

MEMORANDUM

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

FROM: THOMAS L. FREDERICK, EXECUTIVE DIRECTOR

SUBJECT: RESPONSES TO PUBLIC COMMENTS

DATE: SEPTEMBER 22, 2009

This report provides a response to comments made at the August Board meeting under “Items from the Public”. Comments were provided last month by two citizens: Ms. Dede Smith and Mr. Hawes Spencer. RWSA staff addressed both comments at the August meeting, and this report summarizes and expands that response.

Comments from Ms. Smith were in reference to a state law passed by the Virginia General Assembly effective November 2, 2005 that requires all cities, counties, and towns in Virginia to develop a local water supply plan or participate in a regional planning unit, with the deadline for regional planning units to submit a plan by November 2, 2011. The City of Charlottesville, Albemarle County, and the Town of Scottsville have all agreed to participate in a regional plan to be developed through RWSA, so the November 2011 deadline applies, and RWSA will develop the documents to meet that deadline. The plans required by the General Assembly will enable the Commonwealth to develop a statewide water plan, and its purposes are separate and apart from the planning that RWSA developed in 2004 through 2006 (which the community chose to call the Community Water Supply Plan) to obtain permits in 2008 from the Virginia DEQ and Corps of Engineers under Sections 401 and 404 of the Clean Water Act. Ms. Smith expressed the opinion that the Community Water Supply Plan is “not technically a plan” because it is not the plan required by 2011 under state law, but in reality it is very much a plan, however it is one that was developed to seek permits under state and federal law separate from the state law enacted to enable the Commonwealth to develop a statewide water plan. It should also be noted that the DEQ and Corps permits were issued, which in itself is an acknowledgment that the Community Water Supply Plan did satisfy the state and federal legal requirements for the permits as was intended by that plan.

Mr. Spencer wanted to know when a \$25,000 pipeline study would be completed. Staff had previously provided to the Board in July 2009 a report that addressed this question, stating that the review of the conceptual plan for a future South Fork to Ragged Mountain pipeline was estimated to be completed by the end of 2009 (and as an update since the August Board Meeting, RWSA entered into a contract in late August with the firm Wiley/Wilson to perform the review). This estimated completion date is ahead of the schedule to complete a dredging feasibility study and the schedule to provide a recommended foundation design and updated cost estimate for the new Ragged Mountain Dam, and therefore it satisfies the purpose intended by the discussion last November at the joint session of the “four boards”. In Mr. Spencer’s comments, he also referred to this pipeline in a narrow context as a “necessary component of the Ragged Mountain

Reservoir expansion.” We suggest a more accurate and complete context is that the Sugar Hollow Pipeline is currently 82 years old and should be replaced as a part of any 50-year plan for this community that serves the fundamental purpose of long-term reliable water supply. The choice to replace the old Sugar Hollow Pipeline with a South Fork to Ragged Mountain Pipeline was made after significant public feedback in 2004-05 to reflect the wishes of this community, in part because of its advantages in enhancing water ecology and natural stream flows in the Moormans River.