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DATE March 26, 1988  
Barbara Brown  
CLERK, ACTON

ACTON BOARD OF HEALTH  
MINUTES OF MEETING  
September 8, 1987

Before formal opening, Dan Costello asked Doug Halley to also sign any contracts executed henceforth.

Board members present: Daniel Costello, Charlotte Sagoff, George Emmons, Richard Oakley, Associate member Cam Amos. Staff present: Doug Halley, Director, Carol Holley, secretary.

The minutes of the August 18 meeting were reviewed. Mr. Emmons moved to accept the minutes as corrected. Mr. Emmons seconded. All voted in favor.

The minutes of the August 25 meeting were reviewed. Mrs. Sagoff moved to accept the minutes as corrected. Mr. Emmons seconded. All voted in favor.

The minutes of the September 1 meeting were reviewed. Mr. Oakley moved to accept as amended. Mrs. Sagoff seconded. All voted in favor.

7:40 p.m. Review of correspondence. Mr. Halley noted that the health Department will have Rainbows (computers) that will be tied into the Minivacs at the Police Dept. via modem. Mr. Costello expressed his problems with setting up the initial program and then expanding the program gradually. Mr. Halley stated that the first thing is to create the data base and then create more programs so that this data base will be utilized. Mr. Costello asked if the software contractor had a copy of the original septic management program as outlined by Mr. Costello at a previous date. A review of the total septic management program, Mr. Costello felt, needed to be done before the programmer actually starts the work. Mr. Emmons and Mr. Oakley noted that the Town officials should review this program and submit a critical design review. A critical design review and determining the needs of the Health Department was noted as something the programmer should deal with. Messrs Emmons, Stephens and Amos will help to deal with this matter.

A letter to Robert Kimball at DEQE was reviewed. Mr. Costello noted that the notice that people should defer pumping needs to be countermanded. Maintenance pumping should be done now while we have a disposal site. Mr. Halley disagreed, citing that we should not try to create a situation in Upper Blackstone where they would be inundated with septic from all the Towns.

Mr. Emmons moved that until we are notified in writing by DEQE that we are to refrain from pumping, that Acton pump as usual for maintenance. Mr. Oakley seconded. All voted in favor.

Mr. Costello noted that mixed messages are being received from pumpers, especially Dufours, who was pumping in Acton and setting up a relationship with the Leominster treatment facility. Mr. Halley noted that reciprocal Board of Health will give permission on paper for septic disposal in Towns that have a facility.

8:08 p.m. John Murphy, Harvard Court Apartments

After extensive discussion regarding a state of emergency and potential liabilities involved with emergency repairs, Mr. Murphy elected not to reopen his request for declaration of an emergency. The pollution problems with Ice House pond due to nitrates from failing systems in that area were noted by Mr. Murphy. It was suggested that Mr. Murphy contact DEQE himself regarding variance approval and the staff were also asked to look into the matter.

8:24 p.m. Request for variances, 767 Main Street.

This was noted to be a three bedroom residence. The variances involved were for perc rate and square footage. The variance required had to do with spacing between trenches. It was noted that the perc rate was good but site problems existed due to required setbacks from several wells. Mr. Oakley asked about hooking into Town Water, but it was felt inappropriate to require abutters to do so. Mr. Costello asked about designing this system using leaching pits, and Mr. Halley related that he remembered Mr. Wirtanen telling him pits were not allowed in an aquifer zone. Mr. Costello stated that pits, by state standards, were the preferred method. Depth to groundwater was noted as 8 feet in June. It was felt that pits might be too close to groundwater. It was noted after some discussion that the variances requested were actually for setback and spacing between trenches. The location of the water main and nature of the hydrant were discussed. It was noted that this system is to be pressure dosed. Mr. Emmons asked about increasing square footage, which Mr. Halley felt was not possible.

Mr. Halley further stated that the proposed repair system is much better than the old system. The two variances requested are to Acton Article 11, Section 15.10 and 15.1. 15.1 requires minimum square footage, and 15.10 requires a certain spacing between trenches. Mr. Costello asked that the water main be indicated on the plan. Mr. Emmons moved to grant variances to Acton Rules and Regulations 15.1 and 15.10 subject to mapping the water main on the plan and subject to the conditions previously imposed by the granting of a special permit. Mr. Oakley seconded. Mrs. Sagoff, Mr. Oakley and Mr. Emmons voted in favor. Mr. Costello abstained.

8:15 p.m. Nu-C Electronics, review of plan for a package septic treatment plant. Messrs. Caldwell and Gray presented a diagram, described the methodology employed, and gave a history of prior operations of this facility. It was noted that this is DEQE approved, and it had been operating on an experimental basis in Barnstable at one time. A mobile demonstration plant is being constructed. The Board asked about the possibility of a demonstration, and the capacity of the demonstration plant. It was noted that the results of this treatment facility can be tertiary treatment with compostable sludge. The resulting discharge was avowed to be drinkable. The timeliness of the presentation due to the septic hauling crisis was noted. It was suggested that Messrs Caldwell and Gray present this matter to Eric Durling of the Engineering Department and to SEA Consultants as a possible alternative to the long-term septic solution. Location of the plant was discussed as a problem, and whether it should be discharged into a subsurface facility or stream outlet. The cost of a system with capacity to serve Acton was stated to be

about \$750,000. This will treat about 20,000 gallons per day. Messrs Caldwell and Gray offered to submit further material on the operation of the treatment plant, including copies of studies done for Barnstable. They stated they would take up this matter with Mr. Durling in the near future.

9:27 p.m. Variance Request, 21 Faulkner Hill Road. Bettie Noble.

It was noted that no percs were done due to moistness of the soil. A variance from the perc requirement was requested. The many factors dictating the limits of the design were noted. Perc rate was assumed at 25-30 mpi. Title 5 design criteria were used. Mr. Emmons asked why the soils were that wet. Mr. Halley noted the high groundwater in the area and the repair system was to be built to the maximum extent. Mr. Emmons asked where on Faulkner Hill this site was. Mr. Halley stated that this was on the top, and the breakout ran down the hill onto abutting property on Main Street. The variance from 15.03(4) of Title 5 was reiterated, and Mr. Halley noted that the original percs were noted to be in the teens. A definite maximum groundwater level was not known. Due to the moistness encountered it was assumed maximum groundwater was about 3 feet. After some further discussion Mr. Emmons moved to grant a variance from 310 CMR 15.03(4) subject to the condition that the property be immediately tied into the sewer system as soon as the mains are installed and ready for connections. Mr. Costello noted that all these circumstances are why Faulkner Hill was in the sewer zone. Mrs. Sagoff asked if this repair would keep the water from flowing down to Main Street. Mrs. Sagoff seconded the motion. Mr. Emmons, Mr. Oakley, and Mrs. Sagoff voted in favor. Mr. Costello abstained.

9:31 p.m. 10 Faulkner Hill Road. Request for variance for percolation rate from Acton Rules and Regulations, 11-15.1. There was additional concern regarding groundwater at the side of the house. It is proposed that a monitoring well be placed for groundwater and if the groundwater is too high, an interceptor can be installed. Mr. Dolan noted that a 7 foot hole was dug at the side of the house and they found no groundwater. This spring, the water was running just below the field. Mrs. Sagoff moved that the variance be granted with the note of installation of a monitoring well, which will be checked in the next high groundwater season. Mr. Oakley seconds. Mr. Costello abstained, all others in favor.

9:37 p.m. Pumpers Association. Mr. Dolan, President.

Mr. Dolan noted that the pumpers had met with Rick Dunn, Bill Gamm and Tom McCann at DEQE. He stated a lot of people did not want to be quoted on something, but there was a very strong feeling that on September 23, Greater Lawrence will be presented with a proposal for opening the facility to outside haulers. There is a good possibility that this will come back on line at the end of 30 days. In order to transport septage through the streets of any community, however, a permit from the Board of Health needs to be issued and the North Andover Board may not issue that permit. The pumpers' counsel has indicated that this requires only notification and not permission to transport septage to a Town. Apparently, results of the testing done at Greater Lawrence to date do not prove anything regarding septage. It appears that several things could cause the odors, including the rate at which they load

the incinerators, the fuel to sludge ratio, etc. One problem already solved was that they had installed "rainhats" on the chimneys which forces the smoke from the incinerators back down. DEQE felt it was not necessary for Greater Lawrence to shut down to outsiders. Mr. Dolan noted that the Town may have more awareness (meaning N. Andover) now about what was going on. The pumbers went through the residential district on their convoy, and the policy department cooperated in expediting the parade. Mr. Dolan noted that the line of trucks was of such length that the front could not see the back or the back see the front. "It was awesome," related Mr. Dolan. Mr. Dolan has submitted a suggestion to DEQE that a backup system be set in place. It was noted that, should the Andover Board of Health prove recalcitrant, the pumbers' counsel was under orders to take agressive action - if it takes a suit, a suit will be filed. Mr. Dolan noted that the haulers contributed a significant portion of the budget for the treatment facility, and the other towns serviced by Greater Lawrence will lose that money as well. The pumbers do not want to create a bad environment, but there is no data to indicate that they are the cause. The equipment at Greater Lawrence has been working for 10 years, and they have requisitioned a new incinerator.

Mr. Costello asked how the pumbers would feel about Acton pursuing its own septage treatment facility. Mr. Dolan felt it would depend a great deal on what was proposed for the septage facility. If it were designed on an engineering and environmental standpoint it would be acceptable. Mr. Dolan noted that it took 11 years to get the Maynard facility to work. To build a facility on the banks of the Assabet River that did not work would be a tragedy, quoth Dolan.

Mr. Rodenheiser stated he would like to see something done. It would probably be better, he felt, to have something done on a regional basis. There are several Towns, he noted, that have this problem. The obstacle is seen to be that Massachusetts is a home rule state and there are communities that are intent on sending their problems somewhere else, so the problem never gets solved. Mr. Rodenheiser thought DEQE said that day that they have the wherewithal to set up septage districts and provide funding. They have the authority to go into a region, but they have never considered it because of the siting. The legal and moral responsibility, interjected Mr. Ratta, was not something DEQE wished to bear. Mr. Ratta had noted that Acton was always responsible for its own, and stated that the track record of the lagoons was good, except that current standards would require more treatment. Some sort of carrot has to be devised for the pople who have a waste treatment facility in their area. Then the siting won't be such a major problem. Siting a treatment plant in a town is one method of keeping the tax base as low as possible for residents.

It was noted that apparently DEQE has the authority to stop you from doing something but they don't have the authority to tell you to do something. The pumbers now feel that they have somebody's attention and coupled with the political atmosphere, they feel it appropriate timing to try to get something done now. Mr. Costello asked if alternatives will still be pursued after Greater Lawrence reopens. Mr. Dolan said yes, and Mr. Ratta noted that it should be done legally. The pumbers know that the interactions have been helpful and effective and have brought out awareness of the legal aspects of this matter. Mr. Dolan noted that since N. Andover is a sewer district you do have to deal with a Board of Health.

Mr. Ratta noted that DEQE will send out their interpretation that every community must deal with its own waste. This interpretation will be in the form of a letter directive, and a questionnaire is to be sent out to Boards of Health. Mr. Rodenheiser noted that the closing of Greater Lawrence has been good for their organization.

Mrs. Sagoff noted and Mr. Dolan agreed and Mr. Costello clarified that this brings the matter out to the citizens. Mr. Dolan related that not one person in the State House would talk to the pumpers' delegation. The Governor's office called one pumper on his truck phone. Mr. McMann stated that they were told not to go to the Governor's office, and recognized that DEQE had walked away from the problem several years ago, but now realizes that a problem exists and will work with the industry, and this in itself is a significant statement. Mr. Costello noted that you just have to keep at this. A situation in Bellingham in 1981 was noted.

Mr. Dolan noted that DEQE seems to be looking for a river discharge for treatment facilities. Mr. Ratta stated that 96% of the Blackstone River is class B effluent, and it is swimmable. The Board thanked the pumpers and wished to be kept up to date.

Acton's permitting process was noted as not good for out of town pumpers by Mr. Rodenheiser. Mr. Costello told them that Upper Blackstone bills the Town. The politics and finances were related and understood. The pumpers related that DEQE had discussed administrative fines against them. and they stated that they wished to be sure all was in order before acting.

Mr. Ratta asked that the pumpers be notified when other facilities became legal for use, noting that to date Upper Blackstone appeared to be the only approved facility. Mr. Halley related that certain pumpers had relationships with Fitchburg and Leominster facilities. There was a question as to whether or not a treatment plant could make an agreement with a private contractor, and whether or not this denoted compliance with Title 5 provisions on intercommunity agreements. After heated discussion, the Board of Health stated that only Upper Blackstone currently has an intercommunity relationship with Acton as far as they could determine, and pending clarification from Town counsel, all pumpers were to discharge Acton waste at Upper Blackstone. It was noted that the Upper Blackstone directors were to sign the Acton contract and return it on September 9. The pumpers left.

10:37 p.m. Triple A Market. Special Permit Request. This matter was tabled by motion of Mr. Emmons and seconded by Mr. Oakley. Mr. Costello did not abstain; all voted in favor.

10:41 p.m. Variance request, 31 Central Street, Septic repair.

It was noted that this site perced at over 30 mpi, and there was no reserve area provided on the plan. Various site peculiarities were discussed. Mr. Costello expressed concern that perc tests were abandoned after 30 mpi had been exceeded and felt that they should certainly be observed to see just what the perc rate was. This was to enable designers to utilize EPA manual criteria. Mr. Oakley asked if pressure dosing would help extend the life of

the repair system. Mr. Costello replied that it probably would. Mr. Oakley moved to grant the requested variances provided the system is pressure dosed to provide better distribution. Mrs. Sagoff seconded. All voted in favor.

10:57 p.m. Redstone Condominiums.

Mr. Costello asked about a progress report on water leak exploration. Mr. Halley related that the department had not heard from Redstone. Mr. Costello emphasized that, as a study was being done on the area to determine suitability for sewerizing, it was imperative to determine the exact problem with the Redstone site and he wished for exploratory measures to be expedited. This area may need to be reevaluated. Any leaky pipes need to be closed off and the current leach bed needs to be evaluated. Per query of Mrs. Sagoff, Mr. Costello stated it is time to put pressure on Mr. DeFeo to expedite.

10:28 p.m. Informal discussion on the effect of the Marshall well on private wells, and possibly the aquifer, in North Acton. Possible reevaluation of hydrogeological conditions was considered.

11:05 p.m. Mrs. Sagoff moved to adjourn. George Emmons seconded. All in favor.

Respectfully submitted,

Carol Holley  
Carol Holley, Sec'y

Signed and approved,

Daniel Costello  
Daniel Costello, Chairman

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