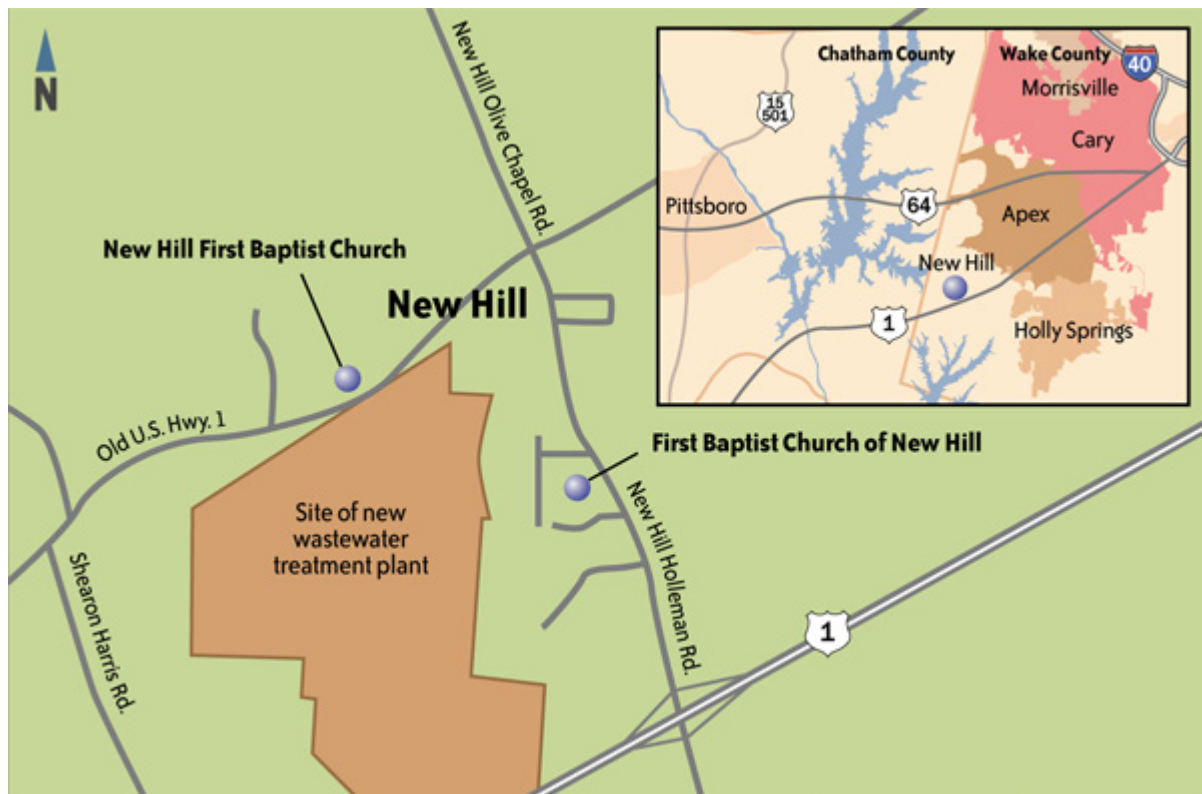


Dumping on New Hill

How an enormous wastewater treatment plant wound up near a small town's historic district

by [Rebekah L. Cowell](#)



Map by J.P. Trostle

Inside the sanctuary of the 100-year-old New Hill First Baptist Church, the plush red carpet is so smooth you can see the tracks of the vacuum cleaner that ran across the floor the day before. Sun shines through stained-glass windows where families and friends join hands across oak pews. A youth choir sings accompanied by piano and snare drum. Pastor James Clanton opens with a call to worship and asks his congregation to be thankful. "God is good. He is so good." The congregation responds, "Yes, Jesus, yes."

Within the next few months, the church will get a new neighbor, one New Hill residents are not thankful for: a \$327 million wastewater treatment plant across the street.

Two weeks ago, the U.S. Army Corps of Engineers announced that Site 14—237 acres of farmland adjacent to the New Hill Historic District—is the best place to put the behemoth plant. Six years ago, Western Wake Partners, an alliance of Cary, Apex, Morrisville and Holly Springs, which are predominantly white, decided New Hill, which is primarily African-American, is the ideal place to build a smelly, loud and ugly wastewater treatment plant.

Three other alternatives, including one on land owned by Progress Energy, would have been more remote and affected fewer people. But the people of New Hill have less clout than Progress Energy. The partners have largely dismissed New Hill residents' concerns over the site of the plant. "... seems to me New Hill is a ZIP code, not a community," wrote Cary Public Works Director Robert (Kim) Fisher in a July 2005 e-mail to water resources manager Leila Goodwin.

Yes, New Hill does have a ZIP code—27562—but it is also a small town on the fringes of western Wake County and home to about 1,800 people (all on septic systems because there has never been water or sewer service), a brick post office, a gas station, Victorian farmhouses with picket fences, large tracts of farmland and iron tracks that run along Old U.S. Highway 1—the original New Hope Valley Railway and transportation route for the tobacco harvested by New Hill farmers.

Unincorporated, the town has no agreed-upon boundaries. And because New Hill is small and quiet, it has become a target for developments that few towns would want—or be forced to accept.

The state is requiring the partners to build a new wastewater treatment plant to handle the increasing load from their growing populations.

But the new wastewater treatment plant, which is scheduled to begin construction this year, will not be built in Apex or Cary or any of the partners' towns. It will loom across the street from the New Hill First Baptist Church and playground, and a half-mile from the First Baptist Church of New Hill. The plant will sit within 1,000 feet of 23 homes. But who lives in those homes is as important: 87 percent of those approximately 230 residents immediately affected by the sewage treatment plant are African-American, on fixed incomes, elderly or retired.

"People here don't just move around," said Elaine Joyner, a lifelong resident who grew up in a house behind First Baptist Church. "They buy a house, raise their kids and settle down, and that's the one house they'll own for the rest of their lives."

Joyner says even if the plant generates new jobs, it won't help the retirees or the residents whose quality of life will be permanently damaged. "No one wants to sit on their porch and hear the sounds, or the smells, that will come from a wastewater treatment plant, nor deal with an increase of traffic," Joyner said.

It's not only the light pollution, smell, noise and traffic that could sour New Hill's peaceful atmosphere—the risk of a sewage spill or leak could threaten the community's environment and public health.

"If a sewage spill occurs on the selected site in New Hill, or on one of the many sewage lines running through the New Hill community, it will be catastrophic as every residence in New Hill, and the surrounding community, is serviced by a private well," the association wrote in 2006. "Also, in the rural community of New Hill, there are many farms that utilize farm ponds for drinking water for livestock and irrigation ... Even a small hole in a large sewage line ... will contaminate a lot of land and ponds prior to the leak being discovered and repaired."

This is just the latest insult to New Hill, parts of which have been eaten away by eminent domain. Just two miles outside of town brews Shearon Harris. Construction of Progress Energy's nuclear power plant devoured significant tobacco and agricultural farmland, as did the build-out of U.S. 1, as did the flooding of fields by the U. S. Army Corps of Engineers in 1973 to create Jordan Lake, as did the easements for Dixie Pipeline's underground high-pressure gas lines, as did easements for Progress Energy's transmission lines that will support Cary and Apex growth, not New Hill.

Nonetheless, as part of an environmental review for the wastewater treatment plant, the partners claimed New Hill residents have not been environmentally affected in the past.

For five years, the New Hill Community Association, a citizens group of black and white residents, have battled the partners and the plant. "Initially we requested the sewage plant not be placed in our community because we have had enough impacts," association members said at a

2008 community meeting with the U.S. Army Corps of Engineers and the Environmental Protection Agency. "When our plea was rejected, we then requested the partners move the sewage plant out of the center of our community, where it will impact our churches, cemeteries, playgrounds and, most of all, the people who live in close proximity to the site."

Throughout the U.S., including North Carolina, landfills, hazardous waste sites and other environmental threats or nuisances have historically been sited near low-income or minority communities. The treatment plant is another example of that practice, says the Rev. Robert Campbell, leader of the Faith Tabernacle Oasis of Love Church of Chapel Hill and a member of the Coalition to End Environmental Racism. "In my opinion [this is] another underserved community of color [that] is the target of a larger municipality, that will make promises and not keep them."

Ironically, the Western Wake Partners originally posted on its website a strong statement in favor of protecting the neighbors in situating the plant: "The proposed facility must be located on a site that protects citizens' quality of life. This means keeping the facility footprint as far away as possible from homes, parks, churches, playgrounds, and other areas important to citizens. The residences directly affected by a location as well as those nearby are taken into account," the posting read.

That statement has since been removed from the partners' website.

The Town of Cary has led the charge for the new plant and its siting in New Hill. However, one council member did raise a question about the appropriateness of the location. In response to a question raised by a New Hill resident, in 2005, Cary Town Council member Jennifer Robinson sent an e-mail expressing her concern about New Hill as the preferred site for the plant. "Historical or societal issues were not considered when the site selection process was undertaken ... I was disappointed when I learned that the preferred site impacted the community as it does."

There were alternatives to Site 14, known as the old Seymour farm, which sits in the center of New Hill. In August 2004, the partners' environmental engineers and consultants ranked 29 potential locations for the plant, then whittled that list to 12. Site 14 ranked fourth, and the top three locations are owned by Progress Energy. The plant needed 140 to 180 acres; Progress Energy has 15,000—land it took from New Hill citizens in the '60s and '70s in anticipation of building four nuclear reactors (only one was built—by Shearon Harris).

In June 2005, Cary Town Manager William Coleman sent an e-mail to the partners, stating: "We had a meeting with Progress Energy today. The gist of the meeting was that Progress Energy does not want the wastewater plant on their site even if it could work economically. If Progress Energy does develop they will need a wastewater treatment plant to discharge their effluent too."

The state's water regulations require the partners that withdraw water from the Cape Fear River Basin, to return it there, too. In the case of the plant, treated wastewater would be pumped back into the river, meeting that requirement.

But locating the plant on Progress Energy property and then pumping discharge into Harris Lake, which is on the energy company's land, would have also satisfied that requirement. The final environmental impact statement lays out the many benefits of siting a plant on that property and discharging into the lake: "This option results in shorter effluent line, less pumping, and fewer greenhouse gas emissions from the pumping" as well as "greater flexibility in managing water resources on a regional basis as the water would be stored in the lake."

New Hill residents speculate Harris Lake wasn't considered because clearing regulatory hurdles would have delayed the project, which must be completed by 2013, by three years. However, that is an unnecessary delay. The partners didn't even analyze the possibility of Harris Lake until

earlier this year. Had they done it in 2005, New Hill could have been spared, and the plant could have been built on schedule. "In short, they considered Harris Lake too late," said Chris Brook, an attorney with the Southern Coalition for Social Justice, "and now they are just walking away from it."

Cary led the partners to the New Hill site, and it could lead them out of it. However, Cary remains entrenched in the plan, largely because of the additional time and money several million dollars required to change it. (Cary bears most of the project costs nearly 60 percent. Holly Springs is on the hook for 5.3 percent, Apex 26.7 percent and Morrisville 8.4 percent.)

The partners had already selected New Hill when Harold Weinbrecht became the mayor of Cary. Nonetheless, he told the *Indy* that considering the timing and financial constraints, "I had no choice but to conclude that changing sites would not be in the best interest of the citizens of Cary."

The best interests of New Hill have been consistently excluded. In November 2004, Cary Public Information Officer Susan Moran sent an e-mail to Sharon Brown, a Wake County PIO, stating "the partners have agreed we want to avoid publicity as long as possible."

A month later, Holly Springs Town Manager Carl Dean pondered in an e-mail how to circumvent the public process: "We need to develop a method to handle these utility projects without the public hearing requirement."

Holly Springs now wants out of the deal. The town is seeking state permission to send more of its treated wastewater to, of all places, Harris Lake. The town had never planned to use the plant itself, but to use a pipe from the outside of the plant that would discharge to the Cape Fear River. If the state approves, Holly Springs will withdraw from the partnership and do just that, according to Holly Springs Mayor Dick Sears.

Apex Town Commissioner Bill Jensen said he has tried unsuccessfully to convince his fellow elected officials to move the site. "They are locked in at this point," he said.

In fact, Apex Town commissioners never voted on the site; staff members from the town's public works department decided on the site without commissioner input, according to minutes from a 2005 commission meeting.

Instead, Apex Mayor Keith Weatherly asked the town manager to send a letter to Cary approving of the Site 14. "We were misguided by our own town council," Jensen said, "and in my person opinion, Site 14 was just shoveled through."

Weatherly did not return calls seeking comment.

Morrisville Mayor Jackie Holcombe says she would support an alternative site in New Hill. "As far back as 2005 I had concerns about the site-selection process and the effect a Site 14 wastewater plant would have on our neighbors in New Hill," she said. Nevertheless, Holcombe is not concerned enough to withdraw from the partnership. "The partnership's need for an additional regional treatment plant is valid and meets current state policies of addressing water and sewer needs regionally," she said.

Bob Kelly, whose grandmother was born in New Hill in 1887, has lived on the family farm for 40 years. Retired from IBM, he has converted the tobacco farm into a tree farm. Like many New Hill residents, he has seen farmland eroded by progress. While the partners have seized hundreds of acres for this project, through eminent domain, they will need even more land for other plant infrastructure.

(Landowners are compensated for their losses in eminent domain cases, but the price offered for the acreage rarely, if ever, is at market rates. Landowners have to challenge the offer—and win, which is rare. The partners originally offered the Seymour family less than \$3 million for 237 acres; the family successfully challenged the amount, and the partners paid \$7.5 million—150 percent more than the original paltry offer.)

"We are being asked to give up more land for sewage pipelines. Those of us who will have the sewage lines crossing our property will not be able to connect to the facility—we just have the pleasure of losing our land," Kelly said.

That's one of the many ironies in the New Hill case. All of the residents are on septic. Because the land isn't suitable for additional septic systems, no new homes or businesses can be built in New Hill unless they are on a public water and sewer system.

As part of the deal with New Hill, the partners would hook up some residents within a half-mile radius of the plant to the Apex public system. However, there's a catch. According to a July 30 letter to New Hill residents, the partners are suggesting that the residents front the money for the hookups. The Town of Apex would reimburse the residents for all "reasonable costs," the letter says, but it does not list a time frame or define "reasonable."

The word "reasonable" is key. U.S. Army Corps of Engineers documents, known as the Record of Decision, state that the partners will provide "free installation of water and sewer up to a cost of \$1,500 for water and \$1,500 for sewer for each residence."

Yet many New Hill residents don't have \$3,000 for the up-front costs. And, according to Brook, it's uncertain that the \$3,000 subsidy would cover all the costs, especially for homes that are farther off the road and would need additional piping.

"The Record of Decision continually speaks of reimbursing folks for water and sewer hookup expenses," Brook said. "A lot of folks in this community just don't have \$3,000, or however much it actually takes them to get connected, sitting around to spend on water and sewer hookup and then wait until Apex gets around to reimbursing them."

And if the pipes need to be replaced, the documents state, "costs associated with replacing existing deteriorated pipe are the responsibility of the property owner."

If construction stays on schedule, the plant will be complete in 2013. In the meantime, residents hope the partners will agree to several amenities for the community. In May, Brook sent a proposal to the partners' attorney, Glenn Dunn, asking for several concessions that would benefit New Hill residents: pay all costs (not merely those deemed "reasonable") of water and sewage connections for residents and expand the number of households eligible for those hookups to those within a half-mile of the treatment plant boundaries.

Brook requested that the partners pay New Hill property owners "fair compensation for easements" required for the plant. Other concessions include alerts for the community within 12 hours of sewage spills or leaks, construction of a community center or the renovation of a building in the New Hill Historic District, and a guarantee that at least 10 New Hill residents be employed at the plant.

These proposals are not intended to endorse the plant's construction, Brook said, but they are necessary to ensure that the community's needs are known. "We're not going to stop fighting it, but if they are going to do this, here are some things they need to do," Brook said.

For Bob Kelly and the association, the battle has had its upside. "One of the good things to come out of this ordeal is the community has come together," Kelly said. "All races have come

together for a common cause. Even though I knew many of the people in the community, I did not really know them. I had not worked side by side with them and had not sat down in their homes and discussed things."

Back at the New Hill First Baptist Church, a sign with the acronym P.U.S.H. hangs in the annex. The message is simple: "Pray Until Something Happens," and until something happens, New Hill plans to do just that. This is the place they call home, and it is worth the fight.

