



# RIVANNA WATER & SEWER AUTHORITY

695 MOORES CREEK LANE • CHARLOTTESVILLE, VIRGINIA 22902-9016  
(434) 977-2970 • FAX: (434) 293-8858 • WEBSITE: WWW.RIVANNA.ORG

## RWSA BOARD OF DIRECTORS

### Minutes of Regular Meeting

June 23, 2008

A regular meeting of the Rivanna Water & Sewer Authority (RWSA) Board of Directors was held on Monday, June 23, 2008 at 2:00 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

**Board Members Present:** Mr. Gary Fern, Mr. Michael Gaffney – Presiding, Ms. Judith Mueller, Mr. Gary O’Connell, and Mr. Robert Tucker.

**Authority Staff Present:** Mr. David Atkins, Mr. Bruce Edmonds, Mr. Tom Frederick, Mr. David Golladay, Mr. Chuck Kent, Ms. Mary Knowles, Mr. Cary Lang, Mr. Randy Jones, Ms. Michelle Simpson, Mr. Justin Weiler, Ms. Jennifer Whitaker, Dr. Robert Wichser, and Mr. Lonnie Wood.

**Also Present:** Mr. Kurt Krueger – RWSA Attorney, Mr. Steven J. Kvech – District Engineer with Virginia Department of Health’s Office of Drinking Water, members of the public, and media representatives.

### 1.0 Call To Order

The regular meeting of the RWSA Board of Directors was called to order by Mr. Gaffney on Monday, June 23, 2008 at 2:00 p.m., and he noted that a quorum was present.

### 2.0 Minutes of Previous Board Meeting

**Mr. Tucker moved that the Board of Directors vote to approve the minutes of the regular meeting of the Board held on May 19, 2008, the minutes of the special meeting of the Board held on May 6, 2008, and the minutes of the special meeting of the Board held on May 19, 2008, seconded by Mr. O’Connell. The motion was approved by a 5 – 0 vote.**

### 3.0 Executive Director’s Report

Mr. Frederick stated that at this time of the year RWSA receives a number of questions from the public concerning the status of the water supply, and this report offers an opportunity to provide an update on current conditions.

Mr. Frederick next commented that within the past year this area experienced some moderate drought conditions, which have been improving in recent months. The upcoming summer months are normally the dry season of the year when stream flows are expected to be at their lowest levels, even under normal conditions. RWSA was closely monitoring the situation and will provide updates as conditions warrant. However, no drought watches were being recommended at this time.

Mr. Frederick then reported that based on the 90-day running average, area streams have been flowing at about 84% of the seasonal norm. RWSA expected that the Sugar Hollow and South Fork Reservoirs would remain full into early July. As has been done in previous years, the level at the Ragged Mountain Reservoir is being deliberately lowered at this time due to dam safety reasons and not for drought management purposes.

Mr. Frederick next stated that the long-term outlook for the water supply is uncertain at this time due to the difficulty of predicting future weather patterns with a high degree of accuracy. The National Drought Mitigation Center has now dropped Central Virginia from the areas experiencing drought conditions. Locations south of this area, particularly in the Carolinas and Georgia, are still listed as "abnormally dry" to "extreme drought." At the other end of the spectrum, most of West Virginia and the Ohio Valley are experiencing wetter than average conditions. RWSA has been receiving some "mixed signals" from climatologists as to their predictions for the mid-summer through next winter time frame, some of which have been provided in his report.

Mr. Frederick further commented that RWSA will continue to monitor conditions during the summer and fall months. In the meantime, citizens were encouraged to visit the ACSA, City, and County websites for ideas on developing good water conservation habits.

#### **4.0 Items from the Public**

Mr. John Via, Albemarle County resident, stated that he was one of the residents whose land was taken for the Buck Mountain Reservoir. He was now requesting that RWSA seriously consider and provide him feedback about returning this land to the previous landowners since it was not going to be used as a reservoir. It should not be used for other purposes other than what was stated during the land acquisition process. He would appreciate some type of information in response to his request.

Dr. Rich Collins, Charlottesville resident, next commented that Mr. John Via has taken him to the Buck Mountain site on a number of occasions and they have discussed the use of that land as a mitigation site. Dr. Collins was pleased that Mr. Via was concerned about his family's "welfare" in this matter.

Dr. Collins then stated that he would be commenting today on the Board report submitted by Mr. Frederick entitled "Maintenance of the SFRR Study," as it appeared that the City and County resolutions endorsing the dredging study would be a major item on today's agenda. It seemed that one of the qualities of this report is that it "downplays" the water quality issue and the reservoir supply as an alternative and "plays up" the community resource, recreation, and aesthetic issues. There were two amendments to the City's resolution, one related to conservation and demand analysis and the other dealt with a dredging study. He felt there was clearly an effort to see if those two items "in conjunction" might lead to some further alternatives, other than replacing the existing Ragged Mountain Dam with a much larger structure. He felt this matter was "downplayed" in Mr. Frederick's report, which does not mention either the demand or conservation study. Dr. Collins felt it was clear as he understood from the discussion during the City Council meeting that the intent of the dredging study in combination with the demand and conservation study could result in some numbers that might

lead to an alternative other than doing the permitted activity at its “utmost” – the higher dam and the construction of the base of the dam at Ragged Mountain. He then made the following two points:

1. RWSA consider adding a task force or at least some group to look at the concept of “safe yield” to determine what projections were used and if the demand was “overestimated,” which includes the elements of population, conservation, water usage, and drought management. He felt the public would have a clearer idea about the meaning of those terms ... “Not so much to look for one golden number, but rather to look at the range of uncertainty or even slipperiness that lies within the number of millions of gallons we are trying to attain by different years in the planning period.”
2. Suggested that with the reservoir dredging study there should be some idea as to the chronology of how to proceed with these studies. He felt if the dredging study comes out as he anticipated, a tremendous savings that would be possible among the alternatives, including dredging, could be “lost” because the Authority’s construction and removal activities in the U.S. waterways might “preclude us” from obtaining those advantages. Consideration should also be given to what could be undertaken within the permitted range given by the U.S. Army Corps of Engineers (the Corps) and the Department of Environmental Quality (DEQ) that would allow the Authority to proceed on the permitted alternative plan without “foreclosing” the possibility that these studies in combination will “produce alternatives that the community will embrace.”

Mr. Hawes Spencer, Editor of *The Hook* newspaper, next asked if the Board could assist him on providing information for a story that he was interested in writing about the alternative plan that was submitted by the previous speaker, Dr. Rich Collins. Mr. Spencer had contacted each of the Board members about a month ago, and he thanked Mr. Tucker for being the only one who responded and gave some indication that he had read the alternative proposal. Given that the alternative proposal suggests that a savings of up to \$90 million could be afforded to the community, he thought that today would be a good day for the other four members of the Board to state what they “liked or didn’t like about the alternative proposal.” Mr. Spencer again thanked Mr. Tucker for being the only Board member that responded to his request.

Ms. Sally Thomas, speaking as Chairman of the Rivanna River Basin Commission, noted that she was addressing the comments made by everyone about the health of the Rivanna Reservoir in terms of “stopping the sediment” or seeing what could be done to keep the reservoir from refilling with the sediment – “no matter what is done in other aspects.” The Rivanna River Basin Commission is composed of elected officials from each of the four communities that are situated within part of the watershed of the Rivanna River. The Commission’s technical advisory committee has “zeroed in on sediment as being the greatest threat to the river as a whole and not just the reservoir” and is very interested in working on ways to reduce the incoming sediment in the whole river basin. The members of the technical advisory committee have agreed to reproduce what occurs when rain falls on a forest and determine the best opportunities to reduce sediment. The best way for a farmer, developer, or builder to accomplish that reduction is a technique called “rain harvesting.” Although all the scientists are in agreement about the data, there is nothing that “can be taken off the shelf” that can tell someone

how to conduct “rain harvesting” or the amount that stormwater runoff can be reduced through that process. Although the technical advisory committee could not bring “a lot of resources to the table” except for the technical expertise of the members, she offered whatever assistance their group could contribute to the task force’s work in defining the SFRR maintenance study.

Ms. Betty Mooney, a Charlottesville resident, next requested that the Board consider changing their meeting time. There were many people who wanted to attend this meeting, as well as future Board meetings, but their work schedules prevented their attendance during the day. She asked that the Board take this matter under consideration.

Ms. Mooney then stated that she had with her a petition signed by over 500 people who are in favor of doing the dredging surveys, which the City Council and Board of Supervisors have now directed this Board to undertake. These petitions will be presented to City Council, and copies will also be provided to the RWSA Board of Directors as to the number of signees up to this point. As the group has only been soliciting signatures for the past two weekends, she expected that over 1,000 residents from both the City and the County will eventually sign the petition as they plan to continue their efforts all summer. She understood from documents obtained through Freedom of Information Act requests that for years this Board has not wanted to conduct these surveys through discussions held on this matter. She also understood that since City Council and the Board of Supervisors have passed resolutions clearly directing this Board to undertake these studies, “we hope we can trust you to get these surveys done professionally and as soon as possible so the water supply strategy can proceed with all the information necessary to have the least environmentally damaging, most practical plan that is also the least costly.” As was referenced previously, the group has developed an alternative plan that she hoped all the Board members studied, which showed that up to \$15 million or more could possibly be saved. However, the surveys need to be done and it is critically important that the information is provided to our elected officials.

Ms. Mooney next inquired about the date when the state-mandated water supply plan would be filed. Mr. Frederick had given the City Council a memorandum in 2006, which indicated that the information to file the state-mandated water supply plan was almost completed and the plan would be filed very soon. The state-mandated water supply plan requires information that is not in the permit, and the information relates to conservation – which Dr. Collins has also discussed as being part of what City Council and the Board of Supervisors have requested in their resolutions presented to the RWSA Board of Directors ... directing that more conservation information be obtained. The permit obtained by RWSA will not have this information in the document. Ms. Mooney then asked that the Board inform the public as to when RWSA planned to file for the state-mandated permit as she felt it was critical for this community to have the best possible plan. She also felt it was important to obtain the dredging survey information, so that perhaps there could be a savings of “tens of millions of dollars” for the community.

Mr. Kevin Lynch, who resides at 609 Locust Avenue, Charlottesville, VA, next commented that he seconded Ms. Betty Mooney’s remark about the timing of the Board meeting. He felt holding the meeting in the middle of the afternoon on Monday makes it difficult for the members of the public who work to attend. He felt it would be helpful if the Board considered changing the time to accommodate work schedules.

Mr. Lynch further stated that he would encourage RWSA to move as expediently as possible with the dredging survey Request for Proposal (RFP). He appreciated that the Executive Director has prepared a memorandum outlining some options and providing a strategy by which an RFP could be prepared by July 9, 2008. He reminded that in 2005 the Piedmont Environmental Council (PEC) asked CTI, a firm that conducts sediment analyses, to prepare a draft RFP for their organization. Mr. Lynch forwarded CTI's report to Mr. Frederick, and he felt that PEC also probably sent a copy to Mr. Frederick as well as to the Board. Mr. Lynch felt that the draft RFP would be a good "starting point" and that we "don't need to reinvent the wheel." There have been a number of dredging companies that have talked to his group in recent months and have provided additional information that could assist in the development of an RFP by July 9. Mr. Lynch would encourage RWSA to release an RFP by July 1. He realized that it was an "aggressive time schedule but certainly not impossible."

Mr. Lynch also commented about the recent discussion concerning the number of public meetings held by RWSA on the Community Water Supply Plan strategy. He would encourage RWSA and the members of the public to review the meeting minutes for the first public meeting held on September 21, 2004. Breakout sessions were held during that meeting where members of the public participated and could provide input on the five alternative that were "on the table" at that time. He felt it was probably the only "unscripted" meeting of those series of public outreach meetings. You will see by reading the breakout session notes that "hands down" the dredging option had the most support and the least number of "down sides." All three breakout groups agreed that "dredging was something we should be doing already." Where the other supply options had several challenges, the main challenges for dredging related to when it should be undertaken, the method, and what to do with the material. As previously mentioned by Ms. Mooney, the City Councilors and the Board of Supervisors have made it clear that the time to undertake that option is now. He also reminded that when the Authority was formed back in 1978 by the Four-Party Agreement, Rivanna agreed as part of its reciprocal responsibility in taking a lease of the water in the City-owned reservoirs to maintain those reservoirs. He felt it was time to "live up" to that responsibility, and it was almost past time because the Four-Party Agreement expires in almost four years. He hoped four years from now that he could say that "Rivanna has met its responsibility, maintained the reservoirs and the facilities that it is leasing now from the City, and has operated in a responsible manner." He felt however that there was some "make-up" work that needed to be done in those four years.

Mr. Pat Enright, who works for Dominion Development Resources and resides in the Earlysville area of the County, next thanked and expressed his appreciation to City Council and the Board of Supervisors for looking again at dredging because he felt it was good for the community. A dredging survey has been requested, but it has not been very descriptive beyond that point. He offered as perhaps an alternative to conduct a bathymetric survey of the reservoir to identify if there is sediment, how much, and its composition. What he has been hearing in the community is that dredging is a great alternative because it is less expensive. He felt the most important question about dredging has not been answered and has not yet really been investigated ... "What are we going to do with the spoils when we've got it?" He would recommend as step 1 the identification of a site and then completing at least most of the permitting process, which would answer the most important question. Once receipt of a permit has been assured, then money can be spent as a community on addressing the other sediment issues. He felt that until the questions

about how the sediment will be used and where it will be stored, “anything before that would be premature and perhaps a waste of money.” The community could spend a lot of money as has been done in the past without finding a “solid solution.”

Mr. Gaffney thanked the members of the public who spoke today for their valuable input and for keeping their comments within the five-minute time frame.

### **5.0 Consent Agenda**

Mr. Gaffney asked if there were any items that the Board members would like to pull for questions or further discussion from the Consent Agenda.

- 5a) Staff Report on Finance
- 5b) Staff Report on Operations
- 5c) Staff Report on On-going Projects
- 5d) Procurement – Camelot WWTP Inflow Equalization Pump Station
- 5e) Investment of Fund in the Certificate of Deposit Account Registry Services

**Mr. Tucker moved that the Board of Directors vote to approve Items 5a), b), c), d), and e) of the Consent Agenda, seconded by Mr. Fern. The motion was approved by a 5 – 0 vote.**

### **6.0 Other Business**

In regard to **Item 6a), Virginia Department of Health 2007 Excellence in Granular Media Filter Water Treatment Plant Performance Award**, Dr. Wichser recognized Mr. Steve Kvech, District Engineer for the Virginia Department of Health’s Office of Drinking Water, who was in attendance to present the award to Mr. David Golladay, Manager of the Water Department.

Mr. Kvech next stated that he was the District Engineer for the Thomas Jefferson Health District. For the past few years, his office has graded all the surface water plants in the state based on their monthly reports related to treatment objectives – infiltration, sedimentation, and filter backwash. This year the North Rivanna Water Treatment Plant and the Crozet Water Treatment Plant each was awarded the 2007 Bronze Award for infiltration. Mr. Kvech then presented the awards to Mr. David Golladay on behalf of those two facilities.

In regards to **Item 6b, Board Update on the Moores Creek WWTP Nutrient Removal Project**, Mr. Frederick stated that this report was an update on the proposed significant upgrade to the Moores Creek facility, which provides most of the wastewater treatment to the urban area. Mr. Frederick next reported that in 2005, the Virginia State Water Control Board (SWCB) adopted allocations to each of the significant wastewater plants throughout the Chesapeake Bay watershed area of Virginia in response to the initiative to reduce the amount of nutrients in wastewater discharges to the Chesapeake Bay and its tributaries. The SWCB established a nitrogen allocation for the Moores Creek WWTP equivalent to 6.0 mg/L or parts per million at the design capacity of 15 million gallons per day (mgd). Under the SWCB regulations, facilities were allowed three options to meet the allocation: upgrade treatment facility to exactly meet the number in the allocation; upgrade treatment to achieve reductions beyond the number in the allocation and sell nitrogen credits; or purchase credits in order to obtain the allocation.

Mr. Frederick then commented that RWSA hired a consultant in 2006 to conduct some studies in order to prepare a Preliminary Engineering Report (PER). Based on historical data available at that time, the consultants selected 25 mg/L as the target for the amount of nitrogen that was expected to enter the facility. RWSA then chose to meet an effluent goal of 5.0 mg/L, which is a more aggressive figure than the SWCB allocation in order to sell nitrogen credits. Since that time, the design work has been underway and a state grant has been obtained. The amount and frequency of the data collected related to amount of nitrogen entering the facility has also increased. With the more frequent sampling and better analysis, the consultant has concluded that Moores Creek facility needs to be designed for an influent loading of 30 mg/L instead of 25 mg/L. The proposed facility design as recommended in the PER will not be able to achieve the targeted annual average effluent of 5.0 mg/L without further treatment capability within the facility.

Mr. Frederick next reported that during this process RWSA was in conference with DEQ, who administers the current grant for this project. DEQ indicated that they wanted to see multiple alternatives and a cost analysis comparison. The consultant identified three options to address this finding, which was provided to DEQ:

- Option 1 – Add the ability to provide methanol feed or some type of carbon source feed to the six tertiary filters that are currently being programmed into the facility design in order to assure that the 6.0 mg/L as a target can be met with an influent loading of 30 mg/L, which is less than the performance in the June 2007 Grant Agreement. The estimated capital cost for this option is \$108,000.
- Option 2 – Add another aeration basin with nitrification and denitrification treatment in order to achieve the targeted 5.0 mg/L with an influent loading of 30 mg/L. The estimated capital cost for this option is \$3.4 million.
- Option 3 – Accomplishes the same targeted goal as Option 2 using two additional tertiary filters instead of an aeration basin. The estimated capital cost for this option is \$2.0 million.

Mr. Frederick then commented that Options 2 and 3 have the ability to obtain an annual revenue stream by selling nitrogen credits. Pursuing Option 1 would mean that the facility would no longer be expected to produce credits that could be sold on the market. All three options carry substantially equivalent operating costs, but the nitrogen credits provided by Option 2 and 3 should result in annual revenues somewhere between \$50,000 to \$75,000, based on the price of credits on the market in a given year.

Mr. Frederick next stated that after consideration of the options, RWSA and DEQ have agreed that Option 2 should be eliminated because it achieves no better performance than Option 3 but at a greater cost. Further comparing Options 1 and 3, there are some advantages of considering Option 3 with the better performance that go beyond the immediate issue of capital cost. If the Commonwealth supports the additional two filters, the grant office would agree to fund 60% of the \$2.0 million cost, meaning the Authority could obtain these filters for an estimated local expense of \$800,000. Option 3 also maintains the revenue stream from the sale of nitrogen

credits. In addition, RWSA expects that the Moores Creek facility will be expanded in its capacity in the 2017 to 2022 time frame, and those two additional filters would be needed in order to achieve limits of technology treatment. It would be reasonable to presume that grant money will not be available if the two filters were built at a later time. Additionally, the higher performance of Option 3 improves water quality in the Rivanna River as well as the tidal James River and the mouth of the Chesapeake Bay. Finally, DEQ is currently conducting some research that might lead to future regulations on nitrogen levels in all streams throughout Virginia, including those that are not in the Chesapeake Bay. Indication from the early data suggests that future limits could be more aggressive than 6.0 mg/L for total nitrogen.

Mr. Frederick then noted that during RWSA's discussions with DEQ, the agency would not fully endorse the 60% grant participation on the basis of an estimated cost of \$2.0 million. They are requesting that RWSA take alternate bids, and if it has been confirmed that the low construction bid received is acceptable to DEQ, they may agree to fund the 60% of the total cost of the two filters. DEQ wants to retain the option if the bids are too high to withdraw the support for the grant funding. If the grant funding is withdrawn, DEQ must amend RWSA's Grant Agreement to a total nitrogen performance equivalent to 6.0 mg/L instead of 5.0 mg/L.

Mr. Frederick next stated that based on those considerations RWSA recommends that the Board authorize increasing the contract for design services for the Moores Creek WWTP by \$82,000 to design the two additional filters that would allow the facility to maintain a performance of 5.0 mg/L for total nitrogen based on an assumed influent load of 30 mg/L. RWSA further recommends that the bid packages be prepared as DEQ has suggested with the alternate bidding process.

Mr. Tucker then inquired if at this time there was a timeline for DEQ to withdraw grant monies for this project. Mr. Frederick stated that DEQ indicated they would not sign an amendment to the Grant Amendment until bids were in place. Once the Grant Agreement has been signed, it is a firm contractual commitment with the one caveat that he has mentioned to the Board on several occasions related to the Legislature funding the Water Quality Improvement Fund (WQIF) to the level of the commitments that DEQ is making to communities across Virginia. RWSA was anticipating that by 2009 or 2010 more legislative appropriation to the fund would be needed to prevent the fund from becoming depleted. Mr. Tucker further questioned if RWSA could revert to implementing Option 1 if there no additional legislative funding. Mr. Frederick replied that if RWSA became aware that the funding would run out before making a decision to award the contract, then Option 1 might be a possibility. But based on current scheduling, RWSA's decision to begin construction will occur before legislative funding becomes critical. The language in the Grant Agreement does imply that if DEQ has committed to fund a grant for a certain amount of money and there is no money in the fund at that time, RWSA would be eligible to be reimbursed if an appropriation were then made by the Legislature at a later time. Mr. Frederick felt it was important to continue to impress upon the legislators the need for their continuing appropriation of monies to the fund and the impacts for not taking that action.

Mr. Fern next asked if DEQ indicated that they would not fund Option 1. Mr. Frederick stated that DEQ would fund 60% of the estimated \$108,000. If RWSA chose Option 1 and before

being granted the performance at 6.0 mg/L, DEQ would request a public comment period and possibly allow the holding of a public hearing.

Mr. O'Connell then inquired if there was a significant difference between 6.0 mg/L and 5.0 mg/L. Mr. Frederick stated that there were several variables when determining how nutrients affect streams. A small amount of nutrients is actually beneficial to streams because it provides lower level aquatic organisms food sources to propagate. Too many nutrients in the streams under certain conditions produce massive algal growths and become a blanket that prevents sunlight from reaching submerged aquatic grasses. However, riparian forests that provide a tree canopy over a stream, limiting sunlight transparency, can inhibit algal growth. Scientists were learning more about the complex issue of exactly how much nitrogen would be detrimental to streams. It would be difficult to quantify the effect on streams based solely on the Moores Creek Plant's total nitrogen performance, but the Commonwealth was looking at the cumulative effect from all the communities.

Mr. Fern then questioned if DEQ indicated an amount over \$2.0 million that they would not approve. Mr. Frederick stated that DEQ did not quantify an amount at this point in the process. Mr. Fern further inquired if RWSA would be required to choose Option 1 if the bids received for the two tertiary filters were too high. Mr. Frederick replied that it would depend upon whether DEQ or RWSA chose not to accept the bids as to the next course of action, but a change in performance would require a public comment period.

Ms. Mueller next asked if Mr. Frederick had gotten any indication through discussions with his counterparts around the Commonwealth as to how RWSA compared to the other treatment facilities at this stage in the process. Mr. Frederick stated that on the whole, RWSA was ahead of most of the utilities in Virginia in addressing this issue. Ms. Mueller then commented on the possible advantages to being "ahead of the game" related to the construction market. Mr. Frederick replied that he felt it was very important that RWSA continue to proceed with this project so that the request for bid process could be initiated as soon as possible. The continuing significant inflation in the construction market has been a great concern of RWSA staff since 2005, which affects all the cost estimates on all projects provided to the Board. The impacts of the rising fuel prices to commodities has begun to level off, and it was another reason to proceed with the project before there is another inflationary trend.

Mr. Gaffney then inquired if RWSA has projected that it would be able to sell nitrogen credits, and if so, how long of a time frame. Mr. Frederick stated that the Moores Creek facility could continue to sell credits as long as the facility was performing beyond its allocation. He added that it was beyond the Authority's control if the regulations changed the facility's allocation. Mr. Gaffney further questioned if the facility would need future upgrades to meet further changes in its nitrogen allocation. Mr. Frederick replied that it was unknown at this time where that number will be set.

Mr. O'Connell next inquired if other states around Virginia had set different allocation levels. Mr. Frederick stated that he was not aware of many states that were ahead on this issue and established statewide criteria. Dr. Wichser added that other states around the country were considering even lower performance figures. Concerning the surrounding states, Maryland was

“in line” with Virginia but there were some issues in Pennsylvania, where there was a lawsuit due to lack of state funding for the projects. Mr. Frederick also commented that he understood from previous reports that prior to 2005 Virginia “lagged” behind other states on the Chesapeake Bay initiative, but in the past few years Virginia has progressed to being considered a leader on this issue. The wastewater industry in Virginia has been widely complimented for “grabbing the bull by the horn” and “taking off” with this process. The Chesapeake Bay Foundation has indicated that the wastewater industry is far ahead of most of the other industries, especially non-point sources, in addressing the clean-up of the Chesapeake Bay.

**Mr. Fern moved that the Board of Directors vote to approve adding two additional tertiary filters to the bid documents for the Moores Creek WWTP ENR project with bid procedures that allow a deduct price if RWSA and DEQ chose after bidding not to construct the new filters, with the condition that DEQ will amend RWSA’s Grant Agreement to a total nitrogen performance equivalent to 6.0 mg/L in the event DEQ chooses after the bid opening not to provide additional grant funding at 60% of total cost for the two additional filters. Mr. Fern further moved that the Board of Directors authorize the Executive Director to execute an additional Work Authorization with Hazen and Sawyer for the lump sum amount of \$82,000 for the design of two additional filters and to provide bid instructions for alternative bid pricing, with an additional allowance of up to 10% as contingency to be used only if necessary. Both motions were seconded by Mr. O’Connell.**

Prior to the vote, Mr. Gaffney questioned if RWSA would still have the opportunity to choose Option 1 after spending the \$82,000, and Mr. Frederick replied in the affirmative. Mr. Tucker next commented that with other states considering even lower performance numbers and as Mr. Frederick mentioned, there was the likelihood that the SWCB would set future performance levels below 6.0 mg/L, he felt it would be wise at this time to proceed with the design work for the additional tertiary filters.

**As there were no further questions or discussion, the Board of Directors approved the motions by a 5 – 0 vote.**

In regards to **Item 6c), Maintenance of the SFRR Study**, Mr. Frederick stated that as previously discussed today, the Charlottesville City Council and the Albemarle County Board of Supervisors reaffirmed a second time their unanimous approval of the Community Water Supply Plan. Both entities also called for a study separate from the Community Water Supply Plan related to the SFRR, which included viability and merits of maintenance dredging, siltation prevention, and other appropriate initiatives to protect and enhance aquatic health and water quality of the reservoir as long-term resources for the community.

Mr. Frederick further reported that after further review of the resolutions to better understand their intent, the stated goal is high water quality, and the purpose behind the goal is to enhance the reservoir’s resources to the community. Although “resources” were not “spelled out” in the resolutions, many people have included recreational, aquatic natural and wildlife resources, as well as water supply, and possibly others.

Mr. Frederick next commented that the staff was providing guidance to the Board on how to proceed with implementing the study of the SFRR as requested by the two elected boards. Some comments that he has heard in this community since receiving the two resolutions included expediting the study and forming a task force to more clearly define the purpose of the study. RWSA wanted to ensure that concerns of the elected officials, the RWSA Board, and as much of the community as possible were reflected in this process. Staff was suggesting that a parallel track be undertaken, recognizing that these tracks will come together in the coming weeks. The first one would involve issuing an RFP by July 8, 2008 listing some areas of expertise required of prospective consultants in preparing the study. Parallel to the RFP process, a meeting represented by the four local boards would be scheduled before July 4 to identify the need, make-up, goals, and directive of the task force. Staff has suggested one way of accomplishing this is through the four board chairmen. If the RFP is released on schedule, RWSA would begin receiving proposals in the early August time frame. If at that time the task force is able to provide some assistance in developing a more specific scope of work, then RWSA can identify how to select a consultant and negotiate a contract based on the task force's input.

Mr. Frederick then stated that listed at the top of page 2 of his memorandum are some suggestions as to the areas that RWSA felt the consulting team should be qualified to perform. At this point, a specific scope or specific sequence of this work is not specified.

Mr. Frederick next addressed the issue of how to fund the study. Discussions in this community have suggested that there might be multiple funding sources since citizens take advantage of the reservoir for many different reasons. Since a funding strategy will take time to develop, RWSA can offer an existing \$300,000 in reserve for watershed protection as an advance to move the study forward.

Mr. Tucker then asked Mr. Frederick about whether or not the RFP that will be sent out on July 8 would necessarily have a scope of work attached. Mr. Frederick replied that the RFP would not have a specific scope of work, but it will identify what was felt to be the areas of possible study that require expertise to perform. Mr. Tucker next inquired if RWSA was really requesting the various consultants to submit their qualifications for this project, and then the task force would help develop within a broad perspective the scope of work. Mr. Frederick replied that RWSA would be seeking the qualifications from consulting firms and would also hope to receive from those firms their ideas as to how they felt the study could be approached. This specific information is helpful in assessing the qualifications of the consultants.

Mr. Fern next inquired if RWSA expected the task force to select the consultant based on the scope of work that is developed by the group. Mr. Frederick stated that RWSA anticipated that the task force would help define the purpose of the study.

Mr. O'Connell then asked Mr. Frederick if the remarks made during the public comment portion of the meeting concerning this issue were addressed in his memorandum to the Board. Mr. Frederick felt that RWSA's recommended approach was broad enough to cover all the issues discussed today. Mr. Gaffney then added that he did not see the identification of specific land as an area of study to be undertaken. Mr. Frederick replied that finding a suitable disposable site is

a part of the study and referenced the 10<sup>th</sup> line on the second page of his memorandum that read: "...identifying potential markets and disposal sites for dredged spoil, ..."

Mr. O'Connell next commented that he was in favor of bringing the four board chairmen together since he felt this could be scheduled fairly quickly and would represent all the different viewpoints under discussion. Although the City Council resolution was specific about conducting the study, there were still some questions about the next steps in the process. He also felt that the parallel approach recommended by RWSA addresses City Council's request on that matter.

Mr. Fern then stated that it appeared there will not be any expenditure of funds until after the task force defines the scope of the study. Mr. Gaffney also commented that RWSA was not requesting the expenditure of money but offering the reserve as a potential funding source. He then inquired if the reserve was for a specific fiscal year or was carried over from year to year. Mr. Frederick stated that reserve funds can be carried over from year to year, and these specific funds had accumulated over several years.

**Mr. Tucker moved that the Board of Directors vote to proceed with moving forward with implementing the study of the South Fork Rivanna Reservoir as recommended by Mr. Frederick at today's meeting, seconded by Mr. O'Connell. The motion was approved by a 5 – 0 vote.**

#### **7.0 Other Items from Board/Staff not on the Agenda**

There were no other items from the Board of staff not on the agenda.

#### **8.0 Meeting Recess**

**Mr. Tucker moved that the Rivanna Water & Sewer Authority Board of Directors Meeting be recessed at this time and be resumed during the Rivanna Solid Waste Authority Board of Directors Meeting in order to enter into a joint closed meeting with the Rivanna Solid Waste Authority Board to discuss a confidential personnel matter, seconded by Ms. Mueller. The motion was approved by a 5 – 0 vote, and the meeting was recessed at 2:55 p.m.**

#### **9.0 Resumption of Open Meeting**

**Ms. Mueller moved that the Rivanna Water & Sewer Board of Directors resume its open meeting, seconded by Mr. Tucker. The motion was approved by a 5 – 0 vote, and the meeting was resumed at 3:08 p.m.**

#### **10.0 Joint Closed Meeting**

**Mr. Tucker made the following motion, which was seconded by Ms. Mueller:**

**RESOLVED that the Board of Directors of the Rivanna Water & Sewer Authority enter into a joint closed meeting with the Rivanna Solid Waste Authority Board to**

**discuss confidential personnel matters as permitted by Section 2.2-3711.A.1 of the Code of Virginia.**

**The motion was approved by a 5 – 0 vote, and the Board of Directors of the Rivanna Water & Sewer Authority went into a joint closed meeting with the Board of Directors of the Rivanna Solid Waste Authority at 3:09 p.m.**

**ATTENDEES:** Mr. Fern, Mr. Gaffney, Ms. Mueller, Mr. O'Connell, Mr. Tucker, Mr. Krueger, and Mr. Frederick (part of the closed meeting).

#### **11.0 Resumption of Open Meeting**

The RWSA Board of Directors concluded its closed meeting and resumed its open meeting at 3:40 p.m.

**Mr. Tucker made the following motion, which was seconded by Mr. Tucker:**

**WHEREAS, the Rivanna Water & Sewer Authority has convened a joint closed meeting with the Rivanna Solid Waste Authority on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by the Rivanna Water & Sewer Authority that such closed meeting was conducted in conformity with Virginia law;**

**NOW, THEREFORE, BE IT RESOLVED that the Rivanna Water & Sewer Authority hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Rivanna Water & Sewer Authority.**

**There being no further discussion Mr. Gaffney called for a roll call vote: Ms. Mueller – Aye, Mr. O'Connell – Aye, Mr. Gaffney – Aye, Mr. Tucker – Aye, and Mr. Fern – Aye.**

**Mr. Fern next moved that the Board of Directors vote to increase the annual salary of the Executive Director of both the Rivanna Water & Sewer Authority and the Rivanna Solid Waste Authority by 5.55% effective July 1, 2008, seconded by Mr. Tucker. The motion was approved by a 5 – 0 vote.**

**12.0 Adjournment**

**There being no further business, Ms. Mueller moved that the meeting be adjourned, seconded by Mr. O'Connell. All members voted aye, and the meeting was adjourned at 3:42 p.m.**

Respectfully submitted,

---

Mr. Robert W. Tucker, Jr.  
Secretary-Treasurer