



ORANGE WATER AND SEWER AUTHORITY

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**Comments to the NC Environmental Management Commission Public Hearing on
Proposed Jordan Lake Nutrient Management Strategy and Rules
Century Center, Carrboro, NC
July 12, 2007**

- Good evening. My name is Randy Kabrick. I'm a member of the Orange Water and Sewer Authority Board of Directors and am speaking tonight on the Board's behalf. We have submitted more detailed comments in a letter to EMC Chairman David Moreau.
- OWASA provides water and wastewater services to 80,000 people in Carrboro and Chapel Hill. Our Mason Farm Wastewater Treatment Plant discharges to Jordan Lake's Upper New Hope Arm.
- One of our core values is environmental stewardship, and OWASA will do our part to protect Jordan Lake. We will comply with the nutrient reduction requirements that the EMC eventually adopts, but we have several concerns and suggestions.
- The Division of Water Quality estimates that the proposed rules will cost more than \$900 million to implement – but the expected water quality benefits remain highly uncertain. We urge the EMC to implement rules that recognize the significant scientific uncertainty of all expert predictions of Jordan Lake's response.
- A 2004 DWQ technical memorandum describes a statistically significant trend of decreasing total nitrogen in New Hope Creek from 1990 through 2002, but the report offers no explanation or interpretation of this important improvement. It will be extremely difficult – if not impossible – to evaluate the future effects of the Jordan rules without first identifying and understanding important water quality trends such as this. We urge the EMC to apply the best principles and practices of adaptive management so the best water quality decisions can be made with the best knowledge available.
- The State's one-size-fits-all chlorophyll *a* standard is unnecessarily stringent for Jordan Lake's Upper New Hope Arm and may provide little or no protection for public water supply and recreational users in the rest of the lake. The water quality standard needs a substantial overhaul, as outlined in DWQ's *Nutrient Criteria Implementation Plan* that was approved nearly two years ago by the USEPA.
- OWASA's own University Lake and Cane Creek may be the most stringently protected water supplies in North Carolina. These local watersheds contain no point sources of wastewater; the only allowable land development is large lot residential of 5 acres or more; all farms are following individual conservation plans; and OWASA has protected more than 1,500 acres of land through direct acquisition or permanent conservation easements.

Despite these aggressive efforts, both lakes periodically exceed the chlorophyll *a* standard and experience blue-green algae episodes during the summer. Are these water supplies "impaired?" We don't think so, and our 80,000 customers don't think so. We do think that North Carolina's nutrient criteria and water quality standards are significantly impaired and need substantial revision.

- OWASA's Wastewater Treatment Plant has been removing phosphorus for nearly 20 years. In 2002 we decided to construct multi-million dollar filters that could also remove total nitrogen to the current limits of technology – even though we were under no requirement to do so.
- We support the proposed 2016 compliance date for total nitrogen reduction. We do not believe that an earlier date will provide enough time and flexibility for the Commission to effectively apply the principles of adaptive management principles. There may be some merit to phasing in or gradually "ramping up" the TN reduction requirements with 2016 as the target date for full implementation.
- We commend the State's efforts to protect Jordan Lake and we pledge OWASA's willingness to do our part in this ambitious initiative. Once again, we thank you for the opportunity to comment.