

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 225

September 27, 2012

STEARNS, D.J.

This is the two hundred and twenty-fifth Compliance Order that has issued in this litigation. On September 14, 2012, the Massachusetts Water Resources Authority (MWRA) filed its Quarterly Compliance and Progress Report. The United States and the Conservation Law Foundation have each indicated that they decline to file a response.

I. Schedule Seven

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

II. Progress Report

1. Combined Sewer Overflow (CSO) Program

a. CAM004 Stormwater Outfall and Detention Basin

The MWRA reports that construction of the CAM004 stormwater outfall and wetland detention basin is now approximately 75 percent complete, and on schedule for completion by April of 2013. The City of Cambridge has continued excavation in a number of areas and has planted a significant amount of vegetation along the wetland edges and in the vicinity of the proposed Oxbow, which will provide a spawning habitat for migratory fish, including alewife and blueback herring, before their return to the sea. The City has been aided in the vegetation project by the gratifying efforts of citizen volunteers who installed a thousand wetland plugs in the emergent marsh on the July 14 Community Planning Day. The City is also near the completion of the storm drains and pipes that will regulate the exchange of water between the Oxbow and main wetland basin and the Charles River, as well as the installation of the foundations for the pedestrian boardwalks and overlooks.

In addition, the design work for the remaining three construction contracts (Contracts 8A, 8B, and 9) for the \$78 million CAM004 sewer separation project remains on schedule for completion by December 2015, in compliance with Schedule Seven.

b. Brookline Sewer Separation

The MWRA reports that the Town of Brookline continues to make substantial progress on its \$26 million sewer separation project, which consists of two separate contracts. The first 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 (4,550 linear feet of which will be done by micro-tunneling as opposed to the more disruptive open trench method), is now 80 percent complete (compared to 68 percent as of the court's last Order). Of special concern to local residents, the installation of the 8-inch sewer and 24-inch drain in the St. Mary's commercial district outbound along

Beacon Street is nearly complete, as is the 24-inch storm drain and the 15/12-inch drain on the inbound side. Brookline anticipates substantial completion of the entire project by the end of 2012, well in advance of Schedule Seven's July 2013 milestone.

The MWRA additionally reports that the removal of sediments from CSO outfall MWR010 is substantially complete. The cleaning will ensure that the outfall has adequate hydraulic capacity to convey Brookline's separated stormwater to the Charles River Basin.

c. Reserved Channel Sewer Separation

According to the MWRA, the Boston Water and Sewer Commission (BWSC) continues to make progress on the remaining three contracts that comprise the Reserved Channel sewer separation project, including Contract 3A, which had encountered unforeseen difficulties with hidden rock underneath E and F Streets and West Broadway. Contract 3A involves 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, and 22 new storm drain catch basins. BWSC also completed the installation of the 24-inch sewer, 12-inch drain, and 8-inch water main along Bolton Street and the 21-inch drain and 16-inch water main along F Street. Contract 3B, which covers areas around Dorchester Street and Elkins and Summer Streets area to the edge of the Reserved Channel, the BWSC reports as now 45 percent complete with full completion anticipated in December 2014. On June 14, 2012, the BWSC received construction bids on the \$9.1 million Contract 4 covering areas south and west of the Reserved Channel. Finally, the MWRA reports that the BWSC plans to issue the notice to proceed with the \$6.8 million Contract 8, the second of two pavement restoration projects that that follow as sections of the sewer separation work are completed. Progress is being made on the design work for the remaining Contracts 5 and 6, and the MWRA reports that the Reserved Channel sewer separation

project remains on track for completion by December of 2015, in compliance with Schedule Seven.

d. South Dorchester Bay Inflow Removal

The MWRA reports that the BWSC continues to perform hydraulic modeling and system analysis to evaluate system performance in extreme storms, and plans to issue a final report with recommendations by early 2013. The BWSC has detected numerous locations of stormwater inflow into sanitary sewers, and it is currently sealing those locations that can be eliminated by trenchless methods. Those locations requiring "cut-and-cover" construction will be removed pursuant to a contract that will be advertised this fall.

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

The MWRA reports that the preliminary design services and reports are underway for these two projects, which will ensure sufficient hydraulic capacity for overflow at outfall MWR003 in large storms, and increase the size of the local sewer connection to the MWRA's interceptor system at outfall SOM01A. These are the last two of six projects that comprise the Alewife Brook CSO plan, and both are proceeding in accordance with Schedule Seven.

III. Comments

The court is pleased with the continued progress on all projects in the past quarter, and looks forward to the opportunity to visit the completed Cambridge wetland basin project, which is now finally coming to fruition.

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