

City of Graham

P.O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

September 12, 2007

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

Re: Jordan Lake Rules

Dear Mr. Gannon:

I am opposed to the proposed Jordan Lake Rules as written. I have been involved with the stakeholder process since January 2000. Throughout the process I have not seen any evidence of impairment to Jordan Lake as a result of the Haw River sub-watershed. Given the distinct differences in Jordan Lake's sub-watersheds, I was shocked to see the proposed rule presented as a "blanket" regulation for the entire Jordan Lake Watershed. It is my understanding that the reason the sub-watersheds were not separated and rules developed based on the distinct differences was because the Division of Water Quality simply did not have the personnel or financial resources. With a rule of this magnitude and huge cost of implementation, it is imperative that DWQ look at these issues and develop major changes to the current proposed rule.

I am an environmental professional, committed to the protection of water quality. The proposed rules are too restrictive based on the current conditions of areas of Jordan Lake that are directly impacted by the Haw River. The rule contains an excess in margins of safety and several sections of the rule emulate existing rules alluding the opportunity for any type of future "Adaptive Management" to take place. These overall proposed requirements of the rule are simply not justified by the science or the actual physical condition in the Haw River arm of Jordan Lake.

As a participant in the stakeholder process, it is easy to understand why there is so much controversy surrounding this rule. All decisions in this process were biased toward being more restrictive as opposed to looking at what could be done that potentially would provide more protection to the lake.

There are several layers of so called "margins of safety" associated with this rule. All local government representatives requested that chlorophl *a* exceedence be applied using the "annual average" basis to coincide with the existing stream standard. DWQ took a more conservative and more restrictive approach and applied it to "Growing Season" average. Initially DWQ applied 10% exceedence criteria for determining nutrient impairment which seemed reasonable since that is the criteria in the State's basin wide plans. Early model predictions did not indicate impairment under this criteria and DWQ changed the exceedence to 8%. This second restrictive approach was added as a "margin of safety" to the foundation of the development of these rules. Thirdly, the data collected for making determinations included periods of extreme drought conditions. This in of itself would not be representative of normal conditions and results of these periods would represent yet another "margin of safety".

I continue to believe the data DWQ used to characterize the Haw River arm was insufficient. There is impairment, but in my opinion the impairment is in the "data" as opposed to the "lake". I hear talk of degradation in the lake but I continually see where there is such a tremendous activity of recreation on the lake that areas are actually closed due to being over crowded. I assume one could conclude that the intended use is not met here due to inadequate parking facilities.

Point Sources in the Haw River arm represent a small percentage of nutrient contributions to the lake. I do not believe that mandating a specific year for point source compliance is justified. As an environmentalist I do believe that we should continually strive to reduce nutrient loading from all sources but I believe it would be sufficient to allow these Wastewater Treatment Plant requirements be phased in at the next anticipated major plant upgrade.

The rule duplicates many of the Phase II Stormwater requirements for local government communities. These regulations were only recently enacted and I feel DWQ should give these communities the opportunity to implement the Phase II rules and realize results before requiring implementation of the Jordan Rules. Phase II communities should be exempt from the current proposed rules.

Another duplicated effort is proposed with the Nutrient Management Section of the rules. The Division of Water Quality already requires Bio-Solids operators to be trained in agronomic application and to be certified by the State's Technical Assistance and Certification Unit. Additionally these programs are regulated through DWQ's Non-Discharge Permits. My request would be to exempt persons who apply bio-solids from this rule.

The proposed rules will have a devastating impact on our region and place us at an economic disadvantage. It is my hopes that DWQ will look at these issues and make significant changes to the Jordan Lake Rules. Rules that represent "adaptive management", that are both feasible and guaranteed to be protective. Thank you for the opportunity of comment on the Jordan Lake Rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor R. Quick", written in a cursive style.

Victor R. Quick
Utility Director

City of Graham

P. O. Drawer 357
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September 14, 2007

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

Re: Jordan Lake Rules
Public Comments

Dear Mr. Gannon:

I am opposed to the proposed Jordan Lake Rules. Specifically the proposed stormwater rule. This rule duplicates the requirement already mandated in the Phase II stormwater permits. These federally mandated stormwater rules are intended to mitigate issues of stormwater runoff. The current Jordan Lake Rule does not take into account any beneficial results achieved through Phase II implementation. Phase II stormwater rules are currently in the infant stage of implementation as stormwater ordinances were just approved in July 2007 in this region. This Jordan Stormwater rule is redundant and requires Phase II communities to comply with separate regulations. In an effort to conform to the Division of Water Quality's adaptive management strategy this rule should not apply to Phase II communities. This will provide the Division of Water Quality an opportunity to make a determination of progress from implementation of Phase II regulations. 6

It is obvious that the Haw River Arm has a minimal impact on Jordan Lake. These significant differences between the two sub-basin characteristics clearly demonstrate the need for two separate strategies for managing nutrient loading in the lake. Considering the complexities and uncertainties of Jordan Lake I think this should not be a "one size fits all" rule. The Division of Water Quality should consider new rules that address the two sub-basins separately and remove the "Critical Water Supply Watershed" designation from the Haw River sub watershed.

I would please request that you allow the wastewater dischargers to meet Total Nitrogen reduction requirements to the latter of 2016 or at their next scheduled major facility upgrade.

The City of Graham's most recent 2002 Wastewater Treatment Plant upgrade, which cost the citizens of Graham 8.9 million dollars and that debt will not be paid off until 2017.

The proposed Jordan Lake Rules will require the Graham to make another multi-million dollar commitment before our current debt is paid off. This will impose a significant increase to Graham's water and sewer customers whose rates have already increased 79% since 2001. During that time we have also lost most of our textile customers and are still losing the few that remain.

In conclusion, the Jordan Lake rules are implementing a more restrictive approach without giving rules that have recently been adopted an opportunity to indicate benefits of nutrient reduction at Jordan Lake.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "C. Rollins".

Chris Rollins
City Manager