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ATTORNEY GENERAL



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October 14, 2019

Nick Needham  
NEEDHAM EXCAVATING, INC.  
17470 70<sup>th</sup> Ave.  
Walcott, Iowa 52773

RE: One Call Violations – Jefferson County

Dear Mr. Needham:

It has come to our attention that on or about April 5, 2019, Needham Excavating, Inc. (“Needham Excavating”), conducted excavations with a backhoe and pull scraper at 24031 97<sup>th</sup> Ave., Walcott, Iowa, to slope back creek banks and create a farmable dam, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities were not located and marked prior to the excavations. As I am sure you are well aware, striking and damaging underground facilities can have tragic results. Needham Excavating is fortunate the aforementioned incident did not result in injury, or worse, to any Needham Excavating employees, pipeline employees, or first responders.

Although Needham Excavating has conducted excavations on the property in the past and placed locate requests for those excavations, you failed to timely renew the locate requests after they expired. Iowa Code section 480.4(1)(a) provides that a locate request is valid for 20 calendar days from the date the notice was provided and must be renewed after it expires. Any locate requests for prior excavations at that site were expired on April 5, 2019.

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)(c)(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](http://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 Needham Excavating'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,

A handwritten signature in black ink, appearing to read "Jacob J. Larson".

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