

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, .

Plaintiff, .

. CIVIL ACTION

v. . No. 85-0489-MA

.

METROPOLITAN DISTRICT COMMISSION, .

et. al.

Defendants. .

.

.....

CONSERVATION LAW FOUNDATION OF .

NEW ENGLAND, INC., .

.

Plaintiff, .

. CIVIL ACTION

v. . No. 83-1614-MA

.

METROPOLITAN DISTRICT COMMISSION, .

.

Defendants. .

.....

MWRA MONTHLY COMPLIANCE REPORT FOR AUGUST 1999

AND PROGRESS REPORT AS OF SEPTEMBER 15, 1999

The Massachusetts Water Resources Authority (the "Authority") submits the following monthly compliance report for the month of August 1999 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.

1. Schedule Six.

A status report for the scheduled activities for the month of August 1999 on the Court's Schedule Six, certified by Douglas B. MacDonald, Executive Director of the Authority, is attached hereto as Exhibit "A."

A. Activities Completed.

1. Commencing Construction of

Hydraulic Relief for CAM 005.

As reported last month, on July 26, 1999, the Authority issued a Notice to Proceed with the construction contract for hydraulic relief at combined sewer overflow ("CSO") outfall CAM 005, in advance of the August 1999 milestone. This contract will provide relief by adding a new 54-inch connection to the existing 24-inch dry weather connection between the CAM 005 regulator and the North Charles Metropolitan Sewer. The contract also includes the raising and relocation of the existing overflow weir at CAM 005.

B. Progress Report.

1. Fiscal Matters.

(a) Federal Funding.

The United States House of Representatives passed the VA, HUD and Independent Agencies Appropriations bill for Fiscal Year 2000, which includes \$2 million for the Authority's CSO program. The bill is now before the United States Senate.

2. Harbor Management.

(a) Construction of Effluent Outfall Tunnel.

The investigation by the Massachusetts State Police and the U.S. Occupational Safety and Health Administration into the deaths of the two workers who were part of the diffuser safety plug removal team is ongoing.¹ The contractor for the outfall tunnel has received a draft plan for recovering the equipment used by the removal team that remains in the tunnel, to assist in the investigation. The plan, prepared by an expert on diving and breathing gasses, is now under review. Preliminary preparations to implement the plan are also now underway. The State Police have returned to the contractor some equipment previously impounded that is required for the recovery operation.

In the meantime, the contractor has completed waterproofing and spot grouting in the tunnel shaft and is now preparing the surface of the top of the shaft for the placement of a protective coating. The contractor is also in the process of making repairs to the expansion joint between the outfall conduit and the tunnel shaft. The last phase of this work will take place following applications of the coating. The sodium bisulfite lines are now in place, awaiting final connections to be made once the tunnel is flooded.

(b) Electrical System Modifications for

Deer Island Pump Stations.

On September 10 and 11, Deer Island Treatment Plant staff were able to perform initial testing of the new harmonic filters installed at both the Lydia Goodhue and North Main Pump Stations with multiple pumps in operation. The harmonic distortion levels were within acceptable limits. Staff will continue to monitor the performance of the filters during further periods of higher flows.

(c) Construction on Nut Island.

The contractor for the Nut Island facilities has finished the electrical connections from the new sluice gates to the Process Instrumentation and Control System, so that the surge containment area associated with the new headworks is now complete, except for the final functional testing of the system. In addition, the diving subcontractor completed its inspection of the existing outfalls, after removing various obstructions found in the outfalls. The project design engineer is preparing a report on these developments.

On September 10, the Authority, joined by community representatives, recognized the completion of a significant portion of the public access area on Nut Island, now part of the new Boston Harbor Islands National Park Area. The remaining landscaping (which is not related to the Authority's Court-ordered obligations) is scheduled to be completed by November 1999.

(d) Secondary Battery C.

In Secondary Battery C, the contractor has completed 85 percent of physical construction and 20 percent of testing. In the reactor batteries, the contractor has completed water testing and installing the oxygen mixer motors in all three trains. The critical oxygen transfer test, which evaluates the power consumption and performance of the oxygen mixing equipment, was completed successfully.

In the clarifier batteries, the contractor has completed installing and hydrotesting the return sludge and influent piping and has nearly completed placing structural concrete in the clarifiers. Work on connecting the suction piping to the return sludge pumps and installing collectors in the sludge hoppers is continuing.

In the cryogenics facility, the contractor has completed almost all of the construction work and expects to begin testing shortly. Only finish work, such as installation of frames and doors, remains in the dry polymer building.

3. NPDES Permit Appeal.

The Authority understands that the Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("DEP") have met with all parties who appealed the new NPDES permit issued to the Authority on May 20, 1999, to explore settlement. Representatives of the Authority and the Advisory Board met with EPA and DEP on September 13, and proposals presented by EPA and DEP are under review.

4. Residuals Program.

(a) Pelletizing Plant Expansion.

During the past month, the contractor for the pelletizing plant expansion has tested the modification to the mixer conveyor in one of the new dryer trains and operated the dryer at its design capacity for brief periods. However, because it relied on two motors rather than the single motor originally intended, the modification was viewed as temporary for testing purposes. Efforts to modify the mixer conveyor on the other new dryer train using a single motor have not been successful to date, and the manufacturer is continuing to evaluate other possible long-term solutions. With regard to the pug mill vibration, the new larger-diameter pug mill arrived on site, and the contractor is now installing it in one of the first new dryer trains for testing.

The process of resolving these issues to achieve reliable operations of the new dryer trains continues to take longer than the Authority had hoped and expected. Because testing of other significant components of the new dryer trains remains to be performed, the Authority cannot predict with any certainty when the two trains will be ready for turnover. The Authority continues to work with the contractor to make progress in addressing the problems as rapidly as possible.

(b) Residuals Backup Disposal Plan.

Following several months of discussions, EPA is not in agreement with the Authority's position that it no longer has need to retain the Walpole landfill site for the purpose of maintaining a reliable back-up residuals disposal plan.² The Authority disagrees with EPA's position but has concluded that it should suspend further discussion of the matter for the time being.

5. CSO Program.

(a) Cambridge Sewer Separation.

After making a commitment to attend the September 15 meeting of the Authority's Board of Directors to discuss the Cambridge sewer separation project, reported last month, City of Cambridge officials informed the Authority that it would be necessary to postpone the discussion. Although the Authority urged Cambridge to make every effort to attend the September 15 meeting, Cambridge representatives indicated that necessary participants were unavailable but would attend the Board's next meeting on September 29, 1999. Meanwhile, the Authority and Cambridge are continuing activities to support the reevaluation of CSO control alternatives for areas of Cambridge connected to CSOs along Alewife Brook. The Authority will report further on the project next month.

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

The Authority is continuing to work toward implementation of the North Dorchester Bay/Reserved Channel CSO projects, as described in last month's report. In the meantime, the Authority has learned that there are members of the South Boston community who continue to oppose the site identified for the new CSO treatment facility, known as "Site J," and desire further consideration of the feasibility of construction at an alternative site at Conley Terminal. The Authority is continuing to work toward resolution of this issue prior to filing the Article 97 legislation required to obtain access to Site J and other locations.

On September 1, 1999, Authority staff met with EPA and DEP staff to update them on the project and to discuss proposed schedule changes. The Authority will continue these discussions, as appropriate, in connection with resolving the siting issues.

(c) Variance for Alewife Brook and

Upper Mystic River CSO Discharges

On September 1, 1999, the Authority submitted to EPA and DEP the Draft Alewife Brook/Upper Mystic River Basin Stormwater Monitoring Work Plan as required by the Variance for CSO discharges to these areas. The Authority is continuing to meet with the Cities of Cambridge and Somerville to identify any opportunities to coordinate stormwater sampling efforts.

Also on September 1, the Authority submitted to EPA and DEP a report reevaluating whether possible additional infiltration and inflow ("I/I") controls in the northern collection system have the potential to mitigate CSO activations, volumes and durations. The results of this reevaluation confirm the conclusion reached in the 1994 System Master Plan that any degree of feasible I/I control will have no measurable impact on CSOs.

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: September 15, 1999

Notes:

1. See August 1999 Compliance and Progress Report, pp. 2-5.
2. See the Authority's initial report on this matter in the December 15, 1998 Compliance and Progress Report, pp. 13-15.