



**TOWN OF BOURNE
BOARD OF HEALTH
24 Perry Avenue
Buzzards Bay, MA 02532
Phone (508) 759-0615 x1
Fax (508) 759-0679**



Cynthia A. Coffin,
Health Agent

**MINUTES
April 6, 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 and Kathy Burgess, Secretary

Call to order: Meeting called to order at 6:15 P.M.

- 1. Discuss and Vote regarding final decision on site assignment for Sagamore Truck and Rail.** Ms. Peterson stated that this is the final hearing and determination of decision and statement of finding on Sagamore Truck & Rail's application for site assignment for a transfer station under 50 tons, fly ash only. Ms. Peterson stated that there was an item on page 10 that Mr. Andrews would like Town Counsel, Brian Wall to clarify. Mr. Andrews stated that item *O* on page 10 read: *The extent to which existing solid waste disposal facilities are located within a municipality. Site assignments for new facilities are preferred in municipalities without existing facilities.* Mr. Andrews stated that in their decision it states that the purpose of the existing facility and the solid waste that will be transferred at the proposed site cannot be disposed at Bourne's existing facility. Mr. Andrews wanted to know if it was factual that the material cannot go into the Bourne landfill. Mrs. Gallo stated that they had met with Dan Barrett on this issue but Mirant did not want to go to a facility like the Bourne landfill. Mr. Hanscom stated that it is a liability issue with Mirant and they would rather have it go to a lined landfill as a special waste. Mr. Wall asked if the Board would like to change the word cannot to something else. The Board agreed to leave the wording as it was. Mr. Hanscom stated that he had a few minor comments on the first few pages. The first paragraph under introduction talks specifically about an out of state facility licensed to dispose of fly ash and Mr. Hanscom feels that their intent in the application was to go to an appropriately licensed disposal, reuse, or recycling facility or whatever is legally appropriate and does not necessarily restrict them to an out of state facility. Ms. Peterson asked why would they allow it to be put into another landfill in the State of MA when there is a perfectly good

landfill that can and would accept it if Mirant wanted to do business with them. Mr. Hanscom stated that Bourne is not licensed to accept special waste; the license is to accept Municipal Solid Waste. Mr. Barlow asked if Mr. Hanscom would like it to read to transfer same on trucks for transportation to a facility licensed to dispose or recycle fly ash. Mr. Hanscom stated that he would like the wording to read *to an appropriately licensed reuse, recycle, or disposal facility*. Mr. Hanscom stated that they are talking about fly ash only. Fly ash from the power generated plant on Cape Cod Canal and transfers same onto trucks for transportation to an appropriately licensed reuse, recycle, or disposal facility. Mr. Barlow stated that that would leave the door open if Bourne ever reached the level of being able to take it. Mr. Hanscom stated that if Mirant would agree that is what they would prefer as well. Mr. Wall stated that he would agree with that wording and as long as it's an appropriately licensed facility the Board of Health really doesn't have any say as to whether it's out of state or not. Mr. Hanscom stated that he would like to change the word landfill on page 2 to the wording *licensed off site management facility*. Ms. Peterson read the Decision and Order to the Board on Page 11. (See attached) Mr. Hanscom questioned item #4 which states *the maximum daily fly ash tonnage accepted and transferred at the site assigned area shall not exceed 50 tons per day*. Mr. Hanscom stated that they have not really discussed whether the 50 tons per day was a strict daily number or an average number. Mr. Hanscom stated that often times in this type of situation you have an average number based on five, six or seven days a week. Mr. Hanscom would prefer not to exceed an average 50 tons per day in a five day work week. Ms. Peterson stated that at the last meeting Mr. Hanscom stated that they might be operating seven days a week and if it got busy enough they would have people on 24/7. Mr. Andrews stated that Mr. Hanscom also stated that if the tonnage went up he would come back to the Board to request an increase. Mr. Hanscom stated that he is only talking about 250 tons per week as opposed to 350 tons per week. Ms. Coffin stated that in the application it reads that the maximum capacity accepted in any single day is 49 tons. Mr. Andrews stated that the Board typically looks at tonnage limits as that day's limit and not an average over a certain amount of days. Mr. Hanscom stated that what they are saying is on average they will not exceed 49 tons a day but on a single day they may do 54 and the next day it could be zero or 22. Mr. Andrews stated that the Board has to look at it as a max for the day. Ms. Peterson stated that the application should have stated that they wanted to vary their daily limit if that is the way they wanted to do it. Ms. Coffin stated that no where in the application was it mentioned that it might go over 49 tons per day at any time. Mr. Barlow stated that if they get to a point that they feel they may be going over the 49 tons they can just come before the Board and they can vote to increase it. Mr. Andrews stated that they can request an increase even if it's an emergency situation and something changes drastically. The Board is very understanding about that. Ms. Coffin stated that she has a problem with the fact that their application states that they will not exceed 49 tons per day and they should have brought this up at any of the discussions they have had over the months. Mr. Barlow stated that he would not be supportive of changing it now. Mr. Hanscom stated that he does not consider it to be a

change. Mr. Barlow stated that tonnage is a big change. Mr. Andrews stated that it is Mr. Hanscom's interpretation of the tonnage that is different from the Boards. Mr. Hanscom stated that that is the way DEP interprets it as well as the regulations. Mr. Wall stated that he understands how the applicant got the number but if the Board were to give the applicant what he wants it should read not to exceed an average of 50 tons per day and what he is hearing that is not something that the Board wants to do. Mr. Andrews stated that it would be a disconnect from their decisions in a prior site assignment in the Town. Mr. Wall stated that he used the prior site assignment as a model for the tonnage wording. Ms. Peterson read from a prior site assignment which stated *the maximum daily tonnage accepted at the combined 103 acre site assigned area shall not exceed 825 tons per day*. Ms. Peterson stated that they changed the wording from the previous site assignment to this one by replacing the word solid waste with fly ash and changing the 825 tons to 50 tons and that is how they have done their previous site assignments and agrees with Mr. Barlow that they should not change it. Mr. Hanscom stated that his intention is not to be controversial but all the site assignments he has been involved with have been interpreted as an average day and the discussion becomes are they counting weekends or 24 hours a day. Ms. Coffin stated that if it is less than 50 tons a day it could become 50 and if it becomes 50 it will involve DEP approval. Ms. Coffin believes it should state less than 50. Mr. Hanscom and the Board agreed that the wording should read less than 49. There was general discussion regarding Item # 6 which stated that the applicant will run the facility in strict accordance with the O&M manual revised as of April____ 2011. It was decided that there would be no specific date added and it would be left as April 2011. Mr. Hanscom stated that he would get a revised copy to Ms. Coffin. Mr. Hanscom also stated that on Item #6 he would like it to read potable water supply rather than just the washroom because it could include bubblers or any other connection to a potable water supply. Mr. Hanscom stated that they do not want to have people potentially drinking contaminated water. There was general discussion regarding the wording. Mr. Hanscom stated that they are maintaining the back flow prevention device which is simply to prevent a back flow of any contaminated water into the potable water supply. Mr. Wall read it to the Board to make sure the wording was correct. It read as *installing a backflow prevention device to protect the potable water supply in the building which device shall be maintained in accordance with state plumbing code*. There was general discussion regarding the use of the word potable. Mr. Hanscom stated that the clarification is that the potable water supply coming into the building and then they are going to branch off to other potable water supplies in the building and then the backflow preventor will go off to the hose bibs and other areas. Mr. Andrews stated that that was not correct and typically the backflow device is the first device entering the facility so that nothing from the facility can go back outside. Mr. Andrews stated that his concern was anything from the building getting back out into the street. Mr. Andrews stated that they could put anti suction devices on the hose bibs if they wanted. Mr. Hanscom stated that the way Mr. Andrews is talking he would have to run a separate dedicated service from the public water supply outside the street into the building for the washroom and

the bubblers. Mr. Hanscom stated that he wants to run one main line in and branch off to the bubblers and the wash room on the public water supply side. Mr. Andrews stated that he would like the backflow device on the main line coming in and off of that they can get the bubblers and whatever else they would like. Mr. Hanscom stated that that does not protect the people using the bubblers. Mr. Andrews stated that he is looking to protect the people outside of the facility. Mr. Hanscom stated that he would like to protect both. Mr. Andrews stated that they can put in an additional one to protect the drinking bubblers inside the facility. Mr. Andrews stated that he went over this with Mr. Tribou, the plumbing inspector. Mr. Andrews stated it should be worded as *installing a backflow prevention device for the protection of the public water supply system*. Mr. Andrews stated that anything else Mr. Hanscom may want to do inside could be done with backflow preventors at the hose bibs. Mr. Hanscom stated that anything that would be done would be done with a plumbing permit and the plumbing code officer would be inspecting it. It was decided that item #6 would remain as is except for changing the word washroom to building, adding the word potable in and correcting the spelling error in the word device. Mr. Hanscom and Mr. Wall agreed. It will now read *installing a backflow prevention device to protect the potable water supply in the building which device shall be maintained in accordance with state plumbing code*. Ms. Peterson read item #9 and stated that they had received a letter from DEP which read that DEP was working on the letter that the Commissioner has to approve to grant a waiver of property line setback criteria in 310 CMR 16.00 for the Sagamore Trucking Facility at 845 Sandwich Rd, Sagamore, MA. With that letter they will address additional questions regarding the definition of fly ash and the relationship between fly ash and bottom ash. They anticipate the letter to be signed before the Board of Health meeting on April 13, 2011. It was signed by David Johnson, Acting Deputy Regional Director. Ms. Peterson stated that the site assignment would not go forth until they received the letter from DEP. Mr. Hanscom asked, referencing item #12, if there was an emergency on a weekend who would he contact. Ms. Peterson stated that he could call the police or fire dept. and they would contact Ms. Coffin. Ms. Coffin would then call Mr. Hanscom or the Gallo's. Ms. Peterson stated that Mr. Hanscom would also be provided with the phone number of the Chairperson of the Board of Health. Mr. Hanscom agreed. **Mr. Andrews stated that he believes that the changes they have made tonight are mostly typographical and he would like to make a motion to APPROVE the site assignment as amended in the discussion tonight. Mr. Uitti seconded the motion. All in favor and the motion PASSES.** Mr. Wall stated that he would make the changes and get the final version to Ms. Coffin. Ms. Peterson stated that this should be added to the agenda as signing purposes and they will sign it at the April 13, 2011 Board of Health meeting. Ms. Peterson wanted to publicly thank Brian Wall for doing a great job and also thanked Mr. Hanscom and the Gallo's for making it a smooth process. **Mr. Andrews made a motion to ADJOURN. Mr. Uitti seconded the motion. All in favor and the meeting was adjourned at 7:10 P.M.**

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

Respectfully submitted by the Bourne Board of Health

Kathleen Peterson_____

Stanley Andrews_____

Galon Barlow_____

Donald Uitti_____

Carol Tinkham_____

cc Board of Selectmen/Town Clerk