



Department of
**Environment &
Conservation**

Public Hearing

Water Quality, Oil and Gas Board

Microsoft Teams

In-person viewing of this virtual meeting available at

Davy Crockett Tower, Conference Room 1A, 500 James Robertson Parkway, Nashville

October 22, 2025- 2:00pm

*If you wish to make Public Comment, please email Drake.Smarch@tn.gov or message us in the chat box.

Include what you want to comment on, and you will to be placed in line.

If in-person, fill out a yellow card.

Welcome!

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

Board Minutes

- Presentation of minutes from August 2025
- 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>



Department of
**Environment &
Conservation**

Initial Order

Old Stone Fort Bridge Preservation Group v. TDEC

Board of Water Quality, Oil, and Gas
October 22, 2025

Old Stone Fort Bridge Preservation Group v. TDEC, 04.30-243454J, WPC24-0074

- On June 7, 2024, the Department issued an Aquatic Resource Alteration Permit (ARAP) to the Tennessee Department of Transportation (TDOT) authorizing unavoidable permanent impacts to 80 linear feet of stream and temporary impacts to 388.5 linear feet of stream associated with a bridge replacement and bank stabilization on the Duck River and three unnamed tributaries, and 0.08 acres of temporary wetland impacts in Old Stone Fort State Park in Coffee County, Tennessee.
- As a third-party, the Old Stone Fort Bridge Preservation Group (OSFBPG) appealed the permit on July 8, 2024.

Old Stone Fort Bridge Preservation Group v. TDEC, 04.30-243454J, WPC24-0074

- The Department defended the permit issuance at a hearing held May 15, 16, and 19, 2025.
- On August 21, 2025, the Administrative Judge issued an initial order upholding the permit issuance and specifically determined that:
 - (1) OSFBPG failed to prove by a preponderance of the evidence that the permit authorizes more than de minimis degradation,
 - (2) OSFBPG failed to prove by a preponderance of the evidence that its repair proposal is a practicable alternative, and
 - (3) TDEC complied with the Act and the rules implementing the Act in issuing the permit.

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)

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)

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)

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.

*Note - The 30-day appeal window closed on September 22, 2025.



Department of
**Environment &
Conservation**

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