

October 8, 2010

Gil Vinzani  
Surface Water Protection Section  
Point Source Branch  
1617 Mail Service Center  
Raleigh, North Carolina 27699-1617

Re: Additional comments from September 28, 2010 Public Hearing on NPDES Permit

Dear Mr. Vinzani:

My name is Paul Barth, and I am a New Hill resident and President of the New Hill Community Association. My comments are regarding the failure of the Western Wake Partners (WWP) to properly consider Harris Lake as an alternative discharge site for the sewage treatment plant planned for the center of the New Hill community and New Hill Historic District, as is required by the State Environmental Policy Act.

A few issues that I have learned from my experience that may be valuable to consider in advance of your permit decision are:

- Chatham County residents should not have to accept pipelines from a facility that will not benefit them. Cary, WWP project lead, already has a history of trying to expand their town urban limits into Chatham most recently along the east side of Jordan Lake to the Chatham / Wake County line.
- Affected Chatham County property owners will be required to give easements (loss of property use but still pay taxes on the property) to three towns that are not within Chatham County.
- It's bad enough the source of these pipelines are coming from a sewage plant that will be severely impacting New Hill. Now, pipelines will be affecting Chatham County residents as well.
- What restrictions will easement holders have in terms of their property use?
  - For example, can property owners do controlled burns near the easement?
  - Can property owners cross the pipeline with heavy equipment?
  - If they cannot cross with heavy equipment and need to build another road, will WWP reimburse them for the value of the property converted to a road and the cost of building that road?
  - Will the WWP be permitted to sublease the sewage pipeline right of way?
  - If yes, who receives the benefit from the sublease, the property owner or the WWP?
  - What other types of utilities can be put into the right of way and how will property owners be reimbursed for those future utilities?

Cumulative impacts from allowing a discharge to the Cape Fear River are:

- If this goes forward and the current Progress Energy plans for Shearon Harris expansion proceed, then there will be more pipelines over Chatham County taking water out of the Cape Fear River and depositing it into Harris Lake.
- This means many more miles of pipeline over Chatham that comes close to crisscrossing one another.
- Avoiding miles of additional pipeline and easements will prevent more wetland and stream crossing impacts yet still satisfying IBT requirements.
- Wouldn't it make more sense to take the time necessary to just discharge to Harris Lake now?

So what is the benefit to Chatham County if the current NPDES permit is not approve?

- Chatham County and their residents will keep their property from being used by the WWP for their benefit, not Chatham's.
- By DWQ recommending a discharge to Harris Lake, Progress Energy will not likely have to run pipelines back from Cape Fear River to Harris Lake to refill Harris Lake during periods of drought. This will avoid more easements through Chatham County residents' property thus preventing a double dip affect.

DWQ should not issue the requested NPDES permit.

Sincerely,

Paul Barth

cc: Coleen H. Sullins, Director, NCDENR, Division of Water Quality