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TOWN OF ORLEANS - BOARD OF HEALTH

MINUTES OF MEETING

January 21, 2010

The Board of Health convened its meeting at 1:04 p.m. on Thursday, January 21, 2010 in the Nauset Meeting Room of the Orleans Town Hall.

Present: Chair Robin Davis, Ph.D., Vice Chair Augusta McKusick, Susan Christie; and Robert Canning, Health Agent. Also present: Dale Fuller, Finance Committee Liaison

Excused: Jan Schneider, M.D. and Attorney Job Taylor, III

Because there was no one present at 1:00 p.m. for the Public Hearing on the Floor Drain Regulations, it was suggested that the Board of Health continue with other agenda items to allow additional time for members of the public to arrive.

Agenda Item 2 – Public/Press

There was no one present for Public/Press.

Agenda Item 4 – Approve Minutes

The minutes of the Board of Health meeting held on January 7, 2010 had previously been distributed to the Board members for review.

On a motion by Ms. McKusick and seconded by Ms. Christie, the Board of Health voted to approve the minutes of the meeting held on January 7, 2010 as presented. The vote was 3-0-0.

The minutes of the joint meeting of the Planning Board and Board of Health held on January 12, 2010 had previously been distributed to the Board members for review.

On a motion by Ms. Christie and seconded by Ms. McKusick, the Board of Health voted to approve the minutes of the joint meeting of the Planning Board and Board of Health held on January 12, 2010 as presented. The vote was 3-0-0.

Board members inquired about the backlog of minutes remaining to be completed. It was noted that there are three sets remaining out of an approximate three year accumulation.

Agenda Item 5 – Health Agent's Report

Mr. Canning reported on the following:

Flu Clinic

The Orleans Board of Health in conjunction with the Boards of Health from Brewster and Eastham will be conducting another clinic to provide the H1N1, seasonal flu, and pneumonia vaccines. The clinic will be held on Wednesday, January 27, 2010 from 1:00 p.m. to 4:00 p.m. at the Orleans Senior Center on Rock Harbor Road. This clinic will be open to all Orleans, Brewster, and Eastham residents over the age of six months. Pre-registration is required for the H1N1 vaccine and this registration can be completed through the towns' websites or by telephone. Registration for the seasonal flu vaccine may be made by calling the towns' Health Departments. The pneumonia vaccine will also be available at this clinic.

Ms. Christie inquired if there had been any physical reaction to the H1N1 vaccine. Mr. Canning reported that there have been no reactions reported to him.

Dr. Davis inquired about the cost to the town for the clinics and Mr. Canning discussed the funding including no cost for the vaccines, and there are grants to help cover the other expenses not covered.

Board members also discussed the life of the various vaccines.

Agenda Item 1 – Public Hearing – Floor Drain Regulation

At 1:15 there was no one present from the public for the Public Hearing.

Dr. Davis opened the Public Hearing to accept comments and consider adopting the Orleans Board of Health Floor Drain Regulations. She explained that notice of this hearing was advertised in the Cape Codder on January 15, 2010 and copies of the proposed regulations had been available in the Health Department office and were available on the table in the back of the room at this meeting.

Dr. Davis explained that the proposed Floor Drain Regulations are being written under the authority of Chapter 111, Section 31, and Section 122 of the Massachusetts General Laws for the purposes of protecting the Town of Orleans' drinking water resources from discharge of pollutants into the ground via floor drains, and the goal is to minimize the threat of economic losses due to such discharges.

This regulation was also being considered in part to meet the requirements of 310 CMR 22.00 Drinking Water which requires the prohibition of siting and continued use of floor drains within Zone II of any proposed public water supply well. The town is currently in the process of obtaining final approval of a new water supply well which requires that the town comply with the provisions of 310 CMR 22.00 Drinking Water.

Mr. Canning reviewed the provisions of the regulation explaining that the Floor Drain Regulation was being considered for the purposes of preserving and protecting the Town of Orleans' drinking water resources from discharges of pollutants to the ground via floor drains, and minimizing the threat of economic losses due to such discharges. Specifically:

- The Regulation shall apply to all applicable facilities, existing and new, within the Town of Orleans.
- A floor drain is defined as: an intended drainage point on the floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or plumbing system.
- The Regulation sets the following prohibitions:
 - No floor drain in any industrial or commercial facility shall be allowed to discharge, with or without pre-treatment, into the ground if such floor drain is located in either:
 - An industrial or commercial process area
 - A petroleum, toxic, or hazardous materials and/or waste storage area
 - A leased facility which has the potential for a change of use of the property which meets the above two descriptions
- Existing facilities must eliminate floor drains within the time frames described in the code by:
 - Disconnecting and plugging all applicable inlets and outlets from applicable leaching structures, oil/water separators, and septic systems
 - Remove sludge in the leaching structures, oil/water separators, and septic systems
 - Alter the floor drain so that it shall either:
 - Be connected to a holding tank that meets the approval of the Board of Health and Mass. Department of Environmental Protection
 - Be connected to a municipal sanitary sewer line
 - Be permanently sealed, which includes the submittal of a Hazardous Waste Management Plan to the Board of Health
 - All work must comply with the Massachusetts Plumbing Code, Building Code, Fire Code, and the MDEP's Underground Injection Containment Regulations.

- Effective dates:
 - Owners and operators of a facility located in Orleans Groundwater Protection District(s) 1 and 2 (as defined in the Orleans General By-Laws) must comply with all provisions of this Regulation within 120 days of the effective date of the regulation.
 - Owners and operators of a facility located in the Orleans Groundwater Protection District(s) 3 and 4 must comply with all provisions of this Regulation upon the sale of property, change in use, increase in the square footage, application for a Building Permit, or when applying for a Disposal Works Construction Permit for installation of a septic system.
- The Regulation contains provisions for penalties.

Board members discussed how this regulation would affect a property owner with a sump pump in their basement for discharge of water from a wet basement. Mr. Canning explained that this regulation does not address sump pump installations; it applies to industrial and commercial establishments to prevent non-sanitary waste from going into the groundwater.

Ms. Christie asked about a plume from a dry cleaning plant from several years ago. Mr. Canning explained that the State investigated the situation, remediation was conducted to recover as much of the product as possible. He opined that the plume has been diluted substantially and what remains is probably dissipating to the air. It was noted that currently there are no dry cleaning establishments conducting dry cleaning on site in Orleans.

It was the consensus of the Board members that adoption of the Floor Drain Regulations be postponed until all members of the Board of Health can be present to vote on it. Mr. Canning also noted that he would revise the definition of Orleans Groundwater Protection Districts for clarity.

On a motion by Ms. McKusick and seconded by Ms. Christie, the Board of Health voted to close the Public Hearing on Floor Drain Regulations. The vote was 3-0-0.

Agenda Item 3 – Discussion – I/A Technologies

Mr. Canning discussed that Board members had asked for a compilation of I/A Technologies installed in Orleans. He distributed a list of each property that has I/A technology and system type, reason for the I/A installation, testing requirements, and their test results. He discussed how Board members want to use this information and outlined the reason that I/A systems were installed.

Board members discussed whether the TMDL's are being met and how to determine what action should be taken if test results are not satisfactory. Conversely, if the test results are meeting the requirements of 19 ppm of nitrogen or less, the owner or operator should be given credit for maintaining a functioning septic system. Mr. Canning noted that the Carmody system in use by Barnstable County was designed to notify owners of the shortcomings of their systems, but because it has not been able to, he suggested that the Board recommend actions to be taken on systems with failing test results.

Ms. McKusick discussed that this is just a small sample of the different systems in Orleans and how they are handling the human waste disposal. She also noted how expensive it is to maintain and monitor individual "mini treatment plants" as opposed to monitoring one large treatment plant.

Mr. Canning suggested that he re-evaluate the frequency of testing, evaluate the testing conducted over the last two years to ensure that owners are testing according to their conditions, and the results of that testing. It will be difficult for the Board members to determine what to do if owners are not complying with their testing requirements. They must first determine the criteria to be used for monitoring a property with failing test results before they notify the owner. It was suggested that the operator should be held responsible as well.

Board members discussed the MDEP Policy for I/A Systems in Single Family Homes. Although the systems might be functioning properly according to that policy, they may not be removing nitrogen as required.

Ms. McKusick suggested that she and Mr. Canning review the information again, and Mr. Canning noted that he would determine if he has included all the properties submitted to the Carmody system. He explained

that not all operators/inspectors have enrolled to submit their monitoring results to the Carmody system.

Mr. Canning noted that Board members had received requests to reduce testing at 8 Songbird Circle and 41 Winslow Drive. Board members discussed whether they would reduce testing on these properties and it was the consensus that any decision on reduction of testing should be delayed until they have more information.

Board members agreed to continue this discussion at subsequent meetings after Mr. Canning and Ms. McKusick fine-tune the compiled information. Ms. McKusick noted that she would like to have the Board of Health review tight tanks after they have completed their review of I/A technology installations in Orleans.

Agenda Item 7 – Old and New Business / Review Correspondence

7 – 1 A letter from Lee R. Quincy dated January 10, 2010 congratulating the Health Department for conducting an efficient and pleasant flu clinic had previously been distributed to the Board members for review and discussion. Mr. Canning acknowledged the staff and volunteers for their contribution to its success.

7 – 2 Notification from MDEP regarding the Subsurface Sewage Disposal – Shared System Approval for John Hinckley Estates had previously been distributed to the Board members for review and discussion. Mr. Canning noted that the Health Department has received a response to this letter from Coastal Engineering.

7 – 3 Notification from MDEP regarding the permit allowing the National Park Service to conduct prescribed burns throughout Cape Cod had previously been distributed to the Board members for review and discussion.

7 – 4 A letter from George Heufelder regarding the Soil Air system at the Second District Courthouse had previously been distributed to the Board members for review and discussion. Mr. Canning noted that Mr. Heufelder requests that the County be allowed to discontinue taking measurements as required by the State because the data is insignificant in evaluating the system.

On a motion by Dr. Davis and seconded by Ms. Christie, the Board of Health voted to endorse Mr. Heufelder's request that the County be allowed to discontinue taking measurements as required by the State as follows: (1) Temperature of effluent as measured in the leaching chamber; (2) pH; (3) Dissolved Oxygen; and (4) Dissolved Oxygen Saturation at temperature. The vote was 3-0-0.

7 – 5 A report from Stearns & Wheler of the Semi-Annual Inspection of the Orleans Transfer Station had previously been distributed to the Board members for review and discussion. Mr. Canning reported that everything at the Transfer Station is in full compliance with requirements.

7 – 6 A Hearing Notice from the Cape Cod Commission regarding the Ocean Management Planning District of Critical Planning Concern Nomination had previously been distributed to the Board members for review and discussion.

7 – 7 A notice requesting Annual Reports and Articles for the Annual Town Meeting had previously been distributed to the Board members for review and discussion.

New Business

Ms. McKusick read from a newspaper article that Sandwich is revisiting their schedule of dump fees. Several years ago the Board of Health held a detailed discussion about the costs to run the Transfer Station and tried to determine whether it is a utility to be paid for by usage or it is a service partially subsidized by taxes. She noted that the Board of Health sets the fee schedule for the Transfer Station to be recommended to the Board of Selectmen. During the previous discussion the Board researched the cost of stickers in other towns and offered the Selectmen the option to change to a fee per bag.

Ms. McKusick suggested the Board of Health review what other towns are doing and recommended that the town should charge a fee of 80% of what it cost to run the Transfer Station in the previous year.

Mr. Fuller spoke to the issue noting that the Finance Committee has just recently received the budget and they have not yet discussed dump fees.

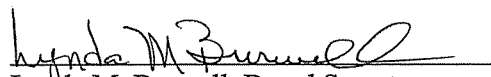
Mr. Canning explained that the Board of Health regulations define the activities at the solid waste facility and then the Board members set fees for the solid waste facility. Town administration sets the budget and funding for the solid waste facility based on sticker sales. There are also itemized costs for the operation of the solid waste facility included in the tax rate. The Board of Selectmen and Board of Health would jointly determine what costs might be funded by tax rate or by user fees. The two boards would need to consider changing the regulations if it is in the best interest of the town.

Mr. Canning noted that the town's contract with SEAMASS is to be renewed in the near future and it will be necessary to consider the expected large increase in the cost to handle solid waste. He explained that during budget discussion, Mr. Budnick, Mr. Kelly, Mr. Withrow, and he will meet to discuss a proposed cost to operating the Transfer Station.

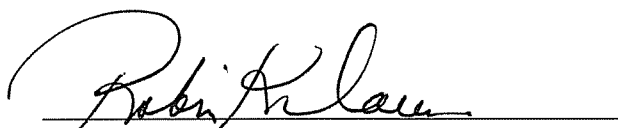
Agenda Item 8 – Adjournment

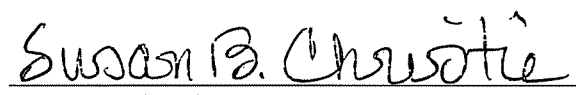
On a motion by Ms. McKusick and seconded by Dr. Davis, the Board of Health voted to adjourn this meeting of the Board of Health at 2:11 p.m. The vote was 3-0-0.

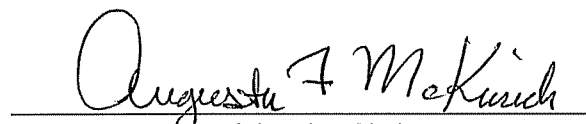
Respectfully submitted,


Lynda M. Burwell, Board Secretary

ORLEANS BOARD OF HEALTH


Robin K. Davis, Ph.D., Chairman


Susan B. Christie


Augusta F. McKusick, Vice Chairman

Excused

Attorney Job Taylor, III

Excused

Jan Schneider, M.D.

2-4-10

Date Approved/Accepted