



# CITY OF PORTSMOUTH

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Suzanne M. Woodland  
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March 5, 2024

VIA E-MAIL ONLY

Tonia Bandrowicz, Esq.  
Jaegun Lee, Esq.  
Senior Enforcement Counsel  
U.S. EPA New England-Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Re:        *Consent Decree 09-CV-283-PB Supplemental Compliance Plan***  
              Portsmouth, New Hampshire

Dear Ms. Bandrowicz and Mr. Lee:

In follow-up to our conversation of February 22, 2024, the City of Portsmouth ("Portsmouth") writes to request a modification and extension of its CSO Supplemental Compliance Plan ("CSO SCP") which is referred to and part of Portsmouth's obligations under a Consent Decree entered into with the Environmental Protection Agency ("EPA") and the New Hampshire Department of Environmental Services ("NHDES") in 2009, EPA et al v. City of Portsmouth, U.S. District Court for the District of New Hampshire 09-cv-283-PB, and as amended in 2012, 2016 and 2019.

The Consent Decree and its Amendments required Portsmouth to implement several significant projects. The upgrade of the Pierce Island Wastewater Treatment Facility ("PI WWTF") to meet secondary treatment standards and multiple projects to improve water quality have been completed. The third requirement of the Consent Decree and its Amendments is the CSO SCP which is the subject of this modification and extension request. Reports on the status of Consent Decree projects are here:<https://www.cityofportsmouth.com/publicworks/wastewater/resources> under the title "CONSENT DECREE REPORTS TO EPA."

The CSO SCP projects were approved by EPA via letter dated January 24, 2018. The CSO SCP schedule is attached for reference and is taken from page 4 of the CSO Supplemental Compliance Plan, City of Portsmouth, NH, December 22, 2017, by Hazen (<https://files.cityofportsmouth.com/files/ww/scp122217.pdf>). The CSO SCP identified six projects with sewer separation components to be completed by October 2023 under the category of "Construction". In that same plan Portsmouth further committed to the first phase of inflow and infiltration reduction in the collection system (I/I Phase 1 contract). The CSO SCP also identifies the timing of a Long Term Control Plan Update that would begin after completion of the sewer separation projects.

Ms. Tonia Bandrowicz, Esq.  
March 5, 2024  
Page 2 of 3

The City completed all CSO SCP Construction projects except Fleet Street. The Fleet Street project has been delayed due to a change from a single contract to a multi-phase project; expansion to capture a much larger area of the downtown; addition of new stormwater outfall (with treatment); complications related to significant right-of-way acquisitions that may require an eminent domain process; and more significant environmental permitting. To accomplish the expanded Fleet Street Area projects, Portsmouth is requesting an extension of time From October 31, 2023 to December 31, 2028.

This extension and modification will not result in any delay in water quality improvements. Portsmouth believes to the contrary, this extension and modification would advance Portsmouth's improvements to its systems and ultimately greater water quality benefits. Expansion of the Fleet Street Area Sewer Separation Project will result in more sewer separation than originally envisioned. In recognition of this time extension request, however, Portsmouth proposes to include additional project work within the timeframe of the CSO SCP time extension. The additional projects are summarized below and are included on the second attachment to this letter, Portsmouth CSO-SCP Updated March 2024.

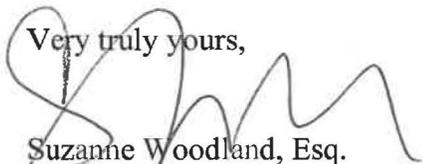
Additional Sewer Projects:

- Infiltration/Inflow Contract 2: Will further reduce extraneous flow in the sewer collection system
- Islington Street Reconstruction Phase 2: Sewer separation for CSO reduction
- Willard Avenue Area Sewer Separation: Sewer separation for CSO reduction

This modification and extension, if granted, will allow Portsmouth to make a continued orderly investment in its infrastructure consistent with the Clean Water Act and leverage other efforts to improve water quality in Portsmouth's local water bodies. Portsmouth has demonstrated commitment to exceeding the requirements of the Consent Decree and appreciate EPA's consideration of this request and hopeful concurrence with the proposed project list and milestones attached (Portsmouth CSO-SCP Updated March 2024).

Please contact me if you have additional questions or require more information.

Very truly yours,



Suzanne Woodland, Esq.  
Deputy City Manager/Regulatory Counsel

Encl.

cc: Allen Brooks, Esq., Department of Justice, Environmental Protection Bureau Chief  
David Gordon, Esq., U.S. Department of Justice  
Tom Irwin, Esq., Conservation Law Foundation  
Joseph G. Theis, Acting Director, Water Enforcement Division, U.S. EPA  
Solanch S. Pastrana-Del Valle, U.S. EPA New England-Region 1  
Tracy L. Wood, NHDES Wastewater Engineering Bureau Administrator

Ms. Tonia Bandrowicz, Esq.

March 5, 2024

Page 3 of 3

Karen Conard, City Manager, City of Portsmouth

Peter Rice, Director of Public Works

Brian Goetz, Deputy Director of Public Works

Erich Fiedler, City Engineer

City of Portsmouth – CSO-SCP Update March 2024  
 (New projects show in *italics*)

	Task	Start Date/Status	End Date
Construction	<b>Implement Sewer Separation Projects</b>		
	Pleasant Street	Complete	November 2018
	Maplewood Avenue	Complete	May 2019
	McDonough Phase 3B	Complete	June 2019
	Islington Street Phase 1	Complete	October 2021
	Union Street	Complete	October 2023
	<i>Islington Street Phase 2</i>	Underway	November 2024
	Fleet Street Area – Phase 1 Maplewood	Underway	December 2026
	<i>Willard Avenue Area</i>	Underway	December 2025
	Fleet Street Area – Phase 2	Underway	December 2028
	<b>Implement Infiltration and Inflow Project</b>		
	I/I Contract 1	Underway	October 2025
	<i>I/I Contract 2</i>	July 2026	October 2028
	<b>Implement Sewer System Extension Projects</b>		
	Sagamore Avenue Area North	Complete	December 2022
Sagamore Avenue Area South	Complete	June 2023	
LTCP Update	<b>Project Initiation, Meetings, Administration</b>	<b>October 2028</b>	<b>October 2030</b>
	Kickoff meeting with City (internal)		
	Public/external stakeholder meetings		
	<b>Data Gathering/Monitoring</b>	<b>October 2028</b>	<b>August 2029</b>
	Water quality monitoring		
	Gather rainfall, system flows, CSO discharge, and stormwater data		
	Compile collected data		
	Progress meeting to review data		
	<b>Hydraulic Modeling</b>	<b>January 2029</b>	<b>October 2029</b>
	Establish baseline conditions/calibration		
	Identify alternatives/run scenarios		
	<b>Receiving Water Modeling</b>	<b>January 2029</b>	<b>October 2029</b>
	Establish baselines conditions/calibration		
	Run Scenarios		
	<b>Develop LTCP Update</b>	<b>November 2029</b>	<b>October 2030</b>
Evaluate Alternatives/Identify Recommended Approach			
Draft LTCP Update			
Stakeholder and Regulatory Review and Comment			
Revised LTCP Update			