

## **Unofficial Tentative Agreement Regarding Consent Decree with EPA**

### **1. Construction Schedule**

- Begin Construction (w/stip penalties) July 1, 2016
- Deliver CPM Schedule to EPA for Joint Selection of 2 Interim Milestones 90 day after July 1
- Interim Milestone 1 (w/stip penalties)
- Interim Milestone 2 (w/stip penalties)
- BAF Substantial Completion (w/stip penalties) (41 months) November 30, 2019
- Compliance with Permit/Startup (4 months) March 31, 2020
- Project Substantial Completion (47 months) May 31, 2020
- Expedited BAF completion accomplished by allowing the contractor flexibility of work hours 7 AM to 6 PM during the work week, reasonable flexibility to request work on weekends and seconds shifts for installation of equipment inside the enclosed BAF structure (Item A1580 of the 47 month schedule)

### **2. Identification of Milestones and Consequences for Delays**

- See above
- Monthly construction progress reports to EPA, DES, CLF and posted online
- Quarterly conference call with EPA, DES, CLF
- Schedule Recovery Program as stipulated in EJCDC contract provisions to be followed for any potential delays of milestone completion.
- Stipulated penalties passed through from original/amended Consent Decree

### **4. Interim Enhanced Primary Treatment**

- Hire Underwood Engineers for a CEPT optimization study. The study results will be reviewed by a member of EPA and certain requirements of the study would be implemented.
- Specific initial request from the DOJ was as follows: "Portsmouth shall immediately conduct of a 60 day study to determine the decree to which clarifier performance can be improved through chemical dosage optimization. If clarifier performance can be improved by at least 10% in this matter, the City shall implement a chemical dosage optimization plan until the secondary treatment is operational. Current performance is characterized as having typical effluent TSS in the 45 to 55 mg/l range. Effluent TSS in the 30 mg/l range or lower should be achievable, particularly in dry weather. This would reduce effluent TSS and to a lesser degree BOD5 and TN during the construction period."
- City is not in agreement that 30 mg/L TSS could be achieved and this will not be a goal of the study.

### **5. Mitigation**

- City to design and construction the Sagamore Avenue low pressure sewer system. This would be inclusive of Sagamore Avenue North and South of the bridge over Sagamore Creek and include to the north portions of Sagamore Ave, Cliff Rd, Shaw Dr, and Walker Bungalow, and to the

South portions of Sagamore Ave, Sagamore Grove, Wentworth Road. This would encompass approximately 83 parcels and cost approximately \$2.5 (project cost) based on an adjusted costs estimate from Wright Pierce completed in 2011.

- City, EPA, DES, DOJ to agree on a green infrastructure project (similar to Long Creek in South Portland) in the amount of \$500,0000.
- City to contribute an amount of \$100,000 per year for five years (2016-2020) toward restoration projects that work toward water quality improvements in the estuary.