

Formstack Submission For: [South Dakota One Call Complaint Form](#)

Submitted at 09/06/23 9:34 AM

Complaint filed on behalf of or by:	Montana Dakota Utilities
Contact Person:	Toby Bordewyk
Phone Number:	(605) 355-4054
Ext:	
Name or Company Name:	Montana Dakota Utility
Street Address or PO Box:	718 Steele Avenue Rapid City, SD 57701
Fax:	
Email:	toby.bordewyk@mdu.com
Date:	Sep 01, 2023
Name of excavator / facility operator:	Underground Construction/ Corey Osborn
Phone:	(605) 416-1005
Ext:	
Name or Company Name:	Underground Construction
Street Address or PO Box:	22418 Dyess Ave Rapid City, SD 57701

Fax:

Email:

COREY@UNDERGROUNDCONSTLLC.COM

Is this party aware of your allegations?:

Yes

The South Dakota One Call Board expects communication to occur between both parties before filing complaints. Please provide details of who you spoke with, including the date and time, and what was discussed.:

August 24, 2023, at 8AM Jamie Overby, Jeremy Lowe, and Clayton Kornegay met on site with Corey Osborn and his crew to discuss pipeline integrity and damage reporting. The City of Rapid engineer, surveyor, and inspector also attended.

Topics discussed included but not limited too:

1. Timely reporting of damages, even if there is not an obvious leak.
2. Proper reporting : 911, 1800-MDU-FAST, and 811
3. LEL/UEL, gas migration and the potential for loss of life and property
4. Federal regulation : PHMSA, OSHA, and PUC/811

One of the issues MDU had discovered was a missing black cap on a tap tee and with the assistance of MDU construction crew we on a service that was repaired this morning, were able to give a live demonstration how without the black cap on the tap tee it will leak and overtime if not repaired had the potential for gas migration and explosion. This meeting was well received, and my hope is that it had positive impact.

Statutory Violations:

49-7A-8. Location of underground facilities--Marking

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:

Damage Ticket # 2323544545 and damage ticket # 2323544674

Street Address / location of alleged violation:

1213 1/2 Quincy Street and 1214 Quincy Street
Rapid City, SD

Date of alleged violation:

Aug 23, 2023

Time of alleged violation:

08:17 AM

Describe your allegation:

Underground Construction was using equipment within the 18" safe dig zone damaging a 3/4" plastic service causing a release of gas, EFV activated, 811 was notified and 911 was not. Also, while investigating this damage, 2in plastic gas main was exposed and at some point contractor broke the sealing cap off the top of the T where the service comes off the main. This was discovered by MDU while at another damage ticket. This damage was not reported until MDU saw it on site.

Do you believe the alleged violation to be intentional?:

Yes

Why or why not?:

This is the 10th and 11th damage to MDU facilities reported by Underground Construction in 2023. This record of damaging gas lines by not excavating in a safe and prudent manner is reflective of intentions.

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2323342894

Start Date on Ticket:

Aug 23, 2023

Start time on ticket:

09:30 AM

Did the excavator wait until the start date / time on the ticket before commencing excavation?:	Not Sure
If no or not sure, when did excavation begin (date)?:	Aug 23, 2023
If no or not sure, when did excavation begin (time)?:	
Did the excavator maintain a minimum horizontal clearance of 18 inches between a marked facility and mechanical equipment?:	No
Explain:	Locator markings were within the 18" tolerance zone, damage was reported to MDU on 8/23/23 at 9:48 am. Investigation form is attached.
Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:	N/A
Were facilities marked?:	Yes
Was the marking complete prior to the start time on the ticket?:	Yes
Did the excavator pre-mark with white paint?:	N/A
Was the facility marked accurately (within 18 inches)?:	Yes

Did the excavator use reasonable care to maintain locate marks for the life of project?:	N/A
Type of facility involved:	gas line
Operator of facility (if known):	Montana Dakota Utilities
Operator address (Street or PO Box):	718 Steele Avenue Rapid City, SD 57701
Operator Phone:	(605) 355-4054
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.:	3/4" gas line
Were damages on public right of way or private property?:	Public
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.:

Was operator service affected? : Yes

If yes, provide detail (how many customers for how long).: One customer for one hour

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

If No, why not?:

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

If No, why not?:

Was there an escape of any flammable, toxic, or corrosive gas or liquid?: Yes and 911 was not called

If Yes, but if 911 was not called, or if you don't know, explain why.: Contractor did not contact 911, EFV valve activated stopping flow of gas.

Please provide a Fire Department or Emergency Not Available

Services incident report, if available :

Attachment:

Attachment Information:
File names should not include symbols. Example: (\$, &, *, %,) etc. If submitting multiple files, please zip all files into one folder.:

[View File](#)