

News Release

For Immediate Release: April 16, 2019

City of Durham Status Report Regarding 115 North Duke Street Explosion

The City of Durham is continuing to review and investigate events leading up to and following the tragic explosion of a building at 115 North Duke Street last Wednesday, April 10, 2019. Several requests have been made for information covering a variety of topics, many listed below. At this time, in addition to this document, the City is releasing the following, which are posted in the drop box.

In Drop Box - <https://drive.google.com/open?id=1oEzNhK9PxeVrxFkZNCcss2Wh6I7psWZp>

- A 911 recording, received at 9:11 a.m. Wed., April 10
- Initial Responses to HazMat Emergencies
- Field Operations Guide

Covered in this Document:

- Response to a 911 call at 9:11 a.m.
- Emergency Response Guidelines for Natural Gas Odor or Leaks
- Practices of Public Emergency Notifications
- Gas Leak Frequency and Tracking
- How is Work Performed in the City Right of Way: An overview of the City's process to work in the right of way
 - Requirements of the Permit Review Process
 - Permit Applicants and Use of Subcontractors
 - The City's Scope of Construction Oversight
- Safety Responsibilities
 - Laws & Agencies Governing the Safety of Underground Work
- Investigation Responsibilities
- Number of Active Permits
- Site Cleanup/Restoration
- Recovery Assistance to Businesses

Fire Department's Response to the 9:11 a.m. call to Emergency Communications

At 9:11 a.m., a person called Emergency 911 to report a strong smell of gas as she was driving through the intersection of North Duke and Morgan Streets. Durham Emergency Communication Center dispatched a fire engine from Station 1 to investigate the odor at 9:13 a.m.

DFD Engine 1 arrived at the corner of N. Duke and Morgan streets four minutes later. The firefighters could not detect a smell of gas at the intersection, continued on to the entrance of the school parking lot and attempted to make contact with the 911 caller to get more information about where she smelled the odor. Those efforts were unsuccessful.

The engine began a slow canvas of the area, circling the Durham School of the Arts which had been mentioned several times in the 911 call. After completing a circuit of DSA and detecting no gas odor, Engine

1 returned to the area of the original reported odor, pausing midblock on Morgan Street between N. Duke and Gregson in an additional effort to detect the odor. Engine 1 paused for almost a minute, but detected no odor of gas. They observed a gas service on the rear of 710 West Main Street (which faces Morgan Street) at the southeast corner of the intersection, and having found no sign of gas, believed a pressure related venting of gas occurred. - Engine 1 cleared the call and returned to the station. The same unit would be dispatched 13 minutes later after the contractor called in to report he had struck a gas Main at 115 N. Duke Street at 9:37 a.m.

There are no other 911 reports of a gas odor or leak prior the 9:37 a.m. 911 call from the contractor to report that he had hit a gas line. At this time, there is no explanation for the gap between the first reported gas odor received at 9:11 a.m. and the time that passed before the contractor's call to 911. While our investigation is ongoing, an initial review of the actions of Engine 1 responding to the first report of a gas odor followed appropriate procedures, and showed diligence in attempting to verify the presence of a gas odor. This investigation is ongoing and a more detailed summary will be provided when the investigation is complete.

Guidelines on Emergency Response to reports of Natural Gas Odor or Leak

The City of Durham Fire Department does have a guideline in effect covering Initial Response to Hazardous Materials Emergencies. While the findings of an investigation will take some time to finalize, an initial review of the department's response to this incident shows no deviations from these guidelines. In addition, staff uses a checklist that informs the response to these types of incidents. A copy of that checklist is also attached.

Practices of Public Emergency Notifications

The Fire Department conducts door-to-door evacuations on a small scale when required. For notifications on a larger scale, DFD coordinates with Durham County Emergency Management to activate the *Alert Durham* notification system (at our request or if they are otherwise made aware of a recognized emergency.) *Alert Durham* was activated on April 10, 2019 at 10:35 a.m. The message reported that a gas explosion occurred at 115 N. Duke Street and N. Duke Street was closed from Chapel Hill Road to Morgan Street.

Gas Leak Frequency and Tracking

Reports of gas leaks or reports of gas odor are common emergency calls in the city. The City does not track the occurrence of these incidents. While city emergency responders assess the risk to the public, Dominion Energy responds to identify the source of the leak (when one exists), shuts down service and effects a repair. Interested parties should contact Dominion Energy for more information.

How is Work Performed in the City Right of Way?

An Overview of Process to Gain Permission to Work in the Right-of-Way

To work on a city street, the applicant must:

1. Obtain a license agreement from the City. This license allows certain facilities not owned by the public (private owners) to be located within the public way, stipulates the requirements of installing, maintaining and operating those facilities within the public way, and attaches the liability of those activities and the facility itself to the owners of the facility. This is not an authorization to work, and all work must first receive a permit (explained below).
2. Put into place all requirements of license agreement (such as performance bond, insurance, etc.).
3. Apply for and receive a permit for specific work location(s). Each location where work is to be performed by or on behalf of the licensee (see license agreement above) requires an application to the City. The City reviews the application for conformance to the terms of the license agreement and city code applicable construction standards and provisions. When the

application is complete and meets the aforementioned requirements, the City will issue the permit. The permit is also the instrument the City uses to compel the applicant to notify the City when work is to be performed, and also to require the inspection of the work (see below).

4. Post notice to nearby residents of work per notice requirements of city code and license agreement. The notice required is seven days for most work. Except in the case of emergency repairs, all private utility excavation permits require a minimum seven days' notice to all entities located along the public way where the work is proposed to be performed.
5. Notify city and 811 of anticipated work start date per required timelines.
6. Request and be subject to an inspection for the restoration of the City's infrastructure. City inspectors review the work performed in the field for conformance to city code, including pavement and sidewalk installation methods, and restoration of the public way after work is complete.
7. Repair all deficiencies identified through inspection(s).

Once issued, permits are good for 90 days and can be extended in 90-day increments.

All excavations performed by a private utility company within the public way (City- and State-maintained) and also within the City limits of the City of Durham are subject to the private utility excavation permitting and inspections process. Private property is not subject to the private utility permitting and inspections process.

Specific Requirements of the Permit Review Process

The Public Works Department receives and reviews the permit application from private utilities to excavate in the right of way. If permit applications require traffic control, and for all work inside of the downtown area (as delineated on occasionally updated GIS maps), the Transportation Department reviews traffic control plans. For small wireless facilities, permit applications are received by the Development Services Center inside the City/County Planning Department, as those items also have appearance and historic district requirements. Small Wireless Facility excavations are then routed to Public Works for a review of the excavation work and later, inspecting of the public way.

Permit Applicants and Use of Sub-Contractors

Any authorized agent of the facility owner can apply for the permit. (The facility owners list their authorized agents in the database.) Sometimes the facility owner is the permit applicant, other times the owner has a contracted company apply on their behalf.

Many times the facility owner opts to use a contractor to perform the design and installation of a facility. Often, these contractors hire subcontractors to perform elements of the excavation. The City has historically not required facility owners to identify the subcontractors as part of the permit process. The City holds the facility owner accountable for all activities of the contractor and any subcontractors via the city code and the license agreement.

Scope of City Oversight of Construction Work in the Right-of-Way

The City does perform inspections of all work completed in an active permit for conformance to the permit, the license agreement, and the city code. This primarily involves monitoring the restoration of the City's infrastructure. Public infrastructure includes pavement, sidewalks, stormwater conveyance, public water and public sewer, as well as monitoring and ensuring the restoration of the entire public way. **Note that the City does not inspect the construction practices of the privately-owned facility being installed, as the safety of such digging is governed by the state statute referenced above.**

Safety Responsibilities

Laws and Agencies Governing the Safety of Underground Work

The state of North Carolina most recently updated the Underground Utility Safety and Damage Prevention Act in

2013. (https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_87/Article_8A.html)

The purpose statement included in this legislation states: *“The General Assembly of North Carolina hereby declares as a matter of public policy that it is necessary to protect the citizens and workforce of this State from the dangers inherent in excavating or demolishing in areas where underground lines, systems, or infrastructure are buried beneath the surface of the ground, and it is necessary to protect from costly damage underground facilities used for producing, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, or sewage.”*

Investigating the Cause of the Gas Leak

Inspectors from the pipeline safety division of the North Carolina Utilities Commission are in charge of investigating the accident that resulted in a ruptured natural gas line that led to the explosion of the building at 115 N. Duke Street. Inspectors from this division commenced their investigation the day of the explosion. These inspectors will summarize their findings in a report that will be filed with the Clerk of the Utilities Commission. Questions about this process and enforcement of the law governing underground utility safety should be directed to **Bill Gillmore, supervisor of the Pipeline Safety Division, at 919-733-9563.**

Number of Active Permits, Construction Locations, and Inspection Frequency

In any given month, the City receives hundreds of private utility excavation permit applications. Due to the variability of work start dates, work duration, and remediation efforts required, the number of active permits is in constant flux. Currently 434 permits are marked as issued, meaning the permit application has been deemed complete and meets the requirements of City Code and the license agreement, but work has not yet started; 11 permits are marked as having requested an inspection, meaning the work is either being performed or will be performed in the coming days; 156 are marked as having a punch list, meaning City inspectors have identified deficiencies that the permittee must correct. A punch list also likely indicates that work is either being performed or will be performed in the coming days. These three permit statuses are what the City identifies as “active” permits, and they total 601 as of today.

The private utility activity in Durham fluctuates from day to day depending on several factors including the weather. A reasonable estimate for “an average day” would be on the order of 40 crews performing some kind of private utility excavation work or private utility installation. This would not include work on private property, new commercial or residential development, or work performed by public entities such as the City of Durham, Durham County, or NCDOT.

City inspectors are normally able to visit each private utility excavation work site each day; however, the inspectors have limited time at each site. Full-time onsite inspections of each private utility excavation site are not possible.

Other entities such as 811 and 811 member organizations (Dominion Energy, Duke Power, AT&T, Time Warner Cable, Frontier, etc.) are notified of the work through the 811 system and have the opportunity to monitor the activity as well.

Site Clean-Up and Restoration

It is the responsibility of the insurance companies for the adjacent property owners to secure damaged buildings and remove debris from the explosion. At this time, a timeline has not been finalized for these activities. Until we receive more information, we cannot provide a timeline for the partial or full reopening of N. Duke Street. We will update this information when a timeline is finalized.

Recovery for Business

The City/County Emergency Management consulted with the North Carolina Emergency Management

Recovery Division regarding loss of revenue help for the businesses in the area of N. Duke Street, Main Street, and Gregson Street. The City will be asking the US Small Business Administration (SBA) to implement their Economic Injury Disaster Loan (EIDL) program that provides low interest loans to affected businesses. This program will help our local businesses pay their bills and employee salaries while they are closed.

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