

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 .

.....

CIVIL ACTION  
No. 85-0489-RGS

CIVIL ACTION  
No. 83-1614-RGS

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

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from September 16, 2015 to December 15, 2015 and supplementary compliance information in accordance with the Court's order of December 23, 1985 and subsequent orders of the Court.

I. Schedule Seven.

Schedule Seven activity for the month of October 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. Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief.

The Authority attained substantial completion of the Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief project (the "MWR003 Project") on October 28, 2015, in compliance with Schedule Seven. All components of the project, including the automated gate and related instrumentation and controls, the underflow baffle for floatables control and the 48-inch replacement siphon, are fully operational.

The Authority's contractor continues to complete the remaining construction punch list items and restoration of the work site in accordance with conditions in the construction permits from the Massachusetts Department of Conservation and Recreation and the Cambridge Conservation Commission.

The MWR003 project supports the attainment of the long-term levels of control for CSO discharges to Alewife Brook in part by improving the hydraulic performance of the Authority's Alewife Brook interceptor system by enhancing the sharing of flow between the parallel Alewife Brook Sewer and Alewife Brook Conduit through the upgraded Rindge Avenue siphon interconnection.

The automated weir gate and upgraded siphon are also intended to mitigate the

potential for flooding in tributary community sewer systems by providing extreme storm system relief in conjunction with the closing of Outfall CAM400 in 2011 and the planned closing of nearby outfall CAM004 later this month.

B. Progress Report.

1. Combined Sewer Overflow Program.

a. Reserved Channel Sewer Separation.

According to the Boston Water and Sewer Commission (“BWSC”), it attained substantial completion of the last of the nine construction contracts for the \$72.6 million Reserved Channel sewer separation project on December 11, 2015, in compliance with Schedule Seven. With completion of this project, all stormwater flows removed from the BWSC and Authority sewer systems in the project area now drain to the Reserved Channel. In accordance with the Authority’s approved Long-Term CSO Control Plan, the project is intended to reduce the annual number of CSO activations to the Reserved Channel from 37 events to 3 events and the total annual CSO discharge volume from 28 million gallons to 1.5 million gallons, in the typical rainfall year, a 95% reduction by volume. This level of control brings the CSO discharges into compliance with the Massachusetts Water Quality Standards designation of B(cso) for the Reserved Channel.

As previously reported, BWSC earlier completed all four major sewer separation contracts (contracts 2, 3A, 3B and 4), as well as rehabilitation of the four CSO outfalls that will carry the separated stormwater flows to the

Reserved Channel along with the remaining CSO flow (Contract 1) and the first of two pavement restoration contracts (Contract 7). In the past quarter, BWSC substantially completed Contract 5, which included 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. Contract 5 does not contribute to or otherwise affect the level of CSO control. BWSC also substantially completed the previously reported remaining building roof drain disconnections in Contract 6, as well as the remaining pavement restoration work (Contract 8).

With this project, BWSC separated its combined sewers serving a 365-acre area of South Boston. The work primarily involved the construction of new storm drains to capture runoff from streets, parking lots and other properties. BWSC installed approximately 44,400 linear feet (8.4 miles) of new mainline storm drain pipe and an additional 19,375 linear feet (3.7 miles) of smaller diameter drain connections. BWSC also installed or rehabilitated approximately 17,400 linear feet (3.3 miles) of sanitary sewer. To provide assurance of achieving the intended level of stormwater inflow removal and associated CSO control, BWSC also disconnected hundreds of building roof drains and downspouts from the sewer system.

b. CAM004 Sewer Separation

According to the City of Cambridge, with actions it has taken and the resulting progress its construction contractors have made in the past quarter, together with its continuing efforts, it plans to complete the CAM004 sewer separation later this month in compliance with Schedule Seven. All of the CSO

related work of the \$18.2 million Contract 8A and the \$3.4 million Concord Lane contract is complete. Cambridge expects to complete the remaining CSO work of the \$33.2 million Contract 8B by December 18 with no impact to the schedule of remaining CSO work of the last contract, the \$24.6 million Contract 9, which is also nearly complete as scheduled.

In its September 15, 2015 Compliance and Progress Report, the Authority reported that the City of Cambridge had experienced delays and faced additional work in its construction contracts for this project. The delays and additional work had compromised Cambridge's ability to complete the project by the December 2015 milestone. In response, the Court requested in its order of September 17, 2015, that the Authority and Cambridge provide the Court with an on-site tour and briefing on the status and progress of the work.

On November 2, 2015, Commissioner Owen O'Riordan of the Cambridge Department of Public Works, the Authority's Executive Director, Fred Laskey, and other City and Authority representatives met with Judge Stearns and his staff on the project site. At this briefing, Cambridge reported that it had taken steps to accelerate its contractors' work and described recent progress gains that had brought the project back on schedule. Cambridge also described the remaining CSO related work and its schedule for completing the project by December.

The CAM004 Sewer Separation project comprises four construction contracts (8A, 8B, Concord Lane and 9) intended to separate Cambridge's combined sewer systems in a 211-acre area in the Huron Avenue and Concord

Avenue neighborhoods, east of Fresh Pond Parkway. Along with the recent progress to complete these contracts, Cambridge has been performing water quality testing, related investigations and remediation work to locate and remove any remaining illicit sanitary connections or other sanitary contamination to its storm drain system.

The final Contract 9 work to modify downstream CSO and stormwater structures to remove and redirect the separated stormwater flows is well underway and nearing completion. Remaining work includes structural modifications to a stormwater junction chamber on Wheeler Street and “Drain Vault 5” in the Concord Avenue rotary, which Cambridge plans to complete by December 24, 2015.

With completion, stormwater flows will be redirected to the Alewife Wetland for detention and wetlands treatment prior to discharge to the Little River/Alewife Brook. The various Cambridge contracts call for surface restoration work, including “green” stormwater runoff controls, sidewalk reconstruction and street paving, to continue through 2016 and into 2017. The Authority and its CSO communities have been constructing the projects in the approved Long-Term Control Plan for 20 years, beginning in 1996. Completion of the CAM004 sewer separation project later this month brings to completion all of the Long-Term CSO Control Plan’s 35 projects.

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 December 15, 2015.

/s/ Jonathan M. Ettinger  
Jonathan M. Ettinger (BBO #552136)  
Jettinger@foleyhoag.com

Dated: December 15, 2015

**EXHIBIT A**



**SCHEDULE SEVEN**

**MWRA MONTHLY COMPLIANCE REPORT**

Schedule Seven Milestones for October 2015

**EXHIBIT "A"**

**NEW BOSTON HARBOR  
SECONDARY  
TREATMENT PLANT**

**MONTH/YEAR**

**CSO CONTROL**

**LONG-TERM  
SLUDGE MANAGEMENT**


October 2015

MWRA to complete construction of control gate and floatables control at outfalls MWR003, and MWRA Rindge Avenue Siphon relief.

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

**Certification of Completed Activities**

By:

  
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Frederick A. Laskey  
Executive Director, MWRA

Date: December 15, 2015