

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

JANUARY 15, 1991

1. Call to Order and Roll Call:

The regular monthly meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 2:00 p.m. on Tuesday, January 15, 1991. Chairman Smith called the meeting to order at 2:00 p.m. with the following members present: Aceto, Dent, Dyson, Edwards, Ivey, Maas, McDonald, Bryson, Smith and Williams.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Bill Morris of Hendon Engineering Associates, Inc., Tom Tarrant, City of Asheville Sewer Department, Leah Karpen, representing the League of Women Voters and Debra Price, representing CIBO.

2. Minutes of December 18, 1990:

Mr. Edwards moved that the minutes of December 18, 1990 be adopted as written. Mr. Dent seconded. Voice vote was unanimous in favor of the motion.

3. Audit Report for Fiscal Year 1989-90 - Alan Bolick

Chairman Smith turned the floor over to Mr. Alan Bolick of Mohnkern, Bolick & Company, P.A.. Mr. Bolick presented to the Board for review the Audit for Fiscal Year 1989-90. There were a number of questions and there was discussion concerning the audit. Mr. Bolick said that it was "a clean audit for 1990". Mr. Bolick also presented the Compliance Audit for EPA Grants. He stated that monies received by the District were applied in accordance with the provisions of the Bond Resolutions. Following a general discussion, Mr. Aceto moved that the Board approve the audits as presented. Mr. Dyson seconded and roll call vote was as follows: 9 Ayes; 0 Nays.

4. Report of Engineer-Manager:

a. Status of Phase III & IV Main Plant Expansion Contracts:

Mr. Mull reported that Phase III, Main Plant Expansion was 97% complete but the expected completion date of January 31, 1991 was in question; Phase IV, Sludge Handling Facility is under construction and as of December 25, 1990, the project was 6.75% complete; Fish Habitat Improvement Structures project is complete and as a result of an approval letter received from the Fish & Wildlife in Atlanta, the flow issue has been resolved, and is now operating under final flow instead of interim flow. Mr. Mull stated that a letter has been forwarded to attorneys in Washington D.C. requesting that they drop the appeal for interim flows that were proposed initially. Mr. Mull further reported that a variable speed unit was down due to a faulty bearing and crews were trying to find a way of getting into the unit to repair it without draining the flume. Plans are underway to take the unit down in late February just prior to the end of the fiscal year (March 1, 1991) because of the number of down days involved, which would be considered penalty days under the contract for power with CP&L. Therefore, the two remaining units which are operational will be used until that time.

b. Status of proposal for Street & Sidewalk Projects:

Mr. Mull reported that at the December 18, 1990 meeting the Board approved a \$136,000.00 proposal by Hendon Engineering Associates, Inc. for the evaluation of 60,000 feet of sewers that are in the City's Street and Sidewalk Projects. At the January 8, 1991 meeting of the Sewer System Consolidation Committee, the scope of the former proposal was expanded to include an additional 60,000 feet (located during the initial analysis as a part of the City's total Street and Sidewalk Project) at an estimated cost increase from \$136,000.00 not to exceed \$300,000.00. Mr. Morris of Hendon Engineering stated that the additional 60,000 feet of sewers were not considered to have a maintenance history but could have future problems. Therefore, Mr. Morris advised that the entire 120,000 feet of sewer be inspected and the scope of the proposal

be expanded to include the completion of plans and specifications to run concurrently with evaluations before the May 15th deadline of turning this information over to the City of Asheville. Mr. Aceto stated that the increase in scope of the proposal is to evaluate the condition of lines, determine the need for rehabilitation and to do the engineering that is necessary with respect to lines that must be replaced at the District's expense. Mr. Morris stated that to date 8,000 feet of lines have been inspected and are in surprisingly good condition with the exception of a few spot repairs in the manholes. After a lengthy discussion, Mr. Dent moved that the proposal be accepted. Mr. Aceto seconded and roll call vote was as follows: 9 Ayes and 0 Nays.

c. Sewer Extension Policy Update:

Mr. Mull presented an amended Water Conservation Policy adopted by the Board December 18, 1990. The policy recommended that these restrictions be adopted as local amendments to the North Carolina Building Code to include not only the City of Asheville and Buncombe County but the Boards and Commissioners of all municipalities and the Woodfin Sanitary Water and Sewer District. There being no objections, the policy was approved as amended.

d. Status of Penland's hook-up to South Swannanoa Interceptor Sewer:

Mr. Mull stated that he met with Roy Davis with the North Carolina Division of Environmental Management to discuss the Penland's hook-up to the South Swannanoa Interceptor Sewer System and as a result of that meeting the Penlands were allowed to connect on December 21, 1990. Mr. Mull reported that the State did not feel that a few residential connections to the system would cause the line to overflow and a letter received from the one industry on the system verified that it would not discharge more than 30,000 gallons a day into the system. Questions were raised regarding the expected completion date of this system. Mr. Mull stated that the project was progressing slowly but that completion was scheduled for late February.

e. Update on GIS/CADD Vendors Proposals;

Mr. Mull reported that to date four vendors have given presentations on the capabilities of software and hardware. Three more presentations are scheduled for this week with requests for proposals expected in early spring. Questions were raised as to the Cadd Centre's responsibility in training. Mr. Mull stated that Cadd Centre representatives will provide training for approximately five staff persons in the use of this system.

f. Private Systems Upgrades;

Mr. Mull reported that four projects have approached the MSD for takeover of private systems at a total cost of \$136,300.00 but that official notification from the City of Asheville and Buncombe County requesting MSD to take over the these systems for upgrade has not been received. Mr. Mull stated that of the four projects, three have been cited and/or received a letter from the State and that State citations were important if MSD gets into a ranking of private systems for health problems. Mr. Mull further stated that none of the projects will start immediately, but staff is in the process of sending out the Board adopted policy which outlines those steps required before a system can be taken over.

5. Report of Officers

None.

6. Report of Committees:

a. Sewer System Consolidation - Mr. Aceto

1. Capital Improvement Plan Committee;

Mr. Aceto presented a revised Policy on Sewers within the Street and Sidewalk Improvement Projects which was adopted by the Board November 20, 1990. He stated that this policy was reviewed by Town Managers and Municipal representatives at the Capital Improvement Plan Committee Meeting, January 9, 1991 with no adverse comments. Mr. Aceto stated that Mr. Harold Huff of the City requested that the MSD officially make the municipalities aware of this policy by communication directly from the District Board to the Mayors and Town Managers. Mr. Edwards moved that the Board accept the policy as revised. Mr. Aceto seconded and voice vote was unanimous in favor of the motion.

Mr. Aceto reported that a letter addressed to the Board and forwarded to him from Mr. Charles Harrell of Harrell & Associates expressed his concern regarding the policy on new connections to the sewer system and that the economic burden of financing the District's rehabilitation projects were falling disproportionately on new construction. Mr. Harrell also expressed his concern regarding the water conservation portion of this policy and requested that the policy be moderated.

Mr. Aceto then questioned the withholding of substantial deposits by the City of Asheville for the operation and maintenance expense of the system. Mr. Aceto stated that when deposits were received, which were in excess of \$500,000.00, they were remitted not only four months late but minus what the City of Asheville determined to be its share of expenses. Mr. Aceto further stated that an agreement was made with the City that each expense be determined on a case by case basis and submitted with itemized invoices but to date this document has not been approved by the City. Mr. Mull reported that a letter from counsel was being drafted to the City addressing the above mentioned billing problem and its impact on MSD revenues, along with an executed copy of the Maintenance Agreement for signature. Discussion followed.

Mr. Aceto further reported that the City of Asheville expressed a concern regarding another 25% rate increase and suggested that the MSD Budget Committee form a liaison with City Council and municipalities before looking at another increase.

2. Maintenance Facility Site;

Mr. Aceto called on Mr. Mull to report on the status of the Maintenance Facility Site. Mr. Mull presented a listing of potential sites and stated that in the interim period of locating a site, a temporary facility to be located behind the administration building, is being considered rather than leasing space for the next several months. Mr. Mull reported that two sites, the Department of Transportation Maintenance Facility Site, which is not available until October or November and the Riverside Drive Site are the best considerations at this time.

3. Waiver of Capacity Depletion Fee, Mr. & Mrs. Brooklyn;

The Board reviewed a letter addressed to Mr. & Mrs. Brooklyn confirming a request presented to the Sewer System Consolidation Committee, January 8, 1991 for a partial waiver of the Capacity Depletion Fee. After reviewing the letter, and for good cause shown Mr. Aceto moved on behalf of the Committee that a partial waiver be approved. Following a discussion on the policy and future exceptions to the policy, Mr. Dyson seconded the motion. Voice vote was unanimous in favor of the motion with Ms. McDonald and Dr. Maas abstaining.

7. Unfinished Business

None

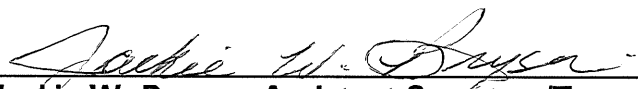
8. New Business

Dr. Maas brought to the Board's attention a recent article in Green Line regarding the Chemtronics Site and the possible discharge of contaminated ground water (after some on-site treatment) into the sewer system. Dr. Maas expressed his concern over the concentrated levels of contaminated water and its effect on the system. Mr. Mull reported that the initial request to discharge treated groundwater into the MSD system was turned down by the MSD. He further reported that the Citizens Watch for a Clean Environment asked the MSD to reconsider taking this waste and were told the only way this request would be considered would be to have total and complete agreement among all state and federal authorities, County Hazardous Waste Planning Department, concerned citizen groups and engineering consultants of those companies involved. Mr. Mull stated that all agencies thus far have recommended it, but the consultants for the companies would have to prepare a document for information on the various contaminants to be sent to Raleigh for review before an application would be taken and presented to the MSD Board for approval.

9. Date of Next Regular Meeting: February 19, 1991

10. Adjournment:

There being no further business, the meeting was adjourned.



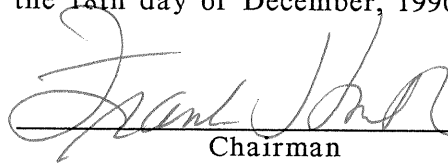
Jackie W. Bryson, Assistant Secretary/Treasurer

TAKEOVER AND REHABILITATION OF PRIVATE COLLECTOR SEWER SYSTEMS

Upon receipt of a written request from the Political Subdivision in which a private collector sewer system is located, MSD will consider the takeover and rehabilitation of such collector sewer system if the MSD Board determines that the private sewer system represents a threat to the public health and welfare. Before the MSD takes over and rehabilitates such a collector sewer system, the following must occur:

1. The persons served by the collector sewer system shall organize themselves into an informal homeowners association and designate a spokesperson or persons to work with MSD to:
 - (a) Identify sewer mains making up the collector sewer system;
 - (b) Identify all property owners served by the private collector sewer system or across whose land the system passes;
 - (c) Have all property owners sign a commitment to convey to the MSD, at no cost, the rights of way and easements necessary, in the discretion of MSD, to rehabilitate and maintain the collector sewer system;
 - (d) Have all property owners to be served by the rehabilitated collector sewer system sign a commitment to pay a \$350.00 fee to MSD to share in the cost of the rehabilitation.
2. Upon receipt of the commitments specified in Paragraph 1, MSD will do a preliminary design, cost estimate and evaluation of the required system improvements and will advise the homeowners association of the estimated cost of the rehabilitation. Before undertaking the rehabilitation of such a collector sewer system, the owners of real property served by the collector sewer system or across whose property the collector sewer system passes, shall convey to the District, at no cost, the rights of way and easements necessary, in the discretion of the MSD, to do the rehabilitation. Upon completion of the rehabilitation, MSD will own the system.
3. MSD shall not spend more than \$200,000 in any fiscal year for the takeover and rehabilitation of private collector sewer systems. Takeover and rehabilitation will be limited to systems within the boundaries of the MSD. Projects will be addressed on a "first come, first served" basis each year until available funds are exhausted. If available funds will be exhausted by identified projects, projects will be ranked by MSD to determine which systems pose the greatest threat to the public health and welfare within the District. The MSD, in its discretion, shall determine which collector sewer systems pose the greatest threat to the public health and welfare. In making such a determination, the MSD shall consider the number of houses or apartments affected, the time elapsed since the request was submitted to MSD, the estimated cost of rehabilitation, whether or not the system has been cited by the State of North Carolina Department of Environment, Health and Natural Resources for statutory violation and the MSD staff's field evaluation of the system. Projects not completed in a given fiscal year will be addressed as soon as possible depending on availability of funds. Projects will not be removed from the MSD's list until rehabilitation is complete.
4. If any person or property owner fails to pay the \$350.00 fee required in paragraph 1(d), the District may initiate proceedings to collect the \$350.00 fee plus costs and attorneys fees. In addition, the District may terminate sewer service after appropriate notice and demand.

Adopted this the 18th day of December, 1990.



Chairman

ATTEST:


Secretary

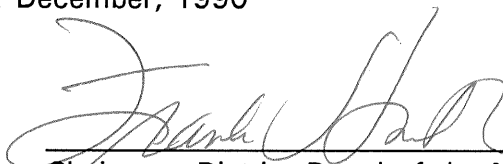
METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, N.C.

POLICY ON RESTRICTIONS ON NEW CONNECTIONS TO THE SEWERAGE SYSTEM

In order to facilitate the operation of the District Sewerage System (the Sewerage System) and maximize available treatment capacity of the Wastewater Treatment Plant (WWTP), it is the policy of the Metropolitan Sewerage District (MSD) to prevent the discharge of unnecessary wastewater from homes and businesses. It is further the policy of the MSD to prevent the discharge and diversion of rainwater to the sewerage system. To carry out the policies, it is recommended that the following restrictions apply to all persons or entities making new construction connections to the sewerage system after the 1st day of July, 1991.


1. All private residences must be equipped with low flow (< 1.6 gallons per flush) toilets and low flow (< 2 gallons per minute) shower heads.
2. No roof drains, storm drains, basement sump pumps or any other device intended to divert or discharge rainwater to the sewerage system shall be connected to the Sewerage System.
3. Any person or entity who has been assessed for a violation of local laws or ordinances governing sedimentation control or other pollution of surface water or ground water will not be permitted to make connection to the Sewerage System until the violations or fines have been satisfactorily resolved or paid.
4. Connections to the Sewerage System must be made in accordance with the MSD construction standards for sewers. A copy of the MSD Construction Standards for sewers will be available at the MSD office and the Office of the Building Inspector for Buncombe County and for the City of Asheville.
5. Because the MSD has limited enforcement authority in dealing with new construction and because the MSD does not have sufficient personnel to carry out the necessary inspections, The District Board will recommend to the Buncombe County Board of Commissioners, the Asheville City Council and the Boards and Commissioners of the Town of Black Mountain, the Town of Weaverville, the Town of Biltmore Forest, the Town of Montreat, the Town of Woodfin and the Woodfin Sanitary Water & Sewer District that these restrictions be adopted as local amendments to the North Carolina Building Code by the Commissioners, City Council and Town Boards and that these restrictions be enforced by the appropriate building inspectors of Asheville, Buncombe County and Black Mountain.

Adopted this 18th day of December, 1990



Chairman, District Board of the Metropolitan
Sewerage District

ATTEST:



Secretary