

August 1, 2012

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Wednesday, the 1st day of August, 2012; at 4:00 p.m., there were present:

Howard M. Campbell

Pattie Cooper-Jones

William G. Fore, Jr.

Don C. Gantt, Jr.

Robert M. Jones

Charles W. McKay

Howard F. Simpson

Jim R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Alecia Daves-Johnson, Planner; and Scott Kudlas, Director of Water Supply, Virginia Department of Environmental Quality (DEQ).

Chairman Fore called the meeting to order.

In Re: Declaration of Drought Watch

Chairman Fore thanked the Board members for their response to the call for this special meeting. He stated that we are in the middle of a similar period of time that occurred ten years ago, in the matter of a drought in this County. In accordance with State Code Section 15.2-5122, and the flow of the Appomattox River, and the fact that the Town of Farmville may have to use Motley Lake as a water supply, the Board of Supervisors is required to give permission for the Town of Farmville to use Motley Lake as a source of water due to the drought conditions; the use of Motley Lake as an emergency water source is additionally outlined in the County Drought Response and Contingency Plan. Chairman Fore stated this proactive action is necessary for the Town to withdraw water from Motley Lake as a temporary emergency water supply for the Town of Farmville.

Mr. Wade Bartlett, County Administrator, stated that on September 13, 2011, the Board of Supervisors adopted a Drought Response and Contingency Plan for those areas in the County not served by the Town of Farmville’s water system. As set forth in that Plan, County staff is advising the Board of Supervisors of the status of the four drought indicators – precipitation, stream flow, ground water levels, and reservoir level. He stated the declaration of a “Drought Watch” would be triggered when at least two of the indicators meet the following conditions:

- Precipitation levels are at or below normal precipitation;
- Stream flows fall between 10th and 25th percentile;
- Ground water levels fall between the 10th and 25th percentile; and
- The water level in the Sandy River Reservoir is between 75% and 85% of total usable volume.

Mr. Bartlett stated three of the “Drought Watch” indicators have been met:

- Precipitation is more than 10” below normal for the year (WFLO, the local national Weather Cooperative Observer has reported that the Farmville area rain deficit is now 10.37” for the year. July 2012 saw only 0.83” of rain and is the second driest month ever recorded.);
- The flow in the Appomattox River has consistently been below the 25th percentile, has for several days been below the 10th percentile, and has fallen as low as 1.15 percentile. Even with the rainfall last night, the flow of the river as read by USGS GAUGE #01039500 00060 – APPOMATTOX RIVER AT FARMVILLE was at 12 cfs (cubic feet per second) at 2:45 p.m. on August 1, 2012. This represents a flow that was below the 25th percentile.
- Ground water levels, as measured at the state monitoring well in Buckingham County, were at 27.44 feet, which is between the 10th and 25th percentile.
- The water level of the Sandy River Reservoir has fallen about 7 inches, which represents less than a 4% reduction in total usable volume.

Mr. Bartlett stated that staff is closely monitoring the drought indicators in the event that a Drought Warning is triggered. He added that the Drought Watch is voluntary and only applies to the County outside of the Town of Farmville; the County “piggy-backs” the Town of Farmville ordinance for those in the County that are served by Town water.

Supervisor McKay made a motion to declare a Drought Watch for the County of Prince Edward; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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In Re: Consideration of Motley Lake as Emergency Water Supply

Mr. Bartlett stated that over the last two week period, the flow in the Appomattox River at the USGS Farmville gauge has consistently been at levels lower than in 2002, and in fact, has been as low as 1%. The flow recorded during the evening of July 31, 2012 at 12:45 p.m. was 4.7 cubic feet per second (cfs), which is the lowest flow for 2012. Over the last 86 years, the previous minimum flow for July 31 had been 14 cfs. The minimum flow recorded August 1, 2012 was almost 67% lower than the previous all time low.

Mr. Bartlett said Section 15.2-4122 of the *Code of Virginia* states “No locality or authority shall construct, provide or operate outside its boundaries any water supply impoundment system without first obtaining the consent of the governing body of the locality in which such system is to be located.” He stated that given that requirement and in an effort to be proactive, he recommended the Board of Supervisors approve the use of Motley Lake as a temporary emergency water supply for the Town of Farmville. Such approval by the Board will enable the Town of Farmville to obtain an emergency Virginia Water Protection permit from DEQ.

Mr. Bartlett then introduced Mr. Scott Kudlas, Director of Water Supply, Virginia Department of Environmental Quality (DEQ).

Chairman Fore asked what limitations will the DEQ place on the use of Motley Lake as an emergency water supply, and specifically, how much water will the Town be able to release to supplement the flow of the Appomattox [River].

Mr. Scott Kudlas, DEQ, stated that normally, this particular section of the Code is handled during the permit process. The DEQ does not currently have a permit application from the Town of Farmville. He stated the Town’s consultants have approached the DEQ regarding the options available under the permitting program in order to use Motley Lake as an emergency supply. The first option is an Emergency VWP permit, for a drought emergency. Certain conditions must be met and when those conditions are met, DEQ has seven days to turn around a permit and five days for agency consultation. The action today would ensure that process could go forward smoothly. Once that happens, however, the applicant must within 14 days, apply for a new VWP permit to deal with that additional storage over the long term so these situations can be avoided as best as possible in the future. Under that scenario, DEQ would have to do modeling and some additional evaluation of the storage within Motley Lake and how far it could be drawn down in order

to protect in-stream beneficial uses (the fish that live there, etc.) Under the emergency scenario, DEQ would look at that but most of that would be cursory and would be addressed at a later date.

Chairman Fore asked if the draft letter is a requirement for the application for a permit; Mr. Kudlas said it is.

Supervisor Jones asked if this is only for a temporary permit; Mr. Bartlett stated the draft letter specifies a time period from August 1, 2012 through October 31, 2012.

Supervisor Jones then questioned the necessity of the Town to create a long-term plan to use Motley Lake, and if the Town would then have to return to the Board of Supervisors and again ask for permission to use Motley Lake as a long-term supply. Mr. Kudlas stated that based on the wording of the draft letter, the Town would have to return. He added that once the formal application was received, DEQ would then ask that the Board would again consent as a long-term option.

Supervisor Wilck questioned if the Town of Farmville has 14 days from the date of receipt of the application; Mr. Kudlas confirmed that and stated the permit can be good for up to one year or until the specified date of expiration is reached, or until a new permit is in place.

Supervisor Jones asked how much water may be drawn from a body of water; Mr. Kudlas stated the amount is specific to that body of water, and he could not answer that question without completing the modeling of the lake.

Supervisor Wilck stated the engineers reported there are 60 million usable gallons of water in Wilcks Lake, and 100 million usable gallons of water in Motley Lake. Mr. Kudlas stated those amounts are the expectations if the lakes were pumped dry, and that isn't something that can be approved under the State Water Control Law. Often the expectations the applicant has is different than what DEQ actually finds in their analysis.

Discussion followed on the procedure necessary for withdrawing water from any water source, as they are considered waters of the state.

Mr. Bartlett asked for clarification on the seven-day turnaround period for the request from the Town for an emergency [permit]. Mr. Kudlas stated the permit must be issued within seven days; but within 14 days from submitting the emergency application, the applicant must submit a new application to deal with it long-term.

Supervisor Jones stated farmers use lakes and ponds for irrigation and asked if those would be controlled by the DEQ also. Mr. Kudlas stated that dependent upon the amount of water that is being withdrawn from those ponds, and dependent upon the location of those ponds, there is a condition in the regulations that related to whether or not it is an upland pond or a pond that is within the bed of a perennial or an ephemeral stream, in which case, and there is enough water being withdrawn from it, then a permit would be necessary. Discussion followed.

Supervisor Simpson made a motion to approve the draft letter with an effective date of August 1, 2012 until October 31, 2012, and to authorize the Chairman to sign on behalf of the Board and cause it to be delivered to the Town of Farmville and DEQ.

Supervisor Wilck suggested the expiration date in the draft letter be extended from October 31, 2012 to December 31, 2012. Discussion followed.

Supervisor Jones asked for assurance that the temporary permit would in no way affect the agricultural activity around Motley Lake. After receiving that assurance from Mr. Kudlas, Supervisor Jones then stated he hopes this action will reopen talks with the Town of Farmville regarding the Water Authority.

Supervisor Simpson amended his motion to approve the letter with an expiration date of December 31, 2012 and to authorize the Chairman to sign on behalf of the Board and cause it to be delivered to the Town of Farmville and DEQ; the motion carried:

Aye:	Howard M. Campbell Pattie Cooper-Jones William G. Fore, Jr. Don C. Gantt, Jr. Robert M. Jones Charles W. McKay Howard F. Simpson Jim R. Wilck	Nay: None
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Supervisor Wilck stated he spoke with a representative in the office of Congressman Robert Hurt who stated the Congressman would be delighted to provide a letter of endorsement for grants for generators for the County. Supervisor Wilck also stated a date needs to be scheduled for the Legislative Day as Congressman Hurt will soon be campaigning.

Chairman Fore reminded the Board members of the upcoming meeting on Monday, August 6, 2012, 9:00 a.m.

On motion of Supervisor Simpson and adopted by the following vote:

Aye:	Howard M. Campbell	Nay: None
	Pattie Cooper-Jones	
	William G. Fore, Jr.	
	Don C. Gantt, Jr.	
	Robert M. Jones	
	Charles W. McKay	
	Howard F. Simpson	
	Jim R. Wilck	

the meeting was adjourned at 4:41 p.m