

California Underground Facilities Safe Excavation Board

In the Matter of
21st Century Plumbing, Heating, & Air,
Respondent

Case No. C222500001

DECISION REGARDING NOTICE OF PROBABLE VIOLATION(S)

On July 10, 2023, The Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. C222500001. On May 05, 2023, Board investigative staff issued a Notice of Probable Violation to 21st Century Plumbing, Heating, & Air (“Respondent”).

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

FINDINGS

Having considered the investigation report, the Board finds that a violation of Government Code (Gov. Code) section 4216.2, subdivision (b), Gov. Code section 4216.4, subdivision(c)(2), and California Code of Regulations title 19, section 4100, subdivision (a) occurred.

VIOLATION SUMMARY

Respondent failed to notify the regional notification center prior to excavating.

The Dig Safe Act, Gov. Code section 4216.2, subdivision (b) requires an excavator to notify the appropriate regional notification center prior to beginning excavation and to wait to begin excavating until after the legal excavation start date and time. Respondent conducted excavation work without first notifying the regional call center.

Respondent failed to call 911 upon discovering or causing damage.

The Dig Safe Act, Gov. Code section 4216.4, subdivision (c)(2) requires an excavator to call 911 emergency services upon causing or discovering damage to a gas or liquid pipeline subsurface installation. Respondent failed to call 911 upon causing damage to a gas or liquid pipeline subsurface installation where the damage resulted in the escape of propane gas.

Respondent failed to notify the regional notification center within two hours upon discovering or causing damage.

California Code of Regulations title 19, section 4100, subdivision (a) requires an excavator to notify the regional notification center immediately after calling emergency services, and in no event, longer than two hours after the Excavator’s knowledge of the damage. Respondent

failed to notify emergency services within two hours of knowledge of damage to the propane pipeline.

JURISDICTION

When the Board finds a probable violation of the Dig Safe Act (Gov. Code section 4216 et seq.), the Board must transmit the investigation results and any recommended penalty to the appropriate agency identified in Gov. Code section 4216.6, subdivision (c) or (d). This matter is subject to the jurisdiction of the California Contractors State License Board (CSLB). The CSLB may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board recommends that Respondent be ordered to take the Board's education course and pay a penalty of \$5000 (five thousand dollars).

The following factors were considered relevant to this sanction determination:

- Respondent did not obtain a ticket prior to beginning excavation.
- Respondent did not notify emergency services when they damaged a propane pipeline.
- Respondent did not notify the regional call center within two hours of damaging a propane pipeline.
- The violation resulted in property damage.
- Respondent does not have a history of similar violations before the Board.

/s/ Amparo Muñoz
Amparo Muñoz, Chair

Date: 08/04/2023