



**RWSA BOARD OF DIRECTORS**  
**Minutes of Regular Meeting**  
**November 14, 2023**

A regular meeting of the Rivanna Water and Sewer Authority (RWSA) Board of Directors was held on Tuesday, November 14, 2023 at 2:45 p.m. at 695 Moores Creek Lane, Charlottesville, Virginia.

**Board Members Present:** Mike Gaffney, Sam Sanders, Jeff Richardson, Brian Pinkston, Ann Mallek, Gary O’Connell, Lauren Hildebrand.

**Board Members Absent:** None.

**Rivanna Staff Present:** Bill Mawyer, Lonnie Wood, David Tungate, Betsy Nemeth, Jacob Woodson, Deborah Anama.

**Attorney(s) Present:** Valerie Long.

***1. CALL TO ORDER***

Mr. Gaffney convened the November 14, 2023 regular meeting of the Board of Directors of the Rivanna Water and Sewer Authority at 2:45 p.m.

***2. AGENDA APPROVAL***

Mr. Gaffney asked if there were any changes or suggestions regarding the agenda. Hearing none, he asked if there was a motion.

**Ms. Mallek moved the Board to approve the agenda. Mr. O’Connell seconded the motion, which passed unanimously (7-0).**

***3. MINUTES OF PREVIOUS BOARD MEETING ON OCTOBER 24, 2023***

Mr. Gaffney asked if there were any comments or changes to the minutes of the previous meeting. Hearing none, he asked if there was a motion.

**Mr. O’Connell moved the Board to approve the minutes of the October 24, 2023 meeting. Ms. Mallek seconded the motion, which passed unanimously (7-0).**

***4. RECOGNITION***

There were no recognitions.

***5. EXECUTIVE DIRECTOR’S REPORT***

47 Mr. Mawyer stated that they experienced an unfortunate incident at the South Rivanna Water  
48 Treatment Plant where they released approximately 1,200 gallons of liquid lime. He stated that  
49 the photographs on the slide depicted the large white lime storage tanks inside the chemical  
50 building. He stated that they were transferring a lime slurry from one white tank to another when  
51 an overflow occurred. He stated that some of the lime could be seen on the concrete floor, which  
52 was captured within the containment system as intended.

53  
54 Mr. Mawyer stated that there was a sump pump in the containment with a pipe connected that  
55 exited through the building wall. He stated that the pipe coming out of the wall did not have the  
56 green hose attached to it, resulting in the slurry being emptied onto the ground where it flowed  
57 into a stormwater basin. The lime slurry came out of the outfall from the storm pipe and flowed  
58 into the South Rivanna River.

59  
60 Mr. Mawyer stated that this unfortunate incident was the result of several operational  
61 noncompliances. The Water Plant Managers have been working diligently with staff to ensure  
62 they fully understand the processes and procedures to prevent such incidents from occurring  
63 again. He stated that they immediately contacted the Department of Environmental Quality and  
64 Albemarle County Fire Rescue Department when the release was found. Both groups came to  
65 the site to assist them in assessing the situation. He stated that the lime reached the river, which  
66 increased the pH of the water in the river. He stated that this change affected some aspects of the  
67 environment between the location of the incident and the Route 29 bridge.

68  
69 Mr. Mawyer stated that DEQ and staff assessed this area to determine the extent of the impact.  
70 He stated that for five days, staff collected a series of water samples from that section of the  
71 river. He stated that the spill occurred on November 2, and by November 6, the pH of the water  
72 in the river had returned to its normal level. He stated that they anticipated receiving a report  
73 from DEQ regarding potential violations and fines. He stated that RWSA apologized for the  
74 event and were taking measures to prevent it from happening again in the future.

75  
76 Mr. Pinkston asked if this was something that had happened before.

77  
78 Mr. Mawyer stated no, not with lime, but they did have a sodium permanganate release in 2019  
79 near the reservoir. He stated that it had occurred without the containment equipment they had for  
80 the lime, but they had addressed that situation then and continued to monitor and take corrective  
81 measures now.

82  
83 Ms. Mallek asked how high the pH level was during the monitoring.

84  
85 Mr. Mawyer stated that the pH was as high as 12.5 at 4:15 p.m. on November 2. He stated that  
86 by November 6, the pH was 7.5.

87  
88 Ms. Mallek stated that such a high pH could burn someone as badly as acid. She stated that both  
89 ends of the pH scale were extremely hazardous. She stated that she was glad they had taken care  
90 of the situation.

91  
92 Mr. Mawyer stated that Virginia DEQ had RWSA establish five sampling locations along the

93 stretch of the river, and water department staff monitored the pH levels between November 2 and  
94 November 6. He stated that the level steadily came down and returned to normal on November 6.  
95 He stated that there was no impact on the drinking water, as all treatment processes proceeded  
96 normally and properly. He stated that it was solely an impact on that section of the South  
97 Rivanna River.

98  
99 Mr. Mawyer stated that on a positive note, two staff members and wastewater group operators  
100 passed their licensing exams. He stated that Schuyler Deal obtained the class four license, having  
101 been with them for about 18 months. He stated that Kyle Nielson secured the class two license,  
102 having worked with them for approximately four months. He stated that Mr. Nielson was a  
103 graduate of his own alma mater, Albemarle High School.

104  
105 Mr. Mawyer stated that they celebrated Employee Appreciation Day on the afternoon of  
106 November 2. He stated that they held a service recognition ceremony for staff members in the  
107 parking lot of their building, where they served a picnic lunch and presented service awards. He  
108 stated that they had applied for a grant from the Virginia Department of Health for their  
109 Emerging Contaminants Program, which had awarded them \$3.17 million the previous year. He  
110 stated that this year, they received a grant of \$260,000 from the program. He stated that these  
111 funds were an extension of the federal BIL legislation distributed thru the State.

112  
113 Mr. Mawyer stated that these two grants, totaling almost \$3.5 million, would be allocated to the  
114 Crozet Water Treatment Plant's granular activated carbon addition project that they were  
115 designing. He stated that he was a member of the Virginia Water and Wastewater Authority's  
116 Association, where he served as a director. He stated that they had recently attended their annual  
117 meeting in Staunton.

118  
119 Mr. Mawyer stated that they had proposed in the Consent Agenda the Board meeting dates for  
120 year 2024. He stated that the Board would meet in-person every month on the fourth Tuesday at  
121 2:15 p.m., except for November and December, which they offset due to holidays. He  
122 mentioned that they had discussed at the Solid Waste Board the possibility of returning to in-  
123 person public comment since meetings would be held in person, so persons wishing to speak  
124 from the public would no longer be able to use speak virtually to the Board. He stated that  
125 however, the Solid Waste Board opted not to follow this approach and wished to retain the  
126 virtual comment option for the public. He stated that he mentioned this so the Board could  
127 decide whether to approve it as part of the consent agenda.

128  
129 Mr. Pinkston stated that he would assume it would be the same for both Boards.

130  
131 Ms. Mallek stated that she strongly supported the decision made by the Solid Waste Board to  
132 keep that option open. She stated that it was far more advantageous to the agency so that people  
133 who had questions could ask them while it was cool and calm, before it came before a large  
134 group. She stated that in communities where there had been issues, the way it had been resolved  
135 successfully was to require people to register, even if providing virtual comment, to deter any  
136 kind of bad behaviors. She stated that she hoped they would consider that.

137  
138 Mr. Mawyer clarified that they had never experienced any bad behavior, but was trying to be

139 proactive. He stated that if it was the Board's pleasure, they would continue to have virtual  
140 comment from the public.

141  
142 Mr. Gaffney asked if there were any other comments from Board members on this topic.

143  
144 Mr. O'Connell stated that he supported it. He asked if a motion was necessary.

145  
146 Mr. Gaffney stated that they would only need a motion to eliminate it.

147  
148 Mr. Mawyer noted that video recordings of the meetings had been available for the public since  
149 the onset of COVID-19, and the public could access those on the Rivanna website at any time.  
150 He continued to report that they had been monitoring the drought conditions, and fortunately,  
151 South Rivanna was still full, as was Totier Creek at Scottsville. He stated that however, there had  
152 been a 16-inch, or 45%, deficit in precipitation this calendar year and approximately 22 inches or  
153 18% lower than normal over the past 34 months.

154  
155 Mr. Mawyer stated that according to the drought status map, VDEQ had classified the central  
156 Virginia area as in an emergency status due for reservoir levels. He stated that they did not face  
157 this issue currently, as South Rivanna was full, and their other reservoirs were in good condition.  
158 He stated that they were under a warning status concerning groundwater levels and stream flow  
159 levels, but in a normal status for precipitation, which did not align with their own data. He stated  
160 that they monitored local data, focusing on the status of the reservoirs and what the precipitation  
161 records were in Charlottesville.

162  
163 Mr. Mawyer stated that this would be the last in-person meeting of Calendar Year 2023, as next  
164 month's meeting would be held virtually. He stated that he appreciated everyone's attendance  
165 and wished them happy holidays. He stated that regarding the consent agenda, there was also the  
166 holiday schedule for the Calendar Year 2024, which included 12.5 regular normal holidays. He  
167 noted that there was one additional holiday proposed on the consent agenda, which was Friday,  
168 July 5, following the July 4 holiday.

169  
170 Mr. Richardson asked for clarification about how many holidays were proposed.

171  
172 Mr. Mawyer stated that there were 13.5. He stated that the half day was the day before  
173 Thanksgiving. He noted that many of their holidays were considered floating days, meaning they  
174 could fall on different dates each year. He stated they maintained operations and their offices  
175 were only closed for six major holidays. He stated that their water and wastewater operators  
176 worked around the clock, 24/7/365, so they never closed for holidays. He stated that those  
177 dedicated employees were accommodated with additional pay.

178  
179 Ms. Mallek stated that the Moormans River experiencing a 16 million gallon drop per day was a  
180 significant change in its stream flow, She stated that this change may not be directly affecting  
181 South Fork at present, but it had led to noticeable changes in the environment. She stated that for  
182 the first time in her life, the Mechums River was low enough that someone could walk across  
183 without getting wet. She stated that the situation both downstream and at the Moormans had been  
184 going on for quite some time.

185  
186 Ms. Mallek expressed gratitude that they were planning ahead and taking precautions to address  
187 these challenges. She stated that however, she would emphasize that it was essential not to  
188 become overly confident just because their reservoirs were currently high. She mentioned that in  
189 2002, the reservoirs were also falling rapidly; South Fork was dropping three feet per day in  
190 September. She stated that she would stop over the bridge and would call Mr. Mawyer's  
191 predecessor to inform them that the level continued to drop. She stressed that it was crucial to  
192 remain vigilant and proactive in addressing these issues.

193  
194 Mr. Mawyer stated that he wanted to mention that they had been working with Ms. Long and  
195 Mike Derdeyn, attorney for ACSA, as well as the City's attorney, Mr. Stroman, to develop the  
196 amendment to the Ragged Mountain Dam project agreement they discussed last month. He stated  
197 that Ms. Hildebrand was prepared with Mr. Sanders to present this amendment to the Council on  
198 December 4. He stated that the amendment would enable the City or the Service Authority to  
199 request Rivanna to proceed with adding 12 feet of additional water to the Ragged Mountain  
200 Reservoir, which equaled approximately 700 million gallons. He stated that this would result in  
201 an increase from 1.4 billion to 2.1 billion gallons in water storage capacity at the Ragged  
202 Mountain reservoir, a 50% increase.

203  
204 Mr. Mawyer stated that the amendment would also allow them to begin the design of these  
205 changes right away. He stated that they would need to complete grading around the reservoir and  
206 modify the gates on the intake tower before proceeding with transfer of the additional water. He  
207 stated that within two years, Ragged would be ready to accept more water. He stated that the  
208 dam was originally built high enough to accommodate the additional 12 feet, and the amendment  
209 to the project agreement would allow them to start transferring water from Sugar Hollow to  
210 Ragged under three conditions, which he would now discuss.

211  
212 Mr. Mawyer stated that if the water level in Sugar Hollow was significantly overflowing, defined  
213 as 30 million gallons per day (MGD) or more, they could transfer water to Ragged for the  
214 purpose of filling the additional 12 feet. He stated that during normal operation such as when  
215 Ragged was almost five feet below its normal level, if they anticipated rain with a forecast of  
216 several weeks, they would open the transfer valve and immediately start transferring water from  
217 Sugar Hollow to Ragged in order to refill it. He stated that they wished to retain this right and  
218 opportunity.

219  
220 Mr. Mawyer clarified that they were not limited to the 30 MGD condition when the level of  
221 Ragged was below the existing pool level, which was at an elevation of 671 above sea level, the  
222 normal level now. He stated that if it was below that level, they could transfer water whenever  
223 they deemed it appropriate, just like they had always been able to do. He stated that they wanted  
224 to retain this right to make such transfers. He stated that the 30 MGD restriction would apply if  
225 they were raising the water level above the existing pool for the purpose of reaching the  
226 additional pool level, which was 12 feet higher at elevation 683.

227  
228 Mr. Mawyer stated that if they faced an emergency such as not being able to use water from the  
229 South Rivanna Reservoir due to contamination, they must rely more on Ragged and produce  
230 treated water at Observatory. He stated that in such cases, they would be able to transfer water

231 from Sugar Hollow as needed. He stated that these three conditions were outlined in the  
232 amendment to the Ragged Mountain Dam Project Agreement. He stated that the amendment  
233 would be presented to City Council on December 4. He stated that if Council approved it, the  
234 ACSA and the RWSA Boards would be asked to approve it, and upon that approval, they would  
235 be able to move forward.

236  
237 Mr. Mawyer stated that in 2012, when the agreement was written and approved, there was not a  
238 concept of changing climate conditions and extreme droughts that they faced now. He stated that  
239 their objective was to ensure that the community and their water supply were as full of water as  
240 possible so that they could provide additional water if needed. He stated that although they were  
241 currently experiencing a drought, having 34 months of low rainfall and being 18% below  
242 average, he hoped this situation would improve over time. He stated that to be as well-prepared  
243 as possible, their aim was to have as much water in storage in their reservoirs as feasible.

244  
245 Mr. Pinkston asked if the University had to sign off on this agreement.

246  
247 Mr. Mawyer replied that the University was a customer of the City, and was not a signator on the  
248 Ragged Mountain Dam Project Agreement.

249  
250 Mr. Pinkston asked if the fire in Madison County was far away from Sugar Hollow.

251  
252 Ms. Mallek stated that it was about 30 miles, but the fire could travel quickly.

253  
254 Ms. Mallek asked if the intake in Sugar Hollow reservoir was still far below the level of the dam.

255  
256 Ms. Mallek clarified that she was talking about where the water came into the pipeline and was  
257 removed from Sugar Hollow.

258  
259 Mr. Mawyer stated that they had a tower structure with gates to remove water from the reservoir.  
260 One gate was about 15 feet below the top of the dam, and another located 35 feet below the top.

261  
262 Ms. Mallek stated that that would basically empty the reservoir, so they would not use that lower  
263 gate very often.

264  
265 Mr. Mawyer stated that was correct. He stated that the depth of the reservoir was approximately  
266 50 feet including the impacts from a previous landslide of logs and debris. He stated that they  
267 could not effectively drain the lowest levels of the reservoir without using mud gate at the  
268 bottom.

269  
270 Mr. Tungate stated they were not using the mud gate now. He stated that the two highest  
271 operational intake gates were currently open now.

272  
273 Ms. Mallek asked if that tower was the same that they had just recently visited in May.

274  
275 Mr. Mawyer stated yes, they had taken a tour of the dam and intake tower facility.

276

277 **6. ITEMS FROM THE PUBLIC**  
278 *Matters Not Listed for Public Hearing on the Agenda*

279  
280 There was no one wishing to speak.

281  
282 **7. RESPONSES TO PUBLIC COMMENTS**

283  
284 There was no response to public comment.

285  
286 **8. CONSENT AGENDA**

- 287 *a. Staff Report on Finance*
- 288
- 289 *b. Staff Report on Operations*
- 290
- 291 *c. Staff Report on CIP Projects*
- 292
- 293 *d. Staff Report on Administration and Communications*
- 294
- 295 *e. Staff Report on Wholesale Metering*
- 296
- 297 *f. Staff Report on Drought Monitoring*
- 298
- 299 *g. Approval of Board Meeting Schedule for Calendar Year 2024*
- 300
- 301 *h. Approval of the Rivanna Holidays for Calendar Year 2024*
- 302
- 303 *i. Approval to Increase Design Contingency – MCAWRRF 5kV Electrical System Upgrade*  
304 *– Hazen & Sawyer*
- 305
- 306 *j. Approval of Resolution of Official Intent to Reimburse Expenditures with Proceeds of a*  
307 *Borrowing*

308  
309 Mr. Pinkston asked if more information could be provided about item J.

310  
311 Mr. Wood stated that every year after the CIP, they had consistently implemented a similar  
312 resolution to this one. He stated that the resolution stated their intention as an authority to finance  
313 part of their CIP with bonded debt. He stated that this arrangement enabled them to reimburse  
314 themselves essentially, as it was a reimbursement resolution. He stated that as an example,  
315 currently they were using cash funds to design the central water line project. He stated that at  
316 some point in the future when they needed to issue bonds, they could go back and repay a  
317 portion of that funding to themselves, replenishing their capital fund. He stated that this  
318 resolution simply reserved the option for them to do so.

319  
320 Mr. Mawyer clarified that this resolution was not a commitment to borrow funds. He stated that  
321 the authorization only allowed them to potentially borrow funds in the future. He assured that  
322 they would present a separate resolution when a specific bond issue was proposed.

323

324 **Mr. O’Connell moved the Board to approve the Consent Agenda as presented. Ms. Mallek**  
325 **seconded the motion, which passed unanimously (7-0).**

326  
327 **9. OTHER BUSINESS**

328 *a. Presentation: Class Action Litigation and Proposed PFAS Settlements*  
329

330 Mr. David Tungate stated that he would discuss the PFAS settlement and the pending litigation.  
331 He stated that to begin, he would define a class action. He stated that it was a legal proceeding  
332 where one or more plaintiffs brings a lawsuit on behalf of a market group, known as the class. He  
333 stated that any proceeds from a class action suit after legal fees, whether through a judgment or a  
334 settlement, were shared among the members of the class.

335  
336 Mr. Tungate stated that this settlement class consisted of water utilities that had suffered harm  
337 due to the presence of PFAS in drinking water. The presence of PFAS could be from pro-active  
338 water quality monitoring or resulted from the Unregulated Contaminant Monitoring Rule  
339 (UCMR) 5. He stated that these impacted Utilities alleged that the settlement defendants were  
340 liable for damages and other forms of compensation for such harm and costs.

341  
342 Mr. Tungate stated that he would take a step back and discuss their resources. He stated that they  
343 had five surface water reservoirs, which were South Rivanna, Sugar Hollow, Ragged Mountain,  
344 Beaver Creek in Crozet, and Totier Creek in Scottsville. He stated that South Rivanna, Sugar  
345 Hollow, and Ragged Mountain were the three urban water reservoirs that together held  
346 approximately 3.3 billion gallons of water when they were full. He stated that their water  
347 treatment facilities included South Rivanna, Observatory, North Rivanna, Crozet, Red Hill, and  
348 Scottsville plants.

349  
350 Mr. Tungate stated that the first three reservoirs made up their urban water system, with the  
351 Crozet plant serving the area around Crozet. He stated that the Red Hill plant served nine homes  
352 and the Red Hill school, while the Scottsville plant provided water to the entire Scottsville area.  
353 He stated that granular activated carbon (GAC) contactors or vessels were present in five of their  
354 facilities, the South Rivanna, Observatory, North Rivanna, Crozet, and Scottsville. He stated that  
355 they currently had a project underway to install a GAC vessel at the Red Hill facility. He stated  
356 that in 2018, RWSA put the GAC treatment system on-line for total organic carbon removal,  
357 which also provides additional benefits of PFAS removal.

358  
359 Mr. Tungate stated that their five surface water treatment plants included the largest granular  
360 activated carbon facilities at the South Rivanna Treatment Plant, which had 320,000 pounds of  
361 granular activated carbon. He stated that the Observatory Treatment Plant now featured six  
362 contactors with 240,000 pounds of GAC. He stated that North Rivanna had one contactor with  
363 40,000 pounds of GAC. He stated that Crozet had two contactors that totaled 40,000 pounds of  
364 GAC. He stated that Scottsville also had two vessels with 12,000 pounds of GAC combined.

365  
366 Mr. Tungate stated that a project was currently under design to add additional contractors to  
367 Crozet and Red Hill. He stated that the litigation timeline saw a settlement in June of 2023,  
368 involving two defendants, Dupont and 3M. He stated that in August of 2023, the U.S. District  
369 Court in South Carolina granted preliminary approval of the settlement. He stated that in



370 September 2023, the notice program and settlement administration process began. He stated that  
371 the Dupont settlement was approximately \$1.185 billion, while the 3M settlement ranged from  
372 \$10.5 to \$12.5 billion.

373  
374 Mr. Tungate stated that the Dupont and 3M settlement class definitions were similar. He stated  
375 that the Dupont settlement encompassed all public water systems in the United States that drew  
376 or otherwise collected water from any source before June 30, 2023, and were tested or analyzed  
377 for PFAS and found to contain PFAS at any level. He stated that it included public water systems  
378 participating in UCMR 5, the EPA's fifth, unregulated contaminant monitoring, as of June 30,  
379 2023.

380  
381 Mr. Tungate mentioned the key difference between the Dupont and 3M settlements was the  
382 deadline for participation, which was June 22, 2023, in the case of the 3M settlement. He stated  
383 that it did not change anything for their organization because they met both definitions. He stated  
384 that settlement benefits were paid to each class member based on allocation procedures detailed  
385 in estimated allocation range tables, which they would briefly discuss. He stated that allocation  
386 procedures reflected factors used in designing treatment systems in connection with the volume  
387 of flow and the degree of impact.

388  
389 Mr. Tungate stated that there was a formula that applied to eligible claimants. He stated that they  
390 had options to participate in the class action settlement or opt out of it. He stated that if they  
391 participated in the settlement, there was a release of liability on certain claims against 3M and  
392 Dupont. He stated that the allocation tables represented the volume of impacted flow, which was  
393 crucial because it referred to a 24-hour flow. He stated that RWSA has five of their six water  
394 treatment plants operating on a start-stop basis, reducing the volume of flows for the 24-hour  
395 period. He stated that they would see this later when they went through the recovery calculation  
396 process.

397  
398 Mr. Tungate stated that the South Rivanna WTP was currently the only one to operate 24 hours a  
399 day, while all others stopped after their tank was full, and did not run continuously. He stated  
400 that Red Hill operated a groundwater system that filled a hydropneumatic tank at the well site.  
401 He stated that the allocation calculations were calculated based on which system had the highest  
402 historical concentrations of PFOA and PFOS, as well as any other PFAS compound. He stated  
403 that they would perform a volume calculation and a PFAS score analysis for this process.

404  
405 Mr. Tungate stated that the PFAS score was based on the maximum PFOA level plus the  
406 maximum PFOS level or the maximum PFOA plus the maximum PFOS and PPOS levels  
407 averaged with the square root of the maximum value of any other PFAS listed in the claims  
408 form. He stated that in September 2023, they conducted a sampling event for PFAS at the North  
409 Rivanna treatment plant. He stated that on the raw side, there were low detection levels, while on  
410 the finished side, it was below detection level.

411  
412 Mr. Tungate stated that this highlighted the heterogeneity and variability of PFAS contaminants.  
413 He stated that at the North Rivanna site, their facility had the highest PFOA detection on May  
414 24, 2023 with 25 parts per trillion. He stated that on the same date they recorded 6.5 parts per  
415 trillion of PFOS. He stated that there were several different derivatives of PFAS that they could

416 detect. He stated that there was a proposed MCL for PFOA and PFOS. He stated that the highest  
417 detections in their system were at North Rivanna in late May.

418  
419 Mr. Mawyer stated that the proposed level for detection was four parts per trillion. He stated that  
420 if it was greater than 4, it exceeded the proposed standard.

421  
422 Ms. Mallek stated that that was the measurable standard. She stated that on the left side of the  
423 slide, it indicated values for July and August. She said that it stated that the measurements were  
424 11.9 and 14.9, respectively.

425  
426 Mr. Tungate stated that those numbers were the sum of PFAS detected. He stated that this was  
427 the raw total PFAS derivative, then there was a total, and they would categorize them over on the  
428 right. He stated that speciation was crucial because there were now 28 PFAS derivatives  
429 detectable, but the five lab methods depended on the specific species, such as PFOS and PFOA.  
430 He mentioned that there were six to nine thousand derivatives in use, and the EPA had approved  
431 testing for only 28 of those.

432  
433 Mr. Tungate stated that they calculated PFAS scores and flow rates. He stated that North  
434 Rivanna had their highest PFAS score, which was the sum and maximum of the PFOS and  
435 PFOA values, resulting in a score of 31.5. He stated that the North Rivanna flow rate was 299  
436 gallons per minute. He stated that the plant operated for 8 to 10 hours daily, so it was off for 14  
437 to 16 hours. He stated that the flow rate was calculated over a 24-hour period. He stated that their  
438 second highest facility had as score of 1.03 parts per trillion.

439  
440 Mr. Tungate stated that the facility operated for 6 to 8 hours daily. He stated that therefore, the  
441 average flow rate over a 24-hour period was 41 gallons per minute. He stated examining the list,  
442 the South Rivanna had a PFAS score of 0.65, but the flow rate was 5,000 gallons per minute. He  
443 stated that this facility operated 24 hours a day. He stated that Observatory, once again, had the  
444 same score. The flow rate was only 1,324 gallons per minute. He stated that Red Hill had a score  
445 of zero due to its low flow rate of 1.29 gallons per minute.

446  
447 Mr. Tungate stated that the next slide showed an example which demonstrated the scoring sheet  
448 used in litigation from the 3M settlement case. He stated that the PFOA concentration recorded  
449 on May 24, 2023 was 25 parts per trillion. He stated that the PFOS levels were simultaneously  
450 measured, resulting in a value of 6.5. He stated that by combining these values, they obtained a  
451 PFAS score of 31.5. He stated that on the X-axis, there was a flow rate of 299 gallons per  
452 minute. He stated that on the Y axis, they were at 31.5, which placed them between 10 and 50.  
453 He stated that the red box represented an estimate of their current position when calculating  
454 potential settlement amounts. He stated that this was used for estimation purposes, and they  
455 anticipated approximately \$300,000 for North Rivanna.

456  
457 Mr. Tungate stated that they performed this analysis for all six facilities, using the tables as a  
458 reference. He stated that it was essential to note that these estimates were not official; they were  
459 determined based on their interpretation of the provided data. He stated that between the 3M and  
460 Dupont settlements, they estimated a total of \$960,000 or approximately \$1M. He stated that  
461 they used the tables provided to obtain these figures. He stated that this was their best estimation,

462 although it should be noted that the actual earnings may differ from these amounts. He noted that  
463 they would potentially receive more money from 3M than Dupont.

464  
465 Mr. Pinkston asked if the notion would be to take this money and invest it in new GAC.

466  
467 Mr. Tungate acknowledged that it was an option. He stated that the additional costs for treating  
468 PFAS in their drinking water were outlined in their Capital Improvement Plan (CIP), where they  
469 had projects that added extra GAC vessels to their existing facilities for total organic carbon  
470 removal. He estimated that they would need two more vessels at South Rivanna and two  
471 additional ones at Observatory, in addition to what was already planned. He stated that their CIP  
472 costs were \$10 to \$15 million dollars. He stated this did not include the cost of piping and  
473 buildings required to house the vessels.

474  
475 Mr. Tungate mentioned that the additional operating costs would be approximately \$500,000 per  
476 year. He stated that if they added two more vessels in South Rivanna WTP and two at the  
477 Observatory, it was estimated that they would spend around \$500,000 annually on operating  
478 expenses from replacement of carbon media. He stated that they had plans to increase the  
479 number of vessels by four in South Rivanna and four at Observatory for total organic carbon  
480 (TOC) testing for disinfection by-products reduction. He stated that this expansion could  
481 potentially result in disinfection and bioproduction costs ranging from \$15 to \$20 million dollars.

482  
483 Mr. Pinkston asked if the GAC was used to remove perfluoroalkyl and polyfluoroalkyl  
484 substances (PFAS).

485  
486 Mr. Tungate stated it took out some of the PFAS. He stated that it did not take out all of the  
487 PFAS. He stated that it depended on what derivative they had. He stated that GAC was the best  
488 management practice for the majority of PFAS, but not all.

489  
490 Ms. Mallek asked if it would take a longer time in exposure to the GAC in order to be effective.

491  
492 Mr. Tungate stated yes. He stated that in the process of designing the GAC system for Crozet,  
493 they considered altering the particle size of their current activated carbon product. He stated that  
494 this modification would slow down the flow rate through the vessels and potentially enhance the  
495 removal of PFAS. He stated that they finalized this study yesterday.

496  
497 Ms. Mallek asked if the smaller particle had a larger surface area so there was more exposure to  
498 the filter element.

499  
500 Mr. Tungate stated yes, it slowed it down. He stated that they were unsure about whether they  
501 needed additional vessels, but were in the process of evaluating it. He stated that questions to  
502 consider included whether additional PFAS compounds can be detected in drinking water, if  
503 PFAS can travel through air, and if they will get more money in the future. He explained that it  
504 was likely that as laboratory technology continued to improve, more PFAS compounds would be  
505 detected in water. He stated that the EPA approval process took time and was quite intense.

506  
507 Mr. Tungate stated that regarding PFAS traveling through the air, it was true that there were some

508 examples that may release PFAS into the outdoor air, and these sources were not PFAS  
509 manufacturers, nor did they use PFAS chemicals at the levels noted in states in which  
510 atmospheric deposition has been demonstrated. He noted that in fall of 2022, staff collected  
511 rainwater samples at three treatment plants to see if there were PFAS in the rain. He stated that  
512 they did not detect any PFAS in the rainwater. He stated that they used special PFAS-free pans to  
513 catch the water in as well as multiple other controls. He stated that they did not find it in  
514 rainwater in three of their locations.

515

516 Mr. Mawyer stated that other localities had found PFAS in their rainwater, including in  
517 Michigan.

518

519 Mr. Tungate noted that RWSA staff collected rainwater sample for PFAS analysis only once.

520

521 Ms. Mallek stated that the wind could affect how much PFAS was in the air or rainwater.

522

523 Mr. Tungate stated that regarding the question of whether they would get more money in the  
524 future, their PFAS scores were relatively low except at North Rivanna. He stated that they had  
525 plans to decommission that plant in 2026. He stated that it was a significant risk for individual  
526 utilities or a second group of Utilities to hire attorneys and expect higher compensation.

527

528 Mr. Pinkston asked for clarification regarding the latter sentence.

529

530 Mr. Tungate clarified that if RWSA entered in a separate lawsuit with 3M or Dupont, , they  
531 would have to hire their own legal representation and not be a part of the class action lawsuit.

532

533 Mr. Pinkston stated that it seemed that there could be another class action lawsuit if they  
534 discovered 29 more.

535

536 Mr. Tungate stated that they had discussed this extensively internally, and considered what their  
537 expectations were. He stated that they were one industry, the water industry, and there were  
538 many other industries lining up to seek compensation regarding PFAS. He stated that where that  
539 put them was undetermined.

540

541 Mr. Gaffney stated that this waiver of liability applied to the entire group of chemicals, not just  
542 one.

543

544 Mr. Mawyer stated that this was for drinking water, not wastewater.

545

546 Mr. Tungate confirmed that this was correct. Mr. Tungate stated that another question was if  
547 there would be funds remaining from responsible parties if they opted out now in anticipation of  
548 future litigation. He stated that there may be additional parties seeking awarded damages. He  
549 stated that attorney fees were anticipated to be 25%. He stated that another question was when  
550 they could expect to receive these funds. He stated that they should receive 50% of the PFAS  
551 settlement money in two years and the rest over the next eight years.

552

553 Mr. Tungate stated that they were a part of VAMWA, an organization for municipal water

554 utilities. He stated that they participated in a survey of 41 mid-Atlantic utilities from Virginia,  
555 Maryland, West Virginia, South Carolina, and North Carolina. He stated that of the Utilities  
556 surveyed, 59% had chosen to remain in this class action. He stated that 32% Utilities had decided  
557 to opt out, and 9% were either on the fence or undecided. He stated that out of this group of 41,  
558 18, who belonged to large utilities with a PFAS detection greater than four parts per trillion, had  
559 chosen to stay in.

560  
561 Mr. Tungate stated that 39% of the surveyed utilities had opted out, and 11% remained uncertain.  
562 As RWSA is a large utility with a PFAS detection greater than four parts per trillion, they must  
563 consider their options carefully. He also mentioned that another 15 large utilities, which had a  
564 PFAS detection below four parts per trillion, faced no expected costs. He stated that 73% had  
565 decided to stay in, while 13% had opted out, and 13.5% were still undecided.

566  
567 Ms. Mallek asked if they could qualify for both.

568  
569 Mr. Tungate answered no. Mr. Tungate stated that it utilized the highest reading, using that PFAS  
570 score. He stated that key dates and deadlines, such as submitting objections to Dupont and 3M  
571 had passed them now. He stated that a deadline for submitting requests for exclusion or opting  
572 out is December 12 for Dupont and December 4 for 3M. He stated that the court's final hearing  
573 fairness hearing for Dupont is on December 14, and for 3M it is on February 2. He noted that  
574 phase one water system claim forms were due 60 days after the effective date.

575  
576 Mr. Tungate stated that in summary, testing indicates that their community has low levels of  
577 PFAS in the drinking water. He stated that RWSA had GAC filters to reduce the levels of total  
578 organic compounds and PFOA/PFOS at treatment plants. He stated that additional GAC filters  
579 would be required to treat all the water for PFAS removal. He stated that remaining in the class  
580 action litigation may result in an estimated award of \$500,000 to \$1 million. He stated that with  
581 regards to future drinking water litigation, these two defendants would be waived. He stated that  
582 the outcome of future litigation, if any, was uncertain. He indicated on the slide a photograph of  
583 the South Rivanna Dam on November 2, 2023.

584  
585 Mr. Tungate stated that alternatives were to remain a member of the class action litigation and  
586 accept any settlement while giving up rights to future litigation against Dupont and 3m for PFAS  
587 damages to water system r to opt out of the class action litigation, thereby reserving all rights,  
588 and pursue separate litigation, if any, in the future.

589  
590 Mr. O'Connell asked if they had to make an active claim to do that.

591  
592 Mr. Tungate stated that if they did nothing, they stayed in, and if they opted out, that was the  
593 second option.

594  
595 Mr. Mawyer clarified that they would do nothing but would still have to file the claims.

596  
597 Mr. Tungate stated that was correct. He stated that if they decided not to participate by opting  
598 out, that preserved all their rights for preserving separate litigation. He stated that the request  
599 from the Board was that they authorize the Executive Director to register for a PFAS settlement

600 agreement claims form and account and remain a member of the class action litigation. He stated  
601 that this was staff's recommendation.

602  
603 Mr. Gaffney asked if it would be about \$800,000 and \$1M, less 25% for legal fees, spread over 8  
604 years.

605  
606 Mr. Tungate stated that 50% of the money would be within the first two years, then in the  
607 remaining 8 years they would receive the other 50% of the money.

608  
609 Mr. Gaffney stated that would buy them a tiny bit of a GAC container.

610  
611 Ms. Mallek stated that it could offset a lot of years of operating costs.

612  
613 Mr. Tungate stated that they spent between \$800,000 and \$1M annually for GAC operating costs  
614 currently with the inventory they currently had.

615  
616 Ms. Mallek stated that was for the disinfection by-products.

617  
618 Mr. Tungate stated that was correct.

619  
620 Mr. Gaffney stated that there were 80 additional companies which could be potential litigants for  
621 PFAS. He asked if anyone knew what was going on with them.

622  
623 Mr. Mawyer stated no, there were other companies lining up to litigate with Dupont and 3M.

624  
625 Mr. Gaffney stated that he was talking about other water treatment companies.

626  
627 Mr. O'Connell stated that the firefighting foam company had gone bankrupt. He stated that there  
628 was that possibility.

629  
630 Mr. Gaffney stated that 3M recently settled for \$6 billion for their ear plugs.

631  
632 Mr. Tungate stated that 3M had allocated approximately \$10.5 to \$12.5 billion for this specific  
633 class action.

634  
635 Mr. O'Connell stated that the Service Authority was also notified of the claims settlement, and it  
636 was still unclear about if Rivanna and the Service Authority can make the claim. He stated that  
637 however, their Board approved them to move forward, so there was a possibility to have  
638 Rivanna's claim as well as ACSA's claim. He stated that the way it was worded and the way their  
639 permit was written, they were thinking they could make the claim, so they would pursue it.

640  
641 Mr. Mawyer stated that guidance information was issued recently regarding wholesalers and  
642 connecting systems. He stated that the intent that there would be one party which would receive  
643 any damages.

644  
645 Ms. Mallek asked if their application would reinforce the other in a way.

646

647 Mr. Mawyer stated that they would not pay both agencies. He stated that it would not be  
648 duplicative, but they may split it up between a wholesaler and retailer. He stated that the City  
649 was in the same discussion with them.

650

651 Mr. Pinkston asked if RWSA had a recommendation.

652

653 Mr. Mawyer stated that their recommendation was to remain in the class action lawsuits against  
654 3M and DuPont. He stated that there were reasons not to do so, but he did talk with their  
655 agency's counsel for environmental issues, and was advised that it would be very risky not to  
656 participate in the class action, with little hope of recovering in a second round should there even  
657 be one. He stated that by the time they paid their own attorneys and worked through the time and  
658 effort, it was risky. He stated that some of the larger utilities were opting out, so it was not  
659 unheard of, but was not recommended.

660

661 Mr. Tungate stated that based on the highest PFAS score being at North Rivanna and the fact that  
662 the plant was to be decommissioned in two years, if they were on their own, it would potentially  
663 undermine their position.

664

665 Mr. Mawyer stated that their locality did not have a PFAS issue right now.

666

667 Mr. O'Connell stated that they had implemented the GAC as a protective measure, which a lot of  
668 places did not have.

669

670 Ms. Mallek stated that they may not decommission North Fork.

671

672 Mr. Mawyer stated that the plan was to decommission it as soon as they got the pipe under the  
673 South Rivanna river in place to create redundancy to the northern area, and once the Airport  
674 Road pump station was finished. He stated that those were the facilities necessary before they  
675 could stop using North Rivanna.

676

677 Mr. Pinkston stated that this money was supposed to be remedial for past damages as well as  
678 future protections.

679

680 Mr. Gaffney noted that it did not come anywhere close. He stated that they were not the only two  
681 companies either. He noted that they were still legal to manufacture.

682

683 Mr. Tungate stated that everyone in the room benefited from PFAS materials. He stated that they  
684 included wrinkle-free clothes, Gore-Tex, and food wrappers.

685

686 Ms. Mallek stated that one had to work very hard to avoid those materials.

687

688 Mr. Gaffney stated that they had to decide whether to stay in the class action lawsuit at this  
689 meeting because the deadlines were December 4 and December 11.

690

691 Ms. Hildebrand stated that she supported staff's position to remain in the class action litigation,

692 because the other options were risky.

693  
694 Mr. Gaffney stated that he felt that they were letting them off the hook easy, but he did not see  
695 another way. He stated that at some point, they would declare bankruptcy and reorganize. He  
696 stated that in one case, a judge did not allow a company to declare bankruptcy. He stated that he  
697 approved of staying in.

698  
699 Ms. Mallek stated that she agreed.

700  
701 **Mr. O'Connell moved the Board to authorize the Executive Director to register for a PFAS**  
702 **Settlement Agreement Claims Form / Account and remain a member of the class action**  
703 **litigation. Ms. Mallek seconded the motion, which passed unanimously (7-0).**

704  
705  
706 *b. Presentation: Paychex Payroll and Human Resources Information System (HRIS)*  
707 *Review*

708  
709 *(reconvene RSWA for a JOINT SESSION with the RWSA)*

710  
711 **At 3:39 p.m., Mr. Pinkston moved to reconvene the Rivanna Solid Waste Authority Board.**  
712 **Mr. Richardson seconded the motion, which passed unanimously (6-0).**

713  
714 Ms. Betsey Nemeth stated that she would present information about the organization's new  
715 payroll and HRIS system, Paychex. She stated that over a year ago, they started looking for a  
716 new payroll-only system, as they had been using accounting software before. She stated that they  
717 wanted to enhance their employee experience around payroll and other parts of human resources,  
718 ultimately achieving efficiency and cost-effectiveness. She stated that they chose Paychex from  
719 several different vendors. She stated that they had customized the organization's payroll  
720 processing to their specifications, and they were a little bit different than most places because  
721 they worked 24/7 and on holidays, so there were varying kinds of pay.

722  
723 Ms. Nemeth stated that she was excited about the addition of an entire electronic application  
724 system and the ability to post job openings on multiple recruiting websites simultaneously. She  
725 stated that when she input a job into the system, it posted across various platforms, including  
726 their own website. She mentioned that electronic onboarding will be implemented, allowing new  
727 hires to complete their onboarding forms from home. She stated that this included electronic I-9  
728 and E-Verify employment eligibility verification processes. She stated that there was a  
729 significant achievement in implementing a learning management system (LMS).

730  
731 Ms. Nemeth stated that they had introduced a time and attendance system for hourly employees,  
732 replacing manual tracking with punching into a timeclock. She stated that multiple methods  
733 existed for employees to punch in and out using their cell phones, computers, or a timeclock. She  
734 stated that in addition, all pay stubs and tax forms were now available electronically for  
735 employees, when before they were solely on paper. She stated this system allowed employers to  
736 file state federal employer payroll taxes by Paychex, with the payment being sent through the  
737 system itself.

738



739 Ms. Nemeth stated that employees could make changes to their personnel information  
740 electronically without submitting any paperwork. She stated that the management system  
741 handled leave, including sick time, vacation time, bereavement time, and volunteer time off. She  
742 stated that there were three ways for employees to access the clock, including the dashboard,  
743 computer, or timeclock.  
744

745 Ms. Nemeth stated that the computer displayed information about their new system. She  
746 explained that there was a green button for hourly employees to punch in and that they could also  
747 use their cell phones for this purpose. She mentioned that geotracking would be used, so they  
748 would know the location of employees who punched in from their living rooms rather than a  
749 work site. She stated that the third picture showed the actual time clock at Ivy, which was the  
750 only one being used. She stated that employees used their employee numbers to punch in and  
751 out.  
752

753 Ms. Nemeth stated that the application system was exciting because it automatically posted jobs  
754 on numerous job boards and the website, tracking the entire hiring process electronically. She  
755 stated that from the job posting to the onboarding process, hiring involved numerous steps,  
756 including interviews, questions asked, and application design tailored to specific positions. She  
757 stated that the system maintained a comprehensive list by job that tracked individuals' progress  
758 throughout this process. She stated that the job description library was continually expanding,  
759 ensuring they had accurate and detailed descriptions for each role.  
760

761 Ms. Nemeth stated that currently, their website featured a single job application for all available  
762 positions. She stated that with the new system, she could now create customized applications for  
763 each position, such as water manager, HR manager, safety manager, or water operator, to gather  
764 specific information relevant to the role. She stated that upon hiring someone, they sent an  
765 onboarding email containing instructions for completing all required documents. She stated that  
766 the program would include a copy of their handbook for participants to read and sign off on. She  
767 stated that additionally, E-Verify would be used for completing the I-9 employment eligibility  
768 form, verifying with the government that the individual was legally allowed to work in the  
769 United States.  
770

771 Ms. Nemeth stated that they had recently begun working on integrating Paychex learning  
772 management into their system, which aligned well with their strategic plan. She stated that as  
773 outlined in the plan, they aimed to track and manage various types of training for employees. She  
774 stated that Paychex already featured a learning library covering safety, HR, and IT topics. She  
775 stated that this integration allowed them to create personalized learning journeys for individual  
776 employees based on their areas of improvement or focus, such as leadership development. She  
777 stated that reporting was available for each employee's training hours, allowing them to receive  
778 an individualized training and learning transcript.  
779

780 Ms. Nemeth stated that they could add their own training activities to the transcript. She stated  
781 that for example, she took courses to maintain certifications and could include all her external  
782 training in the transcript. She stated that they could upload various training modules, not just job-  
783 specific ones. She stated that in the past week, they had added their safety training, which was  
784 conducted as a module every other week, and all of this information was now available in the

785 system. She stated that additionally, employees who wanted to create their own training modules  
786 or come up with new ideas could submit them for inclusion in the system.

787  
788 Mr. Gaffney asked if Ms. Nemeth was looking forward to the new program.

789  
790 Ms. Nemeth stated yes. She stated that the training was very interesting. She stated that the  
791 software would be tracking most of the training they did, rather than tracking it on spreadsheets.  
792 She stated that it would also be great for their employees because they no longer had to call her  
793 on the phone to ask for paper paystubs. She stated that employees could access all of that  
794 information on their phones now.

795  
796 Mr. Pinkston asked if this was similar to Workday.

797  
798 Ms. Nemeth stated yes. She stated that their organization was not large enough to use Workday,  
799 but it was similar.

800  
801 Ms. Mallek asked where they were in terms of the implementation process.

802  
803 Ms. Nemeth stated that all paperwork was being processed there now. She stated that she hoped  
804 the application process would be operational in January. She stated that the LMS was integrated  
805 but not yet activated. She stated that she wanted to do a few modules herself and make sure it  
806 was acceptable.

807  
808 Ms. Mallek asked if those were their modules.

809  
810 Ms. Nemeth stated that she was referring to the outside modules. She clarified that they could be  
811 both. She stated that they had already uploaded their in-house safety training, but Paychex had  
812 their own modules that she wanted to review before sending them to employees to complete.

813  
814 Ms. Mallek asked if it would include cyber training.

815  
816 Ms. Nemeth stated that they got cyber training from a different vendor and had not crossed that  
817 bridge yet. She stated that she would be curious to see what their IT team thought of that.

818  
819 Ms. Mallek asked if the I-9 notification to the government was required at the very end. She  
820 asked if it would be more sensible to get that done before sending the onboarding email to  
821 someone.

822  
823 Ms. Nemeth stated that she would have to do it after she offered the job to them. She stated that  
824 as part of their onboarding process, she had to verify their ID. She stated that she would have to  
825 rescind the offer if they were not qualified to work in the U.S.

826  
827 ***10. OTHER ITEMS FROM BOARD/STAFF NOT ON THE AGENDA***

828 Mr. Gaffney asked if there were other items from Board members or staff not on the agenda and  
829 heard none.

830

831 Ms. Mallek stated that at the last meeting, a member of the public asked a question about clients  
832 of RWSA who had put in private wells and were drawing groundwater from their neighbors in  
833 order to water their grass. She stated that she wanted to ask the question about if there were any  
834 requirements when one signed up to get Rivanna Water and Sewer coverage.

835  
836 Mr. Mawyer stated that those clients would either sign up with the City or the Service Authority,  
837 but not with RWSA.

838  
839 Mr. O'Connell stated that they disconnected wells when people signed up for public water.

840  
841 Ms. Mallek stated that they may not be aware of new wells that had been installed. She stated  
842 that it was particularly important because their water table was so low.

843  
844 Mr. Gaffney asked if the removal of the wells was required.

845  
846 Mr. O'Connell confirmed that they were not legally allowed per Albemarle County code. He  
847 stated that if someone connected to public water, they had to disconnect the well. He stated that  
848 they had enforced it in a couple of places. He stated that it was unlikely someone could have  
849 gone in and done it unbeknownst to anyone, because the Health Department usually would be  
850 aware of such a situation.

851  
852 Ms. Hildebrand stated that according to the City's Standard and Design Manual, if someone was  
853 a water customer of the City, they could not install a well, and it was not allowed.

854

855 **11. CLOSED MEETING**

856 There was no reason for a closed meeting.

857

858 *(Adjournment of RSWA Board)*

859

860 **3:52 p.m. Mr. Andrews moved to adjourn the meeting of the Rivanna Solid Waste**  
861 **Authority. Mr. Richardson seconded the motion, which passed unanimously (6-0).**

862

863 **12. ADJOURNMENT**

864 **At 3:52 p.m., Ms. Mallek moved to adjourn the meeting of the Rivanna Water and Sewer**  
865 **Authority. Mr. Pinkston seconded the motion, which passed unanimously (7-0).**

866

867 Respectfully submitted,

868

869

870

871



Mr. Jeff Richardson  
Secretary - Treasurer

