

**CITY OF MONTPELIER
CAPITAL CITY OF VERMONT**

City Manager's Weekly Report – 07/27/2018

UPCOMING MEETINGS...

Monday, July 30 Historic Preservation Commission, 6:30 PM, Council Chambers
Wednesday, August 2 Tree Board, 5:30 PM, Memorial Room

ATTACHMENTS...

-  Report on the Conservation Law Challenge of Montpelier Water Resource Recovery Facility
-  Construction Update for the Week of July 30th

CITY MANAGER'S REPORT...

Capitol Plaza Project

We held a negotiation meeting on Thursday and are following up with another session on Monday. We are working toward a full public presentation on August 22nd with financial details included.

TIF

The meeting with VEPC went well. We have a final meeting with them on August 30th where we are optimistic that the district will be approved.

1 Taylor Street

Asbestos/environmental abatement work in the Montpelier Beverage and Association for the Blind buildings will begin within the week. Site work at One Taylor will begin on August 2nd. Housing Vermont closes on their financing on August 3rd. All final rail rights of way and boundary line adjustments have been executed.

Warming Shelter

Brooke Jenkins, Executive Director of the Good Samaritan Haven, informed us that the State appropriated \$332,000 this year to continue operation of the Montpelier warming shelter for another winter season. Like last year, the members of Bethany United Church on Main Street offered to host the shelter. Brooke held an informal meeting this week with the Church, the City and others to begin discussing some of the issues from last year that need to be addressed, and opportunities going forward. There are still details to be worked out including permitting and options for meals -- but if approved, the shelter would be open from Nov. 1 – April 15. Last year, about 15 people used the shelter each night. Brooke will continue to meet with the City and others as we prepare for the upcoming winter season.

Strategic Plan

Now that the plan has been approved, deadline dates are being finalized and the information is being loaded into the Envisio tracking software. We will soon be providing you a calendar of expected activity deadlines as well as rolling out the public dashboard. Agendas will begin to include action items from the plan.

Ice Rink

The Capitol Complex Commission approved for five years a redesigned ice skating rink for the State House lawn. Council will be briefed on the proposal at Wednesday's meeting, and asked to approve a letter of support for a grant application to help pay for a new rink.

Legal

In the appeal by Conservation Law Foundation (CLF) of the City's WWTF discharge permit, the matter has now been fully briefed by all parties, including motions for summary judgment, responses thereto and reply filings. In its submissions to the Court, the City supported the legal briefs filed by the State of Vermont, Agency of Natural Resources (ANR) and also filed a separate reply memo addressing the issue of whether the discharge permit authorized an increase in phosphorous, as CLF has claimed. CLF has requested that the Court schedule oral argument on the motions. The Court has granted CLF's request for oral argument on the pending motions and has scheduled that oral argument for July 30, 2018 at Costello Courthouse in Burlington. The State of Vermont, ANR is being represented by the Attorney General's office. The City is being represented by Joseph McLean, Esq., of Stitzel, Page & Fletcher, P.C.

City of Montpelier Help Wanted

View the latest job opportunities at <https://vt-montpelier.civicplus.com/Jobs.aspx>

WEEKLY REPORTS FROM DEPARTMENT HEADS ...

Public Works

Main Street water main:

The contractor is completing the new main today and making the final connection with the existing main near Loomis Street. Due to a faulty old valve, we had to shut down the main above Loomis St. so this valve could be replaced which was not anticipated. Next week, the contractor will begin connecting all of the house services and then restoration will follow. We believe today will be the end of the street closure and detour. We are presently negotiating a change order with the contractor to also replace the old water main between Jay/North Streets & Liberty Street. This section is also in bad condition and the pricing looks favorable to advance this work ahead of schedule.

Sidewalks:

Work has begun on the second phase of sidewalk reconstruction between Main Street & Loomis Street where the existing old walk will be replaced with new concrete sidewalk and granite curbing. Once complete, the street will be ready for the paving contractor to apply the finish (wearing) course of asphalt. The recently approved additional sidewalk reconstruction on College St. (Ridge St. – Sibley Ave.) will begin as soon as the new contractor is ready to mobilize.

Paving schedule:

We remain on schedule for paving both Liberty & College Streets either the week of August 13th or the week of the 20th. By contract, this work must be completed before school begins on August 29th.

Sherwood Drive Rehabilitation:

The contractor was delayed a couple days due to the recent rains but they expect to begin reclaiming on Thursday or Friday and pave the pave course early the following week. DPW will then begin final structure adjustments and the new curbing will be installed.

Northfield St Project:

The project manager reports that they are “finally in the home stretch.” The contractor has completed the road reconstruct and is now working on fine grading the road. Once fine grading has been completed for the entire stretch of road between Colonial Drive and Freedom Drive they will begin preparation the new sidewalk subbase. In addition they will be working on miscellaneous work throughout the entire project. Miscellaneous work to include stormwater swales, structure adjustment and sidewalks. Final coordination discussions with the paving contractor have been occurring but a paving date has not yet been set.

WRRF:

Staff visited a wastewater treatment plant that was recently upgraded by Energy Systems Group (ESG), the contractor working on the Montpelier Plant upgrade. Significant items noted included ESG's willingness to work with suppliers to modify equipment to meet the site conditions and operator needs, the plant operator's satisfaction with the completed project, the possibility of an alternate digester mixing system and that the facility has entered into a phase 2 contract with the ESG to further utilize the methane gas being produced.

Included in the report is the technical memo describing the appeal of the Montpelier Wastewater Discharge permit as it relates to the proposed Organics to Energy Project.

Miscellaneous:

A DPW crew patched in most of the driveway aprons on College Street and will complete the rest next week. They also took care of some drainage ditching needs and installed stone check dams on Gallison Hill Road to address some maintenance needs and erosion.

To prepare Park Ave for playground usage, a DPW crew removed a large section of sidewalk which was found to contain several trip and fall hazards. Today they will begin resetting granite curb. The sidewalk will be paved as an interim approach and the concrete will be replaced as part of a more comprehensive street & utility project expected in about 3 years. There is a section of sidewalk along the Loomis St side of UES which we are planning to rebuild with concrete walk and reset the granite curb and take care of this now because no future work is planned for Loomis Street.

The water / sewer division worked on cleaning the brick arch culvert on Taylor Street and will conduct a video inspection in preparation for the planned lining project. Heavy storms necessitated checking our CSO outfalls and one overflow was discovered and reported as required. Other sewer cleaning work is being scheduled now that our vactor-jet-rodder is fully operational.

Community Services

Montpelier Says Goodbye to Volunteers for Peace

9 volunteers from around the world will be leaving this weekend after 3 weeks of working hard in our community. They've put in over 1,000 hours of work on a wide variety of projects including preserving the Union Elementary School Playground, helping with the Montpelier BioBlitz, maintaining trails in our parks, helping at MSAC, and a whole lot more! We are sending them on their way with well wishes and huge gratitude for their hard work.

Volunteers Needed

The Montpelier Senior Activity Center is always on the lookout for volunteers who want to get hands-on experience, helping their neighbors, or learning something new! Volunteers get a variety of benefits, from access to the Montpelier Senior Center classes to hours at Onion Rive Exchange. Currently, we're especially in need of volunteers to help out with the following areas:

1. Foot Clinic – Volunteers are needed to help greet guest, escort them to comfortable chairs, and carry basins of water. Volunteers will serve occasionally, once a month or less frequently, and will serve a four hour shift. These shifts typically occur weekday mornings. Email Becky at rjohnston@montpelier-vt.org for more information and a schedule of upcoming clinics.

2. Computer Lab Support – A technology-savvy volunteer is needed for support in our computer lab. This volunteer will assist with computer maintenance, updates, and troubleshooting. Volunteers will design their own schedule; please email Becky at rjohnston@montpelier-vt.org if interested.

Recruiting for Full-time Substance Abuse Prevention and Positive Youth Development Roe: New Resiliency Resource Development VISTA Member

Do you know someone who has education or work experience in a field related to substance abuse prevention or community building? A recent college grad, a retiree, or someone in between? The Resiliency Resource Development VISTA builds the capacity of a coordinated Substance Abuse Prevention Initiative in Montpelier to address opioid use and other risky behaviors. The VISTA creates a “Parents and Children’s Affinity Network,” and additionally leads efforts to help parents and teachers identify and implement initiatives that build youth-self-esteem. Monthly housing subsidy, stipend, professional development. Car not required. Fabulous city team and VISTA team! For more information: [click here](#)

Part-time Training Positions Open in Office or Facility Support

Vermont Associates for Training & Development has two positions for income-eligible adults 55+ to support our Community Services Department and gain valuable experience to stay vital in the workforce. Both positions are based at MSAC, supervised by city staff, and are open immediately. To learn more or inquire about your eligibility, contact Rick Smedley at 828-0036 or <mailto:rsmmedley@vermontassociates.org>.

MSAC Kitchen Temporarily Closed for Deep Clean

The MSAC Kitchen crew started its annual two-week summer deep clean of the commercial kitchen facility on Monday, July 23. Volunteers and VT Associates trainees, supervised by Kitchen Manager Mike Morse of Good Taste Catering, have been hard at work scrubbing all equipment surfaces and getting into all the nooks and crannies. The crew’s careful attention to detail contributes to our always very high ratings when the VT Department of Health makes a surprise inspection visit. During this time, no FEAST Together meals are served on-site, and FEAST at Home deliveries are temporarily frozen.

FOR UPCOMING COUNCIL MEETINGS...

August 22	Parking Garage Update Adopt indicators? Recreation Feasibility Study Emerald Ash Borer recommendation Parklet Ordinance – 1 st reading UES ordinances – 1 st reading Committee Appointments: - Social & Economic Justice Advisory - Investment Committee - Housing Authority -Community Fund Board -EC Fiber rep	Sept 12	WRRF Update Charter Changes Zoning Fixes Strategic Plan item Parklet Ordinance – 2 nd reading UES ordinances – 2 nd reading Committee Appointments: - Complete Streets Committee Historic Preservation Commission Investment Policy Manager check in
Sept 26	Committee Appointments: - Planning Commission - Design Review Committee Strategic Plan item Strategic Plan Progress report Communications Strategy	Oct 2 (between Sept 27- Oct 7)	Special Meeting – warn special election Bond & Charter change public hearings Necessity resolutions
Oct 10	Housing Authority appointments Budget workshop w/survey Strategic Plan item Main/Barre Corridor Study	Oct 24	Art Synergy Master Plan Rec Center Study MTIC appointments
Oct 31 (between Oct 27-Nov 5)	Special Meeting – Public Information session for special election items	Nov 14	Budget Guidelines Budget Schedule Stormwater, Water/Sewer/CSO Update Community Profile

WHAT TO EXPECT IN THE FUTURE...

August	Parking	September	Mid-year City Manager check-in Art Walk Advertising for and appointment of all Planning Commission members Possible warning for special November voting for bonds ICMA Conference for Manager & Asst.
October	Public hearings for Special election items Discuss budget guidelines	November	State general election, possible bond votes
December	Budget Art Walk	January	Budget Ballot
February	City Manager review Welcome Legislators Reception	March	Orientation



William Fraser
City Manager

July 27, 2018

To: Kurt Motyka

From: Bob Wimmer

Impact of CLF Challenge of Montpelier WRRF Draft NPDES Permit 3-1207

Key Point Summary:

- The Conservation Law Foundation (CLF) objection of the Montpelier Water Resource Recovery Facility (WRRF) Draft NPDES permit has the potential to require the WRF to make upgrades necessary to achieve limit of technology treatment in order to consistently meet particulate phosphorus removal requirements.
- These upgrades would be required with or without the organics to energy project.

Background:

The CLF objects to the Draft NPDES Permit 3-1207 for the Montpelier WRRF relative to the water quality based effluent limits (WQBEL) for Total Phosphorus. In general the objections fall into two categories:

- The allocation of phosphorus load to the WRRF is based on an assumption that other non-point sources of phosphorus in the Lake Champlain watershed will make reductions in their phosphorus contributions to the Lake. Since there is not a regulatory framework or defined plan to implement the phosphorus reductions for the non-point sources CLF believes that ANR cannot provide an allocation to Montpelier that could increase the load of phosphorus to the lake if influent flows to the WRRF increase and the non-point sources do not achieve their reduction in phosphorus
- Secondly, the permit fails to meet the anti-backsliding provision which prohibits permit renewals that result in an increase in pollution or more lenient treatment requirements. CLF is comparing the current performance of the Montpelier WRRF in terms of lbs of P discharged to what could be discharged by the WRRF if the plant flows increased and the full P allocation was utilized by the WRRF.

Both arguments are common in watersheds with a significant non-point contribution of pollution as is the case with Lake Champlain. Unfortunately, both arguments punish point sources, such as, municipal wastewater treatment facility discharges for being good environmental stewards. If the Montpelier WRRF had only achieved just below the current limit rather than discharging at less than half of the allowable allocation then Montpelier would have "excess" P that could be allocated in this permit cycle (according to the CLF argument). Secondly, since only NPDES discharge permits with point sources have a regulatory and enforcement mechanism, the burden of pollutant reduction falls on the point sources since EPA regulators have no legal mechanism for enforcing non-point discharges. Unfortunately, both arguments create an additional burden on the public entities that are making the greatest effort to reduce pollution and expending the greatest resources to achieve those reductions.

Current Permit and WRRF Performance

The WRRF is currently permitted to discharge 9,668 lbs per year of total Phosphorus with a maximum monthly concentration of 0.8 mg/L. Over the last three years, the WRRF has discharged an average of 1,803 lbs of P per year or 19% of the permitted allocation. The current draft permit allocates 2,418 lbs per year of P. If the current draft permit is issued, the 1,803 lbs per a year would be 75% of the total allocation. The CLF objection does not note that WRRFs in the Lake Champlain watershed only contribute about 3.5% of the total mass of phosphorus to the lake. The issues with managing P in the lake is driven by management of non-point sources and not WRRFs.

Potential Impacts to the WRRF

The remedy proposed by CLF is to enact a lower discharge limit on Montpelier and the other eight appealed permits, which restricts the WRRF to the current actual average level of P discharge. As the flows increase from new development (either new domestic connections or the addition of industry) this would require the facility to implement the best available treatment technology at the facility. This increased level of treatment would be required regardless of the Organics to Energy project, as reliable treatment to these P levels could not be achieved with the current treatment process. This is due to the following factors:

- In an annual mass allocation (total lbs of P discharged per year), there is no margin for error if a plant upset occurs with the current treatment process. A plant upset could occur due to extended wet weather flows, mechanical failure, biological upset or a number of other issues. If the WRRF were to exceed the current treatment capability by more than 0.4 mg/L for one month of higher flows (1.5x average), the plant would not be able to achieve the annual mass limit even if it operated every day for the remainder of the year at 40% better removal than it currently achieves.
- The phosphorus limit is a Total Phosphorus (TP) limit, meaning both the soluble component of the phosphorus (ortho-P) and the particulate component of the phosphorus are added together for the Total P measurement. A portion of the soluble component can be removed with the addition of chemicals, such as poly-aluminum chloride (PAC), which the plant currently employs. However, the particulate portion is a mixture of suspended solids and colloidal material. The majority of this material is removed in the secondary clarifiers but in order to achieve the limit of best available technology, as proposed by CLF, the WRRF would be required to add an advanced treatment step. The advanced treatment step would either be the addition of effluent filters or other technology which employs a significantly more robust treatment level into the process. Each of these options has been evaluated by a Montpelier engineering consultant in the past. In order to consistently remove the particulate and colloidal material, this significant improvement in the treatment system will be required, with or without the Organics to Energy Project.

In the event that CLF is successful, the City could increase the P allocation to the WRRF by implementing non-point Best Management Processes (BMPs) for stormwater management that are within the City's jurisdiction. An evaluation would be required to determine where it would be most effective to spend capital and operating expense in order to reduce the load of P in the watershed while still allowing development in the sewershed.

Impacts on Organics to Energy Project

As noted above, the requirement for additional advanced treatment technology to consistently achieve limit of technology effluent limits for TP would be required with or without the Organics to Energy project. The drivers for those upgrades are a function of how the limit is calculated on an annual basis and the requirement to filter the effluent. There are several impacts and opportunities that would occur if CLF was successful in their challenge of the WRRF draft permit.

- The addition of high strength organic waste and septage will increase the soluble phosphorus loading to the WRRF. This was detailed in the Basis of Design Summary submitted in March of 2018. As projected in the summary and as confirmed in the septage pilot test, additional PAC will be required to remove the soluble phosphorus, but the addition of chemical is able to address this issue without impacting the ability of the WRRF to meet the current effluent permit limits.
- As the CLF is arguing that WRRF's (point sources) should take the burden of removing phosphorus in the near term because non-point sources may not achieve their targets, there is an opportunity and a justification for the point sources to receive a credit for phosphorus wastes that are processed through the WRRF and removes phosphorus that would have been discharged as a non-point source. This would include food wastes that are either land applied or placed into commercial digesters whose digestate is land applied as fertilizer, septage which contributes phosphorus to the ground water flowing into the Lake. The credit or trade could either be an additional allocation of P discharge or the ability to offset treatment costs by collecting a treatment fee from non-point sources or pools of funds allocated by the State to address non-point sources.
- As the pressure continues to build on non-point sources to manage their phosphorus discharges, the WRRF will have additional pricing power to accept and treat wastes with elevated phosphorus content as the infrastructure that exists at the WRRF will likely be able to treat the waste in a more economical means than for an industry to construct their own treatment works. This would drive additional revenue and waste to the WRRF.
- In the event that there is a demand for phosphorus rich waste disposal, the WRRF could implement a P recovery technology that would allow the WRRF to harvest P as a slow release fertilizer from the sewage and high strength organic waste. This would provide reduced treatment costs, another potential revenue source and recover an essential element that is necessary for agriculture in a slow release, environmentally beneficial form.

Conclusion:

The CLF objection of the Montpelier WRRF Draft NPDES permit has the potential to require the WRRF to make upgrades necessary to achieve limit of technology treatment in order to consistently meet particulate phosphorus removal requirements. These upgrades would be required with or without the organics to energy project. There will be no additional cost to the city or exposure to any known risk if the city moves forward with organics to energy project if CLF's appeal is granted. In the event that the CLF is successful in challenging the permit, there are several potential opportunities with the organics to energy project to increase revenue associated with the treatment of phosphorus rich wastes or for the City to expect a credit or compensation for achieving the non-point phosphorus removal that CLF is concerned will not occur in the coming years.

Construction Update: Montpelier Transportation Projects
Proposed Schedule Week of 7/30/18

Update:

Dubois is working on fine grading the road. Once fine grading has been completed for the entire stretch of road between Colonial Drive and Freedom Drive prep for the sidewalk sub-base will begin.

Crews will be completing miscellaneous work throughout the entire project. Miscellaneous work to include Stormwater swales, structure adjustment and sidewalks.

The roadwork should be complete by August 3rd. Paving will follow shortly after. Actual date TBD.

*****For residents of the Freedom Drive and Independence Green neighborhood who would like a detour pass for the remainder of the project please email gmackey@montpelier-vt.org with following information: *******

- 1) "detour pass" in the subject line
- 2) house address
- 3) license plate number for each vehicle needing a pass

***Driveway Access:** Construction activities may block driveway entrances for short periods of time as the operations move through the construction area. If crews are working across your driveway entrance and you need to enter or exit, please ask that your needs be communicated to a project supervisor.

VTRANS PROJECT UPDATE:

Crews will be working along the shoulder located at the guardrail run on Berlin Street. This work will be done in the early morning hours and crews will be off of the road by 7:00 AM prior to peak morning travel times. Motorists can expect crews to be in a portion of the turn lane while work is being performed.

Crews will begin adjusting structures along the length of Northfield Street beginning on Tuesday. This work will require alternating one-way traffic around work zones. Flaggers and traffic control personnel will be onsite directing the flow of traffic. This work will be performed during the day.

Crews will continue to work on finishing up miscellaneous work along the project throughout the week in the downtown area and on Elm Street.

Please focus on safety when driving through the construction work zone and remember, it is against the law to use a hand held cell phone while driving in Vermont.

Contact Natalie Boyle, Project Outreach Coordinator, EIV Technical Services, with any questions or concerns in regard to this project at 802-855-3893 or nboyle@eivtech.com

Construction updates will be posted on www.roadworkupdates.com , The City of Montpelier's Front Porch Forum and Facebook Pages, Montpelier Alive's Facebook Page and Makeover Montpelier's Facebook Page.