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

October 10, 2019

Kleen Sweep Construction
1112 N Federal Ave.
Mason City, Iowa 50401

RE: One Call Violations – Cerro Gordo County

Dear representative of Kleen Sweep Construction:

It has come to our attention that on or about May 8, 2018, Kleen Sweep Construction (“Kleen Sweep”) conducted excavations at 526 12th Street SE, Mason City, Iowa, by placing stakes in the ground for new concrete, 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 60 pounds per square inch of pressure (psi), were not located and marked prior to the excavations. During the May 8, 2018 excavation, a stake driven into the ground hit and damaged the 1/2-inch diameter pipeline, resulting in remediation costs to the pipeline company.

“Excavation” is defined very broadly, with limited exceptions, and includes “an operation in which a structure or earth, rock, or other material in or on the ground is moved, removed, or compressed, or otherwise displaced by means of any tools, equipment...” Iowa Code section 480.1(4). Driving a stake into the ground for pouring new concrete necessarily involves at least some displacement of earth and/or rock directly in or on the ground, and therefore qualifies as an “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.

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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