

Masthead



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Towns join defense of sewage site

A permit for the planned New Hill plant is being contested by residents.

BY ANDREW KENNEY - Staff Writer

Organizers of a contested sewage plant in New Hill are stepping in to defend the \$327 million project, which will serve Cary, Morrisville and Apex.

Opponents of the regional wastewater treatment plant mounted a challenge against the project last month.

The petition, filed by the New Hill Community Association, seeks to strip the proposed plant site of an important water quality certificate. The complaint was aimed at the N.C. Department of Environment and Natural Resources.

The community group alleges that the department issued the certificate based on inadequate information.

Seeing a threat to the project, the towns in charge of it - known collectively as the Western Wake Partners - filed a motion to join the quasi-judicial hearings as a respondent alongside the state. The motion was granted two weeks ago.

The plant would meet a state mandate that requires the towns to return treated wastewater to the Cape Fear River Basin. The project also would help the towns deal with growth for the next 20 years.

About 300 people have banded together as the New Hill Community Association to resist the project.

With the help of the Southern Coalition for Social Justice, the group has made various pinpoint technical and legal arguments against the wastewater plant, including the official complaint.

A victory for the community group could slow growth in western Wake, officials said.

"If the New Hill lawsuit is successful then everyone will suffer a great deal," Cary mayor Harold Weinbrecht wrote to Apex council member Bill Jensen in an e-mail late last month. Cary, Apex and Morrisville form the coalition that has planned and pushed the wastewater project for years.

The complaint revolves around a permit, issued by the N.C. Division of Water Quality, that would allow the partners to fill 0.82 acres of wetlands and several hundred feet of streams at the New Hill site.

The Division of Water Quality, the filing charges, issued the permit based on a faulty and insufficient environmental review.

"What it's getting at is a very, very broad point: did they consider alternatives sufficiently?" said Christopher Brook, a lawyer with the Southern Coalition for Social Justice.

The Western Wake Partners' lawyers argue that the group, and the Division of Water Quality, did what they should have.

"The permit issued by DENR is based on several years of an inclusive, transparent process, and it's important that those processes be supported," said Susan Moran, a Cary spokeswoman.

In its suit, the community group claims that the Division of Water Quality didn't give enough information about the plant's potential impact on residents, and that it relied on "misleading statistics" about the plant's impact on property values, among other charges.

The Office of Administrative Hearings, an independent state office, will conduct the hearings for the complaint much like a trial for a lawsuit. After a discovery period, all three parties will appear before an administrative judge.

The Environmental Management Commission will uphold or refute the judge's decision, and either party can then appeal that decision to superior court. The hearing is set tentatively for the week beginning Jan. 24.

Moran said the proceedings, which could take months, won't keep the towns from moving ahead. "We're continuing to fulfill our responsibility to the state to get this project up and running," she said.

Weinbrecht said that delays could hamper the towns' ability to grow. "If the wastewater plant is delayed then our water supply will also be delayed," he wrote to Jensen.

The state might not allow Cary to expand its water supply until the towns build the sewage plant, he explained.

"Add to that the millions in cost of a redesign and you now have very high rates and no water or sewer expansion," he wrote.

Without the water supply to match growth, Weinbrecht would expect a moratorium on new buildings in western Wake County, he said.

He doubts the state will rule in the community association's favor, given the consequences.

But some New Hill residents simply don't see why its their responsibility to host the facility, which will serve only a few people in their community, said Paul Barth, president of the community association.

As a potential groundbreaking draws near, they hope to at least route the sewage plant to a different New Hill site-- they don't like the chosen ground because it's too central in New Hill, Barth said.

"They call it the preferred site," he said. "We call it the wrong site."

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