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P R O C E E D I N G S

(WHEREUPON, the above-captioned matter was heard in open court as follows:)

MS. GRIPPO: Today is February 17th, 2025. We hope that everyone made it in okay to this location here at the Tennessee Tower. And with that, I will pass it over to Chairman Galbreath.

MR. GALBREATH: Thank you, Director Grippo. Welcome, everyone. I'm Dodd Galbreath. This is the Tennessee water quality, oil, and gas meeting on February 17th, 2026. We've got several items of business today. First item of business is to take a roll call. (indiscernible)

MR. MARSH: Gary Bible. Elaine Boyd.

MS. BOYD: Here.

MR. MARSH: Kevin Davis. Dodd Galbreath.

MR. GALBREATH: Here.

MR. MARSH: Brent Galloway.

MR. GALLOWAY: Here.

MR. MARSH: Amanda Goff.

MS. GOFF: Here.

MR. MARSH: Sam Marshall.

1 MR. MARSHALL: Here.

2 MR. MARSH: Frank McGinley. John Swartz.

3 MR. SWARTZ: Here.

4 MR. MARSH: Neal Whitten.

5 MR. WHITTEN: Here.

6 MR. MARSH: Terry Wimberley.

7 MR. WIMBERLEY: Here.

8 MR. MARSH: Chairman, we have a quorum.

9 MR. GALBREATH: Thank you, Mr. Marsh.

10 Okay. Our next item of the business is to review the  
11 board minutes of our last meeting, November 17th. All  
12 of you should have received that in your email  
13 electronic document packet. I think it was Agent  
14 Hat2Vegas (phonetic). Are there any edits or  
15 corrections to the minutes? And if there is, please put  
16 that in the form of a motion. If there are none, we'll  
17 entertain a motion to accept minutes as presented.

18 SPEAKER 1: Motion to approve as written.

19 MR. GALBREATH: We have a motion to  
20 approve the minutes as written. And do we have a  
21 second?

22 SPEAKER 2: Second.

23 MR. GALBREATH: We have a second. Is  
24 there any discussion? Seeing none, roll call vote. Yes  
25 or no.

1 MR. MARSH: Chairman, can I confirm who  
2 made that second? Perfect. Thank you. The motion is  
3 to approve the minutes. Elaine Boyd.

4 MS. BOYD: Yes.

5 MR. MARSH: Dodd Galbreath.

6 MR. GALBREATH: Yes.

7 MR. MARSH: Brent Galloway.

8 MR. GALLOWAY: Yes.

9 MR. MARSH: Amanda Goff.

10 MS. GOFF: Yes.

11 MR. MARSH: Sam Marshall.

12 MR. MARSHALL: Yes.

13 MR. MARSH: John Swartz.

14 MR. SWARTZ: Yes.

15 MR. MARSH: Neal Whitten.

16 MR. WHITTEN: Yes.

17 MR. MARSH: Terry Wimberley.

18 MR. WIMBERLEY: Yes.

19 MR. MARSH: Minutes are approved.

20 MR. GALBREATH: Thank you, Mr. Marsh.

21 Okay. The next item on the agenda is to go into a  
22 administrative hearing. Initial hearing related to --  
23 excuse me. I'm jumping ahead. We need to deal with a  
24 chair replacement or an alternate chair question. So we  
25 need to hear from our counsel on our various legal

1 options concerning how we go about this since our rules  
2 appear to be a little vague on this matter.

3 MS. WARD: Thank you, Chairman. This is  
4 Shelby Ward, board attorney. And then also a reminder  
5 to all board members, we do have one board member  
6 attending remotely. So while we be speak, you'll all  
7 have to just say your name first so we can have a clean  
8 record and adhere to the laws with respect to remote  
9 meetings.

10 So with the election of an alternate  
11 chair, so under the Water Quality Control Act, there is  
12 a chair that is supposed to be president to help  
13 facilitate board members. And the wording is a little  
14 interesting.

15 And as we know, we have ex-officio  
16 members. And so the commissioner is technically the  
17 chair of this board. But when you have ex-officio  
18 members, they do not serve as chairs. And so Chairman  
19 Galbreath is our chair here. And we also wanted to  
20 elect an alternate chairperson. So technically two vice  
21 chairs. But the point is, someone to facilitate in case  
22 Chairman is not here. So that chairman can facilitate  
23 this process and to elect an alternate when you're not  
24 available.

25 MR. GALBREATH: Thank you very much. So

1 everybody understands that the commissioner of TDEC is  
2 the formal chair and he's not here. I serve as chair.  
3 So we're looking for an alternate chair for when I can't  
4 (indiscernible). All right. So typically what we do is  
5 we take nominations from board members or nominees to  
6 serve as the ultimate chair. Any board member, even  
7 commissioner designees, can nominate someone. You just  
8 can't nominate yourself or be nominated if you're a  
9 designee by your commissioner as was stated.

10 So who would like to be a harder worker  
11 on the days I'm out of here? Or who would like to put  
12 that person in the hot seat's more appropriate.

13 MS. BOYD: Mr. Chairman, I'd like to  
14 nominate Terry Wimberley.

15 MR. GALBREATH: Is there a second or  
16 (indiscernible)?

17 MR. SWARTZ: Second it.

18 MR. GALBREATH: Any other nominations?

19 MR. MARSH: Can you please confirm again  
20 who made that second? Thank you.

21 MR. GALBREATH: Dr. Swartz.

22 MR. MARSH: The motion is to approve  
23 Terry Wimberley as vice chair of the board. Elaine  
24 Boyd.

25 MR. GALBREATH: (indiscernible). Are you

1 going to accept the --

2 MR. MARSH: Elaine Boyd?

3 MS. BOYD: Yes.

4 MR. MARSH: Dodd Galbreath.

5 MR. GALBREATH: Yes.

6 MR. MARSH: Brent Galloway.

7 MR. GALLOWAY: Yes.

8 MR. MARSH: Amanda Goff.

9 MS. GOFF: Yes.

10 MR. MARSH: Sam Marshall?

11 MR. MARSHALL: Yes.

12 MR. MARSH: John Swartz?

13 MR. SWARTZ: Yes.

14 MR. MARSH: Neal Whitten?

15 MR. WHITTEN: Yes.

16 MR. MARSH: And Terry Wimberley.

17 MR. WIMBERLEY: Yes.

18 MR. MARSH: Terry Wimberley is now the vice  
19 chair of the board.

20 MR. GALBREATH: If you'll see me after  
21 the meeting, I'll give you an inside speech.

22 MR. WIMBERLEY: Yeah.

23 MR. MARSH: Mr. Chair, If I may, to  
24 remind the board to please turn on their mics. Speak so  
25 you can be heard virtually. Thank you.

1 MR. GALBREATH: So now we're ready for  
2 our judicial hearing. We have Judge Michael Begley.

3 MS. WARD: Oh, sorry, Chairman. The  
4 conflict of interest slide is a representation.

5 MR. GALBREATH: Sorry. I guess I'm eager  
6 to get on with (indiscernible). So all of you should  
7 have received a document to verify that you have no  
8 conflict of interest. I know, I signed mine and emailed  
9 it back. Is there anyone here who has not signed that  
10 document and forwarded it back to the board attorney?

11 MS. WARD: So I can double-check. This  
12 is Shelby Ward again, the board attorney. Let me  
13 double-checking (indiscernible) everyone. I believe  
14 everyone here has sent me the form. So thank you. I  
15 sent the form individually to each board member and it  
16 is the same conflict of interest statement that is in  
17 the board manual which is available on the website for  
18 the board of water quality, oil, and gas.

19 And this is housekeeping. Some of you  
20 have -- well, all of you have already signed it before.  
21 So just housekeeping to have a newly signed copy. And  
22 the slides here are just portions of the statement and  
23 we'll just review them briefly.

24 So as I mentioned before, the purpose of  
25 all of this is just housekeeping on conflict of

1 interest. And in this slide deck, I wanted to share the  
2 executive board regarding ethics. And so that's just  
3 something that's a broader statement considering the  
4 governor's importance with respect to ethical conduct  
5 from the executive branch. And then there are slides  
6 with respect to particular sections of the conflict of  
7 interest statement.

8 And then I already got folks' conflict of  
9 interest statement signed via Adobe Sign. So you've  
10 already handled that portion. So on January 24th, 2019,  
11 there was an executive order from the governor with  
12 respect to ethics and it applies to all executive branch  
13 employees. So employees of TDEC and other folks that  
14 work in the executive department. And it just  
15 establishes a comprehensive ethics policy to ensure that  
16 public trust in government is supported and to ensure  
17 proper government performance.

18 So with respect to board function, no  
19 member of the board who receives a significant portion  
20 of his or her income directly or indirectly from permit  
21 holders should have any decision with respect to appeals  
22 of permits. And so this is a statute. It's also part  
23 of a conflict of interest statement. And any board  
24 member subject to disqualification for bias, prejudice,  
25 or any other cause may be disqualified in the same way

1 that a judge would.

2           Concerning appearance of impropriety,  
3 each board member shall avoid any action, whether or not  
4 specifically permitted by a law, which may result in the  
5 appearance of using public office for private gain,  
6 losing complete independence or impartiality, making  
7 government decision outside of official channels, or  
8 affecting adversely the conflict of the public and the  
9 integrity of the government.

10           With respect to use of information, no  
11 board member shall directly or indirectly use, disclose,  
12 or allow the use of official information which was  
13 obtained through or in connection with his or her  
14 appointment to the board which has not been made  
15 publicly available for the purpose of furthering private  
16 interest or personal profit of any person. And then  
17 board members also are prohibited from engaging in  
18 financial transactions as a result of information that  
19 they learn from being a board member.

20           With respect to use of property, no board  
21 member shall use facilities, equipment, personnel,  
22 supplies of the state for private use or gain unless  
23 it's for (indiscernible) or if its use is available  
24 generally to the public.

25           With respect to avoiding conflicts of

1 interest and disclosure, each board member will avoid  
2 all known conflicts of interest and they will also  
3 disclose conflicts of interest to the other board  
4 members, administrative law judge, or any other  
5 appropriate persons, will further recuse himself or  
6 herself for participating in considerations of matters  
7 with respect to board decisions.

8 Family and business relations. No board  
9 member will participate in decisions or actions  
10 involving individuals in his or her immediate family,  
11 individuals employed by the board member with respect to  
12 their business or any other matter in which the board  
13 member's participation may create the appearance of bias  
14 or injured bias. And with interpretation questions  
15 folks have and board members, please seek my counsel.  
16 And so that is also a part of how we will handle any  
17 conflicts of interest.

18 So are there any questions from the board  
19 with respect to the statement? (indiscernible).

20 MR. MARSH: No, ma'am.

21 MS. WARD: Thank you everyone.

22 MR. GALBREATH: Thank you, Counselor  
23 Ward. All right. Now the moment that I've been so  
24 eager to get to. (indiscernible) I just assumed the  
25 (indiscernible) in process, we will direct this stuff to

1 court. Welcome, Your Honor.

2 THE COURT: Yes. Thank you. And thank  
3 you to everyone. And for those of you that -- well, I'm  
4 sure all you actually have experience with this. You  
5 have to always look embarrassingly weird to make sure it  
6 gets into the mic really well just like I'm doing. So  
7 this helps our people online. And thank you all for  
8 going through your processes regarding conflicts of  
9 interest. That saves me time as well. That's part of  
10 my (indiscernible) in charge.

11 Let me do say good morning to everyone in  
12 the room. Morning, board members, Mr. Chair. Thank you  
13 all for your time. I want to briefly announce our first  
14 matter and I will give a short explanation to the board.  
15 Many of you are already familiar with this process. But  
16 a couple of things before we get started, just from a  
17 housekeeping standpoint, I want our hearing to be as  
18 efficient and comfortable for everyone as possible.

19 The board has a lot of information that  
20 has already been sent to them. Hopefully they've been  
21 able to read through that prior to the trial here. What  
22 I'm going to do is ask everyone to do the phone dance  
23 and put it on silent if you haven't. Making sure mine  
24 is so I'm not that guy. If anyone here needs a break,  
25 any sudden reasons, I'm here to help you and make sure

1 we can do that.

2 I will let counsel for both parties kind  
3 of take the lead on the order. But essentially what  
4 we're going to be doing is each side is going to give  
5 the board kind of a brief argument, surmising briefs  
6 that you've read, the information that you've been  
7 given. We will decide if we do or do not  
8 (indiscernible) rebuttals from there. And then I'll get  
9 to the board for your deliberations, questions.

10 As you are aware, this is an open  
11 meeting. So we want to be sure that everything that we  
12 talk about is open and all direct before the public. If  
13 we do need to take a break or a recess, I will ask that  
14 we don't talk about the case on that break or in that  
15 recess. I'm going to announce the first matter at this  
16 time. It's Department of Environment and Conservation  
17 v. Town of Tellico Plains. The docket number here is  
18 04.02-244954J.

19 Will counsel for both parties  
20 (indiscernible) standing or sitting? On that note, feel  
21 free to sit, stand, move about freely. As long as the  
22 board's comfortable with it, I'm comfortable with it.  
23 So you all announce yourselves, please.

24 MR. QUIST: My name is Brian Quist. I'm  
25 an attorney of Knoxville. I represent the Town of

1 Tellico Plains.

2 MS. BULLER-YOUNG: My name is Samantha  
3 Buller-Young. I represent the Department.

4 (The proceedings were adjourned at 10:14  
5 p.m.)

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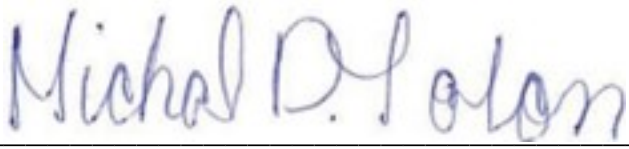
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C E R T I F I C A T E

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

I, MICHAL TOLON, a Digital Reporter, do hereby  
certify that the foregoing proceedings were taken down  
and transcribed under my direction to the best of my  
ability.

IN WITNESS THEREOF, I have hereunto set my hand  
this 17th day of February, 2026.

  
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Michal Tolon  
Digital Reporter

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CERTIFICATE OF TRANSCRIPTIONIST

I, ELODIE ANN, Legal Transcriptionist, do hereby  
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That the foregoing is a complete and true  
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I further certify that I am neither attorney for  
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action; further, that I am not a relative or employee of  
any attorney employed by the parties hereto, nor  
financially or otherwise interested in the outcome of  
this matter.

IN WITNESS THEREOF, I have hereunto set my hand  
this 20th day of February, 2026.



\_\_\_\_\_  
Elodie Ann

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