

Crockford, Konrad S.

From: Steve Braden <sbraden@badlandscontracting.com>
Sent: Thursday, August 17, 2023 16:26
To: Crockford, Konrad S.
Subject: Public Service Commission State of ND One-Call Complaint by Oneok 7.7.23
Attachments: Public Service Commission State of ND One-Call Complaint by Oneok 7.7.23.pdf; PSC ONE CALL # 23067289 Response.pdf

You don't often get email from sbraden@badlandscontracting.com. [Learn why this is important](#)

******* CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *********

Good Afternoon Mr. Crockford, per our conversation please find attached the response to the complaint. As we discussed within the complaint it states to send this to the Executive Secretary and you agreed to receive this via email and would acknowledge receipt. We are looking forward to your response and should you have any additional questions please do not hesitate to contact me.

Sincerely

Steven Braden
HSE Manager

701 570 2271

Email: sbraden@badlandscontracting.com

Badlands
CONTRACTING, LLC

August 17, 2023

Executive Secretary
600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

Badlands
CONTRACTING, LLC

Re: Response to One-Call Excavation Notice System – One Call # 23067289

Dear Executive Secretary:

Per the letter of complaint against Badlands Contracting, LLC received by the North Dakota Public Service Commission on July 7, 2023 from ONEOK Rockies Midstream, Tulsa, Oklahoma, Case Number DM-23-263, per location identified is 47.3289, -102.9082.

Badlands Contracting, LLC acknowledges that Badlands Contracting field personnel commenced digging operations prior to the One Call locate being cleared. Our policy is not to begin digging operations until the One Call has been cleared, any action regarding scratching the earth prior to the One Call clearing is strictly forbidden. Our policy has been very successful as Badlands Contracting have cleared 200+ One Calls since 2021 without incident. This letter will address the issues regarding this complaint.

This One Call ticket for repair of an Elkan water leak was called in on 07/03/23 at 4:31PM with work scheduled to begin on 07/07/2023, scheduled a day later than normal due to the 4th of July holiday. This One Call which unfortunately was not directed to the correct Project Manager, due to the defaulted company contact on the ticket. Jim Dobbyn's was contacted as Project Manager when in fact it should've been John Emerson. Mr. Dobbyn's was contacted by the locators regarding questions on the excavation and he promptly notified Mr. Emerson to contact the locators to discuss their questions; therefore, resulting in slight time delay. This was not detrimental to the incident but will be addressed.

Badlands Contracting, Program Manager John Emerson was contacted by the client, Elkan Water who requested on 07/05 pre 8:00AM Central Time for an earlier repair on the line due to a catastrophic failure and to expedite the repair of the leak rather than wait for the original start date of 07/07/2023. Mr. Emerson promptly contacted ONEOK, prior to 8:00AM Central Time to request an early locate in the area to allow Badlands Contracting personnel to commence excavation operations.

Due to the catastrophic failure on the client's line, Badlands Contracting mobilized a crew to the site on 07/05 pre 8:00AM to begin excavating activities as soon as all safety measures/locates were in place, the crew was aware of the notification to ONEOK and that a locator was on the way to locate their line. The Badlands Contracting crew arrived on site and determined where the leak area was and recognized the proximity of the ONEOK lines in the area. The experienced Badlands Contracting crew foreman recognized from the ONEOK pipeline markers (see pic 1) that the line was running parallel to the leak area but at a safe distance of 40' away, which he was confident at that distance he would not strike a nearby line. The Badlands Contracting excavation team commenced operations only in the area directly next to the riser to expose the catastrophic failure as they were confident they were a safe distance from the line. Shortly thereafter the ONEOK locator arrived on location. A discussion between the locator and the Badlands Contracting crew foreman to which the crew foreman confirmed that he did recognize the ONEOK line and was confident he was a safe distance away. The locator measured the distance from the catastrophic leak area to the ONEOK line and assured the crew foreman that they were far enough away from the line and would not require any additional exposure/hydro-vacung of the ONEOK lines. The locator pin flagged the ONEOK lines and shortly thereafter the Badlands Contracting Team completed excavation activities directly next to the riser to repair the line.

We regret this unfortunate incident and are taking measures to assure the right Program Manager is notified and that we cannot start a job without all proper safety measures in place. In addition, the Badlands Contracting foreman for this job has a Corrective Action Plan in place to address this issue, as well he and his crew will be going through refresher training to ensure this type of incident does not occur again. Additionally, the entire company has been notified of the incident and is a discussion topic in the August Safety Meeting.

We recognize the severity of this issue and take this action very seriously as we want to ensure our company continues to be a safety conscious contractor not only for our employees but for all those that are impacted by our operations. This incident in no way reflects the mode of operations for our company. Badlands Contracting has successfully completed 200+ One Calls and we will ensure this does not happen again.

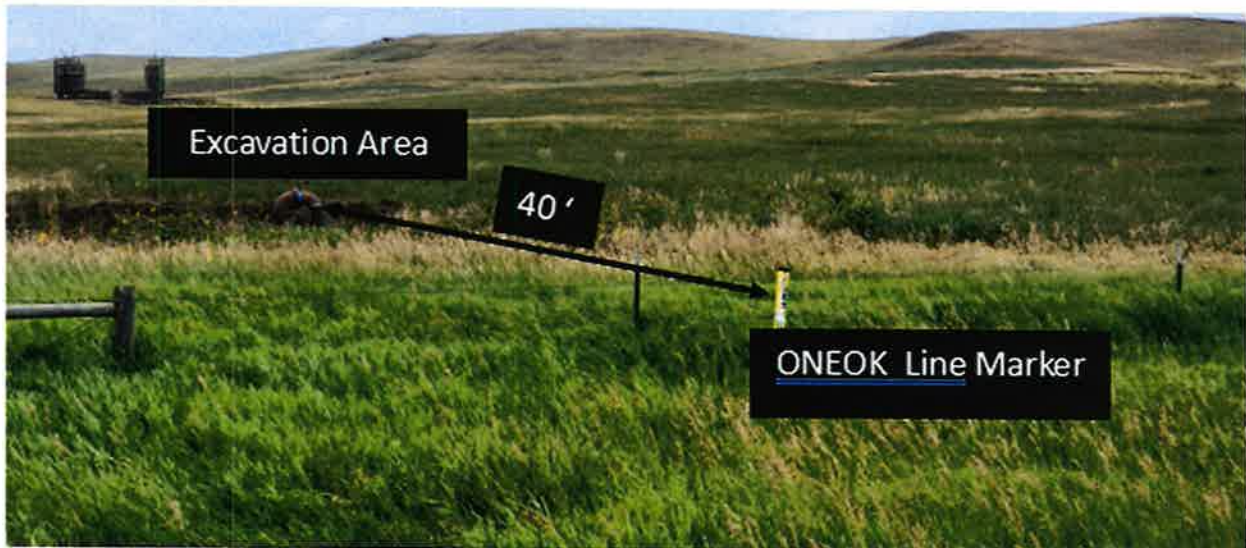
Please do not hesitate to contact Badlands Contracting for any additional information or questions.

Sincerely,



Steven Braden
HSE Manager
Badlands Contracting, LLC

Pic 1





Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

**RESPONSE REQUIRED BY
AUGUST 18, 2023**

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

July 25, 2023

Jim Dobbyn
Badlands Contracting LLC
PO Box 2384
Watford City ND 58854

Re: North Dakota Century Code Chapter 49-23: One-Call Excavation Notice System

Enclosed is a copy of the North Dakota One-Call Complaint against Badlands Contracting, LLC received by the North Dakota Public Service Commission (Commission) on July 7, 2023, from ONEOK Rockies Midstream, Tulsa, Oklahoma, Case Number DM-23-263. The location identified in the complaint is 47.3289, -102.9082.

I am sending you this information so that you are aware of the complaint and may respond with information concerning the complaint. **Please respond to Executive Secretary, North Dakota Public Service Commission, 600 East Boulevard Avenue, Dept 408, Bismarck, ND 58505-0480 by August 18, 2023**, with your written account of the event, including the applicable One-Call locate ticket number(s) for work performed at the location indicated above and in connection with the enclosed complaint.

Your response and the North Dakota One-Call Complaint will be reviewed to determine whether there may be a violation of the One-Call Excavation Notice System law.

If I do not receive a response by the date noted, I will determine whether there was a violation, without your side of the story, based on the facts contained in this complaint. If I conclude a violation did occur, I will file with the Commission a formal complaint against Badlands Contracting, LLC which may result in a penalty up to \$25,000 per violation in accordance with North Dakota Century Code Section 49-07-01.1.

Please contact me at 701-328-4097 or kcrockford@nd.gov with any questions regarding this correspondence.

Sincerely,

Konrad Crockford
Director, Compliance Division

Enc: North Dakota One-Call Complaint

c: Alex Holland
ONEOK Rockies Midstream



ONE-CALL COMPLAINT
PUBLIC SERVICE COMMISSION
 SFN 59067 (08/2022)

INSTRUCTIONS: To allege a violation of the One-Call Excavation Notice System (N.D.C.C. Chapter 49-23), complete this form in its entirety.

SECTION I – COMPLAINANT (Individual/entity completing form)

Company/Entity Name (if applicable) ONEOK Rockies Midstream			
Contact Person Alex Holland	Email Address alex.holland@oneok.com	Telephone Number 918-595-1587	
Mailing Address 100 W Fifth Street	City Tulsa	State OK	Zip Code 74103
Complainant is willing and able to testify on the complaint if matter proceeds to a formal hearing.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

SECTION II – RESPONDENT (Individual/entity who allegedly violated the One-Call law)

Company/Entity Name (if applicable) BADLANDS CONTRACTING LLC			
Contact Person JIM DOBBYN	Email Address onecall@badlandscontracting.com	Telephone Number 810-834-7235	
Mailing Address P.O. BOX 2384	City Watford City	State ND	Zip Code 58854

SECTION III – ALLEGED VIOLATION

OPERATOR – A person or entity who owns or operates an underground facility (i.e.: natural gas, electric, sewer, etc.).

<input type="checkbox"/> Operator failed to mark or clear underground facility within locate period.	<input type="checkbox"/> Operator failed to mark underground facility within 24 inches horizontally.
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EXCAVATOR – A person or entity who conducts excavation (i.e.: homeowner, property owner, company, etc.).

<input checked="" type="checkbox"/> Excavation started prior to underground facility locate.	<input type="checkbox"/> Excavator failed to provide locate notice prior to beginning excavation.
<input type="checkbox"/> Excavator failed to conduct the excavation in a careful and prudent manner.	<input type="checkbox"/> Excavator failed to renew locate request prior to expiration of the 21-day period.

OTHER – May be issue/concern with One-Call Center or other alleged violation that is not listed under operator or excavator.

Write Issue/Concern: _____

SECTION IV – DESCRIPTION/DAMAGE

Date and Time of Event 7/5/2023 13:15	Location (Address, City, State / Nearest Intersecting Streets / Lat & Long) 47.3289, -102.9082	One-Call Ticket Number 23067289
Underground Facility Affected <input type="checkbox"/> Electric <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Cable <input type="checkbox"/> Communications <input type="checkbox"/> Water <input type="checkbox"/> Sewer/Storm Water <input type="checkbox"/> Petroleum <input type="checkbox"/> Other _____		
Material & Size of Underground Facility (Poly, Steel, Coated Pipe / Fiberoptic / 2 KW / 1.5 in, 2 in / etc.) 6" Poly	Operator(s) Affected ONEOK Rockies Midstream	
Estimated Value of Damage n/a	Injuries (List Number, If Any) Fatalities _____ Injuries _____ Hospitalizations _____	Number of Customers Affected n/a
Description of the alleged violation/concern. If more space is required, attach additional page(s). ONEOK operator arrived on a pipeline location to complete one call ticket #23067289 due 7-6-23 for Badlands Contracting completing a water line repair for Elkan Water. When the operator arrived, he seen the 3rd party contractor had already started digging before the locate was complete. The operator instructed the contractor to stop work and the operator located the ONEOK line. ONEOK operator informed contractor of One Call laws and expectations.		

SECTION V – SIGNATURE OF COMPLAINANT

Signature 	Printed Name Alex Holland	Date 7/7/2023
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