



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
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26TH MIDDLESEX DISTRICT
CAMBRIDGE-SOMERVILLE

Committees:
Public Service,
Bonding, Capital Expenditures and State Assets
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September 11, 2019

Commissioner Martin Suuberg
Massachusetts Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

Dear Commissioner Suuberg,

In consultation with Cambridge City Manager Louis DePasquale, I am writing with regards to the status of the former Edward J. Sullivan Courthouse at 40 Thorndike Street in East Cambridge.

On Thursday evening, August 29, I received a copy of a report that was emailed to the Cambridge City Council suggesting the presence of exposed asbestos at the Sullivan Courthouse. Upon reading the report, I immediately contacted state and city officials and proceeded to file an asbestos complaint with the Massachusetts Department of Environmental Protection (DEP) to ensure your department was put on notice about these concerns. The report was produced by a Cambridge resident who says he entered the premises and gathered materials from the floor of a room inside the bay door area on the Spring Street side of the building. Apparently, the resident removed those materials from the site and sent them to a lab in Virginia for testing.

The following morning, Friday, August 30, I followed up with state and city officials, as any report of asbestos exposure must be taken seriously. Upon an initial review of the resident's report, DEP staff indicated they weren't sure it merited an immediate response, and they suggested sending someone out the following week. Ultimately, I was able to get the DEP person who was on call for our area to agree to send staff from their emergency response program to the Courthouse to investigate the concerns raised by the resident's report.

I ended up spending the better part of the afternoon that Friday at the Courthouse site, and I met with two members of the DEP emergency response team, along with a consultant who was dispatched from the state's Division of Capital Management and Maintenance (DCAMM). The DEP team advised that they observed the presence of what they described as a "minor amount" of suspected asbestos containing material in the area of the exposed room on the Spring Street side of the building. I was told their initial assessment was that a very small section of insulation had likely fallen to the ground inside the room behind the bay door. While on site, DEP instructed DCAMM to immediately hire a contractor

for the purpose of sealing off the exposed bay door with polyethylene and wood. DEP also instructed DCAMM to close windows that were opened on the Spring Street side of the building. DEP further instructed DCAMM to close off gaps in the fencing.

By Friday night, DCAMM's contractor was on scene doing the prescribed work under the supervision of DEP, and as of Saturday morning, August 31, the room behind the bay door area at issue had been sealed off as ordered. The windows that had been open were closed, and after I followed up again with DEP on Sunday, September 1, the fencing on the Second Street side was closed off and locked.

I would like to express my gratitude to DEP for the rapid response and for working closely with me throughout the Labor Day holiday weekend to ensure that the immediate concerns of East Cambridge residents were addressed. Having the opportunity to witness DEP staff at the Courthouse site left me impressed with their level of professionalism and their commitment to their work.

DEP staff further advised that "with all certainty there will be additional DEP involvement" at the Courthouse site in the days ahead — and that this is just the "start of a conversation" about the status of the Courthouse. I was also advised that an official account of DEP's response effort was being prepared and would be forthcoming.

Therefore, in conjunction with the City of Cambridge, I am reaching out to make the following requests:

- 1) Please provide the City of Cambridge and my office with a summary of the conclusions arrived at by DEP staff and/or DCAMM's contractor regarding the containment of all asbestos containing material within the Courthouse structure. Please consider both the potential of airborne releases from asbestos containing material as well as the potential for any migration of asbestos containing material in water that may have traveled off-premises.
- 2) Please provide the City of Cambridge and my office with a summary of immediate measures to be taken by DEP to ensure proper containment at the Courthouse site, particularly in light of the uncertainty in the pending disposition process and the potential for further delays in remediation as a result of any possible legal actions or worsening economic conditions, etc.
- 3) Please issue a consent order, as is being requested by Gerard Mahoney, Acting Chief of the Fire Department for the City of Cambridge, to ensure that the property is maintained in a condition that poses no hazardous risk to the community.
- 4) Please institute airborne perimeter testing for asbestos fibers for an appropriate period of time and conduct soil testing to establish that no asbestos containing material or asbestos is present outside the Courthouse structure.

Thank you, once again, for working to address the concerns of our community in an urgent fashion.

Yours in service,



Mike Connolly
State Representative