

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

November 6, 2019

Eric Johnson
Agent for
DIRTWORKS CONSTRUCTION, LLC
620 Lafayette Street
Waterloo, Iowa 50703

RE: One Call Violations – Blackhawk County

Dear Mr. Johnson:

It has come to our attention that on or about May 29, 2018, Dirtworks Construction, LLC (“Dirtworks”), conducted excavations with an excavator at 305 Springfield Avenue, Hudson, Iowa 50643, to subgrade for a concrete parking area, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a .500 coax cable, were not located and marked prior to the excavations. During the May 29, 2018 excavation, Dirtworks hit and damaged the coax cable, resulting in remediation costs to the cable company.

This incident was investigated as a result of a complaint submitted by Dirtworks, alleging the damage was a result of mis-locate. However, after an investigation was conducted, it was determined that although Dirworks had placed a locate request (Ticket # 181343442) for an excavation, the address provided was 309 Springfield Avenue. Consequently, underground facilities were only located and marked at 309 Springfield Avenue, not at 305 Springfield Avenue where the damage occurred. The damage occurred outside the scope of Ticket # 181343442.

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.

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