

BRAINTREE BOARD OF HEALTH

MINUTES

December 17, 2015

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman
Paula Dowd, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Bregoli called the meeting to order at 7:00 pm.

MINUTES:

Motion By: Dr. Nedelman approve the meeting minutes of November 5, 2015.

Second By: Mrs. Dowd

Unanimously Voted

NEW BUSINESS:

Dr. Bregoli advised that he is a shareholder in the Covanta Corporation. He inquired with Ms. McGrath if he should recuse himself from this meeting agenda item.

Ms. McGrath advised that this agenda item this evening is just an exploratory informational discussion item, and no vote will be taken. So, she did not see it as a problem if Dr. Bregoli listens to the information presented by the representatives of Covanta. She advised that she can speak with the Town Solicitor if this matter proceeds further and will result in a vote regarding a modification of the site assignment by the Board.

1. Braintree Transfer Station: Exploratory Meeting regarding Minor Site Assignment Modification to Waste Acceptance Conditions.

Present: Jeff Kunz-Town of Braintree Trash/Recycling Program; Daniel Peters-Covanta Senior Environmental Engineer; Tom Stanwood- Covanta Operations Manager; Rich O'Connor-Covanta Business Manager.

Daniel Peters, Senior Environmental Engineer with Covanta advised the Board that this is an informational meeting. The Boards of Health in all towns in Massachusetts always issue what is called a site assignment approval for any solid waste facility. In the Town of Braintree, they have been using the original approval from when the transfer station was originally converted over from the landfill in 1988, and there has been no modification of that approval since then. He advised what has happened since 1988 is that the MA DEP has issued regulatory changes which

greatly define how you would modify a site assignment approval issued by local Boards of Health. So, essentially the MA DEP issues the script or the rules for this process that the local Boards of Health are required to follow when one modifies a site assignment. It is a designated public process and has a number of different steps that one must do to complete the process. So, in effect since it is such a long and involved process, what Covanta has found when they have modified site assignments in three of their facilities, is that for all practical purposes you have to reach a complete consensus of what the change will be before you go through the process with the public.

So, he advised the purpose for this exploratory meeting tonight is simply to describe the proposed changes, seek any input or comments the Board may have, and he would like to explain the process.

Mr. Peters advised that Covanta sent in a letter dated December 7, 2015 which illustrates a little of the proposed changes, the reason they are seeking those changes, and illustrates some of the process about how the site assignment approval had to be changed.

He advised that the December 7, 2015 letter, there is an attachment that is titled "Proposed Changes and Rationale". Covanta, the Operator of the Braintree Transfer Station is seeking some changes to the site assignment issued by the Town of Braintree Board of Health.

They are seeking two changes. One of the things that they are not seeking is any changes to the days or hours of normal non-emergency waste receipts. They are seeking minor changes to the days of waste acceptance at the station during routine periods primarily related to holidays. The original site assignment had a preclusion from operating on all national federal holidays.

Mr. Peters advised that proposed change # 1 is: the current station site assignment approval prohibits waste acceptance on national legal holidays. Historically, that has been eleven holidays. They are proposing to seek the Board's input to reduce that from eleven down to seven holidays. The seven holidays that they would still maintain would be New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving and Christmas. Those excluded would be Martin Luther King Day, President's Day, Patriot's Day, and Columbus Day.

Collection companies typically operate on the holidays that Covanta is seeking to eliminate. That adds additional value to Covanta, as they can get additional waste out of the town and that residents can use the drop off center for recyclables and bagged trash. Covanta can get approximately an additional 1800 to 2400 tons of solid waste delivered to their energy from waste facility in Rochester. Covanta will not be changing any of the daily permitted tonnage at the Braintree Transfer Station. The MA DEP issues a permit that restricts the average daily and annual tonnage. Mr. Peters advised that Covanta does not have a total trash amount in their permit, they have a daily maximum tonnage, and they have an annual average that they have to be below.

Dr. Nedelman asked where do they get the tonnage on a daily basis?

Mr. Peters advised that it is the rubbish collected that day. When it comes into their facility, it sits on the scale, they weigh it and issue a scale ticket, and that tonnage goes into their permitted total for the day.

Dr. Nedelman asked if Braintree would normally have a pickup on those days.

Jeff Kunz, Advisor to the Mayor on Solid Waste Recycling advised the Board that no, they would not change their curbside program at all.

Dr. Nedelman asked where would the rubbish come from?

Mr. Peters advised that this is a transfer station that serves not only Braintree, but a wider reachable area.

Rich O'Connor, Business Manager advised the Board that typically the municipal collections will remain not in effect on those eleven holidays. What they will get is additional commercial trash from their commercial customers that may be collected in Braintree, but also surrounding communities. Right now, their commercial customers are still out collecting on those days that they proposed to be opened. Now, that waste goes somewhere else, whether it is in Dedham or Roxbury. Their desire is to be opened to service their commercial customers on those days.

Mrs. Dowd asked why wouldn't the town change their pick up, if it was approved for these minor holidays, as most businesses are opened on these days?

Mr. Kunz advised that yes, most businesses are opened. The bulk of the holidays they are talking about closing, with the exception of possibly Veteran's Day. Most residents are home. They want to celebrate with family, and do not want trash trucks going down their streets. He feels it just has to do with peace and quiet in the town. They have not had any discussion about changing that.

Mr. Peters advised the Board that the proposed change # 2 is: to add a new emergency period provision to the site assignment. They have done this at a number of their facilities and found it very helpful. This is normally due to weather events, such as snow storms, blizzards. They have had a number of instances in the past at the Braintree Transfer Station, where they have had to seek emergency hours waste acceptance due to the timing of when the storm hit. So, the idea on this would be essentially to tie into the issuance of a gubernatorial and local state of emergency condition. Trash is one of the first things that stops moving in an emergency situation, especially weather. It takes roughly a week to recover, so that is the basis for the number of days they are seeking. Essentially, it takes longer hours to get waste in because it is harder for trucks to move during these periods. He can recall several blizzards, including last year, when they had a tendency to fall right around holiday periods. The whole idea is trying to relieve the Board from having to come together in an emergency session to allow operations beyond the normal hours. So, there would be an automated provision.

Dr. Nedelman asked if on those four days now, the station is closed with the gates locked and no staff present on those holidays?

Mr. Peters advised yes.

Dr. Nedelman asked how many staff would be present if the station is opened on those four holidays.

Mr. Stanwood, Operations Manager advised the Board that they would have the same as they usually would. So, four to five people on a usual day.

Ms. McGrath advised that what occurs presently during an emergency, not necessarily weather related, such as hot loads or needing to leave waste on the tipping floor because of situations occurring on a specific day, then Covanta representatives contact Ms. McGrath and she notifies the fire department and asks if they are comfortable with Covanta leaving waste on the tipping floor for an extended period of time overnight or for additional hours that evening. So, it is more of a verbal right now, but the proposal would put that in writing.

Mr. Peters advised that the intent is to provide notice to the Board that they were going to initiate the elevated hours, and they would be preapproved. In some cases, they would not even need them. So, it would be basically to alert the Board.

Dr. Nedelman asked that the four days are normally during colder months.

Mr. Peters advised that is historically when it has happened.

Ms. McGrath advised that several years ago, it happened on a Sunday when they opened due to a blizzard type situation.

Mr. Peters advised that it is hard to predict what the emergency may be, which is why you tie it to a state of emergency.

Dr. Bregoli asked that when the state of emergency is over, then it is nine days of the expanded hours until everything is back to normal again, and what will the benefits to the Town of Braintree be.

Mr. Peters advised yes, and the benefits will be keeping trash moving to prevent litter and trash on the streets. Also, they would like to avoid tying up the Board's time in an emergency, so they may potentially deal the larger problem of the emergency situation, instead of dealing with trash.

Mr. Kunz advised that proposal # 2 just adds structure and understanding on Covanta and the Board's part, that if the state of emergency is declared that everyone understands what is going to happen. This formalizes the hours of operations and so forth. Proposal # 1 regarding the holidays, it would allow the Town to keep the residential recycling area opened for residents and therefore provide more access to the drop off area for the residents. Also, as far as the Town and Covanta relationship, the Town gets a host fee for every ton that comes into the Transfer Station. So, now there is a financial benefit for those lost tons that would be picked up for the additional hour rates.

Dr. Nedelman asked Mr. Kunz if he has any objections to the proposed changes?

Mr. Kunz advised that he has no objections to the proposed changes.

Dr. Bregoli asked Ms. McGrath if there are any concerns about odor or truck spillage, etc.?

Ms. McGrath advised that she believes we would all agree that there are always issues with odor and spillage, to what degree some may differ.

Dr. Nedelman asked Ms. McGrath if there were many calls of complaints this past summer?

Ms. McGrath advised that calls of complaint were coming in when the days were very humid. In those instances, the department would make immediate contact with the Transfer Station and they would activate the odor modifying system and make sure the doors were closed.

Ms. McGrath advised the Board, and this is only her opinion based on what the department has observed, that with the Transfer Station in its newly remodeled state, the odor is definitely less than what it was because the bay is now enclosed. The door is closed on one side of the tipping floor. Some may disagree with that, but it is staff and her opinion that the odor has decreased. She advised that we all have to remember that it is a transfer station, it accepts trash, so there is always going to be odor. She does not feel that odor will ever be 100% eliminated. The other thing that the department has expressed concerns about are that the trucks are not leak-proof. They come in with large amounts of volume and they are leaving empty but potentially with liquid still in the truck and spillage on the roadway when they enter and exit onto Ivory Street. When it is very humid, when you drive up and down Ivory Street, it is my opinion that some of the odor being detected is from the liquid that has permeated into the asphalt. As it is very hot, it is leaching back out. This has been brought to the attention of the Mayor's office and Covanta.

Mrs. Dowd advised that if you look at the holidays, they are mostly winter holidays, except for Columbus Day where you might get a humid day.

Ms. McGrath advised that historically, the department does not get complaints about the Transfer Station in the winter time.

Mrs. Dowd advised that a state of emergency usually occurs in the winter time and not in the summer.

Mr. Kunz advised that when the site was pre-developed four years ago, there were some programs that were put into place. Some of the programs were mechanical operations and some of them were manual operations. Between Covanta and the Town, the thought was what can be done to improve the operation. The Covanta representatives present tonight and the Town spent a great deal of time in the industry looking at ways that they can make improvements, and they will continue to do that. Mr. Kunz suspects by the end of the first quarter of next year that they will be looking at some potential additional changes in the way things operate. The Mayor has asked them to look at some road improvements. The cape cod curbing that is presently there allows the material to wash up onto the lawn, etc. The granite curbing will stop it from washing up, and the street sweeper truck will be able to do a better job of cleaning those areas. They are looking at pulling out part of the asphalt there and replacing it because it may be so saturated that it could actually be a safety problem. He met with the engineers this morning asking if an analysis can be done, and also what kinds of materials can be used. So, they are looking at some operational changes on behalf of the Town, and Covanta will be looking at some operational changes that will address temperature and how better that can be handled.

Dr. Bregoli asked about the state of emergency concept. Is it the whole state, one town, is it just Braintree?

Ms. McGrath advised that it would be a gubernatorial or local state of emergency declared.

Mr. Peters advised that a gubernatorial state of emergency is usually issued by MEMA.

There is the capability to have a local state of emergency, such as a very large fire on Ivory Street for some reason that closed the whole intersection. The local emergencies are more rare than a statewide emergency.

Mr. Kunz advised that during a state of emergency, the Mayor, in conjunction with BEMA and all other emergency responders would get involved.

Mr. Peters advised that it is interesting to get the initial thoughts.

Ms. McGrath advised Mr. Peters that when reviewing the informational packet provided by Covanta, she noticed a proposal in change from operational to waste acceptance, which are two different things.

Mr. Peters advised that he took the original Braintree site assignment and mocked it up with the proposed language and update changes. Mr. Peters reviewed the proposed red-line changes with the Board. He noted the meat of the changes are in condition # 5. He advised that the language used to say "operation of the transfer station", and the word "operation" can be broadly interpreted. Their main concern is that a number of activities, especially on the maintenance side, happen when you are not taking waste in. So, that is the time to fix the roof ceiling fans, do repairs on the floor, do repairs on loaders and equipment, do repairs on electrical, and other systems, etc. So, they certainly wanted the capability to do those during off hours, which is how all solid waste facilities tend to operate. The problem is, if you restricted that to operational hours, the net result could be backing up trucks because you have work crews trying to get in there with trash trucks and other things, and that is the last thing they want. So, it was really changing that to the hours of waste acceptance, which is how most site assignments are written now. That is essentially there compliance point. It was really a clarification on that.

Mr. Peters advised that the mock up site assignment provided is just an example from Covanta, as to how it could be changed.

Mr. Stanwood advised that the hours are not only to help Covanta, but also the communities. For example, if it snowed significantly on a Sunday night and one brings out the trash to the side of the road on Monday morning, but at four o'clock in the morning on Monday, if Sunrise Scavengers decided that they were not going to pick up the Town of Braintree, now all those people that put out there trash on Tuesday are one day behind pick up because Sunrise Scavengers is going to pick up the Monday routes on Tuesday, so now all the trash is on the streets. If they were allowed to open later, they could get Monday's trash and start on Tuesdays. It helps them get caught up on the town and get the trash off the street for the town.

Mrs. Dowd also advised that it helps the snow plow, in that they do not also have to deal with trash at the curbside while plowing.

Ms. McGrath advised that she is concerned about potential complaints that she may receive if the daily hours had to be extended, such as noise concerns from activities occurring at the transfer station. Ms. McGrath advised that the transfer station is under a microscope.

Mr. Peters advised of what occurs during operation involving waste at the transfer station. He advised that they have to get that waste off of the floor and to the SEMASS Rochester plant. The Rochester plant is not opened overnight, so he does not see Braintree being opened all hours into the night and overnight.

Mr. Stanwood advised that his seven man staff is only allowed to work so many hours in a day, so they would not be there overnight. Even the haulers have DOT hours and can only work so many hours.

Mr. O'Connor said that nothing would normally happen past nine o'clock at night in Braintree, as the SEMASS Rochester plant closes at eleven o'clock in the evening.

Ms. McGrath advised that currently the site assignment says days and hours of operation, that means when they open and when they close, whether they are accepting trash or not. The proposal is to change the language to waste acceptance.

Mrs. Dowd said that they can only do it during the hours of 7am to 7pm, as is currently written.

Ms. McGrath advised that she just wants to make sure, as they may be opened from 7am to 7pm, but the staff is still working there before 7am to get the station ready for opening and after 7pm to finish cleanup after closing. She needs to think about the big picture, not just what may or may not be occurring now.

Mr. Kunz advised of the normal operation, as it exists now.

Mrs. Dowd advised that it is already happening at the station, so this just cleans up the language in the site assignment. She does not see a problem with the wording.

Mr. Peters advised the Board about the layout of the process regarding the DEP regulations. This process was set up, as if the Board was siting the most controversial facility ever proposed, so it is set up assuming that you might have to do that, when in fact most times, it is simple changes. He advised that the proposals are minor modifications to the site assignment because they are simply changing some conditions related to hours and emergencies, etc.

Mr. Peters advised that for a minor modification, the Board decides a date in the future for a formal hearing, which needs to be held. Public notice needs to be provided. It is written as if it is a court room proceeding that has to be recorded. There is a hearing officer. They have to hold that public hearing in accordance with the regulation. The hearing can be as many meetings as it needs to be. The Board then would issue a decision, either agree or disagree. Then, there has to be a notice of that decision, and an appeal period of that decision. He went through the process of appointing a hearing officer, etc.

He advised it takes a number of months to go through this process, and during this time Covanta also has to change their state approved permit to reflect any changes.

Mr. Kunz advised the Board that the purpose of the meeting was to introduce this topic to them. There is no application and there will be no application for some period of time. If it does come, it will alert the Board to what may be in there. If the Board in their recommendations to the Mayor

are negative, then he would assume there will be no application coming forward. He feels it is a reasonable request at this point, and the details would be worked out. He asks that they think about it and provide any feedback be forwarded to Covanta of him.

Ms. McGrath advised the Board that the Mayor asked that he be debriefed on what the discussion was this evening. Further, that the Board has asked what the benefits, etc. would be to the Town. She has been taking some notes and can email or verbally speak with the Mayor and let him know.

2. Approval of CORI Policy

Ms. McGrath advised that the Board approved the Bodywork Regulation in October and as part of that regulation, it requires that CORI's be done on any applicant's, which includes the operator and therapist. She has gone through the whole CORI process for certification, and in order to process CORI applications, the department must have a formal approved CORI policy, which is what this is. It is a model state policy from their legal counsel, which she has modified with the Town of Braintree insert language.

Ms. McGrath advised the Board of her written notifications to all identified Bodywork establishments to date.

Motion By: Mrs. Dowd to approve the CORI Policy.
Second By: Dr. Nedelman
Unanimously Voted

INFORMATIONAL:

3. Future BOH Meeting dates (January 2016-June 2016)

Motion By: Mrs. Dowd to adjourn the meeting at 7:50 pm.
Second By: Dr. Nedelman