

California Underground Facilities Safe Excavation Board

In the Matter of
City of Rialto Water Department,
Respondent

Case No. 23NTS00002

DECISION REGARDING NOTICE OF PROBABLE VIOLATION

On July 08, 2024, the Office of Energy Infrastructure Safety, California Underground Facilities Safe Excavation Board (the Board) considered Case No. 23NTS00002. Board investigative staff issued a Notices of Probable Violation (NOPV) to the City of Rialto Water Department, (Respondent), dated May 17, 2024, alleging a violation of Government Code (Gov. Code) section 4216.3, subsection (c)(1)(A). Respondent did not submit a response to the NOPV.

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

FINDINGS

Having considered the investigation report, the Board finds the Respondent violated Gov. Code section 4216.3, subsection (c)(1)(A).

VIOLATION SUMMARY

Respondent failed to provide an electronic positive response.

Government Code section 4216.3, subsection (c)(1)(A) requires operators to provide an electronic positive response (EPR) through the regional notification center before the legal excavation start date and time.

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 **City of Rialto City Council** which may accept, amend, or reject this Board’s recommendation.

SANCTIONS

The Board RECOMMENDS that the City of Rialto City Council order Respondent to take the Board’s education course.

Re: City of Rialto Water Dept., D. 2024_07_23NTS00002

The following factor was considered relevant to this sanction determination:

- Respondent did not send an electronic positive response before the legal start date and time for member code RIA01SWR.

/s/ Amparo Muñoz
Amparo Muñoz, Chair

Date: August 20, 2024