OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

May 23, 1990

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find three copies of proposed amendments to the Municipal Code of the City of Cambridge which were passed to be ordained at the City Council meeting of May 21, 1990 as follows:

1. "Promotion of Recycling of Used Motor Oil."
2. "Protection of the Stratospheric Ozone Layer."
3. "Promotion of Non-residential Solid Waste Reduction."

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

LAW DEPARTMENT '90 MAY 24 PM 2 41

5/30/90 Approved RBH

JEC/dl

Encs. Ordinance Numbers 1100, 1101, 1102.

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services
Birge Albright, Law Department.

LAW DEPARTMENT
'90 MAY 24 AM 9 29

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Dear Mr. Higley:

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Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
City Clerk

JEC/dl

Encs. Ordinance Numbers 1100, 1101, 1102.

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services
Birge Albright, Law Department.

ORDINANCE NO. 1100.

Final Publication No. 2491. First publication in the Chronicle on April 26, 1990.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. Meetings. The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

C. Noncriminal Disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. Injunctive Relief

The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

In City Council May 21, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:- Joseph E. Connarton, City Clerk.

Robert W. Healy, City Manager.

ORDINANCE NO. 1101.

Final Publication No. 2492. First publication in the Chronicle on April 26, 1990.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding the following new Chapter 8.48, entitled "Protection of the Stratospheric Ozone Layer."

Chapter 8.48

Protection Of The Stratospheric Ozone Layer

Sections:

8.48.010 Definitions
8.48.020 Periodic Review of this Chapter
8.48.030 Reporting Requirements
8.48.040 Specific Restrictions on Uses of Ozone-depleting Substances
8.48.050 Warning Labels Required
8.48.060 Enforcement
8.48.070 Technical Assistance
8.48.080 Safe Substitutes
8.48.090 Severability

8.48.010 Definitions

For the purposes of this Chapter, the following words shall be defined as follows:

"Chlorofluorocarbon," a family of substances containing carbon, fluorine, and chlorine, having no hydrogen atoms and no double bonds.

"CFC," an abbreviation of the word chlorofluorocarbon.

"Commissioner of Health and Hospitals" is the Commissioner of Health and Hospitals for the City of Cambridge, Massachusetts.

"Halon," a family of substances containing carbon, fluorine, and bromine, having no hydrogen atoms and no double bonds.

"Manufactured substances," any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

"Ozone-depleting substances" are those manufactured substances with a potential to destroy ozone in the stratosphere listed in section 3 of this ordinance.

"Person," any individual, corporation, government agency, partnership, firm, joint stock company, trust, association, or any other public or private entity engaged in business or in providing a service in the City of Cambridge, Massachusetts.

"Recovery," the process of employing available control technology designed to collect, capture, control, and store manufactured substances, including CFCs, which may cause or contribute to stratospheric ozone depletion.

"Refrigerator," any device using any Ozone-depleting substances for the purpose of the refrigeration of goods.

8.48.020 Periodic Review of this Chapter

Many prevalent uses of ozone-depleting chemicals are not restricted by this Chapter because workable substitutes and technologies are not currently available. However, emerging technologies are quickly changing this situation. Therefore, this Chapter shall be reviewed by the Cambridge City Council first at two years and then at four years after its passage with the

intention of strengthening this Chapter. Reviews shall include but not be limited to the following topics: strengthening current restrictions identifying new restrictions, and developing a plan for the disposal of ozone-depleting substances.

8.48.030 Reporting Requirements

Within ninety days after the passage of this Chapter, any person producing, selling, offering for sale, or using in manufacturing any of the substances listed in this section, shall file a report with the Commissioner of Health and Hospitals setting forth the amount, by weight, of any and all substances so listed, and any and all products containing said substances which were produced, used in manufacturing, and sold by said person during the calendar year 1989. Not less than annually thereafter, said persons shall file a report with the Commissioner of Health and Hospitals setting forth the amount of any and all substances so listed, and any and all of said products, which were produced, used in manufacturing, and sold by said person during the twelve-month period since the filing date of the previous report, until said person ceases production, use, and sale of all substances so listed and all of said products. All such reports shall be signed and attested by a responsible corporate officer.

Substances subject to reporting requirements include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, HCFC-22, Halon-1211, Halon-1301, Halon-2402, Carbon tetrachloride, and Methyl Chloroform.

8.48.040 Specific Restrictions on Uses of Ozone-depleting Substances

a) Restrictions on the use of CFCs in Air Conditioning and Refrigeration Units

Effective January 1, 1991, no person shall perform repair service on any air conditioner or on any refrigerator unless such person uses equipment for recovery and recycling of CFC coolant contained in said air conditioner or refrigerator.

Effective January 1, 1991, all persons retaining automobiles on their premises for the purpose of reselling said automobiles in parts shall use recovery and recycling equipment to recover CFC coolant from each automobile within three business days after said automobile arrives on the premises. Persons affected by this restriction shall not allow CFC coolant to be release into the atmosphere.

All equipment for recovery and recycling of CFC coolant required by this ordinance shall be approved by Underwriters Laboratory or a similar institution.

b) Restrictions on the sale and use of CFC Refrigerants

Effective January 1, 1991, no person shall sell or offer for sale CFC coolant suitable for use in any air conditioner or refrigerator in quantities smaller than fifteen pounds or to persons not owning recycling or recovery equipment described in section 8.48.040(a).

c) Restrictions on the disposal of CFCs in Air Conditioners and Refrigerators

Effective January 1, 1991, no person shall allow CFC coolants

in air conditioners or refrigerators to be released into the atmosphere nor shall any person dispose of any air conditioner or refrigerator containing any CFC coolant unless said air conditioner or refrigerator has been recovered in the fashion described in section 8.48.040(a).

Effective January 1, 1991, the Commissioner of Health and Hospitals shall publish a policy for recovery of CFC coolant in air conditioners and refrigerators intended to be disposed of by waste haulers.

d) Restrictions on the use of CFCs in Miscellaneous Consumer Products

Effective at the passage of this Chapter, no person shall sell, offer for sale, or use CFC plastic party streamers, CFC propelled noise horns, or CFC cleaning solutions for consumer electronics and photographic equipment.

e) Phase out of CFC-113, Methyl Chloroform, and Carbon Tetrachloride

Effective January 1, 1992, no person shall produce, sell, offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride in annual quantities greater than fifty percent of the total amount of CFC-113, Methyl Chloroform and Carbon Tetrachloride used during the calendar year 1989.

Effective January 1, 1994, no person shall offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride.

Medical applications for which no safe non-ozone depleting

alternative are available shall be exempt from section 8.48.040(e). When safe non-ozone depleting alternatives become available, all persons using CFC-113, Methyl Chloroform or Carbon Tetrachloride under this exemption shall show good faith in converting to safe non-ozone depleting substances and products.

f) Restrictions on the use of Halons in Fire Extinguishers

Effective January 1, 1991, no person shall sell or offer for sale, fire extinguishers for consumer applications which contain halons or other ozone-depleting substances.

Effective January 1, 1991, no person shall use fire extinguishers that contain halons or other ozone-depleting substances for the purpose of testing or training except where required by law.

g) Restriction on the manufacture and use of plastic foam insulation product

Effective January 1, 1991, no person shall manufacture or use in the repair or construction of buildings any plastic foam or foam insulation product that contains any Ozone-depleting substance.

h) Restrictions on the disposal of foam insulation products

Effective January 1, 1991, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, renovate, or demolish any building or structure which requires the removal of existing insulation that contains any Ozone-depleting substance without recovering or properly disposing of such insulation consistent with any procedures adopted by the Commissioner of

Health and Hospitals, and all applicable state and federal statutes and regulations.

i) Ban on the manufacture of Ozone-depleting substances

Effective January 1, 1992, no person shall produce any Ozone-depleting substance.

8.48.050 Warning Labels Required

Effective January 1, 1991, no container in which CFCs, Halons, or other ozone-depleting substances are stored or transported, no product containing such substances excepting products using CFCs as coolants, nor any product manufactured with a process that uses said substance shall be sold or offered for sale unless it bears a label stating the following:

> "Contains (or manufactured with) [name of substance], a substance which harms public health and the environment by destroying stratospheric ozone in the atmosphere."

Effective January 1, 1991, no product using CFCs as coolants shall be sold or offered for sale unless it bears a label stating the following:

> "The coolant system of this product contains (name of substance), a substance, which, if released into the atmosphere, harms the public health by destroying stratospheric ozone. Please prevent the release of CFC-coolant into the atmosphere by servicing this product with approved coolant recapture and recovery equipment."

Said labels shall be permanently affixed on the face of said container or product, with the lettering and background in contrasting colors; and the letters themselves not less than one inch high, or twenty percent of the height of any product which is less than three feet in height.

8.48.060 Enforcement

a) Criminal Penalty

Any person who violates sections 8.48.030 or 8.48.040 of this Chapter shall be subject to a fine not exceeding $100, and each day's violation shall constitute a separate offense.

b) Noncriminal Disposition

Whoever violates sections 8.48.030 or 8.48.040 of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Health and Hospitals, shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to one or more designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

Any citizen may file a written complaint with the Commissioner regarding an alleged violation of this Chapter. The Commissioner shall investigate such complaint within 30 days of its receipt, and shall take necessary enforcement action.

8.48.070 Technical Assistance

The Commissioner of Health and Hospitals will produce, or commission to be produced, a document, available to all persons, for the purpose of assisting any persons affected by this ordinance. This document will be available within six months of the passage of this ordinance and will include, but not be limited to, information describing commercially available alternatives to ozone-depleting substances and available technologies to assist in the implementation of safe alternatives.

8.48.080 Safe Substitutes

To the extent that safer substitutes for particular uses have been designated by an authoritative body, substances listed or covered under M.G.L. c. 111F (the Massachusetts Right to Know Law) shall not be used as replacements for the substances prohibited by this Chapter. For the purposes of this section an authoritative body shall include but not be limited to the Massachusetts Department of Environmental Protection, the Massachusetts Department of Public Health, the Massachusetts Toxics Use Reduction Institute, the U.S. Environmental Protection Agency, or sub-bodies of such agencies.

8.48.090 Severability

If any section, sub-section, paragraph, sentence or word of this Chapter shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences or words of this Chapter, and the application thereof; and to that end the sections, sub-sections, paragraphs, sentences or words of this Chapter shall be deemed severable.

In City Council May 21, 1990.

Passed to be ordained as amended by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

ATTEST:- Joseph E. Connarton, City Clerk.

Robert W. Healy, City Manager.

ORDINANCE NO. 1102.

Final Publication No. 2493. First publication in the Chronicle on May 3, 1990.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance designated as the "Cambridge Municipal Code."

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code (Health and Safety) is hereby amended by adding thereto the following new Chapter 8.56, entitled, "Promotion of Non-residential Solid Waste Reduction":

Chapter 8.56

Promotion of Non-residential Solid Waste Reduction

Sections:

8.56.010	Purpose
8.56.020	Definitions
8.56.030	Adversary Committee on Environmentally Desirable Practices
8.56.040	Powers and Duties of the Committee
8.56.050	Environmental Practices Recognition Program
8.56.060	Timetable
8.56.070	Effect on Other Actions

8.56.010 Purpose.

This Chapter deals with the problem of non-residential waste, which constitutes almost half of the City's solid waste stream. The general objective of the Chapter is to encourage the management of solid waste in accordance with the Massachusetts Department of Environmental Protection Integrated Solid Waste Management Plan, which places source reduction and recycling ahead of incineration

and landfilling as disposal options. With this objective in mind, the Chapter established an Advisory Committee on Environmentally Desirable Practices to develop and promote source reduction, recycling and other environmentally desirable methods to be used by Cambridge institutions in dealing with their solid waste.

8.56.020 Definitions.

As used in this Chapter, the following terms and phrases shall have the following meanings:

1. "ADVISORY COMMITTEE" OR "COMMITTEE": shall mean the Advisory Committee on Environmentally Desirable Practices established by Section 8.56.030.

2. ENVIRONMENTALLY DESIRABLE PRACTICE: shall mean a practice that meets any of the following criteria:

a) Any practice which reduces the solid waste generated in Cambridge, through source reduction, recycling, or other methods;

b) Any practice which creates or encourages the creation of new markets or demand for recycled packaging or products;

c) Any practice which encourages consumers to reduce their personal generation of solid waste;

d) Any practice which presents an alternative to single use, disposable products or encourages the reuse of such items.

The intent of this Chapter is that these practices should be relatively easy to implement, inexpensive, and permanent in nature.

3. RECYCLED PACKAGING OR PRODUCTS: shall mean packaging or products made of materials that are currently being collected within the City of Cambridge by the City or by an approved agent

of the City for recycling in a municipal, state, or private program.

8.56.030 Advisory Committee on Environmentally Desirable Practices

1. There is hereby established in Cambridge an Advisory Committee on Environmentally Desirable Practices. The Committee will consist of eight members, of whom six will be appointed by the City Manager no later than two months after enactment of this Chapter. Of the six persons to be appointed,

three shall represent the community of for-profit and non-profit institutions in Cambridge; and

three shall be citizens who have demonstrated interest in municipal recycling and waste management.

All six appointed members of the Committee shall be Cambridge residents.

In addition to the six appointed members, the Committee shall include

the Commissioner of Public Works or his designee; and

the Chairman or a member of the Cambridge Consumer Advisory Council.

2. The appointed members of the Committee shall serve for terms of two years, and an individual may serve for more than one term. The initial appointment of one member of the institutional community and one citizen recycler shall be for one year in order to stagger subsequent appointments. The City Manager may fill

vacancies on the Committee. Committee members shall serve without compensation.

3. The Committee shall hold regular meetings, shall inform the City Clerk of the time and place of such meetings, and shall publish notice of such meetings in a local newspaper at least one week prior to the meeting. A majority of the Committee shall constitute a quorum.

4. The City Manager shall provide the Committee sufficient administrative personnel and funding to carry out its responsibilities, which will be evaluated annually.

8.56.040 Powers and Duties of the Committee.

The powers and duties of the Committee shall include, but not be limited to, the following:

1. Monitor and record trends and practices in packaging, recycling, the solid waste industry, and solid waste management as they relate to the City of Cambridge;

2. Help to create and institutionalize municipal and other recycling options available to businesses and institutions in the City;

3. Establish an Environmental Practices Recognition Program to be administered by the Advisory Committee or a subcommittee thereof.

4. Prepare an annual report and present it to the City Council and City Manager. This report shall include a summary of data gathered about waste management practices of Cambridge

businesses and institutions and about currently available waste reduction options. The report shall also recommend policies and/or programs, that if adopted by the City, would result in further reduction and better management of the non-residential waste stream.

8.56.050 Environmental Practices Recognition Program.

The Advisory committee shall establish an Environmental Practices Recognition Program that shall acknowledge and assist Cambridge institutions undertaking beneficial solid waste management practices. As part of this Program, the Advisory Committee shall:

1. Establish a list of environmentally desirable practices related to solid waste management. The environmentally desirable practices list should include, but should not necessarily be limited to, packaging reduction programs, in-house and other recycling programs, use of packaging or products composed of recycled or recyclable material, institution-specific waste reduction programs, and environmental education efforts. The list should include practices that can be adopted by the diverse types of institutions found in Cambridge;

2. Establish a system for honoring, rewarding, and otherwise bringing to the public attention those Cambridge institutions that have adopted environmentally desirable practices;

3. Undertake any and all educational efforts that the Advisory Committee deems necessary to promote understanding and

awareness of environmentally desirable practices;

4. Review and recommend a fee structure for non-residential waste hauling by the City. This structure may provide partial fee relief for those institutions that adopt specified environmentally desirable practices, as well as ensuring cost recovery for the City.

5. Report each year to the City Council and the City Manager describing the operation of the Program, and the institutions honored. This report will also provide accounts of the positive contributions and successes of Cambridge institutions to the Program. The format of the report shall be suitable for general distribution to promote the Program.

8.56.060 Timetable.

The Advisory Committee shall convene within three months after passage of this Chapter. Within nine months of the passage of this Chapter, the Advisory Committee shall have actively begun its monitoring and data collection functions. Within one year of enactment of this Chapter, the Committee shall have defined a set of environmentally desirable practices and shall have publicly inaugurated the Environmental Practices Recognition Program.

8.56.070 Effect on Other Actions.

Nothing in this Chapter shall preclude or prejudice any action by any branch or agency of the City government at any time to protect the environment or conserve natural resources.

Nothing in this Chapter shall preclude or prejudice any future regulatory action by the City if a regulatory approach is deemed necessary to attain the goals of this Chapter.

In City Council May 21, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:- Joseph E. Connarton, City Clerk.

Robert W. Healy, City Manager.

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council MAY 21 1990

C. DUEHAY - MOVED ADOPTION OF UNFINISHED BUSINESS # 3

"TO PROMOTE THE RECYCLING OF USED MOTOR OIL" /
AMENDMENT TO MUNICIPAL CODE

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Mayor Alice K. Wolf	✓				
	9	0			

C. Duehay
MS
MF

ORDINANCE NO. 1100.

Final Publication No. 2491. First publication in the Chronicle on April 26, 1990.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

C. Noncriminal Disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. Injunctive Relief

The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

In City Council May 21, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:- Joseph E. Connarton, City Clerk.

Robert W. Healy, City Manager.

ORDINANCE NO. 1100.

Final Publication No. 2491. First publication in the Chronicle on April 26, 1990.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. Meetings. The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

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In City Council May 21, 1990.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

ATTEST:- Joseph E. Connarton, City Clerk.

Robert W. Healy, City Manager.

ARTS

Deaf storyteller at the First Church

Patti Wilson, a deaf storyteller, actress and activist, will perform Saturday, April 28, at 8 pm at First Church Congregational, 11 Garden St. in a concert sponsored by Storytellers in Concert.

Wilson has performed for the annual Deaf Women United conference, University of Rhode Island and New England Women's Music Revival. She is the founder of the Deaf Media Collaborative and has worked for the National Theater of the Deaf. Her show is called "Journey Through Visualization."

For ticket information, call 628-5865.

Staged readings for the weekend

A weekend of staged readings of works by Boston playwrights is scheduled Saturday and Sunday, April 28 and 29, at the Blacksmith House, 56 Brattle St. in Harvard Square.

The event, sponsored by Unit II in cooperation with the Playwrights' Platform, will feature plays dealing with strong themes, from survivors of World War II death camps, Vietnam, and sexual initiation in the 1960s to the challenges professional men face in polygamous relationships, incest victims and women competing for Picasso's favors.

Admission is for individual performances, which begin at 4 pm each day. For more information, call Rae Edelson at 527-8430 or 734-1577.

Film focuses on rights in Chile

A benefit showing of the documentary film "Dance of Hope," which examines the current human rights situation in Chile, is scheduled Tuesday, May 1, at 8 pm at the Brattle Theatre in Harvard Square.

Proceeds from the screening will benefit Amnesty International. The benefit is organized by Amnesty International Group 281 of Newton. For ticket information, call 876-6837. Tickets will also be available at the door.



AIDA CHARNEY'S "Mother and Child With Halo," a carving of mahogany, is included in a show by three Boston-area artists closing today, April 26, at Belmont Hill School's Landau Gallery. Charney is from Cambridge.

Choral concert aids Project Manna

The choirs of Mass. Avenue Baptist Church in Cambridge and Temple Emanuel of Newton will join for a concert on Wednesday, May 2, at 8 pm at Temple Emanuel, 385 Ward St., Newton.

Proceeds will benefit Project Manna, Mass. Avenue Baptist Church's hot meals program. For information, call 332-5770.

Mayfair is May 6 in Harvard Square

Harvard Square's 7th annual Mayfair is scheduled May 6 from noon to 6 pm on Brattle and JFK streets, featuring a performers, musicians, actors and dancers.

There will be kiddie rides, steel drum music, juggling, a pottery wheel demonstration and international foods. The event is sponsored by the non-profit Harvard Square Business Association. Call 491-3434 for details.

clubs

Dance events

On Saturday and Sunday, April 27 and 28, Sally Lee will present her new company, IFA Dance, in its premiere performance at Joy of Movement, 536 Mass. Ave.

The company will present three premieres. Lee has performed in film, concern and on Broadway and has choreographed and directed in Brazil, Australia and England. She also was a recipient of a Mass. Artists Foundation Choreographic Fellowship. Call 492-4680 for details.

Arifa Miller, a spiritual guide and dance instructor, will lead a seminar on discovering the "dance of the soul" on Saturday, May 5, from 9 am to 4 pm at the Episcopal Divinity School in Cambridge. Miller helped to found the international Sacred Dance Guild and has taught for more than 40 years. The May 5 event is sponsored by the Boston Sufi Order. Call 522-0800 for details.



MILLER

A series of original dances from Boston's Bell Isle Marsh Arts in the Park Festival will be featured Friday and Saturday, April 27-28, at 8 pm at Cambridge Multicultural Arts Center, 41 Second St. Titled "Nothing Like the Marsh," the program includes works by choreographers Lise Brody and Carol Schneider. Call 577-1400 for information.

'Spring orgy' hits airwaves on WHRB

For five weeks starting May 1, Harvard's WHRB radio, 89.7 FM, throws its regular programming out the window for its annual Spring Orgy, a feast of programming devoted to music lovers of all stripes.

Each "orgy" is an extended block of programming dedicated to a single genre, theme or artist. The centerpiece of this year's orgy is a 154-hour chronological survey of the life and work of Franz Joseph Haydn. There will also be 24 hours of Aretha Franklin, a 10-hour look at Native American music, and eight hours of the local rock band "Mission of Burma." The station will also feature Captain Beefheart, Bonnie Raitt, Stevie Wonder, Burning Spear and Gregory Isaacs.

For more information and a schedule contact WHRB-FM radio at 495-4818.

Independent film from Soviet Union

The Arts Company of Cambridge has announced the Boston showings for its exhibition, "Red Fish in America: New Independent Film and Video from the Soviet Union," will be Friday and Saturday, April 27 and 28, in the Institute for Contemporary Art, 955 Boylston St., Boston.

On Sunday, April 29, at 2 pm, a round table discussion on the rapidly changing condition of media arts in the Soviet Union is planned. The exhibit of films is curated by Marie Cieri of The Arts Company and Moscow independent filmmaker Igo Aleinikov. For details, call 266-5151.

At the clubs

The **Alohalani Dancers**, a Hawaiian dance company, performs Sunday, April 29, from noon to 5 pm, during a Polynesian brunch show at the Averof Restaurant, 1924 Mass. Ave. Call 354-4500. . . . In the Lai Lai Restaurant's Jazz Series, the **Katy Roberts-Larry Roland-Harold Lane Trio** plays Thursday. It will be **Frank Wilkins and Visions** with guest trombonist **Gary Valente** on Friday and with guest vocalist **Phil Hamilton** Saturday. . . . **Triple Threat**, with pianist **Monty Alexander**, guitarist **Herb Ellis** and bassist **Ray Brown**, plays the Regattabar in the Charles Hotel tonight through Saturday.



DANGEROUS? — Members of "The Dangerous Way to Cook," which has its final performances Thursday, Friday and Saturday at 8 pm at the New Ehrlich Theater, 539 Tremont St. in Boston, include (from left) Richard Averbuch, Greta Cowan, Phil Lebovitz, Christine Romeo and Justine Lewis. All but Lebovitz are Cambridge residents. The ensemble creates spicy sketches and improvisations and a one-act play from audience suggestions. Call 482-6316 for information.

Tired of the old song and dance?

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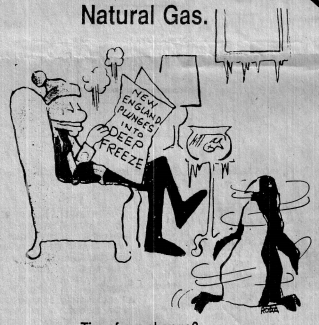

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King Koil FULL SIZE MATTRESS OR BOXSPRING 89.95 EACH PIECE

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BURLINGTON
64 Cambridge Street
Rt. 3A Off Route 128
Exit #33 B
(617) 273-2220

WATERTOWN
660 Arsenal Street
Opp. Watertown Arsenal
(617) 923-0010



"The best health care belongs to us at the Cambridge Health Center."

Harvard Community Health Plan is in Cambridge at 1611 Cambridge St.

There's a genuine peace of mind that comes from living in Cambridge. And part of it is knowing Harvard Community Health Plan is right around the corner.

When you belong to Harvard Health, you get more than just comprehensive coverage; we will make sure you receive the best health care, too.

That's why over 33,000 of your neighbors in the Cambridge area already belong to Harvard Community Health Plan, New England's oldest and largest HMO.

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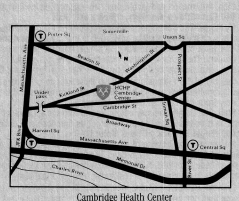
Where you belong.



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Choose from any of these convenient locations: Acton Medical Associates in Acton/Littleton □ Boston Health Center □ Braintree Health Center □ Burlington Health Center □ Cambridge Health Center Chelmsford Health Center □ Concord Hillside Medical Associates in Concord/Sudbury/Bedford □ Copley Health Center □ Nashua Medical Group in Nashua □ Dedham Medical Associates in Dedham/Norwood General Medical Associates in Weston/Brookline/Boston □ Kenmore Health Center □ Medford Health Center □ North Shore Comprehensive Care in Beverly/Danvers/Ipswich □ Peabody Health Center Pentucket Medical Associates in Haverhill □ Quincy Health Center □ Somerville Health Center □ South Shore Medical Center in Norwell/Kingston □ Southboro Medical Group in Southboro/Natick/Westboro □ Watertown Health Center □ Wellesley Health Center □ West Roxbury Health Center □ Williamstown Medical Associates in Williamstown/North Adams/Adams

MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by **John J. Carter** and **Katie B. Carter** to **Horizon Capital, Inc.** dated July 19th, 1989 and recorded with Middlesex County, S.D. Registry of Deeds, Book 19963, Page 002, of which mortgage the undersigned is the present holder for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at public auction at 11:00 a.m. on the 16th day of May 1990, a Wednesday, upon the mortgaged premises all and singular the premises described in said mortgage, to wit:

The land and buildings now known as and numbered as 57-59 Saville Street, Cambridge, Middlesex County, being lot 71 on a plan of land belonging to **George Quimby,** made by Walter C. Stevens, dated December, 1911, and recorded with Middlesex South District Registry of Deeds, in Book of Plans No. 202, Plan No. 2, bounded and described as follows:

Southwesterly by Saville Street, forty-five (45) feet;

Northwesterly by Lot 70 on said plan, one hundred (100) feet;

Northeasterly by Lot 68 on said plan, forty-five (45) feet;

Southeasterly by Lot 72 on said plan, one hundred (100) feet.

Containing 4,500 square feet.

Being the same premises conveyed to Mortgagors by Deed of Louise Carter, Administratrix dated August 8, 1979, recorded in Middlesex South District Registry of Deeds, Book 13846, Page 506.

The premises will be sold subject to and with the benefit of all rights, covenants, easements, conditions, restrictions, unpaid taxes, tax titles, water bills, municipal liens, assessments, rights of tenants and parties in possession, existing encumbrances of record created prior to the mortgage and rights of redemption which survive the foreclosure sale, if any, including any and all rights which any person whomsoever may claim to have under the "Soldiers' and Sailors' Civil Relief Act."

Mortgagee reserves the right to sell any parcel or any portion thereof separately, or in any order that mortgagee may choose and/or to adjourn any sale from time to time.

Terms of Sale: A certified bank check, payable to the mortgagee(s), without intermediate endorsement in the amount of $9,000.00, the balance to be paid in or within twenty-one days at the offices of Philip L. Goduti, Esq. at 1173 Massachusetts Ave., Arlington Heights, MA.

Other terms, if any, to be announced at the sale. Robert K. Rushton, Jr., Auctioneer. State license number 316.

Horizon Capital, Inc.
Mortgagee(s) and present holder(s) of said mortgage
By: Philip L. Goduti
P.O. Box 15, 1173 Mass. Avenue
Arlington Heights, Mass. 02175
(617) 646-4090 or (617) 646-3995
Attorney to the mortgagee

(C)Apr.19,26;May3

RENT CONTROL BOARD OF THE CITY OF CAMBRIDGE OFFICIAL NOTICE

Notice is hereby given pursuant to St. 1976, c.36 (the Rent Control Act) s.7 that the Cambridge Rent Control Board will hold a public hearing on Monday, May 7, 1990 at 7:00 pm at the Cambridge Rindge and Latin High School Main Cafeteria to **consider general adjustments, by percentage, of the legal maximum rents of all rent-controlled rental units within the City of Cambridge on account of:**

(1) Increases and decreases in real estate taxes due to revaluation and changes in tax rate;

(2) Increases and decreases in heating expenses, including a consideration of energy efficiency in buildings;

(3) Increases and decreases in other operating expenses including payroll, utilities, water and sewer, maintenance, and insurance;

(4) Adjustments of net operating income.

The Board will consider the establishment of such classes as will ensure the accurate apportionment of expense or income changes, including changes in real estate taxes due to revaluation, taking account of those buildings which have received individual rent adjustments.

The Board will consider procedures to ensure that energy conservation efforts are being undertaken by owners to lessen the impact of heat expense increases. The Board may establish classes based on conservation methods. The Board will also consider classifying buildings according to whether heat is supplied by the landlord or tenant.

In considering a general adjustment, the Board will receive information on increases or decreases in operating costs and net operating income. The Board will also receive information on possible energy conservation measures which may be incorporated into any general adjustment.

Following the Public Hearing, the Board will determine the need for a general adjustment. If it is determined that a general adjustment is necessary, the Board will determine the method of adjusting rents by general adjustment and promulgate a regulation to that effect.

The Board desires to receive written presentations on the issues to be raised at the Public Hearing. Written presentations will be accepted from persons attending the Hearing. Persons unable to attend the Hearing may send written material to Laurie Goetz at the Rent Control office during working hours.

All persons wishing to address the Board may submit their names and addresses prior to the Public Hearing and indicate if they wish to appear in opposition to or in favor of a general adjustment. Persons submitting their names and addresses prior to the Hearing shall be heard first by the Board. Persons wishing to address the Board should contact Laurie Goetz at the Board's office, prior to the Hearing.

Please make all inquiries to the Rent Control Board at telephone number 499-6161 or at the Board's office at 831 Massachusetts Avenue, 2nd Floor, Cambridge, Massachusetts 02139.

The public hearing shall recess at 10:00 p.m.

By Order of the
Rent Control Board

(C)Apr.19,26;May3

COMMONWEALTH OF MASSACHUSETTS LAND COURT DEPARTMENT OF THE TRIAL COURT

(Seal) Case No. 144418

To **Samuel Fogel** and **The Cambridge Financial and Equity Group, Inc.** and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:

Bank Five for Savings claiming to be the holder of a mortgage covering real property in Cambridge numbered 179 Fifth Street given by Samuel Fogel, to Plaintiff, dated September 26, 1983 recorded with Middlesex Registry of Deeds, Book 17180, Page 204 has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.

If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the 28th day of May 1990, or you may be forever barred from claiming that such foreclosure is invalid under said act.

Witness, Marilyn M. Sullivan, Chief Justice of said Court this 12th day of April 1990.

Charles W. Trombly, Jr.
Recorder

(C)Apr.26

OFFICE OF THE SCHOOL COMMITTEE 456 Broadway Cambridge, Ma. 02138

Sealed proposals will be received at the office of the Manager of Procurement, 159 Thorndike Street, Cambridge, MA 02141, until Thursday, May 10, 1990 at 11:00 A.M. at which time they will be publicly opened and read for:

Elementary Science Supplies

Specifications and forms of proposals will be available at the Office of the Manager of Procurement on and after Thursday, April 26, 1990.

Attention is called to requirements for equal opportunity employment on part of vendors. The department encourages participation in this bid of minority and women-owned businesses.

Mary Lou McGrath
Superintendent of Schools

(C)Apr.26,May3

COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT THE PROBATE AND FAMILY COURT DEPARTMENT PROBATE OF WILL WITHOUT SURETIES

Middlesex Division Docket No. 90P1718E

Estate of **Audrey W. Hoyte**
also known as **Audrey E. Hoyte**
Died on November 10, 1989
late of **Cambridge**
in the County of **Middlesex**

NOTICE

A petition has been presented in the above-captioned matter praying that a certain instrument purporting to be the last will of said deceased may be proved and allowed and that **Elaine T. Reid** of Westwood in the County of Norfolk be appointed executrix without giving surety on her bond.

If you desire to object to the allowance of said petition, you or your attorney must file a written appearance in said Court at Cambridge on or before 10:00 in the forenoon on May 17, 1990.

In addition you must file a written affidavit of objections to the petition, stating the specific facts and grounds upon which the objection is based, within (30) days after the return day (or such other time as the Court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

Witness, Sheila E. McGovern, Esquire, First Justice of said Court at Cambridge, the thirteenth day of April in the year of our Lord one thousand nine hundred and ninety.

Thomas J. Larkin
Register of Probate

(C)Apr.26

SAUL AND GITTA KURLAT CHARITABLE FOUNDATION

The annual report of the Saul and Gitta Kurlat Charitable Foundation will be available at the Foundation's office for inspection during regular business hours by any citizen who requests inspection as of May 15, 1990 and for 180 days thereafter. The address and telephone number of the Foundation's office at which its annual report will be available and the manager reponsible for publishing this notice is Gitta Kurlat, One Boston Place, Boston, Massachusetts (617) 742-3644.

(C)Apr.26

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss Probate Court No. 89D4566D1

Summons By Publication

Rosemaine Desjardins Plaintiff
vs.
Francois Desjardins Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Rosemaine Desjardins, seeking a divorce.

You are required to serve upon Dane M. Shulman, Esq., plaintiff's attorney, whose address is 1596 Blue Hill Avenue, Mattapan, MA 02126 your answer on or before July 16th, 1990. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.

April 13, 1990

Thomas J. Larkin
Register of Probate

(C)Apr.26,May3,10

CITY OF CAMBRIDGE PURCHASING DEPARTMENT

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, May 10, 1990 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge.

EKG Machine
Glass & Plastics
Electrolyte Analyzer Reagents & Consumables
Sale of Used Equipment (PWD)
Intrusion Alarm Monitoring & Repair Services

See proposal for bid deposit.

The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.

Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.

Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item' " and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.

Barbara L. Duffy
Purchasing Agent

(C)Apr.26

PUBLIC NOTICE RELATIVE TO ZONING. CITY OF CAMBRIDGE MASSACHUSETTS OFFICE OF THE CITY CLERK

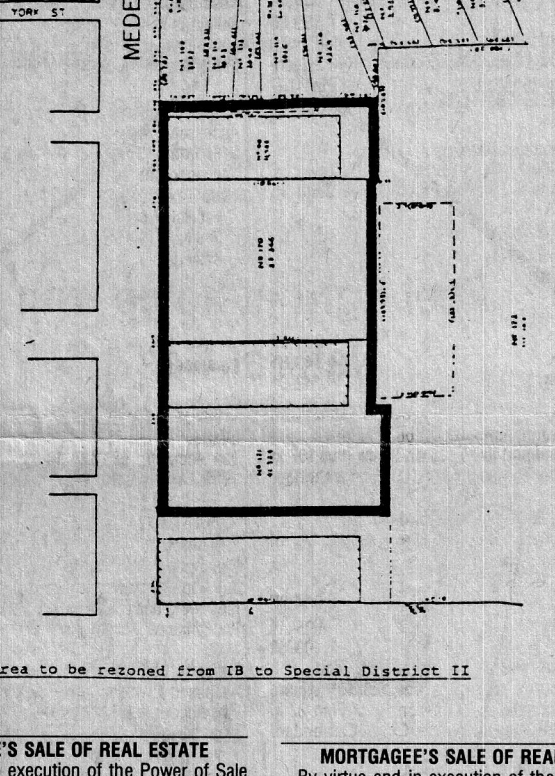
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Thursday, May 10, 1990 at 6:00 P.M. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition of the Planning Board to amend the Zoning Map of the City of Cambridge by deleting the existing Industry B and substituting Special District II in an area of land at Binney Street and Cardinal Humberto Medeiros Avenue as shown on the accompanying map. The petition also amends the Zoning Ordinance of the City of Cambridge by creating a new section 17.20, Special District II. This zone would have all the requirements and regulations of the Residence C-1 District with modifications by Special Permit from the Planning Board. Modifications include addditional height to 60 feet on some portions of the lot, additional Floor Area Ratio to 1.5, a decrease to 600 square feet of lot area per dwelling unit, and minimum yard requirements of 10 feet, all if at least 7.5% of total units authorized, or 50% of all the units above the maximum permitted at a Residence C-1 density, whichever is greater, meet the low and moderate income housing requirements of section 11.200 of the Zoning Ordinance.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor Francis H. Duehay,
Chairman.

PLANNING BOARD PETITION



Area to be rezoned from IB to Special District II

(C)Apr.26

FIRST PUBLICATION NUMBER 2484 CITY OF CAMBRIDGE In the Year One Thousand, Nine Hundred Ninety AN ORDINANCE

In amendement to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52
Promotion of Recycling of Used Motor Oil
Sections

8.52.010 Annual Reporting By Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;

2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and

3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. **Establishment.** There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. **Members; Reporting.** The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters;

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. **Meetings.** The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the meeting. A simple majority shall constitute a quorum.

B. **Officers.** The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. **Staff.** The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. **Criminal Penalty.** Any person who violates any provision of this section shall be subject to a fine of not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300) for each subsequent offense.

C. **Noncriminal Disposition.** Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. **Injunctive Relief.** The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability.

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

(C)Apr.26

First Publication Number 2486 CITY OF CAMBRIDGE In the Year One Thousand, Nine Hundred Ninety AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

A. Add a New Section 11.400 - Traffic Mitigation and Parking Supply Restrictions to read as follows:

11.400 Traffic Mitigation and Parking Supply Restrictions

11.401 Purpose and Intent

The purpose of this Section 11.400 is to reduce the traffic and air quality impacts caused by new development in the City thereby insuring the health, safety, welfare and economic well being of the citizens of Cambridge as mandated pursuant to Chapter 40A, Massachusetts General Laws. Moreover, this Article will promote the goals contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United States Environmental Protection Agency and the most recent Massachusetts State Implementation Plan for Ozone and Carbon Monoxide reduction.

11.402 Applicability

With the exception of developments authorized in Article 14.000, Article 15.000, Article 16.000 and Section 17.10 all new buildings, additions to existing building, or a change in use of an existing building, encompassing 15,000 square feet or more of gross floor area devoted to any combination of non-residential/non-institutional uses, and hotels and motels (Section 4.31 i (1) and (2), or any increase in the amount of existing parking accessory to any building meeting the aforementioned size and use thresholds, shall be permitted only upon issuance of a Special Permit from the Planning Board, subject to the requirements of this Section 11.400 when the project is proposed to provide other than the minimum parking required by Section 6.36 - Schedule of Parking and Loading Requirements, or in the case of increases in the amount of existing accessory parking only when the minimum amount required is exceeded.

Traffic Mitigation Requirements for Issuance of a Special Permit

Applicant's for all projects covered by this Section 11.400 shall prepare and submit a Traffic Analysis and Mitigation Report in conformance with the "Guidelines for Submission - Traffic Analysis and Mitigation Report" as most recently approved by the Planning Board and made a part of this Section 11.400 by reference. The Traffic Analysis and Mitigation Report shall demonstrate how the following requirements shall be satisfied.

11.403.1 Maximum Vehicular Trip Generation

The number of A.M. and P.M. peak hour vehicle trips generated by the proposed project (except for Retail uses and Hotels and Motels) shall be limited to rates which are: (1) 35 percent of the rates published in the latest edition of the Institute of Transportation Engineer's (ITE) report, "Trip Generation" for projects within 1300 feet of the entrance to the Harvard, Central and Kendall MBTA Red Line Stations: (2) 55 percent of the ITE rates for projects within 1300 feet of an entrance to the Alewife, Davis and Porter MBTA Red Line Stations and the Lechmere MBTA Green Line Station; and (3) beyond 1300 feet the percentage of the ITE generation rate shall increase by 1.5 for each 100 feet further away from an MBTA station entrance, to a maximum of 75 percent. All distances shall be measured from the nearest transit entrance to the nearest employee entrance for each building.

For Retail uses and Hotels and Motels, the number of peak hour A.M. and P.M. vehicle trips generated by the proposed project shall be limited to rates which are 75 percent of the latest ITE rates.

11.403.2 Implementation of Approved Traffic Mitigation Program

The applicant shall develop and implement a program for vehicle trip generation mitigation that shall ensure that the total A.M. and P.M. peak hour vehicle trips generated by the project do not exceed the amount allowed under Section 11.403.1.

The Planning Board shall approve all aspects of the mitigation program and may modify or expand upon the program proposed by the applicant. The approved program and its implementation shall be a condition of any special permit issued under this Section 11.400.

11.403.3 Traffic Reduction at Critical Intersections and Streets

For projects of 50,000 GSF or more, and for smaller projects with unique impacts as determined by the Cambridge Planning Board, the applicant shall evaluate the effects of the project's vehicle traffic on the City's roadway network and indicate mitigation which will reduce traffic congestion and protect residential neighborhoods and other sensitive areas.

The Planning Board may require as a condition of the special permit the implementation of one or more mitigation measures identified by the applicant or determined by the Planning Board to be necessary to adequately safeguard the public health, safety and welfare, to the extent that such mitigation measures are within the legal capacity of the applicant to implement.

11.404 Use of Child Care Facilities or Traffic Mitigation

When used as part of the Traffic Mitigation Plan as required by this Section 11.400, gross floor area up to an amount equal to two percent of a building's total gross floor area may be exempted from Floor Area Ratio (FAR) limitations applicable to the site if that gross floor area is devoted exclusively to the provision of on-site day care.

11.405 Maximum Allowed Parking Spaces

Notwithstanding the provisions of Section 6.30 - Parking Quantity Requirements, the maximum number of parking spaces provided for any development authorized under this Section 11.400 shall be determined as follows:

a. For office and industrial uses the amount shall be the lesser of either the maximum parking amount identified in Section 6.36 - Schedule of Parking and Loading Requirements, for office and industrial uses, or that number of parking spaces determined by the following formula based upon ITE data:
Maximum Allowed Parking Spaces = A.M. Peak Hour Vehicle Arrivals **needing parking** divided by the Percent Employees Arriving During A.M. Peak Hour.

b. One parking space for each hotel or motel unit and, for retail uses, the maximum parking amount identified in Section 6.36.

11.406 Monitoring Compliance

To insure compliance with the mitigation criteria, the applicant for projects with 50,000 GSF or more, shall enter into contractual agreement with the City to ensure full and permanent implementation of all mitigation programs and of a monitoring program as approved by the Planning Board.

Failure to implement or monitor the effectiveness of the mitigation program as required by the special permit shall be considered a violation of the special permit enforceable by fine or reduction in the parking spaces actually provided in the project to not less than the minimum required by Article 6.000.

B. In Article 13.000 Make the Following Changes:

1. Delete Section 13.181 and add a new Section 13.181 as follows:

Off-street parking for uses permitted in an Industry C Planned Unit Development shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

2. Delete Sections 13.27, 13.272 and add a new Section 13.27 as follows:

Development in a PUD-1 district shall conform to the off-street parking and loading requirements set forth in Article 6.000. Off-street parking for uses permitted in this PUD-1 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

3. Delete Sections 13.361 and 13.362 and add a new Section 13.361 as follows:

Off-street parking for uses permitted in this PUD-2 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

4. Renumber Section 13.363 as Section 13.362 and Section 13.364 as Section 13.363.

5. Delete Sections 13.47, 13.471, and 13.472 and add a new Section 13.47 as follows:

Development in a PUD-3 district shall conform to the off-street parking and loading requirements set forth in Article 6.000. Off-street parking for uses permitted in this PUD-3 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

6. Delete Sections 13.571 and 13.572 and add a new section 13.571 as follows:

Off-street parking for uses permitted in this PUD-4 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

Renumber Section 13.573 as Section 13.572 and Section 13.574 as Section 13.573.

8. Delete Sections 13.671 and add a new Section 13.671 as follows:

Off-street parking for uses permitted in a PUD-5 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

C. In Article 6.000 do the Following:

1. Add the following sentence to Section 6.312: Where it is proposed to provide other than the minimum parking required by subsection 6.36 for any non-residential development including hotels and motels, the development shall be subject to the requirements of Section 11.400.

2. Add a new Section 6.351 as follows:

6.351 The requirements of Section 11.400 have been met.

Renumber the existing Sections 6.351 through 6.355 appropriately.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990, the question comes on passing to be ordained.

ATTEST:- Joseph Connarton, City Clerk.

(C)Apr.26

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Thomas F. True, III** and **John Blackburn,** Trustees of Tyler Court Nominee Trust under Declaration of Trust dated September 18, 1987, recorded with Middlesex County (Southern District) Registry of Deeds Book 18563, Page 55 and individually to Somerset Savings Bank dated April 6, 1988 and recorded with Middlesex County (Southern District) Registry of Deeds Book 18970, Page 184, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 11:00 o'clock A.M. on the 22nd day of May, 1990, at the mortgaged premises located at 2456-2460 Massachusetts Avenue, Cambridge, Massachusetts, all and singular the premises described in said mortgage.

To wit:

The land together with any buildings and structures thereon situated in Cambridge, Middlesex County, Massachusetts, now known as and presently numbered 2456-2460 Massachusetts Avenue and being more particularly bounded and described as follows:

Northeasterly by Massachusetts Avenue, 60.16 feet;

Southeasterly by land now or formerly of T.J. Hartnett Beverage Company, Inc., 150.32 feet;

Southerly by land now or formerly of Hia Pearl Corp. 83.95 feet; and

Northwesterly by Tyler Court (formerly known as Taylor Court shown on a plan dated July 14, 1886, recorded in Middlesex South District Registry of Deeds in Plan Book 63 as Plan 10), 207.05 feet.

Containing 10,900 square feet of land and being so shown entitled "Plan of Land in Cambridge Mass.", dated March 2, 1988, prepared by David D. Lanata & Associates, Inc., which plan is to be recorded in said Deeds herewith.

Together with the benefit of an easement from T.J. Hartnett Beverage Company, Inc. Together with the right to use said passageway to these Grantors and over its entire length and breadth for all purposes for which similar passsageways now or may hereafter be used in the City of Cambridge.

Meaning and intending to convey and hereby conveying all of the same premises conveyed to Daniel M. Murphy by deed dated September 18, 1934, recorded with Middlesex South District Registry of Deeds in Book 5858, Page 480; see Estate of Daniel M. Murphy (Middlesex Probate No. 86P 3007E), and see deed to Tyler Court Nominee Trust from Carole Ann Shea et ali Executors, recorded with said Deeds Book 18563, Page 62.

Terms of Sale: Subject to all municipal liens, taxes and assessments, if any. Twenty-five Thousand ($25,000.00) Dollars in Cash, Certified Check, Bank Cashier's Check or Bank Treasurer's Check by the Purchaser at the time and place of Sale, the balance to be paid in Cash, Certified Check, Bank Cashier's Check or Bank Treasurer's Check at the office of William R. Hall, Esquire, Hall, Quinn & Wheeler, 278 Elm Street, Somerville, Massachusetts 02144 within twenty (20) days of the Sale and to be held in escrow pending approval of the Sale by the Court, the deed to be delivered to the Purchaser within ten (10) days of the approval of the Sale by the Court at the Middlesex South Registry of Deeds in Middlesex County, Massachusetts.

All bidders will be required to display to the auctioneer the listed deposit in order to qualify to bid.

Other terms to be announced at the sale.

SOMERSET SAVINGS BANK
Present Holder of said Mortgage
By: Thomas J. Kelly, President
April 23, 2990

(C)Apr.26;May3,10

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Stephen Ralph Chisholm Palange** to **Cambridge Savings Bank** dated August 28, 1986 and recorded with the Middlesex County (Southern District) Registry District of the Land Court as Document No. 720080, noted on Certificate of Title No. 147337, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 10:00 AM on Tuesday, the twelfth (12th) day of June, 1990, on the mortgaged premises now known and numbered 15-17 Dudley Street, Cambridge, Middlesex County, Massachusetts 02140, all and singular the premises described in said Mortgage:

A certain parcel of land with the buildings thereon situated in Cambridge being bounded and described as follows:

Southeasterly: by Dudley Street, thirty-seven and 50/100 (37.50) feet;

Southwesterly: by Lot 3 as shown on plan, hereinafter mentioned, eighty-six and 50/100 (86.50) feet;

Northwesterly: by Lot 7 on said plan, thirty-seven and 50/100 (37.50) feet; and

Northeasterly: by Lot 1 on said plan, eighty-six and 50/100 (86.50) feet.

Said parcel is shown as Lot 2 on said plan, (Plan No. 2248B).

All of said boundaries are determined by the Court to be located as shown on a subdivision plan, as approved by the Court, filed in the Land Registration Office, a copy of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 22, Page 409, with Certificate 3340.

So much of the above described land as is included in a deed given by Fostina Richardson to Kenrick W. Chapman, dated January 1, 1872 and recorded with Middlesex South District Deeds, Book 1204, Page 391 is subject to the restrictions therein set forth as far as applicable.

For mortgagors title see Certificate of Title No. 147337.

Said premises will be sold subject to as above and to all restrictions, easements, improvements, attachments, outstanding tax titles, municipal or public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record, if there be any and all encumbrances of record which are prior to said mortgage.

Five Thousand ($5,000.00) Dollars will be required to be paid in cash or by certified or bank treasurer's or cashier's check by the purchaser at the time and place of sale as earnest money to be held at the option of the mortgagee as liquidated damages for any breach by the buyer. The balance is to be paid in cash or by certified or bank treasurer's or cashier's check within twenty-five (25) days thereafter to be deposited in escrow with the firm of Kaye, Fialkow, Richmond & Rothstein at 100 Federal Street, Boston, Massachusetts 02110. The deed is to be delivered within twenty-five (25) days from the date of sale.

Other terms, if any, to be announced at sale.

Cambridge Savings Bank
Holder of said mortgage
1374 Massachusetts Avenue
Cambridge, MA 02238-0206
John E. Lynch
Assistant Treasurer
Telephone (617) 864-8700
Peter Wittenborg
Attorney for Mortgagee
Kaye, Fialkow, Richmond & Rothstein
100 Federal Street
Boston, MA 02110
Telephone (617) 482-6800

(C)Apr.19,26;May3,10

FIRST PUBLICATION NUMBER 2484.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

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2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

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or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

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meeting. A simple majority shall constitute a quorum.

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The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

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B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

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ATTEST:- Joseph E. Connarton, City Clerk.

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City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. Meetings. The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

C. Noncriminal Disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. Injunctive Relief

The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

April 30, 1990

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Mr. Higley:

Enclosed you will find a copy of a loan order which was passed to a second reading at the City Council meeting held on April 23, 1990.

Enclosed also you will find copies of proposed amendments to the Municipal Code of the City of Cambridge as follows which were passed to a second reading at the City Council meeting of April 23, 1990:

1. Protection of the Stratospheric Ozone Layer

2. Promotion of Recycling of Used Motor Oil.

Finally enclosed is a copy of a proposed amendment to the Zoning Ordinances of the City of Cambridge regarding Traffic Mitigation and Parking Supply Restrictions, which was also passed to a second reading at the City Council meeting held on April 23, 1990.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk.

JEC/dl

Ends. First Publication Numbers 2487, 2485, 2484 & 2486.

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Commissioner of Inspectional Services
Birge Albright, Law Dept.

CCM-101

FIRST PUBLICATION NUMBER 2487.

City of Cambridge

IN CITY COUNCIL

April 23, 1990

ORDERED:

that the following amounts are appropriated for the purposes described below:

Amount	Purpose
$7,600,000	Construction or reconstruction of sewers, sewerage systems and surface drains
4,000,000	Remodeling, reconstruction and making extraordinary repairs to the Morse School
100,000	Purchase of works of art for public buildings and other public areas

and that to meet these appropriations, the Treasurer with the approval of the City Manager is authorized to borrow $11,700,000 under Chapter 44 of the General Laws.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on adoption.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NUMBER 2485.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding the following new Chapter 8.48, entitled "Protection of the Stratospheric Ozone Layer."

Chapter 8.48

Protection Of The Stratospheric Ozone Layer

Sections:

8.48.010 Definitions
8.48.020 Periodic Review of this Chapter
8.48.030 Reporting Requirements
8.48.040 Specific Restrictions on Uses of Ozone-depleting Substances
8.48.050 Warning Labels Required
8.48.060 Enforcement
8.48.070 Technical Assistance
8.48.080 Safe Substitutes
8.48.090 Severability

8.48.010 Definitions

For the purposes of this Chapter, the following words shall be defined as follows:

"Chlorofluorocarbon," a family of substances containing carbon, fluorine, and chlorine, having no hydrogen atoms and no double bonds.

"CFC," an abbreviation of the word chlorofluorocarbon.

"Commissioner of Health and Hospitals" is the Commissioner of Health and Hospitals for the City of Cambridge, Massachusetts.

"Halon," a family of substances containing carbon, fluorine, and bromine, having no hydrogen atoms and no double bonds.

"Manufactured substances," any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes.

"Ozone-depleting substances" are those manufactured substances with a potential to destroy ozone in the stratosphere listed in section 3 of this ordinance.

"Person," any individual, corporation, government agency, partnership, firm, joint stock company, trust, association, or any other public or private entity engaged in business or in providing a service in the City of Cambridge, Massachusetts.

"Recovery," the process of employing available control technology designed to collect, capture, control, and store manufactured substances, including CFCs, which may cause or contribute to stratospheric ozone depletion.

"Refrigerator," any device using any Ozone-depleting substances for the purpose of the refrigeration of goods.

8.48.020 Periodic Review of this Chapter

Many prevalent uses of ozone-depleting chemicals are not restricted by this Chapter because workable substitutes and technologies are not currently available. However, emerging technologies are quickly changing this situation. Therefore, this Chapter shall be reviewed by the Cambridge City Council first at two years and then at four years after its passage with the

intention of strengthening this Chapter. Reviews shall include but not be limited to the following topics: strengthening current restrictions identifying new restrictions, and developing a plan for the disposal of ozone-depleting substances.

8.48.030 Reporting Requirements

Within ninety days after the passage of this Chapter, any person producing, selling, offering for sale, or using in manufacturing any of the substances listed in this section, shall file a report with the Commissioner of Health and Hospitals setting forth the amount, by weight, of any and all substances so listed, and any and all products containing said substances which were produced, used in manufacturing, and sold by said person during the calendar year 1989. Not less than annually thereafter, said persons shall file a report with the Commissioner of Health and Hospitals setting forth the amount of any and all substances so listed, and any and all of said products, which were produced, used in manufacturing, and sold by said person during the twelve-month period since the filing date of the previous report, until said person ceases production, use, and sale of all substances so listed and all of said products. All such reports shall be signed and attested by a responsible corporate officer.

Substances subject to reporting requirements include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, HCFC-22, Halon-1211, Halon-1301, Halon-2402, Carbon tetrachloride, and Methyl Chloroform.

8.48.040 Specific Restrictions on Uses of Ozone-depleting Substances

a) Restrictions on the use of CFCs in Air Conditioning and Refrigeration Units

Effective January 1, 1991, no person shall perform repair service on any air conditioner or on any refrigerator unless such person uses equipment for recovery and recycling of CFC coolant contained in said air conditioner or refrigerator.

Effective January 1, 1991, all persons retaining automobiles on their premises for the purpose of reselling said automobiles in parts shall use recovery and recycling equipment to recover CFC coolant from each automobile within three business days after said automobile arrives on the premises. Persons affected by this restriction shall not allow CFC coolant to be release into the atmosphere.

All equipment for recovery and recycling of CFC coolant required by this ordinance shall be approved by Underwriters Laboratory or a similar institution.

b) Restrictions on the sale and use of CFC Refrigerants

Effective January 1, 1991, no person shall sell or offer for sale CFC coolant suitable for use in any air conditioner or refrigerator in quantities smaller than fifteen pounds or to persons not owning recycling or recovery equipment described in section 8.48.040(a).

c) Restrictions on the disposal of CFCs in Air Conditioners and Refrigerators

Effective January 1, 1991, no person shall allow CFC coolants

in air conditioners or refrigerators to be released into the atmosphere nor shall any person dispose of any air conditioner or refrigerator containing any CFC coolant unless said air conditioner or refrigerator has been recovered in the fashion described in section 8.48.040(a).

Effective January 1, 1991, the Commissioner of Health and Hospitals shall publish a policy for recovery of CFC coolant in air conditioners and refrigerators intended to be disposed of by waste haulers.

d) Restrictions on the use of CFCs in Miscellaneous Consumer Products

Effective at the passage of this Chapter, no person shall sell, offer for sale, or use CFC plastic party streamers, CFC propelled noise horns, or CFC cleaning solutions for consumer electronics and photographic equipment.

e) Phase out of CFC-113, Methyl Chloroform, and Carbon Tetrachloride

Effective January 1, 1992, no person shall produce, sell, offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride in annual quantities greater than fifty percent of the total amount of CFC-113, Methyl Chloroform and Carbon Tetrachloride used during the calendar year 1989.

Effective January 1, 1994, no person shall offer for sale, or use in manufacturing, CFC-113, Methyl Chloroform or Carbon Tetrachloride.

Medical applications for which no safe non-ozone depleting

alternative are available shall be exempt from section 8.48.040(e). When safe non-ozone depleting alternatives become available, all persons using CFC-113, Methyl Chloroform or Carbon Tetrachloride under this exemption shall show good faith in converting to safe non-ozone depleting substances and products.

f) Restrictions on the use of Halons in Fire Extinguishers

Effective January 1, 1991, no person shall sell or offer for sale, fire extinguishers for consumer applications which contain halons or other ozone-depleting substances.

Effective January 1, 1991, no person shall use fire extinguishers that contain halons or other ozone-depleting substances for the purpose of testing or training except where required by law.

g) Restriction on the manufacture and use of plastic foam insulation product

Effective January 1, 1991, no person shall manufacture or use in the repair or construction of buildings any plastic foam or foam insulation product that contains any Ozone-depleting substance.

h) Restrictions on the disposal of foam insulation products

Effective January 1, 1991, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, renovate, or demolish any building or structure which requires the removal of existing insulation that contains any Ozone-depleting substance without recovering or properly disposing of such insulation consistent with any procedures adopted by the Commissioner of

Health and Hospitals, and all applicable state and federal statutes and regulations.

i) Ban on the manufacture of Ozone-depleting substances

Effective January 1, 1992, no person shall produce any Ozone-depleting substance.

8.48.050 Warning Labels Required

Effective January 1, 1991, no container in which CFCs, Halons, or other ozone-depleting substances are stored or transported, no product containing such substances, nor any product manufactured with a process that uses said substance shall be sold or offered for sale unless it bears a label stating the following:
"Contains (or manufactured with) [name of substance], a substance which harms public health and the environment by destroying stratospheric ozone in the atmosphere."

Said label shall be permanently affixed on the face of said container or product, with the lettering and background in contrasting colors; and the letters themselves not less than one inch high, or twenty percent of the height of any product which is less than three feet in height.

8.48.060 Enforcement

a) Criminal Penalty

Any person who violates sections 8.48.030 or 8.48.040 of this Chapter shall be subject to a fine not exceeding $100, and each day's violation shall constitute a separate offense.

b) Noncriminal Disposition

Whoever violates sections 8.48.030 or 8.48.040 of this Chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section, the Commissioner of Health and Hospitals, shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to one or more designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

Any citizen may file a written complaint with the Commissioner regarding an alleged violation of this Chapter. The Commissioner shall investigate such complaint within 30 days of its receipt, and shall take necessary enforcement action.

8.48.070 Technical Assistance

The Commissioner of Health and Hospitals will produce, or commission to be produced, a document, available to all persons, for the purpose of assisting any persons affected by this ordinance. This document will be available within six months of the passage of this ordinance and will include, but not be limited to, information describing commercially available alternatives to ozone-depleting substances and available technologies to assist in the implementation of safe alternatives.

8.48.080 Safe Substitutes

To the extent that safer substitutes for particular uses have been designated by an authoritative body, substances listed or covered under M.G.L. c. 111F (the Massachusetts Right to Know Law) shall not be used as replacements for the substances prohibited by this Chapter. For the purposes of this section an authoritative body shall include but not be limited to the Massachusetts Department of Environmental Protection, the Massachusetts Department of Public Health, the Massachusetts Toxics Use Reduction Institute, the U.S. Environmental Protection Agency, or sub-bodies of such agencies.

8.48.090 Severability

If any section, sub-section, paragraph, sentence or word of this Chapter shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences or words of this Chapter, and the application thereof; and to that end the sections, sub-sections, paragraphs, sentences or words of this Chapter shall be deemed severable.

Passed to a second reading as amended at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NUMBER 2484.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Title 8 of the Code, Health and Safety, is hereby amended by adding a new Chapter 8.52, entitled "Promotion of Recycling of Used Motor Oil."

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;
2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and
3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. Meetings. The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

C. Noncriminal Disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. Injunctive Relief

The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NUMBER 2486.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

A. Add a New Section 11.400 - Traffic Mitigation and Parking Supply Restrictions to read as follows:

11.400 TRAFFIC MITIGATION AND PARKING SUPPLY RESTRICTIONS

11.401 PURPOSE AND INTENT

The purpose of this Section 11.400 is to reduce the traffic and air quality impacts caused by new development in the City thereby insuring the health, safety, welfare and economic well being of the citizens of Cambridge as mandated pursuant to Chapter 40A, Massachusetts General Laws. Moreover, this Article will promote the goals contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United States Environmental Protection Agency and the most recent Massachusetts State Implementation Plan for Ozone and Carbon Monoxide reduction.

11.402 APPLICABILITY

With the exception of developments authorized in Article 14.000, Article 15.000, Article 16.000 and Section 17.10 all new buildings, additions to existing building, or a change in use of an existing building, encompassing 15,000 square feet or more of gross floor area devoted to any combination of non-residential/non-institutional uses, and hotels and motels (Section 4.31 i (1) and (2)), or any increase in the amount of existing parking accessory to any building meeting the aforementioned size and use thresholds, shall be permitted only upon issuance of a Special Permit from the Planning Board, subject to the requirements of this Section 11.400 when the project is proposed to provide other than the minimum parking required by Section 6.36 - Schedule of Parking and Loading Requirements, or in the case of increases in the amount of existing accessory parking only when the minimum amount required is exceeded.

11.403 TRAFFIC MITIGATION REQUIREMENTS FOR ISSUANCE OF A SPECIAL PERMIT

Applicant's for all projects covered by this Section 11.400 shall prepare and submit a Traffic Analysis and Mitigation Report in conformance with the "Guidelines for Submission - Traffic Analysis and Mitigation Report" as most recently approved by the Planning Board and made a part of this Section 11.400 by reference. The Traffic Analysis and Mitigation Report shall demonstrate how the following requirements shall be satisfied.

11.403.1 Maximum Vehicular Trip Generation - The number of A.M. and P.M. peak hour vehicle trips generated by the proposed project (except for Retail uses and Hotels and Motels) shall be limited to rates which are: (1) 35 percent of the rates published in the latest edition of the Institute of Transportation Engineer's (ITE) report, "Trip Generation" for projects within 1300 feet of the entrance to the Harvard, Central and Kendall MBTA Red Line Stations; (2) 55 percent of the ITE rates for projects within 1300 feet of an entrance to the Alewife, Davis and Porter MBTA Red Line Stations and the Lechmere MBTA Green Line Station; and (3) beyond 1300 feet the percentage of the ITE generation rate shall increase by 1.5 for each 100 feet further away from an MBTA station entrance, to a maximum of 75 percent. All distances shall be measured from the nearest transit entrance to the nearest employee entrance for each building.

For Retail uses and Hotels and Motels, the number of peak hour A.M. and P.M. vehicle trips generated by the proposed project shall be limited to rates which are 75 percent of the latest ITE rates.

11.403.2 Implementation of Approved Traffic Mitigation Program - The applicant shall develop and implement a program for vehicle trip generation mitigation that shall ensure that the total A.M. and P.M. peak hour vehicle trips generated by the project do not exceed the amount allowed under Section 11.403.1.

The Planning Board shall approve all aspects of the mitigation program and may modify or expand upon the program proposed by the applicant. The approved program and its implementation shall be a condition of any special permit issued under this Section 11.400.

11.403.3 Traffic Reduction at Critical Intersections and Streets For projects of 50,000 GSF or more, and for smaller projects with unique impacts as determined by the Cambridge Planning Board, the applicant shall evaluate the effects of the project's vehicle traffic on the City's roadway network and indicate mitigation which will reduce traffic congestion and protect residential neighborhoods and other sensitive areas.

The Planning Board may require as a condition of the special permit the implementation of one or more mitigation measures identified by the applicant or determined by the Planning Board to be necessary to adequately safeguard the public health, safety and welfare, to the extent that such mitigation measures are within the legal capacity of the applicant to implement.

11.404 USE OF CHILD CARE FACILITIES FOR TRAFFIC MITIGATION

When used as part of the Traffic Mitigation Plan as required by this Section 11.400, gross floor area up to an amount equal to two percent of a building's total gross floor area may be exempted from Floor Area Ratio (FAR) limitations applicable to the site if that gross floor area is devoted exclusively to the provision of on-site day care.

11.405 MAXIMUM ALLOWED PARKING SPACES

Notwithstanding the provisions of Section 6.30 - Parking Quantity Requirements, the maximum number of parking spaces provided for any development authorized under this Section 11.400 shall be determined as follows:

a. For office and industrial uses the amount shall be the lesser of either the maximum parking amount identified in Section 6.36 - Schedule of Parking and Loading Requirements, for office and industrial uses, or that number of parking spaces determined by the following formula based upon ITE data:

$$\text{Maximum Allowed Parking Spaces} = \frac{\text{A.M. Peak Hour Vehicle Arrivals needing parking}}{\text{divided by the Percent Employees Arriving During A.M. Peak Hour}}$$

b. One parking space for each hotel or motel unit and, for retail uses, the maximum parking amount identified in Section 6.36.

11.406 MONITORING COMPLIANCE

To insure compliance with the mitigation criteria, the applicant for projects with 50,000 GSF or more, shall enter into contractual agreement with the City to ensure full and permanent implementation of all mitigation programs and of a monitoring program as approved by the Planning Board.

Failure to implement or monitor the effectiveness of the mitigation program as required by the special permit shall be considered a violation of the special permit enforceable by fine or reduction in the parking spaces actually provided in the project to not less than the minimum required by Article 6.000.

B. In Article 13.000 Make the Following Changes:

1. Delete Section 13.181 and add a new Section 13.181 as follows:

Off street parking for uses permitted in an Industry C Planned Unit Development shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

2. Delete Sections 13.27, 13.272 and add a new Section 13.27 as follows:

Development in a PUD-1 district shall conform to the off street parking and loading requirements set forth in Article 6.000. Off street parking for used permitted in this PUD-1 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

3. Delete Sections 13.361 and 13.362 and add a new Section 13.361 as follows:

   Off street parking for uses permitted in this PUD-2 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

4. Renumber Section 13.363 as Section 13.362 and Section 13.364 as Section 13.363.

5. Delete Sections 13.47, 13.471, and 13.472 and add a new Section 13.47 as follows:

   Development in a PUD-3 district shall conform to the off street parking and loading requirements set forth in Article 6.000. Off street parking for uses permitted in this PUD-3 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

6. Delete Sections 13.571 and 13.572 and add a new section 13.571 as follows:

   Off street parking for uses permitted in this PUD-4 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

   Renumber Section 13.573 as Section 13.572 and Section 13.574 as Section 13.573.

8. Delete Sections 13.671, and add a new Section 13.671 as follows:

Off street parking for uses permitted in a PUD-5 district shall be provided as required in Section 6.36-Schedule of Parking and Loading Requirements for uses in Residence C-3, Business B, Office 3, and Industry B Districts.

C. In Article 6.000 do the Following:

1. Add the following sentence to Section 6.312:
Where it is proposed to provide other than the minimum parking required by subsection 6.36 for any non-residential development including hotels and motels, the development shall be subject to the requirements of Section 11.400.

2. Add a new Section 6.351 as follows:

6.351 The requirements of Section 11.400 have been met.

Renumber the existing Sections 6.351 through 6.355 appropriately.

Passed to a second reading at the City Council meeting held on April 23, 1990 and on or after May 7, 1990 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

Chapter 8.52

Promotion of Recycling of Used Motor Oil

Sections

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil
8.52.020 Oil Recycling Committee
8.52.030 Committee's Powers and Duties
8.52.040 Committee's Meetings, Officers and Staff
8.52.050 Illegal Disposal of Used Motor Oil
8.52.060 Severability

8.52.010 Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;

2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and

3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this Chapter. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies

of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

D. Upon request by the Oil Recycling Committee, the License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to this section.

8.52.020 Oil Recycling Committee

A. Establishment. There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45) days after enactment of this Chapter and to serve for up to eighteen (18) months after the initial meeting.

B. Members; Reporting. The Committee shall consist of nine (9) members. Six (6) members shall be appointed by the City Manager. Of these six persons, two (2) shall be representatives of the public familiar with environment affairs; one (1) shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public-at-large. If possible, one (1) of the public-at-large members shall be a person with a knowledge of automotive engineering and one (1) shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals

or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairman of the License Commission or his or her designee. Six (6) of the Committee Members shall be residents of the City of Cambridge.

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager, who may fill any vacancies on the Committee. The members shall serve without compensation.

8.52.030 Committee's Powers and Duties

The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

1. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Laws, Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

2. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

3. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

4. Ways in which the municipalities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

5. Whether there is a need for the Committee to continue to function after the expiration of the initial 18-month period.

6. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

8.52.040 Committee's Meetings, Officers and Staff

A. Meetings. The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the

meeting. A simple majority shall constitute a quorum.

B. Officers. The Committee shall from time to time designate a chairman from among its members. The chairman, or a member designated by him or her, shall preside at Committee meetings, and the chairman or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

C. Staff. The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

8.52.050 Illegal Disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Criminal Penalty

Any person who violates any provision of this section shall be subject to a fine or not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300)

for each subsequent offense.

C. Noncriminal Disposition

Whoever violates any provision of this section may be penalized by a noncriminal disposition as provided in G.L. c. 40, s. 21D. For purposes of this section the Commissioner of Health and Hospitals shall be the enforcing officer, except that the Commissioner may delegate his enforcing authority to designated Health Enforcement Officers. The penalty for each violation will be $25, and each day's violation shall constitute a separate offense.

D. Injunctive Relief

The City may seek injunctive relief in the Superior Court for violations of this section.

8.52.060 Severability

If any part or provision of this Chapter or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Chapter or the application thereof to other persons, entities or circumstances.

RECEIVED BY
OFFICE OF CITY CLERK
1990 APR 17 PM 12:50
CAMBRIDGE MA.

CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

April 17, 1990

Mr. Joseph E. Connarton
City Clerk
City Hall
Cambridge, MA 02139

Re: Ordinance to Promote Recycling of Used Motor Oil

Dear Mr. Connarton:

In response to your memo to Russell B. Higley of April 11, I have redrafted the above ordinance in accordance with the suggestions contained in my letter of March 23, and my redraft is enclosed.

Very truly yours,

Birge Albright

Birge Albright

BA/jml
Enclosure

cc: Councillor Francis Duehay (w. enc.)
Melvin H. Chalfen, M.D. (w. enc.)
Robert W. Healy (w. enc.)
Donald A. Drisdell, Esq.
James McDavitt, Esq. (w. enc.)

ORD#3

2

REPORTS FROM CITY OFFICIALS

Communication received from Birge Albright, Legal Counsel, transmitting the redraft of the proposed amendment to the Municipal Code relative to Promoting Recycling of Used Motor Oil.

In City Council,

April 23, 1990

Referred to the petition

C. C. 106

City of Cambridge

The Committee on Ordinances conducted a public hearing on Wednesday, March 28, 1990 beginning at 5:40 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to review a proposed amendment to the municipal code relative to re-cycled used motor oil. Those members present were Councllior Francis Duehay, Councillor Sheila Russell, Mayor Alice Wolf, Councillor Ed Cyr, Councillor Jonathan Myers, Councillor William Walsh, Councillor Walter Sullivan, Vice Mayor Kenneth Reeves and City Clerk, Joseph Connarton.

Councillor Duehay, Chairman of the Committee, opened the meeting by explaining the procedure for the public hearing and that a series of speakers have already indicated their intention to speak and a sign up sheet was available for any one in the audience who wanted to testify.

At this time, Councillor Duehay recognized Cynthia Bellamy, 113 Inman Street, Cambridge, MA, who is a planner for the Massachusetts Department of Environmental Protection and the principal drafter of the proposed Ordinance.

Ms. Bellamy outlined the various provisions of the Ordinance, specifically:

> Section 2: entitled: Cambridge Oil Recycling; Committee; its powers and duties, Section 3: entitled: Illegal Disposal of Used Motor Oil are also, Section 3E: concerning enforcement.

City of Cambridge

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At this time, Councillor Duehay recognized Cynthia Bellamy, 113 Inman Street, Cambridge, MA, who is a planner for the Massachusetts Department of Environmental Protection and the principal drafter of the proposed ordinance.

Ms. Bellamy outlined the various provisions of the ordinance, specifically:

> Section 2: entitled: Cambridge Oil Recycling; Committee; its powers and duties, Section 3: entitled: Illegal Disposal of Used Motor Oil are also, Section 3E: concerning enforcement.

Furthermore, she stated in response to a question from Councillor Russell, that all area gas stations would come within the jurisdiction of the Ordinance.

Mayor Wolf stated that she supported the Ordinance, but she was concerned with what may be some inconsistencies relative to fines being levied and the issuance of criminal complaints. The Mayor suggested that the Committee may want to take a look at this particular issue.

The following individuals appeared before the Committee offering testimony in favor of the proposed Ordinance:

Honorable Elizabeth Kline
15 Kirkland Road, Cambridge, MA
Asst. Secretary, Dept. of Environmental Affairs
Commonwealth of Massachusetts

Honorable Daniel Greenbaum
1 Winter Street, Boston, MA
Commissioner, Department of Environmental Protection
Commonwealth of Massachusetts

Pat Matsumiya
100 Banks Street, Cambridge, MA
Aide to Senator Michael LoPresti, Jr.
Massachusetts Senate
Suffolk & Middlesex District
State House - Room 413A
Boston, MA 02133

Sheila Lynch-Benttinen
200 Sherman Street
Cambridge, MA 02140

Roy Crystal
Technical Services Manager
Toxics Reduction and Control Department, Sewerage Division
Massachusetts Water Resources Authority
Charlestown Navy Yard - 100 First Street
Boston, MA 02129

Elizabeth Epstein
Executive Director
Cambridge Conservation Commission

Donald MacIver
7 Craigie Circle
Cambridge, MA
Secretary, Massachusetts Association of Conservation Commissions (MACC)

Ann Fine
15 Kirland Road
Cambridge, MA
Massachusetts Audubon Society
South Great Road, Lincoln, MA 01773

Jon Reinhardt, Executive Director
Mystic River Watershed Association
30 Upland Road
Cambridge, MA

Stephen Stichter
65 Dartmouth Street
Boston, MA
Save the Harbor/Save the Bay

Fred Small
80 Aberdeen Avenue
Cambridge, MA

The above referenced individuals submitted written testimony as well as having spoken before the Committee, copies of which are attached to the report and by reference are included herein.

Also speaking in favor of the proposed Ordinance was Gary Miller, 57Grove Street, Somerville, MA, who stated he was a free lance writer who had done extensive research on the issue of recycled motor oil and found not only was an extensive educational program necessary, but a strong local ordinance as well.

Futhermore, he stated that while interviewing retailers on this issue, he found he was given much misinformation.

At this time, Councillor Duehay also stated for the record that the following individuals had submitted letters of support:

Rob Sargent
Toxics Program Advocate
Massachusetts Public Interest Research Group
(MASSPIRG)
29 Temple Place
Boston, MA 02111

Representative Alvin E. Thompson
Massachusetts House of Representatives
28th Middlesex District

Richard F. Delaney
Director
Urban Harbors Institute
University of Massachusetts - Boston
Boston, MA

Susan Redlich
Groundwater Coordinator
New England Interstate
Water Pollution Control Commission

Senator Richard A. Kraus
Massachsetts Senate
4th Middlesex Dirstrict
Room 312
State House
Boston, MA

Sharon E. Dean
Conservation Coordinator
New England Aquarium
Central Wharf
Boston, MA

Senator William B. Golden
Massachusetts Senate
Norfolk - Plymouth District
Room 416B
State House - Boston, MA

James. T. McDavitt, Chair
Cambridge License Commission
831 Mass. Avenue
Cambridge, MA

William A. Currier, President
Recycling, Services, Inc.
516 East Second Street
South Boston, MA

Councillor Duehay requested that anyone wishing to speak in opposition, please come forward.

No one appeared in opposition.

At this time Councillor Duehay requested the City Clerk to read into the record a communication from Birge Albright, Esquire, Legal Counsel, Office of the City Solicitor. Said communication, copy of which is attached and make part of this report by reference, indicated several technical connections within the proposed Ordinance.

Councillor Sullivan moved that the technical corrections offered in the form of amendments by the Law Department be incorporated within the proposed amendment.

Vice Mayor Reeves agreed that the technical amendments be incorporated with the exception of paragraph 2 and 3 on page 2 of Attorney Albright's communications and that those two paragraphs be taken under advisement by the Committee.

Councillor Sullivan amended his previous motion pursuant to the suggestion of the Vice Mayor.

The motion carried.

At this time Councilor Sullivan moved that the proposed amendment, as amended be referred for the full City Council with a favorable recommendation. The motion carried.

The hearing was adjourned at 7:11 p.m.

For the Committee

Francis H. Duehay (S)

Councillor Francis H. Duehay
Chairman

s

attachment

4.

COMMITTEE REPORTS

Report from Councillor Francis H. Duehay, Chairman of the Ordinance Committee, relative to a proposed amendment to the Municipal Code of the City of Cambridge entitled "AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE".

In City Council,

April 23, 1990

Report accepted
Passed to a
second reading

MASSPIRG

MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP

TESTIMONY OF THE MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP IN SUPPORT OF "AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL"

SUBMITTED TO: Cambridge City Council
SUBMITTED BY: Rob Sargent, Toxics Program Advocate
Date: March 27, 1990

The Massachusetts Public Interest Research Group (MASSPIRG) is a statewide consumer and environmental advocacy group representing over 175,000 citizen and student members across the Commonwealth. We have been involved in hazardous waste and solid waste issues for over a decade.

Waste oil is the largest toxic constituent in the municipal solid waste stream. Every effort needs to be made to keep used motor oil out of our landfills and sewer systems.

This proposed ordinance, sponsored by Councillor Francis Duehay, will help the City of Cambridge take some important steps toward preventing the environmental and public health threats associated with the negligent disposal of waste oil. MASSPIRG strongly supports the measure.

State law already requires retailers to accept used motor oil. Unfortunately, the law is very rarely enforced. The reporting requirements in the proposed ordinance will help local health officials in their enforcement of current state law.

Stricter penalties are important if dumpers of waste oil are going to take the law seriously. MASSPIRG would also encourage the take action against retailers who fail to obey current state law.

MASSPIRG urges adoption of this ordinance.

29 Temple Place. Boston. MA 02111-1305 (617) 292-4800

MASSACHUSETTS WATER RESOURCES AUTHORITY
Charlestown Navy Yard
100 First Avenue
Boston, Massachusetts 02129

Telephone:
(617) 242-6000

Francis Duehay, City Councillor
Cambridge City Council
City Hall
Cambridge, MA 02138

March 23, 1990

Dear Mr. Duehay:

The Massachusetts Water Resources Authority would like to commend the efforts of the City of Cambridge to promote the recycling of used motor oil. Recycling of oil is important to the Authority because improper disposal has a significant adverse impact on the Authority's sewers and wastewater treatment plants, as well as on Boston Harbor. We support Cambridge's proposed Used Motor Oil Recycling Ordinance as a way to help reduce this impact.

After surveying the proposed Ordinance, we would like only to recommend that Section Three, Illegal Disposal of Used Motor Oil, not come into effect until a designated future date which is planned for six months after Cambridge has instituted a municipal used motor oil collection program to provide its residents with a feasible disposal alternative in addition to the one provided by Massachusetts General Law Chapter 21, Section 52a. We feel that such a program is necessary to provide for the backlog of used oil for which residents do not have receipts, which is not accommodated by Massachusetts General Law Chapter 21, Section 52a. Without such a program in place, some Cambridge residents will have difficulty in complying with Section Three of the proposed Ordinance.

We are looking forward to the results of the Cambridge Ordinance Committee hearing on March 28th. Please let us know how we may be of further help or support in the efforts of Cambridge to promote the recycling of used motor oil.

Sincerely,

Richard Kanoff, Director
Toxic Reduction and Control Department
Sewerage Division

RAK/RC:mn

The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

ALVIN E. THOMPSON
REPRESENTATIVE
28TH MIDDLESEX DISTRICT
CAMBRIDGE

LEGISLATIVE ASSISTANT
MAUREEN TOAL

Committees on
Housing and Urban Development
Public Service
Election Laws

ROOM 39, STATE HOUSE
TEL. 722-2240

RECEIVED
MAR 9 - 1990
DEQE
ARDOUS WASTE

January 2, 1990

Councillor Francis H. Duehay
26 Lowell Street
Cambridge, Massachusetts 02138

Dear Councillor Duehay:

Thank you for sending me copies of your proposed ordinances which address environmental problems that face our community and our State. I have reviewed these proposals. You have done a thorough job so I just have a few comments to make on the ordinances:

--Your proposal to ban the use of chlorofluorocarbons is an excellent idea. I have attached a copy of Rep. Stan Rosenberg's "greenhouse effect" bill, which you may find of interest.

--You may want to consider stronger penalties for violators of the ordinances. Instead of fines, the City could impose civil penalties in certain cases.

--Your packaging proposal looks fine; however, you may want to consider fining violators by the amount of waste they dump instead of fining them per day they are in violation.

--You should think about setting up an implementation schedule for certain provisions of the ordinances, to give businesses time to "clean -up" their act prior to instituting the noncompliance penalties.

I would be happy to testify on behalf of the proposed ordinances. Please contact me when the hearing date has been set.

Sincerely,

ALVIN E. THOMPSON
State Representative

The Commonwealth of Massachusetts
University of Massachusetts-Boston
Harbor Campus
Boston, Massachusetts 02125-3393

Urban Harbors Institute

January 8, 1990

Francis H. Duehay
City Councillor
City of Cambridge
26 Lowell Street
Cambridge, MA 02138

Re: Ordinance to Promote the Recycling of Used Motor Oil in the City of Cambridge

Dear Councillor Duehay:

I am pleased to have the opportunity to review the proposed ordinance regarding recycling of used motor oil in the City of Cambridge. The issue of water quality is a principal focus of the Urban Harbors Institute so we are very interested in any measure to control sources of contaminants to surface waters.

The proposed ordinance offers a prudent and effective strategy for significantly reducing improper disposal of motor oil. The ordinance properly assigns responsibility for disposal of waste oil to both the distributors and consumers. It should provide for Cambridge what generally has been lacking in measures to control this source of pollution, that is, a monitored system for collection of the product and reasonable penalties for noncompliance. I also feel that the provisions to promote recycling, ideally in cooperation with neighboring towns, is a particularly laudable and important element of the ordinance.

It has been my experience that the business community and the public are willing to take steps necessary to protect the environment when the problem is understood and a reasonable and equitable solution is available. I believe that adoption of the proposed ordinance will accomplish both.

I regret that my schedule prevents me from committing to appear before the Council in support of this proposed ordinance. I hope that these written comments are helpful in gaining Council approval of this very worthwhile proposal.

Very truly yours,

Jack Higgins for

Richard F. Delaney
Director

NEIWPCC

NEW ENGLAND INTERSTATE
WATER POLLUTION
CONTROL COMMISSION

85 Merrimac Street
Boston, MA 02114
(617) 367-8522

November 20, 1989

N. Bruce Hanes, Chairman
David L. Clough, Vice Chairman
John B. Casazza, Treasurer
Ronald F. Poltak, Executive Director

Councillor Frank Duehay
26 Lowell St.
Cambridge, Massachusetts

SUBJECT: The Proposed Ordinance to Promote the Recycling of Used Motor Oil

Dear Councillor Duehay:

The ordinance you have introduced is very worthy of passage because it recognizes the threat posed by improper disposal of waste oil to our vulnerable water supply resources. By laying the groundwork for a waste oil recyling program, Cambridge is making a prudent investment toward the long term availability of water supplies. Such a program can be viewed as a way to stem increases in the local costs of water treatment and the charges from wastewater treatment facilities.

Because groundwater and surface water know no political boundaries, Cambridge has a responsibility to prevent pollution that is generated in Cambridge for the sake of neighboring communities as well as for the health of the city itself. Were every municipality to follow this strategy, the economic costs of maintaining a clean environment would be greatly reduced. In this case, Cambridge depends on other communities to practice good housekeeping regarding hazardous materials in order to protect Cambridge water supplies. The demonstration of a plan to recycle oil can influence other cities to institute recycling activities, and to coordinate efforts. This desirable "spill over" of conservation practice is laudatory, and can lead to greater marketability of used oil as well as other recyclables.

The challenge facing New England communities is to take preventive measures now, rather than be saddled with enormous costs of obtaining clean water in the future. Water quality is indeed a water quantity issue too. I urge the City Council to enact a most reasonable ordinance.

Sincerely,

Susan Redlich

Susan Redlich, Groundwater Coordinator

printed on re-cycled paper.

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

HON. MICHAEL LoPRESTI, JR.
SUFFOLK AND MIDDLESEX DISTRICT
ROOM 413A
TELEPHONES: (617) 722-1634
(617) 722-1635

COMMITTEES:
JUDICIARY (CHAIRMAN)
ETHICS (VICE CHAIRMAN)
SENATE WAYS AND MEANS
INSURANCE

March 23, 1990

Francis Duehay
Cambridge City Councillor
26 Lowell Street
Cambridge, MA 02138

Dear Councillor Duehay:

Thank you for the opportunity to comment on the proposed Ordinance to Promote the Recycling of Used Motor Oil iin the City of Cambridge. I wholeheartedly support Cambridge's efforts to promote the environmentally sound management of used motor oil.

Safe drinking water is a finite and fragile resource in the commonwealth. Used motor oil is just one of the many toxic contaminants that threaten our water quality and ultimately our health. Now is the time for municipalities to act creatively to protect their drinking water supplies from possible contamination. This proposed ordinance is an excellent way for Cambridge to help ensure that its citizens will have access to safe drinking water for years to come.

I commend the Cambridge City Council for considering this ordinance as a step to protect the environment and public health. I urge the Council to vote in favor of this ordinance and thereby lead other Massachusetts communities in municipal environmental action.

Very sincerely,

Michael LoPresti

Michael LoPresti Jr.
State Senate

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

HON. MICHAEL LoPRESTI, JR.
SUFFOLK AND MIDDLESEX
DISTRICT
ROOM 413A
TELEPHONES: (617) 722-1634
(617) 722-1635

COMMITTEES:
JUDICIARY (CHAIRMAN)
ETHICS (VICE CHAIRMAN)
SENATE WAYS AND MEANS
INSURANCE

March 22, 1990

Doug Fine
Dept. of Environmental Protection
Bureau of Waste Site Cleanup
One Winter Street
Boston, MA 02108

Dear Doug:

Senator LoPresti would like to make one or two comments on the proposed Cambridge used motor oil ordinance. He does not think it is necessary to incorporate such suggestions into the ordinance, but presents them as recommendations to the proposed Cambridge Oil Recycling Committee.

First, in the light of our precarious state and local financial situation, he suggests that the study committee should address in detail the cost and benefits of a collection and recycling program for used motor oil under the available options for disposal of the used oil, which are at present: (1) incineration or other such means (not a preferred alternative); (2) trucking to the nearest re-refining plant, which at present appears to be in Ontario, and (3) re-refining by means of a mobile re-refining unit which is not currently available but may be in the near future. Options (2) and (3) of course yield re-refined oil which is salable.

Second, he suggests that the committee should consider the future incorporation of the program into an overall recycling program for Cambridge which would build on the success of the present limited one-day-a month pilot effort and which would include curbside pickup of sorted waste materials, some of which are now proving to be salable in the pilot program. Such incorporation might provide cost efficiencies to both programs.

For Senator LoPresti,

Pat

Pat Matsumiya
Room 219, State House
Boston, MA 02133
722-2190



MASSACHUSETTS ASSOCIATION of CONSERVATION COMMISSIONS, INC.

10 JUNIPER ROAD BELMONT, MA 02178 (617) 489-3930

March 13, 1990

Councilor Francis H. Duehay
Cambridge City Hall
Massachusetts Avenue
Cambridge, Ma. 02139

Dear Councilor Duehay,

The Board of Directors of the Massachusetts Association of Conservation Commissions, Inc. (M.A.C.C.) recently reviewed three proposed environmental ordinances for Cambridge: "An Ordinance To Promote the Recyclying of Used Motor Oil", "An Ordinance Regulating Food and Beverage Packaging and Promoting Environmentally Acceptable Packaging", and "An Ordinance to Protect the Stratospheric Ozone Layer By Restricting the Use and Emissions of Ozone-Depleting Chemicals"* With the recommendation of its Governmental Affairs Committee, the Board unanimously endorsed the three above ordinances on January 8, 1990.

M.A.C.C.'s Board was enthusiastic about the goals, intentions and open and equitable processes set up by these municipal ordinances. The Board also hailed Cambridge's personal commitment to resolve three tough environmental issues around which there is such great public interest and concern. Similar legislation to help rectify the pollution problems addressed by Cambridge's ordinances has languished at the state and federal level for more than two years. It will serve as a lesson to these Legislatures that the most effective environmental protection comes from "thinking globally/acting locally". With your permission, M.A.C.C. hopes to cite these local Cambridge ordinances as models for other town and municipalities who no longer wish to wait to better protect their environment.

On behalf of the M.A.C.C.'s Board and its statewide membership of 3000+ local environmental officials and their constitutes, congratulations to Cambridge for its bold local environmental protection action.

Sincerely,

Caroline Simmons

Caroline Simmons
Executive Director

cc: Robert Healy, City Manager
Alice Wolf, Mayor

* Additionally, MACC endorses the 14 March 1990 Amendments to the ordinance to protect the stratospheric ozone layer as proposed by Jeb Brugmann.
Donald MacIver
Secretary, MACC

Printed on Recycled Paper

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

HON. RICHARD A. KRAUS
4TH MIDDLESEX DISTRICT
ROOM 312, STATE HOUSE
TEL. 722-1432
DISTRICT PHONE 648-0210

COMMITTEES:
POST AUDIT AND OVERSIGHT (CHAIR)
TAXATION (VICE CHAIR)
HUMAN SERVICES AND ELDERLY AFFAIRS

23 March 1990

Committee on Ordinances
Cambridge City Council
City Hall
Cambridge, MA 02139

Dear Committee on Ordinances,

I am writing to express my support for three ordinances that have been proposed by City Councillor Francis Duehay and are before your committee. They address the problems of motor oil disposal, packaging and ozone-depleting chemicals.

Used motor oil is toxic and is considered the largest component of hazardous waste in the state. There is a 16 year old state law in place that requires sellers of motor oil to accept used oil from customers, but the law has been difficult to enforce. This ordinance would give the City of Cambridge the power necessary to enforce and encourage proper oil collection, disposal and recycling. Retailers would be required to report their motor oil transactions to the city, this information would help the Oil Recycling Committee (also established by this ordinance) to address disposal issues.

Councillor Duehay also addresses two other pressing environmental concerns, he has proposed ordinances to promote environmentally acceptable packaging and to protect the stratospheric atmosphere through the control of ozone-depleting chemicals. These ordinances confront national and global environmental issues, which are being addressed in Congress and in the General Court of Massachusetts.

There is legislation before the Committee on Natural Resources that attempts to control motor oil disposal and CFC emissions. The Recycling Initiative Petition will go before the voters of this Commonwealth to encourage the reuse, reduction and recycling of solid waste through stronger packaging regulations. However, these statewide efforts should not overshadow the need for local action. A strong stand needs to be made at the

municipal level to get the message out to the public and to state and national officials that the people are concerned and committed to environmental protection.

I hope that your Committee will look favorably on these ordinances.

Sincerely,

Richard A. Kraus
State Senator

New England Aquarium

Central Wharf
Boston, Massachusetts 02110-3309
(617) 973-5200

February 14, 1990

Councillor Francis H. Duehay
26 Lowell Street
Cambridge, MA 02138

Dear Ms. Duehay,

On behalf of the New England Aquarium, I congratulate you on your proposed ordinance concerning the disposal of used motor oil.

The establishment of a Recycling Committee to investigate methods by which residents of Cambridge can recycle their used motor oil is representative of the types of actions necessary for environmental legislation to be effective. The availability of simple options is essential to achieving the enactment of significant change.

The explicit prohibition on improper disposal of waste oil is to be commended. Records of total new oil sold and used oil collected, as established in the ordinance, will be invaluable in determining the effectiveness of recycling efforts. Innovative programs, such as the use of re-refined lubricating oil in vehicles operated by the city of Cambridge, are particularly encouraged.

What plans, if any, do you have for public education regarding threats to ground and surface waters from improper disposal of oil? The Aquarium may be able to assist you in the development of education materials. You may wish to print our waste-oil recycling brochure, a joint project of the Aquarium and the state; if so, I would be happy to help.

An amendment to the Massachusetts General Laws, proposed by Representative Steven Angelo of Saugus, is pertinent to your ordinance. Briefly, House Bill 4260 proposes to strike Section 52A from Chapter 21 of the General Laws, and substitute in its place a new section requiring all retailers of motor oil to install waste oil storage receptacles. This places responsibility for the proper disposal of used oil on the retailer.

To encourage consumers to recycle their used oil, the legislation requires a deposit of fifty cents for each quart of oil purchased. The deposit would be refunded upon presentation of the sales receipt and the equivalent quantity of waste oil.

The bill also requires that state officials "...procure refined automotive lubricating oil for all state uses, whenever such refined oil is available at prices competitive with those of new oil produced for the same purpose".

The Cambridge ordinance and Representative Angelo's proposed bill are complementary to each other. Both the ordinance and the bill will promote recycling of oil by community residents, while the state legislation will

This nonprofit organization was created to establish, maintain and operate a New England public aquarium. Contributions are deductible under federal income tax laws.

encourage safe disposal of waste-oil by retailers. Please note that you will need to change the wording on the second page of the ordinance regarding "local enforcement of...Section 52A" if Representative Angelo's proposal is enacted.

I would be happy to appear before the Cambridge City Council or a committee regarding this ordinance. Please let me know when my input would be most helpful.

Sincerely,

Sharon E. Dean

Sharon E. Dean
Conservation Coordinator
New England Aquarium

SED/bc
cc: Paul Boyle, New England Aquarium

The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

ALVIN E. THOMPSON
REPRESENTATIVE
28TH MIDDLESEX DISTRICT
CAMBRIDGE

LEGISLATIVE ASSISTANT
MAUREEN TOAL

Committees on
Housing and Urban Development
Public Service
Election Laws

ROOM 39, STATE HOUSE
TEL. 722-2340

March 26, 1990

Councillor Francis H. Duehay
Cambridge City Council
Cambridge City Hall
Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

I am writing in support of An Ordinance to Promote the Recycling of Used Motor Oil in the City of Cambridge.

This ordinance can only be a positive step in protecting our environment. It will enable the city of Cambridge to address, prevent and control much of the unnecessary pollution that now infects our water supply. It is an ordinance that is greatly needed since motor oil is seen as the largest single component of hazardous waste in our State. I strongly urge your support for this ordinance because I believe we must begin controlling this issue on a local level. The city of Cambridge, its water supply and the overall environment can greatly benefit from this ordinance.

Local regulations on motor oil disposal and recycling enforcements is one of the best ways to show this state that Cambridge is actively seeking ways to protect and cleanup our environment.

Sincerely,

ALVIN E. THOMPSON
State Representative

AET;dm

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
One Winter Street, Boston, Mass. 02108

Daniel S. Greenbaum
Commissioner

DEQE
NOW IS
THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

March 28, 1990

Francis H. Duehay, City Councillor
26 Lowell Street
Cambridge, Massachusetts 02138

SUBJECT: The Proposed Ordinance to Promote the Recycling of Used Motor Oil

Dear Councillor Duehay:

Thank you for the opportunity to comment on the proposed Ordinance to Promote the Recycling of Used Motor Oil in the City of Cambridge. This ordinance is an excellent example of environmental action at the local level and I would like to commend the City of Cambridge for its efforts.

We all remember the recent Alaska oil spill and the damage it inflicted on the environment and aquatic life. Across the nation, do-it-yourself auto mechanics dump an equivalent amount of used motor oil every 2 1/2 weeks. This oil is discarded with the trash, dumped on the ground or poured down storm drains.

Although the used motor oil is often disposed of a gallon or so at a time, even small amounts can cause damage. As little as one gallon can foul the taste of a million gallons of fresh water -- a year's supply for 50 people. One pint can produce an oil slick slightly larger than a football field.

An alternative to improper disposal is found in the state law which requires that motor oil retailers accept used oil from customers presenting proof of purchase. Through enforcement action and cooperative efforts, the Department has increased retailer compliance with the state law. Over a thousand retail outlets are now serving as collection points for used motor oil.

However, this agency always welcomes and would encourage local action and support in environmental protection. As an effort to encourage used oil recycling, the proposed ordinance is a balanced and well thought-out approach. It would establish an

advisory committee to examine what type of collection system would best serve the City of Cambridge. The reporting requirements will provide key information that will help that committee and the state determine the magnitude of the motor oil problem.

The ordinance underscores responsible action by individuals by prohibiting illegal disposal by do-it-yourselfers. The proposal reflects a recognition that what happens to the collected used oil is as important and collecting it from citizens.

In this regard, the Department is extremely pleased that the ordinance would have the advisory committee examine the feasibility of a city procurement program that would purchased re-refined motor oil for use in city vehicles. The use of re-refined motor oil is quite common in Europe, where even Mercedes Benz uses this type of oil.

In short, the proposed ordinance is a comprehensive measure which the Department supports and hopes will receive favorable action by the City Council.

Very truly yours,

Daniel S. Greenbaum

CITY OF CAMBRIDGE

57 INMAN STREET, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 498-9048

CONSERVATION COMMISSION

March 28, 1990

Councillor Francis H. Duehay
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

The Conservation Commission has reviewed the proposed "Ordinance to Promote Recycling of Used Motor Oil" and offers the following comments for your consideration. The Commission strongly endorses this proposed legislation and applauds this effort to promote environmentally sensitive practices in the City of Cambridge.

Unfortunately, many people currently dispose of used motor oil in ways which threaten our environment, contaminating soil and polluting ground water and surface waters. Automotive lubricating oil and other automotive fluids are commonly disposed of through the City's storm drains. The oil flows with storm water in the system until its inevitable discharged to one of several surface waters in Cambridge. Disposal of used automotive fluids in this manner significantly degrades water quality and presents hazards to Cambridge's wetlands and aquatic life in our waterbodies and waterways.

The Commission believes that the proposed ordinance would facilitate thorough analysis of the policies and programs necessary to promote automotive oil recycling. It would also provide a mechanism for sorely needed public education regarding the necessity and opportunity for such action.

The Commission looks forward to the eventual enactment and implementation of this ordinance and the beneficial results it will have for the natural resources of Cambridge.

Respectfully yours,

Elizabeth Epstein

Elizabeth Epstein
Director

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

MICHAEL S. DUKAKIS
GOVERNOR

JOHN DEVILLARS
SECRETARY

March 28, 1990

An Ordinance to Promote the Recyclying of Used Motor Oil

TESTIMONY FOR JOHN DEVILLARS
Massachusetts Secretary of Environmental Affairs

The proposed ordinance to promote the recycling of used motor oil in the City of Cambridge is an excellent example of environmental action at the local level. This ordinance will give Cambridge the authority to enforce and enhance the existing state used motor oil law.

Improper disposal of used motor oil poses significant ecological and public health risks. 90% of the motor oil purchased in this state is not returned. Where does these 5 1/2 million gallons of oil go? If only 1 gallon of used oil leaches into an aquifer 1 million gallons of drinking water will be fouled -- this is equivalent to 1 year's supply of water for 50 people. Oil disposed of into sewers can kill the microorganisms necessary for effective wastewater treatment. Used motor oil also finds its way into our harbors. Twice as much oil in coastal waters comes from improper disposal than is accumulated from accidental spills. These statistics are sobering.

Seventeen years ago the state Legislature enacted MGL Chapter 21, section 52A to ensure the proper disposal of used motor oil. Enforcement of this law is a priority of the state Department of Environmental Protection. Through cooperation with businesses and through aggressive enforcement actions, the Department has successfully convinced over one thousand Massachusetts oil retailers (stores) to accept used oil from their customers and to dispose of that oil properly. State action alone is not enough. Local laws and enforcement are extremely beneficial.

100 CAMBRIDGE STREET, BOSTON, MA 02202 (617) 727-9800

100% RECYCLED PAPER

This proposed ordinance gives Cambridge viable tools that will supplement the state's efforts and provide further incentives for voluntary compliance:

- The study committee, with its multi-disciplinary membership, is an excellent approach to the development of an effective used oil program.
- The retailer reporting requirements will help Cambridge identify the scope of the problem and monitor the progress of the program.
- Penalties for improper disposal of used motor oil will provide a real incentive for do-it-yourself mechanics to comply with the law.

This ordinance will make a difference. Every effort counts. For every pint of used motor oil spilled, a slick the size of a football field is created. We need to ensure safe disposal of all used motor oil.

In conclusion, the Executive Office of Environmental Affairs applauds the on-going environmental efforts of the Cambridge City Council and Frank Duehay's leadership. I urge that the Council approve this ordinance.



Massachusetts Audubon Society

South Great Road
Lincoln, Massachusetts 01773
(617) 259-9500

Testimony of Don R. Hickman
on behalf of the Massachusetts Audubon Society
for the City of Cambridge
Regarding the Ordinance to Promote the Recycling of Used Oil

Presented by Anne Fine
28 March 1990

On behalf of the Massachusetts Audubon Society I wish to express our strong support for the used oil recycling ordinance. Improperly disposed of used oil can contaminate soils, rivers, and harbors, thereby creating significant hazards to the environment and public health. Just one quart of oil can contaminate one half million gallons of drinking water.

The Service Station Dealers of America, Inc. has estimated that 62 percent of all petroleum-related pollution in the United States is caused by improper disposal of used lubrication oil. The proposed ordinance would enable Cambridge to assess current retail patterns of oil sales, and would facilitate public understanding of the need to properly recycle oil. Although the ordinance would require a short-term increase in reporting requirements for retailers of oil products it should ultimately benefit this heavily regulated industry by encouraging the development of a more practical and cost effective process to collect and recycle the waste oil.

Citizens would also benefit by the creation of a more convenient method of oil disposal. A recent survey conducted by the Minnesota Waste Management Board found that 94 percent of "Do-it-yourselfers" would recycle used oil if a recycling center would accept it. The penalties for failure to comply with the provisions of this ordinance should encourage home mechanics to manage waste oil properly or utilize the services of automotive professionals.

We recognize that the automotive product and service industry will not cater to the concerns of Cambridge, but this regulation would send a strong message that control of used oil is an important component of solid and hazardous waste management. While the problem my be national in scope, the consequences of failure to control this source of potential contamination are nearly always local. For these reasons I urge the Committee on Ordinances to issue a favorable report on this ordinance. Thank you for the opportunity to comment.

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MASSACHUSETTS ASSOCIATION of CONSERVATION COMMISSIONS, INC.

10 JUNIPER ROAD BELMONT, MA 02178 (617) 489-3930

Councilor Francis H. Duehay
Cambridge City Hall
Massachusetts Avenue
Cambridge, Ma. 02139

March 13, 1990

Dear Councilor Duehay,

The Board of Directors of the Massachusetts Association of Conservation Commissions, Inc. (M.A.C.C.) recently reviewed three proposed environmental ordinances for Cambridge: "An Ordinance To Promote the Recyclying of Used Motor Oil", "An Ordinance Regulating Food and Beverage Packaging and Promoting Environmentally Acceptable Packaging", and "An Ordinance to Protect the Stratospheric Ozone Layer By Restricting the Use and Emissions of Ozone-Depleting Chemicals". With the recommendation of its Governmental Affairs Committee, the Board unanimously endorsed the three above ordinances on January 8, 1990.

M.A.C.C.'s Board was enthusiastic about the goals, intentions and open and equitable processes set up by these municipal ordinances. The Board also hailed Cambridge's personal commitment to resolve three tough environmental issues around which there is such great public interest and concern. Similar legislation to help rectify the pollution problems addressed by Cambridge's ordinances has languished at the state and federal level for more than two years. It will serve as a lesson to these Legislatures that the most effective environmental protection comes from "thinking globally/acting locally". With your permission, M.A.C.C. hopes to cite these local Cambridge ordinances as models for other town and municipalities who no longer wish to wait to better protect their environment.

On behalf of the M.A.C.C.'s Board and its statewide membership of 3000+ local environmental officials and their constitutes, congratulations to Cambridge for its bold local environmental protection action.

Sincerely,

Caroline Simmons

Caroline Simmons
Executive Director

cc: Robert Healy, City Manager
Alice Wolf, Mayor

Printed on Recycled Paper

March 25, 1990

Mystic River Watershed Association, Inc.

Councillor Francis Duehay
City Hall
Cambridge, Massachusetts 02138

Dear Councillor Duehay:

I am writing to support your initiative concerning the recycling of used motor oil in Cambridge, a city partially in the Mystic River Watershed. The Mystic River Watershed Association (MRWA) advocates tighter control and accounting of waste motor oil - a significant, largely uncontrolled water pollutant.

Waste oil is a watershed-wide issue. It contains lead, cadmium, and zinc, as well as hydrocarbon compounds. Waste oil is commonly illegally poured down drains, ending up in the sewer system. In the sewer system, it ends up either in sludge or directly poured into the Boston Harbor. Presently, the sludge quality does not meet proposed standards for many reuse options. The less marketable the sludge, the higher the cost of sewer service for all sewer users.

Your proposal requiring retailers to report motor oil sold, returned for recycling, and its final destination, closes a loop in present state and federal hazardous waste regulation. Although Massachusetts has had a law requiring oil retailers to take used oil and recycle it, there is virtually no knowledge or enforcement of this law. The concept of tracking and appraising the problem in Cambridge is sound. While assessing the magnitude of the problem, enacting this ordinance will also help educate people to the importance of environmentally sound management of waste oil. The MRWA supports this type of effort in Cambridge and has supported it during its twenty years of existence.

Overall, this is a very worthy proposal. However, placing responsibility for enforcement with the already overloaded Commissioner of Health and Hospitals is the proposal's weak link. Since Cambridge does not have a department of environmental protection, there is no apparent appropriate city employee to take this responsibility. Perhaps the advisory board could also serve in a review capacity for violators.

Thank you for your consideration.

Sincerely,

John R. Reinhardt

John R. Reinhardt
Executive Director
Mystic River Watershed Association



Save the Harbor
Save the Bay

FOUNDED IN 1986

Wed, Mar 28, 1990

I am here representing Save the Harbor/Save the Bay. We were formed in 1986 as a citizens' advocacy and watchdog group for the harbor with the sole mission of achieving a clean, swimmable, fishable Boston Harbor and Massachusetts Bay for the children of the 21st century.

BOARD OF DIRECTORS

PAUL G. GARRITY, ESQ.
Chairman

BETH NICHOLSON
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HONORARY DIRECTOR

SENATOR WILLIAM B. GOLDEN

In 1984, the cities and towns connected to the MDC water system embarked on an ambitious campaign to clean up Boston Harbor and its contributing watersheds, which had been used as a dumping ground for sewage and other wastes since the first settlements on the banks of the Charles River. Those dumpings continue today, in flagrant violation of the federal Clean Water Act. By court order, the Massachusetts Water Resources Agency was created to respond to this mess and has made great strides toward beginning to deal with the volumes of waste delivered to its treatment plants. However, every drop of toxic materials added to the system dramatically increases the complexity of this cleanup. According to the Charles River Watershed Asociation, used motor oil is the largest single component of hazardous waste in the state. It contains harmful substances such as heavy metals, chlorinated compounds and other organic substances, by products of engine wear and oil additive breakdown, all of which impede on both the primary and secondary sewage treatement processes.

Even if every gallon of water that ends up in the sewer system were returned pure, we would still not reach our stated goal of a clean harbor, as not all pollutants are delivered to the harbor through a pipe. Non-point source pollution, such as street runoff, reaches our marine environment directly and contributes significantly to its degradation. Given the small percentage of purchased oil that is eventually returned for recycling, it is generally assumed that most oil used by individual consumers ends up on vacant lots, down storm sewers or in a trash can.

Save the Harbor wholeheartedly supports any action that makes the recycling of used motor oil more convenient and recommend that this ordinance be passed in its entirety. We congratulate the City of Cambridge for considering this ground-breaking legislation.

Steven Stichter,
Clerk

Executive Director
BUD ERLAND

Save the Harbor/Save the Bay is a 501 (c) (3) tax exempt organization. Contributions are deductible to the full extent of the law.

OUR NEW ADDRESS & TELEPHONE NUMBER IS:

25 WEST STREET, FOURTH FLOOR • BOSTON, MASSACHUSETTS 02111 • PHONE: (617) 451-2860

77 NORTH WASHINGTON STREET • BOSTON, MASSACHUSETTS 02114 • (617)742-SAVE

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133

SEN. WILLIAM B. GOLDEN
NORFOLK-PLYMOUTH DISTRICT
ROOM 416B
TEL. 722-1646

COMMITTEES:
PUBLIC SERVICE (CHAIRMAN)
CRIMINAL JUSTICE
ENERGY
LOCAL AFFAIRS
NATURAL RESOURCES

March 28, 1990

Councillor Francis Duehay
Cambridge City Council
City Hall
Cambridge, MA. 02138

Dear Councillor Duehay,

I am writing to you to offer my support for a proposed city ordinance that would promote the recycling of used motor oil in the City of Cambridge.

Statistics on the return of used motor oil and the manner with which the oil is recycled and/or handled, are, as you well know, impossible to compile without coordinated effort. I believe that this proposed ordinance provides an effective reporting program for both the City of Cambridge and the Commonwealth as a whole. By recording the use or sale of oil, the percentage of oil returned for handling by the retailer, and the manner with which the oil is handled, I believe that the City will be able to document the positive effect that a coordinated recycling plan will have for its citizens -- and demonstrate to other communities the value of adopting similar environmental programs.

I am also supportive of the proposed Oil Recycling Committee and its charge of considering both 1) local enforcement of existing Massachusetts Law (Chapter 21, section 52A) and 2) establishing a municipal used oil collection program (funded in whole or in part by the retailers of the motor oil). This proposal of a private/public partnership for oil recycling is , I believe, an essential step toward creating cost effective and community supported environmental protection.

Finally, I wish to express my interest and support of the proposed pilot program investigating the feasibility of re-using recycled motor oil both in vehicles owned and operated by the City of Cambridge and by local utilities.

I respectfully urge your favorable review of this ordinance promoting the recycling of motor oil.

Thank you for your time and your consideration of my comments.

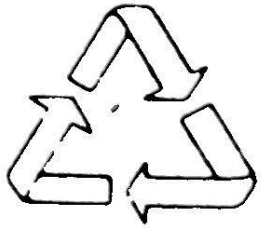
Sincerely,

William B. Golden

William B. Golden
State Senator

WBG:JC:pp

RECYCLING SERVICES INC.



WILLIAM A. CURRIER
PRESIDENT

516 East Second Street
South Boston, MA 02127
617-269-5859

RECYCLING SERVICES INC.

From the desk of :
Bill Currier

516 East Second Street
South Boston, MA 02127
617-269-5859

2/7/90

Councillor Dukay -

Sorry for the long delay in getting back to you on the attached. If it is too late to be helpful please accept my apology. If the marginal notes are not clear please call me or if I can help in other ways I will be glad to.

Sincerely
Bill Currier

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE

INCORPORATE STATEMENT OF PURPOSE OR OBJECTIVE HERE

SECTION 1. Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;

2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and

3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this ordinance. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies of these annual reports.

STANDARD FORMAT FOR EASE OF CONSOLIDATION PROVIDE FORMS TO OIL KNOWN SOURCES

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

SECTION 2. Cambridge Oil Recycling Committee

A. Establishment There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45)

WHY SO SLOW FASTER?

days after enactment of this ordinance and to serve for ~~up to~~ eighteen (18) months after the initial meeting.

B. Powers and Duties The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

i. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Law Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program, ~~funded wholly or in part by the~~ retailers of automotive lubricating oils in the City of Cambridge. SOURCES OF FUNDING MAY INCLUDE RTC, RTC

ii. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

iii. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

iv. Ways in which the Cities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil. WHY WERE THESE SELECTED? PROCESS MAY SLOW DOWN YOUR PROJECT. THIS COULD TAKE YEARS — DO YOUR OWN THING AT INVITE OTHERS IF APPROPRIATE

v. Whether there is a need for a continuing Used Oil Recycling Committee to function after the expiration of the interim committee.

vi. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

Reports of the Committee shall include specific recommendations for an ongoing process of public education, information and involvement as a central element of any actions to be taken.

C. Members; Reporting; Terms The Committee shall consist of nine (9) members. Six members shall be appointed by the City Manager. Of these six persons, two shall be representatives of the public knowledgeable in environmental affairs; one shall be a representative of the retailers of automotive lubricating oils in the City of Cambridge; and three (3) shall be from the public at large. If possible, one of the public-at-large members shall be a person knowledgeable in automotive engineering and one shall be a representative of an electric utility company. A seventh member shall be the Commissioner of Health and Hospitals or his or her designee. An eighth member shall be the Commissioner of Public Works or his or her designee. A ninth member shall be the Chairperson of the License Commission or his or her designee. Six (6) of the Committee members shall be citizens and residents of the City of Cambridge.

BEST HAVE REPS FOR RETAIL - (SEARS) SERVICE STATIONS AUTO PARTS - ALL HAVE DIFFERENT PROBLEMS.

OR PETROLEUM REVISE RE-REFINING

WHO IS IN CHARGE — A CAMEL IS A HORSE DESIGNED BY A COMMITTEE

The Committee shall file interim reports to the City Council and the general public every six (6) months and shall file a final report within eighteen (18) months of the first regular meeting of the Committee.

WHY?

The members shall serve until the filing of the Committee's final report. Any member so appointed may be removed at the discretion of the City Manager. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment. Said members shall serve without compensation. EXPENSES?

D. Meetings The Committee shall hold regular meetings and shall designate the time and place thereof. Notice of such meetings shall be forwarded to the City Clerk and shall be published in a local newspaper at least one week prior to the meeting. A simple majority shall constitute a quorum. ABIDE BY OPEN MEETING LAW

E. Officers The Committee shall from time to time designate a chairperson from among its members. The chairperson, or a member designated by him or her, shall preside at Committee memtings, and the chairperson or a majority of the members shall have the power to call emergency meetings.

The Committee shall elect such officers, subcommittees and task forces (from among its members) as they may from time to time deem necessary.
ONLY?

F. Cooperation with the Cambridge License Commission Upon request by the Committee, the Cambridge License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to Section 1 of this ordinance.

G. Staff The Committee may utilize, by and with the approval of the City Manager, such assistants and experts as it deems necessary to carry out its functions and duties.

SECTION 3. Illegal disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Any person who violates any provision of this section shall be subject to a fine of not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300) for each subsequent offense. In addition thereto, the court may require that such person remove such used motor oil and have it properly disposed of or recycled at his or her own expense.

C. Any person observing a violation of this section may file a petition for issuance of a complaint pursuant to this section with the clerk of the district court having jurisdiction, and upon determining that probable cause exists therefor, such clerk shall issue such complaint.

D. Persons designated by the Commissioner of Health and Hospitals shall enforce this section of the ordinance.

SECTION 4. Severability

If any part or provision of this ordinance or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities or circumstances.

Testimony of Fred Small

On an Ordinance to Promote Recycling of Used Motor Oil

Before the Ordinance Committee
Cambridge City Council
March 28, 1990

My name is Fred Small. I live at 80 Aberdeen Avenue and have lived in Cambridge for ten years.

As some of you know, I am helping to organize a new citywide grassroots environmental group called Cambridge ECO, which stands for Environmental Citizens Organization. At our meeting last night we decided upon our priorities, which will include water quality, toxic waste, and advocacy of recycling.

This ordinance addresses all of these priority concerns, and I urge the City Council to adopt it.

The things that are really important we often take for granted. The message and meaning of our present environmental crisis is that we can no longer take things for granted: not air, not rain, not sunlight, not the changing seasons, not food, not water.

Water is life. Water is our birthright. But Cambridge water is under assault on many fronts. We need to act swiftly and decisively to restore and defend its purity for ourselves and for our children.

The hazards of improper disposal of motor oil are well established and have been for a long time. But because of our ignorance, carelessness, or resistance to inconvenience or expense, we have allowed the problem to turn critical.

This ordinance marks a modest and reasonable step toward regaining control over our water and our lives.

To: The Ordinance Committee

From: James T. McDavitt, License Commission Chair

Re: Proposed Ordinance on Recycling Motor Oil

Date: March 28, 1990

Please be advised that the License Commission is prepared to use its licensing power to aid in the enforcement of the above described Ordinance. As you are aware, the Commission licenses gas stations and garages which contain more than 4 vehicles.

It should be noted that the Commission lacks the resources to be "pro-active" in investigating matters related to the recycling of motor oil, but we would be able to respond to complaints and to handle educational and paperwork duties as to licensees.

RECEIVED BY
OFFICE OF CITY CLERK
1990 MAR 26 PM 4:24
CAMBRIDGE MA.

CITY OF CAMBRIDGE

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

Edward J. O'Connell
Legal Counsel

March 23, 1990

Mr. Joseph E. Connarton
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: An Ordinance to Promote the Recycling of Used Motor Oil in the City of Cambridge

Dear Mr. Connarton:

I understand that there will be a hearing on the above proposed ordinance before the Ordinance Committee on March 28 at 5:30 p.m.

In accordance with my letter to you of March 9, I believe that this ordinance, if enacted, should become part of Title 8 of the Municipal Code (Health and Safety), which I suggested should be renamed "Health, Safety and Environment."

If included in Title 8, this ordinance would become Chapter 8.52, and I suggest that it be entitled, "Promotion of Recycling of Used Motor Oil."

The new section numbers would be as follows:

Section 1. Annual Reporting by Retailers of Automotive Lubricating Oil 8.52.010

Section 2. Oil Recycling Committee

A.	Establishment	
C.	Members; Reporting; Terms	8.52.020
B.	Powers and Duties	8.52.030
D.	Meetings	
E.	Officers	
G.	Staff	8.52.040
F.	Cooperation with the Cambridge License Commission	I suggest incorporating this in section 8.52.010
Section 3.	Illegal Disposal of Used Motor Oil	8.52.050
Section 4.	Severability	8.52.060

Where the word "ordinance" appears, the word "chapter" should be substituted.

I suggest that the last sentence of s. 3.B. should be stricken and the following sentence substituted: "In addition thereto, the City may seek injunctive relief in the Superior Court to enforce the provisions of this section."

I also suggest that s. 3.C. be omitted, because, although it is true that any citizen who observes a violation may seek a criminal complaint, I do not believe it is necessary to state this in the ordinance.

Also, the Council might want to consider non-criminal enforcement pursuant to G.L. c. 40, s. 21D.

Very truly yours,

Birge Albright

Birge Albright

BA/jml

cc: Councillor Francis Duehay
Robert W. Healy
Russell B. Higley, Esq.

ORD#3

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE

SECTION 1. Annual Reporting by Retailers of Automotive Lubricating Oil

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3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this ordinance. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

SECTION 2. Cambridge Oil Recycling Committee

A. Establishment There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45)

days after enactment of this ordinance and to serve for up to eighteen (18) months after the initial meeting.

B. Powers and Duties The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

i. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Law Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

ii. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

iii. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

iv. Ways in which the Cities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

v. Whether there is a need for a continuing Used Oil Recycling Committee to function after the expiration of the interim committee.

vi. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

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The Committee shall elect such officers, subcommittees and task forces from among its members as they may from time to time deem necessary.

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Committee on Ordinances

Present - Councillor Francis Duchay - Presiding 3/28/90

5:40 P.M.

1. C. Russell
2. C. Myers
3. Mayor
4. C. Cyr
5. C. Walsh 6 P.M.
6. C. Sullivan 6:05 P.M.
7. C. Reeves 6:30 P.M.

4827

Cynthia Bellamy - Jarvis
Dept. of Environ. Protection
113 Inman St.

Outlined provisions of ordinance
- Advisory Committee
- Enforcement
- Illegal Disposal

C. Russell to CB-9

Retailers will be stores and gas stations will have to report to committee

Mayor

Raised questions re: enforcement suggest it be looked at

in § 3 (c) Should we have Criminal Comp.

Elizabeth Kline 15 Kirkland Rd. Asst. Sec. D.E.A.	Read prepared statement by Secretary Local laws are beneficial
Daniel Greenbaum Comm. D.E.P. One Winter St. Boston	Supports ordinance Read prepared statement Supports local action Need to look @ ways to recycle to stimulate the market place.
Pat Matsumiya 100 Banks St. Rep. Jen LoPresti	Supports proposal Submitted letter To set up recycling center we need to have this type of ordinance
Sheila Lynch-Benthinen 200 Sherman St Same Harbor / Same Bay	Supports ordinance Water shed houses motor oil, dangerous to people

Motor oil old effect sludge treatment later

Roy Crystal - MWRA
34 Grapevine Ave -
Lexington

Read prepared statement
Submitted letter

Elizabeth Epstein
Conservation Comm.

Reviewed w/ Water Dept.
Endorses legislation

C. Cyr

Ques. elevated levels @ alewife attributed to dumping used motor oil

Liz

Reports about those kinds of things are made by residents. People (violators) don't understand what effect dumping has.

Donald MacIver
Secretary - MACC
7 Grange Circle

Spoke in favor.
Submitted letter

Ann Eni
15 Kirkland Rd.
Mass. Audubon Society

Support proposal
Submitted letter

John Reinhardt
30 Upland Rd.
Camb.
Mystic River Watershed Assoc.

" "
Submitted letter

Stephen S Tichter
65 Dartmouth St
Boston
Save the Harbor/Save the Bay

" "
Submitted letter

Gary Miller
57 Grove St.
Somerville

Free lance writer,
Done some research done
on this issue
Education and ordinances
are very helpful in
this area.

Fred Small & Aberdeen Ave "ECO"

We can't take any thing for granted. Water is under assault on many fronts.

C. Sullivan

adopt amendments as submitted by Law Dept w/ exception of last 2 paragraphs, which should be taken under advisement.

"

Moved to refer to full C/C w/ favorable recommendation.

Adj 2:43 P.M.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE
CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

April 11, 1990

TO: RUSSELL B. HIGLEY
CITY SOLICITOR

FROM: JOSEPH E. CONNARTON
CITY CLERK

SUBJECT: AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE.

Pursuant to the communication received from Mr. Albright, would you kindly take the appropriate steps to redraft the proposed amendments as suggested by him now that these amendments have been accepted by the committee for insertion in the Municipal Code of the City of Cambridge.

Your kind attention in this matter will be greatly appreciated by the City Council.

RECEIVED BY
OFFICE OF CITY CLERK
1990 MAR 26 PM 4:24
CAMBRIDGE MA.

CITY OF CAMBRIDGE

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City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

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Gail S. Gabriel
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Diane Wynshaw-Boris
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Legal Counsel

March 23, 1990

Mr. Joseph E. Connarton
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: An Ordinance to Promote the Recycling of Used Motor Oil in the City of Cambridge

Dear Mr. Connarton:

I understand that there will be a hearing on the above proposed ordinance before the Ordinance Committee on March 28 at 5:30 p.m.

In accordance with my letter to you of March 9, I believe that this ordinance, if enacted, should become part of Title 8 of the Municipal Code (Health and Safety), which I suggested should be renamed "Health, Safety and Environment."

If included in Title 8, this ordinance would become Chapter 8.52, and I suggest that it be entitled, "Promotion of Recycling of Used Motor Oil."

The new section numbers would be as follows:

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Section 2. Oil Recycling Committee

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B. Powers and Duties		8.52.030
D. Meetings E. Officers G. Staff		8.52.040
F. Cooperation with the Cambridge License Commission	I suggest incorporating this in section 8.52.010	
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Section 4. Severability		8.52.060

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Very truly yours,

Birge Albright

Birge Albright

BA/jml

cc: Councillor Francis Duehay
Robert W. Healy
Russell B. Higley, Esq.

ORD#3

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Revised 3/28/90

CITY OF CAMBRIDGE

MASSACHUSETTS 02139 • 617-498-9094

Councillor Francis H. Duehay
26 LOWELL STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-547-0271

The following officials, residents and interested parties will offer testimony to the Cambridge City Council Committee on Ordinances regarding the proposed ordinance requiring the recycling of used motor oil on Wednesday, March 28, 1990 at 5:30 p.m., Cambridge City Hall.

Cynthia Bellamy, Planner, Massachusetts Department of Environmental Protection, Cambridge resident, and principal drafter of ordinance

Elizabeth Kline, Assistant Secretary, Department of Environmental Affairs, Commonwealth of Massachusetts, representing Secretary DeVillars

Daniel Greenbaum, Commissioner, Department of Environmental Protection, Commonwealth of Massachusetts

Ray Magliozzi, Owner, Good News Garage, Cambridge

Pat Matsumiya, Aide to Senator Michael LoPresti, Representing Senator LoPresti

Sheila Lynch-Benttinen, Cambridge resident

Roy Crystal, Technical Services Manager, Toxics Reduction and Control Department, Sewerage Division, Massachusetts Water Resources Authority (MWRA)

Elizabeth Epstein, Executive Director, Cambridge Conservation Commission

Donald MacIver, Secretary Massachusetts Association of Conservation Commission (MACC) (Mr. MacIver is also Vice-Chair, Cambridge Conservation Commission)

ANN FINE
~~Paul Wingle~~ & Catherine Powers, Legislative Liason, Massachusetts Audubon Society

John Reinhardt, Executive Director, Mystic River Watershed Association

Steve Stichter, Save the Harbor/Save the Bay

Fact sheet: an ordinance to promote recycling of used motor oil
Introduced to Cambridge City Council by Councillor Francis H. Duehay
and co-sponsored by the entire City Council.

Problem: Drinking Water at Risk

Used motor oil, which is toxic, is the largest single component of hazardous waste in the state.[1] The Department of Environmental Protection (DEP) estimates that Massachusetts residents generate 6.25 million gallons of used motor oil each year. Most of that oil is discarded improperly into the trash, down storm drains, and onto the ground where it can threaten water supplies.[2] The Charles River Watershed Association found recently that "two thirds of the towns and cities in the Charles River vicinity alone have uncovered pollution problems due to discarded motor oil."[3]

Massachusetts General Law Chapter 21, Section 52A, enacted 16 years ago, requires motor-oil retailers to accept used oil from their customers, but the law has not been enforced. Even were this not the case, it discourages consumer participation by requiring that customers show proof of purchase when returning used oil and by permitting retailers to refuse more than two gallons brought by a customer at any one time.

Local action is needed, especially in Cambridge, which draws water from reservoirs located within five other towns. Cambridge must control illegal disposal of oil within its own borders if it is to win cooperation of Belmont, Lexington, Lincoln, Waltham and Weston where its reservoirs lie.

Encouraging Recycling of Oil and Prohibiting Dumping

The proposed ordinance would require retailers to report annually how much oil they sold, how much they accepted in return, and how they disposed of what they received. Such information, now lacking, will enable the city to address disposal problems more effectively in the future. When provided to DEP the data will also encourage state enforcement of 52A.

The ordinance would establish an Oil Recycling Committee to investigate how Cambridge can promote and enforce recycling of used motor oil, including possible centralized collection. Based on its research and retailers' reports, the committee would propose a comprehensive plan within 18 months.

Finally, the ordinance would make improper disposal of motor oil an infraction punishable by fine. It would prohibit dumping it onto the ground or into a sewer or storm drain or placing it in rubbish or garbage.

---

1. Daniel T. Sullivan, electronic bulletin board, July 14, 1988, re: research conducted by Karen Jankowski for Charles River Watershed Assn.
2. "Sellers of Used Oil Must Provide for its Return," The Boston Globe, Larry Tye, August 25, 1989.
3. Daniel T. Sullivan, Op. Cit.

C. Dunlay

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE

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F. Cooperation with the Cambridge License Commission Upon request by the Committee, the Cambridge License Commission shall provide the Committee with copies of the annual reports filed by retailers pursuant to Section 1 of this ordinance.

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SECTION 3. Illegal disposal of Used Motor Oil

A. No person shall dispose of used motor oil by abandoning it on any public or private property or by discarding it for disposal on the ground, in a sewer or storm drain, or in any commercial or residential rubbish or garbage; provided, however, that nothing in this section shall prohibit the disposal of empty used oil containers in commercial or residential rubbish or garbage.

B. Any person who violates any provision of this section shall be subject to a fine of not more than one hundred dollars ($100) for the first offense, not more than two hundred dollars ($200) for the second offense, and not more than three hundred dollars ($300) for each subsequent offense. In addition thereto, the court may require that such person remove such used motor oil and have it properly disposed of or recycled at his or her own expense.

C. Any person observing a violation of this section may file a petition for issuance of a complaint pursuant to this section with the clerk of the district court having jurisdiction, and upon determining that probable cause exists therefor, such clerk shall issue such complaint.

D. Persons designated by the Commissioner of Health and Hospitals shall enforce this section of the ordinance.

SECTION 4. Severability

If any part or provision of this ordinance or the application thereof to any person, entity or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the application thereof to other persons, entities or circumstances.

C. Dunlay

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE

SECTION 1. Annual Reporting by Retailers of Automotive Lubricating Oil

A. Any person engaged in the retail sale of automotive lubricating oil shall file an annual report with the Cambridge License Commission. This report shall detail:

1. the total amount of automotive lubricating oil sold at each retail outlet during the previous calendar year;

2. the total amount of used motor oil accepted from the public at each retail outlet during the previous calendar year; and

3. a statement of how the accumulated used motor oil was recycled and/or otherwise handled.

B. The first such annual report shall be filed within 180 days of the passage of this ordinance. Subsequent annual reports shall be filed by January 31st of each year and shall provide the required information for the calendar year ending on the preceding December 31st. The License Commission shall provide the Massachusetts Department of Environmental Protection with copies of these annual reports.

C. Any person who fails to file a report as required by this section shall be subject to a fine of not more than one hundred dollars ($100) for each day such violation occurs. The fines collected pursuant to this section shall be appropriated to the Cambridge License Commission to support the implementation of this section.

SECTION 2. Cambridge Oil Recycling Committee

A. Establishment There is hereby established in the City of Cambridge an Oil Recycling Committee, to meet initially within forty-five (45)

days after enactment of this ordinance and to serve for up to eighteen (18) months after the initial meeting.

B. Powers and Duties The Committee shall investigate and shall make recommendations to the City Council and the general public concerning the following matters:

i. The type of local program which should be established by the City of Cambridge to ensure that its residents have an opportunity to recycle their used motor oil. Such investigation shall include a consideration of at least two options: (a) local enforcement of Massachusetts General Law Chapter 21, Section 52A, and (b) establishment of a municipal used oil collection program funded wholly or in part by the retailers of automotive lubricating oils in the City of Cambridge.

ii. The feasibility and advisability of a pilot program involving the procurement and use of re-refined and/or synthetic lubricating oils in vehicles owned and operated by the City of Cambridge.

iii. The feasibility and advisability of encouraging Cambridge Electric Light Company to establish a recycling program utilizing used motor oil as a fuel supplement.

iv. Ways in which the Cities of Cambridge, Arlington, Belmont, Lexington, Lincoln, Medford, Somerville, Waltham, Watertown and Weston can cooperatively encourage the recycling of used motor oil.

v. Whether there is a need for a continuing Used Oil Recycling Committee to function after the expiration of the interim committee.

vi. Any other issues concerning used oil recycling which the Committee may deem in the best interest of the City of Cambridge to consider.

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CCM-101

City of Cambridge

21.

IN CITY COUNCIL

January 8, 1990

COUNCILLOR DUEHAY
MAYOR WOLF
VICE MAYOR REEVES
COUNCILLOR CYR
COUNCILLOR MYERS
COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY
COUNCILLOR WALSH

ORDERED: That the draft ordinance attached entitled "Promote Recycling of Used Motor Oil" be referred to the Committee on Ordinances for hearing and report.

JAN. - 8 1990

City Council

Adopted by the affirmative vote

of 9 members

Attest: Joseph E. Connorton City Clerk

AN ORDINANCE TO PROMOTE THE RECYCLING OF USED MOTOR OIL IN THE CITY OF CAMBRIDGE

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Order # 21 O-28

Entire membership re: draft ordinance to be referred to the Ordinance Committee re: Promote Recycling of Used Motor Oil.

5/21/90 Passed to be ordained 9-0-0.

5/24/90 - Published Chronicle

In City Council,

January 8, 1990

Order adopted by 9 members. Referred to Ordinance Committee for hearing and report.