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NEWS

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New Hill sewage plant faces a test of patience

Opposition could lead to delays

BY TED RICHARDSON - STAFF WRITER

Plans for a \$327 million sewage plant in New Hill - one that would serve Cary, Apex, Morrisville and Holly Springs - have been moving ahead briskly since the project received final environmental approval in late July.

But the project is facing some new hurdles. Each could further stall a project that has already been delayed several years.

Last week, a petition was filed on behalf of the crossroads community of New Hill. It seeks to block construction of the plant. The petition could take months to resolve.

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Apex Mayor Keith Weatherly waits to speak while being introduced by Chatham County Commissioner Sally Kost, left, during a public meeting at the Moncure Fire Department on Sept. 8. - PHOTOS BY TED RICHARDSON - TED.RICHARDSON@NANDO.COM

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Now Chatham County commissioners are trying to decide whether to allow a pipeline from the plant to cross through their county - a decision that will come amid opposition from dozens of residents.

Both are brewing uncertainty around a project deemed essential by Wake County.

"There is a sense of urgency to complete this project," Apex Mayor Keith Weatherly told a group of about 100 Chatham residents who gathered last week at a public hearing.

The towns need the plant to handle growth and to satisfying an environmental mandate for Cary, Apex and Morrisville to return their water to the Cape Fear River Basin.

Weatherly's town is particularly dependent on the new plant. Apex's sewer capacity is almost tapped out, presenting a bottleneck for future growth.

Resistance to the project in Chatham County gathered steam a week ago, as the dozens of residents filled the Moncure Fire Station to learn more about eight miles of sewage pipeline the Wake towns plan to route through their land.

They voiced concerns about the impact of the pipeline on their land and their livelihood while staff members of the Western Wake Partners - the consortium of four Wake towns that began planning the regional sewage plant in 2002 - laid out their plans, which include a pipeline that would carry treated sewage to the Cape Fear River.

"For the last 30 years or more we've been having to fight down in this county to keep junk out of here - waste, and everything else that they can think about bringing from Cary," Jack Tilley, a Chatham resident since 1936, told Steve Brown, Cary's director of public works and utilities. "Now we have to fight to keep this thing away. Let them put it in Wake County."

The pipeline from New Hill would require a 40-foot-wide easement through the southeast corner of the county near Christian Chapel Church Road and Buckhorn Road, down to a discharge point below the Buckhorn Dam.

The pipeline would transport a maximum of 38 million gallons of water per day, enough

capacity to serve the needs of the growing Wake towns for at least two decades. Chatham County would receive no wastewater services from the facility.

More than half of the land the pipeline would cross is owned by Progress Energy. The pipe would also cross Chatham tracts owned by 14 private landowners.

Scott Smith is one of them. He said the pipeline will steal value from his property. He asked that leaders research a more narrow easement. "I recognize the need for the plant," Smith said. But he worries that, with the recession, Cary would make a lower-than-fair offer for his land.

If the Chatham commissioners approve the pipeline, the Western Wake Partners can enact eminent domain to secure land for the easement at what they deem is a fair market price. Federal, state and local governments all have the power to condemn private property for public purposes.

"How would Chatham County citizens benefit from this pipeline?" said Mary Ann Perkins, drawing applause from her Chatham neighbors. "What is your Plan B should Chatham say 'No?' "

Weatherly, who is chairman of the Western Wake Partners Policy Advisory Committee, responded: "We obviously don't expect that to happen. We haven't planned a contingency."

In an interview, Sally Kost, chairwoman of the Chatham Board of Commissioners, indicated that the county won't rush to a decision - despite Wake's urgency.

"They want this to be behind them," Kost said. "But we have to address the concerns of our citizens first."

Chatham's approval may in part depend on the outcome of an unresolved land-use agreement between Cary and Chatham County. A committee between the town and county has met regularly in the past year to craft a plan for an 11,000 acre section of eastern Chatham.

In an August joint meeting, Chatham officials said they would not discuss the pipeline easements for New Hill until after Cary considered supporting a local bill that would bind both governments to the land use plan.

Cary officials have said that they want to wait until after the land use plan is actually complete before drafting a bill. Cary plans to discuss the bill on Thursday.

"We will not agree to the plan without local legislation," Kost said. "Without it, we have no assurance that Cary will follow the land use plan."

While Kost would not say that Cary's cooperation on the land use issue was a pre-requisite to a favorable pipeline easement vote, she did say the issues were intertwined.

"I don't think you can just isolate one issue," Kost said. "It's all interconnected."

Chatham may discuss the pipeline easement at its Sept. 20 Board of Commissioners meeting.

New Hill opposition

The Western Wake Partners also must deal with a late stand from opponents of the plant in New Hill.

A group representing New Hill residents filed a petition on Thursday challenging a water certification granted to the Western Wake Partners by the N.C. Department of Natural Resources. The New Hill Community Association is asking for a hearing to contest state certification of the regional sewage plant in an effort to block construction in New Hill.

The petition, filed at the state Office of Administrative Hearings, charges that the water quality certificate was based on insufficient information about potential environmental impacts. The hearings are intended to affirm, modify or set aside an agency's original decision.

In its petition, the community association contends that building the regional plant in New Hill would have significant consequences for low-income and black residents. The petition contends that the treatment facility would expose residents to sewage sludge, noxious odors and increased noise and light pollution.

Western Wake Partners leaders don't agree. The partners say that the U.S. Army Corps of Engineers was on target when it published an environmental statement adopted by the state Division of Water Quality.

"The Corps had a three-year exhaustive study on all the issues that were relevant," Weatherly said Thursday. "The concerns of the good people of New Hill were taken into account during the public comment sessions, and I think the Corps made the right decision."

Cary spokeswoman Susan Moran added: "While disappointing, the filing is not a surprise. At this point, the filing of the petition has not slowed us down."

Typical waiting time for a hearing is three to four months, said Fred Morrison, a senior administrative law judge with the Office of Administrative Hearings not assigned to the case. After the hearing, it could take several weeks for the administrative law judge's decision to be presented to the parties. From there, either party could appeal the decision to Wake County Superior Court for judicial review, with the possibility of further appeals to the N.C. Court of Appeals and the N.C. Supreme Court.

Despite the chance for these long delays, the Western Wake Partners are moving ahead to meet their goal to begin construction of the New Hill plant by winter 2011.

"We have an obligation with the state to continue the project," Moran said, "so we're continuing according to our regular plan."

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