

## Frequently Asked Questions

These FAQs were created to provide a source of current information to owners of property through which the Western Wake Wastewater Management Facilities Effluent Conveyance Pipeline will cross. Please visit our website ([www.westernwakepartners.org](http://www.westernwakepartners.org)) or contact us (919.469.4090) if you have additional questions that are not fully answered in these FAQs.

**1. Phase 1 permitted capacity and the Phase 2 permitted capacity represents an aggregate capacity of 48 mgd to be discharged to the Cape Fear River. It was previously understood that the state would allow 38 mgd to be discharged by the Western Wake project, and that Chatham County could discharge an additional 19 mgd to the same location in the river. Are the Western Wake Partners were relying on a portion of the 19 mgd available for Chatham County to achieve a permitted capacity of 48 mgd?**

The Draft NPDES permit issued by NCDENR for the Western Wake WRF states in Condition A(1) Effluent Limitations and Monitoring Requirements (18.0 mgd) that beginning on the effective date of the permit and lasting until expansion above 18 mgd or permit expiration, whichever comes first, the town's of Cary and Apex are authorized to discharge treated wastewater up to a limit of 18.0 mgd monthly average flow (Phase 1). And, Condition A (2) Effluent Limitations and Monitoring Requirements (30.0 mgd) states that upon expansion above 18 mgd and lasting until permit expiration, the Towns of Apex and Cary are authorized to discharge treated wastewater up to a limit of 30 mgd monthly average flow (Phase 2). The WRF NPDES permit will increase from 18 mgd (Phase 1) by 12 mgd to the permit limit of 30 mgd (Phase 2).

**2. Why is the effluent pipeline being located in Chatham County?**

The Partners evaluated several alternative locations to discharge wastewater. They are summarized in Section 2.4 of the Final EIS. NCDWQ indicated that their preferred discharge location is to the Cape Fear River below Buckhorn Dam, a location that is in Chatham County. This location was preferred because water quality modeling suggested that this segment of the Cape Fear River can accommodate additional wastewater effluent loadings without creating unacceptable water quality conditions. Transmission line alignments (including the effluent conveyance pipeline) were evaluated to minimize impacts to the environment, property owners and residents, American Tobacco Trail, federal land, identified historic districts and conflicts with gas lines and power lines. The proposed effluent pipeline route is the most direct route to the discharge location and determined to have the least impacts.

**3. Can the easement width be reduced by making use of or moving the pipe closer to the existing gas line easement adjacent to portions of the corridor?**

Our goal is to minimize the easement width necessary to safely construct, operate and maintain the pipeline and easement. Opportunities have been pursued to minimize width of easements by co-locating with existing utility corridors and utilizing existing easements for temporary construction easements. Steepness of topography and other land features as well as depth of pipeline were considered when establishing minimum separation from existing utilities and minimum easement needs for construction, operations, maintenance and safety for the effluent pipeline. The Partners are happy to meet with individual property owners to discuss the proposed easement width on their property.

**4. Appraisals completed now might be artificially low. Will the Western Wake Partners document and compensate for impacts to property owners?**

We understand the concern of property owners regarding appraised value of property and will work to reconcile differences between tax value and appraised value. The Partners are happy to meet and discuss this concern as well as any other concerns property owners may have. We are interested in



providing fair compensation for use of property and will work to come to a satisfactory agreement for both parties.

Fair or "Just" Compensation is required to be paid by the Fifth Amendment to the U.S. Constitution (and counterpart state constitutions) when private property is taken for public use. Generally, the fair market value is used as the measure of just compensation, reasoning that this is the amount that a willing seller would accept in a voluntary sales transaction and therefore it should also be payable in an involuntary one. The process the Partners use to determine Just compensation is consistent with the Federal Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, commonly referred to as the Uniform Act. Under the Uniform Act, as easement owner has three basic rights: Just Compensation, Appraisal and Review Appraisal, and the right to accompany Appraiser. The Partners will make an offer of just compensation based on an "appraisal" - a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

**5. Could eminent domain be used for easement acquisition?**

Should Chatham County support the Partners' acquisition of easements, the Partners will be able to procure easements using eminent domain if they choose.

**6. Will annexation be required?**

Annexation is not a part of the easement acquisition process for the effluent pipeline and past annexation by the Town of Cary has only been at the request of the Chatham County property owner.

**7. Property values may decline or stay even as a result of the effluent pipeline easement. As a result tax revenue to Chatham County could decline. Has Chatham County asked the Partners to pay tax revenue difference?**

No, the Partners have not been asked to pay a tax revenue difference.

**8. Instead of buying land for easements could a leased easement, credited monthly and paid annually, indexed to inflation, be used?**

The Partners will consider this suggestion in light of State and Federal Law.

**9. What are the restrictions on use of property in pipeline easements by farmers and other property owners - will the ability to cross or drive farm equipment over the easement be restricted, as well as the ability to have controlled burns across the easement (controlled burns are part of tree farming operations)?**

In general, access across easements is allowed. An easement is a legal interest in property for a specific purpose, such as giving a company access to run a telephone line underground, the Partners access for the effluent pipeline, etc. After the easement is granted, the property owner continues to maintain the easement. Ground covers or grasses and crops may be planted within an easement. No trees or shrubbery of any size shall be placed within any utility easement because of the need for access by utility maintainers and pipeline damage that tree and shrub roots can cause. Fences and landscaping improvements as well as crops installed within the easement are subject to disturbance or damage during the Town's use of the easement and may be removed if the Town needs access for maintenance or utility line repair. The Partners are happy to meet and discuss specific cases such as controlled burns, special crossing requirements, and/or improvements, with property owners individually.

**10. Will sufficient time be provided so timber within easements can be removed before construction?**

Yes, sufficient time will be provided for timber removal from easements. Construction of the effluent pipeline is forecasted to begin in April 2012. Through the Partners' planned ongoing community outreach efforts, property owners will be kept informed of project activities so individual property owners can plan and schedule any activities they want to accomplish before easement areas are disturbed for pipeline construction. Property owners may call the Partners at 919-469-4090 to inquire about project status, get information about the project or provide any comments. Information is also available through the Partners' website [www.westernwakepartners.org](http://www.westernwakepartners.org).

**11. Does a spill "clean-up" plan exist and where can a copy of the plan be reviewed? The plan should include providing freshwater, clean the land, and clean ponds.**

Final EIS Appendix L provides documentation regarding the Town of Cary's Spill Response Action plan as well as Sanitary Sewer Overflow Plans and Procedures for the Towns of Apex and Cary. The Town of Cary has an excellent history with emergency responses to failures. The Town trains for these types of events and has a Public Works staff of nearly 400 that can be available to respond to needs for system operational support. The Town also has on-call contracts with outside contractors to assist with incidents for which additional resources are needed. The referenced documents do not specifically address providing potable water to residents which obtain water from wells that become contaminated, or for livestock that use surface water (ponds) that become contaminated, or other site specific potential impacts. State law requires the Partners to mitigate for all damages resulting from spills and this would include providing water. If a property owner's well or livestock water source becomes contaminated as a result of a spill by the Partners, site specific plans will be coordinated with the affected property owner at that time.

**12. Why is an emergency response plan needed if the water conveyed through the effluent pipeline is clean water?**

An emergency response plan is maintained to minimize and mitigate impacts of failures and restore facilities to their intended function as quickly as possible. The Partners' emergency response plans consist of industry best practices. The plans are maintained and practiced.

**13. How many days of storage are available at the Water Reclamation Facility (WRF) should a pipe failure occur?**

The WRF is not designed with significant influent wastewater or treated water storage facilities. During initial years when flows are less than design capacity, flow could be diverted to unused basins not in service to reduce or stop effluent flow for short periods (hours not days) of time. By meeting or exceeding industry design, construction and operation standards we minimize the likelihood of failure. We also maintain and practice an emergency response plan consisting of industry best practices to minimize the impacts of failures should they occur and manage this risk. The Partners have not experienced a failure of any existing WRF effluent conveyance pipeline to date.

**14. How will the Partners pay to restore property damaged if a spill occurs?**

State Law requires all property damage to be mitigated. The Partners will comply with State Law and restore damaged property caused by a spill. The Town of Cary has always had the plans and resources available to properly deal with accidents and respond to emergencies (including restoration), and fully expects those resources will continue to be available. Property owners will not be responsible to restore damaged property caused by a spill from Partners' facilities.

**15. If the project causes damage to access for communications tower and Dixie Pipeline on property, access also used for farm equipment, who will correct it?**

If damage to access is caused by the Partners or contractors working for the Partners, repairs will be provided at no cost to the property owner. The Partners are happy to meet with individual property owners to discuss specific concerns.

**16. What is the benefit to Chatham County?**

The effluent pipeline facilities as currently planned do not provide any benefits to Chatham County. Chatham County Commissioners expressed interest for the Partners to acquire additional easements for a future greenway trail along the pipeline corridor. In addition, Chatham County Commissioners have inquired about the possibility of sharing the Western Wake Partners' effluent conveyance and discharge facilities combining the Partners' effluent flow with possible future effluent flows from Chatham County.

**17. What is "plan B" if Chatham denies the Partners the ability to procure easements?**

The Partners are committed to working with Chatham County and its citizens to gain their support for easement acquisition. If this support is not provided, the Partners Policy Advisory Committee will discuss options and develop alternative strategies.

**18. If the water is clean, pipe it to Cary and let them drink it.**

The Partners preferred and pursued a discharge to the upper New Hope Creek arm of Jordan Lake below US Highway 64, the drinking water supply for the Towns of Cary and Apex and Chatham County. As documented in Section 2.4.3.2 of the Final EIS, the upper New Hope arm of Jordan Lake was placed on the 2002 303(d) list for nutrients based on exceedances of the chlorophyll a standard. NCDENR indicated that it could not permit an increase in nutrient loading to the lake because water quality modeling and water quality sampling indicates that Jordan Lake is an impaired water body based on the percentage of exceedances of the chlorophyll a standard. For a new discharge to Jordan Lake, nutrient allocation would have to be acquired from other discharges in the watershed to meet the no nutrient increase requirement. Acquiring nutrient allocation from others was determined to not be viable. Based on nutrient enrichment problems in Jordan Lake this alternative was eliminated.

**19. Why not discharge to Harris Lake in Wake County?**

Project alternatives analysis included scenarios discharging to both Jordan Lake and Harris Lake in addition to the Cape Fear River. Discharging to Jordan Lake was not allowed by the State of North Carolina (see response to comment 18). A discharge to Harris Lake is problematic due to the lake's limited ability to assimilate the discharge when compared to the Cape Fear River. The State of North Carolina's preferred discharge is to the Cape Fear River below Buckhorn Dam. A Harris Lake discharge also does not meet the Partners' purpose and need for the project as it would require an Interbasin Transfer Certificate, a process that could delay the project 3 years or more. Overall project impacts of each alternative were considered and are documented in the Final EIS.

**20. Why won't Progress Energy use the treated effluent in its cooling tower process and allow the effluent to be evaporated?**

Specifics regarding Progress Energy's position to not use treated effluent as cooling water would need to be addressed by Progress Energy. The Partners are mandated to return water to the Cape Fear River.

**21. People use the Buckhorn Dam area for fishing. What will the WRF discharge do to the river and the safety of the public in the area?**

Fishing activities in the river are expected to be unaffected. NCDENR has evaluated water quality that will result from the discharge of the treated effluent to the Cape Fear River below Buckhorn Dam, and concluded that the river has the assimilative capacity to accept the Western Wake Partners' discharge as well as a discharge from Chatham County without negative impacts. A bank discharge structure with head wall was chosen in lieu of a diffuser type outfall to eliminate impacts to recreational activities and other factors as described in Final EIS Section 2.7. The area of the bank discharge structure will be fenced and the outfall pipe provided with grating for public safety.

**22. Is the effluent discharge flow continuous and will it impact the level of the river?**

Treated effluent will flow to the river continuously, but the flow rate will vary throughout the day. Flows will also increase over time as the service area develops. The quantity of the discharge is not expected to have a noticeable impact on river level. Base condition headwater flow for the Cape Fear River used in analyses for the project (Final EIS Appendix E-4) is 600-622 cfs (387.8 - 402.0 mgd). The Western Wake WRF permitted flow is less than 10 percent of the Cape Fear River flow. Due to the width of the river at the discharge location the quantity of flow discharged will not have a noticeable impact on river level.

**23. How will hormones and pharmaceuticals in wastewater be mitigated to stop cumulative adverse affects as the effluent enters the Cape Fear River?**

Research to understand the impacts of hormones and pharmaceuticals on humans and wildlife is ongoing. Current Federal or State regulations for wastewater treatment plants and their effluent discharges do not specifically address them. There are proposed rules and if/when adopted the Partners will comply with them.

**24. Can the effluent pipe be routed to the east of Sharon Harris, along Rex Road, and to Captains Landing? Were alternative routes considered?**

Other routes for the effluent pipeline were considered, and the selected route to get to the Cape Fear River - below Buckhorn Dam discharge location was identified to have the least impacts.

**25. What are the plans for a dwarf wedge mussel assessment?**

As stated in Section 4.2 of the Final EIS, the known occurrences of the dwarf wedge mussel species occur within the Neuse River Basin. All elements of the Western Wake project are within the Cape Fear River basin. Thus, no direct impacts are expected to occur from construction and operation of the Western Wake WRF and related infrastructure.

**26. Has a full survey and rigorous biological assessment following requirements of Endangered Species Act been completed?**

A Biological Assessment has been prepared and was submitted to the United States Fish and Wildlife Service (USF&WS). It is included in Final EIS Appendix I-1. The USF&WS issued an effects determination concurrence letter for the project (see Final EIS Appendix I-2) stating that "...it appears that the proposed project is not likely to adversely affect any federally listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Act."