DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Office of the State Fire Marshal
California Underground Facilities Safe Excavation Board
2251 Harvard Street, Suite 400
Sacramento, CA 95815
(916) 568-3800
https://dig.fire.ca.gov/

August 6, 2021

NOTICE OF PROBABLE VIOLATION

Henry Miranda
Director of Safety
Kana Pipeline Inc.
12620 Magnolia Ave.
Riverside, CA 92503

Case No.: 21LA01346
Address/Location of Violation(s): Mayhew Ave. & Bickmore Ave., Chino, CA
Date/Time of Violation(s): 1/13/2021 at 0906 hours

Dear: Mr. Miranda,

The Board has concluded an investigation of an incident on the above date, time and location and has determined that Kana Pipeline Inc. violated Article 2 of Chapter 3.1 of Division 5 of Title 1 of the California Government Code as follows:

> Gov't Code § 4216.3 (b): *If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation.*

Kana Pipeline was using an excavator to dig out a sewer manhole for a new development when their employees struck a forced sewer main on 1/13/2021. Prior to the damage, Kana Pipeline had verbally requested that the City of Chino come back out and remark the sewer main because the marks were no longer visible. Kana did not, however, request a remark through the one-call center pursuant to Gov't Code 4216.3(b), and City of Chino employees did not remark the forced sewer main. Kana Pipeline began excavation even though the City of Chino had not remarked the line, in violation of Gov't C 4216.3(b).

Violation of Article 2 of Chapter 3.1 of Division 5 of Title 1 of the Government Code

(Sections 4216 *et seq.*) is punishable by a maximum penalty of $10,000, or $50,000 for knowing and willful violation.

A Corrective Action of mandatory completion of the Board's education course is being imposed. Please see https://dig.fire.ca.gov/education-course for more information.

The proposed sanction reflects the nature and gravity of the violation and takes into consideration the Respondent's history of prior offenses, cooperation with the investigation and demonstration of his/her intent to comply with Government Code section 4216 *et seq* in the future. Kana Pipeline took responsibility for the incident that occurred on 1/13/2021 and has expressed a willingness to make changes to their excavation safety protocols. Kana Pipeline had no previous violations with the Board and fully cooperated with the investigation by providing access to personnel, providing statements, incident reports and photographic evidence.

This matter will be referred to the Contractors State License Board with a recommended penalty of mandatory completion of the Board's education course.

The California Underground Facilities Safe Excavation Board will act on this notice of probable violation in a future meeting.

You may contest this notice by responding to this notice promptly. Please see attached instructions on completing and submitting your response for options available to you. Your response to this notice must be received by the California Underground Facilities Safe Excavation Board no later than September 17, 2021.

Sincerely,

Jason Corsey

Jason Corsey
Chief of Investigations
California Underground Facilities Safe Excavation Board
916-926-1660

Proposed hearing date: October 12, 2021

RESPONSE TO NOPV

Case Number: 21LA01346
Name: Kana Pipeline Inc.

Please select from one of the response options listed below. You have 30 business days to submit your response to the Dig Safe Board. Failure to submit a response will be considered by the Dig Safe Board as a "No Contest" response. Please attach this form with your selection to your response. Please review the attached "Information Regarding Response Options" to understand what jurisdiction you fall under. For all options, your case will be voted upon by the Dig Safe Board.

___ **No Contest**

You do not contest the violations or the penalty. The Dig Safe Board will vote on your case during its next scheduled public meeting.

___ **Provide written response**

You wish to contest either the violation, the penalty, or both by providing the Dig Safe Board with written comments, not to exceed 10 pages in length. You may request an extension to the page limit by submitting a request to the Dig Safe Board within 5 days of receiving this notice. The Dig Safe Board will vote on your case during its next scheduled public meeting.

___ **Request oral hearing**

You wish to contest either the violation, the penalty, or both by providing oral argument during a meeting of the Dig Safe Board. Your hearing would be on October 12, 2021 at 9:00am. You will have 15 minutes to present your reasons for contesting the allegation or reasons that may support a modification or elimination of the penalty or corrective action. At a subsequent meeting, the Dig Safe Board will vote on your case.

*** PUBLIC UTILITIES COMMISSION, CONTRACTORS STATE LICENSE BOARD, STATE FIRE MARSHAL, AND LOCAL GOVERNMENT ENFORCEMENT JURISDICTION ONLY ***

___ **Request Dig Safe Board make recommendation to your regulator**

You do not wish to present your responses to the Dig Safe Board, but wish instead to present before your jurisdictional regulator. The Dig Safe Board will vote on your case during its next scheduled public meeting.

*** DIG SAFE BOARD ENFORCEMENT JURISDICTION ONLY ***

___ **Request formal hearing before the Office of Administrative Law**

You wish to contest either the violation, the penalty, or both in a hearing before the Office of Administrative Law. Following hearing, an administrative law judge will present a proposed decision to the Dig Safe Board to approve, deny, or modify.

Please provide your response within 30 business days of receiving this notice, either electronically at DigBoard@fire.ca.gov or to the following mailing address:

The Dig Safe Board
2251 Harvard St.
Suite 400
Sacramento, CA 95818

Information Regarding Response Options

*** IMPACTS RELATED TO COVID-19 ***

IN LIGHT OF THE UNPRECEDENTED COVID-19 VIRUS AND THE GOVERNOR'S EXECUTIVE ORDERS N-29-20 AND N-08-21, FOR THE DURATION OF THIS EMERGENCY THE BOARD WILL CONDUCT ORAL HEARINGS THOUGH VIRTUAL MEETING PLATFORMS AND NOT IN PERSON AT A PHYSICAL LOCATION.

Pursuant to Section 4252 of Title 19 of the Code of California Regulations, you may respond to a notice of probable violations in one of several ways. For all options, your case will be voted upon by the Underground Facilities Safe Excavation Board ("Board") and you will be informed of its decision within two business days.

Jurisdiction

If you are subject to enforcement by the Contractors State License Board, the Public Utilities Commission, or the Office of the State Fire Marshal (pursuant to Section 4216.6 (c) of the Government Code) or subject to oversight by your local governing board (pursuant to Section 4216.6 (d) of the Government Code), a Board vote on a violation and proposed penalty acts as a recommendation to that agency. The Contractors State License Board, the Public Utilities Commission, or the Office of the State Fire Marshal must accept, reject, or modify a Board recommendation. If you are not subject to enforcement by one of the above entities, you are subject to direct enforcement by the Board. Your jurisdictional enforcement agency is listed on your notice.

Response

You may respond to this notice in one of the following ways:

1. No Contest. You do not contest either the violation or the penalty. The Board will vote on your case.

2. Written response. You may submit a written response to contest either the violation or the proposed penalty. Your response must be submitted within 30 business days of receiving this notice. Your response must not exceed 10 pages in length, 8.5" x 11" white paper, double-spaced, in a font size no smaller than 11-point. You must submit 12 copies to the address below or submit electronically to digsafeinvestigations@fire.ca.gov. You may request an extension to the page limit by submitting a request to the Board within 5 days of receiving this notice. Within 10 days of submitting a request for a page limit extension you will be notified of the disposition of your request. You will be notified no later than 20 business days before your matter is presented to the Board. The Board will take action on your case within 60 days of receiving your response or at the next meeting in which a quorum of the Board is present.

3. Informal oral hearing. You may request an oral hearing before the Board to contest either the violation or the proposed penalty. The date and location of your hearing is listed on this notice, but you may request to reschedule your

hearing no later than 15 business days from your hearing date. Your new hearing will be held at a Board business meeting no more than 45 days from the hearing date. Your request to reschedule a hearing may be granted no more than once and only for good cause. During your hearing, conducted pursuant to Section 4253 of Title 19 of the California Code of Regulations, Board staff will present the basis for your notice of probable violation. You will be granted up to 15 minutes to respond to the notice and up to 5 minutes to respond to any Board staff rebuttal. You may arrange, at your expense, for a stenographer or court reporter to transcribe the informal hearing. You must provide a copy of any transcription to the Board. The Board will issue a decision at the hearing or at a subsequent Board meeting within 45 business days of the hearing.

4. Board recommendation to jurisdictional agency (*Contractors State License Board, Public Utilities Commission, Office of the State Fire Marshal, or local governing board enforcement jurisdiction only*). You may choose to have your case heard only at your jurisdictional agency, according to its rules. The Board will vote on your case without your input. You continue to reserve your right to contest either the violation or the proposed penalty with your jurisdictional agency.

5. Formal hearing at the Office of Administrative Law (*Board enforcement jurisdiction only*). You may request to have your case heard before an administrative law judge assigned by the state Office of Administrative Hearings pursuant to Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code (commencing with Sections 11400 and 11500) and California Code of Regulations, Title 1, Section 1000 *et seq*. The Board shall act on the administrative law judge's decision pursuant to subdivision (c) of Section 11517 of the Government Code.

Correspondence

Please direct formal correspondence to either digsafeinvestigations@fire.ca.gov or to the following address

California Underground Facilities Safe Excavation Board
2251 Harvard St.
Suite 400
Sacramento, CA 95815

Please note that, pursuant to Section 4258 of Title 19 of the California Code of Regulations, you are prohibited from discussing the substance of the case in question with staff or Board members until the Board issues a written decision on your case and, should you requests reconsideration on the decision, the Board has issued a written decision on that request.

Payment

If you are required to take corrective action or pay a penalty instructions will be provided to you following any decision by your jurisdictional enforcement agency. No payment is required at this time.

The California Underground Facilities Safe Excavation Board complies with the Americans with Disabilities Act ("ADA") by ensuring that the facilities are accessible to persons with disabilities, and providing this notice and information given to the members of the California Underground Facilities Safe Excavation Board in appropriate alternate formats when requested. If you need further assistance, including disability-related modifications or accommodations, you may contact the California Underground Facilities Safe Excavation Board no later than seven (7) calendar days before a scheduled hearing at (916) 767-3370. California Relay Service is available by dialing 711.

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CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INCIDENT INVESTIGATION REPORT COVER SHEET

Date:	8-6-2021
Case #:	21LA01346
Subject(s):	Kana Pipeline, Inc

4216 Violations:	GC4216.3(b) and GC4216.4(a)(1)
Other Violations:	N/A

Prior Board Actions:	☒ No ☐ Yes

Executive Summary:

Gov't Code 4216.3 (b): *If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation.*

Kana Pipeline was using an excavator to dig out a sewer manhole for a new development when their employees struck a forced sewer main on 1/13/2021. Prior to the damage, Kana Pipeline had verbally requested that the City of Chino come back out and remark the sewer main because the marks were no longer visible. Kana did not, however, request a remark through the one-call center pursuant to Gov't Code 4216.3(b), and City of Chino employees did not remark the forced sewer main. Kana Pipeline began excavation even though the City of Chino had not remarked the line, in violation of Gov't C 4216.3(b). Kana Pipeline did not pothole to find the sewer main prior excavation on 1/13/2021. Kana Pipeline stated that they knew the sewer main was there, but believed it was 20 feet deep. Kana Pipeline hit the sewer main 5'-6' feet below grade.

As there were no visible marks, there was no tolerance zone, so Kana Pipeline is not in violation of Gov't Code 4216.4(a)(1): failure to determine the exact location before using power tools in the tolerance zone. Though the City of Chino could have taken actions to address Kana Pipeline's remark request, the City's obligation to remark under Gov't Code 4216 *et al.* is to do so in response to requests made through the one-call center, which Kana Pipeline did not do. Therefore, the City of Chico is not in violation of Gov't C 4216.3(b).

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CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INCIDENT INVESTIGATION REPORT

Case Number: 21LA01346	**Report Date**: 8-6-2021
Subject Name: Kana Pipeline, Inc and City of Chino Department of Public Works	**Notification Date**: 1-13-2021

Reporting Party Information:
Enrique Miranda, Kana Pipeline Inc, Director of Safety, 12620 Magnolia Ave, CA. 92503, Phone: 714-986-1400

Subject(s) of Investigation:
Kana Pipeline Inc. 12620 Magnolia Ave, CA. 92503
City of Chino Department of Public Works 5050 Schaefer Ave., Chino, CA 91710

Date & Time of Incident:
1-13-2021 at 0805 hours

Location of Incident:
Mayhew Ave & Bickmore Ave., Chino, CA

Ticket #: None
Main ticket number: A202520351

Revision number – 04B	Created 12/28/20 Legal Start 12/28/20 Expiration 01/25/21

Operator:
City of Chino Department of Public Works

Excavator:
Kana Pipeline Inc

Facility Type Damaged:
16” Forced Sewer Main

Violations:
GC4216.2(g) and GC4216.4(a)(1)

Notification:
The California Underground Facilities Safe Excavation Board was notified of this incident by Kana Pipeline Inc. on 1-13-2021

Fatalities and Injuries:
None

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Damages:
16” inch forced sewer main owned by the City of Chino was damaged causing an estimated 10,000 gallons of sewage to be spilled.

Responding Entities:
City of Chino Department of Public Works
Inland Empire Utility Agency

Scene Description:
Excavation site was a residential development site at the corner of Mayhew Ave. and Bickmore Ave. Chino, CA.

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Summary of Investigation:

On 1/13/2021, the California Underground Utilities Safe Excavation Board was notified by Enrique Miranda (Miranda) of Kana Pipeline that they had damaged a sewer main in Chino, CA. The investigation was assigned to investigator John Benane (Benane).

A search of the Contractor's State License Board website showed that Kana Pipeline has a valid license 461487 (**Ex-1**) in the State of California.

On 1/21/2021, Investigator Benane contacted DigAlert, via email to request ticket number A202520351. Benane received the ticket from DigAlert (**Ex-2**).

On January 21, 2021, Investigator Benane contacted the City of Chino Department of Public Works to obtain information about the incident. Benane was informed by Ben Orosco (Orosco), City of Chino Assistant Public Works Service Manager, that the individual he needs to speak with about the incident was Rick Lopez, City Inspector.

On 7/27/2021, Investigator Jason Corsey (Corsey) conducted an interview of Miranda, Director of Safety for Kana Pipeline, Mike Lockwood (Lockwood), Foreman Kana Pipeline and Havier Herrera (Herrera), Excavator Operator Kana Pipeline via Teams virtual platform. Miranda stated that Kana Pipeline had two (2) separate damage incidents on this project, one occurred November 11, 2020 and the second occurred January 13, 2021. Both incidents involved a sewer main owned the City of Chino.

First Damage Incident - 11/20/2020

In the interview regarding the incident that occurred on 11/20/2020 (**Ex-3**), I asked Miranda to explain the type of work Kana Pipeline was performing when the incident occurred and what in his opinion was the cause of the damage. Miranda stated that Herrera who was also present during the interview was operating a 75 thousand-pound excavator, excavating a trench line to remove a corrugated metal pipe riser when he hit a forced sewer main with the bucket of the excavator. Miranda stated that the line was marked, and the trench was already open. Miranda further stated and Herrera agreed that Herrera knew the line was there, but that his attention was temporarily diverted, and he hit the forced sewer main with the bucket of the excavator causing a sewage leak. Miranda stated and Herrera agreed that the incident was the result of operator error and that Kana Pipeline takes responsibility for the incident.
Miranda stated that after the hit, Kana Pipeline contacted the City of Chino Public Works to advise them of the damage. Miranda further stated that the City of Chino Public Works came out with vacuum trucks to clean up and haul off the spilled sewage and repair the damaged line.

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Second Damage Incident – 1/13/2021

In the interview regarding the incident that occurred on 1/13/2021 (**Ex-4**), I asked Miranda to explain the type of work Kana Pipeline was performing on this project and what in his opinion was the cause of the damage the occurred January 13, 2021. Miranda stated that Lockwood who was also present during the interview was the foreman for Kana Pipeline on this section of the job. The excavator operator on this job was Rogelio Becerra (Becerra) who was not present for the interview.

Miranda stated that Becerra was there to dig a sewer manhole out for the installation of a sewer in a new development. He stated that Becerra had not worked on this section of the project until the day the incident occurred. He was brought over because he operated a large 160 thousand pound excavator. Miranda stated and Lockwood agreed that Kana Pipeline knew where the line was because it had been previously marked, but due to time and all the work being done in the area the marks were no longer visible. Miranda stated that Lockwood made several requests over several days to have the line remarked. I asked Miranda who they contacted to have the line remarked. Miranda stated that they contacted the City of Chino who owns the utility and spoke with an inspector and IEUA the company who operates the line to have it remarked. Miranda Stated that after several attempts the Sewer Main was never remarked.

Miranda stated that they knew where the sewer main was and that it was roughly 20 feet deep, so Lockwood directed Becerra to start to dig with the excavator. Miranda further stated and Lockwood agreed that after instructing Becerra to start excavating Lockwood walked to the opposite side of the jobsite and wasn't close by to direct Becerra. Miranda stated that while digging for the manhole, Becerra was about 5'to 6' feet below grade when he hit the 16" inch forced sewer main. Miranda stated that after the sewer main was hit, Lockwood dug a pond to contain the sewage so it would not drain off to nearby vegetation and roads. Miranda stated the City of Chino was again contacted and they came out with vacuum trucks to clean up the sewage and repair the damage.

I asked Miranda if Kana Pipeline potholed the line prior to excavation. Miranda stated that no Kana Pipeline did not pothole the line since they believed they knew where it was and expected it to be 20 feet deep.

Lockwood stated that he felt some responsibility for the damage because he believed he was not 100% clear with Becerra about the actual location of the line.

I requested that Miranda email me copies of Kana Pipeline reports of damage and photos he had shown me on Teams. Miranda supplied Kana Pipelines damage reports with photos for the incidents that occurred on 11/20/2020 (**Ex-5**) and 1/13/2021 (**Ex-6**).

I also asked Miranda to provide site plans for the portion of the project they were working on the date of the incident. Miranda had Lockwood forwarded photos of the site plans Kana Pipeline had been provided for the project (**Ex-7**). I asked Lockwood who provided the plans him. Lockwood stated that he was given the engineering plans in a Kana Pipeline project meeting.

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Lockwood further stated that he could not be sure who provided them to Kana Pipeline because he is not part of those larger meetings.

Rick Lopez – City of Chino

On July 28, 2021, I interviewed Rick Lopez (Lopez), Inspector for the City of Chino about damage incident involving Kana Pipeline that occurred on 1/13/2021 to the city's sewage main (**Ex-8**).

I asked Lopez to describe in his own words what occurred on 1/13/2021. Lopez stated that this was a big development project with a lot going on. Lopez further stated that Kana Pipeline was digging out a manhole for the installation of a new sewer line for a new development. Lopez stated that the Kana Pipelines excavator while digging for the manhole hit their 16" forced sewer main causing a leak of sewage.

I asked Lopez if Kana Pipeline had called for a remark of the sewer main for this particular part of the job. Lopez stated that he did receive a verbal request to have the sewer main remarked and that he forwarded the request verbally to Joe Cavalier (Cavalier). Lopez stated that Cavalier was the crew leader for the City of Chino sewer department and would be in charge of having the line marked. Lopez further stated that after he relayed the request to Cavalier, he never heard anything else from Kana Pipeline about the remark request and assumed it had been completed. Lopez again stated that this was a big project with a lot going on, so he moved on to other things.

When I asked Lopez for Cavalier's contact information, he stated that Cavalier no longer works for the City of Chino. Lopez stated that it should be noted that there are (2) 16" sewer mains running side by side and that they were clearly shown on the plans Kana Pipeline had been given. I asked Lopez about the depth of the sewer mains and he said that the grading was rough in several areas of the new development worksite, so it would be difficult to accurately determine the depth from the plans.

I asked Lopez who IEUA was and what their role is. Lopez stated that IEUA was the Inland Empire Utility Agency (IEUA) and that they run the sewage plant, but the lines belong to the city. I asked Lopez if IEUA would be responsible for marking the line and he stated no they wouldn't have marked the line.

<u>Investigative Findings</u>

KANA PIPELINE

Gov't Code 4216.3(b) - *If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be*

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remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation.

Kana Pipeline stated in an interview that prior to hitting the sewer main on 1/13/2021, they had requested that the City of Chino come back out and remark the sewer main because the marks were no longer visible. Kana did not, however, renotify DigAlert with their remark request. Kana Pipeline acknowledged in the interview that they began excavation even though the City of Chino did not come out to mark the line after their request.
Kana Pipeline is in violation of Gov't Code 4216.3(b).

Gov't Code 4216.4(a)(1) -*Except as provided in paragraph (2), if an excavation is within the tolerance zone of a subsurface installation, the excavator shall determine the exact location of the subsurface installation in conflict with the excavation using hand tools before using any power-driven excavation or boring equipment within the tolerance zone of the subsurface installations.*

Kana Pipeline acknowledged in an interview that they did not pothole to find the sewer main prior excavation on 1/13/2021. Kana Pipeline stated that they knew the sewer main was there, but believed it was 20 feet deep. Kana pipeline hit the sewer main 5'-6' feet below grade.

As the line was not remarked, there was no tolerance zone. Therefore, Kana Pipeline is not in violation of Gov't Code 4216.4(a)(1). Had the City of Chino remarked the line, however, Kana Pipeline likely would have still hit the facility, as Kana Pipeline employees were mistaken about its depth and used a large excavator prior to determining conflict with hand tools (pursuant to Gov't Code 4216.4(a)(1)), vacuum excavation (pursuant to Gov't Code 4216.4(a)(2)), or permissible power tools (pursuant to Section 4501, Title 19, California Code of Regulations). Had the City of Chino remarked and Kana Pipeline used the large excavator in the tolerance zone prior to determining conflict, the City would have been in violation of Gov't Code 4216.4(a)(1).

Kana Pipeline was not in violation of Gov't Code 4216 *et al*. for the damage occurring on 11/20/2020, as the damage occurred after the Kana had already exposed the line to determine its exact location pursuant to Gov't Code 4216.4(a)(1).

CITY OF CHINO DEPARTMENT OF PUBLIC WORKS

City of Chino Inspector Lopez acknowledged in an interview that he received a verbal request to remark the area of excavation from Kana Pipelines. Lopez stated that he referred the request to the City of Chino sewer department crew leader Cavalier, but that he never followed up to see if it had been done.

Gov't Code 4216.3(b) requires an operator to respond to a remark request made through the regional notification center within two working days, not including the date of notification, but Gov't Code 4216 *et al*. does not require the operator to respond to verbal remark requests. Therefore, the City of Chino Department of Public Works is not in violation of Gov't Code 4216 *et al*. Nonetheless, when the City of Chino Department of Public Works received the verbal

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remark request from Kana Pipeline, they should have responded by either remarking the area of excavation or informing Kana Pipeline that Kana needed to contact the one call center to request remarks so all utilities with facilities in the area of excavation are notified and the request is documented.

Investigator Name		Supervisor Name	
Jason Corsey		Tony Marino	
Signature	Date	Signature	Date
Jason Corsey	8/6/2021	Tony Marino	8/6/2021

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Witness List

Name:	Amber Dahl, Safety Director of DigAlert
Address:	P.O. Box 77070, Corona, CA. 92877
Phone:	951-808-8115
DL:	
Knowledge of:	DigAlert receiving call, foundation of Dig ticket A202520351.

Name:	Enrique Miranda, Director of Safety, Kana Pipeline Inc..
Address:	12620 Magnolia Ave, Riverside, CA 92503
Phone:	714-986-1400
DL:	
Knowledge of:	Scope of work, employees involved, notification of incident.

Name:	Benjamin Orosco, Asst. Public Works Service Manager City of Chino Department of Public Works
Address:	5050 Shaefer Ave, Chino CA 91710
Phone:	909-334-3445
DL:	
Knowledge of:	Facility damaged and city employees who responded to damage

Name:	Rick Lopez, Inspector City of Chino Department of Public Works
Address:	5050 Schaefer Ave, Chino, CA 91710
Phone:	909-721-5626
DL:	
Knowledge of:	Facility damaged, called to jobsite when damage reported. Knowledge of remark request by excavator.

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Exhibit List

Exhibit Number	Description	Date Received	Received From
01	Kana Pipeline CSLB License	7-27-2021	Website
02	Dig Alert Ticket A202520351	1-21-2021	Amber Dahl
03	Miranda Interview 11-20-2020 incident	7-27-2021	J. Corsey
04	Miranda Interview 1-13-2021 incident	7-27-21	J. Corsey
05	Kana Pipeline Damage report re: 11-20-2020 incident	7-27-2021	E. Miranda
06	Kana Pipeline Damage report re: 1-13-2021 incident	7/27/2021	E. Miranda
07	Photo of Site plans provided to Kana Pipelines	8/5/21	E. Miranda
08	Rick Lopez Interview re: 1-13-2021 incident	7/28/2021	J. Corsey

EX - 1

CSLB
DEPARTMENT OF CONSUMER AFFAIRS
CONTRACTORS
STATE LICENSE BOARD

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING

Certifications

- HAZ - HAZARDOUS SUBSTANCES REMOVAL

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with UNITED STATES FIRE INSURANCE COMPANY.

Bond Number: 6041012076

Bond Amount: $15,000

Effective Date: 07/24/2020

Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual DANIEL ALAN LOCKE certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 04/25/1996

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY

Policy Number:54303189
Effective Date: 08/01/2017
Expire Date: 08/01/2021
Workers' Compensation History

Miscellaneous Information

- 04/25/1996 - LICENSE REISSUED TO ANOTHER ENTITY

Other

- Personnel listed on this license (current or disassociated) are listed on other licenses.

Personnel List | Other Licensees

Is this your license?
Does any of the information need to be corrected/updated?

Find out how to make changes to your license info

- **Check a License or HIS Registration**
- **Find My Licensed Contractor**
- **Frequently Asked Questions**
- **Forms and Applications**
- **Guides and Publications**
- **CSLB Laws and Regulations**
- **List of All CSLB Fees**
- **License Classifications**
- **Contractor Newsletter**
- **Application Status**
- **Application Status (Secured)**
- **Application Status by Personnel Name**
- **Application Status by Business Name**

CSLB Email Login

Online Services

Copyright © 537922021 State of California

EX - 2

MBRCOD 00001A USAS 10/27/21 10:13:22 A202520351-04B RNEW NORM POLY LREQ

Ticket: A202520351 Rev: 04B Created: 12/28/20 19:33 User: JTOPETE1129 Chan: WEB

Work Start: 12/28/20 19:33 Legal Start: 12/28/20 19:33 Expires: 01/25/21 23:59
Response required: N Priority: 2

Excavator Information
Company: KANA PIPELINE
Co Addr: 1639 E MIRA LOMA AVE
City : PLACENTIA State: CA Zip: 92870
Created By: HERNES TABADERO Language: ENGLISH
Office Phone: 714-986-1400 SMS/Cell:
Office Email: HTABADERO@KANAPIPELINE.COM

Site Contact: MIKE LOCKWOOD
Site Phone: 909-721-3316 Site SMS/Cell: 909-721-3316
Site Email:

Excavation Area
State: CA County: SAN BERNARDINO Place: CHINO
Zip: 91710,91708
Location: Address/Street: MAYHEW AVE
: X/ST1: BICKMORE AVE
: X/ST2: KIMBALL AVE
:
: BOTH SIDES OF MAYHEW AVE FRM BICKMORE AVE N/TO KIMBALL AVE
: **MAYHEW AVE IS A NEW ST NOT SHOWN ON MAP LOC INTER/WITH BICKMORE AVE
: AT APPROX 1175FT W/OF MEADOWHOUSE AVE**

Delineated Method: WHITEPAINT
Work Type: INSTALL SEWER, WATER, AND STORM DRAIN
Work For : PACIFIC COAST ENGINEERING
Permit: NOT AVAILABLE Job/Work order: 2038
1 Year: N Boring: N Street/Sidewalk: Y Vacuum: N Explosives: N

Lat/Long
Center Generated (NAD83): 33.968078/-117.645849 33.968081/-117.644859
: 33.960904/-117.645831 33.960906/-117.644841
Excavator Provided:

Map link:
https://newtin.digalert.org/newtinweb/map_tkt.nap?TRG=6Cx1w06q1u0ryu2-l

Comments:

RENEW TICKET WORK CONTINUING PER JUAN TOPETE--[JTOPETE 10/05/2020 03:46 PM]
RENEW TICKET WORK CONTINUING PER HERNES TABADERO--[DIRECT 11/02/2020 08:47 AM] **RENEW TICKET** WORK CONTINUING PER HERNES TABADERO--[DIRECT 11/30/2020 08:31 AM]
RENEW TICKET WORK CONTINUING PER JUAN TOPETE--[JTOPETE1129 12/28/2020 07:34 PM]

Members:
CHI01 CHIHLS CIW INLEMPUTA JCS01 SCG1OD UCHTRW_S1
USCEME USCETT84SE UTFTRCA01

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EX - 3

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CALIFORNIA UNDERGROUND FACILITITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INTERVIEW REPORT

REPORT DATE: 7/28/2021

CASE NO: 21LA01346

DATE/TIME OF INTERVIEW: 7/27/2021 9:00 AM

LOCATION OF INTERVIEW: Telephone

NAME/ADDRESS OF INTERVIEWEE:
Enrique Miranda,
12620 magnolia Ave
Riverside, CA 92503
Tel: 7149861400

NARRATIVE:

On July 27, 2021, I interviewed Enrique Miranda (Miranda), Director of Safety for Kana Pipeline about two (2) incidents on the same project that occurred on November 20, 2020 and January 13, 2021 involving utilities belonging to the City of Chino.

I asked Miranda to explain the type of work Kana Pipeline was performing on this project and what in his opinion was the cause of the damage the occurred on November 20, 2020. Miranda stated that Javier Herrera (Herrera) who was also present during the interview was operating a 75K pound excavator, excavating a trench line to remove a CMP riser when he hit a forced sewer main with the bucket of the excavator. Miranda stated that the line was marked and the trench was already open. Miranda further stated and Herrera agreed that Herrera knew the line was there, but that his attention was temporarily diverted and he hit the forced sewer main with the bucket of the excavator. Miranda stated and Herrera agreed that the incident was the result of operator error and that Kana Pipeline takes responsibility for the incident.

Miranda stated that after the hit, Kana Pipeline contacted the City of Chino Public Works to advise them of the damage. Miranda further stated that the City of Chino Public Works came out with vacuum trucks to clean up and haul off the spilled sewage and repair the damaged line.

Investigator Name	Supervisor Name
Jason Corsey	Tony Marino
[Jason Corsey signature] 7/28/2021	[Tony Marino signature] 7/28/2021

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EX - 4

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CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INTERVIEW REPORT

REPORT DATE: 7/29/2021

CASE NO: 21LA01346

DATE/TIME OF INTERVIEW: 7/27/2021 8:00 AM

LOCATION OF INTERVIEW: Teams Platform

NAME/ADDRESS OF INTERVIEWEE:
Enrique Miranda,
12620 magnolia Ave
Riverside, CA 92503
Tel: 7149861400

NARRATIVE:

On July 27, 2021, I interviewed Enrique Miranda (Miranda), Director of Safety for Kana Pipeline about two (2) separate incidents on the same project that occurred on November 20, 2020 and January 13, 2021, involving utilities belonging to the City of Chino.

I asked Miranda to explain the type of work Kana Pipeline was performing on this project and what in his opinion was the cause of the damage the occurred on January 13, 2021. Miranda stated that Mike Lockwood (Lockwood) who was also present during the interview was the foreman for Kana Pipeline on this particular job. The excavator operator on this job was Rogelio Becerra (Becerra).

Miranda stated that Becerra had not worked on this section of the project until the day the incident occurred. He was brought over because he operated a large 160K pound excavator. Miranda stated that Becerra was there to dig a sewer manhole out for the installation of a sewer in a new development.

Miranda stated and Lockwood agreed that Kana Pipeline knew where the line was because it had been previously marked, but due to time and all the work being done in the area the marks were no longer visible. Miranda stated that Lockwood made several requests to have the line remarked. I asked Miranda who they contacted to have the line remarked. Miranda stated that they contacted the City of Chino who owns the utility and spoke with an inspector and IEAU the company who operates the line to have it remarked. Miranda Stated that after several attempts the Sewer Main was never remarked.

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Miranda stated that they knew where the sewer main was and that is was roughly 20 feet deep, so Lockwood directed Becerra to start to dig with the excavator. Miranda further stated and Lockwood agreed that after instructing Becerra to start excavating Lockwood walked to the opposite side of the job and wasn't close by to direct Becerra. Miranda stated that while digging for the manhole, Becerra was about 5'to 6' feet below grade when he hit the 16" inch forced sewer main. Miranda stated that after the sewer main was hit, Lockwood dug a pond to contain the sewage so it would not drain off to nearby vegetation and roads. Miranda stated the City of Chino was again contacted and they came out with vacuum trucks to clean up the sewage and repair the damage.

I asked Miranda if Kana Pipeline potholed the line prior to excavation. Miranda stated that no Kana Pipeline did not pothole the line since they believed they knew where it was and expected it to be 20 feet deep.

Lockwood stated that he felt some responsibility for the damage because he believed he was not 100% clear with Becerra about the actual location of the line.

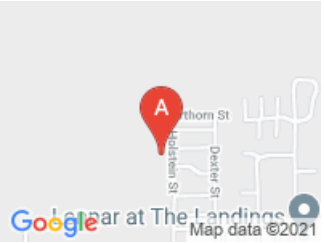
Investigator Name	Supervisor Name
Jason Corsey	Tony Marino
[Jason Corsey signature] 8/6/2021	[Tony Marino signature] 8/6/2021

EX - 5

Kana Pipeline, Inc.

Superintendent Incident/Injury Report
2038 - Altitude Business Center Nov 20th, 2020

Properties

Author	
Date Created	Nov 20th, 2020, 11:41am
Company	
Job Number	
Date of incident	Nov 20th, 2020
Time of incident	11:00 am
Type of event	Incident
Incident Type	Utility Strike - At Fault
Fault	Kana
Kana P.M.	
Location of incident	 User defined coordinates.
Were you an eye witness to the incident?	Yes
Was a JHA completed prior to beginning the assigned work?	Yes
Did you review the JHA with your crew prior to the assigned work	Yes
Was an excavation report used for this job?	Yes
Statement	

While excavatimg trenchline to remove a CMP Riser, my attention was diverted and I hit the forced sewer main with the bucket of the excavator.

I knew it was there and I made a mistake operating.

EDIT ADD BY RYAN SCHARF: 11:30 - 4 employees in separate vehicles arrived from City of Chino

Multiple Vac trucks assisting with haul off of sewage.

I counted a total of 6 different trucks from City of Chino. Chino personel closed off the street as Vac Trucks were working.

Rick Lopez (Chino) - 909-721-5626

The line that Javier hit was shut off. A parallel line that had been innactive for years was put back in play. The flow was diverted to the secondary line. Kana was responsible for a professional, permanent repair on the forced sewer main. Core and Main did the work on 11/23. Danny Sandoval contracted them.

Were you injured?	No

The information I have provided in this report is true and correct to the best of my knowledge. This information report contains everything I can recall about this incident.

Superintendent/Foremen

Signature

Signature

Attached Images:

Image

Image

Image

Image

Image

Image

Image

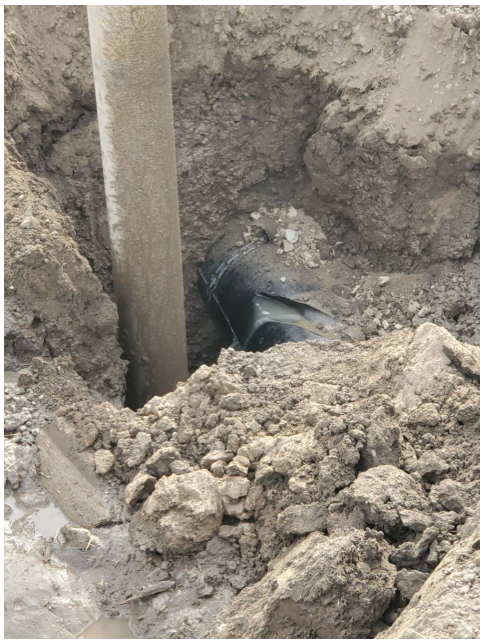
Image

Image

Image

Image

Image



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Repairs 11-23-2020

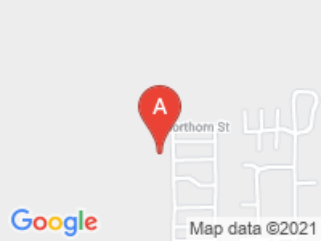
Repairs 11-23-2020

EX - 6

Kana Pipeline, Inc.

Superintendent Incident/Injury Report
2038 - Altitude Business Center Jan 13th, 2021

Properties

Author	Mike Lockwood
Date Created	Jan 13th, 2021, 9:08am
Company	Kana Pipeline, Inc.,
Job Number	2038 - Altitude Business Center
Date of incident	Jan 13th, 2021
Time of incident	9:06 am
Type of event	Incident
Incident Type	Utility Strike - At Fault
Fault	Kana
Name and phone number of Trade Partner or Other Party at fault (if applicable)	NA
Client Company Name	Murrow development - Terry Gaves
Contact Phone Number(s)	909-991-5913
Kana P.M.	
Location of incident	 User defined coordinates.

Injured or Involved Employee Name (1)

Employee - New Employee Please enter ID number as signature.

Were you an eye witness to the incident?	No
Was a JHA completed prior to beginning the assigned work?	Yes
Did you review the JHA with your crew prior to the assigned work	Yes
Was an excavation report used for this job?	Yes

Was a confined space permit used for this job?	No

What instructions did you give for the assigned task?

Dig sewer manhole out be careful of the force main

Describe safety equipment and personal protective equipment required for the assigned task

Basic PPE (hardhat, vest, boots, face cover)

Seatbelts for Operators

Statement

Rogelio Becerra (the operator) was brought to the location of the manhole to start digging.

While digging for the manhole he hit the 16" forced sewer main.

I believe that Rogelio hit the line because I wasnt 100% clear in giving him the actual location of the line when I walked to the opposite side of the job.

It is important to note that although I knew where the line was located (it was explained to me by the original general Superintendent *Bob Webber from Murrow) that Line (meaning the forced sewer main) was not marked. I made several attempts to contact everyone on the USA balance sheet

Were you injured?	No

The information I have provided in this report is true and correct to the best of my knowledge. This information report contains everything I can recall about this incident.

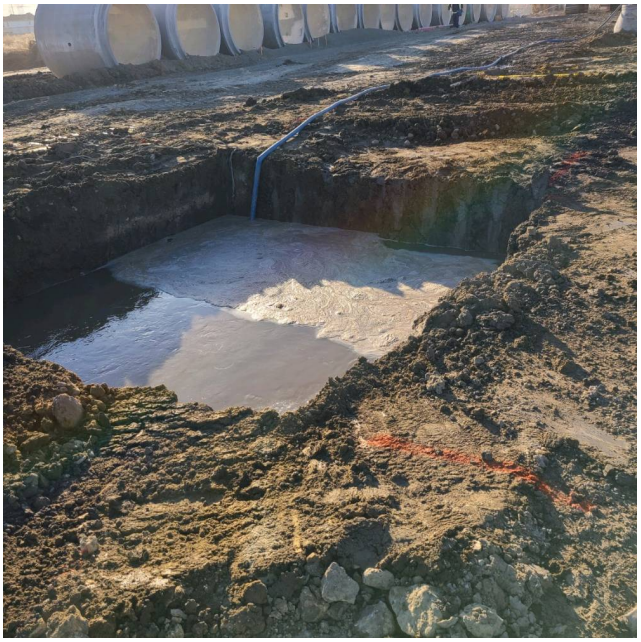
Superintendent/Foremen	
Signature	ML Signature

Files (4)

USA Balance Sheet (complete)

Attached Images:

Image



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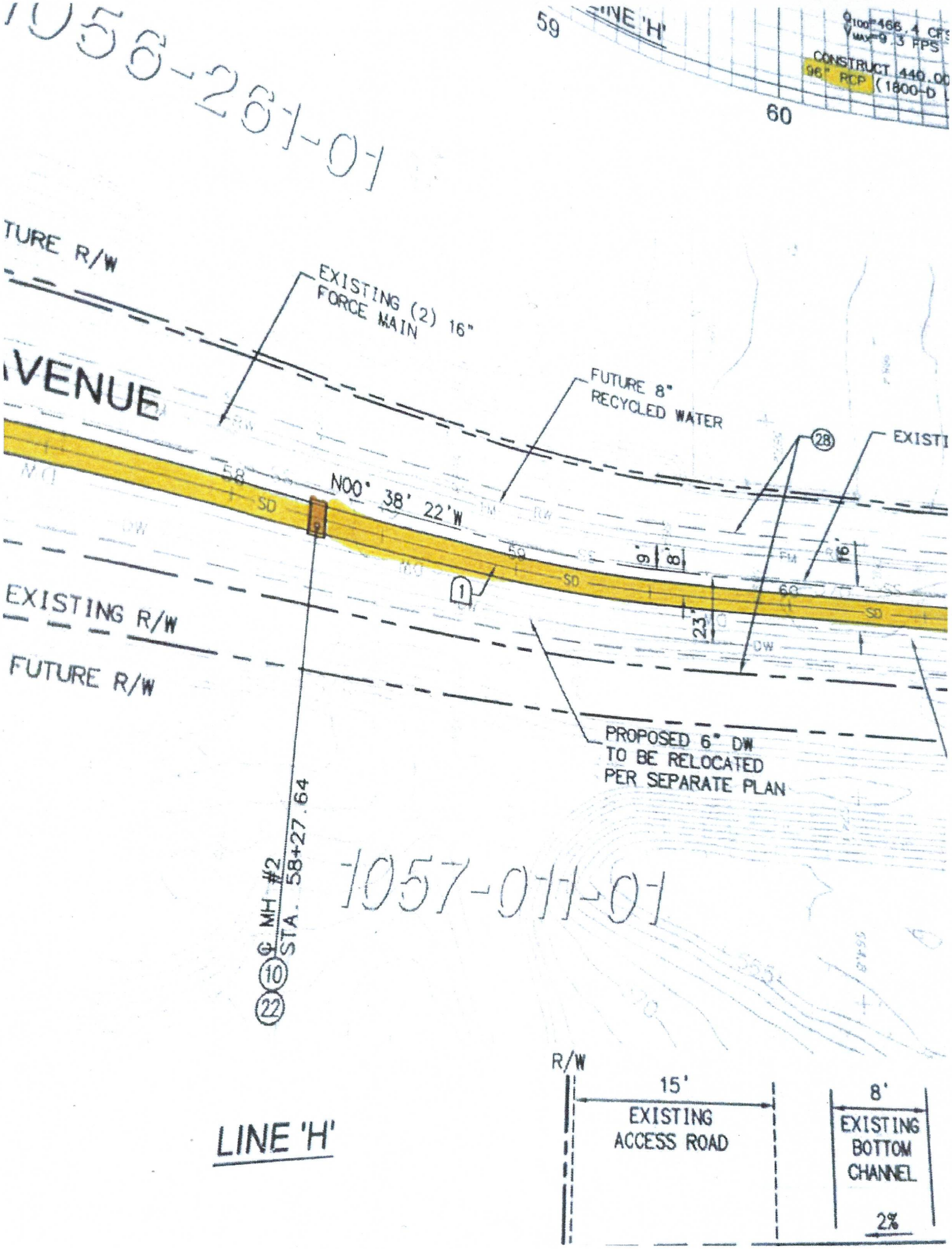
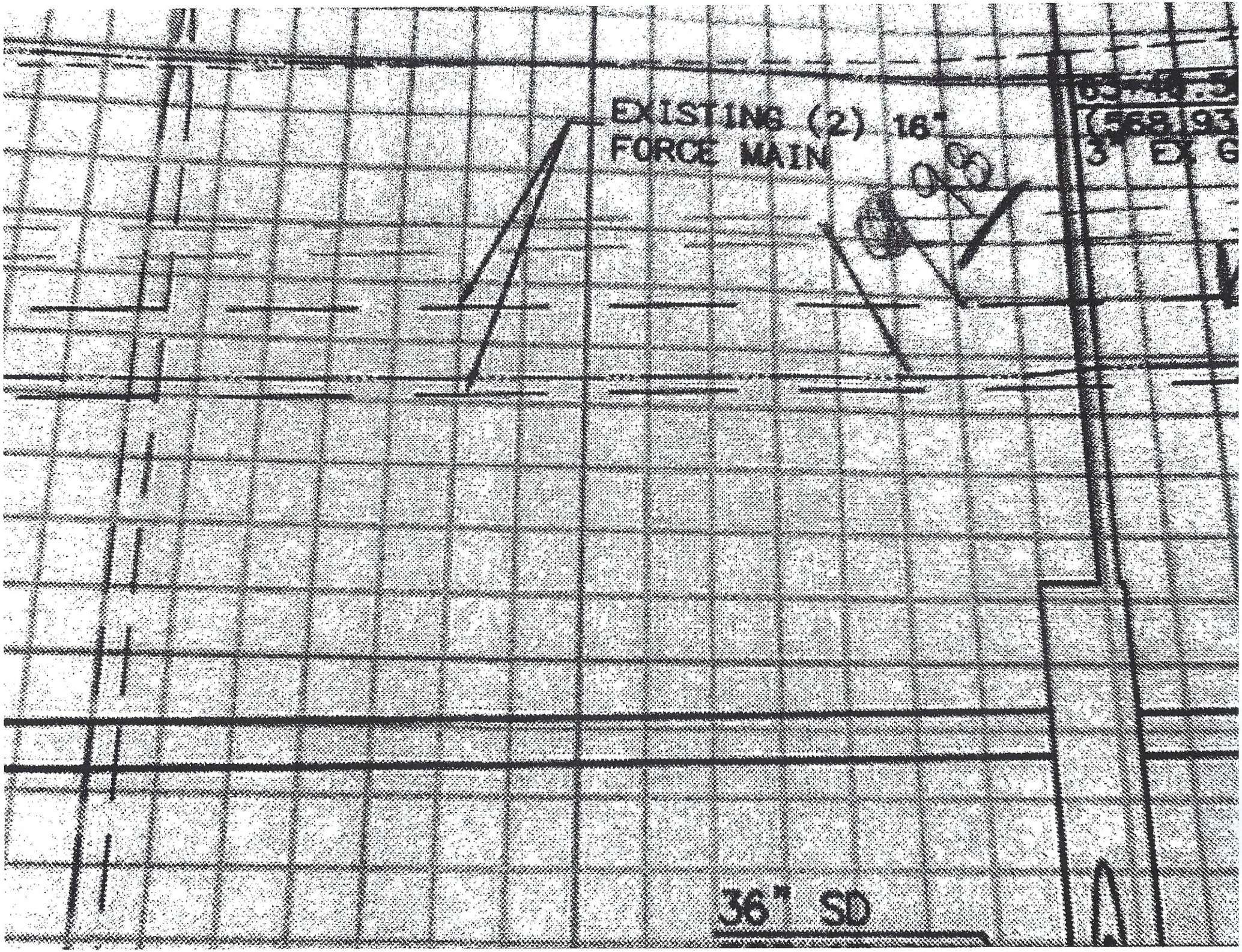
EX - 7



1056-261-01
59
LINE 'H'
Q100=466.4 CFS
VMAX=9.3 FPS
CONSTRUCT 440.00
96" RCP (1800-D
60
TURE R/W
EXISTING (2) 16"
FORCE MAIN
AVENUE
FUTURE 8"
RECYCLED WATER
28
EXISTI
N00° 38' 22'W
SD
9'
8'
16'
1
23'
EXISTING R/W
FUTURE R/W
PROPOSED 6" DW
TO BE RELOCATED
PER SEPARATE PLAN
℄ MH #2
STA. 58+27.64
10
22
1057-011-01
R/W
15'
EXISTING
ACCESS ROAD
8'
EXISTING
BOTTOM
CHANNEL
2%
LINE 'H'


EXISTING (2) 16"
FORCE MAIN
36" SD

EX - 8

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CALIFORNIA UNDERGROUND FACILITIES SAFE EXCAVATION BOARD
INVESTIGATION DIVISION
INTERVIEW REPORT

REPORT DATE: 7/28/2021

CASE NO: 21LA01346

DATE/TIME OF INTERVIEW: 7/28/2021 3:00 PM

LOCATION OF INTERVIEW: Telephone

NAME/ADDRESS OF INTERVIEWEE:
Rick Lopez,
505 Schaefer Ave
Chino, CA 91710
Tel: 9097215626

NARRATIVE:

On July 28, 2021, I interviewed Rick Lopez (Lopez), Inspector for the City of Chino about an incident involving Kana Pipeline that occurred on January 13, 2021.

I asked Lopez to describe in his own words what occurred that day. Lopez stated that this was a huge development project with a lot going on. Lopez further stated that Kana Pipeline was digging out a manhole for the installation of a new sewer line for a new development. Lopez further stated that Kana Pipelines excavator while digging for the manhole hit their 16" forced sewer main causing a leak of sewage. Lopez stated this was Kana Pipelines second hit on the sewer main on this project.

I asked Lopez if Kana Pipeline had called for a remark of the sewer main for this particular part of the job. Lopez stated that he did receive a verbal request to have the sewer main remarked and that he forwarded the request verbally to Joe Cavalier (Cavalier). Lopez stated that Cavalier was the crew leader for the City of Chino sewer department and would be in charge of marking the line. Lopez further stated that after he relayed the request to Cavalier he never heard anything else from Kana Pipeline about the remark request and assumed it had been completed. Lopez again stated that this was a huge project with a lot going on so he moved on to other things. When I asked Lopez for Cavalier's contact information, he stated that Cavalier no longer works for the City of Chino. Lopez stated that it should be noted that there are (2) 16" sewer mains running side by side and that they were clearly shown on the plans Kana Pipeline had been given. I asked Lopez about the depth of the sewer mains and he said that the grading was rough in several areas of the new development worksite, so it would be difficult to accurately determine the depth from the plans.

I asked Lopez who IEUA was and what their role is. Lopez stated that IEUA was the Inland Empire Utility Agency and that they run the sewage plant but the lines belong to the city. I asked Lopez if

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they would be responsible for marking the line and he stated no they wouldn't have marked the line. Lopez further stated that they are the agency who came to clean up the spill.

Investigator Name	Supervisor Name
Jason Corsey	Tony Marino
[Jason Corsey signature] 8/6/2021	[Tony Marino signature] 8/6/2021