



Cambridge Public Health Department
Cambridge Health Alliance

1493 Cambridge Street • Cambridge, MA 02139
617.498.1480 • Fax 617.498.1514

August 2, 2001

Mr Robert F. Jenkins, Vice President Engineering and Manufacturing Support
W.R. Grace & Company – CONNECTICUT
62 Whittemore Avenue
Cambridge, MA 02140

Dear Mr Jenkins,

Please find the enclosed draft decision of the Cambridge Public Health Department regarding mitigation requirements under the Asbestos Protection ordinance. Please take note of your obligation as the applicant under section 8.61.040(c) of the ordinance to notify all abutters and others requesting notification (i.e. the MCP Public Involvement Process list) of the availability of this draft decision at the Main Branch of the Cambridge Public Library and at the Cambridge Public Health Department. In response to a request made directly to the Commissioner of Health and Hospitals a copy of this draft decision has also been directly sent to at least one local resident.

This draft decision will immediately be placed in the public repositories and will remain there for no less than 20 days after the revised Asbestos Soil Management Plan is available for public review and comment. A final decision will be issued thereafter. Thank you for your cooperation in complying with this ordinance.

Sincerely,

Sam Lipson
Director of Environmental Health
Cambridge Public Health Department
119 Windsor Street, Lower Level
Cambridge, MA 02139
(617) 665-3838
slipson@challiance.org





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Mr Robert F. Jenkins, Vice President Engineering & Manufacturing Support
W.R. Grace & Company - CONNECTICUT
62 Whittemore Avenue
Cambridge, MA 02140

Re: DRAFT DECISION REGARDING UTILITY TRENCH EXCAVATION

Dear Mr Jenkins,

The Cambridge Public Health Department is issuing this draft decision in order to establish the dust and airborne asbestos mitigation measures required under the Asbestos Protection ordinance by the responsible party, W.R. Grace, during utility trench excavation on its property at 62 Whittemore Avenue in Cambridge. This department also acknowledges receipt of explanatory documentation sent by representatives of W.R. Grace on Friday, July 27, 2001 regarding the nature of the Utility Trench work proposed. This excavation work was previously described in the Final Utility Trench Excavation Release Abatement Measure (RAM) Plan/Asbestos Soil Management Plan (ASMP) submitted in May 2001, but further details were solicited in order to determine whether the "underground utility maintenance" exemption in the Asbestos Protection ordinance should apply.

A review of the history and placement of the power, telecommunications, air, gas, sprinkler, and steam utilities described by the responsible party suggests that the extant underground utility corridor has been in place for several decades. It is also apparent that outdated electrical power lines do need to be replaced and that best engineering practices and basic safety considerations impose limitations on the placement of these lines above ground. Though above-ground placement of these 13,000-volt power lines can be carried out safely, some potential hazards would nevertheless be introduced by this configuration (e.g. risk of lightning strikes) and significant soil disturbance would be required in the construction of a pole line along this corridor for necessary support. Above-ground construction does not appear to be the best option for such high-powered lines and, furthermore, concerns about disruption of contaminated soil would not be eliminated if this approach were taken.

While the precise meaning of terms such as "upgrade" and "maintenance" can be debated without resolution, I believe the work described meets both definitions in some measure. Antiquated lines do represent an ongoing safety concern, but the increased capacity being introduced is clearly part of a larger modernization program intended to augment the capacity of the buildings now served by these power lines. I view the exemption language in the local ordinance as an attempt to balance immediate safety concerns associated with disturbance of soil on an asbestos-contaminated site against the potential hazard of delaying urgently needed utility repairs and maintenance. It seems apparent that this upgrade work does need to be completed within a reasonable period of time, but it also seems clear that full compliance with the Asbestos Protection ordinance would not



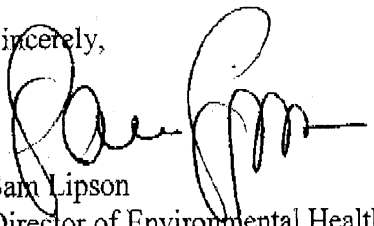
interfere with the expeditious completion of this work or jeopardize public safety. Presumably this upgrade work could have been completed at any point in the past several years and was not carried out until now because it did not previously coincide with plans to expand the use of several older buildings. In short, the importance of this upgrade/maintenance work is quite clear and the rationale for placing these lines underground is strong, but neither the urgency implied by the emergency exemption provision nor the limited scope of work suggested by the maintenance exemption has been convincingly demonstrated.

The discretionary nature of both the emergency repair and maintenance exemptions, I believe, clearly underscores that the ordinance was primarily written to provide protection from release of airborne asbestos. Given the history of contamination on this site and the absence of emergency conditions at this time I do not believe it is appropriate to grant this work an exemption from the provisions of the Asbestos Protection ordinance under discretionary powers assigned to this department. As a consequence of being located within 500 feet of a residential property one of the conditions specified within the ordinance as a trigger for further controls has been met. Therefore this work and all other "soil disturbing activities" on this property (as defined within the ordinance) requires one of the following mitigation measures in addition to those monitoring and mitigation measures already included in the Asbestos Soil Management Plan submitted in May 2001:

- *covering the site with a layer of clean fill, which must be of sufficient depth such that the proposed disturbance of the soil would occur in and affect only that clean fill layer or;*
- *erecting a permanent or temporary structure maintained at partial vacuum sufficient to contain all fugitive dust, with off gas from the evacuation system treated with HEPA filtration.*

Accordingly, please provide to me and to the public repository at the Main Branch of the Cambridge Public Library a revised Asbestos Soil Management Plan incorporating one or both of these additional control measures. Please contact me if you require further clarification regarding this matter. This draft decision will immediately be placed in the public repositories and will remain there for no less than 20 days after the revised Asbestos Soil Management Plan is available for public review and comment. A final decision will be issued thereafter.

Sincerely,


Sam Lipson
Director of Environmental Health
Cambridge Public Health Department
City of Cambridge
617-665-3838

cc: Margaret Drury, City Clerk

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**Communications & Reports from
Other City Officers #1**

A communication was received from D. Margaret Drury, City Clerk, transmitting a copy of a letter from Sam Lipson to W.R. Grace & Company regarding the draft decision of mitigation requirements under the Asbestos Protection ordinance from the Cambridge Public Health Department.

In City Council September 10, 2001

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