



**Rivanna River Basin Commission
Board Meeting Agenda**

August 20th, 2024 from 1:00 to 2:30 P.M.

Zoom Meeting

<https://us02web.zoom.us/j/86267729036?pwd=9VK8rumOp1Dsr6DXo3bKK9QLmbIWou.1>

Meeting ID: 862 6772 9036

Passcode: 594055

(for Remote Participation in Compliance with RRBC Remote Electronic Participation Policy)

Item	Time	Description
1	1:00-1:05	Call to Order, Attendance, Determination of Quorum
2	1:05-1:07	Approval of Agenda & 3.19.24 Meeting Minutes*
3	1:07-1:13	Comments from the Public: limit of 3 minutes per speaker Public are welcome to provide comment on Rivanna River Basin related topics.
4	1:13-1:35	Impacts of the Chevron Doctrine Overruling – Tanner Brantley, Williams Mullen <ul style="list-style-type: none"> • Discussion
5	1:35-1:45	Approval of Remote Electronic Participation and All-Virtual Meeting Policy*
6	1:45-2:05	Staff Updates <ul style="list-style-type: none"> • RRBC Annual Conference • Watershed Implementation Plan
7	2:05-2:30	Roundtable <ul style="list-style-type: none"> • Each Commissioner is invited to share updates related to the River/ River Basin from their jurisdiction. • Items for Next Meeting
8	2:30	Adjourn

**Items that require action*

TJPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. TJPDC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, to request language translation or other accommodations, or to obtain a Discrimination Complaint Form, contact Lucinda Shannon at (434) 979-7310, lshannon@tjpd.org or visit the website www.tjpd.org.



Rivanna River Basin Commission
Draft Board Meeting Minutes March 19, 2024

Rivanna River Basin Commission	Attendance
Ann Mallek, Albemarle BOS Chair	x
Bea LaPisto-Kirtley, Albemarle BOS	
Lonnie Murray, Appointed Citizen	x
Lloyd Snook, Charlottesville City Council	
Michael Payne, Charlottesville City Council	x
Jason Halbert, Appointed Citizen	x
Timothy Hodge, Fluvanna County BOS	
Tony O'Brien, Fluvanna County BOS	x
Marvin Moss, Appointed Citizen	
Davis Lamb, Greene County BOS	x
Francis McGuigan, Greene County BOS	x
Alex Vidales, Appointed Citizen	
Steve Morris, Culpeper SWCD	
Angus Murdoch, Thomas Jefferson SWCD	x
Staff/Public	
David Sligh, WildVA	x
Jackie Goodrum, WildVA	x
Ruth Emerick, TJPDC	x
Isabella O'Brien, TJPDC	x

Materials in Packet: March 19th, 2024 Meeting Minutes, August 22nd, 2023 Meeting Minutes (Draft), Remote Electronic Participation Policy and All Virtual Meeting Policy

1. Call to Order, Attendance, Determination of Quorum

The Rivanna River Basin Commission (RRBC) Chair Ann Mallek, called the meeting to order at 1:02 p.m. A quorum was determined at 1:03 pm.

2. Approval of Agenda & August 22nd, 2023 Meeting Minutes

Motion/Action: There was a motion to approve the Agenda and the August 22, 2023 meeting minutes by Tony O'Brien, which was seconded by Lonnie Murray, and unanimously approved by the Commission.

3. Comments from Public

David Sligh and Jackie Goodrum joined from WildVA to share information about Scottsville's Wastewater data, which reflects the presence of PFAS in their influent and effluent. However, mitigating PFAS was not addressed in DEQ's permit update for the facility.

4. Presentation: RWSA Pump Station Update

Bill Mawyer led the presentation from Rivanna Water and Sewer Authority to discuss the Rivanna pump station's submersion in wastewater in January of 2024 after a 3 inch rainstorm, causing a large spill of wastewater into the Rivanna. RWSA has successfully built a bypass to stop the overflow, and continue



wastewater into the Rivanna. RWSA has successfully built a bypass to stop the overflow, and continue treating water at that location. The cause of the spill is being studied by an independent engineering firm and should be determined by the end of March 2024.

Questions:

- If river rise caused a backup into your piping system, leading to the overflow, what would stop this from happening again and again?
- Do you have any build up on methane in situations like this?
- Did some pumps continue to operate during the overflow?
- How fast were you alerted your control boards were down during the time of the event?
- Why did one pump station fail and the other did not?
- Do we know what the impact to rate payers will be following this event?

5. Bylaws Review

Staff reviewed the bylaws as they relate to elections, as well as proposed the formation of the executive committee (consisting of 2 non officer positions) to help carry out the functions of the RRBC outside of regular meeting dates.

6. Report of the Nominating Committee

Chair Mallek appointed Lonnie Murray, Jason Halbert, and Angus Murdoch as the election's nominating committee at the August Board Meeting.

The nominating committee proposed Ann Mallek as Chair, Lonnie Murray as treasurer, and Angus Murdoch as the Vice Chair.

7. Elections

After the report of the nominating committee, no additional members of the RRBC added themselves to the election slate. Tony O'Brien moved to vote for the slate, Chair Mallek seconded, and the commission unanimously approved the new officers. The RRBC Officers include:

- Chair: Supervisor Ann Mallek, Albemarle
- Vice Chair: Angus Murdoch, Fluvanna
- Treasurer: Lonnie Murray, Albemarle

Ann Mallek motioned to vote for the Tony O'Brien and Jason Halbert as the two non-officer members of the Executive Committee. Jason Halbert seconded the motion and the commission unanimously approved.

8. Discussion Items

- a. **RRBC Recap and Continuity:** Staff led a discussion about the last two years of the RRBC conference, and what members would like to see for the upcoming conference. Key takeaways include: Valuable hearing from state and federal organizations, holding the conference in various parts of the watershed, interest in a LID/BMP tour, technical presentations as well as community based organizations
- b. **WildVA PFAS in Scottsville:** Staff shared the key findings from WILDVA and



provided an additional opportunity for the board to discuss next steps.

- c. **Current Grant Opportunities:** Staff mentioned the RRBC's stated desire for the board and commissioners to review grant opportunities applicable to the values of the RRBC. Staff provided grant resources to the commission for the review.

9. Staff Updates

- a. Updated Orientation Packet: Staff updated the RRBC orientation packet for new and standing members
- b. Stakeholder Advisory Group Meetings: Staff provided an update on the next topics for the Stakeholder Advisory Group, including the Stewardship Mapping and Assessment Project, and the Historical Timeline as designated in the 5 year work program.

10. Roundtable discussion: Each Commissioner was invited to share updates from their jurisdiction.

Angus Murdoch encourages everyone to get involved in the Virginia Conservation Assistance Program which addresses nonpoint source pollution and is incredibly well funded at this point in time. There are rolling applications.

Tony O'Brien noted the Rivanna River Rafters now have an operation in Fluvanna County as well. The James River Water Authority is pulling water, and is getting close to being finalized so there is additional water available for both Louisa and Fluvanna by 2025. Fluvanna County and other counties have petitioned the SCC regarding Aqua's proposed rate increase, which would take the average homeowner's water bill to around \$150 per month, about five times that of RWSA.

In Greene County, the meters are broken, and there are some residents receiving incredibly high water bills. The county is looking at \$160 million dollars worth of water projects in the next 5 years, for a service well only serving 1/3 of the county.

Where are the implementation plans associated with the Rivanna available? See below for more information. There are TMDL's being developed for the South Fork Rivanna, and a TMDL and an Implementation Plan being developed for the North Fork Rivanna.

Here are all TMDLs searchable by county: <https://www.deq.virginia.gov/our-programs/water/water-quality/tmdl-development/approved-tmdls>

A TMDL is currently being developed by DEQ for the South Fork Rivanna: <https://www.deq.virginia.gov/our-programs/water/water-quality/tmdl-development/tmdls-under-development>

Approved Implementation Plans: <https://www.deq.virginia.gov/our-programs/water/water-quality/implementation/approved-implementation-plans/>

Implementation Plans Under Development: <https://www.deq.virginia.gov/our-programs/water/water-quality/implementation/implementation-plans-under-development/>

Albemarle is finalizing a Riparian Buffer Overlay District to return the county to where they were in the early 2000s, removing the exemption for disturbances under 10,000 square feet.

Charlottesville has purchased the historical Circus Grounds, near the Rivanna River Company is located. How can it be utilized to best preserve the Rivanna and align with the Rivanna Corridor Plan. City Staff is



also evaluating local environmental policies like critical slopes and floodplain regulations. This can be an opportunity to model what Albemarle has done, and introduced many discretionary decision points as possible along the Rivanna River.

A cross jurisdictional environmental citizens committee, where great environmental ideas can be brought forward. This could be something the RRBC utilizes a quarterly meeting for.

- 11. Adjourn:** There was a motion to adjourn by Tony O'Brien. Seconded by Jason Halbert, and unanimously approved by the Commission at 2:44 pm.

Commission meeting materials may be found at <https://rivannariverbasin.org/meetings-events/>.

RRBC REMOTE ELECTRONIC PARTICIPATION and ALL-VIRTUAL MEETING POLICY

This policy has two purposes. The first is to provide for the Rivanna River Basin Commission (RRBC) to permit a member to participate in a Commission meeting through electronic communication means from a remote location, and the second is to allow the Commission to conduct of all-virtual meetings, in the manner allowed by the Virginia Freedom of Information Act (FOIA) and as set out in this policy.

POLICY:

It is the policy of Rivanna River Basin Commission (RRBC) that individual members of the RRBC may participate in RRBC meetings by electronic communication as permitted by subsection B of § 2.2-3708.3 of the *Code of Virginia*. This policy shall apply to the entire membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

In order for an individual member to participate from a remote location as authorized by § 2.2-3708.3 B, a quorum of the Commission must be physically assembled at the primary or central meeting location. When such individual participation is due to a personal matter, set out in section A.4, below, such participation is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater.

Further, it is the policy of the RRBC that the Commission may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3 of the *Code of Virginia*. Such all-virtual public meetings are limited to two meetings per calendar year or ~~25~~ **50** percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater. An all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

This policy shall apply to the Commission and to all committees created by or under the authority of the Commission.

REMOTE ELECTRONIC PARTICIPATION BY COMMISSION MEMBERS:

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

A. Notification of Inability to Attend Because of Disability, Medical Condition, Location or Personal Matter

In advance of the meeting at which remote participation is requested, the member shall notify the Chair or Executive Director that he or she is unable to attend the meeting

- 1) due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- 2) because a family member's medical condition requires the member to provide care for such family member;
- 3) because such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- 4) due to a personal matter. The member must identify with specificity the nature of the personal matter and may not use remote participation due to personal matters more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Quorum Physically Assembled; Approval of Remote Electronic Participation

A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commissioners present must approve of the remote electronic participation in order for the member to participate remotely; however, the decision shall be based solely on the criteria in Section A, without regard to the identity of the member or items that will be considered or voted on during the meeting.

C. Record of Action

The Commission shall record in its minutes the remote location from which a member participated. The minutes also shall reflect the specific nature of the personal matter; the disability or medical condition; the fact that a family member's medical condition that required the member to provide care for such family member, thereby preventing their physical attendance; or that that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Commission's minutes with specificity.

ALL-VIRTUAL MEETINGS:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, the RRBC or its committees (hereinafter public body) other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic

communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

When holding an ~~The RRBC may hold~~ all-virtual public meetings, ~~the RRBC or committee shall~~ *provided that it follows* the requirements of this policy, other meeting requirements under FOIA, and the following statutory requirements:

- 1) An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- 2) Public access to the all-virtual public meeting is provided via electronic communication means;
- 3) The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When any member of the RRBC or any of its committees has audio-visual technology available, and electronic communication is being used to establish a quorum, that member shall be considered absent from any portion of a meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails;*
- 4) A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
- 5) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
- 6) The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
- 7) No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8) If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9) The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or ~~25~~ 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10) Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

The policy replaces the Remote Electronic Participation and All-Virtual Meeting Policy adopted on April 14th, 2023.

Updates to and readoption of this policy shall occur at least once annually.

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