

**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](mailto:marcus.christensen@mdu.com)**Date**

Aug 13, 2020

**Name of excavator / facility operator:**

Lind-EXCO Inc

**Phone**

(605) 348-6115

**Name or Company Name**

Lind-EXCO Inc

**Street Address or PO Box**1641 Deadwood Ave  
Rapid City, South Dakota 57702  
United States**Email**[mandi@lindexco.com](mailto:mandi@lindexco.com)**Is this party aware of your allegations?**

No

**ALL SPECIFIC STATUTES AND ADMINISTRATIVE RULES MUST BE STATED:**

49-7A-5. Notification of proposed excavation.

No excavator may begin any excavation without first notifying the one-call notification center of the proposed excavation. The excavator shall give notice by telephone or by other methods approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state. The board may promulgate rules to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

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.

**Other information to support your position:**

On August 4th the contractor Linda Exco dug into a Montana Dakota Utilities 3" plastic gas main with a mini excavator. Gas was blowing, 911 and 811 were both notified. A bypass had to be put in by MDU for the repairs. All the locate markings were gone due to construction and weather and a respot should have been called in by the contractor. The contractor knew this line was there and the gas crossing just behind this damage was marked that they didn't wipe out all the way. The contractor did not have a valid locate ticket for this area. The damage ticket was submitted under an expired locate ticket.

<b>Street Address / location of alleged violation:</b>	0 Flormann St
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<b>City</b>	Rapid City
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<b>State</b>	SD
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<b>Date of alleged violation:</b>	Aug 04, 2020
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<b>Time of alleged violation:</b>	08:02 PM
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**Describe your allegation:**

On August 4th the contractor Linda Exco dug into a Montana Dakota Utilities 3" plastic gas main with a mini excavator. Gas was blowing, 911 and 811 were both notified. A bypass had to be put in by MDU for the repairs. All the locate markings were gone due to construction and weather and a respot should have been called in by the contractor. The contractor knew this line was there and the gas crossing just behind this damage was marked that they didn't wipe out all the way. The contractor did not have a valid locate ticket for this area. The damage ticket was submitted under an expired locate ticket.

<b>Do you believe the alleged violation to be intentional?</b>	No
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<b>Was a locate requested from SD One Call?</b>	No
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<b>Did the excavator wait until the start date / time on the ticket before commencing excavation?</b>	No
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<b>Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?</b>	No
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**Explain**

Hit the 3" main with their excavator

<b>Were buried facilities exposed by hand or non-invasive equipment prior to excavation?</b>	No
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<b>Were facilities marked?</b>	No
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<b>Was the marking complete prior to the start time on the ticket?</b>	NA
<b>Did the excavator pre-mark with white paint?</b>	NA
<b>Was the facility marked accurately (within 18 inches)?</b>	NA
<b>Did the excavator use reasonable care to maintain locate marks for the life of project?</b>	No
<b>Type of facility involved:</b>	3" Gas Main
<b>Operator of facility (if known):</b>	Montana Dakota Utilities
<b>Operator address (Street or PO Box):</b>	Po Box 1060 Rapid City, South Dakota 57709 United States
<b>Operator Phone</b>	(605) 355-4035
<b>Depth of Cover (If unsure put N/A)</b>	~24"
<b>Pressure: (If none, write none)</b>	50 psig
<b>Voltage: (If none, write none)</b>	None
<b># of cable pairs: (If none, write none)</b>	None
<b>Was the facility damaged?</b>	Yes
<b>If yes, provide detail and an estimate of damage:</b>	3" gas main after hours, \$2000
<b>Were damages on public right of way or private property?</b>	Public
<b>Was anyone injured as a result of facility damage?</b>	No
<b>Were there fatalities?</b>	No

**Was operator service affected?**

No

**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 contacted by an Excavator

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

Not Available

**Attachment Information**

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