



For a thriving New England

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March 11, 2016

Via Electronic Mail

The Hon. Mayor Blalock
Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Re: Peirce Island Wastewater Treatment Facility

Dear Mayor Blalock and City Council Members:

Conservation Law Foundation (CLF) and its Great Bay-Piscataqua Waterkeeper program have been engaged for several years in efforts to end pollution from the City of Portsmouth's outdated, 4.5 million-gallon-per-day Peirce Island wastewater treatment plant. As you know, the facility is one of a small number of wastewater treatment plants nationally that is failing to meet one of the most basic requirements of the Clean Water Act – so-called “secondary” treatment technology mandated by Section 301(b)(1)(B) of the Act, and specifically required in the discharge permit issued by the Environmental Protection Agency (EPA) to the City in 2007. As a result, the facility continues to discharge into the Piscataqua River and Portsmouth Harbor far more pollution than is allowed by the Clean Water Act and the City's 2007 permit – specifically, 877 more tons of biochemical oxygen demanding pollution per year, and 475 more tons of total suspended solids per year. Absent secondary treatment, the facility's discharge also includes viruses that otherwise would not be present.

The significant pollution discharged by the City's antiquated plant is having adverse consequences for the health of our waters and their uses. Portsmouth Harbor continues to be designated as an impaired water body (i.e., it is violating state water quality standards) as a result of diminished water clarity, with adverse consequences for local eelgrass beds, which have experienced significant declines since 1990. According to the NH Department of Environmental Services (NHDES), Portsmouth Harbor may be experiencing water clarity problems and associated eelgrass loss as a result of “the large [total suspended solids] load out of the [Peirce Island] discharge.”¹ Of course, given the tidal dynamics of the Piscataqua River, the impacts of Peirce Island's pollution are not experienced only in Portsmouth Harbor. Rather, discharges from Peirce Island have been found to travel to Dover Point/Little Bay in less than five hours, and to reach Great Bay and the Bellamy and Oyster Rivers. Accordingly, the Peirce Island plant's “footprint” is significant, and within an estuary that is in ecological decline.

Closer to the mouth of the estuary, a study by NHDES and the Food & Drug Administration found levels of viral indicators from the Peirce Island plant to be much higher than levels discharged from wastewater treatment plants with secondary treatment, such as Durham's and Dover's facilities. As a result, and at least until Peirce Island is upgraded to secondary treatment, shellfish beds have been



closed in Little Harbor and along the coast from New Castle's Fort Constitution, south to Odiorne Point in Rye.

While we understand there is a strong desire by some members of the community for the City to dramatically change course and now pursue plans at Pease International Tradeport (Pease) instead, we remain extremely concerned with ongoing pollution of Portsmouth Harbor, the Piscataqua River and other waters within the Great Bay estuary – all in violation of one of the Clean Water Act's most basic requirements (secondary treatment). We were supportive of the City's recent second study of Pease as an alternative, however it is our understanding that with capital costs ranging from \$138 million or more for the so-called Portsmouth option, to \$153 million or more for a regional option,ⁱⁱ the City has determined Pease to be economically infeasible. With respect to the regional option, It is important to note that on Tuesday this week, voters in Exeter approved a \$50 million bond to upgrade its wastewater treatment plant, meaning that Exeter is proceeding with an upgrade of its own as opposed to a regional option with Portsmouth (and demonstrating that Seacoast-area residents are willing to invest in the health of the Great Bay estuary).

Efforts to address the City's antiquated Peirce Island plant have been drawn out over too many years, all in an effort to eventually comply with a standard contained in a permit issued in 2007 – and a standard met by every other New Hampshire community with a wastewater treatment facility. We are greatly concerned that stalling current efforts in order to consider Pease for a third time will, in the end, not result in a substantive change and will serve only to further delay much-needed action for our local waters. We recognize the challenges and complexities of the matter but believe that the schedule and mitigation measures contained in the proposed settlement agreement with EPA take those into account and provide the best path forward for the City to meet its obligations.

Respectfully,

A handwritten signature in black ink that reads "Tom Irwin".

Tom Irwin
V.P. and CLF New Hampshire Director

A handwritten signature in black ink that reads "J. Jeffrey Barnum".

J. Jeffrey Barnum
Great Bay-Piscataqua Waterkeeper

cc: Attorney Suzanne Woodland
City of Portsmouth

ⁱNHDES Technical Support Document for the Great Bay Estuary Aquatic Life Use Support Assessments, 2014 305(b) Report/303(d) List (Oct. 14, 2015), NHDES-R-WD-15-12.

ⁱⁱ Arcadis, "Pease/Portsmouth and Pease Regional Evaluation Study" (June 2015).