

City of Graham

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

August 14, 2007

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

Dear Mr. Gannon:

The City Council at their meeting on Tuesday, August 7, 2007 adopted the enclosed resolution opposing the Jordan Lake rules.

Should you have any questions, please do not hesitate to call.

Sincerely,



Chris Rollins
City Manager

Enclosure

C: Victor Quick
Utilities Director

SPECIAL RESOLUTION
Resolution of Opposition to Jordan Lake Rules

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 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, 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 nonpoint 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 the majority of the estimated \$565 million cost of unprecedented nonpoint 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 estimated \$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 Graham by adoption of this Resolution goes on record in opposition to the Jordan Lake rules as proposed; and

BE IT FURTHER RESOLVED, that the Graham City Council will work diligently during the public comment period 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 Graham 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 local governments throughout the Jordan Lake watershed; and

BE IT FURTHER RESOLVED that the Graham 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 7 day of August, 2007 by the City of Graham.

ATTEST:

Eydie C. May
Eydie C. May, City Clerk



Jerry Peterman
Jerry Peterman, Mayor

Jimmy Linens
Jimmy Linens, Mayor Pro Tem

Jennifer Talley
Jennifer Talley, Council Member

Jim Albright
Jim Albright, Council Member

Mickey Cheek
Mickey Cheek, Council Member