



March 29, 2017

# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

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

Re: Consent Decree 09-cv-283-PB  
Monthly Report on Compliance for February 2017  
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 February 2017 is as follows:

- Installation of reinforcing steel and concrete for the foundation at new Headworks Building
- Base slab for the new Gravity Thickener
- Above grade demolition of the Sand Filter Building
- Installation of the precast concrete wet well structure for the Sanitary Pump Station
- Revetment stabilization along shoreline at 3 locations
- Excavation for Flow Meter Vault

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

Ongoing work by the Contractor through the month of March 2017 includes the following:

- Demolition of the Sand Filter Building that is below grade
- Underground piping installation near the new Headworks Building (heat system, propane, odor control and plant drains)
- Installation of masonry walls of the new Headworks Building
- Excavation for the BAF Building
- Installation of underground piping near new Gravity Thickener
- Wall placement for new Gravity Thickener
- Placement of Flow Meter Vault walls

Projected work to be completed by the Contractor in the month of March 2017 includes the following:

- Underground ductbank for the new utility services (electric, power, cable & telephone)
- Install the precast concrete valve vault for the Sanitary Pump Station

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

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

Original Contract Value	\$ 72,785,545.00
Change Order 1 – January 2017	\$ 367,290.42
<b>Contract Value</b>	<b>\$ 73,152,835.42</b>

Payment Application No.	Work Conducted Through	Amount	Change Order Amount	Cumulative Amount	Percent Complete
1	09/30/16	\$1,393,500.00		\$1,393,500.00	1.9%
2	10/31/2016	\$2,855,100.00		\$4,248,600.00	5.8%
3	11/30/2016	\$1,717,330.09		\$5,965,930.09	8.2%
4	12/31/2016	\$1,374,011.19		\$7,339,941.28	10.03% *
5	01/31/2017	\$1,434,502.03	\$89,994.32	\$8,864,437.63	12.12%
6	02/28/2017	\$1,136,436.97	\$190,641.07	\$10,191,515.67	13.93%

\*Percentage Complete changed from 10.08% (from December 2016 Report) to 10.03% due to Change Order #1 in January 2017.

**iv. Project percent complete based on time elapsed**

The contract time to the EPA required milestone for the BAF treatment system completion is 1186 calendar days. The total value of the contract (item iii) is based on the City's contractual milestone for project substantial completion is 1368 calendar days.

The project is 15.3% complete based on the BAF treatment system completion as of February 28, 2017 and 13.2% complete based on project substantial completion.

**v. Status of all required permit applications**

Wetland Program Permit Application, NHDES File Number: 2017-00574, at 99 Peirce Island Road, Portsmouth, NH, for parking lot expansion work adjacent to Four Tree Island, boat launch area and public pool. Application submitted to NHDES (New Hampshire Department of Environmental Services) on February 27, 2017. NHDES approved an expedited review of the Wetland Permit in letter dated March 2, 2017.

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

The construction contract with Methuen Construction Company, Inc. was executed on August 25, 2016. 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 a Contract to Construct Upgrades	July 1, 2016 September 1, 2016*	Complete
Submit Two Additional Milestones for EPA Review and Approval	December 1, 2016	Complete
Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building	November 21, 2017	On Schedule
Additional Milestone 2: Startup and testing of the Secondary Influent Pump Station in the new Solids Building	May 9, 2019	On Schedule
BAF Substantial Completion	December 1, 2019	On Schedule
Achieve Compliance with NPDES Permit Limits	April 1, 2020	On Schedule

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

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

The average concentration of effluent total nitrogen in the month of February 2017 was 33.0 mg/L TN. See attached report, which was also submitted with the City's February 2017 Discharge Monitoring Report (DMR) for NPDES Permit NH0100234.

CITY OF PORTSMOUTH, NEW HAMPSHIRE  
PUBLIC WORKS DEPARTMENT

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

As required by the Consent Decree:

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

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

Very truly yours,



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

***By email except where otherwise noted.***

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



