

Review Your Entry

Please review your entry below. To print document, right click and choose Print. Click Submit button to finish.

**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:	Elliot Construction Inc.
Contact Person:	Keith Toczek
Phone	(605) 660-1497
Name or Company Name	Elliot Construction Inc.
Street Address or PO Box	263 Kniest Ave Yankton, South Dakota 57078 United States
Fax	605-665-2542
Email	eci101@vyn.midco.net
Date	Sep 07, 2022
Name of excavator / facility operator:	Lake Madison Sanitary District
Phone	(605) 256-4428
Name or Company Name	Lake Madison Sanitary District
Street Address or PO Box	23493 457th Ave Madison, South Dakota 57042 United States
Email	sjohnson101@vastbb.net
Is this party aware of your	Yes

allegations?

Provide detail including whom you spoke with:

See attached package of documents

ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:

49-7A-8 Location of underground facilities-marking

Other information to support your position:

See attached package of documents

Street Address / location of alleged violation:

6606 Peninsula Point

City

Lake Madison

State

SD

Date of alleged violation:

Jun 04, 2021

Time of alleged violation:

07:00 AM

Describe your allegation:

Lake Madison Sanitary failed to mark sewer services as required.

Do you believe the alleged violation to be intentional?

Yes

Why or why not?

They claimed they were not responsible for marking sewer services 13 years after the SD Attorney General's opinion (2008) stating that operator's were required to locate sewer services to homes. They have had sufficient time to become aware of the rules governing their operation.

Was a locate requested from SD One Call?

Yes

Locate ticket #:

2115318658

Start date on ticket:

Jun 04, 2021

Start time on ticket:

07:00 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 between a marked facility and mechanical equipment?

Yes

Explain

We hydro vacuumed and exposed all marked utility facilities. Sewer mains were marked. Sewer services were not marked. Lake Madison said they were not responsible for marking services.

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

Yes

Were facilities marked?

Yes

All others were marked and sewer main line in street was marked.

No sewer services were marked.

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

Yes

Did the excavator pre-mark with

Yes

white paint?

Was the facility marked accurately (within 18 inches)?

No

Did the excavator use reasonable care to maintain locate marks for the life of project?

Yes

Type of facility involved:

sewer service

Operator of facility (if known):

Lake Madison Sanitary District

Operator address (Street or PO Box):

23493 457th Ave
Madison, 57042
United States

Operator Phone

(605) 256-4428

Depth of Cover (If unsure put N/A)

N/A

Pressure: (If none, write none)

None

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:

Sewer was damaged while directional boring under yard and driveway. Repairs cost \$3,345.12.

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?

Damage was not discovered until June 7, 2022, 1 year after construction.

Was the operator of the facility immediately notified of the damage, dislocation, or disturbance?

No

If No, why not?

Damage was not discovered until June 7, 2022, 1 year after construction.

Was there an escape of any flammable, toxic, or corrosive gas or liquid?

No

Please provide a Fire Department or Emergency Services incident report, if available

Not Available

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