

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 17, 2023
Meeting of the Tennessee Board of Water Quality, Oil and Gas

Members Present at TN Tower:

Gary Bible, Elaine Boyd, Dodd Galbreath,
Judy Manners, John McClurkan, Neal Whitten,
Terry Wimberley

Members Present Virtually:

Brent Galloway

Absent: Frank McGinley, Charlie Johnson, Kevin Davis

Chair: Dodd Galbreath

Technical Secretary: Jennifer Dodd

A full recording of this meeting is available on the WQ/O&G Board's website. 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 7 members were present in the room, 1 member joined via Microsoft Teams
 - o **Quorum established.**
- Chairman Galbreath welcomed the Board members and entertained a motion to approve the previous meetings minutes.
 - o Judy Manners motioned to approve the minutes from June 2023
 - o Seconded by Elaine Boyd
 - **Vote 8-0**
 - **Passed**

Board Attorney Introduction and Public Chapter 300

- Chairman Galbreath welcomed and introduced the new board attorneys assigned by the Office of General Counsel (OGC), Shelby Ward and Denard Mickens.
 - o Ms. Ward's role and responsibilities were explained to the Board which includes representing the Board, not TDEC.
- Ms. Ward after introducing her role further, went on to explain the recent legal updates to the Board procedures. One is how public comment should be received by the Board. A second is that all meetings should be in hybrid format and that all votes must be taken as a roll call. Each meeting must also be recorded and posted to the website within 3 business days.

Division of Water Resources Updates

- Jennifer Dodd, Director of DWR introduced individuals to update the Board on items it requested at a previous meeting.
 - o Patrick Parker (OGC) – Gave an update on the TN Stream Mitigation Program.
 - o Jonathon Burr (DWR Fellow) – Gave an update on the Hydrologic Determination Rules and Regulatory Implications.
 - o TDEC Deputy Commissioner Greg Young gave an update on rule making that was initiated earlier in 2023. Rule chapter 0400-40-02 – Activated Sludge.
 - DC Young also discussed the Governor’s conservation initiative and how it relates to state water.

Public Comment on previous presentations

- George Nolan – Southern Environmental Law Center
 - o Mr. Nolan commented on the Activated Sludge 0400-40-02 presentation. Mr. Nolan discussed issues with developers and home associations when it comes to treatment of waste and urged the Board to read all comments and the rule proposal thoroughly should it ever come up to a vote.

Post-Constructions Stormwater Rule Revision, Chapter 0400-40-10 and Chapter 0400-40-05-.15 – Karina Bynum (DWR Fellow)

- Ms. Bynum discussed the timeline of the rules from November 2018 – September 2023. She continued, joined by Mr. Parker (OGC), discussing public comment to the draft rule from 2019. This concerned roof runoff.
- Bill Penny, representative of the home builders association, made a public comment to the Board concerning this rule revision.
 - o Mr. Penny stated that the home builders were not opposed to this rule revision.
- Chairman Galbreath asked for a motion on this agenda item.
 - o Neal Whitten motioned to approve rule 0400-40-10 and 0400-40-05-.15.
 - o Seconded by John McClurkan
 - **Vote 8-0**
 - **Passed**

Triennial Review – 0400-40-03 and 0400-40-04 – Rich Cochran (DWR)

- Mr. Cochran, Manager of the Watershed Planning Unit discussed the process of updating this package and working externally with EPA.
- Mr. Penny made a public comment, as a representative of the Tennessee Chamber of Commerce and Industry. He commented on “Comment 28” in the rule package that exceptional waters should not include state listed endangered or threatened species. He continued to suggest various textual changes.
- Saya Hickey with Hazen and Sawyer in Nashville. Ms. Hickey requested that the Board reconsider the revision to clarify 400-40-03-.06(2), which was requested in comment 30 on page 97 of the redline version.
- Stephanie Durman, Deputy General Counsel for TDEC, gave a rebuttal to the Triennial Review comments provided by Mr. Penny and Ms. Hickey.
- Chairman Galbreath entertained a motion on any amendments or as presented.

- Ms. Boyd motioned to approve rule chapter 0400-40-03 and 0400-40-04 as presented.
- Gary Bible seconded.
 - **Vote 8-0**
 - **Passed**

- No old business

Ms. Boyd motioned to Adjourn.

- Mr. Whitten seconded.

- **Vote: 8-0**
 - **Meeting Adjourned**

SUBMITTED



Jennifer Dodd
Technical Secretary

4-16-24

Date

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



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

4/16/2024

Date