"Duties of the Excavator" Review Sub-Committee
3/17/2026

Attendees: Blake Ross, Michael Wartko, Al Tonetti, Kara Arnold, Bryon Bedel, Benjamin Oldaker, Bradley Shoemaker, Brian Holden, Clayton Heitz, Dave Coniglio, Davy Myers, Joseph Dragovich, Drew Williams, Elizabeth Pyles, James Finucan, Greg First, Griffin Weasel, Brad Hegwood, Matt Hines, Jake Wright, James Mandera, Jimmy Stewart, Justin Freudeman, Kiefer Standley, Michael Lambdin, Deron Large, Larry Harvey, Mike Lawson, Lori Wade, Kyle Mangione, Matthew Wood, Kyle McLeod, Johnny Henson, Scott Mergler, Michael-Lynn Evans, Luka Papalko, Patrick Ginnetti, Chris Russ, Les Schell, Wendi Snyder, Joshua Thieman, Stephen Thomas, Jeremiah Upp, Greg Vergamini, Jim Wooten**,** Jason Broyles

Meeting opened by co-chairs. Roll call documented by secretary.

Meeting minutes were sent out prior to meeting. Minutes displayed virtually for review as well. Jim Wooten motioned to accept minutes as presented. Motion was seconded by Jim Mandera. Motion passed unopposed.

Jim Mandera gave a quick recap of the last meeting. Started conversation on adding language to ORC 3781.30(B)(1) and (2): (Please note: RED lettering is verbiage being discussed)

(B) When utilizing trenchless excavation methods, the excavator must comply with the following requirements, in a manner consistent with division (A) of this section:

(1) Expose and confirm all underground utility facilities at each crossing point by the proposed excavation in a nondestructive manner to the installation depth of the new facility, plus 12"(inches);

(2) Expose all parallel underground utility facilities in a nondestructive manner at the beginning and end of the each trenchless excavation to the installation depth of the new facility, plus 12" (inches). Frequency of additional exposures/potholes of the existing parallel facility(s) are based on the distance between the existing facility and the intended path of the new installation.

(a) If the existing parallel facility is within 10 feet, but outside of 5 feet of the tolerance zone of new installation, expose the existing facility at the beginning and end of the intended installation.

(b) If the existing parallel facility is between 5 feet and 3 feet from the tolerance zone of the new installation, expose the existing facility every 100 feet.

(c) If the existing parallel facility is between 3 feet and 18 inches from the tolerance zone of the new installation, expose the existing facility every 50 feet.

(d) There shall be no trenchless technologies utilized within the tolerance zone of any parallel existing facility.

Dave Coniglio asks for clarification around the need to excavate an additional 12" past installation depth. Understanding the need to maintain a minimum 12" clearance from the utilities, but outside of that. Through conversations between a number of participants, it was decided that the current wording does not properly outline the intent due to situations where the intended installation depth is more than 12" deeper than any existing utilities. Mike Wartko also added that through his experiences, another way to look at the additional 12", is where they believed to have exposed the active lines based on the markings and found additional lines further down. By going all the way down to depth of excavation plus 12" would avoid that possibility from happening. Davey Myers added that he feels it would be a step in the right direction for safety.

Patrick Ginnetti asks if this language is geared towards any certain industry or utility? Jim Mandera answers that it is not. Mr. Ginnetti continues by stating that there are often times issues arise pertaining to directional drill operations in the right of ways where the permitting requirements are being met on paper but not in the field which is leading to numerous cross bore situations. He asks if there is going to be some language in here to police the installation. Jason Broyles explains the UTC Complaint Process in response to the question.

Stephen Thomas asks if the group would find benefit in considering something that requires a visual check of the drill head as it passes through the potholes. Through this, some of the points being discussed around equipment calibration could be handled. Jim Mandera states that if he wants to send something up to be considered. Jason Broyles advises the group to the current ORC 3781.30 (A)(3) *When approaching and excavating within the tolerance zone of underground utility facilities with powered equipment, require an individual other than the equipment operator to visually monitor the excavation activity for any indication of the underground utility facility".*

The group talks through (2) (a-d). Concern raised over the wording as it is confusing by referencing the tolerance zone of a utility that isn't installed yet. Overall conversation of the group is that the majority support the distances outlines, just need to work on wording specific to (a), (b), and (c). Deron Large and Scott Mergler both speak to the fact that they cannot support no directional drilling in the tolerance zone of existing utilities. Rights of way are already overcrowded and causing issues with finding room to install. Having to do all this through open trench excavation activities would be problematic. Justin Freudeman added that depending on the area they are working in, some Governmental' s mandate through their permitting process that open trench installation or directional drill installation methods must be

followed. Something like this would cause issues in that regard. Jim Mandera comments that he sees the points being made and brings back the intent was to limit the risk to existing utilities. A number of participants commented that they are holding comment at this time until they discuss with their counterparts, associations, etc.

Conversation around adding "nondestructive manner" pertains to the impact to existing utilities and does not pertain to roadways. James Finucan brings up the point that they have had issues not only with roadway(s), but also sidewalks where the owner will not permit them to pothole as required. Recommends that the group could possibly look at language that would outline it being non destructive specific to the utility, not hard surface. Michael-Lynn Evans states that this is something that the engineers will need to consider. States that 88 counties with 88 different engineers and 88 possible different ways to engineer makes it difficult for them to comment at this time. Mrs. Evans asks for more background. Information was provided that the roadway situation was in the City of Wooster and sidewalks was City of Toledo.

The conversation was then turned to sewer crossings with directional drill operations.

Proposed Sewer Crossing Potholing Exemption

Potholing may be exempt when crossing a gravity sewer mainline when utilizing HDD (horizontal directional drill) method of installation, provided all three of the following conditions at met:

1. Depth Verification
    a. Gravity sewer manhole lids are available upstream and downstream of the excavation to determine the depth of the sewer line. **Do we need to include a maximum distance away?**
2. Minimum Vertical Clearance
    a. The excavator must ensure a minimum vertical separation of five feet (5') between:
        i. The bottom of the new facility being installed, and
        ii. The top of the existing gravity sewer line.
        iii. If there is a difference in gravity sewer depth readings between the upstream and downstream sides of the excavation, the shallower depth shall be used in calculating the vertical clearance.
3. Method Restriction
    a. This exemption does not apply when using:
        i. Pneumatic "bullets" (impact moling),
        ii. Jacking methods, or
        iii. Any HDD-adjacent method without active steering capability. **Do we need to add HDD to the definitions, to include steerable drill head with a controlled bore path tracked in real time?**

If the required five feet (5') of vertical clearance cannot be maintained, a potholing exemption may still be granted if all of the following additional conditions are met:

1. Minimum Acceptable Clearance

- A minimum vertical clearance of three feet (3') must be maintained between the bottom of the new installation and the top of the gravity sewer line.

2. Post-Installation Condition Assessment

    - Upon completion of the installation, the excavator must:

        - run a video camera (CCTV) through the sewer mainline, and
        - verify that the sewer line has not been cracked, displaced, deformed, or otherwise negatively impacted by the HDD activity.

    Do we need to address minimum cover expectations for all utilities, or is all of this covered elsewhere?

Jim Mandera read through the document. Point was made by Brad Shoemaker that it needs to remain consistent throughout that this could only be considered with gravity sewer main lines. Mr. Mandera assures the group that is the intent and will update the document wording to clearly reflect that. Unfortunately, unable to get anyone from the municipalities who own/operate these sewer systems to join meeting today. Jason Broyles to assist in getting meeting set up with co-chairs and a few of these utility owners to discuss prior to next subcommittee meeting. Pat Ginnetti offers a word of caution around getting permissions to access sewer systems before conducting sewer camera inspection. States there are occasions where the camera operations cause damage to the systems. This is something that was also discussed on the last meeting and is one of the key points of why the co-chairs are going to be meeting with the sewer system owners to discuss.

James Finucan asks if this subcommittee would be willing to discuss language mandating the excavator to check positive response. There is no objection from group however Jason Broyles advises that the group would need to run it past the full coalition at the April meeting to ensure alignment and direction from the Coalition for this subcommittee.

Next Steps:

- Jason Broyles to set up and facilitate meeting with County Sanitary Engineers Association.
- Update language to reflect today's conversation/suggested changes