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September 13, 2007

Mr. Rich Gannon
DENR- Division of Water Quality, Planning Section
1617 Mail Service Center
Raleigh, N.C. 27699-1617

Subject: Proposed Lake Jordan Nutrient Rules

Dear Mr. Gannon:

Thank you for providing the opportunity to allow for citizens and businesses to provide comments on the proposed Lake Jordan Nutrient Rules. These are far reaching rules that will impact every resident and business in the Haw River Watershed. Ultimately, each resident or business that uses municipal sewer service will be significantly impacted by the rules as currently proposed in terms of substantial increases in sewer rates. The proponents of these rules indicate that there is a need for these lower nutrient standards; however, there has been no solid scientific evidence presented that indicates the need for the treatment plants on the Haw River to meet these proposed limits. There also has been no detailed study or cost/benefit analysis of any kind by the proponents that indicates the total impact to the community to implement these proposed rules.

As a professional engineer, I have been concerned over our environment for many years and I have seen great strides made in improving the rivers and streams in this area. I have participated in a number of projects over my 35 years in the engineering profession that directly resulted in providing better treatment plant performance and cleaner streams. In each case, there was a need for such improvement and the impact to the community was known in advance, including the financial impact. All cities continue to improve their treatment performance and our streams are in the best condition they have been in for many years. All of our municipal treatment plants now achieve very high removal efficiencies and our rivers have been revived. These improvements to our environment have been achieved with the significant expenditure of capital along with substantial increases in rates, and at times with major grant funding provided by State and Federal programs. All of our cities to date have met the challenges of meeting previous standards while balancing the cost and impact to the users. It is my opinion that the proposed rules cannot be attained without significant grant assistance to all municipalities as done in the past when far reaching goals were required.

The proposed Lake Jordan Nutrient Rules present many challenges for our cities and treatment plants to meet. The new standards are on the edge of treatment attainability purely from a process, operational, and equipment viewpoint. These proposed limits will result in treatment plant compliance being difficult to consistently attain and will likely result in an increase in permit violations, which could result in fines and moratoriums from accepting new users. Moratoriums would significantly impact new development and could have adverse financial impacts on existing development not yet built out.

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Requirements for "retrofits" will also result in significant costs and opposition from residents in communities where new storm water devices may be located. It has to be realized that going into existing developed areas and adding storm water management devices could put in cities in a position of facing legal challenges from the residents and in turn lengthy and costly time in court. If the goals of the new rules are to reduce nutrient loads to Jordan Lake, they need to give cities with treatment plants additional options to attain nutrient reduction in ways that do not necessarily requires expensive wastewater treatment plant upgrades. One such way to allow for nutrient reduction would be for cities to provide "river" treatment to actually remove sediment and nutrient loads during and after rainfall events. This method requires much simpler technology and less expensive costs as compared to wastewater treatment plant upgrades.

In summary, it has not been scientifically shown that the Haw River arm of Lake Jordan is causing any problems, and hence the need for the new effluent standards has not been sufficiently proven. The proponents have also not provided any cost/benefit analysis to include the burden on the residents and businesses to comply with the proposed rules. I also believe that the significant increases in sewer rates to attain the proposed effluent requirements will result in loss of some of our industrial base that has been in this area for many years. Plant closings and loss of employment opportunity are not good for a community and will likely result in increased sewer rates to all customers due to the significant loss of revenue. Should the rules continue to move forward, I recommend that provisions to achieve the nutrient reductions by means other than relying solely on the wastewater treatment plant be included. Other options may be found to better remove the nutrients at considerably less cost than expensive wastewater treatment plant renovations. Lastly, if this program provides benefits covering a considerable portion of the state, then the state should provide significant grant funds to the local communities as done in the past.

I appreciate the opportunity to provide these comments and I appreciate the city efforts to provide exceptional treatment service to the residents and businesses in the area at affordable costs.

Sincerely,

ALLEY, WILLIAMS, CARMEN & KING, INC.



Darrell L. Russell, P.E., Chairman of the Board