

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

NOTICE OF PENALTIES INCURRED AND DUE  
FOR VIOLATIONS OF LAWS AND RULES

RECEIVED

NOV 18 2019

WASH. UT. & TP. COMM

PENALTY ASSESSMENT: DG-190741

PENALTY AMOUNT: \$2,000

Investigation # 8005

UBI: 601-972-418

Phone: (206) 365-0291

Gigrich Sales and Services, Inc.,  
d/b/a Tanks By Dallas  
17552 Ballinger Way NE  
Lake Forest Park, WA 98155

The Washington Utilities and Transportation Commission (Commission) believes that Gigrich Sales and Services, Inc., d/b/a Tanks By Dallas (Tanks By Dallas or Company) has violated Revised Code of Washington (RCW) 19.122.030(2) by failing to provide the required notice to facility operators through a one-number locator service before excavating. RCW 19.122.055 states, in part, that any excavator who fails to notify a one-number locator service and causes damage to an underground hazardous liquid or gas facility is subject to a civil penalty of not more than \$10,000 for each violation.

Commission staff (Staff) conducted an investigation that included reviewing damage reports submitted by Puget Sound Energy (PSE) that identified natural gas damage events involving Tanks By Dallas. Accordingly, the Commission hereby notifies you that it is assessing a penalty of \$2,000 against you on the following grounds:

**First Violation**

On April 2, 2018, Tanks By Dallas struck and damaged a natural gas line operated by PSE while excavating at 15327 140<sup>th</sup> Pl. NE, Woodinville, Washington. Tanks By Dallas did not request a dig ticket from a one-number locator service to locate underground utilities before excavating. On May 7, 2018, PSE submitted a Damage Incident Reporting Tool (DIRT) report identifying the Company as the party responsible for damaging the natural gas service line. Staff was unable to find a valid dig ticket for Tanks By Dallas at this location on this date.

The Commission mailed an Alleged Violation of Washington Dig Law letter to the Company on July 5, 2018, that included detailed information about the requirements of Washington state's underground utility damage prevention act and the possibility of penalties for each violation.

**Second Violation**

On April 25, 2019, Tanks By Dallas struck and damaged PSE's underground gas line while excavating at 127 Bellevue Ave. E, Seattle, Washington. Before beginning excavation, Tanks By Dallas failed to request a dig ticket from a one-number locator service to locate underground utilities.

mitigation in a Brief Adjudicative Proceeding before an administrative law judge. The administrative law judge will consider the evidence and will notify you of his or her decision.

**You must act within 15 days after receiving this notice** to do one of the following:

- Pay the \$2,000 penalty amount due; or
- Pay \$1,000 and notify the Commission that you accept the offer to suspend, and ultimately waive, the remaining \$1,000 of the \$2,000 penalty amount subject to the following conditions:
  - Company field crew responsible for excavation, including management, attend Dig Safe training provided through NUCA within twelve (12) months of the date of this Notice; and
  - **Submit documentation of attendance to the Commission within five (5) days of attending the training;** and
  - Commit no further violations of RCW 19.122 within 12 months of the date of this Notice; or
- Request a hearing to contest the occurrence of the violations; or
- Request mitigation to reduce the amount of the penalty.

Please indicate your selection on the enclosed form and send it to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250, **within FIFTEEN (15) days** after you receive this notice.

**If you do not act within 15 days**, the Commission may refer this matter to the Office of the Attorney General for collection. The Commission may then sue you to collect the penalty.

DATED at Lacey, Washington, and effective October 11, 2019.

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Director, Administrative Law Division

RCW 9A.72.020:

“Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor’s mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony.”