

PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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

July 29, 2011

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

Quarterly Report No. 7

Portsmouth, New Hampshire

Dear Mr Pollins.:

In accordance with Consent Decree 09-cv-283-PB, Section V, item paragraph 20, dated August 12, 2009, the City of Portsmouth is submitting this quarterly status report.

The Consent Decree requires the filing of quarterly reports as follows:

Within 30 days after the end of each calendar quarter (i.e., by April 30, July 30, October 30, and January 30) after the Effective Date of this Consent Decree, until termination of this Decree pursuant to Section XVI, the City shall submit a written report for the preceding calendar quarter that shall include a description of the following: i) the status of any construction or compliance measures; ii) the status of all Consent Decree milestones; iii) any problems encountered or anticipated, together with the proposed or implemented solutions; iv) the status of permit applications; v) operation and maintenance operations; and vi) reports to State agencies.

The following is the list of compliance requirements listed in Section IV of the Consent Decree. For clarity the requirements are listed in plain text and the status of the item is shown in **Bold** *Italics*.

- 8. Nine Minimum Controls Compliance Plan. Attached (in the referenced CD) as Appendix A is the Nine Minimum Controls Compliance Plan. The City shall implement the Nine Minimum Controls Compliance Plan in accordance with the schedule specified in Appendix A.
- i) There are no construction related activities with this item. The compliance measures associated with this item are on-going.
- ii) There is no Consent Decree milestone associated with this item.

CITY OF PORTSMOUTH, NEW HAMPSHIRE PUBLIC WORKS DEPARTMENT

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- iii) There have been no problems encountered or anticipated with this item.
- iv) There are no permit applications associated with this item.
- v) Operation and maintenance is on-going
- iv) There are no reports to State Agencies associated with this item.
- 9. Wastewater Master Plan. Attached as Appendix B is the WMP SOW dated May 17, 2007. The City shall implement the WMP in Appendix B, and comply with all milestones and schedules in Appendix B.1.

The Schedule listed in Appendix B.1 has been superseded by a schedule submitted as part of the Wastewater Master Plan Final Submission was submitted to EPA on November 15, 2010. An implementation schedule was included in section 1.2.5 of that submission. The initial effort included piloting potential technology with a final report due to the EPA and DES by September 2012. Currently the City anticipates meeting that compliance deadline.

- i) There are minor pilot related construction activities with this item. The compliance measures associated with this item are on-going.
- ii) The original Consent Decree milestones associated with this item have been met with the exception of the final submission of the Wastewater Master Plan, which based mutual agreement between the City and the EPA was submitted on November 15, 2010. The additional schedule submitted in section 1.2.5 of the November 15, 2010 submission has not been formally incorporated into a revised Consent Decree.
- iii) The problems encountered meeting the previous Consent Decree milestones have been previously identified by the City. Those problems related to critical regulatory input in the areas of anti-degradation and future permit limits.
- iv) There are no permit applications pending
- v) There currently are no operation and maintenance activities with this item. Once the pilot units are up and running operation and maintenance of the units will be required.
- iv) There are no reports to State Agencies associated with this item that have not also been submitted to the EPA as part of the milestone deadlines.

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10. Combined Sewer Overflow Facility Upgrades. The City shall implement its April 2005 Final CSO Long Term Control Plan in accordance with the following schedule and shall complete all construction for implementation of the 2005 LTCP by October, 2012:

A schedule revision was requested as part of the November 15, 2010 Final Wastewater Master Plan Submission. Additional time was requested for Lincoln Phase I, II, and III as well as Islington #2 (Cass Street). Attached is a memo from Underwood Engineers outlining the reasons the additional time is necessary for the Lincoln Area projects. The schedule adjustment to Islington #2 (Cass St) project was to allow the piloting effort at Peirce Island to move forward sooner. The money allocated for Islington #2 (Cass St) was reallocated to the Peirce Island piloting effort.

In addition to the time extension the scope of the Lincoln Area projects have been adjusted to accommodate construction of the City's Middle School. A revised project area figure is attached.

In summary, the schedule and project scope adjustments have been necessary to address the difficulties encountered as part of construction in a tight urban environment. Narrow streets, limited staging areas as well as deep sewer in ledge impact the construction schedule. In addition, public concerns related to traffic, dust control, pedestrian traffic, school buses, etc., requires flexibility in construction sequencing.

		Project Start Date	Project Completion Date
Planning Area I.D.	Contract I.D.		
Lincoln 3	Phase I	In Progress	10/1/2011
Lincoln 3	Phase II	In Progress	10/1/2012
Lincoln 3	Phase III	In Progress	10/1/2013
Court/State	Court #3	1/1/2008	1/1/2012
Islington	Islington #1	Under Design	10/1/2010
Islington	Islington #2	Under Design	1/1/2012

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date	Adjusted per Mutual Agreement*
Lincoln 3	3A	Under Construction	10/1/2011	6/1/2012
Lincoln 3	3B	In Design	10/1/2012	6/1/2013
Lincoln 3	3C	In Design	10/1/2013	6/1/2014
Court/State	Court #3	Completed	1/1/2012	1/1/2012
Islington	Islington #1	Completed	10/1/2010	11/19/2010
Islington	Islington #2	Under Design	1/1/2012	11/1/2013

^{*} As outlined in the November 15, 2010 Wastewater Master Plan Final Submission, these completion dates were adjusted to account for a reprogramming of funds to complete a pilot studies at Peirce Island Wastewater Treatment Facility and to address construction related delays to Projects 3A, 3B, and 3C. The City anticipates further discussion with EPA and DES setting final completion dates for these LTCP projects.

HIGHWAY • WATER • SEWER • ENGINEERING

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- i) The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going. Construction of part of 3B is anticipated to start this spring in conjunction with work at the adjacent Portsmouth Middle School.
- ii) The Consent Decree milestones associated with this item have met the adjusted schedule.
- iii) There are no problems encountered or anticipated with this item.
- iv) Wetland and Shore-land permit applications for Lincoln Area Contract 3B are completed and approved.
- v) There are no operation and maintenance activities with this item.
- iv) There are no reports to State Agencies associated with this item.
- 11. Interim Emissions/Effluent Limits. Until the City completes construction of and achieves full operation of secondary treatment facilities in accordance with the schedule contained in this Consent Decree, the City shall comply with the interim limits and measures set forth in Appendix C. (See Current AO effluent limits). Thereafter, the City shall comply with the applicable NPDES permit limits then in effect.

The City has met the Interim Emission/Effluent Limits for the Quarter covered by this report.

- i) There are no construction related activities with this item. The compliance measures associated with this item are on-going.
- ii) There are no Consent Decree milestones associated with this item.
- iii) There are no problems encountered or anticipated with this item.
- iv) There is no permit application pending associated with this item.
- v) There have been no exceptional operation and maintenance activities outside of routine wastewater treatment facility operation associated with this item
- iv) There are no reports to State Agencies associated with this item that have not also been submitted to the EPA as part of the milestone deadlines.

12. Post Construction Monitoring Plan:

This item was submitted as part of the June 4, 2010 Wastewater Master Plan Draft submission. The implementation schedule will be adjusted to reflect the new schedule listed in item 10 above.

- i) There are no construction related activities or compliance measure associated with this item.
- ii) The Consent Decree milestones associated with this item will be met subject to the concerns raised above under paragraph 9, item iii.
- iii) There have been no problems encountered or anticipated with this item.
- iv) There is no permit application pending associated with this item.
- v) There are no operation and maintenance activities associated with this item.
- iv) There are no reports to State Agencies associated with this item.

Page 5 of 5 Mr. Mark Pollins July 29, 2011

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 call me at 603-766-1416 if you have any questions or require additional information.

Very truly yours,

Peter H. Rice, P.E.

City Engineer, Water and Sewer Divisions

cc: Chief, Environmental Enforcement Section

Joy Hilton, USEPA Region 1

Tracy L. Wood, P.E., NHDES Wastewater Engineering Bureau

Allen Brooks, Esq., Department of Justice, Environmental Protection Bureau

Mr. John P. Bohenko, City Manager, City of Portsmouth

Robert P. Sullivan, City Attorney

Suzanne Woodland, Assistant City Attorney

David S. Allen, P.E., Deputy Director of Public Works

civil & environmental engineering



1621.00

July 21, 2011

Mr. Peter Rice, P.E. Water and Sewer Engineer Public Works Department 680 Peverly Hill Road Portsmouth, New Hampshire 03801

Re: Project Schedule

Lincoln Area Sewer Separation - Contract 3A

Portsmouth, New Hampshire

Dear Mr. Rice,

The following is a status of the project schedule for Contract #3A.

Consent Decree Schedule – LTCP Projects

The Consent Decree issued to the City of Portsmouth identified completion dates for the six (6) LTCP projects. The City's Wastewater Master Plan and LTCP Update (dated November 15, 2010) requested extended completion dates due to challenges the City was facing during construction of the ongoing projects. The Consent Decree dates and requested extensions are shown below:

Project 3	CD Completion Dates	WW MP	Current Status
Contract #3A	10/1/2011	6/1/2012	In Construction
Contract #3B	10/1/2012	6/1/2013	In Design
Contract #3C	10/1/2013	6/1/2014	In Design
Court/State	1/1/2012	1/1/2012	Completed
Bartlett Area (Islington #1)	10/1/2010	11/19/2010	Completed
Cass Area (Islington #2)	1/1/2012	11/1/2013	In Design

Contract #3A Schedule

As noted above, Contract #3A is under construction. The project was bid with a timeframe that required sewer separation work to be completed by October 1, 2011 while the balance of the work (water, roads, and sidewalks) would be substantially complete by

Mr. Peter Rice July 21, 2011 Page 2 of 3

summer 2012. As the project began in the fall of 2010, several construction issues were encountered slowing progress. The following items are attributed to the Contractor's present schedule:

- Rock Excavation Due to the location of high pressure gas vaults and mains, the rock beneath the roadway was removed by mechanical means (hoe ram) instead of blasting (~550 feet on Lincoln and Miller). In this area ledge depths varied from 3 feet to 12 feet resulting in rock excavations up to 15 feet. Mechanical removal was utilized because the rock was closer to the surface than anticipated. This slowed the progress significantly (see attached field reports). We've also attached photos of this area and a copy of the draft Record Drawings showing the rock elevations.
- Construction Sequencing Although, it was originally anticipated, work on parallel streets could not be performed simultaneously in 2010. Deep excavations were too disruptive for residents getting to and from their residences. Therefore, it was necessary for the Contractor to pull back on the number of crews in order to mitigate the disruption to property owners. Other considerations to mitigate temporary impacts to residents and the environment include limiting the length of pavement disruptions and repaving smaller areas once completed. Underwood Engineers supports sequencing the work in this manner to manage dust, siltation of downstream properties, inconveniences to residents, and other environmental impacts.

Due to necessary change orders, current contract substantial completion for the entire project is May 26, 2012. We anticipate sewer work would be completed prior to the date. However, additional delays may be anticipated. Although the Contractor continues to be diligently pursing the work, based on construction activity to date and anticipated progress, we recommend that the City obtain approval from EPA to extend the project completion date to at least June 1, 2012 as recommended in the Wastewater Master Plan.

Contract #3B, #3C, and Islington #2 (Cass) - Schedule

It should be noted that delays in Contract #3A will impact the schedules of Contracts #3B, #3C, and Cass. It is not recommended to have concurrent projects in the same neighborhoods. We are also finding that the projects are more disruptive to the neighborhoods than anticipated. Additional time should be requested for these projects as well.

Please contact this office if you have any questions concerning the completion schedule.



Mr. Peter Rice July 21, 2011 Page 3 of 3

Very truly yours,

UNDERWOOD ENGINEERS, INC.

Keith A. Pratt, P.E.

President

Encl.

Cc: Rick Dolce, City of Portsmouth

Philip D. MacDonald, P.E.

Project Manager

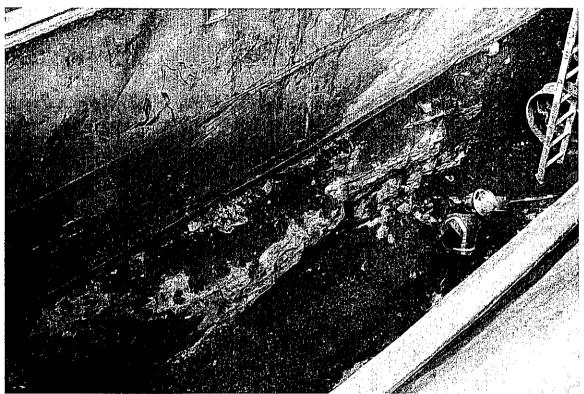
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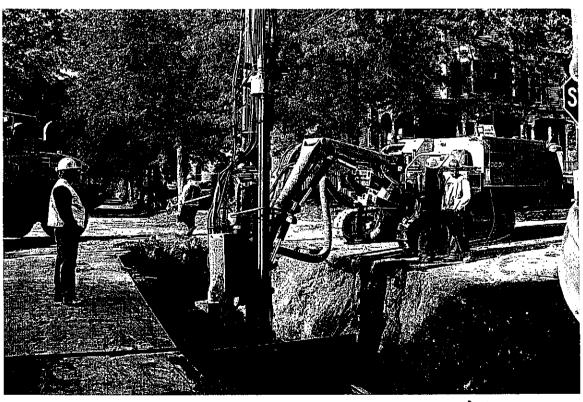
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n:		45	Z <i>Ç</i>				1.11	$\frac{ff}{f^2}$	14,			
Signed:		• /			_	1	1 KUW	2/	<u> </u>			
Copies To:	ontractor	rs Author	ized Signan	are			V	// Resid	ént Project	Representative		
Copics 10;										/		

		***								PAGE 1	OF 1	
Underwood Engineers, Inc.			FILE NO. 1621.02 DATE: 10/22/2010									
25 Vaughan Mall,	PROJECT: Lincoln Area Sewer Separation, Contract 3A											
Portsmouth, NH 0	012		LOCATION:	OCATION: Portsmouth, NH								
Tel: 603-436-6192	4733	CONTR.:	Seve	erino	Trucking	OWNER:	City of P	orismouth				
WEATHER	AM	Temp	30s	Fair	£		Ráin	Fz _Q Rain	5row	Windy	Sen	
	PM	Temp	40s	Jair	l a	ју	Rain	Fzg Rain	Srow		-Sin	
				SENT AT SITE					<u> </u>	EC	UIPMENT ON SITE	
PRESENT	PRESENT Marc Guimont, P.E.				UEI 🗸 Jesse			h, flagger		Bobcat w	rith sweeper	
	1	Joe Seav	ey, Superin	tendent, STC	1				1	PC 50 backhoe		
	7	Tim Sch	aaff, grade	foreman	1		Rick May	nard, flagger	1	10 wheel	dump truck (1)	
	V	Gary Mo	hr, foreman	1					V	330D Ba	ckhoe CAT	
	17	John Be	yea, operato	r		П			V	I ton dur	np truck	
	गि	Mike M	cHugh, pipe	layer	1				V	Trench b	ox (2)	
	गि	1	ey, Jr., Pip		1				V	Stone bo	x	
	17		ins, Truck I						V	Roilers (·	
 	 		rue. Ldr Op		T	-	-	· ··	₩.	Small bu		
			bois, truck		V	П	ME Drilli	ng & Blasting	V		, 300 Komatsu/ram	
	H	1	,		╁═	П			包		, CAT 330D	
VISITORS		Don Bo	chene, UEI		1	i	Veith Δ I	ratt, P.E., UEI			gle, DES	
VIOLICIES	╫	7	ice, Portsm	- Areh	17	_		Donald, P.E., UEI		Jeff Cliff	V.,	
	Ti.			MNGR, STC	╁			, P.E., Portsmouth			verino, VP, STC	
	L	Istance.	macy, 1 toy,	MITOR, DIC	WO			ED THIS DATE:				
ITEM NUMI	BER		DESCR	PTION	QΤ	Y	UNIT	COMMENTS				
1.1.30		3	0" PVC SD	R 35		13	LF	Toward SMH 2				
								<u></u>		4		
6.	.1		Ledge R	emoval		21.4	CY	Lincoln Ave.				
6.7		U	niformed F	lagger		24	HRS	Flaggers (3)				
Work Accomplis Street. Layed on					g tow	/ard	I SMH #2.	Maine Drilling and	Blasting p	redrilled in	Miller Avenue working toward Spring	
Observations: Sh	ould se	et SMH #2	2 on Monda	y.								
	ontracto	or's Autho	rized Signa	ture			/	Man I	Resid	My dent Projec	t Representative	
Copies To:											1	



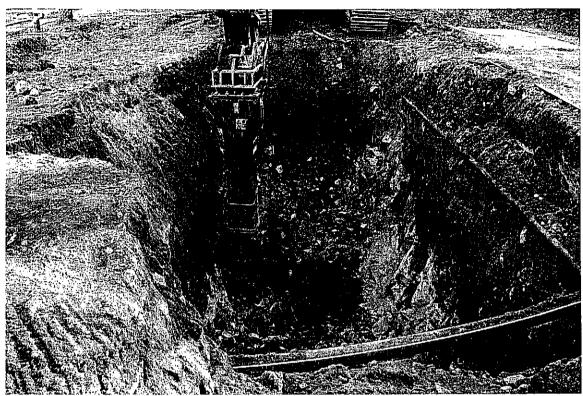
Sewer trench on Lincoln Ave

oct. 12,2010



Pre-drilling ledge prior to use of mechanical Hoe-ram. Intersection of Lincoln + miller Ave

Oct, 14,2010



Hoe-ramming ledge adjacent to gas vault. Miller Ave

Nov. 11, 2010



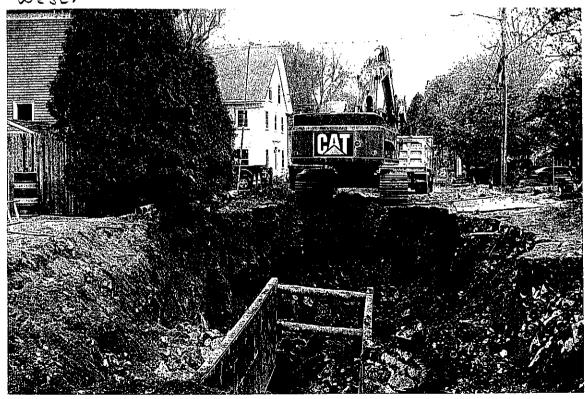
Secured gas mains at gas Vault. Miller Ave.

Nov. 16, 2010



Spring street work area. Facing West.

April 8, 2011



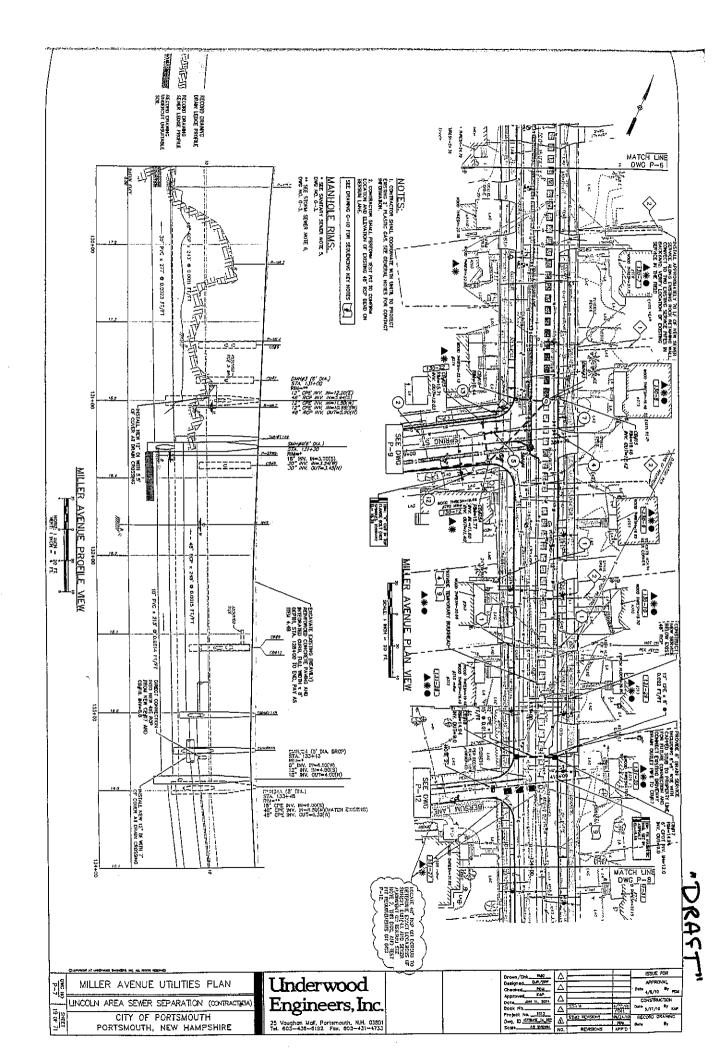
Excavation of Sewer Trench on Spring St.

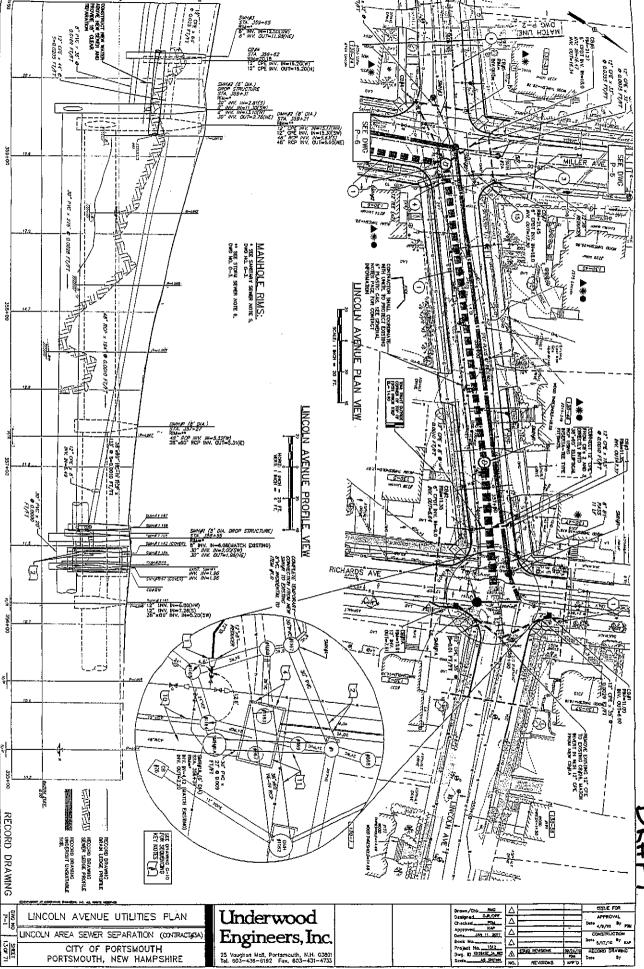
May 10, 2011



Willow In work area facing

June 20,2011





DRAFT

