

TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS
William R. Snodgrass Tennessee Tower
312 Rosa L Parks Ave. Nashville Room
NASHVILLE, TENNESSEE

Summary of Action on Agenda Items of the
October 18th, 2022
Meeting of the Tennessee Board of Water Quality, Oil and Gas

Members Present at TN Tower:

Elaine Boyd, Dodd Galbreath,
Judy Manners, John McClurkan, Frank McGinley,
Neal Whitten, Gary Bible, James Cameron.

Members Present Virtually:

Terry Wimberley, Brent Galloway

Absent: Kevin Davis, Charlie Johnson

Chair: James Cameron

Technical Secretary: Paula Mitchell

Due to technical difficulties, this meeting of the Tennessee Water Quality, Oil & Gas Board was not recorded. All votes were manually recorded by the Technical Secretary. All PowerPoints and documentation are available on the Board's website.

- The meeting began with a roll call of the Board Members present.
 - o 8 members were present in the room, 2 members joined via WebEx.
 - Quorum established
- Chairman Cameron welcomed the Board members and entertained a motion to approve the previous meetings minutes.
 - o Mr. McGinley motioned to approve the minutes from April 2022.
 - o Seconded by Ms. Boyd.
 - **Voice Vote**
 - **Passed**

Comments from the public

- The Chair opened the floor for any comments from the public in-person or virtual. There were no comments.

OGC – OGC Updates – Stephanie Durman

- Staffing update: new attorneys supporting the Division of Water Resources (DWR)
 - o Emily Vann, Payton Bradford, Samantha Buller-Young, Jeff Zentner
- Case update from April 1, 2022 – September 30, 2022
 - o DWR has issued 26 new enforcement orders.
 - o During this time there have been 3 new permittee appeals and one new third-party permit appeal.
 - o 4 section 118(a) complaints were filed, and no 118(a) determinations were appealed.

OGC – Initial Order – *TDEC v. Billy Harper, Highways Construction, Inc. | Jamesway Construction, Inc.*

- Stephanie Durman presented on this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
 - -Mr. Galbreath motioned: to hear TDEC's appeal of the case at the meeting set for June 20th, 2023
 - Mr. Bible seconded.
 - **Vote: 10 aye – 0 nay**
 - **Passed**

OGC – Initial Order – *Mark Clayton v. TDEC*

- Patrick Parker presented on this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
 - Ms. Boyd motioned: To not take up and review the Initial Order *Mark Clayton v TDEC*
 - Mr. McGinley seconded.
 - **Vote: 10 aye – 0 nay**
 - **Passed**

OGC – Initial Order – *Center for Biological Diversity et al v. TDEC*

- Emily Vann presented this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
 - -Mr. Whitten motioned to not take up and review the Initial Order *Center for Biological Diversity et al v. TDEC*
 - Mr. Galbreath seconded
 - **Vote: 10 aye – 0 nay**
 - **Passed**

OGC – Petition for Declaratory Order by Harpeth Conservancy

- Stephanie Durman presented this case to the Board.
 - The Harpeth River Conservancy appealed several provisions of Rule Chapter 0400-40-10 regarding effluent limitations for post-construction stormwater in MS4 permits.
 - The Board adopted these standards in October 2021, and they became effective early 2022.
 - Question for the Board is to approve a date for the contested case hearing to issue a declaratory order.
 - Chairman Cameron motioned to hold this hearing on May 16-18, 2023.
 - Ms. Boyd seconded.
 - **Vote: 10 aye – 0 nay**
 - **Passed**

OGC – Retrospective Rulemaking Review – Stephanie Durman

Ms. Durman presented to the Board about the ongoing review of DWR's 28 rule chapters and 299 rules.

-More information about the retrospective rulemaking review is available on the meeting PowerPoint.

Chapter 0400-40-14 Amendments – Adam Bonomo – DWR

- Mr. Bonomo presented to the Board, proposed changes to rule chapter 0400-40-14. The changes would require electronic reporting.
 - o Mr. Galbreath motioned to approve amendments to rule chapter 0400-40-14.
 - Mr. Whitten seconded.
 - **Vote: 10 aye – 0 nay**
 - o **Passed**

Duck River Pilot Project – April Grippo

- DWR Deputy Director, April Grippo gave a presentation on the comprehensive water withdrawal permitting in the Duck River Watershed. The presentation is available in the meetings PowerPoint.

Triennial Review – April Grippo

- Ms. Grippo gave a presentation on the Triennial Review of Water Quality Standards in Tennessee. This presentation is available in the meetings PowerPoint.

DWR Updates – Paula Mitchell, Deputy Director

- Ms. Mitchell presented to the Board updates on the American Rescue Package and the Bipartisan Infrastructure Law funds that have been made available to Tennessee.

Board Chairman

- The Board, the Division of Water Resources, and those in attendance thanked Chairman Jim Cameron for his 22 years of service to the Board of Water Quality, Oil & Gas. It was announced Chairman Cameron will retire from the Board. A vote for a new Chair was called.
 - o Ms. Boyd nominated Dodd Galbreath to the position.
 - Seeing no other nominations, a voice vote was called.
 - **Passed**

No old business to report.

Motion to adjourn from Mr. McClurkan

Seconded by Mr. Galbreath

Voice Vote

- **Adjourned.**

SUBMITTED



Jennifer Dodd
Technical Secretary

04-18-2023

Date

**APPROVED BY THE TENNESSEE BOARD OF WATER QUALITY, OIL AND
GAS**



Dodd Galbreath, Chair
Tennessee Board of Water Quality, Oil and Gas

4/18/2023

Date