



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
Underground Facilities Safe Excavation Board

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**California Underground Facilities Safe Excavation Board
("Dig Safe Board")**

August 10, 2020

MEETING MINUTES

**August 10, 2020
Teleconference Meeting**

OPEN SESSION

Chair Voss called the meeting to order at 9:08 a.m.

Chair Voss explained that due to the Coronavirus Disease-19 (COVID-19) pandemic, and pursuant to the Governor declaring a State of Emergency and issuing Executive Orders N-25-20 and N-29-20, that the meeting is being held via teleconference. Chair Voss explained the procedures for the public to comment via the webinar and teleconference.

BOARD MEMBERS PRESENT:

Carl Voss, Chair
Ron Bianchini
Randy Charland
Jessica Forte
Bill Johns
Marshall Johnson
Amparo Muñoz

BOARD MEMBER ABSENT:

Marjorie Del Toro, Vice Chair

STAFF PRESENT:

Tony Marino, Executive Officer
Jeff Brooks, Attorney

Jason Corsey, Chief of Investigations
Anna Brown, Supervising Special Investigator
Carla Newman, Supervising Special Investigator
Jon Barkley, Special Investigator
John Benane, Special Investigator
Michael Ehrgott, Special Investigator
Dennis Fenton, Special Investigator

Charley Park, Special Investigator

Brittney Branaman, Policy and Budget Manager

Tom Finn, Operations Manager

Jenni Reed, Policy and Data Analyst

Jeff McClenahan, Policy Analyst

Veronica Bravo, Policy Analyst

Amber Riggle, Office Technician

Agenda Item No. 1: Executive Officer's Report

Executive Officer Tony Marino presented the Executive Officer's Report.

Mr. Marino provided an update on pending Board regulations. Mr. Marino explained that the regulation package which contains area of continual excavation renewal requirements and power tool use in the tolerance zone requirements has moved onto the Office of Administrative Law.

Mr. Marino reported on a presentation he made to the Santa Ana River Basin Section of the California Water and Environment Association which included the Paso Robles case study, education course, and discussed new laws that went into effect July 1, 2020 and new laws coming into effect October 1, 2020.

Chair Voss asked for comments from the Board. There were none.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 2: Board Member Public Engagement Reports

Chair Voss asked for Board Member engagement reports.

Chair Voss participated in an Area of Continual Excavation training session for farmers hosted by USA North 811 on July 16th and participated in a training with Dig Alert in June. Chair Voss explained that he is currently evaluating a process with Board staff to identify opportunities to improve communications between the call centers and farming community.

Chair Voss asked for comments from the public. There were none.

Agenda Item 3: Electronic Positive Response Extension – Consideration of Applications Received in the Month of July 2020

Attorney Jeff Brooks presented a request from operator, application EPR-2020-07-17-001 *Los Angeles Department of Water and Power*, seeking an extension of the deadline for the electronic positive response requirement for Board discussion and deliberation.

Chair Voss asked for comments from the Board.

Board members recognized that due to the Coronavirus Disease-19 (COVID-19) pandemic, operators may need more time to hire and train staff and that the act of applying for an extension shows a willingness to work with the Board.

Chair Voss asked for comments from the public. There were none.

Board Action

Motion: Member Muñoz

Second: Member Forte

Ayes: Members Bianchini, Charland, Forte, Johns, Johnson, Munoz, Voss

Noes: None

Abstentions: None

Result: Motion Approved.

Agenda Item 4: Overview of the Enforcement Process

Chief of Investigations Jason Corsey presented an overview of the enforcement process..

Chair Voss asked for comments from the Board.

Board members and staff discussed the process for identifying conflicts of interest and how members would recuse themselves if necessary. Board members and staff also discussed that Notices of Potential Violations (NOPV) are public records.

Chair Voss asked for comments from the public. There were none.

Agenda Item No. 5: Dig Safe Board Regulatory Fee

Operations Manager Tom Finn presented a report on the Dig Safe Board Regulatory Fee draft language.

Mr. Finn outlined draft regulation language designed to improve the process for the one-call centers and Board staff while improving the customer experience for members of the one-call centers. Mr. Finn discussed that the Board still must decide the invoice format and whether the fee will be a line item or a separate invoice.

Chair Voss asked for comments from the Board.

Board members and staff discussed collaborating with the one-call centers to develop a plan that would define timelines, establish roles and responsibilities for fee collection and address technical concerns the one-call centers have. Board members directed staff to continue collaborating with the one-call centers and return with a plan that is acceptable to all parties involved..

Chair Voss asked for comments from the public.

A representative from USA North 811 commented that the one-call centers should be able to choose the fee collection option that works best for their own accounting systems.

A representative from Dig Alert stated Dig Alert and USA North 811 will take on fee collection if it is done with two separate invoices, but that Board staff and Dig Alert would need to address technical issues before a final agreement is reached.

A representative of Southern California Gas Company asked if other one-call center members had expressed if they would prefer a line item or two separate bills.

Agenda Item No. 6: Discussion of Reasonable Care Standards Workshop

Policy Analyst Jeff McClenahan presented a report on developing reasonable care standards for trenchless excavation starting with a workshop and survey for gain perspective from operators and excavators on this topic

Chair Voss asked for comments from the Board. There were none.

Chair Voss asked if there were public comments.

A member of the public suggested the Board to consider referencing the State of Oregon's trenchless drilling law in the trenchless excavation reasonable care workshop.

Other Business

Chair Voss asked if there were any other items to be added to the next board meeting agenda.

Mr. Marino discussed September's Board meeting will be the first time the Board will be considering Notices of Probable Violations.

Adjournment

Chair Voss adjourned the meeting at 2:54 p.m.

Respectfully submitted,

Attest:

/s/ Tony Marino

/s/ Carl Voss

Tony Marino
Executive Officer

Carl Voss
Chair