

Formstack Submission For: **South Dakota One Call Reply Form**

Submitted at 12/08/23 5:27 PM

**Complaint Docket
Number:**

OC23-006

**Reply filed on behalf of
(company name):**

Black River Contracting

Contact Person:

Samuel Crittenden

Phone Number:

(605) 391-1109

Ext:

**Name or Company
Name:**

Black River Contracting

**Street Address or PO
Box:**

623 Dakota Dr.
Rapid city, SD 57702

Fax:

Email:

sam@blackrivercontracting.net

Date:

Dec 08, 2023

**Were you previously
aware of these
allegations?:**

Yes

**Provide detail including
whom you spoke with.:**

We spoke with Mike Hampton. He did tell us that he would be filing a report with One Call.

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

Yes

Why or why not?:

We did begin work before calling 811 or filing electronically.

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.:

The complaint filed against us seems to imply it was an intentional violation where in reality it was an oversight.

Was a locate requested from SD One Call?:

No

Locate ticket #:

Start date on ticket:

Start time on ticket:

Copy of the locate ticket:

If no, please explain why no locate request was made.:

Our start date began well before we expected it to. We were stripping topsoil at the time and did not consciously think of what we were doing as excavating. We don't mean to imply that we were correct in that thinking, because we realize that excavating/grading to any depth requires a 811 call, merely an explanation as to why we made that mistake.

Did excavation begin before the start date / time on the ticket?:	N/A
Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? :	N/A
Were buried facilities exposed by hand or non-invasive equipment prior to excavation? :	N/A
Were facilities marked? :	N/A
Was the marking complete prior to the start time on the ticket?:	Not Sure
Was the excavation site pre-marked with white paint?:	N/A
Was the facility marked accurately (within 18 inches)?:	N/A
Was there reasonable care to maintain locate marks for the life of project?:	N/A
Did the complainant correctly describe the type of facility involved?:	Yes

Provide details:

Yes, the adjacent facility was a pipeline owned by Magellan Midstream Partners, LP. It may be somewhere in the report, but I didn't see details on our proximity to the pipeline, which we were working approximately 600 feet from.

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

Yes

Provide details:

N/A there were no damages.

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

No

File:

If No, why not?:

This was a complaint filed against us rather than us reporting of damages or the like.

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

No

If No, why not?:

There was no damage.

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

No

If Yes, but if 911 was not called, or if you don't know, explain why.:

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

Yes

If no, provide details.:

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

Private

Did complainant correctly describe how operator service was affected?:

No

Provide Details:

Their service was not affected. N/A

Was anyone injured as a result of facility damage?:

No

If yes, provide details.:

Length of hospitalization:

Were there fatalities?:

No

If yes, provide details.:

Other information regarding injuries or damages:

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

We have implemented a notification system that lists our ongoing and future projects to remind us to call in dig permits before start dates and before lapses in ongoing projects.

Has a complaint been filed against you in the past for SD One Call violations?:

No

If yes, when was it filed?:

Please provide any additional information to support your position.:

We did not intentionally disregard law regarding dig permits, we made a mistake. We are a new company where the owners (myself and Ethan Peterson) still spend a fair amount of time in the field working and therefore we didn't yet have any full-time office employees to keep track of dig permits. We realized that error and the importance of filing dig permits when needed which is why we implemented the in-house notification system described in the answer to question #7.

It is also for that same reason I just learned of the need for the required response to this complaint. I ask that you don't let my tardiness on this response affect your decision.

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