

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 QUARTERLY COMPLIANCE AND  
PROGRESS REPORT AS OF SEPTEMBER 14, 2012

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from June 16, 2012 to September 14, 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.

There were no scheduled activities for the past quarter on the Court's Schedule Seven.

A. Progress Report.

1. Combined Sewer Overflow Program.

a. CAM004 Stormwater Outfall and Detention Basin.

The City of Cambridge continues to make progress with construction of the CAM004 stormwater outfall and wetland basin project, which is now approximately 75 percent complete. During the past quarter, Cambridge continued to form the deeper sections of the 3.4-acre main basin through ongoing heavy excavation and grading. Vegetative planting is underway within the "Riparian Woodland" sections along the northern wetland edges. On Community Planting Day on July 14, volunteers installed 1,000 wetland plugs in a 1,000 square-foot area of high and emergent marsh. Cambridge also completed the plantings in the west end of the wetland basin and is continuing with plantings in other prepared basin areas.

Just beyond the western edge of the wetland basin, Cambridge completed excavation, grading operations, the placement of wetland soils, and the planting of 1,400 wetland plugs and shrubs in the area of the proposed Oxbow. The Oxbow will be a meandering channel off the Little River that is intended to provide spawning habitat for migratory fish such as alewife and blueback herring, where young fish can spend the first few months of their lives after hatching and before migrating to the sea.

Excavation, grading, placement of blended hydric/wetland and upland planting soils is complete within the wetland, island and upland areas of the Oxbow and in upland areas of the main basin and Forebay berm. These areas have been seeded with tall turf, wet meadow, or wet woodland plant communities. Earthwork, subsoil compaction, and placement of upland plantings are ongoing on the constructed peninsula between the main outlet and eastern spillway of the east basin and on the west side of the basin, south of the Oxbow. Cambridge has also begun the seeding and placement of an erosion control blanket in the wet and dry woodland areas on the slopes of this peninsula.

The inlet structure to the wetland Forebay is complete, and Cambridge installed and connected the storm drain box culvert to this structure, thereby tying together the storm drain and wetland basin components of this project. Cambridge also completed the pipe connection between the Oxbow and the main wetland basin, which will allow water to flow into the basin from the river to preserve plantings and habitat during dry weather. Except for the area between the Forebay and the main basin, all foundations for the pedestrian boardwalks and the three pedestrian overlooks are installed.

Cambridge also continued to make progress with construction of the remaining sections of the new storm drain box conduit and associated special structures that will convey the stormwater to be separated from Cambridge's combined sewer system in future contracts to the basin. In the past quarter, Cambridge completed utility relocations and box culvert installation across

Cambridge Park Drive. 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 is substantially complete. Installation of the storm drain culvert on Wheeler Street has been delayed due to delays in the relocation of overhead wires and poles by Verizon, but this delay is not expected to affect the milestone completion date.

The project remains on schedule for completion of the stormwater outfall conduit and all of the functional elements of the wetland basin by April 2013, in compliance with Schedule Seven.

b. CAM004 Sewer Separation.

Cambridge is also making progress with the design of the remaining three construction contracts (Contracts 8A, 8B and 9) for the \$78 million CAM004 sewer separation project. The City completed design of Contract 8A and advertised the contract on June 27, 2012. After receipt of construction bids on August 9, 2012, Cambridge and the Authority submitted the low bid documentation to the Massachusetts Department of Environmental Protection ("DEP") for approval to award the contract in accordance with DEP State Revolving Fund ("SRF") regulations. Cambridge plans to commence construction of Contract 8A this month, in compliance with Schedule Seven. Cambridge is also continuing to make progress with the design of Contract 8B, which it commenced in May 2012, and plans to commence the design of Contract 9 in the spring of 2013. With its design progress to date and its

schedules for remaining work, Cambridge plans to complete the CAM004 sewer separation project 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 \$26 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 80 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.

In the past quarter, Brookline completed the installation of 12-inch sewer and 18/15-inch drain in Beacon Street outbound from Carlton Street west, and is currently completing the new 8-inch sewer and 24-inch drain in Beacon Street outbound in the St. Mary's Street commercial district. In Beacon Street inbound, immediately east of the St. Paul Street intersection, Brookline completed construction of the slab, walls and roof of junction structure number 6 and also completed the installation of a 24-inch storm drain in Beacon Street inbound from junction structure number 6 to St. Paul Street and the 15/12-inch drain extending west from Charles Street. Brookline is currently making sewer connections to the new 48-inch sewer main along

Beacon Street at intersecting streets. At junction structure number 1 at the intersection of Monmouth and St. Mary's streets, Brookline installed and operated a sewer bypass system to effect the joining of the town sewers to the Authority's 66-inch Charles River Valley Sewer. Brookline completed the bypass operation and related epoxy lining of the Authority's interceptor on July 20 and has since completed the pouring of the base slab and walls of junction structure number 1. In addition, Brookline also commenced excavation for junction structure number 2 at Carlton and Monmouth streets in early August and plans to pour the base slab this month. The Town of Brookline expects to attain substantial completion of the sewer separation work by the end of this year, ahead of the July 2013 milestone in Schedule Seven.

In the meantime, the Authority has attained substantial completion of the contract for the removal of sediments from its CSO outfall MWR010. This work was necessary to ensure that the outfall has adequate hydraulic capacity to convey Brookline's separated stormwater to the Charles River Basin, 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.

d. Reserved Channel Sewer Separation.

BWSC continues to make progress with construction of the \$64.3 million Reserved Channel Sewer Separation project. The \$9.9 million Contract 3A (separation of combined sewers in the area tributary to outfall BOS076) and

the \$10.9 million Contract 3B (separation of combined sewers in areas tributary to outfalls BOS078 and BOS079) are well underway. BWSC previously completed the \$6.9 million Contract 2 that separated the combined sewers in the area tributary to outfall BOS080, as well as the \$4.0 million Contract 1 that rehabilitated all four BWSC CSO outfalls that discharge to the Reserved Channel in part to provide long-term reliability and adequate capacity to carry the separated stormwater flows.

BWSC expects to attain substantial completion of Contract 3A soon, despite delays caused by conflicts with unforeseen rock in E and F streets and West Broadway. Contract 3A involves sewer separation in a 33-acre area tributary to outfall BOS076 bounded approximately by West First Street, G Street, West Broadway and E Street. It 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.

During the past quarter, BWSC completed the installation of 24-inch sewer, 12-inch drain and 8-inch water main in Bolton Street and the installation of 21-inch drain and 16-inch water main in F Street. BWSC also completed drain and water main connections and restoration work in E Street. Ongoing work includes the reconnection of catch basins to the new 18-inch drain in G Street, the installation of 18-inch drain in West Broadway, and the disconnection of building downspouts from the properties' sewer connections.

Contract 3B, which involves sewer separation in two areas tributary to outfalls BOS078 and BOS079 totaling 66 acres, is now 45 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 includes 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.

During the past quarter, BWSC completed the installation of 36-inch drain in East First Street between H Street and Dorchester Street, in H Street, and in I Street, the installation of 48-inch drain in I Street from East First Street toward East Second Street, and the installation of 15-inch sewer in East Third Street. BWSC also continues with the installation of 24-inch drain and 20-inch and 8-inch water main in East Third Street from Dorchester Street to I Street, as well as the installation of 36-inch drain, 21-inch sewer and 8-inch water main in the intersection of East Third and I streets. Other ongoing work includes the disconnection of building downspouts, the installation of 72-inch drain and 24-inch sewer in East First Street, and the installation of various sizes of drain, sewer and water main in East Third Street from I Street to Emerson Street. The work in East Third Street is extensive and will take



several months to complete. BWSC expects to attain substantial completion of Contract 3B by December 2014.

BWSC also received construction bids on June 14, 2012 for its estimated \$9.1 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 later this month pending receipt of DEP's approval under SRF regulations and complete the work by June 2015.

In addition, BWSC plans to issue the notice to proceed with the \$6.8 million Contract 8, which was awarded on April 26, 2012, pending receipt of DEP's approval under SRF regulations. Contract 8 is the second of two pavement restoration contracts that follow the work of the various sewer separation contracts (contracts 3A, 3B and 4) as sections of work are completed.

In the meantime, BWSC's contractor for Contract 1 continues to address punch list work items, including landscaping and final restoration of a park adjacent to outfall BOS078 and installation of guardrail at outfall BOS076.

The contractor for Contract 2 is also addressing punch list items, including the disconnection of building downspouts from the properties' sewer connections. BWSC is also making progress with the design of the remaining contracts – Contract 5 (existing sewer cleaning and lining) and Contract 6 (downspout disconnections), which are scheduled to commence next year. BWSC plans to complete all work for the Reserved Channel sewer separation project by December 2015, in compliance with Schedule Seven.

e. South Dorchester Bay Inflow Removal

As reported last quarter, 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 project in 2007. BWSC is conducting flow metering and performing additional hydraulic modeling and system analysis to evaluate system performance in extreme storms and to determine preferred hydraulic relief solutions if warranted. BWSC plans to issue an interim report on the results of this analysis later this fall and a final report with recommendations by early 2013.

Flow monitoring and field investigations performed under the Dorchester Interceptor Inflow Relief Project have detected numerous locations of stormwater inflow into sanitary sewers. The majority of these sources involve catch basin laterals. BWSC crews are currently sealing those locations that can be eliminated by trenchless methods while those requiring cut-and-cover

construction will be removed as a construction contract which will be advertised later this fall.

- f. Control Gate and Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief and Interceptor Connection Relief and Floatables Control at Outfall SOM01A.

Since issuing the notice to proceed for design services on March 30, 2012, the Authority has made considerable progress toward completing preliminary design services and respective design reports 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, together estimated to cost \$4.1 million. These projects are the last two of the six projects 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 ensuring sufficient overflow hydraulic capacity at outfall MWR003 in large storms and increasing the size of the local sewer connection to the Authority's interceptor system at outfall SOM01A. The projects also include the installation of floatables controls at the two outfalls.

The Authority has completed the field and utility surveys, geotechnical and hazardous materials exploration program, wetlands delineations and associated report, and traffic assessments. Through these field investigations, the Authority has maintained contact with, and received appropriate approvals

or permits for field investigations from, the Department of Conservation and Recreation for work within the Alewife Brook Reservation, the Cambridge Conservation Commission for work within and near potential resource areas, and the Massachusetts Department of Transportation/MassHighway for work within Alewife Brook Parkway and within the Somerville-Belmont section of the new Fitchburg Cutoff Bicycle Trail. Hydraulic modeling is underway to support hydraulic performance assessments that are also critical components of the design scope of services to ensure that the projects provide effective hydraulic control and floatables capture.

In addition, the Authority is currently reviewing the draft preliminary design report for the Outfall SOM01A project. The draft preliminary design report for the Outfall MWR003/Rindge Avenue Siphon project is scheduled to be submitted in December 2012 for the Authority's review. Scheduled design activities over the next quarter include base mapping, preliminary hydraulic design investigations and a hydraulic modeling workshop, preliminary design workshop for the Outfall SOM01A project and submission of the associated final preliminary design report.

The design work is on schedule for commencement of the 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.

Respectfully submitted,

/s/ John M. Stevens  
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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 September 14, 2012.

/s/ John M. Stevens  
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Dated: September 14, 2012