

REC'D FEB 1 2011

## PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

January 31, 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. 5  
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.*

Page 2 of 5  
Mr. Mark Pollins  
January 31, 2011

- 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.

- i) There are no construction related activities with this item. The compliance measures associated with this item are on-going.*
- ii) The 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.*
- iii) The problems encountered meeting this Consent Decree milestone 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 are no operation and maintenance activities 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.*

Page 3 of 5  
Mr. Mark Pollins  
January 31, 2011

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:

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date
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

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

\* 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.

- i) *The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going.*
- 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 are pending for Lincoln Area Contract 3B.*
- 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  
January 31, 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

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## PUBLIC WORKS DEPARTMENT

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

October 29, 2010

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. 4  
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.***

Page 2 of 4  
Mr. Mark Pollins  
October 29, 2010

- 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.

- i) *There are no construction related activities with this item. The compliance measures associated with this item are on-going.*
- ii) *The Consent Decree milestones associated with this item have been met with the exception of the final submission of the Wastewater Master Plan September 1, 2010.*
- iii) *The problems encountered meeting this Consent Decree milestone have been previously identified by the City. Those problems related to critical regulatory input in the areas of anti-degradation and future permit limits. The City, met with the EPA and DES on July 23, 2010 and again on August 20, 2010 to review the critical information that was needed. As a result of these meetings there was consensus with the regulators that an extension to November 15, 2010 was necessary to finalize the Wastewater Master Plan.*
- iv) *There are no permit applications pending*
- v) *There are no operation and maintenance activities 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.*

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:

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date
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
Lincoln 3	3A	Under Construction	10/1/2011
Lincoln 3	3B	In Design	10/1/2012
Lincoln 3	3C	In Design	10/1/2013
Court/State	Court #3	Under Construction	1/1/2012
Islington	Islington #1	Under Construction	10/1/2010
Islington	Islington #2	Under Design	1/1/2012

Page 3 of 4  
Mr. Mark Pollins  
October 29, 2010

- i) The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going.*
- ii) With the exception of Islington #1, the Consent Decree milestones associated with this item have been met. The delays associated with construction of Islington #1 were outlined in a separate letter dated September 30, 2010. The revised schedule for completion is November 15, 2010.*
- iii) Due to unforeseen conditions encountered on the Lincoln Area Contract 3A project, the completion date of October 1, 2011 may not be met. Delays are due to additional ledge removal, as well as the complexity of maintaining existing utilities while installing new utilities. A proposed revision of the LTCP Sewer Separation Projects schedule will be submitted as part of the November 15, 2010 Wastewater Master Plan Final submission discussed above in Item 9.*
- iv) Wetland and Shore-land permit applications are pending for Lincoln Area Contract 3B.*
- 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 will be submitted on the date specified by the Consent Decree.*

- 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.*



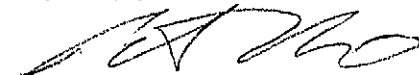
Page 4 of 4  
Mr. Mark Pollins  
October 29, 2010

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



# PUBLIC WORKS DEPARTMENT

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

September 30, 2010

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  
Islington # 1 - Sewer Separation  
Portsmouth, New Hampshire

Dear Mr Pollins.:

As stated in the City's July 30<sup>th</sup> Quarterly report, the Contractor for the Islington # 1 sewer separation project will not meet the compliance dead line of October 1, 2010 listed in Section 10 of Consent Decree 09-cv-283-PB. The delay in completion is due to unforeseen conditions encountered and delays due to night work and additional ledge removal, as well as the complexity of maintaining existing utilities while installing new utilities. Attached is a brief memo from project engineer Underwood Engineers Inc. describing the delay. This letter is to inform you of a minor adjustment in the completion date from October 1, 2010 to November 15, 2010.

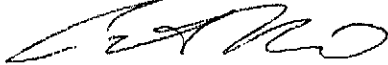
As required by the Consent Decree:

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.

CITY OF PORTSMOUTH, NEW HAMPSHIRE  
PUBLIC WORKS DEPARTMENT

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  
Michael Wagner, 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

# Underwood Engineers, Inc.

*Civil-Environmental*

25 Vaughan Mall, Unit 1, Portsmouth, New Hampshire 03801-4012

Tel: 603-436-6192 Fax: 603-431-4733

1484

September 29, 2010

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

Re: ***Project Schedule***  
***Bartlett Area Sewer Improvements***  
Portsmouth, New Hampshire

Dear Mr. Rice

The Consent Decree requires the Bartlett Area project to be completed by October 1, 2010. Since the date is approaching and the work is not yet complete, this letter provides a status of the project schedule.

Except for a short winter shut-down period, the Contractor has been working consistently on the project since the Notice to Proceed was issued on September 28, 2009. At that time, the contract date for Substantial Completion was July 25, 2010.

Based on progress to date, and the Contractor's current schedule, we anticipate that all the separation work will not be completed until early November. The most significant area (Pic-n-Pay parking lot) is the highest priority and will be completed first.

The following summarizes some of the issues encountered during construction that resulted in the delays:

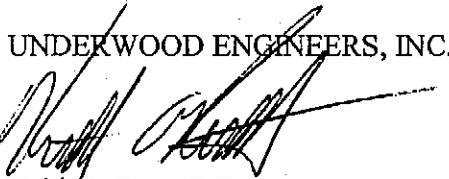
- A significant portion of the work was completed at night in order to mitigate the traffic and business owner concerns. The amount of night work was greater than anticipated slowing the progress of the work, since productivity was reduced.
- Significant quantity overruns were encountered requiring additional efforts by the Contractor. Most notably, the following quantities were greater than anticipated:
  - Rock removal exceeded the budgeted quantities (20%).
  - The concrete road was unanticipated and required additional work
  - Significant amounts of contaminated soils were encountered; more than anticipated.
  - A significant amount of underground utilities were encountered, including remnants from the original brewery. Due to the age of much of the infrastructure

in the area, limited records (or inaccurate information) were available on these utilities. This led to additional work to excavate around the utilities and required relocation and/or repair when they were encountered.

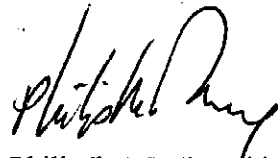
We will continue to keep you posted. Please call if you have any questions.

Very truly yours,

UNDERWOOD ENGINEERS, INC.



Keith A. Pratt, P.E.  
Vice President



Philip D. MacDonald, P.E.  
Project Manager

RNM/pdm

Encl.

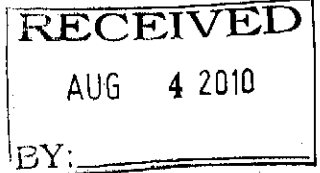
cc: Rick Dolce, City of Portsmouth



# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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



July 30, 2010

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. 3  
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.***

Page 2 of 4  
Mr. Mark Pollins  
July 30, 2010

- ii) *There is no Consent Decree milestone associated with this item.*
  - 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.
- i) *There are no construction related activities with this item. The compliance measures associated with this item are on-going.*
  - ii) *The Consent Decree milestones associated with this item have been met.*
  - iii) *There have been no problems yet encountered meeting the Consent Decree milestone, however, critical regulatory input related to anti-degradation and future permit limits has been identified by the City as likely to cause difficulties meeting the September 1, 2010 milestones. The City, met with the EPA and DES on July 23, 2010 and reviewed the critical information that is needed and there was consensus from the regulators that the missing information makes it impossible for the City to finalize the WMP by the September 1, 2010 date. A discussion reviewed how much additional time may be required but no consensus was reached and the parties agreed to have further discussions about the length of the extension. An example of the unavailable information included, the determination as to the extent to which the Pease WWTF outfall can be expanded to accommodate increased flows. The City has requested from DES in writing conclusions relative to using the Pease WWTF outfall and believes from the discussion at the meeting that DES does not have sufficient information to respond at this time. See also the City's Technical Memorandum 5 and the June 2010 draft of the WMP both of which raise these concerns therein.*
  - iv) *There are no permit applications pending*
  - v) *There are no operation and maintenance activities 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.*
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:

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date
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

<i>Planning Area I.D.</i>	<i>Contract I.D.</i>	<i>Project Start Date</i>	<i>Project Completion Date</i>
<i>Lincoln 3</i>	<i>3A</i>	<i>Bids received</i>	<i>10/1/2011</i>
<i>Lincoln 3</i>	<i>3B</i>	<i>In Design</i>	<i>10/1/2012</i>
<i>Lincoln 3</i>	<i>3C</i>	<i>In Design</i>	<i>10/1/2013</i>
<i>Court/State</i>	<i>Court #3</i>	<i>Under Construction</i>	<i>1/1/2012</i>
<i>Islington</i>	<i>Islington #1</i>	<i>Under Construction</i>	<i>10/1/2010</i>
<i>Islington</i>	<i>Islington #2</i>	<i>Under Design</i>	<i>1/1/2012</i>

- i) *The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going.*
- ii) *The Consent Decree milestones associated with this item have been met.*
- iii) *Due to unforeseen conditions encountered on the Islington #1 project, the completion of date may not be met. Delays were due to night work and additional ledge removal, as well as the complexity of maintaining existing utilities while installing new utilities.*
- iv) *There are no permit applications pending associated with the projects listed as part of this item.*
- 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 will be submitted on the date specified by the Consent Decree.*

- 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.*



Page 4 of 4  
Mr. Mark Pollins  
July 30, 2010

- 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.*

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



# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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

April 30, 2010

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. 2**  
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.***
- iii) There have been no problems encountered or anticipated with this item.***
- iv) There are no permit applications associated with this item.***  
HIGHWAY • WATER • SEWER • ENGINEERING • PARKING & TRANSPORTATION

- 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.

- i) *There are no construction related activities with this item. The compliance measures associated with this item are on-going.*  
ii) *The Consent Decree milestones associated with this item have been met.*  
iii) *There have been no problems yet encountered meeting the Consent Decree milestone, however, critical regulatory input related to anti-degradation and future permit limits may cause difficulties meeting future milestones. The City, for example, has requested from DES in writing conclusions relative to using the Pease WWTF outfall. See also the City's Technical Memorandum 5 and the concerns raised therein.*  
iv) *There are no permit applications pending*  
v) *There are no operation and maintenance activities 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.*

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:

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date
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
Lincoln 3	3A	In Design	10/1/2011
Lincoln 3	3B	In Design	10/1/2012
Lincoln 3	3C	In Design	10/1/2013
Court/State	Court #3	Under Construction	1/1/2012
Islington	Islington #1	Under Construction	10/1/2010
Islington	Islington #2	Under Design	1/1/2012

- i) *The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going. Court Street #3 is underway with water, sewer, and drain work on-going. Islington #1 is currently shut down for a winter break. Anticipated restart of work in late January.*

- ii) The Consent Decree milestones associated with this item have been met.*
- iii) There are no problems encountered or anticipated with this item.*
- iv) There are no permit applications pending associated with the projects listed as part of this item.*
- 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 will be submitted on the date specified by the Consent Decree.*

- 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 4 of 4  
Mr. Mark Pollins  
April 30, 2010

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



RECEIVED

JAN 26 2010

# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

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

January 25, 2010

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. 1  
Portsmouth, New Hampshire

Dear Mr Pollins.:

In accordance with Consent Decree (CD) 09-cv-283-PB, Section V, paragraph 20, dated August 12, 2009, the City of Portsmouth is submitting this first 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.***

HIGHWAY • WATER • SEWER • ENGINEERING • PARKING & TRANSPORTATION

Page 2 of 4  
Mr. Mark Pollins  
January 25, 2010

- 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 (*in the referenced CD*) 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.

- i) *There are no construction related activities with this item. The compliance measures associated with this item are on-going.*
- ii) *The Consent Decree milestones associated with this item have been met.*
- iii) *There have been no problems yet encountered meeting the Consent Decree milestones, however, critical regulatory input related to anti-degradation and future permit limits may cause difficulties meeting future milestones. The City is, for example, waiting for dye study data from the NH DES. See also the City's Technical Memorandum 5 and the concerns raised therein.*
- iv) *There are no permit applications pending.*
- v) *There are no operation and maintenance activities 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.*

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:

Planning Area I.D.	Contract I.D.	Project Start Date	Project Completion Date
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

<i>Planning Area I.D.</i>	<i>Contract I.D.</i>	<i>Project Start Date</i>	<i>Project Completion Date</i>
<i>Lincoln 3</i>	<i>3A</i>	<i>In Design</i>	<i>10/1/2011</i>
<i>Lincoln 3</i>	<i>3B</i>	<i>In Design</i>	<i>10/1/2012</i>
<i>Lincoln 3</i>	<i>3C</i>	<i>In Design</i>	<i>10/1/2013</i>
<i>Court/State</i>	<i>Court #3</i>	<i>Under Construction</i>	<i>1/1/2012</i>
<i>Islington</i>	<i>Islington #1</i>	<i>Under Construction</i>	<i>10/1/2010</i>
<i>Islington</i>	<i>Islington #2</i>	<i>Under Design</i>	<i>1/1/2012</i>

Page 3 of 4  
Mr. Mark Pollins  
January 25, 2010

- i) The construction related activities with this item are shown on the table above. The compliance measures associated with this item are on-going. Court Street #3 is underway with water, sewer, and drain work on-going. Islington #1 is currently shut down for a winter break. Anticipated restart of work in late January.*
- ii) The Consent Decree milestones associated with this item have been met.*
- iii) There are no problems encountered or anticipated with this item.*
- iv) There are no permit applications pending associated with the projects listed as part of this item.*
- v) There are no operation and maintenance activities with this item.*
- vi) 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.*
- vi) There are no reports to State Agencies associated with this item that have not also been submitted to the EPA as part of the monthly discharge monitoring reports.*

12. Post Construction Monitoring Plan:

*This item will be submitted on the date specified by the Consent Decree.*

- 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.*
- vi) There are no reports to State Agencies associated with this item.*



Page 4 of 4  
Mr. Mark Pollins  
January 25, 2010

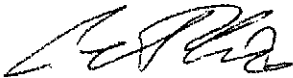
CITY OF PORTSMOUTH, NEW HAMPSHIRE  
PUBLIC WORKS DEPARTMENT

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.

Sincerely,



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  
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