

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

.....  
UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,  
et al.,

Defendants.  
.....

CIVIL ACTION  
No. 85-0489-RGS

.....  
CONSERVATION LAW FOUNDATION OF  
NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendants.  
.....

CIVIL ACTION  
No. 83-1614-RGS

SPECIAL REPORT OF MWRA  
CONCERNING FORE RIVER PELLETIZING PLANT

The Massachusetts Water Resources Authority (the "Authority") hereby informs the Court that its Fore River Pelletizing Plant (or biosolids facility) experienced a fire in an insulated horizontal air exhaust duct located inside the facility on October 28, 2008. The City of Quincy Fire Department responded immediately and contained the fire to the exhaust duct. The rest of the facility,

including the biosolids dewatering centrifuges and the drying and conveying systems, was not damaged. Backup provisions for disposal of biosolids went into effect according to plan.

The City of Quincy's Fire Chief temporarily shut down operations at the facility, but allowed the Authority to resume operation of the dewatering portion of the facility on October 29, 2008. The Fire Chief indicated that he will require the installation of a fire suppression system for the air exhaust ductwork prior to allowing the Authority to resume operation of the drying systems. The Authority and its plant operator, New England Fertilizer Company ("NEFCO"), are currently evaluating the damage to the air exhaust system and fire suppression options.

As of October 30, 2008, the Authority and NEFCO have initiated the primary backup plan, which provides for trucking the dewatered biosolids to licensed landfills. At this time, the Authority is not certain when it will be able to resume operation of the facility's drying system. NEFCO will continue to ship the dewatered biosolids to landfills until it implements all necessary modifications and receives the necessary approvals to commence drying operations. During this period, there will be no impact on the Authority's ability to treat wastewater at its Deer Island Wastewater Treatment Plant in full compliance with its National Pollutant Discharge Elimination System Permit or on its ability to dispose of biosolids at licensed landfills.

The Authority will report further in its December 15, 2008 Compliance and Progress Report.

By its attorneys,

/s/ John M. Stevens

John M. Stevens (BBO No. 480140)  
Jonathan M. Ettinger (BBO No. 552136)  
Foley Hoag LLP  
155 Seaport Boulevard  
Boston, Massachusetts 02210  
(617) 832-1000  
jstevens@foleyhoag.com

Of Counsel:

Steven A. Remsberg,  
General Counsel  
Christopher L. John,  
Senior Staff Counsel  
Massachusetts Water Resources  
Authority  
100 First Avenue  
Boston, Massachusetts 02129  
(617) 242-6000

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 October 31, 2008:

/s/ John M. Stevens

John M. Stevens (BBO No. 480140)  
jstevens@foleyhoag.com

Dated: October 31, 2008  
B3562381.1