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## California Underground Facilities Safe Excavation Board

May 11, 2021

Agenda Item No. 9 (Information Item) – Staff Report

*Issues Identified by USA North 811 Regarding Locate-and-Mark Responses and Tickets*

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### PRESENTERS

Tony Marino, Executive Officer

Jeff Brooks, Attorney

### STRATEGIC PLAN

2020 Strategic Plan Objective: Improve Excavation and Location Practice Safety

### BACKGROUND

California's regional notification ("one-call") centers are required to provide tickets to people who contact them with a notification of excavation<sup>1</sup> and are required to maintain these notifications for a period of not less than three years<sup>2</sup>. Unless the excavator and operator mutually agree to a later start date and time, an operator must respond within two working days, not counting the date of notification, with a locate and field mark, information about facility locations, or notification that it has no facilities in the delineated area<sup>3</sup>. If an operator fails to respond, the person who requests the ticket must notify the one-call center<sup>4</sup> and may not begin excavation until they receive a response from all operators<sup>5</sup>.

As of January 1, 2021, all operators must use electronic positive response<sup>6</sup> unless the operator has provided good cause and has been granted a one-year extension by the Board<sup>7</sup>. Both USA North 811 and DigAlert have adopted 29 electronic positive response codes that an operator may use in responding to a ticket (**Attachment A**). As of March 1, 2019, both USA North 811 and DigAlert have adopted the same types and terminology of tickets, including New, Renewal, Remark, Amendment, No Response, Damage/Exposed, and Cancel.

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<sup>1</sup> [Gov't Code § 4216.2\(e\)](#)

<sup>2</sup> [Gov't Code § 4216.2\(f\)](#)

<sup>3</sup> [Gov't Code § 4216.3\(a\)\(1\)\(A\)](#)

<sup>4</sup> [Gov't Code § 4216.3\(a\)\(3\)](#)

<sup>5</sup> [Gov't Code § 4216.2\(g\)](#)

<sup>6</sup> [Gov't Code § 4216.3\(c\)](#)

<sup>7</sup> [Section 4020, Title 19, California Code of Regulations](#)

## **DISCUSSION**

In March of this year, James Wingate, the Executive Director of USA North, contacted Tony Marino regarding the nature of comments made by a contractor in the “comments” section of USA North tickets requesting legal interpretations of a one-call center’s authority to restrict comments on tickets, whether excavator comments should be restricted by one-call centers, and how should excavators and operators communicate with each other about non-compliances. In presenting the issue, Mr. Wingate provided correspondence relating to that issue from both USA North’s attorney and from Preston Pipelines, the contractor involved (**Attachment B**).

The correspondence identified problems in three areas that are of concern to the Board, listed below. The Board will need additional background information to better understand the nature of the problems. For those reasons, Mr. Marino requested via email that Mr. Wingate address these points in presentation:

1. Mr. Wingate’s opinion that “the entire process ... is broken and needs to be fixed” and Mr. Wingate’s hope that the contractor’s use of the ticket “comments” section will bring about “a shakeup of the whole system.”
2. Mr. Wingate’s opinion that some operators have engaged in “bad behavior.”
3. The advice from USA North’s counsel that, “Comments that only implicate a certain facility operator should be communicated directly to that operator. We would discourage USA North from including such comments in any of its records in order to avoid being implicated in a dispute between the excavator and the operator.”

The context indicates, generally, that Mr. Wingate’s use of the terms, “process,” “system,” and “bad behavior” relates to responses to locate-and-mark requests.

Members Bianchini and Charland have recused themselves from this item.

## **RECOMMENDATION**

Staff has no recommendation at this time.

## **ATTACHMENTS**

- A. California’s Electronic Positive Response Codes
- B. Email from James Wingate to Tony Marino on March 26, 2021, with attachments

**ATTACHMENT A:** California's Electronic Positive Response Codes

<b>Code</b>	<b>Description</b>
1	CLEAR - NO CONFLICT
2	CLEAR - NO CONFLICT BUT PRIVATELY OWNED UTILITY ON PROPERTY - CONTACT PRIVATE UTILITY OWNER FOR LOCATE
3	EXISTING MARKINGS ADEQUATE
4	NO MARKINGS REQUESTED
10	LOCATE AREA MARKED
11	LOCATE AREA MARKED BUT ABANDONED FACILITIES MAY BE IN THE AREA
12	LOCATE AREA MARKED UP TO PRIVATE OWNED UTILITY - CONTACT PRIVATE UTILITY OWNER FOR LOCATE
13	LOCATE AREA MARKED UP TO PRIVATE PROPERTY
14	PARTIALLY MARKED - MORE TIME IS NEEDED
15	PROVIDED FACILITY LOCATION INFORMATION TO EXCAVATOR (4216.3(a)(1)(A)(ii))
20	BAD ADDRESS/INCORRECT STREET/LOCATION INFO - RESEND TICKET REQUESTED
21	NO ACCESS TO LOCATE AREA - RESEND TICKET REQUESTED
22	NO DELINEATION - RESEND TICKET REQUESTED
23	DELINEATED AREA DOES NOT MATCH LOCATION REQUEST - RESEND TICKET REQUESTED
30	CONTACT FACILITY OWNER FOR FURTHER INFO
31	REQUIRES STAND BY AT TIME OF EXCAVATION - CONTACT FACILITY OWNER
32	VISIBLE OR EXPOSED FACILITY - CONTACT FACILITY OWNER IF CROSSING
33	HIGH PRIORITY LINE IN AREA - ON SITE MEETING REQUIRED
34	FIELD MEET REQUIRED - CONTACT FACILITY OWNER TO SCHEDULE
35	TRAFFIC CONTROL REQUIRED TO MARK FACILITIES
40	EXCAVATOR COMPLETED WORK PRIOR TO DUE DATE
41	EXCAVATOR NO SHOW FOR MEET
42	EXCAVATOR CANCELED REQUES
43	EXCAVATOR NOT DIGGING WITHIN 14 CALENDAR DAYS (PREPLANNING)

<b>Code</b>	<b>Description</b>
50	NEGOTIATED MARKING SCHEDULE
51	MUTUALLY AGREED TO A LATER START DATE AND TIME (4216.3(a)(1)(a))
52	UNABLE TO LOCATE USING STANDARD LOCATING TECHNIQUES
53	SCHEDULED MEET WITH EXCAVATOR AT REQUESTED DATE AND TIME CONFIRMED
80	EXTRAORDINARY CIRCUMSTANCES EXIST - NO LOCATE DUE TO WEATHER/EMERGENCY CONDITIONS

## James Wingate

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**From:** James Wingate  
**Sent:** Monday, June 8, 2020 12:46 PM  
**To:** Ron Bianchini (rbianchini@prestonpipelines.com)  
**Cc:** Ryan White (ryan.white@usanorth811.org)  
**Subject:** FW: details required on tickets  
**Attachments:** WorkType\_MethodOfExcavation\_ToolsUsed\_20200530.pdf;  
TicketWorkTypeDetails\_LegalCommentsFromExcavatorToMember\_20200603.pdf

Hi Ron,

Here is the attorney's response. As you can see, we have been advised not to allow those types of comments. Please let me know if you wish to discuss further. Thanks!

James

James Wingate | Executive Director  
USA North 811  
925-222-6506 direct  
800-640-5137 admin  
[james.wingate@usanorth811.org](mailto:james.wingate@usanorth811.org)  
[www.usanorth811.org](http://www.usanorth811.org)



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**From:** James Wingate  
**Sent:** Sunday, May 31, 2020 9:09 AM  
**To:** Ron Bianchini (rbianchini@prestonpipelines.com) <rbianchini@prestonpipelines.com>  
**Subject:** FW: details required on tickets

Hi Ron,

FYI, I emailed our attorney today. The message is below for your reference. Sorry to be so slow in following up on this. I'll let you know when I hear back from him.

James

James Wingate | Executive Director  
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[www.usanorth811.org](http://www.usanorth811.org)



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**From:** James Wingate  
**Sent:** Sunday, May 31, 2020 9:01 AM  
**To:** Roger Brothers ([rbrothers@brotherssmithlaw.com](mailto:rbrothers@brotherssmithlaw.com)) <[rbrothers@brotherssmithlaw.com](mailto:rbrothers@brotherssmithlaw.com)>  
**Subject:** details required on tickets

Hi Roger,

I have two non-urgent questions for you that relate to the details of a ticket. Specifically, I'd like your opinion about which details USA North 811 can require from an excavator, and whether or not USA North 811 can deny excavators from adding specific comments to tickets. The issues are:

1 – Work type – Please see the attached PDF, which is an email conversation thread about how much detail an excavator must provide about the type of work they are doing, and especially if they must specify whether certain types of tools will be used.

2 – Notes on tickets from contractors – Ron Bianchini, who works for Preston Pipelines and is a member of the [Dig Safe Board](#), and I have been discussing Preston's desire to add the following notes to tickets when applicable:

2A – "Excavator will only accept responsibility for the first item found unless marks are revised to include sizes, type, and quantity of subsurface installations per 4216.3 (a)(1)(A)(i)."

and

2B – [After citing that an unmarked/mismarked facility has been exposed] "Work will be delayed as of tomorrow, contractor seeks compensation per delay per CA code 4216.7(c)."

Item one will make sense once you read the attached PDF. Let me explain item two. As a general rule, the primary purpose of the ticket is to allow the excavator to tell the facility operators where and when the excavation activity will occur, and to identify the specific area in which underground facilities should be located and field marked. When problems arise after the ticket has been created, we anticipate some occasions when it's appropriate for the excavator to contact USA North 811 again, such as to report an unmarked facility (4216.3(e)), to report a damaged facility if the excavator doesn't know who owns it (4216.3(c)(1)), to request fresh markings because the original markings are no longer clearly visible (4216.3(b)), etc. However, we also anticipate direct communication between the operator and the excavator in many situations, such as when a high-priority facility is present (4216.2(c)), when lines are embedded in pavement (4216.3(f)), when a damage occurs and the owner of the facility is known (4216.3(e)), when an excavator cannot find a facility that has been marked (4216.4(b)), etc.

The two comments by Preston Pipelines listed in 2A and 2B above start getting into legal territory, which makes me question whether the ticket is the appropriate place to document that type of conversation. Perhaps the ticket is the correct place, because then the comment gets added to the permanent record; I just worry about muddying the water, so to speak, for the uninvolved facility operators. Here is a bit more detail. If an excavator reports that he's uncovered an unmarked communication cable, we send that notice to all utility owners that received the original ticket because we don't want to assume we know which facility owners own communication cables and which ones don't. For example, obviously AT&T and Comcast own communications cables, but so do many cities, and even PG&E owns some. I don't want my call center agents guessing which companies own which types of facilities, so we send all ticket "revisions," which are the secondary actions related to an existing ticket, to all facility operators that received the original ticket.

Back to Preston's comments. In item 2A, they are trying to cover their back by basically saying "You did not specify how many cables are in the area, so we will assume there is only one and if there are others, that liability is yours." In item 2B, they are saying they want to bill the operator for their down time that was caused by the operator not marking on time or mismarking its facility. Could you please advise if the ticket is the appropriate channel for this type of communication, or if we should attempt to keep the ticket somewhat "clean" by requiring excavators to communicate those types of legal concerns to the appropriate operator directly, since those comments would be shared with all operators and not just the specific one involved?

What do you think? Thanks!

James

James Wingate | Executive Director

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June 3, 2020

VIA EMAIL

James Wingate  
4005 Port Chicago Highway, Suite 100  
Concord, CA 94520

Re: Underground Service Alert of California and Nevada  
Our File No.: 60152.001

Dear Mr. Wingate:

The purpose of this correspondence is to respond to your inquiry regarding (i) the types of information that USA North should require from an excavator in an excavation request and (ii) whether USA North may preclude excavators from including certain types of comments in an excavation request ticket, particularly comments that purport to limit the excavator's liability in relation to the excavation activities and/or that entitle the excavator to remuneration from the operator.

Regarding the first question, we agree that, because Government Code section 4216.2 does not specify the information that should be included on the ticket, USA North has discretion to determine the appropriate information regarding the work. As you describe in your email to Christian Erickson, a ticket with a vague description of the work to be performed may result in a complicated web of issues for the excavator and the operator. On the other hand, a ticket that is overly specific regarding methods and tools to be used may cause its own variety of issues, such as those you describe in your November 3, 2018 memo. The examples set forth in the table from the November 3, 2018 memo contain an appropriate level of detail for describing the work type. You may consider including the table of acceptable work type descriptions on the USA North online ticket system as a reference for website users.

With respect to the second question, the relevant Government Code sections do not squarely address the issue of including comments regarding liability and/or remuneration within a ticket, such as those which Preston Pipelines wishes to include.<sup>1</sup> As you noted, the primary purpose of the ticket is to notify facility operators where and when the excavation activity will occur and to identify the specific area in which underground facilities should be located and field marked. Therefore, the ticket should be limited to factual information regarding the excavation site and

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<sup>1</sup> As Ron Bianchini indicated, Government Code section 4216.7(c) provides that if an operator has failed to, among other things, field mark the appropriate location of subsurface installations within two working days of notification, the operator shall be liable for damages to the excavator resulting from the operator's failure to comply.



James Wingate  
June 3, 2020

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activities that is relevant to all operators with facilities in the area. The ticket should not contain subjective comments or address legal matters between the excavator and one or more operators. Comments that only implicate a certain facility operator should be communicated directly to that operator. We would discourage USA North from including such comments in any of its records, in order to avoid being implicated in a dispute between the excavator and the operator.

I hope that this information has been responsive to your inquiry. Should you have any questions, please contact the undersigned or Lindsey Harms.

Very truly yours,

**BROTHERS SMITH LLP**



Roger J. Brothers

RJB:lah

## James Wingate

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**From:** James Wingate  
**Sent:** Wednesday, March 17, 2021 1:31 PM  
**To:** Ron Bianchini  
**Cc:** Ryan White; Chris Botting; Logan Downer  
**Subject:** RE: No Response tickets -- inappropriate comments

Hi Ron,

Sorry for the slow reply. I'm actually out sick with COVID so I've been working off and on as I can. I read your response and I saw Logan's other email about the situation in which UtiliQuest claims Preston Pipelines agreed to a negotiated marking schedule but Preston did not. FYI, from my perspective, this entire conversation relates to your role at Preston and has nothing to do with your extracurricular activities. I confess that part of me is frustrated with Preston using tickets to document noncompliance from facility operators (and their contract locators), because I like the ticket to be "clean," but part of me is glad that you are pressing this issue. From my conversations with excavation contractors, both large and small, I sense that contractors feel they are being blamed for many damages, when in reality the facility operators are the ones who are constantly not marking, mismarking, etc. I like that Preston is aggressively challenging and calling out bad behavior by facility operators. I hope pressing this issue forces a reevaluation of the entire process, since it is broken and needs to be fixed.

I agree that there needs to be a way for you as an excavator to document noncompliance. And I believe the facility operators need a way to do the same, since I get many complaints from them about no delineation, locked gates, overly large tickets, etc. I suppose that Preston believes the ticket is the best place for that. Personally, I would like to see a two-way electronic positive response system ("2EPR") created for that purpose, as well as to share documents like photos of markings, plans, etc. My concern with using the ticket is that it's not private, since all facility operators see the ticket. I'm sure you not surprised to learn that UtiliQuest has contacted me to complain about Logan's comments on the two example tickets that I mentioned in my previous message. From their perspective, if I understood their representative correctly, they believe they are being publicly slandered and they believe the ticket is not the appropriate venue for those types of conversations.

I take your threat of legal action seriously. We will not cut off Logan's access to process tickets online. He may continue to send No Responses with commentary. I will raise this issue with the Dig Safe Board and look for their guidance. What authority, if any, does the one-call center have to regulate comments on tickets? I would like the Dig Safe Board to determine how excavators and operators should document noncompliance, and specifically if the ticket should be used for that purpose.

Thanks for understanding USA North 811's position. Again, I commend Preston for taking a stand and I hope this leads to a shakeup of the whole system.

James

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**From:** Ron Bianchini <rbianchini@prestonpipelines.com>  
**Sent:** Monday, March 15, 2021 9:15 AM  
**To:** James Wingate <james.wingate@usanorth811.org>  
**Cc:** Ryan White <ryan.white@usanorth811.org>; Chris Botting <chris.botting@usanorth811.org>; Logan Downer <ldowner@prestonpipelines.com>  
**Subject:** RE: No Response tickets -- inappropriate comments

Good morning James,

I am responding to your below email as the VP/COO of Preston Companies and nothing more. I do recall your previous email (conversation) along with your attorney's suggestion you try not to allow. I did not respond as you will recall because he stated no authority legal or otherwise, it was clear he represents the operators through your association, and his and your bias was apparent. USA North 811 is a conduit between Operators and Excavators to ensure communication for safe excavation.

Logan Downer is a Preston employee and has always acted in the best interest of Preston and with his manager's full knowledge, the comments are **not commentary** they are meant to advise the operator that their locator or subcontract locators may not be act in their best interest, for example;

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EMLCFM 24452X USAN 03/10/21 19:37:49 X106702383-00X NEW NORM POLY LREQ

Ticket: X106702383 Rev: 00X Taken: 03/08/21 01:38 PM

State: CA County: SACRAMENTO Place: ELK GROVE  
Address : GRANT LINE RD

Utility	Description	Response	
COMNCA	COMCAST NORTHERN CALIFORNIA	03/10/21 08:35 AM	020
	BAD ADDRESS/INCORRECT STREET/LOCATION INFO - RESEND TICKET REQUESTED		
CONCSD	COSUMNES CSD	03/08/21 03:35 PM	001
	CLEAR - NO CONFLICT		
COSAC3	COUNTY SACRAMENTO TRF SIG & ST	03/08/21 03:27 PM	001
	CLEAR - NO CONFLICT		
COSAC4	SAC AREA SEWER DISTRICT	03/08/21 01:46 PM	001
	CLEAR - NO CONFLICT		
CTYEGR	CITY OF ELK GROVE	03/09/21 11:18 AM	010
	LOCATE AREA MARKED		
ELKWTR	ELK GROVE WTR SERVICE	03/10/21 07:37 PM	999
	Utility has not provided 811 center with information to be displayed		
KMEBRE	KINDER MORGAN BRADSHAW EAST	03/09/21 09:54 AM	010
	LOCATE AREA MARKED		
MCIWSA	MCI WORLDCOM CALIFORNIA	03/08/21 01:45 PM	001
	CLEAR - NO CONFLICT		
PGESAC	PGE DISTR SACRAMENTO	03/09/21 02:44 PM	010
	LOCATE AREA MARKED		
QFRCA3	FRONTIER - A CITIZENS COMM CO	03/10/21 08:34 AM	020
SACWTR	SACRAMENTO COUNTY WATER AGENCY	03/09/21 03:56 PM	010
	LOCATE AREA MARKED		
SMUDSO	SMUD	03/09/21 03:08 PM	010

LOCATE AREA MARKED

And;

-----Original Message-----

From: [EmailResponder+465041199@tickets.utiliquest.com](mailto:EmailResponder+465041199@tickets.utiliquest.com) [mailto:[EmailResponder+465041199@tickets.utiliquest.com](mailto:EmailResponder+465041199@tickets.utiliquest.com)]  
On Behalf Of [EmailResponder@tickets.utiliquest.com](mailto:EmailResponder@tickets.utiliquest.com)  
Sent: Wednesday, February 10, 2021 5:00 PM  
To: Logan Downer <[lowner@prestonpipelines.com](mailto:lowner@prestonpipelines.com)>  
Subject: Status update for ticket X103903310

Status update for ticket X103903310  
Ticket Kind: NORMAL  
Contractor: PRESTON PIPELINES  
Contact: LOGAN DOWNER

Address:  
KIMBALL AVE  
SEASIDE, CA  
County: MONTEREY

Locating Company:  
UtiliQuest  
800-515-3799

Locates:  
Utility: Comcast Nothern Ca (COMNCA)  
Status: Emergency Safety Condition (OXJ)  
Completed: No  
Date: 2/10/2021 4:58:01 PM

Utility: AT&T (PACBEL)  
Status: Emergency Safety Condition (OXJ) Status Message: 080 - Extraordinary Circumstances Exist - No Locate due to Weather/Emergency/Safety Conditions - The locating of the USA ticket referenced in the email has been delayed. At this point, Do Not Dig until we have completed marking or have verified that there are no facilities within your excavation site. We will respond to the Call Center with the updated status of your ticket upon completion. Covid-19 Coronavirus Utility Response Information: Please be aware that due to emergency safety precautions around the covid-19 coronavirus some utilities may experience interruptions in resource availability and therefore may choose to not respond, or may provide a delayed response, to tickets at this time. Please make sure you make every effort to communicate with the utility Locators and ensure you receive a positive response to your request before proceeding with your work. You should also check the electronic positive response system for information from the utility member for your request. You can check the responses to your ticket using your ticket number here:  
[https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fusanorth811.herokuapp.com%2Fpositive\\_responses%2Fnew&data=04%7C01%7Crbianchini%40prestonpipelines.com%7Cfc7afc31dab840a0340808d8e7c412ee%7C6170317ca9e846d5b6689f934a329707%7C1%7C0%7C637514176597494125%7CUnknown%7CTWFpbGZsb3d8eyJWljoImNC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fusanorth811.herokuapp.com%2Fpositive_responses%2Fnew&data=04%7C01%7Crbianchini%40prestonpipelines.com%7Cfc7afc31dab840a0340808d8e7c412ee%7C6170317ca9e846d5b6689f934a329707%7C1%7C0%7C637514176597494125%7CUnknown%7CTWFpbGZsb3d8eyJWljoImNC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0) If you need additional information you can contact Utiliquest at Email: [tickets.usan@utiliquest.com](mailto:tickets.usan@utiliquest.com) Or Phone: 800-515-3799  
Completed: No  
Date: 2/10/2021 4:58:03 PM

As you can see there are abuses to the 811 system we are dealing with, the ticket is the appropriate place to deal with these in the best interest of the operators, we have had very good success in this forum. Preston will therefore continue to use the comment section to ensure the proper use of 4216

and 811 as well as the safety of the public, operators, and excavators, and most of all help educate locators as in the above examples. If Preston's use of email is revoked (Preston may seek legal action to re-instate) Preston employees will be instructed when calling ticket to notify the operator (811 employees) Preston is recording the call they will request that the operator add comments. Preston will then check the tickets for comments if the operator hangs up or fails to have the comment all comments will be emailed to you to be passed on to the operators.

As for the future, Preston wishes you the best of luck and will support your endeavors in whatever process we can.

Regards,



**PrestonCompanies**  
133 Bothelo Avenue  
Milpitas, CA 95035

**Ron Bianchini**  
Vice President  
Chief Operations Officer  
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Quality, integrity, service, "It's the way we do business"

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**From:** James

Wingate [<mailto:james.wingate@usanorth811.org>]

**Sent:** Sunday, March 14, 2021 10:34 AM

**To:** Ron Bianchini <[rbianchini@prestonpipelines.com](mailto:rbianchini@prestonpipelines.com)>; Logan Downer <[ldowner@prestonpipelines.com](mailto:ldowner@prestonpipelines.com)>

**Cc:** Ryan White <[ryan.white@usanorth811.org](mailto:ryan.white@usanorth811.org)>; Chris Botting <[chris.botting@usanorth811.org](mailto:chris.botting@usanorth811.org)>

**Subject:** No Response tickets -- inappropriate comments

**Importance:** High

Hi Ron,

You may recall that you and I previously discussed Preston Pipelines adding comments to tickets to document perceived non-compliance by facility operators. You may also recall that I contacted USA North 811's attorney about this issue and he advised us to not allow those types of comments to be added to tickets. Attached are two recent example tickets from 3/11 and 2/11 when Logan Downer added commentary of this nature when processing a No Response. As we've discussed in the past, the ticket is not the appropriate place to document conversations of this nature. Attached for reference is our email conversation thread from June 2020 and the letter from our attorney about this topic.

Would you please discuss this with Logan immediately and direct him to stop adding these types of comments to tickets? If he does it again, his system credentials will be revoked and he will no longer be able to process tickets online and will be forced to process them by telephone. I don't want to do that because to me it's a win-win to have an experienced contractor create his own tickets online instead of by telephone. But if Logan continues to add editorial commentary when processing tickets, his system access will be cut off.

Now, as for the future, I have an idea of how these types of conversations can be documented. USA North 811 is applying for a PHMSA technical assistance grant to build a "two-way electronic positive response system" (abbreviated as "2EPR") in Nevada. Attached is an abstract from the grant application that I filed last week. It describes a conversation log in which these types of non-compliance can be documented. I pitched the idea of 2EPR to Tony Marino and Ann Diamond for California about a month ago but they felt the idea was "too much, too soon" since the requirement for operators to comply with the current EPR system only took effect on 1/1/2021. Perhaps some input from the excavating community could help this idea gain traction in CA. What do you think? Another option is to ask the Dig Safe Board to discuss this issue and provide a ruling about if these types of comments should be allowed on tickets. I would support them providing an authoritative ruling on this issue.

Getting back to the core topic of this message, would you please reply and confirm if Preston will stop adding additional comments when processing its tickets from now on? Thank you.

James

James Wingate | Executive Director

USA North 811

925-222-6506 direct

800-640-5137 admin

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