



## Pipeline Safety Division Investigation Report

### Investigation regarding: Wharton Construction

UPPAC Database Record ID: 4168

Report Date: 8/5/2013

Investigator: William Boyd

Damage Date: 10/26/2012

Damage Address: 3341 Camden St, Indianapolis, Marion

### The Parties

Excavator: **Wharton Construction**

Address: 4522 Lois Ln, Indianapolis, In 46227

Facility Owner: **Citizens Gas**

### 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): \$289

### Excavator Activities/Cause of Damage Information:

Excavator Request Locates: Yes

Indiana 811 Ticket Number: 1209191663

Original Start Date:

Locate Instructions:

Follow-Up Locate Instructions (if applicable):

**Synopsis:** Excavator struck and damaged an underground natural gas service while performing storm drain work.

**Findings:** Reported by Tony Chan (Citizens Gas); excavator's response to initial notice was received on 3/21/2013. Excavator called for a locate 9/19/2012 and damaged the underground facility beyond the 20 days (October 26) for a locate to remain valid resulting in a no notification to the one-call center violation. Excavator did not provide any locate number in its response, so basing decision on information provided by Operator.

**Conclusion:** There was a failure to provide notice of excavation.

**Violation:** IC 8-1-26-16(g)(expire) Failure to provide notice of excavation - expired ticket.



## DAMAGE INFORMATION REPORT – PIPELINE SAFETY DIVISION

State Form 54122 (R2 / 7-11)

INDIANA UTILITY REGULATORY COMMISSION

Submitted to IURC-Pipeline Safety on: Nov 22, 2012

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### Who is submitting this information?

Name of person providing this information: Tony Chan (Citizens Gas)

Business address (*number and street*): 2150 Dr. M.L. King Jr. St.

City, State, and ZIP code: Indianapolis, IN 46202

Telephone number (*area code*): (317) 927-4619

Fax number (*area code*): (317) 927-4619

E-mail address: AChan@CitizensEnergyGroup.com

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### Excavator Information, if known

Full name: JOSH WHARTON

Business address (*number and street*): 4522 LOIS LN

City, State, and ZIP code: Indianapolis, IN 46227

Telephone number (*area code*): 611-270-0043

Fax number (*area code*): \_\_\_\_\_

E-mail address: \_\_\_\_\_

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### Excavation or Demolition Information

Excavator type: Contractor

Excavation or demolition equipment: Backhoe/Trackhoe

Type of work performed: Storm Drain/Culvert

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## Date and Location of Damage

Date of damage (*month, day, year*): Oct 26, 2012

County: Marion

City: Indianapolis

Street address (*number and street, city, state, and ZIP code*):  
3341 CAMDEN ST

Nearest intersection: E WERGES AVE

Right of way where damage occurred: Private - Business

Was there a release of product? Yes

If yes, was there an ignition of product? No

Were evacuations necessary as a result of release? No

If yes, how many evacuated? 0

Was there a customer service interruption? Yes

If yes, how many affected? 1

Time to restore service (*in hours*): 0.5

Enter number of injuries, if applicable and known: 0

Enter number of fatalities, if applicable and known: 0

Property damage, Estimate \$ 0

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## Affected Facility Information

What type of pipeline was damaged? Natural Gas

What was the affected facility? Service/Drop

What was the depth of the facility, in inches? 24

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## Notification, Locating, Marking

Did excavator request locates prior to commencing work? Yes

Enter Indiana 811 ticket number, if known: 1209191663

Was the locate request completed within two working days? Unknown/Other

If locates were performed, were they done so by a contractor or pipeline employee? Contractor

If a contractor locator, enter the company name, if known: USIC

Were facility marks visible in the area of excavation? Yes

Were facilities marked correctly? Yes

Type of markings used: Paint and Flags

If other, please specify: \_\_\_\_\_

Was site marked by "White Lining"? No

Were special instructions part of the locate request? No

Were maps used to complete the locate request? Yes

Were pipeline company representatives on site during excavation? No

Did the excavator notify the operator in the event of this damage? Yes

Did the excavator notify Indiana 811 in the event of this damage? No

Did the excavator notify 911 in the event of a release of product? Yes

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### **Description of Cause**

Select from the list the most accurate cause for the damage: --No notification made to the one-call center

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### **Additional Comments**

Excavator called for a locate 9/19/2012 and damaged the underground facility beyond the 20 days for a locate to remain valid resulting in a no notification to the one-call center violation. MAO 12/4/2012.



**INFORMATION REQUEST**

State Form 54909 (R / 3-13)

INDIANA UTILITY REGULATORY COMMISSION - PIPELINE SAFETY DIVISION

**RECEIVED**

MAR 21 2013

INDIANA UTILITY  
REGULATORY COMMISSION

Case Number: 4168

Date of Damage (month, day, year): 10/26/12

**Location of Damage:**

Address (number and street): 3341 camden St

City, State and ZIP Code: Indianapolis, IN. 46208

Nearest Intersection: shelby st. and madison

**Excavator Information:**

Business Name: Wharton Construction

Responsible Party Personal Name: Joshua Wharton

Title (if any): Owner

Address (number and street): 4522 Lois Ln.

City, State and ZIP Code: Indianapolis, IN. 46237

Preferred Telephone Number (area code): 317-270-0043

Email Address: whartonconstruction@yahoo.com

**Utility Information:**

Utility Name: Citizens Gas

Contact Person: Citizens Gas

Title (if any): Citizens Gas



**Cause of Damage Information**

Type of Equipment (select one):

Type of Work Performed (select one):

Repair Cost: \$ 289.19

- 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: ?????

- 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**

Upon call to 811, they had responded and came to the job site within the time frame they noted. He (locator) had said that he was just out the weeks prior marking utilities for the previous tenants to move their heavy equipment out. The markings that remained were the ones he had originally put there prior to my dig. He informed me that there was a gas line that has been deleted years ago and "don't worry about that" and also there was some electrical feeder conduit shooting off from the exterior breaker panel to service towers on the adjacent property. He went over his existing marks for the gas but never marked the electrical. I was just told they were somewhere in this area. Upon digging, I came upon three elec. chases that weren't damaged and were well over thirty feet from where he advised me, none being marked. I then continued with work and snagged the "deleted gasline" and halted work and called Citizens immediately. This is where my problem begins. A bill of a little less than three hundred dollars is no big deal compared to what could have happened. I simply called like I was supposed to and was misinformed about the whereabouts of noted utilities nor did I receive any paperwork about the location services. By no means am I an excavation company. I am a small residential/commercial contractor. If need be, I will pay the bill but I do want my side heard for the record. I have a flawless record and intend on keeping it that way. I have witnesses to the conversation and feel free to call me regarding this matter. Thank you.

Josh Wharton

Printed Name: Josh Wharton  
Signature: [Handwritten Signature] Date (month, day, year): 3/16/13

*\*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**

**Or mail to:**

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

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