



# Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730  
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

RE: Response to Notice of Probable Violation  
No. 22LA01484 Yucaipa Valley Water District

Please take this letter as confirmation that the Yucaipa Valley Water District (“District”) is in receipt of Notice of Probable Violation No. 22LA01484 alleging that the District failed to respond to a ticket outside its service area January 10-17, 2022 under Gov. Code Section 4216.3(a)(1)(A). The District does not contest the violation, but contests the penalty, and seeks an informal hearing before the California Underground Safety Board (“Board”) during its July 11, 2022 meeting.

The basis for the District’s contest of the proposed penalty is: (1) the District has already implemented the corrective action recommended by the Board Investigator voluntarily and (2) the factors considered by the Board weigh in favor of imposing no penalty on the District.

First, the Board Investigator recommended completion of the Board’s education course. The District has already enrolled key personnel in the education course. See Exhibit “A” for a list of key personnel enrolled by the District.

Second, under Gov. Code Section 4216.19(e) and 19 CCR 4201, when considering to impose sanctions, the Board shall consider the following factors:

- (1) The type of violation and its gravity.
- (2) The degree of culpability.
- (3) The operator's or excavator's history of violations.
- (4) The operator's or excavator's history of work conducted without violations.
- (5) The efforts taken by the violator to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation.

Each of the factors to be considered by the Board weigh in the District’s favor.

## **(1) The Type of Violation and its Gravity:**

While the District acknowledges an obligation to respond to tickets, even those outside of its service territory, the non-response occurred for a project several miles outside of the jurisdiction of the District. The fact that the District has no facilities in the area was known by Merlin Johnson, President of Merlin Johnson Construction (“Johnson”), the entity initiating the ticket. Johnson has done work for the District before (and thus was familiar with its geographical boundaries) and that the District had no facilities in the area.

## **(2) The Degree of Culpability:**

During the time period subject to investigation, the District was implementing a new Asset Management System (Elements) to track Dig Alert Tickets. During the transition the District lost communication with its server and appears to have missed ticket requests. The District has corrected the issue and marked its assets.

**(3) The District’s History of Violations**

The District has no history of violations for failure to respond to tickets.

**(4) The District’s History of Work Conducted Without Violations**

The District has been a public county water district providing water utility service for decades without a known violation.

**(5) The efforts taken by the District to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation.**

The District has already enrolled key employees in the Underground Safety Board’s education course, which was the corrective action recommended by the Board Investigator.

Additionally, the District has updated the District’s shapefiles with Dig Alert to ensure the District’s boundaries are correct and begun the process of converting to electronic positive response for better tracking and response to future tickets. The District has also trained staff on the appropriate response to a ticket request outside the District’s boundaries (“No Conflict”). Attached to this letter as Exhibit “B” is the District’s receipt of shapefile submittal.

Based on the above, the District believes that the Board should decline to impose any corrective action. The District has already voluntarily implemented the corrective action recommended by the Board Investigator (and additional actions determined by the District to prevent future issues). The District has cooperated with the Board Investigator, the violation did not cause death or substantial injury, environment or property damage, or pose significant risk of such. The District did not act willfully or knowingly. The District does not have a history of violations or failed to comply with a corrective order. The District has taken immediate action to mitigate safety consequences by implementing training, updating shapefiles, implementing additional technology.

 Recoverable Signature

**X MJ Rivera**

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Mike Rivera

Public Works Manager

Signed by: 1f9ecfcf-c01c-4505-8842-24a7ed62cf6c

## Wade Allsup

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**From:** Michael Rivera  
**Sent:** Monday, June 20, 2022 7:04 AM  
**To:** Wade Allsup  
**Subject:** FW: Education Course Scheduling Request: [Yucaipa Valley Water District]

Mike Rivera, Public Works Manager  
Yucaipa Valley Water District  
Phone (909) 790-2572  
[mriviera@yvwd.us](mailto:mriviera@yvwd.us)

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**From:** Michael Rivera  
**Sent:** Monday, June 13, 2022 1:58 PM  
**To:** 'enforcement.dig@EnergySafety.ca.gov' <enforcement.dig@EnergySafety.ca.gov>  
**Cc:** Michael Rivera <mriviera@yvwd.us>  
**Subject:** Education Course Scheduling Request: [Yucaipa Valley Water District]

To whom it may concern.

Your case number - Case # 22LA01484 or 21LA01484

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Your company name - Yucaipa Valley Water District

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The issue date of the notice of probable violation – January 10-27, 2022 May 6, 2022

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The issue date of any Board, Contractors State License Board, Public Utilities Commission, State Fire Marshal, or local governing Board decision related to your case - May 6, 2022

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The number of people you wish to schedule for the course – 4 Employees

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The timeframe in which you are required to take the course – As soon as possible.

Thanks

Mike

Mike Rivera, Public Works Manager  
Yucaipa Valley Water District  
Phone (909) 790-2572  
[mriviera@yvwd.us](mailto:mriviera@yvwd.us)

## USA

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**From:** USA  
**Sent:** Monday, June 6, 2022 12:47 PM  
**To:** enforcement.dig@EnergySafety.ca.gov  
**Cc:** Ron Elisalda; Michael Rivera; Wade Allsup  
**Subject:** Education Course Scheduling Request: Yucaipa Valley Water District

Hello,

I am requesting an education course for 4 members of our company:

Case number: 22LA01484  
Company: Yucaipa Valley Water District  
Issue Date of Violation: 5/5/22  
Issue Date of Board Decision: 5/6/22  
Number of Attendees: 4  
Timeframe: 7/11/22

Thank you,

Matt Vara  
Utility Service Worker III  
Yucaipa Valley Water District

## Wade Allsup

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**From:** Nancy Ceja <nancy@digalert.org>  
**Sent:** Tuesday, May 31, 2022 2:26 PM  
**To:** Wade Allsup  
**Subject:** YVC01 SHAPEFILE IMPORT

Your shapefile has been imported. Your Newtin log in is **YVC01** and your password is **Ojlvxq**. To view your polygon go to [www.digalert.org](http://www.digalert.org), Web Services, Newtin Login, Member Polygons. Please let me know if there is anything else I can help you with. Have a good day. 😊

Thank you,



**Nancy Ceja**, Member Services Specialist

PO BOX 77070 Corona, CA 92877

P: 951-808-8125 F: 951-808-8101

E: nancy@digalert.org W: www.digalert.org



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