



# RIVANNA WATER & SEWER AUTHORITY

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## RWSA BOARD OF DIRECTORS

### Minutes of Regular Meeting

October 22, 2007

A regular meeting of the Rivanna Water & Sewer Authority (RWSA) Board of Directors was held on Monday, October 22, 2007 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. Bruce Edmonds, Mr. Tom Frederick, Mr. Chuck Kent, Ms. Mary Knowles, Ms. Michelle Simpson, Mr. Norman Wescoat, Ms. Jennifer Whitaker, Dr. Robert Wichser, and Mr. Lonnie Wood.

**Also Present:** Mr. Kurt Krueger – RWSA Attorney, 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. Michael Gaffney on Monday, October 22, 2007 at 2:00 p.m., and he noted that a quorum was present.

### 2.0 Minutes of Previous Board Meeting

Mr. Fern noted one correction to page 3 of the minutes of the regular Board meeting held on September 24, 2007. He suggested that in the fourth line of the first paragraph, the word “manner” be changed to “matter.”

**Mr. Robert Tucker moved that the Board of Directors vote to approve the minutes of the regular Board meeting held on Monday, September 24, 2007 as amended by Mr. Fern, seconded by Mr. O’Connell. The motion was approved by 5 – 0 vote.**

**Mr. Robert Tucker moved that the Board of Directors vote to approve the minutes of the special meeting of the Board held on September 13, 2007 concerning resources implementation strategy for the Community Water Supply Plan, seconded by Mr. O’Connell. The motion was approved by a 5 – 0 vote.**

### 3.0 Executive Director’s Report

There was no Executive Director’s Report this month.

### 4.0 Items from the Public

Mr. John Martin, who resides in Free Union, Virginia, commented on the letter submitted by RWSA to the Virginia Department of Environmental Quality (DEQ) dated September 27, 2007 concerning the draft permit for this community’s future water supply. He recalled that in August



2000 RWSA went before the Board of Supervisors and City Council in response to citizen initiatives and proposed a release for the Moormans River of 0.4 million gallons per day (mgd), which was approved by both of those entities. After the 0.4 mgd release was instituted, a ceremony was held on the dam. Although there were some concerns that this amount might not be enough, most everyone was pleased with the outcome. "We believed you. We trusted you. We relied upon you." When RWSA submitted the permit application, a 0.4 mgd release was proposed, which DEQ indicated that it would enforce. However, statements were made in RWSA's September 27, 2007 letter to DEQ that ... "We don't have the equipment. We can't be really sure about the 0.4 mgd figure until we get the equipment in place." Mr. Martin then asked, "What exactly has been released for the last seven years ... it kind of hurts to know now that nobody really knew." Although RWSA has submitted a number of comments and objections to certain terms in the draft permit, there appears to be only one "deal breaker," which concerned the downstream flow requirements. Mr. Martin then quoted the following statements from that letter: "The problem created by imposing strict numerical downstream flow requirements when no facilities or operating history exist that have a demonstrated ability to control flows from the required degree of precision is of great importance to the Authority. In fact, the Authority simply cannot accept a permit which fails adequately to address this issue." Mr. Martin did not feel that RWSA would withdraw its permit application but meant that the Authority would not agree to a permit. Negotiations seem to be at a "complete impasse" over this issue with DEQ. Mr. Martin further stated that Mr. Frederick indicated in today's Board packet that the Authority did not expect a permit to be issued in 2007. If this matter cannot be resolved in the very short term, then DEQ should publish the notice in *The Daily Progress* to start the 30-day comment period. A public hearing will then be held where the Authority, as well as citizens, could "present its case." Mr. Martin felt that this action was needed in order to move the process forward.

Mr. Carl Ackerman, who resides at 1611 E. Market Street, Charlottesville, VA, stated that this last month has been the worst month in terms of odor since he has been living in Charlottesville for the past 16 years. He felt that the process for reporting odor complaints to RWSA has completely outlived its usefulness. It appeared that all that was required by staff was to either "check off" that an odor complaint was taken, or Authority staff would come to that location to verify that an odor could in fact be detected as if to doubt whether the caller actually smelled what was being reported. While coming home from Buford Middle School this past month, he could smell the sewage treatment plant on Monticello Road, smelled it all the way home, and smelled it sometimes in Meade Park. He felt it was "really out of control." Mr. Ackerman did speak to Mr. Wescoat about the odor issue and agreed with the assessment that it probably was related to the drought in terms of lower flows. Mr. Ackerman also wondered what kind of volatile organic compounds (VOCs) were being emitted from the Moores Creek plant and whether DEQ needed to analyze the emissions. He also questioned the impact odor had on housing prices when people come to your house and say, "Wow, that's a sewage treatment plant." People who live in the Woolen Mills neighborhood are also being regarded as "some kind of expert" on sewage treatment plant odor. He felt that something had to change soon. The idea that after 16 years, the issue was still being studied meant that either the plant was located too close to residents or the intent was to site the plant near renters who would not complain about the odor. "The City is growing up around this plant, and the plant has to change the way it smells or it can't be here and it certainly can't grow."

Ms. Victoria Dunham, who resides at 2000 Marchant Street, Charlottesville, VA, is the Co-President of the Woolen Mills Neighborhood Association. She echoed Mr. Ackerman's comments and added that their group was now gathering data from other surrounding neighborhood since people smell the odor in the Belmont/Downtown areas as well. She had a report from the Belmont-Carlton Neighborhood Association and planned to plot on a map the areas where odor was detected to determine the extent of the problem. She requested that as part of the study being conducted by RWSA a questionnaire be sent out with return postage paid in order to better identify areas where odor from the Moores Creek plant was being reported. She felt a survey would be helpful since it has been perceived as a Woolen Mills problem. While eliminating the compost odor has helped "immensely," it did not address the odor problem that was noticeable upon arriving at this meeting. This situation has been going on for a very long time. Ms. Dunham understood that certain guarantees were given to people who resided in surrounding neighborhoods a long time ago that odor would not be an issue if approval was given for the plant to be located at this site. She requested information on what assistance the neighborhood associations could provide, when the study was scheduled to be completed, and what were the next steps in the process.

Ms. Jerry McCormick-Ray, representing Citizens for Albemarle, first thanked the Authority for making the public aware of the costs associated with the new dam and the future water supply. The group was concerned with the escalating costs of the plan and then with the diminishing supply of fresh water that was being seen in the area's reservoirs and streams, which was affecting a diversity of animals that the community cares about. Spring Creek, which feeds into the fishing lake, is completely filling up with sediment because of two houses that were built on critical slopes. She was concerned with the drought, the escalating costs, the County's lack of attention to a very dire need that was happening across the United States ... drying up ... wells going dry ... fires occurring in Southern California. "We hope that the wisdom that we have in our community can be put to good use for our water."

In response to a citizen's comments about a study being conducted by RWSA, Mr. Frederick confirmed that a study of capital improvements needed at the Moores Creek Wastewater Treatment Plant to continue the progress of odor control was on schedule to be presented to the Board in December 2007. He has also been receiving reports that operations procedures continue in full force to mitigate odors in the best possible manner within the limitations of current facilities. Recirculation of some of the plant effluent to the front end of the plant has recently begun, which helps with both treatment and odor issues during low flow periods. He felt that the December report would fully outline the resources needed to address this issue and continue on a track that would be acceptable to this community.

Mr. Gaffney thanked all the members of the public who submitted comments at today's meeting.

## **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) Personnel Rules & Regulations Changes (Continued from September 2007)**

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

**6.0 Other Business**

In regards to **Item 6a), Drought Warning Update**, Mr. Frederick reported on the impact that the recent rain had on stream flows and reservoir levels. Although areas within the watershed area received between 0.5 to 0.6 inches of rain, there was minimal impact on stream flows. None of Rivanna's reservoir levels were higher today than last Friday morning. RWSA is most critically concerned with the Sugar Hollow Reservoir, as its level was actually lower today than on Friday.

The reservoir is operating today at 41% of usable storage volume as compared to when it is at full capacity. The South Fork Rivanna Reservoir (SFRR) is down just over 1 foot, which is not as much of a concern since it has a very large watershed area. Every model run under every scenario condition shows the SFRR easily filling up this winter. The Authority was strongly emphasizing the use of its South Fork treatment facility at this time, minimizing the operation of the Observatory Water Treatment Plant to only what is necessary to prevent low pressure in the service to the southern part of the urban system. The issuance of the Drought Warning in tandem with the strong response of the public to conserve water has allowed the Observatory plant to be operated on an average of less than 1 mgd. Since the Drought Warning was declared on August 15, 2007, the demand figure has been reduced to 9.9 mgd as of today. By comparison, during August through October 2006 average water demand approached 12 mgd.

Mr. Frederick next encouraged anyone who was interested in reservoir and drought management to review the report published by RWSA on October 11, 2007. The report responded to specific questions from some elected officials and other citizens in the community on RWSA's proactive approach to current drought conditions. The document is accessible from the Home page of RWSA's website. The report states that if the Drought Warning had not been imposed and if the water conservation that had been achieved in this community had not been requested, the Sugar Hollow Reservoir would have been down to 20% of usable storage as of October 11, 2007. A rerun of the calculation conducted this morning indicated that the Sugar Hollow Reservoir would be further reduced to 5% of usable storage as of today if the community's water conservation efforts had not occurred. He expressed his appreciation to everyone who contributed toward this conservation effort. He also understood the inconveniences that some citizens experienced with the implementation of those measures, but he felt that the overall goals achieved for the benefit of the entire community outweighed any of the "cons" associated with this issue.

Mr. Frederick then reported that while the weather pattern remained abnormally dry, the Authority would continue its current mode of operating the Observatory Water Treatment Plant at the absolute minimum possible without causing pressure problems in the south end of the urban water system. RWSA will continue to monitor the weather and ongoing stream and reservoir conditions.

Mr. Frederick next responded to questions posed by some about the prognosis for the future. He stated that no definitive answers can be provided at this time due to the uncertainty of predicting

future weather patterns. Historical records offer the best indicators on probabilities of future conditions that will face the Authority. The winter of 2001-2002 is being used in current modeling since it was among the driest winters on record. The October 2001 stream flow data is remarkably similar to the stream flow data currently being measured. Even using 2001 data in addition to current reservoir conditions as a forecast for future stream flows, there is every indication that the SFRR will refill without too much difficulty since there is less environmental stress impacting water levels during the winter months. RWSA also has confidence that the Beaver Creek Reservoir will refill. There is enough capacity in the pipeline between the Sugar Hollow Reservoir and the Ragged Mountain Reservoir that through transfers the Authority can refill the Ragged Mountain Reservoir by April 2008. The Authority's modeling for the Sugar Hollow Reservoir indicates that if the 2001-2002 winter hydrologic conditions were repeated this year, the reservoir might not refill by April 2008. This is a deep concern to RWSA in the event that abnormally dry weather conditions occur next summer. The Authority feels that every possible precaution needs to be taken in its drought management programs and policies so that the Sugar Hollow Reservoir will refill by April 2008.

Mr. Frederick then stated that the Authority continues to recommend that as long as there is the scenario where the Sugar Hollow Reservoir might not refill by April 2008, the Drought Warning conditions need to be kept in place. RWSA was monitoring a potential significant rainfall event forecast this week for the area. If a significant storm bringing several inches of rain occurs, the Authority will re-evaluate its modeling to determine if the Drought Warning needs to remain in place.

Mr. Frederick next requested that the Board extend the authority of the Chairman for 30 days to lift the Drought Warning in the event a substantial rain event mitigates the drought risk.

Mr. Fern inquired if the time frame for the Chairman's authority to lift the Drought Warning could be left open. Mr. Tucker agreed with Mr. Fern's suggestion. He felt it was important that the public understand that current conditions warrant the continuation of this action. He was pleased with the community's water conservation efforts, which he felt gave validity to the proactive approach taken during the current drought conditions.

**Mr. Tucker moved that the Board of Directors vote that the Drought Warning declaration be continued until further notice and also extend the Chairman's authority on an open-ended basis to cancel the Drought Warning if future wet weather sufficiently mitigates the risk, seconded by Ms. Mueller. The motion was approved by a 5 – 0 vote.**

In regards to **Item 6b), Design Services – Stream and Wetland Mitigation for Ragged Mountain Dam**, Mr. Frederick that he would present this report for Ms. Andrea Terry, RWSA Watershed Manager, who was unable to attend today's meeting.

Mr. Frederick reported that a Request for Proposals was sent out in June 2007 to hire a consulting firm in the environmental field for Stream and Wetland Mitigation Final Design Services for the New Ragged Mountain Dam project. RWSA received four proposals, and after further review, Vanasse, Hangen, Brustlin, Inc. (VHB) was selected as the most qualified consultant for this project. Negotiations between RWSA and VHB concerning the fee have been

completed, with a proposed contract ceiling of \$419,000. Fees will be paid on a time and materials basis, and work includes the design, extensive regulatory support, survey work, development of the conservation easement language and documents that would be supported with legal counsel for the purpose of recording the documents, as well as bidding, construction phase services, and public outreach activities.

Mr. Frederick next stated that RWSA staff recommends moving forward with the award of this contract. If the Board does approve this action, staff will meet with VHB to develop a project schedule in a way that project elements are not implemented until the Authority has received regulatory approval.

Mr. Fern then stated that in the Capital Improvement Project (CIP) budget, \$250,000 has been approved for this project in 2008 and \$600,000 and beyond in 2009 and inquired if RWSA intended to carry this project through both of those fiscal years. Mr. Frederick replied in the affirmative and stated that carrying the project through both fiscal years was consistent with the CIP budget.

**Mr. Tucker moved that the Board of Directors authorize the Executive Director to execute a Consulting Services Agreement with VHB, Inc. for Stream and Wetland Mitigation Professional Services in the amount not to exceed \$419,000, with the discretion to execute amendments in an amount up to 10% of the contract amount only if necessary, seconded by Mr. Fern. The motion was approved by a 5 – 0 vote.**

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

There were no other items from the Board or staff not the Agenda.

#### **8.0 Closed Meeting**

There was no need for a closed meeting.

#### **9.0 Adjournment**

**There being no further business, Mr. Fern moved that the meeting be adjourned, seconded by Ms. Mueller. All members voted aye, and the meeting was adjourned at 2:30 p.m.**

Respectfully submitted,

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