



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

JUL 10 2017

Suzanne Woodland
Deputy City Attorney
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: City of Portsmouth, New Hampshire - Consent Decree 09-cv-283-PB ("CD")

Dear Attorney Woodland:

Richard Ross

The U.S. Environmental Protection Agency ("EPA") and the New Hampshire Department of Environmental Services ("NHDES") have reviewed the City's June 16, 2017 responses to EPA's comments on the November 2016 Post Construction Monitoring Plan/Report ("PCMP/R"). As requested, the City also submitted a combined sewer overflow ("CSO") Supplemental Compliance Plan. Based on our review of the June 2017 Revised PCMP/R and CSO Supplemental Compliance Plan, and pursuant to paragraph 12.e. of the CD, EPA, by this letter, approves the Final PCMP/R.

Following discussions with the City about the eight sewer separation projects listed on page 1 of the CSO Supplemental Compliance Plan dated June 18, 2017 and their anticipated schedule for completion, EPA and NHDES agree that it is more efficient for Portsmouth to complete construction of six of the projects prior to updating the Long Term Control Plan ("LTCP"). Those six projects are: Fleet Street; Pleasant Street at Court Street; McDonough Phase 3B; Islington Street Phase 1; Maplewood Avenue at Fairview Drive; and Union Street. Portsmouth advised that these six sewer separation projects would take four to six years (i.e., by no later than October 2023) to complete given that there are ongoing Department of Transportation projects in the area. In addition to the six sewer separation projects, the City indicated that it could complete a sewer rehabilitation project in this four to six year time period.

All of these projects would remove infiltration and inflow from the wastewater collection system to further reduce CSO discharge volume and frequency before collecting water quality data and updating the City's Long-Term CSO Control Plan ("LTCP"). Portsmouth shall provide project status on all seven projects as part of the monthly reports on compliance it will be submitting pursuant to Paragraph III.6.a. of the Consent Decree Second Modification.

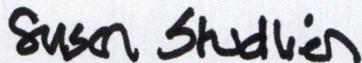
Two of the originally listed projects, Islington Street Phase 2 and McDonough Phase 4 represent work likely to be accomplished after other listed projects are completed and therefore beyond the four to six year time frame.

EPA also understands from the discussions that the City's Inflow and Infiltration report is scheduled to be completed by Woodard and Curran by October 31, 2017. Within sixty (60) days of receipt of the final report, the City will propose a sewer rehabilitation project for EPA review and acceptance.

The City proposes completing the LTCP update over a period of two years (i.e., by no later than October 2025). EPA accepts this schedule which should be incorporated into the City's CSO Supplemental Compliance Plan and resubmitted to EPA and NHDES.

If you have any questions, please contact Tonia Bandrowicz at (617) 918-1734 or have the City's technical staff contact Joy Hilton at (617) 918-1877.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

- cc: Mark Pollins, Director of Water Enforcement, USEPA
- Joy Hilton, USEPA Region 1
- Tracy L. Wood, NHDES, Wastewater Engineering Bureau Administrator
- Allen Brooks, Esq., Department of Justice, Environmental Protection Bureau Chief
- Tonia Bandrowicz, Senior Enforcement Counsel, USEPA Region 1
- David Gordon, Esq., US Department of Justice
- Tom Irwin, Esq., Conservation Law Foundation
- John P. Bohenko, City Manager
- Brian Goetz, Deputy Director of Public Works
- Nancy Colbert-Puff, Deputy City Manager
- Terry Desmarais, City Engineer, Portsmouth