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ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
Environmental Law Division

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January 21, 2019

John Randall
JOHN'S TREE SERVICE &
JOHN'S LANDSCAPING AND MOWER
1125 23rd Street SE
Cedar Rapids, Iowa 52403

RE: One Call Violations – Linn County

Dear Mr. Randall:

It has come to our attention that on or about September 20, 2017, an employee with John's Tree Service & John's Landscaping and Mower ("John's Tree Service") conducted excavations with a skid loader at 2702 Valley High Ct. NW, Cedar Rapids, Iowa, to demolish a swimming pool, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. Underground facilities, including a .500-inch diameter coaxial cable line, were not located and marked prior to the excavations.

During the September 20, 2017 excavation, John's Tree Service's equipment hit and damaged the coaxial cable line, resulting in remediation costs to the owner of the cable line. 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, underground facility employees, or first responders.

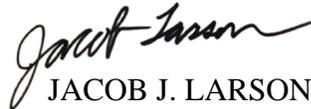
Failure to provide 48-hours notice of the excavation constitutes violation of Iowa Code sections 480.1A, 480.4(1)(a), and 480.4(1)(b)(1)-(8). Iowa Code section 480.6(1)(b) authorizes the Attorney General to seek civil penalties up to a maximum of Ten Thousand Dollars (\$10,000) per day of each such violation 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,

A handwritten signature in black ink that reads "Jacob J. Larson". The signature is written in a cursive style with a long, sweeping underline.

JACOB J. LARSON
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