



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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December 28, 2016

Mark Pollins
Director of Water Enforcement
U.S. Environmental Protection Agency
Room # 3142
USEPA Ariel Rios Building (AR)
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Re: Consent Decree 09-cv-283-PB
Monthly Report on Compliance for November 2016
City of Portsmouth, New Hampshire

Dear Mr. Pollins:

In accordance with Consent Decree 09-cv-283-PB, Section V, item paragraph 20, dated August 12, 2009 and 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 6, filed on April 1, 2016 and approved by the Court on September 28, 2016, the City of Portsmouth is submitting this monthly report on compliance.

The Consent Decree Second Modification requires the filing of monthly reports as follows:

Within 30 days after the end of each month, the City shall submit a written report to EPA, the State, and CLF for the preceding month that shall include a description or reporting of the following: i) status of required construction, including major work items completed in the preceding month; ii) projected work items to be undertaken in the next month; iii) project percent complete based on payments to contractor for work completed; iv) project percent complete based on time elapsed; v) status of all required permit applications; vi) status of Consent Decree milestones including identifying any problems encountered or anticipated, together with the proposed or implemented solutions; and vii) the monthly average discharge concentrations of total nitrogen for the preceding month, as required in Paragraph 8.b.ii of the Second Modification.

The Consent Decree, First Modification, and Second Modification along with such Monthly Reports on Compliance shall be posted on the City's internet site, and

maintained accessible to the public online until termination of the Consent Decree. In addition to the submission of Reports on Compliance, the Parties will participate in quarterly meetings or conference calls, if scheduled by EPA, to review the City's compliance with the terms of the Consent Decree.

i. Status of required construction, including major work items completed in the preceding month

Work completed by the Contractor in the month of November 2016 is as follows:

- Mobilization of equipment and materials
- Installed utilities for office and construction trailer complex
- Completed blasting and rock removal at Headworks Facility and for electrical conduit
- Processed excavation materials
- Completed construction traffic safety modifications including pedestrian safety fence, signage and sidewalk modifications

ii. Projected work items to be undertaken in the next month

Projected work to be completed by the Contractor in the month of December 2016 includes the following:

- Installation of pipe encasement and yard piping at Headworks Facility
- Begin site work at the south end (Shapleigh Island side) of the facility
- Begin installation of temporary power provisions
- Begin blasting and excavation for the new Sanitary Pump Station
- Begin demolition of the Sand Filter Building
- Continue excavation and installation of new underground power and communications ductbank

iii. Project percent complete based on payments to contractor for work completed

The contract value for the construction upgrade is \$72,785,545. The following table provides a summary of the contractor's requests for payment and the resulting percent complete:

Payment Application No.	Amount	Cumulative Amount	Percent Complete
1	\$1,393,500.00	\$1,393,500.00	1.9%
2	\$2,855,100.00	\$4,248,600.00	5.8%

iv. Project percent complete based on time elapsed

The contract time to the EPA required milestone for the BAF treatment system completion is 1186 calendar days. The total value of the contract (item iii) is based on the City’s contractual milestone for project substantial completion is 1368 calendar days. The project is 7.7% percent complete based on the BAF treatment system completion as of November 30, 2016 and 6.7% percent complete based on project substantial completion.

v. Status of all required permit applications

There are no pending permit applications.

vi. Status of Consent Decree milestones including identifying any problems encountered or anticipated, together with the proposed or implemented solutions

The construction contract with Methuen Construction Company, Inc. was executed on August 25, 2016 and a Notice to Proceed issued for the Contractor to begin on September 1, 2016. The Consent Decree Second Modification required the City submit two additional interim milestones to the EPA, DES and CLF for review and approval by December 1, 2016. The City submitted interim milestones as required on November 29, 2016 and received a response from the EPA on December 6, 2016. The additional interim milestones are shown in the table below. A summary of all milestones required by the Consent Decree Second Modification is provided below.

Milestone	Date	Status
Execute a Contract to Construct Upgrades	July 1, 2016 September 1, 2016*	Complete
Submit Two Additional Milestones for EPA Review and Approval	December 1, 2016	Complete
Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building	November 21, 2017	On Schedule
Additional Milestone 2: Startup and testing of the Secondary Influent Pump Station in the new Solids Building	May 9, 2019	On Schedule
BAF Substantial Completion	December 1, 2019	On Schedule
Achieve Compliance with NPDES Permit Limits	April 1, 2020	On Schedule

*At the request of the City of Portsmouth, all parties agreed that the Contract Execution Date could be revised to September 1, 2016 to allow more time for bidding and to accommodate the Portsmouth City Council’s review of barging alternatives prior to contract execution. The Contractor’s schedule for completion was reduced to accommodate the modified contract execution delay.

vii. The monthly average discharge concentrations of total nitrogen for the preceding month, as required in Paragraph 8.b.ii of the Second Modification.

The average concentration of effluent total nitrogen in the month of November 2016 was 29.0 mg/L TN. See attached report, which was also submitted with the City's November 2016 Discharge Monitoring Report (DMR) for NPDES Permit NH0100234.

These Construction Monthly Reports are being posted on the City's wastewater web site at <http://www.portsmouthwastewater.com/resources.html>.

As required by the Consent Decree:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please contact me at (603) 766-1416 if you have any questions or require additional information.

Very truly yours,



Peter H. Rice, P.E.
Director of Public Works

Enclosure

By email except where otherwise noted.

cc: Chief, Environmental Enforcement Section (mail)
Joy Hilton, USEPA Region 1
Tracy L. Wood, P.E., NHDES Wastewater Engineering Bureau
Allen Brooks, Esq., Department of Justice, Chief Environmental Protection Bureau
Tonia Bandrowicz, Senior Enforcement Counsel, U.S. EPA
David Gordon, Esq., U.S. Department of Justice
Tom Irwin, Esq. Conservation Law Foundation
John P. Bohenko, City Manager, City of Portsmouth
Suzanne Woodland, Deputy City Attorney
Nancy Colbert-Puff, Deputy City Manager
Brian Goetz, Deputy Director of Public Works
Terry Desmarais, City Engineer
Donald Song, Wastewater Project Manager

Peirce Island Effluent Nitrogen

November 2016

	1003 Inf Flow	99959 Effluent Ammonia as N	99960 Effluent Nitrite/Nitrate-N	99961 Effluent TKN	99962 Total Nitrogen
	MGD	mg/l	mg/l	mg/l	mg/l
Date					
11/1/2016	3.261	16	<2.0	31	33
11/2/2016	3.187	22	2.6	31	34
11/3/2016	3.629				
11/4/2016	3.257				
11/5/2016	3.050				
11/6/2016	3.009				
11/7/2016	2.769				
11/8/2016	2.698	20	<2.0	34	36
11/9/2016	2.699	19	<2.0	35	37
11/10/2016	2.695				
11/11/2016	2.713				
11/12/2016	2.643				
11/13/2016	2.634				
11/14/2016	2.735				
11/15/2016	5.287	21	<2.0	26	28
11/16/2016	5.588	13	<2.0	17	19
11/17/2016	4.102				
11/18/2016	3.853				
11/19/2016	3.606				
11/20/2016	4.005				
11/21/2016	3.358	15	<2.0	23	25
11/22/2016	3.170	18	<2.0	28	30
11/23/2016	3.162				
11/24/2016	2.801				
11/25/2016	3.097				
11/26/2016	3.064				
11/27/2016	3.021				
11/28/2016	2.865				
11/29/2016	4.069	21	<2.0	22	24
11/30/2016	4.156	21	<2.0	24	26
Minimum	2.634	13	<2.0	17	19
Maximum	5.588	22	2.6	35	37
Average	3.339	19	<2.1	27	29