

California Underground Facilities Safe Excavation Board

In the Matter of
City of Azusa Light & Water Department,
Respondent

Case No. 21LA01483

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 # 21LA01483. City of Azusa Light & Water Department ("Respondent") was issued a Notice of Probable Violation on May 06, 2022. Respondent answered the Notice of Probable Violation with a written denial.

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

FINDINGS

Having considered the investigation report, the Board finds that a violation of Title 1, division 5, chapter 3.2, article 2 of the California Government Code¹ (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).

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 City of Azusa Utility Board ("CAU Board"). The CAU Board may accept, amend, or reject this Board's recommendation.

¹ All further statutory references are to the Government Code unless otherwise indicated.

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:

- Respondent did not respond to the excavation notification from the call center.
- Respondent cooperated with the investigation.
- 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.

/s/ Marjorie Del Toro
Marjorie Del Toro, Chair

Date: August 8, 2022