

**Avista's Response to  
Case 21-019 & 21-020  
M&L Construction versus Avista Corp**

**Date of Incident:** June 4, 2021

**Location of Incident:** Bigelow Gulch Road between Lehman and Perrine

**Locate Ticket Number:** 21205186

**Alleged Law Violation:** 192.122.030 (3)

**Summary of Near Miss:**

Jay, an Avista inspector, does inspections on boring work in the Spokane area. On the morning of June 4, 2021 Jay just happened to be driving by the incident location and stopped and talked with the M&L Construction crew. M&L told Jay there was no gas in M&L's dig zone, so Jay left. After leaving the area, it dawned on Jay that there was a 4" pipeline in the area, so he stopped and checked the maps. Jay then returned to the M&L job site and stopped the crew before they pulled back on the bore that they were working on. Jay called ELM to come out and locate the pipeline and also asked for depth readings to determine if there was a potential for damage of the pipeline. ELM was on the scene within approximately 15 minutes.

On May 12, 2021 ELM locator Ryan Weaver completed the original locates for locate ticket 21205186, **Exhibits B and C**. Ryan cleared, with no conflict, multiple crossings along Bigelow Gulch Road. Avista believes that Ryan used the maps to clear the ticket using centerline measurements and marked it as NO AVA GAS in several locations. Avista's maps have indicators that show the distance from the pipe to the road centerline. **See Exhibit A**. The map was misleading as it looks like the pipe is far south of the edge of the road; however, this road was widened recently. The locator failed to follow procedures by clearing a locate with centerline measurements.

On the morning of June 4, 2021, ELM received a call from Avista's inspector (Jay) that the crew had bored 2 previous spots and just crossed at a 3<sup>rd</sup> where he thought the four inch PE main was (along the south road edge of Bigelow Gulch, between Lehman Rd and 11510 E Bigelow Gulch). ELM reopened the ticket at 8:23 am (immediately after speaking with Jay) and a locator was sent to locate out the pipe. The remaining crossings were located that still needed to be completed by M & L's crew and ELM completed the ticket at 9:37 am. **See photos Exhibit D**. Jay mentioned that M & L was unable to do anymore borings for that day since they needed to create a pad around their drill and they didn't have the materials to do that.

Linda Burger learned of this situation when Scot Hattenburg sent an email to her and Ryan Ross of ELM at 1:00 pm on June 4, 2021. Linda immediately contacted ELM to find out what the situation was; she then contacted Paul Good, Avista Spokane Operations Manager, to see what he knew. Avista determined that it should perform the verification digs. M&L had potholed two of the bores to make sure that Avista's pipe was not compromised. At this point Avista took over the rest of the verification work so that M&L could continue with their project. Avista also provided the 4<sup>th</sup> pothole for M&L as their vac truck was down.

**Conclusion:**

Ryan Weaver put in his two-weeks' notice with ELM a few days after this locate was completed. His last day of work was 5/28/21 and we understand he left on good terms. Mr. Weaver had been with ELM for 4 months. During those 4 months, his work was audited by ELM and Avista approximately 70 times. He had a couple of issues his first week. After that there were no issues other than he missed the word "gas" in a label for a pipeline. If Mr. Weaver had still been with ELM at the time of the incident, he would have been retrained on this procedure. This incident was reviewed in ELM's safety meeting along with a notice that went out to all locators reiterating the procedure.

**Exhibit A – Vicinity Map of Locate Issue - Bigelow Gulch between Lehman and Perrine**



**Exhibit B – Copy of Locate Ticket**

<b>Ticket No:</b> 21205186	2 FULL BUSINESS DAYS
<b>Updated by:</b> [21252238]	
<b>Original Call Date:</b> 05/10/21 08:43 am	
<b>Work to Begin Date:</b> 05/13/21 12:00 am	
<b>Expiration Date:</b> 06/24/21 08:45 am	
<b>TICKET ACTIONS</b>	
<b>CALLER INFORMATION</b>	
<b>Company Name:</b> M AND L CONSTRUCTION	
<b>Contact Name:</b> CARDEL HOWELL	<b>Phone:</b> 509-818-6455
<b>Alt. Contact:</b> SCOT HATTENBURG	<b>Phone:</b> 509-991-4129
	<b>Fax Phone:</b>
<b>Caller Address:</b> 4402 E DALKE ST MEAD, WA 99207	
<b>Email Address:</b> cardel@mlnorthwestconstruction.com	
<b>DIG SITE INFORMATION</b>	
<b>Type of Work:</b> INSTALL SLEEVE FOR DRAINAGE	
<b>Work Being Done For:</b> SPOKANE COUNTY	
<b>DIG SITE LOCATION</b>	
<b>State:</b> WA	<b>County:</b> SPOKANE
<b>Place:</b> SPOKANE	<b>Address:</b>
<b>Street:</b> E BIGELOW GULCH RD	
<b>Intersecting Street:</b> N OLD ARGONNE RD	
<b>Location of Work:</b> EXCAVATION SITE IS ON THE S SIDE OF THE ROAD. ++ THERE ARE 14 STAKES TO MARK ALONG E BIGELOW GULCH RD - EACH STAKE IS MARKED IN AN APX 40 FT AREA - MARK APX 10 FT ON EITHER SIDE OF STAKE AREA AT EACH SITE FROM S SIDE OF RD TO ROW AT ABV SITE. ++	
	1. 1ST SITE IS APX 150 FT E FROM THE INTER.
	2. 2ND SITE IS APX 200-300 FT APART FROM THE 1ST STAKED AREA.
	3. 3RD SITE IS APX 200-300 FT APART FROM 2ND STAKED AREA.
	4. 4TH SITE IS APX 200-300 FT APART FROM 3ND STAKED AREA.
	5. 5TH SITE IS APX 200-300 FT APART FROM 4TH STAKED AREA.
	6. 6TH SITE IS APX 200-300 FT APART FROM 5TH STAKED AREA.
	7. 7TH SITE IS APX 200-300 FT APART FROM 6TH STAKE AREA.
	8. 8TH SITE IS APX 200-300 FT APART FROM 7TH STAKED AREA.
	9. 9TH SITE IS APX 200-300 FT APART FROM 8TH STAKED AREA.
	10. 10TH SITE IS APX 200-300 FT APART FROM 9TH STAKED AREA.
	11. 11TH SITE IS APX 200-300 FT APART FROM 10TH STAKES AREA.
	12. 12TH SITE IS APX 200-300 FT APART FROM 11TH STAKED AREA.
	13. 13TH SITE IS APX 200-300 FT APART FROM 12TH STAKED AREA.
	14. 14TH SITE IS APX 200-300 FT APART FROM 13TH STAKED AREA.
<b>Remarks:</b> AREA WILL BE MARKED IN WHITE.	
<b>Map Coord NW Lat:</b> 47.7229032	<b>Lon:</b> -117.2777981
<b>SE Lat:</b> 47.7203426	<b>Lon:</b> -117.2230818
<b>MEMBERS NOTIFIED</b>	

**Exhibit C** – Locator ticket response Information for both the first locate and the second locate and photos for the first locate.

Date	Action
5/10/2021 10:00:43 AM	Ticket received (All Times MST/MDT)
5/10/2021 9:38:25 PM	Ticket released to tech
5/12/2021 3:02:29 PM	Ryan Weaver positively responded Clear, No Conflict for Avista-Gas (Timezone MDT/MST)
6/4/2021 10:37:06 AM	James Shoemaker positively responded Marked, Complete for Avista-Gas (Timezone MDT/MST)

**Ticket**   **Messages**   **Pictures**   **Map**   **Status**   **Data Collection**   **QA**

**Work Date: 5/11/2021**  
**Form Name: Ticket**  
**Comments:**

**Work Date: 5/12/2021**  
**Form Name: Ticket**  
**Comments:** AVISTA-G - RW, 05/12. Located 14 stakes. All 14 stakes are clear of ava gas; INLAND - RW, 05/12. Located 14 stakes. All 14 stakes are clear of IPL ele;

**Work Date: 6/4/2021**  
**Form Name: Ticket**  
**Comments:** AVISTA-G - RW, 05/12. Located 14 stakes. All 14 stakes are clear of ava gas; INLAND - RW, 05/12. Located 14 stakes. All 14 stakes are clear of IPL ele; Ticket Reopened On 6/4/2021 by Proszek, Tyler P AVISTA-G - JAS 06/04 Marked 4" pe main at 4 boaring locations between Lehman and Perrine. Depths added to size marking per request of Jay Aragon.; INLAND - No IPL ele in work areas between Lehman and Perrine.;







**Exhibit D** – Photos of locates performed on 6/4/21 indicating the 4" pipeline in the south shoulder of the road.

