

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

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

.....

MWRA QUARTERLY COMPLIANCE AND
PROGRESS REPORT AS OF DECEMBER 15, 2005

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from September 16, 2005 to December 15, 2005 and supplementary compliance information in accordance with the Court's order of December 23, 1985 and subsequent orders of the Court.

I. Schedule Six

A status report for the scheduled activities for the month of September 2005 on the Court's Schedule Six, certified by Frederick A. Laskey, Executive Director of the Authority, is attached hereto as Exhibit "A."

A. Activities Not Completed.

1. Union Park Detention and Treatment Facility.

As anticipated, the Authority was unable to meet the milestone for the completion of construction for the Union Park detention and treatment facility. The Authority was unable to meet this milestone because of delays associated with soil contamination discovered within the foundation of the abandoned 1914 pump station, suspension of work during the Democratic National Convention, differing site conditions in the detention basins, design changes associated with Boston Water and Sewer Commission's ("BWSC") electrical pumps five and six, and additional work to bring new electrical service to the site.¹ The Authority has granted the contractor time extensions to September 23, 2006. The Authority is currently evaluating a request for an additional extension of time for delays which could extend the schedule for completion from September 23, 2006 to December 31, 2006. This additional delay is largely due to the critical nature of rehabilitating the existing flood control facility while maintaining facility operation and carefully phasing in

¹ See Compliance and Progress Report for September 15, 2005, pp. 9-11; Compliance and Progress Report for June 15, 2005, pp. 11-12; Compliance and Progress Report for March 15, 2005, pp. 9-10; and Compliance and Progress Report for December 15, 2004, pp. 9-10.

new components of the work, including storm event testing, prior to demolishing existing facility components.

As of the end of November 2005, work on the construction project is approximately 87-percent complete. Construction of the underground concrete detention basins and effluent channels, including waterproofing of the roofs, is complete, and the backfilling operation has commenced. Work on the structural steel, masonry block and brick facade and membrane roof of the new combined sewer overflow ("CSO") detention and treatment building is also complete; only windows and doors remain to be installed. Inside the new facility, the contractor completed installing two coarse and four fine screens, 13 sluice gates, six overflow weir gates, six flushing gates, six odor control vessels and fans, four sample pumps, four automatic backwash strainers, new boilers and new air handling units. Work continues on process piping, plumbing, fire protection, HVAC duct work, odor control ductwork and electrical work in both the new CSO building and the existing pump station. The new electric service, including new transformer, switchgear, two motor control centers and new emergency generator are installed, tested and operational. Transfer of critical equipment from the existing electric service onto the new electric service is underway. In addition, as part of the BWSC improvements to the existing pump station, the contractor completed installing and testing new electrical pumps five and six, which replace existing electric pump one. With the completion of electrical pumps five and six, the contractor

was able to commence demolition of existing pump one to make room for a new turbine driven pump one.

In February, the contractor expects to prepare for testing of the new influent flow path and activate a portion of the new CSO treatment facility. At that time, the new influent conduit, sluice gates, coarse screens and emergency overflow weir gates will be placed into service. Testing and acceptance of a portion of the new CSO treatment facility will allow the contractor to demolish portions of the existing pump station and construct the remainder of the project. This phase of the work is considered Structural Modifications Phase II, which consists of construction of the new chemical feed facilities, hydraulic control room and instrumentation systems, and is estimated to take six months to complete. Once this work is complete, the Authority estimates that it will take four months to complete testing of the facility.

2. Interceptor Relief for BOS003-014.

As expected, the Authority was unable to meet the milestone for the completion of construction for the interceptor relief for BOS003-014. As indicated in more detail in its last quarterly compliance and progress report, the Authority suspended final design work in 2002 on two of the three construction contracts it proposed to undertake to reduce discharges at outfalls BOS003-014 in East Boston in its 1997 Final CSO Facilities Plan and Environmental Impact Report (the "1997 Plan") and performed a reassessment,

which was substantially completed at the end of 2003 and subsequently refined in 2004.²

The reassessment confirmed that the original interceptor relief project, at a total cost of \$68 million, more than twice the cost estimate in the 1997 Plan, was still the most cost-effective alternative and would reduce CSO discharges at all of the East Boston CSO outfalls so that class SB water quality standards would be met more than 95 percent of the time, which is consistent with the 1997 Plan and the current class SB^{CSO} water quality classification.

As noted last quarter, the Authority proposed revising the milestone for completion of construction of interceptor relief for BOS003-014 as part of negotiations with United States Department of Justice ("DOJ"), the United States Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("DEP") on its overall long-term CSO control plan.

B. Progress Report.

1. Combined Sewer Overflow Program.

(a) Long-Term CSO Control Plan.

Since last reporting, the Authority continued to work with DOJ, EPA and DEP with the hope of reaching a final agreement on the appropriate level of

² See Compliance and Progress Report for September 15, 2005, pp. 11-14; CSO Annual Progress Report 2004, pp. 23-28 submitted March 15, 2005; Compliance and Progress Report for March 15, 2004, pp. 4-5; Compliance and Progress Report for June 16, 2003, pp. 5-7; and the Special Report Concerning Construction of Interceptor for BOS003-014 submitted April 26, 2002.

CSO control and recommended plans for all outstanding issues associated with its overall Long-Term CSO Control Plan in time to submit a Joint Motion to Amend Schedule Six with this filing. Although the parties have not reached final agreement, the Authority, DOJ, EPA and DEP have worked cooperatively over the last three months and have been able to resolve all the major issues. There remains one item, relating to the Prison Point CSO facility about which DOJ and EPA have asked for additional information. The Authority has provided the requested information. The matter is being reviewed by EPA and DOJ and the Authority will continue to work with DOJ and EPA to resolve the item in question and will promptly provide any supplemental information requested. Based on discussions with DOJ, EPA, and DEP, the Authority remains optimistic that the remaining item will be resolved within the next several weeks. Thereafter, the Authority anticipates that the Authority and the United States will file a joint motion to amend Schedule Six.

(b) Cambridge Sewer Separation.

As reported in the last compliance and progress report, the City of Cambridge's progress with the implementation of the revised sewer separation plan is dependent upon the implementation of Contract 12, which involves the new storm drain outfall and stormwater wetland detention basin necessary to support the sewer separation in the CAM004 area and the closing of the

CAM004 regulator.³ In order to construct the wetland detention basin, the City of Cambridge must obtain wetland related approvals which have been delayed due to an appeal of a Superseding Order of Conditions that was issued by DEP on March 31, 2005. The Commonwealth's Division of Administrative Law Appeals held a prehearing conference on November 18, 2005 and issued a Scheduling Order that included hearing dates on May 31, June 1, 7 and 8 of 2006. The Authority and the City of Cambridge have predicated the current construction schedule for all the Cambridge related milestones with the exception of the three related to floatables control, on receiving the necessary wetland approvals in June 2006.

In its discussions with DOJ, EPA and DEP on the appropriate level of CSO control and recommended plans for the Alewife Brook/Upper Mystic River, the Authority has proposed construction milestones for Contract 12 and the related sewer separation projects in Cambridge based on receiving the necessary wetland approvals in June 2006. If the City of Cambridge is unable to receive the necessary wetland approvals by June 2006, there will be a day for day delay for each of the construction milestones for Contract 12 and the related sewer separation projects.

³ See Compliance and Progress Reports dated 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.

(c) Quarterly CSO Progress Report.

In accordance with Schedule Six, the Authority submits as Exhibit "B" its Quarterly CSO Progress Report (the "Report"). The Report summarizes progress made in design and construction on the CSO projects during the past quarter and identifies issues that affect or may affect compliance with Schedule Six.

2. Residuals Back-Up Plan.

(a) Walpole Landfill Site.

Within the past two months, the Authority has been approached by the Town of Walpole concerning the Town's desire to make use of a part of the landfill site owned by the Authority in the Town as playing fields for youth sports activities. The Authority has advised the Town that a restriction in the deed to the Authority from the Commonwealth would cause the title to the property to revert to the Commonwealth if the site were to be devoted to any use other than as a landfill, as and if necessary, for the Authority's wastewater treatment plant residuals. Shortly after those discussions, the Authority learned that a bill had been submitted to the Legislature which would have authorized the Division of Capital Asset Management ("DCAM") to convey some portion of the site to the Town. The Authority promptly consulted with the bill's sponsor about the legislation and the fact that title to the property had been conveyed to the Authority.

Knowing that the Walpole site is required by this Court's Order to continue to be held by the Authority exclusively for its potential use as a landfill site through 2015, or upon completion of the final construction project under Schedule Six, whichever comes later, the Authority has taken a closer look at whether the mere passive use of a portion of the site for playing fields for the Town would interfere in any significant way with the Authority's obligation to be constantly and immediately ready to begin landfill operations there. The Authority's initial view is that so long as no structures or alterations are made to the site, and so long as playing fields (e.g., soccer or lacrosse) can be laid out with little more than chalk lines and portable goals, that the use of the site would, as a practical matter, not interfere with the Authority's obligations under the September 28, 2005 Order that replaced the Second Long-Term Residuals Management Scheduling Order.

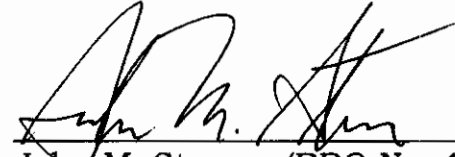
The Authority is also cognizant that its deed from the Commonwealth contains a "reverter" provision (mandated by the Legislature in chapter 41 of the Acts of 1991) which would cause title to the property to automatically return to the Commonwealth if the Authority either itself used, or permitted any other person to make any use of the property, other than as a landfill. Because of the reverter, the Authority is little more than a temporary steward of the site and has no authority to make unilateral plans or commitments for

any alternate or future uses. Assuming that this use is consistent with the requirements of the Order and no objection would be forthcoming from the Court parties or from the Court, the Authority believes that both the Massachusetts Legislature and the Commonwealth, through DCAM, would have to agree upon a plan whereby: (i) a legislative exception to the reverter provision would be enacted, (ii) any Article 97 "change of use" issues would be resolved by legislation, and (iii) the Authority's interests in the continued compliance with the Court's Order would be considered paramount. Such legislation, inter alia, might grant the Authority the limited right to give a temporary and revocable license to Walpole permitting the Town to use the land as playing fields without any structural improvements, with that permission able to be terminated without consequence or cost to the Authority if the Authority found it necessary to use the site as a landfill.

Internal discussions with and disclosures to representatives of EPA, DEP and DOJ have produced a couple of questions to which the Authority will be

responding. No blanket objections to the prospect of Walpole's use of the site have been voiced to the Authority.

By its attorneys,



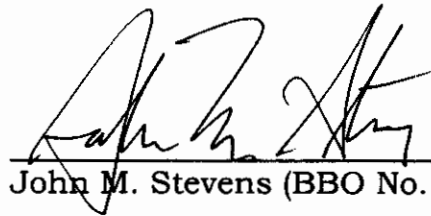
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Certificate of Service

I, John M. Stevens, attorney for the Massachusetts Water Resources Authority, do hereby certify that I have caused this document to be served by hand or mail to all counsel of record.



John M. Stevens (BBO No. 480140)

Dated: December 15, 2005

FHBOSTON/3134653.1

SCHEDULE SIX

MWRA MONTHLY COMPLIANCE REPORT

September 2005

EXHIBIT "A"

LONG-TERM
SLUDGE
MANAGEMENT

NEW BOSTON HARBOR
SECONDARY
TREATMENT PLANT

MONTH/YEAR CSO CONTROL

September 2005 MWRA to complete construction of interceptor relief for BOS 003-014.

(Not Completed - See December 15, 2005 Compliance and Progress Report.)

MWRA to complete construction of detention and treatment facility at Union Park Pump Station.³⁵

(Not Completed - See December 15, 2005 Compliance and Progress Report.)

³⁵ Completion of construction will be followed by a period of start-up and systems optimization consisting of five activations of at least four hours duration each, which is to culminate in the consistent achievement of effective treatment of flows, as defined by NPDES permit requirements.

Certification of Completed Activities

By:
Frederick A. Laskey
Executive Director, MWRA

Date: December 15, 2005

B

Massachusetts Water Resources Authority



**Combined Sewer Overflow
Control Plan**

**Quarterly Progress Report
December 15, 2005**

Massachusetts Water Resources Authority
Combined Sewer Overflow Control Plan
Quarterly Progress Report - December 2005

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Massachusetts Water Resources Authority
Combined Sewer Overflow Control Plan
Quarterly Progress Report - December 2005

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 related schedule of milestones (Schedule Six), the report summarizes progress made during the period from September 16, 2005, to December 15, 2005, identifies project schedules relative to corresponding Court milestones and describes issues that have affected or may affect compliance with Schedule Six. This report also summarizes the status of certain planning and regulatory efforts that relate to continuing state and federal reviews of MWRA's long-term CSO control plan, toward full regulatory approval.

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 2004*, dated March 2005. The Annual Report is available for public review on MWRA's website, at www.mwra.com.

MWRA and its CSO member communities continue to make substantial design and construction progress on several CSO projects. Table 1 shows the status of implementation for each project. Schedule Six includes two milestones in the period September through December 2005: 1) MWRA to complete Interceptor Relief at BOS003-014 (i.e. the East Boston Branch Sewer Relief project), and 2) MWRA to complete the Union Park Detention/Treatment Facility, both by September 2005. MWRA described the delays with these projects in the last quarterly report and has included updated schedules and explanations in this report, in the respective project sections below.

As noted in the last quarterly report and as shown in Table 1, MWRA has completed 14 of the 25 projects in its long-term CSO control plan. With MWRA's issuance of a notice to proceed with construction of the Pleasure Bay storm drain improvements on September 8, 2005, nine of the remaining eleven projects have entered construction. In addition to Pleasure Bay, these include five projects for which major construction efforts are currently underway - the Union Park Detention/Treatment Facility, the BOS019 CSO Storage Conduit, South Dorchester Bay Sewer Separation, Stony Brook Sewer Separation, and Fort Point Channel Sewer Separation - and three projects for which early construction contracts are complete - the East Boston Branch Sewer Relief project, Cambridge/Alewife Brook Sewer Separation and Regionwide Floatables Controls.

Of the two remaining CSO projects, final design for the North Dorchester Bay Storage Tunnel and Related Facilities project is underway, and design for the Reserved Channel Sewer Separation project is scheduled to commence in 2006. Also in 2006, MWRA expects to resume final design to complete the East Boston project, pending reaching agreement with EPA and

Table 1. CSO Project Progress

		Current Status		
		IN DESIGN	IN CONSTRUCTION	COMPLETE
Contract	CSO Projects			
N. Dorchester Bay Storage Tunnel and Related Facilities		✓		
Reserved Channel Sewer Separation		Start 6/06		
Pleasure Bay Drain			✓	
Morrissey Boulevard Drain		✓		
Hydraulic Relief Projects	CAM005 Relief			✓
	BOS017 Relief			✓
East Boston Branch Sewer Relief		✓*	✓	
Fort Point Channel Sewer Separation and System Optimization			✓	
BOS019 CSO Storage Conduit			✓	
Chelsea Relief Sewers	Chelsea Trunk Sewer Relief			✓
	Chelsea Branch Sewer Relief			✓
	CHE008 Outfall Repairs			✓
Union Park Detention/Treatment Facility			✓	
CSO Facility Upgrades and MWRA Floatables	Cottage Farm Upgrade			✓
	Prison Point Upgrade			✓
	Commercial Point Upgrade			✓
	Fox Point Upgrade			✓
	Somerville-Marginal Upgrade			✓
	MWRA Floatables and Outfall Closings			✓
South Dorchester Bay Sewer Separation			✓	
Stony Brook Sewer Separation			✓	
Neponset River Sewer Separation				✓
Constitution Beach Sewer Separation				✓
Somerville Baffle Manhole Separation				✓
Cambridge/Alewife Brook Sewer Separation		✓	✓	
Region-wide Floatables Control and Outfall Closings		✓	✓	

*East Boston design work has been on hold pending agreement with EPA and DEP on its schedule and overall CSO Plan requirements.

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DEP on overall CSO Plan requirements, and plans to commence design work on the dewatering pump station and odor control building associated with the North Dorchester Bay project.

Over the past quarter, MWRA has continued to provide information to the Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (DEP) as these agencies prepare to issue long-term approvals on MWRA's CSO control plan. MWRA continues to be in negotiations with the U.S. Department of Justice (DOJ), EPA and DEP toward proposing revisions to milestones in Schedule Six for the Charles River, East Boston and the Alewife Brook/Upper Mystic River and obtaining long-term regulatory approvals of MWRA's CSO control plan.

In order to reach agreement with the regulatory agencies, it became apparent in the discussions with EPA that MWRA would need to further reduce CSO discharges to the Charles River, especially treated discharges at MWRA's Cottage Farm CSO Facility. In response, and intent on reaching agreement, MWRA conducted numerous hydraulic optimization evaluations and was able to propose additional optimization measures and sewer separation work that are predicted to further reduce CSO discharges, mainly at Cottage Farm. These measures are estimated to add \$18-20 million to the overall cost of MWRA's long-term CSO control plan.

The following are highlights of the progress MWRA made on CSO control projects in the fourth quarter of 2005. More information is provided in later sections of this report.

- MWRA made substantial final design progress on the North Dorchester Bay CSO tunnel, and expects to receive the 100% progress plans and specifications this month. MWRA also made substantial progress toward obtaining necessary easements and permits. Progress on the project is consistent with MWRA being able to commence construction of the North Dorchester Bay storage tunnel by August 2005.
- On October 12, MWRA awarded the contract for Construction Management Services for the North Dorchester Bay Tunnel and Related Facilities. The construction management team has been assisting MWRA in reviewing the 90% construction plans and specifications and other design documents for the storage tunnel, and it recently performed a constructability review.
- MWRA continued to make progress with the construction of the Union Park Detention Treatment Facility and the BOS019 CSO Storage Conduit. Union Park construction is 87% complete, but additional delays may warrant further extension of the construction contract beyond the current contract completion date of September 23, 2006, recently approved by the MWRA Board of Directors. Construction of the BOS019 storage conduit, which began in March 2005, is on schedule and is more than 20% complete.

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- MWRA also made early construction progress on the Pleasure Bay storm drain improvements contract, which commenced in September. This is the first construction contract associated with the North Dorchester Bay CSO control plan. The storm drain improvements will eliminate all stormwater discharges to Pleasure Bay, a popular swimming area and shell fishing area, making Pleasure Bay one of the cleanest urban beaches in the nation. The MWRA expects the work to be complete by May 2006 and the benefits to be realized for the 2006 swimming season.
- BWSC continued to make construction progress on the South Dorchester Bay, Stony Brook and Fort Point Channel sewer separation projects, which BWSC continues to expect to complete on schedule. BWSC also continued to make design progress on the Morrissey Boulevard storm drain, associated with the North Dorchester Bay project.
- With the desire to move the implementation of the Alewife Brook CSO control plan forward, the City of Cambridge continues its efforts to secure wetlands approvals for Contract 12, involving the new storm drain outfall and wetland detention basin. On November 18, 2005, the Massachusetts Division of Administrative Law Appeals issued its Prehearing Conference Report that lays out a schedule for the remaining adjudicatory process. With this schedule, Cambridge hopes to receive its wetlands approval by the summer of 2006. All other efforts associated with the Alewife Brook CSO plan are temporarily suspended, because other components of the Alewife Brook plan are dependent upon the new stormwater outfall and wetland basin in Contract 12. MWRA and Cambridge expect to complete design of Contract 12 and commence other design efforts once wetlands approval is obtained.

2. Project Implementation

2.1 MWRA-Managed Projects

North Dorchester Bay Tunnel and Related Facilities

MWRA has continued to make substantial progress on the North Dorchester Bay CSO Storage Tunnel and Facilities, consistent with MWRA's project schedule to commence construction of the project by August 2006 in compliance with Schedule Six. MWRA awarded the contract for Construction Management Services for the tunnel and related facilities, at a cost of \$11.2 million, on October 12, 2005.

MWRA, along with its Technical Review and Advisory Team (TRAT) and construction management team (the "CM") and in cooperation with BWSC, the Department of Conservation and Recreation (DCR), Massport, the Boston Parks and Recreation Department and other City departments, completed an extensive review of the 90% design submission, which MWRA received from the design consultant team in August. The 100% design submission is due

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by the end of December. MWRA also completed review of the Draft Geotechnical Baseline Report in consultation with the TRAT and the CM. MWRA also received the Final Hazardous Materials Assessment Report and the Subsurface Utilities Evaluation Report.

In November, MWRA held an interagency meeting with the City of Boston Transportation Department, the State Police and DCR to discuss traffic management plans for surface construction along the tunnel project corridor, including drop shafts, surface piping and utilities necessary to tie CSO and stormwater into the tunnel and to support tunnel operations. MWRA has also had contact with the Boston Fire Department towards executing an agreement on tunnel rescue services, which, along with several other design activities, is now on the critical path for completing the construction contract documents.

MWRA has prepared draft documentation supporting the Article 97 legislation that is required to obtain permanent easements for the project on municipal and Commonwealth parklands. On October 31, MWRA appeared before the Boston Parks Commission and received unanimous approval for the permanent easement taking. MWRA had earlier reached agreement in principle with the Boston Parks and Recreation Department ("Boston Parks") regarding post-construction restoration in Moakley Park.

In accordance with the Executive Office of Environmental Affairs' Article 97 Land Disposition Policy, MWRA is also seeking approvals from the Boston Conservation Commission and the Boston City Council to establish permanent easements in Moakley Park for the tunnel. On December 7, MWRA presented to the Boston Conservation Commission and received approval for the proposed easements. In the coming weeks, MWRA will also seek approval from the Boston City Council to complete the local approval process for the permanent easements.

On November 22, MWRA filed a Notice of Intent with the Boston Conservation Commission, pursuant to state regulations under the Wetlands Protection Act and attended the Commission's public hearing on December 7, at which the Commission issued a draft Order of Conditions. In October and November, MWRA submitted several permit applications for tunnel construction, including a Chapter 91 Waterways License application to the DEP Waterways Division, a Notice of Proposed Construction to the Federal Aviation Administration, and Construction Access Permit requests to Boston Parks and DCR.

MWRA also completed its review of the Preliminary Design Report (the "PDR") for the related pump station and force main that will be used to dewater the tunnel after storms. MWRA's design team is now finalizing the PDR to be available for MWRA's procurement of design services for the North Dorchester Bay CSO Facilities. MWRA plans to commence design services for these facilities and the remote odor control facility by September 2006, in compliance with Schedule Six.

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Pleasure Bay Storm Drain Improvements

A component of the North Dorchester Bay CSO control plan, the Pleasure Bay storm drain project is intended to eliminate stormwater discharges to the Pleasure Bay beaches, a popular swimming area, and shellfish beds by replacing storm drains and redirecting the stormwater discharges primarily to the Reserved Channel at outfall BOS080. The project is predicted to make Pleasure Bay one of the cleanest urban beaches in the nation. The MWRA expects the work to be complete by May 2006 and the benefits to be realized for the 2006 swimming season.

Since being issued the Notice to Proceed by MWRA on September 8, 2005, the contractor has filed permit applications, set up project trailers on-site, performed precharacterization test pits for materials disposal, trimmed trees as required and as coordinated with the DCR arborist, and begun installing storm drain pipe. The contract is scheduled to be substantially complete in May 2006, in compliance with Schedule Six, in advance of the 2006 swimming season.

East Boston Branch Sewer Relief (BOS003-014)

In its ongoing negotiations with DOJ, EPA and DEP regarding the overall plan and schedule for long-term CSO control system-wide, MWRA has proposed a schedule that includes resuming design of the East Boston Branch Sewer Relief project in 2006, assuming agreement is reached with these parties on the overall CSO control plan.

BOS019 CSO Storage Conduit

In November the contractor completed driving the steel soldier piles for support of excavation and has completed more than 25% of the related lagging system. The excavation work is ongoing with 30% of the soils removed from the support of excavation footprint. The contractor is 20% complete with the project overall and is on schedule for substantial completion in March of 2007, in compliance with Schedule Six.

Union Park Detention/Treatment Facility

As of the end of November 2005, work on the construction project is approximately 87% complete. The contractor has completed the underground concrete detention basins and effluent channels, including waterproofing of the roofs, and has commenced backfilling operation. The new CSO building, including structural steel, masonry block and brick façade and membrane roof, is completely installed, and only windows and doors remain to be installed.

The contractor has installed coarse and fine screens, sluice gates, overflow weir gates, flushing gates, odor control vessels and fans, sample pumps and automatic backwash strainers. New boilers are installed,

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along with air handling units, exhaust and supply fans and associated ductwork. The trades have made significant progress, and their work continues in both the new CSO building and the existing pump station, including process piping, plumbing, fire protection, HVAC duct work, odor control ductwork and conduit and wiring for electrical service and instrumentation. The new electric service, including new transformer, switchgear, two motor control centers and a new emergency generator are installed, tested and operational. Transfer of critical equipment from the existing electric service onto the new electric service is underway.

As part of BWSC's improvements to the existing pump station, the contractor completed installation of two new electric pumps, which are now tested and operational. This achievement allowed the Contractor to commence demolition of the existing electric pump to make room for a new turbine driven pump.

While MWRA has granted the contractor time extensions to September 23, 2006, due to a number of differing site conditions and design changes, MWRA expects to achieve substantial completion of the project by December 2006. The expected additional time extension is due largely to the critical nature of rehabilitating an existing flood control facility while maintaining facility operation and carefully phasing in new components of the work, including storm event testing, prior to demolishing existing facility components.

2.2 Community-Managed Projects

South Dorchester Bay Sewer Separation

South Dorchester Bay sewer separation is intended to eliminate CSO flows to the Commercial Point and Fox Point CSO treatment facilities by the Schedule Six milestone of November 2008, allowing MWRA to decommission the facilities. BWSC commenced construction in April 1999. To date, six separation contracts have been completed, leaving three ongoing contracts that are at various stages of completion ranging from 40% to 94%. Overall project work has resulted in the installation of a total of 118,786 linear feet of new storm drain, bringing the project to approximately 87% completion overall.

The second major downspout disconnection contract commenced in late 2004, and this contract is now approximately 40% complete. BWSC plans one additional downspout disconnection contract. Final paving work is also conducted under separate contracts. The first two paving contracts are complete. The third and final paving contract commenced in October and is underway.

Stony Brook Sewer Separation

Stony Brook sewer separation is intended to minimize CSO discharges into BWSC's Stony Brook Conduit, which drains to the Charles River Basin.

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BWSC commenced construction in July 2000 and has completed construction of the first two separation contracts. The third and fourth contracts are now approximately 85% and 60% complete, respectively. BWSC has installed a total of 62,100 linear feet of new storm drains, and the project is approximately 85% complete. BWSC has completed the initial paving contract, and commenced the second and final paving contract in October. As reported earlier, the major downspout disconnection contract in the Stony Brook project area is complete.

Fort Point Channel Sewer Separation

The goal of the Fort Point Channel sewer separation project is to eliminate CSO discharges in a typical year at outfalls BOS072 and BOS073. The design report calls for the installation of 5,150 feet of new storm drain. BWSC commenced construction of the work on March 1, 2005, in compliance with the milestone in Schedule Six. BWSC commenced construction under a second and final contract in September. This contract is approximately 3% complete. Construction is scheduled to be completed by March 2007 in compliance with Schedule Six.

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 recommended CSO storage tunnel in storms greater than the 1-year design storm. Redirecting these stormwater flows to Savin Hill Cove and South Dorchester Bay in large storms reserves capacity in the MWRA tunnel to attain a 5-year level of stormwater control along the South Boston beaches, in addition to CSO elimination. The work is being managed by BWSC and funded by MWRA. BWSC commenced design of this project in June 2006, and expects to commence construction by December 2006, in compliance with Schedule Six.

Cambridge/Alewife Brook Sewer Separation

Cambridge's progress on Contract 12, involving the new storm drain outfall and stormwater wetland necessary to support future sewer separation in the CAM004 area and the closing of the CAM004 regulator, has been slowed and is further delayed by the ongoing appeal of DEP's wetlands approval for Contract 12. On November 18, 2005, a prehearing conference was held on the citizens' appeal of the Superseding Order of Conditions which DEP had issued in March. An adjudicatory hearing is scheduled for June 2006. If a decision is issued in favor of Cambridge, design work on Contract 12 and other Alewife related projects would resume. The additional time required to secure wetlands approval has been factored into Cambridge and MWRA's most recent project schedule and into the recent discussions with EPA and DEP regarding proposed new milestones, which would have the Alewife Brook CSO control plan fully implemented by January 2013.

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A portion of the Cambridge/Alewife sewer separation project is being implemented by MWRA. The work involves installation of an overflow control gate and floatables control at outfall MWR003 and hydraulic relief of an MWRA siphon near Rindge Avenue. Due to delays associated with Cambridge's Contract 12, MWRA has revised its schedule for the MWR003 improvements and Rindge Avenue Siphon. MWRA now plans to commence design by April 2009.

2.3 Region-wide Floatables Control and Outfall Closing Projects

MWRA and BWSC have completed work to control floatables in CSO discharges from the outfalls they own and operate, with the exception of floatables control at MWRA outfall MWR003, discussed above under "Cambridge/Alewife Brook Sewer Separation."

Cambridge Floatables Control

Floatables control will be installed by Cambridge at four Cambridge outfalls, as well as one Somerville outfall, along Alewife Brook as part of the Cambridge/Alewife Brook sewer separation project. These controls were included in the various regulatory filings on the Alewife sewer separation project and Alewife Brook/Upper Mystic River Variance. As previously reported, Cambridge has completed floatables control at one of these locations, CAM401A, and now plans to complete construction at the other Alewife locations by December 2008, although design work is on hold pending resolution of the Contract 12 wetlands appeal.

Floatables control is also proposed at four Cambridge outfalls along the Charles River. Cambridge's design work is ongoing, and Cambridge now plans to complete construction by December 2007.