

Complaint filed on behalf of or by: Montana Dakota Utilities Co.

Contact Person: Marcus Christensen

Phone (605) 355-3035

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 Jun 08, 2020

Name of excavator / facility operator: Matt Askland

Phone (605) 209-3306

Name or Company Name Askland Construction

Street Address or PO Box PO Box 9511
Rapid City, South Dakota 57709
United States

Email ASKLAND94@HOTMAIL.COM

Is this party aware of your allegations? No

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

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.

49-7A-12. Notification of damage to underground facility--Repairs--Flammable, toxic, or corrosive gas or liquid.

If any underground facility is damaged, dislocated, or disturbed in advance of or during excavation work, the excavator shall immediately notify the one-call notification center and, if known, the operator of the facility of the damage, dislocation, or disturbance. No excavator may conceal or attempt to conceal any damage, dislocation, or disturbance, nor may that excavator attempt to make any repair to the facility unless authorized by the operator of the facility. If the damage, dislocation, or disturbance results in the escape of any flammable, toxic, or corrosive gas or liquid, the excavator shall immediately report the escape to the authorities by calling the 911 emergency telephone number and notifying the one-call notification center and, if known, the operator of the facility.

Other information to support your position:

Excavator got in a hurry while doing water line repair. They didnt leave themselves enough room to dig safely in the area they where digging using and excavator. Gas was accurately located as seen in the picture. Once the line was hit the contractor used the bucket of there equipment to pinch the gas line off to stop the flow of gas.

Street Address / location of alleged violation:	3309 Kerry Dr
City	Rapid City
State	South Dakota
Date of alleged violation:	Jun 02, 2020
Time of alleged violation:	12:30 PM
Describe your allegation:	Excavator got in a hurry while doing water line repair. They didnt leave themselves enough room to dig safely in the area they where digging using and excavator. Gas was accurately located as seen in the picture. Once the line was hit the contractor used the bucket of there equipment to pinch the gas line off to stop the flow of gas.
Do you believe the alleged violation to be intentional?	No
Was a locate requested from SD One Call?	Yes
Locate ticket #:	2015327399
Start date on ticket:	Jun 01, 2020
Start time on ticket:	10:30 AM
Did the excavator wait until the start date / time on the ticket before commencing excavation?	Yes
Did the excavator maintain a minimum horizontal clearance of 18	No

inches between a marked facility and mechanical equipment?

Explain

Contractor hit the gas line with there excavator.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation? No

Were facilities marked? Yes

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

Did the excavator pre-mark with white paint? NA

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

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

Type of facility involved: 3/4" Plastic Natural Gas 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 service line hit, \$500

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

Was anyone injured as a result of facility damage? No

Were there fatalities? No

Was operator service affected? Yes

If yes, provide detail (how many customers for how long):

1 customer, 1 hour

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.

Attachment [3309 Kerry Dr Rapid City 0.50in damage 06.02.20.pdf](#)