

**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.

COMPLAINT DOCKET NUMBER:	OC20-053
Reply filed on behalf of (company name):	LIND EXCO, INC
Contact Person:	MANDI SCHMIERER
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
Date	Sep 09, 2020
Were you previously aware of these allegations?	No
Do you believe the statutes listed (if any) by the complainant were violated?	No
Why or why not?	We were operating under an active locate ticket. The marks for the gas line were in the pan and behind the curb. The first time the gas line was located the marks were behind the curb. The second locate the marks were in the pan and behind the curb. Due to the location of the marks, we didn't believe the gas was were it was struck at in the street.
Do you dispute the alleged violation of SD One Call statute or rule occurred?	Yes
If yes, what specifically do you dispute?	49-7A-5. A locate ticket was called in
Do you dispute the complainant's statements regarding the intentional or	No

unintentional nature of the alleged violation?

Was a locate requested from SD One Call?

Yes

If yes, please provide the ticket number and a copy of the locate ticket
2020466058

Locate ticket #

2020466058

Start date on ticket:

Jul 24, 2020

Start time on ticket:

02:30 PM

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?

No

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:

3" gas main

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

Provide detail:

3" plastic gas main was hit.

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

Please provide a copy of the Damage Ticket

2021774694

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:

no services were affected.

Was anyone injured as a result of facility damage? No

Were there fatalities? No

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

We will continue to pothole for utilities, hand dig within 18" of utilities and operate with active locate tickets. There will be a safety meeting next month with all employees to address this complaint and hit.

Has a complaint been filed against you in the past for SD One Call violations? Yes, I don't recall the date

Please provide any additional information to support your position:

Due to the marks on the ground being in the curb and behind the curb and we dug through this same spot the first time and didn't see the gas line, we didn't think it was located in the area that it was struck.

Attachment Information

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