

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

IMPORTANT: This form is provided only as assistance in preparing your South Dakota One Call Complaint. Although it is not required, we encourage you to use this form. Please be as thorough as possible to assist the Enforcement Panel in making its determination. You may include additional information as necessary.

<b>Complaint filed on behalf of or by:</b>	Montana Dakota Utilities
<b>Contact Person:</b>	Marcus Christensen
<b>Phone</b>	(605) 355-4035
<b>Name or Company Name</b>	Montana Dakota Utilities
<b>Street Address or PO Box</b>	PO Box 1060 Rapid City, South Dakota 57709 United States
<b>Email</b>	<a href="mailto:marcus.christensen@mdu.com">marcus.christensen@mdu.com</a>
<b>Date</b>	Sep 02, 2020
<b>Name of excavator / facility operator:</b>	Jace Waltman
<b>Phone</b>	(605) 721-1193
<b>Name or Company Name</b>	Swiftec Inc
<b>Street Address or PO Box</b>	1714 Creek Dr Rapid City, South Dakota 57703 United States
<b>Email</b>	<a href="mailto:JACE@SWIFTEC.BIZ">JACE@SWIFTEC.BIZ</a>
<b>Is this party aware of your allegations?</b>	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:**

The contractor had hit MDU's 2 inch plastic line putting a nick in the pipe and breaking the tracer wire. The contractor repaired the tracer wire themselves with their own green wire. Along with that they were not going to notify the 811 or the utility company of the damage. Site Works Specialist called and informed us of the damage and said Swiftec was going to bury the damage. Site Works called in the hit line and notified MDU. The contractor refused to make the calls or even provide their locate ticket number when asked.

**Street Address / location of alleged violation:**

2003 Provider Blvd

**City**

Rapid City

**State**

SD

**Date of alleged violation:**

Aug 24, 2020

**Time of alleged violation:**

04:18 PM

**Describe your allegation:**

The contractor had hit MDU's 2 inch plastic line putting a nick in the pipe and breaking the tracer wire. The contractor repaired the tracer wire themselves with their own green wire. Along with that they were not going to notify the 811 or the utility company of the damage. Site Works Specialist called and informed us of the damage and said Swiftec was going to bury the damage. Site Works called in the hit line and notified MDU. The contractor refused to make the calls or even provide their locate ticket number when asked.

**Was a locate requested from SD One Call?**

Yes

**Locate ticket #:**

2023385936

**Start date on ticket:**

Aug 24, 2020

**Start time on ticket:**

12:00 PM

**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 inches**

No

**between a marked facility and mechanical equipment?**

**Explain**

While digging the trench for the electrical install they hit the gas line. Gas may not have been blowing but the integrity of the pipe was compromised and had to replace a portion of the 2" main.

**Were buried facilities exposed by hand or non-invasive equipment prior to excavation?**

NA

**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?**

Yes

**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:**

2" (P) Gas Main

**Operator of facility (if known):**

Montana Dakota Utilities

**Operator address (Street or PO Box):**

PO Box 1060  
Rapid City, South Dakota 57709  
United States

**Operator Phone**

(605) 355-4035

**Depth of Cover (If unsure put N/A)**

~18"-24"

**Pressure: (If none, write none)**

50psig

**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:**

2" Plastic Main - \$700

**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?** No

**If No, why not?**

Contractor who caused the damage did not make the phone call.

**Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?** No

**If No, why not?**

Contractor who caused the damage did not make the phone call.

**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.