



Department of
**Environment &
Conservation**

Public Hearing
Water Quality, Oil and Gas Board
Davy Crockett Tower
500 James Robertson Pkwy, Nashville – Conf. 1A
and via Microsoft Teams
April 15, 2025 – 10:00am

*If you wish to make Public Comment, please fill out a yellow comment card, or if virtual please email Drake.Smarch@tn.gov or message the chat box. Include what you want to comment on, and you will to be placed in line.

Welcome!

- Opening remarks from Division of Water Resources Director, April Grippo
- Roll call of Board members present.

Board Minutes

- Presentation of minutes from October 2024
- Role Call **Vote** for approval of minutes.
- Minutes are available on the Board's website: <https://www.tn.gov/environment/about-tdec/boards-and-commissions/board-tennessee-board-of-water-quality--oil-and-gas.html>



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Initial Orders

Board of Water Quality, Oil, and Gas April 15, 2025



Smelter Service Corp. v. TDEC
WPC21-0130 & WPC21-0131
Permit Appeal

Smelter Service Corp. v. TDEC, 04.30-215024J

- Smelter Service Corporation appealed a National Pollutant Discharge Elimination System (NPDES) permit issued by TDEC.
- Notice of Hearing was filed with the Administrative Procedures Division on November 8, 2021. For good cause, the matter was stayed to gather sampling data.
- On February 25, 2025, Judge Barnhill issued an order advising the permit appeal would be dismissed “unless the parties can provide a sufficient basis for not doing so before March 15, 2025.”
- The petitioner did not respond to the February 25, 2025 order.
- Initial Order dismissing the case as moot was issued on March 18, 2025.

Initial Orders

The administrative judge's initial order, together with any earlier orders issued by the administrative judge, shall become final unless appealed to the board by the commissioner or other party within thirty (30) days of entry of the initial order or, unless the board passes a motion to review the initial order pursuant to § 4-5-315, within the longer of thirty (30) days or seven (7) days after the first board meeting to occur after entry of the initial order. Upon appeal to the board by a party, or upon passage of a motion of the board to review the administrative judge's initial order, the board shall afford each party an opportunity to present briefs, shall review the record and allow each party an opportunity to present oral argument. If appealed to the board, the review of the administrative judge's initial order shall be limited to the record, but shall be de novo with no presumption of correctness.

Tenn. Code Ann. § 69-3-110(a)

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Options

- Pass a motion to review the initial order;
- Pass a motion not to review the initial order; or
- Take no action, which results in the initial order becoming a final order in 7 days, provided that no party appeals within 30 days after entry of the initial order.



TDEC v. LDL Investments

Enterprises, Inc.

WPC23-0018

Commissioner's Order Appeal

TDEC v. LDL Investments Enterprises, Inc., 04.30-242569J

- The Department issued a Commissioner's Order against LDL Investments Enterprises, Inc. for violating the Water Quality Control Act at a site in Dayton, Tennessee.
- The Order alleged violations for engaging in soil disturbances exceeding one acre without a Construction General Permit, altering the waters of the state without an Aquatic Resource Alteration Permit, and for causing a condition of pollution. The Order required various corrective action measures and assessed civil penalties as well as natural resource and division damages.
- On January 9, 2025, Judge Garland entered an order granting the Department's motion for partial summary judgment as to LDL Investments liability under the Water Quality Control Act.

TDEC v. LDL Investments Enterprises, Inc., 04.30-242569J

- The sole issue at the January 16, 2025 hearing was whether the Department established that the damages and civil penalties it sought were appropriate and properly calculated in accordance with applicable law and policy.
- The Administrative Judge affirmed Commissioner's Order WPC23-0018. It was determined that the Order complied with all requirements of the Water Quality Control Act of 1977 and is consistent with the purpose of the Act to protect the right of the people of Tennessee to unpolluted waters.

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Legislative Update

Stephanie Durman, Deputy General Counsel, OGC

Legislative Update 4-15-25

- HB0541/SB0670 – Vaughan/Taylor wetland bill
- HB0612/SB0664 – Vaughan/Taylor stream mitigation
- HB0542/SB1139 – Vaughan/Taylor utility plans bill
- HB0543/SB1138 – Vaughan/Taylor sewage bill
- HB0896/SB0880 – Todd/Reeves sound science bill



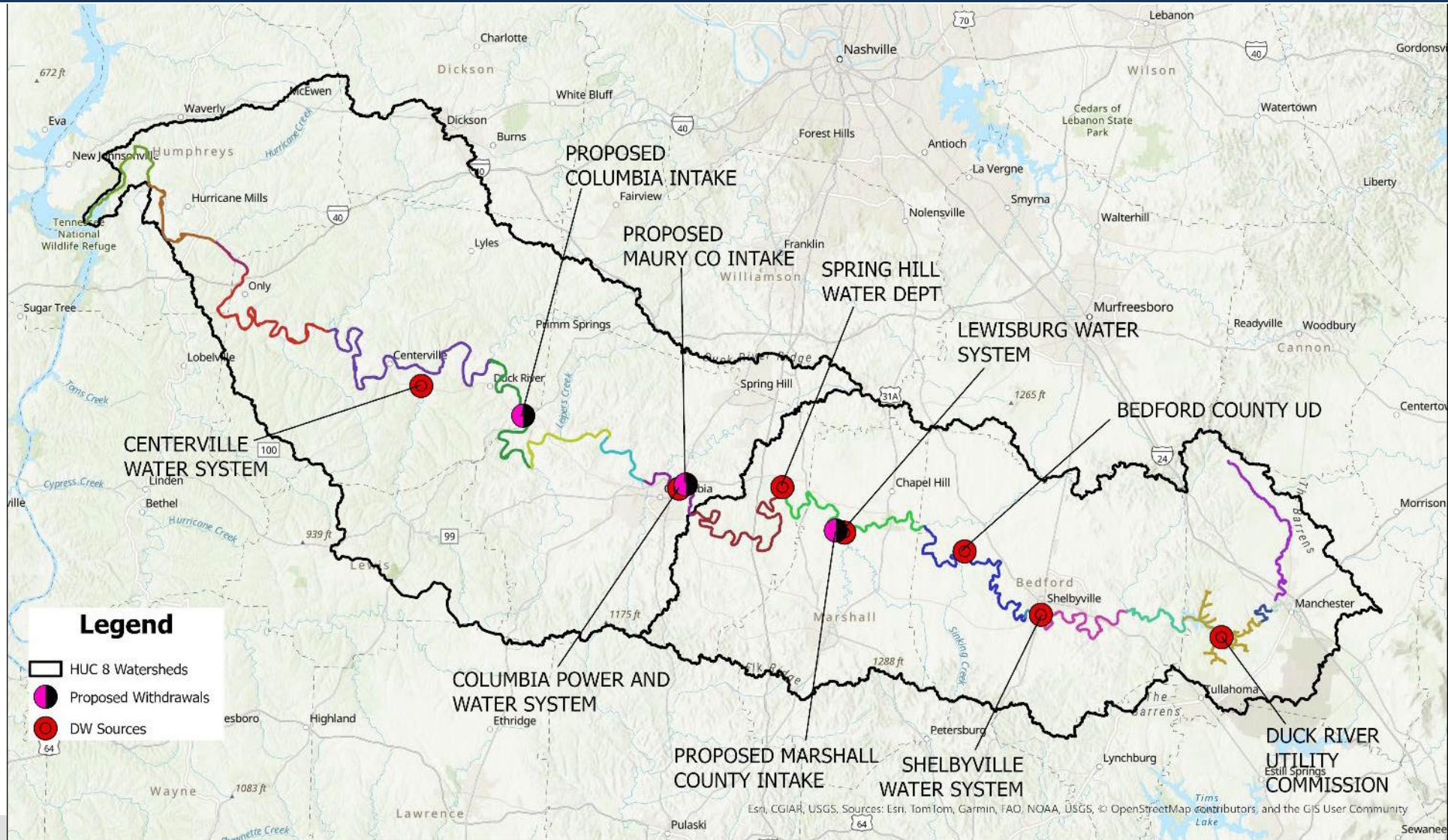
Department of
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Executive Order 108

Conserve the Duck River Watershed

April Grippo, Director, Division of Water Resources

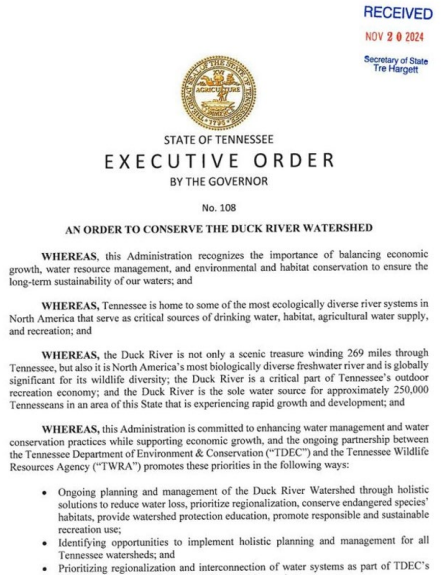
Duck River Watershed



Executive Order 108

Three (3) Major Elements:

- 1. Establishes the Duck River Watershed Planning Partnership (DRWPP) and provides directives for the DRWPP**
- 2. Establishes directives for TDEC, other agencies, and partners acting in the Duck River Watershed**
- 3. Application to statewide water management and other watersheds in Tennessee, with priority on Regionalization**



Duck River Watershed Planning Partnership

Partnership Members (19) represent

- **TN Department of Environment & Conservation**, serve as Chair
- **TN Department of Agriculture**
- **TN Economic & Community Development**
- **TN Wildlife Resource Agency**
- **TN State House of Representatives Member**
- **TN State Senate Member**
- **TVA**
- **U.S. Army Corps of Engineers Nashville District**
- **U.S. Fish & Wildlife Service**
- **Duck River Development Agency**
- **Academic Institution** w/ expertise in water management
- **Local Utilities** in the watershed (2)
- **Local Government** in the watershed (2)
- **Non-Governmental Organizations** active in the region (4)

Duck River Watershed Planning Partnership



EO 108 #2: TDEC and Partner Agencies

To continually preserve the Duck River Watershed and promote Duck River Watershed Planning & Management:

Water Loss Reduction – Seek goal of a rate of no more than 20% water loss

Regionalization - Prioritize regionalization and interconnection of water systems within the Duck River Watershed

Habitat Conservation Plan – Develop a Habitat Conservation Plan for the Duck River Watershed

Duck River Development Agency – Collaborate with DRA to achieve objectives

Watershed Protection Education - Expand public education efforts

EO 108 #2: TDEC and Partner Agencies

To continually preserve the Duck River Watershed and promote Duck River Watershed Planning & Management:

Recreational Use – Partner with TWRA and stakeholders to improve responsible and sustainable recreational access and use of the Duck River

Drought Planning - Collaborate with the DRA and other stakeholders to develop a Comprehensive Regional Drought Management Plan for the Duck River Watershed

Normandy Reservoir Planning - Collaborate with the TVA, TWRA, and stakeholders to update and revise the Normandy Reservoir Management Plan

Large Scale Engineering Projects - Evaluate large scale engineering projects for near-term drought mitigation and long-term sustainability of the Duck

EO 108 #3: Statewide Water Management

To continually manage and preserve other watersheds and prioritize regionalization throughout Tennessee:

Other Priority Watersheds - Identify other watersheds w/in TN for replication

Regionalization - Prioritize regionalization and interconnection of water systems as part of TDEC's statewide water withdrawal permitting activities

Tennessee Statewide Water Supply Planning – Continue statewide water supply planning; update *TN H2O* report

Nutrient Reduction Grant Program - Use Nutrient Grant Reduction Program to support municipalities in optimizing their wastewater treatment operations

Riparian Restoration Program – Collaborate with TDA, UT, TWRA and TVA to implement a Tennessee Riparian Incentive Program

Nature-Based Initiative for Stormwater Management and Agricultural Practices - Provide technical and financial assistance to urban stormwater

Proposed Investments in Duck River Watershed

As the Duck River Watershed Planning Partnership was established to further the state's commitment to balancing economic growth, water resource management, and environmental and habitat conservation to ensure the long-term sustainability of Tennessee's watersheds, the Governor's FY2025-26 budget proposes:

- **\$100M** toward realizing an effective regional water supply strategy for the Duck River Watershed
- **\$24.5M** for TDEC to support regional watershed planning. This needed funding will help preserve and protect the most ecologically diverse freshwater river in North America.

Habitat Conservation Plan



- EO 108 directs TDEC to lead development of a Habitat Conservation Plan (HCP)
- HCP described in Section 10 of Endangered Species Act (ESA) of 1973
- TDEC directed to partner with TWRA
- HCP is part of application for USFWS Incidental Take Permit to ensure water withdrawal ARAPs comply with ESA by authorizing limited and unintentional take of listed species
- HCP describes effects on listed species, how impacts will be minimized and mitigated, and funding for conservation measures
- Public outreach and stakeholder coordination

Watershed Protection Education

- EO 108 directs TDEC to continue and expand public education efforts
- Duck River Day at HHSP
- Duck River Education Day – a field trip for 5th graders
- DWR considering adult education opportunities through our Fleming Training Center and a Speaker's Bureau





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Division of Water Resources Updates

April Grippo, Director, Division of Water Resources

Any Old Business?

Thank you for joining us.
Any questions, please direct to
Drake.Smarch@tn.gov