

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 85-0489-RGS

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION, et al.,

Defendants.

CIVIL ACTION NO. 83-1614-RGS

CONSERVATION LAW FOUNDATION OF NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendant.

SCHEDULE SEVEN COMPLIANCE ORDER NUMBER 223

April 22, 2012

STEARNS, D.J.

This is the two hundred and twenty-third Compliance Order that has issued in this litigation. On March 15, 2012, the Massachusetts Water

Resources Authority (MWRA) filed its Quarterly Compliance and Progress Report. The United States and the Conservation Law Foundation have recently indicated that they each decline to file a response.

#### I. Schedule Seven

There were no scheduled activities for the last quarter on Schedule Seven.

##### A. Progress Report

##### 1. Combined Sewer Overflow (CSO) Program

##### a. CSO Annual Progress Report

The MWRA has submitted its comprehensive CSO Annual Progress Report, which summarizes the progress made in CSO-related projects in 2011 and the first quarter of 2012. Most notably for 2011, the MWRA began the operation of the North Dorchester Bay CSO storage tunnel and related facilities. Since its opening on May 4, 2011, the tunnel has captured more than 197 million gallons of CSO, stormwater, and groundwater infiltration. The only discharge to the South Boston beaches occurred during Hurricane Irene, when the stormwater gates to the tunnel were closed as provided in the protocol for dealing with five-year storm events.

The MWRA states that since 1988, the annual CSO discharge volume has been reduced from 3.3 billion gallons to 514 million gallons, a reduction

of 84 percent. An additional 82 percent of the remaining volume was treated at the MWRA's four CSO facilities prior to discharge.

b. Cambridge Sewer Separation

The MWRA reports that construction of the CAM004 stormwater outfall and wetland detention basin is approximately 40 percent complete. The City of Cambridge has completed the wetland basin outlet structure and continues with the construction of the new storm drain box conduit that will convey separated stormwater to the basin. According to the MWRA, Cambridge remains on schedule with the design work for the remaining three contracts for sewer separation, and anticipates the completion of the work by December of 2015, in accordance with Schedule Seven.

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

The MWRA reports that its Board of Directors has approved the award of the contract for design services in these last two projects in its long-term CSO control plan. The SOM01A project is scheduled for completion in June of 2014, and the control gate and floatables control at Outfall MWR003 and MWRA Rindge Avenue siphon relief project is scheduled for completion in October of 2015.

#### d. Brookline Sewer Separation

The MWRA reports that the Town of Brookline continues to make substantial progress on its sewer separation project, which is comprised of two contracts. The first contract was completed in January of 2010, and the second project, which involves installing 3,790 linear feet of storm drain and 5,840 linear feet of sanitary sewer, is now 60 percent complete (compared to 50 percent as of the court's last Order).

The MWRA additionally reports that on March 14, 2012, its Board of Directors approved the award of the contract for the cleaning of CSO Outfall MWR010, which will ensure that the Outfall has adequate capacity to convey Brookline's separated stormwater to the Charles River.

#### e. Reserved Channel Sewer Separation

According to the MWRA, BWSC continues to make progress on the Reserved Channel sewer separation project. The project remains on track for completion by December of 2015, in compliance with Schedule Seven.

## II. Comments

The court is pleased that the significant progress realized in the last year (particularly, the completion of the North Dorchester Bay storage tunnel), coupled with the continuing progress in Cambridge, Brookline, and on all the other projects.

ORDER

The parties are ordered to report to the court as previously scheduled.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE