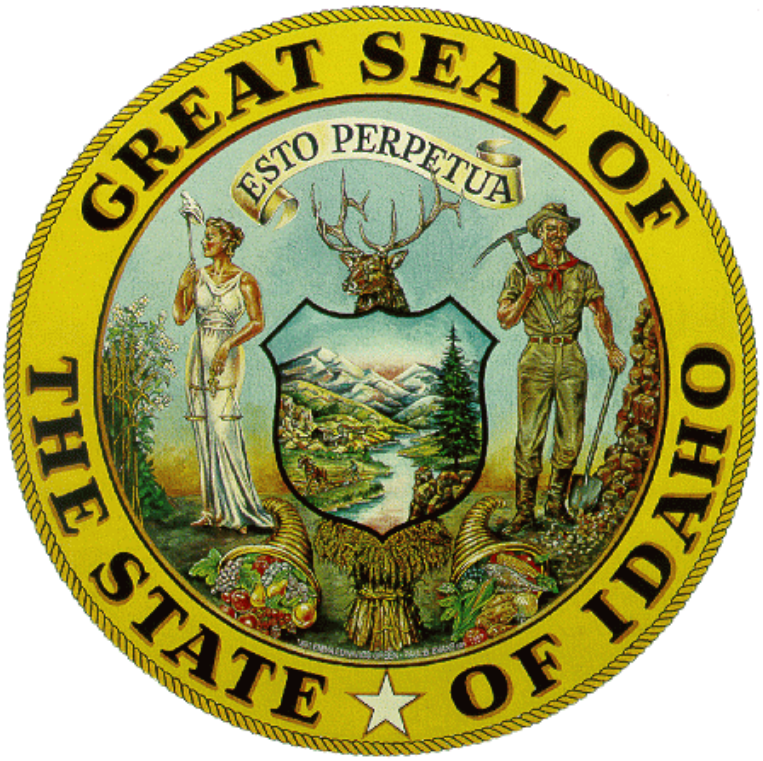
DIVISION OF BUILDING SAFETY

DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

NOVEMBER 29, 2018



DAMAGE PREVENTION BOARD

Agenda Item No. 01 **Agenda and Minutes**

PRESENTER: Jeffrey Diehl, Chairman

OBJECTIVE: Approve the Damage Prevention Board's November 29, 2018 Agenda and September 27, 2018 Draft Minutes.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: Tentative Agenda and Draft Minutes

TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello
dbs.idaho.gov – (208) 332-7137

Thursday, November 29, 2018
9:30 a.m. – 3:30 p.m. (MST)
8:30 a.m. – 2:30 p.m. (PST)

9:30 a.m. **CALL TO ORDER** – Jeffrey Diehl, Chairman
- Roll Call & Introductions
- Open Forum

CONSENT AGENDA

1. Approval of the November 29, 2018 Agenda and September 27, 2018 Board Meeting Minutes – Jeffrey Diehl

ACTION AGENDA

2. Administrative Appeals Hearing – Amy Kohler, Compliance Program Specialist
   a. King Concrete Construction, LLC--DAM1806-0041 – Intermountain Gas

INFORMATIONAL AGENDA

3. 2017 PHMSA Report Update – Patrick J. Grace, Regional Supervisor

4. Education and Training Subcommittee Update – Jeanna Anderson, Board Member

5. Training and Industry Feedback – Jerry Peterson, Energy Program Manager

6. Compliance with 811 Law – Spencer Holm, Deputy Attorney General

7. Financial Update – Nichole Rush, Board Member

8. Joint States Meeting Update – Nichole Rush

9. Idaho Code § 55-2205 "Excavators Calling Their Own Locate Requests" – Julie Maki, Board Member

10. Letter to Facility Owners Regarding Reporting Damages – Nichole Rush, Board Member

11. Compliance Report – Amy Kohler, Compliance Program Specialist
    a. Damage Prevention Case Report

12. Administrator Report – Chris L. Jensen, Administrator

3:30 p.m. ADJOURN

For additional agenda information, refer to the packet, available one week prior to this meeting, at the DBS's central and regional offices and https://dbs.idaho.gov/boards/dpboard/dpmeetings.html.

All times, other than beginning, are approximate and scheduled according to Mountain Standard Time (MST), unless otherwise noted. Agenda items may shift depending on Board preference. 11/19/2018rb

DAMAGE PREVENTION BOARD
VIDEOCONFERENCE MEETING

Thursday – September 27, 2018 – 9:30 a.m. (MDT)

Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello

*DRAFT MINUTES OF THE SEPTEMBER 27, 2018 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, it is intended to record the significant features of those discussions.

Chairman Mark Van Slyke called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:
Jeffrey Diehl, Chairman
Jerry Piper, Vice-Chairman
Mark Van Slyke
Nichole Rush
Jeanna Anderson
Bob Chandler
Roy Ellis
Scott Spears
Julie Maki
Vaughn Rasmussen

DBS Staff Members Present:
Chris L. Jensen, Administrator
Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Patrick J. Grace, Regional Manager, Region 2
Jerry Peterson, Energy Program Manager
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

- **Open Forum**
  No issues were brought forward during open forum.

- **Approval of the September 27, 2018 Agenda**
  MOTION: Bob Chandler made a motion to approve the agenda as presented. Vaughn Rasmussen seconded. All in favor, motion carried.

- **Approval of the July 26, 2018 Board Meeting Minutes**
  MOTION: Scott Spears made a motion to approve the minutes as written. Jeffrey Diehl seconded. All in favor, motion carried.

- **2019 Board Meeting Dates**
  Suggested were the following meeting dates for 2019: January 24th, March 28th, May 23th, July 25th, September 26th, and November 21st. Due to scheduling conflicts, the March and July meetings were changed to the 14th and 18th respectively.

MOTION: Nichole Rush made a motion to approve the 2019 board meeting dates with the changes to the March and July meetings. Vaughn Rasmussen seconded. All in favor, motion carried.

- **Election of Officers**

Statute states, "The chairman may serve in such capacity for a one year term and may not serve in such capacity for more than two (2) consecutive terms." Board Member Mark Van Slyke has served two terms in succession; therefore, the Board must elect a new chairman.

Chairman

Board Member Jeffrey Diehl offered to be the chairman of the Board.

MOTION: Jerry Piper made a motion to appoint Jeffrey Diehl as chairman. Jeanna Anderson seconded. All in favor, motion carried.

Vice-Chairman

Board Member Jerry Piper showed interest in the vice-chairman position.

MOTION: Vaughn Rasmussen made a motion to appoint Jerry Piper as vice-chairman. Roy Ellis seconded. All in favor, motion carried.

- **Approve Language for 2019 Proposed Legislation--Service Laterals--Idaho Code § 55-2202**

Upon submitting the Board's proposed rulemaking and legislation to the Governor's office, the Deputy Attorney General (DAG) realized the proposed legislation needed further clarification on which underground facility owner is required to locate and mark the service lateral. Approving specific language at the September meeting, the DAG requested the Board's approval on the modified language.

MOTION: Bob Chandler made a motion to accept the revised proposed language. Roy Ellis seconded. All in favor, motion carried.

- **Education and Training Update**

Advertising – The Education and Training Subcommittee continues to explore the possible use of the $20,000 donation for advertising with the Idaho Broadcasting Association.

National Excavator Initiative (NEI) – The NEI is an effort to raise the awareness of the critically important 811 program. It is the hope of the subcommittee to use NEI's 811 video hosted by Mike Rowe. In addition, NEI has a phone application that ties into 811, providing a locate request without going through a one-call center.

Excavator Handbook – The Division recently received 5,000 copies of *Idaho's Guide to Safe Digging-2018*. Slated to print in July 2020, are an additional 5,000 copies.

Homeowner Brochures – Ordered were 1,000 copies of the updated *Private Line Informational Pamphlet for Homeowners*. Pamphlets are included with warning notices to homeowners, and are

available at training sites offered by DBS. As a form of advertising, the Division has the capability to add company logos to the brochures.

For incorporation into future board packets, Chairman Diehl requested the subcommittee chair create a list, bullet point format, of items/topics the subcommittee continues to pursue.

ACTION: The subcommittee chairperson will create a summary of items/topics the subcommittee continues to undertake for incorporation into future board packets.

Online Training Course – A one-hour online training course is complete. If interested, contact the Division for a login password. Sign-in information is required to assist DBS in tracking who and how often the course is used.

Training Report – Jerry Peterson, Energy Program Manager, updated the Board on training provided since July 2018, as well as upcoming training in October and November. Feedback received were problems with locates (multiple lines), low voltage (no fee to repair and no complaints), unknown irrigation lines (who to call when damaged), sewer laterals and excavators reluctant to file complaints.

Locates – The minimum 15 inch depth to excavate throws individuals off because they do not believe they have to call in to locate a line they are not digging that deep and they are on private property. Board Member Rush stated homeowners are not reading the complete sentence in statute and utilities cannot guarantee depth.

Lynn Tominaga, Executive Director of Idaho Groundwater Appropriators Association, Idaho Ground Water Association, and Idaho Irrigation Pumpers Association, offered to contact the Idaho Water Users Association and see whether they might want Jerry Peterson to come talk to them.

Chairman Diehl suggested adding an informational item to the November 2018 Board meeting agenda on summary subjects of concern Jerry Peterson gleamed while providing training this year. This will allow the Board to develop specific action items for the subcommittee to address in 2019.

ACTION: The topic *Training and Industry Feedback* will be added as an informational item on the agenda for the November 29, 2018 Board meeting.

In addition, the Chairman would like a summary of issues, brought forth by the industry, included in future board packets for the Board's review prior to upcoming meetings.

ACTION: The Energy Program Manager will generate, for inclusion into future board packets, a list of topics by the Underground Facility Industry.

Compliance to 811 Law – When questioned, Education and Training Subcommittee Chair Jeanna Anderson made a note to inform all interested parties that, by law, they have to belong to a one-number notification service. Provided to individuals will be information on statute changes with regard to sewer laterals as well.

DRAFT

A lengthy discussion ensued as to who is the responsible party to drive the compliance requirement. DBS can provide outreach, education, etc.; however, by law, cannot issue a civil penalty against an alleged violator until it receives a complaint. When further pressed, at a previous meeting the Division provided proposed legislation to the Board that would authorize the DBS Administrator to initiate complaints in the event a third party did not do so. At that time, the Board decided the issue needed to be a part of training and education.

ACTION: The topic *Compliance to 811 Law* will be added as an informational item on the November 29, 2018 Board meeting agenda.

- **Financial Update**

  Financial Subcommittee Chairwoman Nichole Rush continues to work with DBS to modify the financial report. Chairman Diehl will further review the report; bringing suggestions, if any, to the next subcommittee meeting. Board Member Anderson would like a better understanding of how the timeline works when funded, and when monies are available to spend.

  In lieu of the regular financial report under the Administrator Report, Deputy Administrator Ron Whitney provided, as well as discussed in length, a more extensive spreadsheet (administration, training, education and compliance revenue and expenses) for FY 2019.

  Chairman Diehl requested a financial script/narrative time line (consistent calendar parameters), in bullet format, be included in future board packets.

  ACTION: For future board packets, DBS will include a script/narrative timeline of the Board's financial report.

- **Underground Facility Damage Response Time**

  The question broached to Board Member Bob Chandler was, "What is a reasonable time for a facility to respond when an excavator has damaged an underground facility". In certain instances, it can take seven to ten days to repair underground facilities, and if the damage happens to be in the right-of-way, intersection or street, the excavator is liable. After researching this issue extensively, and as a way to expedite repairs, Board Member Chandler suggested including an emergency contact number on the one-call ticket or use the Positive Response web portal for contact information.

  At this time, the current language is practical and mutually agreed upon by all stakeholders, and the Board can utilize industry standard language to move through a filed complaint and examine the case particulars.

- **Compliance Report**

  Damage Prevention Case Report – Reviewed were the DPB statistics as of July 11, 2018, as well as the NOV Activity by Date report from May 15, 2018 to July 11, 2018.

  Chairman Diehl requested a summary detail be included in future board packets of financial statistics on civil penalties.

DRAFT

ACTION: For future board packets, the Compliance Program Specialist will include a summary of civil penalty fees; i.e., paid, outstanding (60 days old), collections, etc.

- **Administrator Report**

Budget – Submitted was the Division's 2020 budget on September 1, 2018 to the Division of Financial Management.

Financial Report – Addressed under the topic *Financial Updates* were the Board's financials.

Summary Reports – For inclusion in future packets, the Chairman reminded contributors to provide to board support staff an outline or brief summary of their topics.

Acknowledgment – Chairman Diehl recognized Board Member Mark Van Slyke for his role as board chairman the past two years. The greatest testimony to Mr. Van Slyke's contribution as chairman is PHMSA has deemed Idaho an acceptable state with the reduction of damages, through education and enforcement, to underground facilities. Through August 2018, Intermountain Gas is down in damages by 17% compared to this time last year.

- **Joint States Meeting**

The Washington Utility Coordinating Council will host the Joint States Meeting, October 2-4, 2018, in Vancouver, Washington. The current northwest partner states are Alaska, Idaho, Montana and Oregon. Representatives from Colorado and Arizona will attend as well. Board Member Rush offered to provide an update of the meeting at the November Board meeting.

ACTION: The topic *Joint States Meeting Update* will be added as an informational item on the November 29, 2018 Board meeting agenda.

- **Adjournment**

MOTION: Vaughn Rasmussen made a motion to adjourn the meeting. Roy Ellis seconded. All in favor, motion carried.

The meeting adjourned at 1:38 p.m. (MDT)

JEFFREY DIEHL, CHAIRMAN DAMAGE PREVENTION BOARD	CHRIS L. JENSEN ADMINISTRATOR DIVISION OF BUILDING SAFETY
DATE	DATE

***These DRAFT minutes are subject to possible correction and final approval by the Damage Prevention Board. 11/08/2018rb**

DRAFT

DAMAGE PREVENTION BOARD

Agenda Item No. 02a King Concrete Construction, LLC – DAM1806-0041

PRESENTER: Amy Kohler, Compliance Program Specialist

OBJECTIVE: Administer a ruling on King Concrete Construction, LLC – DAM1806-0041

ACTION: Affirm or reject the imposed penalties.

BACKGROUND: The Notice of Violation was issued based upon a proposed violation to IDAPA 07.10.01.20.01.h "Precautions to Avoid Damage".

PROCEDURAL HISTORY:

ATTACHMENTS: Documentation from King Concrete Construction, LLC and DBS

DAMAGE PREVENTION BOARD

Agenda Item No. 03 **2017 PHMSA Report Update**

PRESENTER: Patrick J. Grace, Regional Manager

OBJECTIVE: Discuss the 2017 evaluation from PHMSA.

ACTION: Informational

BACKGROUND: DBS received a draft evaluation from PHMSA stating the state of Idaho was or will be rated "adequate" for 2017.

PROCEDURAL HISTORY:

ATTACHMENTS: Report

STATE EXCAVATION DAMAGE PREVENTION LAW ENFORCEMENT PROGRAM EVALUATION CHECKLIST

Refer to Guidance While Reviewing Checklist

State: Idaho

Date: 11/15/2018

Determination letter recipients:

Jeffrey Diehl, Chairman
Idaho Damage Prevention Board
jeffreydiehl@esiconstruction.com

Patrick Grace, Region 2 Manager
Division of Building Safety
patrick.grace@dbs.idaho.gov

Darrin Ulmer, Program Manager
Idaho Public Utilities Commission
Darrin.Ulmer@puc.idaho.gov

Total score: 191

Introductory discussion of State excavation damage statistics.

Note: Throughout this checklist, PHMSA uses the terms "enforcement authority", "supporting organization", and "State" to identify organizations that may have primary responsibility for the action addressed in any specific question. PHMSA recognizes that States/territories have established their own processes and authorities for enforcing their one-call laws.

General – PHMSA to complete G questions and ask State to validate.

G.1. What is the code citation for the State excavation damage prevention law/requirements?

Title 55, Chapter 22
Idaho Administrative Rules at IDAPA 07.10.01

Comments:

The new statutes became effective on July 1, 2016. The rules became effective on a temporary basis on September 1, 2017. They will become permanent when (if) the legislative approves them, and upon the adjournment of the legislature (*sine die*) in the spring of 2018.

G.2. When was/were the State excavation damage prevention law/requirements most recently updated?

The statutes were most recently updated and became effective on July 1, 2016. A temporary administrative rule allowing for the collection of fees to finance the operation of the Board was accepted by the 2017 Legislature. This rule allows the Board to collect a fee on each call ticket issued by the 811 call centers. A temporary administrative rule regarding a complaint process and the imposition of civil penalties and training (among other items related to reporting and accessing damage data) became effective on September 1, 2017 on a temporary basis. Those rules subsequently became permanent on March 28, 2018 (*sine die*) after the Idaho legislative approved them. Important amendments to the statutes and rules were approved by the Damage Prevention Board in 2018, and will be reviewed by the Idaho legislature in its 2019 legislative session (approximately January to April 2019)

Comments:

G.3.	What recent changes have been made to the State excavation damage prevention law/requirements?
	The Damage Prevention Board, with the assistance of the Division of Building Safety (DBS) presented administrative rules to the 2018 Legislature to address the following: data collection, operational processes, education and training requirements, complaint processes, due process requirements, and civil penalty provisions. Additional amendments to statutes and rules were recently approved by the Damage Prevention Board, and will be presented to the Idaho Legislature during its 2019 legislative session in January 2019. Those include additions or amendments to definitions in statute to clarify various key terms; amendments to the complaint process to expedite the resolution of cases and clarify the process, rights of the parties, and roles of the DBS and Board; the inclusion of certain stakeholders (locators) into the rules governing who may be subject to civil penalties; clarification to stakeholders regarding identified but unlocatable facilities; and obligations of various stakeholders related to the locating of service laterals in the public right-of-way.
	Comments:
Guidance	G.3.: PHMSA is seeking to understand changes in the law pertaining to enforcement procedures, reporting, transparency, exemptions, and other relevant topics. Questions G.1. through G.3. are for information only.

Criterion 1–Does the State have the authority to enforce its State excavation damage prevention law using civil penalties and other appropriate sanctions for violations?		
1.a.	Does the State have the authority to enforce its State excavation damage prevention law using civil penalties and other appropriate sanctions for violations? **If the answer is "No", enforcement of the State excavation damage prevention law is deemed inadequate.** ☐ Yes ☐ No Comments: The State (DBS/Board) has authority to issue warning letters, as well as impose training and civil penalties up to $1000 for a second offense, and up to $5000 for each offense thereafter which occurs within 18 months of an earlier offense.	Pass/Fail <u>Pass</u>
1.b.	Cite the portion of the excavation damage prevention law/requirements that enables enforcement. § 55-2203 (16) (d), Idaho Code; §55-2211, Idaho Code. IDAPA 07.10.01 § 020 Comments:	Information Only
Guidance	1.a.: This question is pass/fail. To pass this question, the State must have the authority to issue civil penalties for violations of the State one-call law; they do not have to demonstrate that they have used the authority. If the answer to 1.a. is "No," the State excavation damage prevention law enforcement program is inadequate. PHMSA does not consider criminal penalties to be "other appropriate sanctions". Other appropriate sanctions may include, but are not limited to, warning letters, mandatory training, etc.	

Criterion 2 - Has the State designated a State agency or other body as the authority responsible for enforcement of the State excavation damage prevention law?

Points: **20**

2.a.	Does the State excavation damage prevention law designate an authority or authorities responsible for State-wide enforcement of the State excavation damage prevention requirements? **If the answer is "No", enforcement of the State excavation damage prevention law is inadequate.** ☐ Yes ☐ No Comments: Title 55, Chapter 22, and its corresponding administrative rules at IDAPA 07.10.01 identify the Idaho Damage Prevention Board, and the Idaho Division of Building Safety as the state authority to enforce state-wide excavation damage prevention requirements.	Pass/Fail Pass
2.b.	Cite the portion of the law that designates enforcement authority to a State agency or other organization. § 55-2203 (specifically, ¶ s(1), (7) through (18); §55-2206; 55-2208(5); and §55-2211 See G.1. Also see IDAPA 07.10.01 §§ 018 and 020 Comments:	Information Only
2.c.	What organization(s) is the designated authority? If more than one, list them. The damage prevention board as part of the Idaho Division of Building Safety. (DBS) Comments:	Information Only
2.d.	How long has/have the designated organization(s) had enforcement authority? July 1, 2016 Comments:	Information Only
2.e.	What are the enforcement and supporting and responsibilities of each organization involved in managing a statewide excavation damage prevention law enforcement program? The statute creates a Damage Prevention Board that has primary responsibility to reduce damages to underground facilities, promote safe excavation practices, oversee the collection and assessment of damage prevention data, and receive, process and enforce the damage prevention laws. The administrator of DBS serves as the secretary to the Board, and is responsible to assist the Board in its functions. The administrator receives complaints regarding violations of the damage prevention laws, and through a (due) process set forth in IDAPA rule which allows for the opportunity for all interested parties to participate and submit evidence on its behalf issues warnings, training and civil penalties for such. The Board serves as a governing body to hear contested cases regarding the imposition of civil penalties, if requested.	Information Only

	Comments:	
2.f.	What positions/roles are responsible for enforcement and supporting activities within each enforcement or supporting organization? Eleven (11) members of the damage prevention board, as well as individuals within the Division of Building Safety, including the compliance officer, regional managers, and damage prevention program support staff are all responsible for enforcement activities. DBS field investigations and data collection may include regional managers, as well as regional supervisors and DBS inspectors located throughout the state. DBS has trained all of its field inspectors on the damage prevention requirements, and regards all such personnel as responsible to assist in the education and enforcement of the damage prevention requirements. Comments:	Information Only
2.g.	Does the enforcement process include a stakeholder advisory committee? ☐ Yes ☐ No Comments: The Board is a representative board consisting of stakeholders from 11 groups of stakeholders. These positions are filled by appointment from the Governor's office, and serve for a term of 4 years. The Board is given more authority that just be an advisory committee.	Information Only
2.h.	What parties are subject to enforcement under the state excavation damage prevention requirements? All parties that participate in excavation activities within the State are subject to the jurisdiction of the Board. These include, but are not necessarily limited to facility owners, excavators, one-number notification services, homeowners, locators, governmental jurisdictions that issue excavation permits, and project owners who issue bid/contract documents. The term "person" is broadly defined in statute at §55-2202(14), Idaho Code. There are exempted excavation activities that are listed in §55-2210 (see checklist item 7.a below) Comments:	Score (points x weight) 20
Guidance	2.a.: This question is pass/fail. If the answer to this question is "No," enforcement of the State excavation damage prevention law is inadequate. This question pertains to pipelines regulated under 49 CFR Parts 192 and 195. The State law may designate more than one organization as the excavation damage prevention law enforcement authority. **PHMSA expects enforcement to be fairly applied to all geographic areas of the State and all PHMSA regulated pipelines, both interstate and intrastate, within the State.** 2.e.: PHMSA is seeking an explanation of the process, not the names of the people personally responsible for various enforcement actions. 2.f.: PHMSA is seeking titles/roles, not names. 2.g.: Stakeholder advisory committees vary in composition and responsibilities. Typically, a committee consists of members representing damage prevention stakeholders, including underground utility operators, locators, excavators, the one call, and possibly the excavation damage enforcement authority. Some States use a committee to conduct a desk	

review/investigation of excavation damages and review cases/complaints and make enforcement recommendations to the State enforcement authority.

2.h.: PHMSA is seeking to understand which parties can be fined or sanctioned (e.g., locators, excavators, regulated interstate and intrastate pipeline operators, the one-call, etc.). At a minimum, PHMSA expects that both pipeline operators and non-exempt excavators be subject to enforcement under the State excavation damage prevention law. **PHMSA expects enforcement to be applied to all PHMSA regulated pipelines, both interstate and intrastate, within the State.**

Scoring guidance for question 2.h.:

2 = Satisfactory; Both pipeline operators and non-exempt excavators are subject to enforcement under the excavation damage prevention law.

0 = Unsatisfactory; Either pipeline operators or non-exempt excavators (or both) are not subject to enforcement under the excavation damage prevention law.

Question weight: 10

Criterion 3 –(a) Is the State assessing civil penalties and other appropriate sanctions for violations (b) at levels sufficient to deter noncompliance and (c) is the State making publicly available information that demonstrates the effectiveness of the State's enforcement program?

Points: 5

3.a.1.	In the previous calendar year, did the enforcement authority assess civil penalties and/or other sanctions for violations of the excavation damage prevention law involving regulated pipelines? **If the answer is "No", enforcement of the State excavation damage prevention law is inadequate.** ☐ Yes ☐ No Comments: As of November 2018, the answer to this question is "yes". The legal authority to assess civil penalties was recently promulgated under Idaho law and effective September 1, 2017. Background: In July 2016, the statutory basis to assess training and civil penalties was established by the Idaho legislature. Expressly, through statutory language, that authority was to be implemented and executed by the Board and the Division of Building Safety through administrative (IDAPA) rule. In September 2017, that authority became effective on a temporary basis, and made permanent by the Idaho legislature in March 2018. Accordingly, since September 2017, the DBS has received complaints, and civil penalties and other enforcement measures (training) have been imposed. Also, please find on the attached summary answers to specific questions from PHMSA related to regulated pipeline data in the State of Idaho for 2017 and 2018. Exhibit D.	Pass/Fail Fail
3.b.1.	What levels of civil penalties (dollar amounts) are enabled by law? For a first violation: Training and education For a first violation by a homeowner on their own property: Warning letter and education. For a second violation (by anyone): Training/Education and a civil penalty up to $1,000. For a second violation within 18 months and facility damage has occurred: Training/education and a civil penalty up to $5,000. Comments:	Information Only
3.b.2.	a. How many pipeline excavation damages occurred in the State in the previous calendar year? 1005 based on GD annual reports b. How many notifications of excavation damage to pipelines and/or violations of the excavation damage prevention law did the State enforcement authority or supporting organization receive in the previous calendar year? The Division and Board have received (323) notifications through DIRT of damage to regulated pipeline facilities between September 1, 2017 and December 31, 2017. In 2017, the Idaho Division of Building Safety (Division) received 144 total complaints of violations to Idaho's damage prevention requirements. Of those complaints received by the Division, approximately (117) related to pipelines. Out of the (117) complaints in 2017, the Division was notified that (111) involved damage to pipelines. Through October 2018, (352) complaints were received by the Division for 2018. In 2018, (342) involved damage to pipelines. Through October 2018, the Division received (453) total complaints involving damage to pipelines since the state program became effective; and (549) total complaints involving damage to all types of facilities.	Information Only

c. How many of the complaints or reports of pipeline excavation damage were investigated by the State for violations of the State excavation damage prevention law?

In 2017, all (117) complaints were investigated in some manner by the Division.
In 2018, all (352) complaints were investigated by the Division. Through October 2018, (469) complaints have been investigated by the Division.

d. How many of the investigations were referred for some type of enforcement action?

In 2017, (105) of those complaints investigated were referred for some type of enforcement action. Reasons why a matter may not have been referred for enforcement include the invalidity of a complaint, withdrawal of a complaint by the complainant, or a finding that no violation of the damage prevention requirements occurred. Additionally, several matters were successfully appealed to the Damage Prevention Board.
Through October 2018, (291) complaints have been referred for some type of enforcement action.

e. Total number of civil penalties assessed in previous calendar year involving regulated pipelines:

In 2017, (2) civil penalties were issued for violations of the requirements involving regulated pipelines.
In 2018 (78) civil penalties were issued for such violations. Through October 2018, total of (80) civil penalties have been issued

f. Dollar range of actual civil penalties assessed:

In 2017, the dollar range for civil penalties imposed against excavators for pipeline related violations was between $200 and $1000 dollars. In 2017, the total amount of civil penalties imposed against excavators for such violations was $1200.
In 2017, no civil penalties were imposed against pipeline operators for pipeline related violations of the damage prevention requirements.
In 2017 (or 2018) there have been no civil penalties imposed against one-call notification service centers or against locators.
In 2018, the dollar range for civil penalties imposed against excavators for pipeline related violations was between $200 and $5000 dollars. In 2018, the total amount of civil penalties imposed against excavators for such violations was $69,400. Through October 2018, total civil penalties against excavators for such violations was $70,600
In 2018, the dollar range for civil penalties imposed against excavators for pipeline related violations was $200 dollars. In 2018, (1) civil penalty has been imposed against pipeline operators for such violations in the amount of $200. Through October 2018, total civil penalties against pipeline operators for such violations was $200.

Party	Number of Penalties	Total Amount	Comments
Excavators	2	$1200	2018 - 78 for $69,400
Pipeline Operators	0	0	2018 - 1 for $200
One-call	0	0	
Locators	0	0	The Division did receive several complaints against locators; however they were withdrawn by the Complainant before action could be taken on them. Additionally, a proposed

				administrative rule should be promulgated in 2019 adding Locators as eligible to receive civil penalties.

Comments:

3.b.3. What other sanctions for violations of the law are available to the State?

Information Only

As indicated above, in addition to civil penalties, the state may issue warning letters, as well as impose mandatory training.

Since the establishment of the administrative rules which provide for development of training and education for the public and all stakeholders to learn about the prevention of damage to underground facilities, the Board has designated a damage prevention training officer and established a training program within the DBS, as well as approved the training materials that are presented. Since the rules were promulgated, the DBS has engaged in a substantial amount of outreach and training throughout the State of Idaho. In 2018 alone, the DBS has presented twenty three (23) separate training sessions in locations throughout Idaho with over 600 attendees. A brief summary of DBS training activities to date is attached to this checklist as Exhibit C. Additionally, a subcommittee of the board has created and published a free 35-page guide to safe digging, as well as engaged with local vendors to create print material, and radio and television public service advertisements and a marketing strategy. The board is currently working through the final legal process to accept donations, and use board (public) funds to make purchases of services to continue the public education and awareness campaign. Finally, the Idaho Public Utilities Commission has donated funds to develop promotional items printed with the "811" or DBS/DPB logo for free distribution to the public – including bumper stickers, pens, key chains, etc.

Comments:

3.b.4. In the previous calendar year, did the State assess sanctions other than civil penalties for damages to regulated pipelines?

Information Only

☐ Yes ☐ No

Type of Sanction	Excavators	Operators	Locators	One-Call
Warning letters	0	0	0	0
Training	1	0	0	0
Other	0	0	0	0

Comments:

The State has issued numerous letters of warnings, as well as imposed training on 319 occasions between September 2017 and November 1, 2018. Also, see comments to 3.a.1 above, and the summary attached as Exhibit D. Additionally, the damage prevention statutes specifically do not limit affected parties from pursuing any other legal remedy afforded by law.

3.b.4.1 Has the State assessed civil penalties against pipeline operators for violations of 49 CFR 192.614 or 49 CFR 195.442?

Information Only

☐ Yes ☐ No

Party	Number of Penalties	Total Amount	Comments

	Pipeline Operators				
	Comments:				

3.b.5.	Are enforcement actions progressive (increasingly severe for repeat offenses)? ☐ Yes ☐ No Comments: First offenses of any of the provisions of Idaho law may result in training or a letter of warning, while additional offenses may result in civil penalties, as well as increased civil penalty amounts for additional offenses.	Information Only
3.b.6.	How does the enforcement authority or supporting organization assess the effectiveness of enforcement actions over time using data and other relevant information? See guidance. Program is new The Division and Board have not yet undertaken an assessment of the effectiveness of the State's enforcement actions. The expectation is to acquire adequate damage prevention data over the course of some period of time, and then engage in a comparative analysis. The Division has also directly communicated with several of the larger underground facility owners in the state to acquire from them any reports and data regarding damages – and add it to the information for analysis. Comments:	Score (points x weight) Points to increase in CY 18 0
3.b.7.	How has the State enforcement authority or supporting organization utilized its assessment of effectiveness to make program adjustments? See guidance. Program is new As the enforcement program has just recently been implemented, the results of the program are not yet immediately known. The expectation is to acquire adequate damage prevention data over the course of some period of time, as well as feedback and input from all stakeholders, and then engage in a review of the program to include whether damages are being reduced on a per 1000 call basis. The Division has also directly communicated with several of the larger underground facility owners in the state to acquire from them any reports and data regarding the results of the enforcement program – and add it to the information for analysis. Comments:	Score (points x weight) Points to increase in CY 18 0
3.c.1.	Does the State make information about enforcement actions and outcomes publicly available? ☐ Yes ☐ No Comments: Half Credit All information about enforcement actions is public information subject to disclosure under the Idaho Public Records Act at Title 74, Chapter 1, Idaho Code. Additionally, reports of enforcement information, as well as individual complaint matters will be made available to the Damage Prevention Board, as well as made publicly available on the DBS website. Information about individual complaints and enforcement actions may be obtained on the DBS website through a search function. Any member of the public may search a particular enforcement matter by searching any of several fields	Score (points x weight) 5

	to include offender name, complaining party, property location, or date and time. Additionally, members of the DBS Damage Prevention compliance staff will assist any member of the public who calls and request information about a particular damage prevention matter, or assist them with their own efforts to search for such on the DBS website (walk them through it).	
3.c.2.	What information does the State make publicly available? Information includes, but is not necessarily limited to the number of complaints received, the nature, date and location of the alleged violations, the parties involved, the type of facility, and the disposition of the complaint, including the assessment of training and civil penalties, as well as reports regarding damages that may be compiled by the Division or Board. Generally, all the information involved in the enforcement process is subject to disclosure pursuant to the Idaho Public Records Act at Title 74, Chapter 1, Idaho Code. Comments:	Information Only
3.c.3.	How/where does the State make information publicly available? Information is made available through the Division of Building Safety website at https://damageprevention.dbs.idaho.gov/, as well through public meetings of the Idaho Damage Prevention Board. Comments:	Information Only
Guidance	General: PHMSA seeks records that demonstrate that the State is regularly and consistently using its enforcement authority and imposing appropriate sanctions for violations of the State excavation damage prevention law against pipeline operators and excavators. Sanctions may include civil penalties, mandatory training, warning letters, or other similar activities. States should also be able to demonstrate if the enforcement programs include escalating sanctions. If a State cannot demonstrate use of its enforcement authority, enforcement of the State excavation damage prevention law will be deemed inadequate. PHMSA expects States to demonstrate the impact of the State's enforcement program. PHMSA expects States to maintain records that demonstrate a relationship between the State's enforcement activities and the rate of excavation damage incidents. PHMSA acknowledges that many factors can influence excavation damage rates. However, PHMSA believes that an effective enforcement program includes evaluation of the effects of enforcement activities. The result of PHMSA's review of a State's records in this regard will not, by itself, be grounds for deeming enforcement of the State's excavation damage prevention law inadequate. PHMSA expects State enforcement programs to generally make excavation damage prevention law enforcement information and statistics available to the public via a website. PHMSA does not expect States to violate any State laws, jeopardize any ongoing enforcement cases, or post information that would violate the privacy of individuals as defined by State or Federal law. The result of PHMSA's review of the public availability of a State's information and statistics will not, by itself, be grounds for deeming enforcement of the State's excavation damage prevention law inadequate.	

3.a.1.: This question is pass/fail. If the answer to this question is "No," enforcement of the State excavation damage prevention law is inadequate.

3.b.2.: PHMSA is seeking records of every enforcement action in the previous calendar year.

3.b.3.: Examples of other sanctions include warning letters, mandatory training, documented verbal warnings, etc.

3.b.4.: PHMSA is seeking the number of sanctions applied to each party.

3.b.6.: PHMSA believes this is critical to a strong damage prevention program with adequate enforcement. PHMSA is seeking to understand if the enforcement authority or supporting organization evaluates damage rates and other relevant information, including causes of damages, repeat one-call law offenders, trends, root causes, geographic trends, etc., to identify excavation damage risks so that enforcement activities may be adjusted. The State should explain how the State uses data, including mandatory/voluntary reporting to the State, one-call center, operator provided information, complaints, and/or PHMSA, to evaluate the impacts of their enforcement activities.
Scoring guidance for question 3.b.6.
2 = Satisfactory; The State thoroughly evaluates damage rates and other relevant information in relation to enforcement activities.
1 = Needs Improvement; The State evaluates some information in relation to enforcement activities, but the information cannot be used to conduct a complete/thorough evaluation.
0 = Unsatisfactory; The State does not evaluate damage rates and other relevant information in relation to enforcement activities in any meaningful way.
Question weight: 10

3.b.7.: PHMSA believes this is critical to a strong damage prevention program with adequate enforcement. PHMSA is seeking to understand what the enforcement authority or supporting organization has learned from evaluating damage rates and other relevant information as identified in question 3.b.6, and how the State is using what it has learned to make adjustments to the enforcement program. For example, an enforcement or supporting organization should be learning which parties or activities in the State are causing excavation damage and tailoring the enforcement program to address risk.
Scoring guidance for question 3.b.7.:
2 = Satisfactory; Using supporting data, the State thoroughly understands the impact of enforcement on the State's excavation damage prevention program. Using supporting data, the State can demonstrate which parties or activities in the State are causing excavation damage, what are some of the root cause issues, and the actions taken in the State to reduce damages. The State actively uses the results of its enforcement program to continuously improve the program to address risk.
1 = Needs Improvement; The State has some supporting data that demonstrates the impact of enforcement on the State's excavation damage prevention program, but the State's understanding of the impact of enforcement is limited. The State may have anecdotal evidence of the impact of enforcement, but cannot support claims with data. Accordingly, the State's ability to assess risks and make meaningful adjustments to its enforcement program are limited.
0 = Unsatisfactory; The State cannot make any meaningful claims about the

	impact of enforcement on the State's excavation damage prevention program due to a lack of supporting data or other information. Accordingly, the State is essentially unable to assess risks based on data and make meaningful adjustments to its enforcement program. *Question weight: 10* 3.c.1.: General information about enforcement actions should be made available to the public proactively. *<u>Scoring guidance for question 3.c.1.</u>:* *2 = Satisfactory; General information about enforcement actions are made available to the public. Public information about enforcement actions is made available on an ongoing basis and is current.* *1 = Needs Improvement; The State makes some information available to the public, e.g. enforcement hearing schedules or general information regarding the State's excavation damage prevention enforcement program, but lacks visibility into the State's enforcement actions and results of the program.* *0 = Unsatisfactory; The State makes very limited or no information publicly available regarding the State's excavation damage prevention program and State enforcement actions/results.* *Question weight: 5* 3.c.2.: Information about the enforcement program, including number of actions, types of violations and sanctions should be publicly available on a web site. At a minimum, PHMSA expects enforcement authorities to publicly share the number and types of enforcement actions taken in a given year (e.g., civil penalties, warning letters, mandatory training sessions, and similar information). 3.c.3.: PHMSA expects this answer to include a website address.	

Criterion 4 - Does the enforcement authority have a reliable mechanism (e.g., mandatory reporting, complaint-driven reporting) for learning about excavation damage to underground facilities?

Points: 26

4.a.	Does the enforcement authority or supporting organization have a reliable mechanism (e.g., mandatory reporting, complaint-driven reporting) for learning about violations of the excavation damage prevention law? What is the mechanism? Idaho statute at §55-2208 and rules (IDAPA 07.10.01 §019) require that facility owners and excavators report damage [mandatory] to facilities or excavator downtime due to violations of the Act - to the board through an approved method. The board has determined that the Common Ground Alliance (CGA) DIRT Report is the approved method to report all such information, regardless of whether a complaint is also filed with the DBS/Board. Additionally, the Division intends to directly communicate with several of the larger underground facility owners in the state to acquire reports and data regarding damages. Comments: The new law will require mandatory data reporting by all underground utility operators. Enforcement will be complaint driven.	Score (points x weight) 20
4.b.	Cite the portion of the excavation damage prevention law/requirements that addresses how to report suspected violations. § 55-2208: (1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the underground facility owner and the one-number notification service. Also, §55-2208 (5) and IDAPA rule at IDAPA 07.10.01 §019 provide that underground facility owners and excavators who observe, suffer or cause damage to an underground facility or observe, suffer or cause excavator downtime related to a failure of one (1) or more stakeholders to comply with applicable damage prevention statutes or regulations shall report such information to the board on forms or by such method adopted for such by the board. Additionally pursuant to §55-2203 (11), and §55-2211, Idaho Code, the DBS and Board are authorized to review complaints from aggrieved stakeholders for a broad range of violations of the Idaho requirements Comments:	Information Only
4.c.	Question removed.	Information Only
4.d.	How does the enforcement authority or supporting organization inform stakeholders about the process for reporting violations of the excavation damage prevention law? Stakeholders are informed about reporting damages via the Division website, links from stakeholder websites to the Division website, education materials disseminated by DBS and various stakeholders, advertising campaigns funded by the State which include radio, print and television mediums, as well as through public Damage Prevention board meetings (and subcommittee meetings). Additionally Idaho law requires reporting of excavation damages. Comments: https://damageprevention.dbs.idaho.gov/	Score (points x weight) 6

Guidance	General: PHMSA will review how State enforcement programs learn about excavation damage to underground pipelines. In particular, PHMSA will be looking for reporting mechanisms that encourage parity in the application of enforcement resources. For example, when excavation damage occurs, does the reporting mechanism allow for identification of potential violations of law by both excavators and pipeline operators? If the State enforcement program learns of violations via road patrols that specifically target excavators without valid excavation tickets, how does the enforcement authority or supporting organization also learn about violations of other provisions of State excavation damage prevention requirements, such as operators' failure to locate and mark pipelines? Also, PHMSA will review the enforcement authority's methods for making stakeholders – especially excavators and pipeline operators – aware of the process and requirements for reporting excavation damage to pipelines to the enforcement authority. The result of PHMSA's review of a State's activities under criterion 4 will not, by itself, be grounds for deeming enforcement of the State's excavation damage prevention law inadequate. 4.a. PHMSA expects that violations of the State excavation damage prevention requirements may be reported by any stakeholder involved in excavation damage to a pipeline. *<u>Scoring guidance for question 4.a.</u>:* *2 = Satisfactory; The State has a reliable mechanism for learning about law violations. The mechanism is clearly defined in the written State excavation damage prevention requirements, and may include mandatory reporting or complaint-based reporting of excavation damages. All damage prevention stakeholders are empowered to report law violations to the enforcement authority.* ***The State's process for violation reporting is readily available on a public web site.*** *1 = Needs Improvement; The State has some means of learning about law violations to underground facilities, but it is not reliable in all cases (e.g., the State actively learns about law violations through patrols, media, limited stakeholder reporting, etc., but some damage prevention stakeholders do not have a means of notifying the State when a damage occurs).* *0 = Unsatisfactory; The State does not have a reliable means of learning about law violations. Stakeholders have no means of reporting law violations to the State and the State has no means of addressing stakeholder reports of law violations.* *Question weight: 10* 4.d.: PHMSA expects that the enforcement authority, supporting organization, and/or other damage prevention stakeholders are proactively educating all stakeholders about the reporting process, and provide a point-of-contact for questions on how to report law violations. *<u>Scoring guidance for question 4.d.</u>:* *2 = Satisfactory; The enforcement authority, supporting organization, and/or other damage prevention stakeholders can demonstrate they proactively educate all damage prevention stakeholders about the process for reporting law violations. The educational program is documented and available to all stakeholders.* *1 = Needs Improvement; The enforcement authority, supporting organization, and/or other damage prevention stakeholders demonstrate some effort to educate stakeholders about the process for reporting law violations, but the educational program is not proactive or documented, is used on a limited basis, and/or the outreach may not focus on all stakeholders responsible for ensuring*	

	damage prevention. *0 = Unsatisfactory; The enforcement authority, supporting organization, and/or other damage prevention stakeholders do not have a process for educating stakeholders about the process for reporting law violations.* *Question weight: 3*	

Criterion 5 - Does the State employ excavation damage investigation practices that are adequate to determine the responsible party or parties when excavation damage to underground facilities occurs?

Points: 60

5.a.	What organization conducts the damage investigation? The investigative process initially relies on a very complete complaint with supporting documentation from the complaining party, as well as a detailed response from the alleged violator. The Division highly encourages (and may require) that supporting documentation in the form of damage reports, photographs, witness statements, contract documents, invoices, or other documents be submitted along with a complaint or response. Complaints are investigated by the Division by its compliance officer, regional managers and supervisors, support staff, and when necessary, by its trade inspectors, who are all able to travel in the field to obtain information. This may include interviews of parties, and taking statements from witnesses, site visits, taking photographs, as well as telephone and email communications. Final analysis of all cases are performed by the compliance officer and regional managers in making a determination, with the assistance of the administrator and legal counsel if necessary. Additionally for those who desire such, an appeals process exists in which a formal administrative hearing is conducted before the Board with sworn testimony and introduction of evidence. Comments:	Information Only
5.a.1	Does the damage investigation organization have a formal relationship, e.g. a memorandum of understanding, with the enforcement authority, if the two are different? Complaint based: Investigations will be the responsibility of DBS, which oversees the Damage Prevention Board Comments: The Board will have the authority to promulgate rulemaking. DBS has the responsibility of reviewing the Board rulemaking.	Information Only
5.b.	Does the investigation organization have documented damage investigation processes and procedures to ensure consistency in how investigations are conducted? ☐ Yes ☐ No Comments: The Division and Board identify potential violators through a statutorily created complaint process by which any "person" may make a complaint against any other for a violation of various damage prevention requirements. Additionally, in accordance with statute and administrative rules (§55-2208; IDAPA Chapter 07.10.01) all facility owners and excavators who observe, suffer, or cause facility damage or downtime are legally required to report such to the Board. The Division and Board utilize the Common Ground Alliance (CGA) DIRT report as the tool by which all persons must report such information	Score (points x weight) 20
5.c.	Does the investigating organization investigate all pipeline excavation damages that it learns about (in the field or in the office) or use written procedures to determine when an investigation is warranted. ☐ Yes ☐ No Comments: The Division and Board will take enforcement action against every violator against	Score (points x weight) 20

	whom a complaint has been filed with the Division in accordance with the statutory complaint process, and who was determined to have violated the damage prevention requirements established in Idaho law. All complaints are resolved through a uniform process (with due process), whereby violators are equally subject to enforcement regardless of which type of stakeholder they may be. Regardless of whether a stakeholder was determined to be have violated a requirement, educational material may be sent to the involved parties.	
5.d.	What information does the investigation organization collect when investigating excavation damages, and from whom? Information obtained by the Division may include all the circumstances related to the damage incident or downtime event, including location, parties, date, time, extent of damage, whether a release of hazardous materials occurred, interruption in service, 811 calls, root causes, nature of both the facility, and facility owners, as well as the excavator, locating and marking activities, and what notifications occurred by the involved parties. The Division requires this information to be reported by facility owners, and excavators who observe, suffer or cause such damage or downtime. And, will also obtain the information from any other relevant party if necessary. Comments:	Information Only
5.e.	Question removed.	
5.f.	How does the enforcement authority determine when to undertake enforcement action? DBS will take enforcement on 100% of the complaints received. Comments:	Score (points x weight) 10
5.g.	How does the State hold both pipeline operators and excavators accountable for violations of the excavation damage prevention requirements? Half Credit: Though the program is new, data collected in 2017 and YTD in 2018 shows enforcement actions biased towards the excavator. In 2017 there were 1005 gas distribution excavation damages, of which, 89 were attributed to "locating practices not sufficient" and 146 attributed to "other." Idaho's approach to applying enforcement to both operators and excavators needs to be fair, as demonstrated by enforcement records and written enforcement policies/procedures. Comments: The Division and Board implement the statutory enforcement process against all stakeholders who have obligations under the damage prevention statutes and rules, including pipeline operators and excavators. Under the statutory process, all stakeholders are equally eligible to receive discipline for violations of the damage prevention requirements. Disciplinary action against all such stakeholders is uniformly applied in the form of issuing warnings, imposing training and civil penalties. The amount of civil penalties that may be imposed is the same for each of the stakeholders. Fair and consistent enforcement is also demonstrated by the fact that the Division has imposed civil penalties and training on various types of stakeholders in cases where it was warranted	Score (points x weight) 10
Guidance	General: PHMSA expects State enforcement programs to be balanced with regard to how they apply enforcement authority. PHMSA expects enforcement programs to be focused on the	

compliance responsibilities of both excavators and pipeline operators. PHMSA seeks a pattern of pipeline excavation damage enforcement that demonstrates that penalties are consistently applied to all violators of the State excavation damage prevention requirements and are not consistently applied to only one stakeholder group. PHMSA is interested in States' excavation damage investigation practices, and especially if these practices include the opportunity for input from all parties and if there is due process in place for those accused of violating the law. The result of PHMSA's review of a State's program under criterion 5 will not, by itself, be grounds for deeming enforcement of the State's excavation damage prevention law inadequate.

5.b.: PHMSA expects the State to able to produce copies of its documented damage investigation procedures/forms/etc.
Scoring guidance for question 5.b.:
2 = Satisfactory; The State has thoroughly-documented damage investigation written procedures/forms/etc.
1 = Needs Improvement; The State has some damage investigation written procedures/forms/etc., but the documentation does not completely describe the investigation process.
0 = Unsatisfactory; The State has limited or no documented damage investigation procedures/forms/etc.
Question weight: 10

5.c.: Investigations may or may not include site visits or field investigations; investigations may include in-office reviews of evidence submitted by parties involved in a damage. If the enforcement authority does not investigate every case of pipeline excavation damage, PHMSA expects States to have a policy for determining when investigation is warranted.
Scoring guidance for question 5.c.:
2 = Satisfactory; The State investigates all pipeline excavation damages that it learns about, or the State's written policies/procedures include criteria for when an investigation is not needed.
1 = Needs Improvement; The State investigates some pipeline excavation damages that it learns about, but not all, and the State's investigation procedures do not provide sufficient guidance for determining if an investigation is needed.
0 = Unsatisfactory; The State does not investigate pipeline excavation damages on a consistent basis. Investigations are not regular or common, and many pipeline excavation damages are not investigated. Enforcement procedures do not address when an investigation is needed.
Question weight: 10

5.f.:
Scoring guidance for question 5.f.:
2 = Satisfactory; The enforcement authority either takes enforcement action in every case of pipeline excavation damage, or has a documented consistent approach to determining when enforcement action is taken.
1 = Needs Improvement; The enforcement authority does not take enforcement action in every case of pipeline excavation damage or does not have a thoroughly documented approach for consistently determining when enforcement action is taken. Enforcement action does occur, but is not always consistent.
0 = Unsatisfactory; The enforcement authority does not have any process for ensuring enforcement is consistently applied.
Question weight: 5

5.g.: PHMSA is seeking an explanation of the State's policy regarding equitable and consistent application of enforcement to both operators and excavators.
Scoring guidance for question 5.g.:
2 = Satisfactory; The State's approach to applying enforcement to both operators and excavators is fair, as demonstrated by enforcement records, written enforcement policies/procedures, and

	excavation damage data. *1 = Needs Improvement; The State applies enforcement to both operators and excavators, but records indicate that enforcement authority is clearly used more often against one stakeholder group. For example, excavators may be targeted for enforcement more often than operators, but enforcement is applied to operators in some cases.* *0 = Unsatisfactory; The State applies enforcement to only one stakeholder group in most cases. For example, the enforcement program specifically and consistently targets excavators, but rarely targets operators for failing to fulfill their role in the damage prevention process.* *Question weight: 10*

Criterion 6 -At a minimum, do the State's excavation damage prevention requirements include the following:

- **Excavators may not engage in excavation activity without first using an available one-call notification system to establish the location of underground facilities in the excavation area.**
- **Excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.**
- **An excavator who causes damage to a pipeline facility:**
  - **Must report the damage to the operator of the facility at the earliest practical moment following discovery of the damage; and**
  - **If the damage results in the escape of any natural and other gas or hazardous liquid from a PHMSA-regulated pipeline, must promptly report to other appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number.**

Points: 80

6.a.	Does the State require excavators (who are not exempt from State requirements) to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity? Idaho Code §55-2205(1)(c) requires excavators to provide notice of a scheduled excavation to all facility owners through a one-number notification service. A violation of this requirement may subject the violator to enforcement action, including training and civil penalties. Comments:	Score (points x weight) 20
6.b.	Does the State require that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator? Idaho Code §55-2205(2) provides that excavators shall not excavate until all known facilities have been marked, and once marked by the facility owner, or owner's agent, the excavator is responsible for maintaining the markings. Comments:	Score (points x weight) 20
6.c.	Does the State require an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage? Idaho Code §55-2208(1) requires that excavator who contacts or damages a facility in the course of excavation shall notify the facility owner and the one-number notification service. It is the policy and expectation of the Division and Board that notice to the facility operator shall be provided by the excavator at the earliest practicable moment following the discovery of damage. Comments: **Full credit issued, however, State needs look at the use of the word "excavation" to ensure no relevant parties are excluded from this reporting requirement. See guidance for 6.c. and scoring change to take effect CY2021. This guidance is relevant to this question because of the inherent exemption by omission in the State's definition of "excavation."	Score (points x weight) Note guidance on scoring change 20
6.d.	Does the State require an excavator who causes damage to a PHMSA-regulated	Score (points x

	pipeline that results in a release of natural or other gas or hazardous liquid to promptly report the release to emergency responders by calling the 911 emergency telephone number or another emergency telephone number?	weight) 20
	Yes, § 55-2208. Damage to Underground Facilities – Duties of Excavator and Owner – Reporting of Data. If the damage causes an emergency condition or an actual breach of an underground facility that releases gas or hazardous liquids into the surrounding environment, the excavator causing the damage shall also alert the appropriate local public safety agencies by, at a minimum, calling 911, and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.	
	Comments:	

Guidance

General: PHMSA will review State requirements to ensure they address the basic Federal requirements in the PIPES Act for excavators such as using an available one-call system. The result of PHMSA's review of a State's requirements will not, by itself, render the State's enforcement program inadequate.

6.a.:
Scoring guidance for question 6.a.:
2 = Satisfactory; The State requires excavators (who are not exempt from State requirements) to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity.
1 = Needs Improvement; The State requires excavators (who are not exempt from State requirements) to use an available one-call notification system or to contact the operators of underground facilities directly to establish the location of underground facilities in the excavation area before engaging in excavation activity.
0 = Unsatisfactory; The State does not require excavators to use an available one-call notification system to establish the location of underground facilities in the excavation area before engaging in excavation activity.
Question weight: 10

6.b.:
Scoring guidance for question 6.b.:
2 = Satisfactory; The State explicitly requires that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.
1 = Needs Improvement; The State requires or recommends that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator, but the State's excavation damage prevention requirements are not explicit on this point. For example, the State damage prevention law/regulations may not have a defined tolerance zone in which hand tools or soft digging must be used, or the law/regulations may not require excavators to request re-locates when necessary.
0 = Unsatisfactory; The State does not require that excavators may not engage in excavation activity in disregard of the marked location of a pipeline facility as established by a pipeline operator.
Question weight: 10

6.c.: Reporting damages to a one-call center may suffice for contacting the operator directly.

PHMSA urges all States to review the definitions for excavators and excavation in their excavation damage prevention law to ensure the law does not exempt anyone from the reporting requirements of 49 USC § 60114 and 49 CFR Part 198.55. **"Damage"** is defined as any excavation activity that results in the need to repair or replace a pipeline due to a weakening, or the partial or complete destruction, of the pipeline, including, but not limited to, the pipe, appurtenances to the pipe, protective coatings, support, cathodic protection or the housing for the line device or facility. **"Excavation"** refers to excavation activities as defined in 49 CFR 192.614, and covers all excavation activity involving both mechanized and non-mechanized equipment, including hand tools. **"Excavator"** means any person or legal entity, public or private, proposing to or engaging in excavation.

Scoring Change Starting in CY 2021: PHMSA will score a State as "needs improvement" if either the State's excavation damage prevention requirements are not explicit on this point or the State's definition of an "excavation" and/or "excavator" allows, or potentially allows, for certain parties (i.e., individuals covered under an exemption) to be immune from these reporting requirements.

Scoring guidance for question 6.c.:
2 = Satisfactory; The State explicitly requires an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage.
1 = Needs Improvement; The State requires an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage.
0 = Unsatisfactory; The State does not require an excavator who damages a pipeline facility to report the damage to the operator of the facility at the earliest practical moment following discovery of the damage.
Question weight: 10

6.d.:
Scoring guidance for question 6.d.:
2 = Satisfactory; The State explicitly requires an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to promptly report the release to emergency responders by calling the 911 emergency telephone number or another emergency telephone number.
1 = Needs Improvement; The State requires or recommends that an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to notify emergency responders, but does not explicitly require calling the 911 emergency telephone number or another emergency telephone number.
0 = Unsatisfactory; The State does not require or recommend that an excavator who causes damage to a pipeline facility that results in the release of any PHMSA-regulated natural or other gas or hazardous liquid to notify emergency responders, but does not explicitly require calling the 911 emergency telephone number or another emergency telephone number.
Question weight: 10

Criterion 7 - Does the State limit exemptions for excavators from its excavation damage prevention law? A State must provide to PHMSA a written justification for any exemptions for excavators from State excavation damage prevention requirements. PHMSA will make the written justifications available to the public.

Points: 0

7.a.	What notification exemptions for excavators exist in the excavation damage prevention law? Idaho Code §55-2210 provides exemptions for certain types of excavations. However, this statute only exempts persons performing such excavations from the requirement to provide notice (through a one-number notification service) of the excavation pursuant to section 55-2205(1)(c), Idaho Code. The exemptions do not apply to any other provision of the damage prevention requirements. Additionally, the exemption is further narrowed whereby such excavation is exempt only unless facts exist which would reasonably cause an excavator to believe that an underground facility exists within the depth of the intended excavation. The statutory exemptions indicate that the following excavations shall not require the notice: (1) An excavation of less than fifteen (15) inches in vertical depth outside the boundaries of an underground facility easement of public record on private property. (2) The tilling of soil to a depth of less than fifteen (15) inches for agricultural practices. (3) The extraction of minerals within recorded mining claims or excavation within material sites legally located and of record, unless such excavation occurs within the boundaries of an underground facility easement. (4) Normal maintenance of roads, streets and highways, including cleaning of roadside drainage ditches and clear zones, to a depth of fifteen (15) inches below the grade established during the design of the last construction of which underground facility owners were notified and which excavation will not reduce the authorized depth of cover of an underground facility. (5) Replacement of highway guardrail posts, sign posts, delineator posts, culverts, and traffic control device supports in the same approximate location and depth of the replaced item within public highway rights-of-way. (6) Normal maintenance of railroad rights-of-way, except where such rights-of-way intersect or cross public roads, streets, highways, or rights-of-way adjacent thereto, or recorded underground facility easements. Comments:	Information Only
7.b.	Does the enforcement authority or supporting organization maintain information that demonstrates the impact of exemptions? Not currently, as the damage prevention program is in the process of developing a method to track such information. It is the intent of the Division and Board to maintain information regarding whether damages to underground facilities were caused by persons engaged in an exempted excavation. Comments:	Score (points x weight) 0
7.c.	What information does the enforcement authority or supporting organization maintain? The Division expects to maintain information that tracks when damages may occur as a result of an excavator engaging in an exempt activity, how many times such damages occurred, which exemption activity the excavator was engaged in, the nature of the damage and whether it caused a release of gas or hazardous materials, whether the excavator provide notice to the facility owner, and whether other legal requirements	Information Only

	of the damage prevention laws were complied with. Additionally, the Division intends to directly communicate with several of the larger underground facility owners in the state to acquire their related reports and data, or otherwise learn what trends and issues they may experience regarding damages involving exempted excavations. Comments:	
7.d.	How does the enforcement authority or supporting organization use information about the impact of exemptions? Currently, the Division has not obtained the information sought yet. When it is able to compile the information described in 7.c above, it will report such information to the Board, with the intent to target more education and outreach to those who regularly engage in the exempt activities which appear to result in frequent damage to underground facilities. If necessary it may also request the Board to consider legal modifications to the exemptions to achieve desired results. Comments:	Score (points x weight) 0
Guidance	General: PHMSA expects States to document the exemptions provided in State excavation damage prevention laws for any/all excavators. "Excavation" refers to excavation activities as defined in 49 CFR § 192.614, and covers all excavation activity involving both mechanized and non-mechanized equipment, including hand tools. "Excavator" means any person or legal entity, public or private, proposing to or engaging in excavation. Documentation should include the exemptions for excavators in State law and any data or other evidence that demonstrates the impact of the exemptions on the rate of excavation damage to pipelines and other underground infrastructure. PHMSA believes that exemptions for entire classes of excavators (e.g., farmers) represent a greater threat to pipeline safety than exemptions for specific excavation activities (e.g., shallow tilling). The result of PHMSA's review of a State's program under criterion 7 will not, by itself, be grounds for deeming enforcement of the State's excavation damage prevention law inadequate. 7.b.: *Scoring guidance for question 7.b.:* *2 = Satisfactory; The* enforcement authority or supporting organization *maintains robust complete information that clearly demonstrates the impact of exemptions. The information shows the number of damages caused by parties or activities that are exempt from State excavation damage prevention requirements.* *1 = Needs Improvement; The* enforcement authority or supporting organization *maintains some information that demonstrates the impact of exemptions, but the information is not complete and can only be used in a limited capacity to demonstrate the number of damages caused by parties or activities that are exempt from State excavation damage prevention requirements.* *0 = Unsatisfactory; The* enforcement authority or supporting organization *maintains limited or no information that demonstrates the impact of exemptions.* *Question weight: 3* 7.d.: *Scoring guidance for question 7.d.:* *2 = Satisfactory; The State uses information about the impact of exemptions to improve the excavation damage prevention program on a consistent basis.* *1 = Needs Improvement; The State collects some information about the impact of exemptions, but does not actively use the information to improve the excavation damage prevention program.* *0 = Unsatisfactory; The State does not collect or use information about the impact of exemptions*	

	to improve the excavation damage prevention program. *Question weight: 3*

General Evaluation Comments:

Idaho stakeholders have done an outstanding job in enhancing their excavation damage prevention enforcement program.
PHMSA commends the State on the creation and deployment of the Idaho Damage Prevention Board as well as their development of processes and procedures. Idaho is postured well to effectively enforce its one-call laws, which in-turn, should reduce excavation damages and enhance public safety.

STATE EXCAVATION DAMAGE PREVENTION LAW ENFORCEMENT PROGRAM EVALUATION
SIGN-IN SHEET

STATE: Idaho

DATE: 11/15/2018

Name	Organization	Title	Email
Patrick Grace	Division of Building Safety	Region 2 Manager	Patrick.Grace@dbs.id
Ron Whitney	Idaho Division of Building Saf...	Deputy Administrator	Ron.Whitney@dbs.id
Chris Jensen			Chris.Jensen@dbs.ida
Jeff Egan			jeff.egan@dbs.idaho
Darrin Ulmer	Public Utility Commission	Program Manager	darrin.ulmer@puc.id

DAMAGE PREVENTION BOARD

Agenda Item No. 04 **Education & Training Update**

PRESENTER: Jeanna Anderson, Board Member

OBJECTIVE: Update the Board on the DPB E & T Subcommittee Activities.

ACTION: Informational

BACKGROUND: **September 2018** – Topics addressed were advertising, National Excavator Initiative, excavator handbook, homeowner brochures, online training course, training report, locates, and compliance to 811 law. For incorporation into future board packets, Chairman Diehl requested the subcommittee chair create a list, bullet point format, of items/topics the subcommittee continues to pursue.

PROCEDURAL HISTORY:

ATTACHMENTS: ET Subcommittee DPB Report

Damage Prevention Board, Education & Training Sub-Committee

November 8, 2018 – Meeting

Education and Training Summary Report

Mission: *Develop and provide awareness, education, and training that will reduce and eliminate damage to underground facilities throughout Idaho.*

DPB Members	DBS Members
Jeanna Anderson	Renee Bryant
Joe Leckie	Patrick Grace
Julie Maki	Amy Kohler
Jerry Piper	Jerry Peterson
Mark VanSlyke	Ron Whitney
	Patrick Wood

1. Outreach Program – *Jerry Peterson*
    a. Training program update & to include results examples/report
    b. Proposed Outreach program – specific categories
    c. Jerry will provide specifics during next board meeting

2. Printed educational material – *Excavator Handbooks / Homeowner Brochures*
    a. Print material is current and no additional print necessary until fall 2019
    b. Damage prevention material available in DBS lobbies

3. Advertising – Update
    a. TV – Mike Rowe – Lindsay Sanders to provide DPB a proposal in November
        i. E&T Subcommittee to recommend place holder to Financial committee
    b. SafeExcavator.com

4. DIRT Reporting
    a. Board action for non-participation
    b. Utilize DIRT reports demonstrating damage prevention reductio

DAMAGE PREVENTION BOARD

Agenda Item No. 05 **Training and Industrial Feedback**

PRESENTER: Jerry Peterson, Energy Program Manager

OBJECTIVE: Update the Board with any feedback from the industry with regard to underground facilities.

ACTION: Informational

BACKGROUND: **September 2018** – Jerry Peterson, Energy Program Manager, updated the Board on training provided since July 2018, as well as upcoming training in October and November. Feedback received were problems with locates (multiple lines), low voltage (no fee to repair and no complaints), unknown irrigation lines (who to call when damaged), sewer laterals and excavators reluctant to file complaints.

Chairman Diehl suggested adding an informational item to the November 2018 Board meeting agenda on summary subjects of concern Jerry Peterson gleamed while providing training this year. This will allow the Board to develop specific action items for the subcommittee to address in 2019.

PROCEDURAL HISTORY:

ATTACHMENTS: Report

DAMAGE PREVENTION BOARD

Agenda Item No. 06 **Compliance with 811 Law**

PRESENTER: Spencer Holm, Deputy Attorney General

OBJECTIVE: Update the Board with any feedback from the industry with regard to underground facilities.

ACTION: Informational

BACKGROUND: **September 2018** – When questioned, Education and Training Subcommittee Chair Jeanna Anderson made a note to inform all interested parties that, by law, they have to belong to a one-number notification service. Provided to individuals will be information on statute changes with regard to sewer laterals as well.

A lengthy discussion ensued as to who is the responsible party to drive the compliance requirement. DBS can provide outreach, education, etc.; however, by law, cannot issue a civil penalty against an alleged violator until it receives a complaint. When further pressed, at a previous meeting the Division provided proposed legislation to the Board that would authorize the DBS Administrator to initiate complaints in the event a third party did not do so. At that time, the Board decided the issue needed to be a part of training and education.

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation

DAMAGE PREVENTION BOARD

Agenda Item No. 07 **Financial Update**

PRESENTER: Nichole Rush, Board Member

OBJECTIVE: Update the Board on the DPB Financial Subcommittee Activities.

ACTION: Informational

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation

DAMAGE PREVENTION BOARD

Agenda Item No. 08 **Joint States Meeting Update**

PRESENTER: Nichole Rush, Board Member

OBJECTIVE: Inform the Board on the topics addressed at the October 2018 Joint States meeting.

ACTION: Informational

BACKGROUND: The Washington Utility Coordinating Council will host the Joint States Meeting, October 2-4, 2018, in Vancouver, Washington. The current northwest partner states are Alaska, Idaho, Montana and Oregon. Representatives from Colorado and Arizona will attend as well.

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation

DAMAGE PREVENTION BOARD

Agenda Item No. 09 Idaho Code § 55-2205 "Excavators Calling Their Own Locate Requests"

PRESENTER: Julie Maki, Board Member

OBJECTIVE: Discuss excavators calling in their own locate requests.

ACTION: Informational

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation

DAMAGE PREVENTION BOARD

Agenda Item No. 10 Letter to Facility Owners Regarding Reporting Damages

PRESENTER: Nichole Rush, Board Member

OBJECTIVE: The Board discuss the Administrator drafting and sending a letter to facility owners regarding reporting damages.

ACTION: Informational

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation

DAMAGE PREVENTION BOARD

Agenda Item No. 11 **Compliance Report**

PRESENTER: Amy Kohler, Compliance Program Specialist

OBJECTIVE: Update the Board on the Damage Prevention Program's current compliance issues.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Damage Prevention Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: DPB Stats Report

DPB STATS AS OF 11/20/2018

INVALID COMPLAINTS	16
CANCELLED COMPLAINTS	26
ACTIVE	32
APPEAL ACTIVE	2
APPEAL UPHELDS	2
APPEAL REJECTED	3
CLOSED	388
PAID	58
PENDING	71
TOTAL	598

TRAINING ASSESSED	329
TRAINING COMPLETED	86

		$ CP	$ CP PAID
# OF 2ND OFFENSES	67	$12,000.00	$7,600.00
# OF 3RD OFFENSES	27	$8,200.00	$5,200.00
# OF 4TH OFFENSES	13	$7,200.00	$4,200.00
# OF 5TH OFFENSES	8	$25,200.00	$15,200.00
# OF 6TH OFFENSES	5	$15,500.00	$10,000.00
# OF 7TH OFFENSES	4	$16,000.00	$6,000.00
# OF 8TH OFFENSES	3	$10,000.00	$0.00
# OF 9TH OFFENSES	3	$0.00	$0.00
# OF 10TH OFFENSES	2	$0.00	$0.00
$ CP ASSESSED		$94,100.00	$48,200.00

COMPLAINTS FILED BY:		INVALID	CANCELLED	APPEAL - UPHELD	APPEAL - REJECTED
ANDEAVOR	2				
ATC COMMUNICATIONS	1				
AVISTA	4				
CITY OF BOISE	3				
COUGAR EXCAVATION	1	1			
IDAHO POWER	75		5		1
INTERMOUNTAIN GAS	505	13	21	2	2
TRACK UTILITIES	1	1			
TRU FIBER	1				
UTILITY SOLUTIONS	1	1			
WILLIAMS NORTHWEST PIPELINE	4				
TOTAL	598	16	26	2	3

COMPLAINTS ON DAMAGES IN 2017	144
COMPLAINTS ON DAMAGES IN 2018	454

DAMAGE PREVENTION BOARD

Agenda Item No. 11a **Damage Prevention Case Report**

PRESENTER: Amy Kohler, Compliance Program Specialist

OBJECTIVE: Review the NOV Activity by Date Report.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Idaho Electrical Board meetings.

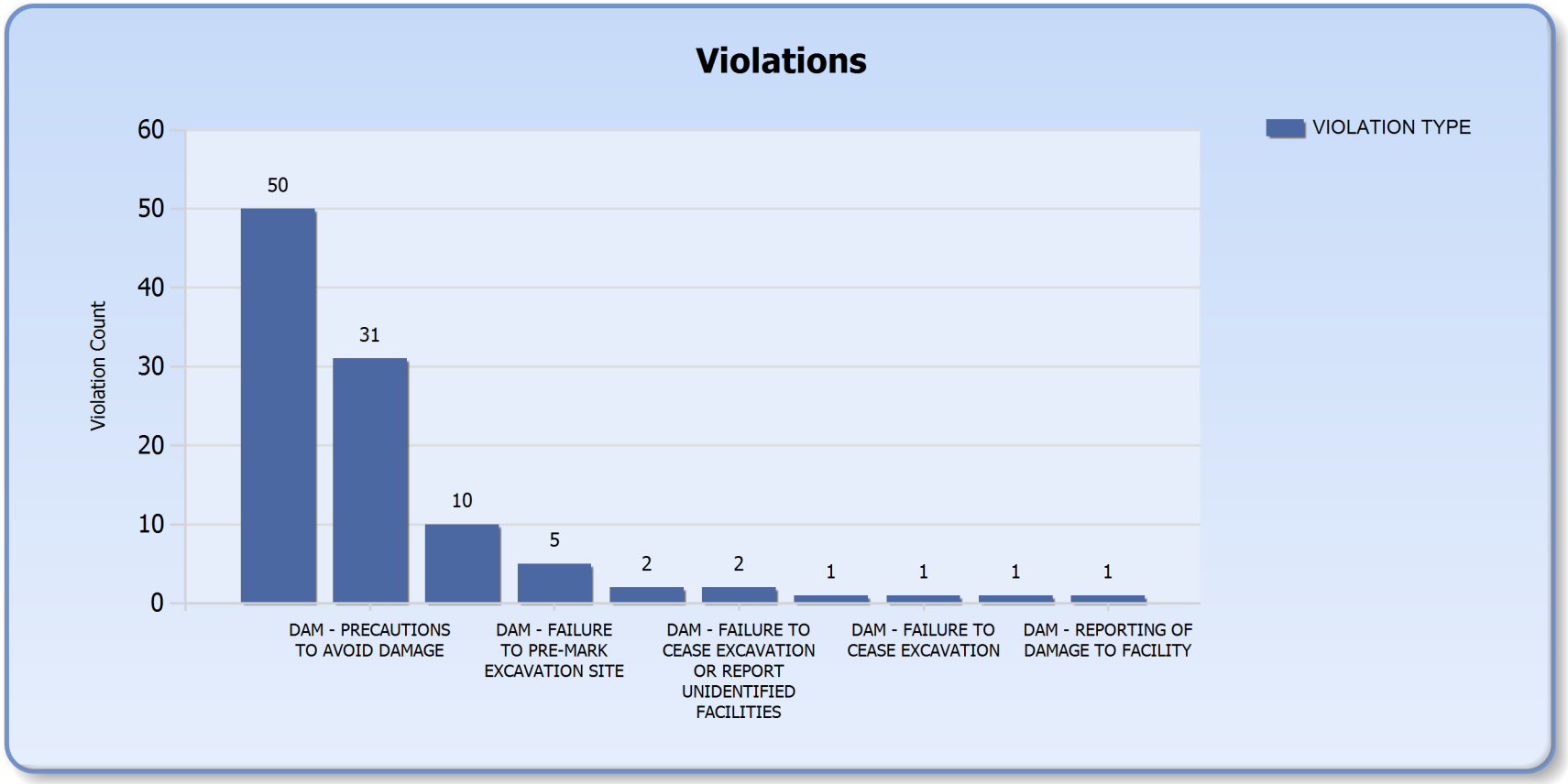
PROCEDURAL HISTORY:

ATTACHMENTS: NOV Activity by Date Report

DAM% NOV Activity by Date

ICS\akohler 11/20/2018 9:20:31 AM
From 9/19/2018 to 11/20/2018

91 Cases 104 Violations



CASE NO	STARTED	CLOSED	Case Type	FEES CHARGED	FEES PAID	BALANCE DUE	STATUS	OFFENDER COMPLAINANT
DAM1809-0029 REXBURG	9/25/2018	11/14/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**CITY OF REXBURG** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE								
DAM1809-0030 IDAHO FALLS	9/21/2018	11/14/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**TMC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0001 CALDWELL	9/21/2018		NOV	$200.00	$0.00	$200.00	ACTIVE	**SILVER LANDSCAPING LLC** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0003 SALMON	9/25/2018	11/14/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**EAGLE VALLEY RANCH** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0006 EAGLE	9/21/2018		NOV	$200.00	$0.00	$200.00	ACTIVE	**STERLING LANDSCAPE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0008 BOISE	9/19/2018	11/14/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**RONALD MILLER** INTERMOUNTAIN GAS CO

VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0009 MERIDIAN	9/25/2018	11/6/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**EAGLE LANDSCAPE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0010 CALDWELL	9/28/2018		NOV	$0.00	$0.00	$0.00	PENDING	**KING CONCRETE CONSTRUCTION, LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO CEASE EXCAVATION								
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0011 WILDER	9/20/2018	11/19/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**L & M FINE GRADING & EXCAVATION LLC** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0013 GARDEN CITY	9/26/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**VICTOR BETAGNOLLI** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0014 IDAHO FALLS	10/5/2018		NOV	$5000.00	$0.00	$5000.00	PENDING	**KNIFE RIVER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								

DAM1810-0015 BOISE	9/21/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**C WRIGHT CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE								
DAM1810-0016 BOISE	9/21/2018	11/19/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**MR. MUDD CONCRETE CORP** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0017 GARDEN VALLEY	9/20/2018	11/2/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**BRAD STOUGH** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0018 BOISE	10/10/2018		NOV	$200.00	$0.00	$200.00	ACTIVE	**CIRCLE H CONSTRUCTION** CITY OF BOISE
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
VIOLATION: DAM - REPORTING DAMAGE								
DAM1810-0019 BOISE	10/2/2018		NOV	$0.00	$0.00	$0.00	PENDING	**BOISE RIVER FENCE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0020 BOISE	9/21/2018	11/19/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**RICARDO R REYES** INTERMOUNTAIN GAS CO

VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0021 BLACKFOOT	9/22/2018	11/14/2018	NOV	$500.00	$500.00	$0.00	APPEAL	**MICKELSEN CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO LOCATE OR MARK								
DAM1810-0022 BOISE	10/11/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CIRCLE H CONSTRUCTION** CITY OF BOISE
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0023 IDAHO FALLS	10/11/2018		NOV	$0.00	$0.00	$0.00	PENDING	**KNIFE RIVER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1810-0024 BOISE	10/3/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**MARK COOLS** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0025 MERIDIAN	10/2/2018		NOV	$0.00	$0.00	$0.00	PENDING	**L2 CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								

DAM1810-0026 BOISE	10/3/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CASCADE PIPELINE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0029 NAMPA	10/5/2018		NOV	$0.00	$0.00	$0.00	PENDING	**KING CONCRETE CONSTRUCTION, LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1810-0030 IDAHO FALLS	10/8/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DEPATCO** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0031 KETCHUM	10/9/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CANYON EXCAVATION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PRE-MARK EXCAVATION SITE								
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0032 KETCHUM	9/25/2018		NOV	$200.00	$0.00	$200.00	ACTIVE	**JOE'S BACKHOE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PRE-MARK EXCAVATION SITE								
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								

DAM1810-0033 KETCHUM	9/24/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**BIG WOOD LANDSCAPING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PRE-MARK EXCAVATION SITE								
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0034 BLACKFOOT	9/26/2018		NOV	$0.00	$0.00	$0.00	PENDING	**LARSEN HOMES** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0035 MENAN	10/17/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**J & J SATELLITE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0036 POCATELLO	10/1/2018	11/6/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**ALL AMERICAN YARDS** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0037 CHUBBUCK	10/2/2018		NOV	$0.00	$0.00	$0.00	PENDING	**STARR CORPORATION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								

DAM1810-0038 MIDDLETON	10/4/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DASCO** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0039 POCATELLO	10/13/2018		NOV	$0.00	$0.00	$0.00	PENDING	**KNIFE RIVER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0040 BLACKFOOT	10/13/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CODY SHELLY** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0041 IONA	10/17/2018		NOV	$200.00	$0.00	$200.00	ACTIVE	**MOUNTAIN VALLEY CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0042 IDAHO FALLS	10/22/2018	11/15/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**CARLSONS CONCRETE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0043 AMMON	10/20/2018		NOV	$0.00	$0.00	$0.00	PENDING	**KM SERVICES CO** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								

DAM1810-0044 POCATELLO	10/16/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DO IT RIGHT** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0045 BELLEVUE	10/16/2018		NOV	$0.00	$0.00	$0.00	PENDING	**JOE'S BACKHOE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO CEASE EXCAVATION OR REPORT UNIDENTIFIED FACILITIES								
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0046 POCATELLO	10/2/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CORNERSTONE CONCRETE LLC** IDAHO POWER
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0047 MCCALL	10/4/2018		NOV	$0.00	$0.00	$0.00	PENDING	**GRANITE EXCAVATION INC** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0048 MIDDLETON	10/3/2018		NOV	$0.00	$0.00	$0.00	PENDING	**IDAHO POWER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								

DAM1810-0049 BOISE	10/10/2018		NOV	$0.00	$0.00	$0.00	PENDING	**ROBERTSON ELECTRIC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0050 EAGLE	10/15/2018	11/13/2018	NOV	$0.00	$0.00	$0.00	INVALID	**HAYDEN HOMES** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0051 BOISE	10/7/2018	11/8/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**DONALD HAHN** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0052 BOISE	10/15/2018		NOV	$500.00	$0.00	$500.00	PENDING	**NAMPA PAVING & ASPHALT COMPANY** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0053 BOISE	10/14/2018		NOV	$0.00	$0.00	$0.00	PENDING	**JOEL KLIEBE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0054 MERIDIAN	10/12/2018		NOV	$0.00	$0.00	$0.00	PENDING	**UTILITY SOLUTIONS LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								

DAM1810-0055 MERIDIAN	10/12/2018		NOV	$0.00	$0.00	$0.00	PENDING	**PAMPERED GREENS LAWNCARE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1810-0056 EAGLE	10/15/2018		NOV	$0.00	$0.00	$0.00	PENDING	**PROVISION LANDSCAPING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1810-0057 BOISE	10/15/2018	11/15/2018	NOV	$0.00	$0.00	$0.00	CLOSED	**MB SERVICES** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0001 UCON	10/30/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DOUG'S REPAIR** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0002 BLACKFOOT	10/18/2018		NOV	$0.00	$0.00	$0.00	PENDING	**AMERICAN ROOTER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0003 SODA SPRINGS	10/18/2018		NOV	$0.00	$0.00	$0.00	PENDING	**HEADWATERS CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								

DAM1811-0004 SODA SPRINGS	10/22/2018		NOV	$0.00	$0.00	$0.00	PENDING	**BEAR LAKE CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0005 POCATELLO	10/24/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CORNERSTONE CONCRETE LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0006 STAR	10/11/2018		NOV	$0.00	$0.00	$0.00	PENDING	**COUGAR EXCAVATION** IDAHO POWER
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1811-0007 POCATELLO	10/25/2018		NOV	$0.00	$0.00	$0.00	PENDING	**MARK GAMBLIN** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0008 BOISE	10/24/2018		NOV	$0.00	$0.00	$0.00	PENDING	**TRACK UTILITIES** CITY OF BOISE
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
VIOLATION: DAM - REPORTING OF DAMAGE TO FACILITY								
DAM1811-0009 BOISE	10/17/2018		NOV	$0.00	$0.00	$0.00	PENDING	**JMZ CONSTRUCTION** INTERMOUNTAIN GAS CO

VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0010 MERIDIAN	10/18/2018		NOV	$0.00	$0.00	$0.00	PENDING	**BUTTE FENCE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0011 BOISE	10/13/2018		NOV	$0.00	$0.00	$0.00	PENDING	**FINER THINGS LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0012 BOISE	10/12/2018		NOV	$0.00	$0.00	$0.00	PENDING	**SANTICO EXCAVATION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1811-0013 MCCALL	10/11/2018		NOV	$0.00	$0.00	$0.00	PENDING	**GRANITE EXCAVATION INC** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0014 CALDWELL	11/3/2018		NOV	$0.00	$0.00	$0.00	PENDING	**JESUS GOMEZ** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								

DAM1811-0015 CALDWELL	10/24/2018		NOV	$0.00	$0.00	$0.00	PENDING	**SILVER LANDSCAPING LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1811-0016 FRUITLAND	10/17/2018		NOV	$0.00	$0.00	$0.00	PENDING	**CIRCLE H CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO CEASE EXCAVATION OR REPORT UNIDENTIFIED FACILITIES								
DAM1811-0017 GRACE	10/19/2018		NOV	$0.00	$0.00	$0.00	PENDING	**STODDARD FARMS** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1811-0018 STAR	10/15/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DAHLE CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
DAM1811-0019 IDAHO FALLS	11/1/2018		NOV	$0.00	$0.00	$0.00	PENDING	**FINE DIRT EXCAVATING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								

DAM1811-0020 CALDWELL	10/26/2018		NOV	$0.00	$0.00	$0.00	PENDING	**LUKE PORTER** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0021 CALDWELL	10/18/2018		NOV	$0.00	$0.00	$0.00	PENDING	**SILVER LANDSCAPING LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0022 CALDWELL	10/30/2018		NOV	$0.00	$0.00	$0.00	PENDING	**LOVE EXCAVATION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0023 CAREY	10/15/2018		NOV	$0.00	$0.00	$0.00	PENDING	**K & J FARMS INC** IDAHO POWER
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0024 MERIDIAN	10/22/2018		NOV	$0.00	$0.00	$0.00	PENDING	**ELEMENT FENCING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0025 KETCHUM	11/14/2018		NOV	$0.00	$0.00	$0.00	PENDING	**SORENSON AND SONS** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								

DAM1811-0026 SUGAR CITY	11/7/2018		NOV	$0.00	$0.00	$0.00	PENDING	**ZOLLINGER CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0027 TWIN FALLS	10/29/2018		NOV	$0.00	$0.00	$0.00	PENDING	**STANLEY ASSOCIATES** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0028 TWIN FALLS	11/3/2018		NOV	$0.00	$0.00	$0.00	ACTIVE	**STERLING FENCE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PRE-MARK EXCAVATION SITE								
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0029 KETCHUM	11/8/2018		NOV	$0.00	$0.00	$0.00	PENDING	**LUNCEFORD EXCAVATION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PRE-MARK EXCAVATION SITE								
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
VIOLATION: DAM - FAILURE TO WAIT FOR LOCATE OR MAINTAIN MARKINGS								
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0030 CHUBBUCK	10/30/2018		NOV	$0.00	$0.00	$0.00	PENDING	**STARR CORPORATION** INTERMOUNTAIN GAS CO

VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0031 BOISE	10/17/2018		NOV	$0.00	$0.00	$0.00	PENDING	**COONSE WELL** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0032 CALDWELL	11/5/2018		NOV	$0.00	$0.00	$0.00	PENDING	**NAMPA PAVING & ASPHALT COMPANY** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0033 BOISE	10/29/2018		NOV	$0.00	$0.00	$0.00	PENDING	**MAGIC VALLEY LANDSCAPING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0034 BOISE	10/31/2018		NOV	$0.00	$0.00	$0.00	PENDING	**PRECISION GRADING** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0035 MERIDIAN	10/30/2018		NOV	$0.00	$0.00	$0.00	PENDING	**IDAHO SEPTIC LLC** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0036 IDAHO FALLS	11/14/2018		NOV	$0.00	$0.00	$0.00	PENDING	**RC HEAVY HAUL** INTERMOUNTAIN GAS CO

VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0037 IDAHO FALLS	11/8/2018		NOV	$0.00	$0.00	$0.00	PENDING	**DEPATCO** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
DAM1811-0038 EAGLE	11/12/2018		NOV	$0.00	$0.00	$0.00	PENDING	**GARCIA BROTHERS CONCRETE** INTERMOUNTAIN GAS CO
VIOLATION: DAM - FAILURE TO PROVIDE NOTICE								
DAM1811-0039 BOISE	11/12/2018		NOV	$0.00	$0.00	$0.00	PENDING	**JMZ CONSTRUCTION** INTERMOUNTAIN GAS CO
VIOLATION: DAM - PRECAUTIONS TO AVOID DAMAGE								
Total Cases: 91				**$7000.00**	**$500.00**	**$6500.00**		

DAMAGE PREVENTION BOARD

Agenda Item No. 12 **Administrator Report**

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Damage Prevention Board meetings.

PROCEDURAL HISTORY:

ATTACHMENTS: No Documentation