

December 11, 2015

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN RE:**

**CITY OF RED BOILING SPRINGS  
GAS SYSTEM**

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**Docket No. 15-00119**

**AGREED ORDER SUSPENDING**

**AMENDED HAZARDOUS FACILITY ORDER**

Comes now the Chief of Gas Pipeline Safety Division of the Tennessee Regulatory Authority (hereinafter "Chief") and the City of Red Boiling Springs Gas System (hereinafter "System") and enter into the following Agreed Order Suspending Hazardous Facility Order (hereinafter "Agreed Order"):

1. This Agreed Order suspends the Amended Hazardous Facility Order issued on December 7, 2015.
2. Tenn. Comp. R. & Regs. 1220-4-5-.47(9)(a) empowers the Chief to issue a Hazardous Facility Order in the event that it is determined that a facility presents an imminent hazard to life or property.
3. On August 21, 2015, the System was notified of violations of Tenn. Comp. R. & Regs. 1220-4-5.47 requiring a response by September 25, 2015. This notification included a letter and Safety Evaluation Report #15-060.
4. On September 28, 2015, the System was notified by telephone that the response deadline had been exceeded and provided direction to submit the required response by the end of the day.

5. On September 28, 2015, the System submitted the required response to Tenn. Comp. R. & Regs. 1220-4-5-.47 (6) via email, accepting the violations and agreeing to provide a written plan of action.
6. The response and written plan of action were found deficient and additional clarification and information was requested by TRA staff over the next few weeks via email and verbally.
7. On November 12, 2015, the TRA submitted a letter and Safety Evaluation Report #15-116 to the System. This letter and report confirmed that one of the previously issued violations was closed but reiterated that there were still five outstanding violations that were not closed and required the System to arrange for a contractor or other party (with appropriate qualification and knowledge of gas system management) to operate and maintain the System until such time that System employees were adequately qualified and knowledgeable of their system and natural gas management. The system was required to provide the documentation to the TRA by November 20, 2015 or face possible civil penalties and/or issuance of a Hazardous Facility Order.
8. On November 23, 2015, the System contacted the TRA by phone and by email requesting more detail on information required. The TRA provided via email more detail regarding the information and documentation required and directed the System to provide the required information by the end of the day.
9. On November 24, 2015, City Councilman, George McCrary contacted the TRA by telephone to determine what information and documentation was required. He indicated that there was to be a City Council meeting that evening to discuss the TRA requirements.

10. On November 25, 2015, the TRA received, via fax, information from the System providing the qualification and drug and alcohol records for the contractor providing 24-7 on-call leak and emergency response services. However, the information and documentation required for personnel conducting routine day-to-day operation and maintenance tasks for the System was not provided as required.
11. On November 25, 2015, the TRA notified the System, via email, that the information dated November 24, 2015 for the on-call leak and emergency response contractor was received but no information specifying a contractor or other personnel qualified and knowledgeable to conduct operation and maintenance of the System was provided as required. The email indicated that further action from the TRA related to enforcement would be forthcoming on November 30, 2015.
12. On December 3, 2015, the Chief received a written agreement between the City of Red Boiling Springs and the City of Livingston, Tennessee wherein the City of Livingston agreed to oversee, supervise, and provide twenty four (24) hour coverage at the Red Boiling Springs Gas Department starting Friday, December 4, 2015, at 12:01am through December 13, 2015, at 11:59pm. Based upon documentation provided by the City of Livingston, the person providing the supervision and oversight is qualified to perform the required duties to ensure the safety of life and property.

#### **Terms of Agreement**

13. The Amended Hazardous Facility Order issued December 7, 2015 is suspended for the duration of this Agreed Order subject to the following conditions:
  - a. The System agrees to ensure that coverage by qualified personnel twenty-four hours a day, seven days a week will be provided by Town of Livingston,

Tennessee, City of Lafayette, Tennessee, and/or Kemp Brothers Construction.

Proof of these agreements and qualifications is attached.

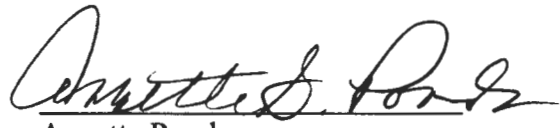
- b. The System agrees to provide the Chief with not less than thirty days notice prior to the termination of the agreement(s) with any of the providers identified in 13(a) for any reason.
- c. This Agreed Order shall remain in effect until the Chief determines that the System is in compliance with Tenn. Comp. R. & Regs. 1220-4-5.47.
- d. In order to provide appropriate notice and to protect the health and safety of those customers that might be affected in the event that the System fails to comply with this Agreed Order:
  - i. The System shall, within 72 hours prior to the expiration of any deadline requiring that it cease providing natural gas service or any other delivery of natural gas, notify its affected customers by whatever means necessary to reasonably ensure that those customers are informed of the possibility that they may be without natural gas service for an unspecified amount of time.
  - ii. Such notification shall include the date and time that the shut off shall begin.
  - iii. Such notification shall include the information directing customers who have questions and concerns who they may call for more information. Contact information shall include telephone numbers for officials with the City of Red Boiling Springs and the Tennessee Regulatory Authority Consumer Services Division.

- e. The System may request that the Chief or her designee inspect the records and personnel of the system to verify compliance with the requirements of Tenn.

Comp. R. & Regs. 1220-4-5.47.

  
City of Red Boiling Springs

12-10-15  
Date

  
Annette Ponds  
Chief, Gas Pipeline Safety Division  
Tennessee Regulatory Authority  
Telephone (615)770-6859

December 10, 2015  
Date