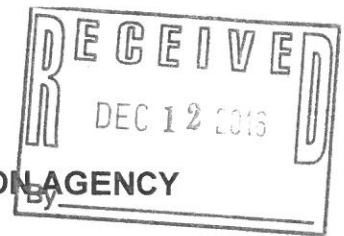




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DEC 06 2016

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

Re: City of Portsmouth, New Hampshire
Consent Decree 09-cv-283-PB

Dear Attorney Woodland:

Pursuant to Consent Decree 09-cv-283-PB, Section IV, item paragraph 12, as amended by Consent Decree Modification filed July 2, 2012 and approved by the Court on February 15, 2013 and as amended by Consent Decree Second Modification, Section III, item paragraph 5, filed on April 1, 2016 and approved by the Court on September 28, 2016, the City of Portsmouth's November 29, 2016 letter proposed two additional construction milestones to EPA for approval and provided supporting documentation prepared by AECOM and Methuen Construction. Portsmouth proposed adding the following two critical path task deadlines to the Consent Decree schedule:

(1) November 21, 2017 for the "transfer of the existing SCADA system to the new Headworks Building and the startup of the secondary influent pumps in the lower level of the new Solids Building"; and (2) May 9, 2019 for the startup and testing of the Secondary Influent Pump Station in the new Solids Building which will pump wastewater to the BAF for treatment.

By this letter, with the concurrence of NHDES, EPA approves and incorporates into the Consent Decree the City's proposed construction milestones of November 21, 2017 and May 9, 2019.

If you have any questions, please contact Tonia Bandrowicz at (617) 918-1734.

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
Donald Song, Wastewater Project Manager