

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

.....

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.

.....

CONSERVATION LAW FOUNDATION OF
NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendants .

.....

MWRA QUARTERLY COMPLIANCE AND
PROGRESS REPORT AS OF June 15, 2015

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from March 14, 2015 to June 15, 2015 and supplementary compliance information in accordance with the Court's order of December 23, 1985 and subsequent orders of the Court.

CIVIL ACTION
No. 85-0489-RGS

CIVIL ACTION
No. 83-1614-RGS

I. Schedule Seven.

Schedule Seven activity for the month of March 2015 on the Court's Schedule Seven, certified by Frederick A. Laskey, Executive Director of the Authority, is attached hereto as Exhibit "A."

A. Activities Completed.

1. Annual Combined Sewer Overflow Report.

The Authority submitted its 2014 annual combined sewer overflow ("CSO") progress report on March 13, 2015, in compliance with Schedule Seven.

B. Progress Report.

1. Combined Sewer Overflow Program.

a. Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief.

The construction contract for Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief (the "MWR003 project") is approximately 85 percent complete and is on schedule to be completed by October 2015 in compliance with Schedule Seven. The MWR003 project is intended to improve the hydraulic performance of the Authority's Alewife Brook interceptor system, help control flooding in tributary community sewers in large storms, and support the attainment of the long-term levels of control for CSO discharges to Alewife Brook.

As reported last quarter, the contractor had completed installation of the 48-inch diameter replacement siphon and secured the abandoned 30-inch diameter siphon pipe with concrete filling. By the end of March, the contractor completed hydraulic testing of the new siphon and brought it into full service, allowing the contractor to remove the temporary pumps and piping that enabled the by-passing of flows between the regulator structures during siphon replacement.

In the past quarter, the contractor also completed the major structural modifications to CSO regulator structures RE031 and RE032; the installation and hydraulic testing of the automated overflow weir gate, an outfall flap gate and an underflow baffle for floatables control in RE031; new stop log grooves in RE032; new top slabs and entry hatches on both structures; and the backfilling of the related excavations, to grade. The contractor recently cleaned and spray lined the interiors of both structures to inhibit hydrogen sulfide corrosion of the concrete surfaces. The contractor has installed the gear drive on the new weir gate, which allows manual operation in the event of a disruption to the electrical power source, and plans to install the electric motor used for automated control of the weir gate once Eversource (formerly, NStar) extends electric service to the site. Eversource has scheduled its construction to commence on June 4, 2015 and be completed over two weeks time.

The contractor also installed the instrumentation and electrical load center cabinets and on-site underground electrical conduits for the planned installation of instrumentation controls and the Eversource electric

transformer that will control and power the automated gate. The Authority's contractor has scheduled cable installation and electrical wiring activities for the month of July.

The Supervisory Control and Data Acquisition (SCADA) system that will provide MWRA Operations with off-site control and monitoring of the automated gate and wastewater flow levels requires a Verizon communication service extension to the site. Verizon must obtain a permit from the City of Cambridge before its work can begin, and Verizon anticipates receiving permit approval from the Cambridge Pole and Conduit Committee at its next hearing on June 18, 2015.

All elements of the MWR003 project are on schedule for completion by October 2015 in compliance with Schedule Seven. The Authority will continue to coordinate closely with Eversource and Verizon to ensure that the utility service work is completed on schedule.

a. CAM004 Sewer Separation.

The City of Cambridge has continued to make progress with the four construction contracts (contracts 8A, 8B, 9 and Concord Lane) that comprise the remaining work of the CAM004 sewer separation project. Cambridge continues to manage, coordinate and sequence the work of all four contracts and related utility relocations and traffic management to control construction impacts and bring the project to completion by December 2015 in compliance with Schedule Seven.

The \$3.4 million Concord Lane construction contract, of which approximately \$1.7 million is related to sewer separation and CSO control and is eligible for Authority funding, is the last of the four CAM004 sewer separation contracts awarded by the City of Cambridge. As previously reported, the City of Cambridge and the property owner of Concord Lane and abutting commercial property including Fresh Pond Mall agreed to the terms of right of entry agreement ROE#3, which allow Cambridge and its contractor access to Concord Lane to perform the construction work. The City of Cambridge and the property owner signed ROE#3 in March.

Cambridge issued a notice to commence construction to its Concord Lane contractor on March 27, 2015, allowing the contractor to commence early work such as submittals. On May 21, 2015, the contractor also signed ROE#3 and commenced the CSO-related work. The contract requires the contractor to complete the CSO-related work by September 2015 to allow the Contract 9 contractor to complete follow up work, including removal of stormwater from the sewer system and redirection of the stormwater flows to Cambridge's Alewife Wetland and the Little River by December 2015, in compliance with Schedule Seven.

As previously reported, Cambridge attained substantial completion of the \$17.8 million Contract 8A (the Authority's share is \$10.5 million) last year. This contract includes the separation of combined sewers in a 68-acre area immediately east of Fresh Pond Parkway, from Fresh Pond to Brattle Street. The contractor is continuing with surface restoration work and environmental

improvements, including porous pavements, stormwater bio-basins, trees and other plantings, which is expected to continue through September 2015.

The \$31.2 million Contract 8B (the Authority's share is \$17.8 million), includes the separation of combined sewers in Huron Avenue and several intersecting streets to separate combined sewers in an 83-acre area east of the Contract 8A work area, extending as far east and north as Concord Avenue and as far south as Brattle Street. Contract 8B commenced in September 2013, and the CSO related work of the contract is now approximately 90 percent complete.

In the past quarter, the contractor made progress with the installation of storm drain laterals on Appleton, Chilton, Fayerweather and Reservoir streets; Granville Road, Royal Avenue and Vassal Lane. The contractor also installed water mains on Gurney, Fayerweather, Reservoir and Blakeslee streets and Lincoln Lane.

Based on the contractor's progress to date, Cambridge expects the contractor to complete the CSO-related work of Contract 8B by September 2015 which will be necessary to allow a 3-month window for the Contract 9 contractor to complete subsequent, related sewer and storm drain work by December 2015 in compliance with Schedule Seven. Cambridge expects to continue the surface restoration work of Contract 8B through December 2016.

The \$24.4 million Contract 9 (the Authority's share is \$5.8 million), involves the separation of combined sewers in a 60-acre area north of Contracts 8A and 8B and extending from Fresh Pond Parkway in the west to

the intersection of Concord Avenue and Huron Avenue in the east. Contract 9 commenced in February 2014, and the CSO related work of the contract is approximately 73 percent complete.

In the past quarter, the contractor continued with the installation of storm drains and sewers on Garden and Chilton Streets, as well as the installation of water mains on Chilton, Field and Fern streets and Bay State Road. Cambridge expects that the CSO related work of Contract 9 will be substantially complete by December 2015, in compliance with Schedule Seven, assuming the continuing effective implementation of the Contract 8B recovery schedule described in past reports. Cambridge expects to continue the surface restoration work of Contract 9 through August 2016.

All elements of the CAM004 sewer separation project are on schedule for completion by the December 2015 milestone. Cambridge continues to coordinate with Eversource Electric and Eversource Gas so that its contractors can progress with the CSO related work in compliance with the milestone.

b. Reserved Channel Sewer Separation.

As previously reported, the Boston Water and Sewer Commission (“BWSC”) completed five of the nine planned contracts for the Reserved Channel Sewer Separation project - the \$4.1 million Contract 1, which included the rehabilitation of all four BWSC CSO outfalls that discharge to the Reserved Channel so as to provide long-term reliability and adequate capacity to carry the separated stormwater flows; the \$5.9 million Contract 2, which included the separation of the combined sewers in a 55-acre area tributary to

outfall BOS080; the \$1.2 million Contract 7, which was the first of two sequential pavement restoration contracts; the \$11.8 million Contract 3A, which included sewer separation in a 33-acre area tributary to outfall BOS076 bounded approximately by West First Street, G Street, West Broadway and E Street; and the \$12.8 million Contract 3B, which included sewer separation in a 66-acre area of South Boston approximately bounded by East First Street, N Street, East Third Street and Dorchester Street, and including Elkins Street and Summer Street to the edge of the Reserved Channel.

During the past quarter, BWSC attained substantial completion of the \$11.4 million Contract 4, the last of four major sewer separation contracts (contracts 2, 3A, 3B and 4) for this project. Contract 4 included sewer separation in two large areas of South Boston totaling 182 acres tributary to outfalls BOS076, BOS078 and BOS079. One of the two areas lies south of the Reserved Channel and is approximately bounded by G Street, East Third Street, N Street, Emerson Street and East Fourth Street. The second area lies west of the Reserved Channel, close to the Boston Convention and Exposition Center ("BCEC"), and is approximately bounded by the Reserved Channel, West Broadway, G Street and the BCEC.

In April 2015, BWSC resumed Contract 8, the second of the two pavement restoration contracts that follow the work of the various sewer separation contracts, after suspending the pavement work during the winter season. BWSC expects that its contractor will continue the paving operations

through the end of July 2015, and then take a short hiatus before completing the paving of East Fourth and M streets in September and October, 2015.

Contract 5, which includes pipe cleaning and lining services to rehabilitate some older sewers in the Reserved Channel project area that will remain in service for the long term, is approximately 82 percent complete for the cleaning work and television inspections and approximately 40 percent complete for the pipe lining work. Contract 5 does not directly contribute to the CSO control objective of the Reserved Channel project and is therefore funded solely by BWSC. The contractor has resumed work after a winter suspension, and BWSC expects Contract 5 to be substantially complete by November 2015.

The \$211,000 Contract 6 includes the disconnection of remaining roof drain downspouts connected to the sewer system in the Reserved Channel project area. Most (approximately 75 percent) of the building downspouts in the area were disconnected by BWSC prior to the project or as part of the work of sewer separation contracts 3A, 3B and 4. Since commencing Contract 6 in January 2015, the contractor has completed all of the downspout removals where BWSC has been able to obtain waivers from the property owners for work on private property. Removal of downspout connections to the sewer system contributes to the level of CSO control. BWSC's legal department is in the process of issuing third notices to the few property owners who have not yet signed waivers. BWSC expects Contract 6 to be substantially complete by October 2015.

All elements of the Reserved Channel sewer separation project are on schedule for completion by December 2015 in compliance with Schedule Seven.

c. Recent Media Reports on the Water Quality of Boston Beaches.

In late May, several Metropolitan Boston area media outlets, including *The Boston Globe*, published articles reporting that the waters of metropolitan Boston's beaches are now among the cleanest urban beach waters in America, "cleaner even than the iconic sun-splashed tourist meccas of Waikiki Beach in Honolulu and South Beach in Miami, according to a new report by a local environmental group" (*The Boston Globe*, 5/23/15). As mentioned in the articles, the report, by Save the Harbor/Save the Bay ("SH/SB"), the Boston-based environmental advocacy group, analyzed thousands of daily or weekly bacteria samples collected by the Massachusetts Department of Conservation and Recreation from 15 public beaches in nine communities, from Nahant and Lynn on the North Shore to Quincy and Hull on the South Shore. The results showed that, on average, the various beaches were safe for swimming 96-100 percent of the time last summer, with 100 percent of the samples meeting the swimming standard at the South Boston beaches.

The *Globe* quoted Bruce Berman, Director of Strategy, Communications and Programs at SH/SB, as stating that the beaches in the Boston area are significantly better than they were 20 years ago, and significantly better than most of the urban beaches in the country. In the article, Berman attributed the water quality improvements to the cleanup of Boston Harbor. The *Globe*

article recognized the Deer Island wastewater treatment plant as the major reason that Boston Harbor is cleaner, and also noted the environmental benefits of the CSO storage tunnel “under Day Boulevard in South Boston.”

The Authority takes pride in the articles and report, and also in the many supportive and laudatory Globe-published comments from readers. One reader wrote, “It took a Federal Court order to force us to clean up our beaches - and at the end of the day, it is a job well done.” Another wrote, “These beaches are tremendous resources for local residents. Cleaning up the beaches, improving the quality and safety of the water, and maintaining the improvements has been a resounding success.”

d. The Charles River Report Card for 2014.

The United States Environmental Protection Agency (“EPA”) gave a grade of “B+” for water quality in the Charles River during 2014 at its 2015 Charles River Report Card event, the 20th year EPA has issued a Charles River Report Card. The water quality of lower Charles River has improved dramatically from the commencement of EPA’s Charles River Initiative in 1995, when the river received a grade of “D.” Since the late 1980s, annual CSO discharges to the Charles River have been reduced 99 percent from 1.74 billion gallons to 19.6 million gallons with approximately 85 percent being treated at the Authority’s Cottage Farm CSO Facility.

Various stakeholders recognized the tremendous progress that has been made, while noting that more work needs to be done. “This year’s B+ Grade marks two decades of water quality improvement efforts on the Charles River,”

said EPA Regional Administrator Curt Spalding. City of Boston Mayor Marty Walsh said that “while we still have work to do, this year's report is a testament to the progress we have made through coordinated efforts with our federal, state and local partners.” Bob Zimmerman, Executive Director of the Charles River Watershed Association (“CWRA”) added that “CRWA has been working to restore this once forgotten river for the past 50 years. It is wonderful to mark the improvements in water quality that have occurred over this time.” The Authority’s Executive Director Frederick Laskey noted that “it’s gratifying to see that the investments we’ve made in the Charles River have resulted in such wonderful benefits to the residents of greater Boston.”

Respectfully submitted,

/s/ Jonathan M. Ettinger
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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 June 15, 2015.

/s/ Jonathan M. Ettinger
Jonathan M. Ettinger (BBO #552136)
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Dated: June 15, 2015

EXHIBIT A

SCHEDULE SEVEN

MWRA MONTHLY COMPLIANCE REPORT

Schedule Seven Milestones for March 2015

EXHIBIT "A"

**NEW BOSTON HARBOR
SECONDARY
TREATMENT PLANT**

MONTH/YEAR

CSO CONTROL

**LONG-TERM
SLUDGE MANAGEMENT**

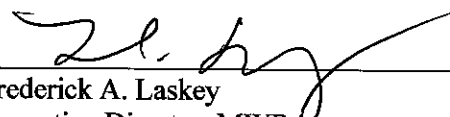
March 2015

MWRA to submit annual report which describes progress in planning, design, and construction of each CSO project, and identifies any issues which may interfere with timely completion of any project.³¹

(Completed – See June 15, 2015 Compliance and Progress Report.)

Certification of Completed Activities

By:



Frederick A. Laskey
Executive Director, MWRA

Date: June 15, 2015