

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 JUNE 15, 2012

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from March 16, 2012 to June 15, 2012 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 activities for the months of March and April 2012 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. Commence Design of Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief and Interceptor Connection Relief and Floatables Control at Outfall SOM01A.

On March 30, 2012, in compliance with the April 2012 milestone in Schedule Seven, the Authority issued the notice to proceed with the design contract for the control gate and floatables control at outfall MWR003 and Rindge Avenue Siphon relief project and the interceptor connection relief and floatables control at outfall SOM01A project. These projects are the last two of the six that comprise the Alewife Brook CSO plan and the last two of the 35 projects in the Authority's region-wide long-term CSO control plan to proceed to design. As recommended in the Authority's Notice of Project Change for the Long Term CSO Control Plan for Alewife Brook (April 2001), the projects involve increasing the overflow hydraulic capacity at outfall MWR003 to compensate for overflow restrictions recommended in the plan at other outfalls and increasing the size of the local connection to the Authority's interceptor system at outfall SOM01A. The projects also include the installation of floatables controls at the two outfalls. The recommended plan calls for replacing the weir at MWR003 with an automated control gate that can be lowered in extreme

storms to provide additional system relief and control upstream system flooding. Because the Authority's Rindge Avenue siphon is located immediately upstream of the MWR003 weir and directs system overflows to the outfall, the project also includes a relief siphon to increase the overflow hydraulic capacity in extreme storms.

Both projects are located in the City of Cambridge. The outfall MWR003 and Rindge Avenue Siphon project is located in the Department of Conservation and Recreation's ("DCR") Alewife Brook Reservation behind the Massachusetts Bay Transportation Authority's Alewife Station. The outfall SOM01A project is also located in the Alewife Brook Reservation and also in a portion of Alewife Brook Parkway, just north of Massachusetts Avenue. The Authority and its design consultant have coordinated with DCR and the Cambridge Conservation Commission on the various field investigations necessary to support design development, including ongoing site and utility mapping and wetlands and endangered species surveys and a limited program of soil borings that the consultant will conduct over the next month.

Hydraulic performance assessments are critical components of the design scope of services to ensure that the projects provide effective hydraulic control and floatables capture. The Authority's consultant is updating and verifying the Authority's wastewater collection system model for existing conditions and for future planned conditions that incorporate information from the City of Cambridge's ongoing design of sewer separation in the portion of Cambridge tributary to outfall CAM004, another of the six projects in the

Alewife Brook CSO control plan. Over the next quarter, the consultant will use the future planned conditions model to evaluate design alternatives for the two projects. The Authority plans to complete the design work and commence construction contracts for the control gate and floatables control at outfall MWR003 and Rindge Avenue Siphon relief project and the interceptor connection relief and floatables control at outfall SOM01A project by August 2014 and September 2013, respectively, in compliance with Schedule Seven.

2. Annual Combined Sewer Overflow Report.

The Authority submitted its 2011 annual CSO report on March 15, 2012, in compliance with Schedule Seven.

B. Progress Report.

1. Combined Sewer Overflow Program.

a. CAM004 Stormwater Outfall and Detention Basin.

The City of Cambridge continues to make progress with the construction of the CAM004 stormwater outfall and wetland detention basin, which is now approximately 65 percent complete. During the past quarter, Cambridge completed the construction and stabilization of the perimeter berms and final grading at the forebay of the wetland basin and the installation of the headwall where stormwater flows in the forebay will drain through a "cross-berm" inlet into the vegetated wetland basin. Cambridge has also completed the installation of the basin outfall headwall where flows will drain to the Little River after passing through, and being detained in, the wetland basin. Also complete are the installations of footings for a pedestrian boardwalk across the

main basin and for two proposed overlooks, one providing a view of the forebay and the other providing a view of a river inlet "Oxbow" now in construction immediately west of the wetland basin. Cambridge also made significant progress with ongoing excavation and grading within the 3.4-acre basin and with ongoing stabilization of the perimeter berms. In addition, Cambridge is currently making the necessary preparations to commence the vegetative plantings later this month.

Cambridge has also made substantial progress with construction of the new storm drain box conduit and associated special structures that will convey separated stormwater flows to the basin. In the past quarter, Cambridge completed the box culvert installation across 55 Wheeler Street and temporary restoration of excavated areas and the box culvert installation across the parking lots at 150/180 Cambridge Park Drive. Cambridge also completed the installation of the box culvert at 125 Cambridge Park Drive and continues with the construction of the Belmont Crossing Structure that will allow the box culvert to pass over the Authority's interceptor pipes behind 125 Cambridge Park Drive. Cambridge expects to complete the connection from this structure to the forebay of the stormwater wetland basin this month.

b. CAM004 Sewer Separation.

The design work for the remaining three construction contracts for CAM004 sewer separation (Contracts 8A, 8B and 9) remains on schedule. Design of Contract 8A is approximately 95 percent complete and the bid documents have been submitted to the Massachusetts Department of

Environmental Protection (“DEP”) for approval to advertise under State Revolving Fund (“SRF”) regulations. Cambridge plans to commence construction of Contract 8A by September 2012, in compliance with Schedule Seven. The City commenced final design of Contract 8B in May 2012 and plans to commence final design of Contract 9 in the spring of 2013, ensuring that all of the sewer separation work will be complete by December 2015, in compliance with Schedule Seven.

c. Brookline Sewer Separation.

The Town of Brookline and the Authority continue to make substantial progress with construction of the \$25.9 million Brookline Sewer Separation project. Brookline completed the first of its two sewer separation construction contracts (Phase I) in January 2010, and its \$16.6 million second contract (Phase II) is approximately 68 percent complete. Phase II includes the installation of 3,790 linear feet of storm drain and 1,290 linear feet of sanitary sewer by open trench method and 4,550 linear feet of sanitary sewer by micro-tunneling. The contract also includes several large, special structures that will connect the new town sewers to existing Brookline lateral sewers and to the Authority's interceptor system.

Since the Authority last reported, Brookline completed the lining of 140 linear feet of 48-inch sewer under the MBTA tracks on Beacon Street at Carlton Street and the installations of 12-inch sewer and 30-inch storm drain in St. Mary's Street from Beacon Street to Monmouth Street, a 15-inch drain on Monmouth Court, and 18-inch and 24-inch drains in Monmouth Street.

Brookline also completed the epoxy lining and waterproofing of Special Structures 3, 4 and 5. In addition, the Town commenced the installation of 8-inch sewer and 24-inch drain on Beacon Street from St. Mary's Street to Carlton Street and the excavation, demolition and placement of form-work for the cast-in-place Special Structure 6 on Beacon Street immediately east of the St. Paul intersection.

In the meantime, on May 30, 2012, the Authority commenced on-site construction mobilization for the cleaning of CSO Outfall MWR010, which is primarily on Boston University property. This work is necessary to ensure that the outfall has adequate capacity to convey Brookline's separated stormwater to the Charles River, along with smaller volumes of existing Boston Water and Sewer Commission ("BWSC") and Boston University stormwater and infrequent CSO discharges from the Authority's Charles River Valley Sewer and local BWSC combined sewers. Activities to date include site preparation and the installation of a treatment system to handle water removed from the outfall pipe to facilitate the cleaning. The Authority plans to substantially complete this work by September 2012, in advance of the completion of the Town of Brookline's sewer separation work.

d. Reserved Channel Sewer Separation.

BWSC has made significant progress on the construction of the \$62.3 million Reserved Channel Sewer Separation project, which is comprised of nine separate construction contracts. As reported last quarter, BWSC completed construction of the \$4.0 million Contract 1 (rehabilitation of the four

Reserved Channel CSO outfalls – BOS076, 078, 079, 080), the \$6.9 million Contract 2 (sewer separation – in the BOS080 area), and the \$1.2 million Contract 7 (pavement restoration) and was in the process of constructing the \$9.9 million Contract 3A (sewer separation – in the BOS076 area) and the \$10.9 million Contract 3B (sewer separation – in the BOS078 and 079 areas).

Contract 3A, which involves sewer separation in a 33-acre area tributary to CSO Outfall BOS076 that is approximately bounded by West First Street, G Street, West Broadway and E Street, is now 85 percent complete. Contract 3A includes the installation of 9,000 linear feet of storm drain, 3,375 linear feet of sanitary sewer, 8,650 linear feet of replacement water main to avoid conflicts with the planned storm drains, and 22 new storm drain catch basins, as well as the reconnection of 76 existing catch basins from the existing sewer system to the new storm drains.

BWSC completed the installations of a 36-inch storm drain in E Street, a 21-inch storm drain in F Street between West Third Street and Athens Street, an 18-inch storm drain in West Second Street between F Street and Dorchester Street, and water main installation on West 3rd Street between E Street and Dorchester Street. BWSC also completed the redesign of an 18-inch storm drain in E Street between Athens Street and West Third Street to avoid utility conflicts, and instead installed twin 12-inch drains. BWSC is currently installing a 60-inch by 24-inch box culvert drain in E Street between West First Street and West Second Street, a 16-inch water main in West First Street, and a 12-inch water main in West 3rd Street between E Street and Dorchester

Street. To date, BWSC has completed the installation of 4,600 linear feet of the large storm drains and sewers (24-inch to 84-inch diameter) and expects to attain substantial completion of Contract 3A by August 2012.

Contract 3B, which involves sewer separation in two areas tributary to outfalls BOS078 and BOS079 totaling 66 acres, is now 25 percent complete. One area is bounded by East First Street, N Street, East Third Street and Dorchester Street and the other area includes Elkins Street and Summer Street to the edge of the Reserved Channel. Contract 3B consists of the installation of 10,730 linear feet of storm drain, 4,240 linear feet of sanitary sewer, 10,900 linear feet of replacement water main to remove conflicts with the planned storm drains, and 14 new storm drain catch basins, as well as the reconnection of 120 existing catch basins from the existing sewer system to the new storm drains.

BWSC completed the installations of a 60-inch drain in East First Street between I Street and H Street, "Special Manhole A" at the intersection of East First and I streets, and "Special Manhole C" at the intersection of H and East First streets and is in the process of installing a 36-inch drain in East First Street between H Street and Dorchester Street, another 36-inch drain on H Street, and an 18-inch drain on I Street from East First Street toward East Second Street. BWSC is also in the process of trying to resolve conflicts with utility duct banks that need to be relocated to accommodate the installation of storm drains. National Grid and NStar are currently in the process of relocating

their infrastructure at several locations to accommodate BWSC's work. BWSC expects to attain substantial completion of Contract 3B by December 2014.

BWSC awarded its \$6.8 million Contract 8 (pavement restoration 2) on April 26, 2012. Notice to proceed with Contract 8 is pending receipt of the DEP's approval under SRF regulations. Contract 8 includes roadway resurfacing associated with sewer separation contracts 3A, 3B and 4.

On June 14, 2012, BWSC received construction bids for its estimated \$10.6 million Contract 4, which is the last of the major Reserved Channel sewer separation contracts. Contract 4 involves sewer separation in two areas 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. BWSC plans to commence construction of Contract 4 in September 2012 and complete the work by June 2015.

In the meantime, BWSC continues with the design of the remaining contracts – Contract 5 (existing sewer cleaning and lining) and Contract 6 (downspout disconnections), which it plans to commence during 2013. BWSC plans to complete all work for the Reserved Channel sewer separation project by December 2015, in compliance with Schedule Seven.

e. Lower Dorchester Brook Improvements.

BWSC attained substantial completion of its \$6.0 million construction contract for Lower Dorchester Brook sewer improvements, which included the relocation of CSO regulator RE-070/11-2 and sewer separation in a portion of the South Bay area associated with BWSC's Lower Dorchester Brook Sewer ("LDBS"). The work was partially funded by the Authority and is intended to lower CSO discharges to BWSC's Dorchester Brook Conduit and help attain the planned level of CSO control in the Authority's long-term control plan for Fort Point Channel.

BWSC's LDBS carried a combination of sanitary and stormwater flow to a connection with BWSC's New Boston Main Interceptor ("NBMI") at CSO regulator RE-070/11-2. In addition to directing the LDBS flows into the NBMI for eventual transport to the Authority's Columbus Park Headworks in South Boston, the regulator allowed flows exceeding the capacity of the interceptor system to overflow to BWSC's Dorchester Brook Conduit, which conveys large stormwater flows to the Fort Point Channel along with combined sewer overflows from several BWSC regulators in large storms.

BWSC's recently completed construction contract included the relocation of CSO regulator RE-070/11-2 and its associated interceptor connection from the NBMI to a point further up the LDBS where it crosses BWSC's (old) Boston Main Interceptor ("BMI"). The BMI also conveys flow to the Authority's Columbus Park Headworks. At its new location, the regulator now directs the LDBS flows into the BMI and continues to allow overflows to the Dorchester

Brook Conduit and Fort Point Channel, but at a reduced overflow frequency and volume. Connections to the LDBS between the old and new regulator locations carried separate stormwater flow, only, from drainage areas totaling about 125 acres (all of the sanitary flows to the LDBS enter further upstream). These stormwater flows placed significant burden on the interceptor system and contributed to the frequency and volume of overflows. With the regulator now moved upstream and the connection to the NBMI now permanently closed, the separate stormwater flow entering the LDBS between the regulator locations is no longer connected to the interceptor system and instead drains directly to the Dorchester Brook Conduit and Fort Point Channel, thereby relieving the interceptor system. The portion of the LDBS between the old and new regulator locations now serves as a storm drain.

The construction contract also included sewer separation in a 25-acre area near the NStar property adjacent to Massachusetts Avenue. With the relocation of the regulator, this separated stormwater, like the stormwater from the previously-separated 125-acre area mentioned above, can now drain directly to the Dorchester Brook Conduit and no longer impacts the interceptor system.

f. South Dorchester Bay Inflow Removal.

BWSC continues to investigate alternatives for removing additional stormwater inflow from its Dorchester Interceptor or otherwise relieving hydraulic conditions in the interceptor during extreme storms following the closing of its CSO regulators with completion of the South Dorchester Bay

sewer separation in 2007. BWSC presented the initial results of its investigations to the Authority in February 2012 and is continuing with a flow metering program and performing additional hydraulic modeling and system analysis to define the causes of system flooding that occurs at certain locations in extreme storms and to determine preferred hydraulic relief solutions. BWSC plans to issue an interim report on the results of this analysis later this summer and a final report with recommendations by the end of 2012.

Respectfully submitted,

/s/ John M. Stevens
John M. Stevens (BBO #480140)
Foley, Hoag LLP
155 Seaport Boulevard
Boston, Massachusetts 02210
(617) 832-1000
jstevens@foleyhoag.com

Of Counsel:

Steven A. Remsberg,
General Counsel
Christopher L. John,
Senior Staff Counsel
Massachusetts Water Resources
Authority
100 First Avenue
Boston, Massachusetts 02129
(617) 242-6000

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, 2012.

/s/ John M. Stevens
John M. Stevens (BBO No. 480140)
jstevens@foleyhoag.com

Dated: June 15, 2012