

Cambridge Citizens for Liveable Neighborhoods

P.O. Box 19, Cambridge, MA 02238

354-5670

31 Aug 1989

Andrew Savitz, Chief Counsel
Executive Office of Environmental Affairs
State of Massachusetts
100 Cambridge Street - 20th floor
Boston, Massachusetts 02202

Steering Committee
Pro Tem:

Jennie Bush
Phillip Dowds
Bob Edbrooke
Dan Geer
Walter Grant
Peter Kinder
Jay Marrs
Debra McManus
Priscilla McMillan
Gaylen Morgan
Hugo Salemme
Henry Shawah
Anne Toop
Susan Yanow

Dear Mr. Savitz,

Thank you for the opportunity to meet with you, Ms. McCabe, and Ms. Deese on the 21st of August. We recognize the demands on your collective time, and are appreciative of the importance you attach to rectification of abuses of 40 CFR 52.1135 in Cambridge.

An audit of the paper trail alone can only modify the precision of what are inaccurate and biased representations of the true situation in the Cambridge control zone. Your request for indicative material in this regard is a welcome recognition of the considerable damage that misapplication of the regulation continues to permit. With even the modest resources of a citizens group, the existing inventory can be shown to be a consistent underestimate of the *de facto* parking load permitted in Cambridge. We enclose material furnished to Jerome Grafe and Barbara Kwetz of the Division of Air Quality last March, and presented to Harley Laing, Tom Wholley, and Susan Studelian of the EPA last January; a more thorough version has been developed for our counsel in a related action. In addition, we have since been able to show that Cambridge's definitional distortion of what constitutes "commercial parking" is made lie of by the very leases that developer beneficiaries of Cambridge's policy routinely write for their tenants. Insofar as the data suggest that appointed officials in the City of Cambridge have misrepresented the factual basis of the inventory, we are disappointed that our indicia seem to have been effectively ignored in your evaluation of this problem to date.

These are the fundamental points to be made:

Public participation is imperative

Both we as citizens and the Cambridge City Council have been locked out of all direct involvement with policy makers such as yourselves. We expect to be a party to all further determinations of fact and policy, and are committed to achieving the normative outcome

RECEIVED
JUL 26 1989
CAMBRIDGE MA
1989 SEP -8 AM 11:09

this regulation has as its original purpose. Resolution must, and will, be to the satisfaction of those of us who have made it the matter of high currency it now is. A more public approach will foster better public understanding of, and support for, your policies, and may forestall further litigation in this matter.

Eliminate exemptions as well as permits

You and Cambridge may agree, "No more commercial parking permits", but Cambridge, as you well know, has long taken the bizarre view that a facility is not commercial unless there is a cashier at the gate out, and has therefore chosen, unwisely and illegally, to *exempt* most commercial parking as being somehow outside the scope of the Commercial Parking Freeze. If you acquiesce to Cambridge's practices and definitions for *exemptions*, you will accomplish exactly nothing. This self-declared loophole is sufficient to drive 25,000 cars through.

Grandfathering is not an option

As we warned EPA and DEQE some time ago, there is now underway in Cambridge a veritable stampede to get permits and licenses, to pour foundations and erect steel for commercial parking before the State succeeds in shutting the window of opportunity. In the last few months alone, the License Commission has reviewed and approved licenses for thousands of new non-residential parking spaces. We have appeared at all these hearings, and ensured that the public record included our assertion that these proposed facilities are non-compliant with the Clean Air Act. All current applicants and developers have been put on notice that the legality of their projects is questionable.

Return the problem to its source

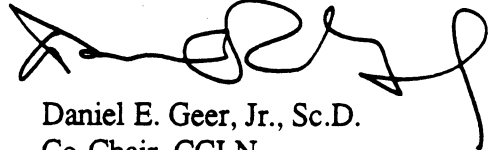
What's at stake here is the redefinition of the role of the the single-occupant private auto in regional growth and transportation, one of the most critical public policy issues of this era. The Commercial Parking Freeze is a management directive with the force of law; conformance to it is a management problem that Cambridge can solve. Your muscle must define the problem as *compliance*, your negotiation posture that of determining a schedule for same; we citizens and the City Council can act only insofar as you do so. While we'd like to be of some help and support as you seek to revise the State Implementation Plan, we don't want to waste our time on a pointless activity. If you won't enforce the rules we have now, we don't have much hope that you will successfully enforce whatever new rules you may adopt in future.

Please believe us when we say that we have too much invested in this issue to wander off and forget about it. We look forward to bringing this matter to a conclusive, strict, and exemplary resolution with all deliberate speed. Just as in the matter of recovery of waste lubrication oils,

CCLN - 31 Aug 1989

simply stepping forward to enforce what is already on the books will go far to securing an environmental momentum of which we can all be proud. Conformance to the high purpose of this regulation is a management problem that belongs at the local level; Sec. Devillar's policy decision to stress enforcement of existing regs is indeed the right strategy at the right time.

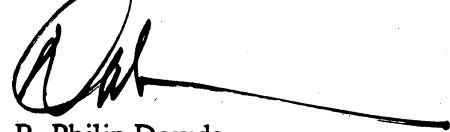
Very truly yours,



Daniel E. Geer, Jr., Sc.D.
Co-Chair, CCLN



Debra M. McManus
Co-Chair, CCLN



R. Philip Dowds
Steering Committee, CCLN

cc: John Devillars, EOE
Janet McCabe, MEPA
Pat Deese, DEP
Cambridge City Council

1.

S-617

Comm. from Cambridge Citizens for Liveable
Neighborhoods Committee transmitting a
communication to the Exec. Office of
Environmental Affairs regarding rectification
of abuses of 40 CFR 52.1135 in Cambridge.

In City Council,

Sept. 18, 1989

Placed on file