



# PUBLIC WORKS DEPARTMENT

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CITY OF PORTSMOUTH

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August 29, 2019

Mark Pollins  
Director of Water Enforcement  
USEPA  
OECA  
1200 Pennsylvania Ave NW  
MAIL CODE 2246A  
Washington, DC 20460

Re: Consent Decree 09-cv-283-PB  
Monthly Report on Compliance for July 2019  
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 **July 2019** is as follows:

- Completed installation and startup of Odor Control System No.2 at the Solids Building
- Completed installation and startup of sludge conveyors in the Solids Building
- Completed installation and startup of the polymer system in the Solids Building
- Completed structural modifications to the Effluent Distribution Box

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

Ongoing work by the Contractor through the month of **August 2019** includes the following:

- Continue electrical, HVAC, and plumbing punch list work at the Headworks Building
- Continue selective demolition and modifications (structural, mechanical process, HVAC, plumbing, roofing, and electrical) in the Grit Building
- Continue wiring of the Motor Control Centers (MCC) and equipment in the BAF Building, and Solids Building
- Continue plumbing and HVAC work in the BAF Building and Solids Building
- Continue installation of process piping in the Stage 2 BAF cells in the BAF Building
- Continue leak testing of the BAF cells and channels
- Continue installation of process piping and equipment in the BAF Building Gallery
- Continue masonry work on the BAF Building
- Continue installation of the nozzles in the BAF nozzle decks
- Continue to export excavated materials and demolition materials off-site
- Begin startup of the screw presses and associated systems in the Solids Building first floor and Truck Bay
- Continue excavation and installation of underground utilities between the Grit Building, Solids Building, and BAF Building
- Continue modifications to the Effluent Distribution Box
- Continue work in Gravity Thickener No. 2
- Startup temporary pumping system to convey flow from the primary clarifiers to the chlorine contact tanks
- Continue temporary relocation of the chemical feed pumps from the basement of the Solids Processing Building
- Start replacement of slide gates in the Primary Effluent Distribution Box and the Effluent Distribution Box
- Start the installation of the flow meter on the 36 inch Primary Clarifier Effluent pipe in the meter vault

Projected work to be completed by the Contractor in the month of **August 2019** includes the following:

- Complete startup of the temporary pumping system to convey flow from the primary clarifiers to the chlorine contact tanks
- Complete the startup of the screw presses and associated systems and put the screw presses into service
- Complete the temporary relocation of the chemical feed pumps from the basement of the Solids Processing Building and put the relocated pumps into service
- Complete the installation of the flow meter on the 36 inch Primary Clarifier Effluent pipe in the meter vault

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

The following table provides a summary of the Contractor's requests for payment, and the resulting percent complete:

Original Contract Value	\$72,785,545.00
Change Order 1 – January 2017	\$ 367,290.42
Change Order 2 – May 2017	\$ 546,722.46
Change Order 3 – August 2017	\$ 93,838.31
Change Order 4 – December 2017	\$ 162,869.20
Change Order 5 – May 2018	\$ 249,828.16
Change Order 6 – December 2018	\$ 292,031.11
Change Order 7 – April 2019	\$ 169,138.30
<b>Contract Value Total</b>	<b>\$74,667,262.96</b>

Payment Application No.	Work Conducted Through	Amount	Cumulative Amount	Percent Complete Based on Contract Value Total
1	09/30/2016	\$1,393,500.00		
2	10/31/2016	\$2,855,100.00		
3	11/30/2016	\$1,717,330.09		
4	12/31/2016	\$1,374,011.19		
5	01/31/2017	\$1,524,496.35		
6	02/28/2017	\$1,327,078.04		
7	03/31/2017	\$2,767,152.62		
8	04/30/2017	\$2,449,209.70		
9	05/31/2017	\$1,876,920.03		
10	06/30/2017	\$2,345,659.10		
11	07/31/2017	\$2,242,655.50		
12	08/31/2017	\$4,028,468.63		
13	09/30/2017	\$2,757,371.30		
14	10/31/2017	\$2,306,338.15		
15	11/30/2017	\$1,884,478.12		
16	12/31/2017	\$2,151,295.60		
17	01/31/2018	\$1,621,113.58		
18	02/28/2018	\$1,218,795.24		
19	03/31/2018	\$1,737,412.52		
20	04/30/2018	\$1,546,079.40		
21	05/30/2018	\$1,428,583.12		
22	06/30/2018	\$2,638,097.36		
23	07/31/2018	\$1,250,957.12		
24	08/31/2018	\$2,351,471.12		
25	09/30/2018	\$1,402,132.42		
26	10/31/2018	\$1,382,568.22		
27	11/30/2018	\$1,655,719.55		
28	12/31/2018	\$1,409,179.62		
29	01/31/2019	\$906,134.53		
30	02/28/2019	\$902,482.79		
31	03/31/2019	\$1,198,046.56		
32	04/30/2019	\$1,138,709.83		
33	05/31/2019	\$990,898.97		
34	06/30/2019	\$1,112,297.85		
35	07/31/2019	\$862,001.79	\$61,753,746.01	82.71%

### **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 1398 calendar days.

The project is 89.7% complete based on the BAF treatment system completion as of July 31, 2019 and 76.1% complete based on project substantial completion.

The project substantial completion date was extended by 30 days by the execution of Change Order #7. No Consent Decree milestone dates are affected by this change.

#### **iv. Status of all required permit applications**

There are no pending permit applications.

#### **v. 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. A summary of all milestones required by the Consent Decree Second Modification is provided below.

<b>Milestone</b>	<b>Date</b>	<b>Status</b>
Execute Contract to Construct Upgrades	<del>July 1, 2016</del> September 1, 2016*	August 25, 2016
Submit Two Additional Milestones for EPA Review and Approval	December 1, 2016	November 29, 2016
Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building	November 21, 2017	October 18, 2017
Additional Milestone 2: Startup and testing of the Secondary Influent Pump Station in the new Solids Building	May 9, 2019	May 7, 2019
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 bargaining alternatives prior to contract execution. The Contractor's schedule for completion was reduced to accommodate the modified contract execution delay.

#### **vi. 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 July 2019 was 26.3 mg/L TN. See attached report on page 12, which was submitted with the City's July 2019 Discharge Monitoring Report (DMR) for NPDES Permit NH0100234.

As requested by the EPA, Consent Decree Mitigations, as required in Section IV, Paragraph 8, of the Consent Decree Second Modification, will be outlined in this monthly report.

ATTACHMENT A: A summary of the City's mitigation initiatives is provided detailing the status of each initiative.

ATTACHMENT A1: A summary of the City's commitments to date as required in Paragraph 8.e., Water Quality and Ecosystem Health Project, of the Consent Decree Second Modification.

ATTACHMENT A2: Supplemental Compliance Plan Sewer Separation Projects per Consent Decree, Section IV, Paragraph 12.c. On January 24, 2018, EPA, with NHDES concurrence, approved the updated CSO Supplemental Compliance Plan and implementation schedule as contained in the plan.

These monthly construction reports are posted on the City's wastewater website at <https://www.cityofportsmouth.com/publicworks/wastewater/resources>.

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.

Sincerely,



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

Enclosures

ec: 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., 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

## ATTACHMENT A: MITIGATION

This document summarizes the City's mitigation initiatives as required in Section IV, Paragraph 8, of the Consent Decree Second Modification.

- a) Interim Enhanced Primary Treatment: Perform full scale piloting of alternative coagulant chemicals to see if settling performance can be improved.

<i>Current Status:</i>	<i>Completed:</i>
COMPLETED	JANUARY 9, 2018
<i>Comments:</i>	
EPA issued letter of approval to the City on January 9, 2018. Documents are available on the City's Wastewater and Sewer web page: <a href="https://www.cityofportsmouth.com/publicworks/wastewater/resources">https://www.cityofportsmouth.com/publicworks/wastewater/resources</a>	

- b) Nitrogen Removal: For a five-year period, commencing June 1, 2020 achieve specific seasonal average total nitrogen effluent concentrations and monthly average total nitrogen effluent concentrations for the Peirce Island WWTF with the upgrade.

<i>Current Status:</i>	<i>Anticipated Completion Date:</i>
TREATMENT FACILITY UNDER CONSTRUCTION	NOTED ABOVE
<i>Comments:</i>	
A summary for this item is not necessary until the new Biological Aerated Filter (BAF) system construction is completed and fully operational. This is not required until April 1, 2020.	

- c) Stormwater Project: The City will implement a green infrastructure project(s) using innovative low-impact development approaches to significantly reduce stormwater pollution from one or more existing sites. Cost of project will be \$500,000.

<i>Current Status:</i>	<i>Anticipated Completion Date:</i>
ONGOING	DECEMBER 31, 2020
<i>Comments:</i>	
City staff walked the site with members of the Portsmouth Conservation Commission and the CLF Waterkeeper on June 27, 2019. The purpose of the site walk was to review potential wetland impacts to the site. Proposed projects on the site include the Department of Public Works expansion, Portsmouth Multipurpose Recreation Fields and the Stormwater Project. The next phase of work includes preliminary design with a defined layout for the Stormwater Project with input from CLF as well as future permitting efforts.	



- d) Sagamore Avenue Sewer Extension Project: Implement a sewer extension project to provide public sewer service to approximately 97 existing parcels adjacent to or near Sagamore Avenue.

<i>Current Status:</i>	<i>Anticipated Completion Date:</i>
FINAL DESIGN PHASE 1	SUBSTANTIAL COMPLETION BY JUNE 30, 2022
<i>Comments:</i>	
The City submitted a State Revolving Loan Fund Application (SWSRF) on June 27, 2019. The City has negotiated a contract with Wright-Pierce for final design of the project and work will commence in September 2019.	

- e) Water Quality and Ecosystem Health Project:

<i>Current Status:</i>	<i>Anticipated Completion Date:</i>
ONGOING	N/A
<i>Comments:</i>	
The City of Portsmouth has continued to coordinate with members of Great Bay 2020 and CLF regarding funding commitments for 2019. Expenditures and the current list of commitments are documented on Attachment A1.	
<b>ATTACHMENT A1</b> details financial commitments.	



## ATTACHMENT A1: WATER QUALITY AND ECOSYSTEM HEALTH PROJECTS

This document summarizes payments made for the City's obligations under the Consent Decree Second Modified (No. 09-cv-283-PB), Paragraph 8.e. This item requires a contribution of \$500,000 over a period of five years to support water quality and ecosystem health efforts related to the Great Bay Estuary.

Projects	Vendor/Agent	Status	Payment Date	Payment Total
Great Bay Monitoring Collaborative	UNH	Paid	08/17/2016	5,000.00
Sagamore Creek water quality monitoring project	FB Environmental Assoc.	Executed 08/21/2017	Monthly Invoicing	47,798.00
Sagamore Creek VRAP water quality samples	CLF / VRAP / NH Public Health Labs	Paid	02/13/2018	261.00
Teachers on the Estuary (TOTE)	Great Bay Stewards	Paid	09/15/2017	7,000.00
Public outreach/education work	The Nature Conservancy	Paid	09/15/2017	14,000.00
Oyster Shell Recycling	CCA NH	Paid	10/20/2017	4,000.00
Great Bay Estuary Monitoring Support	UNH Sponsored Programs Admin	Paid	09/15/2017	6,000.00
Oyster Larval Study: larval supply natural spat recruitment	CLF / UNH	Paid	05/24/2018	8,000.00
2018 Sagamore Creek water quality monitoring sampling (includes laboratory fees)	FB Environmental Assoc.	Executed 06/19/2018	Intermittent Invoicing	*64,164.67
Data Sonde purchase for Piscataqua Region Monitoring Collaborative	UNH	Paid	06/27/2018	20,000.00
Teachers on the Estuary (TOTE)	Great Bay Stewards	Paid	07/26/2018	7,500.00
Connect The Coast	The Nature Conservancy	Paid	08/23/2018	11,000.00
Great Bay Estuary clean-up events facilitated by Waterkeeper	Great Bay Stewards	Paid	08/30/2018	4,500.00
Soak Up the Rain initiative (DES, Waterkeeper, Great Bay Stewards)	Great Bay Stewards	Paid	08/30/2018	6,000.00
Seagrass Net	CLF / UNH	Paid	01/07/2019	30,000.00
2019 Sagamore Creek water quality monitoring project (includes laboratory fees)	FB Environmental Assoc.	Executed 05/07/2019	Intermittent Invoicing	64,590.00
Teachers on the Estuary (TOTE)	Great Bay Stewards	Paid	04/24/2019	7,500.00
Comprehensive Coastal Conservation Plan	The Nature Conservancy	Pending		10,000.00
Citizen Science Seaweed Monitoring	UNH   PREP (Piscataqua Region Estuaries Partnership)	Paid	05/14/2019	7,500.00
Middle/High School Estuary Intensive	Great Bay Stewards	Paid	05/02/2019	4,000.00
<b>TOTAL</b>				<b>\$ 328,813.67</b>

\*Original contract amount was \$64,713.00 but laboratories fees were \$548.33 less than expected. Final project cost is \$64,164.67 as noted above.

## ATTACHMENT A2: SEWER SEPARATION PROJECTS

This document identifies and summarizes six sewer separation projects and one infiltration and inflow project (Contract #1) approved by the EPA in a letter to the City dated January 24, 2018. EPA, with NHDES concurrence, approved the updated CSO Supplemental Compliance Plan and implementation schedule as contained in the plan. The City shall:

- complete the six sewer separation projects and the Contract #1 wastewater collection system rehabilitation projects by no later than October 2023;
- complete the LTCP update by no later than October 2025; and
- provide project status on all seven projects as part of the monthly reports on compliance it will be submitting pursuant to Paragraph 6.a. of the Consent Decree Second Modification.

### 1. FLEET STREET: COURT ST TO HANOVER ST & PORTIONS OF ADJACENT STREETS

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
FLEET ST	ENGINEERING RFP	TBD
<i>Comments:</i>		
RFPs for Design Engineering Services were received on July 25, 2019. Interviews will be scheduled in September 2019.		

### 2. PLEASANT STREET: AT THE INTERSECTION WITH COURT ST

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
PLEASANT ST	COMPLETED	NOVEMBER 2018

### 3. MCDONOUGH PHASE 3B: MCDONOUGH STREET FROM CORNWALL ST TO BREWSTER ST & LANGDON ST

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
MCDONOUGH PH 3B	COMPLETED	JUNE 2019

### 4. ISLINGTON STREET PHASE 1: COLUMBIA ST TO ROUTE 1 BYPASS OVERPASS

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
ISLINGTON ST PH 1	CONSTRUCTION	2020
<i>Comments:</i>		
Severino Trucking is under contract to construct the base bid portion of the project, which extends from the intersection with Route 1 Bypass to the intersection of Albany Street. Construction is underway. The City will be requesting additional funding for this project through the Capital Improvement Plan to extend construction from the intersection with Albany Street to Columbia Street.		

5. MAPLEWOOD AVENUE: AT FAIRVIEW DR

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
MAPLEWOOD AVE	COMPLETED	MAY 2019

6. UNION STREET: MIDDLE ST TO STATE ST & SECTIONS OF COFFINS COURT & AUSTIN ST

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
UNION ST	ENGINEERING RFP IN DRAFT	TBD
<i>Comments:</i>		
Design Phase Engineering Services RFP to be advertised in September 2019.		

7. SEWER REHABILITATION PROJECT

<i>Project Name:</i>	<i>Current Status: (phase of work)</i>	<i>Anticipated Construction Completion Date:</i>
CONTRACT NO. 1	DESIGN	TBD
<i>Comments:</i>		
The kickoff meeting for design of Contract No. 1 for the sewer rehabilitation project was held on May 7, 2019. Design of the proposed rehabilitation is underway.		

**Peirce Island Effluent Nitrogen  
July 2019**

<b>Date</b>	<b>1003 Inf Flow MGD</b>	<b>99959 Effluent Ammonia as N mg/l</b>	<b>99960 Effluent Nitrite/Nitrate-N mg/l</b>	<b>99961 Effluent TKN mg/l</b>	<b>99962 Total Nitrogen mg/l</b>
7/1/2019	4.80	13.0	1.0	18.0	19.0
7/2/2019	4.29	13.0	1.0	22.0	23.0
7/3/2019	4.08				
7/4/2019	3.78				
7/5/2019	3.65				
7/6/2019	3.59				
7/7/2019	3.43				
7/8/2019	3.29				
7/9/2019	3.13	15.0	1.0	30.0	31.0
7/10/2019	3.08	16.0	1.0	30.0	31.0
7/11/2019	3.15				
7/12/2019	4.56				
7/13/2019	3.65				
7/14/2019	3.25				
7/15/2019	3.10				
7/16/2019	3.01	15.0	1.0	30.0	31.0
7/17/2019	2.98	16.0	1.0	32.0	33.0
7/18/2019	2.91				
7/19/2019	2.92				
7/20/2019	2.89				
7/21/2019	2.79				
7/22/2019	3.21				
7/23/2019	6.07	11.0	1.0	17.0	18.0
7/24/2019	3.76	16.0	1.0	23.0	24.0
7/25/2019	3.40				
7/26/2019	3.23				
7/27/2019	3.11				
7/28/2019	2.98				
7/29/2019	3.07				
7/30/2019	3.02	15.0	1.0	26.0	27.0
7/31/2019	3.22	15.0	1.0	25.0	26.0
Minimum	2.79	11.0	1.0	17.0	18.0
Maximum	6.07	16.0	1.0	32.0	33.0
Average	3.46	14.5	1.0	25.3	26.3