

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.

Complaint filed on behalf of or by:	Montana Dakota Utilities
Contact Person:	Marcus Christensen
Phone	(605) 355-4035
Name or Company Name	Montana Dakota Utilities
Street Address or PO Box	PO Box 1060 Rapid City, South Dakota 57709 United States
Email	marcus.christensen@mdu.com
Date	Oct 30, 2020
Name of excavator / facility operator:	Dillon Ihotak
Phone	(605) 469-5716
Name or Company Name	Savvy Designs Inc
Street Address or PO Box	560 Liberty Blvd Box Elder, South Dakota 57719 United States
Email	GRIZZLY1@RUSHMORE.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-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.

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 did not have a valid locate ticket in there name at the site of the incident. There were locates that were done earlier for another contractor. Locates were visible near the incident location. Contractor thou they didn't have there own locate should have noticed the marks on the ground and should have stayed clear of utilities and maintain the 18" of separation. This was careless and reckless. Gas was blowing, 911 was called and so was the MDU, but 811 was not called.

Street Address / location of alleged violation:

649 Liberty Park Dr

City

Box Elder

State

SD

Date of alleged violation:

Oct 14, 2020

Time of alleged violation:

02:54 PM

Describe your allegation:

Contractor did not have a valid locate ticket in there name at the site of the incident. There were locates that were done earlier for another contractor. Locates were visible near the incident location. Contractor thou they didn't have there own locate should have noticed the marks on the ground and should have stayed clear of utilities and maintain the 18" of separation. This was careless and reckless. Gas was blowing, 911 was called and so was the MDU, but 811 was not called.

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

No

ticket before commencing excavation?

Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?

No

Explain

Even thou they didnt have there own locate ticket there still was locates visible onsite. If the contractor looking for them they would have noticed the utilities in the area.

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?

NA

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?

No

Type of facility involved:

3/4" (P) Gas Line

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:	Gas service line \$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?	No
Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?	No
If No, why not?	Contractor may not understand the rules or laws for digging. Along with this no damage ticket was generated since the contractor did call 811.
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.
