

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@iowa.gov](mailto:jacob.larson@iowa.gov)  
[www.iowaattorneygeneral.gov](http://www.iowaattorneygeneral.gov)

December 15, 2017

Matthew Devig  
DEVIG FARMS AND  
CUSTOM SERVICES, LLC  
52480 HWY 210  
Slater, IA 50244

RE: One Call Violations – Story County

Dear Mr. Devig:

It has come to our attention that on or about August 9, 2017, you conducted excavations for landscaping at 3911 Margaret Lane, Ames, Story County, Iowa 50014, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. Underground facilities, including a 1/2-inch diameter natural gas pipeline under 50 pounds per square inch of pressure (psi), were not located and marked prior to the excavations. During the August 9, 2017 excavation, you hit and damaged the 1/2-inch diameter pipeline, resulting in remediation costs to the pipeline company.

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)(c)(1)-(8). Failure to notify the owner or operator of damage to an underground facility as a result of an excavation constitutes a violation of Iowa Code § 480.5 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](http://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 we have completed our review of this matter and we are prepared to file suit. If you or your attorney would like to discuss this matter or provide additional information prior to our filing suit, please contact me by January 12, 2018.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jacob J. Larson". The signature is fluid and cursive, with the first name "Jacob" being more prominent than the last name "Larson".

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