

Complaint filed on behalf of or by:	Montana Dakota Utilities Co.
Contact Person:	Marcus Christensen
Phone	(605) 355-4035
Name or Company Name	Montana Dakota Utilities Co.
Street Address or PO Box	PO Box 1060 Rapid City, South Dakota 57709 United States
Email	marcus.christensen@mdu.com
Date	May 29, 2020
Name of excavator / facility operator:	Shawn Karol
Phone	(605) 641-7026
Name or Company Name	KR Builders
Street Address or PO Box	610 OREGON AVE Gillette, Wyoming 82718 United States
Email	S_SKAROL@MSN.COM
Is this party aware of your allegations?	No

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 nonexcavation requests.

49-7A-8. Location of underground facilities--Marking. An operator shall, upon receipt of the notice, advise the excavator of the location of underground facilities in the proposed excavation area by marking the location of the facilities with stakes, flags, paint, or other clearly identifiable marking within eighteen inches horizontally from the exterior sides of the underground facilities. The board shall promulgate rules, pursuant to chapter 1-26, to establish the response time for operators to mark the underground facilities. The response time shall be no later than forty-eight hours after the receipt of the notice, excluding Saturdays, Sundays, and legal holidays of the state or the excavation start time provided by the excavator, whichever is later. The response time may be less than forty-eight hours for emergency or subsequent inquiries to the original locate request and may be longer than forty-eight hours for nonexcavation requests. Excavators shall maintain a minimum horizontal clearance of eighteen inches between a marked underground facility and the cutting edge of any mechanical equipment. If excavation is required within eighteen inches, horizontally, the excavator shall expose the facility with hand tools or noninvasive methods approved pursuant to rule and shall protect and support the facility prior to further excavation with mechanical equipment.

Source: SL 1993, ch 34

Other information to support your position:

The contractor was digging without a valid locate ticket when they hit 1.25" steel gas line. Gas was not blowing and 811 was notified.

Street Address / location of alleged violation:	811 Pine St
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City	Whitewood
State	South Dakota
Date of alleged violation:	May 12, 2020
Time of alleged violation:	11:52 AM
Describe your allegation:	Contractor was digging without a valid locate ticket when they hit the 1.25 gas service line to the house they were demolishing. Contractor said they requested for the gas line to be retired but we found nothing of them requesting this.
Do you believe the alleged violation to be intentional?	No
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?	No
Explain	Contractor hit the gas line while digging with an excavator.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
Were facilities marked?	No
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:	1.25" Steel Gas Service Line
Operator of facility (if known):	Montana Dakota Utilities Co.
Operator address (Street or PO Box):	PO Box 1060 Rapid City, South Dakota 57709 United States
Operator Phone	(605) 355-3035
Depth of Cover (If unsure put N/A)	~24"
Pressure: (If none, write none)	50 psig

Voltage: (If none, write none) none

of cable pairs: (If none, write none) none

Was the facility damaged? Yes

If yes, provide detail and an estimate of damage:

Gas line was bent, no gas blowing. Line has now been retired. \$600 est cost

Were damages on public right of way or private property? Private

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Was operator service affected? No

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

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

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.