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March 7, 2005

Dear Mayor Brown and Chairman Rooker:

My colleague, Rick Parrish, and I attended the joint meeting of the Charlottesville City Council, the Albemarle County Board of Supervisors, the Albemarle County Service Authority and the Rivanna Water and Sewer Authority (RWSA) that took place at the Albemarle County Office Building last Thursday. We were surprised when RWSA's legal consultant opined that any water supply alternative that includes either of the South Fork Reservoir options is unlikely to be approved by the necessary regulatory agencies. We both believe that it would be premature to remove the South Fork Reservoir options from consideration. Further, based upon telephone conversations I had on Friday with members of the federal and state regulatory agencies that must approve the project, we also encourage you (and the governing bodies you oversee) similarly to seek information directly from the regulatory agencies themselves.

The day after the joint meeting, I contacted Jim Brogdon of the United States Army Corps of Engineers (Corps), and Joe Hassell of the Virginia Department of Environmental Quality (VDEQ), both of whom are helping to oversee this project on behalf of their respective agencies. These gentlemen made clear that, based upon the information they have seen, none of the options currently under consideration can be ruled out at this point. Further, in my conversation with Mr. Brogdon, he informed me that he was genuinely surprised to read the statements about the South Fork Reservoir options that were quoted on the front page of Friday's *Daily Progress*. Mr. Brogdon stressed the fact that the Corps has not precluded any option, and that it is still very much an open question in his mind which of the options is in the public's best interest.

I urge your continued consideration of water-supply alternatives that would incorporate either of the South Fork Reservoir options. For example, Councilor Lynch has pointed out at RWSA's public meetings on the water supply alternatives that a combination of a 13-foot increase in the Ragged Mountain Reservoir with a 4-foot crest on the South Fork Reservoir gates would provide us with an adequate water supply for a period of approximately thirty-five years. Rather than committing us to a more drastic plan that places a greater amount of trust in inherently speculative predictions of our water usage and population growth, Councilor Lynch's proposal and variations thereof would offer an incremental approach that would satisfy our needs for the foreseeable future while retaining the flexibility to address the area's longer-term water supply plan in the manner that future developments point to as the most prudent.

Significantly, there is no requirement that RWSA incorporate a fifty-year forecast of water needs into its projections in order to obtain regulatory approval of a particular alternative. VDEQ is currently in the process of drafting a set of regulations that would guide localities in adopting water supply plans, but the only provision within these *draft* regulations that speaks to the duration of forecasting periods would provide that localities estimate water demand within the planning area for *thirty to fifty* years into the future. See Proposed Regulation 9 VAC 25-780-110. Additionally, neither Mr. Hassell nor Mr. Brogdon indicated that they required – or even favored – a fifty-year forecast. To the contrary, Mr. Brogdon voiced his opinion that using a shorter forecasting period (such as thirty years) could help a locality avoid the significant costs that are incurred when they adopt water supply plans that are based upon longer-term usage forecasts and cost estimates that the passage of time ultimately undermines. Thus, combinations of medium-term options that include expanding the South Fork Reservoir remain viable and practical alternatives. Similarly, although dredging the South Fork may be too expensive to consider as a primary part of the long-term solution until a purchaser of the dredged material is found, we should not dismiss alternatives that include routine maintenance dredging as a complement to other options.

It has been repeatedly emphasized throughout this process that the regulators' ultimate responsibility is to weigh the environmental consequences of the various options against their costs, and to use those factors as a basis upon which to decide which alternative is in the public's best interest. It would be imprudent to prematurely rule out those alternatives that involve the South Fork Reservoir, especially when the public interest may best be served by an economical combination of local options that satisfies our reasonably foreseeable needs, while at the same time reserving to the residents of Charlottesville and Albemarle County the flexibility to subsequently revisit this issue and address it in the manner that future advancements in technology and developments in population growth may dictate at that time.

Sincerely,

Handwritten signature of Morgan Butler in black ink, appearing as 'Mj - ButL'.

Morgan Butler  
Rick Parrish

SELC

Cc: Michael Gaffney, Chairman, RWSA Board of Directors  
Thomas L. Frederick, Jr., Executive Director, RWSA