3) Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under this part, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Chapter 3 'Introduction to Anti-Drug Plan' states: The purpose of this Plan is to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions subject to 49 CFR Part 192, 193 and 195. This plan conforms to Part 199 and Part 40.

Section 4.1 'Drug Tests Required' under 'Random Testing' states: City of Sylvania Natural Gas will randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less the minimum annual percentage rate for random drug testing determined by the Administrator.

Then it states: If a given covered employee is subject to random drug testing under the drug testing rules of more than one DOT agency for City of Sylvania Natural Gas, the employee will be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the employee's function.

Section 4.13 'Reporting Of Anti-Drug Testing Results' states: Covered employees, and only covered employees, are to be in an employer's random testing pool, and all covered employees will be in the random pool.

Then it states: City of Sylvania Natural Gas may use a service agent (e.g., C/TPA) to perform random selections and City of Sylvania Natural Gas's covered employees may be part of a larger random testing pool of covered employees. However, City of Sylvania Natural Gas will ensure that the service agent

City of Sylvania Natural Gas use is testing at the appropriate percentage established for the industry and that only covered employees are in the random testing pool.

While reviewing the Operator's 2021 through 2024 drug testing records, Staff found that the City of Sylvania was including non-covered employees in their gas department's random testing pool. These extra individuals were customer service representatives for answering phone calls and on-call personnel. Both roles are not considered safety sensitive functions (non-covered employees).

In 2025, a new Designated Employer Representative (DER) took over, and the Operator began using a different consortium, so their gas department drug testing is no longer diluted.

PROBABLE VIOLATION: The City of Sylvania Gas System failed to follow their procedure to ensure only covered employees are subject to random drug testing.

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 Sylvania Gas Department	)	**DOCKET NO. 37086**
	)	
	)	
	)	

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

*Stacy Mathis, City Manager
City of Sylvania Gas Department
104 South Main Street
Sylvania, GA 30467
csyv@planters.net

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

Respectfully Submitted this 3RD day of August 2026:

Cathy Nesbitt

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