

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

IMPORTANT: This form is provided only as assistance in preparing responses to South Dakota One Call Complaints. 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.

<b>COMPLAINT DOCKET NUMBER:</b>	OC20-085
<b>Reply filed on behalf of (company name):</b>	RCS Construction, Inc.
<b>Contact Person:</b>	RC Scull
<b>Phone</b>	(605) 342-3787
<b>Name or Company Name:</b>	RCS Construction
<b>Street Address or PO Box</b>	PO Box 9337 Rapid City, South Dakota 57709 United States
<b>Email</b>	<a href="mailto:rc@rcsconst.com">rc@rcsconst.com</a>
<b>Date</b>	Nov 25, 2020
<b>Were you previously aware of these allegations?</b>	No
<b>Do you believe the statutes listed (if any) by the complainant were violated?</b>	No
<b>Do you dispute the alleged violation of SD One Call statute or rule occurred?</b>	Yes
<b>If yes, what specifically do you dispute?</b>	RCS disputes complaint OC20-085.
<p>We acknowledge that we hit the 2" poly gas line; however, after exposing the steel gas line by hand we thought we were in the clear. In our past experience, it is not uncommon to find 2" poly lines inside steel lines in Lead, SD. If records showed that a steel line had been abandoned, a new poly line had been installed, and then this information had been shared with us we would have continued potholing by hand until we found the poly line.</p>	
<b>Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?</b>	No

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

**If yes, please provide the ticket number and a copy of the locate ticket**  
2029025013. See attached.

**Locate ticket #** 2029025013

**Start date on ticket:** Oct 16, 2020

**Start time on ticket:** 08:09 AM

**Did excavation begin before the start date / time on the ticket?** No

**Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment?** Yes

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

**Were facilities marked?** Yes

**Was the marking complete prior to the start time on the ticket?** Yes

**Was the excavation site pre-marked with white paint?** No

**Was the facility marked accurately (within 18 inches)?** Yes

**Was there reasonable care to maintain locate marks for the life of project?** Yes

**Did the complainant correctly describe the type of facility involved?** Yes

**Provide detail:**

The gas main was located correctly by ELM. The problem was the steel main (not knowing it was abandoned) was above the gas main. RCS crews pot holed and found the steel main and believed we found the correct gas main. It is not uncommon to find two inch poly lines inside old steel gas lines in Lead, SD. We believe our crews did everything correctly and the complaint should be rejected. See attached pictures.

**Did the complainant correctly describe the damages that resulted from the alleged violation?** No

**Provide detail:**

Pot holing was completed and the steel line was confirmed. RCS did not know it was abandoned. It is our recommendation for future that 811 come up with a way for the facility providers to notify the contractors/excavators what type of material their active line is.

**Was the one-call notification center immediately notified of the damage, dislocation, or disturbance?** Yes

**Please provide a copy of the Damage Ticket**

See attached.

**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

**Did the complainant correctly describe the damages that resulted from the alleged violation?** Yes

**Were damages on public right of way or private property?** Public

**Did complainant correctly describe how operator service was affected?** Yes

**Provide detail:**

3 hours 16 customers

**Was anyone injured as a result of facility damage?** No

**Were there fatalities?** No

**Other information regarding injuries or damages:**

N/A

**Describe your plans and procedures to ensure compliance with SD One Call statutes and rules:**

See attached.

**Has a complaint been filed against you in the past for SD One Call violations?** Yes

**If yes, when was it filed?** Sep 22, 2020

**Please provide any additional information to support your position:**

See attached pictures showing steel line and new poly line in close proximity to each other. RCS did everything correctly. We had an active locate ticket and we pot holed and found a steel line (not knowing it was abandoned). We feel MDU or 811 should come up with a system to notify the excavators on what type of material the active line is.

**Attachment Information**

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