

RWSA BOARD OF DIRECTORS
Minutes of Regular Meeting
November 24, 2003

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Monday, November 24, 2003, at 2:01 p.m., in the Conference Room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board members present: Mr. William Brent, Mr. Michael Gaffney – Presiding, Mrs. Judith Mueller, Mr. Gary O’Connell and Mr. Robert Tucker.

Authority staff present: Ms. Anne Bedarf, Mr. Bruce Edmonds, Ms. Kathy Ware, Mr. Norman Wescoat, Ms. Jennifer Whitaker, Mr. Robert Wichser, Mr. Lonnie Wood and Mrs. Mary Knowles.

Also present: Mr. David Bowler – Watershed Manager for Albemarle County, 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, November 24, 2003 at 2:01 p.m., and a quorum was present.

Mr. Gaffney welcomed fellow Board members and members of the public who were in attendance at the meeting.

2.0 Minutes Of Previous Board Meeting

Mrs. Mueller noted one correction to the October 27, 2003 minutes. She stated that on page 5, line 7, “asset” should read “access.” Upon a motion by Mr. Tucker, and seconded by Mr. O’Connell, the Board of Directors by a 5 – 0 vote approved the minutes of the regular Board meeting held on Monday, October 27, 2003, as corrected.

3.0. Items From The Public

There were no items from the public.

4.0 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.

- 4a) Staff Report on Finance
- 4b) Staff Report on Operations
- 4c) Staff Report on On-going Projects
- 4d) Community Water Supply Update

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4.0 Consent Agenda Cont.
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Upon a motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors by a 5 – 0 vote approved Items 4a), b), c), and d) of the Consent Agenda.

5.0 Other Business

In regards to **Item 5a), Regulatory Update**, Mr. Gaffney asked that Mr. Bob Wichser come forward at this time to give his report.

Mr. Wichser reported first on the impact of Cryptosporidium monitoring on RWSA operations. He stated that Cryptosporidium monitoring is based on the United States Environmental Protection Agency's (USEPA) Long Term Stage 2 Enhanced Surface Water Treatment Rule. He further stated that this rule is set to further enhance the protection of the public's drinking water by requiring utilities that serve areas with populations over 10,000 to monitor for Cryptosporidium. Mr. Wichser stated that it would be beneficial to the Authority to initiate the process early to allow adequate planning for any needed capital upgrades and to secure access to one of the few laboratories in the United States that has the capability to conduct the required sampling analyses.

Mr. Wichser stated that RWSA started Cryptosporidium monitoring the first week in November 2003, and a second sampling was taken last week. He also stated that the Authority should receive the sampling results in three to four weeks. He reported that the raw intake data from the Observatory, South Rivanna and North Rivanna Water Treatment Plants would be monitored over a 24-month period, and the results would place RWSA in one of the four USEPA defined risk levels called "bins." He commented that RWSA hopes to be classified in the <0.075 bin, which would require no further system upgrades. He further stated that classification in one of the other bins could result in significant capital expenses.

In response to a question from Mr. Gaffney, Mr. Wichser stated that although there are some watershed protection techniques offered to address Cryptosporidium levels, he felt that advanced water treatment techniques would be needed in 90 percent of the cases to meet USEPA requirements.

Mr. O'Connell inquired if this was a national standard. Mr. Wichser replied in the affirmative and added that utilities serving populations of over 100,000 began Cryptosporidium monitoring in 2001.

Mr. Gaffney asked if the \$51,840 cost for laboratory analysis over a 24-month period was included in the budget. Mr. Wichser stated that the cost was not a part of this year's budget, but it will be next year.

Mr. Wichser next reported on the second regulatory item. He stated that there has been a continual effort since the 1990's by a multi-state task force, consisting of Virginia,

5.0 Other Business Cont.

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Maryland, Pennsylvania and Delaware, to reduce the amount of nitrogen and phosphorus flowing into the Chesapeake Bay. He further stated that in 1996-98, tributary strategies had been developed to lower nutrients in the Potomac, Rappahannock, York and James Rivers. He added that since that time, the Virginia Department of Environmental Quality began developing water quality standards for certain parameters, such as dissolved oxygen, water clarity and chlorophyll a, that could potentially impact the Moores Creek Wastewater Treatment Plant's future nitrogen and phosphorus discharge load.

Mr. Wichser stated that RWSA is a member of the Virginia Association of Municipal Wastewater Agencies (VAMWA). He further stated that VAMWA has been working on the nutrient issue since about 1996, and within the last six to eight weeks the organization has submitted a proposal to Secretary of Natural Resources Mr. Tayloe Murphy, and Mr. Robert Burnley, Director of the Virginia Department of Environmental Quality, which includes the following elements:

- Additional time for cleaning up the tributaries in the Chesapeake Bay by phasing in the nutrient reduction requirements over a number of permit cycles;
- Federal and state grant funding which is not currently available;
- Equitability between the impact on point and non-point sources; and
- The option of "trading," whereby point sources could work together to achieve their nutrient reduction goals.

Mr. Wichser stated that RWSA needs to initiate financial and technical planning in preparation to begin potential upgrades to the Moores Creek Treatment Plant to meet nitrogen and phosphorus removal requirements by the 2008 – 2010 time frames. He also stated that it would be in RWSA's best interest to support VAMWA's proposal.

Mr. Tucker inquired if other localities that are VAMWA members were making similar proposals. Mr. Wichser stated that in 1999 and 2001, there were state monies available in the Water Quality Improvement Fund to provide a 50 percent match for a locality's efforts to upgrade its wastewater treatment facilities for advanced nutrient removal. He added that the fund has since become depleted, and he felt that the majority of cities and counties are in support of the VAMWA proposal.

Mr. Gaffney asked if there were any accurate estimation of point and non-point contributions to nitrogen discharges. Mr. Wichser stated that there have been some very in-depth modeling occurring in the Chesapeake Bay and its tributaries to ascertain the chemical and biological impacts as well as the sediment loads.

In response to a question from Mr. Tucker, Mr. Wichser stated that no Board action was required at this time. He further stated that RWSA was providing this regulatory update to

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5.0 Other Business Cont.

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inform the Board of potential issues that could impact the capital program and operational costs of the Authority.

Mr. O'Connell inquired as to the process RWSA would undertake to determine what operational changes would be needed and the costs associated with meeting future nutrient removal requirements. Mr. Wichser stated that he felt a reevaluation of the data provided by previous consultants would need to be undertaken in 2004-2005 based on an established nitrogen reduction level. Mr. Wood commented that \$850,000 was allocated in this year's Capital budget for a facility plan for the Moores Creek Wastewater Treatment Plant. He stated that he felt these funds could be used for this project.

In regards to **Item 5b), Holiday Schedule**, Mr. Tucker moved, which was seconded by Mr. Brent, that the Board of Directors approve December 26, 2003 and January 2, 2004 as additional holidays for RWSA employees. By a 5 - 0 vote, the motion was approved.

In regards to **Item 5c), Proposed Schedule for 2004 Board of Directors Meetings**, Mr. Tucker moved, which was seconded by Mr. Brent, that the Board of Directors approve the Proposed Schedule for 2004 Board of Directors Meetings. By a 5 – 0 vote, the motion was approved.

6.0 Other Items From Board/Staff Not On Agenda

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

7.0 Meeting Recess

Mr. O'Connell moved, which was seconded by Mr. Tucker, that the Rivanna Water & Sewer Authority Board of Directors meeting be recessed at this time and be reconvened after convening the Rivanna Solid Waste Authority Board of Directors meeting to enter into a joint closed meeting with the Rivanna Solid Waste Authority Board of Directors to discuss the Executive Director selection process. By a 5 – 0 vote, the motion was approved and the meeting was recessed at 2:25 p.m.

8.0 Resumption of Open Meeting

The RWSA Board of Directors meeting was reconvened at 2:35 p.m.

9.0 Closed Meeting

Upon a motion by Mr. Tucker, and seconded by Mr. Brent, the Rivanna Water & Sewer Authority Board of Directors voted to enter into a joint closed meeting with the Rivanna Solid Waste Authority Board of Directors for matters pertaining to personnel issues as permitted under Section 2.2-3711.A.1 of the Code of Virginia to discuss the Executive Director selection process. By a 5 – 0 vote, the motion was approved.

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9.0 Closed Meeting Cont.

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ATTENDEES: Mr. Brent, Mr. Gaffney, Mrs. Mueller, Mr. O'Connell, Mr. Tucker, Mr. Graham (RSA Board of Directors), Mr. Krueger and Mr. Wood.

10.0 Resumption of Open Meeting

The Rivanna Water & Sewer Authority Board of Directors meeting reconvened at 3:30 p.m.

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

“**WHEREAS**, the Rivanna Water & Sewer Authority Board of Directors has convened a joint closed meeting with the Rivanna Solid Waste Authority Board of Directors 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 Board of Directors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Water & Sewer Authority Board of Directors 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 closed meeting to which this certification resolution applies, and (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 Board of Directors.”

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

11.0 Adjournment

There being no further business, Mrs. Mueller moved the meeting be adjourned, seconded by Mr. Tucker. All members voted aye, and the meeting was adjourned at 3:32 p.m.

Respectfully submitted,

Mr. Robert Tucker
Secretary - Treasurer