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ATTORNEY GENERAL



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Ray Martin
8157 SE 6th Ave.
Mitchellville, Iowa 50237

RE: One Call Violations – Polk County

Dear Ray Martin:

It has come to our attention that on or about Nov. 27, 2018, you allegedly conducted an excavation to repair an intake valve for tile line in rural Polk County, near the intersection of NE 112th Street and NE 70th Ave., without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a 3-inch diameter natural gas pipeline under 770 pounds per square inch of pressure (psi), were not located and marked prior to the excavations. During the excavation, your equipment came within 150 feet of the pipeline. 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, pipeline employees, or first responders.

Although you alleged the need for the excavation was based upon an emergency, no locate request was placed, even on an emergency basis. Iowa's One Call law (chapter 480) provides for emergency excavations in certain circumstances, but the excavator must still provide notice to the One Call Notification Center. *See* Iowa Code section 480.4(6).

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 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,

Jacob Larson
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