

**Minutes of the South Fulton Municipal Regional Water And  
Sewer Authority Meeting Held on June 12, 2018,  
At 2047 Union Street, Union City, GA**

**BOARD MEMBERS PRESENT:** J. Clark Boddie, Vince R. Williams, Elizabeth Carr Hurst, Donna M. Gayden, Laura Mullis, Shayla J. Nealy and Sonja Fillingame

**BOARD MEMBERS ABSENT:** None

**Consultants Present:** Dennis Davenport, Dan Post, Laura Benz and Andrea Gray

**Others Present:** Tom Ridgway with The City of Fairburn

**Call To Order:** Chairman Vince R. Williams called the meeting to order at 7:00 PM.

Elizabeth Carr Hurst requested that there be more details in the minutes.

**Approval Of The Minutes:** A motion was made by J. Clark Boddie to approve the minutes of the April 10<sup>th</sup> 2018 meeting, seconded by Laura Mullis. A vote was taken, the motion passed unanimously.

**New Business:** Chairman Vince R. Williams stated that Brian Jones has stepped down and Sonja Fillingame will be taking his place.

**Old Business:** None.

**Reports:**

**Legal** – Dennis Davenport stated that he has nothing to report this month. Vince R. Williams requested an update for the RFP for Auditing. Mr. Davenport stated that he will develop the process for the Board to review.

**Finance** – Dan Post reviewed with the Board:

1. The April and May 2018 financial statement.
2. Requested approval for draw number 177 in the amount of \$126,080.18, 178 in the amount of \$13,702.63 and 179 in the amount of \$665,687.50 from the construction account.

Shayla J. Nealy made a motion to approve draw number 177 in the amount of \$126,080.18, 178 in the amount of \$13,702.63 and 179 in the amount of \$665,687.50 from the construction account seconded by Donna M. Gayden. A vote was taken, the motion passed unanimously.

3. The six-month updated water usage report will be e-mailed to all Board members as soon as it is ready.

**Project Managers** – Laura Benz and Andrea Gray reviewed with the Board:

See attached memorandum for details

1. GEFA Loan
2. Treatability Analysis
3. EPD: Letter from EPD - Water Withdrawal Permit Application for Direct Withdrawal
4. Mitigation
5. ACF water control manual
6. Litigation:
  - a. Supreme Court on water wars

Krebs will have a report at the June meeting

There was a discussion for the next meeting and it was agreed it would be either July 18<sup>th</sup> or 19<sup>th</sup> and the final date would be forwarded to everyone.

**Executive Session:** None

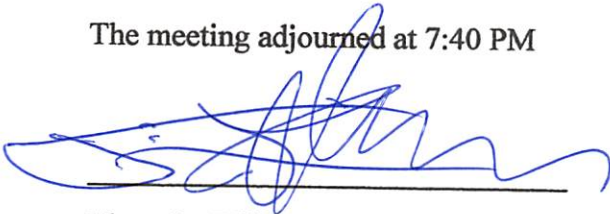
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**Executive Session:** None

J. Clark Boddie made a motion to adjourn the meeting, seconded by Donna M. Gayden. A vote was taken, the motion passed unanimously.

The meeting adjourned at 7:40 PM



Vince R. Williams, Chairman

July 18<sup>th</sup>, 2018

Date Minutes Approved by Board

## MEMORANDUM

**To:** S. Fulton Municipal Regional Water & Sewer Authority Member Cities Councils  
(Fairburn, Palmetto and Union City)

**From:** Laura Benz & Andrea Gray

**Date:** June 12, 2018

**Re:** S. Fulton Authority Project Update

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**Water Withdrawal Application/Process:** By email dated May 14, 2018, EPD requested revisions to the water withdrawal application and supplemental documentation. The requested revisions were made and the complete water withdrawal application was resubmitted to EPD on May 15, 2018. By letter dated June 7, 2018, EPD requested additional revisions as well as documentation that has previously been provided. A response is being prepared and anticipated to be submitted in the upcoming week.

**Treatability Analysis:** Water quality testing which included multiple monthly samples from the Chattahoochee River began on January 22, 2018 and will be complete on June 11, 2018 as contemplated in the EPD-approved water quality testing scope. The associated treatability analysis will be completed on June 12<sup>th</sup>. So far, all samples are within the range appropriate for water supply and can be treated in accordance with accepted traditional protocols. The treatability report will be prepared by Krebs Engineering and provided to the Authority for its consideration for submission to EPD at the July Authority meeting.

**SWAP:** ARC received authorization and funding for completion of the required SWAPs for the metro-Atlanta area. ARC is initiating work on the SWAP on June 19, 2018 and will be complete with all participating water providers by the 2020 deadline.

**GEFA Loan Update:** The GEFA loan documents were approved and submitted to GEFA following the February 13, 2018 Authority meeting. By letter dated February 16, 2018, GEFA provided the 10 forms for draws to be submitted for payment under the loan. GEFA further provided that a billing statement will be provided, and the 1% origination fee was withdrawal from the Authority's account in April. Under the terms of the loan, the Authority is obligated to draw on the funds within six months from the date of loan execution (February 19, 2018) or pay a monthly continuation fee of \$3,000.

Please note that the Authority is still required to "expend unobligated funds, those other than obligated funds which are calculated as a good-faith estimate of debt service (principal and interest) based upon increasing annual payments for the 2014 refunding bonds prior to drawing upon the GEFA loan funding" as specified in the modification memorandum.

**Mitigation Contract:** The Mitigation Management is currently moving through the regulatory process to permit the mitigation site as an approved mitigation bank. We will provide updates to the Authority as they become available, however the outside closing date under the approved terms is June 30, 2020.

**ACF Water Control Manual:** The lawsuits discussed in the previous update are still pending. No injunction has been issued that would prohibit EPD or the USACE to stop issuing permits. We have spoken to USACE Office of Counsel and are awaiting formal written confirmation of the USACE official position that the direct withdrawal is deemed as a practical alternative and not deemed speculative in the absence of an injunction during the course of litigation. Delays in obtaining this statement have been cited by the USACE due to coordination of USACE districts and pending litigation considerations.

**Supreme Court Update:** The ruling on the January 8, 2018 oral arguments before the Supreme Court are expected before June 30, 2018.

**Timeline:** An updated timeline of the activities over the past year is attached for your review.

## **South Fulton Regional Municipal Water & Sewerage Authority**

### **Project History Timeline Update since June 7, 2017 Memorandum**

- 6/8/2017 Authority representatives meet with EPD to discuss Atlanta discrepancy information and determine uncertainty factor and usage.
- 6/10/2017 Project manager attends Union City Council retreat to provide update on project and current pending matters
- 6/20/2017 Authority requests revisions to \$10.5 million GEFA loan terms and conditions to allow funds to be used for additional water supply options such as purchase and direct withdrawal
- 7/10/2017 Project managers attend Fairburn City Council meeting to give project update
- 7/27/2017 Authority submits revised language for GEFA loan modification requests incorporating GEFA comments to address removal of Bank of America interest
- 8/22/17 GEFA approves amendment to the terms and conditions of the \$10.5 million loan allowing funds to be used for engineering, permitting and other activities associated with a direct withdrawal, reservoir or infrastructure needed to purchase water from another source
- 8/29/2017 Authority representatives meet with EPD to discuss Source Water Assessment Plan (SWAP) and potential funding, water quality testing and treatability analysis
- 8/31/2017 Authority submits the proposed treatability analysis scope and SWAP to EPD for review
- 9/8/2017 Authority representatives meet with ARC to discuss funding opportunities for SWAP
- 9/13/2017 EPD issues need verification of 13.25 MGD
- 10/6/2017 EPD approves the proposed treatability scope and SWAP parameters
- 10/10/2017 Authority authorizes the submission of the revised water withdrawal application for a direct withdrawal from the Chattahoochee River of 13.25 mgd. Directs issuance of RFP for the treatability analysis.
- 10/16/2017 Authority issues RFP for treatability analysis
- 10/31/2017 Authority submits revised Water Withdrawal Application submitted to EPD
- 11/13/2017 EPD issues acknowledgment of receipt of revised water withdrawal application (satisfying the condition of the GEFA loan amendment)

11/14/2017 Authority selects CCR to complete raw water quality testing for treatability analysis and issues the request for a revised RFP response from engineering firms

12/8/2017 GEFA acknowledges satisfaction of criteria for direct withdrawal to issue loan documents

12/12/2017 Authority selects Krebs Engineering to complete the engineering study portion of the treatability analysis and to work with CCR

12/22/2017 Authority provides GEFA with a loan schedule and budget for finalization of loan documents in response to 12/12/2017 request from GEFA

1/12/2018 GEFA issues the loan documents for review and execution

1/22/2018 First Water Quality Sample taken from the Chattahoochee River

1/23/2018 Treatability test for First Sample completed and provided to laboratory

2/16/2018 Authority submits signed loan documents to GEFA

2/16/2018 GEFA provides Final Executed paperwork for loan to Authority

2/26/2018 Second Water Quality Sample taken from the Chattahoochee River

2/27/2018 Treatability test for Second Sample completed and provided to laboratory

3/5/2018 Third Water Quality Sample taken from the Chattahoochee River

3/7/2018 ARC confirms that the Authority is within its efforts for update/preparing the SWAP (this satisfies the District Plan requirement deadline of 1/1/2020)

3/12/2018 Fourth Water Quality Sample taken from the Chattahoochee River

3/20/2018 Fifth Water Quality Sample taken from the Chattahoochee River

4/3/2018 Sixth Water Quality Sample taken from the Chattahoochee River

4/6/2018 Authority coordinates with Keith Carnley (EPD) regarding the documentation for water system permit

4/10/2018 Authority coordinates with EPD re historical submissions for water system permit

5/14/2018 EPD requests revisions to water withdrawal application figures and supplemental documents by email

5/15/2018 Authority provides revised documents to EPD for review/consideration

6/7/2018 EPD provides additional comment letter

6/18/2018 Authority anticipates providing response to 6/7/2018 EPD letter  
6/19/2018 SWAP preparation meeting with ARC