



Pipeline Safety Division Investigation Report

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

UPPAC Database Record ID: 43

Investigator: Howard Friend

Report Date: 5/4/2012

Damage Date: 12/4/2010

Damage Address: 95 Hayden Pike

City: North Vernon

County: Jennings

The Parties

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

Contact: Dave O'mara, President

Address: 1100 E O&m Avenue, North Vernon, In 47265

Telephone: 812-346-4135

Facility Owner: Midwest Natural Gas Corporation

Contact: Arthur Campbell

Address: 107 SE Third Street, Washington, IN 47501-0520

Pipeline Facility

Facility Type: Natural Gas

Facility Function: Service/Drop

Investigation regarding: Dave O'mara Contractor, Inc.

UPPAC Database Record ID: 43

Damage Impact

Product release: Yes

Ignition: No

Service Interruption: True

Number of Customers Affected: 1

Injuries: 0

Fatalities: 0

Repair Cost (if known): \$7189

Excavator Activities/Cause of damage information:

Excavator request locates: Yes Indiana 811 ticket Number: 1011221627

Type of Equipment: Backhoe/Trackhoe

Type of work performed: Road Work

Synopsis: A natural gas service was damaged during excavation of a sidewalk.

Findings: Reported by Terry Shafer, Midwest Natural Gas; excavator's response to initial notice was received on 2/17/2012. The excavator had a valid locate of 1011221627 and accurate locate marks; however, he used a trackhoe to remove a section of sidewalk.

Conclusion: Excavator failed to hand excavate within two (2) feet of a marked facility.

Violation: IC 8-1-26-20(b): Failure to plan excavation to avoid damage or interference with underground facilities; Failure to maintain two (2) feet clearance with mechanized equipment.

Dave O'mara Contractor, Inc. currently has 33 reports of damages in the record, between 7/17/2009 and 12/13/2011.

NO

LOCATE

TICKET

PROVIDED

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

January 30, 2012

Mr. Arthur Campbell
Midwest Natural Gas Corporation
107 SE Third Street
Washington, IN 47501-0520

Subject: Investigation Request for Information

Date of Event: 12/4/2010

Event Location: 95 Hayden Pike, North Vernon

Facility Owner: Midwest Natural Gas Corporation

Excavator: Dave O'mara Contractor, Inc.

Other Party: N/A

Pipeline Division Case No. 43

Dear Mr. Campbell:

Pursuant to Indiana Code 8-1-26, the *Indiana Damage to Underground Facilities Act*, the Pipeline Safety Division of the Indiana Utility Regulatory Commission ("Pipeline Division") is required to investigate reported incidents of alleged statutory violations involving underground pipeline safety. The purpose of this statute is to promote excavation and pipeline safety and to reduce the imminent danger to life, health, property, or loss of service associated with unsafe digging practices. Please note that the investigation does not entail determining criminal liability or a civil determination of fault or damages; however, it does determine whether any statutory violations were committed regarding public safety.

The Pipeline Division received information regarding potential statutory violations regarding the date and location referenced above. You were identified as a person or entity that might have information that would assist the Pipeline Division in its investigation. Therefore, we have contacted you in order to receive the full account of information in order to make a fair determination related to the circumstances of this incident.

We have asked all involved parties, entities and witnesses to provide *written* information within *30 days* in order to meet legal deadlines to conclude our investigation. **Please consider this letter as a formal request to receive any and all information and evidence (including a narrative, documentation, maps, photographs or any other written information) you can access regarding anything you may know about the incident referenced above.**

YOUR PIPELINE SAFETY DIVISION CASE NO. 43

YOUR FULL NAME: Terry Shafer

FULL NAME OF BUSINESS/ENTITY (if applicable) Midwest Natural Gas Corp.

YOUR BUSINESS TITLE (if applicable) Regional Area Manager (Scottsburg Dist)

ADDRESS: 1652 W. McClain Ave. P.O. Box 707

CITY: Scottsburg STATE: IN ZIP CODE: 47170

YOUR TELEPHONE NUMBER: (812) 752-2230 SECOND NO. (812) 595-0633

YOUR EMAIL ADDRESS: tshafer@midnatgas.com

TOSAYS DATE: 12/5/2011

YOUR SIGNATURE: _____ TITLE: Regional Area Mgr.

Please return your Narrative Statement and Answers to the above questions to:

**Pipeline Safety Division-Case No. 43
Indiana Utility Regulatory Commission
101 West Washington Street, # 1500E
Indianapolis, IN 46204**

Or scan document(s) and Email to:

PipelineDamageCase@urc.in.gov

INFORMATION REQUEST

Pipeline Safety Division Indiana Utility Regulatory Commission

Case No. 43

The Pipeline Safety Division of the Indiana Utility Regulatory Commission requests any and all information you can provide regarding the following criteria:

The Parties:

Excavator Information:

Business Name: O'Mara Contracting
Responsible Party Personal Name: Kenny Beeman
Title (if any): Foreman
Address: 1100 E. O&M Ave.
City, State, Zip: North Vernon, IN 47265
Preferred Telephone: (812) 346-4135
Cell Phone Number: N/A
Email Address: N/A

Facility Information:

Business Name: Midwest Natural Gas Corp.
Responsible Party Personal Name: Terry Shafer
Title (if any): Regional Area Manager Scottsburg District
Address: 1652 W. McClain Ave. P.O. Box 707
City, State, Zip: Scottsburg, IN 47170
Preferred Telephone: (812) 752-2230
Cell Phone Number: (812) 595-0633
Email Address: tshafer@midnatgas.com

Locator Service Information:

Business Name: Midwest Natural Gas Corp.
Responsible Party Personal Name: Barry Vance
Title (if any): Service Technician
Address: 1652 W. McClain Ave. P.O. Box 707
City, State, Zip: Scottsburg, IN 47170
Preferred Telephone: (812) 752-2230

Cell Phone Number: (812) 595-0633

Email Address: N/A

Other (Witness, Police, Fire, Other) Information:

Personal Contact: N/A

Business/Organization Name: N/A

Title (if any) N/A

Address: N/A

City, State, Zip: N/A

Preferred Telephone: N/A

Secondary Telephone: N/A

Email Address: N/A

Utility Line Impact:

Location of Damage:

Address: 95 Hayden Pike

City, State, Zip: North Vernon, IN 47265

Nearest Intersection: Stockwell St.

Product Type (circle one):

Natural Gas

Liquid Pipeline

Unknown/Other

Facility Type (Circle One):

Distribution

Gathering

Service/Drop

Transmission

Unknown/ Other

Size (Diameter/etc.):

5/8" PE

Pressure (PSIG/Inches):

50

Interruption in Service:

Yes No

Number of Customers Affected: 1

Evacuation:

Yes No

If yes, How Many Evacuated? _____

Repair Cost (if know):

\$ N/A

Cause of Damage Information:

Type of Equipment (circle one):

Auger

Backhoe/Trackhoe

Boring/Drilling

Directional Drilling

Explosives
Farm Equipment
Grader/Scraper
Hand Tools
Milling Equipment
Probing Device
Trencher
Vacuum Equipment
Unknown/Other

Type of work performed (circle one):

Agriculture
Cable TV
Curb/Sidewalk
Bldg. Construction
Bldg. Demolition
Drainage
Driveway
Electric
Engineering/Surveying
Fencing
Grading
Irrigation
Landscaping
Liquid Pipeline
Milling
Natural Gas
Pole
Public Transit Authority
Railroad Maintenance
Road Work
Sewer (Sanitary/Storm)
Site Development
Steam
Storm Drain/Culvert
Street Light
Telecommunications
Traffic Signal
Traffic Sign
Water
Waterway Improvement
Unknown/Other

Release of Product:

Yes

No

Ignition and/or Fire:

Yes

No



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

Phone: 812.346.4135

www.daveomara.com

Fax: 812.346.6305

VIA UPS AND E-MAIL

February 17, 2012

Pipeline Safety Division – Case No. 43
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. 43 – 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 January 20, 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.
Kenny Beeman, Project Foreman
1100 East O & M Avenue
P.O. Box 1139
North Vernon, Indiana 47265
Preferred Phone: 812-346-4135

Cell Phone: 812-592-5288
kennyb@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: 95 Hayden Pike
North Vernon, Indiana 47265
The nearest intersection is Edgewood Avenue.

- Product Type:

Response: The product type involved was natural gas.

- Facility Type:

Response: Unknown/Other (Retired Service)

- Size (Diameter/etc.):

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 diameter of the facility.

- 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: Yes, there was an 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: The original invoice for the cost to repair was \$9,195.52. The invoice was then revised to \$7,189.25. Because both Midwest Natural Gas Company and DOCI were at fault, it was agreed between the parties that DOCI's portion of the repair cost amounted to \$4,000.00. A copy of this invoice is enclosed.

3. Cause of Damage Information:

- Type of Equipment:

Response: The equipment used was a backhoe/trackhoe.

- Type of Work Performed:

Response: DOCI was performing road work.

- Release of Product:

Response: Yes, there was a release of product.

- Ignition and/or Fire:

Response: There was not any ignition or fire involved.

- Excavator Notify 811:

Response: No, 811 was not 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 1011221616. A copy of the Request Ticket Number 1011221616 is 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, locate was provided within two working days.

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

Response: Yes, the entire crew for this project was on-site at the time of the incident.

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 outpatient treatment.

- Number of Inpatient Treated:

Response: There were no injuries or fatalities related to this incident, and therefore, there were no patients treated through inpatient 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. 43.

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: February 17, 2012

Enclosures

3532282.1

11/22/2010

Ticket Text: #1011221616

Work Start Time 11/24/2010 01:30 PM

Expiration Time 12/12/2010

Restake Time 12/08/2010.

NORMAL NOTICE REMARK

Ticket : 1011221616 Date: 11/22/2010 Time: 13:08 Oper: RACHEL.RICE Chan:000
Old Tkt: 1011040078 Date: 11/04/2010 Time: 07:22 Oper: RACHEL.RICE Rev: 00A

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

Address :

Street : HAYDEN PIKE

Cross 1 : EDGEWOOD AVE Within 1/4 mile: Y

Location: BEGIN 250 FEET WEST OF EDGEWOOD AVENUE AND HAYDEN PIKE AND LOCATE EAST FOR 750 FEET ON BOTH SIDES OF HAYDEN PIKE AND FOR 50 FEET FROM THE CENTERLINE IN BOTH DIRECTIONS

***Boring Where = UNDER HAYDEN PIKE

:

Grids : 3900C8538D 3900C8538C

Work type : WATER RELOCATION AND ROAD RECONSTRUCTION

Done for : INDOT

Start date: 11/24/2010 Time: 13:30 Hours notice: 48/48 Priority: NORM

Ug/Oh/Both: U Blasting: N Boring: Y Railroad: N Emergency: N

Duration : UNKNOWN Depth: 10 FEET

Company : DAVE OMARA CONTRACTOR Type: CONT

Co addr : 1100 EAST O+M AVENUE

City : NORTH VERNON State: IN Zip: 47265

Caller : RACHEL RICE Phone: (812)346-4135

Contact : KENNY BEEMAN Phone:

BestTime:

Mobile : (812)592-5288

Fax : (812)352-1235

Remarks : All tickets are taken and processed on Eastern Daylight Time

REF JOB#103089 R29483 HAYDEN PIKE - 7

REMARK DUE TO CONSTRUCTION AND WEATHER

Will you be white-lining the dig site area? NO

:

Submitted date: 11/22/2010 Time: 13:08

Members: ID0002 ID1683 ID2230 ID5493 ID6311 ID8000 ID8791 SM

Close

O'Mara Construction
Revision of Invoice #221

		<u>Original Invoice</u>
Materials		
1	4" repair sleeve	\$ 108.74
2	4" short stop	825.06
1	4" cut and stop	880.00
Labor		
55.5	\$30/hr regular time	1,665.00
36.5	\$45/hr overtime	1,642.50
11	\$60/hr welder	660.00
Equipment		
8	\$65/hr Mini Excavator	520.00
Emergency Response		
		100.00
Lost Gas		
462	\$6.0481/dth	<u>2,794.22</u>
		<u>\$ 9,195.52</u>

		<u>Revised Invoice</u>
Materials		
1	4" repair sleeve	\$ 108.74
1	4" short stop	412.53
1	4" cut and stop	880.00
Labor		
55.5	\$30/hr regular time	1,665.00
33.5	\$45/hr overtime	1,507.50
10	\$60/hr welder	600.00
Equipment		
3	\$65/hr Mini Excavator	195.00
Emergency Response		
		-
Lost Gas		
301	\$5.0253/dth	<u>1,820.48</u>
		<u>\$ 7,189.25</u>

↓
Agreed to
Pay \$4,000.00
- agreed to with
David Osmon on
9/22/16