

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:	Darwin Toof
Phone	(605) 219-0044
Name or Company Name	Darwin Toof
Street Address or PO Box	1515 E ST PATRICK ST Rapid City, South Dakota 57703 United States
Email	darwintoof@midco.net
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:

Contractor was responding to and emergency sewer leak. The contractor did call in locates that were done on time and accurate. You can see in the background the gas meter and the locates on the ground where the damage occurred. Contractor was in a hurry to make the repair to the sewer. Gas was blowing, 811 was notified, 911 was not.

Street Address / location of alleged violation:

815 E New York St Lot 29

City

Rapid City

State

South Dakota

Date of alleged violation:

Oct 15, 2020

Time of alleged violation:

01:30 PM

Describe your allegation:

Contractor was in a hurry to make the sewer line repair when they clearly dug right through the gas line and locates.

Do you believe the alleged violation to be intentional?

No

Was a locate requested from SD One Call?

Yes

Locate ticket #:

2028924437

Start date on ticket:

Oct 15, 2020

Start time on ticket:

11:30 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 inches

No

between a marked facility and mechanical equipment?

Explain

Contractor was in a hurry to make the sewer line repair when they clearly dug right through the gas line and locates.

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?

No

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" (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? Private

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? Yes and 911 was not called

If Yes, but if 911 was not called, or if you don't know, explain why.

The contractor may not know they have to call 911 if there is an escape of gas.

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

Attachment Information

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