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

October 14, 2019

Keith Waller
KW ELECTRIC, LLC
13346 Lily Ave.
Bloomfield, Iowa 52537

RE: One Call Violations – Jefferson County

Dear Mr. Waller:

It has come to our attention that on or about March 27, 2019, KW Electric, LLC (“KW Electric”), conducted excavations with a backhoe at 2008 Silver Lakes Drive, Fairfield, Iowa, to install electrical lines a new house, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a 1/2-inch diameter natural gas pipeline under 35 pounds per square inch of pressure (psi), were not located and marked prior to the excavations. During the March 27, 2019 excavation, KW Electric hit and damaged the 1-inch diameter pipeline, resulting in remediation costs to the pipeline company.

Although KW Electric had placed a locate request for the excavation, a gas service line had been installed between the date of the locate request and the excavation. Given the installation of a new gas service line, a new locate request should have been placed to locate and mark the newly installed line prior to KW Electric conducting the excavation.

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.

While our office appreciates KW Electric's past compliance with Iowa's One Call program, the purpose of this letter is to advise that the Iowa One Call statute must be strictly complied with. Failure to comply in the future 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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