

Ayer Board of Health
Meeting Minutes
March 23, 2009

Call to order 4:45pm

Members present: Margaret Kidder, Chair, Marilyn McMillan, Clerk and Mary Spinner, Member
Also present: Michelle Carlisle, Administrative Assistant

- Bob Friedrich – nomination for Inspector of Animals
 - **M. Spinner motion that Bob Friedrich does wish to be nominated and nominates him for Inspector of Animals, M. McMillan 2nd, A 3/0.**
- Bob Friedrich noted that he spoke with the Ethics Commission and they agreed to make the Animal Inspector position a “Special Municipal Position”. Bob will submit this to the BOS.
- Minutes approval – 3/9/09
 - **M. Spinner motioned to approve minutes from 3/9/09, M. McMillan 2nd, A 3/0.**
- Bills approval – No bills
- Mail Reviewed
- Nashoba Associated Boards of Health – Bridgette Braley, Health Agent – material review
 - Routine inspections
- Kingswood Corporation’s request to extend the Special Permit it was given on 4/9/07 to build in the Zone II Aquifer Protection District for two more years –
 - M. Carlisle explained that the Planning and Zoning Board of Appeals agreed to the two year extension. The Conservation Commission’s permit was for three years so there is one year remaining before that permit expires.
 - **M. McMillan motioned to give a one year extension to the Special Permit granted to Kingswood Corp. to build in the Zone II of the Aquifer Protection District expiring on 4-7-10, M. Spinner 2nd, A 3/0.**
 - M. Carlisle to inform Kingswood Corp., Planning and the Zoning Board of Appeals about the one year extension.
- Evergreen Solar, Inc. Presentation by Wayne Wirtanen, Environmental Health and Safety Manager – 5:11pm. Evergreen is before this board because even though they are located in Devens, their property is in the MassDEP designated Zone II of Ayer’s Aquifer Protection District for our Grove Pond drinking water wells.
 - M. Kidder introduced herself and the other Board members. Audience members introduced themselves: Ayer Fire Chief Robert Pedrazzi, Ayer DPW Superintendent Dan Nason, Ayer Water Foreman Rick Linde, Nick Child DEP, Marielle Stone DEP, Peter Lowitt Devens Enterprice Commission and Rick Gilles Ayer Selectman.
 - Evergreen Solar, Inc. manufactures solar panels. The company has over 10 acres of land and employees approx. 200 people.
 - Wayne explained the process of manufacturing solar panels (see attached).
 - M. Kidder asked how long it takes to make a panel starting with the raw silicon to finished panel. Wayne stated he wasn’t sure.
 - Rick Gilles – stated he needed to leave but wanted to express his concern that the Town of Ayer was not notified of the two spills at Evergreen. M. Kidder stated to Rick that this is the reason why Evergreen is currently before the Board.
 - Wayne discussed how the pollutants are controlled. The equipment is “state of the art” and automatically controlled.
 - M. McMillan asked in what form is the silicon in when they purchase it. Wayne stated it is in small pieces that look like coal.

- Wayne discussed safety for chemical use and handling. This discussion included the underground containment capacity at the receiving dock.
- Rick Linde asked what the capacity of the underground containment tank is. Wayne stated it is about 3,000 gallons, he'll check.
- Fire Chief asked if there is a monitor for the valve on the containment tank. Wayne stated there is not. The valve is always closed unless they need to manually open it.
- Fire Chief asked how often the tank is emptied of rain water. Wayne stated he was unsure and would check.
- Wayne discussed the spill on 10/15/08. A valve failed on one of the NOx scrubbers. It overflowed the containment basin. Also, their sump pump failed at the same time.
 - The cleanup company they use for containment of their spills is N.E. Containment.
- M. McMillan asked what the reportable limits are. Wayne stated it is different for each chemical.
- Dan Nason asked why the Town of Ayer was not notified of the spills. He would also like to see the facility. Wayne stated that Evergreen will now notify Ayer of any future spills and that he would set up a site visit.
- M. Kidder stated that the BOH and Ayer Water Dept. should get notified of any spill in our Zone I or II.
- Nick Child of DEP stated they couldn't easily do that.
- M. Kidder stated the Board will get all contact information to Evergreen.
- Wayne asked what exactly should he notify us about. All spills, or just the reportable ones? M. Kidder stated that if there is a question, best to just call.
- M. Carlisle to get contact information to Wayne – phone and email.
- M. Spinner mentioned to Wayne that Ayer has spent thousands of dollars over the past several years on three different consultants looking for sources of water. We are surrounded by contamination and the only good sources of water are at Spectacle and Grove Ponds. Therefore, we developed and passed the Aquifer Protection District By-law. The Board watches development in the Aquifer Protection District closely.
- Nick mentioned that all spills are listed on DEP's website.
- M. Carlisle stated she wanted to ask Peter Lowitt for a list of all companies on Devens that are in Ayer's Zone II.
- M. Kidder thanked Wayne for his time.
- Peter Lowitt to give M. Carlisle a list of businesses in the Zone II.
- Nick Child informed the Board that PanAm and three of its subsidiaries were convicted on two counts regarding the diesel spill in August of 2006. This spill was reported by a concerned citizen. DEP went to court and the case was successful.
- BOH to use this information to get PanAm to let Ayer install monitoring wells on their property where the new auto-unloading facility will be built.
- **M. Spinner motioned to adjourn, M. McMillan 2nd, A 3/0.**

Meeting adjourned at 6:30pm.

May Spinner - 4/27/09
Margaret M. Kidder 4/27/09
Manus McMillan 4/27/09

04-28-09A11:23 RCVD *LF*