

TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS WEBEX VIDEO CONFERENCE NASHVILLE, TENNESSEE

Summary of Action on Agenda Items of the April 21, 2020

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

Members Present by Video Conference:

James W. Cameron, Neal Whitten, Elaine Boyd,
Monty C. Halcomb, Gary Bible, Charlie Johnson,
Judy Manners, Frank McGinley, Terry Wimberley

Members Not Present:

Kevin Davis

Chair: James W. Cameron

Technical Secretary: Jennifer Dodd

Pursuant to Governor Lee's Executive Order this meeting was held via WebEx video conference. All members joined via conferencing video system, including the Technical Secretary, Division of Water Resources Director Jennifer Dodd.

- The meeting began with a roll call from the board members. All were present at the beginning of the meeting except Judy Manners who joined after roll call, and Kevin Davis.
 - o Quorum was established.
- Opening remarks from Division of Water Resources Director Jennifer Dodd: Director Dodd explained the Governor's Executive Order and why this meeting was held in a virtual format.
- Presentation of the minutes from October 19, 2019:
 - o Mr. Whitten had two corrections he wished to make to the minutes. Mr. Whitten wished to change the misspelling of his name on Page 11 and Page 12.
 - Those changes were accepted.
 - o Mr. Bible motioned to approve the minutes with Mr. Whitten's changes added.
 - Mr. Halcomb seconded.
 - o **Vote: 9 – 0**
 - Minutes approved.
- Stephanie Durman from Office of General Council - Gave an Orders and Cases Update.
- Ms. Manners joins the meeting.
- Memphis Regional Megasite – NPDES Permit NO. TN0081906 – Presentation from Stephanie Durman – Office of General Council.
 - o NPDES Permit N. TN0081906 was issued May 1st, 2018, authorizing the discharge of 3.0 MGD of treated industrial wastewater and 0.5 MGD of municipal wastewater from Memphis Regional Megasite to the Mississippi River. Due to dilution ratios, the discharge was determined to result in no measurable degradation.
 - o Several local residents appealed the permit. After discovery, both sides filed dispositive motions. The Petitioners; motion was denied, and the Department's motion was granted. Accordingly, the ALJ entered an initial order of dismissal on January 30, 2020.

The Petitioners did not appeal to this Board. This is the first Board meeting since the time the initial order was entered.

- Tenn. Code Ann. § 69-3-110(a) provides, in relevant part:
 - 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.
- Mr. Johnson motioned for the Board not to review the initial order for Memphis Regional Megasite.
 - Mr. Halcomb seconded.
- **Vote: 10 – 0**
 - Unanimous vote to not review the initial order.
- Horace Tipton and Blair Beaty from Office of General Council gave a legislative update to the Board.
 - They discussed Department legislation for 2020: HB2222/SB2153, HB2223/SB2154, HB2224/SB2155, HB2225/SB2156.
 - They also discussed Legislation of Interest including: Public Chapter 589, HB2206/SB2224, HB2892/SB2119, HB2813/SB2119, HB2464/SB2422, HB2017/SB2024, HB1952/SB2322, HB1953/SB2769.
- Public Comment period:
 - Brian Paddock asked to submit public comment.
 - Mr. Paddock stated that WebEx is an unsatisfactory software chosen and is not ideal. TDEC should consider having meetings in a larger room where people can sit apart from each other. Mr. Paddock stated he had trouble joining the meeting.
 - Mr. Paddock also inquired if the Board voted to take up the initial order.
 - The Chairman told him that the Board voted not to take up the order.
 - Mr. Paddock thanked the Chairman for the confirmation.
- Board members were asked if any Old Business needed to be brought to the Board's attention.
 - Hearing none, the Chairman entertained a motion to adjourn.
- Mr. Johnson motioned to end the meeting.
 - Mr. McGinley seconded.
- Meeting adjourned.

SUBMITTED



Jennifer Dodd
Technical Secretary



Date

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



James W. Cameron, Chair
Tennessee Board of Water Quality, Oil and Gas



Date