

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 213

October 5, 2009

STEARNS, D.J.

This is the two hundred and thirteenth Compliance Order that has issued in this litigation. On September 15, 2009, the Massachusetts Water Resources Authority (MWRA) filed its Quarterly Compliance and Progress Report (Quarterly Report). The United States and the Conservation Law Foundation have both indicated that they decline to file responses. I accept the MWRA's Quarterly Report and make the following findings.

I. Schedule Seven

Frederick A. Laskey, Executive Director of the MWRA, has certified a status report on the activities for the months of June and July of 2009.

A. Activities Completed

1. Brookline Connection and Cottage Farm

On June 30, 2009, in compliance with Schedule Seven, the MWRA completed construction of the Brookline Connection, Cottage Farm Overflow Chamber Interconnection, and Cottage Farm Gate Control Project. In combination with the Brookline and Bulfinch Triangle sewer separation projects currently underway (and ongoing sewer separation by the City of Cambridge), this project is expected to reduce the number of discharges from the Cottage Farm facility to the Charles River from seven activations and 26.7 million gallons to two activations and 6.3 million gallons in a typical year.

B. Activities Not Completed

1. Morrissey Boulevard Storm Drain

The MWRA reports that on July 15, 2009, the Boston Water and Sewer Commission (BWSC) completed construction of the Morrissey Boulevard storm drain. The court notes that the project was delayed by the discovery of a buried concrete structure, but that the project was nonetheless completed only two weeks after the deadline set in Schedule Seven.

2. CAM004 Stormwater Outfall and Detention Basin; Sewer Separation

The MWRA reports that it is currently working with the City of Cambridge to finalize the revised construction schedules. The next phase of the projects includes obtaining the necessary easements and permits (including pursuing Article 97 legislation for approval of easements in the Alewife Brook Reservation and negotiation with the Massachusetts Bay Transportation Authority and other railroad operators) and making certain design changes.

B. Progress Report

1. Combined Sewer Overflow Program

(a) Charles River Valley Sewer/ South Charles Relief Sewer Gate Controls

The MWRA reports that it recently completed its hydraulic evaluations of potential Charles River interceptor system improvements. The MWRA has concluded that there are no feasible means to optimize the hydraulic performance of the existing interceptors to increase the level of CSO control. The MWRA plans to seek the court's approval to delete the related milestones from Schedule Seven.

(b) Interceptor Relief for BOS003-014

The MWRA reports that the contractor continues to make significant progress on this project in East Boston. The two remaining projects are both expected to be completed by July of 2010.

(c) North Dorchester Bay Storage Tunnel and Related Facilities

The MWRA expects that the contractor will substantially complete the remaining construction work on the storage tunnel by December of 2009. Work on the construction

contract for the dewatering pump station at Conley Terminal and the 24-inch force main has begun and continues to progress. Finally, the MWRA expects to award the contract for the tunnel ventilation building in October of 2009 and complete construction by May of 2011.

II. Comments

The court is pleased with the continuing progress on all scheduled projects. The court particularly notes that the MWRA and City of Cambridge are proceeding in tandem to complete the easement and permitting process for the Alewife Brook project.

ORDER

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

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE