



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Raleigh Field Office  
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Raleigh, North Carolina 27636-3726

21 May 2014

Teresa Rodriguez  
NCDENR-DWR-NPDES  
1617 Mail Service Center  
Raleigh, NC 27699-1617

SUBJECT: Comments regarding NC0020354-Town of Pittsboro WWTP Expansion Permit Modification

Dear Ms. Rodriguez:

The US Fish and Wildlife Service (Service) has reviewed the NC Division of Water Resources' 23 April 2014 Notice for the Town of Pittsboro's (Town) request to modify its NPDES Permit NC0020354 to expand its discharge to Robeson Creek to 1.249 MGD. In order to keep the permitted discharge flow at the same level (3.22 MGD total), the Haw River outfall flow limit was reduced to 1.971 MGD. Comments are provided pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Robeson Creek and the Haw River are tributaries to B.E. Jordan Reservoir in the upper Cape Fear River basin. There are records of the federally endangered Cape Fear shiner (*Notropis mekistocholas*) and the federal species of concern yellow lampmussel (*Lampsilis cariosa*) in the Haw River above B.E. Jordan Reservoir. In addition, the Service is considering federal listing under ESA for the brook floater (*Alasmidonta varicosa*) and the Septima's clubtail dragonfly (*Gomphus septima*), both of which occur in the Haw River above the reservoir.

The Service supports the modification request by the Town to increase discharge flow to Robeson Creek. Furthermore, the Service encourages the Town to continue to invest in better technology and improved quality and quantity of effluent to be discharged at the Robeson Creek outfall, thus potentially eliminating the need for the outfall location on the Haw River. Federal goals for the conservation of trust resources depend explicitly on the sustained integrity of the Haw River ecosystem. The Cape Fear Shiner Strategic Habitat Conservation Planning Team (consisting of federal and state agency staff, University researchers, and other Cape Fear shiner experts) has identified the Haw River (i.e., the entire length of the Haw River flowing through Chatham County, ending at Jordan Lake) as necessary habitat for the recovery of the species.

The Service has reviewed the history of correspondence related to permitting the Town's wastewater treatment plant (WWTP) and discharges to Robeson Creek and the Haw River. The Service has also been engaged with the Town as it considers natural resource protection measures, specifically those involving federally listed species, during the planning for the development of Chatham Park. As the Town moves forward with planning Chatham Park

(especially regarding water and wastewater needs), the Service would like to remind the Town of previously expressed water quality concerns for the Haw River discharge and subsequent commitments the Town made as part of the Environmental Impact Assessment process leading up to the final NPDES permit approval in 2011.

In 2009, the NC Wildlife Resources Commission (NCWRC) expressed concerns with a Haw River discharge, specifically regarding impacts to water quality resulting from treatment plant upsets, ammonia, copper, and pharmaceutical and personal care products/endocrine disrupting compounds (PPCP) (NCWRC letters dated 4/29/2009, 8/3/2009, 10/26/2010). In response, the Town indicated that flow equalization, offline storage (e.g., five day storage pond), biological nutrient reduction and sand filtration would be incorporated, that the WWTP would be retrofitted to provide additional treatment for PPCPs as technology advances, and that the Town would adopt the additional protective measures detailed in NCWRC's *Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality* under both "General Mitigation Measures for All Watersheds" and "Specific Mitigation Measures for Waters Containing Federally Listed Species" for those portions of the service area (i.e., Tract 1) that flow to the Haw River (NCWRC letter dated 8/3/2009). **Section F5 (pages 221-224) of the EIS available on the Town's website (<http://tinyurl.com/PBOWWTPEIS>)** specifically indicates that additional protective measures will be implemented (e.g., 200ft buffers on perennial streams and 100ft buffers on intermittent streams draining to the Haw River, 300ft buffers along the Haw River, and for new developments draining to the Haw River (i.e. Tract 1) exceeding 6% imperviousness, the Town requires the developer to include stormwater controls designed to replicate and maintain the hydrographic condition at the site prior to the change in landscape, etc.).

The Service is taking this opportunity to reiterate the concerns raised by the NCWRC, and to urge the Town to engage in further discussion about what accommodations are being implemented based on NPDES permit conditions, the Environmental Impact Statement mitigation measure commitments, and the considerations put forth in the Planned Development District Master Plan for Chatham Park. Specifically, we encourage further discussion on the following topics, particularly as they relate to the Haw River outfall:

- Planning for spills/accidents and how redundant systems can be utilized to protect listed species habitat
- Contingency planning for impacts to species (e.g., propagation/reintroduction of species of interest)
- Compliance monitoring, with special considerations for listed species
- Consideration of effluent concentrations at instantaneous low flows, as related to survival of endangered species
- Considerations of maximum effluent flow cap to Haw River outfall location
- Water quality-species research opportunities


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Thank you for the opportunity to comment on the Permit Modification. The potential direct and indirect effects of the future infrastructure project on the Haw River remain significant concerns to us. The Service hopes to continue discussions with the Town as they plan for growth and uphold their obligations under ESA. If you have any questions regarding our perspectives on the unique value of the stream for endangered species conservation or the urgency in implementing strategies to address and manage impacts to rare species, please contact Sarah McRae at 919-856-4520x16 or [sarah\\_mcrae@fws.gov](mailto:sarah_mcrae@fws.gov).

Sincerely,



Pete Benjamin  
Field Supervisor

eC: Shari Bryant, NCWRC  
William Terry, Mayor, Town of Pittsboro  
Bryan Gruesbeck, Town Manager, Town of Pittsboro