

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-RGS

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

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendants.
.....

CIVIL ACTION
No. 83-1614-RGS

MWRA QUARTERLY COMPLIANCE AND
PROGRESS REPORT AS OF DECEMBER 14, 2007

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from September 15, 2007 to December 14, 2007 and supplementary compliance information in accordance with the Court's order of December 23, 1985 and subsequent orders of the Court.

I. Schedule Seven.

There were no scheduled activities for the last quarter on the Court's Schedule Seven.

A. Progress Report.

1. Combined Sewer Overflow Program.

(a) South Dorchester Bay Sewer Separation.

Boston Water and Sewer Commission ("BWSC") recently completed its evaluation of the combined sewer overflow ("CSO") regulators tributary to the Authority's Fox Point and Commercial Point CSO treatment facilities and affirmed that all the CSO regulators tributary to those facilities are closed, a year in advance of the Schedule Seven milestone for completion of construction. BWSC closed the regulators after substantially completing the South Dorchester Bay Sewer Separation project earlier this year.

The project involved the work of 15 construction contracts managed by BWSC over a period of eight years beginning in April 1999. In that period, more than 135,000 linear feet of new storm drain were installed, along with miles of new sewer pipe. Several thousand building downspout connections were removed from the sewer system. The separation work covered an area of more than 1750 acres, or 2.7 square miles, larger than the entire city of Chelsea. The Authority funded the cost of the separation work under its CSO Memorandum of Understanding and Financial Assistance Agreement with

BWSC. Total eligible cost for design and construction is estimated to be \$118 million.

With the closure of the CSO regulators, CSO discharges to the beaches of South Dorchester Bay, including Malibu Beach, Savin Hill Beach and Tenean Beach have been eliminated. Accordingly, and as recommended in the long-term CSO control plan, the Authority decommissioned the Fox Point and Commercial Point CSO treatment facilities on November 1, 2007. Since 2006, BWSC has been metering flows in the separated sewer system and conducted hydraulic evaluations to verify whether hydraulic performance goals have been met. BWSC is continuing with private inflow source removal (downspout disconnections) in the tributary areas. BWSC completed its metering program and is evaluating the meter data to determine the effectiveness of its downspout removal program.

(b) Floatables Control at CAM007, CAM009, CAM011 and CAM017.

The City of Cambridge recently informed the Authority that it installed temporary brick and mortar bulkheads at CSO outfalls CAM009 and CAM011 on the Charles River, which Cambridge earlier found to be largely blocked with sediment and debris, and that it will not be installing floatables control at these two outfalls. The Authority has confirmed through hydraulic modeling that the closure of these outfalls will not compromise the Authority's and Cambridge's ability to attain the required levels of CSO control (discharge frequency and volume) at the Cottage Farm CSO facility or at untreated, hydraulically related

CSO outfalls. Cambridge has indicated that it will monitor the hydraulic performance of its sewer system with these outfalls closed. If Cambridge determines that it needs to reopen one or both of these outfalls, the Authority will notify the Court.

The City of Cambridge also recently completed installing floatables control at CSO outfalls CAM007 and CAM017 in compliance with Schedule Seven.

(c) North Dorchester Bay Storage Tunnel and Related Facilities.

On October 17, 2007, the contractor for the North Dorchester Bay storage tunnel commenced excavating the tunnel with the tunnel boring machine ("TBM"). After mining the first 300 feet, the contractor stopped mining on November 26 so that it could move the 270-foot long TBM trailing gear from the ground surface to the tunnel. The contractor completed attaching the trailing gear to the TBM and resumed mining on December 10, 2007. The contractor will mine for another 300 feet and again stop mining so that it can install a rail car switch and turntable. After installing the switch and turntable, the contractor will commence full mining operations with two shifts.

In addition, the contractor completed surface restoration and improvements at the Moakley Park ball fields that were disturbed during surface CSO and drainage construction related to outfalls BOS085 and BOS086 and completed all of the drainage work for outfall BOS087. The new

drainage facilities at BOS087 will enable the Authority to direct stormwater flows to the CSO storage tunnel up to the one-year storm and during the first flush of all storms and convey these flows to the Authority's Deer Island Wastewater Treatment Plant. The contractor is continuing with the construction of the CSO and stormwater diversion structures and the tunnel drop shafts at the other CSO outfalls.

(d) Cambridge Sewer Separation.

On October 16, 2007, the Commissioner of the Massachusetts Department of Environmental Protection ("DEP") issued a decision denying Petitioners' motion for reconsideration of DEP's June 1, 2007 final decision sustaining the superseding order of conditions for the City of Cambridge Department of Public Works for its Cambridge Park Drive Drainage project, which includes the CAM004 stormwater outfall and detention basin (Contract 12).¹ The Petitioners appealed the Commissioner's decision to Superior Court pursuant to M.G.L. c. 30A, §14(l) on November 14, 2007. A copy of the Complaint is attached as Exhibit "A."

¹ See Compliance and Progress Reports dated September 14, 2007, pp. 2-3; June 15, 2007, pp. 8-9; March 15, 2007, pp. 5-6; December 15, 2006, pp. 9-10; September 15, 2006, pp. 6-7; June 15, 2006, pp. 6-7; March 15, 2006, pp. 5-6; December 15, 2005, pp. 6-7; September 15, 2005, pp. 8-9; June 15, 2005, pp. 10-11; December 15, 2004, pp. 10-12; and September 15, 2004, pp. 6-7 for previous reports on the wetland permitting issue.

Prior to receiving the November 14 appeal, staff from the Authority and Cambridge met to identify steps to resume the design work for this project. At the meeting, the parties discussed updated project costs, schedules, spending projections and a cost sharing plan for the significant cost increases associated with this project. The Authority anticipated going to its Board of Directors in December for authorization of amendments to the existing CSO Memorandum of Understanding and Financial Assistance Agreement between the Authority and Cambridge which would allow Cambridge to proceed with the revised CSO control plan for Alewife Brook and to establish sufficient Authority funding for Cambridge's eligible costs, pursuant to a cost share agreement. Based on the November 14 appeal, Cambridge and the Authority are now discussing how best to proceed with the long-term CSO control plan for Alewife Brook. To date, the five projects constituting the long-term CSO control plan for Alewife Brook, including CAM004 stormwater outfall and detention basin (Contract 12) and CAM400 manhole separation have experienced a delay of at least 17 months.

(e) Quarterly CSO Progress Report.

In accordance with Schedule Seven, the Authority submits as Exhibit "B" its Quarterly CSO Progress Report (the "quarterly report"). The quarterly report

summarizes progress made in design and construction on the CSO projects during the past quarter and identifies issues that do or may affect compliance with Schedule Seven.

By its attorneys,

/s/ John M. Stevens

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document, which was filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 14, 2007.

/s/ John M. Stevens

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Dated: December 14, 2007

Other Documents

1:85-cv-00489-RGS USA v. M.D.C., et al **CASE CLOSED on 04/23/1991**

CLOSED

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by Stevens, John on 12/14/2007 at 5:08 PM EST and filed on 12/14/2007

Case Name: USA v. M.D.C., et al
Case Number: 1:85-cv-489
Filer: Water Resources Authority, Mass. of
WARNING: CASE CLOSED on 04/23/1991
Document Number: 1683

Docket Text:

STATUS REPORT *Quarterly Compliance and Progress Report as of December 14, 2007* by Water Resources Authority, Mass. of. (Attachments: # (1) Exhibit A# (2) Exhibit B)(Stevens, John)

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The following document(s) are associated with this transaction:

Document description:Main Document

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[STAMP dcecfStamp_ID=1029851931 [Date=12/14/2007] [FileNumber=2171389-0] [641620f2be17c5a98e1e3e0b60f8ad5a86f25f2662a0de7ac5833aefc609a8c6f28bb6b5734b3cb8613a36abb56b7d7d2e9937caac3baf711d6913ab5052c2d6]]

Document description:Exhibit A

Original filename:yes

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[STAMP dcecfStamp_ID=1029851931 [Date=12/14/2007] [FileNumber=2171389-1] [a7b1b76a775a615e8f3f5c3b843925946b23cc4a5c61d9996c2b354075bacd23e2f1b833683759606c9830661f5c45e70bdb3ca3abb0c8a04ee63a66596fe438]]

Document description:Exhibit B

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=12/14/2007] [FileNumber=2171389-2] [5f1b188f9918f3f77d3683ee248e59a714864172edc127cda3c4538b1dad94185d66869f2eb3a80096bdc67dbf3e780ec45bc37a5e18a64adaa5ed84c53e9337]]

Exhibit A

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. SUCV2007-05011-F

**CambridgePark Ten Citizens Group,
Plaintiffs,**

v.

**Department of Environmental Protection
and the City of Cambridge,
Defendants.**

**COMPLAINT
under M.G.L., c.30A**

I. INTRODUCTION

This is an appeal under M.G.L., c. 30A, §14(1) from the Final Decision of the Department of Environmental Protection (the "Department") dated October 16, 2007 issued in an adjudicatory proceeding, dismissing the appeal by the CambridgePark Twelve Citizens Group of a stormwater project affecting areas of wetland subject to the Wetlands Protection Act, Chapter 131, §40, the Department's regulations implementing the Act (310 CMR 10.00), and the Stormwater Management Policy of the Department.

The appeal is filed on behalf of ten citizens ("Plaintiffs") who state that they are aggrieved by the Final Decision. The project at issue is the CambridgePark Drive Area Drainage Project (the "Project") which is proposed by the City of Cambridge (the "City") through its Department of Public Works, as part of a larger project for the separation of combined sewers along Little River and Alewife Brook. The Court has jurisdiction over this matter.

The Commissioner's Final Decision is error because it is based on (1) an improper rejection of a practicable alternative to the proposed stormwater basin location in the Riverfront Area, (2) an erroneous finding of law that the Project is in compliance with the Stormwater Management Standards, in particular failure relating to downstream flooding impacts, (3) its

failure to identify the clear erosion potential caused by the City's deletion of earlier-designed spillways connecting the basin to the Little River, (4) original plans and modified plans showing disturbed wetlands in excess of the 5,000 square foot limit and thereby requiring application for a variance; and made erroneous findings of fact in its decision to dismiss Plaintiffs' claims for failure to sustain its case.

II. THE PARTIES

1. The CambridgePark Ten Citizens Group consists of ten members including some members who appealed the Superseding Order and are aggrieved because the Final Decision has denied the residents due process and because the Project will cause harm to the interests that are protected by Chapter 131, Section 40. To the extent that stormwater volumes are increased, downstream flooding is increased, erosion contributes to further channel siltation, and the public land in the Riverfront Area is converted to a stormwater basin, the individual citizens will be harmed.

- Richard Clarey, 15 Brookford Street, Cambridge, MA 02140
- Carolyn Mieth, 15 Brookford Street, Cambridge, MA 02140
- John R. Moot, 44 Coolidge Hill Road, Cambridge, MA 02138
- Stephen Kaiser, 191 Hamilton Street, Cambridge, MA 02139
- Michael Brandon, 27 Seven Pines Avenue, Cambridge, MA 02140
- Michael Nakagawa, 51 Madison Avenue, Cambridge, MA 02140
- Joseph Joseph, 20 Kassul Park, Cambridge, MA 02140
- Lisa Birk, 20 Kassul Park, Cambridge, 02140
- Denise Guerin, 125 Montgomery Street, #3, Cambridge, MA 02140
- Shiela Cook, 34 Follen Street, Cambridge, MA 02138

2. In addition to all ten plaintiffs being aggrieved of DEP action on the appeal, four of the plaintiffs live within the 100-year flood plain and five of the plaintiffs live within the 500-year flood plain downstream of the Project site. One plaintiff has used Alewife

Brook and Little River for kayaking and/or canoeing for nature observation and monitoring of existing stream channel pollution, erosion, and siltation. Along the south side of the Project is a pedestrian/bicycle path connecting to Belmont. Seven of the plaintiffs have used this path for either walking or bicycling.

3. The Department of Environmental Protection is the state agency responsible for ensuring clean air and water, the safe management of toxics and hazards, the recycling of solid and hazardous wastes, the timely cleanup of hazardous waste sites and spills, and the preservation of wetlands and coastal resources.
4. The City of Cambridge is the Applicant in this matter.

III. THE PROJECT

5. The City of Cambridge through its Department of Public Works and the Massachusetts Water Resources Authority are jointly responsible for a project to separate combined sewers along Little River and Alewife Brook, and to modify the drainage characteristics of areas of Cambridge to the east and north of Fresh Pond. The sewer separation is not an issue of dispute in the case, and only the stormwater elements of the Project have been appealed.
6. The stormwater elements of the Project include the construction of a rectangular four foot by eight foot (4x8) relief conduit extending for 3,300 feet roughly parallel to the existing Wheeler Street Drain. The Wheeler Street Drain presently collects both stormwater and combined sewage overflow from the Fresh Pond and CambridgePark Drive areas and releases those flows into Alewife Brook.
7. The Project proposes to separate the sanitary and stormwater sewer lines and to construct larger pipes with greater capacity under local streets, so that flood relief can be achieved in the affected neighborhoods. The new stormwater relief conduit adjacent to the

Wheeler Street Drain is intended to discharge these additional stormwater flows directly into Alewife Brook or into a Detention Basin, proposed for construction adjacent to Little River.

8. The Detention Basin will cover an area of approximately 3.5 acres and will be located in part within the Riverfront Area under the jurisdiction of the Wetlands Act.
9. Approximately seven acres of land subject to flooding will be disturbed or filled through excavation of the site.

IV. BACKGROUND AND FACTS

10. On June 30, 2004, Twelve Citizen Plaintiffs filed with the Department an appeal of the Order of Conditions issued by the Cambridge Conservation Commission for its failure to consider or approve an alternative plan designated as "Alternative 4A" for an under-utilized parking lot within the CambridgePark Drive area. Plaintiffs contended that the City's stormwater plan would increase downstream flooding and not be in compliance with the Department regulations for work within Riverfront Areas and for its selection of a plan without the minimum wetlands impact.
11. The Plaintiffs also asserted that the stormwater basin was improperly protected by spillways and that severe erosion could occur.
12. The Department issued a Superseding Order of Conditions (March 31, 2005) approving the Project that was appealed by plaintiffs to the Department of Environmental Protection (April 13, 2005). The appeal was moved to the Division of Administrative Law Appeals ("DALA").
13. The issues to be adjudicated were established by Administrative Magistrate Mark Silverstein on November 23, 2005 with a schedule for the Plaintiffs to submit Prefiled Testimony by March 3, 2006.

14. The City and the Department both filed Motions for Summary Decision on January 27, 2006. A Motion for Summary Decision is the equivalent of a Motion for Summary Judgment under DALA's rules. Plaintiffs opposed the Motion.
15. Plaintiffs filed their Prefiled Testimony in March 2006. The City filed its Prefiled Testimony in August 2006.
16. The Magistrate issued a Partial Summary Decision on September 13, 2006. The Partial Summary Decision found that the Plaintiffs' primary witness was not a Registered Professional Engineer, and concluded that his testimony on alternatives and other matters was not admissible because he was not a licensed professional.
17. Following the Magistrate's determination requiring professional licensure, the City and the Department moved to strike the majority of the Plaintiffs' testimony. The City and the Department then moved for Directed Decision claiming that the Plaintiffs lacked substantive testimony and thereby could not prove their case based upon the pleadings.
18. The Magistrate granted the Motions for Directed Decision and submitted his recommendations to the Commissioner of the Department on January 2, 2007 as a Recommended Final Decision. The Magistrate's Decision could not be appealed.
19. The Commissioner issued her Final Decision on June 1, 2007 that rejected the rationale of the Magistrate's Recommended Final Decision. The Commissioner overturned DALA's rejection of the Plaintiffs' engineering witness finding that the Magistrate's ruling was "overbroad" and that the testimony of the engineering witness testimony should not be stricken. However, the Commissioner committed error when she proceeded to apply a different rationale to reach the same finding that the Directed Decision should be granted, dismissing the appeal.

20. Petitioners filed a Request for Reconsideration of the Commissioner's Final Decision. The Department's Decision denying Reconsideration was issued on or about October 16, 2007 and is the subject of this appeal.

V. JURISDICTION

21. The Wetlands Protection Act, M.G.L., c. 131, §40 allows for work within protected wetlands and the buffer zone provided that the work meets the regulatory performance standards. The Act seeks to protect the public's interests in wetlands and requires an applicant who is altering lands within the designated Riverfront Area to select any practicable alternatives having lesser wetlands impacts. In addition, the Department has adopted a Stormwater Management Policy which applies nine (9) standards to treat stormwater for projects within commission jurisdiction. The regulations at 310 CMR 10.58 (4) establish the general performance standard for work proposed that alters Riverfront Area: "the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed Project with less adverse effects" on the interests of the Act.
22. 310 CMR 10.58 (4)(c)1.d. provides the criteria to be considered when practicable evaluating alternatives:
- "d. Logistics. Logistics refers to the presence of absence of physical or legal constraints. An alternative is not practicable if special legislation or changes to municipal zoning would be required to achieve the proposed use or project purpose."
23. Stormwater Management Standard 2 states that "Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates." An explanatory note for Standard 2 stipulates that

- “The 100-year 24-hour storm event must be evaluated to demonstrate that there will not be increased flooding impacts offsite.”
24. Conservation Commissions are authorized to issue “an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of Bordering Vegetated Wetland” while a Variance is required for alternatives of more than 5,000 square feet; 310CMR10.55 and 310 CMR 10.05(10).
 25. Plaintiffs presented the Department with practicable alternatives to the proposed construction of a stormwater basin within Riverfront Area. The alternative, known as 4A, would have less impact than the City’s proposed basin.
 26. The Final Decision incorrectly found that there were not disputes of material fact within the Record.

COUNT I

The Department’s Exclusion Of Alternative 4A As A Practicable Alternative Was Error

27. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-26 above.
28. The Magistrate in his March 12, 2007 Recommended Decision improperly concluded that “Without question, the Alternative 4A site would have to be taken by eminent domain at substantial cost and the alternative would increase construction costs significantly as well.” This is a question of fact. The Commissioner also improperly rejected the Plaintiffs’ Alternative 4A solely on the grounds of logistics that “acquisition by eminent domain was a legal barrier so that the Plaintiffs’ alternative was not practicable considering the logistic factors as defined in the regulations. There is no error of fact or law in these conclusions that would warrant reconsideration.” The Commissioner’s

- conclusion did not review any claims relative to costs, and limited the conclusion only to the matter of an eminent domain taking.
29. The Department improperly concluded that the question of the alternatives was not a matter of genuine and material fact. Whether eminent domain is necessary versus a lesser interest such as an easement is a question of fact, not law and affects the cost of the alternative.
 30. The Magistrate's conclusion that the alternatives were not practicable was based on a finding that the testimony by the Plaintiffs' witness was inadmissible, a determination which was subsequently rejected by the Commissioner. On this basis, the issue of whether alternatives were practicable was a question of fact.
 31. With the restoration of the Plaintiffs' witness testimony by the Commissioner, the issue of cost and whether a taking is required is in dispute and cannot be determined as a question of law.
 32. Plaintiffs have submitted credible evidence that the use of the parking lot site can be a practicable alternative to the Project and stated planning goals of the City of Cambridge as enunciated by its Planning Board. The Plaintiffs submitted evidence that the alternative proposed is not a land taking but rather is the acquisition of an easement, with all development rights retained by the private owner.
 33. The Cambridge Planning Board in January 1985 (Exhibit 5 of Prefiled Testimony of Dr. Stephen H. Kaiser) stated its concern regarding the excessive surface parking at the location of the proposed alternative and that "The Board will insist that flood storage advance the overall open space and amenity objectives in the Alewife Plan. The Board is prepared to insist that a significant portion of the required storage capacity be accommodated within grassed areas, a resurrected Alewife Brook, new water bodies or

other features even if such a requirement were met only through the reduction of desired surface parking spaces.”

34. Alternative 4A would provide for the requisite added flood storage, grassed areas, new water bodies and a reduction in surface parking at no expense to the owner and would provide revenue from the City’s purchase of an easement for the Detention Basin. To this extent, a negotiated sale of the easement would be practical, and both DALA and the Department committed error in their finding that alternative 4A required an eminent domain taking of the parking lot area identified in the alternative.
35. The Department committed error when it found that the City had evaluated all practicable alternatives to the design selected; including the easement option.
36. The City’s alternatives analysis was an after the fact review of options after the design was completed that was not comprehensive and was not consistent with the regulations.
37. The Department’s Final Decision’s failure to require additional consideration of alternatives is an error of fact and law. The Department also failed to recognize that construction of the basin on public parkland adjacent to Little River would require legislative action based upon the provisions of Article 97 to regulate the change in use of natural resources consistent with the Attorney General’s Opinion; Rep. A.G., Pub. Doc. No. 12, p. 18 (1973).

COUNT II

The Final Decision Was Error As It Failed to Find That There Was A Question Of Fact As To Whether The Project Will Likely Increase Downstream Flooding And Contains No Demonstration That The 100-Year 24-Hour Storm Event Will Not Increase Flooding Impacts Offsite, In Violation To Stormwater Management Policy #2.

38. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-37 above.

39. The Administrative Record contained evidence that Plaintiffs concurred with the flooding analysis prepared by the City showing increases in downstream flood elevations of up to 1.5 inches. The Magistrate concluded in his Summary Decision that “the Project will increase the volume of stormwater discharged to Little River” and that “the increased runoff volume is material to reducing or preventing flooding, an objective of both the Stormwater Management Standards and of the Wetlands Protection Regulations.”
40. The Magistrate found that Cambridge DPW and DEP were each required to show, as beyond genuine and material factual dispute that the Project would not increase off-site flooding despite a post-construction increase in stormwater volumes discharged to Little River. Despite this burden of production the City’s evidence offers no affidavit support and depends entirely, instead, upon the Wetlands permit application materials that the Department reviewed. The Department did not include an affidavit showing that there would be no off-site flooding despite a post-construction increase in stormwater volumes discharged to Little River.
41. On the other hand, Plaintiffs offered testimony that the flood analysis contained in the Notice of Project Change (April 2001) and the identical material contained in the Notice of Intent (December 2003) shows downstream flood level increases for the ten-year and twenty-five year storms. Submissions of testimony and application materials by the City and the Department failed to make any reference to the 100-year 24-hour storm event as specified for Stormwater Management Standard 2 nor to any demonstration that the Project will increase or decrease flood levels off-site during such an event. Therefore, there was a question of material fact for the Magistrate and Commissioner.
42. The Magistrate recognized that increases in stormwater volumes will result in increased flood levels and that both the City and the Department offered no evidence or mitigation

to the contrary. Neither the City nor the Department disputed the Plaintiffs' position that flood levels would rise. If the Magistrate and the Commissioner concluded that there was evidence of a factual dispute, and that flood levels would rise, then the Magistrate and Commissioner committed error in not finding that the Project would cause an increase in 100-year flood levels, a violation of the Stormwater Management Standard 2. The Final Decision's failure to deny the Project due to increases in downstream flooding and the explicit failure to consider flood impacts associated with a 100-year 24-hour storm is error. The Commissioner's focus on rates rather than flooding was error.

43. The Commissioner committed error when she stated that the Administrative Magistrate concluded, and the Plaintiffs apparently conceded that the discharge of an increased rate of stormwater flow after the Project is built is consistent with Stormwater Management Standard 2. This is error because the Magistrate's conclusion was rendered only on the basis of striking Dr. Kaiser's testimony as the only credible evidence from a competent source supporting its claims that the Project will generate flooding beyond the Project site. Once the Commissioner reinstated Dr. Kaiser's testimony this was an issue of material fact.
44. Plaintiffs contend that the City's data shows only increases in future flooding and fails to show there will be no increase in 100-year future flooding. The absence of any 100-year flooding figure in the Record is a simple matter of fact, and is not a dispute over the numerical value of the flooding increase. Neither the City nor the Department have made this mandatory demonstration of finding that there is no 100-year storm event impact. Because of this violation, Plaintiffs requested that the Department grant them an expedited Directed Decision in their favor on the matter of flooding and Stormwater Management Policy 2. The Commissioner's failure to recognize this request was error.

45. The Final Decision contained error when it found that Plaintiffs' direct case was insufficient to prevail.

COUNT III

The Commissioner's Decision Fails to Prevent Erosion Contained In The City's Design

46. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-45 above.
47. The Administrative Record included the City's Notice of Project Change submitted to MEPA in April 2001. The 2001 NPC contained a proposal for a pair of paved waterways or spillways connecting the Detention Basin and the Little River as part of the City's treatment system design. Plaintiffs submitted credible evidence that this design was superior to having no connecting spillways at all because of the common engineering concern that many earth dams have failed from overtopping when spillways proved too small to handle flood waters. The City's project design removed these spillways and replaced them with overland flow, including surface flows passing directly over the bank and into the Little River. Plaintiffs submitted credible evidence that the original design for paved spillways would have minimized the potential for surface and bank erosion. This was a question of material fact that the Magistrate and Commissioner failed to allow testimony to address.
48. The removal of the spillways within the river banks left unprotected by overflow from the basin will result in increased erosion according to the credible evidence of the Plaintiff.
49. The Commissioner's conclusion that the Plaintiffs did not offer sufficient factual support to show increased erosion due to the deletion of the full spillways was error and was based upon her failure to recognize that the deletion of an erosion control feature will result in an increase in erosion, especially for large volumes of overflow stormwater.

COUNT IV

The Project Requires A Variance For Fill Of Wetlands

50. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-49 above.
51. The Plaintiffs identified plans attached to Cambridge testimony as representing a proposal to alter bordering vegetated wetlands in excess of 5,000 square feet contrary to law.
52. The Commissioner's Final Decision adopted the Superseding Order of Conditions, as well as the original plans which "govern this project." The wetland delineation shown in the original plans also show disturbed vegetated wetlands in excess of 5,000 square feet, although to a lesser degree than later plans prepared by the City. The plans adopted by the Commissioner in her Final Decision demonstrate that a Variance is required as a matter of law if the Project is to proceed. No plan change has been filed.
53. The Commissioner's conclusion that Plaintiffs need not be concerned that additional fill not approved by the Superseding Order will be allowed based upon any other plans would appear to preclude any acceptance by Department of a change of plans that would show additional fill without going through the amendment process.
54. The construction of the Project and its erosion control mitigation as are now shown on current final design plans for the Project that will alter more than 5,000 square feet of bordering vegetated wetland on its face. To approve this Project is error.

COUNT V

The Final Decision Was Error And Arbitrary and Capricious Because It Made Findings Of Fact When There Was A Genuine Dispute As To The Facts.

55. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-54 above.

56. Credible evidence was submitted by Plaintiffs to establish a genuine dispute as to material facts related to the existence of post-construction flooding, the increase in downstream flooding, the failure of the erosion control design and the extent of practicable alternatives.
57. The Commissioner's Final Decision to assign weight to Plaintiffs' evidence and find that the City and Department's testimony was more credible is error when there are disputes as to material facts.
58. The Commissioner's Decision to deny Plaintiffs the right to present their testimony without cross-examination of the City and the Department's statements of fact was error.
59. In a Motion for Summary Decision, all of Plaintiffs' testimony must be deemed to be true. To rule and find otherwise is an error of law.
60. There were questions of fact regarding the lost flood storage for compensatory storage purposes.

COUNT VI

The Decision Was Not Supported By Substantial Evidence

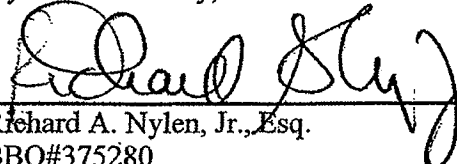
61. Plaintiffs repeat and incorporate by reference the allegations and facts contained in Paragraphs 1-60 above.
62. The Department's Final Decision was based upon finding that the Directed Decision was not error. The Directed Decision of the Magistrate was based upon the rejection of Plaintiffs' witness and his testimony.
63. There was substantial evidence that Plaintiffs' Opposition to the City's Motion for Summary Decision was supported by facts once its witness was reinstated and that the hearing should go forward.

RELIEF SOUGHT

For the reasons stated above Plaintiffs hereby request that the Court:

1. Declare that the Final Decision issued by the Commissioner is in excess of statutory authority, is unsupported by substantial evidence is error, and is otherwise not in accordance with law.
2. Issue an Order that the Records of the proceeding be brought before the Court in accordance with the Court's Standing Order 96-1.
3. Pursuant to M.G.L., c. 30A, §14, issue an Order finding that the Final Decision was error and not supported by substantial evidence and require the remand to DALA to hold a trial on the merits on the questions of fact and law.
4. Set aside the Commissioner's Final Decision.
5. Remand the case to DEP to determine whether a Variance is required for this project. If DEP determines against a variance at this time, remand the case to DALA to hold a trial on the merits of the questions of fact and law.
6. Enjoin the City from taking any action toward construction of any portion of the project until the matters of this appeal are resolved.
7. Grant any other equitable relief or remedies at law that the Court deems appropriate.

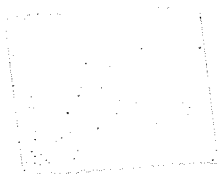
Respectfully Submitted,
CambridgePark Ten Citizens Group
By Their Attorney,


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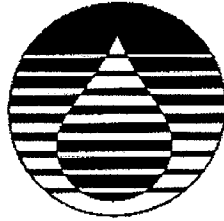
Dated: November 14, 2007

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EXHIBIT B



Massachusetts Water Resources Authority



Combined Sewer Overflow
Control Plan

Quarterly Progress Report
December 14, 2007

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1. Quarterly Progress Overview

This quarterly progress report is presented to comply with reporting requirements in the Federal District Court's Order in the Boston Harbor Case. For the combined sewer overflow ("CSO") projects referenced in the Court's Order and its schedule of milestones (Schedule Seven), the report summarizes progress made during the period from September 15, 2007, to December 14, 2007, identifies project schedules relative to corresponding Court milestones, and describes issues that have affected or may affect compliance with Schedule Seven.

Detailed descriptions of the CSO projects and identification of all corresponding Court milestones for design and construction are not presented in this report but can be found in MWRA's *CSO Annual Progress Report 2006*, dated March 2007. The Annual Report is available for public review on MWRA's website, at www.mwra.com.

Table 1 shows the status of implementation for each of the 35 projects that comprise the long-term CSO control plan as referenced in Schedule Seven. As shown in Table 1, MWRA and the CSO communities have completed 21 of the 35 projects, one more than reported in the last Quarterly Report. In November 2007, MWRA, with the cooperation of the City of Cambridge, completed floatables controls at City of Cambridge outfalls discharging to the Charles River Basin, bringing the various work under the Region-wide Floatables Control Project to completion.

Five of the remaining projects are in construction phases, including two projects - North Dorchester Bay CSO storage tunnel and Morrissey Boulevard storm drain - for which major construction efforts are underway and two projects - East Boston Branch Sewer Relief and Cambridge/Alewife Brook sewer separation - for which early construction work is completed and later phases of work are or will soon be in final design to produce additional construction contracts. The fifth project "in construction" involves the implementation and testing of operational improvements at the Prison Point CSO facility.

MWRA and its CSO member communities continued to make substantial design and construction progress in the past quarter, as described below. MWRA has also continued to monitor the performance of recently completed CSO projects, including the Union Park Detention/Treatment Facility, the BOS019 CSO Storage Conduit, and the operational modifications at the Prison Point CSO facility. All three facilities are operating as intended; a report on the Prison Point operational improvements is presented later in this report. The Boston Water and Sewer Commission ("BWSC") also continues to monitor the performance of sewer separation projects it has completed at South Dorchester Bay, and Stony Brook.

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Quarterly Progress Report - December 2007

The following are highlights of the progress MWRA and the CSO communities made on CSO control projects in the fourth quarter of 2007 and other key issues affecting project schedules. More information is provided in the individual project section of this report.

- On November 1, 2007, MWRA decommissioned its Fox Point and Commercial Point CSO facilities after receiving confirmation from BWSC that it had closed all related CSO regulators. BWSC closed the regulators after substantially completing the \$118.2 million South Dorchester Bay Sewer Separation project earlier this year. The completed project has eliminated CSO discharges to the beaches of South Dorchester Bay, including Malibu Beach, Savin Hill Beach and Tenean Beach. It involved the work of 15 construction contracts managed by BWSC over a period of 8 years beginning in April 1999. In that period, more than 135,000 linear feet of new storm drain were installed, along with miles of new sewer pipe, and several thousand building downspout connections were removed from the sewer system. MWRA funded the costs of the separation work under its CSO Memorandum of Understanding and Financial Assistance Agreement with BWSC.
- In November, the City of Cambridge substantially completed the construction contract to control floatables at its CSO outfalls along the Charles River, in compliance with Schedule Seven.
- MWRA continued to make considerable progress with construction of the \$149 million North Dorchester Bay CSO storage tunnel and with design of the related dewatering pump station, force main and remote odor control facility. MWRA's contractor began mining the tunnel with the tunnel boring machine on October 9, 2007. It has also completed much of the work to construct CSO and stormwater diversion structures and tunnel drop shafts at three of the existing outfalls.
- In September, MWRA received the 100% design plans and construction specifications for the largest of the East Boston Branch Sewer Relief project contracts, involving the installation of 14,500 feet of new interceptor sewers by microtunneling, with an estimated contract value of \$55.1 million. MWRA has also been working with outside agencies to obtain construction permits and develop traffic management plans associated with this contract. As discussed in more detail later in the report, MWRA continues to coordinate its work with ongoing or planned construction projects in East Boston by BWSC, the City of Boston, the Massachusetts Highway Department and KeySpan. Due to these other construction projects, much of which are occurring in the same areas and in the same time frame as the MWRA's CSO project, coordination and restrictions are creating significant challenges.

- MWRA continued to make substantial progress with design of the \$3.6 million Brookline Connection, Cottage Farm overflow chamber interconnection and Cottage Farm gate control project. This project is intended to reduce treated CSO discharges to the Charles River Basin at the Cottage Farm CSO facility. In October, MWRA received the Final Geotechnical and Hazardous Materials Assessment Report and the draft 100% design documents.
- MWRA continued to implement and test operational modifications recommended in its Prison Point CSO facility optimization study. The study report, submitted to EPA and DEP last March, recommended a set of changes to the facility's operating procedures that MWRA predicts will significantly reduce the frequency and volume of treated discharges to the Inner Harbor.
- BWSC continued to make progress with design of the \$63.1 million Reserved Channel sewer separation project and the \$4.7 million Bulfinch Triangle sewer separation project, which are intended to reduce CSO discharges to the Reserved Channel and the Charles River Basin, respectively.
- The Town of Brookline continued to make progress with design of the \$9.7 million Brookline sewer separation project, which is intended to reduce CSO discharges to the Charles River Basin.
- Progress on the \$102 million Alewife Brook CSO control plan did not move forward due to appeals related to the wetlands Superseding Order of Conditions issued by DEP for Contract 12. Since the last quarterly report, the citizen appellants filed an appeal in Massachusetts Superior Court on November 14, 2007. MWRA and the City of Cambridge are now discussing how best to proceed with design and construction of the remaining Alewife Brook project in light of the latest appeal.

2. Project Implementation

2.1 MWRA-Managed Projects

North Dorchester Bay Tunnel and Related Facilities

MWRA continued to make considerable progress with construction of the CSO storage tunnel and with design of the related dewatering pump station, force main and remote odor control facility.

On October 17, 2007, the contractor for the North Dorchester Bay storage tunnel commenced excavating the tunnel with the tunnel boring machine. The tunnel contractor has completed all of the drainage work at outfall BOS087 and has completed restoration and improvements at the Moakley Park ball fields that were disturbed during construction

activities associated with outfalls BOS085 and BOS086. Construction of the CSO and stormwater diversion structures and tunnel drop shafts at the other CSO outfalls along North Dorchester Bay is ongoing.

MWRA recently completed its review of the 60% design plans and specifications submitted by its design consultant on October 9, 2007, for the pumping station, force main and odor control facility related to the storage tunnel. The 90% design submission for these facilities is due in January 2008. The consultant continued design of the new force main on the revised alignment along East Broadway. The consultant completed the geotechnical program for the revised alignment in October, and it recently submitted the project's draft Geotechnical and Hazardous Materials Report to MWRA.

In addition, the consultant has commenced bathymetric surveys in North Dorchester Bay and internal inspections and core samplings of the CSO outfalls as part of the CSO Outfall Sedimentation Study. The study is intended to develop recommendations for ensuring that the outfalls will remain operationally reliable after the CSO storage tunnel is brought on-line and discharges through the outfalls are infrequent.

East Boston Branch Sewer Relief (BOS003-014)

In September 2007, MWRA's design consultant submitted the 100% design plans and specifications for Contract 6257, the largest of the three construction contracts for this project. Contract 6257, which is scheduled to commence in June 2008 in compliance with Schedule Seven, involves the installation of approximately 2.5 miles of new interceptor sewers by microtunneling along Border, Condor, East Eagle, Chelsea and Orleans Streets. Final construction documents for Contract 6257 are due by February 2008. The design consultant is also scheduled to submit the 50% design plans for Contract 6841, which involves replacement and upgrade of approximately 1 mile of sewers in the upstream reaches of the East Boston interceptor system, primarily using the pipe-bursting method. The third construction contract was completed in 2004 and primarily involved relining approximately 1 mile of MWRA's East Boston Branch Sewer along Bremen and Chelsea Streets.

In parallel with the final design efforts for the microtunneling contract, MWRA has continued to meet with outside agencies to coordinate the work and to obtain necessary construction permits. In October, MWRA met with the Boston Transportation Department to discuss traffic management and attended a hearing before the Boston Conservation Commission to secure a wetlands Order of Conditions, which was issued by the Commission on November 2.

MWRA has held several meetings with representatives of KeySpan over the past year to coordinate MWRA's jacking shaft and pipe installation on ConocoPhillips' land along Chelsea Street with the planned KeySpan installation of a 24-inch gas distribution main on the same parcel.

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KeySpan's construction is scheduled to occur from March 2008 to August 2008, and MWRA will not be able to occupy the ConocoPhillips property until KeySpan's work is completed.

MWRA held its last meeting with ConocoPhillips on November 15, 2007, to discuss MWRA's use of ConocoPhillips land off Chelsea Street for construction of Contract 6257. ConocoPhillips informed MWRA that once KeySpan is completed with their gas main installation in August 2008, ConocoPhillips itself must use the parcel through December 2008 for parking equipment and materials to support construction of a new petroleum tank on the other side of Chelsea Street. MWRA's contractor will not be able to access the ConocoPhillips parcel until January 2009 and instead will have to schedule the variously located relief sewer activities around this restriction to avoid construction schedule delay.

MWRA has also been meeting with BWSC during final design. BWSC awarded its contract for water, sewer and drain construction on Border and Condor Streets on July 19, 2007, and BWSC's contractor began physical construction in August 2007. In late November 2007, BWSC sent MWRA a letter stating the BWSC construction will be completed in the fall of 2008. MWRA's microtunneling contract shares much of the same alignment. Contract 6257 is scheduled to start in June 2008 and be completed by June 2010. MWRA is paying close attention to the overlap of these schedules during the summer and fall of 2008, to avoid delay.

The City of Boston advertised its contract for replacement of the Chelsea Street Bridge in September 2007. MWRA has been tracking this long-delayed project for many years relative to construction of the East Boston Branch Sewer Relief project. The City of Boston estimates that the existing Chelsea Street Bridge will be taken out of service for a 3 to 6 month period starting 21 months after issuance of the construction Notice to Proceed. Assuming Boston's notice to proceed is issued in early 2008, the existing Chelsea Street Bridge could be taken out of service toward the end of 2009, concurrent with MWRA's construction timeframe.

When the existing Chelsea Street Bridge is taken out of service, additional traffic will cross the Meridian Street bridge between Chelsea and East Boston, resulting in increased traffic volume on Condor and East Eagle Streets in East Boston. As MWRA's contractor must be working in these same streets during this time period, coordination with the City of Boston is critical.

MWRA is attempting to address the potential conflicts and necessary coordination with these other projects as it finalizes its construction documents.

**Brookline Connection and Cottage Farm
Overflow Chamber Interconnection and Gate**

MWRA's design consultant submitted the Final Preliminary Design Report and the Final Geotechnical and Hazardous Materials Assessment Report in September and October, 2007, respectively. The design consultant also submitted the draft 100% design documents in October.

MWRA held preliminary meetings with the Cambridge Conservation Commission in October and plans to submit Notices of Intent to the Boston and Cambridge Conservation Commissions in January 2008 for approval of work subject to the Wetlands Protection Act. MWRA recently sent copies of the draft 100% design documents to the Department of Conservation and Recreation (DCR) for its review of the work proposed on DCR land at Magazine Park in Cambridge and at Soldier's Field Road in Boston.

**Charles River Interceptor Gate Controls
and Additional Interceptor Connections**

On December 1, 2007, MWRA advertised a Request for Qualifications/Proposals for design services associated with this project. This project is intended to optimize hydraulic conditions within the interceptor system associated with the Cottage Farm CSO facility to minimize CSO discharges at Cottage Farm and at hydraulically related CSO outfalls along the Charles River. MWRA plans to award the design contract and issue a notice to proceed in January 2008, in compliance with Schedule Seven.

Optimization Study of Prison Point CSO Facility

Over the past quarter, MWRA has continued to implement and test improvements to the standard operating procedures at its Prison Point CSO facility to minimize the frequency and volume of treated discharges to the Inner Harbor. MWRA has completed the upgrades to the SCADA system and the implementation of control strategies, which MWRA is now testing during wet weather events.

MWRA will continue to operate the Prison Point facility in accordance with the recommended plan, and will continue to monitor the effects of the new operations on treated discharge volume, dry weather pump discharge volume, and the avoidance of any increase in untreated CSO discharges in hydraulically related systems. MWRA plans to submit a report on the results of its implementation and testing program by April 2008.

2.2 Community-Managed Projects

South Dorchester Bay Sewer Separation

By letter dated October 12, 2007, BWSC informed MWRA that it had closed all identified CSO regulators tributary to MWRA's Commercial Point and Fox Point CSO treatment facilities following its substantial completion of the South Dorchester Bay sewer separation project earlier this year. With this confirmation that CSO discharges to these facilities have been eliminated, MWRA took both facilities off-line on November 1, 2007. This was accomplished by closing the influent and effluent gates and removing the bypass weirs that were installed when the facilities were originally brought on-line more than 15 years ago. Removing the weirs allows flows to pass through the original outfall conduits that now serve as BWSC storm drains. MWRA notified EPA, DEP and BWSC of its intent to close the facilities by letter on October 19, 2007.

BWSC is continuing with private inflow source removal (downspouts disconnections) in the tributary areas to further reduce stormwater inflow in the sewer system. Since 2006, BWSC has metered flows in the separated sewer system and conducted hydraulic evaluations to verify whether hydraulic performance goals have been met. BWSC has completed its metering program and is evaluating the meter data to determine the effectiveness of its downspout removal program to date.

Morrissey Boulevard Storm Drain

A component of the North Dorchester Bay CSO control plan, the Morrissey Boulevard storm drain project is intended to direct some of the North Dorchester Bay stormwater away from MWRA's CSO storage tunnel to maximize the level of stormwater control along the South Boston beaches.

As previously reported, BWSC has completed the first construction contract, which involved a new diversion chamber that will allow stormwater flows now discharging to the South Boston beaches at outfall BOS087 to be diverted to Savin Hill Cove in storms greater than the 1-year design storm. (In smaller storms, the stormwater will be diverted to the North Dorchester Bay CSO storage tunnel.) Over the past quarter, BWSC made initial progress on the second, much larger, construction contract, which it commenced in September 2007. This contract primarily involves installation of the large storm drain (a 12-foot by 12-foot box conduit) along Morrissey Boulevard from Kosciuszko Circle to a new outlet at Savin Hill Cove. The contract is on schedule for substantial completion by June 2009, in compliance with Schedule Seven.

Reserved Channel Sewer Separation

Reserved Channel sewer separation is intended to minimize CSO discharges to the Reserved Channel by separating combined sewer systems in adjacent areas of South Boston. Implementation of the recommended sewer separation plan will reduce the number of overflows to the Reserved Channel from as many as 37 to 3 in a typical year.

BWSC has substantially completed the data collection phase, including field investigations, internal pipeline inspections, building inspections, geotechnical investigations and flow metering. BWSC expects to receive the preliminary design report from its design consultant in January 2008. The report will define the size, extent and location of new storm drains and sewers necessary to separate the sewers tributary to the four existing CSO outfalls along the Reserved Channel. It will also define the level of stormwater inflow that BWSC must remove from the sewer system to effect the required levels of control at the outfalls. Final design will commence after the preliminary design report is reviewed.

Bulfinch Triangle Sewer Separation

The goal of the Bulfinch Triangle sewer separation project is to minimize CSO discharges to the Charles River by separating combined sewer systems in the area of Boston roughly bounded by North Station, Haymarket Station, North Washington Street, Cambridge Street and immediate environs. The recommended sewer separation plan is intended to reduce the number of overflows to the Charles River, reduce overflows to the Prison Point CSO facility and close outfall BOS049.

Field investigations, building inspections and survey work are substantially complete. BWSC received the final Preliminary Design Report from its design consultant in September and authorized final design activities, which are now underway.

Brookline Sewer Separation

This project will separate sewers in several areas of Brookline, totaling 72 acres, where there are remaining combined sewers tributary to MWRA's Charles River Valley Sewer. The project is intended to reduce discharges to the Charles River from the Cottage Farm facility.

The Town of Brookline expects to receive the final preliminary design report from its design consultant later this month. Brookline plans to authorize final design services after review of the report.

Cambridge/Alewife Brook Sewer Separation

Due to a wetlands permit appeal previously reported, the City of Cambridge continued to be unable to commence design of either the CAM400 manhole separation project or the interceptor connection and floatables control installations at various Alewife Brook outfalls, which were required by Schedule Seven to start by July 2006. Accordingly, Cambridge was unable to commence construction of the CAM400 manhole separation project, and was also unable to commence construction of the CAM004 stormwater outfall and detention basin, both required by Schedule Seven to start by July 2007.

DEP issued a final decision closing the administrative appeal process on October 16, 2007. However, the appellants have since filed an appeal of that decision in Massachusetts Superior Court, in part requesting the Court to enjoin the City of Cambridge from taking any action toward construction of any portion of the project until the matters of the appeal are resolved. MWRA and the City of Cambridge are now discussing how best to proceed in light of the November 14 appeal.

2.3 Region-wide Floatables Control and Outfall Closing Projects

The Region-wide Floatables Control and Outfall Closing Projects comprises various recommended means to remove nuisance conditions and other impacts associated with floatable materials and other solids in CSO discharges. MWRA's recommendations included reducing CSO discharges to rare occurrences (i.e. no discharge in a typical rainfall year); retrofitting the more active CSO regulators or outfalls with a floatables control device, such as an underflow baffle in the regulators; or permanently eliminating CSO discharges to the outfall.

Under the "Region-wide" project, these recommendations were implemented at CSO outfalls not associated with other CSO control projects. For other outfalls, floatables controls are part of the work of each project. For instance, the Chelsea Trunk sewer replacement project, completed in 2000, included the installation of floatables controls (underflow baffles) at outfalls CHE002, CHE003 and CHE004.

MWRA and BWSC completed the work for Region-wide Floatables Control at their respective outfalls several years ago (by May 2001), in compliance with Schedule Six. Cambridge outfalls in this project are limited to four outfalls along the Charles River, including CAM007, CAM009, CAM011 and CAM017, and are the subject of revised milestones that were incorporated into Schedule Seven in 2006. Floatables controls at Cambridge's outfalls along the Alewife Brook will be implemented with the projects that comprise the Alewife Brook CSO control plan.

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In November 2007, the City of Cambridge substantially completed the construction contract to control floatables at the Charles River outfalls, in compliance with Schedule Seven. The controls included underflow baffles that were installed at outfalls CAM007 and CAM017 and the closing of outfalls CAM009 and CAM011, which Cambridge earlier discovered were nearly blocked with debris. Cambridge intends to monitor system conditions near CAM009 and CAM011 over the next two years to verify no adverse hydraulic effect. With completion of this Cambridge work, Region-wide Floatables Controls are now fully implemented.

Table 1. CSO Project Progress

		Status as of December 14, 2007		
		IN DESIGN	IN CONSTRUCTION	COMPLETE
MWRA Contract	CSO Projects in Schedule Seven			
MWRA Managed Projects				
N. Dorchester Bay Tunnel	N. Dorchester Bay CSO Storage Tunnel and Related Facilities	X	X	
N. Dorchester Bay Facilities				
Pleasure Bay Storm Drain Improvements				X
Hydraulic Relief Projects	CAM005 Relief			X
	BOS017 Relief			X
East Boston Branch Sewer Relief		X	X	
BOS019 CSO Storage Conduit				X
Chelsea Relief Sewers	Chelsea Trunk Sewer Relief			X
	Chelsea Branch Sewer Relief			X
	CHE008 Outfall Repairs			X
Union Park Detention/Treatment Facility				X
CSO Facility Upgrades and MWRA Floatables	Cottage Farm Upgrade			X
	Prison Point Upgrade			X
	Commercial Point Upgrade			X
	Fox Point Upgrade			X
	Somerville-Marginal Upgrade			X
MWRA Floatables and Outfall Closings				X
Brookline Connection and Cottage Farm Overflow Interconnection and Gate		X		
Charles River Interceptor Gate Controls and Additional Interceptor Connections		Start 1/08		
Optimization Study of Prison Point CSO Facility			(1)	
Community Managed Projects				
South Dorchester Bay Sewer Separation				X
Stony Brook Sewer Separation				X
Neponset River Sewer Separation				X
Constitution Beach Sewer Separation				X
Fort Point Channel Sewer Separation and System Optimization				X
Morrissey Boulevard Storm Drain			X	
Reserved Channel Sewer Separation		X		
Bulfinch Triangle Sewer Separation		X		
Brookline Sewer Separation		X		
Somerville Baffle Manhole Separation				X
Cambridge/Alewife Brook Sewer Separation	CAM004 Outfall and Basin	X		
	CAM004 Sewer Separation	X	X	
	CAM400 Manhole Separation	TBD		
	Interceptor Connection Relief/Floatables	TBD		
	MWR003 Gate and Rindge Ave. Siphon	TBD		
Region-wide Floatables Control and Outfall Closings				X

TBD = Start date not determined, pending review of latest wetlands appeal.

(1) The Prison Point study, completed in March 2007, recommended operational improvements that MWRA has begun to implement. MWRA expects to complete full implementation and testing of the improvements by Spring 2008.