

Town of Concord
Board of Health

Minutes from the Meeting
Tuesday, April 19, 2016

PRESENT: Dr. Alan Woodward, Chairman
Jack Bergman
Ray Considine

Susan G. Rask, Public Health Director
Karen M. Byrne, Administrative Assistant

OTHERS: Thomas Amoroso; Richard Reine, Public Works Director; Bill Renault,
Public Works Engineer; Mike Webster, LSP, Geolnsight, Inc.; Philip
Swaim, FinCom

1. Dr. Woodward opened the meeting at 7:00 p.m.

2. Discussion - Installation of Private Water Supply (Pcl: 2322 - Knox Trail)

Public Works Director Richard Reine, Public Works Engineer, Bill Renault and Mike Webster, PG, LSP, Geolnsight, Inc. met with the Board of Health regarding the installation of a private water supply well on Parcel #2322 - Knox Trail Road, the site of the proposed Town of Concord Bus Facility.

Public Health Director Rask informed the Board that well permits (drinking and/or irrigation well) are routinely issued by Health Department staff without a hearing unless a variance; however, staff had some concerns relative to issuing a private drinking water permit without review by the Board of Health and without certain conditions added to the any permit issued due to the unique lot constraints in that this parcel of land was once part of the former WR Grace site (currently an EPA Superfund site) in Acton and within close proximity to the former Nuclear Metals, Inc., site in Concord (currently an EPA Superfund site).

Pertinent Regulatory Authority and Guidelines

Massachusetts DEP Private Well Guideline's state: "...where possible, wells should be located up gradient of potential sources of contamination. Wells should not be located between a potential source of contamination and an area where groundwater discharges to the land surface.....It should be kept in mind that contaminants can be transported great distances through fractured bedrock and groundwater flow in the overburden may not be in the same direction as in the bedrock."

Concord Board of Health Regulation 7.00, "Minimum Sanitation standards for Private and Semi-Public Water Supplies, Section 7.04, Well Construction Permit.....property owner must submit: a description of visible prior and current land uses within two-hundred feet of the

proposed well location which present a potential sources of contamination, including but not limited to the following.... (f) Any other potential sources of pollution”

Concord Board of Health Regulation Sections 7.04(4); Section 7.05 and Section 7.07¹

Background and Comments

The Public Health Director provided a brief overview/summary of a detailed memorandum² to the Board of Health relative to the installation of a private well on parcel #2322 off Knox Trail to serve the Town of Concord’s proposed bus depot and maintenance facility. As previously explained the parcel is located in the Town of Acton and was once part of the WR Grace Superfund site. In her memorandum, Ms. Rask outlined the historical data indicating this parcel had been impacted by the migration of volatile organic compounds (VOC’s) in overburden shallow bedrock from WR Grace (located to the north and west). She said that groundwater flow in the project area was to the east and southeast, toward the Assabet River.

The Public Works Department indicated that the proposed well would only be utilized for use in sinks, toilets, showers, maintenance activities and power washing the school buses. It plans to construct the private well as non-potable (not for drinking water purposes); there will be approximately 3-5 employees based at the new facility and all drinking water for employees will be provided via bottled water. However, Ms. Rask expressed concerns about potential exposure, albeit remote, that an employee could be exposed to contaminants via use of the sinks, showers or during power washing activities. She also noted that although the physical building is located within the Town of Acton it will NOT provide municipal water to the site.

Therefore she was recommending that the Board only consider approving the installation of the well with specific conditions that she would elaborate on following Mr. Webster’s presentation outlining the project and field work that had been conducted thus far to ensure this was the best scenario for the getting water to the site.

Discussion

Mike Webster, PG, LSP, GeolInsight, Inc. presented an overview of pertinent information relative to installation of a private water well supply on Parcel #2322 for the new proposed bus facility. Mr. Webster reiterated that it would be a non-potable well to address the water needs for sinks, toilets, showers, maintenance activities and power washing. All drinking water for the facility will be via bottled water provided by the Town.

Mr. Webster reviewed a memorandum³ he provided to Public Works Director Richard Reine outlining the water quality of the existing site basically recapping what PHD Rask had previously explained to the Board. He said that he anticipated the well would be drilled very deep into the bedrock and that the water source used would not be contaminated and would meet all required drinking water quality parameters. As an added precaution, he advised that

¹ CBHR 7.00 “Minimum Sanitation Standards for Private and Semi-Public Water Supplies”

² Memorandum to BOH from PHD- Informational Packet April 2016

³ Memorandum to Richard Reine from GeolInsight dated 3/11/16

the town would include a liquid-phase carbon treatment to remove any VOC's as a component of the water system. Mr. Webster also noted that in addition to the required water quality sampling in Concord's local regulation, the construction contract for the well would include sampling for VOC's, and 1-4 dioxane on a quarterly basis for the first year to ensure consistent and acceptable water quality.

Following a lengthy discussion and exchange of information, Jack Bergman moved that the Board of Health APPROVE the permit for the installation of a private well on parcel #2322 Knox Trail Road contingent upon the following conditions:

1. The well is not intended to be used as a source of drinking water and all employees shall be instructed not to drink the water. An alternative source of water (bottled water) will be provided to employees for drinking.
2. As required by CBOH Section 7.07 Water Quality Testing Requirements, CPW shall provide the results of the initial water test of the well. Results for all parameters shall not exceed Maximum Contaminant Levels for public water supplies, as listed in 310 CMR 22.00. If any contaminants are found above these standards, CPW must present a plan for how these contaminants will be remediated to meet drinking water or other acceptable standards prior to the well being placed into use.
3. If initial testing of the well water demonstrates the presence of VOCs, the Town of Concord or its designee shall install, operate and maintain a liquid-phase carbon treatment unit (or equivalent) to remove VOCs as a component of the water system.
4. During the first year of use, the well shall be tested quarterly for VOCs and 1, 4-dioxane. Results of testing shall be reported to the Board of Health in a timely manner.
5. After the first year of use, the well must be tested a minimum of twice yearly for VOCs and 1, 4-dioxane in source water prior to the water treatment unit (if installed). If VOCs are detected at levels above drinking water standards prior to the water treatment unit, post-treatment testing for VOCs will be required to determine that VOC levels in treated water meet drinking water standards. Results of all testing shall be submitted to the Board of Health in a timely manner.
6. If any contaminants of concern are found in the future above drinking water standards or other safe limits, the Town of Concord or its designee shall either remediate these contaminants to meet drinking water or other acceptable standards, or implement alternative sources of water. The Board of Health may order that use of the well be discontinued if acceptable water quality standards cannot be met.
7. All faucets/sinks in the building(s) must be labeled "Water Not Intended for Drinking" to ensure employees do not use the water for drinking.

8. CPW shall provide a memorandum to the Board of Health identifying alternative sources of water that will be provided if contaminants above the drinking water or other acceptable limits are found in the future and cannot be remediated to meet acceptable limits.

Ray Considine seconded it. All VOTED in favor to approve.

3. **Septic Betterment Loan Program**

Preliminary Approval for Betterment Lien

A loan application for the following property was reviewed and processed by the Health Department's Administrative Staff. Acting as its' Agent, the Assistant Public Health Director reviewed the Title 5 inspection report and confirmed that the system was in failure:

- 24 MacArthur Road (\$30,000)

Jack Bergman moved that the Board vote to find the onsite sewage disposal system on **the above listed property to be a public health nuisance per MGL, CH !!!, S., 127B and 127 B ½** and to authorize the initial betterment lien assessment not to exceed \$30,000 to be filed at the Registry of Deeds. Mr. Considine seconded it. All VOTED in favor.

4. **Town Meeting 2016 - Article 45 "Prohibiting Polystyrene in Food Service Ware "**

Public Health Director Susan Rask informed the Board that although the Public Works Recycling Coordinator will be responsible for enforcing the newly approved Town Meeting Bylaw prohibiting Polystyrene in Food Service Ware, the Town Manager was interested in designating the Board of Health as the entity that would consider exemptions from the bylaw. She advised that via conversations and email correspondence⁴ with Marcia Rasmussen, Director of Planning & Land Management, Mr. Whelan did not want to designate the town staff responsible for enforcement to consider waivers due to a potential or perceived conflict of interest. The Town Manager thought that the Board of Health already had the ability to consider and review a wide variety of "environmental-oriented exemptions and waivers" and could review them during its routine meeting schedule.

Board of Health members noted that during previous meetings and discussions it had previously asked that guidelines be written out by both the proponent of the article, as well as the Town Manager's office in anticipation that some part of this "recycling" bylaw would find its way back to the Board of Health. Dr. Woodward and Ray Considine both reiterated previous

⁴ Email correspondence dated 4/19/16 - Marcia Rasmussen to Public Health Director Rask

assurances by Scott Richardson and his supporters that they had lists of comparable materials and cost analysis for the Town to consider and reviewed by whatever entity was tasked with the waiver process. To date, the Board was not aware that information was available. Mr. Considine asked again how other communities with similar bylaws dealt with this issue.

Ms. Rask said this bylaw was largely taken directly from one that was passed by the City of Brookline a few years ago. She stated that during the first year every single food service establishment requested a waiver hearing before the Board of Health because it was simply too cumbersome and expensive for the business owners to achieve full compliance (unless they had already been inclined to do so or were doing so). Since that time, the Brookline Health Department has hired a part-time employee whose sole purpose is to enforce and review compliance for this issue.

Board members acquiesced that it was unlikely that additional Town resources would be utilized for that purpose, hence its strong belief that it would be appropriate for the Town and business owners if a task force representing all affected parties (businesses, staff, experts in plastics recycling and alternatives) be considered with a clear charge of reviewing the types of materials available

Consensus was that all involved would benefit if a task force appointed for a limited period and a clear directive to study alternatives of non-polystyrene products paying particular attention to costs and how businesses may be impacted; examine the life cycle cost and environmental benefits of alternative products; conduct public outreach to food service establishments about the alternatives. With that information in hand, waivers could be considered in a well thought out manner and with sufficient material to back up any decision that was rendered. Board members also felt that the task force should develop clear criteria to assist the Board in determining what circumstances would constitute “undue hardship” and are valid basis for granting waivers.

Alice Kaufman, Selectmen and BOH liaison stated that she would convey the Board’s concerns to the Town Manager as well as its request for a task force, although she noted that at this time, both the Selectmen and Mr. Whelan were a bit leery of doing such. Dr. Woodward suggested that the new Board of Health Chair stress the point as well at the next Chair Breakfast.

Following a lengthy discussion, the Board of Health agreed that it would be much more inclined to accept responsibility for the process of reviewing and granting waivers from the newly adopted “Bylaw Prohibiting Polystyrene in Food Service Ware” if a task force was appointed and it provided the information discussed previously. The Board directed the Public Health Director to draft a memo on its behalf to the Town Manager stating such.

5. Re-Organization of the Board

It is customary for the Board of Health elect a new Chairperson either in April or May (before or the meeting following Town Meeting). Historically, the Board of Health rotates the chairperson's role so that each member services twice during their tenure and it routinely coincides with a Board member fulfilling his/her first year on the Board. Due to extenuating circumstances, in the past few years, it has been difficult because members have not been able to fulfill their terms and the Board has not always had its full compliment. Dr. Woodward's term expires May 31st and although the Town Manager (to Dr. Woodward's knowledge) had interviewed one potential candidate, when he leaves there will still be a vacancy (due to Tom McKean's resignation and election to Select Board).

Following a brief discussion, Ray Considine nominated Jack Bergman to serve as Chairman for the upcoming year. Dr. Woodward seconded it. All VOTED in favor.

The Board reviewed the 6 green cards for potential candidates that were forwarded by the Town Manager/Selectmen's office. Following a brief discussion, it asked PHD Rask to contact the Town Manager and recommend that he consider the green cards of the candidates that had medical, science and nursing backgrounds.

All three members present said they would be reaching out to town residents with legal backgrounds encouraging them to consider completing a green card to serve on the Board of Health. Jack Bergman said he would also reach out at the Chair Breakfast as Dr. Woodward had been for the past few months. All were in agreement that it was important for the Board of Health to have a member with legal expertise.

6. Staff Reports

Signage Town Playing Fields

In January, after many meetings, the Board voted and approved draft language for any signage that may be installed on town playing fields (which was forwarded to the Town Manager and School Departments). Public Health Director Rask requested clarification as to whether the Board of Health wanted a formal request to be put forth to the Town Manager and/or School Committee recommending signs be installed on the playing fields.

Following a brief discussion, Jack Bergman made a motion that the Public Health Director draft a formal request to the Town Manager and School Committee respectively that signage be placed on all the playing fields in town with the following language:

Field Precautions

1. Be aware that on hot days the temperature may be higher on synthetic turf fields than on natural turf. On hot days on all fields, use caution, take frequent breaks and increase hydration.
2. After playing on the field, wash hands and face before eating or drinking.
3. Minimize potential for skin abrasions by wearing appropriate protective equipment and treat abrasions promptly to prevent potential infection.
4. At the end of play on synthetic turf fields, dust clothes and clean or remove shoes to avoid tracking crumb rubber of the field.

Ray Considine seconded it. All VOTED in favor.

7. Minutes & Board Calendar

The Board reviewed and discussed the minutes from the February 15, 2016 meeting. Ray Considine moved to approve as submitted. Jack Bergman seconded it. All VOTED in favor.

There were no changes to the Board calendar. The next meeting is scheduled for May 17, 2016.

8. Additional Public Comments

There were none.

The meeting adjourned at approximately 9:30 p.m.

Board of Health
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April 19, 2016

Respectfully submitted by,

Karen M. O’Keefe-Byrne, Administrative Assistant
Concord Board of Health

Dr. Alan Woodward

Jack Bergman

Ray Considine