

COMPLAINT DOCKET NUMBER:	OC20-014
Reply filed on behalf of (company name):	Doug O'Bryan Contracting, Inc.
Contact Person:	Doug O'Bryan
Phone	(605) 685-6281
Name or Company Name:	Doug O'Bryan Contracting, Inc.
Street Address or PO Box	21617 US Highway 18 Martin, South Dakota 57551 United States
Email	doci@qwtc.net
Date	Feb 04, 2020
Were you previously aware of these allegations?	Yes
Provide detail including whom you spoke with:	Megellan Midstream Partners, LP personnel called my office on the day of their site visit.
Do you believe the statutes listed (if any) by the complainant were violated?	Yes
Why or why not?	<p>Previous One Call locates were completed at an earlier date and the location of all utilities were noted on the new work order issued by the engineer.</p> <p>Our work was only to expose in the area of previous work which was installed/located specifically to be located away from existing utilities.</p> <p>Never the less, I did expect a one call to be completed prior to our work. Since personnel on site had already completed work in the area and knew the area was clear, they did not complete the one call as required by company SOP.</p> <p>Gas company officials did acknowledge our work was more than 50 lf from the already well marked pipeline and as noted on the work order drawing (attached).</p> <p>Phone cable locators did not even get out of their vehicle to mark the site as we were not working in the area of existing cables on the far side of the house. Locator drove up, told on site workers what was already known and drove away.</p>
Do you dispute the alleged violation of SD One Call statute or rule occurred?	No
Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?	No
Was a locate requested from SD One Call?	No
If no, please explain why no locate request was made:	See 3. above.
Did excavation begin before the start date / time on the ticket?	NA

Was a minimum horizontal clearance of 18 inches maintained 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
Was the excavation site pre-marked with white paint?	NA
Was the facility marked accurately (within 18 inches)?	NA
Was there reasonable care to maintain locate marks for the life of project?	NA
Did the complainant correctly describe the type of facility involved?	Yes
Provide detail: During a phone discussion the pipeline rep did acknowledge the location of the pipeline was not on the property where work was performed and the pipeline was as represented on the plan and as per site location markers.	
Did the complainant correctly describe the damages that resulted from the alleged violation?	Yes
Provide detail: No Damages!	
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?	No
If No, why not? No Damages!	
Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?	No
If No, why not? No Damages!	
Was there an escape of any flammable, toxic, or corrosive gas or liquid?	No
Did the complainant correctly describe the damages that resulted from the alleged violation?	Yes
Were damages on public right of way or private property?	Private

Did complainant correctly describe how operator service was affected? Yes

Provide detail:
No effect!

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Other information regarding injuries or damages:
No Injuries or damages.

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:

SD One Call Operators Manual Requirements reviewed with field personnel.
Information provided by Megellan Midstream Partners reviewed and discussed.

All SD One Call requirements will be complied with regardless of the previous knowledge of area for future excavation work.

Has a complaint been filed against you in the past for SD One Call violations? Yes

If yes, when was it filed? Jan 26, 2015

Please provide any additional information to support your position:

Attached site work order for Kathryn Metcalf Site work issued by Indian Health Service, Office of Environmental Health & Engineering.
Martin SD Field Office Engineer.

Attachment Information

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