

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-MA

CIVIL ACTION  
No. 83-1614-MA

MWRA QUARTERLY COMPLIANCE AND  
PROGRESS REPORT AS OF DECEMBER 16, 2002

The Massachusetts Water Resources Authority (the "Authority") submits the following quarterly compliance report for the period from September 16, 2002 to December 16, 2002, and supplementary compliance information in accordance with the Court's order of December 23, 1985, and subsequent orders of the Court.

I. Schedule Six

A status report for the scheduled activities for the month of October 2002 on the Court's Schedule Six, certified by Frederick A. Laskey, Executive Director of the Authority, is attached hereto as Exhibit "A."

A. Activities Completed.

1. Report on Backup Disposal Plan.

On October 16, 2002, the Authority submitted its report on actions taken pursuant to its backup residuals disposal plan over the past six months in compliance with Schedule Six. In addition, the Authority and the Commonwealth filed their Joint Report on the implementation of the Memorandum of Understanding regarding the beneficial use of biosolids.

B. Progress Report.

1. Current Expense Budget.

On December 9, 2002, Acting Governor Jane Swift cut the remaining \$38.7 million in statewide Debt Service Assistance ("DSA") from the Commonwealth's Fiscal Year ("FY") 2003 budget. Of this amount, the Authority was projected to receive \$32.9 million. Earlier in the fiscal year, Acting Governor Jane Swift cut statewide DSA by \$16.8 million of which the Authority estimated its share at \$14.3 million. Since 1994, the Authority has received DSA from the Commonwealth. The amount of assistance had grown

from \$19 million in FY 1994 to \$50 million in FY 2002. For FY 2003, the Authority projected DSA reimbursements totaling \$47.2 million. This represents nearly 10 percent of the Authority's FY 2003 revenues. A cut of this magnitude this late in the fiscal year will require extraordinary action and certainly presents the most difficult fiscal challenge the Authority has faced in many years.

The Authority's long-term financial plan is based upon state debt service assistance not only for FY 2003, but also for the next several years. Based upon recent press reports of a potential one to two billion dollar state deficit for FY 2004, the Authority's future debt service assistance is in question.

On December 11, 2002, at its Board meeting, the Authority's Board of Directors received a presentation from the Executive Director on the DSA reduction. After discussion, the Board scheduled a special meeting for December 18, 2002, and directed the Executive Director to present a report on his recommendations at that meeting.

Over the weeks ahead, the Authority will begin looking at ways to address this deficit by trying to find the right balance among the need to impose necessary rate increases, the need to tap financial reserves in a responsible fashion, the need to reduce direct expense spending and, in the longer term, the need to adjust capital spending. The Authority will advise the Court promptly should the analysis lead to requests for revisions to the current CSO implementation schedule.

2. Combined Sewer Overflow Program.

(a) North Dorchester Bay and Reserved Channel Consolidation Conduits and CSO Facility.

The Authority acknowledges both the Court's and the United States Environmental Protection Agency's ("EPA") concerns with respect to delays in the implementation of a combined sewer overflow ("CSO") plan for South Boston and shares their view that avoiding risks to human health at the South Boston beaches must be a priority. The Authority remains committed to developing and implementing a CSO project for South Boston that is acceptable to the Court, the Court parties, the regulatory agencies, public interest groups, the citizens of South Boston, their elected officials and Authority ratepayers. The Authority has made a significant and sustained effort to inform and seek input from interested parties with the hope that a consensus can be reached on a proposed CSO control project for South Boston. The Authority's goal is still to provide a project for South Boston that provides a high level of CSO control and that meets the Massachusetts Department of Environmental Protection's ("DEP's") water quality criteria for swimmable waters.

The Authority, however, does not share EPA's view that the Authority should implement a CSO control plan in South Boston which would eliminate CSO discharges to the beaches regardless of cost. The Authority considers it necessary to evaluate water quality data and water quality conditions predicted to exist in the future, under various CSO control options, in order to assure benefits commensurate with cost, as it did when it recommended its 1997 Final CSO Facilities Plan and Environmental Impact Report ("Final FP/EIR").

Since last reporting, the Authority has made progress toward completing the first of two phases of its reassessment of CSO control alternatives for South Boston pursuant to the Secretary of Environmental Affairs' Certificate on the Notice of Project Change (the "NPC") for the North Dorchester and Reserved Channel Conduits and Reserved Channel CSO facility project.<sup>1</sup> Most of the Phase I work is complete, including an updated hydraulic performance assessment and preliminary water quality evaluations for the various alternatives that fall within the four CSO control options previously identified.<sup>2</sup> As a result, the Authority has been able to consolidate further the number of alternatives and to begin to differentiate the remaining alternatives on the basis of CSO control, water quality benefit and cost.

The Authority presented the results of these efforts at a Technical Workshop on November 22, 2002, attended by many interested parties, including EPA, DEP, the United States Department of Justice, community representatives, Save the Harbor/Save the Bay, The Boston Harbor Association, Conservation Law Foundation, Massachusetts Port Authority, Boston Redevelopment Authority, Boston Environmental Department, Metropolitan District Commission ("MDC"), Boston Water and Sewer Commission ("BWSC") and the Authority's Advisory Board. The purpose of the workshop was to receive input from parties representing a broad range of

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<sup>1</sup> See Compliance and Progress Reports for September 16, 2002, pp. 2-10; June 13, 2002, pp. 2-4; March 15, 2002, pp. 2-4; and December 17, 2001, pp. 4-6.

<sup>2</sup> See September 16, 2002 Compliance and Progress Report at pp. 4-7.

interests and perspectives on the identification of a narrower set of CSO control alternatives and siting options that should be carried forward through the remaining work of the reassessment.

As a result of this workshop, which was the culmination of considerable technical evaluation and several months of discussions with stakeholders, the Authority was able to reduce the number of CSO control options and alternatives. The CSO control options and alternatives selected for further review were the following:

- Option 1: Interceptor relief for North Dorchester Bay and sewer separation for Reserved Channel at a cost of approximately \$100 million. For North Dorchester Bay, this alternative would provide up to a one-year level of CSO control, and would neither increase nor decrease existing separate stormwater discharges. For Reserved Channel, it would provide a three-month storm level of CSO control and would increase the amount of separate stormwater discharged to the Channel.
- Option 2: Storage tunnel for North Dorchester Bay and sewer separation for Reserved Channel. Various alternatives involving different tunnel sizes and depths; mining shaft, tunnel pump-out facility and odor control facility locations; and levels of CSO and stormwater control will be evaluated. The alternatives cover a cost range of \$160 million to \$230 million.<sup>3</sup> For North Dorchester Bay, they offer a range of CSO control (two-year to 25-year storm). Up to a five-year level of separate stormwater control is possible if added to the project, but with the tradeoff of reducing CSO control. Sewer separation for Reserved Channel would provide three-month storm CSO control and would increase the amount of separate stormwater to the Channel.
- Option 4: Storage and relocation tunnels and 600 million gallon per day (“mgd”) pumping and treatment facility for North Dorchester Bay and Reserved Channel. Alternatives involving different mining shaft, pumping and treatment facility and odor

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<sup>3</sup> Cost estimates do not include site acquisition costs.

control facility locations and stormwater control options (including no stormwater control) will be evaluated. These alternatives cover a cost range of \$220 million to \$330 million.<sup>3</sup> They eliminate CSO discharges to North Dorchester Bay and could provide up to five-year separate stormwater control for North Dorchester Bay (if stormwater control is added to the project) and up to a five-year level of CSO control for Reserved Channel.

The Authority has set aside Option 3, a storage tunnel followed by phased sewer separation for North Dorchester Bay, from further consideration primarily because Option 2 provided a similar level of CSO control with less stormwater impact at a significantly lower cost.

At the workshop, certain stakeholders stressed the importance of considering water quality benefits, in addition to level of CSO control and the need to understand the water quality conditions that may remain with each CSO option. Some felt that control of separate stormwater will be critical to water quality benefit and protection of uses, though acknowledging that the Authority does not have responsibility for stormwater control and that cost sharing among responsible agencies must be addressed. There were also concerns raised about dry weather water quality violations and beach postings and the large range in cost for the control options.

The Authority also presented information on its initial siting review, which was used primarily to identify potential construction site options for more detailed evaluation in Phase II. As part of the review, the Authority divided the South Boston study area into seven zones (A-G). The Authority then prepared an inventory of potential sites within each zone that could accommodate one or more of the facilities and construction activities

contemplated by the CSO control options: a 600 mgd pump station for CSO elimination; a 10 mgd pump-out facility needed for the storage tunnel alternatives; tunnel mining shafts; and odor control facilities associated with any of the tunneling alternatives. Use of some of these sites appeared inadvisable because, for example, they were actively used recreational lands, areas within 500 feet of residences, parcels with planned future use for which a notice had been filed under the Massachusetts Environmental Policy Act (“MEPA”) or with the Boston Redevelopment Authority or properties on the national or state historic registers. Criteria such as minimum site size and configuration requirements eliminated additional sites.

Through this two-tiered screening process, the Authority was able to narrow the sites down considerably. The remaining set of potential sites, shown on Exhibit “B,” will be carried forward through more detailed evaluations of cost, institutional and acquisition requirements, and environmental and community impacts. Exhibit “B” identifies the seven zones and, using a color code, indicates sites that have been screened out and remaining sites of sufficient size for the different facilities and construction activities.

Potential sites that remain are within Zones A (Columbia Point), E (along the south side and west end of Reserved Channel), F (Conley Terminal) and G (north of Reserved Channel). For many of the sites within these zones, there are additional concerns. Although Zone A appears to have several possible sites, there are issues related to nearby institutions (e.g. UMass Boston, JFK



Library, Boston College High School) that may prevent siting a mining shaft or CSO facility. Also, siting a 600-mgd facility within Zone A for CSO elimination does not resolve the issue of discharging into a Class SB water (North and South Dorchester Bay) and would require a change to the existing water quality standard, compromising the benefits of the elimination alternatives.

Many residents of South Boston and their elected officials remain strongly opposed to siting a large facility along East First Street, covering much of Zone E, primarily due to concerns about proximity to residences and perceived air quality impacts. Also, Massport has reiterated that it will not permit the Authority to construct a large facility at Conley Terminal because it would adversely impact port operations in this Designated Port Area. Massport did indicate, however, that it may be possible to locate a smaller facility (such as a 10 MGD pump-out station) in this area, so long as it does not interfere with port operations and renovations. The Authority has acknowledged and accepted Massport's position, but has conducted preliminary siting evaluations for a large facility at Conley to satisfy a MEPA requirement in the June 8, 2001 Secretary's Certificate.

Although Zone G has a site large enough for a 600-mgd facility, it would require driving a deep rock tunnel to the north side of Reserved Channel, which would add more than \$100 million to the cost of the next most expensive alternative, calling into serious question its cost-effectiveness. Nevertheless, the Authority will carry a potential site for the 600-mgd facility in Zone G.

Although the Authority made significant progress over the past quarter on its Phase I activities, it was unable to complete its scoped work to update and recalibrate the receiving water quality model for North Dorchester Bay, due primarily to a lack of large storms and other obstacles, which hampered the water quality sampling program along the beaches. Even though it was unable to complete this work, the Authority still plans to commence Phase II in February 2003.

To date, the Authority has mobilized crews for 10 storm events and conducted sampling in eight of these storm events since the program began in Fall 2001. Only one of the eight storms sampled caused a moderate CSO discharge. The Authority has modified sampling mobilization protocol in an attempt to avoid missing any large rain event while also avoiding spending considerable funds on storms that do not cause a CSO activation.

The water quality work is key to assuring benefit commensurate with cost, especially with the more expensive alternatives that provide a very high level of control or eliminate CSOs entirely. The reassessment will update water quality information in an attempt to understand fully CSO and non-CSO pollution impacts and how they contribute to water quality degradation and beach closings.

Beach water quality is a complex issue that is only partially related to CSO discharges. Water samples collected at Carson Beach, the prime recreational beach in South Boston, met EPA's bacteria standard for swimming 94 percent of the time during the 1996 to 2002 period. The data indicate that

Carson Beach is one of the cleanest beaches in Boston Harbor (including those that have no CSO impacts) and that it is well within EPA's guidelines and the Massachusetts Department of Health's ("MADPH") regulations for average (geometric mean) indicator bacteria levels. In fact, Carson Beach has a "steady state geometric mean" of five *Enterococcus* colonies per 100 ml, which is well below EPA's criteria for a "steady state geometric mean" at a designated bathing beach of no more than 35 *Enterococcus* per 100 ml.<sup>4</sup> In addition, the data indicate that of the six percent of the samples which exceeded MADPH's regulations for single sample limits (causing the beach to be posted), at least 63 percent occurred in dry weather or light rainfall conditions, when CSOs were not discharging.

The Authority believes that collecting additional, targeted water quality information for both dry and wet weather conditions, especially during a large storm, is essential to reassessing the CSO control options and understanding the water quality benefits and remaining water quality problems associated with any selected alternative. Some stakeholders have voiced similar views. Because the collection and presentation of water quality data from the reassessment, along with other historical data, is so important, the Authority is considering adding outside, expert consulting support.

However, due to winter conditions, the Authority has suspended sampling activities until April 1, 2003. Separately, the Authority will continue

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<sup>4</sup> EPA's criteria are based on an epidemiological study, which assumes an "acceptable swimming associated gastroenteritis rate" of 19 per 1000 swimmers.

to conduct dry weather sampling, in an attempt to determine the sources of dry weather water quality violations. The Authority also plans to continue to inform and consult with members of Save the Harbor/Save the Bay's Science Advisory Committee, established to provide independent peer review of the water quality aspects of the South Boston CSO reassessment.

Because of the unavoidable delays in completing the water quality sampling program, the Authority now believes that additional time will be needed to complete Phase II of the reassessment for South Boston CSO control. The Authority currently anticipates being able to complete its sampling program for North Dorchester Bay by June 2003 and to complete Phase II of its reassessment and submit its Supplemental Environmental Impact Report required by MEPA by the end of 2003.

The Authority believes that much progress has been made in collecting important new information and generating critical discussion among stakeholders that will be necessary to reach consensus on a new plan. It looks forward to working with EPA, DEP and other stakeholders during Phase II.

(b) Cambridge Sewer Separation.

During the past quarter, the Authority and the City of Cambridge (the "City") continued to work toward completing their responses to issues and questions raised in public and regulatory agency comments on the NPC.<sup>5</sup> As

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<sup>5</sup> On April 30, 2001, the Authority and the City submitted an NPC describing the revised plan to separate sewers to control CSO discharges to Alewife Brook. On June 15, 2001, the Secretary of Environmental Affairs

previously reported, the City was able to resolve the potential for exacerbating existing flooding along the Alewife Brook by updating drainage system information from the additional hydraulic modeling evaluations, reducing the size of the new storm drain and modifying the design of a proposed stormwater wetland located in the Alewife Reservation.<sup>6</sup> Efforts this quarter concentrated on continued coordination with MDC to ensure that the revised concept design for the proposed stormwater wetland is consistent with the objectives of MDC's Alewife Reservation Master Plan and satisfies relevant Wetlands Protection Act requirements.

As agreed in earlier discussions with stakeholders, the Authority and the City held two public meetings in November to allow opportunity for public input prior to preparing responses to comments for submission to MEPA. The first meeting, on November 6, focused on the hydraulic modeling and flooding evaluations and the revised conceptual design of the stormwater wetland. At the second meeting, on November 12, participants reviewed the regulatory framework used to derive the proposed level of CSO control and discussed related issues, including public notification and public health issues. In addition, the City and the Authority expect to meet with other stakeholder groups in December to follow-up on specific issues from the public meetings with the aim of resolving remaining issues prior to filing of the response to

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issued a Certificate on the NPC, which required the Authority and the City to prepare a response to comments document. See September 17, 2001 Compliance and Progress Report, Exhibit "B," pp. 7-8.

<sup>6</sup> See Compliance and Progress Reports for June 13, 2002, pp. 4-7, and September 16, 2002, pp. 10-11.

comments document. Due to the interagency coordination and public outreach efforts described above, the Authority and the City now expect that they will be able to complete the response to comments document by March 2003.

Over the next quarter, the Authority and the City will conclude the pre-filing public outreach efforts; continue interagency coordination efforts, particularly with the MDC; and produce and file the response to comments document.

(c) Interceptor Relief for BOS 003-014.

On November 2, 2002, the Authority advertised for bids on the first construction contract for the East Boston Branch Sewer Relief project, which is intended to reduce CSO discharges to Boston Inner Harbor and Chelsea Creek at outfalls BOS 003-014. As reported last quarter, this first contract involves relining the main trunk sections of the Authority's East Boston Branch Sewer to improve hydraulic conditions and provide long-term structural integrity. The work of this contract alone, estimated by the Authority to cost approximately \$6 million, is predicted to lower CSO discharges at many of the upstream outfalls. The Authority expects to receive bids on December 19 and plans to award the contract and issue a notice to proceed in advance of the March 2003 milestone for commencement of construction.

Final design work associated with the remaining two construction contracts for this project was suspended earlier this year pending a reevaluation of the costs and benefits of engineering options for completing the

project. The Authority recently completed a draft scope of services and has begun to solicit proposals from engineering firms to conduct the reevaluation work. The Authority now expects that the work will commence in February 2003 subject to the approval of its Board of Directors at its February 13, 2003 meeting. The Authority estimates that the reevaluation will take four months and be completed by June 2003.

(d) Charles River Variance.

On October 24, 2002, DEP issued its Final Determination to extend the Charles River Variance by one year to October 1, 2003. The extension was issued in part to allow the Authority additional time to collect water quality data at the upgraded Cottage Farm CSO treatment facility, following completion of the start-up and optimization period, and to reevaluate Cottage Farm discharges based on new information regarding system flows. The variance extension includes additional conditions for CSO permittees, including the Authority, BWSC and Cambridge. Among them is a requirement to prepare and implement an enhanced program for public notification of CSO discharges to the Charles River. A similar requirement was added to the Alewife Brook/Upper Mystic River variance extension issued earlier this year.

On December 14, 2002, the Authority completed the last of the five start-up events of the optimization period referenced in Footnote 35 in Schedule Six for the Cottage Farm CSO Facility (the fourth event occurred in October). In preparation for the water quality sampling required in the variance, the

Authority is finalizing the sampling work plan and expects to submit it to DEP and EPA for review this month. The Authority anticipates commencing the water quality sampling program in Spring 2003, and completing the sampling program and analyzing the results in time for use in the Cottage Farm storage evaluations report, now due to MEPA on July 1, 2003.

Since the last report, the Authority conducted an inspection and survey of the overflow weir off the South Charles Relief Sewer that allows flows into the Cottage Farm facility. Measurements show that this weir is in fact set as originally designed, and not a foot lower as suspected by the Authority. Therefore, a recommendation to raise the weir is moot, and related CSO discharge reductions at the Cottage Farm facility are already in effect, bringing the discharges close to the goals of the 1997 CSO plan. Additional sewer system modeling work identified in the Authority's last quarterly report is expected to begin in January 2003, with the goal of further lowering Cottage Farm CSO facility discharges. The modeling will take into account planned system improvements, particularly storm water removal work in Cambridge and Brookline, and will investigate opportunities for further system optimization and hydraulic control.

(e) Dorchester Brook Conduit In-line Storage.

Earlier this fall, the BWSC received bids on the construction contract for the system optimization plans ("SOPs") recommended by the Authority to reduce CSO discharges to the Dorchester Brook Conduit. The Authority, which



has agreed to fund the SOP work, has completed its review of the bid and will soon issue to BWSC an approval to award the contract to the lowest bidder. Although the Authority had reported last quarter that it expected the work to be complete by the end of this year, it now expects that BWSC will award the contract and issue notice to proceed over the next month and complete the work by Spring 2003.

(f) Floatables Control and Outfall Closings.

The Authority recently received two letters from DEP approving the Authority's recommendations for outfalls MWR 010 and MWR 018-020. In its letters, DEP noted that it had consulted with EPA staff in issuing the approval. As previously reported, the Authority conducted system inspections, flow metering and hydraulic analyses in 2000 and 2001 to update its CSO predictions of CSO discharge frequency and volume at regulators tributary to outfalls MWR 018, 019 and 020, which provide relief to the Boston Marginal Conduit ("BMC"), as well at Outfall MWR 010, and recommended several system optimization or maintenance measures to minimize the discharges at these locations.<sup>7</sup> As noted, the Authority submitted a letter report to EPA and DEP on June 11, 2002 summarizing the recommendations and formally requesting approval of its plan from EPA and DEP, which recommended leaving MWR 010 open and not providing floatables control at seven of the regulators

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<sup>7</sup> See Compliance and Progress Reports for March 15, 2002, pp. 7-9, and June 13, 2002, pp. 13-14.

tributary to MWR 018-020. Under the Authority's plan, overflows at MWR 010 will be eliminated during a two-year storm, and overflows to MWR 018-020 will not occur in a typical rainfall year.

As part of its approval, DEP required that the Authority look into the feasibility of SOPs to lower CSO discharges at Cottage Farm and related outfalls and to consider cost-effective measures that may be implemented in the Brookline system to provide CSO abatement for outfall MWR 010. For outfalls MWR 018-020, DEP required the Authority to implement various system operational and maintenance measures and report periodically on the BMC depth sensor data and on system performance indicated by the data. The Authority's planning and operations staff are coordinating their activities to ensure compliance with the various conditions on these approvals.

With these approvals and the implementation of various system optimization changes and maintenance work, as well as the earlier completion of other floatables control and outfall closing projects, most of the work identified in the May 2001 milestone on "region-wide floatables control and outfall closing projects" - and all portions of that work assumed by the Authority and BWSC - are complete. The remaining portion of work, involving floatables control along the Charles River, is the responsibility of the City of Cambridge. Installation of other floatables controls, at outfalls not covered by the May 2001 milestone, is planned or underway as part of other CSO projects, such as the Alewife Brook (CAM 002-004) Sewer Separation project, under which floatables controls will be provided at CSO outfalls along Alewife Brook.

(g) Union Park Detention and Treatment Facility.

On December 7, 2002, the Authority advertised for bids on the construction contract for the detention and treatment facility at Union Park Pump Station, contiguous to the existing pumping station on property owned by BWSC at the intersections of Albany, Malden and Union Park Streets in the South End. The existing pumping station, constructed in 1976, provides flood control for the South End neighborhood of Boston. This project is intended to improve water quality in the Fort Point Channel by providing treatment of CSO flows that are discharged through BWSC's pump station.

The detention and treatment facility will include finer screens, chlorination with sodium hypochlorite, dechlorination with sodium bisulfite and below-ground detention tanks measuring approximately 115 feet wide by 175 feet long and 20 feet deep. The buried tanks, which will have a combined storage capacity of 2.2 million gallons, together with BWSC's South End sewer system improvements, are intended to reduce the average annual number of pumping station discharges to the Fort Point Channel from 25 to 6 per year and to detain flows that exceed the storage capacity in larger storms, to allow a level of solids removal. While a large portion of the new facility will be below ground, the plan includes a significant addition to the above-ground structure of the existing pumping station, to house treatment system components and accommodate operation space needs.

The recently advertised contract also includes some BWSC work to make certain improvements to its Union Park Pump Station. The Authority expects to receive general bids in February 2003, and plans to award and commence the contract in March 2003, in compliance with Schedule Six.

The Authority recently notified EPA and DEP of the possibility that it would be unable to comply with the March 2005 milestone for construction completion. The Authority and its design consultant have completed a detailed analysis of construction activities, based on the final design plans, to assess construction duration and the feasibility of meeting the March 2005 milestone. The Authority has determined that the 24-month duration prescribed by Schedule Six is insufficient to complete the work, and estimates that the construction duration will be 30 months, to September 2005.

The primary reason for the longer construction period is that the proposed treatment building, limited to a very tight and fixed site, is larger and more complex than envisioned in both the Authority's 1994 CSO Conceptual Plan and System Master Plan, in which the Authority proposed the currently mandated schedule, or in the Authority's Final FP/EIR, which was the basis for the original design scope of services. Significant changes to the treatment facility were proposed in the 2001 Preliminary Design Report, in part to accommodate greatly expanded odor control equipment and to provide additional hydraulic control features to ensure that the pump station's flood abatement purpose would not be compromised by the treatment facility.

The Authority plans to discuss this matter further with EPA and DEP.

(h) CSO Quarterly Progress Report.

Pursuant to Schedule Six, the Authority submits as Exhibit “C” its Quarterly CSO Progress Report (the “Report”). The Report summarizes progress made in the design and construction of the CSO projects during the past quarter and identifies issues that have affected or may affect compliance with Schedule Six. The Report also notes the status of certain planning and regulatory efforts.

By its attorneys,

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Certificate of Service

I, John M. Stevens, attorney for the Massachusetts Water Resources Authority, do hereby certify that I have caused this document to be served by hand or mail to all counsel of record.

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Dated: December 16, 2002

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