



November 9, 2006

Mr. Robert K. Fisher, P.E.
Director of Public Works and Utilities
Town of Cary
Post Office Box 8005
Cary, North Carolina 27512-8005

Post-It® Fax Note	7671	Date	11-16-06	# of pages	3
To	Paul Barth	From	Larry Horton		
Co./Dept.	New Hill Comm. Assoc.	Co.	NCCGL		
Phone #	362-7905	Phone #	715-6225		
Fax #		Fax #			

SUBJECT: Western Wake Partners
Draft Environmental Impact Statement
Project No. CS370616-03

Dear Mr. Fisher:

The Division of Water Quality has reviewed the summary of our October 5, 2006 meeting with the Partners that was provided by Mr. Glen Dunn, Poyner & Spruill, LLP (copy attached). During our meeting we reiterated our request for additional information, as described in our October 2, 2006 letter. We also discussed the Department's commitment to the schedule established by the North Carolina Environmental Management Commission in the July 12, 2001 Interbasin Transfer Certificate. Based on that meeting we understood that the Partners would provide the requested additional information within two to three weeks. However, to date no additional information has been received.

We also understand that the Partners have retained a consultant in an effort to develop mitigation measures for Site No. 14. The development of mitigative measures for *any* one site appears to presuppose the Department's agreement with the selection of that site. This is not the case, since we have not received the requested information regarding the site selection process. Therefore, as requested in our October 2, 2006 letter, please let the Construction Grant and Loans Section know when to expect a complete, revised WRF Site Selection Evaluation and present worth analysis.

Please contact Mr. Daniel M. Blaisdell, P.E. at (919) 715-6211 if you have any questions regarding this matter.

Sincerely,

Coleen H. Sullins
Deputy Director

CHS/DB/lj

attachment

cc: Town of Apex - Mayor Keith Weatherly
Town of Morrisville - Mayor Jan Faulkner
Town of Holly Springs - Mayor Richard G. Sears
Wake County Manager - David Cook
Camp Dresser and McKee
CH2MHill
Daniel Blaisdell, P.E.
Melba McGee
FEU/SRF

One
North Carolina
Naturally

Summary of October 5, 2006 Meeting

The following is my attempt to summarize key conclusions from the meeting between DENR and Western Wake Partners held on October 5, 2006. DENR representatives at the meeting were: Mary Penny Thompson, Melba McGee, Nancy Pate, Dan Blaisdell and Bobby Blowe. Western Wake Partners were represented by Kim Fisher, Leila Goodwin, Steve Brown, Tim Sullivan and Glenn Dunn. If you wish to comment, modify or clarify these, please do so and feel free to call me if you want to discuss any aspect of this matter. I would appreciate your responding as soon as is feasible so we'll know whether we're on the right tract.

Re-analysis of Alternatives

1. DENR remains insistent that Environmental Justice ("EJ") be factored into the re-analysis of the thirteen alternative sites. Two concentric circles with radii of 0.5 and 1.0 miles will define the affected area. Sites resulting in minority populations of less than 50% will be given a score of 1. Sites resulting in minority populations greater than or equal to 50% will be given a score of 5. The environmental justice technical factor will be weighted at 1.0.
2. It was agreed that the present value cost associated with each site, including the necessary influent and effluent lines and pump stations, will be factored in for each site only after the re-scoring is done. But DENR agreed that present value cost may be done for each of the thirteen sites, rather than only the top five. This is to insure that none of the sites is eliminated before.
3. Mitigation measures related to EJ (and presumably to any other impacts) may be addressed after the re-scoring to show how it may legitimately influence site preferences. This may include discussing how mitigation factors, including provision of sewer service (and possibly water service), may off-set or eliminate adverse impacts of the site for purposes of EJ analysis.
4. DENR agreed that new information that might make a site or sites infeasible should be included in the re-analysis and will be recognized by DENR.
5. Meaningful input from the public in the affected area is a necessary component of the EJ process. The public participation process should be documented, particularly if we want to use it to show that the community may consider the site's benefits as offsetting any adverse effects.

Authority Regarding EJ Analysis

1. DENR acknowledges that there is no explicit State statutory authority for considering EJ in these circumstances, either in the SEPA process or the CG&L funding decision.
2. CG&L's authority to consider EJ in the funding decision comes down from the federal level due to EPA's funding contribution to the State Revolving Fund and other programs.

Summary of Oct. 5, 2006 Meeting

Page 2

The federal authority and guidance come from the 1994 Executive Order, CEQ Guidance and EPA Guidance.

3. Where the DENR EA/EIS is concerned, DENR uses CEQ Guidance regarding EJ.

Procedure for Partners' Response

1. DENR said it prefers to have Partners' response all at one time, not piecemeal. They do not want the re-analysis of alternatives until we have also addressed any new factors that may eliminate sites, the cost factor, and mitigation factors particularly as they affect EJ.