

Formstack Submission For: [South Dakota One Call Complaint Form](#)

Submitted at 06/07/23 9:18 AM

Complaint filed on behalf of or by:

Magellan Midstream Partners, LP

Contact Person:

Mike Hampton

Phone Number:

(918) 574-7453

Ext:

Name or Company Name:

Magellan Midstream Partners, LP

Street Address or PO Box:

1 One Williams Center
OTC - 9
Tulsa, OK 74172

Fax:

Email:

michael.hampton@magellanlp.com

Date:

Jun 06, 2023

Name of excavator / facility operator:

Black River Contracting

Phone:

(605) 391-1109

Ext:

Name or Company Name:

Ethan Peterson

Street Address or PO Box:

623 Dakota Dr
Rapid City, SD 57702

Fax:

Email:

ethan@blackrivercontracting.net

Is this party aware of your allegations?:

Yes

The South Dakota One Call Board expects communication to occur between both parties before filing complaints. Please provide details of who you spoke with, including the date and time, and what was discussed.:

6/6/23 at 13:44 pilot Steve Dodds reported an excavation west of the MPL ROW near MP 184. At 13:45, I (William Wasserburger) was dispatched to the area and I arrived at 14:05 and observed a scraper and dozer moving dirt. The operator of the scraper stopped the machine and walked up to meet me. I introduced myself to the operator who said his name is Ethan Petersen. I mentioned that our pilot just sent me picture of this excavation and I did not have an active one call ticket . I asked Ethan if he had a one call ticket and Ethan said he did not have one but was aware of our pipeline and didn't intend to go near it. I informed Ethan that it was state law to have a one call ticket clear prior to beginning any excavation, and I asked Ethan if he would cease working and place a one call ticket. Ethan agreed to place a one call ticket but was reluctant to agree to ceasing all excavation until the ticket was clear. At approximately 14:10, the other equipment operator walked up and introduced himself as Sam Crittenden. I relayed the same conversation to Sam as I did to Ethan and I also told them that I would have to submit a one-call violation report the SD one call system. I asked who was in charge and they said they are partners in ownership of the business. Sam asked if it would be permissible to continue excavation while the one call ticket was being processed as long they would move further away from Magellan's Pipeline. I said no excavation can take place until the ticket is clear which is approximately 48 hours after submitting the ticket. The two owners were giving the impression that they understood the law but were eager to continue

	moving dirt as long as it was further away from the pipeline.
Statutory Violations:	49-7A-5. Notification of proposed excavation.
Other information to support your position:	
Street Address / location of alleged violation:	near Anderson and Lamb Rd Rapid City, SD
Date of alleged violation:	Jun 06, 2023
Time of alleged violation:	01:44 PM
Describe your allegation:	No One Call ticket was placed. They were excavating near high pressured underground refined products pipeline without a one call ticket or notification to Magellan.
Do you believe the alleged violation to be intentional?:	No
Why or why not?:	Excavator stated they knew of our pipeline and thought they would not be near it.
Was a locate requested from SD One Call?:	N/A
Locate ticket #:	
Start Date on Ticket:	
Start time on ticket:	
Did the excavator wait until the start date / time on the	Not Sure

ticket before commencing excavation?:

If no or not sure, when did excavation begin (date)?:

If no or not sure, when did excavation begin (time)?:

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?:

N/A

Explain: no ticket - no prior warning

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:

N/A

Were facilities marked?:

N/A

Was the marking complete prior to the start time on the ticket?:

N/A

Did the excavator pre-mark with white paint?:

N/A

Was the facility marked accurately (within 18 inches)?:

N/A

Did the excavator use reasonable care to maintain locate marks for the life of project?:

N/A

Type of facility involved:	High pressured refined products 6 inch pipeline
Operator of facility (if known):	Magellan Midstream Partners
Operator address (Street or PO Box):	One Williams Center Tulsa, OK 74172
Operator Phone:	(918) 574-7000
Depth of Cover (If unsure put N/A):	4 feet
Pressure (If none, write none):	N/A
Voltage (If none, write none):	none
# of cable pairs (If none, write none):	none
Was the facility damaged?:	No
If yes, provide detail and an estimate of damage.:	
Were damages on public right of way or private property?:	N/A
Was anyone injured as a result of facility damage?:	No
If yes, provide detail.:	
Length of hospitalization:	
Were there fatalities?:	No

If yes, provide detail.:	
Was operator service affected? :	No
If yes, provide detail (how many customers for how long).:	
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?:	No
If No, why not?:	no damage, dislocation or disturbance to pipeline reported with this event
Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?:	No
If No, why not?:	no damage, dislocation or disturbance to pipeline reported with this event
Was there an escape of any flammable, toxic, or corrosive gas or liquid?:	No
If Yes, but if 911 was not called, or if you don't know, explain why.:	
Please provide a Fire Department or Emergency Services incident report, if available :	Not Available
Attachment:	

Attachment Information: File names should not include symbols. Example:(\$, &, *, % .) etc. If submitting multiple files, please zip all files into one folder.:

[View File](#)

Copyright © 2023 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038