



**TOWN OF BOURNE
BOARD OF HEALTH
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Cynthia A. Coffin,
Health Agent

**MINUTES
February 23, 2011**

Members Present: Kathleen Peterson, Chairperson; Stanley Andrews, Vice Chairperson; Galon Barlow and Don Uitti. **Members Absent:** Carol Tinkham

Support Staff: Cynthia Coffin, Health Agent, Carrie Furtek, Health Inspector and Kathy Burgess, Secretary

Call to order: Meeting called to order at 7:00 P.M.

- 1. Pocasset Mobile Home Park-Update on Attorney General's Receivership Motion and Discuss and Possible Vote regarding non-compliance with license conditions.** Ms. Peterson informed the audience members, many of whom were residents of the Mobile Home Park, that the Superior Court had approved the Attorney General's Motion for Receivership and had appointed Attorney Charles Sabbatt as the receiver. Ms. Peterson stated that Atty. Sabbatt had a good reputation and from everything she had heard about him, she believed that he would do a good job for the Park Residents. One Park resident was concerned that the wording on the decision said 'temporary' but Ms. Peterson stated that all receiverships are temporary. She asked the Park residents to give Atty. Sabbatt some time to get acclimated and also told them that Attorney Sabbatt would be in contact with them to explain rent payment. Ms. Coffin told the residents that Tracy Triplett of the Attorney General's office asked her to tell them not to mail their rent checks to Donald May or Mr. Austin and that they would indeed now go to the receiver. Several of the residents thanked the Board for their efforts. Ms. Peterson said that the Board would wait to hear from Atty. Sabbatt before any action was taken on the temporary license, its conditions, and the fines already placed on Mr. Austin. No further action was taken.
- 2. Landfill updates-** Dan Barrett for ISWM made a presentation to the Board members. First item for discussion was an update on odors. ISWM has received

five odor complaints since the Board's last meeting on January 19, 2011. Most were from the Brookside area. In December and early January the landfill was still making adjustments to accommodate the addition of the new wells and the horizontal collector. In late January they noticed a reduction in the vacuum on the new horizontal collector and adjustments were made to rectify the situation. Last Thursday they excavated the water traps on the system and found that they were watered-in, thus sealing off the vacuum. ISWM installed a larger sump that can be pumped out with a vacuum truck to quickly remove the excess water in the area. The vacuum truck can now be used to get a vacuum on the horizontal collector. Mr. Barrett stated that the excess moisture is due to the above average precipitation this winter and this may continue to be a problem but will be managed accordingly. Mr. Barrett went on to say that the DPW and ISWM had problems with their phone lines since the middle of January. Verizon has been out to the site last week to make final repairs and service has been fine since. The problem with the phone lines may have caused some problems with the odor reporting hot line. Mr. Barrett then went on to discuss the North Slope capping project. The contractor, ET & L, has not been able to work due to the weather conditions since January 21, 2011. They did assist with the sump installation last week and hope to be back on site the first week of March or as soon as possible. Mr. Barrett stated that there are generally no odor issues associated with the North End of the landfill. They are starting to see gas production in this section, however. Mr. Barrett said ET & L has only been able to connect two of the nine vertical wells installed so they are anxious to get back to work. Mr. Barrett then discussed the Phase ID Reclamation Project which was started back on Feb. 7, 2011. SITEC is monitoring for odors and inspecting the excavated waste for unacceptable materials. SITEC has a full time Field Technician on site. There have been no reported odors from that project. Finally Mr. Barrett stated that construction of the main haul road from the east side of the landfill to the current working face along the east slope of Phase 1 ABC is complete. He anticipates the closing of the southern access road by the middle of next week. Mr. Barlow wanted to make sure that the integrity of the landfill cap would be maintained. Mr. Barrett put up a map of the landfill so that he could show the Board the areas he was speaking about. He showed all the areas being capped and the location of the nine vertical wells that were being installed. The horizontal collector is key since there are gas wells in the abutting areas. Closing of the southern access road will allow them to fill in the valley created by the road and runoff and will enhance drainage controls from the working face. Mr. Barlow stated that he was very concerned about the unlined retention ponds and how that might affect groundwater quality. He feels that it defeats the whole purpose of having a double composite liner landfill by having unlined leaching ponds on the site. Mr. Barrett stated that there are monitoring wells down gradient of the retention area and there are no indications of any contamination. He stated that 90% of the water that fills the pond is non-contact water. Mr. Barlow said that having the retention areas unlined was a problem. Mr. Barrett again said that the monitoring wells allow them to monitor the situation and that; again, most of the water is non-contact water. Mr. Barrett stated that even when leach ate contaminated the

drainage area last year, it was promptly pumped from the retention area and there were no detections in the monitoring wells. Mr. Andrews stated that once the road is closed off there should no longer be issues with run off from that area. Mr. Barrett stated that the ponds are not lined because they are recharge ponds and the water is designed to go thru them. He reiterated that the monitoring wells are in place to protect groundwater. It was mentioned that members of the Landfill Working Group were in the audience. Mr. Barrett then went on to speak about Future Projects. He showed the Board members on the photo map of the landfill site the areas within the 25 acre parcel that are being considered for leasing for alternative technologies. One is a large 6-7 acre section. Mr. Barrett stated that there is an existing section in the working landfill piece where photo-voltaic panels could be put into the cap, but this technology needs to be looked at a little more. Other technologies being discussed are anaerobic digestion and co-composting. Mr. Barrett stated that in 2004 a Landfill Working Group was created to discuss co-composting. In 2008 the same issues were raised and the Group once again was looking at technologies and future uses of the site assigned land. Now the Landfill Working Group is in its third iteration. The goal is to develop a workable RFP to lease areas of land on the 25-acre site assigned parcel. One important thing that has to happen before the RFP's can be issued is to consider changes to or seek clarification about the Town Charter and the site assignment of the 25-acre parcel. Questions have to be asked about tonnage allowed, necessary permits, space issues, traffic concerns and other requirements before any RFP's can be released. Mr. Barrett stated that Town Counsel was asked for his opinion on the existing site assignment and Charter language as it might relate to any requests for considered alternative technologies. Mr. Barrett has provided the Board members with a copy of that opinion. As a result of the opinion, the Selectmen are pursuing language changes for the Town Charter, which will be on the Town Meeting warrant. The new language will clarify that the Board of Selectmen will set policy decisions for the direction of ISWM that are consistent with the Board of Health Site Assignment. There still are questions of how the site assignment conditions would apply to various technologies and whether some technologies might be excluded based on the existing Site Assignment language. ISWM would like feedback from the BOH regarding allowable uses on the 25-acre parcel prior to the issuance of an RFP so that vendors will know whether to respond or not. He described other areas within the active landfill where some alternative technologies are being considered. There are two viable technologies that will most likely be considered. One is the anaerobic digestion of source separated food waste. The food waste breaks down and forms methane. The gas must then undergo combustion. The State Solid Waste Master Plan does not support burning or gasification of MSW but will support processes related to source-separated waste such as wood and food. Another technology is the gasification of biosolids. An upcoming problem for Cape Cod and other areas is what do to with waste from waste water treatment plants. The material that comes off the digesters, after it has been settled out and semi-dewatered, is hauled off the site and some of it gets land applied, some gets burned, and some gets landfilled. Mr. Barrett stated that there are several

questions that need to be answered by the Town before any RFP's can go out.

Question 1 is: 'Does the BOH site assignment on the 25-acre parcel allow for the acceptance and management of source separated organics, including composting and anaerobic digestion? Mr. Barrett stated that the Board members need to decide if this process falls under the definition of waste handling and waste processing. He went on to say that during the process methane and CO₂ will be created. Accelerated composting would take place inside a building. One of the options would be to combust the resultant gases. Compost will also be an end result and 15% or less would go back into the landfill. Town Counsel, Bob Troy, has stated that combustion is not allowed on the 25-acre parcel, but Mr. Barrett said the gas could be piped to the other side of the landfill and burned in a power plant to generate electricity or could be sold to National Grid, who is looking to convert it to pipeline quality gas. Mr. Barlow asked if Mr. Barrett was talking about using it as a fuel to heat water to run a turbine or will internal combustion engines be used to generate electricity. Mr. Barrett stated that they would be looking at generating electricity from internal combustion engines. Mr. Barlow said that neither the Board nor the state has had any problems with internal combustion engines. Ms. Peterson stated that she wanted to keep the discussion on track. Mr. Andrews summarized by saying that Mr. Barrett was trying to find out if the Board felt that source separated organics are consistent with the general policy of handling waste on the site. Mr. Barrett replied yes. Mr. Barlow stated that he felt it was a site specific and project specific question. Mr. Andrews stated that we have to look at the process and that later on the Board would review any specific proposals. Ms. Peterson stated that she wants to see the RFP process move forward but wants the Board to reserve the right to issue a formal decision due to the newness of the technology. Mr. Barrett stated that after the RFP stage, when any vendor is selected, an engineering plan will be done and then that plan will be brought before the Board of Health to approve, disapprove, or modify. The Board members discussed this question and finally voted unanimously that the acceptance and management of source separated organics, including gasification and anaerobic digestion would be allowed under the present site assignment.

Question #2 – Does the BOH site assignment on the 25-acre parcel allow for the acceptance and management of biosolids, including the processes of gasification and anaerobic digestion? Mr. Barrett stated that the Board would have to consider biosolids as solid waste in order to be in line with the current site assignment. Mr. Barrett said that solid waste is defined in the solid waste regs but it is difficult for even DEP to set a definition. There are places in Massachusetts that call sewage sludge solid waste and actually dispose of it in landfills. Mr. Barrett is not suggesting that we landfill the material. Ms. Peterson reiterated the question and what was actually being asked of the Board. Ms. Peterson has a few questions. She spoke about Attorney Troy's decision regarding what is allowed under the current site assignment. She does not feel that handling biosolids comes under the present site assignment. She still wants to go forward but feels that the Board needs more information to help the Board understand the issue. She believes that the Board could modify the site assignment if this were necessary. Mr. Barlow stated that the Board looked at co-composting of biosolids before and

there never was any question. Mr. Barrett stated that this was true and that it was assumed that biosolids would be allowed. Mr. Barlow doesn't think that we should change our feeling on biosolids at this time. Ms. Peterson is still concerned because we have a decision from Town Counsel to the contrary. The Board members agreed that it was and that the present site assignment would allow for this type of process. The Board members voted favorable on Question #2. Mr. Barrett then proposed **Question #3** – Does the BOH site assignment on the 25-acre parcel allow for the gasification of materials (other than mixed MSW), including biosolids and wood? Ms. Coffin asked how question #3 was different from question #2. Mr. Barrett stated that it only introduced the idea of gasification of wood waste. The Board members decided that this type of process could also be allowed under the present site assignment and voted favorable on question #3. Mr. Barrett proceeded to **Question #4** – Does the BOH site assignment on the 25-acre parcel allow for the combustion of gases produced on the site by various technologies, or from gases piped to and/or stored on the parcel that are necessary for operation of allowable technologies, including biogas (CH₄ or methane), natural gas from a pipeline (CH₄), propane and syngas(CO and H)? Mr. Barlow stated that he would like to know what DEP considers combustion and asked Mr. Barrett to come back to the Board with more information on that. The Board members therefore voted 'no' on question #4. **Question #5**– Does the BOH site assignment on the 25-acre parcel allow for the conversion of gases, such as syngas (CO and H), into saleable products through chemical processes such as Fischer-Tropsch? Mr. Barrett stated that this process is considered wood gasification but there is no combustion. The syngas is converted to biofuels and waxes. Mr. Barlow made a motion of yes to #5 since the conversion is not combustion and the site assignment does not specifically exclude this type of process. Mr. Andrews seconded the motion. The vote was 4-1 to answer #5 favorably. Mr. Barrett addressed **Question #6** – Does the BOH site assignment on the 25-acre parcel allow the generation of electricity, and production of waxes, kerosene or other saleable products that may be produced by proposed technologies as part of their business model? Mr. Barrett stated that some proponents of these technologies want to be able to run generators using the gases created for their own internal use. The Board felt again that they would like to hear what DEP felt about this type of process and what DEP would consider combustion in this case. Mr. Barrett stated that he would get a decision from DEP and would come back to the Board. Mr. Andrews stated that the Board would probably consider modifying the present Site Assignment based on the information they received from DEP. The Board then voted to say no to question #6. Mr. Barrett stated that he would get to the Board with information from DEP but that the Board's positive votes on 1-3 and 5 would at least let them begin to get RFP's out on the various technologies. Mr. Barrett then moved on to issues that had been raised regarding possible violation on the landfill site. Mr. Barlow stated that he had reviewed the documentation submitted and found that, in general, except for when SEMASS had their boiler issue and the landfill found itself in the position of taking extra waste so it wouldn't be out on the streets, the landfill basically did not have exceedances of their tonnage, which was 825 tons

per day. Mr. Barlow made a motion to waive any fines or penalties for any tonnage overages since the landfill now has a good handle on the issue and is maintaining their tonnage limits. Mr. Andrews seconded that motion. It was unanimous. Mr. Barrett stated that he had already spoken about the odor issues relative to the issues with the gas collectors. The final issue was water runoff. Mr. Barrett said that with work on the new road that the problems should be eliminated.

3. Approval of minutes dated January 19, 2011. Ms. Peterson made a motion to APPROVE the minutes. Mr. Andrews seconded the motion. It was unanimous to approve.

4. **Other business.** Ms. Peterson asked Ms. Burgess to relate the phone conversation she had had with Mr. Austin of the Pocasset Mobile Home Park. Ms. Burgess stated that Mr. Austin had questioned who had told Bill Gilpin to come to the Park to pump the leaching area and Ms. Burgess had stated that she believed it was the Attorney General's office. She asked Mr. Austin if he wanted Tracy Triplett's number but he responded with an expletive and seemed very agitated. Ms. Peterson then went on to say that for safety reasons she did not want either Ms. Coffin or Ms. Furtek out at the Park alone until Attorney Sabbatt was in charge and running things. There was discussion that the Site Assignment public hearing for Sagamore Truck and Rail would be held on March 2. Also comment on Wind Turbines would be taken at the Board of Health meeting on March 9th. Ms. Peterson asked Ms. Coffin to draft a letter to the applicant and others who might speak on the matter to state that there would be a time limit on any presentation. Ms. Peterson suggested ½ testimonies with 15 minutes for rebuttal but Mr. Andrews said that 3-5 minutes should be given to each person who wanted to speak but that only new information would be allowed. Ms. Peterson agreed. Mr. Andrews said that there would be no hearsay and that only documentation on noise and health effects from said notice would be admissible. The Board is only looking for true data to base the proposed regulations on. It was discussed that there would be a sign up sheet for those wishing to present any testimony. Ms. Peterson stated that 7-8 PM should be set aside for testimony and 8-8:30 PM for public comment. The Board reiterated that it would not be entertaining any redundant information as that was already a part of the record of past hearings. Flicker would be discussed at another separate meeting. Ms. Furtek informed the Board about the new requirement for food allergy training and labeling in restaurants. She told the Board that she had already inspected over half the restaurants and she has had very good rates of compliance although there are still a couple restaurants that she is working with. Ms. Coffin mentioned to the Board members that Town Administrator Guerino had asked her for a letter regarding the moratorium on NSTAR's spraying of herbicides and she sent a letter stating that she and the Board still had concerns about the health effects of the spraying and the potential effects on groundwater and that she supported a continued moratorium on the herbicide spraying.

**Mr. Andrews made a motion to adjourn. Mr. Barlow seconded the motion.
All in favor and the meeting ended at 9:00 P.M.**

Taped by Kathy M. Burgess and Typed by Cynthia Coffin for the Bourne Board
of Health.

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Don Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk

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