

**California Underground Facilities Safe Excavation Board**

In the Matter of  
Yucaipa Valley Water District,  
Respondent

Case No. 22LA01484

**DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)**

On July 11, 2022, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the "Board") considered Case # 22LA01484. Yucaipa Valley Water District ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent answered the Notice of Probable Violation with a written explanation and a request for an informal hearing before the Board. Respondent asserted it was not contesting the violation but was contesting the proposed penalty. Respondent failed to present its case during the time allotted in the July 11, 2022, Board meeting.

Board members Bianchini, Del Toro, Johns, Munoz, and Voss participated in the decision. Board members Charland and Johnson recused themselves and did not participate in the decision.

**FINDINGS**

Having considered the investigation report and the Respondent's written explanation, the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code<sup>1</sup> (the "Dig Safe" law) section 4216.3(a)(1)(A) occurred.

The Board finds that recommendation to the Respondent's jurisdictional authority for an order directing Respondent to take the Board's education course is an appropriate sanction.

**VIOLATION SUMMARY**

**Respondent failed to timely respond to a locate-and-mark request.**

Respondent failed to provide a required operator response before the legal excavation start date and time pursuant to section 4216.3(a)(1)(A).

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<sup>1</sup> All further statutory references are to the Government Code unless otherwise indicated.

## **JURISDICTION**

When the Board finds a probable violation of Government Code Title 1, Division 5, Chapter 3.1, Article 2 (Regional Notification Center System), the Board must transmit the investigation results and any recommended penalty to the appropriate agency, identified in section 4216.6(c) or (d). Respondent is a local agency subject to the jurisdiction of the Yucaipa Valley Water District Board of Directors ("YVWD Board"). The YVWD Board may accept, amend, or reject this Board's recommendation.

## **SANCTIONS**

**The Board recommends that Respondent be ordered to take the Board's education course.**

Section 4216.19(e) provides that sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. The following factors were considered relevant to this sanction determination:

- The violation did not result in substantial injury or environment or property damage.
- Respondent does not have a history of similar violations before the Board.
- Respondent cooperated with the investigation.

/s/ Marjorie Del Toro  
Marjorie Del Toro, Chair

Date: August 8, 2022