

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

Submitted at 10/30/23 2:54 PM

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:	One Williams Center OTC-9 Tulsa, OK 74172
Fax:	
Email:	mike.hampton@oneok.com
Date:	Oct 30, 2023
Name of excavator / facility operator:	Eric Nelson
Phone:	(605) 890-3162
Ext:	
Name or Company Name:	Eric Nelson
Street Address or PO Box:	PO Box 409 Edgemont, SD 57735
Fax:	

Email:

eric@gudeandgun.com

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.:

***Incident Description:**

On 10/27/2023 at approximately 9:24AM MDT, Hawkeye Helicopter pilot Kolton

Kahoon sent a picture of what appeared to be excavation activity around MP 110.

After reviewing the photo and determining the landowner, a Magellan technician

contacted Eric Nelson at approximately 10:06 AM MDT and asked if he was aware

of any excavation on his property, to which he replied, "yes". The Magellan technician told Mr. Nelson that he was not permitted to conduct any further excavation until he had an active one call ticket, and he agreed. A Magellan technician was dispatched to the site and confirmed at 4:17 PM MDT that an excavation approximately 80' from Magellan Pipeline had occurred but no potential for harm to the pipeline had occurred.

***Immediate actions taken:**

-Magellan technician contacted the landowner, Eric Nelson to cease any excavation until a one call was submitted and clear, and notified Mr. Nelson he would be

turned in to the state one-call board as a violator.

Statutory Violations:

49-7A-5. Notification of proposed excavation. No excavator may begin any excavation without first notifying

the one-call notification center of the proposed excavation. The excavator shall give notice by telephone or by other methods approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state. The board may promulgate rules to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

Other information to support your position:

Street Address / location of alleged violation:

Indian County Road and County Road 65
Edgemont, SD

Date of alleged violation:

Oct 27, 2023

Time of alleged violation:

09:24 AM

Describe your allegation:

Excavator performed excavation without a South Dakota one call ticket or notification to Magellan.

Do you believe the alleged violation to be intentional?:

No

Why or why not?:

Mr. Nelson was cooperative with Magellan representative throughout this discovery process.

Was a locate requested from SD One Call?:	No
Locate ticket #:	
Start Date on Ticket:	
Start time on ticket:	
Did the excavator wait until the start date / time on the ticket before commencing excavation?:	No
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:	There was no one call ticket or opportunity for Magellan to mark pipeline.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:	No
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 petroleum products pipeline

Operator of facility (if known): Magellan

Operator address (Street or PO Box): One Williams Center
OTC-9
Tulsa, OK 74172

Operator Phone: (918) 574-7000

Depth of Cover (If unsure put N/A): N/A

Pressure (If none, write none): N/A

Voltage (If none, write none): N/A

of cable pairs (If none, write none): N/A

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?:

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?: No

If No, why not?:

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.:

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