

Complaint filed on behalf of or by:	Magellan Midstream Partners, LP
Contact Person:	Mary Matthews
Phone	(918) 574-7349
Name or Company Name	Magellan Midstream Partners, LP
Street Address or PO Box	One Williams Center, MD OTC-9 Tulsa, Oklahoma 74170 United States
Fax	918-574-7376
Email	mary.matthews@magellanlp.com
Date	Jan 29, 2020
Name of excavator / facility operator:	Doug O'Bryan
Phone	(605) 685-5760
Name or Company Name	Doug O'Bryan Contracting, Inc.
Street Address or PO Box	21617 US Hwy 18 Martin, South Dakota 57551 United States
Is this party aware of your allegations?	Yes
Provide detail including whom you spoke with:	
Magellan's Damage Prevention Operator (DPO) discovered excavation activities and spoke to employees of O'Bryan Contracting. He stated that no excavation could occur until a one call ticket was placed and active. The DPO then called Doug O'Bryan and confirmed that he did not request a one call ticket.	
ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:	
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 non excavation requests.	
Street Address / location of alleged violation:	24275 S Highway 79
City	Hermosa
State	SD
Date of alleged violation:	Jan 09, 2020
Time of alleged violation:	01:00 PM
Describe your allegation:	
On January 9, 2020, Magellan's Damage Prevention Operator (DPO) was made aware of excavation activities near the Rapid City Lateral pipeline. The DPO arrived on site to discover a backhoe and dirt moved to a depth of 72 inches. After review of the circumstances, it was determined that a request for the location of underground facilities was not submitted to the South Dakota One-Call system prior to beginning work. Failure to submit this locate request was a violation of state statute 49-7A-5.	

Do you believe the alleged violation to be intentional?	Not Sure
Was a locate requested from SD One Call?	No
Did the excavator wait until the start date / time on the ticket before commencing excavation?	No
Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?	NA
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	NA
Were facilities marked?	NA
Was the marking complete prior to the start time on the ticket?	NA
Did the excavator pre-mark with white paint?	NA
Was the facility marked accurately (within 18 inches)?	NA
Did the excavator use reasonable care to maintain locate marks for the life of project?	NA
Type of facility involved:	pipeline
Operator of facility (if known):	Magellan Midstream Partners, LP
Operator address (Street or PO Box):	One Williams Center, MD OTC-9 Tulsa, Oklahoma 74172 United States
Operator Phone	(918) 574-7349
Depth of Cover (If unsure put N/A)	n/a
Pressure: (If none, write none)	none
Voltage: (If none, write none)	none
# of cable pairs: (If none, write none)	none
Was the facility damaged?	NA
Were damages on public right of way or private property?	NA
Was anyone injured as a result of facility damage?	NA
Were there fatalities?	No
Was operator service affected?	No

Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?

No

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?

No

Was there an escape of any flammable, toxic, or corrosive gas or liquid?

No

Please provide a Fire Department or Emergency Services incident report, if available

Not Available

Attachment Information

File names should not include symbols. Example:(\$, &, *, % .) etc.