

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 Jun 19, 2020

Name of excavator / facility operator: Johnathan Fish

Phone (701) 282-4977

Name or Company Name Industrial Builders Inc

Street Address or PO Box 1307 Co Rd 17 N
West Fargo, North Dakota 58078
United States

Email info@industrialbuilders.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.

Other information to support your position:

Contractor was milling the road when the incident happened. They were under the assumption that they could use Oftedal Construction's locate ticket. We explained to them they are not able to do this. Industrial Builders is big enough to know that this is not allowed.

Street Address / location of alleged violation:	Sheridan Lake Rd
City	Rapid City
State	South Dakota
Date of alleged violation:	Jun 09, 2020
Time of alleged violation:	10:15 AM
Describe your allegation:	Contractor was milling the road surface when they hit the gas line crossing the road. Contractor did not have a locate ticket in their name. Gas Line was clearly and accurately marked even under another contractor's locate ticket.
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
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?	No
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:	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)	~18"
Pressure: (If none, write none)	40 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 Main cut in two, 4 construction guys, 2 service techs - \$1500-\$2000
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):

7 Homes for 2 Hours

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? Yes and 911 was contacted by an Excavator

Please provide a Fire Department or Emergency Services incident report, if available Not Available

Attachment Information

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