

**A G E N D A**

**JAMES CITY SERVICE AUTHORITY BOARD OF DIRECTORS**

**County Government Center Board Room**

**June 26, 2007**

**7:00 P.M.**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. CONSENT CALENDAR**

1. Minutes - May 22, 2007, Regular Meeting
2. Bid Award - Mooretown Road Waterline
3. Budget Amendment - FY 2008 Capital Improvements Program

**D. PUBLIC HEARINGS**

1. Easement Abandonment - 8800 Pocahontas Trail
2. Sale of Permanent Easement to Crown Castle International, Inc. - \$160,000

**E. BOARD CONSIDERATION**

1. Consent Order - Department of Environmental Quality - Sewer System Overflows

**F. BOARD REQUESTS AND DIRECTIVES**

**G. ADJOURNMENT**

062607bod.age

**AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 22ND DAY OF MAY 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. CALL TO ORDER**

**B. ROLL CALL**

Jay T. Harrison, Sr., Chairman  
Bruce C. Goodson., Vice Chairman  
James O. Icenhour, Jr.  
M. Anderson Bradshaw  
John J. McGlennon

Sanford B. Wanner, Secretary  
Leo P. Rogers, County Attorney  
Robert H. Smith, Acting General Manager

**C. CONSENT CALENDAR**

Mr. Bradshaw made a motion to adopt the item on the Consent Calendar.

On a roll call vote, the vote was: AYE: Bradshaw, McGlennon, Goodson, Icenhour, Harrison (5).  
NAY: (0).

1. Minutes - April 24, 2007, Regular Meeting

**D. BOARD REQUESTS AND DIRECTIVES**

1. Changes to the Regulations Governing Utility Service - FY 08 Utility Rates

Mr. Larry Foster stated this item was for a portion of the fees related to outdoor water use for lawn irrigation. He recognized Mr. Robert Duckett from the Peninsula Housing and Builders Association who wished to speak, though this was not a public hearing. Mr. Foster noted that staff did not object if the Board wished to allow Mr. Duckett to speak.

Mr. Bob Smith stated the other fee changes were approved when the overall budget was approved but there was a deferral for the lawn irrigation (LI) fee and that staff had met with members of the lawn irrigation community and revised the water use fee as presented in the memorandum. He stated the resolution would establish an outdoor hose bib fee and a fee for lawn irrigation based on lot size. Mr. Smith explained that the hose bib fee for one or more bibs was set at \$500; the lawn irrigation fee was on a sliding scale based on lot size; and the fees would go into effect July 1, 2007. Staff recommended approval of the proposed fee changes.

Mr. Bradshaw asked how the hose bib fee was determined.

Mr. Foster stated the current fee for fixtures for a bathroom was \$500 and staff felt it was an acceptable fee for a hose bib also. He noted that this would provide equity to those who use a hose bib for irrigation versus an automated irrigation system.

Mr. Bradshaw stated that the use of a scale indicated that there was difficulty to charge the fee based on the size of the area that was irrigated.

Mr. Foster stated this was correct because that would be very hard to monitor. Staff felt that the irrigation costs were adequately evaluated based on the overall size of the lot.

Mr. Bradshaw confirmed that this set of fees was revenue neutral.

Mr. Foster stated there had been no experience with it and, though the numbers on the future water supply were ambiguous, staff was certain the revenues generated would be needed.

Mr. McGlennon expressed appreciation to staff for working with lawn irrigation contractors and thanked the contractors for their input.

Mr. Harrison asked if this new fee would be imposed on new development and not existing homes.

Mr. Foster stated that if someone comes forward for lawn irrigation after July 1, 2007, the fee would be applied but no hose bib fee would be collected for existing homes.

Mr. Harrison stated that if the source of high water bills is irrigation, then the fees should penalize that aspect rather than requiring lower income individuals to pay high water bills.

Mr. Foster commented on peak water demands related to irrigation and noted that if similar consumption were to occur all day, water usage would be 14-million gallons per day (mgd).

Mr. Icenhour asked when the hose bib fee would be collected.

Mr. Foster stated that fee would be collected when the building permit fee for the home was collected.

Mr. Icenhour asked what assurances were in place if someone installed irrigation without a permit.

Mr. Foster stated measures were in place to give more checks and balances than in the past. He stated the irrigation companies would help enforce compliance and when people come forward for a Certificate of Occupancy for new construction, 95 percent of them install an irrigation system. Mr. Foster stated the process was weakest concerning existing homes, but this could be aided from information when citizens get a submeter for the sewer credit.

Mr. Icenhour stated that it needed to be fair and equitable and noted that the lot size for the highest fee was 45,000 square feet, which was roughly one acre.

Mr. Foster stated this was correct.

Mr. Goodson asked how staff would handle when a person gets a submeter and the individual does not have a record of irrigation being installed.

Mr. Foster stated that this would be addressed but it would be easy to recognize when the irrigation was installed if it was in the recent past.

Mr. Robert Duckett, on behalf of Peninsula Housing and Builders Association, commented on commercial developments being exempt from the fee; requested the scale for fees be based on use rather than lot size; and noted the efficiency of an irrigation system over a standard sprinkler.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Bradshaw, McGlennon, Goodson, Icenhour, Harrison (5). NAY: (0).

**RESOLUTION**

**CHANGE TO THE REGULATIONS GOVERNING UTILITY SERVICE -**

**FY 2008 UTILITY RATES**

WHEREAS, the Board of Directors of the James City Service Authority conducted a public hearing on April 10, 2007, for proposed changes to the Regulations Governing Utility Service.

NOW, THEREFORE, BE IT RESOLVED that by the Board of Directors of the James City Service Authority, James City County, Virginia, hereby adopts a change to the Regulations Governing Utility Service by establishing an Outdoor Water Use Fee as summarized below to become effective July 1, 2007.

**Outdoor Water Use Fee**

Outdoor Hose Bib Fee. There shall be an Outdoor Hose Bib Fee of \$500 established for each residential and commercial account that has an outdoor hose bib installed. This fee will be paid prior to issuance of a Plumbing Permit by the County Code Compliance Office.

Lawn Irrigation System Fee. There shall be a Lawn Irrigation System Fee established for each residential and commercial account as described below:

<u>Lot Size</u>	<u>Connection Fee</u>
Up to 10,000 Square Feet	\$250
10,001 to 30,000 Square Feet	\$500
30,001 to 45,000 Square Feet	\$800
Over 45,000 Square Feet	\$1,400

This fee will be paid to the JCSA prior to issuance of a Lawn Irrigation Permit by the County Code Compliance Office.

The purpose of the above fees is to defray in part the cost of providing major supply, transmission main, booster pumping, and distribution storage facilities.

BE IT FURTHER RESOLVED, that the proposed amendments be made part of this resolution.

Mr. McGlennon stated that new homes use irrigation as a preferred method to water lawns.

Mr. Bradshaw stated the incentive is a lower water bill.

**E. ADJOURNMENT**

Mr. McGlennon made a motion to adjourn.

The motion passed by a unanimous voice vote.

At 9:34 p.m., Mr. Harrison adjourned the Board.

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Sanford B. Wanner  
Secretary to the Board

052207bod.min

**MEMORANDUM**

DATE: June 26, 2007  
 TO: The Board of Directors  
 FROM: Larry M. Foster, General Manager, James City Service Authority  
 SUBJECT: Bid Award - Mooretown Road Waterline

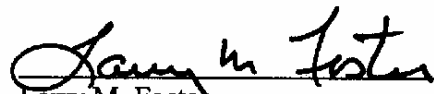
In the fall of 2006 the Board of Directors authorized the James City Service Authority (JCSA) to enter into an agreement with York County and several private property owners located along Mooretown Road to provide the terms for the joint financial participation in the construction of a waterline along Mooretown Road. The waterline will be installed between Ewell Industrial Park and the Raintree neighborhood. The JCSA is responsible for 31.5 percent of the costs of the waterline (\$32,220 based on low bid) and administration of the project.

Competitive Bids were received and publicly opened on May 31, 2007, with the following results.

<u>Firm</u>	<u>Amount</u>
Ultra Services, Inc.	\$105,460.00
Ward Stancil	111,078.60
Jamestown Contracting, LLC	115,640.00
J. Saunders Construction	116,595.00
Stilley Company	118,138.00
David A. Nice	120,866.00
Tidewater Utility Construction	125,730.47
Southern Construction	150,742.39
Walter C. Via Enterprises	151,456.00
JCB Construction	192,230.00
Suburban Grading and Utilities	298,400.00

Ultra Services, Inc. submitted the lowest bid of \$105,460 and has been determined capable to perform the scope of work associated with the project. Board approval is required for the award of any contract over \$100,000.

Therefore, staff recommends approval of the attached resolution awarding the Mooretown Road Waterline Project to Ultra Services, Inc. for \$105,460. The JCSA's share of the project costs is \$32,220.

  
 \_\_\_\_\_  
 Larry M. Foster

LMF/gb  
 WtrlineMooretown.mem

Attachment

**RESOLUTION**

**BID AWARD - MOORETOWN ROAD WATERLINE**

WHEREAS, the Mooretown Road Waterline extension has been publicly advertised and competitively bid; and

WHEREAS, eleven firms submitted bids with Ultra Services Inc. submitting the lowest bid of \$105,460; and

WHEREAS, Ultra Services Inc. has been determined capable of performing the scope of services associated with the waterline extension project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the James City Service Authority, James City County, Virginia, hereby awards the bid for the Mooretown Road Waterline Project to Ultra Services, Inc. for a contract amount of \$105,460.

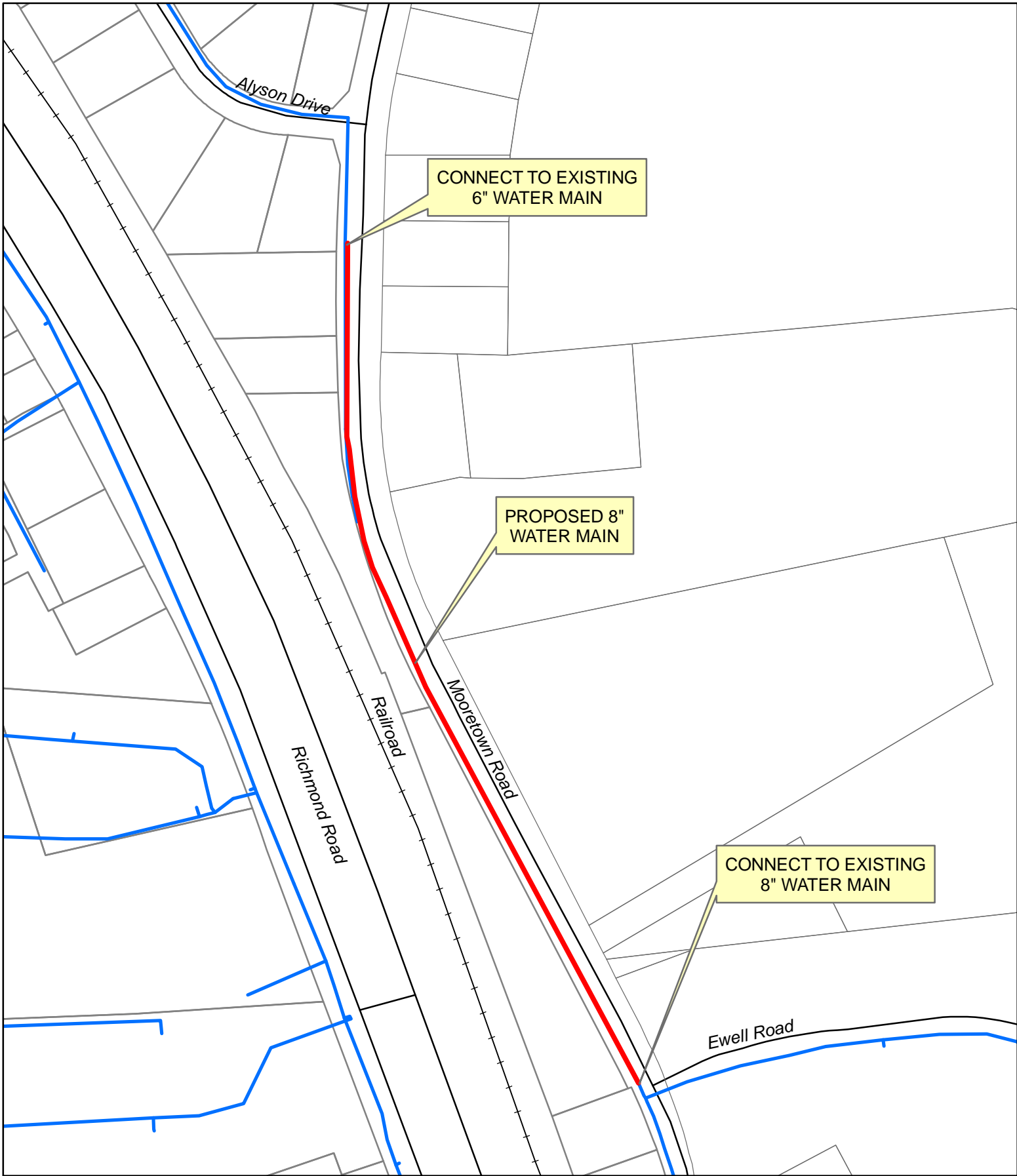
\_\_\_\_\_  
Bruce C. Goodson  
Vice Chairman, Board of Directors

ATTEST:

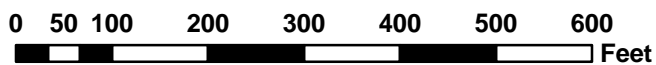
\_\_\_\_\_  
Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 26th day of June, 2007.

WtrlineMooretown.res



# Mooretown Road Water Main Extension



**Legend**

- Proposed Water Main
- Existing Water Main



MEMORANDUM

DATE: June 26, 2007  
TO: The Board of Directors  
FROM: Robert H. Smith, Assistant Manager, James City Service Authority  
SUBJECT: Budget Amendment – FY 2008 Capital Improvements Program

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The purpose of this memorandum is to request an amendment to the James City Service Authority (JCSA) Capital Improvements Program (CIP) for additional revenue that is projected for the Outdoor Water Use Fee which was adopted at the May 22, 2007, Board of Directors meeting. The projected Outdoor Water Use Fee revenue is \$525,000 and will be used for future water supply requirements.

Attached is a resolution adopting the proposed change, which would become effective July 1, 2007. Staff recommends adoption of the proposed resolution.

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Robert H. Smith

CONCUR:

  
Larry M. Foster

RHS/nb  
FY08CapImpPgm.mem

Attachment

**RESOLUTION**

**BUDGET AMENDMENT – FY 2008 CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, the Board of Directors of the James City Service Authority adopted the FY 2008 Capital Improvements Program on April 24, 2007; and

WHEREAS, the Board of Directors adopted a Outdoor Water Use Fee consisting of a Outdoor Hose Bib Fee and a Lawn Irrigation Fee on May 22, 2007.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby adopts a change to the FY 2008 Capital Improvements Program to allow for projected revenue for Outdoor Water Use Fees which are summarized below to become effective July 1, 2007.

The following amount is appropriated as indicated below:

Capital Improvements Program

Revenues:

Outdoor Water Use Fee	<u>\$525,000</u>
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Expenditures:

Future Water Supply	<u>\$525,000</u>
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Bruce C. Goodson  
Vice Chairman, Board of Directors

ATTEST:

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Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 26th day of June, 2007.

FY08CapImpPgm.res


MEMORANDUM

DATE: June 26, 2007  
TO: The Board of Directors  
FROM: Larry M. Foster, General Manager, James City Service Authority  
SUBJECT: Easement Abandonment – 8800 Pocahontas Trail

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Mr. J. F. Phillips, Jr., Esquire has petitioned on behalf of the Grove Christian Outreach Center to have the above-referenced abandoned. The easement was established many years ago in anticipation of the installation of a sewer line to serve the area. For unknown reasons the sewer line was never installed. Since that time the alternate means of sewer service for the area has been provided making the easement unnecessary.

This meeting has been advertised as a public hearing on the requested abandonment of a sanitary sewer easement located on a parcel located at 8800 Pocahontas Trail. After conducting the public hearing, staff recommends that the Board approve the attached resolution authorizing the General Manager to sign the appropriate documents necessary to abandon the sanitary sewer easement.

  
Larry M. Foster

LMF/nb  
EaseAbonPocaTrl.mem

Attachment

**RESOLUTION**

**EASEMENT ABANDONMENT – 8800 POCAHONTAS TRAIL**

WHEREAS; Grove Christian Outreach Center has purchased the property located at 8800 Pocahontas Trail and has requested the abandonment of the unused sanitary sewer easement located on the parcel; and

WHEREAS; the James City Service Authority has determined that the easement is not needed as a result of sewer service being provided by an alternate route and has recommended that the Board authorize the abandonment of the easement.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, hereby authorizes its General Manager to sign the necessary documents to abandon the sanitary sewer easement located on the property located at 8800 Pocahontas Trail and defined on a plat prepared by E.J. Kelly, Inc., dated July 2, 1981.

\_\_\_\_\_  
Bruce C. Goodson  
Vice Chairman, Board of Directors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 26th day of June, 2007.

EaseAbonPocaTrl.res



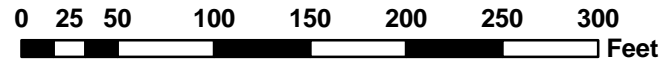
Existing 20'  
JCSA Easement

8800 Pocahontas Trail

Pocahontas Trail

Heritage Mobile Home Park

# 8800 Pocahontas Trail



**Legend**

- ( Sewer Manhole
- Gravity Sewer Main

**EXHIBIT "A"**



VICINITY MAP  
1" = 3000'

**DRIVING DIRECTIONS TO SITE**

FROM I-64 AT EXIT NUMBER 242, TAKE ROUTE #199 WEST, FOLLOW #199 2.3 MILES AFTER CROSSING MOUNTS BAY ROAD, THEN TURN LEFT ON GRAVEL ROAD LEADING TOWARD WATER STORAGE TANKS. SITE IS LOCATED APPROXIMATELY 3/4 OF THE WAY UP GRAVEL ACCESS ROAD ON THE RIGHT.

**1A. COORDINATES**

NAD 1983  
LATITUDE: 37°14'48.43"  
LONGITUDE: 78°41'17.31"  
NAD 1927  
LATITUDE: 37°14'47.80"  
LONGITUDE: 78°41'18.84"  
TOWER BASE ELEVATION: 71 (7) MGD 29  
21.8 (4)

LEGAL DESCRIPTION FOR VIRGINIA CELLULAR LIMITED PARTNERSHIP 6B-VA0571 ON THE PROPERTY OF JAMES CITY SERVICE AUTHORITY

BEING A 900 SQUARE FOOT LEASE AREA ON THE PROPERTY OF JAMES CITY SERVICE AUTHORITY, DESCRIBED IN DEED BOOK 342, PAGE 787 REGISTERED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF JAMES CITY COUNTY, VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

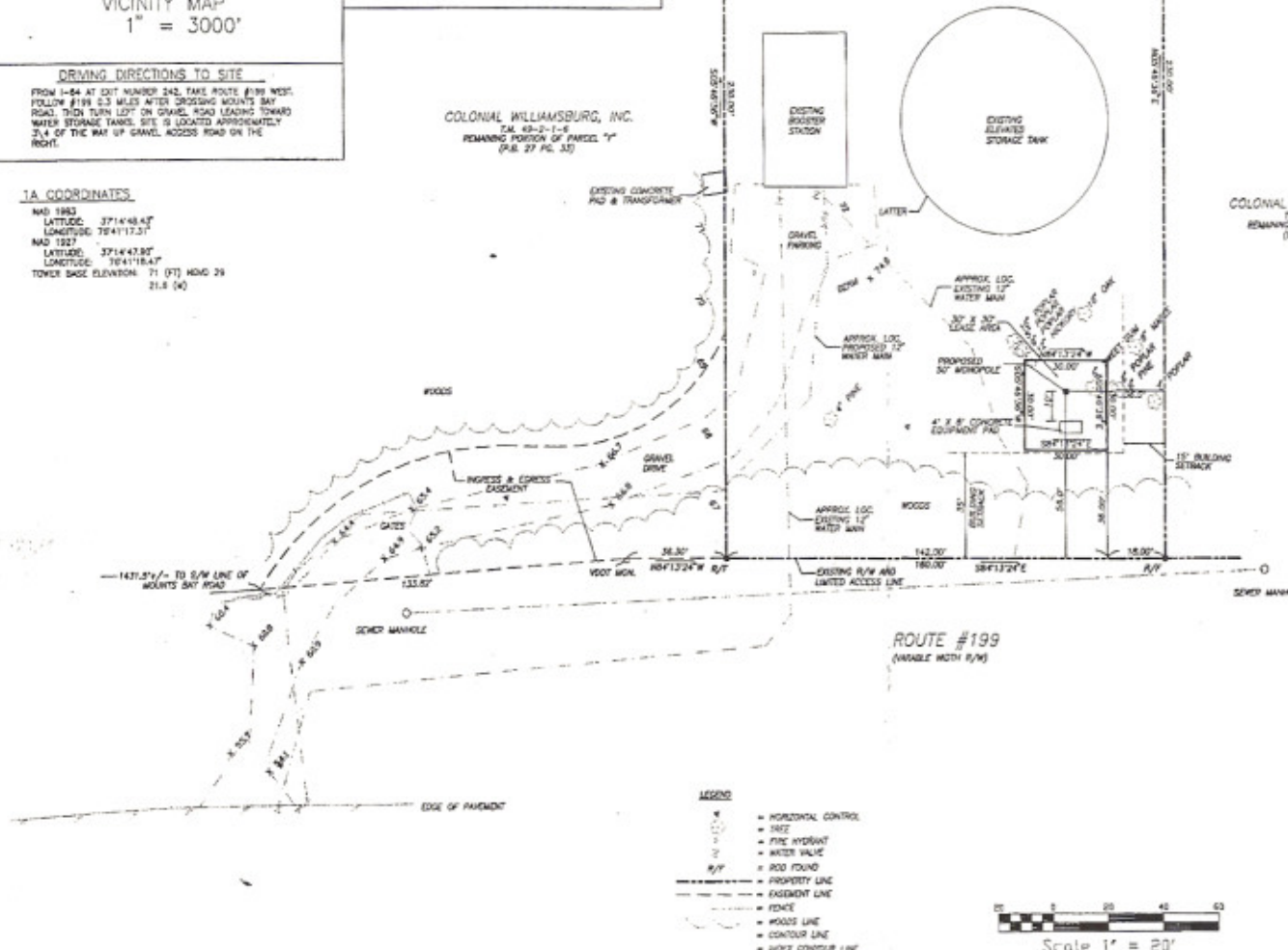
BEGINNING AT THE INTERSECTION OF ROUTE #199 AND MOUNTS BAY ROAD, THENCE IN A WESTERLY DIRECTION 140.5147' ALONG THE SOUTHERN RIGHT-OF-WAY OF ROUTE #199 TO A 305.5' POINT WHICH MARKS THE PROPERTY LINE OF COLONIAL WILLIAMSBURG, INC. AND THE JAMES CITY SERVICE AUTHORITY, THENCE ALONG S/W OF ROUTE #199 N61°13'24" W 142.00', THENCE S05°48'28" W 80.00' TO A ROD SET WHICH MARKS THE POINT OF BEGINNING.

STARTING AT THE POINT OF BEGINNING, THENCE S86°13'24" E 30.00' TO A ROD SET, THENCE S32°45'00" W 230.00' TO A ROD SET, THENCE N61°13'24" W 30.00' TO A ROD SET, THENCE N02°48'28" E 30.00' TO THE POINT OF BEGINNING.

COLONIAL WILLIAMSBURG, INC.  
T.M. 48-2-1-6  
REMAINING PORTION OF PARCEL "F"  
(P.L. 27 PG. 33)

COLONIAL WILLIAMSBURG, INC.  
T.M. 48-2-1-6  
REMAINING PORTION OF PARCEL "F"  
(P.L. 27 PG. 33)

- NOTES:
- LEASE AREA IS LOCATED ON PROPERTY OF JAMES CITY SERVICE AUTHORITY, AS REFERENCED IN DEED BOOK 342, PAGE 787.
  - THE PARCEL 48-2-1-6-6A IS CURRENTLY ZONED R-8.
  - THIS PLAN REPRESENTS AN ACTUAL FIELD SURVEY OF LEASE AREA PERFORMED BY BENGTSON DABELL & ELJON, LTD. ON MAY 12, 1997. THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARCEL 48-2-1-6-6A. BOUNDARY INFORMATION FOR THE PARCEL 48-2-1-6-6A IS COMPILED FROM PLAT BY ROUSE-SHINE ASSOCIATES, LTD. ENTITLED "A PORTION OF PARCEL "F" PROPERTY OF WILLIAMSBURG RESTORATION, INC. AND COLONIAL WILLIAMSBURG, INC. TO BE CONVEYED TO JAMES CITY SERVICE AUTHORITY DATED NOVEMBER 3, 1984, DEEDS AND PLATS OF RECORD, AND FOUNDED INFORMATION.
  - BOUNDARY REFERENCED TO VIRGINIA STATE PLANE COORDINATE SYSTEM NORTH ZONE, NAD 83.
  - NO TITLE REPORT FURNISHED.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS PLAN IS APPROXIMATE. ADDITIONAL UNDERGROUND UTILITIES, NOT SHOWN ON THIS PLAN MAY EXIST ON PROPERTY.
  - SUBJECT PROPERTY LIES IN FLOOD ZONE X, AS SHOWN ON F.L.R.M. PANEL 110231-0045 & EFFECTIVE DATE, FEBRUARY 4, 1981.
  - CONTOUR INTERVAL IS 1'.
  - VERTICAL DATUM IS REFERENCED TO MGS 1983.
  - VERTICAL INFORMATION TAKEN FROM DRAWING TITLED "BOOSTER STATIONING IMPROVEMENTS 94-0-0649" BY JAMES CITY SERVICE AUTHORITY DATED 7-6-94.



- LEGEND**
- = HORIZONTAL CONTROL
  - = UTILITY
  - = FIRE HYDRANT
  - = WATER VALVE
  - = ROD FOUND
  - - - = PROPERTY LINE
  - - - = EASEMENT LINE
  - - - = FENCE
  - - - = MOUSE LINE
  - - - = CONTOUR LINE
  - - - = HOLES CONTOUR LINE



**POWER COMPANY:**  
VIRGINIA POWER  
4519 BROADWAY RD.  
RICHMOND, VA 23188  
SCOTT JAMES  
(703)226-4128

**BUILDING DEPARTMENT:**  
JAMES CITY COUNTY  
P.O. BOX 6784-BETA  
WILLIAMSBURG, VA 23188  
MARVA POWERS  
(703)233-8888

**TELEPHONE COMPANY:**  
404 S. HENRY ST.  
WILLIAMSBURG, VA 23188  
(703)255-4320

**PROPERTY OWNER:**  
JAMES CITY SERVICE AUTHORITY  
P.O. BOX 6784-BETA  
WILLIAMSBURG, VA 23188  
MARVA POWERS  
(703)233-8888

**ACQUISITION CONSULTANT:**  
GTE MOBILNET  
300 WILLIAMSBURG AVENUE  
WILLIAMSBURG, VA 23188  
(703)233-8888

**SITE ADDRESS:**  
WILLIAMSBURG, VA 23188



**BENGTSON DABELL & ELJON, LTD.**  
ENGINEERS & ARCHITECTS & PLANNERS & LANDSCAPE ARCHITECTS  
800 ADAMS STREET SUITE 200 • WAREHOUSES VA 23088  
(804) 200-2660 • FAX (804) 333-8177

**OFFICE LOCATIONS:**  
• WAREHOUSES VA 23088  
• WAREHOUSES VA 23188

**BDE**  
BENGTSON DABELL & ELJON, LTD.

**GTE Mobilnet**  
VIRGINIA CELLULAR  
LIMITED PARTNERSHIP

6B-VA0571  
JAMES CITY COUNTY  
SITE INFORMATION

DATE: 5-21-97	SCALE: AS SHOWN
DESIGN: DRAM/ELJ	CHECK: CHEF/ELJ
JOB NO.: RC0529700	P.R. NO.: 6B-VA0571
SHEET 2 OF 4	FILE NO.: GTE

## M E M O R A N D U M

DATE: June 26, 2007

TO: The Board of Directors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Sale of Permanent Easement to Crown Castle International, Inc. - \$160,000

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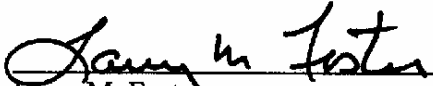
The James City Service Authority ("JCSA") owns real property identified as James City County Tax Map No. 4920100006A, which is situated along Route 199, southeast of Mounts Bay Road ("Property"). Located on the JCSA Property are a water storage tank facility and a 35-foot high cellular tower ("Cell Tower").

In 2001, the Board authorized the lease of a portion of the JCSA Property to GTE for the location of the Cell Tower. GTE subsequently sold the lease to Crown Castle International, Inc. ("Crown"). At the time of the lease, the covenants on the JCSA Property were amended by the Colonial Williamsburg Foundation, the previous owner, to allow for the installation of the 35-foot tower.

Crown has approached JCSA requesting to purchase an easement ("Easement") on the JCSA Property for \$160,000. Attached is a map showing the location of the proposed Easement area on the JCSA Property. JCSA has received fees for the Cell Tower since the lease to GTE was initiated; current fee revenues are approximately \$14,000 per year. The fees increase annually based on the Consumer Price Index.

Crown has established a corporate objective to buy out existing leases and acquire an easement in its place and has therefore approached the JCSA. Under normal circumstances, staff would not recommend the sale of a permanent easement for this purpose. However, the height limitation on this site limits its service area to the point that it is likely that Crown will take the Cell Tower out of service eliminating lease revenues entirely. The proposed easement provides that if the Cell Tower is taken out of service the Easement will revert to the JCSA after one year.

Staff recommends the approval of the attached resolution authorizing the conveyance of a 900-square-foot Easement to Crown Castle International, Inc. for \$160,000.

  
Larry M. Foster

LMF/gs  
crownease.mem

Attachments

**RESOLUTION**

**SALE OF PERMANENT EASEMENT TO**

**CROWN CASTLE INTERNATIONAL, INC. - \$160,000**

WHEREAS, the James City Service Authority (“JCSA”) owns real property identified as James City County Real Estate Tax Map No. 4920100006A located along Route 199 southeast of Mounts Bay Road (“Property”); and

WHEREAS, situated on the Property is a JCSA one-million gallon water storage tank facility; and

WHEREAS, since 2001, JCSA has leased to Crown Castle International, Inc. (“Crown”) a portion of the Property for the operation of a 35-foot cellular telephone tower with associated equipment; and

WHEREAS, Crown desires to purchase a 900-square-foot easement (“Easement”) on the Property which said easement encompasses the portion of the Property currently being leased by Crown; and

WHEREAS, the purchase price for the Easement is \$160,000.

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the James City Service Authority, James City County, Virginia, following a Public Hearing, hereby authorizes the conveyance of an easement to Crown for \$160,000 and hereby authorizes the General Manager to sign the necessary documents to complete the transaction.

\_\_\_\_\_  
Bruce C. Goodson  
Vice Chairman, Board of Directors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 26th day of June, 2007.

Crownease.res



**MEMORANDUM**

DATE: June 26, 2007

TO: The Board of Directors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Consent Order – Department of Environmental Quality – Sewer System Overflows

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For over two years the James City Service Authority (JCSA) staff along with staff from 13 other Hampton Roads wastewater utilities have been working in cooperation with the Hampton Roads Sanitary District (HRSD), the Hampton Road Planning District Commission (HRPDC), the Virginia Department of Environmental Quality (DEQ), and the United States Environmental Protection Agency (EPA) on a plan to address Sewer System Overflows (SSO) in the region.

Because of its environmental impact, the EPA has targeted large communities to begin addressing SSO's. The local or satellite utilities collect wastewater discharges from structures within their service area and transport it to HRSD interceptors for transport to treatment facilities. Because the systems are interconnected it is essential that HRSD and the "satellite" utilities work closely to address SSO.

After many months of cooperative effort DEQ, HRSD, and the satellite utilities have agreed on the terms of a Consent Order that establishes the plan and schedule for addressing SSO's in HRSD's service area. The Consent Order will bind the participants to meeting the plan, schedule, and reporting that is defined in the Consent Order. The Consent Order will also incorporate by reference design and construction standards for all satellite utilities to ensure consistency.

The first phase of the project will include Sewer System Evaluations of the satellite utilities infrastructure to determine integrity and identify areas of deterioration. At the same time HRSD will install master meters to measure flows from the satellite utilities. Once installed, the meters will be used to determine areas of excessive wastewater flow and provide flow data for the development of a hydraulic model of the overall (HRSD/Satellite) sewer system. The hydraulic model will be used in targeting areas for rehabilitation. In addition to the above, the Consent Order will incorporate by reference - Regional Construction Standards and Memorandum of Agreement to define how all parties work together to reduce SSO's.

The second phase of the project will evolve into improvement projects that are identified in the sewer system evaluation.

It should be noted that entering into this Consent Order will begin a long-term effort and commitment to improving the JCSA and the region sewer systems that will result in improved environmental protection and likely increase sewer transportation and treatment costs.

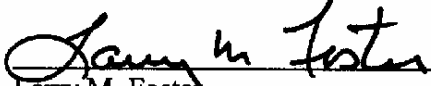
The Board was apprised of the pending Consent Order at a work session on May 22, 2007. A copy of the Consent Order is included in the Reading File.

Consent Order – Department of Environmental Quality – Sewer System Overflows

June 26, 2007

Page 2

Staff recommends approval of the attached resolution authorizing the General Manager to sign on behalf of the JCSEA.

  
Larry M. Foster

LMF/nb

CnstOdrDOEQSSO.mem

Attachment

## RESOLUTION

### CONSENT ORDER – DEPARTMENT OF ENVIRONMENTAL QUALITY -

#### SEWER SYSTEM OVERFLOWS

- WHEREAS, the Hampton Roads Sanitation District (“HRSD”) provides sewage treatment service to the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, York, and James City ; and the town of Smithfield (collectively, the “Localities”); and
- WHEREAS, the James City Service Authority provides sewer services in James City County, other Localities individually own and operate sanitary sewer collection systems, which collect sewage within their individual jurisdictional boundaries that is delivered to the HRSD system for treatment; and
- WHEREAS, due to pipe breaks, electrical outages, wet weather events, insufficient capacity in the collection, interceptor and treatment systems, and other factors, untreated sewage is, on occasion, discharged from various locations in the HRSD sewer system and from the Localities’ sanitary sewer systems; and
- WHEREAS, at the encouragement of the Virginia Department of Environmental Quality (“VDEQ”) and the U.S. Environmental Protection Agency (“EPA”), the HRSD and the Localities, working with the support and facilitation of the Hampton Roads Planning District Commission (“HRPDC”), have expeditiously developed a comprehensive program to address these problems. This program consists of regional and individual elements. The regional element requires the Localities and HRSD to use uniform standards to design the infrastructure improvements needed to manage peak wet weather flows throughout the Hampton Roads Sewer System in a cost-effective manner. The HRSD and Localities are required to address their individual system conditions that cause or contribute to discharges of untreated sewage; and
- WHEREAS, these regional and individual commitments are set forth in the following three documents that have been developed collectively and in consultation with the staff of the VDEQ: (1) State Water Control Board Enforcement Action: Special Order by Consent Issued to the Hampton Roads Sanitation District; the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach and Williamsburg; the counties of Gloucester, Isle of Wight and York; the James City Service Authority; and the Town of Smithfield (“Regional Consent Order”); (2) Memorandum of Agreement for Regional Sanitary Sewer System Operation, Maintenance and Enhancement (“Memorandum of Agreement”); and (3) Attachment 1 to the Special Order by Consent: Regional Technical Standards (“Regional Technical Standards”), (collectively, these documents are referred to as the “Regional Consent Order Package”); and
- WHEREAS, the success of these regional and individual Locality efforts depends upon the cooperative efforts of the HRSD and the Localities, and the approval of the Virginia State Water Control Board (“SWCB”) and its VDEQ staff; and

WHEREAS, the ongoing efforts of the Localities and HRSD to maintain, repair and improve the sanitary sewer system at substantial cost, for the benefit of the region's quality of life, is endorsed and commended.

NOW, THEREFORE, BE IT RESOLVED that by the Board of Directors of the James City Service Authority, James City County, Virginia, hereby:

- (1) approves the Regional Consent Order Package as presented on this date to (the Board of Directors of the James City Service Authority, James City County, VA); and
- (2) authorizes and directs the General Manager to execute the Regional Consent Order and Memorandum of Agreement on behalf of the James City Service Authority and submit the Regional Consent Order Package to DEQ for public notice and approval by the SWCB; and
- (3) authorizes the General Manager and the County Attorney to take such other actions as may be reasonably necessary to implement the intent of this resolution.

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Bruce C. Goodson  
Vice Chairman, Board of Directors

ATTEST:

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Sanford B. Wanner  
Secretary to the Board

Adopted by the Board of Directors of the James City Service Authority, James City County, Virginia, this 26th day of June, 2007.

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