

February 17, 1998

Margaret Drury
City Clerk's Office
795 Massachusetts Avenue
Cambridge, MA 02139

RE: 101 Rogers Street
Cambridge, Massachusetts

Dear Ms. Drury:

In accordance with the Massachusetts Contingency Plan (MCP, 310 CMR 1403 (7)), "Minimum Public Involvement Activities in Response Actions", Cygnus Group Inc., has prepared a "Response Action Outcome (RAO) Statement" for the above-referenced site.

To achieve the RAO, an Activity and Use Limitation (AUL) has been recorded for the Site as Instrument #244 et. seq., Middlesex County Registry of Deeds. As required by the MCP, please find enclosed a copy of the recorded AUL.

A copy of the RAO is available for review at the Department of Environmental Protection's Northeastern regional Office at 10 Commerce Way, Woburn, Massachusetts.

Sincerely,

Ralph J. Tella, LSP
Director of Assessment and Remediation

ENGINEERS &
CONSULTANTS

230 Pond Street
Natick, MA 01760

TEL 508 650.0321

FAX 508 653.4024

RJT:ebw

cc: Harold Cox, Cambridge Public Health Department
Joseph Nicoloro, Cambridge Building Department
Massachusetts Department of Environmental Protection

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OFFICE OF CITY CLERK
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CAMBRIDGE MA.

14-1

Form 1075

NOTICE OF ACTIVITY AND USE LIMITATION
M.G.L. c. 21E, §6 and 310 CMR 40.0000

215

Disposal Site Name: The Foundry Building, 101 Rogers Street

DEP Release Tracking No.(s): 3-15809

This Notice of Activity and Use Limitation ("Notice") is made as of this 6th day of February, 1998, by Kendall Associates, LLC, 39 Brighton Avenue, Boston, MA 02134, together with his/her/its/their successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, the Kendall Associates, LLC of the City of Boston, Suffolk County, Massachusetts is the owner in fee simple of that certain parcel of land located in the City of Cambridge, Suffolk County, Massachusetts, with the buildings and improvements thereon ("Property");

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is bounded and described on a deed recorded and/or registered in Suffolk County North Registry of Deeds in Book 15381, Page 78;

WHEREAS, the Portion of the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material. Exhibit B is a sketch plan showing the relationship of the Portion of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site (to the extent such boundaries have been established). Exhibit B is attached hereto and made a part hereof.; and

WHEREAS, one or more response actions have been selected for Portion of the Disposal Site in accordance with M.G.L. c.21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or groundwater and/or (b) the restriction of certain activities occurring in, on, through, over or under the Portion of the Property. The basis for such restrictions is set forth in an Activity and Use Limitation Opinion ("AUL Opinion"), dated February 6th, 1998, (which is attached hereto as Exhibit C and made a part hereof);

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in said AUL Opinion are as follows:

1. Permitted Activities and Uses Set Forth in the AUL Opinion. The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Portion of the Property:

- (i) Activities and Uses consistent with the Site's current commercial use; including vehicular parking, pedestrian and vehicular traffic, and other non-invasive activities and uses which would not compromise the structural integrity of the asphalt pavement or concrete building foundation within the designated AUL area;
- (ii) Activities and uses not expressly prohibited by this Notice of AUL; and
- (iii) Such other activities or uses which, in the opinion of a Licensed Site Professional (LSP), shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this paragraph.

MSD 02/06/98 10:35:55 244 32.25 Instrument #

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2. Activities and Uses Inconsistent with the AUL Opinion. Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Portion of the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

(i) Activities and uses which may cause physical or chemical deterioration, breakage, or structural damage to the asphalt pavement, or concrete building foundation within the designated AUL area, unless such activities are supervised by a Licensed Site Professional (LSP).

(ii) Exposing, excavating and/or removing oil bearing soil from beneath the asphalt pavement or concrete building foundation within the designated AUL area, unless such activities are supervised by a Licensed Site Professional (LSP).

(iii) Installing a well for drinking water purposes, unless the well is tested periodically for fuel-oil components and such components are not present. Installation of such a well is unlikely since the on-site building is presently served by the City of Cambridge water system.

3. Obligations and Conditions Set Forth in the AUL Opinion. Obligations and/or conditions to be undertaken and/or maintained at the Portion of the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

(i) retain existing surface grade elevation of the Site;

(ii) Maintain the asphalt pavement and concrete building foundation in good condition.; and

(iii) In the event that alterations in the current use of the AUL area that include the removal of asphalt pavement or concrete building foundation are planned, a LSP will be retained to review such plans with regard to the conditions set forth in this AUL.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Portion of the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 *et seq.*, as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Response Action Outcome. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by an LSP in accordance with 310 CMR 40.1080 *et seq.*, and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by an LSP in accordance with 310 CMR 40.1080 *et seq.*, the owner or operator of the Portion of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed.

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned LSP, and recorded and/or registered with the appropriate Registry(ies) of Deeds and/or Land Registration Office(s).

Form 1075: continued

WITNESS the execution hereof under seal this 26th day of January, 1998.

By [Signature]
The Hamilton Company, Inc. Kendall Associates, LLC
Owner

COMMONWEALTH OF MASSACHUSETTS

S. Folk, ss

1/27, 1998

Then personally appeared the above named Carl Valeri and acknowledged the foregoing to be his/her free act and deed, and the free act and deed of said corporation, before me,

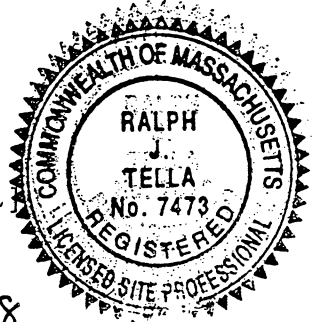
[Signature]
Notary Public: Gladys Perez
My Commission Expires: August 25, 2000

The undersigned LSP hereby certifies that he/she executed the aforesaid Activity and Use Limitation Opinion attached hereto as Exhibit C and made a part hereof and that in his/her Opinion this Notice of Activity and Use Limitation is consistent with the terms set forth in said Activity and Use Limitation Opinion.

Date: 1/27/98

[Signature]
LSP

[LSP SEAL]



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

1/27, 1998

Then personally appeared the above named Ralph J. Tella and acknowledged the foregoing to be his/her free act and deed before me,

[Signature]
Notary Public: MARCELA PAPARILEY
My Commission Expires: December 29, 2000

Upon recording, return to:

Cygnus Group, Inc.
230 Pond Street
Natick, MA. 01760

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DEED


ROGERS BENT REALTY, L.L.C., a Massachusetts limited liability company, with an address of 101 Rogers Street, Cambridge, Massachusetts, for consideration paid and in full consideration of Seven Million Five Hundred Thousand (\$7,500,000) Dollars, grants to KENDALL ASSOCIATES, LLC, a Massachusetts limited liability company, with a mailing address c/o The Hamilton Company, 39 Brighton Avenue, Allston, MA 02134, with QUITCLAIM COVENANTS, the land in Cambridge, Middlesex County, Massachusetts, more particularly described on Exhibit A attached hereto and incorporated herein by reference.

This conveyance is made subject to and with the benefit of easements, conditions, restrictions, and other matters of record, if any, insofar as now in force and applicable.

For grantor's title, see Deed dated February 20, 1987 recorded with Middlesex South District Registry of Deeds in Book 17901, Page 363; see also Certificate of Merger dated August 26, 1996 recorded with said Deeds as Instrument No. 1392 of July 31, 1997.

Executed under seal on November 13, 1997.

ROGERS BENT REALTY, L.L.C.

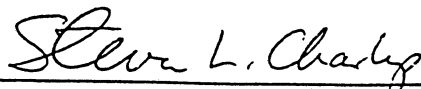
By: 
Aviva Sapers, Manager

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

November 13, 1997

Then personally appeared the above named Aviva Sapers, Manager of Rogers Bent Realty L.L.C. and acknowledged the foregoing instrument to be the free act and deed of Rogers Bent Realty, L.L.C., before me.


Steven L. Charlip, Notary Public
My Commission Expires: June 7, 2002

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EXHIBIT A

A certain parcel of land with all buildings, structures, and improvements now or hereafter thereon, and all fixtures now or hereafter therein, situated in Cambridge, Massachusetts, now known and numbered as 101 Rogers Street and 180 Bent Street, being shown as Lot A on a plan entitled "Plan of Land in Cambridge, Mass.," dated March 15, 1968 by Robert H. Dunning, Surveyor, duly filed with Middlesex South Registry of Deeds with deed of Nathaniel E. Slavin, as Trustee of Slavin Real Estate Trust, to mortgagor, dated June 28, 1968 and recorded with said Deeds, Book 11532, Page 482, being bounded and described as follows:

- NORTHERLY By Bent Street, ninety-three and $4/10$ (93.4) feet;
- EASTERLY By land of owners unknown, two hundred seventeen and $65/100$ (217.65) feet;
- NORTHERLY Again by land of owners unknown, one hundred twenty two and $63/100$ (122.63) feet;
- EASTERLY Again by Third Street, fourteen and $77/100$ (14.77) feet;
- SOUTHERLY By Rogers Street, two hundred sixty six and $13/100$ (266.13) feet;
- WESTERLY By Lot B on said plan, by a line running in part through the middle of a partition wall one hundred fifty one and $65/100$ (151.65) feet;
- NORTHERLY Again, by said Lot B, eleven and $3/10$ (11.3) feet;
- WESTERLY Again, by said Lot B, by a line running through the middle of a partition wall, nineteen and $5/10$ (19.5) feet;
- NORTHERLY Again, by said Lot B, by a line running through the middle of a partition wall, forty two (42) feet;
- WESTERLY Again, by said Lot B, by a line running through the middle of a partition wall, sixty and $5/10$ (60.5) feet;

Containing approximately 32,237 square feet of land.

The above parcel is also shown on a plan of land entitled "Plan of Land, Cambridge, Massachusetts" by Harry R. Feldman, Inc. Land Surveyor, dated December 19, 1983 recorded with said Deeds at Book 15381, Page 78.

BENT STREET

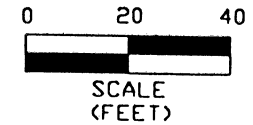
THE
FOUNDRY
WORKS
BUILDING

ELECTRIC
TRANSFORMER

DRIVEWAY

ROGERS STREET

LEGEND	
MV-3 ●	MONITORING WELL AND NAME
⊙ B-2	PREVIOUSLY INSTALLED SOIL BORING
⊕	SOIL GAS PROBE
SG-1 □	TEST BORING
- - - -	PROPERTY LINE (TYPICAL), AND AREA OF AUL
- - - -	APPROXIMATE AREA OF DISPOSAL SITE



SITE PLAN SHOWING ACTIVITY AND USE LIMITATION		
THE FOUNDRY WORKS BUILDING 101 ROGERS STREET (180 BENT STREET) CAMBRIDGE, MASSACHUSETTS		EXHIBIT: B

6-71-2
- - -
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EXHIBIT-C

ACTIVITY AND USE LIMITATION LSP OPINION

**RTN# 3-15809
THE FOUNDRY BUILDING
101 ROGERS STREET
CAMBRIDGE, MASSACHUSETTS**

PAGE 1 OF 2

As part of an updated environmental site assessment for the above-referenced Site, a release of fuel oil was identified in close proximity to a former 10,000-gallon underground fuel oil storage tank. The storage tank was removed from the Site in 1988. The documentation for the Response Action Outcome Statement prepared by the Cygnus Group, Inc., dated January 1998 concludes that the Site is classified as an "S-3" soil area. Groundwater is classified as the lower of "GW-2" or "GW-3". These classifications are the result of the current and reasonably foreseeable activities and uses of the Site as a parking lot and office building.

The principle conclusion presented in the Response Action Outcome Statement Report is that residual contamination present in soil and groundwater does not present a significant risk of harm to human health, public welfare and the environment. This conclusion is predicated on the continued similar use and configuration of the Site. A change in these uses or configuration may result in exposure to remaining contamination. For these reasons, an AUL has been designed and recorded to identify the area of remaining contamination, and to prevent a change in Site use or configuration that would increase the likelihood of exposure. The following is a summary of the activities and uses that are permitted within the AUL, a summary of the activities and uses that are inconsistent the AUL, and the obligations of the responsible party.

Permitted Activities and Uses to be Set Forth in the AUL

1. Activities and Uses consistent with the Site's current commercial use; including vehicular parking, pedestrian and vehicular traffic, and other non-invasive activities and uses which would not compromise the structural integrity of the asphalt pavement or concrete building foundation within the designated AUL area;
2. Activities and uses not expressly prohibited by this Notice of AUL; and

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3. Such other activities or uses which, in the opinion of a Licensed Site Professional (LSP), shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this paragraph.

Activities and Uses that are Inconsistent with the AUL

1. Activities and uses which may cause physical or chemical deterioration, breakage, or structural damage to the asphalt pavement, or concrete building foundation within the designated AUL area, unless such activities are supervised by a Licensed Site Professional (LSP).
2. Exposing, excavating and/or removing oil bearing soil from beneath the asphalt pavement or concrete building foundation within the designated AUL area, unless such activities are supervised by a Licensed Site Professional (LSP).
3. Installing a well for drinking water purposes, unless the well is tested periodically for fuel-oil components and such components are not present. Installation of such a well is unlikely since the on-site building is presently served by the City of Cambridge water system.

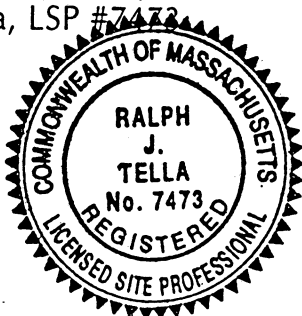
Obligations of Responsible Party

1. Retain existing surface grade elevation of the Site.
2. Maintain the asphalt pavement and concrete building foundation in good condition.
3. In the event that alterations in the current use of the AUL area that include the removal of asphalt pavement or concrete building foundation are planned, a LSP will be retained to review such plans with regard to the conditions set forth in this AUL.

Ralph J. Tella

Ralph J. Tella, LSP #7473

SEAL:



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RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADIANT PROPERTY STATUS TRANSMITTAL FORM
Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number

3 - 15809

A. SITE OR DOWNGRADIANT PROPERTY LOCATION:

Site Name: (option...) Foundry Works Building

Street: 101 Rogers Street Location Aid: Rear-180 Bent Street

City/Town: Cambridge ZIP Code: 02142

Check here if this Site location is Tier Classified. If a Tier I Permit has been issued, state the Permit Number: _____

Related Release Tracking Numbers that this Form Addresses: _____

If submitting an RAO Statement, you must document the location of the Site or the location and boundaries of the Disposal Site subject to this Statement. If submitting an RAO Statement for a PORTION of a Disposal Site, you must document the location and boundaries for both the portion subject to this submittal and, to the extent defined, the entire Disposal Site. If submitting a Downgradient Property Status Submittal, you must provide a site plan of the property subject to the submittal and, to the extent defined, the Disposal Site.

B. THIS FORM IS BEING USED TO: (check all that apply)

Submit a Response Action Outcome (RAO) Statement (complete Sections A, B, C, D, E, F, H, I, J and L).

Check here if this is a revised RAO Statement. Date of Prior Submittal: _____

Check here if any Response Actions remain to be taken to address conditions associated with any of the Releases whose Release Tracking Numbers are listed above. This RAO Statement will record only an RAO-Partial Statement for those Release Tracking Numbers.

Specify Affected Release Tracking Numbers: _____

Submit an optional Phase I Completion Statement supporting an RAO Statement or Downgradient Property Status Submittal (complete Sections A, B, H, I, J, and L).

Submit a Downgradient Property Status Submittal (complete Sections A, B, G, H, I, J and K).

Check here if this is a revised Downgradient Property Status Submittal. Date of Prior Submittal: _____

Submit a Termination of a Downgradient Property Status Submittal (complete Sections A, B, I, J and L).

Submit a Periodic Review Opinion evaluating the status of a Temporary Solution (complete Sections A, B, H, I, J and L).

Specify one: For a Class C RAO For a Waiver Completion Statement indicating a Temporary Solution

Provide Submittal Date of RAO Statement or Waiver Completion Statement: _____

You must attach all supporting documentation required for each use of form indicated, including copies of any Legal Notices and Notices to Public Officials required by 310 CMR 40.1400.

C. DESCRIPTION OF RESPONSE ACTIONS: (check all that apply)

Assessment and/or Monitoring Only

Removal of Contaminated Soils

Re-use, Recycling or Treatment

On Site Off Site Est. Vol.: <1 cubic yards

Describe: one drum of drill cuttings

Landfill Cover Disposal Est. Vol.: _____ cubic yards

Removal of Drums, Tanks or Containers

Describe: one 10,000 gallon fuel oil UST

Removal of Other Contaminated Media

Specify Type and Volume: _____

Other Response Actions

Describe: _____

Deployment of Absorbant or Contaminant Materials

Temporary Covers or Caps

Bioremediation

Soil Vapor Extraction

Structure Venting System

Product or NAPL Recovery

Groundwater Treatment Systems

Air Sparging

Temporary Water Supplies

Temporary Evacuation or Relocation of Residents

Fencing and Sign Posting

SECTION C IS CONTINUED ON THE NEXT PAGE.

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RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADE PROPERTY STATUS TRANSMITTAL FORM
Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number
3 - 15809

C. DESCRIPTION OF RESPONSE ACTIONS: (continued)

Check here if any Response Action(s) that serve as the basis for this RAO Statement involve the use of Innovative Technologies. (DEP is interested in using this information to create an Innovative Technologies Clearinghouse.)

Describe Technologies: _____

D. TRANSPORT OF REMEDIATION WASTE: (if Remediation Waste was sent to an off-site facility, answer the following questions)

Name of Facility: CYN Environmental, Inc.

Town and State: Stoughton, MA

Quantity of Remediation Waste Transported to Date: < 1 yard

E. RESPONSE ACTION OUTCOME CLASS:

Specify the Class of Response Action Outcome that applies to the Site or Disposal Site. Select ONLY one Class:

Class A-1 RAO: Specify one of the following:

- Contamination has been reduced to background levels. A Threat of Release has been eliminated.

Class A-2 RAO: You MUST provide justification that reducing contamination to background levels is infeasible.

Class A-3 RAO: You MUST provide both an implemented Activity and Use Limitation (AUL) and justification that reducing contamination to background levels is infeasible.

If applicable, provide the earlier of the AUL expiration date or date the design life of the remedy will end: _____

Class B-1 RAO: Specify one of the following:

- Contamination is consistent with background levels Contamination is NOT consistent with background levels.

Class B-2 RAO: You MUST provide an implemented AUL.

If applicable, provide the AUL expiration date: _____

Class C RAO: Check here if you will conduct post-RAO Operation, Maintenance and Monitoring at the Site.

Specify One: Passive Operation and Maintenance Monitoring Only

Active Operation and Maintenance (defined at 310 CMR 40.0006)

F. RESPONSE ACTION OUTCOME INFORMATION:

If an RAO Compliance Fee is required, check here to certify that the fee has been submitted. You MUST attach a photocopy of the payment.

Check here if submitting one or more AULs. You must attach an AUL Transmittal Form (BWSC-113) and a copy of each implemented AUL related to this RAO Statement. Specify the type of AUL(s) below: (required for all Class A-3 RAOs and Class B-2 RAOs)

Notice of Activity and Use Limitation Grant of Environmental Restriction Number of AULs attached: 1

Specify the Risk Characterization Method(s) used to achieve the RAO described above and all Soil and Groundwater Categories applicable to the Site.

More than one Soil Category and more than one Groundwater Category may apply at a Site.
Be sure to check off all APPLICABLE categories, even if more stringent soil and groundwater standards were met.

Risk Characterization Method(s) Used:	<input type="checkbox"/> Method 1	<input checked="" type="checkbox"/> Method 2	<input type="checkbox"/> Method 3
Soil Category(ies) Applicable:	<input type="checkbox"/> S-1	<input type="checkbox"/> S-2	<input checked="" type="checkbox"/> S-3
Groundwater Category(ies) Applicable:	<input type="checkbox"/> GW-1	<input checked="" type="checkbox"/> GW-2	<input checked="" type="checkbox"/> GW-3

> When submitting any Class A-1 RAO or a Class B-1 RAO where contamination is consistent with background levels, do NOT specify a Risk Characterization Method.

> When submitting any Class A-2 RAO or a Class B-1 RAO where contamination is NOT consistent with background levels, you cannot use an AUL to maintain a level of no significant risk. Therefore, you must meet S-1 Soil Standards, if using Risk Characterization Method 1.

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RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADIANT PROPERTY STATUS TRANSMITTAL FORM

Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number

3 - 15809

G. DOWNGRADIANT PROPERTY STATUS SUBMITTAL:

If a Downgradient Property Status Submittal Compliance Fee is required, check here to certify that the fee has been submitted. You MUST attach a photocopy of the payment.

Check here if a Release(s) of Oil or Hazardous Material(s), other than that which is the subject of this submittal, has occurred at this property.

Release Tracking Number(s): _____

Check here if the Releases identified above require further Response Actions pursuant to 310 CMR 40.0000.

Required documentation for a Downgradient Property Status Submittal includes, but is not limited to, copies of notices provided to owners and operators of both upgradient and downgradient abutting properties and of any known or suspected source properties.

H. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

> if Section B indicates that a Downgradient Property Status Submittal is being provided, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in 310 CMR 40.0183(2)(b), and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal;

> if Section B indicates that either an RAO Statement, Phase I Completion Statement and/or Periodic Review Opinion is being provided, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal.

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

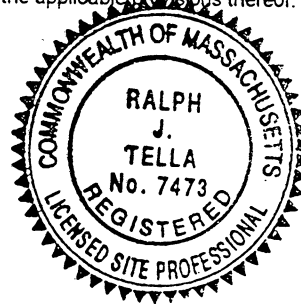
LSP Name: Ralph J. Tella LSP #: 7473 Stamp:

Telephone: (508) 650-0321 Ext.: _____

FAX: (optional) (508) 653-4024

Signature: Ralph J. Tella

Date: 1/27/98



I. PERSON MAKING SUBMITTAL:

Name of Organization: ~~The Hamilton Company~~ Kendall Associates,

Name of Contact: Carl Valeri Title: President Owner

Street: 39 Brighton Avenue

City/Town: Boston State: MA ZIP Code: 02134

Telephone: (617) 783-0039 Ext.: _____ FAX: (optional) _____

J. RELATIONSHIP TO SITE OF PERSON MAKING SUBMITTAL: (check one)

RP or PRP Specify: Owner Operator Generator Transporter Other RP or PRP: _____

Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

Any Other Person Submitting This Form Specify Relationship: 14-12



RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADE PROPERTY STATUS TRANSMITTAL FORM

Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number

3 - 15809

K. CERTIFICATION OF PERSON SUBMITTING DOWNGRADE PROPERTY STATUS SUBMITTAL:

I, Carl Valeri, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form; (ii) that, based on my inquiry of the/those individual(s), immediately responsible for obtaining the information, the material information contained herein is, to the best of my knowledge, information and belief, true, accurate and complete; (iii) that, to the best of my knowledge, information and belief, I/the person(s) or entity(ies) on whose behalf this submittal is made satisfy(ies) the criteria in 310 CMR 40.0183(2); (iv) that I/the person(s) or entity(ies) on whose behalf this submittal is made have provided notice in accordance with 310 CMR 40.0183(5); and (v) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is/are aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

By: [Signature] Title: _____
(signature)

For: ~~The Hamilton Company~~ Kendall Associates, LLC Date: 1/27/98
(print name of person or entity recorded in Section I)

Enter address of the person providing certification, if different from address recorded in Section I:
Street: _____
City/Town: _____ State: _____ ZIP Code: _____
Telephone: _____ Ext.: _____ FAX: (optional) _____

L. CERTIFICATION OF PERSON MAKING SUBMITTAL:

If you are completing only a Downgrade Property Status Submittal, you do not need to complete this section of the form.

I, Carl Valeri, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

By: [Signature] Title: _____
(signature)

For: ~~The Hamilton Company~~ Kendall Associates LLC Date: 1/27/98
(print name of person or entity recorded in Section I)

Enter address of the person providing certification, if different from address recorded in Section I:
Street: _____
City/Town: _____ State: _____ ZIP Code: _____
Telephone: _____ Ext.: _____ FAX: (optional) _____

YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE, AND YOU MAY INCUR ADDITIONAL COMPLIANCE FEES.

14-13



ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Release Tracking Number

Pursuant to 310 CMR 40.1056 and 40.1070 - 40.1084 (Subpart J)

3 - 15809

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL:

Disposal Site Name: The Foundry Building

Street: 101 Rogers Street

Location Aid: Rear-180 Bent Street

City/Town: Cambridge

ZIP Code: 02142

Address of property subject to AUL, if different than above. Street: _____

City/Town: _____

ZIP Code: _____

Check here if this Disposal Site is Tier Classified.

If the Disposal Site subject to the AUL is also subject to a Tier I Permit, provide the Permit Number: _____

Related Release Tracking Numbers affected by this AUL: _____

B. THIS FORM IS BEING USED TO: (check one)

- Submit a certified copy of a Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1074 (complete all sections of this form).
- Submit a certified copy of an Amended Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1081(4) (complete all sections of this form).
- Submit a certified copy of a Termination of a Notice of Activity and Use Limitation, pursuant to 310 CMR 40.1083(3) (complete all sections of this form).
- Submit a certified copy of a Grant of Environmental Restriction, pursuant to 310 CMR 40.1071, (complete all sections of this form).
- Submit a certified copy of an Amendment of Environmental Restriction, pursuant to 310 CMR 40.1081(3) (complete all sections of this form).
- Submit a certified copy of a Release of Environmental Restriction, pursuant to 310 CMR 40.1083(2) (complete all sections of this form).

You must attach all supporting documentation for the use of form indicated, including copies of any Legal Notices and Notices to Public Officials required by 310 CMR 40.1400.

C. AUL INFORMATION:

Date AUL was recorded and/or registered with Registry of Deeds and/or Land Registration Office: _____

Name of Registry of Deeds and/or Land Registration Office where AUL was recorded and/or registered: _____

Book and Page Number and/or Document Number of recorded and/or registered AUL: _____

D. PERSON SUBMITTING AUL TRANSMITTAL FORM:

Name of Organization: ~~The Hamilton Company~~ Kendall Associates, LLC

Name of Contact: Carl Valeri

Title: President

Street: 39 Brighton Avenue

City/Town: Boston

State: MA

ZIP Code: 02134

Telephone: (617) 783-0039

Ext.: _____

FAX: (optional) _____

E. OWNER OF PROPERTY, IF NOT PERSON SUBMITTING AUL TRANSMITTAL FORM:

Provide a mailing address for the owner of the property if that person is not submitting the AUL Transmittal Form. Provide addresses for additional owners on an attachment.

Name of Organization: _____

Name of Contact: _____ Title: _____

Street: _____

City/Town: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ FAX: (optional) _____

14-14



ACTIVITY & USE LIMITATION (AUL) TRANSMITTAL FORM

Release Tracking Number

Pursuant to 310 CMR 40.1056 and 40.1070 - 40.1084 (Subpart J)

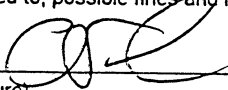
3 - 15809

F. RELATIONSHIP TO DISPOSAL SITE OF PERSON SUBMITTING AUL TRANSMITTAL FORM: (check one)

- RP or PRP Specify: Owner Operator Generator Transporter Other RP or PRP: _____
- Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)
- Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))
- Any Other Person Submitting AUL Specify Relationship: _____

G. CERTIFICATION OF PERSON SUBMITTING AUL TRANSMITTAL FORM:

I, Carl Valeri, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

By:  Title: _____
(signature)

For: Hamilton Company Kendall Associates, LLC Date: 1/27/98
(print name of person or entity recorded in Section D)

Enter address of person providing certification, if different from address recorded in Section D:

Street: _____
City/Town: _____ State: _____ ZIP Code: _____
Telephone: _____ Ext.: _____ FAX: (optional) _____

YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE, AND YOU MAY INCUR ADDITIONAL COMPLIANCE FEES.

14-15



ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Release Tracking Number

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

3 - 15809

COMPLETE THIS FORM AND ATTACH AS AN EXHIBIT TO THE AUL DOCUMENT TO BE RECORDED AND/OR REGISTERED WITH THE REGISTRY OF DEEDS AND/OR LAND REGISTRATION OFFICE.

A. LOCATION OF DISPOSAL SITE AND PROPERTY SUBJECT TO AUL:

Disposal Site Name: The Foundry Building
Street: 101 Rogers Street Location Aid: Rear-180 Bent Street
City/Town: Cambridge ZIP Code: 02142
Address of property subject to AUL, if different than above. Street: _____
City/Town: _____ ZIP Code: _____

B. THIS FORM IS BEING USED TO: (check one)

- Provide the LSP Opinion for a **Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1074 (complete all sections of this form).
- Provide the LSP Opinion for an **Amended Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1081(4) (complete all sections of this form).
- Provide the LSP Opinion for a **Termination of a Notice of Activity and Use Limitation**, pursuant to 310 CMR 40.1083(3) (complete all sections of this form).
- Provide the LSP Opinion for a **Grant of Environmental Restriction**, pursuant to 310 CMR 40.1071, (complete all sections of this form).
- Provide the LSP Opinion for an **Amendment of Environmental Restriction**, pursuant to 310 CMR 40.1081(3) (complete all sections of this form).
- Provide the LSP Opinion for a **Release of Environmental Restriction**, pursuant to 310 CMR 40.1083(2) (complete all sections of this form).

C. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this submittal, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

- > if Section B indicates that a **Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1074(1)(b);
- > if Section B indicates that an **Amended Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);
- > if Section B indicates that a **Termination of a Notice of Activity and Use Limitation** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a);
- > if Section B indicates that a **Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1071(1)(b);
- > if Section B indicates that an **Amendment to a Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1080(1) and 40.1081(1);
- > if Section B indicates that a **Release of Grant of Environmental Restriction** is being registered and/or recorded, the Activity and Use Limitation that is the subject of this submittal (i) is being provided in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000 and (ii) complies with 310 CMR 40.1083(3)(a).

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

- Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

SECTION C IS CONTINUED ON THE NEXT PAGE.

14-16



ACTIVITY & USE LIMITATION (AUL) OPINION FORM

Pursuant to 310 CMR 40.1070 - 40.1084 (Subpart J)

Release Tracking Number

3 - 15809

C. LSP OPINION: (continued)

LSP Name: Ralph J. Tella LSP #: 7473 Stamp:

Telephone: (508) 650-0321 Ext.: _____

FAX: (508) 653-4024

LSP Signature: *Ralph J. Tella*

Date: 2/3/98



YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY FIND THE DOCUMENT TO BE INCOMPLETE.

14-17

FEB 06 1998

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX S.S.

SOUTH DIST. OFFICE OF DEEDS
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK _____
PAGE _____

Doc
244


REGISTER

14-18

Consent Communication #14

1095

Communication was received from Ralph J. Tella, LSP, Director of Assessment and Remediation, Cygnus Group Incorporated, transmitting a copy of the recorded Activity and Use Limitation for 101 Rogers Street.

In City Council February 23, 1998

PLACED ON FILE