

# ATTACHMENT E

## Law Change FAQ

1. Is hand digging still exempt from calling before you dig?
  - Yes, but only if you are digging under 12" deep on your own property. But, if you damage an underground facility you are still responsible for the damages. Indiana 811 recommends that you always "Know What's Below" and call 811 before you Dig.
2. I see that an exemption has been added for probing to determine the extent of gas migration. Does this include all probing?
  - No, the exemption is only allowed for determining where a gas leak is occurring. It does not exempt them from damages that they may cause to other buried facilities during the probing.
3. Who needs to be a member of Indiana 811?
  - All operators of underground facilities with the exception of those facility owners whose facilities are on their property and are used solely for their own benefit, are required to be members of Indiana 811
4. If I do not become a member of Indiana 811 what are the consequences?
  - In addition to not being able to collect damages from an excavator that strikes your facility, penalties have been added that can reach up to \$100 per each day of non-compliance. Penalties can start to be accessed on January 1, 2010.
5. What is this white lining I am hearing about?
  - White lining is the process that an excavator uses to identify the location of their excavation using white flags or paint marks. It is also a Common Ground Alliance best practice.
6. When am I required to white line my excavation site?
  - White lining is required when an excavator cannot accurately identify where they will be digging on the locate request. The following are the minimum requirements for a locate request. Street Address, Legal Description of the location, A highway location using highway mile markers or cross streets.
7. What is the maximum size of an excavation site that may be included on a single locate request?
  - The longstanding Indiana 811 policy on this is now included in the Law. Within an incorporated area an excavator may put 1,500 linear feet on each request. In an unincorporated area they may put 2,500 linear feet.
8. What happens if I call in a false emergency locate request?

- The law in Indiana defines a person performing an emergency excavation or demolition as one who is involved with repairs or improvements that involve an imminent danger to life, health, property or loss of service. After July 1<sup>st</sup> 2009 a person that calls in a false emergency locate request could be fined up to \$1,000.

9. Who can be fined?

- Anyone in violation can be fined if there is a gas or pipeline damage.

10. How will the fines be levied?

- The governor will appoint an advisory committee to create and oversee the new penalty section of the law. A rule making process will be started to set up the rules guiding the committee.

11. As an excavator what can I be fined for?

- Fining is the last option given to the Advisory Committee. Warning letters and education are at the fore front of the tools given to them. With the exception of the fines for not being a member of Indiana 811 and for calling in false emergencies the fines will be restricted to only violations to the law when a pipeline or local gas distribution company's lines are involved. Most fines have a maximum of \$10,000 per occurrence.

12. Where does the money from fines go?

- The money collected from fines will go into an account to pay for training and public awareness activities.