

Rcvd 5/15/24
USPS

South Dakota One Call Reply Form

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.

1. Action Requested By (Complaint Docket Number):

Complaint Docket Number* 0024-011

2. Respondent Information

Reply filed on behalf of (company name)*
Quality Real Estate, Inc.

Contact Person* Steve Simunek

First Name Last Name

Phone Number* 605-890-4162

Ext

N/A

Name or Company Name* Quality Real Estate, Inc.

Street Address or PO Box* 27535 S. Buffalo Gap RD
Oral, SD 57766

Address Line 1

Address Line 2

City

State



ZIP Code

Fax

[Redacted]

Email* csimunek@hotmail.com

Date* 05/13/2024

Were you previously aware of these allegations?*

Yes No Not Sure

3. Statutory Violations (if known): N/A

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

Yes No

Why or why not?

Stripping topsoil less than 12"

4. Basic Facts

Do you dispute the alleged violation of SD One Call statute or rule occurred?*

Yes No

Do you dispute the complainant's statements regarding the intentional or unintentional nature of the alleged violation?*

Yes No

5. Excavation / Locate Information (if applicable): Shortly after purchasing property one call was done because of ongoing mining by Scull Const. on property

Was a locate requested from SD One Call?*

Yes No # 2021874958 # 2410943917 was done before any further excavation after topsoil removal

Did excavation begin before the start date / time on the ticket?*

Yes No N/A other than topsoil

Was a minimum horizontal clearance of 18 inches maintained between a marked facility and mechanical equipment? *

Yes No N/A

Were buried facilities exposed by hand or non-invasive equipment prior to excavation? *

Yes No N/A

Were facilities marked? *

Yes No N/A

Was the marking complete prior to the start time on the ticket? *

Yes No Not Sure

Was the excavation site pre-marked with white paint? *

Yes No N/A

Was the facility marked accurately (within 18 inches)? *

Yes No N/A

Was there reasonable care to maintain locate marks for the life of project? *

Yes No N/A

Did the complainant correctly describe the type of facility involved? *

Yes No

Provide details* one call was completed on our property shortly after purchase. As Scull construction had an ongoing mining operation located there. One call showed no utilities on our property. Magellan Pipeline is not located on our property. Our excavation was less than 12 inches to remove topsoil which was stockpiled on the west boundary of our property. This large stockpile ~15 Ft in height is from 2 acres being stripped of topsoil. Most previous one call completed before any further excavation

6. Damages: (Please provide pictures)

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

Yes No no damages

Provide details*

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

Yes No *N/A*

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

Yes No *N/A*

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

No
 Yes and 911 was not called
 Yes and 911 was contacted by an Excavator *N/A*
 Yes and 911 was contacted by an Operator

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

Yes No *N/A*

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

Public Private *N/A*

Did complainant correctly describe how operator service was affected?*

Yes No *N/A*

Provide Details*

Nothing was damaged or disturbed

Was anyone injured as a result of facility damage?*

Yes No *N/A*

Were there fatalities?*

Yes No *N/A*

Other information regarding injuries or damages

No damage or disturbance

7. Future Compliance:

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

8. Past Violations: none

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

Yes No Yes, I don't recall the date

9. Other Information

Please provide any additional information to support your position.

We are aware of the initial requirement of a one call for mining operations. However we are not certain of requirement for ongoing locates on a property that has been stated as clear of all utilities.

Important: If a locate ticket and a damage ticket are to be considered as evidence, a copy of the locate and damage ticket must be attached when submitting this form.