



Washington State Dig Law Safety Committee
 A Standing Committee of Washington Utilities Coordinating Council
 COMMUNICATION – COOPERATION – COORDINATION
 P.O. Box 734 · Poulsbo, WA 98370

November 19, 2014

Steve King, Executive Director and Secretary
 Members of the Commission
 Utilities and Transportation Commission
 1300 Evergreen Park Drive SW
 Olympia, WA 98504-7250

Re: Review Committee Decision-Case Number 14-018
 Faber Construction vs. Cascade Natural Gas

Dear Mr. King,

The Washington State Dig Law Safety Committee received a complaint regarding a potential violation of the Washington State Dig Law RCW 19.122 for work performed in April of 2014. The complaint was filed with the Safety Committee on July 22nd, 2014. The Safety Committee heard the complaint on November 12th, 2014. The Complainant in this case is Faber Construction and the Respondent is Cascade Natural Gas.

The complaint alleged violation of RCW 19.122.030 (3) (a) failure to provide the excavator with reasonably accurate information by marking their location.

The Review Committee, after hearing testimony and reviewing information provided by both parties, has determined that the respondent, Cascade Natural Gas did violate RCW 19.122.030 (3) (a) by not marking their facilities accurately. Further, the Review Committee also determined that the complainant, Faber Construction violated RCW 19.122.030 (1) (a) by working outside the area identified on locate ticket 14082615. Faber's locate ticket identified the proposed work on the NE section of the roadway but, in fact, excavated on the opposite side of the roadway.

The review committee recommends a penalty of \$1,000.00 for both the Complainant and the Respondent. The penalty of \$1,000.00 for both parties may be deferred for either party if they agree to and complete training as follows:

The Faber Construction field crew involved in the excavation, up to and including the construction superintendent must complete NUCA Dig Safe training within 6 months of the final determination by the UTC.

RECEIVED
 REPORTS MANAGEMENT
 2014 NOV 21 AM 8:01
 STATE OF WASH.
 UTIL. AND TRANSP.
 COMMISSION

Committee Members Represent:

Local Government

Natural Gas Utility

Contractors

Excavators

Electric Utility

Consumer – Owned Utility

Pipeline Utility

Insurance Industry

Utilities and Transportation Commission

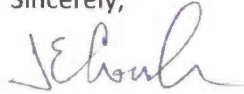
Telecommunications Company

Three At – Large Positions

The Cascade Natural Gas Whatcom County locate team, up to and including the supervisor responsible for their operation must complete NUCA Dig Safe Training within 6 months of the final determination by the UTC. The UTC shall be notified upon completion of the training.

Please let me know if you have any questions regarding this case. I can be contacted at 206.442.2110.

Sincerely,



Jon Cornelius, Chair

Cc: Faber Construction
Cascade Natural Gas
Lynda Holloway, UTC

Mail, fax, or email completed form to:

Safety Committee
Administrative Assistant
5808 Summitview PMB 227
Yakima, WA 98908
Phone (509)966-0272
Fax (509)966-0740

or scan and attach to email to:
safetycommitteewaucc@gmail.com

Request For Safety Committee Review Of Alleged Violations Of The Damage Prevention Program Detailed In Washington Law RCW 19.122.

I. REVIEW REQUESTED BY:

Reported by: Daniel Rojas Date: 7/22/14

Company Name: Faber Construction Phone: 360-354-3500

Address (street/city/state/zip) 313 E. GROVER STREET
LYNDEN WA. 98264

Email: rick@faberconstruction.com or daniel@faberconstruction.com

Was a locate requested from the call center: Yes No

If "Yes" locate ticket number: ^{14082615,14119894,14082615,14124951} _____ Date: 04/04/14,05/08/14,05/13/14

II. ALLEGED VIOLATION/DAMAGE:

Most Common Violations:

- RCW 19.122.030 Must call for marking two (2) full business days prior to digging**
- RCW 19.122**

Section of the law violated (clarify where to find copy) _____

DAVID D. LYKKEN (OR) LYNDA HOLLOWAY

Basic Description: (e.g.; A locate was not called in 2 business days before digging)
Cascade Natural Gas was incorrectly marked

Cascade Natural Gas was incorrectly marked

Cascade Natural Gas was incorrectly marked

Cascade Natural Gas was incorrectly marked

Address/location* of alleged violation/damage (*if no address, provide location-
e.g., 100 yards NE of intersection of Interstate 82 and E. Yakima Ave)

ON E. MAGNOLIA STREET FROM INTESECTION OF E. STATE STREET TO INTERSECTION OF ELLIS STREET AND E. MAGNOLIA

ON E. MAGNOLIA STREET FROM INTESECTION OF E. STATE STREET TO INTERSECTION OF ELLIS STREET AND E. MAGNOLIA

Date/time of alleged violation/damage 5/06/14 2:00PM

III. ALLEGED VIOLATOR:

Company Cascade Natural Gas Co.

Office & Mobile Phone (include area code) 360-788-2362 & 360-927-7415

Address (street/city/state/zip) 1910 Racine, Bellingham Wa

Email: brandon.hauness@cngc.com & brian.mcconnell@cngc.com

Names of employees on site (list as many as possible, separated by commas)

Alfredo Aguirre, Ben Lohrer, Bryon Hoyle, Roger Hendricks, Brando Rojas, Tucker Pugh, Mathew Romero

Jennifer Railey, Chris Johnson, Daryl Terpstra, Dean Tesky, Steve Thompson, Zackery Leighton, Andy Bastch, Lizan Aguirre

VI. ADDITIONAL INFORMATION:

Cascade Natural Gas located there natural gas main incorrectly. This put my crews at risk of injury do to its location underground. The gas main was encased in the concrete road substrate and it was penetrated by a mechanical breaker while cracking the concrete pavement surface for removal, after further removal of pavement it was only 13.5 inches deep, the concrete road was 14 inches thick. The gas main was laying on top of a fiber optic vault, witch is very unstable for a gas main. Cascade Natural Gas mismarked there gas main with there locating techniques. The gas main was outside our work area (see photos). It was determined onsite that the locates were off by more than 35 inches from our work location. We feel that all precautionary practices were taken to prevent this incident.

Additional information is attached

I acknowledge that the statements that I alleged are true and accurate to the best of my knowledge.

Signature: _____

Daniel Rojas

Digitally signed by Daniel Rojas
DN: cn=Daniel Rojas, o=Faber Construction,
ou=Civil,
email=Daniel@faberconstruction.com, c=US
Date: 2014.08.21 14:53:00 -07'00'

This section for official use only.

Complaint number 14018

Date Received: Aug. 21, 2014