

DURHAM



CITY OF DURHAM

Office of the Mayor

101 CITY HALL PLAZA | DURHAM, NC 27701

919.560.4333 | F 919.560.4801

www.durhamnc.gov

1869

CITY OF MEDICINE

February 10, 2009

Dear Citizens of Durham:

As Durham's mayor, I want to explain the City Council's position on the Jordan Lake Rules. These Rules, now under review by our General Assembly, contain many measures that will further improve the water quality in Jordan Lake. Unfortunately, they also contain unprecedented, unfair, and unachievable requirements regarding existing development. If not modified, these will cause the cost of living for Durham's citizens to rise dramatically, to unsustainable levels. These requirements are unnecessary, since in fact Jordan Lake is functioning well and is not in crisis. For that reason, the City Council recently passed a resolution supporting some of the regulations, but opposing the extreme ones that are unnecessary to achieve acceptable water quality in Jordan Lake. This resolution appears on the City's web site.

Jordan Lake was a project of the Army Corps of Engineers, created to control flooding in the Fayetteville area. It was constructed in the 1970's and filled by 1983. It was opposed by Durham, other local governments, experts from Duke, UNC, and NC State, and conservation groups, partly because water quality was expected to be so poor. The location was considered to be particularly bad, given the high loads of nutrients (nitrogen and phosphorus) coming from developed areas in Durham and Chapel Hill.

Because of the lake's location, Durham has shouldered extraordinary costs not shared by most communities. Since the mid 1990's, the City has spent over 40 million dollars to reduce nitrogen and phosphorus discharges from its South Durham wastewater treatment plant. These and similar efforts by Durham County and Orange Water and Sewer Authority (OWASA) have improved water quality in the lake. It successfully serves all uses originally conceived, even those considered questionable when it was constructed, from flood control to fishing, swimming, and water supply. Durham has also established expensive stormwater programs that benefit Jordan Lake. Before the early 1990's citizens paid nothing for stormwater. They now pay stormwater utility charges to fund a nine million dollar a year program required by the federal and state governments. Millions of dollars every year from this program provide services that help prevent or reduce pollution to Jordan Lake.

Despite the City's support for a clean Jordan Lake, the Council cannot support all of the proposed Jordan Lake Rules. The Rules include a mandate never imposed in North Carolina to reduce pollution from existing development. This would cost Durham citizens an estimated 570 million dollars over 20 years to retrofit existing homes and businesses built when stormwater treatment was not required. A requirement of this type has NEVER before been imposed by the state, even to protect more polluted water bodies like the Neuse estuary and the Albemarle and Pamlico sounds. The economic impact

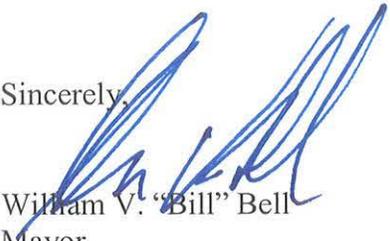
would be severe. As the power point on the City's web site shows, the yearly stormwater payment required for a home in the "residential 2" tier (a mid to large home) would skyrocket from \$54 a year to \$416 a year. The stormwater charge for Hillside High School would increase from \$22,680 to \$174,787 a year. Citizens in Durham cannot afford these experiments in retrofitting, especially when the science behind such requirements is debatable at best.

The City also supports other less major changes to the Rules. One is to extend the date to comply with nitrogen reduction limits for wastewater plants from 2014 to 2016. This will allow time for testing, engineering, and contracting to ensure wise use of the additional tens of millions of dollars Durham will spend to make further upgrades to its South Durham plant. The City also supports State implementation rather than local implementation of the rules regarding buffers for streams. This will ensure consistency throughout the state.

The City Council supports a majority of the proposed Rules. These include requirements for constructing new homes and businesses, which will establish the strictest stormwater limits for nitrogen in the State. In addition we accept the need for the City's South Durham plant to upgrade further, at the cost of tens of millions of dollars, to operate at the "limits of technology" for nitrogen removal. The new development rules and those for nitrogen treatment for wastewater discharges are much stricter than those imposed on local governments and their citizens in the Haw River arm of the lake. Like previous requirements historically accepted by Durham, these rules will raise costs for our citizens. However, the Council accepts them as the cost of continuing to ensure the regional benefits that Jordan Lake provides.

Please take the time to review the Council's resolution on the Jordan Rules. I believe the Council's position strikes the balance that is needed. Implementation of some of the Rules, and modification of the most extreme, will result in continued improvements to the water quality of Jordan Lake at an economic cost that, though significant, should be achievable.

Sincerely,



William V. "Bill" Bell
Mayor