



# Water Supply District of Acton

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## WLMAC MEETING NOTES OF MAY 8, 2014

**Documents:** Any documents utilized during this meeting are either included in these minutes and/or can be examined at the District offices during regular business hours.

**Present:** John Cipar, Paul Malchodi, Barry Rosen, Janet Adachi (Acton Board of Selectman)

**Note Taker(s):** Paul Malchodi, Barry Rosen

**Chairperson:** Barry Rosen

**Called To Order:** The chairperson called the meeting to order on May 8, 2014 at 7:48 PM. A quorum was present.

### New Business:

1. Approval of Minutes: On a motion by Mr. Malchodi which was seconded by Mr. Cipar, the committee voted to accept the minutes, as presented, of April 17, 2014 by a vote of two in favor with one abstention.
2. Date/Time of Next Meeting: The next regularly scheduled meeting of the WLMAC will be held on Thursday, June 12, 2014 at the AWD HQ beginning at 7:30 PM.
3. Review of Joint Meeting of Acton Board of Health and AWD Board of Water Commissioners: Mr. Rosen and Mr. Cipar were present at the joint meeting which was held at AWD HQ at 7:30 PM on April 28, 2014. Mr. Cipar and Mr. Rosen spent some time explaining what they believed they heard from the Board of Health presentation provided by Mr. Halley concerning the Acton Hazardous Materials Bylaw. Both Mr. Cipar and Mr. Rosen felt that one of the major points that Mr. Halley presented was that this town bylaw was intended to regulate certain materials rather than to prohibit. It is more of a control bylaw. Mr. Cipar also had a sense from the meeting that there is quite a bit of nervousness about the amount of water that Acton will be allowed to pump in the future. [Mr. Rosen's notes that were used during the review are attached to these minutes.]

### Old Business:

4. Selection of WLMAC Chairperson: The committee voted unanimously to select Mr. Cipar as the next WLMAC chairperson to serve beginning with the next WLMAC meeting (6/12). The membership felt that it should rotate the chairpersonship to spread the required workload more fairly. Mr. Cipar will serve from June through September 2014. Mr. Rosen has volunteered to produce

both the WLMAC recommended goals for ground water protection (attached to these minutes) and the minutes of this meeting.

5. Selection of WLMAC Note Taker: Mr. Malchodi volunteered to take-on the note taking responsibility from June through September. He would also take notes for this evening's meeting to merge them with those of Mr. Rosen.
6. Status Report on Final Version of LRP:
  - 6.1. Mr. Malchodi brought a copy of the final LRP produced by the contracted engineering company. He volunteered to copy each page to produce an electronic copy of the report for the WLMAC to review. The committee urged Mr. Malchodi to speak with Mr. Allen to learn if there was any way that the contractor (Wright-Pierce) could provide us with the "bits" even though this was not part of the written specification for the report deliverables. The members noted that this would make things easier for the report's distribution and save Mr. Malchodi considerable effort and time (estimated to take hours to copy the entire report). Mr. Malchodi will let us know the results of his inquiry.
  - 6.2. Mr. Cipar and Mr. Rosen felt that the next update to the LRP needs to either contain a strategic section or a separate strategic plan needs to accompany the tactical plan. The strategic plan should look ahead 10-20 years.
  - 6.3. Mr. Cipar noted that we talked about proposing that the District consider working with Littleton to obtain additional water about 8 years ago but that no action had been taken on this. He would like us to make sure over the next four months that we take definitive actions to encourage the District to look forward on a more regular basis.
7. Discussion of Ground Water Protection:
  - 7.1. From the joint meeting with the Board of Health and the Board of Water Commissioners, there were identical motions passed to work on improving ground water protection which propose the work would be performed by a committee of staff members and that the Planning Board should also be enlisted in this effort.
  - 7.2. Mr. Bartl (Planning Director) asked (via an email) that any such meetings take place during the day as he did not want to add any additional evening meetings to his schedule.
  - 7.3. The consensus of the WLMAC was that we now see our role in the GWP process as a source to provide the commissioners with a set of "desired outcomes" from our prospective. These (we hope) would be passed to the proposed committee which we understand would be composed of staff representatives from the AWD, the Board of Health, the Planning Board and a consultant to be hired by the AWD. The goal of this working committee would be make proposals for ground water protection for zones 1, 2 and 3.
  - 7.4. The committee produced a list of desired goals which it will formalize and present to the Board of Water Commissioners at its meeting on May 12, 2014. Mr. Cipar makes a motion that the list of six goals for better ground water protection be formally presented to the Board of Water Commissioners on 5/12/2014. Mr. Malchodi seconds the motion which is passed unanimously. Note that the WLMAC's list of goals is a list of minimal goals as perceived by the WLMAC. It is not wording for a bylaw. *[The final list is attached to these minutes.]*

### **Adjournment:**

On a motion by Mr. Cipar which is seconded by Mr. Malchodi, the committee voted unanimously to adjourn the meeting at 10:00 PM ET.

# Notes relating to Ground Water Protection Bylaw during Joint BOC/BOH Meeting (4/28/2014)

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Summary of Doug Haley's explanations:

- Acton's hazardous materials bylaw was approved by Acton Town meeting back in 1985.
- It was not implemented until 1988 when the Town decided to allocate funding for personnel to enforce the bylaw.
- The bylaw was written by representatives from the Town's departments including a representative from the Acton Water District.
- The purpose of the bylaw is to regulate certain materials. It was not designed to deny the use of or to ban any materials.
- It does not deal with pesticides or fertilizers in any way. Don't believe we have the authority to regulate these materials – although concerned. Possible regulation is left to other authority – maybe federal?
- Be aware of unintended consequences.
- Schools can have exemptions from zoning bylaws. [Think Doug was referring to the Dover Amendment but didn't provide detail.] Contrasted this with hazardous materials bylaw from which schools cannot be exempted by law.
- Currently hazardous materials bylaw has about 150 permittees.
- Noted again that bylaw is a control bylaw, not a prohibiting bylaw.

BOC explained that if there was a STM, the AWD had committed to have a new GWP bylaw prepared for it.

A suggestion was made in the form of a motion (passed by the BOC) that a representative of the AWD, BOH and the PB should work together to craft a GWP bylaw. Not clear to me as to whether this related solely to the hazardous materials bylaw or whether additions and alternatives are to be considered. Not clear who is to represent AWD (staff?). A consultant was to also be part of the committee. It sounded like the AWD was to hire the consultant to assist.

BOH made and passed a similar motion in support of BOC. PB to be enlisted by AWD through Roland Bartl who will be contacted by Mr. Allen.

## **WLMAC Suggested Goals for Ground Water Protection**

- 1) Pesticides, herbicides, deicing chemicals and fertilizers should not be stored in any manner in which they could wash into any recharge zone (zones 1, 2 and 3). For example, paragraph 3.1 of the existing Acton Hazardous Materials Control Bylaw should apply to all of these materials.
- 2) Soil amendments, fill, gravel and compost should be regulated to assure that no hazardous materials can wash from or through these materials into recharge zones (1, 2 and 3).
- 3) Hazardous liquids such as petrochemicals, solvents, detergents, antifreeze, swimming pool treatment chemicals that are stored above ground:
  - a. We want special permit conditions on all such storage which shall include the proper training for the handling, spill containment, response equipment and remediation.
  - b. Consider whether there should be a quantity “cut-off” on the storage amount.
- 4) Underground storage tanks: Acton Hazardous Materials Control Bylaw paragraph 2.1.3 does not currently include zone 3. WLMAC recommends that zone 3 should have these protections. As of this date (5/12), WLMAC has not made a recommendation concerning Zone 4 underground storage tank regulations.
- 5) There needs to be a serious discussion about septic system and wastewater treatment plant outputs of pharmaceuticals, endocrine disruptors and other hazardous materials either now or in the near future.
- 6) How should we deal with driveway sealers used by both residential and commercial properties that contain coal tar emulsions and various solvents? Do we want to have a goal for these types of materials?