

**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**  
**October 18<sup>th</sup>, 2022**  
**Meeting of the Tennessee Board of Water Quality, Oil and Gas**

**Members Present at TN Tower:**

Elaine Boyd, Dodd Galbreath,  
Judy Manners, John McClurkan, Frank McGinley,  
Neal Whitten, Gary Bible, James Cameron.

**Members Present Virtually:**

Terry Wimberley, Brent Galloway

**Absent:** Kevin Davis, Charlie Johnson

**Chair:** James Cameron

**Technical Secretary:** Paula Mitchell

Due to technical difficulties, this meeting of the Tennessee Water Quality, Oil & Gas Board was not recorded. 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 8 members were present in the room, 2 members joined via WebEx.
    - Quorum established
- Chairman Cameron welcomed the Board members and entertained a motion to approve the previous meetings minutes.
  - o Mr. McGinley motioned to approve the minutes from April 2022.
  - o Seconded by Ms. Boyd.
    - **Voice Vote**
      - **Passed**

**Comments from the public**

- The Chair opened the floor for any comments from the public in-person or virtual. There were no comments.

**OGC – OGC Updates – Stephanie Durman**

- Staffing update: new attorneys supporting the Division of Water Resources (DWR)
  - o Emily Vann, Payton Bradford, Samantha Buller-Young, Jeff Zentner
- Case update from April 1, 2022 – September 30, 2022
  - o DWR has issued 26 new enforcement orders.
  - o During this time there have been 3 new permittee appeals and one new third-party permit appeal.
  - o 4 section 118(a) complaints were filed, and no 118(a) determinations were appealed.

OGC – Initial Order – *TDEC v. Billy Harper, Highways Construction, Inc. | Jamesway Construction, Inc.*

- Stephanie Durman presented on this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
  - -Mr. Galbreath motioned: to hear TDEC's appeal of the case at the meeting set for June 20<sup>th</sup>, 2023
    - Mr. Bible seconded.
      - **Vote: 10 aye – 0 nay**
      - **Passed**

OGC – Initial Order – *Mark Clayton v. TDEC*

- Patrick Parker presented on this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
  - Ms. Boyd motioned: To not take up and review the Initial Order *Mark Clayton v TDEC*
    - Mr. McGinley seconded.
      - **Vote: 10 aye – 0 nay**
      - **Passed**

OGC – Initial Order – *Center for Biological Diversity et al v. TDEC*

- Emily Vann presented this case to the Board. Further information about this presentation is listed in the meetings PowerPoint.
  - -Mr. Whitten motioned to not take up and review the Initial Order *Center for Biological Diversity et al v. TDEC*
    - Mr. Galbreath seconded
      - **Vote: 10 aye – 0 nay**
      - **Passed**

OGC – Petition for Declaratory Order by Harpeth Conservancy

- Stephanie Durman presented this case to the Board.
  - The Harpeth River Conservancy appealed several provisions of Rule Chapter 0400-40-10 regarding effluent limitations for post-construction stormwater in MS4 permits.
    - The Board adopted these standards in October 2021, and they became effective early 2022.
    - Question for the Board is to approve a date for the contested case hearing to issue a declaratory order.
      - Chairman Cameron motioned to hold this hearing on May 16-18, 2023.
  - Ms. Boyd seconded.
    - **Vote: 10 aye – 0 nay**
    - **Passed**

OGC – Retrospective Rulemaking Review – Stephanie Durman

Ms. Durman presented to the Board about the ongoing review of DWR's 28 rule chapters and 299 rules.

-More information about the retrospective rulemaking review is available on the meeting PowerPoint.

Chapter 0400-40-14 Amendments – Adam Bonomo – DWR

- Mr. Bonomo presented to the Board, proposed changes to rule chapter 0400-40-14. The changes would require electronic reporting.
  - o Mr. Galbreath motioned to approve amendments to rule chapter 0400-40-14.
    - Mr. Whitten seconded.
      - **Vote: 10 aye – 0 nay**
      - o **Passed**

Duck River Pilot Project – April Grippo

- DWR Deputy Director, April Grippo gave a presentation on the comprehensive water withdrawal permitting in the Duck River Watershed. The presentation is available in the meetings PowerPoint.

Triennial Review – April Grippo

- Ms. Grippo gave a presentation on the Triennial Review of Water Quality Standards in Tennessee. This presentation is available in the meetings PowerPoint.

DWR Updates – Paula Mitchell, Deputy Director

- Ms. Mitchell presented to the Board updates on the American Rescue Package and the Bipartisan Infrastructure Law funds that have been made available to Tennessee.

Board Chairman

- The Board, the Division of Water Resources, and those in attendance thanked Chairman Jim Cameron for his 22 years of service to the Board of Water Quality, Oil & Gas. It was announced Chairman Cameron will retire from the Board. A vote for a new Chair was called.
  - o Ms. Boyd nominated Dodd Galbreath to the position.
    - Seeing no other nominations, a voice vote was called.
      - **Passed**

No old business to report.

Motion to adjourn from Mr. McClurkan

Seconded by Mr. Galbreath

**Voice Vote**

- **Adjourned.**

SUBMITTED



Jennifer Dodd  
Technical Secretary

04-18-2023

Date

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



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

4/18/2023

Date