

To : The Honorable the City Councillors
From : Association of Cambridge Neighborhoods for Council meeting Jan 10, 2000
Re: Appeal to DEP of conditional approval of 65 year Waterways License for
Association of Cambridge Neighborhoods Cambridge Research
12 Florence Street, Cambridge, MA 02139 Park LLC.

January 4, 2000

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

Attn: Glenn Haas, Director
Division of Wetlands and Waterways

RE: Waterways Application No. W99-9484
Cambridge Research Park, Broad Canal (Charles River), Cambridge

We wish to appeal the Written Determination conditionally approving the referenced project, which we received in an envelope postmarked December 15, 1999, and request an adjudicatory hearing.

1.- An extended term lease of 65 years instead of the standard 30 years is not warranted. The detriment of increased traffic without adequate mitigation was not given adequate consideration. Cambridge Research Park, LLC (CRP) estimates that this project will create 7,900 to 8,500 additional vehicle trips each day and MEPA estimates the number at close to 14,000. The transportation measures required under the Cambridge Planning Board's Special Permit dealt almost exclusively with pedestrian and bicycle traffic. No adequate traffic study with amelioration plan has been presented.

The benefit of the skating rink may not materialize. The rink was drawn in at the last minute before a meeting in East Cambridge and got such an enthusiastic response that it has remained in the plan ever since. When first presented at that meeting, no one would say whether it would be for natural or artificial ice. No study had been made to determine how many people would use the rink and if the fees for skating and the losses for CRP could both be kept low enough to make the project feasible. (The Frog Pond in Boston was built with donated money on public land in a better location, but still, we believe, requires a 50% subsidy for each skater.)

It is not clear that the benefits to East Cambridge out-weigh the detriments.

2. The removal and disposal of 260,000 cubic yards of contaminated soil to be excavated, once started must be completed. Conditions for the issuance of a permit should include the presentation in advance of signed legal contracts with the owners of disposal sites to accept all of the contaminated and hazardous waste soil. John Felix of DEP stated in his letter of November 30, 1998 to the Secretary of Environmental Affairs that "It may be difficult for the limited number of permitted soil outlets to handle such volumes of soil in a relatively short timeframe." "DEP records show that approximately 400,000 cubic yards of contaminated soil are managed in one year for all sites in the entire Commonwealth." And there is no facility in Massachusetts that is permitted to take "hazardous waste".

3.- The City Manager of Cambridge in his letter to Thermotec Consulting on August 6, 1999, wrote as follows: "Since soil disposal costs depend on the required method of disposal, the presence of significantly more hazardous waste than estimated could impact the equation upon which the financial resource certification, required by 310 CMR 40.0444 (1)(h), is

based. The City of Cambridge would like Cambridge Research Park, LLC to be bonded so that the financial ability to handle the disposal of significantly more hazardous material than assumed in the Draft RAM Plan would be guaranteed."

In addition, we are concerned that the removal of the soil might be stopped for some reason before completion and then contaminated soil would be exposed to rain and contaminants would run off into the Charles. The City needs a guarantee in the form of a bond so that it can complete the process and protect the river and the residents of East Cambridge.

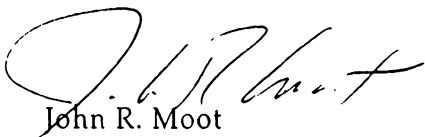
A condition of this permit should be that there is a bond from Cambridge Research Park to the City to cover the full costs of completing the removal should it be terminated at any point for any reason.

4.- The encapsulation of the most contaminated soil needs to be examined very carefully, and that review should be a condition of this permit. The plan is to encapsulate a large amount of contaminated soil in the middle of the project and to build on top of that area. The plan, as we understand it, is to build walls around the soil, locking the walls into the Boston Blue Clay. The assumption is that the clay will be impervious forever, and the walls and the sealer around the walls as well. Will it work?

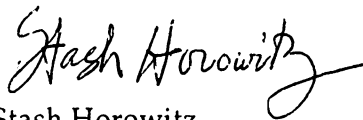
In one instance at least it did not endure. A barrier was constructed to contain coal tar residue in the Mystic River. Fourteen years later, it was leaking. Attached is a copy of a front-page article from the *Boston Globe* of August 24, 1998 carrying the headline: "Toxic Waste Still Entering Mystic River - Regulators, Firms Disagree on Containment." Can the Commonwealth take the risk at this site underneath a building in the middle of East Cambridge? Or should Cambridge Research Park be required to remove all of the contaminated soil?

Thank you for considering this request for an adjudicatory hearing.

Sincerely,



John R. Moot
President
491-8120



Stash Horowitz
Vice President
491-1534

Enclosure: Reprint Boston Globe article of 8/24/98

cc: Cambridge Research Park, Robert Green by certified mail
Cambridge City Manager, Robert Healy by certified mail
MDC, Commissioner Balfour
MDC, Julia O'Brien
Cambridge Community Development, Suzanne Rasmussen
Cambridge Conservation Commission, Julia Bowdoin
Cambridge Planning Board, Florrie Darwin
Cambridge Public Health, Harold Cox
Cambridge Historical Commission, Charles Sullivan
DEP NERO BWSC, Richard Chalperin
DEP Nero DWW, James Sprague/Margaret Finn

Boston Globe

MONDAY, AUGUST 24, 1998

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Toxic wastes still entering Mystic River

Regulators,
firms disagree
on containment

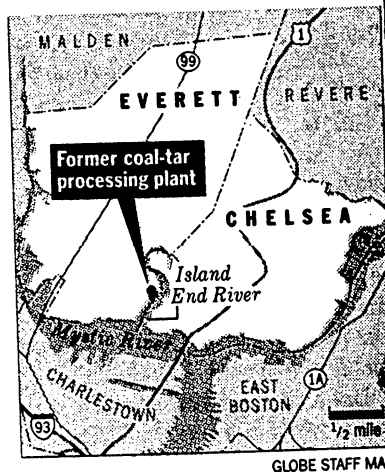
By Charles A. Radin
GLOBE STAFF

Fourteen years after cancer-causing coal byproducts were found flowing into Island End River, on the Everett-Chelsea border, toxic wastes still are seeping into the water beside the site where corporations operated a coal-tar processing facility from 1900 to 1960.

Nine years after the corporations signed a consent order with the state that was supposed to lead to a plan to prevent further pollution, no plan has been decided upon. Long-term correction of the situation may still be years away.

The delays and false starts that have occurred make the Island End, a little-known waterway that flows into the Mystic River about a half-mile before the Mystic empties into Boston Harbor, an example of why Boston Harbor is not yet clean.

In recent months, the flow of pollutants has grown worse. The US Coast Guard has moved to prevent



the higher flow of waste from escaping the site by requiring the companies to increase containment efforts. But just last week the combination of a southwest wind and an incoming tide pushed quantities of waste out of the containment booms and into Admiral's Hill Marina in Chelsea.

"There was an unbelievable sheen on the river, and globules all over the boats," said Jim Jadul, the general manager of the marina. "There was raw waste and fresh oil all over the middle of the river."

The wastes are residues of manufacturing and processing operations conducted on the Everett side of the river by predecessor companies.

TOXIC WASTE, Page B2

In spite cleanup pact, wastes seep into river

■ TOXIC WASTE THE BOSTON GLOBE • MONDAY, AUGUST 24, 1998
Continued from Page A1

Eastern Enterprises, the Weston-based owner of Boston Gas Co.; AlliedSignal Inc., a Morristown, N.J.-based maker of chemicals, plastics, and aerospace products; and Beazer East Inc., a Pittsburgh-based maker of road materials.

Eastern's forerunner owned the 8.2-acre site, where the Boston Fruit Auction Exchange is now located, and sold tar that it produced to the forerunners first of Allied, then of Beazer. Those companies rented the site and used it to make tar derivatives.

The corporations dealing in tar were identified as potentially responsible for the pollution soon after the first seepage was discovered. They since have taken numerous steps — at a cost, an Eastern official says, of more than \$2 million — but have not acknowledged responsibility.

Pollutants were first noticed in the Island End River by the Coast Guard in 1984. The Coast Guard and the state Department of Environmental Protection — then known as the Department of Environmental Quality Engineering — determined that the contaminants were coming from coal tar and related wastes buried in pits on the site.

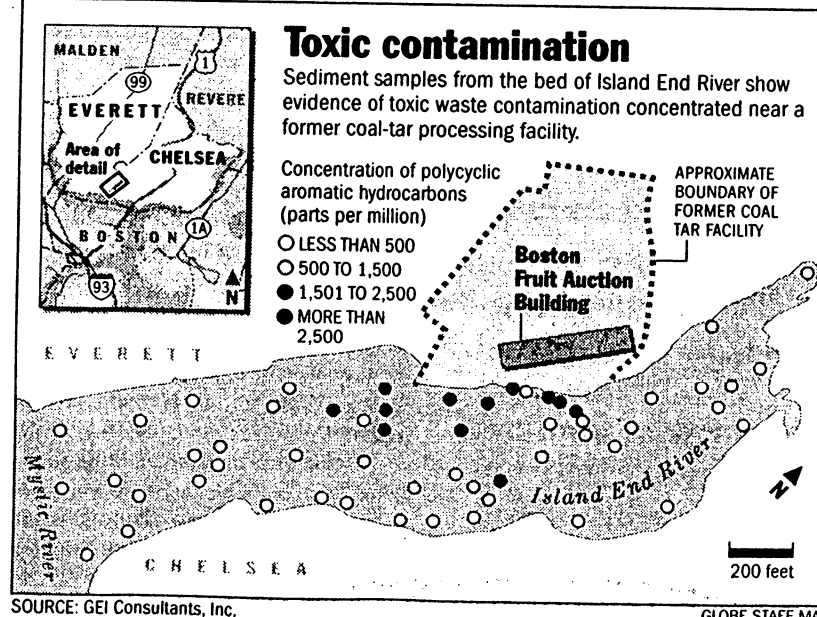
The Department of Environmental Protection remained the lead agency overseeing the situation until this spring, when the Coast Guard, citing apparently new and rising levels of pollution, in the water, took over.

The companies say that, throughout the 14-year period, they have done everything required of them by a consent order they signed with the DEP in 1989, including constructing



GLOBE STAFF PHOTO / DAVID L. RYAN

An antipollution worker patrolling the Island End River, on the Chelsea-Everett border. The cleanup of the river, fouled by residues of manufacturing and processing operations, has proven elusive.



cident" a year ago.

"The amount of oil ... dropped off over the winter," Grenier said. "Then this spring it started up, and my petty officers and pollution investigators said it was worse than ever before, and we ought to do something about it."

With the blessing of the state and other federal agencies, Grenier made the Coast Guard the lead authority in dealing with the situation, and says he will exercise his authority to use money from the federal oil spill liability trust fund if the companies do not promptly agree to a cleanup plan with which he is satisfied. If Grenier orders a cleanup and the companies do not comply, he can use the fund and bill them for triple the amount used, plus damages.

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a wall to prevent seepage, and removing 4,000 cubic yards of contaminated soil from the banks of the river, at a cost of about \$2 million.

At the Coast Guard's insistence, they have antipollution workers on the scene 10 hours a day to change the absorbent material in the containment booms and, when possible, to scoop up waste that escapes the containment.

"We have responded expeditiously," said Michael Cawley, a vice president of Eastern who is representing all three companies in their contacts with government agencies. "The consent order did not permit us to do anything beyond what we have done."

Environmental officials, however, dispute that assertion, and say the fact that the state sought the consent order indicates unhappiness with the degree of cooperation regulators were receiving from the companies from the earliest years of the case.

The companies "have been minimalist, in my experience," said David L. LaPusata, the DEP's manager for the site. "We don't do consent orders

unless things are not moving expeditiously."

As an example, LaPusata cited the results of tests on Island End River sediments. These show that levels of coal-tar contamination in the river bottom next to the site are 20 times greater than in other parts of the river.

Until these results came in, LaPusata said, the companies "were saying it was Exxon [which has a facility nearby], it was this, it was that. Well, these are coal-tar sediments."

Steven Johnson, who is now in charge of site management in DEP's bureau of waste-site cleanup, was project manager of the Island End River site during the early years of the case. He says that the state pressed hard for an aggressive cleanup until the consent order was signed, then eased off its pressure as regulators' attentions turned to other cases.

"The consent order could have been negotiated differently," Johnson said. "It would be nice if we were working on the final remedy right now instead of still trying to deter-

mine what our data needs are. I never dreamed we would still be working under the same consent order nine years later."

He, too, sharply disputed the companies' assertions that they have cooperated fully with environmental officials, and cited Massachusetts Electric Co.'s performance on a similar site, in Salem's Collins Cove, as an example of a better response.

"I guess it's true that they've complied with the substance of the consent order," Johnson said, "but people sometimes feel they have been fully cooperative, and we don't see it that way at all. The people in Salem ... have gotten us more complete and thorough work and they've gotten it to us quicker, so we've gotten a lot more done there."

Captain John L. Grenier, who oversees the Coast Guard's pollution investigators, said his agency, which was the first to identify the problem in the mid-1980s, began watching the Island End River closely after the Admiral's Hill Marina manager reported what Grenier called "a bad in-

Grenier, state officials, the marina manager, and environmental groups all hope that the final resolution can be dredging the river to remove the pollutants, but the companies assert that dredging will only stir up the pollutants and allow them to float farther from the site.

Instead, the companies propose building a containment wall along the edge of the navigation channel that runs in the center of the river, place as much waste as possible in it, stabilize the waste, and, eventually, cover it over.

Grenier said the National Oceanographic and Atmospheric Administration, the Environmental Protection Agency, and the US Army Corps of Engineers are looking into the companies' claims, and that he expects their findings within a month.

"If all our agencies and the state are in agreement that dredging is a viable option, then I will require the responsible parties to do that," Grenier said. He said he would not be hurried, because "we're trying to do this right the first time."

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Consent Communciation #11

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A communication was received from
John R. Moot, President and
Stash Horowitz, Vice President,
Association of Cambridge Neighborhoods,
relative to the Waterways Application
No. W99-9484, Cambridge Research Park,
Broad Canal (Charles River.)

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In City Council January 6, 2000

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