



Operator was concerned gas tee would be in the grass where equipment would be excavating. I asked tech to mark out to the tee



Asked tech to mark out this service to the gas tee because we would have to run behind fire hydrant

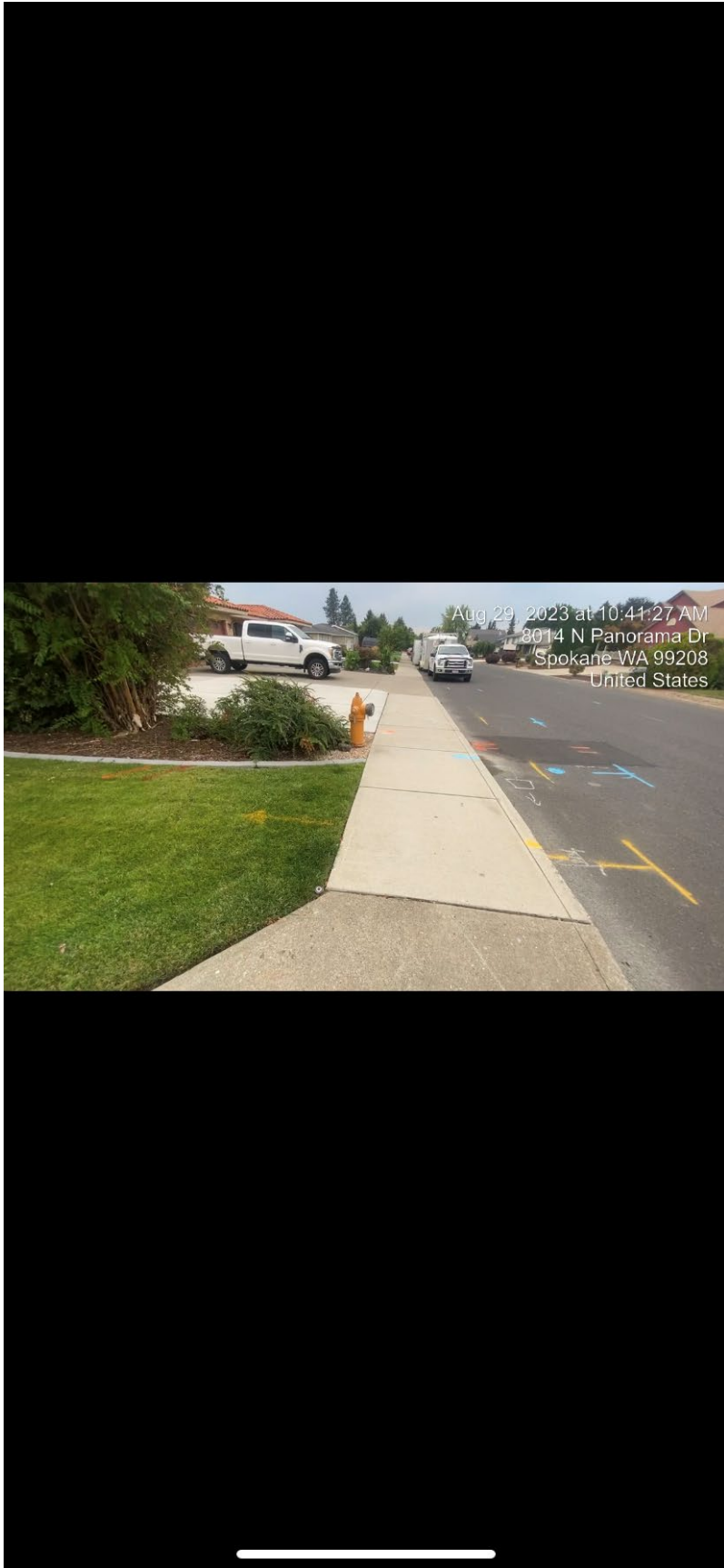




We potholed gas at the arrow but wanted to make sure there wasnt another line in the area







**From:** Dusty H <dusty@mlnorthwest.com>  
**Sent:** Wednesday, September 13, 2023 3:24 PM  
**To:** Proszek, Tyler <Tyler.Proszek@avistacorp.com>; Scot Hattenburg <scot@mandlconstruction.net>  
**Cc:** Schultz, Brian <Brian.Schultz@avistacorp.com>; ray@mlnorthwest.com; 'Stephanie Hattenburg' <stephanie@mlnorthwest.com>  
**Subject:** Re: [External] no locates time loss and elm refusal putting lives in danger.

Thank you for responding Tyler,

Attached are the pictures of the three specific locations I asked the tech to do. In none of these locations was the paint wiped out due to lack of maintenance. It was difficult to understand the locates because of how little paint was there in the first place. My goal was to work with ELM to save them time. That being said the lack of communication on their part has cost me more time than it would take to tell them to locate every service to every house, which I do not want to do. In the future do you want us to work with ELM to locate only the ones in back of ROW or should I have ELM locate every service to every house?

Thanks,  
Dusty Hattenburg  
M&L Construction

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**From:** Proszek, Tyler <Tyler.Proszek@avistacorp.com>  
**Sent:** Wednesday, September 13, 2023 1:49 PM  
**To:** Dusty H <dusty@mlnorthwest.com>; Scot Hattenburg <scot@mandlconstruction.net>  
**Cc:** Schultz, Brian <Brian.Schultz@avistacorp.com>; ray@mlnorthwest.com <ray@mlnorthwest.com>; 'Stephanie Hattenburg' <stephanie@mlnorthwest.com>  
**Subject:** RE: [External] no locates time loss and elm refusal putting lives in danger.

Dusty,

Thank you for the additional information and clarification. I appreciate you bringing your experience to our attention. Would you be willing to send me the addresses for the locates that only went a couple of feet beyond the curb? I looked through a few dozen of the ELM original locate photos and found that the services were typically marked approximately 15ft beyond the curb. There were over 700 photos so I wasn't able to look at every service and understand that it's possible some stopped short. Also, is it possible the services you mentioned were originally located to the approximate length as the others but the marks faded due to weather or lawn care and only left a couple of feet near the curb to be visible? It may also be possible the gas services you referenced were "split" services with another service line and there would only be one tee connection to the main, rather than two. Once I have the specific addresses, I should be able to give you complete details as to what is what.

Regarding our process to marking tickets that ask for ROW to ROW, for many years we have been operating under industry guidance and through collaboration with other excavators that when a ROW is not delineated by the requestor we locate 10ft beyond the curb/road edge or 6ft beyond the sidewalk if present. Thank you for your commitment to white lining the edge of the right of way to ensure we know the exact areas being dug on. We truly want to make sure full dig areas are located on time and accurately.

The ELM tech said that you had asked for 15 properties to be located due to paint not being maintained. He spoke with his supervisor and explained the situation and was told that if the need was to refresh the markings that weren't maintained rather than extending services that didn't get marked far enough from the road edge, he needed to leave and continue his tickets for the day. The ELM tech should have communicated with you before leaving the site so you weren't under the impression the lines would be marked when you returned. I'm sorry that wasn't communicated to you. ELM management provided training to the tech about communication standards and making sure you, or other points of contact, were aware of how they were leaving the scene and possibly explain what you were seeing on site and why.

Thank you and have a great day.

## Tyler Proszek, Damage Prevention Program Administrator

2406 N Dollar Rd MSC-6, Spokane Valley, WA, 99212

**Office** 509.495.8688 | **Cell** 509.290.3544



### TYPICAL WORK WEEK:

In office (Dollar Rd) – Tue-Thur: 7:30am to 4:30pm

Working offsite – Mon: 7:00am to 4:30pm & Fri: 7:00am to 1:00pm

I routinely check my email before and after work hours.

**From:** Dusty H <dusty@mlnorthwest.com>

**Sent:** Wednesday, September 13, 2023 10:02 AM

**To:** Scot Hattenburg <scot@mandlconstruction.net>; Proszek, Tyler <Tyler.Proszek@avistacorp.com>

**Cc:** Schultz, Brian <Brian.Schultz@avistacorp.com>; ray@mlnorthwest.com; 'Stephanie Hattenburg' <stephanie@mlnorthwest.com>

**Subject:** Re: [External] no locates time loss and elm refusal putting lives in danger.

Hello, I am the job site foreman on this project and did the communication with Jay Arragon and the ELM locator. I want to give some background for the communication we attempted to do. We called Jay about a gas service that we thought was unlocated on Monday. It turned out that the gas had a tee and the tee was not in our bore path. On Tuesday while walking the job, I saw 2 other gas services that had no tee marked. Out of caution I called Jay and asked to get a locator to mark the tees. When the tech arrived on site I walked with him and pointed out that the services were marked barely 2 feet off the back of curb. I also told him we had 30' of ROW BOC and asked if he could mark just to the tee so that we can verify there isn't an additional unlocated service or that the tees aren't in our bore path. I pointed out 2 gas lines and 1 power service we would need located. He told me he would get them taken care of or call me if he had any issues. When I went back down the road to set up to do the work the gas services had not been taken care of and I had no communication as to why. We could have assumed at that point that the gas was clear of our bore path even though there is an unlocated line in the ROW. This is a safety issues that was caused by lack of communication from ELM. When I have these kinds of issues with USIC they are good at asking questions and figuring out what we need. Which is what I expect from ELM as well. Also I was never contacted about the ROW by ELM at all which is usually



a standard procedure from other utility locator contractors. Demarking the back of ROW is a procedure i will be doing from now on and will require the AVA lines to be marked at least to the tee or to the house.

Thanks,  
Dusty  
M&L Construction

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**From:** scot <[scot@mandlconstruction.net](mailto:scot@mandlconstruction.net)>  
**Sent:** Tuesday, September 12, 2023 3:19 PM  
**To:** 'Proszek, Tyler' <[Tyler.Proszek@avistacorp.com](mailto:Tyler.Proszek@avistacorp.com)>  
**Cc:** 'Schultz, Brian' <[Brian.Schultz@avistacorp.com](mailto:Brian.Schultz@avistacorp.com)>; [ray@mlnorthwest.com](mailto:ray@mlnorthwest.com) <[ray@mlnorthwest.com](mailto:ray@mlnorthwest.com)>; 'Stephanie Hattenburg' <[stephanie@mlnorthwest.com](mailto:stephanie@mlnorthwest.com)>; 'Dusty Hattenburg' <[dusty@mlnorthwest.com](mailto:dusty@mlnorthwest.com)>  
**Subject:** RE: [External] no locates time loss and elm refusal putting lives in danger.

Thanks Tyler

We are just trying communicate.

Please tell me how you want to see the dig ticket?

How can I help you help me.

*Scot W. Hattenburg*     **509-991-4129**

M & L Construction Inc.                      Idaho public works license # 015530-b-1-4   Wa MLCONI\*063n9   Or  
CCB 215091

**Featured speaker IP Utility Safety conference 2020** <https://utilityandsafetyconference.com/agenda/>

**President- M&L Construction** [mandlconstruction.net](http://mandlconstruction.net)

**President- NUCA Eastern Wa./N. Idaho** <http://www.nuca.com/inland>

**2012 to 2017 Excavator Chair- Washington state dig safety**

**committee** <http://www.utc.wa.gov/publicSafety/pipelineSafety/Pages/Safety-Committee.aspx>

**Executive board and past president- Inland empire Utility Coordinating**

**council** <http://www.ieucc811.org>

**From:** Proszek, Tyler <[Tyler.Proszek@avistacorp.com](mailto:Tyler.Proszek@avistacorp.com)>  
**Sent:** Tuesday, September 12, 2023 2:08 PM  
**To:** Scot Hattenburg <[scot@mandlconstruction.net](mailto:scot@mandlconstruction.net)>  
**Cc:** Schultz, Brian <[Brian.Schultz@avistacorp.com](mailto:Brian.Schultz@avistacorp.com)>  
**Subject:** [External] no locates time loss and elm refusal putting lives in danger.

Scot,

Jay Aragon was told by your crew that the locate marks did not extend far enough into the property and needed to be extended to the back side of the easement. Jay called ELM and told them the situation. ELM arrived on site and when speaking with the crew for what area needed to have paint extended, the crew told the ELM tech to re-locate everything from south of Trinity, approximately 1000ft south (to the end of the project). Since there were no white marks in the front yards to show the boundary of the ROW, ELM marked to just beyond where the joint utility ditch was located. The utility markings were consistently applied the same distance away from the curb edge and M&L has completed approximately 3000ft of the 4000ft being worked on. ELM can and will extend locate marks to accommodate extenuating needs where the dig area can be interpreted differently or where the lack of white marks did not indicate the exact boundary edges of the dig area. Per the dig law, ELM is not responsible to refresh markings where a contractor failed to maintain locate marks through the legally obligated timeframe. This type of issue could be avoided by placing white lines at the boundary edges to show where utility locating needs to go through.

Thank you,

## Tyler Proszek, Damage Prevention Program Administrator

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**Office** 509.495.8688 | **Cell** 509.290.3544



### TYPICAL WORK WEEK:

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I routinely check my email before and after work hours.

**From:** scot <[scot@mandlconstruction.net](mailto:scot@mandlconstruction.net)>  
**Sent:** Tuesday, September 12, 2023 12:05 PM  
**To:** Schultz, Brian <[Brian.Schultz@avistacorp.com](mailto:Brian.Schultz@avistacorp.com)>; Proszek, Tyler <[Tyler.Proszek@avistacorp.com](mailto:Tyler.Proszek@avistacorp.com)>  
**Subject:** [External] no locates time loss and elm refusal putting lives in danger.

We have incomplete locates we called jay Arragon, and Elm came out and would not complete the locates.... We tried to handle this on the ground and it will not work ELM left. That will be 1" wide and no more than 4' apart.

Complaint 23-093

In the future our white paint and descriptions will be asking for locates that conform to APWA and CGA standards that are meter to meter, demarcation to demarcation, first entrance to the building since apparently it is "too hard for Avista and Elm to actually provide legally and conforming including best standards" the information we need in paint"

It really not that hard to locate Avista's lines, Avista knows it and I know it.....

Please confirm, or ignore.

*Scot W. Hattenburg*     **509-991-4129**