

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
SEPTEMBER 08, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Moncure Fire Department, 2389 Old US Highway #1, in Moncure, North Carolina, at 7:00 PM on September 08, 2010.

Present: Chair Sally Kost; Vice Chair, George Lucier; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members: County Manager, Charlie Horne; David Hughes, Public Works Director; Carolyn Miller, Human Resources Director; and Clerk to the Board, Sandra B. Sublett

Cary Staff: Town of Cary Public Works Director, Steve Brown

WESTERN WAKE WATER RECLAMATION FACILITY
EFFLUENT OUTFALL PIPELINE

A public forum was held to discuss a waste water pipeline project proposed by the Western Wake Partnership (the “Partnership”). The pipeline would include 8.1 miles into Chatham County and would discharge below the Buckhorn Dam. The forum was to give the citizens of Chatham County a chance to voice their concerns.

The Partnership is made up of the towns of Cary, Apex, Morrisville and Holly Springs. The Town of Cary is the lead agency. Chatham County has not joined the Partnership.

The State of North Carolina has mandated that the municipalities must return water to the Cape Fear River Basin. In 2002 the Partnership was created with this goal in mind. In order to contain costs, the Partnership, through various studies has determined that crossing into Chatham County will offer the least environmental impact and cost of construction.

WELCOME:

The meeting was called to order by Chatham County Chair, Sally Kost. After introducing speakers, and Chatham County commissioners, the format of the meeting was explained. Kost then introduced Keith Weatherly, the Chairman of the Western Wake Partners, and the Mayor of Apex, North Carolina, and Steve Brown, Utilities Director for the Town of Cary.

OPENING STATEMENT:

Weatherly (Apex) Opening Statement & Steve Brown, Utilities Director, Cary-Following with details of the project)

For over a decade the communities of southwestern Wake County have been planning for future water and wastewater needs.

Under the direction of the Partnership, the Town of Cary will operate, maintain and manage the design and construction of the facilities needed for the project. The project will provide wastewater service for planning regional growth and development as well as meet the regulatory requirements that has been given by the State of North Carolina, Department of Environmental Resources, and the Environmental Management Commission to return treated water (also known as “effluent”) to the Cape Fear River Basin.

The State is looking at the larger water resource management issues for the whole region of the State. They have determined that they want the clean water returned to the Cape Fear River at the site below Buckhorn Dam.

In July 2010, the Corp of Engineers did deliver a favorable record of decision for the project. Many Chatham County property owners received survey letter early in the design process as well as other letters inviting participation in this EIS process as it progressed.

The scope of this project has been designed to take clean water from the treatment facility, a total of about 11.5 miles from the plant through underground pipes with a easement width of about 45-55 feet with a discharge point South of Buckhorn Dam. Much of this route is through Chatham County. About a third of the 3 dozen parcels involved are owned by Progress Energy that comprises about 60% of the total land area that will be crossed by these pipes. And there are 3 dozen other parcels that are involved with about a dozen landowners other than Progress Energy. The project will ultimately serve 430,000 businesses and residences in Chatham and Wake County when completed, and although Chatham has thus far declined to participate as a partner in the project, we certainly want to continue to work with the Chatham staff and the consultants in trying to find ways so this project can benefit the citizen of Chatham County.

After a very lengthy and thorough study, which included Chatham County officials, Partnership members, consultants, stakeholders in surrounding communities, special interest groups, and state regulatory agencies, the U.S. Army Corps of Engineers issued a record of decision regarding the project. The Corps is satisfied that the Partnership has identified all the environmental impacts; has proposed the least environmentally impactful project at the least cost; and can meet the goals. The record of decision now frees up other permitting processes and requirements. Construction could begin within several months.

OVERVIEW OF THE EFFLUENT PIPELINE

One of the main elements of the Western Wake Regional Wastewater Management facilities is this pipeline. It is an underground pipeline that will carry the treated water, so it is clean water from the treatment plant up in the New Hill area of Wake County below Apex to the Cape Fear River. This is about 11.5 miles of pipeline and about 8.1 miles of it is in Chatham County. Generally we have been able to follow gas, power, and roadways and there are some places where it needs to take off across other property. We've tried to stay as close as we can to existing impacts. In general, the pipeline follows Old U.S. 1 along the Dixie Pipeline Corridor, turns down at Dixie Pipeline Corridor, and then picks up at Christian Chapel Church Road to Morris Road where it picks up a power line easement and then works its way down Buckhorn Road following some other easements until it reaches the discharge point on the bank of the Cape Fear River.

The pipe size range from 60-54 inches at 4.5-5 foot diameter pipe. It will be either steel or ductile iron; we are bidding both so we can get the best price, but either way the pipe will be lined and protected from corrosion, it will be a very durable, long term investment. We have systems in place to protect the pipe integrity and be able to monitor that over many years. The impacted corridor for construction varies anywhere from 45 to 85 feet for construction. There is a little bit wider area needed for construction. Once construction is over we would only need a permanent impact of about 30 feet typically through the Chatham County portions. After construction is over; we are not digging anymore so we just need a narrower path to maintain the pipeline and access it for service. There will be several air release valve manholes along the way. These are just at a high point, when it comes over the hill, the pipe has to have a vent at the top to let the air out so it performs better. But it is clean water, and it is just air in the pipeline.

We are looking forward to getting our discharge permit from the State to discharge the treated effluent into the Cape Fear River, and that process is underway with the State of North Carolina right now. We are hoping to receive the final permit is the authorization to construct. That is the final step. Once the State issues us the authorization to construct, we can begin construction. We are hoping to have that about the end of this year, first of next year at the latest and then we can proceed to building the pipeline.

CONSTRUCTION PROCESS AND LONG TERM OPERATIONS

We are expecting to build this pipeline starting in late 2011 and then complete in late 2013, so we are looking at a 2-year period for that. This will be a very long linear project. The impact that any given property owner would see would be just a few hundred feet at a time as the project marches up the line. We generally will work from river up so working from downhill-uphill, but we may have multiple phases working at the same time because the project is so long we would have multiple crews working their way along. We would probably disturb a few hundred at a time, get it finished, restore it and move on to the next section. So any individual property owner should not have a lot of impact for a long time. We would restore the property as quickly as we could. The only difference would be to access some of the areas well off the road. We may need to use the easement as an access road to get into some of the harder to reach areas. So there could be a long impact in those cases.

We have heard concerns from some people that other utilities coming through in the past, and leaving hard compacted clay soils that are impossible to work with. Our intent is not to leave any one like that. We want to put back top soil, condition soil with fertilizer, lawn, whatever we need to do to condition the soil so that it will grow plants and grass effectively. There are some areas that because of the environmental impact statement where we need to leave some native vegetation rather than just grass to help support some of the wildlife habitat like clover and other plants, so we will address them individually.

The pipeline will be operated and maintained by the Town of Cary as the lead agency for the partners. This is an underground pipeline, the water is clean, and we do not expect any noise or odor concerns. It should be very silent feature of the project. We will maintain the permanent easement part, but the temporary easement will go back to the property owners and we will not maintain that. You can expect that the easements will be mowed annually so we can get in. The important thing is for us to be able to access the property quickly if there is a leak that we have to address. We will inspect all the valves and corrosion control systems, quarterly or annually. Staff will be out there regularly to keep an eye on things. If there is ever any questions or concerns or service needs we maintain our customer service 24/7-365. You can call weekends or night and someone will answer that phone or get a message very quickly and act on it.

With the partners we have we have the equipment, the trained personnel; we have the financial resources to maintain this pipe property and keep it in good operating order. We keep an inventory of spare parts. Some of these parts are big and hard to get, so we keep a few available just in case so we can make repairs quickly. We have on-call contractors available if we need re-enforcements. We have the resources to address any emergency situations.

IMPACTED LAND OWNERS

At least 12 Chatham County property owners are involved, but 60% of the path of the pipeline in Chatham County is on property owned by Progress Energy. So we have tried to maximize that as well. We will be looking at the permanent utilities as well as a little bit wider construction, temporary construction easements from these property owners. We are also evaluating a request from Chatham County to try and co-locate a greenway. We want to acquire these easements in such a way that a greenway can be built along the corridor in the future. That could fit into some regional alternative transportation greenway, rails to trails efforts that are going on it the whole region. We are evaluating that.

This is the process you can expect if you have impacted property: Each property owner will get individual attention with Cary staff. Cary is the lead agency working under the direction of the Partners. We have a number of real estate professionals on staff and you will get individual attention from them. Our first step will be to contact the property owners with a letter stating our initial intent to want to talk to you about acquiring an easement, and then let you know that the pipeline crosses your property and asking your permission to enter the property and conduct appraisals so we can begin to determine a value for that. We will also be very glad to spend whatever time you need personally and individually with each of you so we can answer all of your questions. You can expect to receive this letter sometime before the first of the year. The next step will be to have an independent professional appraiser look at the value of the property. After we receive those appraisals back we will

send them through another appraisal process and have another independent professional appraiser review that and make sure that everything is covered and that it is a fair price. This could take 4-6 weeks to accomplish all this. After that is done we will make a written offer for acquiring that easement that we need. The offer will include a detailed survey plat showing exactly what it is, but before we got to that point we would also want to stake out on your property where the easements are so you can walk out there and see the stakes and know exactly what we are talking about. That also helps the appraiser.

Offers would include any improvements as well. We realize there are crops and timber value and other things on the property. Our desire is to negotiate an agreeable settlement with everybody.

COMMENTS AND QUESTIONS FROM AUDIENCE (this section has not been summarized and is left in verbatim format)

Commissioner Barnes: When this project started and there are several people in here on the project delivery team that monitor the discussion for a year and a half. The original amount of sewer going through these two lines was 38 million gallons per day. I don't know if anyone has ever stood in a 6' or 7 foot diameter pipe, and it's running full, and we use the word in loose quotes "reclaimed sewage", at 38 million gallons, I'm trying to be discreet here, is a lot of sewer. Think about that. That is 38 million gallons per day. But Cary, in its usual quiet _____; appeared in the News and Observer on August 21, 2010. The Towns of Apex and Cary had requested a new MPDES permit designating NC ____0888.6 to discharge treated wastewater into the Cape Fear River basin in the Cape Fear River. Now, remember from the time of this inception, it is 38 million gallons per day. What this legal notice amounts to that is in the N & O: "Notice is hereby given of a Public Hearing concerning the Western Wake Regional Water Reclamation Facility to be conducted by the NC Division of Water Quality. This Public Hearing will be on September 28, 2010, 7PM. Town of Apex Town Hall, 2nd Floor Council Chambers". And here is what it is. I don't think anyone but Cary has mentioned this.

The permit authorizes the discharge of 18 million gallons per day in phase one of this project. Pay attention. And 30 million gallons a day in phase two. That is a total of 48 million gallons per day. That is a lot of poop coming two lines in your backyard. And Cary is famous for sewer line breaks. If you don't believe it, ask the paper and the TV. The thing that really irritates me, is Mike Cross here? Mike Cross and Charlie Horne and I went to them 4 ½ years ago and asked for a sewer allocation for Chatham County. We were told we were SOL, because there is a maximum of 38 million gallons per day allowed for discharge into Cape Fear, and guess who had it all? Cary. We left there empty handed. The project delivery team started I asked for ½ of it. And lo and behold, Cary does a study, and guess what? The Cape Fear will take another 19 million gallons a day. Okay, Cary gets to keep that 38; and Chatham gets to have 19. Now this 10 million gallons that they are getting the permit for, in addition to that 38, guess whose 19 million it's coming out of? Chatham.

Kost: Can we wrap up the question?

Barnes: I have one question. What's in it for Chatham County? Why do you want to run this line through our back yards instead of 38 you want to run 48 million gallons per day, not month or year, but per day.

Kost: Let me just rephrase the question. So the question is: You have authorization for the 38 million gallons per day, but yet you are advertising for a larger amount. So if you will address that concern; and then the second part of Mr. Barnes' question is if there is additional over the 38 million gallons a day, is that coming out of the 19 million that we have in the letter. Let's hear what they have to say.

Inaudible.....from crowd

Brown: The project we are proposing is 18 million gallons per day in the first phase. The second phase would take from 18 to 30, so it would only be 12 more. It is 18 to 30, 30 ultimately, the other 8 that makes the 38 is coming from Holly Springs. So the treatment plant that Cary, Apex and Morrisville share will be 18 million gallons per day, when it is first built. It will be expandable to 30 someday when the need justifies the expense; Holly Springs

has their own treatment plant, and their treated effluent is being combined with our treated effluent for a total of 38, that share this pipeline to the Cape Fear River. So they're not additive, it would be from 18 to 30. The day that we see 18 million gallons in the pipe may be 20 years from now, and it may be another 20 years before it sees 30. As far as the capacity of the Cape Fear River to accept the effluent, we had received our limits to discharge up to 38 million gallons per day in the Cape Fear River, totally independent of anything Chatham County had been pursuing. When Chatham County asked the State for additional capacity in the River, we supported that request. We already had consultants who had done a lot of studying on the Cape Fear River's ability to accept effluent. So we piggybacked on the work we had already done and accomplished that, so we will have 38 million gallons a day capacity, Chatham will have 19, and that is in addition for a total of 57 million gallons. So Cary, Apex, Morrisville and Holly Springs are not competing with Chatham County for this. It's additive.

Barnes: The Corps of Engineers does not agree with what you just said. I'd like to have one of them speak up. And _____ does not agree with what you just said. Because I called them, I did my homework before I wandered in here. What the Corp of Engineers said, they have given you _____ is 18 in phase one and 30 in phase 2, it is here in writing just as plain as day. If you want to read through it you are welcomed to it. I called Mr. Hill, then Zink, then Zaney, ___MPDES and I asked them. I do understand English, and I do know when you add 18 and 30 it is 48. You can tell me what you want to, but here it is.
Brown: I've answered the question.

Kost: I think what we are going to have to do is to get clarification from the State on that. The advertisement went out and I understand what your point is. And Steve has answered the question so we will have to follow up with the State.

Louis Teleky: The other question that needs to be answers is why do you have to cross Chatham County lines in order to do this? Why can't you use Wake County lines to do it instead of pumping it into Chatham County?

Brown: To get to the part of the Cape Fear River that we need to get to; that the State told us to get to. The river bank is in Chatham County.

Mr. Teleky: Can't you come down more into Wake County?

Unidentified: What about Harnett County?

Kost: One question at a time. I will recognize you when this question has been answered.

Brown: As we developed the project we tried to find the least impactful, lease cost project that we could, and this route is the shortest distance to get from point A to point B. Therefore, the shortest distance has the least environmental impact, wherever those impacts are.

Scott Smith: It seems like Wake County, Apex, Cary and Holly Springs are pushing more away from _____ County and put it all on Chatham County lately. And it has _____ that's what a lot of us citizens here are concerned about. As to why you keep pushing it into Chatham County and not pushing into Wake County more.

Kost: And if you will state your name so the clerk.

Scot Smith: I actually have three questions I'd like to ask. I would like to start by saying I am Scot Smith, I am one of the land owners that the pipeline is going to cross my property. My first question has to do with the size of the easement. And for all of us that are affected that have the colonial pipeline crossing our property, we already have a 50 foot easement going across the land. You are proposing a long term 30 to 50 feet more, which for a number of us will severely degrade the value of our property, and the potential appreciation that we would have over time for our investment. So the question I have is why can't you use part of the propane easement since it is already 50 feet wide, and they already have a small pipe sitting in the middle of it, or alternately, if you can't go in it, why don't you go right down the very edge of it, and instead of taking 30 or 40 feet of my land why don't you just take 5 or 10 feet and co-use the propane easement? Seems to me that is land recycling, and that is a smart thing to do.

Brown: We have tried minimize these impacts and get a close to the utilities that we could. That is the short answer.

Smith: If you are taking 35 or 40 feet, that doesn't make sense.

Brown: These are all very site specific as well. It depends on topography and other features on the property as well. That is what we need to build the pipeline. In building the pipeline we will be digging a trench and we can't get but so close to the other utilities, we worked to get as close as we could.

Smith: I understand but that is not an acceptable answer. I live out there, I've seen the topography, there is no reason why you can't put that pipeline on the easement. It is just wasting space and those of us that have land out there. For the Chatham County Commissioner you asked what you can do to represent us. I would say this is one of the things you can do, is what can be done to reduce the size of the easement. I'd like to say, I have no objection to the pipe going in, I realize the need for it. I recognize the logic of following the existing propane pipeline easement; I think that makes sense, too. But I do not understand the logic of securing a whole lot of additional space, especially when you go into existing cities such as Cary and you've got pipelines that are in much smaller easement adjacent to other pipelines. I think that issue needs to be revisited.

Kost: Can I ask you a question to follow up. Are there any other easements other than the Colonial Pipeline also on the property, other utility easements?

Smith: No, just Colonial. My second question has to do with the value. For those of us who own the property, that this pipeline is going across—obviously it restricts what we can do with that property long term. We are currently in a down market in real estate; undoubtedly your appraisers are going to propose to compensate us based on artificially low real estate prices when you look at it historically. Why don't you look at extending a pipe into Chatham County where we can tap into the sewer plant? That would especially benefit those of us who will be negatively impacted financially. I think that would be the neighborly thing to do. And it would be the right thing to do. If you are already going to be digging a trench for discharge pipe it wouldn't be that hard to throw in a sewer cap in there at the same time.

Brown: We have discussed this with Chatham County throughout the development of the project and Chatham County has done a study to look at sharing the use of the effluent line. We are certainly opened to exploring that.

Smith: Again, it isn't so much the discharge, we _____ get back to New Hill or it would have to be a second pipeline because obviously you can't mix the two. Can you perhaps give us an update on what the discussions have been there?

David Hughes: We talked recently when we did a preliminary study Camp, _____ McKee, doing a tie-in to the effluent line we are talking about today, and basically putting a pump station in Moncure and intercepting this line about three or four miles further north. The preliminary numbers we received was about \$13,000,000 dollars. So it is a significant amount of money to basically put a pump station in and then put a force _____ off that pump station to intercept this line.

Smith: Do your numbers take into account the co-location with existing tracts where they can lay the pipeline at the same time?

Hughes: The line we're talking about is well south of this line. It follows the roadways shoulders, primarily. It is significantly smaller line than this, we're talking a 16 inch line, on a 30 foot wide easement on road shoulders.

Smith: It didn't look at any co-location?

Hughes: No, we just took a very quick look to determine financial feasibility. We did not go into an extended study. It could go 9,000,000 it could go 16,000,000, but it just gave us an idea.

Smith: Did you also look at what the potential increase in property taxes would be from the increase of the _____?

Hughes: No, we didn't do any of that.

Commissioner Lucier: Running the line, I think Commissioner Barnes referred to it. We had received a speculative limits letter from the State allowing 19 million gallons a day, potentially for Chatham County to treat wastewater and send it just below Buckhorn Dam. The same discharge point as what Cary has. But we would have to create our own wastewater treatment plant do that. So what we asked staff to do, and that is what Mr. Hughes was responding to, was to say that if we created a plant somewhere south of Pittsboro, how can we best tie on to this line, so there would be one discharge point going down to just below Buckhorn Dam. That is what the 13,000,000 is for, that does not include the wastewater treatment plant.

We would have to take the treated wastewater to New Hill and that would be pretty expensive.

Smith: Not for that section of the County if you already have a pipeline there.

Commissioner Lucier: It would be multi-million dollars again.

Smith: Let me move on to my third question. There are other people here that have questions. The value of the properties is either going to decline or not appreciate as much going forward because more of the property is tied up with an easement. Therefore, the revenue that the Chatham County Tax Office is going to be reduced, since the property values will ultimately be reduced. Has there been any discussion with the Western Wake Partners about having them submit the difference to Chatham County long term to make up the difference in the tax reduction?

Kost: The answer is not yet. But it is a point we need to talk about and address. What does this mean for property values?

Smith: It is not fair if we are taxed at a higher value and our land is encumbered, and it isn't fair to the County to see a depreciation in revenue to the county.

Bob Kelly (New Hill resident): I've been dealing with this for about five years now. I am on the other end. I get the pleasure of having raw sewage cross my property. And that concerns me from a couple of standpoints. I have been told informally that even though I am a farmer, I cannot cross the sewage lines with my farm equipment, so that means, I have to build another access way into my farm which is another road, which means lost land and I will not be compensated. I've also been told that even though I am a tree farmer and the NC Division of Forestry recommends controlled burning of tree farms, I cannot do it next to a sewage line. So, again, loss revenue on my part. I have asked our New Hill Community Association repeatedly, for what are the restrictions for property owners who have a sewage line to cross? We don't know. It seems like it is being made up as we go along. So my advice to the Chatham County Commissioners is make sure you understand the impact to the property owners before you give approval for Cary to come into Chatham County. Otherwise, you are going to sign up for something and nobody knows what all these restrictions are going to be. In parallel in what Mr. Barnes said, we have been asking repeatedly for: show me a cleanup plan once a spill happens. Who is going to clean the fields? Who is going to restore the ponds? Who is going to provide fresh water to the families and to the live stock, that once wells are condemned, ponds are condemned, live stock can't drink. We've gotten no response from them. That tells me there is no plan today. There will be no plan tomorrow. And I would like to hear a response to that but before I do, I would like to reiterate the point to the Chatham County Commissioners, that the Wake County Commissioners totally abandoned us. They care more about Cary, Apex, Morrisville and Holly Springs than they do this little New Hill community. So they have totally abandoned us. They will not even respond to your letters you send. So I think that you guys holding a meeting like this is something that they have never done. And thanks for doing that. But please find out, understand, make those Western Wake Partners document those restrictions to the landowners before you agree to allow them into the county.

Kost: I am going to ask for Mr. Brown to respond to the direct question that you had which was: "What are the restrictions to the land and specifically with crossing the easement with farm or any other type of equipment and also the issue dealing with controlled burns".

Mr. Kelly: And the clean up.

Kost: It was a two part questions so let's do part 1 first.

Brown: Many activities can continue with those easements. There are a few things like no permanent structures will be allowed in the easements. But even in the middle of town, people have fences and playground equipment and gardens and lots of things in the easements. The risk of being in the easement with anything is that if we need to get in there to maintain it, whatever is in the way would probably be damaged or destroyed. We would not have any obligation to put it back. But you are in a raw water situation. What we are talking about here is clean water. If there is a manhole or some facility that comes above the service, that is going to have more controlled access around it. So something like burning could be dangerous if it was right up against some manholes. We have valves and things around the raw water pipelines that are different than what we are proposing in Chatham County. But as for driving across it, having driveways, or other activities, there are a lot of things that are still permitted. It would also be site specific. So we can talk about that with each individual property owner.

Mr. Kelly: Well, sir, we are farmers. We are not interested in driveways. We are interested in harvesting equipment.

Brown: To my point. There are many things that are still permitted.

Kost: The second part of his question dealt with clean up. Now of course, your issue is a little different than the Chatham issue because once it crosses into Chatham County it is already treated. Can address the second part of his question?

Brown: There is an entire appendix in the Environment Impact Statement. It is Appendix L. It is a very thick document. We have as a water waste utility provider, we have very specific documentation as to how we respond to spills and mechanical system, there are things that can break, and there are things that can get out of the pipe. We have the ability to respond to that. We train. We have the equipment. We have the financial resources to do that. We have had a couple of incidences that I am sure you have heard about in the paper over the years, and we've dealt with them as effectively as we could with no lasting environmental impacts. We were able to clean things up very quickly. So that is more of a raw waste water site. In Chatham we are talking about treated effluent which would not have the environmental impacts of raw waste water. But there is a very extensive document in the Environmental Impact Statement that has an outline of all of our standard procedures; practices how we deal with this. We also, for the Town of Cary, we have an extensive manual and training for how we respond to emergencies. We have an excellent track record dealing with snow storms, hurricanes, plane crashes, a number of other disasters that we had to mobilize a lot of resources very quickly to clean something up and get it under control. We practice that all the time. Every year we have practice events, we review the documents, we review the organization chart, and with just a few phone calls we can activate this organization shift. My department has 420 people that we can mobilize. We have on call contractors who are available on short notice, with heavy equipment to help wherever we need to.

Smith: How much capacity is at the sewer plant itself, to store the discharge if you think you have to shut the pipeline down? How many days can you keep that pipeline shut down?

Brown: I do not know the question to that answer, directly. We could probably hold a couple of day's worth.

Kost: We will have to get an answer to that question.

Brown: There is a state requirement on how much you have to hold.

Francis Goodwin: We live right on _____ right up from this proposed site is going to be. They are talking about coming out the back side of that road, that will be where they go in and out. We have property that runs that easement is going to go right now beside

that pipeline, it can go so far on either side, they said. We have timber, lots of timber that we need to have removed. We need to be given plenty of time to get that out of the way, and we also have further down at the end of the pipeline, we have the telephone tower. They have an easement that goes across the railroad and they have their own road that goes there and they have a gate there. We have a key to it and they have a key. One of the things we are wondering about is when they come down with that easement for the pipeline, is that going to mess that up? And if it does, then who is going to be responsible for that...with the heavy equipment coming down through there with that mess up their way of getting in and out?

Kost: So the first part of your question is will you be able to timber the land? And the second part of the question is how is the relationship of this easement for the pipeline with the telephone tower easement?

Ms. Goodwin: Yes, because they are going to be crossing over that area, because the pipeline goes right down beside of the railroad tract and we have cross in there that goes to that telephone tower. Once they go down with that easement that may interfere with their going in and out for their periodical checks. And then we also come because we have a big field over there that has oats and wheat and sometimes we use that area to go with our farm equipment.

Brown: That is something that is very specific with your property. We will be very glad to work with you on all those things.

Mary Anne Perkins: In your presentation you mention that Chatham County will benefit from this. And I haven't heard anything that benefits Chatham County. So will you please share that? And my second question is what is your Plan B should Chatham County say No?

Kost: That is one of the dialogs that has to happen (referring to how CC will benefit).

Unidentified: How about no annexation further into Chatham County from Cary?

Kost: As we work through this process and have a dialog we will discuss what the concessions are and we will need to talk with the community as well. One of the things we have talked about is a recreation easement. But we need to speak with the property owners to see if that is something that they would or would not want to have. The second part of the question is what is Plan B?

Brown: As staff, I am here to present the project that we've proposed. I think if this does not proceed forward that it becomes a policy level discussion and I, as staff do not feel like I can respond to that.

Kost: Mr. Mayor, do you want to address that?

Mayor Weatherly: We haven't address as far as the partnership, sat down and said should Chatham say no what would our options would be. We would need a lot of information before we could even start that conversation. We, obviously, don't expect that to happen.

Kay Roberts: In your opening statement you said there were 430,000 residents and businesses in Chatham County who would benefit from the pipeline. But yet, we didn't get her question answered. So I am asking that question again (benefit to Chatham). My second question is that if it is clean water...why is your FEMA emergency response 24-7, if it is clean water?

Brown: We have these response plans in place; we want to keep all the water in the pipe regardless. We are supposed to put that water in the Cape Fear River we are not supposed to just dump it on the ground and let it find its way to the Cape Fear River. That is one of the permit requirements, and we take that seriously.

Roberts: So the 430,000 residents?

Brown: That is the population that this facility will serve ultimately.

Roberts: Chatham County residents?

Brown: Wake and Chatham. I do not know the exact number but there are also a number of Cary citizens that are also Chatham County citizens.

Kost: The point he is making is that Cary has already annexed into Chatham County and there is approximately 1500 Cary residents who are also Chatham citizens.

Steve Powers: I am glad you brought up the public safety issue because I have.....? People use Buckhorn Dam for fishing and canoeing. Has there been any study as to that that is going to do to the folks who utilize that on this part of the County? I've asked Tony Tucker, he's always pulling people out of that river for one reason. That much water, I don't know what that would do to that type of scenario. The other question was the annexation issue. Does this open the door for that? Will we be getting into an imminent domain situation if one of these 12 land owners decides to hold out?

Kost: Chatham County would not do the condemnation. We have spoken with the attorney to get clarification for that. That is not something Chatham County will do. Can you address the Western Wake position on condemnation, Mr. Cross?

Commissioner Cross: I'd like to clarify that a little bit. The point is our attorney said that if Chatham County gives permission for them to cross into Chatham County that the imminent domain process and the condemnation go with them. It would be the Western Wake Partnership that would condemn.

Unidentified: They would condemn the land?

Cross: It goes along with the permission to cross.

Kost: The second part of your question dealt with recreation at Buckhorn Dam and the issue of what impact that level of discharge would have on recreation at Buckhorn?

Brown: Is the question about upstream at Buckhorn Dam or downstream?

Powers: Where the pipe comes out.

Brown: The discharge pipe will be below Buckhorn Dam. The State of North Carolina has done a considerable amount of modeling of the water quality of the Cape Fear River. Sanford discharges their wastewater upstream at the dam, and they also take their drinking water out upstream at the dam. There is about a mile or two difference between those two pipes. The State of North Carolina had determined if they issue our discharge permit as we hope, the river has the ability to take this effluent and assimilate it into the stream of the river without any harmful impacts.

Kost: So, let me follow up. Is the discharge continuous? And if it is not continuous when it comes up does it come up slowly and raise the level of the river slowly or does it just come?

Brown: It is continuous, it varies through the day. It will rise and fall through the day. But it should not be noticeable on the level of the river. It is a very large river; it has a lot of water moving, which is why they wanted us to put it there, because it can be assimilated very quickly. Fayetteville has their water intake 30-40 miles downstream. They are a big proponent of this project. They want that water back in the river so that others can use it.

Jack Tilley: (difficult to understand/hear) I've been living in this community since 1936. It's the last 30 years we've been having fights down in thisand everything else that you can think about bringing.....all of it plants, we have had to fight,....now we have to fight to keep this thing away. Why? We live in Chatham County. If you want to put something in Wake County go up there.....in Apex on Main Street and put it there.....

Thank God for our county commissioners forthey said no.....go to the lake, go anywhere you want to go, just get away from me.

Kost: One of the options was to was actually not come into Chatham County but to discharge into Harris Lake. So maybe you can tell us why that option was not pursued.

Brown: Since about 1999 we have been evaluating different ways to accomplish our purpose of having more wastewater capacity. We looked at over 30 alternatives. Some had the water discharged into Jordan Lake; some of it into Harris Lake, and then the Cape Fear River. The State would not allow us to put it into Jordan Lake. The process of discharging into Harris Lake is just going to be a very long time before anyone will be able to do that. It did not meet our purposes. The lake is a static water body. It stays still. Putting that effluent into the lake has more issues than putting it into a moving river.

Tilley: (Bad audio, many garbled voices)

Kost: Commissioner Cross, did you want to make a comment.

Commissioner Cross: With the Progress Energy request to add one or two more -----to their plant. For a little background, we have a gray line in Pittsboro that running to 3M. They use that water to (manufacturing)? Why would Progress Energy not be able to steam this water off with that reactor? It is suppose to be much clean from what I understand than the water we are using at 3M.

Brown: That is a question for Progress Energy to answer.

Len Norris: I live here on Buckhorn Road. I was wondering about this site you picked. Was there a way you could come around Sharon Harris, go through Rex Road, come down through the edge of Holly Springs, cut acrossDuncan.....and do the same thing? That is a rural area and it will stay out of Chatham.

Kost: The question really is: Were any of our alternative routes considered?

Norris: I don't want to hear about your money going to Chatham. I want to know what is coming to Southeast Chatham. If this pipeline is flowing 38 million gallons in 24 hours, how long will it take you to respond it? We are talking a million and a half-two million gallon an hour. I can't even get Deputy Sheriff's to come down my house in an hour!

Kost: Let me rephrase the question so everyone can hear it. Other than the Harris Lake option, what other options were considered for the pipeline?

Brown: As we looked at different plant sites, we looked at Cape Fear River, Buckhorn Dam where we have been told we have to put the treated water, and there is a relatively narrow gap to get between Harris Lake and Jordan Lake. It doesn't give a lot of options. Christian Chapel Church Road is pretty much that north-south corridor that generally is available to get from point A to point B. Most of our alternatives that we looked at were in that corridor.

Nancy Cross: Why did you decide to put the treatment facility in New Hill? Why didn't you put it in one of the partner boundaries? In other words, what's it doing in New Hill? Why isn't it over in Holly Springs, Apex, or Cary?

Brown: Again, we looked at over 30 alternatives several of which were in Cary/Apex vicinity, up around Hwy 64, north of Hwy 64, of the 30 alternatives we looked at. We were looking at the overall impact of the project. You have the raw waste waterlines, the plant itself and the effluent. We were looking at the total overall impact and the cost and all the other factors on all the parts of the project. We feel like we have identified the project plant location and pipeline location that has the least overall impacts which is what we needed to do through the Corps of Engineers process to get our Environmental Statement.

Kelly: Mr. Brown, you are a consultant and as you know rank the sites on PE, 1st, 2nd, and 3rd. And _____ranked 4th. Why did you skip over the top 3 ranked sites and pick one in New Hill.

Kost: We really do want to focus the meeting on the pipeline. I understand the issues dealing with the location and many of us share those same concerns, but the purpose to the meeting is to talk about the 8.1 miles in Chatham.

Kelly: We have never heard an answer to that question. The mayor is here now, and Chairman of the PAC committee...I wish somebody would answer that question for us.

Robert Sears: I have a comment, a charge and a question. I would say to all of the land owners in a real estate deal, never take the first offer, right? The charge: I charge commissioners of CC to get the best deal that you can for the people of CC. My question is: A nice round number since 2000, how many gallons have been spilled since 2000?

Brown: I don't have that off the top of my head.

Sears: You had multiple spills, many millions of gallons in the last 10-15 years. And this is a big train. 1.6 million gallons if you divide that flow by 24, that is a big train you've got to get stopped. Yes, it's just water but that is a big train if there gets to be a leak somewhere.

Kost: I think the question goes back to Mr. Smith's question about holding capacity and what are the options if the plant has to be shut down for any reason. And we are going to get that information because it is a valid point.

Sears: When you had spills in the last so many years, how many is it? You've got to know that number, I do not believe you.

Kost: Mr. Sears, they are our guests here and I would hope that we would treat them with respect.

Sears: What is the number then?

Kost: He said he didn't have it. Are there other questions?

Teleky: (garbled) but indicated what would happen if damage was done to property.

Brown: I'll get back to what I said before; we have the financial resources to deal with whatever we have dealt with so far, I would not expect that to change.

Karl Kachergis: My heart goes out to the landowners and in our neighborhood when colonial pipeline came through about 12 or 13 years ago, the word was that they were going to bargain individually with land owners. What I saw up close and personal was neighbors of mine who did not have the wherewithal to navigate and get a decent lawyer, was that they did not come out so well in that deal, when that easement went across their property. They could have done better. I would hope that people would talk to one another, maybe share lawyers if this does come about in Chatham to be ready to negotiate tough. I think Mr. Smith's comments here were very well taken concerning the current property values because once you sign it over you do not get it back. 38 million gallons is the equivalent of to 300 times the volume of this room every day, so that is a lot.

Kost: We will have staff that will stay for anyone that has specific questions, and commissioners will stay to answer any question. So with that we will adjourn. Thank you.

ADJOURNMENT

The Chair adjourned the meeting at 8:22 PM.

Sally Kost, Chair

ATTEST:

Sandra B. Sublett, CMC, NCCCC, Clerk to the Board
Chatham County Board of Commissioners