

**TENNESSEE BOARD OF WATER QUALITY, OIL, AND GAS**  
**William R. Snodgrass Tennessee Tower**  
**312 Rosa L Parks Ave. Nashville Room**  
**NASHVILLE, TENNESSEE**

**Summary of Action on Agenda Items of the**  
**June 20, 2023**  
**Meeting of the Tennessee Board of Water Quality, Oil and Gas**

**Members Present at TN Tower:**

Elaine Boyd, Dodd Galbreath,  
John McClurkan, Frank McGinley,  
Neal Whitten

**Members Present Virtually:**

Kevin Davis, Brent Galloway,  
Judy Manners

**Absent:** Gary Bible, Charlie Johnson, Terry Wimberley

**Chair:** Dodd Galbreath

**Technical Secretary:** Jennifer Dodd

A full recording of this meeting is available on the WQ/O&G Board's website. All votes were manually recorded by the Technical Secretary. All PowerPoints and documentation are available on the Board's website.

- The meeting began with a roll call of the Board Members present.
  - o 5 members were present in the room, 3 members joined via Microsoft Teams
    - Quorum was reached with the attendance of those virtually. This required a Determination of Necessity.
      - Neal Whitten motioned accept the resolution as written in order to conduct this meeting virtually and in person.
      - Elaine Boyd seconded
        - o **Vote 8-0**
          - **Quorum established.**
- Chairman Galbreath welcomed the Board members and entertained a motion to approve the previous meetings minutes.
  - o John McClurkan motioned to approve the minutes from April 2023
  - o Seconded by Frank McGinley
    - **Vote 8-0**
      - **Passed**

**Division of Water Resources Updates**

-Division of Water Resources Director, Jennifer Dodd, gave the Board an update on the requested presentations and updates the Board requested concerning Hydrologic Determinations and Tennessee Stream Mitigation Program. Ms. Dodd informed the Board that those presentations and updates would be given at the scheduled October 17<sup>th</sup> meeting.

## Per- and Polyfluoroalkyl (PFAS) Substances – Jeremy Hopper

Jeremy Hooper with the Division of Solid Waste Management gave a presentation about PFAS Substances and an overview of the information located on the TDEC website. The full presentation is available on PowerPoint and in video from the Board's website.

## Rogers Group v. TDEC – Docket Number 04430-200382J

Administrative Judge, Richard Murrell presented to the Board a joint memorandum of material facts. The request was for the Board to remand this matter back to the Administrative Judge for a hearing on the merits. The full presentation is available on PowerPoint and in video from the Board's website.

- Ms. Boyd motioned to vacate dismissal and remand matter back to Administrative Judge.
- Seconded by Mr. Whitten
  - o **Vote 8-0**
    - **Passed**

## Petition for Rulemaking Procedure

Stephanie Durman – Office of General Counsel

Ms. Durman explained to the Board that a petition for rulemaking was filed with the Department. Ms. Durman then continued to show the Board what it is required to do with this petition according to Tennessee statute. They could either deny, grant, or grant with modified form.

Ms. Durman explained that after her introduction, the petitioners and the Department would have 10 minutes each to give their presentation or response/rebuttal. The Board would then open to public comment, allowing 3 minutes per speaker. After closing public comment the Board can ask the petitioner and the Department questions.

-The presentation in whole is available on the Board website. The Board heard from Mr. Brian Paddock representing the petitioners wanting to modify TDEC's public notice procedures, and Mr. Patrick Parker representing the Department. There were written public comments from Chauncey O'Dell and Anthony Wheeler which are available on the Board's website. Virtual public comments were made by Anne Passino representing the Harpeth River Conservancy and Sarah Bradley, a Coffee County citizen. Ms. Passino, commended TDEC on the information that used to require open records requests now freely available on the TDEC Data Viewers. Her concerns centered around accessibility and finding ways for the public to interpret the notices effectively and the availability of those notices in low internet/broadband areas. Ms. Bradley echoed the concerns of Ms. Passino and informed the Board about locations of signs in areas not easily accessible to the public, like on a highway. She continued discussing the lack of internet reliability in Coffee County and the need of printed notices to continue in the local paper. Her concerns were also for elderly residents who would not be able to read the printed notices due to the small font size.

- The Board proceeded to ask questions of Mr. Paddock and further discussion concluded that the Division would work with stakeholders and develop policy changes on public

notification. The Board agreed and proceeded with a motion to have collaborative approach between TDEC and stakeholders with check-ins to the Board to develop guidance.


- Motion made by Frank McGinley
- Seconded by Ms. Boyd
  - **Vote 8-0**
    - **Passed**

- No old business

Ms. Boyd motioned to Adjourn.

- Mr. McClurkan seconded.
  - **Voice Vote**
    - **Meeting Adjourned**

SUBMITTED

  
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Jennifer Dodd  
Technical Secretary

10-17-23  
Date

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

  
\_\_\_\_\_  
Dodd Galbreath, Chair  
Tennessee Board of Water Quality, Oil and Gas

10/17/2023  
Date