

Supplemental Report

NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY DIVISION

Company: **Fremont Utilities**
Town: **Fremont**
Manager: Derril Marshall

Municipal NG Distribution

Date: **November 7, 2011**
SFM ID # : **09-01-148**
Phone: (402) 727-2630

Persons interviewed:

Person	Title	Phone
Dan Dieckmann	Gas System Supervisor	(402) 727-2696
Mark Peterson	American Broadband Foreman	(402) 533-1000
Kevin Hauck	911 Dispatcher	(402) 727-2677
Lisa England	One Call Supervisor	(402) 330-1866

Body of Report:

Mark PETERSON said that on November 3, 2011, at 1130 hours his American Broadband crew was installing a communications line underground on the west side of Laverna Street heading north from 27th Street in the eight foot wide space between Laverna Street and the sidewalk. The method of installation used by American Broadband is commonly called "horizontal boring". Horizontal boring is a process where a drilling head is guided underground by an operator controlling a machine that feeds segments of steel tube into the ground that drive and follow the drilling head. PETERSON said that after American Broadband had bored underneath the concrete driveway in front of 2717 North Laverna, where American Broadband had observed markings for a natural gas main that crossed their path, they detected the smell of odorized natural gas. PETERSON called Fremont Utilities and told them he thought he struck their gas main. On the north side of the driveway a hole had been excavated to expose the electrical conductor serving the city street light on the north side of the driveway, such an excavation is commonly called a bell hole because the hole typically takes on the shape of an inverted bell. When PETERSON approached the bell hole on the

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north side of the driveway he said he saw what he described as natural gas bubbling out of the ground. When PETERSON saw this evidence of a natural gas leak he said he immediately called 911.

According to Fremont 911 records Fremont Fire Department arrived on the scene at 1147, ordered evacuation of the two residences next to the leaking gas main, and directed Fremont Police to prevent vehicular traffic into the area.



Dan DIECKMANN said Fremont Utilities personnel began arriving at 1155 hours and excavated bell holes on the east and west sides of the driveway where the natural gas main crossed under the concrete. It was necessary to dig the two

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holes because the damaged segment under the concrete was part of a “looped” system in which the natural gas could flow through the main from either direction. Fremont Utilities personnel uncovered the east and west segments of the 2” Diameter plastic gas main operating at 16 psig and stopped the flow of gas to the damaged pipe. Concrete was broken out over the leak, the damaged main was uncovered, and two feet of the damaged plastic pipe was replaced with new pretested plastic pipe using two Metfit® mechanical joints.

At 0930 hours November 7, 2011, I spoke with Dan DIECKMANN and he said that the driveway had been widened by the homeowner for extra parking after Fremont Utilities had construction of the natural gas main. DIECKMANN supplied records indicating Kirk HILRICHS, Brad PORTER, Doug CHURCHILL, Dan BUNN, and Kevin MORRISON were qualified or under the span of control of a qualified person when they responded to the leak call and repaired the leak.

On November 7, 2011, I inspected the west side of North Laverna Street between 26th Street and 31st Street I observed filled bell holes associated with yellow paint marks and flags from Fremont Utilities Damage Prevention Activities between the street and sidewalk. I spoke with Mark PETERSON by phone and he indicated that the natural gas main that was under the driveway was properly marked. I observed that the driveway at 2717 North Laverna had been widened from twelve to twenty feet as described by DIECKMANN. I spoke by phone with Lisa ENGLAND of the One Call Center and was informed that there had been no

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report of damage to a natural gas line at 2717 North Laverna and that no emergency locates had been ordered.

At 0900 hours on November 10, 2011, I met with Mark PETERSON at the scene of the excavation damage. PETERSON said that American Broadband was horizontal boring to install fiber optic service and had not been able to bell hole the gas main in front of 2717 North Laverna Street because it was under concrete. American Broadband had bell holed next to the north side of that driveway, found the electrical service to the city light post was four and a half feet deep, and American Broadband had been told that the natural gas main was buried four feet deep. PETERSON said that when they tried to go between the gas line and the electrical service the gas main was hit. PETERSON said that he called Fremont Utilities, called 911, and because he had a locate ticket for 100' radius around 2717 North Laverna he began excavation of the gas main on the east side of the street. When I asked PETERSON if he had called Diggers Hotline to report the damage he said no, he knew he should have called but at the time it just slipped his mind.

Time Line:

November 3, 2011

1130 hours American Broadband boring crew struck a gas main and notified Fremont Utilities.

1142 hours Fremont Fire Department Dispatched.

1147 hours Fremont Fire Department arrives on scene.

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1155 hours Fremont Utilities Arrives on scene

1307 hours Fremont Police and Fire depart scene.

1500 hours Fremont Utilities completes repairs and leaves scene

November 7, 2011

0930 hours DSFM 8715 began inspection of Fremont Utilities Damage Prevention Program

1545 hours DSFM 8715 suspended inspection of Fremont Utilities Damage Prevention Program

November 10, 2011

0845 hours DSFM 8715 resumed Damage Prevention inspection

0900 hours DSFM 8715 began interview of Mark Pederson

0930 hours DSFM 8715 concluded interview of Mark Pederson

1100 hours DSFM 8715 concluded Fremont Utilities Damage Prevention Inspection.

Conclusion:

It appears American Broadband failed to notify the One Call Center of damage to a buried utility at 2717 North Laverna Street on November 3, 2011 as cited in the One Call Notification System Act section *76-2326 Damage; duty of excavator. If any underground facility is damaged, dislocated, or disturbed before or during excavation, the excavator shall immediately notify the center...* **Source:** Laws 1994, LB 421, § 26.

76-2325 Violations: civil penalty. Any person who violates the provisions of section... 76-2326... shall be subject to a civil penalty as follows: (1) For a

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violation related to a gas or hazardous liquid underground pipeline facility, and amount not to exceed ten thousand dollars for each violation for each day the violation persists, up to a maximum of five hundred thousand dollars...

It appears Fremont Utilities failed to call for an emergency locate as soon as practical as required by Section 4.2 of their damage prevention plan. A notice of probable violation of pipeline safety regulations 49 CFR Part 192.605 will be directed to Fremont Utilities.

End of Report.

Stephen Lucas DSFM 8715

STATE OF NEBRASKA



Notice of Probable Violation

Dave Heineman
Governor

STATE FIRE MARSHAL
John Falgione
Fire Marshal

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 16, 2011

Dan Dieckmann
Gas System Supervisor
Fremont Utilities
400 East Military Avenue
P.O. Box 1468
Fremont, NE 68026-1468

RE: Fremont Utilities Damage Prevention Inspection

On November 7, 2011, pursuant to the Nebraska Natural Gas Pipeline Safety Act of 1969, a representative of the Nebraska State Fire Marshal's Office, Pipeline Safety Section conducted an inspection of Fremont Utilities Damage Prevention Procedures. As a result of this inspection it appears you have committed a probable violation of Title 155 Nebraska Administrative Code Chapter 1.001 adopting by reference Pipeline Safety Regulations Title 49, Code of Federal Regulations, Part 191, 192, 199, & 40.

The following details the specific finding of the inspection as it relates to our concern. The item in blue is the Part 192 reference and the item following in black is our finding.

§192.605 Procedural manual for operations, maintenance, and emergencies

(a) General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response...

When Fremont Utilities responded to a report of excavation damage on November 3, 2011, Fremont Utilities did not place a call to the One Call Center requesting emergency locates as specified by Division Four, Section 4.2 ONE CALL NOTICE REQUIRED, of their Operations and Maintenance Manual. *Any person planning excavation activities is required to contact the "Statewide One*

□ MAIN OFFICE
□ DISTRICT A
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-2027

□ DISTRICT B
438 West Market
Albion, NE 68620-1241
(402) 395-2164

□ DISTRICT C
200 South Silber
North Platte, NE 69101-4219
(308) 535-8181

■ FUELS DIVISION
□ FLST ■ Pipeline
246 South 14th Street
Lincoln, NE 68508-1804
(402) 471-9465

□ TRAINING DIVISION
2410 North Wheeler Avenue
Suite 112
Grand Island, NE 68801-2376
(308) 385-6892

Call" toll free number 800/331-5666 at least 48 hours prior to commencement of the planned excavation, the person must obtain verification of the absence or the presence of underground facilities which shall be marked to identify those facilities. The only exception shall be when an emergency exists. Under such conditions, operations can begin immediately, provided reasonable precautions are taken to protect the underground facilities. The excavator shall notify the notification center as soon as practical...

Whenever the State Fire Marshal has reason to believe any person is violating any provision of subsection (1) of section 81-545 of the Nebraska Natural Gas Pipeline Safety Act of 1969 or any regulation under the Nebraska Natural Gas Pipeline Safety Act of 1969, the State Fire Marshal may request the Attorney General of Nebraska to bring an action under section 81-547 of the Nebraska Natural Gas Pipeline Safety Act of 1969 in the district court of the county in which the defendant's principal place of business is located. The district court may impose a civil penalty not to exceed ten thousand dollars for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed five hundred thousand dollars for any related series of violations. The district court shall have jurisdiction to restrain violations of the Nebraska Natural Gas Pipeline Safety Act of 1969 including the restraint of transportation of gas or the operation of a pipeline facility

We request that Fremont Utilities respond to this Notice of Probable Violation within 30 days of receipt of this letter and reference #20111216-N on the return correspondence to our office. The response may accept the findings and state a plan of action to address the concerns or, the response may disagree with the finding. If Fremont Utilities chooses to disagree with the findings, please justify your position in the response.

If you have any questions regarding the substance or propriety of this notice, please contact our office at, Nebraska State Fire Marshal, Pipeline Safety, 246 South 14th Street, Lincoln, NE 68508-1804 or telephone 402-471-9664.



Stephen Lucas, Deputy
Fuels Division, Pipeline Section
Nebraska State Fire Marshal



Clark Conklin, Chief Deputy
Fuels Division
Nebraska State Fire Marshal



FREMONT

Department of Utilities

Operated by the
Board of Public Works

400 EAST MILITARY AVENUE • ~~██████████~~ • FREMONT, NE 68026
BUSINESS PHONE 402-727-2600 • FAX PHONE 402-727-2667

Received on:

DEC 27 2011

NE State Fire Marshal

Mr. Clark Conklin
Manager Fuels Division
521 South 14th Street
Lincoln Ne. 68505-2707

Subject: Probable Violation of Fremont Utilities Damage Prevention Procedures
Section 4.2, One Call Notice Required – Emergency Locate – Probable
Violation Notice Reference #20111216-N

In response to the notification of Probable Violation – Reference #2011121-N

I agree the Fremont Utilities did not call for emergency locates on November 3, 2011 when responding to a 3rd party gas line damage, excavating, shutting down and repairing the damaged gas line. The Fremont Utilities does have an Emergency Check List in their Operations & Maintenance Manual. The check list is used to help identify things we need to do in relationship to the type of emergency we respond to. We have added Emergency Locate Notification to the check list to rectify The Probable Violation Notice we have received from your office.

Deputy Fire Marshal Lucas and I have discussed this particular situation. I do question the intent of the Emergency Locate Notification as written in this particular situation and whether we actually committed a Probable Violation of our Operation & Maintenance Manual for the following reasons:

1- Our manual states: When an emergency exists, operation can begin immediately, provided reasonable precautions are taken to protect the underground facilities.

In this case, the area the damage took place was located twice within 5 days of the damage, with the update locate being done approximately 2 hours prior to the damage being done.

2- The excavator shall notify the Notification Center as soon as practical.

Because the area was already located prior to the line being damaged we were able to excavate immediately knowing where the other underground facilities were. I question in a situation like this, it is practical to call the Underground Facility Owners off the jobs they may be on, to come back and locate an area they had just located 2 hours prior to the damage being done, with the excavation for emergency already done.

Please advise what your thoughts might be on this situation.

If there is any further information you may need or any other questions I can answer please feel free to contact me at 402-727-2661 or e-mail me at dan.dieckmann@fremontne.gov

Fremont Department of Utilities

A handwritten signature in black ink that reads "Dan Dieckmann". The signature is written in a cursive style with a large, stylized initial "D".

Dan Dieckmann
Gas System Supervisor

Cc: Mr. Stephen Lucas
Deputy Fire Marshal
Pipeline Safety Division

**NEBRASKA STATE FIRE MARSHAL - PIPELINE SAFETY SECTION
FOLLOW-UP INSPECTION:**

Name of Operator:	Fremont Utilities	Unit # 09-00-000	Town IDHQ
Operator Address: 400 E. Military Avenue P.O. Box 1468 Fremont, NE 68026-1468		Phone Number: (402) 727-2661 Fax Number: Emergency: (402) 727-2600 Federal ID: 05613	
Persons Interviewed	Title	Phone No.	
Kirk Hilrichs	Gas System Supervisor	(402) 727-2661	
Person conducting Inspection: Stephen Lucas DSFM 8715		Date: 05-10-2013	
Description: Disposition: Closed Code 192.605 Date of Letter: 12-16-2011 Type: NOPV			
Portion of Unit Inspected One call locate records			

An inspection of records indicated Fremont Utilities is now following their damage prevention procedure and calling in emergency locates as a part of their leak repair activities.

STATE OF NEBRASKA



Letter of Approval

Dave Heineman
Governor

Jim Heine
Fire Marshal

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 13, 2013

Kirk Hillrichs
Gas System Supervisor
Fremont Utilities
P. O. Box 1468
400 East Military Avenue
Fremont, NE 68026-1468

RE: December 16, 2011 Notice of Probable Violation – #20111216-N

As a result of your actions addressing damage prevention procedures and a follow-up inspection conducted by this office on May 10, 2013 the following issue raised in a notice of probable violation is resolved.

§192.605 Procedural manual for operations, maintenance, and emergencies.

If you have any questions regarding the substance or propriety of this notice, please contact our office at, Nebraska State Fire Marshal, Pipeline Safety, 246 South 14th Street, Lincoln, NE 68508-1804 or telephone (402) 471-9465.

Handwritten signature of Stephen Lucas in cursive.

Stephen Lucas
Deputy Fire Marshal
Fuels Division, Pipeline Section

Handwritten signature of Clark Conklin in cursive.

Clark Conklin
Chief Deputy Fire Marshal
Fuels Division

cc: Derril Marshal
Utilities General Manager
P. O. Box 1468
400 E. Military Avenue
Fremont, NE 68026-1468

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