

**TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS**  
**Tennessee Tower, Nashville Room**  
**312 Rosa L. Parks Avenue, Nashville, TN**

**Summary of Action on Agenda Items of the**  
**February 17<sup>th</sup>, 2026**  
**Meeting of the Tennessee Board of Water Quality, Oil and Gas**

**Members Present In-Person:**

Gary Bible, Elaine Boyd, Kevin Davis  
Dodd Galbreath, Amanda Goff, Sam Marshall,  
John Schwartz, Neal Whitten, Terry Wimberley

**Members Present Virtually:**

Brent Galloway

**Absent:** Kevin Davis, Frank McGinley

**Chair:** Dodd Galbreath

**Technical Secretary:** April Grippio

Due to technical difficulties, roughly the first 20 minutes of the meeting was not recorded on video. The court transcript is available on the Board's website, detailing all action and discussion regarding the oral argument on appeal of the initial order. All votes were manually recorded by the Technical Secretary. All PowerPoints and documentation are available on the Board's website.

- Director Grippio began the meeting with welcoming the Board Members.
- The meeting continued with a roll call of the Board Members present.
- 7 members present in-person and 1 member present virtually.
  - o **Quorum established**
- Chairman Galbreath welcomed the Board members and entertained a motion to approve the meeting's minutes from November 17<sup>th</sup>, 2025.
  - o Terry Wimberley motioned to approve the minutes.
  - o Neal Whitten seconded
    - **Vote: 8-0**
      - **Passed**

Water Quality, Oil & Gas Board Vice Chair

- Chairman Galbreath discussed the need for a Vice Chair to step in should he be absent. After discussion there was a motion.
  - o Elaine Boyd motioned to nominate Mr. Wimberley as the Board's Vice Chair.
  - o John Schwartz seconded.
    - **Vote: 8-0**
      - **Passed**

Chairman Galbreath recognized Shelby Ward, Board Attorney, to discuss Conflict of Interest forms. She informed the Board where Conflicts of Interest would arise and proper procedure to avoid such matters. There were no questions from the Board.

^Gary Bible arrived for the meeting. This updated the attendance record to 8 members present in-person and 1 virtually. **9 members total – quorum remains.**

The Chair welcomed The Honorable Michael Begley who supervised and informed the Board about their authority. Judge Begley was also available for procedural questions from the Board or counsel.

#### *TDEC v. Tellico Plains*

- Both attorneys proceeded with presenting their arguments before the Board.
  - o Samantha Buller-Young with the Office of General Counsel introduced herself as the attorney representing the Department of Environment and Conservation.
  - o Brian Quist introduced himself as the attorney representing the Town of Tellico Plains.

^The video recording started here.

- Mr. Quist began presenting his argument before the Board. Then he took questions from the Board Members.
  - o This included Mr. Whitten, Amanda Goff, Mr. Schwartz, and Ms. Boyd.
- Ms. Buller-Young then presented her argument before the Board. Then she took questions from the Board Members.
  - o This included Chairman Galbreath, Mr. Schwartz, Ms. Goff, and Ms. Boyd.
- Mr. Quist made a rebuttal statement and answered questions from the Board.
  - o This included Mr. Schwartz and Ms. Goff.
- Ms. Buller-Young made a rebuttal statement and answered questions from the Board.
  - o This included Mr. Whitten.
- Judge Begley then informed the Board on live editing of draft orders, along with deliberate procedures.
- The Board then deliberated on the arguments before amending the draft order.
  - o Comments were made by Chairman Galbreath, Ms. Boyd, Mr. Schwartz, Mr. Wimberley, Ms. Goff, and Sam Marshall.
- The Board began reviewing the draft order and voting to make corrections or revisions to the proposed order. Emily Vann with the Office of General Counsel presented the order for the Board to review and revise. Ms. Vann's only role was to scroll and make note of the changes adopted by the Board.
  - o Mr. Marshall motioned that the Board vote to accept item number 4, paragraph 4 here as it's stated on the screens in front of them.
    - Mr. Whitten seconded.
      - **Vote: 8-1**
        - o **Passed**
  - o After determining that no other revisions were needed, Dr. Bible moved that the Board is directing counsel when they complete this draft order that they not include new findings of fact.
    - Ms. Boyd seconded
      - **Vote: 9-0**
        - o **Passed**
  - o The Board moved back to the entire order. Mr. Schwartz motioned to accept the Department's draft order as amended.

- Seconded by Dr. Bible.
  - **Vote: 9-0**
    - **Passed**

*Aqua Green Utility v. TDEC*

- The Honorable Michael Begley is still presiding over this meeting.
- Dart Kendall, President of Aqua Green Utility represented the company.
- Catherine Anglin with the Office of General Counsel introduced herself as the attorney representing the Department of Environment and Conservation
  
- It was determined that Mr. Kendall cannot practice law on behalf of a corporation as he is without a law license. This is determined by Tennessee State Law. The corporation lacked an attorney for this meeting.
  - Judge Begley and Mr. Galbreath explained to Mr. Kendall that he may proceed with the proceeding, where the Board would decide based on facts only. There would be no oral argument. Or Mr. Kendall could look to reschedule so he has an opportunity to seek counsel.
    - Mr. Kendall chose to proceed with the hearing.
  - Ms. Anglin proceeded with presenting the case to the Board. Then taking questions after the presentation from Dr. Bible, Chairman Galbreath, Ms. Boyd, Mr. Schwartz.
  - After more deliberation, Ms. Goff motioned to accept the draft order with the addition of the two reference subsections that were omitted, recognizing that these are not new statements of fact.
    - Mr. Schwartz seconded.
      - **Vote: 9-0**
        - **Passed**

*TDEC v. Tellico Plains*

- Ms. Buller-Young presented in front of the Board again. Explaining that there were two orders left in the case, both decided by Administrative Judge Garland. The first, brought forward by Tellico Plains, moved for costs and attorney fees. TDEC moved for APD costs. Judge Garland denied Tellico Plains' motion. Then in a separate motion Judge Garland granted the Department's motion for costs.
  - Ms. Boyd moved to reopen the draft order that we composed for the Town of Tellico Plains' case.
    - Seconded by *Undetermined\**
      - **Vote 9-0**
        - **Passed**
  - Ms. Boyd moved to accept the draft order for the Town of Tellico Plains' case as amended.
    - Mr. Whitten seconded.
      - **Vote: 9-0**
        - **Passed**

*Park Overall v. TDEC*

- Ms. Ward presented the initial order to the Board.

- Ms. Goff motioned not to review the initial order *Park Overall v. TDEC*
  - Ms. Boyd seconded
    - **Vote: 9-0**
      - **Passed**

*Ridge Creek, LLC v. TDEC*

- Ms. Ward presented the initial order to the Board.
  - Ms. Boyd motioned not to review the initial order *Ridge Creek, LLC v. TDEC*
    - Mr. Bible seconded
      - **Vote: 9-0**
        - **Passed**

*Water Authority of Dickson County (WADC) v. TDEC*

- Ms. Ward presented the initial order to the Board.
  - Ms. Boyd motioned not to review the initial order *WADC v. TDEC*.
    - Mr. Wimberley seconded.
      - **Vote: 9-0**
        - **Passed**

*Patricia Nix, Christine Matthews, Chris Pack v. TDEC*

- Ms. Ward presented the initial order to the Board.
  - Mr. Wimberley motioned not to review the initial order *Patricia Nix, Christine Matthews, Chris Pack v. TDEC*.
    - Ms. Goff seconded
      - **Vote: 9-0**
        - **Passed**

Eric Webber, the Drinking Water Fellow with the Division of Water Resources (DWR) presented to the Board, the Consumer Confidence Report Revision Rulemaking.

DWR Director Grippo gave a courtesy update on the ARAP Rule Updates, Chapter 0400-40-07.

Director Grippo gave a presentation on the Per- and Polyfluoroalkyl Substances (PFAS) Source Water Report and Next Phases of Sampling.

Director Grippo gave an update on DWR.

- The efforts to recover from winter storm Fern on January 24, 2026, where Governor Lee issued a State of Emergency. At the time of recording, 55 of 60 affected water and wastewater systems had fully recovered and were back to normal operations.
- The Division issued the first industrial reuse permit for the Colossus water recycling plant.
- The Duck River Partnership met throughout 2025. They submitted 18 recommendations to Governor Lee and DWR is handling several of those recommendations.
- Mr. Bible requested an update from the Division of Mineral and Geological Resources along with the Tennessee Geological Survey.

- Mr. Whitten requested an update on the proposed rulemaking for reconsideration of the Clean Water Act's hazardous substances.

Ms. Boyd motioned to adjourn the meeting.

- Ms. Goff seconded
  - o **Vote 9-0**
    - **Adjourned**

*\*Please see "Water Quality Oil & Gas Board Meeting Recording part 1" on the Board webpage or YouTube to confirm a second was made (3:29:23). We apologize for this error.*