



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on August 31, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:10 a.m. at the Andrew Jackson State Office Building, Hearing Room G. 201, 502 Deaderick St., Nashville, Tennessee, 37243.

Executive Committee Members Present:

Kevin Tubberville, Chairman
Wayne Hastings, Vice Chairman
Eddie Hood

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Slayde Warren
Brittany J. Shaw

Tennessee 811 Present:

Craig Ingram

Roll Call & Minutes:

Roll call confirmed Chairman Kevin Tubberville, Vice Chairman Wayne Hastings, and Mr. Eddie Hood as present, making a quorum. The Committee considered the Minutes from the July 25th meeting. Mr. Hood motioned to approve the Minutes which were approved unanimously.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB23-0159-

Alleged Violator: Williams Concrete

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

Root Cause: No notification made to TN One-Call/811 prior to excavating/demolishing.

Finding: In violation for no notification to TN One-Call/811 prior to excavating/demolishing, and to assess a \$5,000 civil penalty.

EB23-0161-

Alleged Violator: Tory May Homes, LLC.

Alleged Excavator: Unknown

Complainant: Homeowner, Resident

Facility Type: Water

Equipment: Ditching machine

Root Cause: Not reporting damage to the underground utilities/facilities.

Finding: No violation

EB23-0166-

Alleged Violator: TRI State Drilling, LLC.

Alleged Excavator: Dylan Blevins

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket.

Finding: In violation for reporting a false emergency locate ticket, and to order Dylan Blevins to attend compliance training.

EB23-0167-

Alleged Violator: Geo-Technology and Associates

Alleged Excavator: Wayne Gibbs

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: Directional drill

Root Cause: Excavating/demolishing beyond 15-day expiration of locate ticket.

Finding: In violation for excavating/demolishing beyond 15-day expiration of locate ticket, and to order Wayne Gibbs to attend compliance training.

EB23-0170-

Alleged Violator: MCS Utility, LLC.

Alleged Excavator: Todd Mason

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Failure to use reasonable care in tolerance/safety zone.

Finding: No violation.

EB23-0174-

Alleged Violator: Peterson and Sons

Alleged Excavator: Dustin Rankhorn

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: No notification made to TN One-Call/811 prior to excavating/demolishing.

Finding: In violation for no notification to TN One-Call/811 prior to excavating/demolishing, and to assess a \$2,500 civil penalty.

EB23-00175-

Alleged Violator: Anthony Natale

Alleged Excavator: Anthony Natale

Complainant: Texas Eastern Transmission, LP.

Facility Type: Gas

Equipment: Unknown

Root Cause: No notification made to TN One-Call/811 prior to excavating/demolishing.

Finding: No violation.

EB23-0176-

Alleged Violator: L&R Plumbing, LLC.

Alleged Excavator: Alejandra Barber

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for locate ticket.

Finding: No violation

EB23-0182-

Alleged Violator: L&R Plumbing, LLC.

Alleged Excavator: Alejandra Barber

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for locate ticket.

Finding: In violation for reporting a false emergency for a locate ticket, and to find it is a subsequent violation. Compliance training and a civil penalty in the amount of \$2,500 is assessed.

EB23-0183-

Alleged Violator: L&R Plumbing, LLC.

Alleged Excavator: Alexia Rodriguez

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket.

Finding: No violation

EB23-0184-

Alleged Violator: L&R Plumbing, LLC.

Alleged Excavator: Alejandra Renderos

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket.

Finding: In violation for reporting a false emergency, and to order Richardo Arellanes to attend compliance training, and to assess a civil penalty of \$5,000.

EB23-0185-

Alleged Violator: L&R Plumbing

Alleged Excavator: Alejandra Renderos

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for locate ticket.

Finding: In violation for reporting a false emergency for a locate ticket, and to consolidate this complaint into EB23-0184.

EB23-0186-

Alleged Violator: Green Scene Landscaping

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Trencher

Root Cause: No notification made to TN One-Call/811 prior to excavating/demolishing.

Finding: In violation for no notification to TN One-Call/811 prior to excavating/demolishing, and to assess a civil penalty of \$2,500.

EB23-0187-

Alleged Violator: Don Wood Plumbing

Alleged Excavator: David Pollock

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Mini-Excavator

Root Cause: Failure to use reasonable care in tolerance/safety zone.

Finding: In violation for failure to use reasonable care in tolerance zone, and to order David Pollock to attend compliance training.

EB23-0189-

Alleged Violator: Elite Technician Management Group

Alleged Excavator: Unknown

Complainant: Henderson Utility Department

Facility Type: Gas

Equipment: Unknown

Root Cause: Failure to use reasonable care within the tolerance/safety zone.

Root Cause: Not reporting damage to the underground utilities/facilities.

Finding: In willful violation for failure to use reasonable care within the tolerance/safety zone and for not reporting damage to the underground utilities, and to assess a civil penalty of \$15,000 and for Cody Whittington and Gerardo Pena to attend compliance training

EB23-0191-

Alleged Violator: Minon Construction

Alleged Excavator: John Minon

Complainant: Metro Water & Sewer

Facility Type: Sewer

Equipment: Unknown

Root Cause: Reporting a false emergency for a locate ticket.

Finding: No violation

EB23-0156, EB23-0162.

Alleged Violator: First Violation

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation.

Discussion of Future Topics for the Next Executive Committee Meeting

Dates for the 2024 Executive Committee meetings were discussed.

No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 9:58 a.m.