



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 March 5, 2024, to update its Combined Sewer Overflow (“CSO”) Supplemental Compliance Plan (“SCP”) pursuant to Paragraph 12.c. of the above-captioned Consent Decree. The update has also been reviewed by the New Hampshire Department of Environmental Services (“NHDES”) and the Conservation Law Foundation (“CLF”).

In its March 25 request, the City states that it has completed all of the proposed sewer separation projects in the SCP as originally approved by EPA on January 24, 2018 with the exception of the since-expanded Fleet Street Project. Previously planned as a single-phase project, the Fleet Street Project has been expanded to capture a larger area of the City’s downtown area and add new stormwater outfall with treatment. Through its updated SCP (“2024 SCP Update”), the City proposes to complete the expanded two-phase Fleet Street Project; perform additional sewer separation project to further reduce CSOs; perform an additional infiltration/inflow (“I/I”) project to reduce extraneous flow in its sewer collection system; and develop its Long-Term Control Plan Update accordingly.

By this letter, EPA approves the City’s 2024 SCP Update and implementation schedule contained within pursuant to par. 12.c. of the Consent Decree. Both the NHDES and CLF concur with the updated plan.

Accordingly, the City shall:

- complete the Islington Street Reconstruction Phase 2 Project by no later than November 30, 2024;
- complete the I/I Reduction Contract #1 Project by October 31, 2025;
- complete the Willard Avenue Sewer Separation Project by December 31, 2025;
- complete the Fleet Street Phase 1 Project by December 31, 2026;
- complete the I/I Reduction Contract #2 Project by October 31, 2028;
- complete the Fleet Street Phase 2 Project by December 31, 2028;
- complete the LTCP update by October 31, 2030; and
- provide project status on the above-referenced projects as part of the monthly reports on compliance to be submitted pursuant to Paragraph 6.a. of the Consent Decree Second Modification.

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

cc: David Gordon, U.S. Department of Justice
Allen Brooks, 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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Tracy L. Wood, NHDES
Karen Conard, City of Portsmouth
Peter Rice, City of Portsmouth
Brian Goetz, City of Portsmouth
Erich Fiedler, City of Portsmouth