

Published: Jun 6, 2006

Judge dismisses sewer-plant case

By ADAM ARNOLD, STAFF WRITER

New Hill residents lost the first round of their fight over a regional sewer plant in court, but might consider an appeal.

Wake County Superior Court Judge Robert Hobgood issued a decision Friday dismissing the case.

"We're going to look at what avenues we have to appeal and other issues we could pursue from a legal angle," said Paul Barth, president of the New Hill Community Association and a plaintiff in the suit.

Barth and others had sued Cary, Apex, Morrisville and Holly Springs over the planned siting of a regional sewer plant in their unincorporated southwest Wake County community.

The four towns are partners in the project, estimated to cost more than \$190 million. Cary and Apex have an agreement with the state from 2001 to start returning water to the Cape Fear River basin, currently discharged into the Neuse River basin, by Jan. 1,

2011. The new plant is aimed at helping comply with that agreement.

The court based its dismissal on several factors, including that Barth and the others did not have standing to sue the towns and that they had failed to state a claim.

Cary, the lead agency in the project, condemned a 212-acre tract in New Hill in August over the vocal and continuing protests of area residents.

Work on plant siting has been under way for several years. Discussion of the condemnation, which started in late spring 2005, generated staunch opposition from New Hill residents who do not want the plant in their community.

The site is across Old U.S. 1 from historic New Hill Baptist Church.

Cary Mayor Ernie McAlister said he was pleased with the court's ruling.

"We appreciate the thoughtful consideration the court gave the facts in this case," McAlister said. "We look forward to moving on with building infrastructure for western Wake County."

Though legal action is still a possibility, Barth and other New Hill residents plan to pursue political remedies as

well.

Barth said he and others will make a presentation to Wake County's legislative delegation on Monday. That will be followed by participation in a public hearing on the plant's draft environmental-impact statement June 15 at 7 p.m. at Apex Town Hall, 73 Hunter St.

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