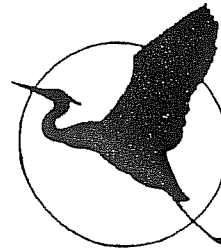


Haw River Assembly

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July 10, 2006

To: Members of the Chatham County Planning Board

Comments on Requests for Approval at the July 11, 2006 Planning Board Meeting:

- ◆ **The “Woodlands” submitted by Darden Development for Preliminary Approval (173 lots on 243 acres)**
- ◆ **McBane Property Subdivision submitted by Community Properties for Sketch Design Approval (109 lots on 159 acres)**

Concern for Dry Creek

The Haw River Assembly is a non-profit grassroots organization founded in 1982 to protect and restore the Haw River, its tributaries and Jordan Lake. We offer the following comments on two development proposals before you that we believe will impact an already impaired tributary of the Haw River – Dry Creek.

1. We do not believe that these developments can be built without further sedimentation damaging Dry Creek and the Haw River. These two developments will be added to the over 1500 houses already approved for this rural area off of Old Graham Road where the Chapel Ridge Golf Course Development and adjacent subdivisions are being built. These are poor soils for septic systems and there are no county water lines. Instead, these developments will tie into the Chapel Ridge on-site wastewater system run by Heater Utility, and the drinking water system using water from the Pittsboro Haw River Water Plant. This infrastructure will make possible the density of houses on this hilly land – and will impact many small feeder streams, Dry Creek and the Haw River.

- a) The building of 282 houses on this hilly land will involve extensive clearing, bulldozing and earth moving that will endanger the streams with sediment pollution during storm events.
- b) We do not believe that the state of North Carolina has either policies or enforcement ability in place to protect its streams under these conditions. Sediment control plans are technology based in NC, and it is unofficially acknowledged that they only go so far in protecting streams from muddy run-off – a condition that is often observed

downstream from almost any construction site after a heavy rain. Steep land, major earth moving, and clay soils are a bad recipe for clean water during storm events.

- c) **Chapel Ridge was issued Notices of Violation and fines by both the NC Division of Water Quality and The Division of Land Quality in August 2005 for a major sedimentation erosion pollution of Dry Creek while the golf course was being built. Although some mitigation of mud removal was required and carried out, Dry Creek is still very impaired by the amount of mud in the stream and remains a degraded habitat for many aquatic species. (see attached photo)**

2. We do not believe that it will be possible to prevent non-point source pollution and increased storm water from entering the creeks from these developments once they are built.

- a) These two developments would hook up to a wastewater treatment system at Chapel Ridge that uses spray field irrigation of the treated effluent. Even with permitted management technology, there is a great risk of nutrient rich run-off ending up in the streams when used in such a hilly terrain. Dry Creek is the receiving stream for any runoff from the spray fields and we could witness degradation of the aquatic habitats downstream including algae blooms and depleted oxygen.
- b) Existing projects in Chatham County that rely on wastewater spray irrigation have had impacts on the surrounding surface waters. These impacts have included nutrient inputs from runoff, flooding from runoff, and raw sewage problems with broken conveyance pipes.
- c) The annual average rainfall in Chatham County (calculated at Chapel Hill) is ca. 47"/year. Chapel Ridge and the developments it will serve will add an average of 35% more water to the soil each year, which could cause flooding downstream (and downslope via seeps). Has the potential for increased flooding been examined in detail? If not, is it reasonable to continue adding more development to this system until these questions are answered?
- d) Dry Creek has just been rated as "Non-supporting" in the NC Division of Water Quality use support rating (2005 Draft Cape Fear Basin Plan). This means it will be considered for listing on the 2006 EPA "Impaired Waters" 303[d] list for NC. How can we allow even more development to be built and risk further degradation of Dry Creek?

3. Questions about Drinking Water

These two developments will be served by Chapel Ridge's drinking water system - a new pipeline bringing water from the Pittsboro Drinking Water Treatment Plant. The intake is located above the old Bynum mill dam on the Haw River. The Haw River is a very low flow river during droughts and dry weather. This body of water is also used (diverted

through a mill race) for hydropower generation, and a level of water for the ecosystem needs of the biological life in the river downstream of the dam must be maintained. Water diverted from the Haw to serve this new development at Chapel Ridge and adjacent properties means that less water will be available to reach Jordan Lake during dry times. Is the State of North Carolina confident that there is water sufficient for all these needs even during a drought?

4. Increased loading of nutrients to Jordan Lake already impaired for excess Nitrogen and Phosphorus.

Dry Creek drains the land these new developments would be built on. Dry Creek is a tributary of the Haw River above Jordan Lake. As you know, the state is currently in the process of drafting new rules to reduce nutrient pollution in Jordan Lake that has caused an excess of algae. While this process is going on NO NEW Wastewater Treatment plant allocations or expansions can be approved in the Jordan Lake watershed under a bill passed by the legislature in 2005. It does not make sense to us that developments using "on-site" systems such as the Chapel Ridge system are being approved during this time. Any nutrient pollution in the stormwater leaving these developments will add to the loading of nitrogen and phosphorus into Jordan Lake. We believe that the Chatham County Planning Board needs to take a harder look at the ramifications of this issue.

Request for Futher Information

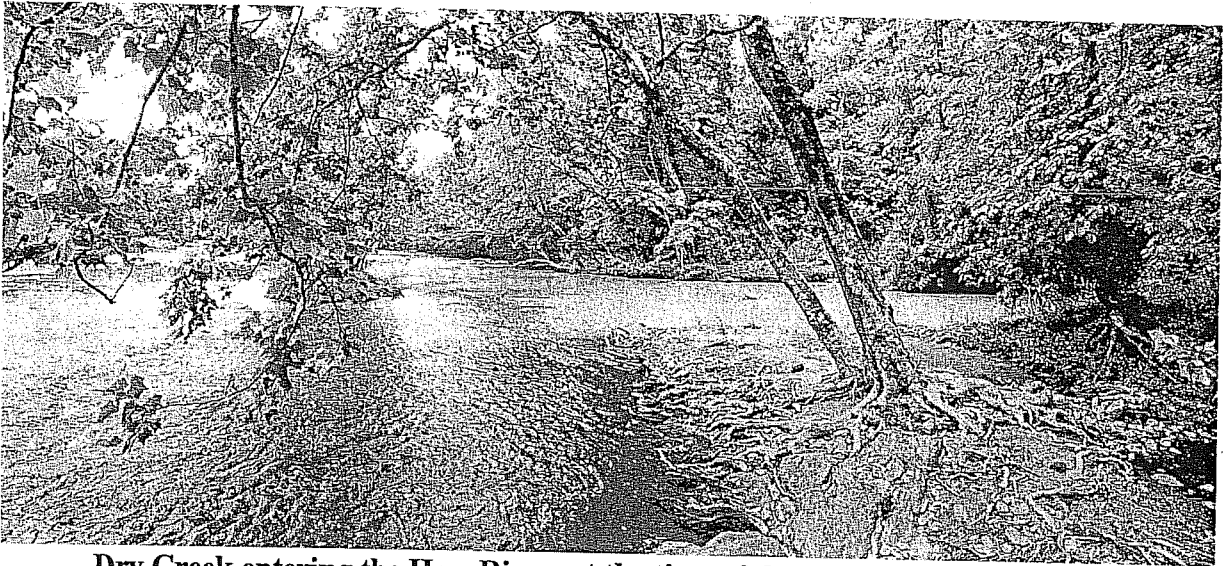
We request that you use your authority under the subdivision regulation (5.2 A) to require the developers of both of these proposed subdivisions to submit a full environmental impact statement due to the nature of the land to be subdivided and **the impact on the waters of Dry Creek, the Haw River and Jordan Lake**. This E.I.S. should address, in detail, the six areas spelled out in the regulation including adverse environmental effects, which cannot be avoided if the project is built, mitigation to minimize impact, alternatives to the proposal, and any irreversible and irretrievable environment changes.

We urge you to set up a technical committee that can further evaluate concerns about the total cumulative impact of all development that is to be served by the Heater Utility on-site wastewater system, and the drinking water system using water from the Pittsboro Haw River Water Plant. Please do not allow these developers' timeframes to influence your ability to make good decisions for the citizens of Chatham concerning water quality.

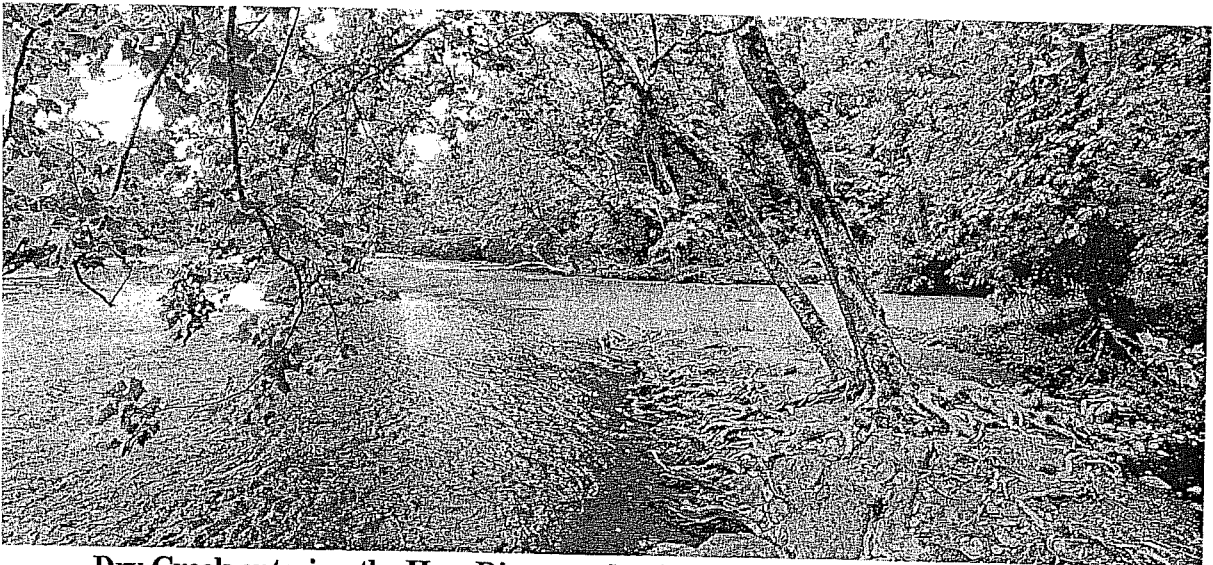
Thank you very much for considering our comments and concerns about this project. We appreciate the time and effort you dedicate to plan for Chatham County's future.

Sincerely,

Elaine Chiosso
Executive Director



**Dry Creek entering the Haw River, at the time of the 2005 sediment incident.
(photo by Jerry Markatos)**



**Dry Creek entering the Haw River, at the time of the 2005 sediment incident.
(photo by Jerry Markatos)**