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

February 21, 2019

Gary Hopp
Owner
Performance Grading, L.L.C.
1409 800th Street
Harlan, IA 51537

RE: One Call Complaint-Performance Grading

Dear Mr. Hopp:

It has come to our attention that on or about September 8, 2016, Performance Grading, L.L.C. (“Performance Grading”) had conducted excavations near a bridge at the intersection of Lincoln Way Street and Highway 30, Woodbine, Iowa (hereafter referred to as “excavation”), without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities, in violation of Iowa’s One Call law. Although you placed a locate request (Ticket No. 162501888) on September 6, 2016 at 2:04pm, you conducted excavations on September 8, 2016, at approximately 9:09am, prior to the expiration of the 48-hour notice period, as evidenced by the dig-in locate request you placed after damaging the natural gas line at 9:09am (Ticket No. 162520690). As a result, underground facilities, including a 2-inch diameter natural gas pipeline under 45 pounds per square inch of pressure (psi), were not located and marked prior to the excavations.

During the September 8, 2016 excavation, Performance Grading hit and damaged the 2-inch diameter natural gas pipeline, resulting in remediation costs to the pipeline company. As I am sure you are well aware, striking and damaging underground facilities can have tragic results. You are fortunate that this incident did not result in injury, or worse, to any of your employees, underground facility employees, or first responders.

In addition, there is a discrepancy about whether Performance Grading notified the City of Woodbine of the damaged natural gas pipeline. Please be advised that failure to notify the owner or operator of damage to an underground facility as a result of an excavation constitutes a violation of Iowa Code § 480.5.

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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Encl.

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