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ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
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November 9, 2017

Glen Meller
MELLER EXCAVATING &
ASPHALT, INC.
3321 190th Street
Fort Madison, IA 52627

RE: One Call Violations – Des Moines County

Dear Mr. Meller:

It has come to our attention that on or about June 10, 2017, your company conducted excavations to remove concrete and repair a road at 325 S Plane Street, Burlington, Iowa, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. Although the company had placed a locate request for this project (Ticket #171431180), the excavation at this address appeared to be outside of both the description of the “Location of Work” provided in the locate request and the designated area electronically marked on the Interactive Map. As a result, underground facilities on the property, potentially including fiber optic cable lines, telephone lines, electrical lines, and natural gas transmission lines, were not located and marked prior to the excavations at this location. During the excavation, your company’s equipment hit and severed 1/2-inch diameter natural gas pipeline that was under 55 pounds per square inch of pressure.

In addition, your company failed to immediately notify the owner or operator of the natural gas pipeline of the damage. As I am sure your company is well aware, striking and damaging natural gas pipelines, and then failing to notify the owner or operator, can have tragic results. The company is fortunate that this incident did not result in injury, or worse, to any of the company’s employees, pipeline 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). Damaging a natural gas pipeline and failing to notify the owner or operator of the pipeline of the damage constitutes a violation of Iowa Code sections 480.1A and 480.5. 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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