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CITY OF Burlington

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STEPHEN R. SHOAF
Director of Utilities

August 28, 2007

Mr. Rich Gannon
NCDENR/DWQ - Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

Subject: Comments for the Public Record
Proposed Rules for Jordan Lake Nutrient Management Strategy

Dear Mr. Gannon:

Enclosed, please find a "Resolution Opposing Jordan Lake Rules as Proposed" that has been approved by the City Council of the City of Burlington and signed by the Mayor of Burlington. The resolution was approved by the Council at their regularly scheduled meeting on July 17, 2007.

I think that the Council recognizes that there are going to be new regulations and changes in how we address stormwater runoff and wastewater treatment plant effluent discharges. The Council is concerned about the rules in their entirety and whether the science and the body of rules are in balance.

Please enter this resolution into the public record as an official statement from the City of Burlington's City Council.

Sincerely,

Stephen Shoaf
Director of Utilities

RESOLUTION OPPOSING JORDAN LAKE RULES AS PROPOSED

WHEREAS, the North Carolina Department of Environment and Natural Resources on June 15, 2007, published rules which, if adopted, will be the strictest watershed rules to date in the state and will enforce nutrient limits and implement a nutrient management strategy for the Jordan Lake watershed; and

WHEREAS, the Jordan Lake watershed consists of two distinct arms - the Haw River and New Hope Creek arms; and

WHEREAS, the Haw River arm encompasses a larger area than the New Hope arm and includes all or a part of Alamance, Caswell, Guilford, Rockingham, Orange and Chatham counties; and

WHEREAS, the two arms have different development patterns and highly divergent characteristics such as an average water flow retention time of five days in the Haw arm and 418 days in the New Hope arm; and

WHEREAS, the proposed rules present numerous policy, scientific and economic problems such as treating the Jordan Lake watershed as a whole for development of a total maximum daily load (TMDL), and with the exception of mass loading nutrient limits for point source dischargers disregarding the clear differences between the sub basins; and

WHEREAS, substantial problems relating to data credibility have been identified and the data cited does not support the proposed point and non-point source rules; and WHEREAS, nitrogen from agricultural and forestry non point sources consists of 55% of the load flowing into the Reservoir, and phosphorus from the same sources consists of 66% of the load; and

WHEREAS, despite the abovementioned facts, the rules call for local governments to bear 75% of the \$565 million cost of unprecedented non-point source measures including stormwater retrofits for existing development and costly nutrient reduction loads for all new development; and

WHEREAS, local governments must also shoulder an additional \$211 million over ten years to further upgrade wastewater treatment plants to meet pollution load reduction targets; and

WHEREAS, a coalition of cities and counties, the Haw River Clean Water Agencies, have worked for more than two years to pay for independent water quality testing, to identify and substantiate problems with data relied on by the state, and to communicate their concerns to staff of the Division of Water Quality and the Environmental Management Commission; and

WHEREAS, despite these efforts, fundamental problems consistently cited by the Haw River Arm local governments persist in the proposed rules; and

WHEREAS, the proposed rules, if adopted without modification by the Environmental Management Commission, would be precedent setting for North Carolina, inequitable in their application and exorbitant in their cost;

NOW THEREFORE BE IT RESOLVED that the City of Burlington by adoption of this Resolution goes on record in opposition to the Jordan Lake rules as proposed; and

BE IT FURTHER RESOLVED, that the City Council will work diligently in upcoming public hearings to point out factual discrepancies, inequitable application and long-term economic detriment to local governments and the private sector presented by the rules; and


BE IT FURTHER RESOLVED that the City Council will, during the public hearing process, proactively identify opportunities to modify the rules based on principles of sound science, quantifiable impacts, and coalition building with the agricultural community and local governments throughout the Jordan Lake watershed; and

BE IT FURTHER RESOLVED that the City Council will advocate for these initiatives with the hope of success with the Environmental Management Commission and if the rules are not reasonably modified at that level, to pursue the initiatives with the N.C. Rules Review Commission and, if necessary, in a subsequent session of the General Assembly.

ADOPTED THIS 17th day of July 2007 by the City Council of the City of Burlington.



Stephen M. Ross Mayor



Jondeen D. Terry City Clerk

