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October 14, 2019

Bryan Graff
GRAFF LANDSCAPING
1704 State St.
Oskaloosa, Iowa 52339

RE: One Call Violations – Mahaska County

Dear Mr. Graff:

It has come to our attention that on or about May 7, 2019, Graff Landscaping allegedly conducted an excavation when using an auger to plant trees near 238th Street and Green Street, Oskaloosa, Iowa, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a 4-inch diameter natural gas pipeline, were not located and marked prior to the excavations. During the May 7, 2019 excavation, Graff Landscaping's equipment came within ten (10) feet of the pipeline. 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, pipeline employees, or first responders.

Although Graff Landscaping alleged that the company had submitted a locate request for the excavation but had not been processed, a search of Iowa One Call's ticket database did not reveal a locate request by Graff Landscaping for the planned excavation. In addition, while the area may have been located by a general contractor or someone else for separate excavations, those locate requests would not have been valid for Graff Landscaping's excavation; the company/person conducting the actual excavation must place the locate request.

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,



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