



ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director

May 3, 2018

Mayor Cindy Perry
Town of Pittsboro
259 Hillsboro Street
Pittsboro, NC 27312

Mr. Paul S. Messick, Jr.
Town of Pittsboro Attorney
P.O. Box 880
Pittsboro, NC 27312

Mayor Perry and Mr. Messick,

It has recently come to the Division of Water Resource's (Division) attention that commitments and mitigation strategies included in the Environmental Impact Statement (EIS) titled "Proposed Wastewater Treatment Plant and Discharges into Robeson Creek and the Haw River" dated February 4, 2010 are not being properly implemented and enforced within the Pittsboro service area. The EIS was prepared by Hobbs, Upchurch, and Associates, P.A. and was submitted to the Division by then Town Manager William G. Terry on behalf of the Town of Pittsboro.

The Town requested to increase its wastewater capacity and discharge volume by constructing a new wastewater treatment plant and discharging to both Robeson Creek and the Haw River. Since the proposed upgrade of the wastewater treatment system exceeded the minimum criteria listed in 15A NCAC 01C .0408(2)(a) a State Environmental Policy Act (SEPA) review was required to obtain the NPDES permit.

The purpose of any SEPA review, including the referenced EIS, is to disclose any known and anticipated direct, indirect, and secondary impacts to the environment resulting from the proposed project and provide ways to mitigate for these impacts. The wastewater treatment plant upgrades were necessary due to the proposed Chatham Park development, which is a direct impact of the project, and will lead to secondary and cumulative impacts. This development is anticipated to incur significant impacts to the environment and, as a result, several mitigation strategies including enhanced storm water treatment measures and wider buffers along waterways were proposed in the EIS to offset these impacts. Furthermore, the EIS (including proposed mitigation strategies) was reviewed and approved by numerous state and federal agencies for conflicts with applicable rules, laws, and statutes and to ensure that harm to the environment would be minimized. After thorough review and consideration of all comments received, the Division approved the EIS. The North Carolina Department of Administration's State Clearinghouse cleared the project on March 29, 2010 and the Record of Decision (ROD) was issued by the Division.



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The Division respectfully reminds the Town of Pittsboro that the EIS and all information included in it, as well as all information provided to the Division to obtain any permit or certification or modification, extension, etc., are part of the record used to determine the issuance of a given permit or certification. Therefore, although commitments or mitigation strategies included in the EIS or any other document submitted to the Division may not be expressly included as a condition in the NPDES permit, the Division issued the NPDES permit on the contention that any commitments or mitigation strategies made at any point during the application process would be implemented and therefore shall be adhered to.

If the Town of Pittsboro finds it can no longer implement the commitments and mitigation strategies submitted to the Division, please contact us so we can discuss the situation and determine if a review or modification of the current NPDES permit is necessary.

The Division appreciates the Town of Pittsboro's commitment to protecting the environment. Should you have any further questions, please do not hesitate to contact either David Wainwright, DWR SEPA Coordinator at David.Wainwright@ncdenr.gov or 919-707-9045 or Julie Grzyb, NPDES Complex Permitting Supervisor at Julie.Grzyb@ncdenr.gov or 919-807-6390.

Sincerely,



Linda Culpepper, Interim Director
Division of Water Resources

cc: Raleigh Regional Office, Water Quality Regional Operations, NPDES
David Wainwright
Julie Grzyb