

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.

.....

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 BIANNUAL COMPLIANCE AND
PROGRESS REPORT AS OF DECEMBER 14, 2017

The Massachusetts Water Resources Authority (the "Authority") submits the following biannual compliance report for the period from June 16, 2017 to December 14, 2017 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 past six-month period on the Court's Schedule Seven.

A. Progress Report.

1. Combined Sewer Overflow Program.

a. CSO Post-Construction Monitoring.

On October 18, 2017, the Authority's Board of Directors approved the award of the professional services contract for the three-year post-construction monitoring program and performance assessment of its Long-Term Combined Sewer Overflow (CSO) Control Plan. The Authority executed the contract and issued the Notice to Proceed to the awarded consultant, AECOM Technical Services, Inc. (AECOM) effective November 8, 2017, in advance of and in compliance with the January 2018 milestone in Schedule Seven. With the assistance of the contract services, the Authority plans to complete the performance assessment and submit the results to the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) in December 2020, in compliance with the last milestone in Schedule Seven.

The Authority and AECOM are completing initial plans and establishing coordination protocols with the Authority's CSO communities – Boston Water and Sewer Commission, Cambridge, Chelsea and Somerville – to allow the consultant and its flow metering and system inspection sub-consultant(s), ADS

Environmental Services and SDE Engineering, to conduct detailed inspections of more than 200 active or closed CSO regulator structures early next year. The inspections will support the preparation of detailed plans for flow and overflow metering at many of the remaining active regulators and the verification that CSO discharges are permanently eliminated at closed outfalls.

The contract calls for the consultant to install temporary flow and overflow meters by April 1, 2018, and continuously collect data from these meters through June 30, 2020. The consultant will also regularly collect data from existing MWRA meters and CSO meters maintained by the CSO communities during the same 27-month period.

The Authority and its consultant recently held meetings with the CSO communities to establish coordination protocols for accessing the community systems and sharing data and other information. The consultant will utilize the meter data, as well as hydraulic model results, to quantify CSO discharges which the consultant will present and evaluate in semi-annual performance assessment reports during the 3-year performance assessment. The Authority intends to submit the semiannual reports to EPA and DEP and post them on the Authority's website.

Many other work activities and contract deliverables are scheduled over the next few weeks to ensure that the critical information supporting the CSO performance assessment, including meter data, model results and receiving water quality data, will be collected. This information will then be evaluated over an extensive period. The Authority and its consultant team will soon

begin to develop plans for collecting and analyzing water quality data during the 3-year performance assessment as well as the receiving water quality data that the Authority has collected since 1989. By the end of this month, the consultant is expected to complete the project Work Plan and Schedule, a Quality Assurance/Quality Control plan, and reports detailing the consultant's plans for conducting inspections and metering the CSO regulators.

As previously reported, the Authority submitted a scope of work to EPA and DEP on May 1, 2017, describing how it proposed to conduct the post-construction monitoring program and performance assessment and verify compliance with the LTCP levels of CSO control. DEP noticed the Authority's scope of work in the *Massachusetts Environmental Monitor* for public comment. The Authority has since met with EPA and DEP to discuss the comments and scope of work. Based on the comments and discussions, the Authority submitted an updated and revised scope of work for its receiving water monitoring in the CSO variance waters of Charles River, Alewife Brook and Upper Mystic River to EPA, DEP, as well as the Charles River Watershed Association and the Mystic River Watershed Association, and incorporated scope of work refinements into its consultant contract scope of services. In addition, in order to provide opportunities for information sharing and public comment, the Authority plans to conduct annual briefings for EPA, DEP, and the public.

b. CSO Related Work in Cambridge.

As previously reported, the City of Cambridge completed the federal court mandated CSO control work of the CAM004 sewer separation project in December 2015, in compliance with Schedule Seven. At that time, the Authority noted that Cambridge was continuing to perform road, sidewalk and other surface restoration work in the CAM004 project area, including the restoration of 7.8 miles of roadway, 15 miles of sidewalk and 150 pedestrian ramps disturbed by the CSO work and utility improvements that Cambridge had included in its CSO construction contracts. Since last reporting, Cambridge has completed all of the remaining construction work in the CAM004 area.

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 14, 2017.

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Dated: December 14, 2017