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June 4, 2018

Roger Drish  
President/Owner  
DRISH CONSTRUCTION INC.  
1701 S Main Street  
Fairfield, Iowa 52556

RE: One Call Violations – Jefferson County

Dear Mr. Drish:

It has come to our attention that on or about November 9, 2016, Drish Construction Inc. (“Drish Construction”) conducted excavations in Jefferson County, at 1208 Kodi Circle, Fairfield, Iowa, to install downspouts for a newly constructed home, allegedly in violation of the “Iowa One Call” statute, Iowa Code chapter 480. It was reported to our office that Drish Construction’s excavation practices resulted in damage to a 1/2-inch natural gas pipeline under 35 pounds per square inch of pressure.

Although Drish Construction had placed locate request on April 28, 2016, for prior excavations at the site, Drish Construction either: failed to timely renew the locate request after it expired; failed to exercise due care in excavating in the marked area to avoid damaging underground facilities; or failed to hand dig test holes to determine the exact location of marked underground facilities during these excavations.

Iowa Code section 480.4(1)(a) provides that a locate request is valid for 20 calendar days from the date the notice was provided and must be renewed after it expires. The excavation conducted on November 9, 2016, were conducted in violation of Iowa Code section 480.4(1)(a) because the April 28, 2016 locate request for the excavation had expired.

In addition, during the excavation, Drish Construction used heavy equipment (a mini excavator) within the “tolerance zone” of a marked underground natural gas pipeline without verifying the depth of the pipeline, and as a result, hit and damaged a natural gas pipelines. 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://www.iowaonecall.com/contractors/>, p. 33.)

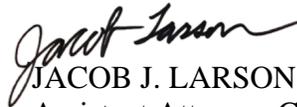
As I am sure you are well aware, striking and damaging a natural gas pipeline can have tragic results. Drish Construction is fortunate the aforementioned incident did not result in injury, or worse, to any Drish Construction employees, pipeline employees, or first responders.

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). 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). The Iowa One Call statute also provides that where the operator of an underground facility believes the planned excavation requires that the precise location of the underground facility be determined, the excavator shall hand dig test holes to determine the location of the facilities unless the operator specifies an alternate method. *See* Iowa Code section 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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