

EXHIBIT B



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

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March 7, 2006

Donald A. Drisdell, Solicitor
City of Cambridge
Law Department
City Hall, 795 Massachusetts Avenue
Cambridge, MA 02139

Re: United States v. Metropolitan District Commission *et al.*, Civil Action No. 85-0489-ADM; Conservation Law Foundation of N.E., Inc. v. MDC, *et al.*, Civil Action No. 83-1614-ADM

Dear Mr. Drisdell:

This letter will inform you of certain documents that are expected soon to be filed in the above-referenced case which involves the reduction of pollution to Boston Harbor. Specifically, the United States and the Massachusetts Water Resources Authority ("MWRA") will soon be filing with the Court (1) a Joint Motion to Amend Schedule Six With Respect to the Charles River, Alewife Brook and East Boston ("Joint Motion"), and (2) a Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows ("Second Stipulation"). Copies of these documents are enclosed. One or more supporting memoranda may also be filed, but these are not currently available for distribution.

The Joint Motion proposes the deletion of certain milestones in Schedule Six (the schedule of court-ordered pollution abatement projects), and the addition of a number of new milestones for projects to reduce or eliminate discharges from combined sewer overflows in three areas – the Charles River, the Alewife Brook/Upper Mystic River area, and areas of East Boston.

Donald A. Drisdell, Solicitor

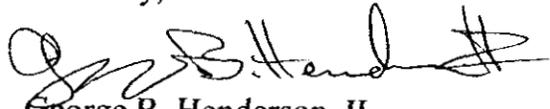
March 7, 2006

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The Second Stipulation, which is to become effective upon approval by the Court of the Joint Motion, will terminate an earlier stipulation entered in 1987 and replace it with the Second Stipulation. The 1987 stipulation presently provides in part: "The Authority accepts legal liability to undertake such future corrective action as is necessary to meet the CSO control requirements of . . . the [Clean Water] Act. The Authority also accepts legal liability to undertake such future corrective action as is necessary to meet the CSO control requirements of the new permit, as and when they become final and effective, and of the Act." The Second Stipulation, which will replace the 1987 stipulation, contains new language concerning the MWRA's liability for undertaking corrective action regarding CSOs, as set forth principally in paragraph 4. The Second Stipulation also contains certain stipulations regarding the content of the MWRA's Long-Term Combined Sewer Overflow Control Plan.

In the event you have any comments regarding the Joint Motion or the Second Stipulation, please send them before March 15, 2006, to me at the address on the letterhead above and to MWRA counsel John M. Stevens at Foley, Hoag, LLP, 155 Seaport Boulevard, Boston, MA 02210. The United States and the MWRA currently expect to file the Joint Motion and Second Stipulation on March 15, 2006.

Sincerely,



George B. Henderson, II
Assistant U.S. Attorney

CC: Owen O'Riordan
Assistant Commissioner for Engineering/City Engineer
Cambridge Department of Public Works
John M. Stevens, Esq.
Christopher L. John, Esq.
Pierce Cray, AAG
Michael Wagner, EPA

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

JOINT MOTION OF THE UNITED STATES AND THE
MASSACHUSETTS WATER RESOURCES AUTHORITY
TO AMEND SCHEDULE SIX WITH RESPECT TO
THE CHARLES RIVER, ALEWIFE BROOK AND EAST BOSTON

The United States of America and the Massachusetts Water
Resources Authority (the "Authority") hereby jointly move for an order
amending Schedule Six by deleting the milestones for the completion of
construction of sewer separation at CAM002 and CAM004 and

completion of construction of interceptor relief for BOS003-014 listed in the following Schedule A, by adding milestones related to the Authority's revised long-term combined sewer overflow ("CSO") control plan for Alewife Brook and Upper Mystic River, interceptor relief for BOS003-014, the revised plan for the Charles River CSO controls, and post-implementation performance assessment listed in the following Schedule B, and by modifying the second sentence in footnote 26 by deleting the following words:

"The February 27, 1987 Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows remains in full force and effect,"

and replacing it with the following words:

"The March __, 2006 Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows shall remain in full force and effect."

by adding to footnote 31 the following sentences:

"The projects related to the Long-Term CSO Control Plan for Alewife Brook are described in MWRA's July 2003 Final Variance Report for Alewife Brook and the Upper Mystic River. The projects related to the Long-Term CSO Control Plan for the Charles River are described in MWRA's August 2, 2005 Recommendations and Proposed Schedule for Long-Term CSO Control for the Charles River, Alewife Brook and East Boston."

and by adding the following footnote 38:

The documents that comprise the Authority's Long-Term CSO Control Plan are identified in the March __, 2006, Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows.

As described in a letter from the Massachusetts Department of Environmental Protection ("DEP") to the Environmental Protection Agency ("EPA") dated March __, 2006, the DEP will reissue five consecutive variances of no more than three years duration each, through the year 2020, for the Charles River and Alewife Brook/Upper Mystic River that, as applied to the Authority, are consistent with and limited to the requirements in the Authority's revised Long-Term CSO Control Plan (the "LTCP") set forth in Schedule Six relating to the Charles River and Alewife Brook/Upper Mystic River added pursuant to this Joint Motion. By letter dated March __, 2006, the Regional Administrator of EPA Region I has approved the variances issued by the DEP for the Charles River and Alewife Brook/Upper Mystic River in 2004, and has approved periodic reissuance of the variances, as applied to the Authority, through the year 2020 upon the condition that the variances as reissued require the Authority to comply with the requirements of Schedule Six relating to the Charles River and Alewife Brook/Upper Mystic River added pursuant to this Joint Motion, including the CSO milestones and levels of control set forth or referenced therein. The above variance reissuances are contingent on the Authority's achievement of the levels of CSO control required in the LTCP and completion of the projects in the LTCP in accordance with the schedule in Schedule Six relating to the Charles River and Alewife Brook/Upper Mystic River added pursuant to this Joint Motion. Any NPDES permits issued by EPA to the Authority for the period through 2020 will

authorize discharges from the Authority's CSO outfalls in the Charles River and Alewife Brook/Upper Mystic River consistent with the variances.

Schedule A

- January 2000 MWRA, in cooperation with Cambridge, to assure completion of construction of sewer separation at CAM002 and CAM004.²⁶
- September 2005 MWRA to complete construction of interceptor relief for BOS003-014.

Schedule B

- April 2006 MWRA to commence 12 month optimization study to identify operating procedures at Prison Point and related structures that will minimize treated discharges from the Prison Point facility without increasing untreated overflows elsewhere.
- June 2006 MWRA to resume design of interceptor relief for BOS 003-014.
- July 2006 MWRA, in cooperation with Cambridge, to commence design of CAM400 manhole separation; and to commence design of interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶
- September 2006 MWRA to commence design of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control.
- November 2006 MWRA, in cooperation with BWSC, to commence design of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to commence design of Brookline sewer separation.²⁶
- March 2007 MWRA to submit report on, and commence implementation of measures that optimize operation of dry weather pumps and influent gates at Prison Point and related structures in part to maximize upstream storage. MWRA to propose flow limits for Prison Point facility based on the results of the optimization study commenced on April 1, 2006.

- July 2007 MWRA, in cooperation with Cambridge, to commence construction of CAM400 manhole separation; and to commence construction of CAM004 stormwater outfall and detention basin.²⁶
- December 2007 MWRA, in cooperation with Cambridge, to complete floatables control at outfalls CAM007, CAM009, CAM011, and CAM017.²⁶
- January 2008 MWRA to commence design of Charles River Valley/South Charles River Relief Sewer gate controls and evaluation of additional Charles River interceptor interconnection alternatives; and, in cooperation with Cambridge, to commence construction of interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶
- June 2008 MWRA to commence construction of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control. MWRA to commence construction of interceptor relief for BOS003-014.
- July 2008 MWRA, in cooperation with Cambridge, to complete construction of CAM400 manhole separation.²⁶
- November 2008 MWRA, in cooperation with BWSC, to commence construction of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to commence construction of Brookline sewer separation.²⁶
- December 2008 MWRA, in cooperation with Cambridge, to ensure completion of construction for interceptor connection relief and floatables control at CAM002, CAM401B, and SOM01A, and floatables control at CAM001.²⁶
- January 2009 MWRA to complete evaluation of additional Charles River interceptor interconnection alternatives and submit related report to EPA and DEP. Such report shall include reasonably expeditious schedules for completing projects that can be completed for low cost, that do not have unexpected construction impacts, and that result in a meaningful reduction in overflow volume or frequency.
- April 2009 MWRA to commence design of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief. MWRA to commence implementation of additional Charles

River interceptor interconnection projects in compliance with the schedules submitted pursuant to the related January 2009 milestone.

- June 2009 MWRA to complete construction of the Brookline Connection, Cottage Farm overflow chamber interconnection, and Cottage Farm gate control.
- July 2009 MWRA, in cooperation with Cambridge, to complete construction of CAM004 stormwater outfall and detention basin, and to commence construction of CAM004 sewer separation.²⁶
- January 2010 MWRA to commence construction of Charles River Valley Sewer/South Charles River Relief Sewer gate controls.
- June 2010 MWRA to complete construction of interceptor relief for BOS003-014.
- November 2010 MWRA to commence construction of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief.
- January 2011 MWRA to complete construction of Charles River Valley Sewer/South Charles River Relief Sewer gate controls.
- January 2012 MWRA to complete construction of control gate/floatables control at outfall MWR003 and MWRA Rindge Avenue siphon relief.
- January 2013 MWRA, in cooperation with Cambridge, to complete construction of CAM004 sewer separation.²⁶
- July 2013 MWRA, in cooperation with BWSC, to complete construction of Bulfinch Triangle sewer separation. MWRA, in cooperation with Brookline, to complete construction of Brookline sewer separation.²⁶
- January 2018 MWRA to commence three-year performance assessment of its Long-Term CSO Control Plan.³⁸ The assessment shall include post-construction monitoring in accordance with

³⁸ The documents that comprise the Authority's Long-Term CSO Control Plan are identified in the March __, 2006, Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflow Control.

EPA's Combined Sewer Overflow (CSO) Policy, 59 Fed. Reg. 18688 (Apr. 19, 1994).

December 2020 MWRA to submit results of its three-year performance assessment of its Long-Term CSO Control Plan to the EPA and DEP. MWRA to demonstrate that it has achieved compliance with the levels of control (including as to frequency of CSO activation and as to volume of discharge) specified in its Long-Term CSO Control Plan.

Respectfully submitted,

Massachusetts Water Resources
Authority

United States of America

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Dated: March , 2006

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

SECOND STIPULATION OF THE UNITED STATES
AND THE MASSACHUSETTS WATER RESOURCES AUTHORITY
ON RESPONSIBILITY AND LEGAL LIABILITY FOR
COMBINED SEWER OVERFLOW CONTROL

The Massachusetts Water Resources Authority ("Authority") and the
United States, on behalf of the Environmental Protection Agency ("EPA"),
hereby agree and stipulate as follows:

1. The purpose of this Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflow Control ("Second Stipulation") is to terminate the February 27, 1987, Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows (the "1987 Stipulation") and replace it with this Second Stipulation that reflects developments and progress in the control of combined sewer overflow ("CSO") discharges to Boston Harbor and its tributaries that have taken place since 1987. The 1987 Stipulation shall remain in effect until this Second Stipulation goes into effect. This Second Stipulation shall take effect, and the 1987 Stipulation shall terminate, upon approval by the Court in the above-captioned action of the Joint Motion of the United States and the Massachusetts Water Resources Authority To Amend Schedule Six with Respect to The Charles River, Alewife Brook and East Boston.

2. The Authority's Long-Term Combined Sewer Overflow ("CSO") Control Plan ("LTCP") presently consists of the Authority's July 31, 1997, Final Combined Sewer Overflow Facilities Plan and Environmental Impact Report (the "1997 Facilities Plan"), as modified by the planning documents identified in the attached Exhibit "A," entitled, MWRA Long-Term CSO Control Plan Facilities Planning Documentation.

3. The CSO outfalls that are the subject of the Authority's LTCP include the outfalls listed in Exhibit "B" hereto, entitled, "Summary of Typical

Year CSO Activation Frequency and Volume.” The CSO outfalls identified with the prefix “MWR” are owned or operated by the Authority. The CSO outfalls identified with a prefix “BOS,” “CAM,” “CHE,” or “SOM,” are owned and operated by member municipalities (Boston, Cambridge, Chelsea, or Somerville, respectively), except that the Union Park Pump Station (“UPPS”) is jointly operated by the Authority and the City of Boston.

4. With respect to all of the CSO outfalls within or hydraulically connected to the Authority’s sewer system, including the outfalls identified in Exhibit “B” hereto, the Authority accepts legal liability to undertake such corrective action as may be necessary to implement the CSO control requirements set forth in Schedule Six and related orders of the Court in the above-captioned action, and to meet the levels of CSO control (including as to frequency of CSO activation and as to volume of CSO discharge) described in the Authority’s Long-Term CSO Control Plan. Whether the Authority has met the levels of CSO control in its Long-Term CSO Control Plan shall be determined by the EPA and the Massachusetts Department of Environmental Protection. With respect to all CSO outfalls owned or operated by the Authority, including the CSO outfalls identified in Exhibit “B” identified with the prefix “MWR,” and including the Union Park Pump Station, the Authority also accepts legal liability to undertake such future corrective action as may be necessary to meet the CSO control requirements of the Clean Water Act, 33 U.S.C. § 1251 et seq. The Authority does not accept liability for alleged past

violations of the CSO provisions of NPDES Permit No. MA0102351 (issued in 1976 and transferred to the Authority in 1985) prior to February 27, 1987.

5. This stipulation is not intended to and does not limit the Court's power to find, or any party's right to seek, liability for past or continuing violations of federal law or to enforce compliance with that law.

By its attorneys,

Massachusetts Water Resources
Authority

By its attorneys,

United States of America

Michael J. Sullivan
United States Attorney

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Dated: March , 2006

B3131253.1

Exhibit A
to
Second Stipulation

MWRA Long-Term CSO Control Plan - Facilities Planning Documentation

Planning Document	Project	Receiving Water
Final Combined Sewer Overflow Facilities Plan and Environmental Impact Report, July 31, 1997	Hydraulic Relief for CAM005	Upper and Lower Charles River Basin
	Stony Brook Sewer Separation	
	Floatables Control at CAM007, CAM009, CAM011 and CAM017	
	Baffle Manhole Separation at SOM 001 and SOM 006-007	Alewife Brook/Upper Mystic River
	Hydraulic Relief for BOS 017 ⁽¹⁾	Mystic/Chelsea Confluence
	Chelsea Branch Relief Sewer	
	Trunk Sewer Relief for CHE 002-004	
	Outfall Repairs and Floatables Control at CHE 008	
	Storage Conduit for BOS 019	Upper Inner Harbor
	Detention/Treatment Facility at Union Park Pump Station	Fort Point Channel
	South Dorchester Bay Sewer Separation	South Dorchester Bay
	Constitution Beach Sewer Separation	Constitution Beach
	Neponset River Sewer Separation	Neponset River
The following reports supplement information in the Final CSO Facilities Plan and Environmental Impact Report, July 31, 1997		
Upgrades to Existing CSO Facilities, Supplemental Environmental Impact Report, September 30, 1998	Cottage Farm Facility Upgrade	Upper Charles River Basin
	Prison Point Facility Upgrade ⁽²⁾	Upper Inner Harbor
	Somerville Marginal Facility Upgrade	Upper Mystic River;
	Commercial Point Facility Upgrade	Mystic/Chelsea Confluence
	Fox Point Facility Upgrade	South Dorchester Bay
	Sewer Separation for BOS072 and BOS073	Fort Point Channel
Upgrades to the Fox Point CSO Treatment Facility, Supplemental Environmental Impact Report, December 31, 1998		
	Fort Point Channel CSO Storage Conduit Notice of Project Change, June 2003, and MWRA Long Term CSO Control Plan, Fort Point Channel Sewer Separation and System Optimization Project, Level of Control at CSO Outfalls BOS072 and BOS073, letter dated June 7, 2004.	

Exhibit A
to
Second Stipulation

MWRA Long-Term CSO Control Plan - Facilities Planning Documentation

Planning Document	Project	Receiving Water
Re-Assessing Long Term Floatables Control for Outfalls MWR018, 019 and 020, February 2001	Regionwide Floatables Controls and Outfall Closing Projects	Regionwide
Report on Re-Assessment of CSO Activation Frequency and Volume for Outfall MWR010, April 2001, and supplemental letter report (Metcalf & Eddy, Inc.), May 31, 2001	Sewer Separation at CAM004 and CAM400	Alewife Brook
Final Variance Report for Alewife Brook and the Upper Mystic River, July 2003, and supplemental letter report (Metcalf & Eddy, Inc.), July 8, 2003	Interceptor Connection Relief and Floatables Control at CAM002, CAM401B and SOM01A, and Floatables Control at CAM001 and CAM401A	
East Boston Branch Sewer Relief Project Reevaluation Report, February 2004	Control Gate/Floatables Control at Outfall MWR003 and MWRA Rindge Avenue Siphon Relief	Mystic/Chelsea Confluence; Upper and Lower Inner Harbor
Recommendations and Proposed Schedule for Long-Term CSO Control for the Charles River, Alewife Brook and East Boston, August 2, 2005	Interceptor Relief For BOS003-014	
Supplemental Facilities Plan and Environmental Impact Report on the Long-term CSO Control Plan for North Dorchester Bay and Reserved Channel, April 27, 2004	North Dorchester Bay Storage Tunnel and Related Facilities Pleasure Bay Storm Drain Improvements Morrissey Boulevard Storm Drain Reserved Channel Sewer Separation	North Dorchester Bay Reserved Channel
Recommendations and Proposed Schedule for Long-Term CSO Control for the Charles River, Alewife Brook and East Boston, August 2, 2005, and MWRA Revised Recommended CSO Control Plan for the Charles River, Typical Year CSO Discharge Activations and Volumes, November 15, 2005.	Brookline Connection, Cottage Farm Overflow Chamber Interconnection and Cottage Farm Gate Control Brookline Sewer Separation Bulfinch Triangle Sewer Separation Charles River Valley/South Charles Relief Sewer Gate Controls Evaluation of Additional Charles River Interceptor Interconnection Alternatives	Upper and Lower Charles River Basin

(1) Also "MWRA Long-Term CSO Control Plan Target CSO Activation Frequency and Volume by Outfall," letter dated December 9, 2005; "MWRA Long-Term CSO Control Plan Response to Additional EPA Questions Regarding Prison Point Discharges," letter dated January 9, 2005 (2006).

(2) Also "MWRA Long-Term CSO Control Plan Target CSO Activation Frequency and Volume by Outfall," letter dated December 9, 2005.

Exhibit B
to
Second Stipulation

SUMMARY OF TYPICAL YEAR CSO ACTIVATION FREQUENCY AND VOLUME

OUTFALL	TYPICAL YEAR		REFERENCE (*)
	LONG TERM CONTROL PLAN 2005 (*)		
	Activation Frequency	Volume (MG)	
ALEWIFE BROOK⁽¹⁾			
CAM001	5	0.19	5
CAM002	4	0.69	5
MWR003	5	0.98	5
CAM004	To be closed	N/A	5
CAM400	To be closed	N/A	5
CAM401A	5	1.61	5
CAM401B	7	2.15	5
SOM001A	3	1.67	5
SOM001	Closed	N/A	
SOM002A	Closed	N/A	
SOM003	Closed	N/A	
SOM004	Closed	N/A	
TOTAL		7.29	
UPPER MYSTIC RIVER			
SOM007A/MWR205A (Somerville Marginal)	3	3.48	
SOM007	Closed	N/A	
TOTAL		3.48	
MYSTIC / CHELSEA CONFLUENCE			
MWR205 (Somerville Marginal)	39	60.58	
BOS013	4	0.54	6
BOS014	0	0.00	6
BOS015	Closed	N/A	6
BOS017	1	0.02	9
CHE002	4	0.22	
CHE003	3	0.04	
CHE004	3	0.32	
CHE008	0	0.00	
TOTAL		61.72	
UPPER INNER HARBOR			
BOS009	5	0.59	6
BOS010	4	0.72	6
BOS012	5	0.72	6
BOS019	2	0.58	
BOS050	Closed	N/A	
BOS052	Closed	N/A	
BOS057	1	0.43	
BOS058	Closed	N/A	
BOS060	0	0.00	
MWR203 (Prison Point)	30	335.00	1, 9
TOTAL		338.04	
LOWER INNER HARBOR			
BOS003	4	2.87	6
BOS004	5	1.84	6
BOS005	1	0.01	6
BOS006	4	0.24	6
BOS007	6	1.05	6
TOTAL		6.01	

Exhibit B to Second Stipulation

SUMMARY OF TYPICAL YEAR CSO ACTIVATION FREQUENCY AND VOLUME

OUTFALL	TYPICAL YEAR		REFERENCE (*)
	LONG TERM CONTROL PLAN 2005 (*)		
	Activation Frequency	Volume (MG)	
CONSTITUTION BEACH			
MWR207	Closed	N/A	
TOTAL		0.00	
FORT POINT CHANNEL			
BOS062	1	0.01	
BOS064	0	0.00	
BOS065	1	0.06	
BOS068	0	0.00	
BOS070			
BOS070/DBC	3	2.19	3
UPPS	17	71.37	
BOS070/RCC	2	0.26	
BOS072	0	0.00	4
BOS073	0	0.00	4
TOTAL		73.89	
RESERVED CHANNEL			
BOS076	3	0.91	7
BOS078	3	0.28	7
BOS079	1	0.04	7
BOS080	3	0.25	7
TOTAL		1.48	
NORTHERN DORCHESTER BAY			
BOS081	0 / 25 year	N/A	
BOS082	0 / 25 year	N/A	
BOS083	0 / 25 year	N/A	
BOS084	0 / 25 year	N/A	
BOS085	0 / 25 year	N/A	
BOS086	0 / 25 year	N/A	
BOS087	0 / 25 year	N/A	
TOTAL		0.00	
SOUTHERN DORCHESTER BAY			
BOS088	To be closed	N/A	
BOS089 (Fox Point)	To be closed	N/A	
BOS090 (Commercial Point)	To be closed	N/A	
TOTAL		0.00	
UPPER CHARLES			
BOS032	Closed	N/A	
BOS033	Closed	N/A	
CAM005	3	0.84	8
CAM007	1	0.03	8
CAM009	2	0.01	8
CAM011	0	0.00	8
TOTAL		0.88	

Exhibit B
to
Second Stipulation

SUMMARY OF TYPICAL YEAR CSO ACTIVATION FREQUENCY AND VOLUME

OUTFALL	TYPICAL YEAR		REFERENCE (*)
	LONG TERM CONTROL PLAN 2005 (*)		
	Activation Frequency	Volume (MG)	
LOWER CHARLES			
BOS028	Closed	N/A	
BOS042	Closed	N/A	
BOS049	To be closed	N/A	
CAM017	1	0.45	8
MWR010	0	0.00	2
MWR018	0	0.00	1
MWR019	0	0.00	1
MWR020	0	0.00	1
MWR021	Closed	N/A	
MWR022	Closed	N/A	
MWR201 (Cottage Farm)	2	6.30	8
MWR023	2	0.13	
SOM010	Closed	N/A	
TOTAL		6.88	
NEPONSET RIVER			
BOS093	Closed	N/A	
BOS095	Closed	N/A	
TOTAL		0.00	
BACK BAY FENS			
BOS046	2	5.38	
TOTAL		5.38	

(*) Long-term Control Plan activation frequency and volumes were established in the 1997 CSO Facilities Plan and Environmental Impact Report or as noted in the "Reference" column.

- 1- Re-assessing Long Term Floatables Control for Outfalls MWR018, 019 and 020, February 2001.
- 2- Report on Re-Assessment of CSO Activation Frequency and Volume for Outfall MWR010, April 2001, and supplemental letter report (Metcalf & Eddy, Inc.), May 31, 2001.
- 3- Report on Re-Assessment of CSO Activation Frequency and Volume to Dorchester Brook Conduit and Outfall BOS086, January 2001 and supplemental letter report (Metcalf & Eddy, Inc.), June 28, 2001.
- 4- MWRA Long Term CSO Control Plan, Fort Point Channel Sewer Separation and System Optimization Project, Level of Control at CSO Outfalls BOS072 and BOS073, June 7, 2004.
- 5- Final Variance Report for Alewife Brook and the Upper Mystic River, July 2003, and supplemental letter report (Metcalf & Eddy, Inc.), July 8, 2003.
- 6- East Boston Branch Sewer Relief Project Reevaluation Report, February 2004.
- 7- Supplemental Facilities Plan and Environmental Impact Report on the Long-term CSO Control Plan for North Dorchester Bay and Reserved Channel, April 27, 2004.
- 8- Recommendations and Proposed Schedule for Long-Term CSO Control for the Charles River, Alewife Brook and East Boston, August 2, 2005; MWRA Revised Recommended CSO Control Plan for the Charles River, Typical Year CSO Discharge Activations and Volumes, November 15, 2005; MWRA Long-Term CSO Control Plan, Response to Additional EPA Questions Regarding Prison Point Discharges, January 9, 2005 (2006).
- 9- MWRA Long Term CSO Control Plan Target CSO Activation Frequency and Volume by Outfall, December 9, 2005.



U.S. Department of Justice

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March 7, 2006

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Re: United States v. Metropolitan District Commission et al., Civil Action No. 85-0489-ADM; Conservation Law Foundation of N.E., Inc. v. MDC, et al., Civil Action No. 83-1614-ADM

Dear Ms. Watson:

This letter will inform you of certain documents that are expected soon to be filed in the above-referenced case which involves the reduction of pollution to Boston Harbor. Specifically, the United States and the Massachusetts Water Resources Authority ("MWRA") will soon be filing with the Court (1) a Joint Motion to Amend Schedule Six With Respect to the Charles River, Alewife Brook and East Boston ("Joint Motion"), and (2) a Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows ("Second Stipulation"). Copies of these documents are enclosed. One or more supporting memoranda may also be filed, but these are not currently available for distribution.

The Joint Motion proposes the deletion of certain milestones in Schedule Six (the schedule of court-ordered pollution abatement projects), and the addition of a number of new milestones for projects to reduce or eliminate discharges from combined sewer overflows in three areas – the Charles River, the Alewife Brook/Upper Mystic River area, and areas of East Boston.

Cheryl Watson, Counsel

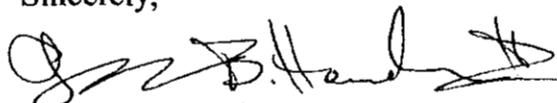
March 7, 2006

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The Second Stipulation, which is to become effective upon approval by the Court of the Joint Motion, will terminate an earlier stipulation entered in 1987 and replace it with the Second Stipulation. The 1987 stipulation presently provides in part: "The Authority accepts legal liability to undertake such future corrective action as is necessary to meet the CSO control requirements of . . . the [Clean Water] Act. The Authority also accepts legal liability to undertake such future corrective action as is necessary to meet the CSO control requirements of the new permit, as and when they become final and effective, and of the Act." The Second Stipulation, which will replace the 1987 stipulation, contains new language concerning the MWRA's liability for undertaking corrective action regarding CSOs, as set forth principally in paragraph 4. The Second Stipulation also contains certain stipulations regarding the content of the MWRA's Long-Term Combined Sewer Overflow Control Plan.

In the event you have any comments regarding the Joint Motion or the Second Stipulation, please send them before March 15, 2006, to me at the address on the letterhead above and to MWRA counsel John M. Stevens at Foley, Hoag, LLP, 155 Seaport Boulevard, Boston, MA 02210. The United States and the MWRA currently expect to file the Joint Motion and Second Stipulation on March 15, 2006.

Sincerely,



George B. Henderson, II
Assistant U.S. Attorney

Enc.

CC: Joseph Foti, Director, Chelsea Department of Public Works
John M. Stevens, Esq.
Christopher L. John, Esq.
Pierce Cray, AAG
Michael Wagner, EPA (w/o encl.)



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

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1 Courthouse Way
Boston, Massachusetts 02210*

March 7, 2006

William Sinnott
Corporation Counsel
City Hall Law Dept.
Room 615
Boston, MA 02201

Re: United States v. Metropolitan District Commission et al., Civil Action No. 85-0489-ADM; Conservation Law Foundation of N.E., Inc. v. MDC, et al., Civil Action No. 83-1614-ADM

Bill
Dear Mr. Sinnott:

This letter will inform you of certain documents that are expected soon to be filed in the above-referenced case which involves the reduction of pollution to Boston Harbor. Specifically, the United States and the Massachusetts Water Resources Authority ("MWRA") will soon be filing with the Court (1) a Joint Motion to Amend Schedule Six With Respect to the Charles River, Alewife Brook and East Boston ("Joint Motion"), and (2) a Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows ("Second Stipulation"). Copies of these documents are enclosed. One or more supporting memoranda may also be filed, but these are not currently available for distribution. Your City's representative on the MWRA Board of Directors may already be aware of these documents.

The Joint Motion proposes the deletion of certain milestones in Schedule Six (the schedule of court-ordered pollution abatement projects), and the addition of a number of new milestones for projects to reduce or eliminate discharges from combined sewer overflows in three areas – the Charles River, the Alewife Brook/Upper Mystic River area, and areas of East Boston.

William Sinnott, Corporation Counsel

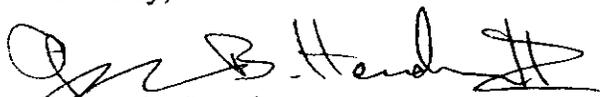
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Sincerely,



George B. Henderson, II
Assistant U.S. Attorney

Enclosure

CC: John P. Sullivan, P.E.
Chief Engineer
Boston Water and Sewer Commission
John M. Stevens, Esq.
Christopher L. John, Esq.
Pierce Cray, AAG
Michael Wagner, EPA



U.S. Department of Justice

*United States Attorney
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Boston, Massachusetts 02210*

March 7, 2006

John Gannon, Solicitor
City of Somerville
Law Department
Municipal Building
93 Highland Avenue
Somerville, MA 02143

Re: United States v. Metropolitan District Commission et al., Civil Action No. 85-0489-ADM; Conservation Law Foundation of N.E., Inc. v. MDC, et al., Civil Action No. 83-1614-ADM

Dear Mr. Gannon :

This letter will inform you of certain documents that are expected soon to be filed in the above-referenced case which involves the reduction of pollution to Boston Harbor. Specifically, the United States and the Massachusetts Water Resources Authority ("MWRA") will soon be filing with the Court (1) a Joint Motion to Amend Schedule Six With Respect to the Charles River, Alewife Brook and East Boston ("Joint Motion"), and (2) a Second Stipulation of the United States and the Massachusetts Water Resources Authority on Responsibility and Legal Liability for Combined Sewer Overflows ("Second Stipulation"). Copies of these documents are enclosed. One or more supporting memoranda may also be filed, but these are not currently available for distribution.

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John Gannon, Solicitor

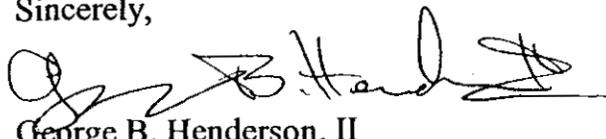
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Sincerely,



George B. Henderson, II
Assistant U.S. Attorney

Enc.

CC: Charles O'Brien, Director, Somerville Dept. of Public Works
John M. Stevens, Esq.
Christopher L. John, Esq.
Pierce Cray, AAG
Michael Wagner, EPA (w/o encl.)