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ATTORNEY GENERAL



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Environmental Law Division

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January 25, 2019

Matthew Vande Noord
President
Vande Noord Builders, Inc.
775 240th Pl.
Pella, Iowa 50219

RE: One Call Violations – Marion County

Dear Mr. Vande Noord:

It has come to our attention that on or about May 24, 2018, Vande Noord Builders, Inc. (“Vande Noord”), allegedly conducted an excavation when operating a skid loader in Marion County, at 515 Jefferson Street, Pella, Iowa, to cut a bank near the residence, without providing 48-hours notice of the planned excavation to the owners and operators of underground facilities. As a result, underground facilities, including a 1-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 May 24, 2018 excavation, you hit and damaged the 1-inch diameter pipeline, which was under twenty-one (21) inches of material, resulting in remediation costs to the pipeline company and a loss of service to a customer. 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 a subcontractor hired by your company had placed a locate request on March 26, 2018, and renewed the request on April 9, 2018, for prior excavations to conduct sewer work at the site, those locate requests had expired at the time of the May 24, 2018 excavation. 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. Moreover, the locate requests by the sub-contractor would not have been valid for Vande Noord’s excavation; the company/person conducting the actual excavation must place the locate request.

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,

A handwritten signature in black ink that reads "Jacob J. Larson". The signature is written in a cursive style with a long, sweeping underline.

JACOB J. LARSON
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