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July 12, 2007

Mr. Rich Gannon or Mr. Jason Robinson
NCDENR-Division of Water Quality
Planning Section
1617 Mail Service Center
Raleigh, NC 27699-1617

RE: Public Comment concerning **JORDAN LAKE RULES**

Dear Mr. Gannon or Robinson:

The Town of Haw River is a member of the Haw River Clean Water Agencies. We are a group of local governments in the Haw River Arm of the Jordan Lake Watershed working together to assess the true impact of the proposed Jordan Lake Rules on our region. As professionals we endeavor to protect water quality, but as stewards of public funds, we must have an assurance that the money spent will result in improved water quality. Many of the staff from our local governments has spent many hours over the past several years working cooperatively with DWQ and the broader stakeholders group to develop a nutrient management strategy for Jordan Lake that would improve water quality while not placing an undue financial and economic burden on our region. *The Haw River Clean Water Agencies urge you to carefully consider the proposed rules in light of the following considerations.*

1. Inequitable burden of responsibility: The modeling data shows that the majority of the nutrients entering Jordan Lake are from non point source pollution (runoff) and that the *majority of that runoff is from agricultural areas*. The proposed rules place very little pollutant load reduction requirement, cost, or accountability on the agricultural community. Instead, the rule has placed the undue burden on municipalities (cities and counties) for the majority of pollutant load reductions and costs of compliance through expensive technology upgrades at wastewater treatment plants, additional requirements for new development, and development or expansion of stormwater programs to address urban runoff. The rule is an inequitable and inadequate solution since it does not address the primary pollutant source and ultimately may not improve water quality in Jordan Lake.

We urge you to reconsider the pollutant load compliance targets among the various sources to ensure equitability and measurable water quality improvement.

2. Extreme cost and questionable effectiveness of the requirement to retrofit existing development: The unprecedented rule requirement for all previously developed areas to retrofit existing infrastructure for pollutant removal is exceedingly costly and places an undue burden on local governments. All local governments (cities and counties) in the watershed will be required to install retrofit storm water controls on existing developed lands.

We urge you to remove the retrofit requirement from the rules.

3. Burdensome 'New Development' requirements will have a negative impact on the regions economy. The nutrient reduction targets being utilized by DWQ place an unrealistic burden of compliance on some areas of new development, specifically new commercial or industrial development. As written, the rules will require any new commercial or industrial development to build up to three best management practices (BMP's) such as wet ponds, per site, just to achieve the minimum reduction rate needed to buy down the remaining load (payment to the Ecosystem Enhancement Program). Currently there are no BMP's required unless within a drinking water watershed. Developers will incur significant costs under the requirements to increase controls on pollutant loads to meet reduction goals. The requirements include limits on density and increased BMPs installation, which will drive up the cost of homes and property, increase sprawl and place our region at a significant economic disadvantage.

We urge you to modify the new development pollutant reduction targets to a more realistic, achievable level.

4. Unwarranted designation of entire watershed as a critical water-supply watershed: The Haw River Clean Water Agencies questions the necessity and technical validity of DWQ to classify the entire Jordan Lake watershed as a critical water-supply watershed. That designation will trigger a host of increased regulation now and in the future that will only further limit the potential economic growth opportunity for this region. Specifically, water and wastewater treatment plant permits will be further scrutinized and any expansion requests will be far more difficult as we are approaching the limits of technology for these facilities. In addition, potential land-use density restrictions may be further regulated in the future. We believe this designation is unwarranted and the potential consequences to our region far outweigh any benefits to be gained.

We urge you to remove this classification from the rule making strategy.

5. Point sources may be the future target for additional reductions: Numerous studies have shown that point sources represent a relatively small percentage of the basin's overall nutrient loading budget. However, the current draft rule identifies point sources as the target of both current *and future* requests for nutrient reductions.

After we spend the money necessary to reduce nitrogen and phosphorus loading from the plants, we want an assurance from DWQ that we will not be targeted again for lower limits until our debts are paid off, or 30 years.

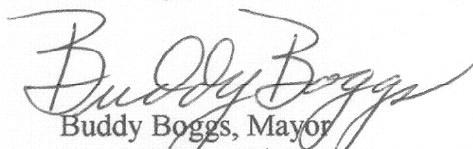
6. Inaccurate cost feasibility study. The accuracy of the fiscal analysis produced by DWQ is highly questionable in many areas and doesn't account for many true "opportunity" or lost opportunity costs in this case. Costs related to the new and existing development rules are significantly underestimated. The cost of compliance will be far greater than what DWQ estimated in the fiscal analysis, currently at almost $\frac{3}{4}$ of a billion dollars.

We urge you to be accountable for the many questionable assumptions used to generate the Jordan Lake Fiscal Analysis document and then consider the rules under an accurate estimate of costs.

As long standing participants in the Jordan Lake Rules process to identify solutions for improving water quality at Jordan Lake, responsible stewards of public funds, and dedicated professionals, the Town of Haw River ask that you consider our concerns and take the appropriate action prior to the rules being formally adopted.

If you have any questions or concerns regarding this request, please feel free to contact me at (336) 578-0784.

Sincerely,


Buddy Boggs, Mayor
Town of Haw River