

THOMAS J. MILLER
ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Environmental Law Division

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-5341
Email: jacob.larson@ag.iowa.gov
www.iowaattorneygeneral.gov

August 1, 2018

Doug Clement
President
CONSTRUCTION MATERIALS
TESTING, INC.
1610 E Madison Ave.
Des Moines, Iowa 50313

RE: One Call Violations – Tama County

Dear Mr. Clement:

It has come to our attention that on or about October 17, 2017, Construction Materials Testing, Inc. (“CMT”) conducted excavations in Tama County, at 220 Sunset Court, Chelsea, Iowa, to obtain soil borings for evaluating the soil conditions of a residence, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities on the property, potentially including fiber optic cable lines, telephone lines, electrical lines, and natural gas transmission lines, were not located and marked prior to the excavations. As I am sure you are well aware, striking and damaging underground facilities can have tragic results. You are fortunate that this incident did not result in injury, or worse, to any of your employees, underground facility employees, or first responders.


Failure to provide 48-hours notice of the excavation constitutes violation of Iowa Code sections 480.1A, 480.4(1)(a), and 480.4(1)(b)(1)-(8). 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.

Notice of a planned excavation must be given by either filing a ticket online at www.iowaonecall.com or calling the One Call Notification Center at 1-800-292-8989 or 811 at least 48 hours prior to the excavation.

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,



JACOB J. LARSON
Assistant Attorney General
Office of Iowa Attorney General
Environmental Law Division
Phone: (515) 281-5341
E-mail: jacob.larson@ag.iowa.gov

Cc. James Tometich
Tometich Engineering
10501 Buena Vista Court
Urbandale, Iowa 50322