

Acton Board of Health

February 9, 2009

Members Present: Joanne Bissetta, Chairman, William McInnis, Member, Philip Alvarez, Member and Dr. William Taylor, Member.

Staff Present: Doug Halley, Health Director, Justin Snair, Health Agent and Isabel Roberts.

Others Present: Peggy Mikkola, League of Woman Voters.
Mark and Patricia Forrester of 62 Wood Lane

The meeting was called to order at 7:30pm

Minutes

On a motion made by Mr. McInnis, seconded by Mr. Alvarez, the Board unanimously voted to approve the Board of Health minutes dated January 12, 2009 as amended.

62 Wood Lane – Permit Revision Request

The Health Department is in receipt of a permit revision request to upgrade the wastewater disposal permit from 4 bedrooms to 5 bedrooms for the property located at 62 Wood Lane. The property is currently serviced by two separate systems, which have a design capacity in excess of 550 gallons per day, plus each system only has a 1000 gallon septic tank, which does not meet the current regulations.

A Title 5 report was recently completed, showing that the system has passed in accordance with Title 5 inspection requirements. It should be noted that the report does not show the system to be only 74' from the on-site drinking water well, with the current requirements being 100'. The Board questioned if the Health Department has as-built plans for both systems and if not how has the distance from the tank to the well been established? It was stated that only one system has an as-built plan, the second system may have been installed without the benefit of a permit or it has been lost/misplaced. During the Title 5 inspection the inspector was able to measure the distance

from the system to the well by snaking lines. On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to grant the permit revision request allowing for the upgrade of the wastewater disposal permit from 4 bedrooms to 5 bedrooms at the property located at 62 Wood Lane, with the following conditions:

1. The existing septic tanks will have DEP approved effluent filters (Zabel Filter or its equivalent) installed into the outlets of the tanks.
2. The Effluent filters will be cleaned once every year.
3. Connect to the public water supply within 90 days.
4. The existing on-site well may be maintained for irrigation purposes only, with no cross connection to the public water supply.
5. Submit applicable wastewater disposal permit and fee to the Health Department.

4 Seneca Court – Variance

The Health Department has received a request for a variance from Acton Board of Health, Rules and Regulations for a six percent reduction in the required SAS required under article 11, allowing for the upgrade of the wastewater disposal permit for the property located at 4 Seneca Court, from 3 bedroom to a 5 bedroom. It was noted that the system is not currently in failure and the field has not shown signs of breakout. The Health Department has reviewed the submitted request and finds that the site requires a 1500 gallon dual compartmental septic tank. On a motion made by Mr. Alvarez, seconded by Mr. McInnis, the Board unanimously voted to grant a variance from Acton board of Health Rules and Regulations, Article 11, with the conditions expressed as:

1. Replace the existing 1000 gallon septic tank with a 1500 dual compartment septic tank.
2. The 1500 gallon tank will have a DEP approved effluent filter (Zabel Filter or its equivalent) installed into the outlet of the tank.
3. The effluent filters will be cleaned once every year.
4. The septic tank will be pumped every two years.
5. If system is found to be in failure at a future date, replacement with an adequately sized and fully compliant system will be required.
6. Submit applicable wastewater disposal permit and fee to the Health Department.

11 Durkee Road – I/A Use Approval

The Health Department has received a request for a variance from 310 CMR 15.287(7) for use of Cultec Contractor C-4 Chambers in accordance with Modified Certification for General Use issued by MA DEP dated July 19, 2007, for the property located at 11 Durkee Road. The Health Department has reviewed the submitted plan and finds that use of the Cultec C-4 Chambers would require limited grading changes. The proposed system would likely also provide on site treatment at least equal to that of a conventional system. On a motion made by Mr. McInnis, seconded by Mr. Taylor, the Board unanimously voted to approve the use of the I/A system at the property located at 11 Durkee Road, with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Modified Certification for General Use issued by the MADEP for the Cultec C4 Chamber Panels.
2. The septic tank shall be pumped once every two years.
3. The system shall be constructed in accordance with the above listed conditions and in accordance with the plan stamped by Mark Donohoe, date 1/21/09

Lot 17 Grassy Pond Place – I/A Use Approval

The Health Department has received a request for a variance from 310 CMR 15.287(7) for use of Cultec Contractor C-4 Chambers in accordance with Modified Certification for General Use issued by MA DEP dated July 19, 2007, for the property located at Lot 17 Grassy Pond Place. The Health Department has reviewed the submitted plan and finds that use of the Cultec C-4 Chambers would require limited grading changes. The proposed system would likely also provide on site treatment at least equal to that of a conventional system. On a motion made by Mr. McInnis, seconded by Mr. Taylor, the Board unanimously voted to grant a variance from 310 CMR 15.287(7) to the property located at Lot 17 Grassy Pond Place, with the following conditions:

- 1 The system shall, at all times, be maintained in compliance with the most recent Modified Certification for General Use issued by the MADEP for the Cultec C4 Chamber Panels.
- 2 The septic tank shall be pumped once every two years.
- 3 The system shall be constructed in accordance with the above listed conditions and in accordance with the plan stamped by Mark Donohoe, dated 1/29/09

33 Harris Street – Hazardous Materials

The Acton Health Department is in a receipt of an application for Initial Hazardous Materials Permit for 33 Harris Street. Site is currently a waste water treatment plant serving (Spring Hill Common. The site is located within an aquifer zone 3. 55 gallons of Methanol (100%) will be stored in a drum and used on site as carbon source in the waste water treatment process and diluted to 25% in water. The diluted 25% methanol will be pumped to the de-nitrification filters. Expected daily use will not exceed 3-4 gallons of 25% diluted Methanol solution. The Board asked if there is current protocol for notifying the Acton Fire Department of any hazardous materials' issues? Mr. Snair noted that currently the Health Dpt. automatically gives notification to the Fire Dpt., but unfortunately, there is nothing in place stating that the Fire Dpt. must report all hazardous materials issues to the Health Dept.

The Health Department has reviewed the submitted application and conducted an initial inspection of the site and finds the need for permit number 4 (materials user .25gals/month) and permit number 9 (materials storage of >25gals >24hrs).

Material classified with (1) slight health hazard, (3) high fire hazards, (0) least reactivity. Site has taken appropriate action to mitigate health, environmental and fire hazards.

On a motion made by Mr. Alvarez, seconded by Dr. Taylor, the Board has unanimously voted to approve the permit with the following conditions:

1. The site will maintain a valid hazardous materials permit with the Acton Health Department and maintain the site pursuant with the Town of Acton Hazardous Materials Control Bylaw. The site will respond to all reasonable informational and inspectional requests made by the Acton Health Dept.
2. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
3. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their

employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.

4. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
5. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
9. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
10. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
11. Prior to any new chemical or processes being used, the Board of Health shall be notified.
12. Any area where materials or wastes are used or stored will remain secure from unauthorized entry at all times.
13. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.

135 Great Rd – Hazardous Materials

The Acton Health Department is in a receipt of an application for Initial Hazardous Materials Permit for Acton Auto Body, Inc. located at 135 Great Rd. The site is not currently open, but the

operations will include the storage, use, and disposal of chemicals used during auto surface coating. The Board questioned if the site, while under the previous owners, passed the Hazardous Materials Inspection. It was reported that the site did pass with no violations.

1. Proposed Hazardous Materials:

10 gals Aqueous based paint stored in ¼ gal. containers

2 gals Urethane clear coat stored in 1 gal. containers.

2 gals. Urethane primer stored in 1 gal. containers.

2 gals. Urethane sealer stored in 1 gal. containers.

1 ½ gal. Catalyst stored in ¼ gal. containers.

1 gal. Urethane reducer stored in 1 gal. containers.

2. Proposed Hazardous Wastes:

Max 55 gals. Aqueous based paint stored in a 55 gal. container.

Max 5 gals cleaning solvent (thinner) stored in a 15 gal. container.

Max 5 gals urethane clear coats, primers, and catalysts stored in a 20 gal. container.

The Health Department has reviewed the submitted application and conducted an initial inspection of the site and finds Acton Auto Body will need permit number 4 (materials user .25gals/month), permit number 9 (materials storage of >25gals >24hrs), and permit number 12 (waste storage of >25 gals or lbs).

Materials and wastes classified with (3) serious and chronic health risks, (2) moderate fire hazards, and (0) (1) slight/moderate physical hazards.*

Site will be required to provide appropriate Personal Protection Equipment (PPE), ventilation, and storage in order to mitigate health, environmental, and fire hazards. Site has reduced toxins on site to lowest feasible amount without negatively impacting business processes.

Site must provide secondary containment for material/waste storage area capable of retaining 110% of the single largest container in the area, and must hang chemical storage signs on storage area door and hang emergency contact numbers/procedures on storage area door. On a motion

made by Mr. McInnis, seconded by Mr. Taylor, the Board has unanimously voted to approve the permit with the following conditions:

1. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
10. All floor drains shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
12. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
13. A safety eye wash station shall be installed where any Hazardous Materials or Wastes are handled or used.

14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.
15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
18. D.E.P. Generator Registration shall be provided annually upon renewal of the Hazardous Materials Storage Permit.
24. Visual monitoring of all spill containment vaults and tanks shall be made every six months with a log of the inspections kept on site and a report given to the Board of Health if any spill containment vaults or tanks have received any Hazardous Material spills since the last inspection.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.
27. All releases into the ambient air shall meet all existing and proposed E.P.A. requirements.

The site will maintain a valid hazardous materials permit with the Acton Health Dept. and maintain the site pursuant with the Hazardous Materials Control Bylaw. The site will respond to all reasonable informational and inspectional requests made by the Acton Health Dept.

Site must notify the Acton Fire Dept. of the storage/use of flammable/combustible materials. Site must show that either they qualify for exemption from Fire Dept. permitting or provide evidence that application for flammable storage has been submitted to the Fire Dept.

Acton Public Health Nursing Department – Merrily Evndokimoff

Merrily presented to the Board, a report dated July, 2008 to January, 2009. The report outlined visits, activity, which included admissions and insurance coverage as well as quarterly re-

hospitalization rates. The Board questioned the different types of insurance coverage and the newly introduced Emerson Hospital patient referral program.

The APHND accomplished a number of goals over the past few months. These goals included providing approximately 1600 influenza vaccinations through various clinics and the extension of a contract providing services to the Stow Board of Health, as well as the planning of a joint program on Lyme disease.

Hybid Farm – Camp Variance Request

The Health Department is in receipt of a Camp Variance Request from 105 CMR 430.000 for Hybid Farm located at 217 Nagog Hill Road. This regulation requires that an operator of a recreational camp for children shall provide water of safe and sanitary quality in an amount and pressure to meet the needs of the campers and staff. In order to comply with 105 CMR 430.000, DPH will only recognize a public or semi-public water supply source and unfortunately, Hybid Farm existed prior to the Acton Water District extending its water service on Nagog Hill Road. The Board asked if Hybid Farm has had recent water analysis done. Mr. Snair informed the Board that the Health Dpt. has a Certificate of Analysis completed by Thorstensen Laboratory from 2004 for the on-site well which indicates the water is of safe and sanitary quality.

On a motion made by Mr. Alvarez, seconded by Mr. Taylor, the Board has unanimously voted to approve the permit with the following conditions:

1. A sign must be posted with in plain view to the public within the campgrounds stating that:
 - a. Potable water source from Private Well
 - b. Attach a copy of this signed Acton BOH approval to the sign.
2. No more than 45 days prior or less than 30 days to the annual opening of camp, Operator shall take and analyze a water sample for coliform bacteria, nitrate, nitrite, sodium and lead. The results of these analyses must not exceed the MCL or Action Level as listed in 310 CMR 22.00: *Drinking Water*. The results shall be submitted to the Acton Health Dept.

3. Every 30 days while the Camp is in operation, camp Operator shall take and analyze a water sample for coliform bacteria, nitrate, nitrite, sodium and lead. The results of these analyses must not exceed the MCL or Action Level as listed in 310 CMR 22.00: *Drinking Water* and the results shall be submitted to the Acton Health Dept.

4. Operator shall take and analyze a water sample for Volatile Organic Compounds, Inorganic Compounds, Radionuclides and any other contaminants identified by the Department of Environmental Protection in its document entitled, "Parameters and Testing Frequency for Private Wells". The results of these analyses must not exceed the Maximum Contaminant Level (MCL) or Action Level listed in the Massachusetts Drinking Water Regulations 310 CMR 22.00

5. If results of any analysis are found to exceed the MCL or Action Level as listed in 310 CMR 22.00: *Drinking Water* the following must be immediately done:

- a. Discontinue use of private well as drinking water source for camp.
- b. Provide secondary, bottled water source to campers.
- c. Contact the Acton Health Dept. for further direction.

Adjournment

On a motion made by Mr. McInnis, seconded by Mr. Alvarez, the Board unanimously voted to adjourn at 9:16PM.

Respectfully Submitted,

Isabel Roberts, Health Secretary
Acton Board of Health

Joanne Bissetta, Chairman
Acton Board of Health