



# PUBLIC WORKS DEPARTMENT

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CITY OF PORTSMOUTH  
680 Peverly Hill Road  
Portsmouth N.H. 03801  
(603) 427-1530 FAX (603) 427-1539

***VIA EMAIL***

October 31, 2023

Benjamin Bahk, Director  
Water Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. EPA (2243A)  
1200 Pennsylvania Ave, NW  
Washington, D.C. 20460

Re: Consent Decree 09-cv-283-PB  
Monthly Report on Compliance for September 2023  
City of Portsmouth, New Hampshire

Dear Mr. Bahk,

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 City has completed all Consent Decree construction milestones relative to the upgrade of the Peirce Island Wastewater Treatment Facility ("PI WWTF"). A summary of those milestones and completion dates are set forth in the *Summary of Completed Work* section. Remaining commitments relative to the PI WWTF are the ongoing obligation to meet the existing NPDES permit and the nitrogen removal obligations set forth Section IV, Paragraph 8 of the Consent Decree. That reporting is set forth in the *Nitrogen Removal Reporting Summary* attached.

The one remaining mitigation project described under the Consent Decree Second Modification, Section IV, is summarized under the *Mitigation Project Ongoing* section. Completed mitigation projects are shown on the *Summary of Completed Work* previously referenced.

The status of ongoing sewer separation projects that are part of the City's Supplemental Compliance Plan are summarized under the *Sewer Separation Projects Ongoing* section.

**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 if you have any questions or require additional information.

Sincerely,



Peter Rice  
Director of Public Works  
(603) 766-1420

ec: Solanch S. Pastrana-Del Valle, U.S. EPA New England – 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, U.S. EPA New England – Region 1  
David Gordon, Esq., U.S. Department of Justice  
Tom Irwin, Esq., Conservation Law Foundation  
Karen Conard, City Manager, City of Portsmouth  
Suzanne Woodland, Deputy City Manager and Deputy City Attorney  
Brian Goetz, Deputy Director of Public Works  
Erich Fiedler, City Engineer

## ***SUMMARY OF COMPLETED WORK***

09-cv-283-PB SECTION	PI WWTF CONSTRUCTION MILESTONE	DATE COMPLETED
III.5.a.	Execute Contract to Construct Upgrades	August 25, 2016
III.5.b.	Submit Two Additional Milestones for EPA Review and Approval	November 29, 2016
III.5.b.	Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building	October 18, 2017
III.5.b.	Additional Milestone 2: Startup and testing of the Secondary Influent Pump Station in the new Solids Building	May 7, 2019
III.5.c.	BAF Substantial Completion	December 31, 2019
III.5.d.	Achieve Compliance with NPDES Permit Limits	April 1, 2020

09-cv-283-PB SECTION	COMPLETED MITIGATION & SEWER SEPARATION PROJECTS	DATE COMPLETED
IV.8.a. Mitigation	Interim Enhanced Primary Treatment	January 9, 2018
IV.8.c. Mitigation	Stormwater Project	November 9, 2020
IV.8.e. Mitigation	Water Quality and Ecosystem Health Projects	April 2021
III.6.a. Sewer Separation Projects	Pleasant Street at the intersection with Court Street	November 2018
	McDonough Phase 3B: McDonough Street from Cornwall Street to Brewster Street and Langdon Street	June 2019
	Maplewood Avenue at Fairview Drive	May 2019
	Islington Street Phase 1: Columbia Street to Route 1 Bypass Overpass	October 2021
	Sagamore Ave Extension Project	August 2023

**NOTE:**

Detailed information on completed milestones, mitigation projects and commitments can be found in previous reports.

Reports are published on the City's website: [www.cityofportsmouth.com/publicworks/wastewater/resources](http://www.cityofportsmouth.com/publicworks/wastewater/resources)  
Section Title - CONSENT DECREE REPORTS TO EPA

## ***NITROGEN REMOVAL REPORTING SUMMARY***

For a five-year period, commencing June 1, 2020, achieve a seasonal average total nitrogen (TN) effluent concentration from May 1<sup>st</sup> through October 31<sup>st</sup> of no greater than 8 mg/L and a monthly average total nitrogen effluent concentration no greater than 8 mg/L from June 1<sup>st</sup> through October 31<sup>st</sup> for the Peirce Island Wastewater Treatment Facility with the upgrade.

The average concentration of effluent total nitrogen in the month of September 2023 was 3.8 mg/L TN. The report submitted with the City’s Discharge Monitoring Report (DMR) for NPDES Permit NH0100234 is attached.

	<i>Average TN Concentration (mg/L)</i>	<i>Seasonal Average TN Concentration (mg/L) May – October*</i>
May 2020	9.5	5.4
June 2020	6.6	
July 2020	4.9	
August 2020	6.1	
September 2020	4.0	
October 2020	3.2	
November 2020	2.6	
December 2020	3.0	
January 2021	3.0	
February 2021	4.2	
March 2021	4.0	
April 2021	3.0	
May 2021	5.2	4.0
June 2021	3.8	
July 2021	3.4	
August 2021	3.7	
September 2021	3.3	
October 2021	5.1	
November 2021	3.8	4.9
December 2021	4.6	
January 2022	6.5	
February 2022	5.6	
March 2022	4.0	
April 2022	5.2	
May 2022	5.0	4.6
June 2022	4.6	
July 2022	5.7	
August 2022	4.7	
September 2022	4.3	
October 2022	4.4	
November 2022	3.3	3.9
December 2022	3.4	
January 2023	3.8	
February 2023	4.3	
March 2023	4.6	
April 2023	3.7	
May 2023	3.8	
June 2023	3.6	
July 2023	3.9	
August 2023	3.7	
September 2023	3.8	

*\*Seasonal average concentration was calculated using the individual TN data points for the time period of the season.*

## ***SEWER SEPARATION PROJECTS ONGOING***

This document identifies the sewer separation projects and 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 No. 1 wastewater collection system rehabilitation project 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.

**FLEET STREET:**

**COURT ST TO HANOVER ST & PORTIONS OF ADJACENT STREETS**

Current Status (phase of work)	Anticipated Construction Completion Date:
PRELIMINARY DESIGN	TBD
<i>Comments:</i>	
The City executed an amendment with the consulting firm to advance the design drawings to the 75% level and expand the limits of the sewer separation project and to include a new drainage outfall for Fleet Street separated drainage. The drainage outfall addition significantly expands the complexity and scope of this project. The City is evaluating the project schedule and a possible phasing plan. The City anticipates additional separations and water quality improvements on this project and may request an extension of time to complete. The City met with landowners to discuss necessary easements. In January, the City met with the Parking and Traffic Safety Committee to discuss post construction impacts to traffic and parking. In March, the City met with the New Hampshire Department of Environmental Services to review the planned outfall and environmental permitting necessary to complete the outfall work. The City and engineer worked on easement plans so that the permitting process can begin. The City continues to discuss easements and access with adjacent property owners. No change in September.	

**UNION STREET:**

**MIDDLE ST TO STATE ST & SECTIONS OF COFFINS COURT & AUSTIN ST**

Current Status (phase of work)	Anticipated Construction Completion Date:
FINAL DESIGN	Fall 2023
<i>Comments:</i>	
This project was advertised for bidding in January 2023. The City opened bids for this project in March. The City received authorization to award the contract to MAC Construction from NHDES on April 14, 2023. Construction began in May of 2023. Construction is on schedule, the City believes that separation of the sewer and stormwater systems will be substantially completed by the end of October.	

**SEWER REHABILITATION PROJECT: CONTRACT NO. 1**

Current Status (phase of work)	Anticipated Construction Completion Date:
FINAL DESIGN	Winter 2023
<i>Comments:</i>	
In March, the City met with New Hampshire. Department of Environmental Services to review the planned work and environmental permitting necessary to complete the work. Woodard & Curran updated plans and began draft permits per NHDES comments. In May, the City reviewed and commented on the draft permit plans. In June, the City received draft permit documents for review. In July, permit application documents were sent to NHDES. In August, the City received approved wetland permits for the work. In September, Woodard & Curran integrated comments from NHB into the design and submitted the design to NHDES for review.	

**Peirce Island Effluent Nitrogen  
September 2023**

Date	Effluent Flow MGD	Effluent Ammonia as N mg/l	Effluent Nitrite/Nitrate-N mg/l	Effluent TKN mg/l	Total Nitrogen mg/l
9/1/2023	4.34				
9/2/2023	3.84				
9/3/2023	3.62				
9/4/2023	3.60				
9/5/2023	3.42	0.02	0.77	1.80	2.57
9/6/2023	3.62				
9/7/2023	3.40	0.11	0.00	2.60	2.60
9/8/2023	3.50				
9/9/2023	3.53				
9/10/2023	3.36				
9/11/2023	4.34				
9/12/2023	4.53	0.00	2.72	2.00	4.72
9/13/2023	3.61				
9/14/2023	3.74	0.04	1.30	1.80	3.10
9/15/2023	3.69				
9/16/2023	3.50				
9/17/2023	3.25				
9/18/2023	6.91				
9/19/2023	10.98	1.33	3.90	3.20	7.10
9/20/2023	7.23				
9/21/2023	5.76	0.02	1.40	1.10	2.50
9/22/2023	5.27				
9/23/2023	4.43				
9/24/2023	4.32				
9/25/2023	4.09				
9/26/2023	4.14	1.17	2.10	2.80	4.90
9/27/2023	3.59				
9/28/2023	3.99	0.03	0.88	1.70	2.58
9/29/2023	3.74				
9/30/2023	3.90				
Minimum	3.25	0.0	0.0	1.1	2.5
Maximum	10.98	1.3	3.9	3.2	7.1
Average	4.37	0.3	1.6	2.1	3.8