



# RIVANNA WATER & SEWER AUTHORITY

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

March 21, 2005

Mr. Robert Hume  
Chief of Regulatory Branch  
United States Army Corps of Engineers  
Norfolk District  
801 Front Street  
Norfolk, Virginia 23510-1096

ACSA  
MAR 22 2005  
RECEIVED

Dr. Ellen Gilinsky  
Director  
Division of Water Quality Programs  
Department of Environmental Quality  
Post Office Box 10009  
Richmond, Virginia 23240

Dear Mr. Hume and Dr. Gilinsky:

As you are aware, the Rivanna Water & Sewer Authority (RWSA) has embarked on a process to identify, screen, and select a preferred alternative for the purpose of increasing the available drinking water supply to serve the future needs of the Albemarle County Service Authority and the City of Charlottesville. To accomplish the studies required by Section 404 of the Clean Water Act and other applicable laws and regulations of the federal government and the Commonwealth of Virginia, RWSA has retained Gannett Fleming as a consulting engineer and Ellis & Thorp as legal counsel. Gannett Fleming also selected Vanasse Hangen Brustlin Inc. as its subconsultant for environmental studies (these three firms are identified collectively in this letter as the “consulting team”). A considerable amount of work has been done in support of this project over the past eighteen months, including the screening of 22 possible alternatives pursuant to the regulations to narrow this list to four raw water supply concepts, from which the preferred alternative will be eventually selected. At a joint meeting between RWSA and the regulatory agencies of interest (among which your respective agencies were represented) in September 2004, a consensus of the agencies was reached supporting this “short list” of four concepts, at which time RWSA was advised by the agencies that RWSA should complete its investigations leading to a preferred alternative selection before the next joint meeting with the regulatory agencies.

Since September 2004, the consulting team has completed further investigations related to technical feasibility, logistics, preliminary project costs, and field and other studies to quantify environmental impacts. RWSA has also coordinated an extensive process for public input and participation, including six different meetings to share information with the public and receive public questions and comments. Further, RWSA is currently seeking consensus with the Albemarle County Board of Supervisors, Charlottesville City Council, and the Albemarle County Service Authority before proceeding further with the selection process, and toward that effort a joint meeting with all of these boards was held on March 3, 2005.

An extensive discussion of the costs and impacts of the four concepts, as well as our planning horizon and projected demand, was conducted at the joint meeting, but no decisions toward selection were made. One question which generated a great deal of discussion involved whether we had reached a point where there was sufficient data for our consulting team to conclude if any of the four “short list” options would be unlikely to receive regulatory approval. We shared an opinion recently reached by the consulting team, in light of our use of a 50 year planning horizon, our projected 9.9 MGD additional safe yield needed for that planning horizon, and the requirement that the regulations be followed to pick the “least environmentally damaging . . . practicable alternative”. The consulting team offered their opinion that alternatives incorporating the four-foot crest gate concept for the South Fork Rivanna Reservoir dam will not be “the least environmentally damaging”, and that dredging the South Fork Rivanna Reservoir would not result in a “practicable” alternative, owing to logistical problems that cause disproportionate costs and uncertainties that cannot be eliminated with any reasonable level of investigation. Some other issues that generated significant discussion included the following: (1) Are the selected planning horizon (50-year) and the future water demand forecasts associated with that planning horizon, chosen a year ago for all technical work completed on this project to-date, still appropriate, and would it be appropriate to consider changes to those decisions at this time? (2) Would the regulators allow the local community to propose benefits to the environment that may “offset” the higher wetland and stream impacts of the four-foot crest alternative, thereby allowing the net impacts of the four-foot crest to be considered less environmental damaging and possible the least environmentally damaging? and (3) Could the community apply for and obtain a permit now to raise the Ragged Mountain Dam by a smaller increment as part of making dam safety improvements, allowing more time for the community to complete the current study?

Since the March 3 Joint Meeting, both the Albemarle County Board of Supervisors and the Charlottesville City Council have requested that I ask on their behalf for a meeting directly between the local joint boards and the regulatory agencies to discuss questions they have at this point in time regarding the RWSA plan and the decision making process from the standpoint of the regulatory requirements. These elected officials would also like to include the Albemarle County Service Authority Board of Directors (this board consists of members appointed to terms by elected officials of the County to oversee the retail distribution of water and sewer in the urban areas of Albemarle County) and the RWSA Board of Directors. The details of the organization of the meeting have not been completed at this time, but I have been asked to seek two to three possible dates at the earliest convenience of the regulatory agencies, when such a meeting could be held. The Albemarle County Board of Supervisors has requested that the Virginia Department of Environmental Quality, United States Army Corps of Engineers, and the Dam Safety Program within the Virginia Department of Conservation and Recreation be included, and that other agencies with interest in this project be invited to attend as well.

Last, I would like to make reference to an offer proposed by the staff of the Department of Environmental Quality during a meeting with me and our consulting team on March 9, 2005. The offer was for the regulatory agencies to hold a Pre-Application Conference following a submittal by us of the technical memoranda prepared to date. As I understand the process, the Conference could be held before a preferred alternative is selected. Further, I understand that DEQ would invite the other agencies with interest in this project to the Conference, and would be willing to offer written feedback on permitability of the four concepts following this

Mr. Roger Hume and Dr. Ellen Gilinsky

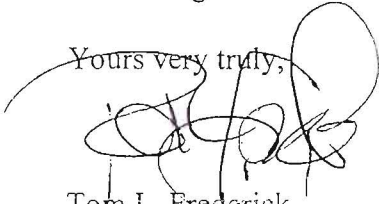
Page 3

March 21, 2005

Conference. I ask that in your response to this letter you specifically address our boards' request for a direct meeting with you, but I will also share with these boards any information you may wish to supply on a Pre-Application process.

I thank you for your consideration of this request and look forward to hearing from you. We can also arrange whatever details are appropriate in advance as the meeting date approaches.

Yours very truly,



Tom L. Frederick  
Executive Director

cc: Members of the Albemarle County Board of Supervisors  
Charlottesville Mayor and City Councilors  
Members of the Albemarle County Service Authority Board of Directors  
Members of the Rivanna Water & Sewer Authority Board of Directors  
Mr. Jim Brogdon, United States Army Corps of Engineers  
Mr. Peter Stokely, United States Environmental Protection Agency  
Ms. Kim Marbain, United States Fish and Wildlife Service  
Mr. Joe Hassell, Virginia Department of Environmental Quality  
Mr. John Kauffman, Virginia Department of Game and Inland Fisheries  
Mr. Jim Moore, Virginia Department of Health  
Mr. Roger Cooper, Dam Safety Program, Virginia Department of Conservation and Recreation  
Ms. Joanna Wilson, Virginia Department of Historic Resources  
Ms. Lynn Crump, Department of Conservation & Recreation  
Mr. Aaron Keno, Gannett Fleming  
Mr. Bill Ellis, Ellis & Thorp