

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

Submitted at 10/20/23 11:39 AM

Complaint filed on behalf of or by:

Montana Dakota Utilities

Contact Person:

Melissa Hansen

Phone Number:

(701) 389-4075

Ext:

Name or Company Name:

Montana Dakota Utilities

Street Address or PO Box:

401 Main
Mobridge, SD 57601

Fax:

Email:

melissa.hansen@mdu.com

Date:

Oct 20, 2023

Name of excavator / facility operator:

Blackburn Foundation Repair/Ryan Jones

Phone:

(800) 392-3389

Ext:

Name or Company Name:

Blackburn Foundation Repair

Street Address or PO Box:

2101 293rd Ave
Pierre, SD 57501

Fax:

Email:

e.pearson@blackburnbasementrepair.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.:

Don Bohle, Supervisor, Field Operations II - Gas - Mobridge District, spoke with Ryan Jones, foreman on site, on 10/04/23. Don Bohle found that the contractor did not pothole or call for a re-spot prior to excavation and failed to maintain clearance. More details to follow in explanations below.

Statutory Violations:

1. Blackburn Foundation Repair did not verify locate marks by potholing.
2. The lawn was mowed the night prior to excavation and the locate flags were removed.
3. Paint marks were still visible, but not as vibrant because the lawn was mowed.
4. Blackburn Foundation Repair did not call for a re-spot.
5. Blackburn Foundation Repair did not maintain clearance.

Other information to support your position:

1. Blackburn Foundation Repair had dug around the riser. Don Bohle pointed this out to them and told them they should have known there was a gas line here because of this. The contractor stated that they thought it ran at a 90-degree angle. Stated "Oh, we thought it went out 90 degrees."
2. The holes were approximately 5 ft deep
3. Blackburn Foundation Repair has had a prior incident in June 2015 in Gettysburg, SD, when they hit a gas line performing the same type of work. The home filled with gas and it exploded.

Street Address / location of alleged violation:	110 E Scranton St Selby, SD
Date of alleged violation:	Oct 04, 2023
Time of alleged violation:	12:00 PM
Describe your allegation:	<p>Blackburn Foundation Repair did not pothole to verify locate marks prior to excavation. Prior to Blackburn beginning their work, the lawn was mowed the night before and flags removed. This was witnessed by 2 neighbors. Don Bohle noted the flags laying on a rock in the work area. The area was marked with yellow paint, but because the lawn was mowed the night prior, the paint marks were not as vibrant. The contractor dug around the riser. Don pointed this out to them and told them they should have known there was a gas line there because of this. The contractor stated that they thought it ran at a 90-degree angle. The contractor stated "Oh, we thought it went out 90 degrees." They were digging 5 ft deep.</p>
Do you believe the alleged violation to be intentional?:	Yes
Why or why not?:	<p>Because of the June 2015 incident in Gettysburg, SD, Blackburn Foundation Repair is aware of the potential consequences of unsafe excavation practices. On 10/04/23 Blackburn did not pothole to verify locate marks prior to beginning their work. Flags had been removed the night prior to excavation when the lawn was mowed and the locate area marked with yellow paint was not as vibrant because the lawn was mowed. Blackburn dug around the riser and assumed the location of the gas line by stating "We thought it went out 90 degrees." Blackburn failed to maintain clearance during excavation. Per Don Bohle "The contractor did state there weren't any paint marks and I advised him it was up to the contractor to maintain</p>

the locates and that flags aren't required to be install but we do install flags and that our techs did state you could see the marks just not as well. They did dig up the riser when they dug the wall out along the house so they did know there was a gas line in the area I advised him if they would have called in for a re-spot, we would have had someone on site quickly."

Was a locate requested from SD One Call?:

Yes

Locate ticket #:

2326866491

Start Date on Ticket:

Sep 27, 2023

Start time on ticket:

12:30 PM

Did the excavator wait until the start date / time on the ticket before commencing excavation?:

Yes

If no or not sure, when did excavation begin (date)?:

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:

Blackburn Foundation Repair hit MDU's natural gas line without potholing.

Were buried facilities exposed by hand or non-invasive equipment prior to excavation?:	No
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?:	No
Was the facility marked accurately (within 18 inches)?:	Yes
Did the excavator use reasonable care to maintain locate marks for the life of project?:	No
Type of facility involved:	3/4" plastic natural gas pipe line
Operator of facility (if known):	Montana Dakota Utilities
Operator address (Street or PO Box):	401 Main Mobridge, SD 57601
Operator Phone:	(605) 667-6033
Depth of Cover (If unsure put N/A):	Minimum of 18"
Pressure (If none, write none):	40 psi

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.:	The repair to the damage of this gas line included labor, equipment, materials, and gas loss totaling \$2,326.02.
Were damages on public right of way or private property?:	Private
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).:	The damage affected 1 customer, time of interruption 48 hours.
Was the one-call notification center immediately notified of	Yes

the damage, dislocation, or disturbance?:	
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 contacted by an Operator
If Yes, but if 911 was not called, or if you don't know, explain why.:	
Please provide a Fire Department or Emergency Services incident report, if available :	Not 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

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