



Volume 11, No. 12

Search:

  

## News

### Residents file suit against water treatment company

Published Wednesday, September 22, 2010 7:00 am  
by [Sommer Brokaw](#)>

DURHAM - Residents of New Hill, a small, majority black community, have concerns about noise, smell and possible contamination if a spill occurs from a sewage treatment plant being located in their community. The residents have fought to delay the developers, Western Wake Partners, from building the site in their community for the past five years. And, even though they had alternatives, the developers decided to locate there anyway.

In response, the New Hill Community Association raised money to pay the litigation costs for the Durham-based Southern Coalition for Social Justice to file suit against the company.

Opponents claim the community has already hosted its share of environmental burdens by being located near the Shearon Harris Nuclear Power Plant, and they fear a spill would put their wells at risk for contamination. On behalf of the NHCA, the SCSJ has filed a petition for a contested case hearing in the state Office of Administrative Hearings to challenge Western Wake Partners' proposed placement of a sewage treatment plant in the center of New Hill.

"There are better places to put this plant," said Elaine Joyner, a congregant of First Baptist Church New Hill, in a Sept. 9 media release. "We understand the Partners' need for additional sewage capacity. We simply ask that they do not put the burdens of their growth in the middle of our community next to our churches."

The petition contests the issuance of a 401 Water Quality Certification by the N.C. Department of Environment and Natural Resources, Division of Water Quality. It also highlights deficiencies in the Final Environmental Impact Statement, which the certification relied heavily upon. Furthermore, the petition requests a hearing on these issues as well as seeks an injunction to prevent site construction until a hearing can be held.

Three main concerns are documented in the petition: Site 14 has larger human and environmental justice impacts than other more suitable alternatives, including land previously condemned by Progress Energy in the same general vicinity. The noise, odor, traffic and light from the sewage treatment plant will impact the community, and, third, Partners prematurely committed nearly \$10 million to the site before considering its environmental impact.

"It is David versus Goliath all over again, but we know how that turned out don't we?", the Rev. James Clanton of First Baptist Church New Hill wrote in a media release. "We have been willing to host the Partners' sewage treatment plant so long as it was not in the middle of our community, but the Partners won't meet us halfway. It is unfortunate we have to resort to litigation to have our voices heard.

"We know that we're in a fight that most folks have counted us out of. I think the municipalities to a large degree have counted us out, but we are going to continue to fight just as David fought in the battle and gained victory over Goliath."

To pay litigation costs, the community association recently held a barbecue fundraiser at First Baptist and raised \$4,648. Additional litigation support came from a \$10,000 grant from the Impact Fund, an organization supporting efforts to achieve economic and social justice.

But not everyone agrees with the decision.

Shelia Morrison, an African-American resident who lives within a half-mile of the site, said she supports site 14. Her family has lived in the area for generations and ran a business called Morrison's Family Care Home for over 35 years.

She said she supports Partners because it will provide water and sewer connections, which is needed to revitalize the African-American business community. "Historically, there were many mom and pop little businesses in this community," she said. "But, now, there is only one little store in operation in New Hill, and there have been times when I could name about four."

Morrison has been criticized as getting paid by the Partners to advocate for them. "I have no financial motive," she said. "We [supporters] have not sought anything for anybody. I want to dispel that."

James Harris, whose family has lived in New Hill for generations and lives close to the site, also supports it. "I'm always for progress," he said. "We didn't stop the nuclear plant, so there's no need in us worrying about the waste plant."

"I know that one of the arguments for site 14 by some of the African-American residents is that it can help revitalize the community. I still haven't been able to accept that as a good trade-off over Western Wake Partners selecting one of the other sites. The residents who attend our church are pretty happy with their part of the community the way it is," Joyner stated in an e-mailed response.

For more information, visit [www.scsj.org](http://www.scsj.org) or [www.newhillca.org](http://www.newhillca.org).

## Comments

While the petition filed in this matter is against the NC Department of Environment and Natural Resources and not the Towns of Apex, Cary, Morrisville, and Holly Springs (the Western Wake Partners), the Partners fully support DENR's actions to date. The permit being challenged was based on the results of an inclusive, transparent, and exhaustive process that found the Apex site to be the overall least impactful, and we look forward to the Court's review of the matter. The Partners remain committed to fulfilling our responsibility to the State and our neighbors by continuing to move ahead with the project, which will serve 430,000 businesses and residents in Chatham and Wake counties, including many in the New Hill portion of Apex. For accurate,

timely and complete information ? including all the research that went into choosing the site --  
visit [www.westernwakepartners.org](http://www.westernwakepartners.org).

Posted on September 24, 2010