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October 14, 2019

Bryce Ricklefs  
President  
BOOMERANG CORP.  
12536 Buffalo Road  
Anamosa, Iowa 52205

RE: One Call Violations – Linn County

Dear Bryce Ricklefs:

It has come to our attention that on or about July 17, 2018, Boomerang Corp. (“Boomerang”) conducted excavations in at near the intersection of 11<sup>th</sup> Street NW and O Ave. in Cedar Rapids, Iowa, to work on a storm sewer, allegedly in violation of the “Iowa One Call” statute, Iowa Code chapter 480. It was reported to our office that Boomerang’s excavation resulted in damage to a 2-inch natural gas pipeline under 30 pounds per square inch of pressure.

Although Boomerang had placed locate requests, during the excavation, Boomerang used heavy equipment (an excavator) within the “tolerance zone” of a marked underground natural gas pipeline, hitting and damaging the natural gas pipeline. Iowa One Call’s “Excavators Manual” provides that:

Excavators should observe this tolerance zone and take precautionary measures to avoid encountering underground facilities when excavating near or within this area. When excavations take place within the tolerance zone, excavators should hand-dig test holes to determine the location of the underground facilities. No equipment or machinery, other than accepted procedures, such as vacuum excavation, should be used for exposing underground facilities within the tolerance zone. (Available at <http://iowaonecall.com/wp-content/uploads/2018/08/IowaExcavatorManual-web.pdf>, p. 29).

As I am sure you are well aware, striking and damaging a natural gas pipeline can have tragic results. Boomerang is fortunate the aforementioned incident did not result in injury, or worse, to any Boomerang employees, pipeline employees, or first responders.

Failure to exercise due care in excavating in a marked area to avoid damaging underground facilities constitutes a violation of Iowa Code sections 480.1A and 480.4(3)(a)(1).

Iowa Code section 480.6(1)(a) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation involving natural gas pipelines. Iowa Code section 480.6(1)(b) authorizes the Attorney General to seek civil penalties up to a maximum of One Thousand Dollars (\$1,000) per day of each such violation to all other underground facilities. Injunctive relief is also authorized pursuant to Iowa Code section 480.7.

The purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Failure to comply may result in judicial enforcement proceedings initiated by our office pursuant to Iowa Code sections 480.6 and 480.7.

Thank you for your attention to this matter.

Sincerely,



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