TENNESSEE BOARD OF GROUNDWATER MANAGEMENT
Davy Crockett Tower, Conference Room 1A
500 James Robertson Parkway
NASHVILLE, TENNESSEE

Summary of Action on Agenda Items of the
November 6, 2025 at 9:00am, Central Time
Meeting of the Tennessee Board of Groundwater Management

Members Present at Davy Crocket Tower:
Britton Dotson Ex Officio
Brian Ham Ex Officio
James Watson, Middle Tennessee Member
William B.J. Burks, West Tennessee Member
Chris Wilson, East Tennessee Member

Members Present Virtually
None

Chair: Britton Dotson
Technical Secretary: Brian Ham

A full recording of this meeting is available on the Board of Groundwater Management's website. All votes were manually recorded by the assistant to the Technical Secretary. All documentation is available on the Board's website.

Welcome

- Chairman Dotson began the meeting with welcoming new Board members and emphasizing the importance of transparency in all board proceedings.

Conflict of Interest

- Chairman Dotson reviewed the Conflict of Interest documents and indicated that all forms must be submitted by the end of the day.

Public Comment

- The floor was opened for public comments.
    - No in-person public comments were received during the comment period.
    - No virtual public comments were received during the comment period.
    - One written public comment had been received by Water Well Program personnel prior to the Board meeting.
        - Chairman Dotson proceeded to read a previously submitted public comment into the record for the Board's consideration.

New Business

Review of new statute – Public Chapter 507

- Chairman Dotson proceeded to the next item on the agenda. Mr. Denard Mickens (Office of General Council) began a review of the new statute (Public Chapter No. 507) governing the authority of the Board of Ground Water Management.
- Chairman Dotson initiated a discussion regarding the licensure process and a discussion between Board members ensued. Discussion topics included:
    - Sharing and review of applications by individual Board members prior to Board meetings to expedite processing.
    - Collaboration with program staff to streamline and improve the licensing process.
    - The definition of "experience" with emphasis on the importance of verifying all information submitted in licensing applications to ensure accuracy and accountability.
- Patrick Parker (Office of General Council) offered clarification that the regulatory authority over water well licensing is under the Commissioner's authority, not the Board's.
    - Further discussion was had regarding the Chapter 0400-45-09 Rules and the Chapter 0400-45-10 Rules.

BREAK – 10-minute break

- Mr. Mickens discussed the Board's ability to adopt existing rules and make revisions at a later time.
- Mr. Mickens discussed the administration of licensing examinations under the new statute.
    - Discussion ensued regarding how written examinations would take place going forward.
        - Mr Burks read from Rule 0400-45-09(5) in regard to the specifics of giving written exams.
- Mr. Burks made a motion to temporarily readopt the Rules contingent upon the Board opening the regulations and making specific changes at a later date.
    - **Seconded by Mr. Watson**
        - **No Vote was taken**
    - Mr. Mickens pointed out that the Rules that Mr. Burks was reading from is from 0400-45-09, and that the Rules that the Board has control over is section 10 (i.e. 0400-45-10).
    - Mr. Ham pointed out that there might still be some misunderstanding regarding the difference between the 0400-45-09 (commissioner's Rules) and the 0400-45-10 (Board's Rules).
        - Further discussion followed regarding the necessity for clarity in making further motions regarding adoption of 0400-45-10 and the possibility of making revisions to 0400-45-09.
- Mr. Watson made a motion to retract the previous motion.
    - **Seconded by Mr. Burks**
    - **Chairman Dotson stated recognition that the motion has been withdrawn.**
- Mr. Burks motioned that the Board re-adopt Chapter 0400-45-10 rules on a temporary basis until revisions can be made.
    - Seconded by James Watson
        - **Vote 3-0**
            - **Passed**
- Mr. Mickens continued his review of the new statutory requirements: promulgation of Rules to specify criteria for recommendations to the commissioner, review of complaints and violations, Department conveyance of a list of complaints and violations to the Board quarterly, and review of continuing education classes and programs.

- Chairman Dotson indicated that emergency situations may require immediate action outside of regular board meetings and emphasized that the Board's role remains primarily advisory when addressing violations. Discussion regarding the logistics of complaint/violation review followed.

Active Enforcement Cases / Complaints Review

- Mr. Richard Rogers (Water Well Program personnel), presented the Board with the summary of complaints and active enforcement cases worked by the program since the previous Board meeting. Mr. Rogers informed the Board that the complaints & violations report may be obtained on the public data-viewer, and it is the intention of the Program that the data-viewer will be the mechanism for conveyance of the report going forward. Mr. Rogers indicated to the Board revisions can be made to this report if necessary.
  - Since May of 2025 there had been forty-three (43) cases worked. The cases were further categorized as
    - fourteen (14) related to paperwork and fee cases,
    - eleven (11) involving construction compliance,
    - seven (7) for unlicensed work,
    - one (1) were classified as miscellaneous,
    - seven (7) were for water quality concerns, and
    - three (3) are well maintenance concerns.
- Mr. Burks requested a link to the public data viewer and Mr. Rogers agreed to send it to him.
- Chairman Dotson addressed the Board regarding an issue missed during the previous agenda item - the issue of applicants remaining in the room during oral interviews.
  - Mr. Burks expressed concern that this practice is inappropriate and undermines the fairness of the interview process.
  - A discussion ensued regarding the Open Meetings Act, the new legislation allowing the Board to interview an applicant without other applicants present, and the requirement to publish meeting recordings.

Discussion of Pending Applications

- Mr. Burks inquired about the current process for reviewing applications, suggesting the use of a checklist-style approach.
- Ms. Horner and Richard Rogers provided background on the guidance developed when Ms. Horner joined the program.
- Mr. Rogers proposed the creation of a cover sheet/report to clearly identify deficiencies or concerns within each application for the Board's review.
- Mr. Rogers noted that the most significant issue among applicants is the documentation of adequate experience.
- Mr. Burks requested clarification regarding licensing requirements for maintenance work on wells and whether specific tasks require licensure and a discussion ensued.
  - Mr. Mickens responded that the matter would be reviewed and that he would provide legal determination to address Mr. Burks' questions.
- Mr. Wilson inquired about missing signatures on applications and whether typed signatures are acceptable.
  - Mr. Parker confirmed that typed signatures are permissible.
- Mr. Wilson also raised questions regarding the experience section of the application.
  - Mr. Rogers clarified that if an application is incomplete in any respect, the program will not issue a license until all required corrections have been made.

- Mr. Wilson made a motion to review the three applications submitted by applicants who had already completed their examinations.
  - Seconded by Mr. Burks
    - **Vote 3-0**
      - **Passed**

<u>Applications Review</u>

Robert Snow

- Following the application review, Mr. Burks made a motion to advance Mr. Robert Snow's application to the oral interview stage.
  - Seconded by Mr. Wilson
    - **Vote 3-0**
      - **Passed**

Brian Dobbs

- Following the application review, Mr. Wilson made a motion to advance Mr. Dobbs' application to the oral interview stage.
  - Seconded by Mr. Burks
    - **Vote 3-0**
      - **Passed**

Kyle Starks

- Following the application review, Mr. Watson made a motion to advance Mr. Starks application to the oral interview stage.
  - Seconded by Mr. Burks
    - **Vote 3-0**
      - **Passed**

- Mr. Ham then addressed the Board, requesting that reciprocity applicants be reviewed next, noting that these applications may be processed more efficiently.
- Mr. Wilson requested clarification regarding the reciprocity process before the Board reviewed the applications for reciprocity.
- Mr. Parker and Mr. Rogers clarified that reciprocity agreements exist only with specific states and do not apply universally.

Tony Warren

- Following the application review, Mr. Wilson made a motion not to recommend advancing Mr. Warren's application for a geothermal license due to insufficient experience.
  - Seconded by Mr. Watson
    - **Voted 3-0**
      - **Passed**

Austin Tucker

- Following the application review, Mr. Wilson made a motion not to recommend the application for licensure.
    - Seconded by Mr. Burks
        - **Voted 3-0**
            - **Passed**
- Chairman Dotson requested that the Board provide the reasoning for not moving Mr. Tucker forward.
    - Mr. Wilson pointed out that Mr. Tucker is applying for a G license but indicated on his application that he has not experience working on or servicing geothermal wells.
    - Discussion ensued resulting in clarification that Mr. Tucker is only applying for a Water Well Driller (W) license at this time.
- Following clarification of the applicant's intent (applying for water well driller license on, Mr. Watson made a motion to reopen the application for further consideration.
    - Seconded by Mr. Wilson
        - **Voted 3-0**
            - **Passed**
- After the second review, Mr. Watson made a motion to recommend Mr. Tucker for a Water Well Driller license.
    - Seconded by Mr. Burks
        - **Voted 3-0**
            - **Passed**
- Mr. Ham suggested that the Board now discuss the reasoning for the previous recommendation not to recommend Mr. Tony Warren for a Geothermal (G) license.
    - Mr. Wilson pointed out that Mr. Warren is applying for a geothermal driller license; however, Mr. Warren indicated on application question #16 that he has no experience with geothermal.

James Hall

- After reviewing the application, Mr. Watson made a motion to recommend Mr. Hall for licensure as a Water Well Driller, Pump Installer, Monitor Well Driller, and Geothermal Driller.
    - Seconded by Mr. Wilson
        - **Voted 3-0**
            - **Passed**
- Upon completion of the reciprocity application reviews, Mr. Wilson made a motion to table the remaining applications until the next Board meeting.
    - Seconded by Mr. Watson
        - **Voted 3-0**
            - **Passed**

Scheduling of Next Board Meeting

- After some discussion, Mr. Wilson made a motion that the Board meet again on January 15, 2026.
    - Seconded by Mr. Burks
        - **Voted 3-0**
            - **Passed**

- The Board agreed to schedule its next meeting for January 15, 2026, at 9:00 AM Central Time.
- A discussion ensued regarding the number of applicants ready for oral interview and the number of applicants still to be reviewed.
- Chairman Dotson asked if there were any applicants identified that are ready to be scheduled for written exam.
    - Program personnel indicated that all applicants awaiting written examinations are still waiting for application review by the Board.
    - Chairman Dotson indicated that it is critical to review these applications before the next Board meeting to expedite the process.
    - Chairman Dotson reminded the Board that the process for administration of written exams is still in question at this point.
- Prior to adjournment, Mr. Wilson made a motion to initiate the process of opening Regulation 0400-45-09 for further review and clarification.
    - Seconded by Mr. Watson
        - **Voted 3-0**
            - **Passed**
- Chairman Dotson confirmed that this matter will be outlined at the next Board meeting.

Adjournment

- Mr. Burks made a motion to adjourn.
    - Seconded by Mr. Watson
        - **Voted 3-0**
            - **Passed**

The meeting was adjourned at 2:38 PM Central Time.