



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on April 25, 2023**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:05 a.m. in the William R. Snodgrass/Tennessee Tower Building at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243.

Executive Committee Members Present:

Wayne Hastings, Vice Chairman
Eddie Hood
Kevin Tubberville, Chairman

TPUC Staff Present:

Aaron Conklin, Legal Advisor to the TPUC staff
Ryan McGehee, Legal Advisor to the TUUDEB
Stacy Balthrop
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 from the March 28th meeting. Mr. Hood motioned to approve the Minutes which were approved.

Presentation of Investigation of Complaints:

The Committee heard and ruled on the following complaints:

EB23-0043-

Alleged Violator: Brentwood Hills Luxury Townhouses
Asheville Playground

Alleged Excavator: Cassie Collins

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Reporting a false emergency for a locate ticket

Finding: No violation on the part of Brentwood Hills Luxury Townhouses. Asheville Playground is in violation for reporting a false emergency for a locate ticket and Evelyn Anderson is ordered to attend compliance training.

EB23-0044-

Alleged Violator: L&G Construction

Alleged Excavator: Leonard Arnold

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Excavating before the locate ticket is valid

Finding: No violation

EB23-0045-

Alleged Violator: L&G Construction

Alleged Excavator: Leonard or Glenn Arnold

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Excavating before the locate ticket is valid

Finding: No violation

EB23-0046-

Alleged Violator: L&G Construction

Alleged Excavator: Leonard or Glenn Arnold

Complainant: Metro Water and Sewer

Facility Type: Water

Equipment: N/A

Root Cause: Excavating before the locate ticket is valid

Finding: No violation

EB23-0063-

Alleged Violator: Civil Works, LLC

Alleged Excavator: Richard Carr

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Trackhoe

Root Cause: Failure to notify Tennessee 811

Finding: In violation for failure to give notice prior to excavation, Richard Carr ordered to attend compliance training, and a civil penalty of \$2,500 is assessed for subsequent violation.

EB23-0067-

Alleged Violator: Bill Conner Excavating

Alleged Excavator: David Conner

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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 David Conner is ordered to attend compliance training.

EB23-0069-

Alleged Violator: Richardson's Construction

Alleged Excavator: Chase Richardson

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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 Chase Richardson is ordered to attend compliance training.

EB23-0073-

Alleged Violator: Tim's Fencing

Alleged Excavator: Ricardo Jimenez

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Auger

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 Ricardo Jimenez is ordered to attend compliance training.

EB23-0074-

Alleged Violator: Alian Cable Construction

Alleged Excavator: Christopher Rodriguez

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Boring Machine

Root Cause: Excavating beyond the 15-day expiration

Finding: No violation

EB23-0075-

Alleged Violator: Sequoyah Pools

Alleged Excavator: Tyler Wallace

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: 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 Tyler Wallace is ordered to attend compliance training.

EB23-0077-

Alleged Violator: Caughorn & Company

Alleged Excavator: Robbie Clowder

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Trackhoe

Root Cause: Excavating before the locate ticket is valid

Finding: In violation for excavating before the locate ticket was valid and Robbie Clowder is ordered to attend compliance training.

EB23-0079-

Alleged Violator: G. Michael O'Hara, LLC

Alleged Excavator: Unknown

Complainant: Fort Loudoun Electric Cooperative

Facility Type: Electric

Equipment: Mini Excavator

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

Finding: In violation for willful misconduct relating to failure to use reasonable care within the tolerance zone; the company's safety director, or the person in an equivalent position, is ordered to attend compliance training; and a civil penalty of \$2,500 is assessed.

EB23-0080-

Alleged Violator: Don Wood Plumbing

Alleged Excavator: David Pollock

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating beyond the 15-day expiration

Finding: No violation

EB23-0083-

Alleged Violator: Star Construction Nashville

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

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 the company's safety director, or the person in an equivalent position in the Nashville branch location, is ordered to attend compliance training.

EB23-0085-

Alleged Violator: H&P Plumbing

Alleged Excavator: Juliana Hernandez

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 for a locate ticket and Juliana Hernandez is ordered to attend compliance training.

EB23-0060, EB23-0066, EB23-0071, EB23-0072, EB23-0076, EB23-0082, EB23-0084, and EB23-0087 -

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 and Staff Updates were given at the full Board meeting that followed the meeting of the Executive Committee. No member of the public sought to make comment during the public comment period.

The Executive Committee meeting adjourned at 10:33 a.m.