



Acton Board of Health
Meeting Minutes
July 29, 2020
7:30 P.M.
VIRTUAL PARTICIPANTS VIA ZOOM

Present:

Virtual Members Present: William McInnis -Chairman, Mark Conoby, Michael Kreuze, and Dr. William Taylor. Joanne Bissetta was absent.

Virtual Associate Members Present: Dr. Thomas Jacoby voting for absent Joanne Bissetta and Rekha Singh. (Please note that internet issues amongst members caused periods of dropping off and in one case Rekha Singh voted for absent Mike Kreuze)

Virtual Staff Present: Sheryl Ball-Health Director and Evan Carloni, Senior Health Inspector

Virtual Present: Steven Ventresca, Marie Alteri, Emily Grandstaff-Rice, Diann Oster, Chuck Adam, JD Head, MaryJude Pigsley, Karen Pierce, Mark Smith, Rick Degon, Matt Mostoller, Paul Locke, Jim Morin, Sovathy Sar, Aidan Smith, Jason Cole, Bill Hat, Lynn Newman and Ted Doucette.

1. Opening

Chair - William McInnis opened the meeting at 7:16 P.M. A script was read that was provided by the Town stating why the meetings are virtual during this crisis.

2. Regular Business

Director Operational Updates –

Ms. Ball stated that the State of Massachusetts has a new travel order effective August 1, 2020 where travelers must complete a Massachusetts travelers form and quarantine for 14 days unless they are coming from an identified lower risk state that currently includes, CT, NH, RI, Hawaii, NJ, VT, ME and NY. There are exemptions for transitory travel, commuting for school or work, patients receiving medical care, military and workers providing critical infrastructure.

Ms. Ball also mentioned that the State has added additional testing sites in 8 communities that include Agawam, Brockton, Methuen, Randolph, Revere, Taunton, Worcester and Springfield.

Ms. Ball reminded everyone that we must remain vigilant in doing our part to reduce the spread of this virus and urged all to wear a face covering, social distance, avoid large gatherings and wash your hands.

Nursing Service Director Updates-

Ms. York stated that the State is in the process of changing the Face Covering Order to a Regulation.



Ms. York mentioned that Acton currently has 183 positive cases but also noted that with the increase of a few in the last weeks, the # of contacts with each person is spreading. Ms. York stated that this is because those people going out more and Ms. York cautioned everyone to stay out of large gatherings, wear your face coverings and remain vigilant as Ms. Ball just stated. The Board asked Ms. York if she was seeing any trends and she stated no. The Board also asked if she is seeing a delay in results and she said no for the most part. Ms. York also reminded everyone that some have medical reasons for not wearing face coverings and stated that a bandana around the face could work for some with respiratory conditions. The Board pointed out that if you are unable to wear face coverings for medical reasons you should stay out of stores.

Next BOH Meetings

Ms. Ball stated the next BOH meeting is scheduled for Wednesday, August 5, 2020.

PFAS Presentation

Ms. Ball stated that the DEP and the Acton Water District are present tonight to discuss the PFAS found in some Acton Drinking water wells. Ms. Ball introduced Ms. MaryJude Pigsley, who introduced Mark Smith, DEP, Paul Locke, DEP and Matt Mostoller, Acton Water District (AWD). Ms. Pigsley, DEP stated that most manufactured products containing components of Perfluorooctanesulfonic acid (PFOS) have been phased out of production in the US and this product was previously used in the production of firefighting foam, however, the DEP did a take back program throughout the state of mass so this product is no longer used. Ms. Pigsley stated that the DEP has been working with the Acton Water District (AWD) to test Acton's drinking water and are now looking at treatment options and identifying where this came from. Both the DEP and the AWD have held public meetings to help educate and inform residents of this complicated substance. DEP stated that they started seeing this emerging contaminant in the water around 2017 and are working on a proposed regulation that will require the levels to be 20 ppt or below for the sum of the 6 PFAS. Currently the EPA guideline is 70 ppt and Massachusetts is still a guideline with a target of 20 ppt. The MADEP paid for the sampling of the AWD wells and have held a public meeting to help educate the public and also presented a chart showing what the levels were in the treated water. The two wells with the high levels were in the North Acton and South Acton Water Treatment plants and both of these wells are currently offline. Ms. Pigsley stated that they are currently looking at treatment technologies and should have those results in the fall. The Board asked if Concord has identified this in their water and Mr. Mostoller, AWD, stated they haven't currently done testing. The DEP stated that there will be a data portal on the Executive Office of Environmental Affairs website that will allow users to search results for the entire state. The Board also asked if the water is safe for drinking. The DEP and the AWD stated that the wells with the high levels are offline and they expect that the last round of testing (which we should know soon) to be under the guidelines set forth by the State. The Board also asked what the expected fix will be and were told potentially treatment or a new water source. In addition, the Board asked the AWD to keep them apprised of this going forward. The DEP also stated that they are developing private well protocols and will be



focused on specific areas for testing to help them understand where the levels are highest in the State and why.

TWIN SCHOOL – SAS APPROVAL

The Engineer for the new Twin School project has presented a plan for the proposed soil absorption system for Board approval. The Board has previously approved the location of the septic tanks and is now seeking approval of the rest of the system. The Board presented the Engineer some proposed conditions this afternoon and after review, concerns were voiced for the below conditions:

1. Owner shall install and maintain a nitrogen removal system if the effluent monitoring water quality data exceeds allowable limits or as ordered by the BOH or DEP
2. Building to be designed as an emergency shelter and the Owner grants the right to the Towns to use this facility as an emergency shelter as required.

The Engineer expressed concern that these proposed conditions were received late in the day and they didn't have a lot of time to review. The Board asked if they would like to continue discussion to another meeting once they have had time to review. They stated that they would like to seek approval tonight and asked what the allowable limit would be for the nitrogen removal and expressed concern with using the proposed school as an emergency shelter. The Engineer suggested that the Board give the Health Division the right to work with the schools on what the nitrogen numbers should be and what would be acceptable to utilize the school, if ever needed as a shelter. The Board agreed to allow the Health Division to reach out to the DEP and the Engineer to identify a number and to work with the schools on how this could be used as an emergency shelter, if ever needed. MaryJude from the DEP was present to discuss the PFAS and also offered to reach out to David Boyer, DEP, upon his return from vacation about the nitrogen numbers. In regards to the shelter, the Board expressed the potential need to use this school in the event that a natural disaster allowed the Jr. High or High School not to be utilized as those are typically the primary schools used in a shelter. JD Head, School Dept., asked if getting a peer review would be beneficial, however, the Board stated that this can be approved tonight and asked if the other proposed conditions were acceptable to the Engineer/School. The Engineer stated that more time is needed to review the conditions and the Board already agreed to amend the two conditions that the School had issues with. The Board further stated that, if after review, additional concerns are expressed then they can come back to a future meeting to discuss their concerns.

On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board voted to approve the septic system permit for the SAS, consistent with the approval of the septic tanks, with the permit subject to the conditions and requirements as listed below:

General Requirements

1. List both sets of approval conditions for the septic tanks.
2. List conditions of DEP design flow variance.



3. Delete data submitted with variance request
4. List Conservation Commission order of conditions on plan
5. Incorporate MEPA review findings on plan
6. Note system to be used for existing buildings during construction with different design flow for existing buildings.
7. Note O&M requirements – inspection, pumping, T5, water records, wells
8. Note special requirements during construction and subsequent inspection
9. List prohibition of any construction wastewater discharge or dumping into the system.
10. List variance request local conditions.

Permit Requirements

1. System to be constructed and maintained per approved design and in accordance with all local, state and governmental conditions, regulations and requirements.
2. No expansion of use or increase in design flow is allowed as a condition of the variance.
3. System effluent to be monitored in accordance with Health Department approved plan.
4. Owner shall install and maintain a nitrogen removal system if the effluent water quality exceeds allowable limits, as determined by and delegated to the Health Department.
5. Building to be available to the Town for emergency use and the Owner grants the right to the Town for emergency use with the details to be determined between the Town and the District.
6. Plan to show reserve field area which shall be maintained for future use.
7. Plan to show (future if required) nitrogen treatment equipment with note that this area must be kept open and maintained available for this use.
8. System shall be pumped and inspected annually.
9. As-built plans shall be submitted to Health Department prior to COO
10. Plan subject to Health Department approval

System Requirements

1. Monitoring wells to be locked, have steel casings and extend above grade or have flush steel manhole covers. Detail and construction shall be approved by Health Department.
2. Vents to have concrete collar and carbon filters. Locations of field vent to be relocated away from abutting property to extent feasible.
3. All manhole covers shall be water tight and locked.
4. Piping to be PVC sch 40 min. for all drain, pumped and vent piping valves and fittings.
5. Pipe utility sleeves shall be concrete or cast iron with 20' of building or excavation areas.
6. Detail temporary control panel and high level alarm panel and final locations on plan.
7. Tank high level alarm unit to be a separate unit with remote capabilities.
8. Provide a vent with carbon filter for each field.
9. Provide locating tape at each field inspection port and lateral cleanout.
10. Pumps and tank high level alarms to be supplied with emergency backup power. Separate high water alarm panel with remote notification function shall have emergency power with battery backup.
11. Based on ledge and test pit refusal, provide verification that field can be installed per plan without variance or modification. In event of ledge impacting installation, owner and its



engineer and contractor shall immediately notify the Health Department and cease construction pending review and approval.

12. Due to proximity of field to property line, owner shall mark and maintain 10' boundary line during construction.
13. Due to concern for students and visitors at public site during construction, owner shall provide a site health and safety plan prior to commencing construction when school is open.
14. Force main piping cleanouts to be provided with isolation valve and concrete riser with the detail to be approved by the Health Department.
15. Tank design loading and buoyancy information to be provided for approval by the Health Department.
16. Owner shall submit quarterly water use records to the Health Department verifying all water usage is within permit conditions.
17. Reclaimed water which is used or discharged to the building sanitary system, including washing and toilet flushing, shall be separately metered. Owner shall submit plans for reclaim water use approval prior to construction and submit quarterly water use records to the Health Department verifying all water usage is within permit conditions.
18. Water discharge from elevator pits and storm water are prohibited from being discharged to the septic system.
19. Owner shall submit an O&M manual, spare parts list, maintenance schedule for approval by the Health Department.
20. System to be designed and constructed as a fully compliant system per Title 5 except for the DEP design flow variance subject to the conditions of the approval.

The Chair took Roll call and the vote was 4-0. (Please note: Internet issues caused a member to drop during voting)

Northeast Classic Engineering – Complaint

The Health Division received a complaint from the homeowner at 22 Cowdrey Lane in regards to the work that was done on his property by Northeast Classic Engineering for his septic system replacement. This case was previously brought before the Board but Jim Morin, Northeast Classic Engineering, did not attend as notification of that meeting was not received due to incorrect mailing address. The Board previously discussed the complaint and placed Mr. Morin on 6 month probation. Since then, the homeowner has asked that his company name be removed from the list of who to hire provided by the Health Division. The Board asked staff if the complaints by the homeowner were verified and Mr. Carloni, Senior Health Inspector stated yes, however, they were rectified and a COC was issued. Mr. Morin was present and stated he has been working in this industry for 20+ years and has done approximately 50 systems in Acton. Mr. Morin stated that he was disappointed in the time it took to resolve this issue but there were a series of consequences including a delay with Conservation and COVID. The Board asked Mr. Morin how he planned to prevent this from happening again and asked Mr. Morin to send a letter to the Health Division with that response. The Board stated that they would like to continue



probation for an additional six months and going forward would like the Health Division to provide enhanced supervision.

On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to continue probation for 6 months, required enhanced supervision by the Health Division and a corrective action plan from Mr. Morin.

The Chair took Roll Call and all were in favor.

514 Main Street – Appeal of Order Letter

The Health Division has received a request from the owner of 514 Main Street appealing a single order of a three part order letter dated July 8, 2020 issued by the Health Division. The order letter was issued in regards to a septic system which was installed in 2013 that has since failed, likely due to over usage of water. The property is a rental property and over the past two years, 390 gallons of water per day have been used per the Acton Water District records. The system is designed for 440 gallons per day, and the system is only meant to be able to handle roughly 50-60% of the design flow as per Title 5.

The order letter states that the septic system must be replaced within 90 days, however that part was appealed by the homeowner. The homeowner believes that between pumping the system, and encouraging the tenant to use less water, that ninety days is not enough time to see if the leach field will recover. The Health Division asked the homeowner to check for any leaks and to replace any old fixtures with new ones which are low flow. The system was also checked by a T5 inspector who has stated that the field is in failure for overuse of water.

The Health Division is not recommending approval of this appeal because delaying replacement beyond ninety days could mean more backups into the residence and breakout onto the surface, which are imminent health hazards. If the appeal is approved, the Health Division would recommend a strict pumping schedule be administered, and routine checks on the leach field to gauge if the field is recovering or not, and at a certain date, if the leach field has shown no progress, the system be replaced. The Board asked if a strict schedule could be enforced to ensure that there is no additional break onto the property. On a motion made by Mr. Conoby, seconded by Dr. Taylor, the Board unanimously voted to uphold the order issued by the Health Division with the 90 days starting today to allow the homeowner to work with staff to find a workable solution, provide monthly water records and that this issue be resolved to the satisfaction of the Health Division.

The Chair took roll call and all were in favor.

9Mallard Road - Variance

The Health Division has received a variance request from Article 16-6.2.5 to allow for a reduction in groundwater table from 6' to 3' for the property located at 9 Mallard Road. The Health Department recommends approving this variance based on the MassDEP remedial use approval as the regulation requires that the system be pumped in order to receive the groundwater reduction but the way the system is designed a pump is not needed as the pump would be pumping downhill. The Health Division prefers that gravity distribution be achieved



when possible. This system is also being designed with a Presby AES and the bio-accelerator fabric helps to achieve uniform distribution similar to a pumped system. The engineer, Ted Doucette, stated that the proposed system has equal or even better environmental protection than a pumped system. The Health Division recommends approval. On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from Article 16-6.2.5 to the property located at 9 Mallard Road with the following conditions:

- 1) The system shall, at all times, be maintained in compliance with the most recent Remedial Use Approval issued by MADEP for the Presby Advanced Enviro-Septic System.
- 2) The septic tank shall be pumped a minimum of once every two years.
- 3) The system shall be constructed in accordance with the above listed conditions and the plan stamped by Ted Doucette, drawing number 2020 - 121.
- 4) All comments must be addressed when plan review is completed.

The Chair took Roll Call and all were in favor.

3. Minutes:

The Board reviewed the proposed minutes and asked staff to make a change and bring back at the next meeting for approval.

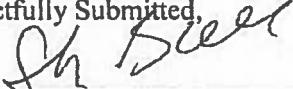
4. Adjournment

On a motion made by Dr. Taylor, seconded by Mr. Kreuze, the Board unanimously voted to adjourn at 10:45 PM. The Chair took roll call and all were in favor.

Documents and Exhibits Used During this Meeting:

- Town of Acton script for boards and committees opening meeting
- Board of Health agenda
- Douglas/Gates – SAS plans, recommendation from Health, proposed conditions, letter from engineer
- 514 Main Street – Appeal request, invoices from pumping's, letter from T5 inspector, recommendation from Health
- 9 Mallard Road – Design plan, request for variance and recommendation from Health
- Northeast Classic Engineering – Request from resident, recommendation from Health
- Minutes from July 13, 2020.

Respectfully Submitted,


Sheryl Ball
Acton Board of Health



William McInnis- Chairman,
Acton Board of Health