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December 27, 2018

Brent Sandholm
Water Utility Operations Manager
CITY OF FORT DODGE PUBLIC WORKS
3001 8th Ave. S
Fort Dodge, Iowa 50501

RE: One Call Violations – Webster County

Dear Mr. Sandholm:

It has come to our attention that on or about February 14, 2018, City of Fort Dodge Public Works (the “City”) conducted emergency excavations in Webster County, at 3015 9th Ave South, Fort Dodge, Iowa, to repair a leaking water main, allegedly in violation of the “Iowa One Call” statute, Iowa Code chapter 480. It was reported to our office that the City’s excavation practices resulted in damage to a 3/4-inch natural gas pipeline, which lead to an explosion of a nearby residence, injuring two (2) of the tenants.

Although the City had placed locate request on February 14, 2018, and the underground facilities had all been located and marked prior to the excavation, the City may have failed to exercise due care in excavating in the marked area to avoid damaging underground facilities. 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/iowaexcavatormanual-web/>, p. 29).

During the excavation, the City used heavy equipment (a backhoe) within the “tolerance zone” of a marked underground natural gas pipeline to remove material, and as a result, hit and damaged a natural gas pipelines. Although the City indicated it had hand-dug to expose the gas service line, there may have been portions that were not visible on the south side of the

excavation. In any event, even if the line had been completely exposed, the backhoe was operated in a manner that the far south tooth of the bucket made contact with the gas line during the excavation. As I am sure you are well aware, striking and damaging a natural gas pipeline can have tragic results. The City is fortunate the aforementioned incident did not result in serious injury, or worse, to any City employees, pipeline employees, first responders, or nearby residents.

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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