

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
April 16, 2024
Meeting of the Tennessee Board of Water Quality, Oil and Gas

Members Present at TN Tower:

Gary Bible, Elaine Boyd, Dodd Galbreath,
Jane Yackley, Sam Marshall, Neal Whitten,
Terry Wimberley, Frank McGinley

Members Present Virtually:

Brent Galloway, John Schwartz

Absent: 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.

- Jennifer Dodd began the meeting with welcoming the new Board Members:
 - o Jane Yackley, replacing Judy Manners as the Department of Health's Commissioner's designee.
 - o Sam Marshall, replacing John McClurkan as the Department of Agriculture's Commissioner's designee.
 - o John Schwartz, replacing Charlie Johnson as the public interest representative.
- The meeting continued with a roll call of the Board Members present.
 - o 8 members were present in the room, 2 members joined via Microsoft Teams
 - o **Quorum established.**
- Chairman Galbreath welcomed the Board members and entertained a motion to approve the previous meetings minutes.
 - o Terry Wimberley motioned to approve the minutes from October 17th, 2024
 - o Seconded by Elaine Boyd
 - **Vote 9-0**
 - **Passed**

Rule Chapter 0400-40-12 – Silvicultural Activity Stop Work Orders – 0400-40-12-.04 Penalties

- Stephanie Durman with the Office of General Counsel explained the rules package. How TDEC reviewed each one of their rules to see which ones should remain, be amended, or repealed. This rule and the following were determined by the Department to be repealed and will now be presented and considered by the Board.

- Ms. Durman further explained that we are not repealing the full Rule Chapter. Just one rule, 0400-40-12-.04, Penalties. With this rule, Ms. Durman explained, OGC felt that TDEC lacked statutory authority to issue civil penalties, and this should be repealed.
- Chairman Galbreath asked if this was brought about by a challenge from an external body. Ms. Durman explained that this was brought by the Department and not from the public.
- No Public Comment

Rule Chapter 0400-45-06 – Underground Injection Control – 0400-45-06-.05 – Injected Fluid Standards

- Britton Dotson, Environmental Fellow with the Division of Water Resources presented to the Board.
- Mr. Dotson explained that this section of the Rule Chapter was not critical, as other wording in the rule is sufficient to address all potential pollutants.
- Neal Whitten asked if this was just a redundancy within the rule itself? Mr. Dotson confirmed that it was.
- No Public Comment

Rule Chapter 0400-54-09 – Pressure Maintenance Projects and Secondary Recovery – 0400-54-09-.08 – Application for Hearing

- George Stephens with the Division of Mineral and Geologic Resources presented the repeal to the Board.
- Mr. Stephens explained that this rule allowed for private mineral owners to come before the Board to seek monetary relief for unjust losses. However, neither the Board nor TDEC has the statutory authority to grant such relief in private civil matters.
- No Public Comment

Ms. Boyd moved to approve the repeal package of Rule 0400-40-12-.04, Rule 0400-45-06-.05, and Rule 0400-54-09-.08 as presented.

- Seconded by Mr. Whitten
 - o **Vote 10-0**
 - **Passed**

Initial Order – *TDEC v. Hydra Pools, Inc.* DWS22-0014

- Shelby Ward, with the Office of General Counsel presented the case to the Board. Including that the case ended with an initial order granting TDEC’s motion for summary judgement.
- Ms. Ward continued with explaining to the Board their authority in this case and what their options are.
- Grant Ruhl with the Office of General Counsel further explained the case and answered clarifying questions.
- Gary Bible made a motion not to review the Initial Order *TDEC v. Hydra Pools, Inc.*
 - o Seconded by Ms. Boyd
 - **Vote 10-0**
 - **Passed**

TDEC OGC & Contested Case Updates – Stephanie Durman

- Ms. Durman explained the difference between Director’s Orders and Commissioner’s Orders.
- Between October 1, 2023 – March 23, 2024, DWR issued 61 new enforcement orders. 50 Director’s Orders, 4 Commissioner’s Orders, 7 Agreed or Consent Orders. During this time there has been one new permit appeal. In addition, during this time, three Section 118(a) complaints were filed, and one Section 118(a) determination was appealed.

Division of Water Resources Updates – Director Jennifer Dodd

- Ms. Dodd announced she will be leaving the Division and this will be her final meeting.
- Ms. Dodd also let the Board know that the Division has moved to the Davy Crockett Tower at 500 James Robertson Parkway, 9th Floor, Nashville.
- Chairman Galbreath and the members thanked Ms. Dodd for her years of work with the Division and as the Board’s technical secretary.
- Chairman Galbreath made a motion “To honor Director Jennifer Dodd. To extend the Board’s deepest thanks and our sincerest thoughts and prayers for a healthy and prosperous next journey.”
 - Seconded by Ms. Boyd
 - **Vote: 10-0**
 - **Adopted**

Ms. Boyd motioned to Adjourn.

- Mr. Whitten seconded.
 - **Vote: 10-0**
 - **Meeting Adjourned**

SUBMITTED

April Grippo

April Grippo
Technical Secretary

10/15/24

Date

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

Dodd Galbreath

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

10/15/2024

Date