

## **Acton Board of Health**

**September 14, 2009**

Members Present: Joanne Bissetta, Chairman, William McInnis, Member, William Taylor, Member, Mark Conoby, Member and Michael Kreuze Associate Member

Staff Present: Doug Halley, Public Health Director and Isabel Roberts.

Others Present: Peggy Mikkola, League of Woman Voters.  
Pauline Tessier – Trustee for Harris Street Condominiums  
Lewis Reed – Wachusett Environmental

The meeting was called to order at 7:36pm

### **Minutes**

On a motion made by Mr. Kreuze, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health minutes dated July 28, 2008 as amended.

On a motion made by Mr. Conoby, seconded by Mr. Kreuze, the Board unanimously voted to approve the Board of Health minutes dated March 30, 2009 as amended.

On a motion made by Mr. McInnis, seconded by Mr. Kreuze, the Board unanimously voted to approve the Board of Health minutes dated May 18, 2009 as amended.

On a motion made by Mr. Conoby, seconded by Mr. Kreuze, the Board unanimously voted to approve the Board of Health minutes dated June 22, 2009.

### **H1N1**

Doug presented to the Board information about the upcoming flu/H1N1 season. The Acton Health Department, along with the Acton MRC are in the process of organizing a drive thru flu vaccination clinic at the Department of Public Works on October 24, 2009. Last year the Health Department and the MRC held a flu clinic at the Acton/Boxboro Regional High School and vaccinated 250 individuals within a 4 hour time span, with no issues.

This year the Health Department is working more closely with the Acton school system. The goal is to target families while working with the school nurses. Doug presented the Board with the Draft CDC Guidance for School (K-12) Responses to Influenza; this provides protocol for prevention and the handling of outbreaks.

The current goal is to vaccinate against H1N1 in October/November, 2009. Time will be scheduled to vaccinate elementary school children in grades K to grade 6 at the after school day program, allowing parents of young children to be there at the time of vaccination. Children in grades 6-12 can be vaccinated without parents present.

Potentially, the Town of Acton has 10,000 vaccination doses, as recent testing shows only one shot is required. It has been recommended that parents of children under 6 months old, pregnant woman, children age 6 months to 24 years and public health/safety personnel are offered the vaccination first. It may prove difficult to schedule vaccinations in the community as the Health Dept. is unsure of the level of assistance from community sources, such as doctors and pharmacies. Currently, the Health Dept. has 3,000 pediatric masks and 5,000 adult masks. Unfortunately, this amount is not enough to meet the needs of the total Acton population, so it has been decided that the masks will be given to the school system.

### **Spencer-Tuttle-Flint Task Group**

Doug presented the Board with a request from the Board of Selectmen, asking for a member of the Board to volunteer to be part of a new committee named 'Spencer-Tuttle-Flint Task Force.' The goal is to find an acceptable solution to address the wastewater issues for the Spencer, Tuttle, Flint needs area as described in the Comprehensive Water Resources Management Plan. Mr. McInnis volunteered to take on the responsibility as the new member.

### **28-30 Harris Street – I/A Use Approval**

Doug presented to the Board a request for I/A Technology Use Approval from 310 CMR 15.284: Approval for Remedial Use, to install White Knight™ Inoculator/Generator ("White Knight") in the on-site disposal system for the Harris Condominiums located at 28-30 Harris Street in Acton. The condominium complex consists of two 8-bedroom buildings feeding one septic system. The design

flow is 1,760 gallons/day. The Health Dept. has reviewed the submitted plans and finds that use of the "White Knight" is appropriate given the observed SAS conditions and use of the alternative system is likely to improve existing conditions

The Board questioned the possible reasons for the system failure. Doug reported that the on-site disposal system is in failure due to a biologically-clogged soil absorption system ("SAS"), as evidenced by repeated occasional surface breakout since 2008. The SAS consists of a 2,560 SF bed of Infiltrator standard chambers. As noted in the June 8, 2009 report by CABCO Consult, Inc., a preliminary investigation of the problem revealed a bio-mat approximately 2-3 inches thick around the chambers. The original design cites that local soils have a percolation rate of 5 minutes/inch. Using a pipe camera, the pipe running from the pump chamber to the distribution box and from the distribution box to each chamber was observed. No significant findings were observed in any of the pipes.

The Board also asked about alternatives to installing the "White Knight" system. Doug noted that the only alternative would be to install a new system. Additionally, Mr. Kreuze questioned Mr. Reed about the reason for the septic system pumping on both 3/21/08 and 9/22/09. Mr. Reed replied by stating the pumping done on 9/22/09 was actually done in error.

On a motion made by Dr. Taylor, and seconded by Mr. Conoby, the Board voted 4 to 1 to approve a request for the use of White Knight Inoculator/Generator Alternative Treatment System ("System") for the rejuvenation of the onsite wastewater treatment system at 28-30 Harris St. with the following conditions:

1. A Statement of Understanding, signed by the Trustees, outlining full acceptance and understanding of the conditions, restrictions and obligations inherent with this approval, must be submitted to the Health Dept. prior to the issuance of any disposal works construction permits.
2. All applicable disposal works construction applications and fees shall be submitted to the Health Dept. for approval prior to any work.
3. No increase in sewage flow to the system, and no increase in square footage to the existing structure that results in an increase in design flow to the System, is allowed.
4. Prior to installation of the System and before issuance of Certificate of Compliance, the site shall be evaluated in accordance with 310 CMR 15.100 through 15.107. The existing on-site

system including the septic tank, distribution box and SAS shall be inspected in accordance with 310 CMR 15.302. Results of which must be submitted to the Acton Health Dept.

5. The System shall not be operated until the BOH issues a Certificate of Compliance.
6. Prior to the issuance of a Certificate of Compliance for the System, the System owner shall record and/or register in the appropriate Registry of Deeds and/or Land Registration Office, a Notice disclosing the existence of the alternative system subject to this Approval on the property. If the property subject to the Notice is unregistered land, the Notice shall be marginally referenced on the owner's deed to the property. Within 30 days of recording and/or registering the Notice, the System owner shall submit the following to the Acton Health Dept.:
  - (i) a certified Registry copy of the Notice bearing the book and page/instrument number and/or document number; and
  - (ii) if the property is unregistered land, a Registry copy of the owner's deed to the property, bearing the marginal reference.
7. Prior to the BOH's issuance of a Certificate of Compliance, the System owner(s) shall submit to the BOH a copy of the initial inspection, system pumping schedule, sampling agreement with the company or its designated contractor, including a sampling schedule, and O&M contract.
8. The System shall be monitored quarterly for depth of ponding and dissolved oxygen (DO) in the SAS. Should the System exhibit excessive ponding levels after three months (water surface elevation equal to or greater than the water surface elevation prior to installation of the System), at a minimum, the following parameters shall be monitored: pH, BOD<sub>5</sub>, TSS, depth of effluent and DO in the SAS and water use.
9. The System shall be equipped with a monitoring device that provides data collection to include tracking the elevation of the effluent in the SAS. The data can be stored and reported to include high, low and average levels for each parameter each month and daily values for the last thirty days.
10. Results of all sampling, records of maintenances, monitoring, or testing shall be submitted to the Acton Health Dept. within 30 days of recording.

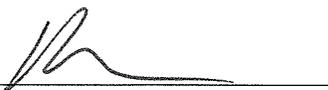
11. Any required operation and maintenance, monitoring and testing shall be performed in accordance with department approved plan. Any required sample analysis shall be conducted by an independent U.S. EPA or DEP approved testing laboratory, or a DEP approved independent university laboratory.
12. The facility served by the System and the System itself shall be open to inspection and sampling by the Acton Health Dept. at all reasonable times.
13. In accordance with applicable law, the Acton Health Dept. may require the owner of the System to cease operation of the System and/or to take any other action as it deems necessary to protect public health, safety, welfare and the environment.
14. Throughout its life, the System owner shall operate and maintain the System in accordance with the Company and designer's operation and maintenance requirements and this Approval. To ensure proper operation and maintenance (O&M), the System owner shall enter into an O&M agreement. No O&M agreement shall be for less than one year.
15. No System shall be used until an O&M agreement is submitted to Acton Health Dept. which:
  - i. Provides for the contracting with the Company or its approved management company, trained by the Company as provided in Section VI (6), to operate the System consistent with the System's specifications and the operation and maintenance requirements specified by the designer and any specified by the Department;
  - ii. Contains procedures for notification to the Acton Health Dept. within five days of a System failure or alarm event and for corrective measures to be taken immediately;
  - iii. Provides the name of an operator, which must be a Massachusetts certified operator if one is required by 257 CMR 2.00, that will operate and monitor the System. The operator must inspect and field test the System at least every three months and anytime there is an alarm event.

- 16. The System owner shall at all times have the System properly operated and maintained in accordance with this Approval, the designer's operation and maintenance requirements and the Company's approved operating procedures. The System owner shall notify the Acton Health Dept. in writing within seven days of any cancellation, expiration or other change in the terms and/or conditions of their O&M agreement.
  
- 17. Prior to transferring any or all interest in the property served by the System, or any portion of the property, including any possessory interest, the System owner shall provide written notice of all conditions contained in this Approval to the transferee(s). Any and all instruments of transfer and any leases or rental agreements shall include as an exhibit attached thereto and made a part thereof a copy of this Approval for the System. The System owner shall send a copy of such written notification(s) to the Acton Health Dept. within 10 days of such notice being given.
  
- 18. The Acton Board of Health may impose additional conditions or restrictions as deemed necessary over the life of the System.

**Adjournment**

On a motion made by Mr. McInnis, seconded by Mr. Conoby, the Board unanimously voted to adjourn at 9:03PM.

Respectfully Submitted,



Isabel Roberts, Health Secretary  
Acton Board of Health



Joanne Bissetta, Chairman  
Acton Board of Health