



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

September 20, 2010

Peter H. Rice, P.E.
City Engineer, Water and Sewer Divisions
City of Portsmouth
680 Peverly Hill Road
Portsmouth, NH 03801

Re: Draft Wastewater Treatment Plan

Dear Peter:

The City of Portsmouth's proposed schedule for its preferred secondary treatment alternative included a construction completion date in the year 2032. EPA believes that this schedule is unacceptably long, especially in comparison to what other municipalities with similar financial and technological issues have accomplished. For example, the City of Waterbury, Connecticut, after some initial planning delays, was able to construct a 27 million gallon per day advanced treatment plant and eliminate its CSO discharges in approximately three years at a cost of \$137 Million, despite being under state receivership due to financial problems. The City of Lynn Massachusetts demonstrated that it could separate more than 10,000 feet of its combined collection system in a busy downtown area in a year. While financing secondary treatment facilities will certainly raise costs in Portsmouth, the proposed 22-year compliance schedule is unacceptable to EPA.

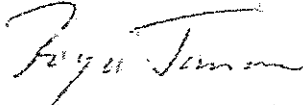
It is our understanding that among the considerations before the City of Portsmouth are overall costs and interest in developing recreation activities on Peirce Island that would compete with expansion of the existing treatment facility. At this point, EPA is not prepared to ask the Court to dictate how the City should balance these interests. Neither, however, is the Agency prepared to let several years pass while expected challenges to water quality determinations are resolved and political considerations within the City of Portsmouth are finally resolved before a decision on where to locate a new treatment plant is reached.

The City has proposed exploring whether using Biological Activated Filters or Membrane Biological Reactors at Peirce Island in conjunction with BioMag® in the Sequencing Batch Reactor at the Pease plant would provide adequate secondary treatment capacity for current and near-term wastewater flows. The EPA has no objection to pilot testing of these technologies to further the City's investigations if it can be done in a reasonably short period of time. The City must be prepared, however, to move ahead on its currently-developed alternatives if the pilot testing leads to the conclusion that these technologies will not be adequate to meet limits based on secondary treatment.

In sum, while pleased that the City has fully developed a path to achieving secondary treatment,

it was disappointing that the City's proposed schedule exceeded the bounds of acceptability. Presumably, the pilot testing that the City is proposing will yield positive results. If it does, the City will need to agree to an aggressive schedule for completing construction in accordance the Consent Decree.

Sincerely,



Roger Janson, Technical Manager
Office of Environmental Stewardship

cc: Stergios Spanos, P.E.
Tracy L. Wood, P.E.
Paul M. Currier, P.E.