

## MEMORANDUM

**TO: RIVANNA WATER & SEWER AUTHORITY  
BOARD OF DIRECTORS**

**FROM: THOMAS L. FREDERICK, EXECUTIVE DIRECTOR**

**SUBJECT: RESPONSES TO PUBLIC COMMENTS**

**DATE: FEBRUARY 23, 2010**

This report responds to three issues raised during the Items from the Public session at the January Board meeting: the Capital Improvement Program; Sewer System Rehabilitation and Wholesale Rates; and Ragged Mountain Dam Safety.

### **Capital Improvement Plan**

As has been discussed at several previous Board of Directors' meetings, RWSA staff plan to bring to the Board an updated 5-year Capital Improvement Plan (CIP). Also as previously discussed, it is proposed to incorporate some very significant developments that are presently on-going: the development of a revised cost estimate based on preliminary design for the new Ragged Mountain Dam; the Dredging Feasibility Study; and the results of negotiations among RWSA, ACSA, and the City regarding inflow and infiltration goals for the interconnected regional wastewater collection system. Each of these decisions can have a very significant effect on the scope and size of the CIP and its financial plan; accordingly, staff time is more efficiently spent and produces a more substantive plan by incorporating these decisions. We hope to present a revised CIP to the Board this summer, but that milestone is subject to progress or delays with respect to the significant developments mentioned above.

### **Sewer System Rehabilitation and Wholesale Rates**

A public comment was made at the January meeting that when sewer pipe flow increases as a result of significant rainfall events, it is financially "a plus for Rivanna" and "hooray, we've got a million dollars in new revenue because the pipes are leaking." While this may represent the views of the citizen making the comments, it most certainly does not portray in any way the views of the RWSA staff. Ironically, following these comments, Ms. Liz Palmer spoke and reminded the public that it was the RWSA staff in March 2006 who actually proposed changes to simplify how RWSA receives funding for capital improvements so that it would no longer be based on flow. Ms. Palmer was advocating that RWSA's 2006 proposal be advanced. Today RWSA remains under a contractual obligation (pursuant to the 1973 "four-party agreement" and its successors) to obtain capital improvement revenue through wholesale rates per 1000 gallons, meaning both the City and ACSA are required to pay rates based on flows that are known to oscillate in unpredictable ways as does the weather.

Another related public comment was “if you’re going to take my money and put it back into fixing those [sewer] pipes, that’s fine.” Fixing the pipes is precisely the intent; the “roadmap” for fixing the pipes is the goal of RWSA’s Comprehensive Sanitary Sewer Interceptor Study – fixing the pipes is also the intent of the on-going Meadow Creek Interceptor replacement, the goal of on-going efforts to replace the Schenks Branch Interceptor (currently being coordinated with City decisions and design on the 250 interchange), the goal of on-going consolidated efforts by RWSA, City, and ACSA to perform sewer system evaluations to assess repair needs, and the goal of current negotiations with City and ACSA staff to complete targets for inflow and infiltration reduction.

### **Ragged Mountain Dam Safety**

A statement was made during January public comments, as quoted from the minutes of that meeting, suggesting that the existing Lower Ragged Mountain Dam was “built to withstand 48 inches of water [rain] in 24 hours.” The statement is simply not true. Multiple reports have confirmed that this dam’s spillway was not built to pass the probable maximum flood, meaning that if a large flood occurred water could overtop the earthen embankment section of the dam, which could lead to erosion of the embankment sufficient that a catastrophic failure of the dam could result. Virginia Dam Safety (VDS) has acknowledged since 1979 that this is an unsafe condition as defined by state regulations, and more recently the Commonwealth’s Soil & Water Conservation Board (which oversees VDS) has conditioned permission to operate this dam with a requirement to remedy the unsafe condition. RWSA will likely be requested to appear again before the Commonwealth’s Soil & Water Conservation Board in May when the current operating certificate expires to update the Board on local progress toward removing the unsafe condition by February 2013. The next milestone date in the schedule is to decide by August 2013 how we intend to move forward with final design. Should RWSA report in May that local meetings will be scheduled this summer for the purpose of making those final design decisions from the results of the studies requested by the “four boards” in March 2009? Or is there a preference to delay decisions to some later date?