



**Office of Energy Infrastructure Safety  
California Underground Facilities Safe Excavation Board**

715 P Street  
Sacramento, CA 95814

12/3/21

## **NOTICE OF PROBABLE VIOLATION**

Michael C Young  
Water Associates, LLC  
34929 Flyover Court Bakersfield, CA 93308

Case No.: 21LA01474

Address/Location of Violation(s): WORK WAS CONDUCTED SOUTH OF ADDRESS GIVEN AT YELLOW VENT POLE JUST SOUTH OF MAILBOX

Date/Time of Violation(s): 8/12/21, 9:20 AM

Dear: Michael C Young,

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

Gov't Code 4216.2 (b) Except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the excavator's intent to excavate at least two working days, and not more than 14 calendar days, before beginning that excavation. However, an excavator and an operator may mutually agree to a different notice and start date.

On August 12, 2021, Water Associates used hand tools and a mini-excavator to create clearance to make a cut to the concrete pipe required to repair a leaking concrete irrigation main near the corner of Ashe and Romero in Bakersfield. The repair had been performed following an August 11 request by Tasteful Selections, who had begun excavating the pipe with hand tools in an earlier attempt to patch the concrete pipe. The work did not constitute an emergency pursuant to Gov't Code 4216 (f). Neither Tasteful Selections nor Water Associates notified the one-call center of the work in violation of Gov't Code (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.

Mandatory completion of the Underground Facilities Safe Excavation Board's education course is being imposed. Please see <https://dig.fire.ca.gov/education-course/> for more information.


The proposed sanction reflects Sanction is merited given that Water Associates is familiar with the One-Call Law notification requirements. Corrective action of mandatory education is available to Water Associates as the violation did not result in death or substantial injury or environment or property damage. Corrective action in lieu of a monetary penalty is merited based on the following factors: 1) Water Associates does not have a history of violations of the One-Call Law, 2) Water Associates employees ceased excavation activities when notified of the violation, and 3) Water Associates employees cooperated with the investigation.

This matter will be referred to CSLB 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 1/19/22

Sincerely,

DocuSigned by:  
  
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Jason Corsey  
Chief of Investigations

Proposed hearing date: April 11, 2022