

Underground Facilities Damage Prevention Act Enforcement: Arkansas Attorney General and Siloam Springs Excavator Enter into Consent Judgment



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The Arkansas Attorney General (“AG”) and Ground Zero Construction, Inc. (“GZC”) entered into a November 30th Consent Judgment (“CJ”) addressing an alleged violation of the Arkansas Underground Facilities Damage Prevention Act (“Act”) and Arkansas Deceptive Trade Practices Act.

The CJ provides that the State of Arkansas, ex rel., Tim Griffin, AG, filed in the Circuit Court of Benton County, Arkansas (Third Division) a Complaint against GZC and an individual alleging damage to natural gas lines in violation of the Act and the Arkansas Deceptive Trade Practices Act.

The previously referenced Act requires excavators to call the One Call Center (i.e., 811) prior to excavating and timely mark location of underground facilities.

The AG’s Complaint was filed by its offices’ Public Protection Division.

Selected provisions of the CJ provide that GZC:

- Must comply with the provisions of the Act which include:
- Prohibits use of mechanized equipment within the approximate location of an underground facility as those terms are defined by certain specified Arkansas statutes
- Prohibits excavation more than 20 days after providing notice to the One Call Center unless they reinstate the notice procedure as set forth in a specified Arkansas statute:
- Prohibits excavation without notifying the One Call Center to obtain location markings as set forth in the specified Arkansas statute
- Stay apprised of and comply with any changes to the Act

The CJ requires payment of a \$50,000 civil penalty under the provisions of the Arkansas Deceptive Trade Practices Act of which \$30,000 is suspended subject to GZC’s strict compliance with the injunctive terms set forth in the CJ.

A copy of the CJ can be downloaded [here](#).