

UNITED STATES DISTRICT COURT

for the

DISTRICT OF MASSACHUSETTS

.....

UNITED STATES OF AMERICA.

Plaintiff,.

CIVIL ACTION

No. 85-0489-MA

METROPOLITAN DISTRICT COMMISSION,&

et al.,

Defendants.

.....

CONSERVATION LAW FOUNDATION OF

NEW ENGLAND, INC.,

Plaintiff

CIVIL ACTION

No. 83-1614-MA

METROPOLITAN DISTRICT COMMISSION,

Defendants.

.....

MWRA MONTHLY COMPLIANCE REPORT

FOR NOVEMBER 2000 AND

PROGRESS REPORT AS OF DECEMBER 15, 2000

The Massachusetts Water Resources Authority (the "Authority") submits the following monthly compliance report for the month of November 2000 and supplementary compliance information in accordance with the Court's order of December 23, 1985, subsequent orders of the Court and undertakings of the Authority.

I. Schedule Six

There were no scheduled activities for the month of November 2000 on the Court's Schedule Six.

A. Progress Report.

1. Harbor Management.

(a)Secondary Battery C.

Pursuant to Schedule Six, the Authority has achieved substantial completion of Secondary Battery C, and the facility is now accepting flow. With the completion of Secondary Battery C, the Authority has completed all of the construction milestones in Schedule Six related to the Deer Island Treatment Plant including the Nut Island Headworks and Fore River Sludge Processing Plant in Quincy. Once Deer Island Treatment Plant staff complete their wet testing program for Secondary Battery C in January, the plant will be able to treat 100 percent of the average dry day flow with secondary treatment.

2.Combined Sewer Overflow Program.

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

The Authority participated in meetings on November 27, 2000 and December 11, 2000 with the Environmental Protection Agency ("EPA") Regional Administrator, the U.S. Attorney, the Department of Environmental Protection ("DEP"), the Massachusetts Port Authority, South Boston elected officials and community representatives, and other interested parties to discuss further the current impasse with the siting of the Reserved Channel combined sewer overflow ("CSO") facility. The meetings provided useful opportunities for the various parties to present their positions on the current project status and to explore options for moving forward. The Authority has represented that it plans to move forward with the Massachusetts Environmental Protection Act ("MEPA") process and plans to file a Notice of Project Change with the MEPA unit early next year. To that end, it will shortly circulate a draft notice to interested parties and participate in further discussions. The Authority continues to believe that reopening the MEPA process to fully reassess CSO control alternatives for both North Dorchester Bay and Reserved Channel is the only way to build a public consensus for CSO control in South Boston.

(b)Cambridge Sewer Separation.

The Authority and the City of Cambridge have continued to perform project evaluations and conduct public participation efforts towards completing a Notice of Project Change on the Authority's revised plan for CSO control in Alewife Brook. On November 15, November 30 and December 13, the Authority held a series of public meetings to inform the public about the revised recommended plan and upcoming filing and to obtain public comments as input to completing the Notice of Project Change. At these meetings, serious concerns have been raised by elected officials and citizens, particularly regarding wetlands, open space and flooding impacts of the revised CSO plan.

The Authority reported last month that it and Cambridge expected to file the Notice of Project Change by today. However, the Authority now believes that the filing must be postponed, to provide sufficient time for additional investigations and further discussion with affected and interested parties on the key concerns raised at the public meetings. Such delay may be measured in months. The Authority plans to hold a meeting with EPA, DEP and Cambridge soon, to discuss the issues and propose a revised schedule. The Authority believes that filing the Notice of Project Change prior to addressing concerns may risk unsettling what so far has been a productive public process, carrying the risk of further and greater delay.

In the meantime, Cambridge's design and construction efforts to separate sewers in areas tributary to CAM 004 continue to proceed, under regulatory approvals issued in 1997.

(c)Dorchester Brook Conduit In-line Storage.

The Authority's consultant completed its flow metering program for the Dorchester Brook Conduit on November 14, 2000 and is now analyzing the data. The Consultant has begun work to upgrade and recalibrate the hydraulic model for the areas in the vicinity of the Dorchester Brook Conduit and CSO outfall BOS 086 in order to update the assessment of CSO discharges under existing conditions, near-term planned conditions, and long-term conditions. The Authority expects to be able to submit a report on the results of flow metering and system hydraulic modeling to EPA and DEP by the end of January 2001, in accordance with Schedule Six.

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.

John M. Stevens (BBO No. 480140)

Dated: December 15, 2000

Notes:

1. Footnote 29 of Schedule Six states " 'Complete and commence operation' means substantial completion of the secondary treatment facility, with the facility accepting flow. Substantial completion is expected to be followed by a period of start-up which will culminate in the consistent achievement of secondary treatment within six months."

2. On August 9, 2000, the Court allowed a motion to amend Schedule Six by deferring the milestones relating to design and construction of the project for in-line storage at the Dorchester Brook Conduit for one year and by adding a new milestone for the submission of a report in January 2001 on the results of additional flow metering and system hydraulic modeling. In its 1997 Final CSO Facilities Plan, the Authority reported that "future planned conditions at the Deer Island Treatment Plant and in the related collection system would bring the Dorchester Brook Conduit overflows into compliance with the state water quality standard [SB(cso)] for Fort Point Channel. As a result, the In-Line Storage Project at Dorchester Brook Conduit was not included as part of the Authority's Final CSO Facilities Plan. However, the project milestones remain part of Schedule Six until the Authority can demonstrate to EPA that the overflow events at CSOs associated with the Dorchester Brook Conduit are within the level predicted in the 1997 Final CSO Facilities Plan. The Authority is now at "future planned conditions," and the January 2001 report will provide data characterizing the Dorchester Brook Conduit overflows. See Compliance and Progress Report dated August 15, 2000, pp. 3-4 and July 17, 2000, pp. 14-17.