



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
Fax: 804-698-4019 - TDD (804) 698-4021
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

November 23, 2010

Tom L. Frederick, Executive Director
Rivanna Water and Sewer Authority (RWSA)
695 Moores Creek Lane
Charlottesville, Virginia 22902-9016

The Honorable David Norris, Mayor
City of Charlottesville
P.O. Box 911
Charlottesville, Virginia 22902

The Honorable Ann H. Mallek, Chair
County of Albemarle Board of Supervisors
401 McIntire Rd., 4th floor
Charlottesville, Virginia 22902

Clarence Roberts, Chair
Albemarle County Service Authority (ACSA)
168 Spotnap Road
Charlottesville, Virginia 22911

Dear Ms. Mallek and Gentlemen:

I am writing in response to Mr. Frederick's October 28, 2010, letter to Scott Kudlas and to various ideas that have been expressed in regard to the Charlottesville/Albemarle County (the "Community") Water Supply Plan.

The Department of Environmental Quality (DEQ) supports the Community's existing water supply permit – a permit that was duly submitted, reviewed and approved by DEQ and the State Water Control Board in compliance with our statutory and regulatory requirements. If, however, the Community chooses to submit a new or modified permit application to DEQ, then DEQ will evaluate the application and advise the Community on the extent to which the application meets DEQ's statutory and regulatory requirements.

Regarding the Community's current consideration of water-supply planning issues, it has been suggested that DEQ staff assist by facilitating a public meeting of stakeholders, where these issues could be discussed openly and constructively. As part of DEQ's basic mission, our staff

works to assist the public in complying with DEQ's regulations and in protecting the Commonwealth's natural resources. Although the current suggestion is not a typical function for DEQ, we are happy to explore with the Community whether and how such a meeting might be possible and useful.

I have two specific requests of you if we are to explore the public-meeting path together.

First, I ask that you independently confirm with me that you want to pursue the idea of holding the public meeting, and that the organization you represent will participate. During this conversation, please provide the name and contact information of at least one individual who can present at the public meeting the issues important to your constituency.

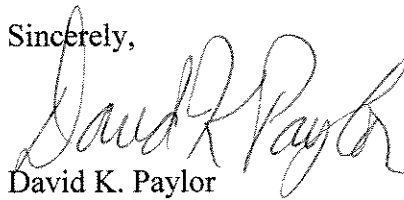
Second, I ask you to confirm with me your understanding that DEQ's roles in this meeting would be to (1) provide technical background information, and (2) facilitate and encourage constructive dialogue among Community stakeholders of the Community's water supply plan/permit. The law provides that the plan and permit originate with you, not with DEQ, which is the approving agency rather than the permit applicant. I believe we need a clear understanding of our respective roles if we are to consider holding this public meeting.¹

If I receive these confirmations from each of you by December 14, 2010, then I will ask my staff to meet with the individuals you suggest and formulate plans for the public meeting.

My tentative thoughts about goals for this meeting are as follows: to provide a public venue where (1) various perspectives about the Community's water supply plan can be presented (probably by representatives of your four organizations), (2) related issues such as instream flow, threatened and endangered species, and demand projections can be explained (probably by individuals known to have expertise on the issues), (3) DEQ's current and projected regulatory requirements can be articulated (probably by DEQ technical staff), and (4) stakeholders can discuss and explore areas of agreement concerning the Community's water plan/permit in a constructive, supportive environment.

I look forward to receiving your calls and hearing your wishes about this potential public meeting.

Sincerely,



David K. Paylor

C: Scott Kudlas, Director, Surface and Groundwater Supply Planning
Carol Wampler, Manager, Renewable Energy Policy

¹ The State Water Control Board has statutory authority to mediate certain issues, such as regulations or permit decisions. See § 10.1-1186.3 of the Code of Virginia. I do not look upon the suggested public meeting, however, as formal mediation proceeding as contemplated by this section.