

1. COMPLAINT DOCKET NUMBER: OC16-005

2. RESPONDENT INFORMATION

Reply filed on behalf of (company name):Jim Meyer Construction

Contact Person: Jim Meier

Phone: (605) 342-7696

Ext: None

Address or PO Box: PO Box 366

Rapid City , South Dakota 57701

United States

Fax:

Email: meier2004@aol.com

Date: Jun 10, 2016

Were you previously aware of these allegations?: No

Provide detail including whom you spoke with: Kip said Blum may file.

3. BASIC FACTS

Do you dispute the alleged violation of SD One Call statute or rule occurred?: No

If yes, what specifically do you dispute?:

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?: Yes

If yes, please explain: This is high pressure gas, if it had been located properly I wouldn't have been anywhere near it. Our company had locates done 3 other times as well, with flags requested because of weather. Davis engineering also had locates to draw up plans in which it wasn't located correctly or the retention pond wouldn't been drawn up for this location. Each time they located it, it was mismarked. My pictures clearly show this. I wouldn't intentionally subject myself nor my crew to harm by even being close to such a high risk of injury or death.

4. EXCAVATION / LOCATE INFORMATION: if applicable

Was a locate requested from SD One Call?: Yes

Locate ticket #: 1601177896

Start date on ticket: Jan 11, 2016

Start time on ticket: 03:25 PM

IMPORTANT: IF A LOCATE TICKET IS TO BE CONSIDERED AS EVIDENCE, A COPY OF THE LOCATE TICKET MUST BE ATTACHED WHEN SUBMITTING THIS FORM.

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?: NA

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

Were facilities marked?: No

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)?: No

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

If not, provide detail:

5. DAMAGES: (Please provide pictures)

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

If no, provide detail:

Were damages on public right of way or private property?: Private

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

If no, provide detail:

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

If yes, provide detail:

Length of hospitalization:

Were there fatalities?: No

If yes, provide detail:

Other information regarding injuries or damages:

6. STATUTORY VIOLATION (if known):

Do you believe the statutes listed (if any) by the complainant were violated?: Yes

Why or why not?: I was in excess of 21 days. 20:25:03:05.01.

7. FUTURE COMPLIANCE:

Describe your plans and procedures to ensure compliance with SD One Call statutes and rules: We have had 3 company safety meetings in regards to locates. We are now setting a notification on our smart phones to alert us 3 days prior to tickets expiring. We are refining terminology used when requesting locates. I'm also wanting to meet with onecall rep to discuss possibility of them sending email or text or both 3 days prior to ticket expiring to see if contractor wishes to keep locates active/remark for another 21 days until they don't need them.

8. PAST VIOLATIONS:

Has a complaint been filed against you in the past for SD One Call violations?: No

If yes, when was it filed?:

9. OTHER INFORMATION:

Please provide any additional information to support your position: After my locates were valid I moved my erosion control waddels to create what I thought was a safe zone to work, leaving them at the edge of the easement set aside for MDU. I began shuffling about the large rocks & dirt left from placement of building to create a retention pond, it was then that I found a large gas line 2/15/2016. It wasn't leaking so I called MDU. Kip came out 2/16/2016. He (Kip) told me it didn't show up on his prints it must be an abandon. he (Kip) said he would research it further. He later told me it was live. We again called locates, this time a different gentlemen came out and actually marked lines. He said this line puts off a completely different signal than the wbi line and that his coworker that messed this up was untrained and didn't know what he was doing. He also stated they take pictures of all their located utilities. But they would not respond to me when I asked if they would share them with me. Kip from MDU was going to email photos. He later called and said Blum told him he wasn't allowed to share anything on the matter and he took a ton of photos. MDU is all Puffed up at me, our building is 29ft away from this line. We had no idea the line only had 20 inches of cover. With a line of this magnitude one would think MDU might have a little more concern of who is by it and how close they are. We paid MDU almost \$8,000 for the repair. As quick as we were given a bill on it, I cant help but think they (MDU) also share some of the load. I have been excavating in Western South Dakota for 30+ years with a very clean record.

LOCATE TICKETS, PHOTOS, WITNESS STATEMENTS AND ANY OTHER DOCUMENTATION TO SUPPORT YOUR ARGUMENT MUST BE ATTACHED WHEN SUBMITTING THIS FORM.

Attachment #1

[Mdu \(2\).docx](#)

Attachment #2

[IMG_0477 \(1\) Send This.jpg](#)

Attachment #3

[6.10.16 This One .png](#)

2016-06-10 16:21:47