

BOARD OF HEALTH MINUTES
Town Building- Health Dept. Office
November 4, 2019

The meeting was called to order at 7:00 p.m., present were John G. Schuler, M.D, (JS), Susan Green (SG) Brian McNamara (BM) and Robert DeFrancesco, DMD (RD). Also present were Julia Junghanns (JJ), Director of Public Health and Patti White, Department Assistant.

7:00 p.m. Public Comments- There were none

7:05 p.m. Alta at River's Edge - Ben Gould, LSP, LEP, CMG Environmental, Inc.

Mr. Gould was hired by the Town to provide a Licensed Site Professional (LSP) review of the available environmental investigation reports and documents related to the history of the site and potential environmental contamination. Mr. Gould is here this evening to review the Environmental Report he prepared dated November 4, 2019. In his review, Mr. Gould focused on the October 2012 "Phase I Environmental Assessment & Phase II Limited Site Investigation" prepared by Tighe and Bond (T&B) (and initiated by the town), and the August 7, 2019 "Phase I Environmental Assessment & Phase II Limited Site Investigation" report Vertex Companies (initiated by the developer/project proponent). Additional documentation can be found on the web pages for the Town Planner's office and the Mass DEP "Waste Site & Reportable Releases" search page was used as well.

JJ: In April of this year (2019), Onsite Engineering and the project proponents/developers provided a presentation of the project due to the variances that were required for the new Wastewater Treatment plant. During the presentation, there was discussion regarding the hydrogeo and scope of work and the fact that we did not have a final report on the environmental investigation/study. The Board wanted to learn more about the environmental findings/conditions and be copied on the environmental report(s) once received by town. The 2019 Phase I and limited Phase II investigation reports were completed and provided to the town. Mr. Gould, as the LSP, is here to discuss the reports, review his report, and answer any questions. The Planning Board is hearing the project tomorrow night and will be reviewing some of the most recent changes with the project. The plans will be presented to the ZBA next week with request for waivers.

The 8/7/19 Vertex assessment was a follow up of the Tighe & Bond (T&B) October 2012 investigation. Mr. Gould felt the Vertex assessment was a more in-depth investigation of potential areas of contamination.

T & B test pits from 2012 (12 in the stock pile), found asbestos piping which was just observed; no testing. XRF was used in the firing range area for lead levels. Vertex had a more detailed report on the stock pile, they excavated 39 test pits. 16 soil borings with 6 completed as monitoring wells, 6 soil vapor points and 21 shallow soil samples from the firing range area. (t & B 3) Vertex identified several 120 day reportable conditions during the LSI investigation.

There are reportable conditions, exceedances that are reportable to MassDEP. The category used is RCS-1, GW 1, most sensitive soil exposure. The reasons for a category 1 are related to residential areas/ playgrounds, productive aquifer area/groundwater for drinking water. This site area is identified as a productive aquifer area.

Page 3 vertex identified a number of reportable conditions.

- 1) Soil samples from test pits in the soil stockpile exhibited TPH (total petroleum hydrocarbon) above the allowable standards.
- 2) 12 test pit soil samples exhibited exceedances of one or more PAH (polynuclear aromatic hydrocarbons).
- 3) Two test pits soil samples exhibited exceedances for total lead.
- 4) One groundwater sample exceeded reportable soluble arsenic.

- 5) One groundwater sample exceeded soluble nickel.
- 6) Four groundwater samples exceeded the standard for ammonia
- 7) 4 shallow soil samples from the firing range exceeded total antimony.
- 8) Four firing range soil samples exceeded for total copper
- 9) Six firing range soil samples exhibited exceedances for total lead.

Mr. Gould also mentioned that he believed Vertex should have considered the floor drains within site building as a REC. The lead levels in 7 of the 21 soil samples from the firing range identified leachable lead, which will require removal and proper disposal as a hazardous waste rather than a remedial waste. Field screening of the 6 soil vapor points did not have a DEP reportable condition, but are of concern for potential future vapor migration into the planned residential buildings.

The location of this project site is in a potentially productive aquifer area. Due to this location and designation as a "potential groundwater aquifer", testing requirements are more stringent, GW-1 RCS-1, for "most sensitive soil exposure".

The stockpile was discussed, and what to do with it. The waste classification analysis, and rcs1 standard DEP methodology for petroleum was used. They tested for ammonia, and 4 groundwater samples tested positive. As expected the soil testing samples from the firing range area exceeded limits for copper and total lead testing.

The town owns the property and they have 120 days from the time they were notified of the situation to report any reportable conditions to MassDEP. When they were notified is not known, the Vertex report was dated August 7, 2019 which puts December 4th as the 120 days from the date of the report.

The Planning Board is hearing the project tomorrow night, and then the project will be presented to the ZBA with waivers requests. At this time they are requesting comments and feedback.

Ben G: The reporting entity is BOS or Town Engineer. The town engineer had reported the asbestos findings 2 years ago, when the asbestos (uncontrolled and potentially friable) was seen in the stockpiles and the amount observed was estimated to be in exceedance/reportable and required a 2 hour reporting. BG: Regarding the 120 day conditions; the Town has 4 months to notify the State of the findings (reportable conditions) and within 1 year they must do 1 of 3 options; 1)- file a permanent solution which means; describing/explaining what the problem was, explaining what was fixed/and how it was fixed 2) report a downgradient property statement which means it's "not our fault" report the 3rd party involved and study to a degree sufficient to report and file with DEP for investigation 3) Study to a sufficient level and then file with DEP for investigation. It is Vertex specifically who may rely on this report.

BG: The Vertex report specifically stated who (Wood Partners, WP East Acquisitions, LLC) could rely on this report. The report further states, anyone else relies on this report at their own risk. Mr. Gould recommends the Town get a reliance letter for the Town, as is suggested.

JS: are these serious? If this is to be a residential property will there be a cleanup? BG: the lead levels in firing range are quite high, that will need to be cleaned, T & B estimated size of area to be cleaned to be 450 cubic yards.

JJ: Can you give your opinion regarding the total petroleum hydrocarbons (TPH) (bullet #1 page 3) is that ok to leave as is on the site? Is material going to be removed? BG: DEP rules on acceptable levels, EPA levels allow unlimited use of materials, and existing levels are low enough to be acceptable.

BG: The lead levels in the firing range are quite high. Lead contaminated soils are hazardous waste, and very expensive to dispose of. There are a couple of options, remove (as a hazardous waste) or impose a notice of activity and use limitation (deed restriction). A more affordable option might be to use for asphalt batching.

Most of the groundwater issues are migrating from the landfill, soluble nickel, soluble arsenic and possibly ammonia exceedances in site groundwater, also, methane. Field screening was done and the gas meter does not measure methane. Measurements were done by T&B and they found levels as high as 29% LEL. This site is close to Sudbury Landfill and Sudbury will need to do routine methane testing, they have been made aware. Will methane mitigation be necessary? At 10% LEL, it is not high enough for Town of Sudbury to mitigate but if over 25% they have to notify MassDEP. I presume that repeated elevated levels would need to be addressed, but now it is lower, a bit away from T & B high reading. We need to pay attention to methane levels, but the only underground structure is the parking garage. To prevent migration a vapor barrier can be used under the buildings. The underground garage is the only area that is below grade (based on current plans). JS: was there test for radon? BG: They did not test for radon. BM: A commercial building requires a radon mediation system.

JJ: had some questions on page 3 regarding poly nuclear "PAH" comments? Arsenic is a concern for solubility.

BG: PAH's have 17 target compounds, 7 are carcinogenic; it is common to have those. It is in a very low range, and is not unusual for a site with urban fill. Soluble arsenic was identified at 29 ppb in one well, the state standards, for drinking water and groundwater are 10 ppB. There were questions about the infiltration area of the septic and would it have an impact? With the septic proposed, at 80% capacity, the mound overall flow would be to the east, NNE because of the mound. There was a well with elevated arsenic, 28 PPB. If there was concentration mounding may help with the distribution of any contaminants.

JS: Do you check the river to see if there is contamination? BG: well there is certainly mercury in the River, there are DEP rules of when you have to check. Neither Vertex nor T&B have done sediment testing, it is further than DEP recommends. For hazardous materials, above gw3 and within 500' then you have to test sediments. JJ was inquiring regarding the site plan and where the test well is with respect to where the stormwater drainage is. JJ pulled out the full site plans for everyone to review. SG: The CMG opinion is on the last page, town will do a RAM plan to assess and address soil issues, not as concerned on groundwater issues, suspect, town will notify DEP and they will issue tracking number, following the MCP plan process, and a letter with required response actions.

JJ: Regarding testing of manganese –vs- mercury; the T&B 2015 groundwater testing plan shows wells that were sampled; two were marked as Sudbury property, one was not found, and one tested frequently, on Town property. They found elevated arsenic in a Sudbury monitoring well, nothing else reportable was found. Staff reviewed wastewater treatment reports in March 2008, there had been testing for metals at 6 wells and they found manganese (above second problem for drinking levels) suddenly mercury numbers were looking like the elevations that they were having for manganese. It appears that they may have flipped the numbers, so now there is something in the reports for mercury. Recent testing for manganese and mercury were performed and both tests did not find any mercury; it is believed this was a transposing of numbers. All tests were done not the same 6 wells. JJ: the well where the mercury was reported was located?

JJ: With cleanup is this site ok for residential, do you think there is a situation or something to be further looked at? BG: The stockpile of road debris was the biggest issue to be addressed, after asbestos was found in there. It has been cleaned and is no longer an issue. The next issue is the firing range with the high lead levels. T&B tested with a screening instrument. The Vertex investigation was more detailed, and they had more detailed/reportable data. T & B took samples at depths of 1 foot and 2-4 feet. All samples were screened and there were no high numbers in the 2-4 foot depths. This was clearly surface contamination from the shooting range. JJ: We have the hydrogeology report, stormwater report and now the environmental reports; all reports were done and reviewed by different companies. Is there a planned review of all these pieces together including the site plan? No one has looked at the hydrology or the big picture (all pieces together). There will

be a lot of water going into this site including storm water and wastewater, and there is a lot of information on the environmental contamination issues from the Phase I and Phase II investigations. I discussed this with Conservation Administrator, Linda H and Town Engineer Paul B and we agree there is a need for someone to look at all the pieces as a whole. This report just came out and it will trigger a response, the BSC Group stormwater report came out 10/31 (this will be peer reviewed) and we expect a reply from that as well.

DEP will get the Environmental reports as well, all reportable info must go to DEP within a given timeframe. The solid waste division will probably be looking at this report as part of their review in addition to the Wastewater Division.

JS: Are they building a WWTP or will they use the Town Center WWTP? JJ: An Idea has been raised a number of times by the Town Engineer, to pump the waste from the project site down Rt. 20 to the town center WWTP for treatment and return to the River's Edge site to discharge into the ground. JS: what is the capacity of the WWTP? JJ: The WWTP has capacity to treat the effluent from River's Edge and then send it back to be discharged into the leaching system at the site (using a groundwater discharge permit). The WWTP at town center does not have ability to pump more treated wastewater into the River. We referenced the memo from David Formato of Onsite Engineering regarding changes in design.

8:15 p.m. Review and discuss Sample Regulations Restricting the sale of Tobacco

JJ: There is a lot happening, many towns are looking at various differing options and scenarios of the sample regulations. Sudbury has banned flavored tobacco to adult only stores but did not restrict MMW products, if approved the State bill may be banning MMW products. We are curious about the Board's opinion of the various types of flavor restrictions? Blunt flavored wraps were not included in our previous regulations (2014). Does the Board have interest in slowly reducing the number of Tobacco Permits in town? We presently have 14 Tobacco establishments (down from 15), we have ability to review numbers of permits available, as written in the regulation. BM: Two of the permits are the 2 Country Clubs that just sell cigars, can those be set up as limited permits (cigars only?). If that happened, we would have 12 full permits with 2 seasonal for cigars only. JJ: The regulations allow for the board to vote, at a meeting, to restrict and/or change the number of Tobacco permits to be allowed at a meeting. Sandy Burr CC is open year round for functions and have patio for outdoor cigars smoking.

BM: Motion to change the number of Tobacco establishment permits from 15 to 14 (as there are now) second SG: vote all in favor 4-0.

JJ: Based on Cheryl's recommendation, we should refresh our designation of Wayland Police Department staff to do Tobacco Compliance checks, acting as an agent of the BoH. The Police just did compliance checks/tobacco sting and we issued a \$300 fine to one establishment for selling tobacco to someone under 21. BM: Motion to allow the Wayland Police act as an agent of the BoH to do tobacco compliance checks. Second SG vote 4-0 all in favor.

JJ: I will check for a recording of the vaping program done by Youth and Family Services. Our primary concern is flavors. SG: We don't know how fast the state will act on their ban. JJ: If we restricted flavors to adult only stores and then set number of stores at 0, we may be facing lawsuits. SG: Our primary concern is kids having access at stores. We could start drafting regs that we can review. BM: We should wait to see what the State will be doing at the end of the moratorium.

8:30 p.m. Potential Housing violation at 10 Shore Drive.

There are storage issues there, the Fire Chief and JJ went by to check on house. We are aware that the owner's roommate moved out of state and there were concerns about the conditions deteriorating since her departure. The roommate had been helping to keep the property up. They were hoping the owner would allow access for JJ and Chief, however, she did not allow access. JJ: We are concerned as she is a senior, living alone, with pets.

Recent fire code gives authority to Fire Chief for concerns for ingress and egress. She has agreed to work with the Chief on a plan, through elder services, Chief is setting up a meeting with the homeowner and elder services. We are keeping watch over the situation.

Board Email - Dr. DeFrancesco and Brian McNamara need to get their passwords set to start using their town email accounts. The Town is requiring all Boards and Committees use their town email accounts, as a Public Records Request for their personal email could allow for full disclosure of their private email account.

Next meeting date, December 9th? If needed we could do November 25th Brian will meet with Darren and Julia on the 21st to review septic regulations.

8:45 p.m. Brian McNamara has left the meeting.

JS: Is there an update on the High School WWTP, it was in the report to TA dated 9-22-19. JJ will invite Town Engineer Paul Brinkman to come in and speak to the board regarding the report.

SG: we are involved as we are overseeing public health. JJ: We permit the WWTP and they have been pumping the system and operating this as a tight tank. MassDEP allowed this situation as a temporary solution, not long term.

October 7, minutes

SG: motion to approve the minutes of 10/7/19 as amended. Second RD all in favor 3-0

Director's Report- verbal

The office has been very busy with flu clinics, at the final clinic of October 30, we vaccinated another 340 people. With the new computerized program the flow of people has been very smooth. Office staff has been busy with building and septic permits along with several housing investigations. Julia is managing the Title 5 track for the upcoming MHOA conference. The 3 day conference is a great way for Health and other professionals to get the educational credits needed for their professional licenses. Julia has also signed up for Foundations of Public Health (a popular program people in local public health are encouraged to take), this is a part classroom instruction/partial self-directed educational program and there will be 3 classes to attend. SG: I enjoyed attending the MAHB conference last week; particularly liked climate change planning, Fire Dept. grant, when administrating, look at public health. MAHB new handbook coming out next month,

JJ: As a reminder, Dr. Soslow and Susan Green will be up for re-election next spring.

9:15 p.m. Motion to adjourn, second JS: vote all in favor 3-0

Respectfully submitted

Patti White

Department Assistant

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