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October 15, 2019

Curt Manatt
Vice President & General Manager
MANATTS, INC.
1775 Old 6 Rd
PO Box 535
Brooklyn, Iowa 52211

RE: One Call Violations – Polk County

Dear Mr. Manatt:

It has come to our attention that on or about June 14, 2019, Manatts, Inc. (“Manatts”), conducted excavations at 8227 Northwest 26th Street, Ankeny, Iowa, using a skid loader to prepare an area 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 telecommunications line, were not located and marked prior to the excavations. During the June 14, 2019 excavation, you hit and damaged the telecommunications line, resulting in remediation costs to the owner of the telecommunications line.

Manatts indicated in a response to the Iowa Utilities Board (“IUB”) that it did not think a locate request was needed because it was only cleaning up the site with a skid loader to prepare it for the new concrete, including removing the header of an existing road. “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). Removing existing concrete with a skid loader necessarily involves at least some displacement of earth and/or rock directly in or on the ground beneath the concrete, 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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