



Michael F. Easley, Governor
William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources
Alan W. Klimek, P.E. Director
Division of Water Quality

October 2, 2006

Mr. Robert K. Fisher, P.E.
Director of Public Works and Utilities
Town of Cary
Post Office Box 8005
Cary, North Carolina 27512-8005

SUBJECT: Western Wake Partners
Draft Environmental Impact Statement
Partners' Additional Information and Responses
to Hearing Officers' Report, DENR Public Hearing
June 15, 2006
Project No. CS370616-03

Dear Mr. Fisher:

The Division of Water Quality has completed its review of the Partners' additional information and responses to the Hearing Officers' Report regarding the June 15, 2006 DENR Public Hearing and the Division's July 27, 2006 letter. Issues for which additional information was requested included the Siting Process and Environmental Justice.

Attachment A of the Partners' response contains basically the same information that is currently included in the Draft EIS regarding the WRF Site Selection Process. The Division strongly believes that the application of service factors, as well as the lack of an Environmental Justice component in the matrix, prevents us from determining if the site selected is the most cost effective and environmentally sound WRF site for the proposed project. Therefore, to respond to this concern, the Partners need to re-evaluate the site selection process beginning with the twelve Phase II sites (Table 5-6 TM-05, PER) and site 30. An environmental justice technical factor should be added to Table 5-6. Environmental Justice demographics must then be analyzed for *each* of the thirteen sites by using the methodology prescribed in our July 27, 2006 letter (i.e. two concentric circles with radii of 0.5 and 1.0 miles, respectively). Sites resulting in minority populations less than 50% must be given a score of 1. Sites resulting in minority populations greater than or equal to 50% must be given a score of 5. The environmental justice technical factor must be weighted at 1.0. We have previously agreed with the scores assigned in Table A-2 of TM-05 and therefore, the weighting factors must not be changed. Service factors should also not be applied in the analysis, as this represents a double counting of factors previously used. After completing the above analysis, a 20-year present worth analysis, including preliminary cost estimates, should be applied to the five highest-ranking sites. It should be noted that final site selection will not necessarily be based solely on cost. The ability to implement the selected alternative in a timely manner and other non-monetary considerations must also be taken into account.

One
North Carolina
Naturally

Mr. Robert K. Fisher, P.E.

Page 2

October 2, 2006

Attachment B of the Partners' response contains an additional evaluation of Environmental Justice. Environmental Justice demographics should have been analyzed *within* the areas encompassed by the two concentric circles drawn around the proposed WRF site. Rather, as stated in Section 2.1 of the responses, "... combined data of all census blocks entirely or partially ..." within each of the circles were analyzed. This methodology effectively dilutes the percentages of minority population in the proximity of the proposed WRF site and does not meet the Division's prescribed methodology. For this reason, please re-evaluate the Environmental Justice demographics as discussed above.

The Partners' responses regarding coverage of the Apex SCI Master Mitigation Plan and influent/effluent pipelines are satisfactory. It is also our understanding that the Partners have agreed to involve affected communities in future meetings regarding the proposed project. Please provide further information regarding how the Partners intend to accomplish this involvement. The remaining recommendations from the Hearing Officers' report – Progress Energy sites and land swap(s) – will likely be addressed through the revised site selection process.

Please be advised that the Division and Department remain committed to the schedule established by the North Carolina Environmental Management Commission in the July 12, 2001 Interbasin Transfer Certificate. It is believed that a comprehensive and expeditious response to these comments will allow the Partners to comply with that schedule.

After the Division has reviewed the revised analysis and supporting information we will let the Partners know if any additional information is needed or whether the above concerns have been adequately addressed. Please contact Mr. Daniel M. Blaisdell, P.E. at (919) 715-6211 if you have any questions regarding this matter.

Sincerely,



Coleen H. Sullins
Deputy Director

Cc: Town of Apex - Mayor Keith Weatherly
Town of Morrisville - Mayor Jan Faulkner
Town of Holly Springs - Mayor Richard G. Sears
Wake County Manager - David Cook
Camp Dresser and McKee
CH2MHill
Daniel Blaisdell, P.E.
Melba McGee
FEU/SRF