

WASHINGTON DIG LAW COMPLAINT
Avista Corp vs Eller Corporation
May 7, 2019

Alleged Violator: Eller Corporation

Alleged Violator Address: 7902 Star Rd, Newman Lake, WA 99025, (509) 995-9624

Date of Violation: April 4, 2019

Date and Time of Damage: April 4, 2019 8:47 am

Location of Violation/Damage: 11813 and 11901 E Broadway (adjacent properties)

Alleged Violation:

19.122.030 (6) (c) A facility operator's markings of underground utilities expire 45 calendar days from the date that the excavator provided notice to a one-number locator service pursuant to subsection (1) of this section. For excavation occurring after that date, an excavator must provide additional notice to a one-number locator service pursuant to subsection (1) of this section.

19.122.040 (2) (a) failed to use reasonable care to determine precise location of underground facilities which have been marked.

Summary of Alleged Violation:

Avista alleges that Eller Corporation failed to have a valid locate ticket while excavating on April 4th, 2019 and failed to use reasonable care to determine the precise location of the gas line where vague but accurate locate marks that indicated the location of the steel service line that supplies gas to 11901 E Broadway.

Eller Corporation, Tommy Eller, was excavating at the property of 11813 E. Broadway on 4/4/19 with an expired locate ticket. Locate ticket #18520752 was called in 12/6/18 and expired on 1/20/19. See **Attachment 1** for expired locate ticket. See **Attachment 2** for vicinity map of the two properties and location of the steel service line.

Eller while doing excavation work pulled and kinked Avista's steel gas service line that runs north on the property and service to the house next door at 11901 E. Broadway. When they pulled the service with the bucket, the meter/riser assembly at 11901 E Broadway was pulled off the house resulting in blowing gas up against the foundation of the house and the tenant smelling a strong odor of gas. See **Attachment 2** where the tenant called in the damage at 8:47 am and photo in **Attachment 4** for location of house as compared to where damage occurred and photo in **Attachment 5** of where meter was pulled off the house.

Even though the ticket had expired there were still a few vague but accurate yellow marks near where the damage occurred. Eller failed to use reasonable care as required by 19.122.040 (a) to determine the precise location of underground facilities which have been marked. See photo in **Attachment 4**

The damaged pipe location was buried when Avista arrived as shown in photo in **Attachment 4**. When the pipe was unburied, Avista discovered that the pipe had been pulled and kinked, see photo in **Attachment 6**

Attachment 1 – List of locates tickets for Broadway from November to April. Eller’s original locate ticket was from December 6th. They called in for a new ticket several hours after the damage occurred as shown below.

Choose State Return to Search

1 - 8 of 8 Results
Go to Record #: Go

Ticket #	Type	Call Date	Excavator Company	Addr	Street	City
18502899	ITIC	11/20/18 11:10:20	SPOKANE COUNTY		BROADWAY AVE	SPOKANE VALLEY
18502927	ITIC	11/20/18 11:13:26	SPOKANE COUNTY		BROADWAY AVE	SPOKANE VALLEY
18503058	ITIC	11/20/18 12:05:32	BUDINGER AND ASSOCIATES		BROADWAY AVE	SPOKANE VALLEY
18503061	ITIC	11/20/18 12:06:53	BUDINGER AND ASSOCIATES		BROADWAY AVE	SPOKANE VALLEY
18520752	ITIC	12/06/18 08:40:18	ELLER CORPORATION	11813	E BROADWAY	SPOKANE VALLEY
18530021	ITIC	12/14/18 09:27:49	AVISTA UTILITIES	11813	E BROADWAY	SPOKANE VALLEY
19125939	ITIC	04/04/19 09:06:25	AVISTA UTILITIES	11901	E BROADWAY	SPOKANE VALLEY
19126370	ITIC	04/04/19 11:22:48	ELLER CORPORATION	11813	E BROADWAY	SPOKANE VALLEY

1 - 8 of 8 Results
Go to Record #:

Washington One Call

Ticket No: 18520752 2 FULL BUSINESS DAYS
 Original Call Date: 12/06/18 08:40 am
 Work to Begin Date: 12/11/18 12:00 am
 Expiration Date: 01/20/19 08:45 am

TICKET ACTIONS

CALLER INFORMATION

Company Name: ELLER CORPORATION
 Contact Name: FRANK JACHETTA Phone: 509-226-0333
 Alt. Contact: DAN ELLER Phone: 509-218-3705
Fax Phone: 509-226-1332

Caller Address: STAR RD PO. BOX 117 NEWMAN LAKE, WA 99025
 Email Address: KEENAN@ELLERCORPORATION.COM

DIG SITE INFORMATION

Type of Work: EXCAVATION
 Work Being Done For: DIAMOND ROCK CONSTRUCTION

DIG SITE LOCATION

State: WA County: SPOKANE
 Place: SPOKANE VALLEY Address: 11813
 Street: E BROADWAY
 Intersecting Street: N WILBUR RD
 Location of Work: EXCAVATING ENTIRE LOT
 Remarks: AREA MARKED IN WHITE
 Caller Twp: 25N
 Rng: 44E
 Sect-Qtr: 16-NE
 Map Coord NW Lat: 47.6661049 Lon: -117.2464832
 SE Lat: 47.6644395 Lon: -117.2451421

MEMBERS NOTIFIED

District	Company Name	Marking Concerns	Customer Service	Repair	Status
AVSP101	AVISTA	888-728-9343	800-227-9187	800-227-9187	Clear, No Utility Owned Facility in Excavation Area
AVSP201	AVISTA	888-728-9343	800-227-9187	800-227-9187	Marked, Complete
MEW01	MODERN ELECTRIC WTR CO	509-755-9006	509-928-4540	509-928-4540	Not yet responded
QLNWA32	CTLQL-CENTURYLINK	800-778-9140	800-244-1111	800-573-1311	Does not report

Attachment 2 – Service request called in by tenant about blowing gas and a strong odor.

Thu 4/4/2019 8:48 AM
BI_Reports@avistacorp.com
BLOWING GAS IN PROGRESS 11901 E BROADWAY AVE SPO - Avista

To Feist, Seth; avistadamages@elmutility.com; Burger, Linda; Hostetler, Nicola

Retention Policy 3 Year Deletion (3 years) Expires 4/3/2022

11901 E BROADWAY AVE, SPOKANE VALLEY WA 99206, (None)

Avista Order Number: 1618563

Instructions: Meter is knocked off house, is blowing gas. They are doing construction right next door and she thinks they may have hit it. Strong odor, just noticed. XST: Pines

Attachment 3 – Vicinity map of 11813 and 11901 E Broadway. ¾ inch steel service runs up the east side of 11813 and curves and crosses over to the house at 11901.



Attachment 4 – Picture of house at 11901 E. Broadway adjacent to the property that was being excavated. Location of damage.



Attachment 5 – Location where gas meter was pulled off the house.



Attachment 6 – Pictures of damaged pipe after being unburied



Attachment 7 – Looking south at damage and area being excavated.



Mail, fax, or email completed form to:

Safety Committee
Administrative Assistant
P.O. Box 734
Poulsbo, WA 98370
Phone (425) 835-3451

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: Linda Burger Date: 5/7/19

Company Name: Avista Corp Phone: 509-495-4423

Address (street/city/state/zip) 1411 E Mission Ave, MSC 6, Spokane, WA 99202

Email: linda.burger@avistacorp.com

Was a locate requested from the call center: Yes No

If "Yes" locate ticket number: 18520752 Date: 12/6/18

II. ALLEGED VIOLATION/DAMAGE:

Most Common Violations:

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

RCW

19.122.030 (6) (c) and 19.122.040 (2) (a)

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

markings of underground utilities expire 45 calendar days from date of notice and determine precise location of utilities

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

Eller Corporation was digging at the property of 11813 E Broadway on 4/4/19 with an expired locate ticket.

Locate ticket #18520752 called in on 12/6/18 expired on 1/20/19. Eller while doing excavation work

pulled and kinked Avista's steel service line pulling the meter off the house next door at 11901 E Broadway which

resulted in blowing gas up against the foundation. They failed to use reasonable care in the tolerance zone.

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

11813 E Broadway Ave, Spokane, WA 99206 PO Box 117, Newman Lake, WA 99025

Date/time of alleged violation/damage April 4, 2019 8:47 am

III. ALLEGED VIOLATOR:

Company Eller Corporation Michael@ellercorporation.com

Office & Mobile Phone (include area code) (509) 995-9624

Address (street/city/state/zip) 7902 Star Rd, Newman Lake, WA 99025

Email: projectmgr@ellercorporation.com

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

Tommy Eller

VI. ADDITIONAL INFORMATION:

See Supporting Documentation

Additional information is attached

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

Signature: Linda Burger

Case 19-022

This section for official use only.

Complaint number _____

Date Received: _____

Washington One Call

Ticket No: 18520752
2 FULL BUSINESS DAYS
Original Call Date: 12/06/18 08:40 am
Work to Begin Date: 12/11/18 12:00 am
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Type of Work: EXCAVATION
Work Being Done For: DIAMOND ROCK CONSTRUCTION

DIG SITE LOCATION

State: WA
County: SPOKANE
Place: SPOKANE VALLEY
Address: 11813
Street: E BROADWAY
Intersecting Street: N WILBUR RD
Location of Work: EXCAVATING ENTIRE LOT
Remarks: AREA MARKED IN WHITE
Caller Twp: 25N
Rng: 44E
Sect-Qtr: 16-NE
Map Coord NW Lat: 47.6661049
Lon: -117.2464832
SE Lat: 47.6644395
Lon: -117.2451421

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QLNWA32	CTLQL-CENTURYLINK	800-778-9140	800-244-1111	800-573-1311	Does not report
SPKVLY01	CITY OF SPOKANE VALLEY	509-720-5025	509-921-1000	509-720-5025	Does not report
SPUT01	SPOKANE CO ENVIRONMENTAL SERVI	509-459-9330	509-710-9024	509-710-9024	Does not report