



**TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
EXECUTIVE COMMITTEE
Meeting on July 26, 2022**

MINUTES

The Executive Committee meeting of the Tennessee Underground Utility Damage Enforcement Board commenced at 10:00 a.m., in the Ground Floor Conference Room of 502 Deaderick Street, 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 (via telephone)
Stacy Balthrop
Slayde Warren

Tennessee 811 Present:

Craig Ingram

Tennessee Gas Association Present:

Kelley Zamboni

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 June 28, 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:

EB22-0090-

Alleged Violator: Southern Site Contractors

Alleged Excavator: Alex Becker

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 \$7,500 is assessed for subsequent violation.

EB22-0091-

Alleged Violator: Tri State Sprinkler Corp.

Alleged Excavator: Wayne Clover

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe

Root Cause: Excavating before locate ticket was valid

Finding: In violation for excavating before locate ticket was valid and Wayne Clover ordered to attend compliance training.

EB22-0094-

Alleged Violator: Teniece Property Services, Inc.

Alleged Excavator: Logan Coleman

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Excavator

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 Logan Coleman ordered to attend compliance training.

EB22-0095-

Alleged Violator: Forks River Construction

Alleged Excavator: Rob Bigsby

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Excavator

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 Rob Bigsby ordered to attend compliance training.

EB22-0099-

Alleged Violator: Buckets-N-Blades

Alleged Excavator: Chad Schofill

Complainant: Metro Water & 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 Chad Schofill ordered to attend compliance training.

EB22-0101-

Alleged Violator: Star Construction

Alleged Excavator: Donnie Phillips

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 a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0103-

Alleged Violator: OBT Construction

Alleged Excavator: Unknown

Complainant: City of Camden Water Department

Facility Type: Water

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 David Bell ordered to attend compliance training.

EB22-0104-

Alleged Violator: OBT Construction

Alleged Excavator: Unknown

Complainant: City of Camden Water Department

Facility Type: Water

Equipment: Boring Machine

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

Finding: No violation

EB22-0105-

Alleged Violator: E.O.R., Inc.

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Backhoe-Trackhoe

Root Cause: Excavating before locate ticket was valid

Finding: In violation for excavating before locate ticket was valid and a civil penalty of \$2,500 is assessed for subsequent violation.

EB22-0107-

Alleged Violator: MLGW

Alleged Excavator: Unknown

Complainant: Magnolia Cambridge

Facility Type: Unknown

Equipment: N/A

Root Cause: Facility not marked or located

Finding: In violation for failure to mark or locate facility and Michael Matthews ordered to attend compliance training.

EB22-0108-

Alleged Violator: Whaley Construction, LLC

Alleged Excavator: Ernest Zamudo

Complainant: Knoxville Utilities Board

Facility Type: Gas

Equipment: Excavator

Root Cause: Excavating beyond the 15-day expiration

Finding: In violation for excavating beyond a 15-day expiration of locate and a civil penalty of \$7,500 is assessed for subsequent violation.

EB22-0109-

Alleged Violator: Upchurch Construction

Alleged Excavator: Stephen Martin

Complainant: West Tennessee Utility District

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.

EB22-0110-

Alleged Violator: NLS Construction

Alleged Excavator: Jose Alfredo

Complainant: Knoxville Utilities Board

Facility Type: Water

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 Jose Alfredo ordered to attend compliance training.

EB22-0115-

Alleged Violator: Trace Construction

Alleged Excavator: Modesto Mendez Gabriel

Complainant: Horton Highway Utility District

Facility Type: Gas

Equipment: Mini Excavator

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.

EB22-0116-

Alleged Violator: LG Grading

Alleged Excavator: Unknown

Complainant: Atmos Energy

Facility Type: Gas

Equipment: Grader-Scraper

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

Finding: No violation

EB22-0097, EB22-0098, EB22-0102, EB22-0112, and EB22-0121 -

Alleged Violator: First Violation

Root Cause: Failure to notify Tennessee 811

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

Update of Training Program by Tennessee 811

Mr. Ingram reported that 660 individuals, from 555 organizations, have been trained since the inception of the program. There have been 16 cancellations fees assessed for cancellation within the forty-eight hour window. Of the confirmed violations where training was ordered there has been no contact in 164 and contact was made in 48.

Update on the Public Awareness Campaign by Tennessee Gas Association

Kelley Zamboni reported that the grant received by TGA from the Board is being used for their public awareness campaign. TGA intends to expand its usual promotion efforts to include damage prevention for all underground utilities. They are working on multiple thirty second radio and television commercial pieces. The commercials are aired during unused or unsold airtime on the radio and television and are played throughout the state. They have a contract with the Tennessee Association of Broadcasters for the radio and television advertisements. TGA will be creating social media and print campaigns which will be distributed by TMEPA and TAUD. TGA will work on scripts and idea boards to present to the Board in November. Once the Board has reviewed the materials, TGA intends to go into full production.

Staffing Update

Marcia Jemmott is joining the Underground Damage Staff on August 8, 2022, to provide administrative and investigative support as well as assuming other functions performed by others. Monique Brazelton will transition off the Underground Damage Staff.

Discussion of Future Topics for the Next Executive Committee Meeting

There have been 155 complaints received so far year to date. There is a total of \$215,225 in civil fines assessed. The fund balance as of June 30 is \$114,350. The schedule of upcoming industry events was discussed. The next Executive Committee meeting is August 30. The legislature recommended a five year extension for the Board at the sunset hearing. The PHMSA checklist has been submitted.

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

The Executive Committee meeting adjourned at 10:49 a.m.