

California Underground Facilities Safe Excavation Board

In the Matter of
ARK Plumbing,
Respondent

Case No. 23NTS00001

DECISION REGARDING NOTICE OF PROBABLE VIOLATIONS

On November 13, 2023, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. 23NTS00001. Board investigative staff issued a Notice of Probable Violation (NOPV) to ARK Plumbing (Respondent) on September 19, 2023, alleging a violation of Government Code (Gov. Code) section 4216.2, subsection (b) and section 4216.4, subsections (c)(2) and (c)(3). Respondent did not submit a response to the NOPV.

Board members Bianchini, Charland, Del Toro, Johns, Johnson, Muñoz, and Voss participated in the decision.

FINDINGS

Having considered the investigation report, the Board finds that violations of Gov. Code section 4216.2, subsection (b) and section 4216.4, subsections (c)(2) and (c)(3) occurred.

VIOLATION SUMMARY

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

Government Code section 4216.2, subsection (b) requires an excavator to notify the appropriate regional notification center prior to beginning excavation. Respondent conducted excavation work without first notifying the regional call center.

Respondent failed to call 911 upon discovering or causing damage.

Government Code section 4216.4, subsection (c)(2) requires an excavator to call 911 emergency services upon discovering or causing damage to a gas or hazardous liquid pipeline subsurface installation that results in the escape of any flammable, toxic, or corrosive gas or liquid. Respondent failed to call 911 upon causing damage to a gas pipeline subsurface installation where the damage resulted in the escape of natural gas.

Respondent failed to notify the regional notification center within 48 hours upon discovering or causing damage.

Government Code section 4216.4, subsection (c)(3) requires an excavator that discovers or causes damage to notify the regional notification center within 48 hours of discovering or

causing the damage. Respondent did not call the regional notification center within 48 hours of causing the damage to the pipeline subsurface installation.

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, subsection (c) or (d). This matter is subject to the jurisdiction of the Contractors State License Board who may accept, amend, or reject this Board's recommendation.

SANCTIONS

The Board RECOMMENDS that the CONTRACTOR STATE LICENSE BOARD order Respondent to take the Board's education course and pay a penalty of \$1000.00 (one thousand dollars).

The following factors were considered relevant to this sanction determination:

- Respondent did not obtain a ticket prior to beginning excavation.
- Respondent damaged a natural gas line during excavation.
- Respondent did not notify emergency services after they damaged the natural gas pipeline.
- Respondent did not notify the regional call center within 48 hours of damaging the pipeline.
- Respondent does not have a history of violations as identified in Board actions.

/s/ Amparo Muñoz
Amparo Muñoz, Chair

Date: 12/22/2023