



**Know what's below.
Call before you dig.**



TO: STROMSETH CONSTRUCTION

FROM: SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

DATE: JULY 31, 2012

RE: NOTICE OF COMPLAINT; DEADLINE FOR ANSWER

In the Matter of the Complaint OC12-012 filed by Watertown Municipal Utilities against Stromseth Construction.

You are hereby notified that the enclosed complaint as referenced above has been filed with the South Dakota One Call Notification Board against Stromseth Construction. Pursuant to SDCL 49-7A-23 & SDCL 49-7A-24, you are required to answer this complaint in writing, no later than the close of business on August 20, 2012 by filing the original copy of the answer at the address listed below **and** by serving a copy on the complainant, **or** you may file your response electronically at <http://www.state.sd.us/puc/EFilingOptions.aspx>.

South Dakota One Call Notification Board
c/o Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501

Your answer should be as thorough and detailed as possible and should include any documentation that supports your position e.g. witness statements, pictures, etc. We would encourage you to specifically address the alleged violation referenced in the complaint.

Pursuant to SDCL 49-7A-22 a panel of Board members will make a determination of probable cause based on the complaint and associated response. If probable cause is determined, the panel may recommend penalties under SDCL 49-7A-18 or SDCL 49-19. If any financial penalties are assessed in response to Complaint OC12-012

the amount will be based on the factors noted in SDCL 49-7A-26 which are as follows:

1. The amount of damage
2. The degree of threat to the public safety, and
3. The public inconvenience caused;
4. The respondent's plans and procedures to insure future compliance with statute and rules;
5. Any history of previous violations;
6. Other matters as justice requires.

You may address any of these items in your response if you believe it would be of value to the Enforcement Panel when they consider this complaint.

Pursuant to SDCL 15-6-55, failure to answer this Complaint could result in a default judgment being issued against you. Appropriate liens and other legal collection actions could result. You are strongly urged to reply to this Notice in the time frame described above and to obtain the advice of counsel should you have any legal questions.

A copy of the Operations Manual for Facility Operators and Excavators, the South Dakota One Call Statute and associated Administrative Rules are available on our web site www.sdonecall.com.

Procedural questions may be directed to Larry Janes, Executive Director to the South Dakota One Call Notification Board, at 605-339-0529 or by email to exedir@sdonecall.com. I would request that you do not contact any members of the South Dakota One Call Notification Board to discuss this complaint. Since they may be involved in the Enforcement Panel review and/or a Chapter 1-26 hearing to resolve of the complaint, they have been advised by legal counsel to not discuss any pending complaint before the Board.

Enclosures: Copy of complaint
Operations Manual for Facility Operators and Excavators

cc: Watertown Municipal Utilities (via email)

ONE CALL COMPLAINT FORM
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, Sd 57501-5070

COMPLAINT

Allegation of Probable Violation(s) of South Dakota One Call Laws

Received On July 30, 2012 5:34 pm

I. ACTION REQUESTED BY:

COMPLAINT FILED BY: Company
PERSON FILING COMPLAINT: Todd Chambers
COMPANY: Watertown Municipal Utilities
ADDRESS: 901 4th Ave SW, Watertown SD 57201
PHONE NUMBER: (605) 882-6233
EMAIL: tchambers@watertownmu.com
DATE: July 30, 2012

ii. ACTION REQUESTED AGAINST:

NAME OF EXCAVATOR/FACILITY OPERATOR: Stromseth Construction
PHONE NUMBER: (605) 886-3893
ADDRESS: 113 11th Street NE Watertown SD 57201
WAS A LOCATED REQUESTED FROM SD ONE CALL? No
LOCATE TICKET#:
START DATE ON TICKET:
DID EXCAVATOR WAIT UNTIL THE START DATE/TIME ON THE TICKET BEFORE COMMENCING EXCAVATION? No
WERE BURIED FACILITIES EXPOSED BY HAND OR NON-INVASIVE EQUIPMENT PRIOR TO EXCAVATION? No

III. FACILITY INVOLVED (IF ANY)

TYPE OF FACILITY INVOLVED: 2" plastic gas line at 10psi
OPERATOR OF FACILITY: Watertown Utilities
OPERATOR ADDRESS: 901 4th Ave SW, Watertown SD 57201
PHONE NUMBER: (605) 882-6233
DEPTH OF COVER: 3 feet
PRESSURE: 10 psi
VOLTAGE: NA
NUMBER OF CABLE REPAIRS: NA

IV. MARKING

WERE FACILITIES MARKED? Yes

WAS THE MARKING COMPLETE PRIOR TO THE START TIME ON THE TICKET? N/A

DID EXCAVATOR PRE-MARK WITH WHITE PAINT? No

WAS THE FACILITY ACCURATELY MARKED (WITHIN 18 INCHES)? Yes

DID EXCAVATOR USE REASONABLE CARE TO MAINTAIN LOCATE MARKS FOR LIFE OF PROJECT? N/A

HAVE YOU DISCUSSED THE PREVIOUS STATEMENTS WITH THE OTHER PARTY? Yes

IS THERE AGREEMENT? Yes

IF NO, PLEASE EXPLAIN:

V. DAMAGE (IF ANY)

FATALITIES: 0

INJURIES: 0

LENGTH OF HOSPITALIZATION: 0

ESTIMATED PROPERTY DAMAGE: \$1,500.00

NUMBER OF CUSTOMERS AFFECTED: 1

DAMAGED IN: Private

PHOTOS OF THE DAMAGED FACILITY: Yes

ADDITIONAL INFORMATION: The damaged gas line was discovered by one of our Utility employees that happen to be going by and smelled the gas. The excavator operator, Albin Stromseth continued to work from the excavator even when the gas was blowing.

VI. PROBABLE VIOLATION

SPECIFIC STATUE(S) OR RULE(S) THAT WAS VIOLATED: 2 specific violations. 49-7A-5 no ticket requested. 20:25:03:05.03 not exposing facility in a manner that does not damage the underground facility. Any other violation under SDCL 49-7A.

ADDRESS/LOCATION OF PROBABLE VIOLATION: 11th street NE Watertown LATI school

DATE/TIME OF PROBABLE VIOLATION: July 28, 2012 10:00 am

HAVE YOU DISCUSSED THE PROBABLE VIOLATION WITH THE PARTY THE ACTION IS FILED AGAINST? True

IF YES, NAME THE PARTY WITH WHOM YOU DISCUSSED THE PROBABLE VIOLATION: Mark Stromseth

DESCRIPTION OF PROBABLE VIOLATION: I believe there are two specific violations. 1) digging without a ticket in company name 2)not exposing facility in a manner that does not damage facility.

Eventhough there was not a ticket requested by Stromseth the line was clearly marked from a ticket requested by Gray Construction ticket #122060678.

We discovered that Stromseth did not have a ticket request so i called their office monday morning July 30 and shortly after they did get a Routine ticket requested. However, they continued excavating Saturday after the hit gas line and the following day Sunday and even after I called them and told them they didn't have a ticket on Monday.

Stromseth Construction has previously had violations OC10-010 and OC07-001.

The threat to public safety was elevated because the excavation work continued near the blowing gas line, a nearby road running by the school. The authorities shut down the street for that block in either direction to prevent accidental ignition and keep a safe distance.

No attempt was made to expose the gas line by using non-invasive methods. The excavator only used the excavator bucket to find and damage the gas line.







Flag showing
gas line
locate

Yellow mark
showing gas
line locate



Ticket Information

SOUTH DAKOTA ONE CALL SEQUENCE NUMBER 295 CDC = SD811

TYPE: *** R O U T I N E ***

TRANSMIT: 07/17/12 AT: 1050

PREPARED: 17-JUL-12 TIME: 1047 BY: ANNA M

TICKET NO.: 121990295

OPERATORS NOTIFIED:
MWT=/KNOLGY / SDN=/SDN COMMUNIC.../ TC2=/MIDCONTINENT.../
UW9=/CENTURYLINK / WAT=/WATERTOWN MU.../

EXCAVATOR INFORMATION:

CALLER: JUDY LANGENDORFER PHONE: (605) 886-3102

EXCAVATOR: GRAY CONSTRUCTION CO
ADDRESS: 180 2ND ST NE
CITY: WATERTOWN, SD 57201
PHONE: 605-886-3102 FAX: 605-886-7139
EMAIL: JUDY@GRAYCONSTRUCT.COMCONTACT: JUDY LANGENDORFER PHONE: 605-886-3102
ALT. CONTACT: PHONE: 605-881-3942

LOCATION INFORMATION:

COUNTY: CODINGTON CITY/VILLAGE: ELMIRA

MAP REF: 44532097056A GRIDS: 68
EXC. SITE ADDRESS: 230 11TH ST NE
NEAREST INTERSECTION: N ARROW AVE
TYPE OF WORK : CONSTRUCTION FENCING
WORK BEING DONE FOR: WTN SCHOOL DISTRICT
DEPTH: 03 FEET EXPLOSIVES: N TUNNEL/BORE: N
START DATE: 07/19/12 TIME: 1100 DURATION: 7 DAYS
MEETING REQUIRED: N BEST TIME TO CONTACT: 0800 - 1600
EXC. SITE (MARKING INSTR.): R.O.W.: Y TRSQ:

GPS LAT/LONG:

REMARKS AND DRIVING DIRECTIONS:

TRSQ: 117N 52W 32 SE

FROM INTERSECTION OF ARROW AVE NORTH & 11TH ST NE MARK AREA EAST
AND SOUTH TO EXISTING BUILDINGS ALTERNATE CONTACT NAME: CHRIS.
MILLER

ORIGINAL FILE: ./KOR_201207170077.XML

EXPIRES ON: 8/9/2012 11:00:53 AM

END TICKET

This is the Ticket that
generated the original
marks.

Ticket Information

SOUTH DAKOTA ONE CALL SEQUENCE NUMBER 310 CDC = SD811

TYPE: *** R O U T I N E ***

TRANSMIT: 07/30/12 AT: 1123

PREPARED: 30-JUL-12 TIME: 1111 BY: ANTHONY L

TICKET NO.: 122120311

OPERATORS NOTIFIED:

MWT=/KNOLOGY / SDW=/SDW COMMUNIC.../ TC2=/MIDCONTINENT.../
UW9=/CENTURYLINK / WAT=/WATERTOWN NU.../

EXCAVATOR INFORMATION:

CALLER: MARK STROMSETH PHONE: (605) 886-3893

EXCAVATOR: STROMSETH CONSTRUCTION
ADDRESS: 113 11TH ST NE, TRAILER #3
CITY: WATERTOWN, SD 57201
PHONE: 605-886-3893 FAX: 605-753-0658
EMAIL: MARKSTROMSETHCONSTRUCTION.COMCONTACT: MARK STROMSETH PHONE: 605-237-2450
ALT. CONTACT: PHONE: 605-886-3893

LOCATION INFORMATION:

COUNTY: CODINGTON CITY/VILLAGE: WATERTOWN

MAP REF: 44538097056A GRIDS: 9
ECC. SITE ADDRESS: 0 11TH ST NE
NEAREST INTERSECTION: ARROW AVE NE
TYPE OF WORK : DEMO/PARKING LOT
WORK BEING DONE FOR: LAKE AREA VOLTECH
DEPTH: 06 FEET EXPLOSIVES: N TUNNEL/BORE: N
START DATE: 08/01/12 TIME: 1115 DURATION: 6 MONTH
MEETING REQUIRED: N BEST TIME TO CONTACT: 0800 - 1700
ECC. SITE (MARKING INSTR.): R.O.W.: Y TRSQ:
GPS LAT/LONG:
REMARKS AND DRIVING DIRECTIONS:
WORKING ON THE SE CORNER OF INTER AT 11TH ST NE AND ARROW AVE NE
LOCATE GOING N 200~ AND GO S 300~
EXPIRES ON: 8/22/2012 11:15:19 AM

END TICKET

Ticket that was called in after
two days of excavation.