

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

SEPTEMBER 19, 1978

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2 p.m., Tuesday, August 15, 1978.

Chairman Robinson called the meeting to order, and Mrs. Crowe called the roll. In addition to Chairman Robinson, the following members were present: Messrs. Boggs, Clark, Griffith, McDevitt, Warlick, and Williams.

In addition to the Board members, the following consultants and staff members were present: Messrs. Anthony Redmond, Dean Huber, and W. H. Mull and Mrs. Jan Crowe.

The members having received copies of the Minutes of the August 15 meeting, Mr. Clark moved that the Minutes stand approved as written. Mr. Griffith seconded the motion, and voice vote was unanimous.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

- (a) Reaffirm action taken by telephone poll of the Board regarding redemption of a \$5,000 Bond: Mr. Williams moved the motion, which Mr. Warlick seconded, that the Board confirm adoption of a resolution (copy attached) authorizing the redemption to the Metropolitan Sewerage District of Buncombe County \$5,000 principal amount of bonds of the District, being bonds bearing 3.80% coupon due July 1, 1998, owned by McCarley & Company, Inc. The price at which the bond was offered for redemption was 75% of the face amount or \$3,750 net plus \$33.78 interest. Roll call vote was unanimous.
- (b) Resolution regarding transfer of surplus funds from the Revenue Account to the Reserve Account: Mr. McDevitt moved the motion that the Board authorize the transfer of surplus funds accrued in the Revenue Account between July 1, 1978, and June 30, 1979, into the Reserve Account. Mr. Griffith seconded the motion, and roll call vote was unanimous. Resolution attached and thereby made a part of these Minutes.
- (c) Engineering proposal regarding pretreatment program: After discussion, Mr. Warlick moved that the Board accept the proposal as set forth by the Consulting Engineers in their proposal dated September 15, 1978, (copy attached) to complete the Publicly Owned Treatment Works Pretreatment Program Plan within ten months for a maximum cost of \$37,500 of which a federal grant for 75 percent will be sought. Mr. Williams seconded the motion, and roll call vote was unanimous.
- (d) Engineering proposal regarding Operations and Maintenance Manual for the MSD Main Plant: After discussion, Chairman Robinson asked Mr. Mull to contact two or three comparable plants in other cities and request information as to what action

they are taking to prepare such a manual as required by the Federal Government and report back to the Board. Thereupon, Mr. Boggs moved that action on the engineering proposal be tabled by the Board until such time Mr. Mull could provide the information requested by Chairman Robinson. Mr. Clark seconded the motion, and voice vote was unanimous.

- (e) Progress report on change in scope of project for expansion of the Weaverville Plant: Received as information by the Board.
- (f) Proposed legal action regarding persons refusing to allow MSD representatives to survey for interceptor sewer lines*. Mr. Clark moved the motion, which was seconded by Mr. McDevitt, that the Board authorize Mr. Redmond to ask the court to give MSD an injunction against those persons, thereby giving permission for MSD to take action in certain cases where the MSD has exhausted every effort to obtain permission to survey property where the proposed sewer lines would cross and where permission has thus far been denied. Roll call vote was unanimous. *(South Buncombe & Hominy Valley)
- (g) Report on appraisal procedures for South Buncombe and Hominy Valley Projects: Mr. Clark moved the motion that the Board authorize Messrs. Redmond, Huber, and Mull to go to Atlanta and meet with EPA officials to try to resolve some of the technicalities of the law as it applies to appraisals of property over which the sewer lines will go, try to determine whether all of the property or just that part which the lines will actually cross must be appraised, and try to obtain some form of contract with which to enter into with the appraisers which will be acceptable by the EPA. Mr. Griffith seconded the motion, and roll call vote was unanimous.

In other business, Chairman Robinson presented a copy of a letter Mr. Clark had received from the ASHEVILLE CITIZEN-TIMES requesting notification of MSD Board meetings and a copy of the reply as submitted by Mr. Mull over Mr. Clark's signature. Mr. Mull's reply verified that the newspaper is being notified of each meeting by letter.

The Board also discussed the recent fish kill in the French Broad River, the cause of which has not been determined by the State, the MSD, or any other agency and continues to be under investigation.

Chairman Robinson read a letter written to him by Mayor Roy M. Trantham regarding appointments to the MSD Board. The matter was discussed briefly, and it was the concensus of the Board that the matter should be left entirely to the appointing political subdivisions since each Board member serves at the pleasure of the subdivisions.

Date of the next meeting of the MSD Board was set for October 17, 1978.

There being no further business, the meeting was adjourned at 4 p.m.


Secretary

RESOLUTION

WHEREAS, there has been offered for redemption to the Metropolitan Sewerage District of Buncombe County \$5,000 principal amount of bonds of the District, being bonds bearing 3.80% coupon due July 1, 1998, owned by McCarley & Company, Inc., a member of the New York Stock Exchange having an office at 35 Page Avenue, Asheville, N. C. 28801; and

WHEREAS, the price at which such bond or bonds is offered for redemption is 75% of the face amount thereof, to-wit: the sum of \$3,750.00 net plus accrued interest thereon in the amount of \$33.78, making a total amount due of \$3,783.78; and

WHEREAS, the District Board believes it to be in the best interest of the District to redeem such bond or bonds held by McCarley & Company, Inc.; and

WHEREAS, the District Board has been advised that the monies held for the credit of the Reserve Account exceed the maximum requirement for the Reserve Account under the provisions of (b) of Section 508 of the Bond Resolution adopted by the District Board on September 25, 1964 and amended on September 3, 1965;

NOW, THEREFORE, the Trustee is hereby authorized and directed to transfer from the Reserve Account the sum of \$3,783.78, including \$3,750.00 principal and \$33.78 accrued interest, to the credit of the Redemption Account for the purpose of redeeming the \$5,000.00 face amount of Metropolitan Sewerage District bonds due July 1, 1998 with 3.80% coupons attached.

BE IT FURTHER RESOLVED THAT the Trustee take action immediately to redeem such bond and to cancel the same in accordance with the provisions of said Bond Resolution.

This is to certify that the foregoing Resolution of the District Board of the Metropolitan Sewerage District of Buncombe County, N. C. was duly and legally adopted by the Board on the 30 day of August, 1978.

Ben H. Clark

Secretary of the Metropolitan Sewerage District Board

R E S O L U T I O N

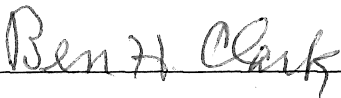
WHEREAS, the Trustee has informed us that there will be surplus funds accrued in the Revenue Account during Fiscal Year 1978-79;

NOW, THEREFORE, BE IT RESOLVED that the Trustee is authorized and directed to deposit any surplus funds accrued in the Revenue Account between July 1, 1978, and June 30, 1979, in the Reserve Account and invest these funds in accordance with the Bond Resolution.

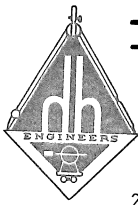
Read, approved, and adopted this 19th day of September, 1978.



Chairman of the Board
Metropolitan Sewerage District
of Buncombe County



Secretary



Harry Hendon and Associates

INCORPORATED

ENGINEERS

Phone 704 - 274-7711

Address reply to P. O. Box 5176

25 REED STREET • ASHEVILLE, NORTH CAROLINA 28803

HARRY H. HENDON (1904-1973)
L. E. HOFFMANN
A. B. JOWERS
H. D. HUBER

September 15, 1978

Metropolitan Sewerage District
of Buncombe County
P. O. Box 7157
Asheville, North Carolina 28807

Attention: Mr. W. H. Mull, Engineer-Manager

Gentlemen:

Please consider this as an amendment to our contract with you dated June 17, 1974, and accepted by you on June 18, 1974.

(1) To comply with EPA regulations and requirements, we will prepare a Publicly-Owned Treatment Works (POTW) Pretreatment Program Plan in accordance with the Expanded Plan of Study attached hereto as Exhibit A.

(2) We will endeavor to complete the POTW Pretreatment Program Plan within ten (10) months following receipt of notice to proceed.

(3) Appendix C-1 to 40 CFR Part 35, Subpart E, as published in Federal Register, Vol. 41, No. 251, December 29, 1976, was heretofore adopted as an amendment to said engineering contract by amendment dated March 10, 1977.

(4) For the scope of work described in Exhibit A, the OWNER shall pay the ENGINEER all allowable and allocable costs that are incurred in the performance of this contract up to the cost ceiling of \$33,196.00 which will not be exceeded without formally amending the contract (exclusive of fixed fee). The OWNER will also pay the ENGINEER a fixed fee of \$4,304.00. Such sums will be paid to the ENGINEER in accordance with the Payments clause of this contract.

(5) Pending establishment of final overhead rates for any period, the ENGINEER shall be reimbursed for allowable indirect costs, not claimed elsewhere, at the provisional rates listed below. Such provisional rate(s) may, at the request of either party, be revised by mutual consent.

<u>Period</u>	<u>Cost Center</u>	<u>Rate</u>	<u>Basis for Allocation</u>
Effective date of contract until amended	General Overhead	113.6%	Direct Labor Dollars

June 17, 1974

3. Travel, printing, long distance telephone and other out-of-pocket expenses to be reimbursed at actual cost.

These payments to be made quarterly on invoices submitted by us.

It is agreed that in no event shall the total fee for this work exceed the amount of \$175,000.

Respectfully submitted,

HARRY HENDON AND ASSOCIATES, INC.

By



L. E. Hoffmann, President.

Accepted:

Date JUNE 18, 1974

THE BOARD OF COMMISSIONERS OF THE
METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA

By



Chairman

September 15, 1978

(6) The ENGINEER warrants that he now has or will secure, at his own expense, all personnel required to perform the services under this contract within the required completion dates. Such personnel are not employees of nor have any contractual relationship with the OWNER. All personnel in the work shall be fully qualified.

(7) It is specifically agreed and understood that this contract shall be of no force and effect as between the parties hereto unless approved by the Environmental Protection Agency and unless a Federal grant equal to at least 75 percent of the total cost of the work to be done hereunder; to wit, \$37,500.00 or such other amount as may be determined to be the final cost thereof.

(8) Except as hereinabove amended, the original contract dated June 17, 1974 between the parties thereto shall be and remain in full force and effect.

Respectfully submitted,

HARRY HENDON AND ASSOCIATES, INC.

By



L. E. Hoffmann, President

Attachments:
Exhibit A

Accepted:

Date: September 19, 1978

THE BOARD OF COMMISSIONERS OF THE
METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA

BY: C. Z. Robinson
Chairman

EXHIBIT A

METRO-BUNCOMBE N.C. 201 FACILITY PLAN EPA PROJECT NO. C-370391 EXPANDED PLAN OF STUDY

1.0 General

This Plan of Study is for the development of a Publicly-Owned Treatment Works (POTW) Pretreatment Program for the Metropolitan Sewerage District of Buncombe County, North Carolina (MSD), as required by the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977. This Plan of Study is based on the regulations outlined in the Federal Register, Volume 43, No. 123, dated June 26, 1978.

It is proposed that the Pretreatment Program be developed in steps. This document defines the activities to be undertaken in the first step. Each subsequent phase will be defined as the project progresses.

2.0 Phase I Elements

The following work elements make up the Phase I portion of MSD Pretreatment Program:

- (A) Develop an inventory of industrial and commercial wastes being introduced into the treatment works. This effort will consist of utilizing available published data to develop a list of all possible industrial users which might be subject to the POTW Pretreatment Program. The list will be categorized in accordance with the Standard Industrial Classifications (SIC) listed in Appendix C of the above mentioned Federal Register. From literature data, potential toxic pollutants that could be associated with the individual industry types will be identified.

Letters will be sent to the identified industries in the form of a voluntary questionnaire with a list of potential pollutants to be confirmed and quantified. The responses will be analyzed to determine the reasonableness of the data submitted. From the above efforts, a follow-up plan of action will be developed. No sampling, testing, industry interviews or on site inventories will be conducted in this phase.

(B) Review existing MSD regulations for their conformity and compatibility with current State and EPA requirements and make recommendations for any changes if necessary. It is anticipated that few, if any, changes will be necessary.

(C) Develop procedures to be used by the MSD that are consistent with the requirements of a pretreatment program. The procedures will address the following:

1. Identifying and locating all possible industrial users that might be subject to the POTW Pretreatment Program.
2. Identifying the character and volume of pollutants contributed to the POTW.
3. Notifying industrial users of the required standards.
4. Receiving and analyzing self-monitoring reports.
5. Current MSD sampling program.
6. Investigating instances of noncompliance.
7. Public participation.

(D) Identify and estimate the cost for capital facilities and equipment required by MSD to carry out the intent of the POTW Pretreatment Program. Define costs which will be directly chargeable to the industries involved.

- (E) Define and make recommendations for revenue sources, funding levels, and manpower requirements to implement the program.
- (F) Work closely with the MSD attorney in the evaluation of the MSD legal authority and in the development of mechanisms to be used for control and enforcement of the POTW Pretreatment Program.
- (G) Participate in two public hearings and up to six task force and/or workshops related to the proposed program.
- (H) Coordinate with the Land-of-Sky Regional Council to assure that the POTW Pretreatment Program is consistent with the 208 Area Wide Wastewater Management Plan.

3.0 Follow-Up Activity (Phase 2 work not included in this Plan of Study)

The Phase I Study will make specific recommendations on the steps to be taken to follow-up on the next phase of work. A significant initial sampling and testing project will be necessary to define potential pollutant sources. On site interviews and industry inventories will be necessary for identified sources of toxic waste. It is expected that laboratory space, laboratory equipment, and field equipment will be necessary for full implementation and contract laboratory services will be required for the initial screening of certain exotic wastes.



Harry Hendon and Associates

ENGINEERS

Phone 871-3597

Address reply to P. O. Box 7404-A

10 OFFICE PARK, MOUNTAIN BROOK • BIRMINGHAM, ALABAMA 35223

HARRY H. HENDON (1904-1973)
L. E. HOFFMANN
A. B. JOWERS

June 17, 1974

P. L. BENTLEY
W. L. SAMUEL
M. G. BUCKLEY, JR.

Metropolitan Sewerage District
of Buncombe County
P. O. Box 7157
Asheville, North Carolina 28807

Attention: Mr. W. H. Mull, Engineer-Manager

Gentlemen:

In reply to your request the undersigned engineers, Harry Hendon and Associates, Inc., (hereinafter called the Engineers) are pleased to present the following proposal to perform engineering services for the Metropolitan Sewerage District of Buncombe County, North Carolina (hereinafter called the District). This offer is made with the understanding that, upon its acceptance by you, this proposal will become a contract for these engineering services.

The District has been certified for a Step 1 Federal Grant for the preparation of a 201 Facilities Plan. Attached herewith is a copy of a "Plan of Study" which has been prepared in accordance with our best understanding of the regulations and guidelines of the Environmental Protection Agency for the preparation of the "Facility Plan".

The Engineers agree to furnish all engineering services required to prepare and present an approved 201 Facilities Plan. We will retain Greeley & Hansen, Engineers, of Chicago, Illinois to assist and advise us as the work progresses, and to review the final plan prior to its submission.

For the preparation of the 201 Facilities Plan we will be compensated as follows:

1. Time spent on this work (including travel time from home office) by Donald Newton of Greeley & Hansen at \$35.00 per hour, and by L. E. Hoffmann and A. B. Jowers at \$25.00 per hour.
2. Time of other employees at 2½ times their actual base salary payroll.