

Agenda Date: December 21, 2023
Item Number: A7

Docket: DG-230993
Respondent Name: Bradley Meyer

Staff: Scott Rukke, Pipeline Safety Director
Joice Hagen, Damage Prevention Investigator 4

Recommendation

Approve staff recommendation for referral of violation of RCW 19.122.090 to the Whitman County Prosecutor's Office for criminal prosecution.

Discussion

On November 8, 2023, Meyer is alleged to have committed two violations of the Dig Law, RCW 19.122. The first violation is for failing to notify the One Call Center before beginning excavation¹ and causing damage to a natural gas pipeline. This is a violation of RCW 19.122.055. The second violation is for Meyer excavating within 35 feet of a natural gas transmission pipeline² without a valid excavation confirmation code.³ This is a violation of RCW 19.122.090 and is a misdemeanor. The Commission does not have criminal jurisdiction for RCW 19.122.090 and will need to refer this violation to the Whitman County Prosecutors Office for prosecution.

The damage incident involved Meyer pulling a large pipe installation plow behind a tractor in an agriculture field to install a 4" drain line on the property. The leading bottom edge of the plow struck an underground 12-inch steel transmission line and tore a large diameter hole in the top of the pipeline. The depth to the top of the pipeline at the location of the damage was 41-inches which met the minimum required depth of 30-inches.⁴ The pressure of the blowing gas caused the plow to break away from the tractor and fly up and over the top of the tractor. This incident could have been significantly more harmful to Meyer, his family members, nearby homeowners,

¹ RCW 19.122.020(8) "Excavation" and "excavate" means any operation, including the installation of signs, in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means.

² RCW 19.122.020(26) "Transmission pipeline" means a pipeline that transports hazardous liquid or gas within a storage field, or transports hazardous liquid or gas from an interstate pipeline or storage facility to a distribution main or a large volume hazardous liquid or gas user, or operates at a hoop stress of twenty percent or more of the specified minimum yield strength.

³ RCW 19.122.020(9) "Excavation confirmation code" means a code or ticket issued by a one-number locator service for the site where an excavation is planned. The code must be accompanied by the date and time it was issued.

⁴ Title 49, CFR Part §192.327 Cover.

and the public, and could have resulted in serious injury or death. The shutdown of the damaged pipeline resulted in one of the largest natural gas outages in United States history and affected approximately 37,000 customers in Washington and Idaho. Many of the affected customers were without heat and hot water for up to a week in 30° temperatures while repair and service restoration efforts were underway.

Conclusion

1. The work Meyer was performing meets the definition of “excavation” as defined in RCW 19.122.020(8).
2. The damaged pipeline meets the definition of a “transmission pipeline” as defined in RCW 19.122.020(26).
3. Meyer was excavating within 35’ of a transmission pipeline without a valid “excavation confirmation code” as defined in RCW 19.122.020(9).

For the above stated reasons, staff recommends the Commission refer the case information to the Whitman County Prosecutor’s Office for criminal prosecution for violation of RCW 19.122.090. Staff’s investigation under all provisions of the applicable statutes and rules is not yet complete; however, Staff recommends the Commission proceed with the Penalty Assessment for the first violation of RCW 19.122.055.