

# City of Graham

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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 chlorophyll *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". The signature is fluid and cursive, with the first name "Victor" being the most prominent.

Victor R. Quick  
Utility Director