

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

.....
UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.

CIVIL ACTION
No. 85-0489-MA

.....
CONSERVATION LAW FOUNDATION OF
NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendants.

CIVIL ACTION
No. 83-1614-MA

.....
ORDER

Stearns, D.J.

Upon consideration of the Joint Motion of the United States and the
Massachusetts Water Resources Authority To Amend Schedule Six With
Respect to the Charles River, Alewife Brook and East Boston, it is hereby
ORDERED that Schedule Six is amended as follows:

1. (a) By deleting from footnote 26 the following words:

“The February 27, 1987 Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows remains in full force and effect,”

and replacing them with the following words:

“The March 15, 2006 Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows shall remain in full force and effect.”

- (b) by adding to footnote 31 the following sentences:

“The projects related to the Long-Term CSO Control Plan for Alewife Brook are described in MWRA’s July 2003 Final Variance Report for Alewife Brook and the Upper Mystic River. The projects related to the Long-Term CSO Control Plan for the Charles River are described in MWRA’s August 2, 2005 Recommendations and Proposed Schedule for Long-Term CSO Control for the Charles River, Alewife Brook and East Boston.”; and

- (c) by adding the following footnote 38:

The documents that comprise the Authority's Long-Term CSO Control Plan are identified in the March 15, 2006, Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows.; and

2. By deleting the milestones listed in Schedule A and adding the milestones listed in Schedule B.

Schedule A

January 2000	MWRA, in cooperation with Cambridge, to assure completion of construction of sewer separation at CAM002 and CAM004. ²⁶
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September 2005 MWRA to complete construction of interceptor relief for BOS003-014.

Schedule B

April 2006 MWRA to commence 12 month optimization study to identify operating procedures at Prison Point and related structures that will minimize treated discharges from the Prison Point facility without increasing untreated overflows elsewhere.

June 2006 MWRA to resume design of interceptor relief for BOS 003-014.

July 2006 MWRA, in cooperation with Cambridge, to commence design of CAM400 manhole separation; and to commence design of interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶

September 2006 MWRA to commence design of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control.

November 2006 MWRA, in cooperation with BWSC, to commence design of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to commence design of Brookline sewer separation.²⁶

March 2007 MWRA to submit report on, and commence implementation of measures that optimize operation of dry weather pumps and influent gates at Prison Point and related structures in part to maximize upstream storage. MWRA to propose flow limits for Prison Point facility based on the results of the optimization study commenced on April 1, 2006.

July 2007 MWRA, in cooperation with Cambridge, to commence construction of CAM400 manhole separation; and to commence construction of CAM004 stormwater outfall and detention basin.²⁶

December 2007 MWRA, in cooperation with Cambridge, to complete floatables control at outfalls CAM007, CAM009, CAM011, and CAM017.²⁶

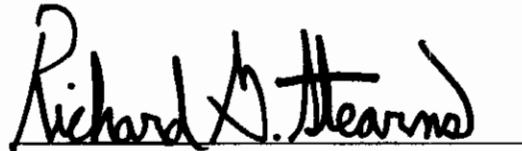
- January 2008 MWRA to commence design of Charles River Valley/South Charles River Relief Sewer gate controls and evaluation of additional Charles River interceptor interconnection alternatives; and, in cooperation with Cambridge, to commence construction of interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶
- June 2008 MWRA to commence construction of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control. MWRA to commence construction of interceptor relief for BOS003-014.
- July 2008 MWRA, in cooperation with Cambridge, to complete construction of CAM400 manhole separation.²⁶
- November 2008 MWRA, in cooperation with BWSC, to commence construction of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to commence construction of Brookline sewer separation.²⁶
- December 2008 MWRA, in cooperation with Cambridge, to ensure completion of construction for interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶
- January 2009 MWRA to complete evaluation of additional Charles River interceptor interconnection alternatives and submit related report to EPA and DEP. Such report shall include reasonably expeditious schedules for completing projects that can be completed for low cost, that do not have unexpected construction impacts, and that result in a meaningful reduction in overflow volume or frequency.
- April 2009 MWRA to commence design of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief. MWRA to commence implementation of additional Charles River interceptor interconnection projects in compliance with the schedules submitted pursuant to the related January 2009 milestone.
- June 2009 MWRA to complete construction of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control.

- July 2009 MWRA, in cooperation with Cambridge, to complete construction of CAM004 stormwater outfall and detention basin, and to commence construction of CAM004 sewer separation.²⁶
- January 2010 MWRA to commence construction of Charles River Valley Sewer/South Charles River Relief Sewer gate controls.
- June 2010 MWRA to complete construction of interceptor relief for BOS003-014.
- November 2010 MWRA to commence construction of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief.
- January 2011 MWRA to complete construction of Charles River Valley Sewer/South Charles River Relief Sewer gate controls.
- January 2012 MWRA to complete construction of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief.
- January 2013 MWRA, in cooperation with Cambridge, to complete construction of CAM004 sewer separation.²⁶
- July 2013 MWRA, in cooperation with BWSC, to complete construction of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to complete construction of Brookline sewer separation.²⁶
- January 2018 MWRA to commence three-year performance assessment of its Long-Term CSO Control Plan.³⁸ The assessment shall include post-construction monitoring in accordance with EPA's Combined Sewer Overflow (CSO) Policy, 59 Fed. Reg. 18688 (Apr. 19, 1994).
- December 2020 MWRA to submit results of its three-year performance assessment of its Long-Term CSO Control Plan to the EPA and DEP. MWRA to demonstrate that it has achieved compliance with the levels of control (including as to

³⁸ The documents that comprise the Authority's Long-Term CSO Control Plan are identified in the March 15, 2006, Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflow Control.

frequency of CSO activation and as to volume of discharge) specified in its Long-Term CSO Control Plan.

SO ORDERED.

A handwritten signature in black ink, reading "Richard G. Stearns". The signature is written in a cursive style with a horizontal line underneath.

Richard G. Stearns
United States District Judge

4-27-06.