

# Industrial Builders, Inc.

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PAUL W. DIEDERICH, PRESIDENT  
DONN O. DIEDERICH, EXECUTIVE VICE PRESIDENT



## General Contractors

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PHONE 701/282-4977 FAX 701/281-1409  
P.O. BOX 406 FARGO, NORTH DAKOTA 58107-0406

July 9, 2020

To: South Dakota One Call Notification Board  
PO Box 187  
Rapid City, SD 57709

Re: Complaint OC20-034 Filed by Montana Dakota Utilities

To whom it may concern:

This letter is in response to the complaint against Industrial Builders, Inc. (IBI) dated June 24, 2020, which alleges our reclaiming operation was at fault for the damage to the underground gas line during the course of our work on SDDOT Project P 6480(04). IBI is a subcontractor on the project to Oftedal Construction. The complaint states we were in violation of SDCL § 49-7A-5 and SDCL § 49-7A-8, which apply to notification of proposed excavation and location of underground facilities. According to the SDCL, the definition of excavation reads as follows (applicable exceptions are highlighted):

South Dakota Codified Laws (SDCL), § 49-7A-1. (4) "Excavation," any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe plowing or driving, except: (a) Tilling of soil and gardening to a depth of twelve inches and the tilling of soil for agricultural purposes to a depth of eighteen inches; (b) Pot hole repair and grading of an existing public road if the pot hole repair and grading does not extend more than eighteen inches below the finished roadway; (c) Any vehicle operation or operation involving the use of any hand tool, other than a power tool, so long as such operation does not extend more than eighteen inches below the surface of the groundline within the right-of-way; (d) Any road and ditch repair or road and ditch activity that does not extend more than eighteen inches below the surface of the original groundline within the right-of-way; (e) Digging in a cemetery (f) Digging in a planned sanitary landfill; and (g) Any bar test survey deemed necessary by an operator in response to a suspected natural gas, propane, or other combustible liquid or gas leak that is necessary to ensure public safety in an emergency

As shown in the attached plans on page B7 the anticipated depth of our cut was 8 inches. The table on page B7 also shows that the total depth of the asphalt and granular material being reclaimed averages 9 inches deep. The combined depth is never greater than 12 inches deep, which is found on the opposite end of the job nearly 12 miles away. As stated in the attached email from Jon Fish, the depth of the cut at the time of the incident was 6.5 inches. These depths are all far less than 18 inches. As you can clearly see in the attached pictures, the yellow gas line is running through the granular material below the asphalt, which means it has less than 12 inches of cover.

In summation, our response to the complaint is that we contend we were following the law as it applies to notification for excavations. Our reclaiming work was within the right-of-way of the road and less

than 18 inches deep, so notification was not required. The placement of the gas line was faulty and did not have the required 18 inches of cover. This faulty placement resulted in the incident at hand and caused a potentially dangerous fire, as well as an extended delay on Oftedal Construction's project in general and to Industrial Builders' reclaiming and milling operation specifically.

Respectfully,  
INDUSTRIAL BUILDERS, INC.

*Jay Carney*

Jay Carney, Project Manager  
CC: IBI Milling File #20188