

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

DECEMBER 12, 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, December 12, 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, Hyatt, Smith, and Williams.

In addition to the Board members, the following consultants and staff members were present:

Mr. Anthony Redmond
Mr. Dean Huber
Mr. W. H. Mull
Mrs. Jan Crowe
Mrs. Linda Duncan

The members having received copies of the Minutes of the November 20 meeting, Mr. Smith 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) Resolution regarding 208 program: After Mr. Redmond read the resolution to the Board, Mr. Griffith requested that the third line under number 1 which read "continue to own, its present or hereafter acquired sewerage facilities" be amended to read "continue to own, its present and/or hereafter acquired sewerage facilities." Mr. Clark moved that the resolution be adopted as amended to include "and/" according to Mr. Griffith's suggestion, and Mr. Williams seconded the motion. Roll call vote was unanimous. A copy of the resolution is attached and thereby made a part of these Minutes.
- (b) Amendment to Engineering Agreement--Hominy Valley Project: After discussion, Mr. Griffith moved that the Board accept the amendment as presented to the Board by the Consulting Engineers and authorize Chairman Robinson to execute this document on behalf of the Board. This amendment covers the consulting engineers' services during the bidding/construction phase of the project. Plans and specifications have been submitted to the State and EPA for approval. Mr. Hyatt seconded the motion, and roll call vote was unanimous.

Amendment to Engineering Agreement--Weaver-ville Project: Following discussion, Mr. Griffith moved that the Board accept the amendment as presented to the Board by the Consulting Engineers and authorize Chairman Robinson to execute this document on behalf of the Board. This amendment covers design of pumping stations and force main to transmit

wastewaters from the Weaverville Plant to the Main Plant in lieu of expanding the Weaverville Plant. Mr. Hyatt seconded the motion, and roll call vote was unanimous.

- (c) Highway encroachment agreements--Hominy Valley: After a brief discussion, Mr. Clark moved that the Board authorize Chairman Robinson to execute these documents on behalf of the Board. Mr. Hyatt seconded the motion, and voice vote was unanimous.
- (d) Resolution regarding Weaverville Project: Mr. Smith moved the motion, which Mr. Clark seconded, that the Board approve this resolution which incorporated plans for the design stage of the Weaverville Pumping Station/Force Main System at a cost estimated to be \$32,480 and authorizes the Engineer-Manager to sign all necessary documents relating to the submission of State and EPA grant applications. Total cost of the project is estimated at \$843,600. Roll call vote was unanimous. A copy of the resolution is attached and thereby made a part of these Minutes.
- (e) Market Research Reports and Appraisal Services for the Hominy Valley and South Buncombe Interceptor Sewer Projects: Mr. Mull requested that the Board authorize him to sign a contract with each of the appraisers subject to approval of Mr. Redmond and the EPA, with the intent being to enter into an agreement for appraisal services on the South Buncombe project with Mr. Alan Butterworth and for appraisal services on the Hominy Valley project with Mr. Doug Clark; further, that the Board authorize him to enter into an agreement with Mr. Alan Butterworth for the Market Research Reports on both the South Buncombe and the Hominy Valley projects. Mr. Clark moved that the Board accept Mr. Mull's recommendations, and Mr. Griffith seconded the motion. Roll call vote was unanimous with the exception of Mr. Boggs' negative vote.

Mr. Mull then reported to the Board about low pH conditions at the Main Plant, stating that eight to ten industries are contributing to this problem which puts them in violation of influent standards. Mr. Mull asked that the Board state their feelings on the issue of whether to charge the industries on a proportionate basis what it actually costs to neutralize those high-acid wastes or whether they wished to assess penalties. It was the consensus of the Board that the overall costs involved in neutralizing high-acid wastes be passed along to the industries; then, if a company is not making moves to correct the problem, the Board would have the option of posing monetary penalties.

Mr. Redmond then asked that the Board enter Executive Session for consideration of legal matters. By voice consent, the Board entered Executive Session at 3 p.m. At 3:35 p.m., Chairman Robinson closed the Executive Session; and the Board reconvened its regular meeting. Mr. Boggs then moved that the

Minutes

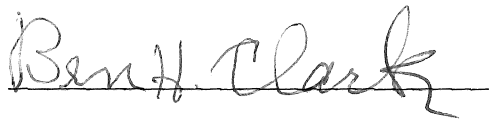
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engineer be requested to include as a prime piece of business at the next or special meeting full information on the conditions of our Weaverville Plant. Mr. Clark seconded the motion, and roll call vote was unanimous with the exception of Mr. Smith's negative vote.

Date of the next regular meeting of the MSD Board was set for January 16, 1979.

There being no further business, the meeting was adjourned at 3:40 p.m.

A handwritten signature in cursive script that reads "Ben H. Clark". The signature is written in dark ink and is positioned above a horizontal line.

Secretary

A RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA INDICATING ITS UNDERSTANDING OF THE 208 MANAGEMENT AGENCY DESIGNATION PROCESS AND ITS WILLINGNESS TO PROCEED WITH IMPLEMENTATION OF NEW RESPONSIBILITIES UNDER THE REGION B 208 WATER QUALITY MANAGEMENT PLAN.

WHEREAS, the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina recognizes that pursuant to the Federal Water Pollution Control Act, as amended, the Governor shall designate one or more waste treatment management agencies to carry out appropriate portions of an Areawide Wastewater Treatment Management Plan for the Region B 208 Planning Area development under subsection 208(b) of said Act; and

WHEREAS, said designated management agency must have the authority and capability to carry out applicable portions of the Areawide Wastewater Treatment Management Plan.

NOW, THEREFORE, BE IT RESOLVED, that the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, does hereby agree to accept, assume, and carry out the following responsibilities as identified in the Areawide Wastewater Treatment Management Plan:

1. The Metropolitan Sewerage District will carry out the responsibilities for construction, administration, operation and maintenance of, and will continue to own, its present ^{and/} or hereafter acquired sewerage facilities; and
2. The Metropolitan Sewerage District will co-operate in a management feasibility study initiated by Land-Of-Sky Regional Council and conducted jointly with officials of Buncombe County, the City of Asheville, the Towns of Black Mountain, Biltmore Forest, and Weaverville, Woodfin Sanitary District, County Sanitary Districts, and the Council. The feasibility study will incorporate information from Phase I of the Sewer System Evaluation Survey of the MSD System, and will be designed to determine jointly the most cost effective and locally acceptable means of providing necessary maintenance and rehabilitation to sewage collection lines in Buncombe County.

After 12/12/78

BE IT FURTHER RESOLVED, that the District Board does hereby indicate its support of the Areawide Water Quality Management Plan and indicates its willingness to participate in the 208 Continuing Planning Process and proceed with the implementation of said responsibilities as called for in the approved Region B 208 Water Quality Management Plan, subject to approval of the District's Bond Counsel and subject to the enactment of appropriate resolutions of all political bodies affected thereby supporting assumption and implementation by the Metropolitan Sewerage District of such new responsibilities.

Adopted this the 12th day of December, 1978.

ATTEST:

Bent Clark

C. Le Roy Robinson
Chairman

Approved as to form:
[Signature]
Legal Counsel

RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT
OF BUNCOMBE COUNTY, NORTH CAROLINA, WITH RESPECT
TO THE WEAVERVILLE PUMPING STATION/FORCE MAIN
SYSTEM

WHEREAS, the North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, Resolutions 74-31 of the North Carolina Board of Water and Air Resources established a policy for approving State grants from the Pollution Control Account of the Clean Water Fund for step grants for wastewater treatment works projects; and

WHEREAS, Title II of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500 U.S.C. 1251 et sec.) authorized the award of step Federal Construction Grants for waste treatment works; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County intends to request State and Federal grant assistance to aid in Step II Design of Weaverville Pumping Station/Force Main System as set forth in the Section 201 Facilities Plan, Addendum II.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Metropolitan Sewerage District of Buncombe County, hereinafter called "The Board":

That The Board will arrange financing for all remaining costs of the project if approved for State and Federal grant awards;

That The Board has adopted and placed into effect a schedule of fees and charges which will provide adequate funds for proper operation, maintenance, and administration of the system, including industrial cost-recovery provisions;

That The Board will provide for efficient operation and maintenance of the project on completion of construction thereof;

That W. H. Mull, Engineer-Manager, and successors so titled, is hereby authorized to execute and file Step II and III applications on behalf of The Board with the Environmental Protection Agency and the State of North Carolina for grants to aid in the construction of the project described above;

That W. H. Mull, Engineer-Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate Federal or State agencies may request in connection with such applications or the project, to make the assurance as contained above, and to execute such other documents as may be required in connection with the applications;

That The Board has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto and hereby authorizes the above designated representative to execute an affidavit so stating.

Adopted this the 12 day of December, 1978, at Asheville, North Carolina.


C. LeRoy Robinson, Chairman

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Secretary of the Metropolitan Sewerage District of Buncombe County, North Carolina, does hereby certify:

That the attached resolution is a true and correct copy of the resolution authorizing the filing of Step II and Step III applications with the Environmental Protection Agency and the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, duly held on the 12 day of December, 1978.

Further, that such resolution has been fully recorded in the Minutes of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of December, 1978.

Ben H. Clark
Ben H. Clark
Secretary to the Board