



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on August 30, 2022**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 9:02 a.m., Nashville Room, 3rd Floor of the Tennessee Tower at 312 Rosa L. Parks Avenue, 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
Stacy Balthrop
Marcia Jemmott
Slayde Warren

Tennessee 811 Present:

Craig Ingram
Bill Turner

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 of the meeting of July 26, 2022. Mr. Hood motioned to approve the Minutes which were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB22-0111-

Alleged Violator: Dave Harness & Sons
Alleged Excavator: Jerry Beeler
Complainant: Knoxville Utilities Board
Facility Type: Gas
Equipment: Excavator
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0118-

Alleged Violator: Bowen Communications
Alleged Excavator: Troy Bowen
Complainant: Metro Water and Sewer
Facility Type: Water
Equipment: Trencher
Root Cause: Excavating beyond the 15-day expiration
Finding: In violation for excavating beyond a 15-day expiration of locate and Troy Bowen ordered to attend compliance training.

EB22-0119-

Alleged Violator: Greenside Up Landscaping
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within the tolerance zone and Mark Bennett ordered to attend compliance training.

EB22-0120-

Alleged Violator: Harakas Construction
Alleged Excavator: Jwan Luna
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$10,000 is assessed for subsequent violation.

EB22-0122-

Alleged Violator: Pro Plumbing Plus
Alleged Excavator: Ben Jackson
Complainant: Manchester Water and Sewer Department
Facility Type: Water
Equipment: N/A
Root Cause: Reporting a false emergency for a locate ticket
Finding: In violation for reporting a false emergency for a locate ticket and Ben Jackson ordered to attend compliance training.

EB22-0125-

Alleged Violator: M&M Drilling
Alleged Excavator: Michael Gambino
Complainant: Metro Water and Sewer
Facility Type: N/A
Equipment: N/A
Root Cause: Reporting a false emergency for a locate ticket
Finding: In violation for reporting a false emergency for a locate ticket and Michael Gambino ordered to attend compliance training.

EB22-0124-

Alleged Violator: A-Mac Excavating, LLC
Alleged Excavator: Shane McLaughlin
Complainant: Metro Water and Sewer
Facility Type: N/A
Equipment: N/A
Root Cause: Failure to notify Tennessee 811
Finding: No violation

EB22-0127-

Alleged Violator: Pipework Plus Inc.
Alleged Excavator: Antonio M. Rodriguez
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within the tolerance zone and Antonio M. Rodriguez ordered to attend compliance training.

EB22-0128-

Alleged Violator: Pipework Plus Inc.
Alleged Excavator: Antonio M. Rodriguez
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: No violation

EB22-0130-

Alleged Violator: Fiberworks
Alleged Excavator: Cody Thomason
Complainant: West Tennessee Public Utility District
Facility Type: Gas
Equipment: Trencher
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0132-

Alleged Violator: Humerick Environmental
Alleged Excavator: Arturo Mejia

Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0133-

Alleged Violator: B&T Landscaping, Inc.
Alleged Excavator: Unknown
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0134-

Alleged Violator: Telegenix
Alleged Excavator: Zack Faulk
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Boring Machine
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within the tolerance zone and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0141-

Alleged Violator: DC Foundations
Alleged Excavator: Aidan Costello
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0145-

Alleged Violator: Salinas Rock Foundation
Alleged Excavator: Jose Salinas
Complainant: Horton Highway Utility District
Facility Type: Gas
Equipment: Skidloader
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within the tolerance zone and Jose Salinas ordered to attend compliance training.

EB22-0147-

Alleged Violator: Peek Pools and Spas
Alleged Excavator: Izzy Mandoza

Complainant: Atmos Energy
Facility Type: Gas
Equipment: Backhoe-Trackhoe
Root Cause: Failure to notify Tennessee 811
Finding: In violation for failure to give notice prior to excavation and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0154-

Alleged Violator: Great White Pools
Alleged Excavator: Matt Wilson
Complainant: Atmos Energy
Facility Type: Gas
Equipment: Trackhoe
Root Cause: Excavating beyond the 15-day expiration
Finding: In violation for excavating beyond a 15-day expiration of locate and Matt Wilson ordered to attend compliance training.

EB22-0158-

Alleged Violator: Classic City Mechanical
Alleged Excavator: Calvin Keal
Complainant: Knoxville Utilities Board
Facility Type: Water
Equipment: Directional Drill
Root Cause: Failure to use reasonable care within the tolerance zone
Finding: In violation for failure to use reasonable care within the tolerance zone and Calvin Keal ordered to attend compliance training.

EB22-0117, EB22-0126, EB22-0131, EB22-0136, EB22-0137, EB22-0138, EB22-0142, EB22-0143, EB22-0144, EB22-0150, EB22-0151, and EB22-0153 -

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

The Tennessee 811 update was given at the board meeting following the Executive Committee meeting. The next Executive Committee meeting is September 27th.

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

The Executive Committee meeting adjourned at 9:23 a.m.