



REGION 1

BOSTON, MA 02109

Dated as indicated on electronic signature

Via electronic mail only

Suzanne M. Woodland
Deputy City Manager/Regulatory Counsel
1 Junkins Avenue
City of Portsmouth, NH
smwoodland@cityofportsmouth.com

Re: City of Portsmouth, New Hampshire - Consent Decree 09-CV-283-PB Supplemental Compliance Plan Proposed Update

Dear Ms. Woodland:

The U.S. Environmental Protection Agency (“EPA”) has reviewed the request by the City of Portsmouth (“City”) dated April 8, 2026, and supporting documentation enclosed therein (hereinafter, the “April 2026 Request”), to modify one of its newer sewer projects proposed through the City’s March 2024 Updated Combined Sewer Overflow (“CSO”) Supplemental Compliance Plan (“SCP”) pursuant to Paragraph 12.c. of the above-captioned Consent Decree.

In its April 2026 Request, the City states that it has identified a new infiltration/inflow (“I/I”) project, the Ceres Street Sewer Lining Project (hereinafter, the “Ceres Street Project”), that is expected to deliver more environmental and operational benefits than the originally-proposed “I/I Contract 2” project proposed through its EPA-approved March 2024 Updated CSO SCP. To prioritize the newly-identified project, the City proposes to substitute the originally-proposed I/I Contract 2 project with the Ceres Street Project and complete it by the originally-proposed project’s deadline of October 31, 2028.

The City’s contractor represents that the Ceres Street Project is anticipated to reduce or eliminate an estimated 120,000 gallons-per-day of seawater infiltrating and damaging the City’s municipal

wastewater collection system, an estimated reduction of nearly four times the estimated 31,400 gallons-per-day of I/I that would be eliminated through the I/I Contract 2 project. The City further represents that it does not intend to abandon the originally-proposed I/I Contract 2 project but nonetheless wishes to prioritize the Ceres Street Project due to staffing and budget constraints.

By this letter, EPA approves the City's April 2026 Request to substitute its proposed I/I Contract 2 project with the Ceres Street Project pursuant to Paragraph 12.c. of the Consent Decree. Both the New Hampshire Department of Environmental Services ("NHDES") and the Conservation Law Foundation ("CLF") have reviewed the April 2026 Request and concur with the approval.

Accordingly, the City shall complete the Ceres Street Project **by no later than October 31, 2028**, and provide project status updates as part of the monthly reports on compliance to be submitted pursuant to Paragraph 6.a. of the Consent Decree Second Modification. Additionally, the City shall provide a status update on the I/I Contract 2 project in its January 2027 monthly report and continue coordinating with EPA on the future timeline of the project as appropriate.

If you have any questions, please contact Solanch Pastrana-Del Valle, environmental engineer, at (617) 918-1746 or pastrana-del-valle.solanch@epa.gov, or Jaegun Lee, enforcement counsel, at (617) 918-1511 or lee.jaegun@epa.gov.

Sincerely,

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1

cc: David Gordon, U.S. Department of Justice
Chris Aslin, N.H. Department of Justice
Tom Irwin, Conservation Law Foundation
Joseph G. Theis, U.S. EPA
Solanch S. Pastrana-Del Valle, U.S. EPA Region 1
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