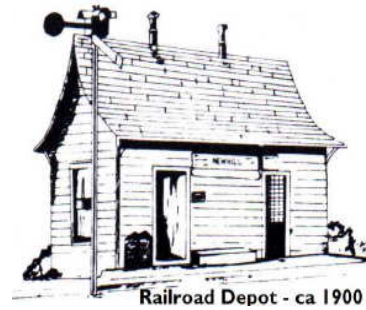


March 5, 2007

Coleen H. Sullins
Deputy Director, DWQ
NC DENR
1617 Mail Service Center
Raleigh, NC 27699-1617



Dear Ms. Sullins,

The New Hill Community Association, Inc. recently learned of a proposal by the Western Wake Partners (WWP) to mitigate the environmental justice issues relating to the Seymour Farm (Site 14). We find the WWP mitigation proposal totally unacceptable.

First, environmental justice issues cannot be "mitigated away" by this or any other proposal. There are no mitigation measures proposed for the noise, the lights, surface water contamination, and the traffic generated by this facility. For this reason alone, the environmental justice factors are enough to eliminate the proposed site from consideration. Additionally, based on the well-documented derisive attitude of the WWP staff to the residents in the area, we dispute whether the WWP will adequately monitor performance or maintain the effectiveness of the proposed odor mitigation measures. Because the proposed facility will be maintained by the Town of Cary, which is in no way obligated to the residents of New Hill, we do not believe there will be an adequate check (as there would be if the facility were located within its own municipal limits) to make sure the facility is properly maintained and monitored.

Second, the substantial risk of spills and contamination near the facility greatly increases the risk to the surrounding neighborhood. This extends far beyond the small area of proposed "mitigation", and into the surrounding community as a whole. Based on the record of the Town of Cary's performance with regards to sewage spills and the significant vulnerability to the farms, water supplies, and the environment within the community, mitigation against contamination is much more necessary. The proposed mitigation in this area has repeatedly failed within the Town of Cary, and we have no reason to believe performance would improve outside of the town limits.

Third, while this is an attempt to "buy" local support, it hides from the neighborhood the true cost of accepting the WWP's offer. Under this proposal, in order for a property owner bordering the plant to be provided water and sewer service, a property owner must agree to allow the Town of Apex to place a lien on their property for future payment of connection fees. A property owner must also agree to future annexation and Town of Apex taxes! This de-facto annexation and mere delay of utility expansion fees does not mitigate anything to the people living around the proposed site. All this does is further reduce the rights of the adjoining property owners to enjoy their property and devalue their land due to the proposed lien. Note that the fees are due when the property is sold, not just developed. This is not mitigation. This just ensures that the land will be annexed in the future and that the WWP and Apex will further restrict the rights of the residents in the area. The proposed cost of mitigation (three million dollars) could be better spent offsetting the cost to move

the sewage plant to a more practical and logical location south and east of the proposed location.

Fourth, the New Hill Community Association, Inc. in no way concurs with the findings or conclusions of the surveys conducted in December 2006 and January 2007. We requested participation as observers in order to independently document the material presented and verify the accuracy of the conclusions, but we were refused. Based on discussions in New Hill Community Meetings and follow-up conversations with local residents, the findings of the WWP's consultant do not accurately reflect the overwhelming disapproval expressed towards the project. A close reading of the WWP's cover letter will verify this. A much more accurate picture of the local judgment on the proposed sewage plant could be derived from the record of the Public Hearing on June 15, 2006, in which local residents, including those adjacent to the site, participated and expressed themselves clearly.

With regards to the WWP's contention that the water level of Harris Lake may change in the future and affect potential sites, we have three responses. First, based on two years' participation in the Southwest Wake Area Land Use Planning Group and on questions asked and information provided at these forums, this is extremely unlikely. Per our understanding from these meetings, Harris Lake was first proposed as a "cooling lake" for four reactors at Shearon Harris. However, during the design of the facility this was changed to a "reservoir lake" and a cooling tower was constructed instead. This is why Progress Energy (formerly C P & L) now owns approximately 14,000 acres of land in the area that it does not need. Unless there have been substantial revisions in the design criteria for a nuclear facility, we understand that the existing lake capacity is adequate for the proposed expansion.

Second, Progress Energy has an interest in keeping the proposed facility off their land. Excess land that does not include a sewage plant would clearly be more valuable to potential developers or purchasers. Because of this, we believe that Progress Energy's input into this process cannot be considered fair and impartial, and it must be discounted.

Third, the vast majority of the land available south of US 1 is well above the 260 feet elevation. As the New Hill Community Association, Inc. has outlined in previous correspondence, these "parcels" are arbitrary delineations. The proposed facility can be sited across much of this area and be completely unaffected by the remote potential of a change in the water surface elevation of Harris Lake.

In conclusion, the WWP's recent submittal is simply "more of the same." It does not address the concerns brought by the citizens of New Hill first in May 2005, clearly explained in June 2006, and further expanded in correspondence since then. It continues the disparaging attitude by the WWP staff consistent throughout this entire process ("Disproportionate" number of minority citizens indeed! Disproportionate in relation to what?). The WWP has failed to resolve the issues correctly brought to their attention by the North Carolina Department of Environment and Natural Resources. They will surely fail the Federal oversight on the information they have prepared, if and when the review reaches that level. The proposed Environmental Impact Statement should be rejected, and the proposed facility should be located on land previously condemned for a public utility.

Reverend James Clanton
Pastor, First Baptist Church of New Hill
919-828-8681

Elaine T. Joyner
Member, First Baptist Church of New Hill
919-387-1119

Paul Barth
President, New Hill Community Association, Inc.
919-362-7905

cc: Mr. Daniel Blaisdell
Ms. Melba McGee