
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board

2251 Harvard Street, Suite 400
Sacramento, CA 95815
(916) 568-3800
<https://dig.fire.ca.gov/>

August 6, 2021

NOTICE OF PROBABLE VIOLATION

Henry Miranda
Director of Safety
Kana Pipeline Inc.
12620 Magnolia Ave.
Riverside, CA 92503

Case No.: 21LA01346
Address/Location of Violation(s): Mayhew Ave. & Bickmore Ave., Chino, CA
Date/Time of Violation(s): 1/13/2021 at 0906 hours

Dear: Mr. Miranda,

The Board has concluded an investigation of an incident on the above date, time and location and has determined that Kana Pipeline Inc. violated Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code as follows:

Gov't Code § 4216.3 (b): If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation.

Kana Pipeline was using an excavator to dig out a sewer manhole for a new development when their employees struck a forced sewer main on 1/13/2021. Prior to the damage, Kana Pipeline had verbally requested that the City of Chino come back out and remark the sewer main because the marks were no longer visible. Kana did not, however, request a remark through the one-call center pursuant to Gov't Code 4216.3(b), and City of Chino employees did not remark the forced sewer main. Kana Pipeline began excavation even though the City of Chino had not remarked the line, in violation of Gov't C 4216.3(b).

Violation of Article 2 of Chapter 3.1 of Division 5 of Title 1 of the Government Code

(Sections 4216 *et seq.*) is punishable by a maximum penalty of \$10,000, or \$50,000 for knowing and willful violation.

A Corrective Action of mandatory completion of the Board's education course is being imposed. Please see <https://dig.fire.ca.gov/education-course> for more information.

The proposed sanction reflects the nature and gravity of the violation and takes into consideration the Respondent's history of prior offenses, cooperation with the investigation and demonstration of his/her intent to comply with Government Code section 4216 *et seq* in the future. Kana Pipeline took responsibility for the incident that occurred on 1/13/2021 and has expressed a willingness to make changes to their excavation safety protocols. Kana Pipeline had no previous violations with the Board and fully cooperated with the investigation by providing access to personnel, providing statements, incident reports and photographic evidence.

This matter will be referred to the Contractors State License Board with a recommended penalty of mandatory completion of the Board's education course.

The California Underground Facilities Safe Excavation Board will act on this notice of probable violation in a future meeting.

You may contest this notice by responding to this notice promptly. Please see attached instructions on completing and submitting your response for options available to you. Your response to this notice must be received by the California Underground Facilities Safe Excavation Board no later than September 17, 2021.

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations
California Underground Facilities Safe Excavation Board
916-926-1660

Proposed hearing date: October 12, 2021