



Kenneth C. Boyd  
Rivanna

Lindsay G. Dorrier, Jr.  
Scottsville

Ann H. Mallek  
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**COUNTY OF ALBEMARLE**  
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December 8, 2010

Mr. David Paylor  
Director  
Department of Environmental Quality  
P O Box 1105  
Richmond VA 23218

Dear Mr. Paylor:

This responds on behalf of Albemarle County to your letter dated November 23, 2010, addressed to each of this Community's "4 Boards."<sup>1</sup> Your letter is in response to a letter to the Department of Environmental Quality (DEQ) from Mr. Thomas Frederick, Executive Director of the Rivanna Water and Sewer Authority, dated October 28, 2010, concerning Virginia Water Protection Permit 06-1574.

At the outset we wish to thank you for your continuing support of this Community's existing water supply permit issued in 2008. Your level of attention and concern, and that of your entire Department, is remarkable. On behalf of all County residents, we wish to assure you that your efforts, and your support, are very much appreciated.

Thank you also for your offer to provide DEQ personnel and resources to "facilitate" further discussion between the "4 Boards" at a future public meeting of alternative water supply concepts suggested by the City of Charlottesville, but as yet not clearly defined. Local discussions are continuing, but at this time, Albemarle County stands solidly behind this Community's approved and fully permitted water supply plan. We support no compromise of the approved and permitted water supply plan in the belief that to do so, would compromise the County's future. This we cannot do. We insist on the full height earthen dam constructed at the initial phase, with an initial pool of at least 30 feet, if it is not to be filled to 42 feet in the first phase.

Accordingly, this being the County's present position, it would be disingenuous for the County to agree to a DEQ "facilitated" joint public meeting, the mere organization of which would suggest to you, and to the public, that there is room for compromise of the approved and permitted water supply plan. There is none. The better course, we believe, is to continue our efforts to persuade the present City Council to reaffirm the commitment to the approved water supply plan made by the City in 2006, and which it reaffirmed by a Resolution of the City Council as recently as 2008.

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<sup>1</sup> The term "4 Boards" is used for convenience as an informal shorthand reference to the Albemarle County Board of Supervisors, the Charlottesville City Council, the Albemarle County Service Authority and the Rivanna Water and Sewer Authority, alternatively referred to as the "Joint Boards."

Time is short, however, given the schedule recently imposed by the Soil and Water Conservation Board which will lead to resolution of the safety issues at the Ragged Mountain Dams. This Community can honor its commitments to the Board, and to the Department of Conservation and Recreation, only by implementation of the approved and permitted water supply plan. Any deviant of this plan surely would produce unacceptable delay.<sup>2</sup>

We must therefore decline your most generous offer to “facilitate” a public meeting. Under the full set of present circumstances, such a meeting simply would be impractical. By declining your offer of assistance, however, we hasten to point out that the statement contained in the second paragraph of your letter, by itself, provides important unequivocal support and guidance to the governing bodies of this Community and to the public. You state:

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.

Also enclosed herewith is a communication we recently sent to our constituents which affirms and explains our strong commitment to the approved plan. This communication was unanimously approved by both the Board of Supervisors and the Albemarle County Service Authority Board.

Thank you for this support.

Sincerely,

Ann H. Mallek

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<sup>2</sup> An application for minor amendment of the existing permit will be required by the local decision to proceed with an earthen dam, rather than a concrete dam, which will change, *inter alia*, the “footprint” of the dam in the Ragged Mountain landscape to a small degree. It is believed that amendment of the existing permit will be uncontroversial, and that it will not occasion unacceptable delay.