

1 PLACE: Historic Chatham County Courthouse
2 Pittsboro, North Carolina

3 DATE: January 14, 2020

4 DOCKET NO.: W-1320, Sub 0; W-1300, Sub 55;
5 W-1320, Sub 2; W-661, Sub 9

6 TIME IN SESSION: 7:06 p.m. to 10:45 p.m.

7 BEFORE: Commissioner ToNola D. Brown-Bland, Presiding
8 Commissioner Kimberly W. Duffley
9 Commissioner Jeffrey A. Hughes
10 Commissioner Floyd B. McKissick, Jr.
11

12 IN THE MATTER OF:

13 Docket No. W-1320, Sub 0

14 Docket No. W-1300, Sub 55

15 Application by ONSWC - Chatham North, LLC,
16 4700 Homewood Court, Suite 108, Raleigh, North Carolina
17 27609, and Old North State Water Company, LLC,
18 4700 Homewood Court, Suite 108, Raleigh, North Carolina
19 27609, for Authority to Transfer the Briar Chapel
20 Subdivision Wastewater System and Franchise in
21 Chatham County, North Carolina, and Approval of Rates
22
23
24

1 Docket No. W-1320, Sub 2

2 Docket No. W-661, Sub 9

3 Application by ONSWC - Chatham North, LLC,
4 4700 Homewood Court, Suite 108, Raleigh, North Carolina
5 27609, and Fitch Creations, Inc., d/b/a
6 Fearrington Utilities, 2000 Fearrington Village Center,
7 Pittsboro, North Carolina 27312, for Authority to
8 Transfer the Fearrington Village Wastewater System and
9 Franchise in Chatham County, North Carolina, and
10 Approval of Rates

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12 VOLUME 1

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1 A P P E A R A N C E S:

2 FOR ONSWC - Chatham North, LLC:

3 M. Gray Styers Jr., Esq.

4 Fox Rothschild, LLP

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8

9 FOR THE USING AND CONSUMING PUBLIC:

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11 William E.H. Creech, Esq.

12 Public Staff

13 North Carolina Utilities Commission

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15 Raleigh, North Carolina 27699-4300

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1 P R O C E E D I N G S

2 COMMISSIONER BROWN-BLAND: Good evening. We
3 will come to order and go on the record. I'm
4 Commissioner ToNola D. Brown-Bland with the North
5 Carolina Utilities Commission, and I'm the Presiding
6 Commissioner for this hearing. With me this evening are
7 Commissioners Kimberly W. Duffley, Jeffrey A. Hughes, and
8 Floyd B. McKissick, Jr.

9 Before I go on, this room is at capacity, as
10 the detective indicated, and so we probably -- I hope
11 that you will be able to stay in here through the opening
12 statement so that you know what we're doing, but we will
13 probably do a sort of a rolling -- let some come in when
14 some leave. And so those of you who speak early, bear in
15 mind that you have neighbors and friends and others who
16 want to be heard, and if you would kindly give up your
17 seat so that they could have an opportunity to be in and
18 also get a flavor for these proceedings.

19 With that, I'll say I now call for hearing
20 Dockets Number W-1320, Sub 0, and W-1300, Sub 55, In the
21 Matter of Application of Old North State Water Company -
22 Chatham North, LLC -- I'll refer to that later as Chatham
23 North -- and Old North State Water Company, LLC, for
24 Authority to Transfer the Briar Chapel Subdivision

1 Wastewater System and Franchise in Chatham County, North
2 Carolina, and for Approval of Rates; and also Dockets
3 Number W-1320, Sub 2, and W-6 -- W-661, Sub 9, In the
4 Matter of Application by Chatham North, LLC, and Fitch
5 Creations, Inc., doing business as Fearrington Utilities,
6 for Authority to Transfer the Fearrington Village Water
7 -- Wastewater System and Franchise and Approval of Rates.

8 These two transfer proceedings concerning the
9 Briar Chapel and the Fearrington Village Wastewater
10 Systems and Franchises have been consolidated into one
11 Commission proceeding.

12 On March the 14th, 2019, in Docket Numbers
13 W-1320, Sub 0, and W-1300, Sub 55, pursuant to North
14 Carolina General Statute 62-111, Chatham North, LLC, and
15 Old North State Water Company, hereafter Old North State,
16 filed an Application Seeking Authority to Transfer the
17 Briar Chapel Subdivision Wastewater Utility System Assets
18 and Franchise in Chatham County from Old North State to
19 Chatham North, an affiliate of Old North State, and for
20 Approval of Rates. That transaction, you will hear me
21 refer to throughout sometimes as BC Application.

22 There are currently 1,687 residential customers
23 and 16 commercial customers, equal to 78 Residential
24 Equivalent Units, in the Briar Chapel Subdivision

1 Wastewater System area. Chatham North and Old North
2 State have entered into an Asset Purchase Agreement date
3 -- under which Chatham North has agreed to purchase the
4 Briar Chapel Wastewater Utility System from Old North
5 State for two thousand -- \$206,000, Old North State's
6 original cost net investment in the system.

7 On August the 12th, 2019, Old North State filed
8 an amendment to the BC Application, correcting the
9 application to reflect the requested connection fee of
10 \$4,000 per Residential Equivalent Unit.

11 Prior to the filings related to the BC
12 Application and also pursuant to General Statute 62-111,
13 on November 1st, 2017, Old North State and Fearrington
14 Utilities have filed with the Commission a Joint
15 Application to Transfer the Fearrington Village
16 Wastewater System and Franchise in Chatham County to Old
17 North State. Pursuant to an Asset Purchase Agreement
18 executed on September 22nd, 2017, Old North State agreed
19 to purchase the Fearrington Village Wastewater Utility
20 System from Fearrington Utilities for one dollar plus
21 future consideration.

22 On August 5th, 2019, Old North State and
23 Fearrington Utilities filed an Application for Authority
24 to Transfer the Pending Application Concerning the

1 Fearrington Village Wastewater Utility System Assets and
2 Franchise to Chatham North and for Approval of Rates.
3 That transaction's called the Fearrington Application.
4 There are currently 1,383 residential customers and six
5 commercial customers, equal to 66 Residential Equivalent
6 Units, in the Fearrington Village Wastewater System
7 service area.

8 On August 22nd, 2019, Chatham North filed a
9 Motion to Consolidate the Proceedings for the BC, or
10 Briar Chapel, Application and the Fearrington
11 Application. The Public Staff, the North Carolina
12 Utilities Commission -- hereafter I'll refer to them as
13 the Public Staff -- is a party to both the Briar Chapel
14 and the Fearrington Village Utilities Application and is
15 recognized as having intervened in the proceedings
16 pursuant to North Carolina General Statute 62-52 -- 15(d)
17 and Commission Rule R1-19(e).

18 The Public Staff stated at the September 23rd,
19 2019, Commission Staff Conference that it supported
20 consolidation of the application to transfer proceedings
21 as the ultimate result would be one integrated wastewater
22 utility system owned and upgraded by Chatham North,
23 serving both the Briar Chapel and the Fearrington Village
24 subdivision.

1 On October 14, 2019, the Commission issued an
2 Order Consolidating the Dockets, Scheduling Hearings, and
3 Requiring Customer Notice. The Order scheduled a public
4 hearing for the BC Application and the Fearington
5 Application for this date and time, Tuesday, January
6 14th, 2020, solely for the purpose of receiving testimony
7 from the Briar Chapel and the Fearington Village
8 customers.

9 The Order also scheduled the BC Application and
10 Fearington Application for hearing for the purpose of
11 receiving expert witness testimony from Chatham North,
12 Old North State, Fitch Creations doing business as
13 Fearington Utilities, the Public Staff, and any
14 Intervenors on Wednesday, January 22nd, 2020, in the
15 Commission Hearing Room, 2115 Dobbs Building, 430 North
16 Salisbury Street, in Raleigh, North Carolina.

17 Pursuant to the State Government Ethics Act, I
18 remind members of the Commission of our duty to avoid
19 conflicts of interest, and inquire at this time as to
20 whether any Commissioner has any known conflict of
21 interest with respect to this docket?

22 (No response.)

23 Let the record reflect that no conflicts were
24 identified.

1 Also, the record will reflect that Commission
2 Chair Charlotte A. Mitchell, who is not with us this
3 evening, has recused herself from this matter.

4 I now call upon counsel for the parties to
5 announce their appearance for the record, and I will
6 start with the Applicant.

7 MR. STYERS: Thank you, Madam Commissioner. My
8 name is Gray Styers. I'm with the law firm of Fox
9 Rothschild. My address is 434 Fayetteville Street, Suite
10 2800, Raleigh, North Carolina, and I'm here on behalf of
11 the Applicant, ONSWC - Chatham North, LLC.

12 MR. GRANTMYRE: Good evening. My name is -- my
13 name is Bill Grantmyre, Public Staff attorney,
14 representing the Using and Consuming Public. With me
15 tonight is -- also is Public Staff Attorney Zeke Creech
16 and also Public Staff Engineer Chuck Junis and Mike
17 Franklin. Thank you.

18 COMMISSIONER BROWN-BLAND: All right. Thank
19 you. I have some preliminaries that I will make, but are
20 there any preliminaries before we go further?

21 (No response.)

22 COMMISSIONER BROWN-BLAND: All right. Now, the
23 Commission is pleased to be here and listen and hear your
24 concerns regarding these matters, and we appreciate that

1 you are able to come out and participate in the
2 proceedings.

3 Just a little bit about why we are here. These
4 consolidated proceedings began when the applications to
5 transfer the two wastewater facilities involved from one
6 owner to another were filed with the Commission. And in
7 response to that, the Commission scheduled this hearing
8 in two parts. One is the public hearing, which we're
9 here for tonight, to hear from you as the customers, and
10 we want to hear from you and about anything you have to
11 tell us about your service or what you think about the
12 proposed transfers of ownership.

13 Many times issues and problems get resolved
14 when you are here and have an opportunity to speak with
15 the Public Staff, the Public Staff professional --
16 personnel or with people who are here representing the
17 Applicant.

18 The current franchisee is Fearrington Utilities
19 and Old North State and Chatham North. I should say the
20 -- I lost my place.

21 The second part -- I forgot. So we had the
22 first part. And the second part of the proceeding is the
23 evidentiary hearing. The parties in this case are the
24 Public Staff; the current franchisees, Fearrington

1 Utilities and Old North State, and Chatham North, the
2 proposed new owner of both franchises.

3 At the evidentiary hearing and in a transfer --
4 in these transfer proceedings, these parties may call
5 expert witnesses to give testimony, and the expert
6 witnesses are usually accountants, engineers, and often
7 those in charge of managing the operations of the
8 companies involved.

9 In fact, in this case these experts,
10 particularly on the -- well, in both cases, for the
11 Companies and for the Public Staff, have already filed
12 their testimony in the dockets, and that is something
13 that's available to you as a matter of public record.
14 We'll talk about that before we leave tonight, where you
15 might find it.

16 A little bit about the Public Staff and
17 Mr. Grantmyre. There are -- many of you have come in
18 since Mr. Grantmyre first spoke, but a little bit about
19 the Public Staff is they represent the Using and
20 Consuming Public. That means you. They are independent
21 from the Commission. They do not work for the
22 Commission. They work on your behalf under the direction
23 of an executive director, and they come to their own
24 conclusions about the proposed transfer. Their

1 investigation into the companies involved and the
2 facilities at issue are independent and are conducted by
3 their own engineers, lawyers, and accountants.

4 And for the hearing tonight, these proceedings
5 are similar to court proceedings and are not intended to
6 be like a town hall meeting or a protest meeting. This
7 hearing is in the nature of a court proceeding, an
8 opportunity for you to come forward and provide evidence
9 in this case. Those who come forward will be sworn --
10 will be sworn and placed under oath. The court reporter
11 -- the court reporter will take your testimony verbatim
12 and will from there make a written transcript of it.

13 The Commissioners who are sitting here next to
14 me, they will have an opportunity -- the Commissioners
15 and the attorneys who are here representing the parties,
16 both for the Public Staff and the Company, will have an
17 opportunity to ask you questions about what you say as a
18 witness, and the purpose is not to embarrass or to
19 challenge you so much as to clarify what you say for the
20 record so that we can all make sure that we understand
21 what it is that you had to tell us. And if we don't ask
22 questions, it just means that we think we understood what
23 you had to say. So don't read into the fact that we may
24 or may not ask questions.

1 We do sometimes receive, and in this case we've
2 already received, a number of letters that have been sent
3 in to the Commission about this matter, but unless you --
4 those persons who sent in those letters are here tonight,
5 the opportunity to either be sworn in or affirm their
6 statements, they don't become part of the evidence to be
7 considered in the decision, even though we will read them
8 and we will know the contents of those letters. But they
9 will not be actual evidence that we can rely on. And one
10 of the reasons is that in order for it to become
11 evidence, you must be here and at least subject to the
12 possibility of being asked questions which we call cross
13 examination.

14 Like court proceedings, you cannot ask the
15 Commissioners questions, just like witnesses cannot ask
16 the judge questions when they testify. It's our time to
17 hear from you as the witnesses in the case, but the
18 Company and the Public Staff, I'm sure, will remain
19 afterwards to answer any questions that may arise during
20 the course and that you may have come here to ask.
21 They'll remain and do their best to answer the questions.

22 And we will undoubtedly need to take a break at
23 some point, and if you have an opportunity, if it's
24 something they can deal with, I'm sure they'll entertain

1 questions at that time as well.

2 Also in these proceedings order must be
3 maintained, and so it's not appropriate to clap or boo
4 during the proceedings. I'll ask you to remain quiet and
5 allow the court reporter the full opportunity to hear so
6 that she can properly take down what's being said and get
7 the record accurate.

8 With that said, we do want everybody to be
9 heard. We see the room is full, so I will impose a time
10 restraint. And the allotted time, as you've already
11 heard, is three minutes. When you see the clock run down
12 to one minute, start making efforts to wrap up what you
13 have to say.

14 Cumulative evidence is okay, but it is not
15 necessary. In other words, the more times we hear
16 something, that is not necessarily going to affect the
17 outcome. The main thing is just to get your testimony
18 and your position and evidence in the record. So once
19 it's in, if someone else has said what you came to say
20 and you come up, you can just indicate that you agree
21 with that person, but if you want to state it all again
22 within your time allotted, I certainly will allow it.

23 On the other hand, if someone's already said
24 what you wanted to say, you can take advantage of that

1 opportunity to then bring in something new that has not
2 been stated.

3 And so I think that covers the basics, from my
4 perspective. The Applicants have asked for a few moments
5 to make an opening statement. An opening statement is
6 not considered evidence in the record, but it's just the
7 opportunity for the Company to speak with you. So at
8 this time I'll call on Mr. Styers.

9 MR. STYERS: Thank you very much, Madam
10 Commissioner. Mr. Mike Meyers will provide the opening
11 statement for the Applicant.

12 MR. MYERS: Good evening. My name is Michael
13 Myers. I'm a member of Old North State Water Company and
14 ONSWC - Chatham North.

15 COMMISSIONER BROWN-BLAND: Mr. Myers, if you
16 would like, you can -- if you can figure out how to
17 configure yourself, you can turn around and face the
18 customers.

19 MR. GRANTMYRE: We can try this.

20 MR. MYERS: I appreciate the opportunity to
21 speak briefly about our request in the project. Old
22 North acquired the Briar Chapel Wastewater Utility System
23 in 2014 from the developer, and then subsequently we
24 filed an application to the Commission in 2017 requesting

1 approval to transfer Fearrington Utilities to Old North
2 State Water Company.

3 Our vision is to transfer both of these
4 wastewater utility systems and then combine them and then
5 both expand and upgrade the treatment capabilities of the
6 Briar Chapel Wastewater Treatment Facility. Our opinion
7 is that this project will benefit both the environment
8 and the communities.

9 I think there's a couple of -- a number of
10 benefits, but two of the main benefits are a higher level
11 of treatment and the larger customer base. The
12 Fearrington Wastewater Treatment Facility is nearing the
13 end of its useful life, and it is unable to meet the
14 nutrient regulations imposed by the Department of
15 Environmental Quality and the EPA.

16 Additionally, the larger customer base will
17 benefit the customers by helping to offset inflationary
18 pressures in the future.

19 An additional benefit of this project will
20 provide us with an alternative means of disposal for the
21 Briar Chapel residents, in addition to the spray
22 irrigation system. We will have the ability to discharge
23 through what's called an NPDES Discharge Permit which
24 will benefit the ability of us to manage the spray

1 irrigation system.

2 We initiated construction in the summer of 2018
3 on what we called Phase 1 of the project, and this is --
4 we did this in 2018 in order to serve the easternmost
5 edge of the Briar Chapel community. And that part of the
6 project, from the Briar Chapel Wastewater Treatment
7 Facility to the eastern edge, is largely complete at this
8 time.

9 The remaining portions of the project to be
10 completed are a pipeline from the eastern edge of the
11 Briar Chapel community to the Fearrington Wastewater
12 Treatment Facility and the expansion of the Briar Chapel
13 Wastewater Treatment Facility, but most of that work will
14 be contained within the fence line of the current
15 wastewater treatment facility.

16 We understand that these types of projects can
17 inconvenience and disrupt people's lives, and so we, over
18 the past two years, have conducted a number of meetings.
19 For the past couple of years we have been meeting with
20 the HOA boards in both Briar Chapel and Fearrington. And
21 then more recently we have conducted public meetings in
22 both Briar Chapel and Fearrington. Those meetings were
23 held in the September time frame of this past year.

24 During those meetings -- we heard a number of

1 concerns during those meetings, but two of the most
2 prevalent issues that were identified were odors
3 associated with the spray irrigation facility and issues
4 we were having with a force main in one of the main lift
5 stations in Briar Chapel and the four -- the line back to
6 the wastewater treatment facility.

7 With that, I am going to just say we understand
8 there are a number of concerns, and we are prepared to
9 address each and every one of them.

10 And thank you, Commission.

11 COMMISSIONER BROWN-BLAND: Thank you.

12 Mr. Grantmyre, do you have a number of people there who
13 have signed up --

14 MR. GRANTMYRE: Yes.

15 COMMISSIONER BROWN-BLAND: -- to give
16 testimony?

17 MR. GRANTMYRE: It appears we have
18 approximately 32 signed up. What we're going to do is
19 ask first those persons -- I understand there are some
20 people here who have a written statement that they want
21 to submit as evidence, but they do not want to testify
22 verbally, that is, read it into the record. And I know
23 there's several of those, but we would ask that you come
24 up first. If you all would come forward with your

1 statements, we'll have you affirm and then put your
2 statement into the record and then you could be excused.
3 And that will help us move people in and out of the
4 hearing and move forward.

5 Gentlemen, is there another -- there's a young
6 lady with the Carolina blue.

7 FEMALE SPEAKER: Yeah. I think I'm going to go
8 ahead and testify.

9 MR. GRANTMYRE: Okay.

10 MR. ALAN ROSENFELD: Name and all?

11 MR. GRANTMYRE: Yeah. If you would -- if you
12 -- please state your name.

13 MR. ALAN ROSENFELD: Alan Rosenfeld, 216 Hill
14 Creek Boulevard.

15 COMMISSIONER BROWN-BLAND: Just a moment before
16 we do that.

17 So ladies and gentlemen, we discovered once we
18 were here that -- it's the first time it's happened in my
19 time on the Commission, that we do not have a Bible in
20 the courtroom. And so it is required by law that the
21 testimony either be sworn to or affirmed, so we will have
22 you affirmed.

23 ALAN ROSENFELD; Having first been duly affirmed,
24 Testified as follows:

1 COMMISSIONER BROWN-BLAND: All right. Now,
2 Mr. Grantmyre.

3 DIRECT EXAMINATION BY MR. GRANTMYRE:

4 Q Please state your name and address.

5 A Okay. Alan Rosenfeld, 216 Hill Creek
6 Boulevard, Briar Chapel.

7 Q And you have a statement that you would like to
8 be entered into evidence as if given orally?

9 A That is correct.

10 Q Thank you.

11 MR. GRANTMYRE: We would ask that this be
12 identified as Rosenberg (sic) Exhibit 1.

13 COMMISSIONER BROWN-BLAND: Rosenfeld?

14 (Laughter.)

15 COMMISSIONER BROWN-BLAND: Is that --

16 MR. GRANTMYRE: Yes.

17 COMMISSIONER BROWN-BLAND: How did you identify
18 it, Mr. Grantmyre? Rosenfeld Exhibit --

19 MR. GRANTMYRE: Apparently incorrectly.

20 COMMISSIONER BROWN-BLAND: Rosenfeld Exhibit 1?

21 MR. GRANTMYRE: Yes.

22 COMMISSIONER BROWN-BLAND: All right.

23 MR. GRANTMYRE: Please -- you need to be
24 affirmed.

1 COMMISSIONER BROWN-BLAND: It will be so
2 identified and received into evidence.

3 (Whereupon, Rosenfeld Exhibit 1 was
4 marked for identification and
5 admitted into evidence.)

6 (Witness excused.)

7 COMMISSIONER BROWN-BLAND: All right.

8 DAVE THOMAS; Having first been duly affirmed,

9 Testified as follows:

10 DIRECT EXAMINATION BY MR. GRANTMYRE:

11 Q Please state your name and address.

12 A Dave Thomas, 2479 Briar Chapel Parkway, Chapel
13 Hill.

14 Q And do you have a written statement that you
15 would like entered into evidence as if given orally?

16 A I do.

17 Q Would you like to submit that?

18 A Yes, I would.

19 MR. GRANTMYRE: We ask that this be identified
20 as Thomas Exhibit 1.

21 COMMISSIONER BROWN-BLAND: All right.

22 MR. GRANTMYRE: Thank you.

23 COMMISSIONER BROWN-BLAND: It will be so
24 identified.

1 (Whereupon, Thomas Exhibit 1 was
2 marked for identification and
3 admitted into evidence.)

4 COMMISSIONER BROWN-BLAND: Thank you. I'm not
5 sure if Mr. Rosenfeld is still back there, but thank --
6 thank you, Mr. Rosenfeld and Mr. Thomas, for coming out
7 tonight.

8 (Witness excused.)

9 ELIZABETH GILSON; Having first been duly affirmed,
10 Testified as follows:

11 COMMISSIONER BROWN-BLAND: All right.
12 Mr. Grantmyre?

13 DIRECT EXAMINATION BY MR. GRANTMYRE:

14 Q Please state your name and address.

15 A Elizabeth Gilson, 311 Tobacco Farm Way, Chapel
16 Hill, North Carolina.

17 Q And which subdivision are you in?

18 A I'm in Briar Chapel.

19 Q And do you have a written statement which you
20 would like entered into evidence --

21 A I do. Thank you.

22 Q -- as if given orally?

23 MR. GRANTMYRE: We ask that this be identified
24 as Gilsa (sic) Exhibit 1.

1 Q Thank you.

2 A Thank you.

3 COMMISSIONER BROWN-BLAND: That will be so
4 identified and received into evidence, both --

5 (Whereupon, Gilson Exhibit 1 was
6 marked for identification and
7 admitted into evidence.)

8 (Witness excused.)

9 COMMISSIONER BROWN-BLAND: Mr. Styers, with
10 this procedure, is there any objection? I forgot to ask
11 for the record.

12 MR. STYERS: There's no objection to the
13 procedure, Madam Commissioner. We would like to reserve
14 any objections to the content upon the opportunity to
15 review those, but at a later date. But unless and until
16 a later date we make objections on the record that we
17 will communicate to the Commission, at this point this
18 seems to be a logical procedure, and we have no objection
19 to the process.

20 COMMISSIONER BROWN-BLAND: All right. We'll
21 continue, then.

22 GERARD GIANNI; Having first been duly affirmed,
23 Testified as follows:

24 COMMISSIONER BROWN-BLAND: All right.

1 Mr. Grantmyre?

2 DIRECT EXAMINATION BY MR. GRANTMYRE:

3 Q Please state your name and address.

4 A My name is Gerard Gianni, 499 Bennett Mountain
5 Trace, Chapel Hill, 27516.

6 Q And you're at Briar Chapel?

7 A Yes, sir.

8 Q And you have a written statement which you'd
9 like entered into evidence as if given orally?

10 A Yes, sir.

11 Q Thank you.

12 A Uh-huh.

13 MR. GRANTMYRE: We ask that this be identified
14 as Gianni Exhibit 1.

15 COMMISSIONER BROWN-BLAND: It will be so
16 identified and received into evidence.

17 (Whereupon, Gianni Exhibit 1 was
18 marked for identification and
19 admitted into evidence.)

20 (Witness excused.)

21 STACEY DONELAN; Having first been duly affirmed,
22 Testified as follows:

23 COMMISSIONER BROWN-BLAND: All right.

24 DIRECT EXAMINATION BY MR. GRANTMYRE:

1 Q Please state your name.

2 A My name is Stacey Donelan.

3 Q And address?

4 A My address is 112 Treywood Lane in Briar Chapel
5 Subdivision.

6 Q And do you have a written statement which you'd
7 like entered into evidence as if given orally?

8 A Yes, I do.

9 MR. STYERS: Madam Commissioner, if there are
10 any objections that relate to the content of these
11 exhibits we haven't seen yet, we will make those in time
12 for the Commission to rule on them before the conclusion
13 of the hearing in this matter.

14 COMMISSIONER BROWN-BLAND: All right.

15 THE WITNESS: Thank you.

16 MR. GRANTMYRE: We ask that this be identified
17 as Donelan Exhibit 1.

18 THE WITNESS: Thank you.

19 MR. GRANTMYRE: Thank you.

20 COMMISSIONER BROWN-BLAND: It will be so
21 identified and received into evidence.

22 (Whereupon, Donelan Exhibit 1 was
23 marked for identification and
24 admitted into evidence.)

1 (Witness excused.)

2 MR. GRANTMYRE: Now we are going to call the
3 witnesses that want to present oral testimony. And the
4 first group we're going to call, since they were here
5 first, is the Board of Governors or Board of Directors of
6 the POA at Briar Chapel.

7 So, again, you'll come up and give your name
8 and proceed. Shelley Colbert.

9 SHELLEY COLBERT; Having first been duly affirmed,
10 Testified as follows:

11 COMMISSIONER BROWN-BLAND: All right. Just a
12 minute. We'll wait on Mr. Grantmyre.

13 DIRECT EXAMINATION BY MR. GRANTMYRE:

14 Q Please state your name and address.

15 A I'm Shelley Colbert. I live at 157 North
16 Serenity Hill Circle in Briar Chapel.

17 Q And you are a member of the Board of Governors
18 or Board of Directors of the POA?

19 A I am the Vice President of the Briar Chapel
20 Community Association, which is the homeowners
21 association for Briar Chapel, and the HOA itself is also
22 a customer of the utility.

23 Q Okay. Please proceed with your statement.

24 A I have a written statement to give you, too.

1 MR. GRANTMYRE: We would ask that this be
2 identified as Colbert Exhibit 1. And it will be on the
3 Commission's website.

4 COMMISSIONER BROWN-BLAND: It will be
5 identified as Colbert Exhibit 1.

6 (Whereupon, Colbert Exhibit 1 was
7 marked for identification and
8 admitted into evidence.)

9 COMMISSIONER BROWN-BLAND: Now, because she's
10 going to testify, Mr. Styers, if you'd like to see this
11 now ahead of time, you may.

12 MR. STYERS: I would, if that's possible.

13 A I'm losing a few seconds here. I hope you will
14 allow me a bit more time.

15 As I mentioned, I'm the Vice President of the
16 Briar Chapel Community Association, the HOA for Briar
17 Chapel, and it's also a customer of the utility.

18 COURT REPORTER: I'm sorry, ma'am. Ma'am? I'm
19 going to need you to read a little bit slower.

20 THE WITNESS: Okay.

21 A It's my testimony that the BCCA opposes the
22 applications before the Commission because the Applicant
23 has repeatedly demonstrated that it is not capable of
24 managing future operations under the proposed transfer.

1 In addition, I'm testifying to challenge the
2 accuracy of the testimony submitted --

3 COMMISSIONER BROWN-BLAND: Ms. Colbert, she's
4 -- you're going to have to slow down so she -- she's
5 taking down what you say word for word.

6 THE WITNESS: I'm so sorry.

7 COMMISSIONER BROWN-BLAND: All right. I'll
8 give you a little extra time so she can get it straight.

9 THE WITNESS: I do apologize. I practiced this
10 so I could get it down to three minutes and --

11 (Laughter.)

12 MR. GRANTMYRE: We would ask for five minutes
13 for this young lady.

14 THE WITNESS: Thank you, sir.

15 A As an officer and director of the BCCA, it is
16 my testimony that the BCCA opposes the application before
17 the Commission because the Applicant has repeatedly
18 demonstrated that it is not capable of managing future
19 operations under the proposed transfer. In addition, I
20 am testifying to challenge the accuracy of the testimony
21 submitted by Mike Myers of Old North State in support of
22 the applications.

23 The BCCA owns hundreds of acres of
24 environmentally sensitive real property which includes

1 portions of Pokeberry Creek. Much of the common areas
2 and open space owned by the BCCA also are required to be
3 publicly accessible for recreation, including our trail
4 system. The County-assessed total value of BCCA property
5 is approximately six and a half million dollars, and the
6 BCCA -- excuse me -- and the BCCA assets are accessed by
7 2000-plus member households and many other Chatham County
8 citizens.

9 The BCC-owned property is subject to utility
10 easements and irrigation agreements entered into by the
11 developer of Briar Chapel. ONSWC has placed its
12 infrastructure and equipment on easements throughout BCC-
13 owned parcels, and for the last two years ONSWC has
14 failed to manage its operations, infrastructure, and
15 equipment on BCCA property in a competent manner, to the
16 financial detriment of the BCCA.

17 The Old North State failures with respect to
18 the installation of the force main project on BCCA
19 property are particularly egregious. In March 2018, Old
20 North State obtained a land clearing permit in Chatham,
21 and for the next 18 months racked up seven notices of
22 violations, four continuing notices of violations, and a
23 \$15,000 fine for permit violations that included over-
24 clearing, failure to follow the plan, sedimentation

1 controls, and failure to take reasonable measures, which
2 resulted in significant, uncompensated damages that
3 continue to present an unresolved financial risk and
4 other potential liabilities -- excuse me -- for the BCCA.

5 Attached as Exhibit A to my testimony, the
6 Notice Of Civil Penalty Assessment for Violations of the
7 Chatham County Erosion & Sedimentation Control Ordinance,
8 dated October 14th, 2019, summarizes the recurrent
9 violations and fine from Chatham County, and is evidence
10 of an ongoing, willful pattern of noncompliance over a
11 20-month period that attests to the management failures
12 of Old North State.

13 As documented elsewhere by NCDEQ, ONSWC has
14 been responsible for repeated environmental violations
15 involving raw sewage spills on BCCA-owned property,
16 creating risk, liability, and expense for the BCCA.

17 The BCCA has had to divert its own management
18 resources in order to deal with homeowner and community
19 complaints regarding health, odor, unsafe conditions, and
20 denial of public use created by those violations and --
21 excuse me -- by ONSWC's failure to provide adequate
22 remediation and customer service. The BCCA has been
23 providing what amounts to an involuntary subsidy to ONSWC
24 as a result of ONSWC's inadequate management oversight

1 and customer service.

2 Those failures impeach the accuracy of the
3 testimony of Mr. Myers and therefore -- excuse me -- the
4 BCCA unequivocally disputes the Myers testimony that
5 ONSWC or its affiliates, quote, "has the technical,
6 managerial, and financial capacity to provide adequate
7 wastewater service," end quote, given its technical,
8 managerial, and financial failures in Briar Chapel over
9 the last two years.

10 Those failures include: Failure to monitor and
11 maintain equipment; failure to oversee and monitor
12 subcontractors, including Envirolink; insufficient
13 maintenance and professional staffing to the current
14 facility; poor management oversight or follow-up to avoid
15 and correct problems, despite multiple contacts;
16 inability to troubleshoot and correct problems in a
17 timely manner needed to protect health and property;
18 widespread individual customer service failures; ongoing
19 indifference to and disregard for environmental
20 compliance; and failure to compensate for damages.

21 In conclusion, the proposed transfer will have
22 negative consequences for the rights and assets of the
23 BCCA. Until the Applicant fully complies with all state,
24 local, and federal regulations, and corrects the

1 management failures noted above, the NCUC should deny the
2 applications. Thank you.

3 COMMISSIONER BROWN-BLAND: Thank you.

4 Mr. Grantmyre, do you have questions?

5 MR. GRANTMYRE: I have no questions.

6 (Applause.)

7 MR. GRANTMYRE: No clapping.

8 COMMISSIONER BROWN-BLAND: That will just delay
9 us and we'll be here much longer.

10 Do you have any questions?

11 MR. GRANTMYRE: No questions.

12 COMMISSIONER BROWN-BLAND: All right.

13 Mr. Styers, any questions?

14 MR. STYERS: No questions.

15 COMMISSIONER BROWN-BLAND: Questions from the
16 Commissioners?

17 (No response.)

18 COMMISSIONER BROWN-BLAND: All right. Thank
19 you, Mrs. Colbert.

20 (Witness excused.)

21 MR. GRANTMYRE: Tom Speer? One thing. We'd --
22 I'd like to enter into the record the number of customers
23 that have shown up. I've counted it, and it's right at
24 230 persons in the room that are customers, and I'd just

1 like that acknowledged into the record that that is the
2 size of the crowd. Thank you.

3 DIRECT EXAMINATION BY MR. GRANTMYRE:

4 Q Can you state your name and address?

5 COMMISSIONER BROWN-BLAND: Whoops. Do you
6 affirm --

7 MR. GRANTMYRE: Oh, I'm sorry.

8 TOM SPEER; Having first been duly affirmed,

9 Testified as follows:

10 COMMISSIONER BROWN-BLAND: All right. Thank
11 you.

12 Q Please state your name and address.

13 A My name is Tom Speer. That's spelled
14 S-P-E-E-R. I live at 142 Quarter Gate Trace. That's in
15 Chapel Hill, North Carolina. That is in the Briar Chapel
16 Community.

17 Q And you have a position with the POA?

18 A Yes. I am President of the Board of
19 Directors --

20 Q Okay.

21 A -- for the Briar Chapel Community --

22 Q Please --

23 A -- Association.

24 Q -- proceed with your statement.

1 A I have copies here as well.

2 Q Go ahead and proceed while I'm handing it out.

3 Where --

4 A I am a resident of the Briar Chapel where I
5 serve as a board member and I am President of the Briar
6 Chapel Community Association. Briar Chapel currently
7 consists of approximately 2,000 residential homes and has
8 a population exceeding 6,000.

9 I have a Forest Technology Degree from the
10 College of Environmental Science and Forestry at
11 Syracuse, New York. I am testifying in opposition to the
12 requested transfer of the Briar Chapel Wastewater
13 Treatment Plant from Old North State Water Company that
14 is on your docket today.

15 My testimony is based on the facts that Old
16 North State has failed to meet Briar Chapel approved
17 master plans during installation of the Fearrington
18 Village interconnection pipeline. Their failures
19 resulted in numerous Notices of Violation from Chatham
20 County for soil and sedimentation damages --

21 COMMISSIONER BROWN-BLAND: Mr. Speer, could you
22 hold on a minute? Can everyone hear Mr. Speer?

23 NUMEROUS SPEAKERS: No.

24 COMMISSIONER BROWN-BLAND: Mr. Speer, get

1 closer and speak into the mic. All right. Read that --

2 A My testimony --

3 COMMISSIONER BROWN-BLAND: -- one more time.

4 A -- is based on the facts that Old North State
5 has failed to meet Briar Chapel approved master plan
6 during installation of the Fearrington Village
7 interconnection pipeline. Their failures resulted in
8 numerous Notices of Violations from Chatham County for
9 soil and sedimentation damages of Briar Chapel property.

10 During construction, multiple Briar Chapel
11 properties were carelessly damaged and hundreds of
12 second-growth hardwood trees destroyed.

13 At the time of this hearing, I am advising the
14 North Carolina Utility Commission -- Commissioners of the
15 following:

16 1. Old North State admits sole responsibility and
17 has accepted sole liability and has already paid a fine
18 of \$15,050 to Chatham County for violation of erosion and
19 sedimentation control ordinance.

20 2. Old North State gave verbal commitments to
21 official transition committee members of the Briar Chapel
22 and stated that they would replace damaged vegetation and
23 trees. To date, considerable work remains to finalize
24 grading, replace destroyed sidewalk, replant trees, and

1 restore vegetation barriers.

2 Briar Chapel --

3 3. Briar Chapel Board of Directors has assessed
4 property damages and costs are into the hundreds of
5 thousands of dollars. This is not a cost that Briar
6 Chapel will cover at its own expense. As stated, Old
7 North State has admitted sole responsibility and already
8 has paid fines to Chatham County. We simply ask that
9 they immediately restore our property that they
10 needlessly destroyed.

11 The Briar Chapel Board of Directors has been
12 advised that existing permits for the project may be due
13 for renewal very soon. As the Briar Chapel President, I
14 cannot approve or sign off on permits until past damages
15 have been resolved.

16 I request that the North Carolina Utility
17 Commission deny Old North State's request and instead
18 delay any further decision on this matter until Old North
19 State completes restoration of damages that have already
20 been inflicted.

21 In your handouts I've references and
22 highlighted areas of destruction. There is a diagram.
23 It's hard to put it into words, but it's a diagram of the
24 location of the pipeline through a portion of Briar

1 Chapel. On the second page there is an overview of Briar
2 Chapel, and you will see that the pipeline goes directly
3 through the heart of the Briar Chapel community, which
4 means that -- that this construction should have received
5 direct and continual oversight, and none was provided.

6 There are photo images included as well on page
7 4 that are taken by myself recently on January 5th of
8 2020, showing a pipeline and destroyed forest along the
9 -- outside the approved Chatham County permit area. The
10 permit area is approximately 20 feet wide, give or take a
11 couple of feet on each other's side for some
12 miscellaneous and the damages. However, the extent is in
13 some areas 60 to 80 feet wide.

14 COMMISSIONER BROWN-BLAND: All right.

15 Mr. Speer, you've --

16 A And then finally, there is a Notice of
17 Violation from Chatham County, and I just wanted to read
18 the first paragraph or first -- one of the sentences in
19 that. "This letter is to serve as a revision to the
20 previous Civil Penalty Assessment." And then reading on
21 down, it states that:

22 "Old North State Water Company has claimed sole
23 responsibility for the violations of Chatham
24 County Soil Erosion and Sedimentation Control."

1 COMMISSIONER BROWN-BLAND: All right.

2 THE WITNESS: Thank you.

3 COMMISSIONER BROWN-BLAND: Thank you,

4 Mr. Speer. I believe this package that you passed out of
5 several pages will be identified as Speer Exhibit Number
6 1.

7 (Whereupon, Speer Exhibit 1 was
8 marked for identification and
9 admitted into evidence.)

10 MR. GRANTMYRE: One quick question.

11 Q Mr. Speer, will you submit to the Public Staff
12 tomorrow or the next day a list of items that you are
13 requesting Old North State or Chatham North to complete
14 that they have not done so yet?

15 A Yes, I will.

16 Q Thank you.

17 COMMISSIONER BROWN-BLAND: All right. Any
18 other questions, Mr. Grantmyre?

19 MR. GRANTMYRE: No.

20 COMMISSIONER BROWN-BLAND: All right.
21 Questions, Mr. Styers?

22 MR. STYERS: I just have one -- one additional
23 question.

24 CROSS EXAMINATION BY MR. STYERS:

1 Q Mr. Speer, have you submitted to Old North
2 State or Chatham North any specific list of requested
3 repairs or damage such as what Mr. Grantmyre has asked
4 that you submit to the Public Staff tomorrow?

5 A Yeah. I would refer you back to the -- one of
6 the paragraphs in my testimony that says that Old North
7 State gave verbal commitments to official transition
8 committee members. There was a roundtable conversation
9 with our official transition committee members where
10 damages were discussed and various items were discussed
11 so far as trees, vegetation, soil cover, and the extent
12 of the effort.

13 That's the same reforestation that they -- Old
14 North State has already approved with the County and has
15 already planted trees along the riparian areas.

16 Q But just to make sure I understand it, you
17 haven't submitted anything in writing, a complete list
18 of --

19 A No --

20 Q -- specific items?

21 A -- not at this time. Not at this time.

22 Q Thank you very much.

23 COMMISSIONER BROWN-BLAND: All right. Any
24 questions by the Commissioners? No questions?

1 (No response.)

2 COMMISSIONER BROWN-BLAND: All right. Thank
3 you, Mr. Speer.

4 THE WITNESS: Thank you, ma'am.

5 (Witness excused.)

6 MR. GRANTMYRE: Jerry Cole.

7 JEROME COLE; Having first been duly affirmed,
8 Testified as follows:

9 COMMISSIONER BROWN-BLAND: Thank you.

10 DIRECT EXAMINATION BY MR. GRANTMYRE:

11 Q Please state your name and address.

12 A My name is Jerome Cole. I live at 485 Wildwind
13 Drive, Chapel Hill, in the Briar Chapel community.

14 Q And you are on the Board of Governors of the
15 POA?

16 A I am, and I am Secretary/Treasurer of the POA.

17 Q Okay. Please proceed with your statement.

18 A Thank you. I do have a written statement that
19 I'd --

20 MR. GRANTMYRE: We would ask --

21 A -- like to submit.

22 MR. GRANTMYRE: -- that this be identified as
23 Cole Exhibit 1.

24 A There are five copies there.

1 COMMISSIONER BROWN-BLAND: It will be so
2 identified.

3 (Whereupon, Cole Exhibit 1 was
4 marked for identification and
5 admitted into evidence.)

6 Q Please proceed with your statement.

7 A Okay. Thank you. My -- as I said, my name is
8 Jerry Cole. I have a professional background in
9 environmental health and toxicology, and I have a
10 doctorate degree in environmental health. My testimony
11 relates to the reclaimed water used for irrigation in the
12 common areas of Briar Chapel and in certain
13 neighborhoods, including Boulder Park, the neighborhood
14 where I live.

15 While recycled water has benefits and can be
16 used safely, that assumes that the water recycling
17 process has been properly designed and operated. This
18 assumption would be -- should be backed up with adequate
19 water sampling to assure that the recycled waters meet
20 the health and safety standards for which -- which have
21 been written.

22 To my knowledge, Old North State operating
23 permit requires water testing only at the point of
24 departure from the treatment plant. The treated water is

1 tested for various parameters, and the only pathogen
2 that's treated is -- or that is tested is coliform, fecal
3 coliform. The permit requires only two grab samples per
4 month for the coliform bacteria. Even these
5 comparatively weak requirements were violated by Old
6 North State, according to the Notice of Violation issued
7 by the Department of Environmental Quality in September
8 of this year.

9 After the treated water leaves the treatment
10 plant, it flows on to a -- into a holding pond until it
11 is piped out to the points of use. According to The
12 WaterReuse Foundation, the wastewater classification is
13 -- for this kind of use is urban unrestricted.

14 The classification includes irrigation of areas
15 with unrestricted public access, such as in parks,
16 playgrounds, schoolyards, and others. It's noteworthy
17 that the EPA recommends considerably more stringent
18 standards than are being utilized at the current Briar
19 Chapel Facility.

20 There are -- there are concerns also about
21 regrowth of indicator pathogens such as fecal coliform,
22 as well as opportunistic pathogens not generally included
23 in testing, but they can occur in the storage ponds even
24 after treatment. The Water Resource Foundation provides

1 several recommendations for utilities to control this
2 regrowth, which could and should be adopted by Old North
3 State.

4 The point of all this is that there is no
5 further testing of Briar Chapel recycled water when it --
6 after it leaves the treatment facility. The recycled
7 water could well contain unacceptable levels of bacterial
8 pathogens, even though it may have been acceptably free
9 of them after passing through the treatment plant. There
10 have been frequent reports of hydrogen sulfide odor
11 associated with irrigation that could be also an
12 indicator of anaerobic conditions and anaerobic bacteria.

13 It's my strong recommendation that a new
14 recycled water testing regime should be adopted to
15 include frequent testing at the points of use and that
16 the results should be shared with the community.
17 Otherwise, my family and I and my neighbors, nor others
18 who utilize our wonderful playgrounds and parks, cannot
19 be sure that our health is not being threatened by the
20 recycled water that has been perhaps not properly
21 treated.

22 Until such a program is adopted and the
23 recycled water is shown to be safe, no transfer of the
24 Briar Chapel facility should be allowed, and certainly no

1 expansion of the current facility should be permitted.

2 Thank you.

3 Q I have -- I have, I'm sorry, a follow-up
4 question. Can you explain to the Commission the sites in
5 Briar Chapel where the reuse water is sprayed? I've been
6 out there and I've seen park areas, ballfields, grassy
7 medians. And can you explain --

8 A Yeah. It -- very much -- very much of the
9 community -- not all -- not all of it, but very much of
10 the common areas are sprayed with the recycled water.
11 And one -- I believe it is two, actually -- one now and
12 one in the future of the neighborhoods whose lawns are
13 being irrigated by the recycled water.

14 Q Now, are there some ballfields that are being
15 sprayed, to your knowledge?

16 A Not to my knowledge.

17 Q Okay. Thank you.

18 MR. GRANTMYRE: I have no further questions.

19 COMMISSIONER BROWN-BLAND: All right.

20 Mr. Styers?

21 MR. STYERS: Just a few, Madam Commissioner.

22 CROSS EXAMINATION by MR. STYERS:

23 Q Mr. Cole, if I understand correctly, is it true
24 that the Department of Environmental Quality has

1 regulatory standards for reuse of reclaimed water? Is
2 that correct?

3 A Yes. That's true.

4 Q Okay. And those regulatory standards --

5 A Just a moment. I'd correct it. They have
6 issued a permit with those stand--- with those standards.

7 Q You anticipated my next question. So there is
8 a permit issued with reclaimed water standards.

9 A That is correct.

10 Q And that permit is subject to enforce---
11 oversight enforcement by the Department of Environmental
12 Quality, is it not?

13 A Yes, it is.

14 MR. STYERS: No further questions.

15 COMMISSIONER BROWN-BLAND: All right.

16 Questions by the Commissioners?

17 (No response.)

18 COMMISSIONER BROWN-BLAND: All right. Thank
19 you, Mr. Cole.

20 (Witness excused.)

21 MR. GRANTMYRE: Jim Proper.

22 JIM PROPER; Having first been duly affirmed,

23 Testified as follows:

24 COMMISSIONER BROWN-BLAND: All right.

1 DIRECT EXAMINATION BY MR. GRANTMYRE:

2 Q Please state your name and address.

3 A My name is James Proper. I live at 44 Ashwood
4 Drive in Chapel Hill in the Briar Chapel community.

5 MR. GRANTMYRE: And we would ask that this be
6 identified as James Proper Exhibit 1, please.

7 COMMISSIONER BROWN-BLAND: It will be so
8 identified.

9 (Whereupon, James Proper Exhibit 1
10 was marked for identification and
11 admitted into evidence.)

12 Q Please proceed with your statement.

13 A I'm a --

14 Q Are you a member of the board of the POA?

15 A Yes. I'm an elected member since November
16 2018.

17 Q Okay. Please proceed with your statement.

18 A I oppose the proposed expansion of the Chapel
19 Hill Sewage Treatment Facility, and I will explain two of
20 my many reasons.

21 First, Old North State Water Company was fined
22 \$11,000 and then paid a negotiated sum of 7,000 plus
23 related fees totaling \$700 in response to an August 22,
24 2018 Notice of Violation. This Notice of Violation

1 addressed the spraying of reclaimed effluent onto the
2 sports courts, sidewalks, and street, as well as players
3 and pedestrians.

4 My written report -- this is why it's so thick.
5 My written report includes this Notice of Violation with
6 colored photographs of unhealthy effluent spraying
7 directly onto a pickle ball player, making the courts
8 slick and potentially dangerous to tennis, basketball,
9 and pickle ball players; plus, soaking the sidewalk
10 access to the courts, as well as the benches to the -- at
11 the picnic pavilion.

12 At that time the grass around the courts, the
13 pavilion, and the surrounding fields was satur--- was
14 suffering from over-irrigation. As a result of this, the
15 distressed condition of the fields contributed to the
16 creation of wastewater ponding and runoff, as the
17 photographs will confirm, which ought to be prevented by
18 the permit enforcement.

19 Algae was observed in the concrete gutters
20 where runoff was noted, indicating that the runoff had
21 been occurring for an extended period of time. Old North
22 State self-reported few, if any, of these notifications
23 to the Raleigh Regional Department of DEQ, despite the
24 2009 permit requirement to do so. According to the DEQ,

1 many permit violations were, and still are, not -- not
2 self-reported by Old North State, as required.

3 Secondly, Old North State remains out of
4 compliance with the 2009 original permit by their
5 conscious, irresponsible decision not to provide the
6 required corrective action.

7 The 2009 Effluent Easement and Irrigation
8 Agreement describes in item number 9 on page 4 under
9 Service Interruption, quote:

10 "In the event of service interruptions caused
11 by a malfunction of the Wastewater Treatment
12 System or the Spray Irrigation Facilities,
13 Utility Company shall exercise due diligence in
14 completing the necessary repairs" -- in
15 completing the necessary repairs -- "and
16 restoring reuse effluent delivery to the Reuse
17 Effluent Storage Ponds and functionality to the
18 Spray Irrigation Facilities."

19 This restoration of irrigation has not
20 occurred. Last fall the Board of Directors was told
21 falsely by Old North State that the NOV prevented them
22 from irrigating the court areas ever again.

23 Rather than correcting the problem and
24 restoring the functionality to the Spray Irrigation

1 Facilities, Old North State has shut off the irrigation
2 to this area, as well as removed the pumps and the
3 related equipment. Such callous, defiant disregard for
4 their permit obligations and for the people they serve is
5 not the decision of a competent, permit-abiding, trusted
6 company.

7 Permit violations continue after 18 months to
8 cause the degeneration and death of vegetation. In other
9 areas there are still sewage leaks, overflows, and
10 obnoxious odors, with helpless frustration for residents
11 and the BCCA.

12 It is my plea on behalf of the BCCA that the
13 Commission require the 2009 permit compliance by
14 restoring irrigation and improving Old North State
15 overall performance. Otherwise, to award an extension or
16 expansion to this incompetent utility company whose past
17 actions repeatedly fail their permit violations would be
18 grossly negligent. People in the state of North
19 Carolina, and particularly Chatham County, deserve your
20 protection from a rogue utility operator. Thank you.

21 (Applause.)

22 COMMISSIONER BROWN-BLAND: Ladies and
23 gentlemen, no clapping. No clapping. I appreciate that
24 you agree. Mr. Grantmyre?

1 MR. GRANTMYRE: To the extent it hasn't been
2 identified, we ask that this be Proper Exhibit 1, and I
3 have one brief question.

4 Q In your handout, you said there was over-
5 irrigation in the spray areas. And would that appear to
6 be pictures, the last --

7 A Yes.

8 Q -- three of the last four pages --

9 A Yes.

10 Q -- of the handout?

11 A Yes, it does.

12 Q Thank you.

13 MR. GRANTMYRE: I have no further questions.

14 COMMISSIONER BROWN-BLAND: Okay. Mr. Styers?

15 MR. STYERS: Just a question or two.

16 CROSS EXAMINATION BY MR. STYERS:

17 Q Mr. Proper, you heard the earlier testimony of
18 Mr. Cole that the Department of Environmental Quality has
19 regulatory standards regarding the spray field irrigation
20 that's in -- within the permit of Briar Chapel. Is that
21 correct?

22 A Yes.

23 Q And have you, yourself, filed any written
24 complaints or writings to the Department of Environmental

1 Quality raising these issues that you've discussed
2 tonight in your testimony?

3 A No, but I met with them twice in person in
4 Raleigh and explained to them orally.

5 Q Thank you very much.

6 MR. STYERS: No further questions.

7 COMMISSIONER BROWN-BLAND: Commissioners, are
8 there any questions for Mr. Proper? Just a minute.

9 Mr. Proper?

10 MR. GRANTMYRE: Mr. Proper, we have a
11 Commission question.

12 THE WITNESS: I'm sorry.

13 EXAMINATION BY COMMISSIONER DUFFLEY:

14 Q Approximately what date did you take these
15 pictures?

16 A I think the dates are right in the -- earlier,
17 before the pictures appear, are the dates. And I think
18 they were in August 2018. That's just off the top of my
19 head.

20 Q Thank you.

21 COMMISSIONER BROWN-BLAND: The record will
22 reflect the first question was from Commissioner Duffley.
23 Commissioner McKissick?

24 COMMISSIONER McKISSICK: Yes, just a quick

1 follow up.

2 EXAMINATION BY COMMISSIONER McKISSICK:

3 Q You have indicated in your testimony that you
4 had spoken with someone in Raleigh to report this. Do
5 you remember the date, approximate date, that you had
6 such a communication?

7 A August 23rd, 2019, with Ray (sic) Bolich, who
8 is an assistant there at the DEQ regional office.

9 Q And after that communication, did you receive
10 any follow-up communication from him? Any letter, any
11 documents, or was there any further --

12 A Yes. Mr. Bolich and Jay Zimmerman, his
13 supervisor, came to Briar Chapel and addressed about 260
14 residents who attended a meeting to learn more about this
15 whole situation.

16 And I said I met twice. My second meeting was
17 with Scott Vinson who replaced Ray Bolich. In fact, we
18 met with him on his first day in his new job.

19 Q Do you remember the approximate date that that
20 might have occurred, sir? If you recall.

21 A It was November or December of 2019.

22 Q And have there been any communications,
23 emails, letters, anything further?

24 A Yes. There have been emails, not necessarily

1 from Scott Vinson, but from Ray Milosh who's in that
2 office. In fact, it's from Ray Milosh that I got the
3 things that are attached to my statement.

4 Q And, sir, are these ongoing communications with
5 you in your capacity with the property owners'
6 association?

7 A Yes.

8 Q Thank you.

9 (Witness excused.)

10 MR. GRANTMYRE: Call Jennifer Drake.

11 COMMISSIONER BROWN-BLAND: And if I did not say
12 it, the exhibit submitted by Mr. Proper is Exhibit Proper
13 1 -- Proper Exhibit 1.

14 JENNIFER DRAKE; Having first been duly affirmed,
15 Testified as follows:

16 COMMISSIONER BROWN-BLAND: All right,
17 Mr. Grantmyre.

18 DIRECT EXAMINATION BY MR. GRANTMYRE:

19 Q Please state your name and address.

20 A My name is Jennifer Drake. I live at 58
21 Highveld Avenue, Chapel Hill, in the Briar Chapel
22 community.

23 Q And are you on the board of the POA?

24 A I am on the Board of Directors, yes.

1 Q And you have a written statement?

2 A Yes. I have copies for --

3 MR. GRANTMYRE: We would ask that this be
4 identified as Drake Exhibit 1.

5 COMMISSIONER BROWN-BLAND: It shall be
6 identified --

7 Q Please proceed with --

8 COMMISSIONER BROWN-BLAND: -- as Drake Exhibit
9 1.

10 (Whereupon, Drake Exhibit 1 was
11 marked for identification and
12 admitted into evidence.)

13 Q -- your statement.

14 A Good evening. I reside in Briar Chapel and
15 have been a resident since July 2016. I am currently
16 serving on the Board of Directors and have been a
17 volunteer to the homeowners' association in several
18 capacities since the summer of 2016.

19 I am here today to offer my testimony for
20 consideration as I am opposed to the requested transfer
21 of the Briar Chapel Wastewater Treatment System from Old
22 North State Water Company to ONSWC - Chatham North.

23 In my daily life I walk dogs all over Briar
24 Chapel, and I have witnessed and reported the consistent

1 and ongoing oversaturation of the many spray fields.
2 This is in direct violation of the DEQ operating permit
3 that prohibits spraying reclaimed water onto already
4 saturated soils, as they cannot absorb the nutrients and
5 other contaminants.

6 This is of great concern to me. The green
7 spaces set aside in our compact community are rendered
8 unusable for weeks at a time, a very clear nuisance. And
9 one area in constant state of oversaturation is directly
10 across the road from Pollard Middle School where children
11 from Chatham County, and not just Briar Chapel, are
12 unable to play because of this condition.

13 Additionally, I observed the large expanse of
14 green space called Great Meadow become oversaturated so
15 much that the entire segment of the park was required to
16 have the sod replaced because it essentially drowned.
17 This was very costly to the HOA, and the space was
18 rendered unusable for a better portion of a year due to
19 the dead grass and then the new sod work.

20 After reporting these incidents, I was informed
21 by our management company that this was caused by the
22 actions of Old North State facility operating in Briar
23 Chapel whose responsibility it is to regulate the
24 irrigation.

1 Other locations being oversaturated are Boulder
2 Park and Briar -- Briar Commons, to the point where algae
3 are in the curb gutters. These areas are designed for
4 play and activity and are not being utilized as intended
5 due to the constant overirrigation.

6 It is my hope that Old North State facility can
7 correct these obvious violations of the DEQ permit, cause
8 no further financial burden to Briar Chapel, and finally
9 demonstrate that they can become a responsible,
10 compliant, and a -- a responsible, compliant, and
11 responsive operator who also resides in our beautiful
12 community. Until then, I am strongly opposed to any
13 transfer and certainly no expansion.

14 Thank you for your consideration.

15 Q I have one follow-up question. You said there
16 were areas that children were unable to play. Where are
17 those areas?

18 A The portion I am speaking of in this statement
19 is the green space that's right across from Pollard
20 Middle School. The road there is Granite Mill.

21 Q Okay. Thank you.

22 A Uh-huh.

23 COMMISSIONER BROWN-BLAND: Mr. Styers?

24 MR. STYERS: One quick question.

1 CROSS EXAMINATION BY MR. STYERS:

2 Q Were the areas that you referred to across from
3 Pollard Middle School, were those during the winter
4 months or the summer months, or do you remember?

5 A I am particularly remembering the springtime.

6 Q All right.

7 MR. STYERS: No further --

8 A Which was a very dry spring.

9 Q Thank you very much.

10 MR. STYERS: No further questions.

11 COMMISSIONER BROWN-BLAND: Any questions from
12 the Commissioners?

13 (No response.)

14 MR. GRANTMYRE: It's been raised that I --
15 perhaps I overlooked having her affirmed.

16 Did you affirm?

17 THE WITNESS: I did.

18 COMMISSIONER BROWN-BLAND: She did.

19 MR. GRANTMYRE: Thank you.

20 (Witness excused.)

21 COMMISSIONER BROWN-BLAND: I will say for the
22 benefit of the audience and for Mr. Styers and his
23 client, normally, we have more time between the public
24 hearing and the evidentiary hearing, at which time we

1 require the Companies to make a filing, a report where
2 they answer to the best of their abilities the questions
3 or the answers to the complaints that are made and so
4 forth.

5 Because we won't have that time because the
6 hearing is a week from today -- well, from tomorrow, I
7 will request that Mr. Styers be prepared at the
8 evidentiary hearing to present witnesses who will answer
9 to the claims and complaints that are made here tonight.

10 MR. STYERS: I believe that would be
11 appropriate, and we are glad to do so. Thank you, Madam
12 Commissioner.

13 COMMISSIONER BROWN-BLAND: All right, thank
14 you. Mr. Grantmyre?

15 MR. GRANTMYRE: We're going to move on to the
16 non-board members now. Patricia Van Hoy.

17 PATRICIA VAN HOY; Having first been duly affirmed,

18 Testified as follows:

19 COMMISSIONER BROWN-BLAND: Okay.

20 DIRECT EXAMINATION BY MR. GRANTMYRE:

21 Q Please state your name and address.

22 A I am Patricia Van Hoy. I live at 120 Middleton
23 Place, Briar Chapel.

24 Q And please proceed with your statement.

1 A Okay. I do have the handouts. There's the
2 written statement. There's Exhibit A and Exhibit B for
3 the Commissioners.

4 MR. GRANTMYRE: We would ask that this be
5 identified as Van Hoy Exhibit 1 and also Van Hoy Exhibit
6 2. We only have one copy of the pictures.

7 THE WITNESS: Okay.

8 MR. GRANTMYRE: That's Number 2. This is 1.
9 The other is 2.

10 COMMISSIONER BROWN-BLAND: All right. We need
11 to make sure that Mr. Styers takes a look, and they will
12 be identified as Van Hoy Exhibit 1 -- which one is
13 Exhibit 1?

14 MR. GRANTMYRE: The written statement.

15 COMMISSIONER BROWN-BLAND: The written
16 statement is Van Hoy Exhibit 1.

17 (Whereupon, Van Hoy Exhibit 1 was
18 marked for identification and
19 admitted into evidence.)

20 MR. GRANTMYRE: The pictures are 2.

21 COMMISSIONER BROWN-BLAND: The pictures are Van
22 Hoy Exhibit 2.

23 (Whereupon, Van Hoy Exhibit 2 was
24 marked for identification and

1 admitted into evidence.)

2 A Okay. I've had to alter my statement a little
3 bit based on the previous statements, so it may not flow
4 as -- as easily as I thought it would.

5 I would like to make several points as to why
6 Briar Chapel Wastewater Treatment Plant should not be
7 expanded or accept sewage outside the current subdivision
8 or have a name change.

9 Exhibit A, which is an earth map, shows the
10 Briar Chapel plant is located on a hill surrounded by
11 private residences in very close proximity to the plant.
12 The plant is outlined in red and shows the close
13 proximity to be within 200 feet of one home.

14 The second earth map, Exhibit B, shows the huge
15 buffer around the Mason Farm Wastewater Treatment Plant.
16 Also, that plant is gravity fed, which is how sewage
17 flows, not uphill like Briar Chapel.

18 In addition to what other -- others have
19 testified, I add the operator in charge of our plant,
20 Briar Chapel, Mr. Lamm, operates eight other plants and
21 is backup for 13 additional plants which are in different
22 cities.

23 Old North State ignores calls regarding
24 nuisance problems. My house is one of those that is

1 irrigated. The front yard is irrigated by the recycled
2 water. It's constantly sprayed with the brown water. No
3 one is on duty on the weekends. I have called regarding
4 problems.

5 The plant was inspected September 10th, 2019,
6 and cited for the following violations. Here are some of
7 them: significant solids spread -- present at clarifier;
8 sodium hypochlorite system not operating; chlorine feed
9 not working; missing non -- non-discharge wastewater
10 monitoring reports missing; annual soil analysis not
11 available.

12 The DEQ Permit WQCS00372 calls out specific
13 operation and maintenance requirements, including daily,
14 monthly, and weekly inspection. And shown in the latest
15 inspection by DEQ, they've clearly failed to meet these
16 requirements.

17 The permit further states that the general
18 conditions for this permit do not prohibit the Division
19 from modifying the permit, revoking it, or terminating
20 it.

21 Old North State fails to respond to complaints
22 and has clearly shown they are incapable of establishing
23 an adequate system for collecting and maintaining and
24 operating this system. Due to the frequent Notices of

1 Violation and similar problems and light penalties, it is
2 quite clear Old North State does the minimum to become
3 compliant in order to operate and apply for additional
4 permits.

5 How can we expect Old North State to operate
6 any differently with added sewage capability? The
7 additional sewage will change the way Briar Chapel
8 discharges only reclaimed water and increase the
9 pollution into Jordan Lake. The foul odor nuisance and
10 negative publicity are impacting our community and
11 quality of life. It will ultimately affect the property
12 values. No action should be taken until the Briar Chapel
13 homeowners are allowed to vote on any changes that are
14 made to this treatment plant.

15 And I further invite Mr. Myers, his engineers,
16 or whomever to my home to smell the odor and also to see
17 the sewage that is sprayed on my yard. Thank you very
18 much.

19 MR. GRANTMYRE: I have no further questions.

20 COMMISSIONER BROWN-BLAND: Mr. Styers?

21 MR. STYERS: Just a -- just a few.

22 CROSS EXAMINATION BY MR. STYERS:

23 Q Ms. Van Hoy, you cite the DEQ Permit

24 WQCS00372 --

1 A Yep.

2 Q -- in your written statement. Is that correct?

3 A Yes.

4 Q So it is your understanding that the wastewater
5 treatment plant itself is subject to a permit with
6 regulatory conditions issued by the Department of
7 Environmental Quality. Is that correct?

8 A Well, yes.

9 Q And that --

10 A However --

11 Q -- permit also involves and includes
12 specifications about the design and construction of the
13 permit -- of the plant when it was constructed, did it
14 not?

15 A I'm not certain about that.

16 Q And you recognize that the Department of
17 Environmental Quality continues to have jurisdiction and
18 enforcement oversight of the operation of the plant, is
19 it -- does it not?

20 A I understand that.

21 Q Thank you very much.

22 MR. STYERS: No further questions.

23 EXAMINATION BY COMMISSIONER BROWN-BLAND:

24 Q Ms. Van Hoy, so you've indicated a number of

1 problems having to do with the odor and potential
2 contamination and that kind of thing. It's my
3 understanding, notwithstanding past problems, that the
4 membrane that's proposed as a part of this project would
5 address those issues and make the effluent meet the
6 standards required by the Jordan Lake -- what we call the
7 Jordan Lake rules.

8 If that was true, are you -- are you still
9 opposed to the membrane-type technology?

10 A I am opposed to any further expansion of that
11 plant -- it is in my backyard -- until they become
12 compliant with all the requirements of their permits.
13 And over the years they have shown that they cannot
14 become compliant.

15 Q All right. And I believe when you began, you
16 indicated among the things that you were opposed to was
17 also you were opposed to any change in the name. Is
18 there any particular reason?

19 A Well, I don't think there should be any changes
20 until they become compliant.

21 Q All right. Thank you, Ms. Van Hoy.

22 A Uh-huh.

23 (Witness excused.)

24 MR. GRANTMYRE: Chair Brown-Bland, I know

1 you've mentioned to the Company you want them to be at
2 the January 22 hearing available to answer questions.
3 The Public Staff believes the Company has knowledge of
4 all these items that have been submitted, and the Public
5 Staff would request that the Company -- you may have to
6 take it under advisement -- be required to file written
7 responses to these testimony items before the hearing
8 next Wednesday either by Friday at 5:00 or by Tuesday at
9 noon for the Wednesday hearing.

10 I'm afraid when you've asked verbal questions
11 and get verbal responses, it gets very muddled. And
12 having written responses, it will be a lot clearer and
13 everyone would have a much better understanding. And I
14 think the Company is aware of everything that's been said
15 today, and they can produce written responses in that
16 time frame. Thank you.

17 MALE SPEAKER: Here, here.

18 COMMISSIONER BROWN-BLAND: Mr. Styers, do you
19 have any to say about Mr. Grantmyre's request?

20 MR. STYERS: We will exercise our very best
21 efforts. I have no objection to responding in writing.
22 We have no objection to that; glad to do that. Glad to
23 do that under oath, quite frankly, so that it would be
24 admissible into evidence. We will exercise our very best

1 efforts to do so.

2 I -- depending upon the length of the hearing
3 tonight and the number of issues raised, whether -- I
4 cannot -- I would not want to represent that we can
5 provide that by the end of the day on Friday.

6 COMMISSIONER BROWN-BLAND: And I anticipated as
7 much, and that is -- that is why I requested that you be
8 prepared with live witnesses to take --

9 MR. STYERS: We will provide written answers as
10 soon as possible prior to the hearing.

11 MALE SPEAKER: How about the lay people?

12 COMMISSIONER BROWN-BLAND: How -- however, what
13 I will require, even following that hearing, is that you
14 make point-by-point responses in writing and, if need be,
15 submit as late-filed exhibits after the hearing.

16 MR. STYERS: That's a very reasonable request.
17 I see no problems with us complying with that.

18 COMMISSIONER BROWN-BLAND: To the extent that
19 you're able to take care -- take care of what you can
20 prior to the hearing.

21 MR. STYERS: That's -- we're glad to do that --

22 COMMISSIONER BROWN-BLAND: All right.

23 MR. STYERS: -- Madam Commissioner.

24 MR. GRANTMYRE: Terri Barrett or Burrell?

1 MS. TERRI BURRELL: Burrell.

2 MR. GRANTMYRE: Burrell. Okay.

3 TERRI BURRELL; Having first been duly affirmed,

4 Testified as follows:

5 DIRECT EXAMINATION BY MR. GRANTMYRE:

6 Q Can you state your name and where you live,
7 your address?

8 A Sure. Terri Burrell, 78 Middleton Place in
9 Chapel Hill, which is part of Briar Chapel.

10 COMMISSIONER BROWN-BLAND: Ma'am, could you
11 spell your last name?

12 THE WITNESS: B-U-R-R-E-L-L.

13 Q And this is --

14 A I have --

15 Q -- your written statement --

16 A Yes, it is.

17 Q -- which we would ask to be identified as --

18 A I'm sorry. It's only --

19 Q -- Burrell --

20 A -- one copy.

21 Q -- Exhibit 1.

22 COMMISSIONER BROWN-BLAND: It will be so
23 identified.

24 (Whereupon, Burrell Exhibit 1 was

1 marked for identification and
2 admitted into evidence.)

3 Q Please proceed with your statement.

4 A Okay. As I said, my name's Terri Burrell. I
5 live at 78 Middleton Place in Chapel Hill. For most of
6 you that don't know Briar Chapel, that's the Encore
7 subdivision of Briar Chapel. That's the senior
8 community. Us old folks of 55 plus live there. It's a
9 small community of about 200 houses right now, projected
10 to be 300.

11 I bought in two years ago, approximately, and
12 was not told at that time that Briar Chapel had its own
13 wastewater site owned and operated by Old North State. I
14 was also not informed that the house that I purchased
15 backed up directly to that wastewater treatment plant. I
16 was told, however, that they would be using reclaimed
17 water to do our irrigation system. All of Encore has
18 irrigation system installed, and it was put into effect,
19 I guess, on a routine basis this past year.

20 So for the first part of the year that I was
21 there, the foul odor that came out of the irrigation
22 system, I attributed everything I was smelling around the
23 house to that irrigation system. But this past year
24 things have gotten tremendously worse. I can't open my

1 windows most days because the foul odor penetrates the
2 house. I have to use an air-freshening system. My
3 neighbors complain. My guests who come over complain.

4 I walk to the post office box three doors down
5 and I'm assaulted by the obnoxious odors. I go to the
6 clubhouse four doors up next to where Ms. Van Hoy lives
7 and I gag. I can't go to the pool without getting
8 nauseated all the time. Things are getting worse, not
9 better.

10 And I've gone to the public meeting that was
11 held for the board and the Briar Chapel residents this
12 past September, and I've listened to Old North State's
13 claim that they're working on it. They're going to put
14 some methods or treatment processes into place to make
15 this better. So I've been patient and I've just worked
16 with the board. I haven't complained directly to Old
17 North State. But I'm sick and tired of it, and I'm
18 literally getting sick.

19 Recently, I called my realtor because I'm
20 really seriously thinking about selling. And he came
21 over, was apprised of the situation, did some research
22 about the current situation and the potential influx of
23 Fearrington's waste, and told me, truthfully, he didn't
24 know if he could sell my house right now. And if he

1 could, I would take a loss.

2 I'm a retiree. I don't have the monetary means
3 now that I used to, and it was devastating to me to hear
4 that I would lose money and equity in my house that I had
5 just bought for my retirement years.

6 So to say -- at the very least, I'm pretty sick
7 about this. And to add on top of it, I'm a retiree from
8 the U.S. Environmental Protection Agency, 38 years. And
9 to have to suffer this and to learn that part of the
10 mediation efforts will be to pollute Jordan Lake with the
11 increased wastewater that we get from Fearrington Village
12 is just a low blow. So I totally object to this merger.
13 Thank you.

14 MR. STYERS: Madam Commissioner, I would say --

15 COMMISSIONER BROWN-BLAND: Hold on.

16 MR. STYERS: I have an objection to -- I have
17 objection to the extent the statement contains hearsay,
18 and I cannot cross examine hearsay statements in the --
19 in this statement, and I ask that all hearsay be stricken
20 from this statement.

21 COMMISSIONER BROWN-BLAND: We'll receive the
22 statement. You can ask the witness questions about the
23 statement, and we'll receive the statement for what it's
24 -- for what it's worth, and we'll be guided appropriately

1 about what was hearsay.

2 MR. STYERS: Just to make the record clear, the
3 remainder of the paragraph following the words "To my
4 dismay" I would ask be stricken, and I understand the
5 Chair's ruling. Thank you very much.

6 COMMISSIONER BROWN-BLAND: All right. Thank
7 you. Did you have questions, Mr. Grantmyre?

8 MR. GRANTMYRE: Yeah.

9 Q You might already have said so. How far a
10 distance are you from the wastewater treatment plant?

11 A I have not measured it in feet or yards, but my
12 backyard has approximately 50 feet, 100 feet of wild area
13 and then the trees that buffer to the wastewater
14 treatment plant.

15 Q Okay.

16 A I'm sure I'm one of the houses on the map --

17 Q Okay.

18 A -- that Patricia Van Hoy gave you.

19 Q Thank you.

20 COMMISSIONER BROWN-BLAND: All right.

21 Mr. Styers, do you have questions?

22 MR. STYERS: I do not.

23 COMMISSIONER BROWN-BLAND: Questions from the
24 Commissioners? Commissioner McKissick?

1 EXAMINATION BY COMMISSIONER McKISSICK:

2 Q I believe you indicated you have owned the home
3 for approximately two years. Is that correct?

4 A Yes.

5 Q Did you visit the home before you purchased it?

6 A I did.

7 Q And did you detect any of that odor that's so
8 prominent now during the time that you were visiting the
9 home?

10 A I didn't. It was February of 2018, very cold.
11 I couldn't smell anything at that time, and the builder's
12 representative -- the seller certainly didn't mention it,
13 nor did my realtor realize that there was a sewage
14 treatment plant back there.

15 Q And how long after owning the home did you
16 begin to detect these noxious odors?

17 A It was in the springtime, and that was when
18 they were manually turning on parts of the irrigation
19 system. And like I said, I attributed the smell to that
20 because you could directly smell it. And my guests would
21 come and say, "Oh, what's that horrible odor?" And I
22 would say, "Well, that's the spray from the irrigation
23 system." So I -- that's what I thought it was. Naïvely,
24 I didn't even think about the wastewater treatment plant.

1 I'm not even sure I learned that it was back there until
2 later in 2018.

3 Q And how often do you smell those offensive
4 odors today?

5 A I would say three to four days a week.

6 Q And is this something that your neighbors
7 also --

8 A Yes.

9 Q -- experience, to your knowledge?

10 A Yes. They have commented on it directly.

11 Q And do you know winds or anything like that?
12 The wind speeds, direction? I mean --

13 A No.

14 Q -- I'm trying to determine if this is something
15 that's narrowly focused or --

16 A Yeah.

17 Q -- if it's broad-based.

18 A No. That would be a good thing to do. And I'm
19 sorry. It -- the smell was there yesterday. It was
20 there two days ago, and that was in the rain. And I
21 would think that some of that would -- the weather would
22 help dissipate the smells, but it was there.

23 Q And the last question, have you reported
24 this --

1 A Not to Old North State. I have talked to the
2 board about it multiple times.

3 Q To the board, but not to Old --

4 A Yes.

5 Q -- North State.

6 A Yes.

7 Q Thank you.

8 A Thanks.

9 EXAMINATION BY COMMISSIONER BROWN-BLAND:

10 Q Ms. Burrell, if the new technology and the
11 plans that are being proposed were to solve or lessen the
12 odor problem, would you be opposed to the project --

13 A Well, that's --

14 Q -- and the transfer?

15 A -- that's speculation. That's hearsay.

16 Q Well, I don't think it's proven -- I mean, if
17 it --

18 (Laughter and applause.)

19 Q -- if it is --

20 COMMISSIONER BROWN-BLAND: All right, ladies
21 and gentlemen.

22 (Applause continues.)

23 COMMISSIONER BROWN-BLAND: No. Maintain order.

24 Q If it is -- at the evidentiary hearing where

1 people --

2 A Sure.

3 Q -- will be subject to cross examination and we
4 will have the experts both that represent the Public from
5 the Public Staff and from the Company, and if it is
6 proven to the Commission's satisfaction with sufficient
7 evidence that this would improve the situation, would you
8 be opposed to the transfer?

9 A I would still have to say yes at that time
10 because until it's proven to me in my house and that yard
11 could I then be supportive of it. Because experts
12 testify, that's great. That's a wonderful step. But
13 I've heard experts testify before. And until I can see a
14 difference in the impact, I can't support it. I'm sorry.

15 Q At some point you would like to be able to sell
16 your property and not have the value affected, so --

17 A That's correct. I'd like to be able to go
18 outside seven days a week and not be overwhelmed with
19 odor.

20 Q All right. And if the plans to transfer and to
21 install the new treatment -- it's my understanding the
22 treatment plants here that we're discussing have some age
23 on them, and if putting in newer technology would improve
24 the situation, is that not a better situation for you

1 than you have today?

2 A I'm all for newer technology. In fact, I may
3 be wrong, but I understood that regardless of whether we
4 incorporated Fearrington and other facilities into our
5 plant, that we were due for an upgrade of equipment
6 anyway to help with the treatment problem. So I'm all
7 for improvement.

8 Q All right.

9 COMMISSIONER BROWN-BLAND: Any other questions
10 from the Commissioners?

11 (No response.)

12 COMMISSIONER BROWN-BLAND: All right. Thank
13 you, Ms. Burrell.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 MR. GRANTMYRE: Teresa Sorella Weedon.

17 MS. TERESA SORELLA WEEDON: Can I lower this?

18 MR. GRANTMYRE: Yes. There you go.

19 MS. TERESA SORELLA WEEDON: Thank you.

20 TERESA SORELLA WEEDON: Having first been duly affirmed,
21 Testified as follows:

22 COMMISSIONER BROWN-BLAND: All right. Mr.
23 Grant---

24 MS. TERESA WEEDON: I do.

1 COMMISSIONER BROWN-BLAND: Thank you.

2 Mr. Grantmyre?

3 DIRECT EXAMINATION BY MR. GRANTMYRE:

4 Q Please state your name and address.

5 A Teresa Sorella Weedon, 249 Tobacco Farm Way,
6 Chapel Hill, North Carolina 27516. It's in the Briar
7 Chapel community.

8 Q Please proceed with your statement.

9 A I would like to read my statement and then hand
10 it in.

11 Q Okay. Thank you.

12 A Thank you. I oppose the transfer of public
13 utility franchise of Finch Creations, Incorporated, d/b/a
14 Fearrington Utilities, to Old North State Water Company -
15 Chatham North, LLC, in Chatham County, as referenced in
16 the letter from Fox Rothschild, LLP, to Ms. Kimberley A.
17 Campbell, Chief Clerk of the North Carolina Utilities
18 Commission, dated December 4th, 2019.

19 Old North State Water Company's current
20 operating practices present a nuisance such as odors and
21 sewer spillage.

22 The ongoing wastewater issues in my community
23 is a nuisance that I have and continue to personally
24 experience. We have standing water and bad odor

1 throughout our community. I have personally seen and
2 smelled it during my walks. I also smell the bad odor in
3 my home.

4 On August 9th, 2019, at approximately 6:00
5 a.m., I woke up to a strong, rotten-egg-like odor in my
6 house. I walked by my back door first and opened it.
7 The smell was strong and unbearable. I then walked to
8 the front of the house and opened the door to my balcony
9 where the odor was also present. I reported this
10 nuisance to Old North State Water Company immediately at
11 6:16 a.m. and to Rachel Thorn at the Chatham County at
12 6:22 a.m.

13 At 4:10 p.m. on the same day, Old North State
14 Water Company advised me, "Sewer odor is not harmful to
15 animals or humans. Reclaimed water is treated, so there
16 is no danger with irrigation either and we were unable to
17 find a source of the odor. There was no leak found."

18 I replied, "How does one know it is not harmful
19 to animals or humans if you are unable to find a source
20 of the odor?" Old North State Water Company did not
21 respond.

22 On August 15, 2019, Rachel Thorn, Watershed
23 Protection Director, Chatham County, responded. "I have
24 received quite a few inquiries from residents about this

1 and other wastewater issues in Briar Chapel."

2 On September 13, 2019, I advised Old North
3 State Water Company of a bad odor from irrigation facing
4 the clubhouse. The irrigation on Briar Chapel Parkway
5 was running at approximately 10:00 a.m. and it smelled
6 like rotten egg again. Old North State Water Company did
7 not respond.

8 On September 20th, 2019, I advised Old North
9 State Water Company of a bad odor from irrigation on
10 Briar Chapel Parkway across the park with the hammocks
11 that occurred a day earlier on September 19, 2019, and it
12 too smelled like rotten egg. Old North State Water
13 Company did not respond.

14 There are many other examples, but I will stop
15 here to meet my allowed time to testify. Thank you.

16 COMMISSIONER BROWN-BLAND: Thank you.

17 Mr. Grantmyre?

18 MR. GRANTMYRE: I have no further questions,
19 and we would ask that it be identified as Weedon Exhibit
20 1.

21 COMMISSIONER BROWN-BLAND: Ma'am, did you read
22 the complete statement?

23 THE WITNESS: I did.

24 COMMISSIONER BROWN-BLAND: All right.

1 THE WITNESS: Oh, well, I didn't read my name
2 and address at the bottom.

3 COMMISSIONER BROWN-BLAND: Okay. That's good.

4 THE WITNESS: Or the date.

5 COMMISSIONER BROWN-BLAND: It will be so
6 identified.

7 (Whereupon, Weedon Exhibit 1 was
8 marked for identification and
9 admitted into evidence.)

10 THE WITNESS: Okay.

11 COMMISSIONER BROWN-BLAND: Mr. Styers, any
12 questions?

13 MR. STYERS: No questions.

14 COMMISSIONER BROWN-BLAND: Questions from the
15 Commission?

16 MR. GRANTMYRE: Jeff has a question.

17 COMMISSIONER BROWN-BLAND: Commissioner Hughes?

18 EXAMINATION BY COMMISSIONER HUGHES:

19 Q The various correspondences that you recounted,
20 were they all via email, telephone? Has -- did any
21 representative of Old North State ever come to your
22 property?

23 A They were all written emails, so that it's all
24 written.

1 Q Thank you.

2 A You're welcome.

3 EXAMINATION BY COMMISSIONER BROWN-BLAND:

4 Q And the responses --

5 A You're welcome.

6 Q -- back to you were emails? The responses?

7 A They did not respond.

8 Q They did not respond. Okay.

9 A Yes.

10 Q Thank you.

11 A So when I mentioned a date and a time in the
12 email, I did not hear back from them. I did not get a
13 response.

14 Q All right.

15 A And when I did get a response, I mentioned it
16 in my testimony.

17 Q Okay.

18 A And the response I received.

19 Q Thank you.

20 COMMISSIONER BROWN-BLAND: Commissioner
21 McKissick?

22 COMMISSIONER McKISSICK: That answers my
23 question.

24 COMMISSIONER BROWN-BLAND: All right. Further?

1 (No response.)

2 COMMISSIONER BROWN-BLAND: All right. Thank
3 you.

4 THE WITNESS: Thank you.

5 COMMISSIONER BROWN-BLAND: You may be excused.

6 (Witness excused.)

7 COMMISSIONER BROWN-BLAND: Ladies and
8 gentlemen, at this time we're going to stop and take a
9 recess so our court reporter can get a break, and we will
10 come back. Be prepared to start at 8:50.

11 (Recess taken from 8:35 p.m. to 8:50 p.m.)

12 COMMISSIONER BROWN-BLAND: Let's come back to
13 order. All right.

14 DIANE CROMPTON; Having first been duly affirmed,
15 Testified as follows:

16 DIRECT EXAMINATION BY MR. GRANTMYRE:

17 Q Can you please state your name and address?

18 A Diane Crompton, 387 Tobacco Farm Way in Briar
19 Chapel.

20 Q And you have a statement you want to make?

21 A I do. And I also have testimony I'd like to
22 provide.

23 Q Okay.

24 MR. GRANTMYRE: We would ask that this be

1 identified as Crompton Exhibit 1.

2 COMMISSIONER BROWN-BLAND: It will be so
3 identified, Crompton Exhibit 1.

4 (Whereupon, Crompton Exhibit 1 was
5 marked for identification and
6 admitted into evidence.)

7 Q Please proceed with your statement.

8 A I moved into Briar Chapel three and a half
9 years ago. I was attracted to the area because of it
10 being a green community, with a focus on quality of life,
11 nature trails, and shared community spaces. I live
12 directly opposite Briar Chapel Commons, which is a
13 heavily-used public field. This is a very busy open
14 space, surrounded by families, children, and pets who all
15 want to participate in sporting activities, walk, play,
16 and lounge on the lawn of the Commons.

17 Since I have lived here, the grassy area of
18 this courtyard is forever damp, regardless of the
19 weather. There is routine overspraying of gray water on
20 the lawn, even when it rains. This water never really
21 drains out of the grass and it pools in the surrounding
22 walkways as well. There is also a sewage smell emanating
23 from this area, making this a nuisance. The gray water
24 and resulting smell prevent enjoyment of this space, the

1 ability to open windows, hang out on my porch, and also
2 risk bringing this gray water into my home.

3 Related to this, I had a housefly infestation
4 this past August. I was home recovering from surgery. I
5 had two sets of exterminators come out to check my house
6 inside and out to determine the cause of the problem.
7 Neither party had ever seen an issue quite like this and
8 they stated as such. They could not find a source inside
9 my home, around the foundation, or under the house.

10 One exterminator took it upon himself to call
11 his manager for outside counsel. The conclusion finally
12 reached was a potential link between the gray water and
13 sewage leaching into the Briar Commons area opposite my
14 house, with this creating a hospitable environment to
15 introduce the fly infestation.

16 I thought I was living in a green,
17 environmentally responsible community. Instead, I and my
18 colleagues, my Briar Chapel neighbors, are faced with a
19 bait-and-switch, living in a community plagued by routine
20 sewage spills due to lack of oversight, accountability,
21 compliance, management by Old North State. It's nothing
22 short of a money grab at the cost of our community and
23 the environment. I don't know how you sleep at night.

24 Counter to Mike Myers' testimony, there were no

1 public forums or increased meetings to provide Briar
2 Chapel residents the ability to express an opinion about
3 this expansion.

4 That's my statement.

5 Q Thank you.

6 MR. GRANTMYRE: I have no further questions.

7 COMMISSIONER BROWN-BLAND: Mr. Styers?

8 MR. STYERS: No questions.

9 EXAMINATION BY COMMISSIONER BROWN-BLAND:

10 Q Ms. Crompton --

11 A Yes.

12 Q -- could you elaborate -- and maybe it doesn't
13 need any, but if you can --

14 A Yes.

15 Q -- elaborate on your last comment about --

16 A Yes.

17 Q -- there were no meetings. Were there no
18 meetings or there was just not an opportunity for you to
19 express an opinion? Which one? One or both or --

20 A The former of the two, ma'am.

21 Q There was no meetings.

22 A Correct.

23 Q Okay.

24 (Witness excused.)

1 MR. GRANTMYRE: We'd call Mark W-F-F-P-O-N.

2 MR. MARK WEEDON: W-E-E-D-O-N.

3 MR. GRANTMYRE: -- E-E-D-O-N.

4 MR. MARK WEEDON: Yeah.

5 MR. GRANTMYRE: Okay. Weedon.

6 MR. MARK WEEDON: Yes.

7 MR. GRANTMYRE: Okay. Thank you.

8 MARK WEEDON; Having first been duly affirmed,

9 Testified as follows:

10 DIRECT EXAMINATION BY MR. GRANTMYRE:

11 A Yeah. I -- in fact, I wasn't going to have
12 anything to say tonight except for a walk I went on this
13 morning. My wife testified. The diminutive lady,
14 Italian, very definite about times and emails. You might
15 have -- a couple of times ago. She, in our family,
16 handles the details and has the dates and all the rest --

17 Q You're talking about Ms. Weedon.

18 A Yeah. That's my wife.

19 Q Teresa Sorella Weedon.

20 A Yeah. She --

21 Q Okay.

22 A -- she's --

23 Q That young lady.

24 A -- oh, six-four, four-eleven.

1 (Laughter.)

2 A The --

3 COMMISSIONER BROWN-BLAND: All right. Mr.

4 Mr. Grantmyre, will you --

5 MR. GRANTMYRE: Moving along.

6 COMMISSIONER BROWN-BLAND: -- walk him

7 through --

8 MR. GRANTMYRE: Moving along.

9 COMMISSIONER BROWN-BLAND: -- walk him through?

10 Q Okay. Please state your name and address.

11 A Mark Weedon, 249 Tobacco Farm Way, Chapel Hill,
12 North Carolina, part of the Briar Chapel community.

13 Q And please proceed with your statement.

14 A Thank you. As I was just mentioning, I wasn't
15 planning to talk to the Commissioners tonight. My wife
16 was going to be taking care of that, as I think she did
17 pretty well.

18 But I was walking my dog this morning, and I
19 made an observation that I thought might be of interest
20 to you. Like my neighbor, Diane Crompton, we moved to
21 the Briar Chapel area, meant to be our last home, and
22 I've enjoyed it the four years that we've been there.
23 Some of it's a little bit like about A Man and a Dog. My
24 dog and I have walked the Briar Chapel miles of trails

1 and so forth for most of the four or five years that I've
2 been there, and we walk two, three hours at a time;
3 sometimes two to three miles at a time. She's 17 and I'm
4 getting to be 70, so the walks are getting a little bit
5 shorter, but just about every morning at -- at 5 to 6:00
6 we go off on a walk.

7 And what we've noticed -- or what I've noticed
8 more recently is that the walk that we're on is much less
9 pleasant and much less green and much less nature-like
10 than it has been in the past. And that relates, I think,
11 to the saturation of the ground, a lot of the ground that
12 we walk on. A lot of it is -- relates to fields and so
13 forth.

14 But the main observation that caused me to say
15 something tonight was that I walked past an elevated
16 pipeline of where the sewage is handled. I walked into
17 an area that was often saturated, and it was a pond just
18 on the Great Ridge Parkway opposite the dog park. And
19 this pond had feet of green algae, sludge-like material
20 that extended out to where the intake was, and it was
21 flowing through and under the area just beside the
22 bridge.

23 And one of the things I noted was that in the
24 first couple of years I walked there, there was wildlife.

1 I mean, there were otters, and it was -- it was a very
2 friendly kind of environment. You felt like you were in
3 nature. I haven't seen the otters for some time now. I
4 haven't seen a lot of the birds and the other animals
5 that I would have seen in that holding area, and it's no
6 wonder. I don't think any -- anybody or any animal could
7 survive in it, and it's a shame. And it strikes me that
8 you'd probably want to have an environment that is
9 friendly to animals, friendly to nature, properly done
10 before you start expanding and doing these other things.

11 I think this is in many ways much less
12 compelling than somebody who has to actually live in this
13 every day, but I do think it's something that might have
14 been of interest to the Commissioners.

15 That's all I have to say.

16 MR. GRANTMYRE: I have no further questions.

17 COMMISSIONER BROWN-BLAND: All right. Any
18 questions from the Commissioners?

19 COMMISSIONER BROWN-BLAND: Commissioner
20 Duffley?

21 FEMALE SPEAKER: Is there a question?

22 THE WITNESS: Oh.

23 COMMISSIONER BROWN-BLAND: Mr. Weedon --

24 THE WITNESS: I'm sorry.

1 COMMISSIONER BROWN-BLAND: -- just a moment.

2 THE WITNESS: Yes.

3 COMMISSIONER BROWN-BLAND: Commissioner Duffley
4 has a question for you.

5 EXAMINATION BY COMMISSIONER DUFFLEY:

6 Q So you mentioned you walked your dog for the
7 past four years and that you've seen a deterioration. Do
8 you think it's from this overspray issue or --

9 A I --

10 Q -- why do you think that it has -- it is less
11 green?

12 A. Well, I think it's -- I think it's for a
13 variety of reasons. One of them has to do with just the
14 nature of the way the whole system was set up in the
15 first place, the Newland properties and all the rest, the
16 easements and so forth, which are presumably quite -- I
17 presume quite legal.

18 But the first big change was we used to go on a
19 walk that would -- it was about a three-and-a-half-mile
20 walk, and there was one section that was about a half a
21 mile that was just the most pristine area and not a lot
22 of people went out there, and it was the area that my dog
23 liked the most.

24 And one day we walked there and it was

1 completely blocked off, and it was blocked off by a very
2 large pipe that was elevated that presum--- that had the
3 -- it was the sewage pipe. So, you know, nothing
4 mismanagement at that point, right? I mean, it just --
5 you're following easements. But immediately the green
6 part and the things that my dog and I enjoyed walking on
7 were affected by it. So that's part of it.

8 But the other part is I just can't imagine --
9 and we're thinking of adjusting the walk. It's getting
10 worse because there's -- I didn't mention it, but there
11 was a faint -- it wasn't a -- it wasn't an overpowering,
12 but there's a faint odor coming from the algae this
13 morning. That's not a matter of the original setup and
14 easements and so forth. There's something wrong going on
15 there. Plus, the -- combined with the fact that when I
16 walk in the area leading up to that, quite a long
17 stretch, it's often saturated and wet exactly the way
18 some of the other residents had described. So it strikes
19 me that there's a cause and effect here.

20 Q Thank you.

21 MR. GRANTMYRE: I have just one follow-up.

22 COMMISSIONER BROWN-BLAND: Mr. Weedon?

23 REDIRECT EXAMINATION BY MR. GRANTMYRE:

24 Q Where is the pond that you saw all the algae

1 located? Can you --

2 A It's Great Ridge Parkway. I think it's
3 immediately opposite the dog park.

4 Q Thank you.

5 (Audience member speaks to Mr. Weedon.)

6 COMMISSIONER BROWN-BLAND: All right.

7 THE WITNESS: What's the part?

8 (Audience member continues to speak to

9 Mr. Weedon.)

10 THE WITNESS: Yeah. Yeah, I think -- okay. Is
11 that clear?

12 MR. GRANTMYRE: Yes. Thank you.

13 COMMISSIONER BROWN-BLAND: Thank you,
14 Mr. Weedon.

15 (Witness excused.)

16 MR. GRANTMYRE: The next name is difficult to
17 read. The last name begins with a D and the first name
18 begins with an A.

19 MR. ANTHONY DURNIAK: That's me.

20 MR. GRANTMYRE: Okay.

21 ANTHONY DURNIAK; Having first been duly affirmed,

22 Testified as follows:

23 DIRECT EXAMINATION BY MR. GRANTMYRE:

24 A My name is Anthony Durniak. That's spelled D

1 like in David, U-R-N-I-A-K. I live at 26 Serenity Hill
2 Circle, Chapel Hill, which is part of the Briar Chapel
3 development.

4 Q And do you have a statement you'd like to --

5 A I have a written statement, but I have a
6 summary that I'd like -- may -- I want to speak to the
7 Commissioners about.

8 MR. GRANTMYRE: We would ask that this be
9 identified as Darudnak (sic) Exhibit --

10 COMMISSIONER BROWN-BLAND: Durniak?

11 MR. GRANTMYRE: -- 1. Derriack (sic) --

12 COMMISSIONER BROWN-BLAND: Durniak Exhibit --

13 MR. GRANTMYRE: -- Exhibit 1.

14 COMMISSIONER BROWN-BLAND: -- 1.

15 (Whereupon, Durniak Exhibit 1 was
16 marked for identification and
17 admitted into evidence.)

18 Q Please proceed with your statement.

19 A Thank you. I ask the Commission to reject the
20 applications before it because, as customers, we are
21 confused about which company is responsible for the
22 current poor performance at the Briar Chapel Wastewater
23 Treatment Facility. The proposed transfer of ownership
24 will only further obfuscate who is responsible for the

1 safe and reliable operation of this essential
2 infrastructure.

3 My written testimony contains details, but let
4 me summarize the main points. First of all, the role of
5 Envirolink is not -- is unknown. As customers, we never
6 really dealt directly with Old North State Water Company.

7 We were instructed to contact Envirolink to arrange
8 sewer hookups, pay bills, and report many operational
9 problems we have experienced. But the business ownership
10 relationship between Old North State and Envirolink has
11 never been made clear. These applications did not
12 mention Envirolink's relationship with ONSWC - Chatham
13 North and the potential role they might play if there was
14 a transfer, nor is there any information provided about
15 Envirolink's technical expertise and financial situation.

16 Secondly, the principals have a record of
17 unreliability. According to the North Carolina Secretary
18 of State, the corporate registration of Old North State
19 Water Company, LLC, was administratively dissolved on
20 October 11th, 2019, because the company did not file the
21 requisite annual reports for 2018 and 2019.

22 Similarly, Integra Water does not appear to
23 have the authority to do business in North Carolina. A
24 Certificate of Authority for Integra Water, LLC, was

1 revoked on May 23rd, 2013, for failure to file the
2 requisite annual reports. If the corporate officers
3 cannot be relied on to file a simple corporate
4 registration, one must question their ability to comply
5 with the complex technical reports required by their
6 operating permits.

7 Customers are confused about who will be
8 responsible for the expanded facility. The applications
9 state that once the transfers are complete, the new ONSWC
10 - Chatham North plans to overhaul the Briar Chapel plant
11 so it can handle four times the amount of sewage. But
12 except for the use of the initials "ONSWC," there appears
13 to be no business relationship between Old North State
14 Water Company and ONSWC - Chatham North.

15 The new corporation is 95 percent owned by
16 Integra, a company based in Birmingham, Alabama. Once
17 again, there is little detailed information in the
18 application about the technical expertise and financial
19 situation of Integra.

20 More importantly, it is not clear who will be
21 responsible for the actual day-to-day performance of the
22 larger merged facilities.

23 I thank the Commission for the opportunity to
24 provide this information for your consideration. If I

1 have -- I have 20 seconds and more. I would like to
2 address a question that's come up about communications
3 with the owners.

4 We had a meeting -- as Mr. Myers mentioned
5 earlier, we had meetings in person on September 30th and
6 October 4th. And right after the meeting, I sent a --
7 I'm the Chair of the Communications Committee of our
8 homeowners' association, and I sent an email to Mr. Carr
9 McLamb, offering to -- that he -- offering to post
10 information about the company on our website for the
11 community to read.

12 And he said that after the meetings in person,
13 he was going to generate a report in a Q&A format to
14 answer the complaint -- many of the same ones you've
15 heard tonight. And that report was never forthcoming. A
16 copy of that email is attached to my written statement.

17 Q Yes. Will you identify who Mr. Lamb (sic) is?
18 Isn't he the operator and responsible charge?

19 A He's the chief operating officer and general
20 counsel.

21 Q Of --

22 A Of Envirolink.

23 Q Okay. Thank you.

24 A His business card is from Envirolink.

1 Q Okay. Thank you. And, also, you said two
2 entities had their certificate to do business in North
3 Carolina withdrawn by the Secretary of State. What was
4 the name of the first one?

5 A The first one is Old North State Water Company,
6 LLC.

7 Q Okay. Thank you.

8 A Now, that would be -- I have a -- I have
9 attached to my written statement the copy of the
10 certificate that's posted on the Secretary of State's
11 website and includes the Secretary of State's ID
12 number --

13 Q Okay.

14 A -- of the company -- corporation.

15 Q Thank you.

16 MR. GRANTMYRE: I have no further questions.

17 COMMISSIONER BROWN-BLAND: All right.

18 Mr. Styers?

19 MR. STYERS: Just one.

20 CROSS EXAMINATION BY MR. STYERS:

21 Q You're not familiar with the efforts of Old
22 North State Water Company or Chatham to correct the
23 administrative issues at the Secretary of State's office,
24 those efforts, are you?

1 A No, because there's -- there was nothing posted
2 on the website. As I checked last on Sunday night, there
3 was nothing posted that had been submitted to the
4 Secretary of State.

5 Q Okay.

6 MR. STYERS: No further questions.

7 COMMISSIONER BROWN-BLAND: All right.

8 Questions by the Commission?

9 (No response.)

10 COMMISSIONER BROWN-BLAND: All right. Thank
11 you, Mr. Durniak.

12 (Witness excused.)

13 MR. GRANTMYRE: Deborah Granger.

14 MS. DEBORAH GRANGER: So my name is Debbie
15 Granger. Deborah. Oh, I have to affirm.

16 DEBORAH GRANGER; Having first been duly affirmed,

17 Testified as follows:

18 COMMISSIONER BROWN-BLAND: All right. Thank
19 you.

20 MS. DEBORAH GRANGER: My name is Deborah -- go
21 ahead.

22 DIRECT EXAMINATION BY MR. GRANTMYRE:

23 Q Please state your name and address.

24 (Laughter.)

1 A That's not a problem. I'm a schoolteacher.

2 My name is Deborah Granger. I live at 106

3 Creekwood. That would be behind the current water

4 treatment facility in Fearrington Village.

5 Q Okay. So you're the first Fearrington Village

6 customer.

7 A I am.

8 Q Okay. Now, when you say the water treatment,

9 are you talking about the wastewater treatment facility,

10 because Fearrington Village --

11 A (Speaking simultaneously; unintelligible).

12 Q -- gets their water from either the county --

13 A Wastewater treatment.

14 Q Okay. Thank you.

15 A Excuse me.

16 Q Please proceed with your statement.

17 A Okay. I'm in an unusual position because you

18 can imagine I am the future, okay? So I would just be

19 curious. I am behind the wastewater treatment plant in

20 Fearrington Village. Been there for 20 years. And I'm a

21 fan of small business. You could walk back there,

22 someone from Fitch Creations, and I could get an answer.

23 So I have to be honest, I have no complaints.

24 But the future moves on. The infrastructure is

1 outdated. It has to be addressed. So I feel very
2 conflicted to be here tonight, but I felt I had to say
3 something.

4 I would be curious. This is a two-part plan,
5 Briar Chapel and Fearrington Village. How many people
6 are from Briar Chapel tonight?

7 (Hands were raised.)

8 A Okay. And we're thinned out. How many people
9 are from Fearrington Village, and I mean specifically the
10 part where Trundle Ridge is where the easement was
11 granted, a resident, so obviously this plan -- this plan
12 is in place.

13 THE WITNESS: Back up? (From microphone.)
14 Okay.

15 A So I'd just be curious how many's from
16 Fearrington Village specifically from Trundle Ridge where
17 the line is supposed to go down to the facility behind my
18 house. Anybody here? Okay. All right. So --

19 (No hands were raised.)

20 COMMISSIONER BROWN-BLAND: The record will
21 reflect that --

22 A Let the record reflect --

23 COMMISSIONER BROWN-BLAND: -- no one --

24 A -- no one except me.

1 COMMISSIONER BROWN-BLAND: Excuse me.

2 A Okay.

3 COMMISSIONER BROWN-BLAND: Excuse me -- that no
4 one raised their hand in response to the second question,
5 and 80 percent of the room raised their hand in response
6 to the first question.

7 A Okay. So that's why I'm here. I first became
8 aware --

9 COMMISSIONER BROWN-BLAND: Ms. Granger, back
10 off just a little bit.

11 THE WITNESS: I'm sorry. I'm used to not using
12 a microphone.

13 COMMISSIONER BROWN-BLAND: You can push the mic
14 away from you if --

15 THE WITNESS: Is this okay? Is this okay? I
16 don't use a mic. I don't need one, usually.

17 A Okay. I first became aware of where the sewer
18 lines or sewer pipes -- I'll call them pipes or lines --
19 potentially will be running on the Fearington side. A
20 couple of months ago when the previous FHA board invited
21 Envirolink to talk to residents, I learned that --

22 MR. GRANTMYRE: Excuse me. Wait a minute. Let
23 me -- let me just push it away.

24 THE WITNESS: Can I do it -- I can -- I can --

1 MR. GRANTMYRE: You're doing -- you're doing
2 great.

3 THE WITNESS: I can speak without it.

4 MR. GRANTMYRE: You're doing great.

5 THE WITNESS: Sorry. My apologies. It's
6 blowing your ears. Okay.

7 A Okay. I learned at that point that these lines
8 -- and that's to take the water, obviously, up to the
9 treatment facility in Briar Chapel and then back to
10 Fearrington Village -- were not going to be running along
11 the edge of Fearrington because the easement was not
12 granted, but instead it seems along the main road, which
13 would be Creekwood, through the oldest section of
14 Fearrington Village, by far the most wooded section.
15 It's an area with some major stormwater issues in the
16 vicinity of the current water -- wastewater treatment
17 plant and it is quite hilly.

18 I have to be honest. I'm still not entirely
19 sure of the route because I was told by a previous board
20 member it would be on a need-to-know basis. Okay? Mr.
21 Bowman from Envirolink -- and I'm referring to
22 Envirolink because that's been my only interaction -- was
23 not able to show me specifically where the route would
24 run; just the general direction. The head of our GREEN

1 SCENE said this project would have been completed already
2 if it weren't for the bureaucratic red tape. Okay?

3 This project -- and I should be honest. I'm a
4 research tech; I was. Planning and transparency are my
5 middle name. I'm a teacher now; biology and AP biology.
6 Transparency and planning are my middle name, so I'm an
7 influence by my background. This is a massive
8 infrastructure project that would have major implications
9 for the Trundle Ridge section from the Trundle Ridge road
10 down to the area of Creekwood where I live. I was
11 concerned after this meeting, but acknowledge that the
12 Fearrington Village treatment plant was outdated.
13 Something needed to be done.

14 However, I feel that there has been a lack of
15 transparency with respect to what this sewer project
16 means for the residents in Fearrington Village whose
17 property lies along its proposed routes. Okay?

18 And I've got to be honest. This is what I
19 learned in research. If I don't get an answer, I start
20 looking. Okay? So I gotta be honest. I joined Next --
21 Nextdoor shortly thereafter, and I was disheartened to
22 learn about some major environmental problems associated
23 with the water treatment infrastructure in Briar Chapel.

24 I feel very conflicted about this issue. I

1 want Fearrington Village to be in compliance. Time moves
2 on, and infrastructure has to be upgraded. I am simply
3 asking for transparency on the part of all the decision-
4 makers. I am asking that a thorough engineering and
5 environmental -- I should say thorough engineering and
6 environmental studies be done on the Fearrington Village
7 side. I'm asking for assurance from the companies
8 installing this infrastructure that it will, indeed,
9 improve service and not at the expense of -- and I've got
10 to be honest -- that wooded little piece of heaven that
11 has been my home for 20 years. I love that place.

12 And I'm not -- I'm a scientist. I don't have
13 my head stuck in the sand, but I am concerned.
14 Transparency, and do your job right. I'd be fired for
15 not doing experiments right, so please do that, and
16 please do it right.

17 Okay. That's all I have to say.

18 COMMISSIONER BROWN-BLAND: Thank you,
19 Ms. Granger. Any questions?

20 MR. GRANTMYRE: I have no further questions.

21 COMMISSIONER BROWN-BLAND: Questions,
22 Mr. Styers?

23 MR. STYERS: (No audible response.)

24 COMMISSIONER BROWN-BLAND: Questions from the

1 Commission?

2 (No response.)

3 COMMISSIONER BROWN-BLAND: All right. Thank
4 you, Ms. Granger.

5 (Witness excused.)

6 MR. GRANTMYRE: Diane Ursano.

7 DIANE URSANO; Having first been duly affirmed,
8 Testified as follows:

9 COMMISSIONER BROWN-BLAND: All right.

10 DIRECT EXAMINATION BY MR. GRANTMYRE:

11 Q I would -- please state your name and address.

12 A I'm Diane Ursano. I live at 324 Old Piedmont
13 Circle, Briar Chapel.

14 COMMISSIONER BROWN-BLAND: Mr. Grantmyre, will
15 you put the mic back?

16 MR. GRANTMYRE: Oh, I'm sorry.

17 THE WITNESS: Oh, is it too -- again? Oh,
18 okay. Shall I repeat?

19 MR. GRANTMYRE: Yes, please.

20 A Diane Ursano. I live at 324 Old Piedmont
21 Circle in Briar Chapel, Chapel Hill.

22 MR. GRANTMYRE: We would ask that her statement
23 be identified as Ursano Exhibit 1.

24 Q Please proceed with your statement.

1 A My house backs onto the utility easement where
2 Old North State constructed a forced stream sewage main.

3 I bought my house in December of 2016. It's
4 well built -- well built with great interior and exterior
5 finishes, energy efficient features, and all the things
6 that make Briar Chapel homes wonderful.

7 But I actually bought my -- bought my house
8 because it backed up onto a swath of woods, a green
9 buffer that I was told would never be built on. There
10 was a utility easement in the Briar Chapel Community
11 Association common areas that I assumed would be used to
12 bury a few small pipes and cables because the big
13 utility, Duke Energy power lines, were in a power cut
14 well beyond the wooded area behind my house.

15 But in the Spring of 2018, crews showed up
16 unannounced to survey and clear the wooded land behind
17 the houses on Old Piedmont Circle, damaging the riparian
18 buffer by overclearing in some areas. In meetings that
19 followed, Old North State described the construction as
20 an emergency undertaking to provide sewage treatment for
21 Fearrington Village. I'd like to say an emergency that
22 is now in its 23rd month after the signing of the
23 easement agreements.

24 They explained that the permit violations and

1 delays were committed by an inexperienced contractor that
2 they had hired. They described the forced sewage stream
3 pipes as state-of-the-art that wouldn't fail. Had they
4 never thought of the O-rings of the Space Shuttle
5 Challenger?

6 They overlooked the nuisance they created, they
7 failed to respond in a timely and professional manner to
8 a series of sewer leaks and geysers in the Briar Chapel
9 neighborhoods, and they operated in an adversarial manner
10 in dealing with their consumer base.

11 I now look on the woods radically altered by
12 Old North State's unprofessional and incompetent
13 management of their emergency that became a nuisance and
14 a threat to property values. It is a view of power
15 lines, yes, but metal stakes, orange net fencing, and
16 other disarray left by a company with questionable
17 standards and a tendency to avoid responsibility.

18 Like many of my friends and neighbors, I
19 probably have attended every public meeting about this
20 matter, including those held by Old North State, the
21 North Carolina Department of Environmental Quality, and
22 the Briar Chapel Community Association. I've called all
23 of the above, as well as Chatham County Water Resources,
24 to provide information and to express my concerns.

1 I'm here tonight as a Chatham County and North
2 Carolina taxpayer and as someone deeply concerned about
3 the impact of thoughtless design and careless management
4 of needed infrastructure on individuals, communities, and
5 the environment. I'll be asking friends and neighbors to
6 join me in urging our elected leaders to examine the ways
7 in which private utility companies can be better
8 regulated to ensure safer, healthier North Carolina
9 communities.

10 And I'm urging you, the North Carolina
11 Utilities Commission, to deny Old North State's permit
12 applications. Thank you.

13 MR. GRANTMYRE: I have no further questions.

14 COMMISSIONER BROWN-BLAND: Mr. Styers?

15 MR. STYERS: Just one or two, if I may.

16 CROSS EXAMINATION BY MR. STYERS:

17 Q At the top of the second page, Ms. Ursano, you
18 refer to public meetings held by North Carolina
19 Department of Environmental Quality?

20 A Uh-huh.

21 Q Approximately how many meetings have you
22 attended with the DEQ?

23 A The one that I know of was at the Woods Charter
24 -- Woods Charter School?

1 FEMALE SPEAKER: Yeah.

2 A Yeah.

3 Q Were there any others in addition to that one?

4 A Not any others that I know of for our
5 community.

6 Q You also referred to meetings held by Old North
7 State.

8 A Slash Envirolink.

9 Q Okay. I'm sorry?

10 A Slash Envirolink.

11 Q About -- yes. And when were those meetings
12 held?

13 A There were -- there was one initial one in the
14 Spring of 2018 after we all cottoned on to what was going
15 on along Old Piedmont Circle's buffer areas, and there
16 were another couple that Mr. Myers attended and attempted
17 to explain their position.

18 Q So there have been several meetings that Mr.
19 Myers has been at to try and discuss these issues.

20 A Uh-huh.

21 Q Thank you very much.

22 MR. STYERS: No further questions.

23 COMMISSIONER BROWN-BLAND: All right. The
24 document Mr. Grantmyre received from Ms. Ursano will be

1 identified as Ursano Exhibit 1.

2 (Whereupon, Ursano Exhibit 1 was
3 marked for identification and
4 admitted into evidence.)

5 MR. GRANTMYRE: Thank you.

6 COMMISSIONER BROWN-BLAND: Thank you,
7 Ms. Ursano.

8 (Witness excused.)

9 MR. GRANTMYRE: Sudhir Pwan (ph.) Was I close?
10 (Laughter.)

11 MR. SUDHIR PAHWA: Good evening.

12 SUDHIR PAHWA; Having first been duly affirmed,
13 Testified as follows:

14 COMMISSIONER BROWN-BLAND: All right. And
15 would you spell your name?

16 THE WITNESS: Yes. My name is Sudhir Pahwa,
17 spelled Sudhir, S-U-D-H-I-R. Last name is Pahwa, P like
18 Peter, A-H-W-A.

19 DIRECT EXAMINATION BY MR. GRANTMYRE:

20 Q And what is your --

21 A I live --

22 Q -- your address, please?

23 A Okay. I live on 82 Ashwood Drive, Chapel Hill,
24 which is at Briar Chapel.

1 Q Please proceed with your statement.

2 A Okay. Good evening -- good evening,
3 Commissioners, and thank you for giving us the
4 opportunity to talk about what our issues are.

5 My testimony is going to be two-part testimony.
6 One, I'm going to talk about my personal experiences and
7 what I have seen. It's going to take no more than a
8 minute. And then I'm going to take about a minute and a
9 half and talk about the community -- broader community of
10 Briar Chapel, and I'll explain that in a minute.

11 So the two things that you've heard a lot
12 about, the sewer -- sewage spillage and odor, and I want
13 to emphasize those two things. As you know, since July
14 2017, and here is a -- and I'm going to give a copy of
15 this in a minute after I complete my testimony.

16 Q Okay.

17 A Chatham News & Record. This talks about since
18 July 2017, there have been -- 14 different incidents have
19 been noted, 14. And they're estimating, and it's been
20 documented that what I -- from what I understand, it's
21 23,000 gallons of untreated sewage has been spilled in
22 our neighborhood, 23,000. And that sewage ends up going
23 in Haw River, as you know. This is a big environmental
24 effect for the community and for people. And I'm going

1 to -- this is my Exhibit A that I will be attaching and
2 then this.

3 Odor. You know, I live approximately two-
4 tenths of a mile, so this is a county map. I'll give you
5 a copy of it just so everybody can see it. And, again,
6 this is an exhibit. I'm going to attach it. The yellow
7 section is where the -- where your plant is, sir, and all
8 the red houses are where the houses -- where everybody
9 lives. And the young lady was talking earlier about she
10 lives in the 55 plus community. You can see her house
11 would be literally right across from here. So this gives
12 you an idea as how close they are. And I have marked my
13 house, 82 Ashwood, which is right there. It's
14 approximately two-tenth or maybe one-tenth of a mile, so
15 I'm that close.

16 Every morning in summer months my wife and I,
17 we sit outside about 6 to 7:00. Sometime in the morning
18 we have a cup of coffee there. And I can't tell you how
19 many times, how many times she has -- she and I have
20 talked about how bad the odor is. And at first we
21 thought that it was like some dead animal right behind
22 our house somewhere because they've put bushes there.
23 And I went there. I even took my dog there to see if
24 could find something. We were looking for carcasses. It

1 is that bad a smell. And many a times we had to come
2 back inside. And we didn't know what was going on and
3 what was happening. Again, this is just for reference as
4 to what's going on.

5 So we are asking you to deny ONSWC's
6 application to merge with the Fearrington to bring the
7 Fearrington sewage. Let them first fix it.

8 You were talking earlier -- early on,
9 Commissioner, about the new technology. I'm all for it.
10 Let it happen. Let them prove it. Let it happen for
11 three years and prove it with no problem. I mean, I have
12 lived and many of you have lived in communities all
13 across the country. I've lived in four different states
14 and probably seven or eight different communities. I
15 never even had to think about sewage. I mean, it was a
16 given. Never had any problem.

17 Did anybody of you have any problems?

18 AUDIENCE MEMBERS: No.

19 A I've never. This is the first place that we
20 started hearing this problem, and it's getting compounded
21 and not getting any better. Promises and promises.
22 That's my personal story. Now I'm going to talk about --
23 a little bit about the community.

24 So we've been complaining to our Board of

1 Directors, the new Board of Directors. We were under the
2 impression the Board of Directors are taking this issue
3 and will be talking to the Commission and everybody else
4 and resolve it. About two days ago we learned some from
5 esteemed members Kathy Tawney who is sitting here and
6 Diane and --

7 FEMALE SPEAKER: Donna Sukkar.

8 A -- Diane (sic) Sukkar and a number of people
9 sitting around here. Two days ago we realized -- the
10 board came back and said, "Gee, board will not be able to
11 speak on behalf of all our community. They can speak for
12 the Briar Chapel Community Center because that's a
13 customer, but they are not speaking on behalf of all the
14 members."

15 So yesterday at 11:00 -- so keep that time note
16 in mind -- yesterday at 11:00 these ladies started a
17 online petition and a paper petition, 11:00 on January
18 13. Today about 3:00 or 4:00 this afternoon we had 700
19 people who signed up on the petition to deny ONSWC's
20 application. Less than 30 hours, and 500 of those
21 electronic and 250 or close to that, and these are round
22 numbers --

23 FEMALE SPEAKER: That's what we got.

24 A -- and Diane --

1 FEMALE SPEAKER: Donna.

2 A -- I mean, Donna Sukkar spent all day today
3 with her husband validating the electronic people who
4 have signed it to make sure that we have actually legit
5 addresses in our community. So we are taking this very
6 seriously, and all the hard work -- I bet we've spent --
7 collectively, these ladies have spent probably 40 hours
8 in two days or something like that, if not more.

9 (Laughter.)

10 A That's what we have learned. So we are here
11 because of these problems, these problems that are in our
12 backyards, in our playgrounds, and our walking -- walk
13 trails, biking trails, tennis courts, all around it.
14 This is where we -- our children play, we play, we walk.
15 We just can't get out of the house. And you heard many
16 of those stories.

17 COMMISSIONER BROWN-BLAND: Mr. Pahwa, I've
18 given you extra time. Can you --

19 THE WITNESS: Okay.

20 COMMISSIONER BROWN-BLAND: -- come to the end?

21 A I will just give couple of sentences that's
22 already in there. I will give you a couple of people,
23 what they have said. So this is when people are signing
24 the petition, the electronic petition. You can see a

1 copy of it. They're all -- they're giving some reasons.
2 So I just took two or three just to quote other people.

3 Emily Martin who lives in Boulder Point Drive,
4 she says, "I live three-tenth of a mile from the
5 treatment plant. My daughter bikes past" -- the school
6 -- "past the pond to go to school, and Old North State
7 has not been responsible steward of the community. And
8 the smell is terrible."

9 Lori Fisher, "Seven spills a hundred yards
10 within my house."

11 Gerald Wilson, "I have come across three spills
12 over the last eight months while riding my bike on the
13 trails."

14 And the list just goes on. I could go on
15 reading more of these things to you. And, you know, if
16 there is no spill, we wouldn't be here. If there was no
17 odor, we wouldn't be here. But we are here. But we are
18 here. And if the past performance is any reflection of
19 what's going on, there's no way, there's no way you in
20 good -- good conscience or Commission with good
21 conscience can reward them for bad behavior and
22 ineptitude and inability to do the work that they're
23 supposed to be doing. Thank you very much.

24 COMMISSIONER BROWN-BLAND: Thank you.

1 MR. GRANTMYRE: I would ask that --

2 (Applause.)

3 MR. GRANTMYRE: Now -- now --

4 THE WITNESS: Yes. This here.

5 MR. GRANTMYRE: Okay. I've got the whole
6 thing.

7 THE WITNESS: Oh, it is, because it's got the
8 electronic -- all the petition in here as well.

9 MR. GRANTMYRE: Okay.

10 THE WITNESS: I'm sure you would want to have
11 that. When I say 700 people have signed up, there's a
12 document there supporting that.

13 MR. GRANTMYRE: We have his written statement
14 here that I'd ask be -- how do you pronounce your last
15 name?

16 THE WITNESS: Pahwa.

17 MR. GRANTMYRE: -- Pahwa Exhibit 1; the map
18 Exhibit 2. And I have a question on the map. The
19 Chatham News would be Exhibit 3, and the petition would
20 be Exhibit 4. And --

21 COMMISSIONER BROWN-BLAND: All right. The
22 exhibits will be so identified as Pahwa 1 through 4 --

23 Q And on this map --

24 COMMISSIONER BROWN-BLAND: -- as described by

1 Mr. Grantmyre.

2 (Whereupon, Pahwa Exhibits 1 through
3 4 were marked for identification and
4 admitted into evidence.)

5 COMMISSIONER BROWN-BLAND: Mr. Grantmyre, do
6 you have questions?

7 MR. GRANTMYRE: Yeah, very quickly.

8 Q Where is the wastewater treatment plant on this
9 map?

10 A So this is the pond, and the plant is right
11 over -- this end of it.

12 Q Okay.

13 MR. GRANTMYRE: What he's showing is the pond
14 -- the wastewater treatment plant on this big yellow
15 place is to the far right, and the pond is moving
16 leftward towards the middle of the page.

17 Q And that is the pond that the sewer effluent is
18 placed in after it's treated. Is that correct?

19 A That's my understanding.

20 Q Okay. Thank you. And is that where the odors
21 -- you smell the odors near that pond?

22 A Well, we smell it where we live, which is
23 like --

24 Q Okay. And where do you live exactly on this?

1 A I have pointed out this is, sir, right here. I
2 put the circle here, okay, my address there.

3 Q Okay.

4 A So it's right across from the pond.

5 MR. GRANTMYRE: Yeah. He has it -- a circle --

6 COMMISSIONER BROWN-BLAND: Do you need to have
7 him mark what --

8 MR. GRANTMYRE: Yeah, he did.

9 THE WITNESS: I have marked it.

10 COMMISSIONER BROWN-BLAND: Okay.

11 MR. GRANTMYRE: He did.

12 COMMISSIONER BROWN-BLAND: That's 2. Is that
13 -- have Mr. Pahwa return that.

14 MR. GRANTMYRE: Okay.

15 Q Okay.

16 A Oh, thank you. Thank you very much.

17 Q Thank you.

18 COMMISSIONER BROWN-BLAND: Mr. Styers, do you
19 have any questions?

20 MR. STYERS: No questions.

21 COMMISSIONER BROWN-BLAND: Commissioners?

22 (No response.)

23 (Witness excused.)

24 COMMISSIONER BROWN-BLAND: All right,

1 Mr. Grantmyre.

2 MR. GRANTMYRE: John DiMiceli.

3 MR. JOHN DIMICELI: Pretty close.

4 MR. GRANTMYRE: I'm getting better, maybe.

5 JOHN DIMICELI; Having first been duly affirmed,

6 Testified as follows:

7 COMMISSIONER BROWN-BLAND: Okay.

8 DIRECT EXAMINATION BY MR. GRANTMYRE:

9 Q Could you state your name and spell your last
10 name?

11 A My name is John DiMiceli. That's spelled
12 D-I-M-I-C-E-L-I.

13 Q And what is your address?

14 A 43 Bennett Mountain Trace in Briar Chapel.

15 Q Please proceed with your statement.

16 A Okay. This is not my primary statement.

17 You've heard from my -- okay here on the mic -- you've

18 heard from many people about the problems with the

19 irrigation water that's being sprayed on the land and

20 odors and so forth. I just wanted to point out that

21 where my wife and I live is at least a quarter of a mile

22 from the wastewater treatment plant. And starting in

23 20--- late 2017 into 2018, we started smelling a foul

24 sewer odor around our house to the point where we avoided

1 going out on our porches. There is an irrigation line
2 that runs along the street alongside of our house.

3 We were in touch with Envirolink, which I
4 understand is a -- I believe has been hired by Old North
5 State -- about this issue. They were responsive. They
6 came out a number of times, put up a device to check
7 odor. Told us on a number of occasions after that that
8 the problem had been resolved, but it kept coming back.

9 The solution to this problem that we agreed
10 upon with Envirolink was that instead of running the
11 irrigation system around 6:00 p.m. in the evening, that
12 they run it in the early morning hours. So the problem
13 continues, but we don't experience it because it's not
14 happening while we're awake and trying to use the porches
15 on our house.

16 The main thing that I wanted to say is that
17 when my wife and I were in the area and looking for a
18 home, we went to Briar Chapel. We liked the community.
19 We heard that Briar Chapel was turning wastewater in --
20 sewage into gray water for irrigating the common areas.
21 We liked that idea. We thought that was environmentally
22 sound and appropriate. We'd experienced that in other
23 communities.

24 What we had not been told -- I don't believe it

1 was even an issue at the time, to be honest, but we had
2 no idea that someday we would be faced with the
3 possibility of a regional sewage treatment plant being
4 located in our community.

5 In the notice that was mailed to residents of
6 Briar Chapel and Fearrington Village late last year, I
7 believe in November, it states:

8 "Chatham North plans to construct a pump
9 station to pump the Fearrington Village
10 wastewater to the Briar Chapel Wastewater
11 Treatment Plant. The existing 250 gallon-per-
12 day Briar Chapel Wastewater Treatment Plant
13 will be converted into a one million gallon-
14 per-day membrane bioreactor to serve as a
15 regional wastewater treatment plant to treat
16 the wastewater for the future buildouts of
17 Briar Chapel and Fearrington Village and other
18 nearby future developments."

19 Our greatest concern is that sometime in the
20 next two or three years after we've placed our house on
21 the market -- and our house, like many other people, is
22 an important investment; it's a significant amount of
23 money that we look forward to being able to use to
24 provide for our care as we age -- that sometime around

1 the time that our house is on the market, a real estate
2 broker suggests to a client that they look at some homes
3 in Briar Chapel. And the prospective buyer's response
4 is, "Oh, you mean that community with the regional sewer
5 treatment plant? No, thank you. Please show us homes in
6 another community."

7 With sympathies to the residents of Fearrington
8 Village, we are opposed to this application in any form,
9 or no matter what Old North State Water might be able to
10 do to resolve the irrigation and odor problems.

11 Our experience is admittedly a universe of two,
12 but we know of no regional sewage treatment plant that is
13 located within the confines of a residential community,
14 nor do we believe should there be. Surely, there is a
15 more appropriate and equitable solution to the region's
16 wastewater treatment needs than to locate and operate a
17 sewage treatment plant in the midst of a residential
18 community. Thank you.

19 COMMISSIONER BROWN-BLAND: Thank you.

20 (Applause.)

21 COMMISSIONER BROWN-BLAND: Ladies and
22 gentlemen, I asked you not to do that, and I have -- I've
23 been tolerant of it, but I'm asking you for the last
24 time, please don't clap.

1 MR. GRANTMYRE: I have --

2 COMMISSIONER BROWN-BLAND: We have security in
3 here to take care of that, and we don't want to have to
4 do that. It's been a good hearing. Let's keep it that
5 way.

6 MR. GRANTMYRE: I have no further questions.

7 MR. STYERS: No questions.

8 COMMISSIONER BROWN-BLAND: Questions from the
9 Commission?

10 (No response.)

11 THE WITNESS: Thank you.

12 COMMISSIONER BROWN-BLAND: All right. Thank
13 you, Mr. DiMiceli.

14 (Witness excused.)

15 MR. GRANTMYRE: Donna --

16 FEMALE SPEAKER: Sukkar.

17 FEMALE SPEAKER: Sukkar.

18 MR. GRANTMYRE: 49 Cliffdale Road. You write
19 beautifully, but I can't read your last name here.

20 FEMALE SPEAKER: Sukkar.

21 MS. DONNA SUKKAR: Ah, that was intended.
22 Sukkar, S-U-K-K-A-R.

23 MR. GRANTMYRE: Okay.

24 DONNA SUKKAR; Having first been duly affirmed,

1 Testified as follows:

2 COMMISSIONER BROWN-BLAND: All right. Thank
3 you.

4 DIRECT EXAMINATION BY MR. GRANTMYRE:

5 Q Will you please state your name and spell your
6 last name?

7 A Donna Sukkar, S-U-K-K-A-R.

8 Q And you have a written statement that you want
9 to --

10 MR. GRANTMYRE: We would ask that this be
11 identified as Sukkar Exhibit 1.

12 (Whereupon, Sukkar Exhibit 1 was
13 marked for identification and
14 admitted into evidence.)

15 Q Please proceed with your statement.

16 A I have four pages here, and I'm not going to go
17 through all of them because most of them's a reiteration
18 of what has already been said, but I applaud my former
19 resident who just testified, and I want to say it again
20 and again and again, and I want to say it very loudly:
21 This is of no benefit to Briar Chapel.

22 And I'm not a lawyer, but my understanding is
23 you cannot get an easement on Briar Chapel property if
24 you cannot demonstrate that it's a benefit to us. And

1 while Mr. Myers cited four potential benefits, I argue
2 they're not benefits. That's a quid pro quo.

3 He states that he's going to upgrade this
4 system. I argue he has to upgrade this system. That's
5 part of the permit between Old North State Water Company
6 and the North Carolina Environmental Management
7 Commission dated April 7, 2016, which clearly states
8 that:

9 "In the event that facilities fail to perform
10 satisfactorily, including the creation of
11 nuisance conditions" -- I think that's been
12 pretty clear tonight -- "due to improper
13 operation and maintenance or failure of the --
14 utilation (sic) -- "utilization areas to
15 adequately assimilate the reclaimed water, the
16 permittee shall take immediate corrective
17 action."

18 It's been two years. Don't tell me that
19 bringing Fearrington here is to improve this system.
20 This system must be improved. And Briar Chapel does not
21 want to become a regional wastewater plant. It will
22 affect our property values. This was not disclosed to us
23 at any time when we bought our homes. It will ruin our
24 community. There's got to be a better solution than

1 putting it in the midst of a densely, densely populated
2 residential area that will destroy financially many
3 families.

4 I also want to reiterate what Sudhir said
5 earlier, which is in my closing comments, and that is we,
6 the residents of Briar Chapel, did not realize that the
7 Board of Directors could not represent us until 11:00 on
8 Saturday. They have to represent the association. So we
9 have been scurrying since then to get our testimony
10 together, and we have reached out to legal counsel.
11 Difficult to do over a weekend and one day. We beg you
12 to give us an opportunity to organize, to seek legal
13 counsel, because we fully intend to fight this. Thank
14 you very much. Questions?

15 COMMISSIONER BROWN-BLAND: Mr. Grantmyre?

16 MR. GRANTMYRE: I have no further questions.

17 COMMISSIONER BROWN-BLAND: Mr. Styers?

18 MR. STYERS: No. No questions.

19 COMMISSIONER BROWN-BLAND: Questions from the
20 Commissioners?

21 (No response.)

22 COMMISSIONER BROWN-BLAND: All right. Thank
23 you, Ms. Sukkar.

24 (Witness excused.)

1 MR. GRANTMYRE: Paul Tony -- Tawney.

2 COMMISSIONER BROWN-BLAND: You know, for a
3 brief moment of levity, in lieu of clapping, we've
4 learned that you can -- we can kind of twinkle.

5 FEMALE SPEAKER: Twinkle.

6 (Laughter.)

7 MR. GRANTMYRE: I can -- that's not the
8 Wolfpack.

9 MALE SPEAKER: I can show my sailing socks, if
10 anyone --

11 MR. GRANTMYRE: No.

12 MALE SPEAKER: -- likes to.

13 MR. GRANTMYRE: This Commissioner, not
14 Wolfpacker, so --

15 (Laughter.)

16 PAUL TAWNEY; Having first been duly affirmed,
17 Testified as follows:

18 DIRECT EXAMINATION BY MR. GRANTMYRE:

19 Q Please state your name, and spell your last
20 name.

21 A My name is Paul Tawney. The last name is
22 T-A-W-N-E-Y. I live at 132 Treywood Lane in the Boulder
23 Park section of Briar Chapel.

24 Q Please proceed with your statement.

1 A I have truncated my written statement in order
2 to -- you can pass one on -- in honor of the
3 Commissioners' time, and I appreciate the opportunity to
4 be here.

5 I'm in opposition to the proposed transfer of
6 wastewater from Fearrington and expansion of the volume
7 of the wastewater treatment plant situated in Briar
8 Chapel.

9 As a resident of Briar Chapel, I have
10 experienced the nuisance created by smell, sewer pipe
11 breakage, and sinkholes, as you have heard about. I'm
12 also a physician and present regarding the broader
13 concern for the health of the public due to antibiotic
14 resistance related to wastewater treatment plants.

15 There are growing concerns that wastewater
16 effluents are enriched in antibiotics, antibiotic-
17 resistant bacteria, and antibiotic-resistant genes, and
18 thus could serve as a contributing factor to growing
19 rates of antibiotic resistance in human infections.

20 Today, the evolution of microbial pathogens
21 able to resist antibiotics treatment is seen as one of
22 the most pressing public health crises. CDC's Antibiotic
23 Resistance Threats in the United States, 2019 report,
24 states more than 2.8 million antibiotic-resistance

1 infections occur in the United States each year and more
2 than 35,000 people die as a result.

3 Wastewater treatment plants are of particular
4 concern as potential, quote, "hotspots" for promoting the
5 spread of antibiotic resistance. Existing literature
6 suggests that the high growth rates and high microbial
7 densities that are fundamental to conventional wastewater
8 treatment design, along with the presence of residual
9 antibiotics, may represent the perfect storm for
10 promoting horizontal gene transfer, which is the movement
11 of genetic information between organisms, and multi-
12 antibiotic resistance among resident bacteria.

13 From a public health viewpoint, pathogens
14 carrying resistance genes against multiple classes of
15 antibiotics are often referred to as superbugs.

16 Despite this central role in the antibiotic
17 resistance crisis, wastewater treatment plants are
18 currently not specifically tasked with the removal of
19 antibiotic-resistant genes. As antibiotic usage in the
20 general populace is difficult to control, wastewater
21 treatment plants may provide a pivotal point of
22 intervention to curb resistance, evolution, and
23 transmission.

24 Regulations concerning wastewater quality are

1 currently based on chemical discharge. The application
2 of advanced wastewater cleaning processes is necessary to
3 efficiently eliminate microbial contaminants. Different
4 types of wastewater treatment plants employ different
5 kinds of sewage treatments that may be able to curb the
6 enrichment of antibiotic-resistant genes in effluent and
7 biosolids to different degrees, but they may not be able
8 to completely remove or significantly reduce the
9 quantities.

10 The transport of antibiotic-resistant bacteria
11 and antibiotic-resistant genes from these hotspots of
12 resistance can evolve to pristine environments, and they
13 occur via a range of vectors: surface water, aerosols,
14 and animals.

15 Further research is warranted considerate of
16 the exposure routes, such as aerosol inhalation, skin
17 contact, incidental ingestion on recreational fields, and
18 the carriage of pathogens and antibiotic-resistant genes
19 on irrigated crops.

20 Only little information exists linking the
21 presence and abundance of antibiotic-resistant genes to a
22 human's risk of becoming infected with an antibiotic-
23 resistant bacterium upon exposure.

24 Many dimensions of environmental antibiotic

1 pollution and resistance are still unknown and require
2 further research. It is imperative to support research
3 to address critical knowledge gaps regarding sustainable
4 water systems and antibiotic resistance so that informed
5 decisions can be made.

6 Currently, no policies are in place
7 specifically addressing the problems of antibiotic and
8 antibiotic-resistant gene pollution of wastewater
9 treatment plants. As current wastewater treatment plant
10 design does not specifically consider the removal of
11 antibiotics, antibiotic-resistant bacteria, or
12 antibiotic-resistant genes, policies need to be aimed at
13 amending these technologies in establishing acceptable
14 loads of antibiotic-resistant genes and guidelines in
15 effluents and biosolids.

16 COMMISSIONER BROWN-BLAND: Dr. Tawney, are you
17 about at the end there?

18 THE WITNESS: I am. Thank you.

19 MS. KATHERINE TAWNEY: Do you want to hand
20 Exhibit 1?

21 THE WITNESS: I will.

22 A The current wastewater treatment system managed
23 by Old North State presents a nuisance. Before
24 consideration of expansion, the safe operation of the

1 current processes should be ensured. To address this
2 multi-sectoral issue of antibiotic pollution, it is often
3 framed within the One Health model, which is an
4 international model to try and manage this process.

5 Evolution of these standards is imperative
6 going forward. A transparent collaborative approach
7 combining research, technology, and policy generation
8 should generate model systems for safe and effective
9 management of wastewater, including antibiotic resistance
10 for the safety of plant workers, neighbors, and citizens
11 downstream. Thank you.

12 COMMISSIONER BROWN-BLAND: Thank you.
13 Mr. Grantmyre, any questions?

14 MR. GRANTMYRE: We would ask that -- no
15 questions, but I would ask that that be identified as
16 Tawney Exhibit 1.

17 COMMISSIONER BROWN-BLAND: It will be so
18 identified.

19 (Whereupon, Tawney Exhibit 1 was
20 marked for identification and
21 admitted into evidence.)

22 COMMISSIONER BROWN-BLAND: Just a moment ago
23 with Ms. Sukkar, her exhibit was identified as Sukkar
24 Exhibit 1.

1 COURT REPORTER: Yes, ma'am.

2 MR. GRANTMYRE: I have no questions.

3 COMMISSIONER BROWN-BLAND: Mr. Styers?

4 MR. STYERS: Just one or two.

5 CROSS EXAMINATION BY MR. STYERS:

6 Q Mr. Tawney, do you have any test results data
7 or analysis of the wastewater treatment plant effluent at
8 Briar Chapel?

9 A No, I do not.

10 MR. STYERS: No further questions.

11 COMMISSIONER BROWN-BLAND: All right. Any
12 questions from the Commission?

13 (No response.)

14 COMMISSIONER BROWN-BLAND: All right. Thank
15 you, Dr. Tawney.

16 (Witness excused.)

17 MR. GRANTMYRE: Kathy Tawney.

18 KATHERINE TAWNEY; Having first been duly affirmed,

19 Testified as follows:

20 COMMISSIONER BROWN-BLAND: All right.

21 Mr. Grantmyre?

22 DIRECT EXAMINATION BY MR. GRANTMYRE:

23 Q Please state your name. Don't spell it; we've
24 already got it.

1 A Katherine Tawney. I live at 132 Treywood Lane,
2 Chapel Hill, Briar Chapel.

3 Q Please proceed with your statement.

4 A Okay. Please give me five minutes, okay? I
5 have a lot to talk about.

6 First, I want to follow up with my husband's
7 talk. He talked about something that was very unusual,
8 and I guarantee if you do a Med -- PubMed search right
9 now, put in antibiotic resistance and reclaimed water,
10 you will see hundreds since 2020. And one of the ones he
11 gave you is a review article that came out this month,
12 and this is one -- it's about ecology and public policy
13 related to it.

14 In this article, one of the things they state
15 is -- let me step back. You heard that the Center for
16 Disease Control reported how many people die from
17 antibiotic-resistant infections. Well, what they found
18 is that's a doubling of since 2013. So the NIH and the
19 CDC, they are really worried, Worldwide World Health
20 Organization, so I implore you to do a search on that.

21 Another thing I want to address is the issue of
22 smell. You've heard about that a lot, and I know
23 Mr. Myers has a part in his testimony that he states
24 they'll put covers on, that they have got this whole

1 plan.

2 Well, I want to tell you, this smell is a lot
3 due to the irrigation, and you can put a cover on that
4 plant, and it's not going to do a thing. And now I have
5 some other irrigation issues to tell you about and
6 something I'll hand in.

7 I have done extensive photograph studies on
8 irrigation sinkholes in our neighborhood. The damage
9 that happened is because of chronic water leaks, I
10 believe, over time. I have evidence of that in a written
11 statement from our previous homeowners association. They
12 correspond in this case with a woman by email. And I can
13 get her to come if you want to call her, if you're --
14 sure. This was an official who stated that there was
15 broken irrigation in her backyard. It was for a year and
16 a half it took them to complete the project to fix it.

17 But in the email, they say there was a sinkhole
18 created by broken irrigation. They fixed it, supposedly,
19 but it's -- okay, let me tell you, that was 2017 when she
20 wrote that. That sinkhole started in 2016. So then --
21 now it's still leaking. And if you look at the
22 photographs, and what I've done in this presentation is
23 I've detailed the slide show. You can copy and paste the
24 information and look at it, and maybe you can't, but it's

1 detailed. As far as the depth of the sinkholes, there
2 are some that are five feet deep, four feet wide. I have
3 videotape attached to this where I took my cell phone in
4 there. One of the little flags was an irrigation flag,
5 so I know that somebody from the company was looking, but
6 they never fixed it. We've had years of sinkholes in
7 this hill.

8 Now, the water (sic) is saturated. So what
9 happens is those irrigation sink -- they call them valve
10 boxes. They're like 12 feet deep -- 12 inches deep and
11 12 inches wide and 17 inches long. They are full of
12 water. And because the land is so saturated, they can't
13 -- they can't leach out. That is a vector for
14 antibiotic-resistant genomes, bacteria, smell, insects.
15 You've heard a lot of people talk about those today. But
16 one big thing, and a final thing -- is it a final thing?
17 I'm going to make it up.

18 A final thing is related to this concern about
19 the sanity (ph.) -- the bacteria. I want you to know
20 that there's a new instrument that got funded last week.
21 It's the NIH, Infectious Disease, funded Phase Genomics
22 or Phase Genome \$1.5 million to make a device to measure
23 the antibiotic-resistant genomes in a simple, inexpensive
24 matter -- manner.

1 That tells you that we are going to be way
2 behind the scenes if we develop this plant now. We need
3 to wait a few years, if we make it at all, and I'm
4 against it. But if we do, we need to make -- we need to
5 get with the times. We need to take advantage of the
6 Gillings Institute, the Nicholas Insti--- the folks at
7 the Public Health that are studying this, and you'll see
8 in the last two years there were -- there were symposiums
9 on this topic, what I'm talking about, antibiotic
10 resistance and wastewater treatment plants.

11 And that's it. This contains links to photos.
12 It contains email that confirms that there was, indeed, a
13 hole that was caused by irrigation.

14 And also one that I thought was particularly
15 interesting is there's a picture of a hole that was there
16 for months. It caused a big hole in the road. They put
17 up a cone to stop it. And I just happened to take a
18 picture of it to report it, and I realized that the water
19 was coming out of the grass and going into the storm
20 drain. And I learned in all this research I've been
21 doing that that's actually a violation, so there's a
22 document of that in this if you can look at the pictures.

23 Anyway, thank you very much. Any questions?

24 MR. GRANTMYRE: I have no questions, but I

1 would ask that this exhibit be identified as Kathy Tawney
2 Exhibit 1 because I don't want a conflict with her
3 husband's.

4 THE WITNESS: There you go.

5 COMMISSIONER BROWN-BLAND: It will be so
6 identified.

7 (Whereupon, Katherine Tawney Exhibit
8 1 was marked for identification and
9 admitted into evidence.)

10 THE WITNESS: Any questions?

11 COMMISSIONER BROWN-BLAND: Any questions,
12 Mr. Styers?

13 MR. STYERS: I just have one same question to
14 ask her.

15 CROSS EXAMINATION BY MR. STYERS:

16 Q Do you have any data or analysis of the testing
17 results of the effluent at the wastewater treatment
18 plant?

19 A No. Well, no, because it's kind of obvious
20 they're developing the tool now. But if you do, like I
21 said, put in those two terms, antibiotic resistance and
22 waste -- reclaimed water, you're going to find out that
23 this is in our near future. And that's all I can say.
24 It will be measured someday.

1 MR. STYERS: No further questions.

2 (Witness excused.)

3 COMMISSIONER BROWN-BLAND: Mr. Grantmyre --

4 MR. GRANTMYRE: Camille --

5 COMMISSIONER BROWN-BLAND: -- next one?

6 MR. GRANTMYRE: Camille Stark.

7 MS. CAMILLE STARK: I'm going to pass. I would
8 just like to make a comment, if that's --

9 COMMISSIONER BROWN-BLAND: Just a minute. Hold
10 on just a minute. Let me get that --

11 MS. CAMILLE STARK: Okay.

12 COMMISSIONER BROWN-BLAND: -- comment affirmed.

13 CAMILLE STARK; Having first been duly affirmed,
14 Testified as follows:

15 COMMISSIONER BROWN-BLAND: All right.

16 THE WITNESS: Okay. I'm going to pass
17 because --

18 COMMISSIONER BROWN-BLAND: Mr. Grantmyre?

19 DIRECT EXAMINATION BY MR. GRANTMYRE:

20 Q Please state your name and address.

21 A Camille Stark, 132 Cardinal Ridge Road, Briar
22 Chapel.

23 Q Please proceed with your statement.

24 A Thank you. At this point I think everything

1 has been covered that I had in my notes to bring up, and
2 I agree with all of my neighbors of all of these issues,
3 and that they have not been dealt with properly. And we
4 should not be expanding anything or changing ownership.

5 And I do have one question, and I know we can't
6 ask questions here, but just something to note, that all
7 of these companies are owned by the same people. They're
8 all involved, so I don't understand how we're being told
9 that we're going to have all -- that they are going to
10 have all this extra knowledge -- in their own notes in
11 your paperwork with -- by merging these cust--- by
12 selling this company over from Old North Gate (sic) to
13 Old North Gate Chatham.

14 It's the same people. It's the same president.
15 It's the same -- the vice president is going to be
16 somebody who was on the board of the other company. So
17 where is all this extra knowledge? And my research
18 showed that Integra Water was founded by John McDonald
19 who is the Vice President of Old Chatham.

20 So all these people -- it's the same people
21 doing the same thing. We're not getting anywhere. We're
22 going to be in the same mess we've been in. Our problems
23 need to be addressed and enforced, and they need to pay
24 up and take care of what they're being paid to take care

1 of. Thank you.

2 MR. GRANTMYRE: I have no questions.

3 COMMISSIONER BROWN-BLAND: Thank you.

4 MR. STYERS: No questions.

5 COMMISSIONER BROWN-BLAND: All right.

6 Mr. Grantmyre?

7 MR. GRANTMYRE: Anthony Little.

8 MR. ANTHONY LITTLE: I have five copies of
9 that. It's testimony. And this is one copy of
10 attachments that are referred to in my testimony.

11 ANTHONY LITTLE; Having first been duly affirmed,
12 Testified as follows:

13 COMMISSIONER BROWN-BLAND: Okay.

14 DIRECT EXAMINATION BY MR. GRANTMYRE:

15 Q Please state your name and address.

16 A Anthony W. Little, 219 Dark Forest Drive, Briar
17 Chapel.

18 MR. GRANTMYRE: I would ask that this one that
19 he has five copies of that starts with "My name is
20 Anthony W. Little" be identified as Little Exhibit 1.

21 COMMISSIONER BROWN-BLAND: It shall be so
22 identified.

23 (Whereupon, Little Exhibit 1 was
24 marked for identification and

1 admitted into evidence.)

2 MR. GRANTMYRE: And the other one that he says
3 it refers to being Fitch Creations, Fearrington Village,
4 be identified as Little Exhibit 2.

5 COMMISSIONER BROWN-BLAND: It shall be so
6 identified.

7 (Whereupon, Little Exhibit 2 was
8 marked for identification and
9 admitted into evidence.)

10 Q Please proceed with your statement.

11 A Thank you. Good evening. I am speaking to
12 oppose the transfer application being proposed to you in
13 this docket. This meeting is the first opportunity
14 residents of Briar Chapel have ever had to testify about
15 the connection of Fearrington Village wastewater to Briar
16 Chapel, first time.

17 There is an ongoing pattern of Old North State
18 Water Company saying one thing, but doing something
19 different, and communicating to all BC residents only
20 after a crisis. Old North State has never treated the
21 Briar Chapel residents in what will soon be 2,000
22 households as customers.

23 November 8th, 2017, Briar Chapel residents
24 notified by Old North State of the Fearrington Village

1 interconnection, 34 days after Fearrington Village
2 residents were notified. Piping to be installed along
3 Andrews Store Road outside the Briar Chapel community.
4 That was in the notification.

5 May 3rd, 2017, residents notified by the Briar
6 Chapel Community Association that the Fearrington Village
7 pipeline will now go through the neighborhoods, without
8 cutting or closing any roads. On the same day, however,
9 Old North State Water Company contractor put a skid
10 steer/Brushmaster through the Briar Chapel woods west of
11 Catula Run without notice, without warning, without
12 signs, without barriers to protect the residents and
13 children walking on trails in those woods.

14 On May 7th, 2017, an update by the Briar Chapel
15 Community Association informed BC residents that Old
16 North State representatives would be at the BC Clubhouse
17 May 9th at 6:00 p.m. to answer questions about the
18 project.

19 December 17th, 2018, Briar Chapel announces Old
20 North State contractor plans to cut the BC Parkway --
21 Briar Chapel Parkway for new pipeline and close it for a
22 week. After the Briar Chapel -- after a Briar Chapel
23 resident alarm, the Old North State Water contractor
24 began boring under BC Parkway on January 8th, 2019.

1 April through October 2019, Briar Chapel
2 residents were in an uproar over roughshod pipeline
3 construction along the easement, excessive spray
4 irrigation odor, and thousands of gallons of raw sewage
5 spills and overflows.

6 September 11th, 2019, a resident-initiated
7 public meeting of Briar Chapel residents with the
8 NCDEQ/DWR was held at Woods Charter. At this end -- the
9 end of that meeting, a resident of Hill Creek Boulevard
10 stood up in the back of the room, shaking with anger and
11 barely holding back sobs, and cried out for help. His
12 family was continuing to live with week after week of
13 human waste running down the street in front of his home.
14 He may be at this meeting. I don't know. But I won't
15 give you his name.

16 September 25th, 2019, a notice to B -- to Briar
17 Chapel of resident-requested meeting with Old North State
18 Water Company to discuss odors, spills, overflows, and
19 project status. Two Town Hall meetings scheduled for
20 September 30th and October 4th at the clubhouse.

21 During the October 4th Town Hall, instead of
22 committing to mitigate odors as a nuisance permit
23 violation, Old North State continued to repeat their
24 previous statements that the odor comes from a naturally

1 occurring process.

2 December 4th, 2019, a grossly misleading
3 testimony to the North Carolina Utility Commission by
4 Mike Myers for this docket:

5 Question:

6 "Have you discussed this project with the
7 Customers of Briar Chapel and Fearrington
8 Village?"

9 Answer:

10 "Yes. We have held numerous informational
11 meetings on this transfer and project dating
12 back to 2017."

13 May 9th, 2017, a meeting that was a no-agenda
14 crisis-management communication effort by Old North State
15 Water Company representatives to be available at the BC
16 Clubhouse to answer project questions. That's not an
17 informational. That's just reacting to the crisis.

18 September 30th and October 4th, 2019, the two
19 Town Hall meetings were no-agenda meetings requested by
20 Briar Chapel residents to address the Briar Chapel
21 residents' uproar over raw sewage spills and odor.

22 Other than private business meetings with
23 Newland and the board, the HOA board, all the other
24 meetings were initiated by three residents who were

1 pursuing Old North State accountability for spills, or
2 requesting Old North State communication to Briar Chapel
3 residents in the midst of one crisis after another.
4 These meetings were never open to additional BC
5 residents.

6 October 22nd, 2019, Mike Myers' written
7 response to Notice of Violation NOV-2019-PC-0658: Quote,
8 "The use of the word 'excessive' is not an accurate
9 description," close quote, of odors coming from BC
10 Wastewater Treatment Plant, reclaimed water storage pond,
11 and distribution systems.

12 I hope the Utilities Commission has heard
13 tonight from BC residents how they have had to endure
14 excessive odor and thousands of gallons of human waste
15 flowing around them.

16 Our experience in Briar Chapel predicts a four-
17 fold increase in the quality-of-life problems and threats
18 to property value if Old North State is allowed to
19 complete this transfer.

20 Please deny this transfer application.

21 COMMISSIONER BROWN-BLAND: All right. Thank
22 you, Mr. Little. Any questions, Mr. Grantmyre?

23 MR. GRANTMYRE: I have no other questions.

24 COMMISSIONER BROWN-BLAND: Mr. Styers?

1 MR. STYERS: No questions.

2 COMMISSIONER BROWN-BLAND: All right. Any
3 questions from the Commission?

4 (No response.)

5 COMMISSIONER BROWN-BLAND: All right. Thank
6 you.

7 (Witness excused.)

8 MR. GRANTMYRE: Ann Mullin.

9 ANN MULLIN; Having first been duly affirmed,
10 Testified as follows:

11 DIRECT EXAMINATION BY MR. GRANTMYRE:

12 Q And please state your name and address.

13 A My name is Ann Mullin. My husband Patrick and
14 I own and reside 132 Old Piedmont Circle.

15 Q Please proceed with your statement.

16 A Thank you. My neighbors have elucidated most
17 of what I had to say, but I still come down to something
18 that's very important to all of us on Old Piedmont
19 Circle. We received the brunt of the intrusion when they
20 installed the sewer line. Or, well, they kind of
21 installed the sewer line. It's only been 28 months -- or
22 23 months, I'm sorry.

23 One of the -- we asked -- we went into -- as an
24 organization, as a group of -- of neighbors and we met

1 with Old North State representatives Carr McLamb, Chuck
2 Donnell, and we asked for two things, revegetate the
3 green space that you folks destroyed and to warranty the
4 trees. The trees have not been mentioned, and I think
5 they need to be mentioned.

6 This sewer line was cut through an
7 environmentally sensitive area. We have trees that are
8 80 feet, 90 feet, 100 feet tall back there. The crowns
9 of the trees go way over the sewer line. They're cutting
10 the roots. Those trees are not going to survive for more
11 than three years, so we asked them to warranty the trees.
12 We actually worked with an arborist, identified 14 trees
13 that we wanted them to warranty so that if they started
14 to die, they would take them down so that it wouldn't
15 come down on our houses, it wouldn't kill our kids, it
16 wouldn't kill us, it wouldn't destroy us.

17 And they -- we came to an agreement about this.
18 We actually came to an agreement about this, and I just
19 want you to understand that Old North State offered us
20 \$40,000 that they would pay to the HOA, and the HOA would
21 decide what part would go to the trees and what part
22 would go to the vegetation. And all they asked for in
23 return was that if you're -- if you benefitted from this,
24 that you would -- in return, all residents who received

1 said benefit would have to sign a, quote,
2 "Nondisparagement Agreement regarding the installation
3 project." In other words, should we ever come to a
4 Utility Commission hearing or some other kind of hearing,
5 we would not be allowed to speak the truth about the
6 problems we encountered through this whole thing.

7 To me, it sounds like a bribe, but, you know,
8 I'm just kind of asking that question. I'm not an
9 attorney. It is, though, moot because our residents, our
10 neighbors would not sign. They would not agree to this
11 kind of requirement.

12 In summary, the sewer installation project that
13 was going to take four months because it had to be done
14 completely and quickly because Fearrington was in so much
15 trouble is now nearing 23 months and is not yet complete.

16 Despite reassurances of repairs to operating
17 problems in the broader community, problems continue to
18 disrupt the right of Briar Chapel residents to enjoy the
19 benefits of their community. Old North State has
20 demonstrated an astonishingly bad record of operations
21 and construction. Their past neglect of operations and
22 their current failure to meet promised timelines, by a
23 whole bunch, and quality of installation of the sewer
24 line warns us about prospects for their future

1 performance in quadrupling the wastewater treatment
2 plant.

3 The evidence indicates that you must deny this
4 request. So thank you.

5 Q Thank you.

6 MR. GRANTMYRE: I have no further questions.

7 MR. STYERS: No questions, either.

8 THE WITNESS: Thank you.

9 EXAMINATION BY COMMISSIONER BROWN-BLAND:

10 Q Ms. Mullin, just one quick one.

11 A Yes.

12 Q Do you have any documentation with regard to
13 the agreement that you said --

14 A Yes.

15 Q -- included a disparagement --

16 A Yes. I have this email from Carr McLamb to all
17 of us on the committee dated May 30th at 5:20 p.m.

18 MR. GRANTMYRE: We would ask that this be --

19 Q Are you submitting that?

20 MR. GRANTMYRE: -- identified as Mullin Exhibit
21 1.

22 COMMISSIONER BROWN-BLAND: It will be --

23 COURT REPORTER: Spell that?

24 MR. GRANTMYRE: M-U-L-L-I-N.

1 COMMISSIONER BROWN-BLAND: It will be
2 identified as Mullin Exhibit 1.

3 (Whereupon, Mullin Exhibit 1 was
4 marked for identification and
5 admitted into evidence.)

6 THE WITNESS: Thank you.

7 COMMISSIONER BROWN-BLAND: Thank you.

8 (Witness excused.)

9 MR. GRANTMYRE: The next speaker is Hamman
10 Hasan. It says "Call me last." Do you still want to be
11 last?

12 MR. HAMMAM HASAN: Yes, sir.

13 MR. GRANTMYRE: Except you're not last.

14 MR. HAMMAM HASAN: Oh. Can I go now?

15 MR. GRANTMYRE: Yeah. You can go now.

16 (Laughter.)

17 MR. HAMMAM HASAN: I'll make sure that you
18 don't go tonight without at least one millennial getting
19 to testify today.

20 FEMALE SPEAKER: There you go.

21 HAMMAM HASAN; Having first been duly affirmed,
22 Testified as follows:

23 COMMISSIONER BROWN-BLAND: All right.

24 DIRECT EXAMINATION BY MR. GRANTMYRE:

1 Q Please state your name, and spell your last
2 name.

3 A My name is Hammam Hasan. Last name is spelled
4 H-A-S-A-N.

5 Q And what is your address?

6 A I'm the owner, and we reside in the 440 Beacon
7 Ridge Boulevard.

8 Q Please proceed with your statement.

9 A And I have 17 copies --

10 Q Okay.

11 A -- for you all.

12 Q Thank you.

13 MR. GRANTMYRE: We would ask that this be
14 identified as -- as Hazan (sic) --

15 THE WITNESS: Hasan.

16 MR. GRANTMYRE: -- Hasan Exhibit 1.

17 COMMISSIONER BROWN-BLAND: All right. It will
18 be so identified.

19 (Whereupon, Hasan Exhibit 1 was
20 marked for identification and
21 admitted into evidence.)

22 A Can I proceed?

23 Q Please proceed with your statement.

24 A All right. So like the other homeowners in

1 Briar Chapel, we need the North Carolina Utilities
2 Commission to immediately disapprove the proposal
3 submitted by Old State Water Company, also known as
4 ONSWC, to send any sewage from Fearrington to the sewage
5 treatment plant in Briar Chapel.

6 The companies, Old North State Water Company,
7 ONSWC, and their subcontractor, Envirolink, have been
8 consistently negligent and have shown they are
9 incompetent to manage a sewage treatment plant at the
10 existing capacity that only serves Briar Chapel
11 residents, and their sewage mismanagement violations are
12 expected to increase if you allow them to bring any
13 sewage into Briar Chapel from any other community.

14 In a recent letter of violation from Chatham
15 County to ONSWC, Chatham County asserted that these
16 violations were willfully committed. The mismanagement
17 and incompetence of ONSWC and Envirolink have created
18 major nuisance, as well as a risk of danger and harm to
19 the residents of Briar Chapel that have suffered from
20 many -- from the many ONSWC sewage mismanagement
21 violations that include the violations listed below.

22 Allowing ONSWC to increase its capacity to
23 bring in sewage from Fearrington or any other outside
24 community would increase these sewage problems in Briar

1 Chapel in both frequency and magnitude.

2 The ONSWC sewer mismanagement violations in
3 Briar Chapel have included the violations listed below,
4 along with many other violations. So I'm going to start
5 listing those violations.

6 Briar Chapel sewage lines that are owned by
7 ONSWC have spilled about 23,000 gallons of raw, untreated
8 sewage from July 2017 to October 2019. This includes
9 incidents of sewage spilling on the lawns of homeowner
10 property where children play.

11 According to records from the North Carolina
12 Department of Environmental Quality, DEQ, the community
13 has logged 14 separate sanitary sewer overflows during
14 that same time frame. Nine overflows occurred from
15 January 2019 to October 2019.

16 As of this date, ONSWC has failed to
17 effectively manage, maintain, and operate the subject
18 collection -- subject collection system.

19 The majority of the causes reported for the
20 over -- for the overflows were pipe failures in the
21 community, with a majority of these spills finding their
22 way to Pokeberry Creek, a tributary for the Haw River.
23 The sewer lines are owned by Old State -- by Old North
24 State Water Company and maintained by Envirolink.

1 DEQ has sent two letters of violation to Old
2 North State Water Company. The first, on October 30th,
3 2017, was for a pipe failure on Hillcreek Boulevard. The
4 second letter of violation was sent in August for these
5 three separate incidents.

6 An ONSWC sewer pipe failure in Briar Chapel on
7 April 18th, 2019, at the pump station located on Great
8 Ridge Parkway.

9 Another ONSWC sewer pipe failure occurred on
10 June 5th, 2019, at 480 Beacon Ridge Boulevard.

11 Another ONSWC sewer pipe failure occurred on
12 June 11th, 2019, at a lift station on Great Ridge
13 Parkway.

14 The spills have resulted in 4,000 gallons of
15 raw sewage seeping out of lines, joining more than 10,000
16 gallons spilled into area in recent months, according to
17 DEQ.

18 According to Christy Simmons, Public
19 Information Officer for North Carolina DEQ, these spills
20 appear to be caused by pipe failures and construction
21 equipment. The violation letters --

22 COMMISSIONER BROWN-BLAND: Mr. Hasan --

23 THE WITNESS: Yeah.

24 COMMISSIONER BROWN-BLAND: -- you're reading

1 through your exhibit, Hasan 1 --

2 THE WITNESS: Yeah.

3 COMMISSIONER BROWN-BLAND: -- which we have
4 received.

5 THE WITNESS: Okay.

6 COMMISSIONER BROWN-BLAND: So we'll see it, and
7 I promise you we'll read it.

8 THE WITNESS: All right.

9 COMMISSIONER BROWN-BLAND: But if you'd like to
10 summarize or make a --

11 THE WITNESS: Okay.

12 COMMISSIONER BROWN-BLAND: -- summary point?

13 A So in summary, this company has proven to be
14 incompetent, okay, and they're unable to manage the
15 existing capacity. Quadrupling their capacity would only
16 quadruple the problems, to say the least. They haven't
17 shown competence. They've been changing their -- the
18 name of their company. The same individuals stay the
19 same. They need to be held accountable.

20 And we have full confidence in the Commission
21 that they will be held accountable and that they will not
22 be allowed to expand the existing sewage plant to bring
23 in any sewage from any other community. And if they do
24 decide to build a consolidated plant, it really needs to

1 be miles away from the nearest home, just judging based
2 on their incompetent history.

3 And then there's also a paragraph at the end
4 about their history in Bailey, North Carolina, how they
5 were kicked out of that city, and the commissioner in
6 that city ulti--- or that town ended their contract
7 because of their inability to meet contract requirements
8 and the State deadlines. And for that reason, they were
9 cut out of their own home territory in Bailey, North
10 Carolina.

11 COMMISSIONER BROWN-BLAND: Thank you. Any
12 questions, Mr. Grantmyre?

13 MR. GRANTMYRE: I have no further questions.

14 COMMISSIONER BROWN-BLAND: Questions,
15 Mr. Styers?

16 MR. STYERS: No questions.

17 COMMISSIONER BROWN-BLAND: Questions from the
18 Commission?

19 (No response.)

20 COMMISSIONER BROWN-BLAND: All right. Thank
21 you, Mr. Hasan.

22 (Witness excused.)

23 MR. GRANTMYRE: John Miles.

24 JOHN MILES; Having first been duly affirmed,

1 Testified as follows:

2 COMMISSIONER BROWN-BLAND: All right.

3 DIRECT EXAMINATION BY MR. GRANTMYRE:

4 Q Please state your name and address.

5 A It's John Miles, 460 Granite Mill Boulevard,
6 Chapel Hill, and I'm part of Briar Chapel.

7 Q Please proceed with your statement.

8 A Everything's been covered already by all the
9 residents. What I do want to say is I've been in
10 construction for 20 years. When the economy dropped, I
11 lost everything. I had to regroup; go back to school.
12 Worked for 80 hours a week, did my homework, found a
13 neighborhood to get my family safe; lovely community.

14 Did my research. Briar Chapel sewer system was
15 designed for our neighborhood and the immediate
16 surrounding area by the developer. What you're asking me
17 is now all my research waved away and they're assuming
18 that I have no property loss. So now you're telling me
19 I've just lost my investment that I worked 80 hours for
20 eight years and they're saying maybe no property loss. I
21 find that very hard to believe.

22 Incapable, four times over, four times the
23 leaks if they quadruple. If you pass this, basically
24 what you're saying is the 2,000 homeowners -- you said

1 1,600. It's projected to be 2,200. Lowest property of
2 the house, 250, times that. \$600 million our subdivision
3 is contributing to Chatham County.

4 I have nothing else.

5 COMMISSIONER BROWN-BLAND: Thank you.

6 A Don't take my future. Don't take my son's
7 future.

8 COMMISSIONER BROWN-BLAND: Hold on just a
9 moment. Any questions, Mr. Grantmyre?

10 MR. GRANTMYRE: I have no questions.

11 COMMISSIONER BROWN-BLAND: Any questions?

12 MR. STYERS: I have no questions.

13 COMMISSIONER BROWN-BLAND: Any questions from
14 Commissioners?

15 (No response.)

16 COMMISSIONER BROWN-BLAND: All right. Thank
17 you, Mr. Miles.

18 (Witness excused.)

19 MR. GRANTMYRE: Caroline Healy. Up next will
20 be Kevin Ally.

21 CAROLINE HEALY; Having first been duly affirmed,

22 Testified as follows:

23 DIRECT EXAMINATION BY MR. GRANTMYRE:

24 Q Please state your name and spell your last

1 name.

2 A Caroline Healy, H-E-A-L-Y.

3 Q And what is your address?

4 A 312 Old Piedmont Circle, Briar Chapel.

5 Q Please proceed with your statement.

6 A Thank you. Most of which I have to say this
7 evening has already been covered. However, I believe
8 it's extremely important to make a statement to the
9 Commissioners this evening.

10 For the purpose of this hearing, the facts and
11 information have already been provided in the
12 testimonies, are available in public record, and speak
13 for themselves.

14 Old North State Water Company and its
15 affiliates have proven themselves incapable of operating
16 a professional, safe, and environmentally sound water --
17 wastewater treatment plant regardless of who the parent
18 company is, apparently Integra, according to Old North
19 State Water -- Water Company's application. Maintenance
20 and operation of the plant will remain under the same
21 company.

22 I would like to refer specifically to Mike
23 Myers' direct testimony which is online. In it he refers
24 to the intent to include treatment of sewage from nearby

1 developments and that several meetings were heard -- were
2 held to discuss these plans with Briar Chapel homeowners.
3 This is simply not the case.

4 Old North State Water Company did make
5 themselves available to homeowners -- homeowners on three
6 occasions. This has already been referenced here this
7 evening. One was damage control after our neighborhood
8 was bulldozed to make way for the easement. That was in
9 May 2018.

10 Two further meetings were held more recently.
11 There was no reference to the fact that the expansion of
12 the wastewater treatment plant would include nearby
13 developments. There was reference to future development,
14 but we were led to believe that that was within Briar
15 Chapel.

16 I would like to make reference to what I have
17 noted this evening is Mr. Styers' repeated queries over
18 the Department of Environmental Quality's -- excuse me --
19 enforcement of the plant. I know that Old North State
20 has been fined \$1,500 for a spill of 23,000 gallons of
21 untreated sewage. We, as homeowners, we live this every
22 day. These reports are self-reported. These spills are
23 self-reported. We cannot rely on Old North State.
24 They're just untrustworthy. I know this from experience.

1 We know this from experience.

2 I'm asking you, do not trust -- Mr. Myers has
3 even corrected his position within Old North State. He
4 has corrected his position from President of Old North
5 State Water Company to Member of Old North State Water
6 Company. Is it one or is it the other?

7 Much of the deterioration in our neighborhood
8 is due to overclearance on the easement and lack of
9 oversight.

10 I'm asking you, the Commissioners, to please do
11 not allow the expansion. We do not need Briar Chapel to
12 be a regional treatment plant. Thank you.

13 COMMISSIONER BROWN-BLAND: Thank you. Are
14 there any questions?

15 MR. GRANTMYRE: No further questions.

16 THE WITNESS: Excuse me. I'm sorry.

17 COMMISSIONER BROWN-BLAND: Mr. Styers?

18 MR. STYERS: No questions.

19 COMMISSIONER BROWN-BLAND: Any questions?

20 (No response.)

21 THE WITNESS: No questions. Thank you.

22 COMMISSIONER BROWN-BLAND: All right.

23 MR. GRANTMYRE: Kevin --

24 COMMISSIONER BROWN-BLAND: Thank you,

1 Ms. Healy.

2 (Witness excused.)

3 MR. GRANTMYRE: Kevin Ally (sic).

4 MR. KEVIN ALBY: Alby.

5 MR. GRANTMYRE: Alby. Okay. The "b" is a
6 little hidden.

7 MR. KEVIN ALBY: Yeah. I've got terrible
8 handwriting.

9 MR. GRANTMYRE: Okay.

10 MR. KEVIN ALBY: And it's late.

11 KEVIN ALBY; Having first been duly affirmed,

12 Testified as follows:

13 COMMISSIONER BROWN-BLAND: All right.

14 DIRECT EXAMINATION BY MR. GRANTMYRE:

15 Q Please spell your last name.

16 A Kevin. Last name Alby, A-L-B-Y.

17 Q And what is your address?

18 A I live at 192 Log Bridge Road. That is in
19 Briar Chapel.

20 Q Please proceed with your statement.

21 A Thank you. So I live approximately one-quarter
22 of a mile to the southwest of the treatment facility. I
23 am fortunate in that my encounters with the odors at my
24 household depend on the winds, and in my -- I am in a

1 good wind direction in that we don't frequently have
2 odors at our home, but we do occasionally.

3 But I do want to provide the council kind of a
4 snapshot into a day-to-day and the day-to-day encounters
5 that I have. So I -- you know, if I go out in the
6 morning and I go for a run, because of where I live, I
7 frequently run around the facility. So depending on
8 which side of the facility I'm on, pretty much every
9 single day, especially in the summer when it's warmer, I
10 can detect the odors of the facility.

11 But it's more than just the odors of the
12 facility. It's the odors associated with the irrigation
13 which permeate throughout the community.

14 Pretty much like clockwork during the summer
15 when there's irrigation, I come home between 5:00 and
16 5:30. I come down Briar Chapel Parkway. You have the
17 nice winding road down Briar Chapel Parkway. You cross
18 the bridge, you hit the residential section, and you are
19 hit with the odor of sewage. It's because the sprinklers
20 were just on at around 5:00 every single day.

21 In terms of oversaturation, Ms. Drake mentioned
22 things in Great Meadow Park. I have a two-year-old son.
23 We run around in the park. I end up in the park. It's a
24 summer day. We had a very dry summer. There was an

1 event near the pavilion where it was 10:00 in the
2 morning, it had been dry all summer, and I'm standing in
3 an inch of water. My son, my two-year-old son, stood in
4 that inch of water. That's essentially reclaimed sewage
5 that we don't know how it's being treated because it's
6 being held in retention ponds that if you look at Google
7 Maps are all green.

8 These are the concerns that we have as
9 residents in this community, and we beg the Commission to
10 not allow Old North State to proceed until they can fix
11 the problems that they have now. Thank you.

12 MR. GRANTMYRE: I have a follow-up question.

13 THE WITNESS: Yes.

14 Q Will you please explain to the Commission what
15 you mean by retention ponds?

16 A So if you look around -- you know, if you take
17 Google Maps, there are a number of retention ponds where
18 my understanding is the water is treated and then it's
19 held before it's then dispersed in the irrigation system.
20 And if you look at Google Maps, you see pretty much all
21 of the areas that are -- where you can see standing water
22 are all green. And those that aren't green on Google
23 Maps because they're an older image, if you drive by them
24 today, like the one along Old -- along Boulder Point

1 Drive, it's green.

2 Q Now, do you smell odors around the retention
3 pond?

4 A It depends. It really depend -- right now, not
5 as much. It's cooler out. During the summer, we'll --
6 you know, we'll see.

7 Q But you say you do smell odors if you ride by
8 or run by or walk by after they've done the irrigation
9 with the reuse water?

10 A Yes.

11 Q And how frequently do you smell those odors?
12 Every time?

13 A Pretty much.

14 Q Okay. Thank you.

15 COMMISSIONER BROWN-BLAND: Okay. Questions,
16 Mr. Styers?

17 MR. STYERS: No further questions.

18 COMMISSIONER BROWN-BLAND: Commissioners?
19 Commissioner Duffley?

20 COMMISSIONER DUFFLEY: Yes.

21 EXAMINATION BY COMMISSIONER DUFFLEY:

22 Q So I thought I heard an earlier witness testify
23 that they changed the irrigation to first thing in the
24 morning or early-morning hours. Is that not for the

1 whole community?

2 A I have no idea what the irrigation plan is. I
3 know up until the Fall when essentially all irrigation
4 has stopped since we've kind of hit winter, they weren't
5 irrigating along Briar Chapel Parkway in the afternoon
6 and evening. And this was rain, sun, you know, give
7 whatever weather conditions, there was irrigation and
8 odor.

9 COMMISSIONER BROWN-BLAND: Thank you.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 MR. GRANTMYRE: Michael --

13 COMMISSIONER BROWN-BLAND: Mr. Grantmyre, I
14 think we'll --

15 MR. GRANTMYRE: We've got three left.

16 COMMISSIONER BROWN-BLAND: We've just got
17 three? All right. We're going to push on through, then.

18 MR. GRANTMYRE: Michael Mach---

19 MR. MICHAEL MACHIKAS: Machikas. Just like
20 it --

21 MR. GRANTMYRE: Just like it sounds, huh?

22 Okay. Don't worry. My name's Grantmyre, okay?

23 Please state your name.

24 COMMISSIONER BROWN-BLAND: Wait.

1 MR. GRANTMYRE: Oh, I'm sorry.

2 MICHAEL MACHIKAS; Having first been duly affirmed,

3 Testified as follows:

4 COMMISSIONER BROWN-BLAND: All right.

5 Q Please state your name, and spell your last
6 name.

7 A My name's Michael Machikas, M-A-C-H-I-K-A-S.

8 Q And what is your address?

9 A 26 North Rosebank Drive in Chapel Hill, Briar
10 Chapel.

11 Q And that's Briar Chapel. Please proceed with
12 your statement.

13 A Hi. I came strictly because I'm a real estate
14 broker that lives in Chapel Hill. Actually, my wife owns
15 a real estate firm called TME Premier Properties. We
16 have about seven agents. Some of the agents are family.
17 I have a son and a daughter-in-law that live in Briar
18 Chapel, I have agents as well, and another son.

19 I'm here only for one reason, is to testify as
20 a person in real estate -- and we do quite a bit of real
21 estate; before I was in real estate, I worked for a
22 publicly-traded REIT as division president in their sales
23 department that had properties with wastewater treatment
24 plant -- that expanding this wastewater treatment plant

1 to four times the capacity will definitely, definitely
2 lower everybody's property value. It's not even a
3 question. Definitely.

4 In fact, I ask you, the board members, would
5 you feel comfortable buying a house, knowing that a
6 regional wastewater treatment center is right next to
7 your house, or selling your house knowing they could
8 possibly quadruple the size of the wastewater treatment.
9 I don't think you as a board member would feel
10 comfortable with that with your investment.

11 Property values will definitely, definitely
12 drop. I feel bad because I've heard a lot of testimony
13 tonight about all the issues about the current system,
14 but the real problem here is they're going to expand the
15 system that's going to lower the property values. And
16 you need to watch out for our purpose. There is no
17 benefit to us of expanding that system four times. None.

18 One thing I want to make sure everybody's aware
19 of -- and I think you do. And I apologize if I'm
20 speaking down to people, but when you sell a house, you
21 have to fill out a Property Disclosure Form. On that
22 Property Disclosure Form it asks a couple questions to
23 the homeowner to have to fill out. One of them is -- let
24 me see here -- "Is there any problem, malfunction, or

1 defect with the dwellings' sewer and/or septic system?"

2 You have to answer yes, no, or no representation. No
3 representation just means you're pleading ignorance.

4 COURT REPORTER: "Yes, no, or" what?

5 THE WITNESS: Or no representation.

6 A No representation just means you're pleading
7 ignorant to the fact. You don't have to answer it.

8 The other question is, "Is there any noise,
9 odor, smoke, et cetera from commercial, industrial, or
10 military sources that would affect the property?"

11 Obviously, yes. The owner does not have to put down
12 "yes." They can put down "no" or "no representation."
13 They can do whatever they want. But you have to fill
14 this out.

15 Another question is, "If you answered yes to
16 any of these questions listed above, please explain. As
17 of this date this disclosure statement is signed, are
18 there any unsatisfied judgments against or pending
19 lawsuits involved in the planned community?"

20 Well, we were just told by the one woman
21 tonight that we're planning to have a lawsuit. So if
22 you're going to plan to sell the house, you have to
23 disclose there's a lawsuit and why it is.

24 Now, just remember, as an owner you can always

1 put down "no representation," which means you're playing
2 ignorant, which is really not ethical, but you can do
3 that.

4 But as a real estate agent, if I'm your real
5 estate agent and if you have any real estate -- and those
6 in Briar Chapel should be aware of the situation here --
7 has to disclose to any prospective buyer odor, possible
8 lawsuit, and about the system quadrupling. We all know,
9 being told about these issues, you're going to have a
10 hard time selling your house when the property values go
11 down.

12 Remember, Chatham Park is coming right down the
13 street. You're competing now with another big behemoth
14 coming down the road. Buyers are going to have options.
15 Briar Chapel, regional sewer plant; Chatham Park. The
16 answers are there for you.

17 So I'd just ask the board to put yourself in
18 our shoes. Realize the investment these people have made
19 in the residential and how they're going to lose it.
20 Thank you for your time.

21 Q Thank you.

22 MR. GRANTMYRE: I have no --

23 COMMISSIONER BROWN-BLAND: Questions,
24 Mr. Grantmyre?

1 MR. GRANTMYRE: -- other questions.

2 COMMISSIONER BROWN-BLAND: Questions,
3 Mr. Styers?

4 MR. STYERS: I do have some questions.

5 COMMISSIONER BROWN-BLAND: Mr. Styers?

6 CROSS EXAMINATION BY MR. STYERS:

7 Q Sir, I just -- I understand you have experience
8 in your career in the real -- in the real estate
9 industry. Have you served as an agent or a broker for
10 any sales of real estate in Briar Chapel?

11 A Yes. In the past year we did over 12.

12 Q In those sales, did you, yourself, fill out the
13 disclosures to disclose any odor issues in those 12 that
14 you had?

15 A As an agent, I cannot just fill out the
16 disclosure. The homeowner has to do it. But as an
17 agent, if I list a home and a prospective buyer wants to
18 buy the home, I have to notify the buyer's agent that
19 they have odors in the home.

20 Q So in none of those sales, none of the sellers
21 filled out disclosures of odor issues, right?

22 A Those did not, but plenty did leave. So that's
23 the point I'm getting at. I've experienced plenty -- we
24 had plenty of buyers I bring to Briar Cha---

1 -- I love Briar Chapel -- that decide not to come because
2 of the odor reason and now because I have to disclose
3 about the expansion.

4 Q So are you an MAI designated member of the
5 Appraisal Institute, sir?

6 A Appraisal Institute? I am not.

7 Q So you're not an MAI appraiser.

8 A I am not.

9 Q And do you have any data to present tonight
10 regarding sales and resales of houses in Briar Chapel and
11 the values of those and how they've changed over time?

12 A That's a great question, a great point. So
13 first, I've answered I'm not an appraiser. I'm not. But
14 as a real estate agent, we perform CMAs, and very similar
15 to given what we understand values are of property. If
16 anybody's sold a house, a realtor has gone out and given
17 competition on what the house values are.

18 Are sales in Briar Chapel going up? Sure,
19 they're going up. I'm going to ask some of these people
20 here how many of their real estate agents were ethical
21 and reported the odor issues on the listing or told the
22 buyers of the listings or told about the expansion? I
23 don't think any of them did. I can't speak --

24 We heard the one woman testify her agent said

1 he's going to have to. It would affect her sale. I
2 don't think that's going on. It's a shame. As a
3 realtor, if I don't disclose it, I lose my license if it
4 ever comes back. As a homeowner, if you don't disclose
5 it, you may get a lawsuit down the road later.

6 So to your question, it hasn't affected some.
7 We have a beautiful community with not much competition.
8 Chatham Park's coming down the road. That's going to
9 change.

10 Q And just to confirm, you don't have any data
11 tonight to present regarding the sales --

12 A What kind of data are you asking for?

13 Q Home prices and sales and resales over time in
14 Briar Chapel.

15 A Well, nobody can -- nobody can project that. I
16 can only tell you as a person with experience I've had
17 buyers walk away when I've told them about the proposed
18 expansion.

19 MR. STYERS: No further questions.

20 COMMISSIONER BROWN-BLAND: All right. Any
21 questions from the Commissioners? Oh.

22 EXAMINATION BY COMMISSIONER BROWN BLAND:

23 Q You used the term CMAs? Is that --

24 A That's just a slang term; a competitive market

1 analysis.

2 Q Competitive market analysis.

3 A When you go give a listing presentation, you
4 pull all the comps around the area.

5 Q And the questions that -- the paper that you
6 read from, what was the name of that form or the caption
7 of the form?

8 A It's called a Residential Property Disclosure
9 Form --

10 Q Okay.

11 A -- that has to be filled out whenever you sell
12 a house.

13 Q All right.

14 A It's law.

15 Q Thank you.

16 A Thank you.

17 (Witness excused.)

18 MR. GRANTMYRE: Ed Deadmon. Is Mr. Deadmon
19 still here?

20 (No response.)

21 MR. GRANTMYRE: Okay. Megan Sykes, our final
22 cleanup hitter, who chatted with me on the phone
23 yesterday.

24 MS. MEGAN SYKES: This is the original. These

1 are copies.

2 MR. GRANTMYRE: Okay. She's made -- we'd ask
3 that -- okay.

4 MEGAN SYKES; Having first been duly affirmed,
5 Testified as follows:

6 DIRECT EXAMINATION BY MR. GRANTMYRE:

7 Q Please state your name and address.

8 A Megan Sykes, 41 Highveld Avenue, in Chapel
9 Hill, in Briar Chapel.

10 Q And this is your statement.

11 MR. GRANTMYRE: And we would ask that it be
12 identified as Sykes Exhibit 1.

13 COMMISSIONER BROWN-BLAND: It will be so
14 identified.

15 (Whereupon, Sykes Exhibit 1 was
16 marked for identification and
17 admitted into evidence.)

18 Q Please proceed with your statement.

19 A I am going to mention a couple things before I
20 get into the statement. This is based on the research
21 that I've done over the last two or three days when I was
22 informed the BOA did not represent us, so it's accurate,
23 to the best of my knowledge.

24 The second thing is that this statement is

1 premised on the assumption that Old State, whatever form
2 and corporate -- or whatever entity it is, will improve
3 its management practices and address all necessary
4 quality issues. So that is not at dispute in this
5 statement.

6 My statement reflects the last gentleman's
7 statement and several other people that have spoken
8 recently, but brings out these points. I think 1 and 5
9 are great, so I'm going to read this.

10 This is regarding specifically Docket Number
11 W-1320, Sub 0, the Transfer of the Briar Chapel
12 Subdivision Water wastement (sic) -- Wastewater System to
13 Old North State Water Company, Chapel -- at Chatham
14 North. I'm sorry. I'm getting tired, so I am not
15 speaking clearly.

16 Respected North Carolina Utilities Commission
17 members, today I respectfully submit my strong objection
18 to the NCUC approving at this time the transfer and
19 ownership of the Briar Chapel subdivision water --
20 wastewater system and franchise from Old North State
21 Water Company, LLC, Briar Chapel, to Old North State
22 Water Company - Chatham North, LLC.

23 I respectfully request that the NCUC delay --
24 defer or deny a decision on the change of ownership until

1 a future date, much farther in the future; not two weeks
2 or three weeks, but much farther in the future. This is
3 based on the stated objectives of Mike Myers, President,
4 as to the reasons for the ownership transfer, for the
5 following reasons:

6 I strongly object to the increase of capacity
7 of the BCSWW plant from the currently permitted 750K
8 gallons per day to 1,000,000 gallons per day. It is by
9 understanding that they already have a permit from the
10 DEQ to increase the capacity to 750K, so that is not at
11 dispute in my statement.

12 But I am requesting that you do not support an
13 increase from 750K to 1,000,000. That would be a 33
14 percent increase over the current capacity. The
15 increased capacity is unnecessary for the wastewater
16 needs of the current and future Briar Chapel master plan
17 community. The marketing materials propounded by Newland
18 since Briar Chapel's inception indicate that Briar Chapel
19 is serviced by its own water treatment plant. Although
20 this is now owned by ONSWC, these statements have
21 intentionally given prospective home buyers the
22 impression that the plant, albeit unpleasant even in its
23 current state, was established and exists to meet the
24 needs of Briar Chapel residents.

1 And I'll call your attention to Exhibit 1 that
2 talks about -- this is currently on the website. "We
3 improve our water quality by preserving open space,
4 implementing erosion control, and utilizing our own
5 stormwater treatment plant. Plus, we irrigate," et
6 cetera.

7 So this is what they're currently propounding.
8 This is our water treatment plant, not everybody's. So
9 for all recent and past home purchases, the current
10 property values of our homes are based on the assumption
11 that Newland has marketed, that the Briar Chapel
12 Wastewater Treatment Plant is a neighborhood treatment
13 facility. With an increase in capacity beyond that's
14 currently permitted, 750,000 gallons per day, by the DEQ,
15 Briar Chapel would effectively become and be known as a
16 regional wastewater treatment plant, as has been
17 mentioned earlier tonight.

18 This has a very different connotation and will
19 have a negative impact on the market values of our homes,
20 and in particular on the homes in close proximity to the
21 plant. If you have not already visited our wastewater
22 facility site, I would encourage you to do so in person
23 before making your decision on this docket. I am certain
24 that you would not want a similar change approved in your

1 own neighborhood if you were a property owner in the same
2 circumstances.

3 It is my understanding that the North Carolina
4 Utilities Commission is charged with protecting utility
5 customers such as myself from unfair price increases on
6 our utilities. Although Mike Myers has indicated that no
7 immediately -- immediate monthly charge will be required
8 along with the proposed change in ownership, the
9 astronomical, disproportionate, indirect cost through
10 loss of equity in homeowners in Briar Chapel such as
11 myself to the real and inevitable decrease in marketable
12 value of our properties is unacceptable.

13 And I believe that such economic loss and
14 burden to us as utility customers should not be tacitly
15 or directly sanctioned by the Commissioners of the NCUC.
16 Therefore, I strongly object to the expansion of the
17 facility's permits which the transfer of ownership being
18 considered tonight is premised upon. That's my first
19 point.

20 COMMISSIONER BROWN-BLAND: Ms. Sykes --

21 THE WITNESS: Sure.

22 COMMISSIONER BROWN-BLAND: -- I was going to
23 point out, that's your first one, and you had a second
24 one you --

1 THE WITNESS: Yeah. I'll try to do it faster.

2 COMMISSIONER BROWN-BLAND: Like I told --

3 THE WITNESS: Sorry.

4 COMMISSIONER BROWN-BLAND: -- like I told

5 Mr. Hasan, we promise to read it --

6 THE WITNESS: Okay.

7 COMMISSIONER BROWN-BLAND: -- and --

8 A The second point is I strongly object to the
9 intended change of the wastewater facility from being
10 permitted to discharge effluent into a major area water
11 source, Lake Jordan. And I will just reference the
12 current use permit. It explicitly references the
13 environmental impact statement of September 2004 that
14 says -- it clearly states, "The downstream waters of the
15 Haw River and Jordan Lake should not be impacted by our
16 development."

17 So changing the intent by permitting the
18 effluent to go into Lake Jordan, that's a significant, a
19 monumental change in the sustainability of our
20 neighborhood, and it will significantly diminish the
21 value and desirability of our neighborhood. That's one
22 of the main reasons I purchased here, is because we have
23 those sustainable practices.

24 In fact, I didn't mention it here, but Chatham

1 County's -- I saw that Chatham County's 25-years
2 strategic plan specifically wants more communities to use
3 reclaimed water, and so this would be taking us away from
4 that purpose.

5 Just fundamentally changing the significant --
6 a significant evaluation factor of our neighborhood
7 should be at the discretion collectively of the
8 homeowners, with a majority economic interest in the
9 community, not at the discretion of an individual
10 property owner, namely ONSWC, Mike Myers.

11 So your approving that would undermine our
12 ownership rights and cause significant financial harm to
13 all residential property owners and utility customers
14 merged with NBC (sic), so that's a direct impact to me.
15 And I think, if I'm not mistaken, that's one of the main
16 purposes of the NCUC existing, is to protect us
17 economically.

18 So I ask that you defer this decision which
19 would allow us to discuss these two important matters
20 with Chatham County Planning and with DEQ because neither
21 of them have already been approved. Thank you.

22 COMMISSIONER BROWN-BLAND: All right, thank
23 you.

24 MR. GRANTMYRE: I have two quick --

1 THE WITNESS: Sure.

2 MR. GRANTMYRE: -- follow-up questions.

3 Q You mentioned Newland. Isn't it true that
4 Newland, when you mentioned that, they're the original
5 developer of or the developer of Briar Chapel? Is that
6 correct?

7 A They still are.

8 Q Okay. Thank --

9 A They are the -- the principal related to the
10 master plan community. When it talks about this CUP, the
11 conditional use permit, they are the ones who request the
12 changes. It's not Mike Myers. They actually request the
13 changes to the environmental impact.

14 Q Okay. And you also mentioned that the plant is
15 permitted for 750,000 --

16 A That's correct.

17 Q -- gallons a day, but the existing plant is
18 only 250,000.

19 A I'm not challenging that.

20 Q Okay. Thank you.

21 A And --

22 Q Thank you.

23 A Yes.

24 MR. STYERS: I have no questions.

1 COMMISSIONER BROWN-BLAND: Questions from the
2 Commissioners?

3 (No response.)

4 COMMISSIONER BROWN-BLAND: Thank you,
5 Ms. Sykes.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 MR. GRANTMYRE: That's the end of the sign-up
9 list.

10 COMMISSIONER BROWN-BLAND: All right, ladies
11 and gentlemen.

12 MALE SPEAKER: Yay.

13 COMMISSIONER BROWN-BLAND: We thank you for
14 coming out. We've heard you. As I indicated in the
15 beginning, this hearing will resume in Raleigh next
16 Wednesday, I believe at 10:00. Check the website if I'm
17 wrong.

18 But you can follow and read -- some of you have
19 already mentioned -- I see you've gone out and seen the
20 testimony, but in case some of you haven't, you can
21 follow the paper proceedings at our website,
22 www.ncuc.net, and you just use these docket numbers that
23 were on the notices to search and find that information.

24 The evidentiary hearing is open to the public

1 and you're welcome to attend, but the testimony there
2 will be from the experts.

3 To Mr. Styers and the Applicants --

4 Madam Court Reporter, about how long before
5 this transcript might be available?

6 COURT REPORTER: It'll be due on the 10th
7 (sic).

8 COMMISSIONER BROWN-BLAND: So that the
9 transcript will be available --

10 COURT REPORTER: Oh, I'm sorry.

11 COMMISSIONER McKISSICK: Today's the 10th
12 (sic).

13 COURT REPORTER: 14th.

14 COMMISSIONER McKISSICK: 14th's today.

15 COMMISSIONER BROWN-BLAND: It's late. It will
16 take -- it will take a little bit, and you've heard quite
17 a bit in here tonight. There were a lot of people came
18 out that had a lot of things to say.

19 COURT REPORTER: The 20th, I'm sorry.

20 COMMISSIONER BROWN-BLAND: And I don't want you
21 -- she's going to plan on having it available Monday, so
22 that won't give you a lot of time before the hearing.
23 But to the extent that you already have heard it and made
24 note, try to answer what you can. In the meantime, we

1 will expect and request a full response to what you've
2 heard here tonight.

3 MR. STYERS: I can, Madam Commissioner, and
4 I've taken lots of notes tonight, and we will start
5 working tomorrow on our written responses and we'll be
6 prepared to answer questions of the Commission at the
7 evidentiary hearing.

8 COMMISSIONER BROWN-BLAND: And we would like a
9 point-by-point response. And I'm sure the Public Staff
10 will work with you, to the best of their memories and
11 ability, to recall these issues to you.

12 MR. STYERS: I'm going to suggest that I'll
13 share my list of my notes with Mr. Grantmyre. And if he
14 sees that I've left an issue out, I'll be working with
15 him. Ms. Kemerait will be working with him to make sure
16 we've had as complete a list as possible in collaboration
17 with the Public Staff.

18 MR. GRANTMYRE: I was not taking notes. I was
19 relying on the -- so it would not be -- you know, we'll
20 try to help --

21 COMMISSIONER BROWN-BLAND: I knew the --

22 MR. GRANTMYRE: Really, this --

23 COMMISSIONER BROWN-BLAND: I knew --

24 MR. GRANTMYRE: -- the Company knows all this

1 stuff ahead of time and they know what was testified, and
2 it really is the Company's responsibility.

3 COMMISSIONER BROWN-BLAND: I'll leave it to you
4 to figure that out. I'm just suggesting because we're on
5 a shortened timetable than we usually have, to the extent
6 you can help make sure we get as much of this covered as
7 we can.

8 And, again, I thank you for coming out, and I
9 appreciate what you've had to tell us and that you took
10 the time to do that.

11 If there's nothing further to come before the
12 Commission tonight, safe travels home, and we'll be
13 adjourned.

14 MR. STYERS: Thank you.

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16 (Proceedings adjourned.)

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STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

C E R T I F I C A T E

I, Wanda B. Constantino, CVR-CM-M and Notary Public, do hereby certify that the foregoing hearing before the North Carolina Utilities Commission in Docket Numbers W-1320, Sub 0, W-1300, Sub 55; W-1320, Sub 2, and W-661, Sub 9 was taken and transcribed personally by me; and that the foregoing pages constitute a true and accurate transcript of said Hearing.

I do further certify that I am not of counsel for, or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of January, 2020.



WANDA B. CONSTANTINO, CVR-CM-M
Notary Public No. 19971130022