DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
Underground Facilities Safe Excavation Board
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Website: https://digsafe.fire.ca.gov

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

February 9, 2021

MEETING MINUTES

February 9, 2021
Teleconference Meeting

OPEN SESSION

BOARD MEMBERS PRESENT:

Marjorie Del Toro, Chair
Amparo Muñoz, Vice Chair
Ron Bianchini
Randy Charland
Bill Johns
Marshall Johnson
Carl Voss

STAFF PRESENT:

Tony Marino, Executive Officer
Jeff Brooks, Attorney

Jason Corsey, Chief of Investigations
Anna Brown, Supervising Special Investigator
Carla Newman, Supervising Special Investigator
John Benane, Special Investigator
Michael Ehrgott, Special Investigator
Charley Park, Special Investigator

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: Call to Order and Roll Call

Chair Voss called the meeting to order at 9:00 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.

Executive Officer Tony Marino turned the meeting over to Special Investigator Michael Ehrgott to provide a statement on the passing of Special Investigator Dennis Fenton.

Chair Voss called for a minute of silence in remembrance of Special Investigator Dennis Fenton.

Chair Voss called for a five-minute recess from 9:13 a.m. to 9:18 a.m.

Agenda Item No. 2: Public Comments on Items not on the Agenda

Chair Voss asked for any comments from the public for items not on the agenda. There were none.

Agenda Item 3: Election of Chairperson and Vice Chairperson (Government Code § 4216.14(e))

Chair Voss asked if there were any public comments on this item. There were none.

Chair Voss asked of there were any nominations from the Board for Chairperson.

> Member Bianchini nominated Member Del Toro for Chairperson.

Chair Voss asked for further nominations from the Board. There were none.

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

Board Action: Election of Member Del Toro as Chairperson

> Yeses: Members Bianchini, Charland, Del Toro, Johns, Johnson, Munoz, and Voss
> Noes: None
> Abstentions: None
> Recusals: None

Result: Member Del Toro elected Chairperson

Chair Voss turned to meeting over to newly elected Chair Del Toro to resume the meeting.

Chair Del Toro called for a brief recess from 9:29 a.m. to 9:32 a.m. while assuming role of new Chairperson.

Chair Del Toro asked if there were any nominations from the Board for Vice Chairperson.

> Chair Del Toro nominated Member Munoz as Vice Chairperson.

Chair Del Toro asked for further nominations from the Board. There were none.

Chair Del Toro asked for comments from the Board. There were none.

Board Action: Election of Member Munoz as Vice Chairperson

Yeses: Members Bianchini, Charland, Del Toro, Johns, Johnson, Munoz, and Voss
Noes: None
Abstentions: None
Recusals: None

Result: Member Munoz elected Vice Chairperson

Agenda Item No. 4: Resolution 21-02-01: Staff will present an annual review of the twenty existing Board policies and propose amendments to one of the policies for adoption by the Board.

Executive Officer Tony Marino presented the staff report on the review and approval of board policies.

Seven of the Board's twenty existing policies were up for review in 2021. Five of those seven policies relate to state statute and federal statute and regulations. Staff proposed updating Policy L-03 ("California's Dig Safe Law") to include the changes that were made to Government Code 4216 through 4216.17 that were made by SB 865 (Hill) in 2020. The remaining two policies relate to the enforcement philosophy and election of Board Chair and Vice Chair and staff does not have any recommended changes to the remaining two policies.

Chair Del Toro asked for comments from the Board. There were none.

Chair Del Toro asked for comments from the public. There were none.

Board Action

Motion: Member Munoz
Second: Member Voss
Yeses: Members Bianchini, Charland, Del Toro, Johns, Johnson, Munoz, and Voss
Noes: None
Abstentions: None
Recusals: None

Result: Motion Approved

Agenda Item No. 5: 2020 Results Report and 2021 Plan: Staff will present the 2020 Results Report and the 2021 Plan for Board discussion

Operations Manager Tom Finn presented the 2020 Results Report to the Board.

The 2020 results report detailed the work done by the Board in 2020 and focused on significant accomplishments towards the goals outlined in the 2020 annual plan. The report also highlighted difficulties and other constraints the Board encountered in completing its planned work, specifically adaptations to challenges from the COVID-19

pandemic, and other actions undertaken such as preparations for implementation of Senate Bill 865.

Mr. Marino explained that while the 2021 plan was on the agenda for this item, that item will be heard at the next meeting.

Chair Del Toro asked for comments from the Board.

Chair Del Toro and Member Voss noted they were impressed with the comprehensive 2020 Results Report given the challenges faced and thanked staff for their efforts.

Vice Chair Munoz recognized leadership and staff for their consistency that has led to the Board reaching milestones in the Board's three years.

Vice Chair Munoz thanked stakeholders that have been engaged with the Board during workshops and Board meetings that have helped create a body of work.

Chair Del Toro asked if there were any public comments on this item.

A representative from So Cal Gas asked how many Board member seats were vacant and when the seats would be filled.

Mr. Marino explained there are currently two Board member vacancies both of which are to be appointed by the Governor.

Agenda Item 6: Discussions with Pacific Gas and Electric on Communication with Excavators Pursuant to Public Utilities Commission Decision 20-02-036

Executive Officer Tony Marino presented the staff report on California Public Utilities Commission (CPUC) decision regarding Pacific Gas and Electric Company (PG&E) locate and mark violations.

California Public Utilities Commission's (CPUC) decision required Pacific Gas and Electric Company (PG&E) and the CPUC's Safety and Enforcement Division to consult with the Board on methods to improve communication between PG&E and excavators.

Chair Del Toro asked for comments from the Board.

Member Bianchini noted he participated in a meeting with PG&E and CPUC with the purpose of discussing better communication between operators, locators, and excavators. Member Bianchini suggested discussing improving industry wide communication issues between locators and excavators, specifically through dig tickets, during the next meeting with PG&E and CPUC.

Chair Del Toro asked if there were any public comments on this item.

PG&E's Director of Damage Prevention and Compliance, Kevin Armato, provided an update on internal procedures and controls around communications and explained that there is a new leadership structure and oversight in the Damage Prevention Organization since the CPUC investigation which will continue to develop a speak up culture within the organization that holds leadership accountable. Mr. Armato explained the actions including audits and training classes that PG&E enacted to improve locating and marking as well as communications with excavators so that they are accurate.

PG&E's Damage Prevention Process Manager, Steve Cleaver, noted PG&E was taking the opportunity to resolve outstanding issues and work to bring a resolution to lingering issues and welcomed suggestions from many stakeholders, including the call centers, since feedback from all involved parties is needed to improve communications.

Todd Bloomstine, a representative for Southern California Contractors Association (SCCA), presented a statement based on the CPUC's Order Instituting Investigation (OII) findings. Mr. Bloomstine highlighted issues with PG&E's ineffective policy related to claim settlements with members of SCCA.

Chair Del Toro called for a recess from 10:41 a.m. to 11:01 a.m.

Chair Del Toro asked for comments from the Board.

Vice Chair Munoz discussed education and encouraged owners across the industry to adopt metrics that will improve safety to Californians and communication between owners and excavators.

Chair Del Toro directed staff to continue conversations with PG&E with how they can improve communications with excavators.

Agenda Item 7: Board Member Public Engagement Reports

Chair Del Toro asked for Board Member engagement reports. There were none.

Agenda Item 8: Executive Officer's Report

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

Mr. Marino noted that the Pipeline and Hazardous Materials Safety Administration (PHMSA) determined the Dig Safe Board enforcement program as adequate and that the Board will be able to move forward with more Notice of Probable Violations and enforcement actions in the next year.

Mr. Marino provided an update on Senate Bills 865 relating to information sharing between the Board and call centers. Mr. Marino also noted that staff would soon be providing fee information to one call centers for billing of last year's tickets and that since January 1st, the one call centers have been providing the Dig Safe Board with the damage notifications as they come in and will provide all tickets to the Dig Safe Board quarterly.

Mr. Marino provided an update on Protecting our Infrastructure of Pipelines and Enhancing Safety Act (PIPES) Act 2020 that was reauthorized on December 27, 2020 and that the act defines and places requirements on Idle Pipelines. In addition, Mr. Marino explained that the act ordered PHMSA to conduct a study on GIS and other mapping that is performed on gathering lines.

Mr. Marino reminded Board members that form 700 is due April 1st and ethics training through the Office of Attorney General is due at that time as well.

Chair Del Toro asked for comments from the Board. There were none.

Chair Del Toro asked if there were any public comments on this item.

A representative from CPUC explained that idle lines are familiar to CPUC as California already regulates idle lines as regulations apply and continue as if the line were active.

Ann Diamond from Dig Alert asked Mr. Marino for an update on Resolution 20-09-02 regarding the Board fees regulation.

Mr. Marino explained the resolution approving revisions to the fee regulation is still undergoing an economic analysis review and following that will be sent to the Office of Administrative Law to begin the public comment period.

Agenda Item 9: Other Business

Chair Del Toro asked if there were any other items to be added to the next board meeting agenda. There were none.

Agenda Item 10: Adjournment

Chair Del Toro adjourned the meeting at 11:30 a.m.

Respectfully submitted,

/s/ Tony Marino

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Tony Marino
Executive Officer

Attest:

/s/ Marjorie Del Toro

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Marjorie Del Toro
Chair