

WESTERN WAKE REGIONAL WASTEWATER
MANAGEMENT FACILITIES PROJECT
PUBLIC HEARING

APEX TOWN HALL
73 HUNTER STREET
APEX, NORTH CAROLINA

April 14, 2009

6:05 p.m.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OFFICIAL ATTENDEES

Lieutenant Colonel Christian Sulit
Deputy Commander, U.S. Army Corps of Engineers
Wilmington District

Henry Wicker
Project Manager, U.S. Army Corps of Engineers

Justin McCorcle
Counsel, District Army Corps of Engineers,
Wilmington Office

Evan Kane
North Carolina Division of Water Quality

Cyndi Karoly
North Carolina Division of Water Quality

Dan Blaisdell
North Carolina Department of Environment and National
Resources

Monte Matthews, Raleigh Regulatory Field Office

Ranae McDermott, RMR, CRR, Stenographer
Vivian Tilley & Associates

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

	CONTENTS	PAGE
1		
2		
3	Opening and Introductions Lieutenant Colonel Christian Sulit.....	5
4	NC Division of Water Quality 401 Certification Evan Kane.....	7
5	Cyndi Karoly.....	8
6	Engineering Report Presentation Ken Bruce, Brown and Caldwell.....	12
7		
8	Presentation on National Environmental Policy Act and Section 404 of the Clean Water Act Henry Wicker.....	18
9		
10	Presentation on Environmental Impact Statement and Proposed Project William Kreutzberger.....	23
11		
12	Public Comment Session Mayor Keith Weatherly.....	31
	Tim Gauss.....	34
13	Mayor Dick Sears.....	37
	Mayor Harold Weinbrecht.....	38
14	Elizabeth Rooks	41
	Joe Durham.....	42
15	Dr. Karl Thor.....	43
	Rev. Portia Rochelle.....	46
16	Mick Noland.....	47
	Catherine Heath.....	50
17	Brian Brice.....	51
	Christopher Brook.....	53
18	Robert Sears.....	56
	Paul Barth.....	57
19	Edna Horton.....	60
	Elaine Joyner.....	61
20	Rev. James Clanton.....	63
	Johnnie Judd.....	65
21	Louis Powell.....	66
	Anne King.....	68
22	Brent Miller.....	70
	Loretta Young.....	72
23	Cal Nordt.....	74
	Jeff Leary.....	76
24	Thelma Gardner.....	78
	Vickie Gardner.....	79
25	Berry Credle.....	82
	John Moore.....	84

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1	Speakers Continued	PAGE
2	Elizabeth Moore (audio tape).....	86
	Randel Sink.....	87
3	Carolyn Sink.....	90
	John Brubaker.....	92
4	Kate Hanser.....	94
	Larry Elmore.....	96
5	Dr. David Bristol.....	100
	Dr. Susan Bristol.....	103
6	Ltc. (Retired) Preston Ruth.....	105
	Richard Helman.....	107
7	Wayne Womble.....	109
	Phyllis Womble.....	111
8	Wallace Womble.....	113
	Shirley Rodaway.....	114
9	Ed Ridpath.....	116
	Jackie Holcombe.....	119
10	Bob Kelly.....	121
11	Closing Remarks.....	125

12 (Hearing concluded at 8:42 p.m.)

13
14
15
16
17
18
19
20
21
22
23
24
25

1 **LTC. SULIT:** Ladies and gentlemen, good
2 evening and welcome to the Western Wake Regional
3 Wastewater Management Facilities Public Hearing. My
4 name is Lieutenant Colonel Christian Sulit. I'm the
5 Deputy Commander for the Wilmington -- United States
6 Army Corps of Engineers, Wilmington District.

7 We're here tonight to -- to continue to
8 fulfill our responsibility pursuant to the National
9 Environmental Policy Act in Section 404 of the Clean
10 Water Act on the possible proposed project.

11 The purpose of this meeting tonight is
12 to provide you the opportunity to comment on the Draft
13 Environmental Impact -- Impact Statement and the Clean
14 Water Act permit application. This public hearing will
15 also fulfill other State Public Hearing mandates as
16 required by the State Environmental Policy Act and the
17 Division of Water Quality Section 401 Certification
18 process.

19 The applicant for this project is
20 Western Wake Partners, which is a combination of four
21 towns: Cary, Apex, Holly Springs and Morrisville.
22 Steve Brown, the Public Works and Utilities Director
23 for the Town of Cary, is a Project Director for the
24 Western Wake Regional Wastewater Management Facilities.
25 And who is here with us here tonight are town

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 representatives from the Town of Apex.

2 And the Western Wake Partners Policy
3 Advisory Committee Chair is Mayor Keith Weatherly.

4 Sir, are you --

5 **MAYOR WEATHERLY:** Here.

6 **LTC. SULIT:** Right there. Thank you.

7 From the Town of Cary, Mayor Harold
8 Weinbrecht. Sir, welcome.

9 From the Town of Holly Springs, Mayor
10 Dick Sears. Sir, welcome.

11 Speaking for Mayor Jan Faulkner from the
12 Town of Morrisville, Mr. Tim Gauss. I apologize if I
13 butcher people's names tonight.

14 And I'm not sure if Liz Rooks is here.
15 Liz is -- back there, ma'am -- is the executive vice
16 president for Research Triangle Park. Thank you for
17 coming.

18 Our third-party contractor assisting the
19 Corps of Engineers in developing the Environmental
20 Impact Statement are CH2MHill represented here by
21 Mr. Bill Kreutzberger.

22 Where are you, Bill? There you go.

23 And is Ruth here, Ruth Swanek? Ma'am.

24 And CDM, I'm not sure if Kelly Boone is
25 here?

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **UNIDENTIFIED SPEAKER:** I'm here for
2 Kelly.

3 **LTC. SULIT:** All right, sir.

4 The lead State Agency for the State
5 Environmental Policy Act throughout this process has
6 been the Construction Grants and Loan Section of the
7 North Carolina Department of Environment and National
8 Resources. Mr. Dan Blaisdell is the chief of that
9 section.

10 Dan, you're here.

11 **MR. BLAISDELL:** Yes.

12 **LTC. SULIT:** Evan Kane and Cyndi Karoly
13 are here tonight representing the North Carolina
14 Division of Water Quality. Evan will be the State's
15 hearing officer and Cyndi will be the State's hearing
16 clerk for tonight's public hearing.

17 Evan and Cyndi, are you -- will now
18 explain the rules and this process for you.

19 **MR. KANE:** Good evening. My name is
20 Evan Kane. I'll be the hearing officer representing
21 the North Carolina Division of Water Quality,
22 specifically related to the application for the 401
23 Water Quality Certification for this project. I'm the
24 Groundwater Planning Supervisor in the Aquifer
25 Protection Section of the Division of Water Quality.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 The purpose of DWQ's participation in
2 this hearing is to solicit water quality-related
3 comments from all interested parties regarding the
4 proposed fill of streams and wetlands associated with
5 this project. The Public Notice issued by the Corps of
6 Engineers for this project describes permanent impacts
7 including 509 linear feet of streams and 1.8 acres of
8 wetlands, along with temporary impacts to 1,924 linear
9 feet of streams and 6.8 acres of wetlands.

10 The Division of Water Quality decided to
11 join the Corps at this hearing in order to gather
12 public comments related to this project. Please
13 realize that as hearing officer for the 401 Water
14 Quality Certification, I can only consider comments
15 that are directly related to wetland and stream impacts
16 expected to result from this project.

17 Before we proceed, I'll ask Cyndi Karoly
18 to explain the 401 Certification process as it relates
19 to this project.

20 **MS. KAROLY:** Okay. I'll briefly
21 describe the 401 Water Quality Certification process.

22 The U.S. Army Corps of Engineers
23 determines when a Federal 404 Permit will be required
24 for projects involving fill-in waters or wetlands in
25 the United States. This particular project requires an

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Individual 404 Permit from the Corps as described in
2 their public notice issued March 13th, 2009. According
3 to the Clean Water Act, each federal permit (such as
4 this 404 permit application) for a project with
5 potential to affect water quality must have a Section
6 401 water Quality Certification from the State.

7 In North Carolina, the 401 Certification
8 Program is administered by the Division of Water
9 Quality within the Department of Environment and
10 Natural Resources. A 401 Certification is a
11 Certification by DWQ that the wetland and stream
12 impacts involved in a project will not violate any
13 relevant water quality standards and regulations.

14 According to the Clean Water Act, a
15 Corps 404 Permit cannot be issued until a 401
16 Certification is issued or waived. DWQ's review
17 procedures for these certifications are outlined in the
18 401 wetland Rules, which are regulations passed by the
19 Environmental Management Commission and became
20 effective October of 1996.

21 The basic review process is as follows:
22 DWQ must first determine whether significant existing
23 uses are present in waters or wetlands. Next, DWQ must
24 determine whether the project will result in removal or
25 degradation of groundwaters or surface waters or

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 whether existing uses are protected; whether the
2 project results in cumulative impacts; whether the
3 project provides for protection of downstream water
4 quality standards through storm water control; and,
5 finally, whether the wetland and stream mitigation
6 plans (where required) will replace the existing uses
7 of impacted streams and wetlands.

8 For Individual Permits such as this one,
9 our rules require that DWQ will not duplicate the
10 site-specific application of any guidelines used for
11 review by the U.S. Army Corps of Engineers. The
12 provision for DWQ to consider Corps requirements during
13 our review was adopted to reduce duplication during the
14 permit review process between the Corps and DWQ.

15 Okay.

16 **MR. KANE:** As the Corps conducts the
17 hearing this evening, I will be taking notes on
18 comments that are presented. Written comments
19 regarding the 401 Certification can also be sent to the
20 following address: Evan Kane, care of Cyndi Karoly,
21 North Carolina Division of Water Quality, 2321 Crabtree
22 Boulevard, Suite 250, Raleigh, North Carolina, 27604.
23 Or by e-mail to cyndi.karoly@ncmail.net. That's
24 c-y-n-d-i-.-k-a-r-o-l-y@ncmail.net.

25 It also can be faxed to 919-733-6893,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 although we strongly recommend regular mail or e-mail
2 over fax due to unreliably -- unreliability of faxes.
3 This mailing address is also posted on signs at the
4 sign-in desk and Ms. Karoly left business cards with
5 her contact information at the sign-in desk.

6 The hearing record for the 401
7 Certification will remain open until 5 o'clock p.m. on
8 May 14th, 2009, for this purpose. Anyone wishing to
9 submit a written statement is welcome to do so by that
10 time.

11 After that time, I will evaluate all the
12 information and statements and make a recommendation
13 regarding the 401 Certification to Ms. Coleen Sullins,
14 Director of the Division of Water Quality.

15 If Ms. Sullins decides to issue the
16 certification with recommended conditions, the Partners
17 will have to obtain the 404 Permit from the U.S. Corps
18 of -- Army Corps of Engineers before filling wetlands
19 or waters.

20 If the Director decides to deny the
21 Certification, the Partners will either have to modify
22 their plans to make them acceptable to the Division of
23 Water Quality or appeal the decision through the North
24 Carolina Office of Administrative Hearings.

25 Any conditions that the Division of

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Water Quality includes in a 401 Certification will
2 become conditions of the 404 Permit as well. If we
3 determine that additional information is necessary to
4 make an informed decision on the application, the
5 applicant will be requested to provide that
6 information.

7 LTC. SULIT: Okay. Thank you, Evan and
8 Cyndi.

9 This public hearing is also being
10 utilized by the Construction Grants and Loans Section
11 to provide a public forum for comment on the
12 engineering report for the wastewater facilities.

13 Mr. Ken Bruce of Brown and Caldwell will
14 now present a broad presentation on the engineering
15 report.

16 Ken.

17 MR. BRUCE: Thank you, sir.

18 Good evening. The Towns of Apex, Cary,
19 Morrisville and Holly Springs have been working
20 together in partnership for years to ensure adequate
21 wastewater treatment capacity for the future of western
22 and southwestern Wake County. As a result of these
23 efforts, the Department is proposing to build the
24 Western Wake Wastewater Regional Management Facilities
25 Project.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 As mentioned, a portion of the project
2 is planned to be funded through the State Evolving Fund
3 administered by the Construction Grants and Loans
4 Section of -- of DENR. As part of the SRI loan
5 process, an engineering -- engineering report was
6 required to be prepared and submitted to CG&L.

7 The purpose of this engineering report
8 is to document the current and projected future
9 situations of the service area. I'll summarize the
10 alternatives analyzed including present worth of those
11 alternatives. I'll share information regarding the
12 anticipated users charges as a result of the project
13 and the funding sources anticipated to cover the cost
14 of the project as well as summarize the public
15 participation in environmental impacts of the proposed
16 project.

17 Brown and Caldwell on behalf of the
18 Partners prepared the engineering report. It
19 summarizes and refers to the work of other engineering
20 consultants engaged on the project including those
21 listed here. The engineering report is now available
22 for public review and comment.

23 The purpose of this presentation is to
24 provide an overview of the engineering report
25 specifically touching on the project's purpose and

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 need, the Partners' proposed project, costs associated
2 with building new facilities, the interlocal agreements
3 that are in place amongst the Partners resulting in
4 cost sharing between them, the anticipated funding
5 sources, the effect of -- of the project on typical
6 residential customer user fees as well as share
7 information on the project timeline and contacts and
8 sources for more information.

9 The purpose and need of the project is
10 really to solve three main issues. The first:
11 Interbasin transfer. The Town of Apex, Cary and
12 Morrisville and RTP South obtain water for drinking
13 purposes from Jordan Lake in the Cape Fear River Basin
14 and discharged to the Neuse River Basin. Obtaining
15 water from one basin and transferring it to another is
16 regulated by the State as an interbasin transfer.

17 An IBT certificate, Interbasin Transfer
18 Certificate, issued in 2001 to the Towns of Apex, Cary,
19 and Morrisville in -- in Wake County on behalf of RTP
20 South includes a condition requiring that they begin
21 returning a portion of the transferred water back to
22 the Haw or Cape Fear River Basin after 2010.

23 Second, the Town of Holly Springs
24 Wastewater Treatment Plant discharges to Utley Creek, a
25 tributary to Harris Lake and the Cape Fear River Basin.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 The North Carolina Department of Environmental and
2 Natural Resources has recommended that the Town remove
3 its wastewater discharge from Utley Creek and
4 participate with the Towns of Apex, Cary and
5 Morrisville in a Regional Wastewater Management Program
6 to address standard requirements associated with the
7 nutrient enrichment in Utley Creek.

8 And, third, the population of the
9 Partners' wastewater service area is projected to
10 increase to approximately 430,000 people by the year
11 2030. The influx of people and businesses will
12 generate increased wastewater flows resulting in the
13 need for expanded wastewater collection, treatment and
14 disposal facilities.

15 The Partners' proposed project consists
16 of a regional wastewater management system consisting
17 of raw wastewater, conveyance pipelines and pump
18 stations, a regional water reclamation facility,
19 treated water conveyance pipelines and a discharge to
20 the Cape Fear River below Buckhorn Dam.

21 The Partners' preferred location for the
22 water reclamation facility is Site 14 in the New Hill
23 area of Apex. The facilities are expected to -- are
24 estimated to cost all told approximately \$328,000,000.

25 The Partners have entered into an

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 interlocal agreement. This interlocal agreement is for
2 the design, construction, ownership, management and
3 operation of the Western Wake Regional Management
4 Facilities. The agreement defines many provisions
5 including the basis of cost sharing. Based on this
6 cost sharing, each partner's contributions to the
7 project is -- is summarized here.

8 Funding sources will consist of a loan
9 from the SRF program of -- anticipated to be \$70
10 million, local funds, general obligation bonds and
11 revenue bonds. The approximate breakdown of those,
12 again, are shown here.

13 The debt that will be incurred to
14 finance the project will be paid back through user
15 fees. A typical residential customer can anticipate
16 combined water and sewer users -- user charges. A
17 typical customer that would consume 5,000 gallons of
18 water per month are expected to change for each of the
19 Partners as indicated in this table.

20 The project's timeline has had several
21 opportunities for public involvement. We're currently
22 in -- in one of those now with the Draft EIS. This
23 process will continue for the next several months.
24 There will be another process associated with the NPDES
25 permit process, which will also include another public

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 comment period and public hearing. And that is
2 anticipated to occur sometime this summer, in the
3 summer of 2009. It is anticipated that the permitting
4 and approval process will conclude somewhere in the
5 summer of 2009/early fall 2009 and the project will
6 proceed into construction. The project has a
7 three-year construction duration and is projected to be
8 online by the spring of 2013.

9 For more information, again, you can
10 contact Steve Brown, Director of Public Works and
11 Utilities, Town of Cary, or visit the Western Wake
12 Partners' website at westernwakepartners.org. Comments
13 on the engineering report can be submitted to Jennifer
14 Haynie with North Carolina Division of Water Quality
15 Construction Grants and Loans Section.

16 Thank you.

17 LTC. SULIT: Thank you, sir.

18 Okay. I would like to introduce some
19 more people here. Justin McCorcle is our Wilmington
20 District Corps Office Counsel and worked closely with
21 the Regulatory Division throughout the development of
22 this Environmental Impact Statement for this project.

23 Monte Williams (sic) from the Raleigh
24 Regulatory Field Office will be our timekeeper tonight.

25 On the far end there, Ms. Ranae

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 McDermott, is our stenographer recording tonight's
2 comments. And when you do speak, please speak -- speak
3 clearly so she can record you accurately.

4 Mr. Henry Wicker is our Project Manager
5 within the Wilmington District, Regulatory Division,
6 and has been responsible for guiding this project
7 through the development of the Environmental Impact
8 Statement and the 4 -- Section 404 permit process.

9 Henry will now briefly explain the
10 project and Environmental Impact Statement and permit
11 process.

12 Sir.

13 **MR. WICKER:** Good evening. As the
14 Colonel stated, I am the Corps Project Manager for the
15 Western Wake Partners proposal. Along with the
16 Colonel, I, too, would like to thank you all for coming
17 to participate in what we consider one of the most
18 important parts of this process; that is receiving
19 public comment.

20 Briefly, I would like to give you an
21 overview of the permitting process and how it relates
22 to the Western Wake Regional Wastewater Management
23 Facilities Project.

24 Basically, there are three federal laws
25 that frame our permit -- our current permitting

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 process. These are Section 10 of the Rivers and
2 Harbors Act, which encompasses navigable waters;
3 Section 404 of the Clean Water Act, which encompasses
4 all waters of the U.S; and the National Environmental
5 Policy Act, which is called NEPA, which is the parent
6 act for most of the environmental laws and ensures
7 consider -- consideration for environmental issues and
8 federal actions.

9 The regulations that enter into the
10 permitting process for Section 10 and Section 404 are
11 the same regulations. The process is basically the
12 same.

13 Authorization requirements are triggered
14 when there is a discharge or placement of fill or
15 dredge material in navigable waters and/or waters of
16 the U.S. -- excuse me. I'm sorry -- with respect to --
17 the permit requirement is designated as a federal
18 action. In this case, this -- in the case of this
19 project, the mechanized land clearing and filling of
20 streams and wetlands for the construction of proposed
21 Regional Wastewater Management Facilities requires a
22 Section 404 Permit. The present proposal does not
23 require a Section 10 Permit.

24 When a decision is made that a permit is
25 required, our office will then determine to what degree

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 or scope of the evaluation will be. Under NEPA, which
2 again ensures consideration of environmental issues,
3 the scope of the project or federal action will require
4 the preparation of an Environmental Impact Statement if
5 the action will significantly affect the quality of the
6 human environment. Significant effects includes both
7 beneficial and detrimental effects.

8 In this case, we are currently reviewing
9 the project pursuant to the National Environmental
10 Policy Act and the Environmental Impact Statement
11 procedures. As discussed earlier, the National
12 Environmental Policy Act procedures have been
13 coordinated with the State of North Carolina's
14 Construction Loan and Grants Section to ensure there is
15 no duplication of effort and that both the National
16 Environmental Policy Act and the State Environmental
17 Policy Act processes have been satisfied. This
18 coordination streamlines the process and saves time.

19 Tonight's hearing will provide the
20 Wilmington District with information that will be
21 considered during our evaluation of the Draft
22 Environmental Impact Statement and the Western Wake
23 Partners' application for a Department of the Army
24 permit. Comments tonight, as well as written comments,
25 will be used to add, delete or modify any necessary

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 changes for the preparation for the Final Environmental
2 Impact Statement.

3 Okay. Thank you.

4 Once the Final Environmental Impact
5 Statement is prepared, it will be used to supplement
6 our documentation for the permit decision. If you need
7 additional -- additional information, you may visit our
8 website or contact me or Ruth Swanek. This contact
9 information is also on the agenda you picked up tonight
10 as you came in prior to the meeting.

11 The decision to issue a Department of
12 Army permit is based upon the evaluation of probable
13 impacts including secondary cumulative impacts and the
14 project impacts on the public interest factors. A few
15 of these factors include conservation, economics,
16 esthetics, fish and wildlife values, flood control,
17 safety, navigation, and the general needs and welfare
18 of the public.

19 Evaluation of these probable impacts
20 that the proposed project may have on the public
21 interest requires careful weighing and balancing of the
22 expected benefits against foreseeable detrimental
23 impact.

24 This slide represents a tentative
25 timeline for the release date of the Final EIS and

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 permit decision. And so I just wanted to make sure
2 people had an idea of what the time frame is going to
3 be for the final -- final process of this project.

4 Okay. This last slide here, I just
5 wanted to stick this in here because there are hard
6 copies of the Draft EIS Permit application and the
7 engineering -- engineering report at these locations.
8 We want to make sure the public has an opportunity to
9 review these documents and comment.

10 So if you want to review the hard copy,
11 if you don't have access to a computer, you can get --
12 you can get a hard copy. Go to these areas and sites
13 and look at the documents at those places.

14 Criteria pursuant to Section 10, 404 and
15 the National Environmental Policy Act must be
16 considered in a decision whether to issue a permit
17 including the relative extent of the public and private
18 purpose and need of the proposed work and the
19 practicability of using reasonable alternatives and
20 methods to accomplish the needs of the project.

21 For this project, there were many
22 alternatives evaluated. Five were carried forward to
23 the final evaluation. All alternatives are evaluated
24 in terms of practicability, which is defined in terms
25 of cost, available technology and logistics in light of

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 the overall project purpose.

2 This is the -- this is the importance of
3 defining the overall basic project purpose. Each
4 alternative is evaluated in relationship to the
5 purpose. Some alternatives fall out due to
6 practicability, costs, or are so logistically difficult
7 to accomplish where the technology is not there for the
8 applicant to pursue.

9 The Corps' job to evaluate each
10 alternative -- the Corps' job is to evaluate each
11 alternative and determine which one is the least
12 environmentally damaging and practicable alternative.

13 That is the process for Section 404 and
14 the National Environmental Policy Act.

15 I'll now have Bill, he's going to do --
16 of CH2Hill give a brief PowerPoint presentation on the
17 proposed project and the alternatives that we
18 considered in the Draft EIS.

19 **MR. KREUTZBERGER:** Thanks, Henry.

20 I'm going to give a very brief overview
21 of the -- of the EIS -- the development process for the
22 EIS and the document itself. What I'm going to cover
23 is basically a very brief background on the prior State
24 Environmental Impact Statement, the Scoping Meeting of
25 the Project Delivery Team process, and then an overview

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 of the EIS.

2 There was a -- a previous State EIS
3 process. It was started in early 2005. There was a
4 Draft EIS prepared and a public hearing was held in
5 June 2006. Site issues related to the facility delayed
6 the process and that process was superseded by the NEPA
7 process owned by the U.S. Army Corps of Engineers.

8 The next thing I want to briefly talk
9 about is the Scoping Meeting. The Scoping Meeting for
10 this NEPA EIS was held on April 19, 2007. There were
11 written comments from 45 people and organizations. The
12 major topics are listed here including impact -- impact
13 on the New Hill Community, environmental justice, the
14 site selection process, potential spills, alternatives
15 analysis, discharge location and Chatham County issues.

16 I'll briefly touch -- touch on the
17 Project Delivery Team process. The -- the Corps of
18 Engineers use the Project Delivery Team approach to
19 build components of the EIS. There were nearly monthly
20 PDT meetings that occurred starting just a month after
21 the Scoping Meeting. We had 12 total going from May
22 2007 to June 2008. The membership included a number of
23 state and federal agencies, the project partners, other
24 local governments in Wake and Chatham -- Chatham
25 Counties, and many interested citizens, including New

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Hill Community members.

2 Some of the issues that were addressed
3 by the Project Delivery Team included the purpose and
4 the need for the project, development of alternatives
5 to the proposed project, including the overall
6 wastewater management alternatives, discharge
7 alternatives and site alternatives and then
8 environmental justice review.

9 Now, I briefly want to go over the Draft
10 EIS. These are the contents of the EIS, the -- the
11 various sections of the document. I only included two
12 appendices here, but we have about a dozen appendices.
13 But two of -- of these, a lot of people are in need of
14 identification of the alternative sites and
15 environmental justice.

16 The purpose and need is a very critical
17 component to the project. Ken Bruce went over the
18 purpose and need as part of the -- the engineering
19 report. The purpose and need for the EIS is -- is --
20 is the same purpose and need. Again, interbasin
21 transfer requirements dictate a return of reclaimed
22 water back to the Cape Fear River Basin. The Utley
23 Creek Wastewater Treatment Plant discharge has been
24 required to be relocated as earlier requirements in the
25 finding of no significant impact by the -- by the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 State, and then population growth and wastewater
2 treatment capacity are key issues of the need for
3 additional capacity to handle the growth.

4 Now, the -- this is a little bit of a
5 complicated slide, but I just want to go over it
6 because it talks about how we identified alternatives
7 to the proposed project. And we started with
8 management options up here as the Partners got together
9 and decided whether they were going to have a single
10 facility or multiple facilities to meet their needs.

11 Another key component of the process is
12 where they could discharge reclaimed water. They had a
13 number of alternatives, including Jordan Lake, Harris
14 Lake and different locations in the Cape Fear River.
15 The State only issued a potential speculative permit
16 and it's for one location, and that was the Cape Fear
17 River below Buckhorn Dam.

18 In terms of the WRF site alternatives,
19 we started off with 30 potential sites. Three sites
20 were selected through a screening analysis -- I'll talk
21 about that briefly in a slide to -- to also be used for
22 detail analysis with the Partners' proposed Site 14.

23 Pump station and pipelines: We then
24 sort of knew where the discharge was, knew where the
25 site locations were, where the service areas were. The

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 pump stations and pipelines pretty much were put in
2 place to minimize environmental impacts. And then
3 there was some -- also some issues as to how the
4 outfall for the river would be -- would be -- would be
5 constructed.

6 And that's how we ended up with the --
7 with the Partners' proposed project and three
8 alternatives. And Henry mentioned once more -- one
9 more, which is the no action alternative, which is also
10 evaluated as a part of the EIS.

11 In terms of the -- the site
12 alternatives, as we went through this process with the
13 Project Delivery Team, our goal was to identify two to
14 five potential sites for detailed analysis. We went
15 through a process where we did an initial screening and
16 intermediate -- and an intermediate screening to get us
17 down from 31 sites that had been developed as part of
18 the SEPA product -- process. We -- we screened those
19 down to 13 sites that we did a more detailed analysis
20 based upon GIS and we ended up with three sites --
21 three alternative sites. And we have a pretty good
22 consensus in terms of those slides -- sites with the
23 Project Delivery Team.

24 The alternative sites -- Ken Bruce
25 showed you the proposed project. These are the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 alternative sites, both their location and a -- a
2 layout. These -- these figures are from the EIS.

3 Alternative A, which is site 19 which is
4 just south of US 1, that site is about 60 to 70 percent
5 on private -- on private property and the other
6 30 percent is on Progress Energy land.

7 Alternative B, site 21/23, this site is
8 principally Progress Energy property and that's closer
9 to Harris Lake.

10 And then Alternative C, just what we
11 call site 30, that's also between Old US 1 and US 1,
12 but southwest of the proposed project site.

13 Henry mentioned the list of interest
14 factors. When we organized the Environmental Impact
15 Statement, we had to consider both public interest
16 factors for the NEPA process as well as those that are
17 traditionally used in the State Environmental Policy
18 Act. So we came up with this list of -- of -- of
19 interest factors, which are included in both section 3
20 and section 4 in terms of existing conditions and
21 environmental consequences of the proposed projects.
22 Each of those is evaluated in a subsection.

23 In terms of the environmental justice
24 evaluation, we went through a -- a process where we
25 identified potentially affected low income and/or

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 minority communities. We then looked at potential
2 beneficial and adverse effects and made a determination
3 whether those adverse effects fall disproportionately
4 on the identified communities. The last step was if
5 there were disproportional effects, then we would
6 consider mitigation or modification, denial of the 404
7 Permit.

8 And throughout that process, there was
9 public participation where the Partners ran an outreach
10 program as well as the PDT process was part of that
11 public participation as well.

12 The direct impacts are summarized in the
13 EIS in a couple of places. We've done it in several
14 ways. We have a qualitative summary that's both in the
15 Executive Summary and in Section 2 that sort of just
16 qualitatively indicates the impacts of how they -- they
17 compare between alternatives.

18 Then we also in Section 2, Table 2-6, a
19 table that more quantitatively compares the impacts. The
20 impacts of the project alternatives are generally
21 similar to the site layouts and design elements to
22 avoid and minimize impacts.

23 Again, written comments on the EIS can
24 be sent to Henry Wicker. We've also gotten information
25 on comments on -- on the other processes going on

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 tonight. Those are all listed in the handout.

2 And with that, I'll turn it back over to
3 the intercessor.

4 LTC. SULIT: Thank you, sir. Thank you,
5 Bill.

6 We're going to get to the commenting
7 process now. I would like to explain the process.

8 As I stated earlier, this is your
9 opportunity to provide comments of the Draft EIS and
10 permit application. We have a comment drop-box where
11 you entered at the sign-in table if you would like to
12 leave written comments instead of speaking tonight.
13 Also, I would like to remind you that you can send in
14 written comments until April 20 (sic), 2009, to the
15 Corps of Engineers.

16 If you signed up to speak tonight in the
17 sign-in tables, I would like to remind you, please talk
18 clearly into the microphone so Ms. McDermott can hear
19 you and record your comments correctly.

20 Also, let me be clear on the purpose of
21 this public hearing. Tonight is not a question-and-
22 answer session. It is our job to listen. It is your
23 job to make comments and tell us -- tell us what you
24 think.

25 Each person will get two minutes -- two

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 minutes, please -- to make their comments. Monte will
2 signal when you have 30 seconds left to speak and then
3 the buzzer will go off and your two minutes is up.
4 Please limit your comments to two minutes so we have
5 equity of -- of -- of time for everybody.

6 we will take the recorded comments from
7 tonight and the written comments we receive by April
8 29th and consider them as we address your concerns in
9 the EIS and the permit application process.

10 Before you make your spoken comments,
11 please state your name and who you're representing
12 prior to your statement for an accurate record.

13 You've got more cards? Okay.

14 what's going to happen is I'll -- I'll
15 announce the first speaker and then the person on deck
16 so that person can be prepared to come to the front.

17 At this time, we're going to start with
18 our elected public officials starting with the Town of
19 Apex, Mayor Keith Weatherly. Sir.

20 **MAYOR WEATHERLY:** Thank you very much,
21 Colonel Sulit, and your fine team from the U.S. Army
22 Corps of -- Corps of Engineers who have brought us to
23 this public meeting tonight.

24 Thank you very much, Mr. Wicker and
25 Mr. Blaisdell, from the Department of Environment and

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Natural Resources. We appreciate your diligent work on
2 the Draft Environmental Impact Statement and we
3 appreciate having the opportunity to comment on it
4 tonight on behalf of citizens of Apex and the Partners.
5 I am the chairman of our -- of our partner and I'm glad
6 to see my fellow mayors here tonight.

7 I particularly want to thank the
8 citizens -- the private citizens who have participated
9 in this project, the community -- the community
10 engagement meetings, and the federal and state
11 officials that also helped, too, with engaged community
12 support and other issues involved with this process.

13 Most of us who have been involved with
14 this project are familiar with the history. It is
15 several years in the making. No one from this area is
16 a stranger to the growth and economic development that
17 we have seen over the last number of years, which has
18 caused obviously us to need an increased capacity for
19 wastewater treatment.

20 Through a strong suggestion from the
21 State Department of Environment and Natural Resources,
22 the -- the communities of Apex, Cary, Holly Springs
23 and -- and Morrisville decided to partner, make a truly
24 regional project out of this. And, certainly, that is
25 a good decision and -- and then I think it is a model

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 for regional cooperation, certainly, in this area and
2 then throughout the state.

3 Not only did our need for increased
4 capacity, but also the need to satisfy our interbasin
5 transfer situation, which is the project we're in,
6 we'll satisfy, and we're glad to do so with the
7 culmination of the construction phase of this project.

8 The Draft Environmental Impact Statement
9 being considered tonight is obviously a result of many,
10 many months of work by the Project Delivery Team and it
11 was developed to allow input from appropriate state,
12 federal and local officials as well as citizens and
13 other interested parties.

14 The engineering report, which is also
15 being considered tonight, represents sound engineering
16 and cost management by the project engineers, project
17 partners. And we believe very strongly that the
18 Partners' preferred site represents the most cost
19 effective and environmentally sound alternative that
20 meets the needs of our local communities and is clearly
21 supported by the Draft EIS and engineering report.

22 This project is a critical need for our
23 communities. Western Wake County, with our economic
24 development, needs increased capacity. As I said
25 before, Apex is certainly in need of that additional

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 capacity as we have been -- knew that we would come to
2 this point for a number of years.

3 Approving EIS and ultimately the project
4 will allow for continued quality economic development
5 for the communities represented by this project and --
6 and will provide jobs and municipal services to the
7 town's urban service area. The project provides
8 reasonable and predictable utility rates for our
9 customers for many years to come.

10 And, finally, the project will allow, as
11 I said, us to comply with the requirements of the
12 interbasin transfer certificate. It's been a
13 long-standing commitment of our -- of our town to our
14 downstream partners, and we're happy to comply with
15 that with the issuance of this permit and the
16 construction of our facility.

17 Again, thank you very much for your
18 diligent effort over many months, and we appreciate
19 everybody that had a part in this process.

20 **LTC. SULIT:** Thank you, sir.

21 From the Town of Morrisville, speaking
22 on behalf of Mayor Jan Faulkner, Mr. Tim Gauss. Sir.

23 **MR. GAUSS:** Thank you very much for the
24 opportunity to address you on behalf of the Town of
25 Morrisville and Mayor Faulkner. Let me just read these

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 comments into the record, if I could, please.

2 Comments of the Town of Morrisville in
3 support of the Western Wake Regional Wastewater
4 Management Facilities.

5 I apologize for conveying these thoughts
6 in writing. The Town of Morrisville's regularly
7 scheduled town council meeting is scheduled for 6:30
8 p.m. this evening and the conflict prevents my
9 attendance at this public hearing.

10 As you know, the Towns of Apex, Cary,
11 Holly Springs and Morrisville have been working in
12 partnership for years to lay the foundation of a
13 successful future for all our communities by ensuring
14 adequate provision of water and wastewater treatment
15 capacities for the region. The Town of Morrisville
16 fully supports this effort.

17 The Town recognizes that a regional
18 approach to water resource issues makes sense from the
19 perspective of growth management, environmental
20 protection and economics. The specific purposes which
21 the Western Wake Regional Wastewater Management
22 Facility are intended to meet are timely to provide
23 regional wastewater service capacity to meet existing
24 and forecasted demands in Western and Southwestern Wake
25 County; to comply with the State's regulatory mandates

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 associated with the interbasin transfer of waters; and
2 to address the State's requirements associated with
3 nutrient enrichment in Utley Creek.

4 In addition, the potential environmental
5 impacts of the project have been evaluated over the
6 past 22 months in a manner that has been both rigorous
7 in its research and analysis and open in its citizen
8 participation process.

9 All stakeholders and members of the
10 public have had opportunities to be educated and to
11 provide important input. The proposed project has been
12 studied per the requirements of the National
13 Environmental Policy Act under the direction of the
14 U.S. Army Corps of Engineers in coordination with the
15 State Department of Environment and Natural Resources.
16 I understand the Draft Environmental Impact Statement
17 does not find significant adverse impacts which cannot
18 be mitigated.

19 Morrisville's participation in this
20 regional effort signals our recognition of the
21 interdependence of the region; that the welfare of all
22 of our citizens is best served when the common purpose
23 and expertise are combined in a collaborative effort to
24 addressing emerging issues.

25 Thank you for consideration of the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Town's comments.

2 LTC. SULIT: Thank you, sir.

3 MR. GAUSS: Signed Jan Faulkner, Mayor.

4 LTC. SULIT: I appreciate it, sir.

5 Mr. Dick Sears, Mayor from Holly

6 Springs, please, sir.

7 MAYOR SEARS: Thank you, Colonel.

8 Ladies and gentlemen, Dick Sears, Mayor
9 of Holly Springs.

10 First, the Town of Holly Springs is a
11 partner in the western wake Regional Center. And
12 because of that, we would like to express our
13 appreciation for the support and the guidance that has
14 been provided by the various state and federal agencies
15 during this process. This has been going on for quite
16 some time. Without their assistance and knowledgeable
17 oversight, this critical project could not have gotten
18 to this point.

19 Secondly, we're very pleased with the
20 new innovative and regional -- I repeat "regional" --
21 approach in addressing critical environmental
22 protection that was developed by the Partners in
23 concert with the State of North Carolina for this
24 specific project, the development of a comprehensive
25 and a far-reaching Secondary and Cumulative Impacts

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Mitigation Plan, which is called SCIMP -- I kind of
2 like that word -- for each Partner community. We are
3 pleased to be involved in this environmentally
4 progressive initiative.

5 Finally, I would like to encourage
6 consideration of the State for funding of this regional
7 project from both state and federal levels. Overall
8 the project is an excellent demonstration of municipal
9 cooperation to achieve regionally coordinated programs
10 that have been encouraged by the State for many, many
11 years. This project is most deserving of your
12 consideration. Thank you very much.

13 Thank you, Colonel.

14 LTC. SULIT: Thank you, sir.

15 Next up from the Town of Cary, Mayor
16 Harold Weinbrecht.

17 **MAYOR WEINBRECHT:** Mayor Weinbrecht,
18 Town of Cary.

19 I would also like to thank the Corps for
20 facilitating this inclusive and comprehensive process.
21 I would to thank the State as well as the assistance
22 here tonight from Wake and Chatham Counties for
23 their -- their time and their efforts and their
24 comments and ideas.

25 As Mayor of Cary, I am personally

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 committed to environmental protection. And I'm proud
2 to be speaking in favor of this facility, which Cary
3 will lead and will operate once it's constructed.

4 The facility is necessary to meet our
5 interbasin transfer mandates. It's critical to the
6 economic well-being and public health of the region.
7 This project is so important that Congress has
8 appropriated millions of dollars to move this forward.

9 Having said that, I would also like to
10 go back and say that Cary's an environmental leader;
11 not only in this area, but in the region and the state.
12 We have many environmental management programs that we
13 have led in. And from that, I can tell you that Cary
14 has a long history of meeting and exceeding regulatory
15 requirements for utility plants. As with other
16 projects Cary has been involved in, this facility is
17 well conceived, is well planned, and is well suited for
18 the Partners' site.

19 We are committed to serving the region
20 and are committed to being good neighbors for those
21 around the adjusted site -- or the adjacent site.

22 As Mayor, I can promise that the staff
23 will provide exemplary service to those that are around
24 this site as we already do with 135,000 citizens of
25 Cary.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 An exhaustive analysis has been done of
2 the EIS -- Draft EIS which proves that without a doubt,
3 this project should move forward; should move forward
4 without delay and should move forward on the Partners'
5 proposed side.

6 Regarding funding, I would also like to
7 add that I would like to speak in favor of the state
8 revolving loan consideration, for which I think this
9 project would be appropriate and a good investment.

10 In closing, I once again would like to
11 thank you for giving me the opportunity to speak and
12 being heard and ask for your full consideration from
13 the Corps and from the State.

14 Thank you.

15 LTC. SULIT: Thank you, sir.

16 Are there any other elected officials
17 that I failed to get this afternoon that wants to make
18 a comment before we open it up to the citizens?

19 Okay. Excellent.

20 We're going to open it up to comments
21 now. I've got a stack of comment cards, no in
22 particular order; but I am saving the New Hill
23 Community Association cards for the -- after the --
24 everyone else completes their -- their comments.

25 So, again, no particular order, from the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Research Triangle Foundation, Ms. Elizabeth Rooks. Are
2 you here, ma'am? And on deck it will be from Wake
3 County, Joe Durham. From the Durham Bulls.

4 MS. ROOKS: Good evening. My name is
5 Elizabeth Rooks. I'm executive vice president for the
6 Research Triangle Foundation for the development of the
7 Research Triangle Park.

8 The Town of Cary has provided wastewater
9 treatment for the Wake County portion of RTP since the
10 early 1990s. The continued provision of high-quality
11 professionally managed wastewater treatment is
12 extremely important to the continued economic vitality
13 of the Wake County portion of RTP.

14 To date, we have 11 companies in the
15 Wake County portion of RTP employing an estimated 7,600
16 people. Projections show that the Wake County portion
17 of RTP could grow to approximately 24,000 jobs at full
18 build-out. However, this growth can only occur if
19 there are adequate wastewater treatment facilities.

20 we believe that the potential
21 environmental impact of the facility has been carefully
22 evaluated and it is our understanding that the Draft
23 DIS does not find significant adverse impacts which
24 could not be mitigated. We strongly support moving
25 forward with this project.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Thank you.

2 **LTC. SULIT:** Thank you, ma'am.

3 From Wake County, Mr. Joe Durham. And
4 up next will be from Davis and High House, Mr. Karl
5 Thor.

6 **MR. DURHAM:** Joe Durham, Deputy County
7 Manager for Wake County.

8 while Wake County is not directly
9 involved in service provisions in the water and sewer,
10 we are involved in the planning process. And this
11 project is consistent with recommendations of the 1997
12 Water and Sewer Plan. It was adopted by the Board of
13 Commissioners in August of 1998. This plan was also
14 updated by the 2006 Blue Ribbon Committee Act (sic).

15 The 1997 Water and Sewer Plan
16 essentially recommended a version of the many of the
17 individual committees' water and sewer systems in order
18 to increase sufficiencies, reduce costs, conserve
19 natural resources, accommodate logical and orderly
20 growth.

21 The 1997 plan specifically indicates
22 that Apex, Cary, Fuquay-Varina, Holly Springs and
23 Morrisville work together to evaluate the feasibility
24 of constructing a regional wastewater treatment
25 facility. This proposed project is consistent with

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 these recommendations.

2 The proposed project as presented in the
3 DEIS is necessary in order to comply with the mandates
4 of the North Carolina Environmental Management
5 Commission which requires Apex, Cary, Morrisville and
6 Wake County to return treated wastewater to the Cape
7 Fear River. This condition is placed on the
8 governments in order -- as a condition to allow the
9 governments to expand and draw water from the Jordan
10 Lake.

11 As currently presented in EIS, the
12 proposed project can result in the provision of water
13 and sewer service to properties in the western Wake
14 County. And the soil conditions in western Wake
15 provide limited opportunities for the development of
16 on-site water and sewer systems, wells and septic
17 tanks.

18 The Wake County staff proposes --
19 supports the proposed project which can improve the
20 reliability of water and quality of water and sewer
21 services available since it is in Western Wake County.

22 Thank you.

23 **LTC. SULIT:** Thank you, sir.

24 Mr. Karl Thor. Up next will be Reverend
25 Portia Rochelle, please.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **MR. THOR:** My name is Dr. Karl Thor, and
2 thank you for letting me speak.

3 And I am a research scientist, and I'm
4 just telling you that so you know that I understand
5 data and I do do good research. And I'm also a Cary
6 resident speaking on behalf of DavisAndHighhouse.org,
7 which is a citizens activist group in -- in Cary. And
8 I'll give you the conclusion just in case my time runs
9 out quickly.

10 Basically, as a Cary resident, I'm
11 embarrassed that our raw sewage is going to be piped
12 through beautiful -- miles of beautiful countryside
13 into the backyards of a beautiful community like New
14 Hill right adjacent to their -- right adjacent to their
15 church.

16 [APPLAUSE.]

17 **MR. THOR:** And the way I came to this
18 conclusion was I started to interview some of the
19 council members from Cary who were involved in this
20 proposed partner site. And they told me -- the three
21 that I interviewed -- that this was rushed through the
22 council meetings by former Mayor McAlister without much
23 rationale. There was some sort of an arbitrary
24 deadline that we had to stop putting our water here, we
25 had to put it here. Many of those councilmen

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 weren't -- not with -- weren't interested in having
2 this done.

3 I also interviewed former members of
4 Apex Town Council, Morrisville Town Council and Chatham
5 County Board of Commissioners, and they also felt that
6 this was an injustice to what was being done to this
7 New Hill Community.

8 I did review all of the documents that
9 the New Hill Community Association had put together.
10 I've reviewed the website for the partnership. And all
11 of the documents that New Hill has put together I've
12 been able to substantiate with council members and
13 other government officials as being accurate. And I
14 don't think you'll hear any of these people saying that
15 that's not accurate.

16 So it -- finally, I interviewed the
17 people that live there. And there's hundreds of people
18 opposed to this being there. There were six that were
19 in favor. Two of them don't actually live there. And
20 the two I did talk to, they are good people; they're
21 just trying to earn a living. But they financially
22 benefit from having sewage access to their rest homes
23 and their restaurants.

24 And there are alternative sites
25 available that from my understanding seem to be just as

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 good. I don't know why they're sticking to their guns
2 about putting this in the backyard of this beautiful
3 community. And it will be an environmental injustice
4 to -- to do that to that community.

5 Thank you very much.

6 LTC. SULIT: Thank you, sir.

7 [APPLAUSE.]

8 LTC. SULIT: Reverend Portia Rochelle.
9 Next up is Mick Noland.

10 REVEREND ROCHELLE: Good evening. My
11 name is Reverend Portia Rochelle. I represent the
12 Raleigh-Apex NAACP branch. I am the president.

13 The NAACP legal staff is studying the
14 Army Corps of Engineers Draft Environmental Impact
15 Statement, which we believe has not provided adequate
16 attention to the impact that this project will have on
17 a historically black neighborhood. We -- when we have
18 completed our assessment of this statement, and in
19 consultation with other parties who are also concerned,
20 we will provide this body and the appropriate local,
21 state and federal officials with our position.

22 We are greatly concerned. We have
23 concerns such as: why was this community never
24 provided water and sewer lines? Will this community --
25 or what percentage of the community will have access to

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 the sewage treatment facility? Will the new facility
2 benefit this community in any kind of way?

3 The New Hill Community and the Southern
4 Coalition for Social Justice have raised some serious
5 concerns that warrant a timely response. We believe
6 the concerned parties have raised legitimate questions
7 that should be addressed before we can make an informed
8 decision.

9 We are reviewing all the documents that
10 we can get our hands on and we will be prepared to make
11 comments by the deadline.

12 Thank you for this opportunity to
13 comment.

14 [APPLAUSE.]

15 LTC. SULIT: Thank you, ma'am.

16 Mr. Mick Noland. Next up is Catherine
17 Heath.

18 MR. NOLAND: Good evening. My name is
19 Mick Noland. I'm a professional engineer and the
20 Director of the Water Resources Division and Public
21 Works Commission for the City of Fayetteville. We
22 serve Fayetteville, Fort Bragg and the surrounding
23 community.

24 When all this started, I didn't need
25 these, but -- but now I have to use them.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Beginning in the 1990s, PWC was involved
2 with efforts to ensure proper management of the water
3 resources of the Cape Fear River Basin as it related to
4 increasing the amount of interbasin transfer from the
5 Cape Fear Basin to the Neuse Basin.

6 As a result of the growth in western
7 Wake County, Cary, Apex, and other communities were
8 requesting more water from Jordan Lake. Because all
9 their wastewater treatment facilities were in the Neuse
10 River Basin, they also requested an increase in their
11 interbasin transfer permit.

12 During that time, Fayetteville,
13 Cumberland County, stated that we did not object to the
14 western wake's community use of water from Jordan Lake.
15 We just wanted to make sure that they returned the
16 water to the basin from which it came. Although the
17 Environmental Management Committee did permit an
18 increase in interbasin transfer, they limited this
19 increase and required that the water be returned to the
20 basin by January of 2011. Now, this all started in
21 1995 or thereabouts.

22 Since that time, we have set our
23 differences aside and worked very closely with western
24 Wake Partners on water quality and quantity issues to
25 the middle portion of the Cape Fear River. One of

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 these efforts was a joint water quality modeling study
2 funded by PWC and the Town of Cary to ensure that
3 increases in reclaimed water discharged by the Partners
4 of PWC would still protect water quality in the river.

5 we've also been working closely on
6 updates to the Cape Fear Basin Hydrological Model,
7 which is a tool for the state and all water users in
8 the basin to ensure proper management of our water
9 resources.

10 I have tracked the progress of the
11 Partners in their effort to plan, design, and submit to
12 Western Wake Water Reclamation Facilities, attended
13 their plants and their planning meetings and been
14 involved and actually made comments at the last EIS
15 that we had.

16 At that time and as of this time, we are
17 encouraging the Corps of Engineers, the state and
18 federal agencies to do everything in their power so
19 that its requirement of the IBT certificate to be
20 charged back to Cape Fear River is met.

21 And I would like to add just as a
22 closing note that water reclamation facilities can be
23 good partners. Cape Fear -- in Fayetteville, the Cross
24 Creek Treatment Plant, across the street is the Cape
25 Fear Botanical Gardens and the FTC Horticultural

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Center. Right next door to it is the one and only
2 newest dog park for the Fayetteville area. And just
3 recently we are completing negotiations for a river
4 trail to come by our facility.

5 So it can be operated and properly
6 maintained, and I feel like Cary and the other folks
7 involved have the capacity to do that.

8 Thank you.

9 **LTC. SULIT:** Thank you, sir.

10 Ms. Catherine Heath.

11 **MS. HEATH:** Yes. My name is Catherine
12 Heath and I -- I live in Wake County and I'm here to
13 speak on behalf of property owners that live in the
14 unincorporated areas of Wake County and as the head of
15 Stop NC Annexation that is very concerned with property
16 rights for those people outside of municipalities.

17 And I know that somewhere in this
18 process of oversight and review that projects like this
19 and the people tasked with doing that oversight lies a
20 sincere desire and intent to do the right thing and
21 make sure projects are done right.

22 I'm sure as you -- as overseers of this
23 project you have all the information in front of you
24 that you need to make that decision. The EIS shows
25 good, acceptable alternatives to the taking of

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Mr. Seymour's land and the impact that it would have on
2 the community of New Hill. But I suspect, you know --
3 and I know the cities and the Partners need to do this
4 project. They have to end the interbasin transfer and
5 they have to do this right.

6 But going back to Mr. Thor's statements
7 about how this was done, the decision was made. I
8 suspect that the decision to take Mr. Seymour's land
9 and impact New Hill was the path of least resistance.
10 And rather than face Progress Energy and possibly that
11 opposition, they picked this site. And that is not the
12 right thing to do.

13 And I hope you'll look at this and
14 advise the city to think about what they're doing.

15 Thank you.

16 LTC. SULIT: Thank you, ma'am.

17 [APPLAUSE.]

18 LTC. SULIT: I have a couple cards from
19 NHCA, Brian Brice and Chris Brook. Do you want to
20 do -- do it separate? Okay. Mr. --

21 MR. BRICE: Brice.

22 LTC. SULIT: -- Brice. Mr. Brice.

23 MR. BRICE: Thank you. My name is Brian
24 Brice. I'm an environmental attorney in Raleigh and
25 I'm here on behalf of the New Hill Community

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Association. I have represented them in the past as it
2 relates to -- to the -- to the siting of this
3 wastewater treatment plant.

4 I would just like to say that the site
5 that's been selected I think from an environmental
6 perspective and numerous other reasons is not the best
7 site to be selected. There clearly is going to be a
8 decrease in private property values within the
9 unincorporated community of New Hill. There's
10 significant environmental justice issues that I urge
11 the Corps of Engineers and the related agencies to
12 please review as it relates to minority and -- and
13 other historic communities there and the -- the
14 negative effects on those groups.

15 And -- and I also urge you to review
16 this -- this whole site selection process started, I
17 believe, in 2002 with interlocal agreements that were
18 entered into between the different partners. And it --
19 it's clear to me that the Town of Cary, based upon my
20 research and review as an attorney, had preselected
21 this site rather than the Progress Energy sites that --
22 that are the alternatives and that they did so in
23 contravention of the Interlocal Agreement Act as part
24 of our General Statutes and in contribution -- and in
25 contravention of our Opening Meetings Law.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 I urge all of the agencies, particularly
2 the legal staff, to also look at those issues. I think
3 that while they are not directly environmental related,
4 it relates to the environmental issues as -- as -- as
5 will occur with this interbasin transfer and the
6 wastewater discharge to Cape Fear River. And to please
7 consider the sites that -- that -- that don't impact
8 the community, don't impact property owners, don't
9 impact the environmental justice concerns. And clearly
10 that the sites of Progress Energy are -- are the sites
11 that you should review more closely in making your --
12 your determination as to the EIS.

13 I'm very proud to have been able to work
14 with the New Hill Community group and that they are
15 here for a reason.

16 Thank you.

17 [APPLAUSE.]

18 LTC. SULIT: Thank you, sir.

19 Mr. Chris Brook.

20 MR. BROOK: Good evening. My name is
21 Christopher Brook and I'm a staff attorney at the
22 Southern Coalition for Social Justice in Durham, North
23 Carolina. I represent the New Hill Community
24 Association, and I would like to speak for just a
25 couple of moments on the three needs animating this

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 project that you've heard a great deal about already
2 this evening.

3 The first need that's been discussed is
4 the interbasin transfer -- transfer requirement that
5 has a deadline of January 1st, 2011, as referenced by
6 Mr. Bruce who spoke earlier as well as a number of
7 other individuals who have spoken already as well.
8 This says that the Partners must return water to the
9 Cape Fear by January 1st, 2011.

10 As Mr. Bruce stated this evening, as the
11 Draft Environmental Impact Statement says as well, the
12 project, the sewage treatment facility, is not going to
13 be online until spring of 2013, so it is not going to
14 be able to facilitate them making this January 1st,
15 2011 deadline.

16 We -- the projections that we've laid
17 out establish that it will be probably 2015 before it
18 can assist in meeting this deadline. So it should be
19 taken out of the Draft Environmental Impact Statement
20 as one of the needs animating it and other ways of
21 realizing that transfer should be discussed.

22 The second need discussed in the Draft
23 Environmental Impact Statement is the Holly Springs
24 discharge into Utley Creek. It is also tied in to the
25 interbasin transfer requirement with a January 1st,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 2011 deadline. As I just stated, I don't think that
2 deadline can be met based on what is included in the
3 Draft Environmental Impact Statement.

4 In addition, again, alternatives for
5 realizing this goal have not been discussed in the
6 Draft Environmental Impact Statement as would be
7 appropriate.

8 Finally, what we've heard a lot about
9 and what the Draft Environmental Impact Statement lays
10 out is that this is necessary -- the sewage treatment
11 facility is necessary for -- because of the -- the
12 growth issues in the Partners' communities. The figure
13 that's thrown out in the DEIS is a 260 percent growth
14 rate. That is based on a 1996 Town of Cary use plan
15 and just projects mechanically the same growth 20 years
16 out into the future.

17 Instead of using figures that are 13
18 years old, you should actually come up with some
19 figures that are based in reality as of today and apply
20 them in a way that makes sense.

21 Thank you.

22 **LTC. SULIT:** Thank you, sir.

23 [APPLAUSE.]

24 **LTC. SULIT:** Before we go on to the --
25 with the New Hill Community Association -- I understand

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 you have a series of -- of people to do one
2 presentation -- but do we have any other citizens who
3 want to make a comment before they start? It's open to
4 your floor right now.

5 Okay. Sir, go ahead. Come on up.

6 **MR. SEARS:** Thank you, sir. My name is
7 Robert Sears. I'm a resident of Chatham County. And
8 you'll say, what's somebody from Chatham County doing
9 here? They don't have a dog in this fight. Well,
10 there's a 16-inch sewer out -- discharge line, I think,
11 that's proposed for nine miles through Chatham County.
12 So, yeah, we've got a canine in this battle.

13 I would ask you to consider maybe --
14 what's wrong with site 21/23? Why have you got to be
15 right in the middle of New Hill? I mean, just because
16 they live next to a nuclear power plant, their lives
17 suck that bad already? You know, move it away just a
18 little bit.

19 And it's Progress Energy land. That's
20 land they already took from the people, and now you can
21 take it and use it again. That's got a nice bit of
22 irony to it, don't you agree?

23 So, you know, don't put it -- you got to
24 put it somewhere. When you flush the toilet, it's got
25 to go somewhere. I agree with that. I think they all

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 agree with that. Right? But don't put it right in the
2 middle of New Hill.

3 Babe Ruth used to come here, at least
4 according to my daddy, when he went back and forth from
5 spring training back in whenever that was; the 30s.
6 But, you know, it's been there a long time. It's not
7 the biggest place in the word; but it's a small place,
8 kind of like Chatham County. But why not consider Site
9 21 or 23? That's Progress Energy land and it affects
10 less people.

11 Thank you very much.

12 [APPLAUSE.]

13 **LTC. SULIT:** Thank you, sir.

14 Any other comments before the New Hill
15 Community Association starts?

16 Okay. Sir, before -- of course, the
17 rules still apply. Once you come up and make sure you
18 state your name for the record.

19 we'll start with Mr. Paul Barth and
20 followed by Ms. Edna Horton.

21 **MR. BARTH:** Good evening. Thank you
22 very much. I think you know who I am, Paul Barth. I
23 live in New Hill. I'm also president of the New Hill
24 Community Association.

25 The community comes here tonight in a

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 show of solidarity -- you can tell that by all the red
2 shirts that we're wearing -- and to explain to you why
3 site 14 is not the preferred site, but it is the wrong
4 site. You have overwhelming -- you have overwhelmingly
5 white communities attempting to build their sewage
6 plant on the border of an overwhelmingly minority
7 community.

8 site 14 is being imposed upon our
9 community by outside forces with no advance involvement
10 from the New Hill Community. There are three other
11 viable alternatives with little or no human impact and
12 there will be no impact to our historic district.

13 The Draft EIS details the impacts that
14 are proposed -- the proposal to build in the center of
15 New Hill. The Western Wake Partners refer to site
16 as -- site 14 as the preferred site. As I said, we
17 refer to it as the wrong site.

18 The Western Wake Partners compared this
19 wrong site to three alternatives, all of which are
20 preferred by the New Hill Community as though they are
21 near our community, they are not in the center of our
22 community.

23 Tonight's speakers -- speakers will be
24 telling you why site 14 is wrong because of
25 environmental justice impacts to our minority

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 community, New Hill Community impacts, procedural and
2 guideline errors, original site selection was flawed,
3 and other better options are available.

4 I have a couple of charts I'm going to
5 put in front, but I also have some books of all the
6 materials that we're talking about tonight and there's
7 a -- I have included in there a cover letter that
8 explains each section.

9 [TELEPHONE INTERRUPTION.]

10 **MR. BARTH:** Not my phone.

11 The two charts you had sought at the
12 environmental justice meeting that we held in May, one
13 depicts pictures of the previous impacts that have been
14 done to the New Hill Community. People seem to
15 overlook that this is not the first time some type of
16 utility project has taken property from us and placed
17 it right in the middle of New Hill.

18 The other one shows you some pictures of
19 what our historic district does look like. It's not
20 just names on a chart. It's actually real buildings
21 that have real owners and real people that live there.

22 Thank you for your time, and I would
23 like to welcome Edna Horton as our next speaker.

24 **LTC. SULIT:** Thank you, sir.

25 [APPLAUSE.]

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **LTC. SULIT:** Ms. Elaine Joyner will be
2 following.

3 **MS. HORTON:** My name is Edna Horton and
4 I live on Garris Road in New Hill. Our property is
5 located right next to the target Site 14 location and I
6 believe the site -- that Site 14 should not be selected
7 for the facility.

8 DENR established a 50 percent minority
9 population as a threshold for requiring the Partners to
10 address the environmental justice concern. There is an
11 83 percent minority population within a half-mile
12 radius of Site 14 and a 54 percent minority population
13 within a one-mile radius of Site 14.

14 The Partners' consultant -- consultants
15 recommended that they develop a mitigation plan to
16 provide water and sewer for properties within a
17 half-mile radius of Site 14. Most of the minority
18 residents in New Hill do not favor Site 14 and do not
19 feel that any mitigation plans would make up for the
20 negative impact to our community.

21 The two identified minority committees
22 do not fall within the half-mile radius boundaries of
23 site 21/23. Therefore, a mitigation plan would not be
24 necessary if Site 21/23 is selected.

25 The Partners intend to purchase and

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 maintain easements and to construct the pipeline within
2 a -- or next to existing right-of-ways or easements
3 because of the size of the pipeline. We believe
4 additional easements will likely be needed.

5 Construction of the pipeline may require locating some
6 wells -- relocating some wells and septic systems.

7 The Partners admit some people may be
8 displaced, which means some residents could be forced
9 from their homes so the sewage line can be run.

10 Although the Partners will conduct surveys of all
11 pipeline routes, the number of families impacted may
12 not be completely known until the time of construction.

13 LTC. SULIT: Thank you, ma'am.

14 [APPLAUSE.]

15 LTC. SULIT: Next up will be -- is
16 Mr. James Clanton here?

17 MS. JOYNER: Good evening. My name is
18 Elaine Joyner and I'm a member of First Baptist Church,
19 New Hill. I would just like to point out that our
20 church has been in New Hill since the late 1800s.

21 A review of the summary data clearly
22 show that the negative impacts to our community would
23 be eliminated or reduced if site 14 is not selected.
24 Our residents are concerned about the proximity of the
25 plant to their property border if site 14 is selected.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 The separation, or the distance in feet from the plant
2 to the property border, does not favor Site 14 as the
3 selection. Based on the available data, Site 19 or
4 Site 21/23 would be better selections of a separation
5 of 2,300 feet for each of them. Site 14 has a
6 separation of 1,500 feet, and Site 30 has a separation
7 of 1,000 feet.

8 site 14 has a lot of homes that back up
9 to or are within a half mile of the site. The other
10 sites have very few residents within a half mile and
11 few, if any, sensitive land use areas. Site 14 has six
12 sensitive land use areas, Site 30 has two, and Site 19
13 and Site 21/23 have none.

14 we also object to the use of the term
15 "service area" to define the area around the pipelines
16 and the facility. These areas are not serviced by the
17 project and are not expected to be serviced due to the
18 Wake County five-mile buffer surrounding the Shearon
19 Harris Nuclear Plant.

20 By designating this as a service area,
21 the Partners can claim that the population of the
22 service area is about 20 percent minority. The
23 population of the true service area -- predominantly
24 the Towns of Cary and Apex -- is less than 20 percent
25 minority.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 If the purpose of selecting a site is to
2 limit unavoidable adverse effects across key public
3 interest factors consistent with deeper criteria, then
4 Site 14 should be excluded due to the environmental
5 justice impact, the proximity to the New Hill Historic
6 District, and the sensitive land uses of two historic
7 churches with cemeteries and playgrounds.

8 Thank you for your time.

9 [APPLAUSE.]

10 **LTC. SULIT:** Mr. Reverend James Clanton
11 followed by Mr. John Judd.

12 **REV. CLANTON:** My name is James Clanton.
13 I am the pastor of First Baptist Church, New Hill.

14 We believe the Site 14 should not be
15 selected for this facility, and I would like to
16 highlight a couple of critical flaws in your analysis.

17 All four sites have shown using the same
18 pipeline routes. Because the original pipeline routes
19 were for Site 14, it means the sister tracts for the
20 facility at Site 14 are brought into the analysis for
21 areas of the sites. The effluent line should follow
22 the best potential route for each site. There is no
23 good reason for the effluent lines to cross back over
24 US 1 again as far north as they do for Site 19 or Site
25 21/23.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 For Site 30, the influent line could
2 travel further west, perhaps crossing New Hill Olive
3 Chapel Road as far north as Barker Road or higher and
4 miss the New Hill intersection area entirely. By using
5 the same pipeline routes, the differences between the
6 alternatives are minimized making it appear that the
7 four sites aren't very different in their impact to the
8 minority community.

9 The analysis states that a minority
10 population may also be present if the minority
11 population percentage of the affected area is
12 meaningfully greater than any general population or
13 other appropriate unit of geographic analysis.

14 Throughout the analysis, the comparison
15 is made between the service area in Wake and Chatham
16 Counties. Chatham County is minimally affected as is
17 most of Wake County. The appropriate units of
18 geographical analysis should be the Towns of Cary and
19 Apex, who are pushing this project and will benefit
20 from it. These towns have minority populations that
21 are less than the general populations of both counties.

22 Furthermore, the service area is the
23 area at some point in the future might be served by
24 this project. But this will depend on when developers
25 extend service to these area -- areas. The comparison

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 should not be between the service area and the
2 counties, but between those adjacent to parts of the
3 project and the towns that will benefit.

4 In conclusion, a flawed analysis is an
5 analysis that does not tell the whole truth. If the
6 whole truth is told, and nothing but the truth, then
7 site 14 should be free from any consideration for this
8 facility.

9 Thank you.

10 [APPLAUSE.]

11 **LTC. SULIT:** Thank you, sir.

12 Mr. Judd followed by Louis Powell,
13 please.

14 **MR. JUDD:** My name is Johnnie Judd. My
15 wife and I own property on Garris Road.

16 If this sewage facility is constructed
17 on site 14 and we wanted to sell our property, we
18 strongly believe that our property value would be
19 negatively -- negatively impacted because of the close
20 proximity to this facility.

21 If -- if site 21/23 is selected, which
22 is a better site from our standpoint, and the community
23 had water and sewer without the stench, our homes would
24 be worth more than if we had both sewer service and
25 sewage odor. By putting the plant next to minority

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 homes, the stench from the sewage plant would decrease
2 the value of our -- the properties in the neighborhood.

3 One of the many concerns the residents
4 adjacent to the South Cary sewage plant is that their
5 homes either couldn't be sold or were difficult to sell
6 due to the sewage plant in their neighborhood. Sellers
7 had to reduce the price of -- of their property and
8 some had to sell at a loss.

9 Thank you very much.

10 [APPLAUSE.]

11 **LTC. SULIT:** Thank you, sir. Mr. Powell
12 followed by Ms. Anne King.

13 **MR. POWELL:** Thank you so much. I'm
14 Louis Powell and I'm representing Louis Powell.

15 You know, I'm amazed that conference --
16 a constant reference has been made to "partners."
17 Partners now. You know, when you look at the
18 definition for "partner," people working in concert to
19 accomplish something.

20 New Hill was affected, but we are not a
21 partner. Nobody included us. Nobody asked us where is
22 the best place for this site. But they took -- they
23 just decided to just put it right there.

24 And, you know, I often asked myself the
25 question: why did they choose this particular site?

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 well, when I get up in the mornings and I look at
2 myself in the mirror, I know why they chose it.

3 [APPLAUSE.]

4 **MR. POWELL:** I know why. You know,
5 everybody in here tonight and in previous hearings have
6 been wondering: why did they choose putting it,
7 Reverend Clanton, right behind your church? I know
8 why. Because when I look in the mirror, I can
9 understand why.

10 we choose the road of least resistance.
11 we don't have the political clout to fight you. We
12 don't have the money to fight you. So I'm going to
13 choose those who won't fight back.

14 But, ladies and gentlemen, you are
15 surprised -- or you will be surprised. We're going to
16 fight.

17 **AUDIENCE:** Amen.

18 **MR. POWELL:** We are going to fight every
19 day and every night until you recognize that we have
20 been taken advantage of. But we won't go easily. In
21 fact, I will predict we're not going to go at all until
22 we have won.

23 [APPLAUSE.]

24 **MR. POWELL:** So listen to us. We know
25 why you chose us. We know.

1 You have made a mistake. why can't we
2 sit down and find the proper place? Let us become a
3 partner. Let us be a part of the selection process.
4 That's all we ask. You put it in my yard. why didn't
5 you ask me is there a better place for it?

6 You know, about 35, 40 years ago they
7 set Shearon Harris on there or Progress Energy right in
8 my yard. Thirty years later, here you come again;
9 sitting an unacceptable facility in my yard.

10 Thank you.

11 [APPLAUSE.]

12 **LTC. SULIT:** After Ms. Miller will be
13 Brent Miller -- after Ms. King will be Brent Miller,
14 please.

15 **MS. KING:** Good evening. I'm Anne King
16 and I live on Country Haven Lane in New Hill. I would
17 like to comment on site selection.

18 According to the Western Wake Partners'
19 website, the sewage treatment plant must be located on
20 a site that protects citizens' quality of life. This
21 means keeping the facility footprint as far away as
22 possible from homes, parks, churches, playgrounds and
23 other areas important to citizens.

24 And yet the homes of 231 people, two
25 beautiful country churches built in the 1800s and

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 several cemeteries are all located within one-half mile
2 of site 14. Site 14 also has the most feet of streams
3 and federal lands impacted.

4 The only logical choice of a site for
5 this facility is on land owned by Progress Energy. No
6 family homes, churches, cemeteries or playgrounds would
7 be impacted. Only 60 to 100 acres would be needed
8 because it wouldn't require the buffer that Site 14
9 would require. And if Harris Lake were used as the
10 discharge site, the capital cost associated with
11 locating the facility on Progress Energy property would
12 be less expensive than is currently projected for two
13 reasons.

14 First, there would be a seven-mile
15 reduction in the length of pipeline required; and,
16 second, a pump station could be eliminated because the
17 discharge to Harris Lake could flow from -- from the
18 site by gravity.

19 A shorter pipeline would result in less
20 stream and wetland impacts, and air emissions and noise
21 associated with the pump station would be eliminated.
22 Removing the need for a pump station would also save a
23 significant amount of energy.

24 The New Hill Community has already
25 relinquished land for a nuclear power plant,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 high-voltage electrical power lines, power substations,
2 gas pipelines, US Highway 1 and Jordan Lake. To allow
3 outside municipalities to further infringe on our rural
4 area is just not acceptable.

5 [APPLAUSE.]

6 LTC. SULIT: Thank you.

7 Following Mr. Miller will be Ms. Loretta
8 Young.

9 MR. MILLER: My name is Brent Miller.
10 I'm am a citizen of Cary, but I stand tonight with my
11 New Hill neighbors in opposition to the targeted Site
12 14 for the regional sewage plant because that site
13 significantly impacts a historic district.

14 I volunteered for years as an advocate
15 for historic preservation. I served on the board of
16 directors for the Friends of the Page-Walker, a
17 nonprofit organization whose mission includes historic
18 preservation and history education. I produce their
19 newsletter.

20 I've compiled an inventory of historic
21 properties in and around Cary that is presented to the
22 community annually, and I serve as a watchdog for
23 threatened historic properties. And I'm involved in
24 creating the Town of Cary's comprehensive historic
25 resources plan. I've been recognized by the Cary News

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 and earlier this year received the History and Heritage
2 Award from Cary for this volunteerism.

3 I mention all this not to attempt to try
4 and impress anyone, but rather to indicate that I am
5 serious and passionate about historic preservation.

6 The New Hill Historic District was
7 listed on the National Register of Historic Places in
8 2001. It includes at least 60 buildings, and it's
9 historically significant because of its rural nature
10 and agricultural uses as well as the Colonial Revival
11 and Tudor Revival architecture that is found in this
12 district. The period of significance dates to the
13 mid-1800s.

14 Now, Cary and Apex have gone to great
15 lengths to preserve their historic districts. And
16 unlike a single structure, a historic district
17 preserves history by its overall character and the
18 totality of the structures, the people and the events
19 that make up that district. Detracting from that
20 character damages the historic district's value.

21 The New Hill Historic District is an
22 asset to this area and I believe it should be
23 preserved. And I am expressing my own views. Although
24 I've mentioned other organizations, I -- I am still
25 speaking on behalf of myself tonight.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Placing a mammoth regional sewer
2 facility adjacent to this historic district will, I
3 believe, seriously impair its historic value and that
4 is irreplaceable. For that reason, I oppose Site 14
5 because it impairs historic preservation in this
6 region.

7 [APPLAUSE.]

8 **LTC. SULIT:** Thank you, sir.

9 Ms. Young will be followed by Mr. Carl
10 Nordt.

11 **MS. YOUNG:** Thank you.

12 My name is Loretta Roundy Young and I
13 live in Historic New Hill. I've struggled with how to
14 convey in two minutes a sense of the history of New
15 Hill and how it would be targeted by a sewage plant at
16 Site 14, but I will try.

17 New Hill has structures with a variety
18 of architecture -- Colonial, Tudor, Greek Revival,
19 Bungalow, Queen Anne -- two Gothic Revival churches and
20 cemeteries, many farms over 100 years old with all the
21 outbuildings still intact, a historic railroad from the
22 1860s, the Judd Bright Store built in the 1870s; Farmer
23 Supply Store and Troy's Motor Court built in 1928 by my
24 grandfather, Troy Roundy. And it is true, Babe Ruth
25 stopped at Troy's on his way to spring training

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 traveling down what is now historic Old US Highway 1.

2 I share this because, as Brent said, it
3 is not just the buildings, but the people and events
4 that make New Hill historic.

5 My dad, W.T. Roundy, Jr., served his
6 community by running a farmer supply store until his
7 illness and death in 2002. I returned to New Hill with
8 the hope of restoring the buildings and reopening the
9 store and cafe. The threat of a sewage plant across
10 the street has put those plans on hold.

11 Preserving New Hill is not only
12 important for the people that live here, it is
13 important for people in neighboring areas, too. Not a
14 week goes by that someone doesn't share with me how
15 much they love the beauty of the area, the little
16 crossroads, or share a special memory of stopping at
17 W.T.'s.

18 We all need history in our lives. We
19 need to be able to glimpse back even while we're
20 progressing forward. One of Apex's own design
21 consultants called New Hill a gem in the rough and
22 encouraged me to preserve it.

23 So, finally, I urge Apex and the
24 Partners to reconsider. Do not destroy one of the
25 assets of Wake County that could not be recreated. Do

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 not put the sewage plant at Site 14.

2 [APPLAUSE.]

3 LTC. SULIT: Thank you, ma'am.

4 Following Mr. Nordt is Mr. Jeff Leary.

5 MR. NORDT: My name is Cal Nordt and I
6 lived south of Apex and in Apex for 20 years and now
7 reside in Raleigh. Judi Tisman's compiled an oral
8 history which compliment's Loretta's talk by describing
9 the people whose memory needs to be preserved.

10 Old New Hill has continuously existed as
11 a community longer than any of the four towns of the
12 Western Wake Partners. New Hill has had its own post
13 office since 1847 and still does. Judi's speakers
14 describe a town of beautiful farms crisscrossed with
15 roads and the people living there whose descendants
16 still do. They were small farmers who farmed to live,
17 both black and white, shopping and going to church in
18 New Hill, sometimes together and sometimes separately
19 consistent with their times, but more often together
20 than most places.

21 It is historically important that the
22 African-American community within New Hill was families
23 who acquired and kept their land as sharecroppers.
24 This is highly unusual, but was generally so in New
25 Hill. In their common struggle to survive as farmers,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **LTC. SULIT:** Following Mr. Leary will be
2 Ms. Thelma Gardner.

3 **MR. LEARY:** Good evening, folks. I'm
4 Dr. Jeff Leary. I live on 8400 Old Bethel Church Lane.
5 I live in the old Bethel Church. Like one of the
6 previous speakers said, I -- I'm sure everybody here
7 really wants to do the right thing and do the best job
8 they can. I think you're hearing some work needs to be
9 done.

10 It's my intention to -- to question
11 the -- the impression that's given on the EIS that
12 mitigation of secondary and cumulative impacts are
13 covered by detailed written plans. My focus is going
14 to be on the plans, but -- but just -- just to remind
15 you that the Partners themselves have said that
16 constant noise, smell and high-powered lighting are
17 part of what needs to be mitigated. But coming with
18 that plant, along with it, are disruptive easements for
19 the superfluous power transmission line at Apex's
20 expense and convenience going from here to there rather
21 than using something from the power plant; a water line
22 that's currently wasting Apex city water dumping it on
23 the ground; and, of course, the huge high-pressure
24 sewage pipeline. These are all things that just aren't
25 compatible with what you've been hearing about in New

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Hill as a community.

2 Now, with respect to the mitigation
3 plans, those impacts of course will occur. We know
4 that. The EIS indicates that there are current
5 detailed written things in place to cover this
6 eventuality. But, in fact, I think you heard also
7 earlier that those written plans actually are
8 restricted to the Partner townships. They only cover
9 people who live in the town limits. So those detailed
10 plans are not there for the majority of Wake County
11 citizens who will be impacted by this project.

12 If you live in Holly Springs, you will.
13 Okay? What I'd like to know is: where are the plans
14 for those who will actually be impacted? They're not
15 there. I think that needs to be addressed in detail in
16 the EIS.

17 Finally, the real point here is that the
18 choice of Site 14 rather than either of these
19 alternative sites actually maximizes the impact and
20 these cumulative and secondary impacts on -- on the
21 people. If you choose one of the other sites, if this
22 is not a permitted site, that will be lessened
23 considerably. So please, help us with that happening.

24 Thank you.

25 [APPLAUSE.]

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **LTC. SULIT:** Following Ms. Thelma
2 Gardner will be Ms. Vickie Gardner.

3 **MS. THELMA GARDNER:** Hello. My name is
4 Thelma Gardner, and my property adjoins the proposed
5 sewage pipe site.

6 The Draft EIS does not specifically
7 address how the Partners will handle adverse impacts to
8 my home and community. Impacts include light, noise,
9 traffic, spills, contamination and illness. What are
10 the specific measures in place to prevent an adverse
11 impact, and what system of accountability is in place
12 to make sure the systems are installed, operated and
13 maintained? What recourse do impacted residents have
14 to safeguard these mitigation measures? What are the
15 standards and measurements each impact will be held to?
16 When and how are they measured? Do the measuring
17 instruments automatically respond?

18 What are the Partners going to do to
19 make sure records are accurate and instruments are
20 performing correctly and properly calibrated? It is
21 one thing to say "Trust us, we'll keep an eye on it."
22 It's another to say, "If a measurement gets above a
23 certain number, we will do this."

24 Whom can we call if we experience a
25 problem? Since the property is owned and managed by

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Cary, but falls under Apex's jurisdiction, there is
2 ambiguity about the area of responsibility and
3 accountability. The local residents fall under neither
4 of these municipalities and neither government is
5 accountable to them.

6 what recourse do we have to see that
7 problems are solved? How will the Partners correct the
8 problem affecting our community? Many of us have wells
9 close to Site 14. How will you protect and restore our
10 wells if there is a spill? Will there be a working
11 group tasked with these solutions? In the case of more
12 serious or immediate impacts, what steps will the
13 operator take to immediately safeguard our community?

14 Just let me remind you that there are
15 far better locations within a mile or so that are
16 available for this facility where the community impact
17 will be far less.

18 [APPLAUSE.]

19 **LTC. SULIT:** Thank you, ma'am.

20 Following Ms. Vickie Gardner will be
21 Mr. Berry Credle.

22 **MS. VICKIE GARDNER:** My name is Vickie
23 Gardner. I live at 2904 New Hill-Holleman Road. I am
24 secretary and charter member of the New Hill Community
25 Association.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 I came out of the New Hill Baptist
2 Church one Sunday and my neighbor asked me if I knew
3 that they were going to build a waste treatment
4 facility in my backyard, behind my home, my family's
5 historic home is next door, across the road from my
6 church, the playground I designed, my family's
7 cemetery, and on land taken from my neighbor in the
8 center of my community.

9 Are we to experience the same negative
10 impacts of living with a sewage plant as those that
11 live near North and South Cary and the Neuse River
12 Facilities?

13 I spend time near the Neuse River
14 Facility and I experience firsthand the negative
15 impacts. Sewage is smelled most when families are home
16 and want to be outside. They can't have windows open
17 and take advantage of fresh air because there isn't
18 any. They feel embarrassed and locked in their homes.

19 When I toured the West Lake Facility,
20 orange extract had been released into the air to
21 disguise the odor. I went upstairs in a new house
22 under construction next door and the master bedroom
23 looked down into a valley of waste.

24 The delivery and maintenance trucks
25 cause extra traffic, tear up roads and are noisy. They

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 blow their horns at 5 o'clock in the morning to gain
2 entrance to the plants. Their backup alarms are heard
3 for miles within the communities. The trucks speed and
4 there are no sidewalks. Our kids, elderly and
5 minorities are now and will be at even greater risk
6 going to and from bus stops, churches, post office and
7 the community store.

8 Property is being devalued and will be
9 devalued. Who wants to live near a stinking sewage
10 plant? Homes won't sell and values elsewhere are
11 already decreasing. And what of the sludge? Is it to
12 be spread on the ground to add further stench?

13 All terrible noise problems from these
14 little generators humming, I'll experience that. To
15 some, it sounds like a plane landing in their backyard
16 when fired up. And some homes they say literally shake
17 when the generators are humming. The light pollution
18 is so bright that they feel like they're living inside
19 of the city as the lights are on all night.

20 We have a concern for our children and
21 our elderly's health and we would like to know what
22 chemicals are in the odors' air. The South Cary
23 residents have expressed that they feel like the gas
24 odor burns their face.

25 I knew then and I know now that Site 14

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 in the center of my community is the wrong site and
2 that will destroy my community's quality of life
3 forever. I plead with you to please consider another
4 site.

5 Thank you.

6 [APPLAUSE.]

7 LTC. SULIT: Thank you, ma'am.

8 Following Mr. Credle will be Mr. John
9 Moore.

10 MR. CREDLE: My name is Berry Credle. I
11 live at 2920 Ridgepine Drive in Apex and it borders the
12 New Hill postal district. I would like to continue
13 with the comments made by Thelma and Vickie Gardner
14 about Cary North and in particular Cary South sewage
15 plant problems concerning plant maintenance.

16 Maintenance -- no tanks are being
17 cleaned because the stench is worse than it usually is.
18 And I also believe that transportation of the sludge
19 off-site contributes even more to the stench.

20 These residents are not receiving value
21 for their town taxes and realize no benefit from living
22 in the area of the sewage plant. They believe they
23 should be getting tax incentives for living so close to
24 this plant and there are only tax increases. And
25 they're reluctant to invite relatives and friends to

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 their homes. They pray the wind is blowing the stench
2 away from their homes during these visits.

3 During the purchase of their homes, the
4 Realtors and builders assured these residents there
5 would be no odor problems. However, home -- home
6 buyers had to sign a waiver stating they knew that they
7 were buying a house adjacent to a sewage plant, and now
8 they know why that waiver was required. Having a
9 sewage treatment plant this close to residents is --
10 doesn't make sense. The stench is inescapable.

11 Attempts to fix the stench is difficult
12 to the South Cary WRF site. During a period of two
13 years, attempts to control it cost hundreds of
14 thousands of dollars and yet there were still issues.
15 Residents were told that experts had been retained and
16 everything that can be done is being done to deal with
17 the problem.

18 But I must stress all along that we have
19 stated how these same issues will be a concern for the
20 New Hill Community, especially the minorities. The
21 only commonality is they live adjacent to Site 14. But
22 the Partners have no concern for the New Hill
23 Community, the New Hill Historic District, the two
24 churches, the cemeteries or the playgrounds. New Hill
25 has been a community for almost 200 years, not two

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 years like the residents who some supported the South
2 Cary sewage plant. New Hill was here first. Our
3 residents didn't move here knowing the plant would be
4 there.

5 Importing undesired sewage, unwanted
6 electricity and fresh water which Apex dumps in our
7 ditches under the guise of providing water to our fire
8 station just reinforces how the Partners have decided
9 without the Corps' input or approval or ours that they
10 know what is best for our community. Neighbors of the
11 north and south sewage plants disagree with this
12 assessment and so do the residents of New Hill.

13 Thank you.

14 [APPLAUSE.]

15 LTC. SULIT: Thank you.

16 Following Mr. Moore will be an audio
17 tape from Ms. Elizabeth Moore.

18 MR. MOORE: Hello, I'm John Moore
19 representing the New Hill Community Association whose
20 website is nhcanc.org. I'm here to talk about one
21 aspect of targeting New Hill and two consequences.

22 First, an aspect of targeting New Hill
23 is the use of biased consultants. You would not use --
24 or you would not trust the words of a used car salesman
25 saying that his mechanic checked out the car you're

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 about to purchase. However, for this proposed \$327
2 million expense in the critical NEPA process, the Army
3 Corps of Engineers trusted data and conclusions that
4 were paid for by the Western Wake Partners.

5 Now, for a consequence: Sewage leaks.
6 Say the sewage partners -- the sewage partners' goals
7 of 99 percent and of targeting New Hill are achieved,
8 that could leave 1 percent of 35 million gallons --
9 350,000 gallons -- of raw sewage per day on the front
10 porch of the New Hill Community spilled.

11 A second consequence is the gas emitted
12 from thence along the sewage pipeline. The gas is
13 flammable. This could be a hazard during controlled
14 burns that take place on properties that are tree --
15 that have tree farms.

16 If you believed that the New Hill
17 targeted site received independent scrutiny, then I've
18 got a used car to sell you. It -- it doesn't stink.
19 It runs great, and it won't catch on fire.

20 In conclusion, please take a closer look
21 at the consequences and put the site where there are
22 fewer people.

23 And next -- next, having already been
24 given permission, I'll -- I'll play a recording.

25 LTC. SULIT: This is Ms. Elizabeth

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Moore?

2 MR. MOORE: That's correct.

3 LTC. SULIT: Okay.

4 [AUDIO TAPE BEGINS.]

5 MRS. MOORE: Hello, my name is Elizabeth
6 Coviello Moore. My husband John and I own an
7 approximately 22-acre horse training facility and home
8 on Mason Road in New Hill.

9 The western wake Partners have made
10 statements with regard to the wastewater treatment
11 plant as being a benefit to New Hill as a whole that my
12 husband and I find to be extremely questionable, if not
13 outright laughable.

14 First of all, their perspective is a very
15 urban one. They represent that we would want to have
16 the elimination of septic systems over time,
17 quote/unquote, but we prefer the low populated --
18 population density that is a result of the land not
19 perking well. It is the main reason why most of us
20 live here.

21 In our case, we have lived and traveled
22 extensively across the whole country searching for the
23 specific qualities we have here; our wonderful
24 community and freedom to enjoy our land.

25 They state that there will be community

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 enhancement through environmental education and
2 learning opportunities and access to future greenway
3 trails and other public lands. Some of my neighbors
4 who will be affected already have a stewardship --
5 stewardship forest on their property. We have both the
6 Friendship Trails Association nearby and on our street
7 we have a deeded bridle trail easement in the Wake
8 County Book of Records that goes around our subdivision
9 which all the neighbors on our street and on one street
10 away from us use both on bicycle, on foot, and on
11 horseback.

12 This will be very much affected by the laying
13 of pipelines -- cutting trees down, disturbing the
14 soils, displacing wildlife -- and by the odor as one
15 part of this trail comes quite close to the proposed
16 plant.

17 Parks are typically created to serve large
18 populations and we also have plenty of other public
19 access and parkland at both Harris Lake Park and at
20 Jordan Lake.

21 Thank you so much for listening to our
22 concerns and allowing us to project these points.

23 [AUDIO TAPE ENDS.]

24 LTC. SULIT: Thank you.

25 [APPLAUSE.]

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 **LTC. SULIT:** Mr. Randy Sink followed by
2 Ms. Carolyn Sink.

3 **MR. SINK:** Good evening, my name is
4 Randel Sink. I'm a professional engineer, a 35-year
5 resident of New Hill. I want to address the abuse of
6 government power in my talk to you tonight.

7 No community involvement was experienced
8 during the site selection and the condemnation of Site
9 14. The Western Wake Partners avoided community
10 involvement in the decision-making process for as long
11 as possible and has kept any attempt at community
12 involvement as ineffective as possible.

13 During the site selection process,
14 several members of the New Hill Community were involved
15 in the Southwest Wake Area Land Use Planning Group.
16 This group would have presented an opportunity for
17 community involvement and feedback, but the Western
18 Wake Partners never allowed this to be pursued in the
19 least.

20 Even as late as May 2005, the Partners
21 did not disclose their preferred location of the
22 wastewater treatment facility to this working group
23 even when questioned about it.

24 At a New Hill Community meeting on May
25 31st, 2005, invited guests Wake County Manager David

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Cook and Wake County Commissioner Phil Jeffries in a
2 public forum at that meeting denied any knowledge of
3 this project. These two men were later proved to be
4 outright liars when pre-May 31st e-mails from them
5 revealed their discussions about the proposed location
6 and the need for the sewage plant.

7 The western wake Partners prematurely
8 and without justification pressured for the
9 condemnation of the Seymour Farm in New Hill. As a
10 result, actions since that condemnation of the Seymour
11 Farm in June of 2005 have been prejudiced to the
12 selection of Site 14 as the preferred site. The
13 Western Wake Partners have limited their choice of
14 reasonable alternatives by committing \$3 million -- in
15 excess of \$3 million to a single site, site 14, without
16 authorization from anybody.

17 All of the work since June 2005 relating
18 to the Environmental Impact Statement, including the
19 work by the Project Development Team, has been
20 prejudiced by this premature commitment of funds.

21 Additionally, one cannot assume that the
22 infrastructure work undertaken by the Town of Apex,
23 including the waterline that was just put in, power
24 line just -- extensions that are about to take place,
25 are not directly affected by this previous commitment,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 and their -- their impacts in addition should be
2 included in the Environmental Impact Statement.

3 Thank you.

4 [APPLAUSE.]

5 LTC. SULIT: Ms. Carolyn Sink will be
6 followed by John Brubaker.

7 MS. SINK: My name is Carolyn Sink and
8 I'm also a resident of New Hill with the gentleman who
9 just spoke.

10 My concern -- as one of my neighbors
11 talked about, the -- the impact of the plant near her
12 home, my concern is the impact of the 17-plus miles
13 that this raw sewage would have to travel to get to the
14 plant and all the homes that that might impact.

15 The issue's not if, but when it's going
16 to spill. With plans to pump raw sewage for that
17 amount -- that amount of miles, who's going to be
18 responsible for cleaning it up? That includes those
19 wetlands and those streams that -- that our friend was
20 talking about.

21 For the citizens of Wake County, the
22 sewage is treated near the source and the effluent is
23 pumped that distance. There's much less tragedy for
24 the wetlands and the people's wells along the way.

25 who's going to provide clean water

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 during that time of cleanup?

2 Mayor Weinbrecht has said that they
3 operate an efficient plant. I think some of my
4 neighbors are going to talk to you about the number of
5 spills and the long cleanup process that Cary has
6 experienced with the many spills that they've had.

7 So we know it's going to spill. It's
8 just a matter of when. And then who's going to clean
9 it up? With so many people involved and so many
10 different towns involved in the process, it's going to
11 be whose on first. You clean it up. No, it's your
12 problem. No, it's your problem. It's our problem
13 because no one else is going to assume responsibility.

14 It's going to impact our drinking water.
15 It's going to impact the wells. It's going to impact
16 livestock. It's going to impact -- impact plants. And
17 these impacts are going to last in many cases a
18 lifetime, because if it's in -- if it's in the wells
19 that we use for water, there may not be a way to
20 restore that.

21 who's going to be the point of contact
22 if a spillage does occur? Cary's responsible for site
23 operations. Apex has some residents along the route.
24 So the fact creates a situation that it's then your
25 problem and finger-pointing and then nobody assuming

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 the responsibility.

2 New -- New -- New Hill has no voting
3 capacity in any of the municipalities, so we lack
4 political power.

5 when the Army Corps of Engineers became
6 involved, we were relieved that an impartial body was
7 looking through the lens of hopefully honesty and
8 integrity and that you would see the fallacy of this
9 selection process. We're still hopeful that you won't
10 jump on that snowball that's rolling headed straight
11 for New Hill.

12 Thank you.

13 [APPLAUSE.]

14 LTC. SULIT: After Mr. Brubaker will
15 be --

16 MR. BARTH: Kate...

17 LTC. SULIT: -- Kate Hasner.

18 MS. HANSER: Hanser.

19 LTC. SULIT: Hanser. Sorry.

20 MS. HANSER: No problem.

21 MR. BRUBAKER: Good evening. My name is
22 John Brubaker. I live at 3000 Old US 1 Highway, and I
23 used to vote at W.T.'s Store.

24 I am concerned about the power lines
25 serving the proposed sewage plant. They're not

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 included in the Environmental Impact Statement. In
2 their comments to you, the Town of Apex has stated that
3 the power lines are to serve future potential
4 customers. There are several problems with that
5 statement.

6 First, I asked the Apex Town Manager if
7 there was a precedent for Apex extending utility
8 services four miles outside of their extraterritorial
9 jurisdiction in order to serve future potential
10 customers. That question was never answered.

11 Second, Apex's own internal documents
12 refer to this project as the regional water reclamation
13 facility feeder surface.

14 [DOCUMENTS PRESENTED TO LTC SULIT.]

15 **MR. BRUBAKER:** Sir.

16 From Apex's own title for this project,
17 you can see that the main purpose is to serve the
18 proposed sewage plant. The alignment of the power
19 lines bears this out as well.

20 Since Apex refers to this as water
21 reclamation facility feeder circuits, why was the
22 project not included in the Environmental Impact
23 Statement and why were alternatives not evaluated prior
24 to the record decision?

25 Finally, the creators of the Draft EIS

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 state that all of the impacts and benefits they know
2 about are not adverse to the extent that permit denial
3 or mitigation beyond that already outlined will be
4 required.

5 who made this determination? Certainly
6 not the members of the Project Development Team.
7 weren't all of the direct -- why weren't all of the
8 direct impacts and alternatives considered, including
9 the power lines and the pumping of raw sewage versus
10 treated effluent.

11 And most of all, why was the conclusion
12 not thoroughly discussed at a PDT meeting where New
13 Hill residents and representatives could have provided
14 input, unless the intent was to go through the motions
15 before accepting a foregone conclusion.

16 Thank you.

17 [APPLAUSE.]

18 LTC. SULIT: Up next is...

19 MS. HANSER: Kate Hanser, 3000 Old US 1
20 Highway, New Hill.

21 LTC. SULIT: Okay.

22 MS. HANSER: Oh, I just have a question
23 for the fellow from Fayetteville: How many residents
24 are there in the botanical gardens and the dog park?

25 Anyway, the New Hill Community has been

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 asked to sacrifice many times for the convenience of
2 our neighbors. We've had to make way for the Shearon
3 Harris Nuclear Power Plant and lay gas lines, power
4 lines and most recently Apex expanding utilities to
5 serve this proposed sewage plant, which has affected us
6 personally. Unfortunately, the Town refused to
7 consider alternatives and has proceeded with
8 acquisition of easements and installation of its
9 infrastructure prior to a record decision on this DEIS.

10 In a letter to Apex's consultant in
11 September 26th, 2007, we urged the town to relocate the
12 proposed water and power lines south of Old US 1. This
13 letter was forwarded to the Town Attorney, Ken Fordham,
14 and we have yet to receive an answer. And our -- our
15 attorney's follow-up phone calls for months were not
16 responded to, even though we know that Mr. Wicker has
17 been informed otherwise.

18 When the Apex Town Council considered
19 the condemnation on June 3rd, 2008, some counselors
20 stated that they trusted that alternative alignments
21 were considered. So we requested that the information
22 used to make this decision for these proposed
23 alignments for water and electrical utilities, we
24 wanted to know what did you -- how did you come to
25 that.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 The information that we requested, we
2 have received no evidence that it even exists and that
3 the Apex -- you know, the -- the -- the evidence
4 that -- the information that the Apex Town Council
5 relied upon for the decision, there's -- there's no
6 documentation of it whatsoever.

7 From what was provided there was never a
8 look at alternative alignments, which might have
9 significantly reduced the impact to us and our
10 neighbors as to these utilities. And as these
11 utilities are related to the proposed sewage plant,
12 alternatives should have been reviewed and the record
13 of decision made prior to action. Now it is too late,
14 especially for the long leaf pine trees that we had
15 along the road that are preferred habitat for the Red
16 Cicada woodpecker and within adult age for them to
17 start being used.

18 Thank you.

19 [APPLAUSE.]

20 **LTC. SULIT:** Thank you.

21 Mr. Larry Elmore followed by Mr. Dave
22 Bristol -- Dr. Dave Bristol.

23 **MR. ELMORE:** Colonel, hearing officers,
24 I'm Larry L. Moore and I'm a New Hill resident.

25 I have -- I am an engineer and have been

1 working in the environmental field for my entire
2 professional career, which now stands almost 30 years.
3 I've had the opportunity to work both in air quality,
4 drinking water and in wastewater. My -- what I would
5 like to touch upon tonight is the Harris Lake discharge
6 study and also some of the inconsistencies that are
7 associated with this study.

8 As a result of the 2008 drought and the
9 implications that it had on Progress Energy's Shearon
10 Harris Nuclear Power Plant, both the Western Wake
11 Partners and the Army Corps of Engineers are to be
12 commended for revisiting -- and please note, I say
13 "revisiting" -- the option of discharging treated
14 sewage from the proposed regional sewage plant into
15 Harris Lake.

16 The study regarding this option is
17 ongoing. However, as discussed at a 19 -- at a
18 March 19th, 2009, Holly Springs Town Meeting, the
19 study's preliminary results indicate that this
20 discharge will result in a shorter discharge pipeline.
21 This would also address some of the issues that were
22 raised by our -- the Chatham -- the individuals
23 speaking from Chatham County.

24 There are some very tangible direct
25 benefits to this project resulting from the Harris Lake

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 discharge. It will result in the reduced cost to the
2 overall project. It will eliminate air emissions and
3 noise associated with the pump station, and it reduces
4 the impact on natural resources by impacting a smaller
5 land area; basically, eliminating the lengthy discharge
6 pipeline.

7 This option will also have additional
8 benefits for Progress Energy by providing more
9 certainty and flexibility when operating the Shearon
10 Harris Nuclear Power Plant in drought conditions. The
11 Harris Lake discharge option is a critical part of the
12 discharge list -- list location approval process and
13 will have a direct impact on the siting of proposed
14 sewer plant and pipeline routing.

15 In light of the potential impacts of
16 this project, both the Western Wake Partners and the
17 Army Corps of Engineers should delay a final decision
18 regarding the appropriateness of the various plant
19 sites until after the Harris Lake Discharge Study has
20 been completed.

21 Unfortunately, and as I emphasized
22 earlier, this is a revisitation -- revisitation of a
23 potential discharge site. The reconsideration of the
24 Harris Lake discharge highlights one of the many
25 inconsistencies and the lack of transparency associated

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 with the entire project. These inconsistencies have
2 had a cumulative direct impact on the site selection
3 process.

4 From the onset, the Western Wake
5 Partners consistently indicated the discharge -- that
6 discharging treated sewage into either Jordan Lake or
7 Harris Lake was not an option. Both of these lakes
8 were eliminated from the consideration early in the
9 site selection process which in turn directly impacted
10 the initial sites considered by the Western Wake
11 Partners.

12 Elimination of these two sites was
13 highlighted in both the public education meeting
14 conducted by the Western Wake Partners and the
15 initial -- and at the initial NEPA public meeting. In
16 fact, the Western Wake Partners have indicated that a
17 discharge to Jordan Lake was their initial preferred
18 option and would have resulted in an entirely different
19 group of potential sites.

20 Additionally, inconsistencies are
21 high -- additional inconsistencies are highlighted by
22 the fact that throughout the site selection process,
23 the Western Wake Partners have consistently indicated
24 that the proposed regional sewer plant would use all of
25 the wastewater discharge allocation for the Buckhorn

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Dam segment of the Cape Fear River.

2 However, after Chatham County
3 Commissioners highlighted the impact this decision
4 would have on their ability to handle projected
5 population growth, additional discharge allocation was
6 miraculously located for this segment of the Cape Fear
7 River.

8 If Shearon Harris Lake can once again be
9 considered as a viable discharge point and additional
10 discharge allocation can be found in the Cape Fear
11 River, what would it take for Jordan Lake to once again
12 be considered a viable discharge site?

13 Thank you.

14 [APPLAUSE.]

15 **LTC. SULIT:** Dr. Bristol followed by
16 Susan Bristol.

17 **DR. DAVID BRISTOL:** Good evening. I'm
18 Dr. David Bristol from the New Hill Community. I am --
19 I would like to address some significant procedural
20 errors in this process.

21 The most significant one was the early
22 condemnation of Site 14 by Cary. Title 40 of the Code
23 of Federal Regulations at 1501.1 states, quote, An
24 Environmental Impact Statement is more than a
25 disclosure document. It shall be used by federal

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 officials in conjunction with other relevant materials,
2 plant actions, and make decisions.

3 At 1502.2 it states that agencies shall
4 not commit resources prejudicing selection of
5 alternatives before making a final decision and that
6 Environmental Impact Statements shall serve as a means
7 of assessing the Environmental Impact of proposed
8 agency actions rather than justifying decisions already
9 made.

10 At 1506.1 it states that until the
11 agency issues a record of decision, no action
12 concerning the proposal shall be taken which would
13 limit the choice of reasonable alternatives.

14 In the Communications Section of the EJ
15 Appendix of the Draft EIS, it clearly states that
16 citizens around alternative sites were confused as to
17 why they were being questioned when Site 14 had already
18 been taken. This indicates the early condemnation, in
19 addition to being in violation of the federal
20 regulations I just went over, contaminated the limited
21 public participation process. People didn't
22 participate because they thought the decision was
23 already made.

24 In addition to the millions spent on
25 Site 14, the Partners have expended funds on pipeline

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 surveys and construction designs for the Site 14
2 pipeline. The alternatives for other pipelines for the
3 other sites are just extensions of the Site 14 pipeline
4 are not true alternatives.

5 The Partners' behavior "limited the
6 choice of reasonable alternatives" and "prejudices the
7 ultimate decision on the program in clear violation of
8 the federal regulations."

9 Now, environmental justice has been
10 addressed by some others before me and will be
11 addressed more fully by another speaker; but it's
12 important to note that in addition to the
13 African-American community, there's a Hispanic
14 community around Site 14.

15 Executive Order 12898 states that
16 federal agencies may, whenever practical and
17 appropriate, translate crucial public documents,
18 notices and hearings related to human health and the
19 environment for limited English-speaking populations.

20 while it may not have been practical to
21 have every document translated into Spanish, it would
22 have been appropriate to translate key documents. By
23 not doing so, the Partners excluded Hispanics that
24 could not speak English from participating in any
25 community input in the process. This is another

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 indication of the Partners' insensitivity to the
2 environmental justice issues.

3 Thank you.

4 [APPLAUSE.]

5 LTC. SULIT: After Dr. Susan Bristol
6 will be Preston Ruth.

7 DR. SUSAN BRISTOL: Hi, I'm Dr. Susan
8 Bristol and I live in New Hill.

9 Sewage should be treated in the
10 municipalities that create it. The technical error in
11 citing profits is that the relative safety of short
12 influent pipes and long effluent pipes was not
13 considered in the original analysis of the 29 sites
14 being considered for the plant.

15 If it had been, any of the sites closer
16 to the Towns of Cary and Apex that are creating the
17 sewage would have been deemed safer than Site 14, which
18 requires pumping raw sewage under pressure for miles,
19 increasing the risk of a leak in areas where a sole
20 source aquifer provides our drinking water.

21 There's no easy access to much of the
22 pipeline, particularly during wet weather as it will
23 run through farms and forested lands. This will delay
24 locating and repairing sewage spills.

25 The EIS does not address how the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Partners will provide water to the New Hill Community
2 when leaks contaminate our water supply. I say "when"
3 and not "if," because Cary has a terrible history of
4 raw sewage leaks.

5 An alternative to the current plan is to
6 treat the sewage close to where it is produced, then
7 use long pipelines to pump treated water to the
8 discharge point. A leak of treated water is much less
9 hazardous than a raw sewage leak. Sites north of
10 Highway 64 could serve Cary, Morrisville, the RTP and
11 Apex.

12 The fact that the soils in New Hill
13 don't perk well may be considered a benefit in that
14 sewage spills may be less likely to contaminate our
15 aquifer. However, the soil characteristics are highly
16 variable with areas of sandy soils interspersed in
17 areas of clay.

18 If the Partners are allowed to pump
19 pressurized raw sewage through miles of countryside,
20 they should be required to institute a detailed soil
21 analysis for the length of -- of -- excuse me -- for
22 the length of the raw sewage pipeline and institute
23 additional safety measures such as impermeable liners
24 to protect groundwater.

25 Cary's historic leak of almost eight

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 million gallons in June of 2006 is an indication we
2 cannot rely on good intentions to safeguard our
3 drinking water. They could not keep up with the sewage
4 flow in that spill. It was not contained and streams
5 and lakes were contaminated. And that was in an area
6 with easy access to the pipeline.

7 Imagine what would happen if the leak
8 occurred in the woods far from roads. How bad will it
9 be for those of us who live in the area and have to
10 drink water from our wells?

11 Thank you.

12 [APPLAUSE.]

13 **LTC. SULIT:** Following Ms. Ruth will be
14 Mr. Richard Helman.

15 **LTC. RUTH:** Good evening. My name is
16 Preston Ruth, Lieutenant Colonel, United States Marine
17 Corps, Retired. I live at 3609 Mason Road, New Hill.

18 I'm a Raleigh native and proud of that
19 fact because I know that Raleigh's growth did not run
20 roughshod through these communities when they were just
21 slightly bigger than New Hill.

22 My primary concern is to call to your
23 attention North Carolina Executive Order 96, which
24 mandates all state agencies to minimize the loss of
25 prime agricultural lands and forested land as defined

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 by the Federal Farmland Protection Policy.

2 My secondary intention is to explain
3 that the Executive Summary does not represent the true
4 facts, but more of a misrepresentation of the facts in
5 Section 3 of the Draft EIS. The Executive Summary
6 states: Prime farmland will be lost for each project
7 alternative site. Actually, in section 3 the data
8 shows that the only site with less than a majority of
9 prime farmland is Site 21/23 with only 27 percent of
10 its land considered prime farmland soils.

11 In addition, it has not been in
12 production for many years. What is mentioned in the
13 Executive Summary, there is active agriculture on only
14 one site, Site 30, and there is no active agriculture
15 on any of the other sites.

16 What is stated in the Draft EIS: In
17 recent history, agricultural practices were conducted
18 on Sites 14 and 19. What is known is that Site 14 was
19 being used to produce grain products prior to being
20 condemned by the Western Wake Partners.

21 Loss of forested land is stated that
22 approximately 50 acres of forest land will be
23 permanently altered to utility use on Site 14 with --
24 with 40 acres on Site 21/23. What is not stated is
25 that all the standing forest on Site 21/23 has been

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 recently timbered.

2 In conclusion, Site 14 meets 100 percent
3 of the protective requirements mandated by North
4 Carolina lawmakers in Executive Order 96, while Site
5 21/23 meets less than 27 percent of prime farmland and
6 that percentage -- and that percentage has not been in
7 production.

8 It is my recommendation that you reject
9 Site 14 as a targeted site, recommend Site 21/23 for
10 the sewage plant, land already taken from citizens for
11 utility purposes.

12 Thank you.

13 [APPLAUSE.]

14 LTC. SULIT: Thank you. following
15 Mr. Richard Helman will be Mr. Wayne Womble.

16 MR. HELMAN: Richard Helman, Barker
17 Road, New Hill.

18 People of North Carolina recognize the
19 importance of farmland to our state. North Carolina
20 has lost more than half-a-million acres from 2002 to
21 2007 according to the latest U.S. Agricultural
22 consensus. When you lose that many acres, it means
23 that not just small farms are losing land, but the
24 large farms are shedding it, too.

25 Agriculture Commissioner Steve Troxler

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 said: To put 600,000 acres in perspective, it's like
2 taking Sampson County off the map. The new census
3 reports 8.5 million acres of farmland in the state
4 compared with 9.1 in 2002. The state has added one
5 million people since 2000 and they all need homes to
6 live in, roads to drive on and places to show. He said
7 farmland is the first place developers look.

8 The Partners have established that the
9 sites on PE property, which are not actively being
10 farmed, are just as or more suitable for a sewage
11 plant. Why would you allow the Partners to take Site
12 14, which was an active farm, out of production when
13 there are thousands of acres available on PE property
14 that have already been taken from us to be used for
15 utility purposes?

16 North Carolina Executive Order 96
17 charges all state agencies to minimize the loss of
18 agricultural and forested lands as defined in the
19 Federal Farmland Protection Policy Act. The census
20 estimates more than 100,000 acres per year lost to
21 developers, businesses and utilities.

22 Site 14 is apparently the --
23 approximately the same site -- size as Site 19, Sites
24 21/23 and Site 30. Approximately 50 acres of forest
25 land will be permanently altered to utility use on

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Site 14. We've established that Site 14 was an active
2 farm prior to the Partners condemning it. And the
3 Draft EIS states that approximately 40 acres of forest
4 land will be used.

5 why would you allow the WW team to
6 destroy more forest by building a sewage plant on
7 site 14 rather than an alternate of one of the other
8 site 21 or 23 that have already had the timber
9 harvested? Also, the PE sites initially were taken
10 from us to be used.

11 And it is our recommendation that you
12 reject site 14 and recommend site 21 and 23 for the
13 sewage plant.

14 [APPLAUSE.]

15 LTC. SULIT: Mr. Wayne Womble followed
16 by Ms. Phyllis Womble.

17 MR. WAYNE WOMBLE: My name is Wayne
18 womble. I live about a thousand feet from the proposed
19 site.

20 I want to thank you for my two minutes
21 to discuss this project that will impact my family for
22 the rest of our lives. It will take me two years to
23 discuss all the problems with this project, about the
24 same time they spent keeping it from us.

25 Statements made in Section 5 dealing

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 with the secondary and cumulative impacts are just
2 laughable. The thing is so full of errors and untruths
3 that if it weren't so serious to us, it would be purely
4 comical.

5 The Partners are an organization, of
6 which we are excluded, basically concluded that there
7 is no serious impacts to the community and that the
8 impacts are the same for all the identified site --
9 alternate sites. Nothing could be further from the
10 truth.

11 site 14 is the only one that affects so
12 many people, period. Contrary to their assertion that
13 the community lies adjacent to and bordering the
14 project site, it's -- it's not totally separated by the
15 railroad of Old US 1.

16 They seem so proud of their mitigation
17 plans with the buffers that will protect the wetlands.
18 Well, whoopity do. The project site is not in the
19 wetlands. They're pumping the stuff uphill to us; and
20 as I've said before, that's contrary to the third law
21 of plumbing.

22 They imply that not building the
23 facility would result in increased impacts to wetlands.
24 They say that resulting growth would be lots of small
25 one-acre lots with houses scrawled throughout.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 It just ain't so. Regulations in this
2 part of the county, since that power plant was built in
3 the 1970s, have precluded almost any development unless
4 it's on a large tract of land, no matter what the
5 zoning classification. The fact is secondary --
6 secondary impacts are almost impossible to predict.

7 If you had asked when they built Jordan
8 Lake or Shearon Harris Nuclear Power Plant what the
9 impacts would have been to New Hill, who would have
10 foreseen all this? There are obvious impacts, but
11 those two entities are standing as a roadblock to any
12 normal land use. And we've already been targeted by
13 numerous detrimental utilities' transgressions that
14 possess the power over the mind.

15 [APPLAUSE.]

16 **MS. PHYLLIS WOMBLE:** I'm Phyllis Womble.

17 As a result of New Hill laying between
18 the nuclear power plant and Jordan Lake, there have
19 already been two gas pipelines, one border line and a
20 large power transmission line sited on or adjacent to
21 our family property alone.

22 Now because of a simple agreement
23 between DENR and the Partners that they can draw water
24 from Jordan Lake, we are faced with another set of
25 secondary impacts. We will have to live with a monster

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 sewage plant, which by their other admission, among
2 other things, will be loud and smell.

3 with that comes another power
4 transmission line, a simple moneymaker from Apex to
5 bill power to the sewage plant. When -- then there's
6 the increased risk of powering the plant with a
7 ten-mile drop-cord from Apex when the main power plant
8 transmission line crosses the property.

9 what happens when we get one of those
10 big ice storms or a hurricane? None of these increased
11 risks are dealt with in the DEIS. We also will have to
12 face a large and dangerous high-pressure sewage line,
13 all of which is targeted on our family land.

14 Remember that none of these utilities
15 will be for our use, but for the benefit of others.
16 Wonder what further impacts are down the line? Judging
17 from the past experiences, they're likely to be many.

18 Another secondary impact that's not been
19 talked about is the emotional impact on the community.
20 For three years now our extended family has not had one
21 dinner -- sit-down dinner in which this topic didn't
22 come up. It's consumed the community.

23 Isn't it time to return New Hill to
24 normal? Is it New Hill -- hasn't New Hill suffered
25 enough? The fact is Site 14 is just wrong.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[APPLAUSE.]

LTC. SULIT: Mr. Wallace Womble.

MR. WALLACE WOMBLE: My name is Wallace Womble. I have lived in the New Hill area 84 years. In the 62 years my wife and I have been married, including the three times for this project, we have faced the taking of our land for public property -- projects 12 times. The takings range from the splitting of our land by a limited access four-lane highway to taking of our lands and home for the nuclear power plant, large gas lines and all kinds of right-of-ways.

After the power company forced us to move, they moved the same butane gas line that was on our former land all the way around their 26,000 acres and put it right through our new land. Later they took a 70-foot right-of-way for a large power line which went right through the three-acre homesite lots we had put in our wills for our grandchildren in 1994. Now after we had redone the surveys and wills in 2004, this project's precious sewer line as planned will totally destroy three of those same lots.

We cannot understand why the Partners would want to use the same Alternate 2 shown on a June 7th, 2006, request for approval by the ACE. On page 6

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 they stated that Alternate 2 was evaluated, but not
2 chosen because "It would impact 3 perennial streams, 8
3 intermittent streams, and 1.1 acres of wetlands."

4 Now the same Partners propose to remove
5 three-fourths mile from Alternate 2 and add
6 one-and-a-quarter miles with two more streams and
7 wetlands. When is enough enough?

8 [APPLAUSE.]

9 LTC. SULIT: Ms. Shirley Rodaway
10 followed by Mr. Ed Ridpath.

11 MS. RODAWAY: Hi. My name is Shirley
12 Rodaway and I live on Bosco Road in New Hill.

13 I don't deny that Wake County needs a
14 new sewage treatment facility, but what I do question
15 is why my community needs to be damaged like this in
16 order to achieve it.

17 The current target site, Site 14, as
18 you've heard is only 2,000 feet away from the center of
19 our town, our community. Building the sewage plant at
20 Site 14 will destroy the value of most nearby
21 properties and -- and condemn what we consider the
22 gateway to Western Wake County to a really dreary fate.

23 And why is 14 the targeted site? Three
24 other sites are virtually equivalent in cost,
25 technology and logistics. And of those, one is a much

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 better solution.

2 The better location, which you've heard,
3 is site 21/23 or Alternate B, will cost within 4
4 percent of the cost estimate of these other sites. All
5 sites cluster in that price range. And we know that 4
6 percent is within the calculation in order for an
7 estimate. The better site will be at least a mile away
8 from our post office, our convenience store, the homes
9 of a lot of these people here, and from the -- the
10 beautiful churches that have lived -- or been in that
11 location for so long.

12 It would -- by having it at the better
13 location, we would not wipe out the financial worth of
14 some of our residents. The better location would have
15 much, much less impact on the quality of life of our
16 community because it would be located on available,
17 undeveloped power company land. This land has been
18 acknowledged to have all of the hydraulic features that
19 would be required for a facility like this. Truly,
20 there is no legitimately defensible reason for building
21 the facility anywhere else.

22 Within the next 10 to 20 years, the
23 intersection of US 1 and New Hill Road and within the
24 center of New Hill is poised to gain greatly in value,
25 somewhat like the intersection of US 1 and Highway 55,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 but on a smaller scale. Is this a plan to force the
2 current residents out of the area? Don't let the
3 future be stolen from these local property owners when
4 there is a better solution.

5 Thank you.

6 [APPLAUSE.]

7 LTC. SULIT: Mr. Ed Ridpath followed by
8 Ms. Jackie Holcombe.

9 MR. RIDPATH: Hi, I'm Ed Ridpath. I'm a
10 resident of Fuquay-Varina, but a proud member of the
11 New Hill Community Association.

12 Colonel and the U.S. Army of Corps of
13 Engineers, I really appreciate you holding this process
14 and doing this duty. I would like to point out before
15 I get into my -- into my comments that we heard elected
16 officials come up and represent the Partners. And I --
17 I would also like to point out that the New Hill
18 Community Association has not had an elected
19 representative come up here and -- and support them.
20 And while I -- I am not an elected official -- I tried
21 real hard -- and I think it is important that New Hill
22 have somebody in government to look out for them and --
23 and -- and that's your duty, because they have no one
24 else speaking for them here.

25 In -- in that vein, I would like to talk

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 a little bit about public involvement. Appendix H of
2 this talks about the past, present and future
3 involvement. The Partners did fail to mention that
4 there was no public involvement up until the point --
5 no public involvement for the residents of New Hill up
6 until they accidentally found out about this in May of
7 19 -- or in 2005.

8 And this was literally weeks before they
9 were -- the Cary Town Council was set to condemn the
10 land. So how did the Partners expect New Hill
11 residents to actually find out about the sewage plant?
12 The communication plan that they actually had on the
13 website indicated they were -- what they were going to
14 use to communicate this project were things like
15 utility bills, Cary TV, employee meetings and
16 newsletters.

17 Obviously, none of these would target
18 the New Hill residents at all. None of them were
19 intended to, actually. As a matter of fact, the
20 e-mails from the Partner officials indicate that there
21 was a good desire to avoid publicity for this project
22 and even bypass some of the public hearings on the
23 project.

24 After the community got together -- New
25 Hill Community got together, there was a hastily called

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 meeting at the Apex Fire Station where the Partners did
2 provide -- try to provide some information. However,
3 because there was so much interest, the fire department
4 was very crowded and noisy. It was very difficult to
5 get information from them. And so there was a lot of
6 confusion even at that time. Obviously, the New Hill
7 Community has come together and learned an awful lot
8 since. But they had a very short time frame at that
9 point.

10 After that point, many of the residents
11 actually spoke at -- at the Apex, Morrisville, Cary and
12 Holly Springs Town Council meetings, communicated
13 directly with the elected officials in those
14 communities. And they actually were successful in
15 getting the Wake County Commissioners to request --
16 they passed a -- a -- a resolution requesting that the
17 towns postpone the condemnation for 60 days in order to
18 allow some more research into this. And, of course,
19 Cary did not allow that to happen.

20 So these are the kind of things that
21 have happened, and I would really -- I'm glad for this
22 process. I hope we can continue this, and -- and
23 really thank you for allowing the residents of New Hill
24 to present their case.

25 Thank you.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[APPLAUSE.]

LTC. SULIT: Thank you, sir.

Following Ms. Holcombe will be Mr. Bob Kelly.

MS. HOLCOMBE: Good evening. I'm Jackie Holcombe. I am a resident of one of the Partner towns, that is Morrisville. I'm also a former elected official in the Town of Morrisville and a member of a citizens advocacy group in -- in that town, Morrisville. I'm speaking on their behalf this evening. I want to thank you for your undivided attention this evening and for listening carefully to each of the comments you heard this evening.

As part of the State Environmental Policy Act process, a public hearing was held on June 15th, 2006, here at Apex Town Hall. The hearing officer's report was issued at the conclusion of that public comment period included the following: No. 1, public records provided in the comments support citizens' concerns regarding limited official governmental representation and public outreach to residents around the target site.

No. 2, a conclusion could not be drawn that the appropriate sites have indeed been properly evaluated.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 No. 3, Appendix G describes the process
2 that Western Wake Partners used to determine the
3 impacts of the project on minority and low income
4 populations. This approach does not appropriately
5 evaluate the population directly impacted by the water
6 reclamation facility location.

7 No. 4, the Western Wake Partners need to
8 further evaluate property currently owned by
9 Progress -- Progress Energy for this project.

10 No. 5, to date the effected community
11 has been given little opportunity for public input into
12 the site selection process in the development of the
13 Draft Environmental Impact Statement.

14 And No. 6, after hearing oral arguments,
15 reading written comments and consulting with technical
16 experts in DENR, it's our recommendation that you do
17 not consider the April 2006 draft EIS as an accurate,
18 complete and adequate document.

19 Over time, New Hill representatives to
20 the PDT meetings made many suggestions. Like the ones
21 you've heard this evening, many of these have been
22 ignored and were not seriously considered. I ask that
23 you now reconsider these suggestions and support an
24 alternative to site 14.

25 Thank you.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 [APPLAUSE.]

2 LTC. SULIT: Thank you.

3 Mr. Bob Kelly followed by Mr. James
4 Clanton.

5 MR. KELLY: Yes. Good evening. I am
6 Bob Kelly and I am a resident of New Hill.

7 You know, Paul Barth and -- and the rest
8 of this community and I have been working on this
9 project so long that our neighbors are now calling us
10 "poopologists." That's a new word, but they call me
11 that, so that must be -- that must have some meaning to
12 it.

13 Over the past four years, we have
14 pointed out many of the errors that's been made by the
15 Western Wake Partners. Unfortunately, they ignored us.
16 Fortunately, DENR in the Draft EIS review in 2006
17 stepped up to the plate, looked at the Draft EIS and --
18 and said, That's an inaccurate, incomplete and
19 inadequate document.

20 The other really interesting thing they
21 said is they instructed the Partners to further
22 evaluate property owned by Progress Energy. Now, that
23 should have been a clear indication that the wrong site
24 was chosen; but apparently it wasn't.

25 Then the Army Corps of Engineers gets

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 involved. And with all due respect, lots of errors
2 have continued since then. No. 1, the same consultants
3 that put together the first Draft EIS, they're hired to
4 do it all over again. Now, granted those consultants
5 have to protect the Partners because the Partners are
6 paying their salaries.

7 Now, in doing that, in my opinion, that
8 is definitely a conflict of interest. It should never
9 have happened. And, also, by using those same
10 consultants, it was impossible to get a third --
11 independent third-party review. So in my opinion, this
12 Draft EIS, like the first one, is inadequate,
13 incomplete and inaccurate.

14 In conclusion, let me give you a few of
15 the many reasons why you should reject the EIS and
16 especially site 14. You've heard about all the
17 procedural errors that have been made, and I contend
18 that the preferred site was selected under a big cloud
19 of secrecy, all kinds of procedural errors -- errors
20 made there. So the preferred site should be taken off
21 the table. It should not be the preferred site.

22 Second, there's been no third-party
23 review. You've got the same consultant doing the same
24 mission twice. Mr. Wicker in one of the PDT meetings
25 announced all the Progress Energy sites and all the

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 sites under consideration, they're all suitable for a
2 sewage plant. Gosh, to me, you don't have to be that
3 smart then to say, Let's take it out of the center of
4 New Hill where you've got hundreds of people impacted
5 and put it down here beside a nuclear plant where
6 nobody's impacted. It kind of makes sense to me.

7 And we also note that Site 14 impacts
8 the most people, the most churches, the most
9 cemeteries, the historic district. And it's the only
10 site that requires a mitigation plan.

11 Now, the consultants say it doesn't
12 require a mitigation plan, it requires a water and
13 sewer extension plan. But I contend if it walks like a
14 duck and quacks like a duck, and the town is going to
15 spend \$3 million on it, by George, it's a mitigation
16 plan. So as far as I'm concerned, the Partners have
17 not made -- the Partners and consultants have not made
18 their case for a Site 14 sewage plant.

19 One last point, you -- you look around
20 the room and Holly Springs and Morrisville and Jan
21 Faulkner and -- and weatherly -- no -- Jan Faulkner and
22 Jackie Holcombe have been very, very good to work with.
23 So -- and we appreciate the fact that y'all have been
24 very good to work with.

25 The people that have been very hard to

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 work with is Apex and Cary. Well, who is missing in
2 room right now? Is there any elected officials from
3 Apex and Cary here? You -- you would think a project
4 this big and where you've got this much opposition, the
5 elected officials are going to hang around and hear
6 what the opposition has to say. Well, where are they?

7 Thank you.

8 [APPLAUSE.]

9 LTC. SULIT: I apologize if I messed up
10 your order of march.

11 Mr. James Clanton.

12 REV. CLANTON: I've already gone.

13 LTC. SULIT: All right. And Ms. Vickie
14 Gardner.

15 UNIDENTIFIED SPEAKER: Vickie has spoken
16 already. Thank you.

17 LTC. SULIT: Done?

18 MS. VICKIE GARDNER: Um-hum.

19 LTC. SULIT: Okay. Anyone else who
20 wants to make a public statement at this time?

21 All right.

22 MR. WICKER: If you want, I'd -- I
23 could -- there's some PowerPoint slides that indicate,
24 you know, what our website address is.

25 LTC. SULIT: Okay. Yeah. Put that up,

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 please.

2 **MR. WICKER:** Bill.

3 **LTC. SULIT:** It's just to rewrap the --
4 before we wrap this up to make sure that all the
5 information that you access is there.

6 **MR. WICKER:** Obviously, most of you have
7 read the EIS, but I wanted to continue our process.
8 You still have the ability to comment from the hearing.
9 There's not one --

10 we didn't put the website on there,
11 Bill, on that other one?

12 **MR. KREUTZBERGER:** Okay. Okay. Yep.

13 **UNIDENTIFIED SPEAKER:** If you'll make
14 your mic work.

15 **MR. KREUTZBERGER:** Oh, yes, sir. I'm
16 sorry.

17 **UNIDENTIFIED SPEAKER:** Thank you.

18 **MR. WICKER:** I'm sorry. He's going to
19 have to get it back. What I was saying was, I was
20 trying to show you the website that you can go to to
21 the Corps of Engineers at the website for Western Wake.
22 And there's the link right there. And that will take
23 you to our website. If you want to look at the EIS,
24 it's on the -- it's a link to that site and you can
25 print those off and look at that online.

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Also, as I said earlier when I was
2 talking, there's some hard copies available. If
3 anybody before you leave -- well, I'll talk to the
4 other slide before you leave if you'll wait a few
5 minutes. It will tell you where the hard copies are
6 at. There's some at the church in New Hill and several
7 different places, so...

8 And if you have any questions, my phone
9 number is up there. You can call me. You can e-mail
10 me. I'll be glad to talk to you. Okay.

11 **LTC. SULIT:** Evan, Cyndi, do you have
12 anything?

13 **MR. KANE:** I just would like to thank
14 everyone for their attention and participation in this
15 hearing. As mentioned before, DWQ's hearing record for
16 401 certification regarding impacts to wetlands and
17 streams will remain open until May 14th, 2009. After
18 that time I'll make a recommendation regarding the
19 certification -- the 401 certification to the Director
20 of Division of Water Quality.

21 Dan.

22 **MR. BLAISDELL:** Thank you.

23 **LTC. SULIT:** I would like to thank
24 Ms. McDermott and Monte here for supporting us and the
25 crew that set this up and the Town of Cary for their

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 use of the -- or Town of Apex -- I apologize -- for the
2 use of their facilities. It's great.

3 Do you have anything?

4 sir?

5 **MR. KELLY:** Just one quick question.

6 Will you receive everything we sent to the Corps?

7 **MR. KANE:** No. I don't think so, no.

8 **MR. WICKER:** We will get the transcript
9 of tonight's hearing and -- and --

10 **MR. KELLY:** Yeah. Well, I'm not sure
11 how we know what to send to you and what to send to the
12 Corps.

13 **MR. WICKER:** We will -- we -- the
14 comments we get, we'll review them. And if there's
15 anything pertinent to them, we will give them a copy of
16 it.

17 **MR. KELLY:** Thank you.

18 **MR. WICKER:** We kind of made a decision
19 on that anyway because we need -- there -- this is
20 basically four hearings -- public hearings, you know,
21 for commenting, so...

22 **MR. KANE:** And I -- I did note as we
23 were going through the introductory remarks that
24 there's a number of different DWQ individuals involved
25 in this process and -- and as with the Corps of

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 Engineers, we'll be careful to communicate with each
2 other and make sure that, you know, information is --
3 is transmitted as needed.

4 LTC. SULIT: All right. Ladies and
5 gentlemen, thank you for coming and participating in
6 the public hearing. Drive safe.

7 [PUBLIC HEARING CONCLUDED AT 8:42 P.M.]

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters
5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787

1 STATE OF NORTH CAROLINA

2 COUNTY OF WAKE

3 C E R T I F I C A T E

4 I, RANAE MCDERMOTT, RMR, CRR, a Notary Public
5 in and for the State of North Carolina, do hereby
6 certify that there came before me on April 14, 2009,
7 the proceedings hereinbefore named. This transcript is
8 a true record of the proceedings given at this hearing.

9 I further certify that I am neither attorney
10 or counsel for, nor related to or employed by, any
11 attorney or counsel employed by the parties hereto or
12 financially interested in the action.

13 Signed this the 24th day of April, 2009.

14

15

16

17 RANAE MCDERMOTT, NOTARY PUBLIC

18 NOTARY NO. 19971120183

19

20

21

22

23

24

25

4/14/09

VIVIAN TILLEY & ASSOCIATES
Court Reporters

5813 Shawood Drive
Raleigh, NC 27609

Original

(919) 847-5787