

Acton Board of Health

October 18, 2010

Members Present: Mark Conoby, Chairman, Bill McInnis, Vice Chairman, Joanne Bissetta, Member, Dr William Taylor, Member and Michael Kreuze, Associate Voting Member.

Staff Present: Justin Snair, Environmental Health Agent and Isabel Roberts.

Others Present: Mr. and Mrs. Napoli, Mr. J. Hannaford

The meeting was called to order at 7:35pm

Minutes

On a motion made by Mr. Kreuze, seconded by Mr. McInnis, the Board unanimously voted to approve the Board of Health minutes dated September 13, 2010, as amended.

27 SCHOOL STREET, UNIT 3 – HOUSING APPEAL

Mr. Snair informed the Board that the Health Department received notification from Mr. Richard Hooker, stating he would like to withdraw his request for an appeal.

On a motion made by Mr. McInnis, seconded by Ms. Bissetta, the Board unanimously voted to continue until re-occupancy.

PETER FELLOWS – APPOINTMENT AS AN AGENT OF THE BOARD OF HEALTH

Mr. Snair informed the Board that Mr. Fellows is currently interning at the Health Department, and in order to conduct inspections, the Health Department is requesting the Board appoint Mr. Fellows as an agent of the Board.

On a motion made by Mr. McInnis, seconded by Dr. Taylor, the Board unanimously voted to appoint Mr. Fellows as an agent of the Board of Health, with the condition that his appointment run concurrently with employment with the Town of Acton.

114 NAGOG HILL ROAD – INOVATIVE ALTERNATIVE USE TECHNOLOGY

The Health Department is in receipt of a request for approval of I/A Technology Use (Singular Model 960 in accordance with Renewal of Certification for General Use issued by MA DEP dated January 2, 2013) to allow for the installation of an on-site subsurface sewage disposal system at 114 Nagog Hill Rd. Installation of the proposed system will allow for an increase in daily flow from 220 gpd to 440 gpd.

Mr. Snair informed the Board that residential systems less than 2,000 gpd., the SAS size required by 310 CMR 15.242, LTAR: Effluent Loading Rates can be reduced by 50 percent provided that a system in compliance with 310 CMR 15.000 exists on site or could be built and for which a site evaluation in compliance with 310 CMR 15.000 has been approved by the local approving authority or by DEP if DEP approval is required by 310 CMR 15.000. The applicant is requesting the following:

SAS Required: 1100 Sq. ft.

SAS Provided: 600 Sq. ft.

Mr. Snair does not recommend approval of the request due to the previous submittal of a fully compliant plan without the use of Singular Technology.

The Board discussed concerns regarding the mandatory reporting requirements that innovative alternative systems like Singular have. Mr. Snair noted that full reporting compliance has not been achieved with previous Singular systems installed in the Town of Acton. Due to the mandatory reporting requirements and the Board's recommendations, Mr. Snair further recommended the use of general Conditions for Use of Alternative Systems, provided that conditions are met.

The Board also questioned if there are any wells within 100ft of the proposed system. Mr. Hannaford reported that setbacks to wells have been met and no related variances have been requested.

On a motion made by Mr. Kreuze, seconded by Dr. Taylor, the Board unanimously voted to approve the use of I/A Technology, Singular Model 960 in accordance with Renewal of Certification for General Use issued by MA DEP dated January 2, 2013, with the following conditions:

1. The system shall, at all times, be maintained in compliance with the most recent Renewal of Certification for General Use, W140901, issued by MA DEP, dated January 3, 2008
2. All control panels, including alarms shall be mounted in a location accessible to the operator of the system and secure from tampering.
3. Throughout its life, the System shall be under an operation and maintenance (O&M) agreement. An O&M contract shall be required prior to installation of the system and must specify the following:
 - The name of an operator, which must be a Massachusetts certified operator as required by 257 CMR 2.00 of an appropriate grade that will operate and monitor the System
 - A system inspection schedule of not less than once per year and anytime there is an alarm event.
 - The operator shall be responsible for submittal of inspection reports within 30 days to the local approving authority.
4. Prior to the issuance of Certificate of Compliance a note, indicating use of Innovative/Alternative Technology for onsite wastewater management, shall be added to the Master Deed for the property.
5. System inspections shall be done in compliance with 310 CMR 15.000, and shall be submitted to the Health Department by both System Operator and owner of record.

Adjournment

On a motion made by Mr. Kreuze, seconded by Mr. McInnis, the Board unanimously voted to adjourn at 8:30PM.

Respectfully Submitted,



Isabel Roberts, Health Secretary
Acton Board of Health



Mark Conoby, Chairman
Acton Board of Health

**Town of Acton
Board of Health**

Meeting Agenda

**October 18, 2010
Acton Memorial Library
7:30 p.m. – 9:00 p.m.**

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7:30

**27 School St, Unit 3 – Appeal
Housing**

7:45

Peter Fellows – Swearing in as an agent

7:55

114 Nagog Hill Road – I/A Use

Minutes

September 13, 2010



INTRADEPARTMENTAL COMMUNICATION

Acton Board of Health - Telephone (978) 292-6632

TO: Board of Health
FROM: Health Dept.
RE: I/A Technology Use Approval
DATE: October 13, 2010

The Health Department is in receipt of a request for approval of I/A Technology Use to allow for the installation of an on-site subsurface sewage disposal system at 114 Nagog Hill Rd. Installation of the proposed system will allow for an increase in daily flow from 220 gpd to 440 gpd.

Request:

Use of Singlair Model 960 in accordance with Renewal of Certification for General Use issued by MA DEP dated January 2, 2013 (see attached)

Local Approval pursuant with 310 CMR 15.287 (7) General Conditions for Use of Alternative Systems.

The Health Department has reviewed the submitted plan and finds the following:

1. For residential systems less than 2,000 gpd., the SAS size required by 310 CMR 15.242, *LTAR: Effluent Loading Rates* can be reduced by 50 percent provided that a system in compliance with 310 CMR 15.000 exists on site or could be built and for which a site evaluation in compliance with 310 CMR 15.000 has been approved by the local approving authority or by DEP if DEP approval is required by 310 CMR 15.000.
2. Applicant requests the following:
 - SAS Required: 1100 Sq. ft.
 - SAS Provided: 600 Sq. ft.

The Health Department does not recommend approval for the following reasons:

- 1) A plan proposing a fully compliant system has been provided for the property. Unless full compliance with the provision of 310 CMR 15.00 is shown to be manifestly unjust, maximum feasible compliance should be provided.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

RENEWAL OF CERTIFICATION FOR GENERAL USE
Pursuant to Title 5, 310 CMR 15.000

Name and Address of Applicant:

Siegmund Environmental Services, Inc.
49 Pavilion Avenue
Providence, RI 02905

Trade name of technology and model numbers: Norweco Singulair Model 960 and 960 DN
(hereinafter the "System").

Transmittal Number: W140901
Date of Issuance: May 10, 2002, Renewal January 3, 2008
Expiration date: January 2, 2013

Authority for Issuance

Pursuant to Title 5 of the State Environmental Code, 310 CMR 15.000, the Department of Environmental Protection hereby issues this Certification for General Use to: Siegmund Environmental Services, Inc., 49 Pavilion Avenue, Providence, RI 02905 (hereinafter "the Company"), certifying the System described herein for General Use in the Commonwealth of Massachusetts. Sale and use of the System are conditioned on and subject to compliance by the Company and the System owner with the terms and conditions set forth below. Any noncompliance with the terms or conditions of this Certification constitutes a violation of 310 CMR 15.000.

Glenn Haas, Acting Assistant Commissioner
Bureau of Resource Protection

January 3, 2008
Date

I. Purpose

1. The purpose of this Certification is to allow the use of the System in Massachusetts on a General Use basis.
2. With the necessary permits and approvals required by 310 CMR 15.000, this Certification authorizes the installation and use of the System in Massachusetts.
3. The System may be installed on all facilities where a system in compliance with 310 CMR 15.000 exists on site or could be built and for which a site evaluation in compliance with 310 CMR 15.000 has been approved by the local approving authority or by DEP if DEP approval is required by 310 CMR 15.000. This Certification for General Use does not allow the use of the System on facilities for nitrogen reduction in a Department designated nitrogen sensitive or limited area as defined in 310 CMR 15.214 and 15.215.
4. The System is approved for use at facilities with a maximum design flow less than 10,000 gallons per day (GPD).

II. Design Standards

1. The System consists of a three-compartment extended aeration wastewater treatment system contained in a concrete tank. The first chamber is the primary settling area with a baffle transport to prevent solids from entering the second compartment. A blower operating on 30 minutes on – 30 minutes off cycle aerates the second chamber promoting aerobic digestion. The third chamber contains the Bio-Kinetic unit and serves as a clarification and filtration area. If a re-circulation pump is installed, it shall be located in a chamber placed immediately after the discharge from the third chamber. The re-circulation pump is operated on the same timer mechanism as the aerator motor. Schematics of the System, with and without the re-circulation pump, are attached to this Approval.
2. The System shall be installed between the building sewer and the distribution box of a standard Title 5 system as constructed in accordance with 310 CMR 15.100 – 15.279, subject to the provisions of this Certification. The use of a septic tank is not required.
3. System(s) installed in series or parallel are permitted for use at facilities with a maximum design flow of less than 10,000 GPD. System units are approved for use in accordance with the following table:

<u>Model</u>	<u>Maximum Design Flow per Unit</u>
960 & 960 DN	500 GPD
960 & 960 DN /750	750 GPD
960 & 960 DN /1000	1,000 GPD
960 & 960 DN /1250	1,250 GPD
960 & 960 DN /1500	1,500 GPD

4. New Construction less than 2000 gpd: For residential Systems less than 2,000 GPD, the SAS size required by 310 CMR 15.242, *LTAR: Effluent Loading Rates* can be reduced by 50 percent provided that the facility is not located in an area described in Section I, item 3 and complies with the requirements of Section IV, item 3.
 - a. Systems with a 50 percent reduced SAS shall include an effluent pressure distribution system designed in accordance with Department guidance.
5. New Construction 2,000 gpd to less than 10,000 gpd and all non-residential facilities: No reduction in SAS field size is allowed under this approval.
6. Access shall be provided to all tanks in the System in accordance with 310 CMR 15.228 (2). Septic tanks and Systems with integrated septic tanks and settling compartments shall have at least three manholes with readily removable impermeable covers of durable material provided at grade. Two manholes, over the inlet and outlet, shall have a minimum opening of 20 inches. All access ports and manhole covers shall be installed and maintained at grade to allow for maintenance of the System.
7. The control panel including alarms shall be mounted in a location accessible to the operator of the System.

III. General Conditions

1. All provisions of 310 CMR 15.000 are applicable to the use of this System, the Owner and the Company, except those that specifically have been varied by the terms of this Certification.
2. Any required operation and maintenance, monitoring and testing shall be performed in accordance with a Department approved plan. Any required sample analysis shall be conducted by an independent U.S. EPA or DEP approved testing laboratory. It shall be a violation of this Certification to falsify any data collected pursuant to an approved testing plan, to omit any required data or to fail to submit any report required by such plan.
3. The facility served by the System, and the System itself, shall be open to inspection and sampling by the Department and the local approving authority at all reasonable times.
4. In accordance with applicable law, the Department and the local approving authority 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 or the environment.
5. The Department has not determined that the performance of the System will provide a level of protection to public health and safety and the environment that is at least equivalent to that of a sewer. Accordingly, no System shall be upgraded or expanded, if it is feasible to connect the facility to a sanitary sewer, unless as allowed pursuant to 310 CMR 15.004.

6. Design and installation and use of the System shall be in strict conformance with the Company's DEP approved plans and specifications and 310 CMR 15.000, subject to this Certification.

IV. Conditions Applicable to the System Owner

1. The System is certified in connection with the discharge of sanitary wastewater only. Any non-sanitary wastewater generated and/or used at the facility served by the System shall not be introduced into the System and shall be lawfully disposed of.
2. The Company or its designee shall conduct an intended use review of the System prior to the sale of any nonresidential unit or any System over 2,000 gpd to ensure that the proposed use of the System is consistent with the unit's capabilities.
3. New Construction less than 2000 gpd: For residential Systems with a design flow less than 2000 GPD, the System owner initially shall size the SAS in accordance with 310 CMR 15.242 to demonstrate that a conventional Title 5 SAS, including a reserve area, can be installed on the site. The System owner can then reduce the size of the SAS as calculated in 310 CMR 15.242 by 50 percent. No additional reduction in sizing based on innovative technology shall be taken. The total area required in the initial sizing, which must include the area designated for the System and the primary and reserve area, shall be preserved and the System owner shall ensure that no permanent structures, excluding the System and 50 percent reduced SAS, or other structures are constructed on that area and that the area is not disturbed in any manner that will render it unusable for future installation of a conventional Title 5 SAS.
4. Operation and Maintenance agreement:
 - a. Throughout its life, the System shall be under an operation and maintenance (O&M) agreement. No O&M agreement shall be for less than one year.
 - b. No System shall be used until an O&M agreement is submitted to the local approving authority which:
 - i. Provides for the contracting of a person or firm trained by the Company as provided in Section V (5) and competent in providing services consistent with the System's specifications, with the operation and maintenance requirements specified by the Company and the designer and with any specified by the Department;
 - ii. Contains procedures for notification to the Department and the local approving authority within five days of knowledge of a System failure, malfunction or alarm event and for corrective measures to be taken immediately; and

- iii Provides the name of an operator, which must be a Massachusetts certified operator as required by 257 CMR 2.00 of an appropriate grade that will operate and monitor the System.
 - iv For residential Systems installed with a 50 percent reduced SAS the operator must inspect, field test and maintain the System at least every six months in accordance with the Departments policy and anytime there is an alarm event. For residential Systems installed with a standard sized SAS the inspections and field testing shall be conducted at least once per year. The Department's policy, *Inspection and Sampling in Title 5 I/A Single Family Home Remedial and General Use Treatment Systems with Design Flows less than 2000 GPD*, dated January 1, 2006, can be obtained at <http://mass.gov/dep/water/laws/policies.htm#t5pols> (Title 5/Septic Systems Policies).
 - v For all other Systems 2,000 GPD or greater, and non-residential Systems the operator must inspect, field test and maintain the System at least every three months and anytime there is an alarm event.
5. The System owner shall at all times have the System properly operated and maintained in accordance with this Certification, the designer's operation and maintenance requirements and the Company's approved procedures. The System owner shall notify the Department and the local approving authority, in writing, within seven days of a change in the operator.
 6. The System owner shall provide a copy of this Certification, prior to the signing of a purchase and sale agreement for the facility served by the System or any portion thereof, to the proposed new owner.
 7. The System owner shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
 8. By September 30th of each year, the System owner shall submit to the Department and the local approving authority an O&M and technology checklist, completed by the System operator for each inspection performed during the previous 12 months.

V. Conditions Applicable to the Company

1. By January 31st of each year, the Company shall submit to the Department, a report, signed by a corporate officer, general partner, or Company owner that contains information on the System for the previous calendar year. The report shall state: the number of units of the System sold for use in Massachusetts during the previous year; the address of each installed System, the owner's name and address, the type of use (e.g. residential, commercial, school,

institutional) and the design flow; and for all systems installed since the first issuance of Certification for the System, all known failures, malfunctions, and corrective actions taken and the address of each such event.

2. The Company shall notify the Director of the Watershed Permitting Program at least 30 days in advance of the proposed transfer of ownership of the technology for which this Certification is issued. Said notification shall include the name and address of the proposed owner containing a specific date of transfer of ownership, responsibility, coverage and liability between them. All provisions of this Certification applicable to the Company shall be applicable to successors and assigns of the Company, unless the Department determines otherwise.
3. The Company shall develop and submit to the Department within 60 days of the effective date of this Certification: minimum installation requirements; an operating manual, including information on substances that should not be discharged to the System; a maintenance checklist; and a recommended schedule for maintenance of the System consistent with the Department's requirements essential to consistent successful performance of the installed Systems.
4. The Company shall make available in printed and electronic format the referenced procedures and protocol, in paragraph 3 directly above, to owners, operators, designers and installers of the System.
5. The Company shall maintain a program of designer and operator training and continuing education, as approved by the Department. The Company shall maintain and annually update, and make available the list of qualified operators by January 31st and make the list known to local approving authorities, the Department and to users of the technology.
6. The Company shall furnish the Department any information that the Department requests regarding the System, within 21 days of the date of receipt of that request.
7. The Company shall include copies of this Certification and the procedures described in Section V(3) with each System that is sold. In any contract executed by the Company for distribution or resale of the System, the Company shall require the distributor or reseller to provide each purchaser of the System with copies of this Certification and the procedures described in Sections V(3).
8. Notwithstanding the expiration date of this Certification, any System sold and installed prior to the expiration date of this Certification, and approved, installed and maintained in compliance with this Certification (as it may be modified) and 310 CMR 15.000, may remain in use unless the Department, the local approval authority, or a court requires the System to be modified or removed, or requires discharges to the System to cease.

9. The Company or its designee shall conduct an intended use review of the System prior to the sale of any non-residential unit or any System over 2,000 gpd to ensure that the proposed use of the System is consistent with the unit's capabilities.
10. The Company shall comply with 310 CMR 15.000 and all the Department policies and guidance that apply and as they may be amended from time to time.
11. If the Company wishes to continue this Certification after its expiration date, the Company shall apply for and obtain a renewal of this Certification. The Company shall submit a renewal application at least 180 days before the expiration date of this Certification, unless written permission for a later date has been granted in writing by the Department. This Certification shall continue in force until the Department has acted on the renewal application.
12. Notwithstanding the expiration date of this Certification, any System sold and installed prior to the expiration date of this Certification, and approved, installed and maintained in compliance with this Certification (as it may be modified) and 310 CMR 15.000, may remain in use unless the Department, the local approval authority, or a court requires the System to be modified or removed, or requires discharges to the System to cease.

VI. Reporting

All notices and documents required to be submitted to the Department by this Certification shall be submitted to:

Director
Wastewater Management Program
Department of Environmental Protection
One Winter Street - 5th floor
Boston, Massachusetts 02108

VII. Rights of the Department

The Department may suspend, modify or revoke this Certification for cause, including, but not limited to, noncompliance with the terms of this Certification, non-payment of any annual compliance assurance fee, for obtaining the Certification by misrepresentation or failure to disclose fully all relevant facts or any change in or discovery of conditions that would constitute grounds for discontinuance of the Certification, or as necessary for the protection of public health, safety, welfare, or the environment, and as authorized by applicable law. The Department reserves its rights to take any enforcement action authorized by law with respect to this Certification and/or the System against the owner, or operator of the System, and/or the Company.

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