



## Pipeline Safety Division Investigation Report

### Investigation regarding: **Dave O'mara Contractor, Inc.**

UPPAC Database Record ID: **3849**

Report Date: 04/03/2013

Investigator: Howard Friend

Damage Date: 9/20/2012 9:35:24 AM

Damage Address: High St, North Vernon, Jennings County

### The Parties

Excavator: **Dave O'mara Contractor, Inc.** (Contractor)

Address: 1100 East O And M Avenue, North Vernon, In 47265

Facility Owner: **Midwest Natural Gas Corporation**

### Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Type of Equipment: Backhoe/Trackhoe

Type of Work Performed: Storm Drain

### Damage Impact

Product Release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$

### Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1209130363

Original Start Date:

Locate Instructions: FROM THE INTERSECTION OF GUM AND HIGH LOCATE HIGH STREET GOING NORTHWEST FOR 675 FEET ON BOTH SIDES OF HICKS ENDING AT STATE STREET

Follow-Up Locate Instructions (if applicable):

**Synopsis:** A natural gas service was damaged during excavation for a storm drain.

**Findings:** Reported by Indiana 811; excavator's response to initial notice was received on 12/18/2012. The excavator had a valid locate request and the operator provided accurate locate markings. The excavator was digging over the top of the gas line with a backhoe.

**Conclusion:** There was a failure to maintain clearance with mechanized equipment.

**Violation: 8-1-26-20(a)(2) Failure to maintain two (2) feet clearance with mechanized equipment.**

**Investigation regarding: Dave O'mara Contractor, Inc.**

UPPAC Database Record ID: 3849

Query_InvestigationSummary_ExcCount				
ID	EXCAVATOR_NAME	FINL_DISPOSITION	ADV_COMMITTEE	DATE_OF_DAMAGE
3629	Dave O'Mara Contractor, Inc.	Training 1st Level	2/26/2013	8/22/2012
3411	Dave O'Mara Contractor, Inc.	Training 1st Level	11/27/2012	7/26/2012 8:14:36 AM
3111	Dave O'Mara Contractor, Inc.	Training 1st Level	8/28/2012	5/29/2012 10:58:52 AM
2971	Dave O'Mara Contractor, Inc.	Training 1st Level	8/28/2012	5/21/2012 10:32:32 AM
516	Dave O'Mara Contractor, Inc.	Warning Letter	3/27/2012	6/29/2011

**INFORMATION REQUEST**

State Form 54909 (R / 3-13)

INDIANA UTILITY REGULATORY COMMISSION – PIPELINE SAFETY DIVISION

**Case Number:** 3849**Date of Damage** (*month, day, year*): 9/20/12**Location of Damage:****Address** (*number and street*): Corner 9th & Summitt St.**City, State and ZIP Code:** North Vernon, IN 47265**Nearest Intersection:** Summitt St.**Excavator Information:****Business Name:** Dave Omara Contractor**Responsible Party Personal Name:** Steven McClure**Title** (*if any*): Unknown**Address** (*number and street*): 1100 E. O&M Ave.**City, State and ZIP Code:** North Vernon, IN 47265**Preferred Telephone Number** (*area code*): (812) 346-4135**Email Address:** N/A**Utility Information:****Utility Name:** Midwest Natural Gas Corp.**Contact Person:** Terry Shafer**Title** (*if any*): Regional Area Manager

**Cause of Damage Information**

Type of Equipment (select one):

Backhoe/Trackhoe

Type of Work Performed (select one):

Storm Drain/Culvert

Repair Cost: \$ N/A

Did a leak result from damage:  Yes  No

Was there ignition:  Yes  No

Excavator Notify 911 due to leak:  Yes  No

Excavator Notify 811 upon damage:  Yes  No

Excavator Notify Utility upon Damage:  Yes  No

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**Locate Information**

Excavator Request Locate:  Yes  No

Indiana 811 Locate Ticket Number: N/A

Locate Marks Visible:  Yes  No

Locate Marks Correct:  Yes  No

Excavator "White Lined":  Yes  No

Was Locate Provided within Two (2) Working Days:  Yes  No

Utility Employees On-site during Excavation:  Yes  No

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**Incident Information:**

Fire Department Response:  Yes  No

Police Department Response:  Yes  No

Ambulance Response:  Yes  No

**Additional Information / Comments**

Contractor was installing storm drain along Sumitt St. when an 1 1/4" PE service was damaged, which served NV Water Co. Using a track hoe, the crew was digging over the top of an 1 1/4" steel main, which had not been hand excavated. Upon further investigation it was determined that during original installation, the 1 1/4" PE service had doubled back around and came over the top of the existing 1 1/4" steel main, making the depth more shallow at this point. The contractor had assumed the depth was running at the same elevation.

Printed Name: Terry Shafer

Signature: Terry Shafer Date (month, day, year): 03-21-13

*\*If submitting this form electronically, typing your name in the signature box will act as an electronic signature.*

**Please return completed form to:**

[PipelineDamageCase@urc.in.gov](mailto:PipelineDamageCase@urc.in.gov)

**Or mail to:**

**Indiana Utility Regulatory Commission  
Pipeline Safety Division - Case Number 3849  
101 West Washington Street, 1500E  
Indianapolis, IN 46204**

**Or fax to:  
317-233-2410**



Dave O'Mara Contractor, Inc.  
1100 East O & M Avenue, PO Box 1139  
North Vernon, Indiana 47265  
www.daveomara.com

Phone: 812.346.4135

Fax: 812.346.6305

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**VIA E-MAIL**

December 18, 2012

Pipeline Safety Division – Case No. 3849  
Indiana Utility Regulatory Commission  
101 West Washington Street, Suite 1500 E  
Indianapolis, Indiana 46204  
PipelineDamageCase@urc.in.gov

RE: Notice of Preliminary Determination of Violation  
Pipeline Safety Division Case No. 3849 – Information Request

To Whom It May Concern:

This letter and the documents submitted herewith are the response of Dave O'Mara Contractors, Inc. ("DOCI") to a letter, dated November 30, 2012, from William Boyd, Director of the Pipeline Safety Division of the Indiana Utility Regulatory Commission.

Please note that any further information or communication with respect to this matter should be directed to Jessica A. Hill, Graydon Head & Ritchey LLP, 7759 University Drive, Suite A, West Chester, Ohio 45069.

**DOCI'S RESPONSES TO THE PIPELINE SAFETY DIVISION OF THE  
INDIANA UTILITY REGULATORY COMMISSION'S INFORMATION REQUESTS**

1. The Parties:

▪ Excavator Information:

Response: Dave O'Mara Contractor, Inc.  
Greg Huckelberry, Operator  
1100 East O & M Avenue  
P.O. Box 1139  
North Vernon, Indiana 47265  
Preferred Phone: 812-346-4135

rachelr@daveomara.com

- Facility Information:

Response: Midwest Natural Gas Company  
107 Southeast Third Street  
Washington, IN 47501  
812-254-5087

- Locator Service Information:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI has discovered no information responsive to this request.

- Other (Witness, Police, fire, Other) Information:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI has discovered no information responsive to this request and believes that there no other individuals or entities involved.

## 2. Utility Line Impact:

- Location of Damage:

Response: High Street and Gum Street  
North Vernon, IN 47265

- Product Type:

Response: The product type involved was natural gas.

- Facility Type:

Response: Service/Drop

- Size (Diameter/etc.):

Response: The diameter of the facility was one half (1/2) inch.

- Pressure (PSIG/Inches):

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI does not know the pressure that was within the facility.

- Interruption in Service:

Response: No, there was no interruption in service.

- Number of Customers Affected:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI does not know whether any customers were affected.

- Evacuation:

Response: There was no need for an evacuation, and therefore, no evacuation occurred.

- Repair Cost (if known):

Response: DOCI has not been billed for any repair cost.

### 3. Cause of Damage Information:

- Type of Equipment:

Response: The equipment used was an Excavator.

- Type of Work Performed:

Response: DOCI was performing water line work.

- Release of Product:

Response: Yes, there was a minimal release of product.

- Ignition and/or Fire:

Response: There was not any ignition or fire involved.

- Excavator Notify 811:

Response: Yes, 811 was notified after the incident occurred.

#### 4. Locate Information:

- Excavator Request Locate:

Response: Yes, the excavator did make a locate request. The Request Ticket Number from Indiana 811 is 1209200616 and 1209040196. Copies of the Request Ticket Numbers 1209200616 and 1209040196 are enclosed.

- Locate Marks Visible:

Response: Yes, the locate marks were visible.

- Locate Marks Correct:

Response: yes, the locate marks were correct.

- Excavator "White Lined":

Response: No, the excavator did not "white line."

- Maps Used to Mark Facilities:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI has discovered no information responsive to this request.

- Was Locate Provided within Two (2) Working Days?

Response: Yes, locates were provided within two working days.

- Operator Employees On-site: Were operator's employees on site at the time of the incident?

Response: Yes, the employees were on-site.

#### 5. Incident Impact Information:

- Number of Outpatient Treated:

Response: There were no injuries or fatalities related to this incident, and therefore, there were no patients treated through out-patient treatment.

- Number of Inpatient Treated:

Response: There were no injuries or fatalities related to this incident, and therefore, there were no patients treated through in-patient treatment.

- Number of Fatalities:

Response: There were no fatalities as a result of this incident.

- Fire Department Response:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI believes that the local fire department was not called in regards to this incident.

- Police Department Response:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI believes that the local police department was not called in regards to this incident.

- Ambulance Response:

Response: After performing a diligent search of company records and directing inquiries to company personnel most likely to have relevant information, DOCI believes that the local ambulance service was not called in regards to this incident.

6. Additional Information/Comments:

Response: There is no additional information or comments that DOCI would like to make at this time.

This concludes the response of DOCI to the foregoing request regarding Pipeline Safety Division Case No. 3849

Sincerely,

DAVE O'MARA CONTRACTORS, INC.  
1100 East O & M Avenue, P.O. Box 1139  
North Vernon, Indiana 47265  
812-346-4135

By:   
Dave O'Mara

Title: President

Date: December 18, 2012

Enclosures

## NORMAL NOTICE REMARK

Ticket : 1209130363 Date: 09/13/2012 Time: 08:19 Oper: RACHEL.RICE Chan:000  
 Old Tkt: 1208280613 Date: 08/28/2012 Time: 09:05 Oper: RACHEL.RICE Rev: 00A

State: IN Cnty: JENNINGS Twp: CENTER  
 Cityname: NORTH VERNON Inside: Y Near: N  
 Subdivision:

Address :  
 Street : HIGH ST  
 Cross 1 : GUM ST Within 1/4 mile: Y  
 Location: FROM THE INTERSECTION OF GUM AND HIGH LOCATE HIGH STREET GOING  
 NORTHWEST FOR 675 FEET ON BOTH SIDES OF HICKS ENDING AT STATE STREET  
 :  
 Grids : 3900C8537B 3900D8537A 3900C8537A

Work type : WATER  
 Done for : CITY OF NORTH VERNON  
 Start date: 09/17/2012 Time: 08:30 Hours notice: 96/48 Priority: NORM  
 Ug/Oh/Both: U Blasting: N Boring: N Railroad: N Emergency: N  
 Duration : UNKNOWN Depth: 7 FEET

Company : DAVE OMARA CONTRACTOR Type: CONT  
 Co addr : 1100 EAST O AND M AVENUE  
 City : NORTH VERNON State: IN Zip: 47265  
 Caller : RACHEL RICE Phone: (812)346-4135  
 Contact : MATT ALEXANDER Phone:  
 BestTime:  
 Mobile : (812)592-0686  
 Fax : (812)352-1235  
 Email : RACHELR@DAVEOMARA.COM

Remarks : All tickets are taken and processed on Eastern Daylight Time  
 REF JOB 113212 NV WATER DISTRIBUTION - 41  
 REMARK DUE TO CONSTRUCTION AND WEATHER  
 Will you be white-lining the dig site area? NO  
 :

Submitted date: 09/13/2012 Time: 08:19  
 Members: ID0002 ID2230 ID5493 ID8000 ID8791 SM

Member Name	Facility Types
COMCAST - SEYMOUR	CABLE TV
DUKE ENERGY / FORMERLY CINERGY	ELECTRIC
FRONTIER	TELEPHONE
MIDWEST NATURAL GAS CORPORATION	GAS
NORTH VERNON MUNICIPAL UTILITIES	