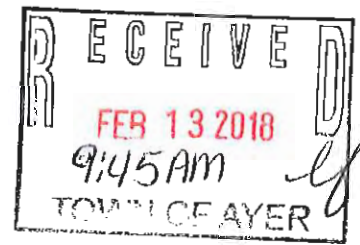


TOWN OF AYER BOARD OF HEALTH

Minutes of November 27, 2017



Meeting was called to order at 5:30 pm by *Chair* Pamela Papineau

Members present included: *Chair* Pamela Papineau, *Clerk* Mary Spinner, *Member* Patricia Peters, and *Administrative Assistant* Jane Morriss. Meeting recorded by APAC

PUBLIC INPUT: None

REVIEW OF MINUTES: M. Spinner moved to accept the minutes of October 2 and October 16, (as amended) and P. Peters 2nd. A 3/0.

NABOH MATERIAL (B. BRALEY): Responding to a letter addressed to Nasoya's "neighbors," Representative Jennifer Benson, State Senator Jamie Eldridge and State Representative Sheila Harrington signed a letter to Ross Gatta, the CEO of Nasoya Foods USA dated October 24, asserting that they are committed to seeing that the on-going odor issues are resolved. (letters filed with minutes). October 30 E-mail from Ross Gotta to B. Braley is also being filed with these minutes.) B. Braley reviewed ZBA's request for a variance for commuter rail parking facility. Pam signed the Participating Municipality Agreement and it will be returned to Bridgette to be sent to Joan E. Hamlett, Director, Boards of Health Tobacco Control Alliance.

QUARTERLY EXECUTIVE MEETING OF NABOH (M. Spinner): Without a quorum present, there were no definitive decisions made. This provided an opportunity to discuss how the Board is going to meet the challenges coming up in the new year with new guidelines to shorten hospital stays, and cutting the budget for doctors' care. There are new standards pertaining to food vendors. B. Braley will be spending time to instruct the Town of Stow regarding food permits. The pension issue is not yet resolved, and there will be some representatives from NABOH going to Beacon Hill on November 8, and M. Spinner will report on the outcome of that meeting when she gives her next update in January.

DEVENS PFOAS MEETING UPDATE: (P. Pamela and P. Peters): There was a community update October 31 concerning the recent findings of PFOAs in the Ayer public water supply involving three working wells and one test well. The water from each of the wells is "blended," and the levels are well below the EPAs level of caution (70 ppb). The wells are all fed from Grove Pond. The important take-away from this meeting is: The water coming out of your faucet is safe. This contamination was discovered accidentally by the Army Corp of Engineers a few months ago. PFOAs are in wide use, from the fire-retardant used in children's pajamas, to chemicals used in fire-fighting foams. DPW Superintendent M. Wetzel will be giving a detailed report to the Board of Selectmen in January.

ON-GOING BUSINESS: OPIOID CRISIS SYMPOSIUM (P. Peters, J. Morriss): The Symposium was held on November 7 and was very informative. Police Chief William Murray and Fire Chief Robert Pedrazzi attended and participants included key-note presentation by Steve Boczenowski, who with his wife founded Teenage Anxiety and Depression Solutions (TADS), Kate Duffy, with Tipping Point & Recovery Coach Academy, Nicholas Avellaneda representing Advocates, Lindy Blanchflower, a CVS Pharmacist, Sarah Mercier, a paramedic who worked in the Boston area, and Mike Duggan from Wicked Sober. Panelists included Police Chief W. Murray, Fire Chief Robert Pedrazzi, Private Practice Therapist Christa Maxant, William James College Interface Service Betsy Dolan, William James College Interface Service, and High School Principal Al Varga.

ADMINISTRATIVE MATTERS:

Miscellaneous: The Board gave its approval for level-funding its 2019 budget, with the exception of the line-items pertaining NABOH funding. P. Papineau signed the budget proposal to be submitted to the Town Accountant with a note that the Board will notify the accountant as soon as we receive the new figures from NABOH. The Animal Inspector submitted a copy of her inspection of 17 Taft Street which showed 42 un-tagged goats, 4 horses, 50 chickens, 1 turkey, 14 waterfowl, and 7 rabbits, which prompted a discussion about what constitutes a farm. After some broad discussion that Board decided it would undertake a review of its Animal Regulations this year.

Mail: The Board received a request from the ZBA asking for our review of a proposal by Global Montello to sign a 99-year-lease on the Maxant property on Harvard Road (currently zoned light-industrial), to allow the construction of a convenience store and gas station.

Status Report pertaining tobacco and solid-waste hauler permits: J. Morriss reported that all of the tobacco permits have been issued and all but one of the solid-waste hauler permits have been issued. The outstanding account being M. Sullivan & Son Disposal out of Fitchburg. J. Morriss said she would be calling them this week. We also have one new permittee: United Site Services, Inc., located in Westborough.

Action items for January 22 meeting: RAB and NABOH meeting updates, DPW well mitigation plans.

ADJOURN: M. Spinner motioned to adjourn the meeting at 6:53 pm, and P. Peters 2nd. 3/0 A

Pam Papineau, *Chair*

Mary Spinner, *Clerk*

Patricia Peters, *Member*

Y8



Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON, MA 02133-1054

JENNIFER E. BENSON
REPRESENTATIVE
37TH MIDDLESEX DISTRICT

Committee: 1
Chair
State Administration and
Regulatory Oversight
STATE HOUSE, ROOM 22
TEL: (617) 722-2140

October 24, 2017

Ross Gatta, CEO
Nasoya Foods USA, LLC
One New England Way
Ayer, Massachusetts 01432

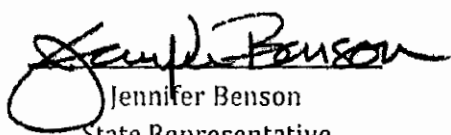
Dear Mr. Gatta,

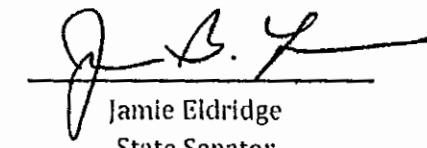
We write to you today as the State Representatives and State Senator for the town of Ayer, Massachusetts. For the past several years, we have been closely following the matter of the foul odors occasionally emitted from the tofu manufacturing facility located at One New England Way, first operated by Vitasoy, and now by Nasoya.

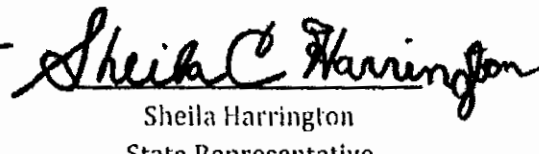
Recently, nearby residents have once again been impacted by the acrid odor emitted by the plant, and they have asked their state legislators for help. We are encouraged that your company has been working with the Ayer Board of Health and the Massachusetts Department of Environmental Protection (DEP) on a technical solution to the matter. We appreciate that in your October 6 letter to residents, you ensured that the company is "making it a top priority to resolve the issue as quickly as possible."

For our part, we are committed to seeing this process through to a resolution so that the affected residents can go back to enjoying time outside with their families without having to worry about their lives being disrupted by overpowering odors. We are receiving regular updates from the Ayer Town Administrator, and we continue to correspond with DEP Regional Director Mary Jude Pigsley to ensure your cooperation persists and compliance goals are met.

Sincerely,


Jennifer Benson
State Representative
37th Middlesex District


Jamie Eldridge
State Senator
Middlesex & Worcester District


Sheila Harrington
State Representative
1st Middlesex District

Ayer Board of Health

From: Bridgette Braley <bbraley@nashoba.org>
Sent: Tuesday, October 31, 2017 10:20 AM
To: boh@ayer.ma.us
Subject: FW: Nasoya Odor Complaints - Independent 24/7 monitoring & reporting service
Attachments: 20171030135741392.pdf

Hi jane...

Can you print this out for the BOH meeting. Thank you... ☺

--

Bridgette Braley R.S.
District Health Inspector
Nashoba Associated Boards of Health
978-772-3335 ex 303

From: Gatta, Ross [mailto:Ross.Gatta@nasoya-usa.com]
Sent: Monday, October 30, 2017 5:34 PM
To: 'Robert Pontbriand'; Beling, John (DEP)
Cc: Bridgette Braley
Subject: RE: Nasoya Odor Complaints - Independent 24/7 monitoring & reporting service

Dear Robert & John,

I am happy to advise that the Independent 24/7 monitoring & reporting service will commence as of tomorrow Tuesday Oct 31. The attached letter will be posted out to the neighborhood database as per the previous outreach letter. However given the time lag with postal mailings, we will hand deliver all letters for Mulberry Circle and Wagon Road directly into their mail boxes tomorrow (Tuesday Oct 31).

We have instructed GeoInsights to email every complaint report to the following recipients within 24 hours from receipt of the complaint.

- BBraley@Nashoba.org
- ta@ayer.ma.us
- John.Beling@state.ma.us
- Giles.Steele-Perkins@state.ma.us
- MaryJude.Pigsley@state.ma.us
- Michelle.Delemarre@state.ma.us
- jennifer.benson@MAhouse.gov

Thanks for your continued support and understanding.

Regards

Ross

From: Robert Pontbriand [mailto:ta@ayer.ma.us]
Sent: Monday, October 30, 2017 10:19 AM
To: Beling, John (DEP); Gatta, Ross

Dear Ross,

Greetings and good morning.

Thank you for your update below regarding the Independent 24/7 Monitoring and Reporting Service which the Town of Ayer fully supports. I believe that this will go a long way for all Parties involved to ensure accurate, timely, and systemic reporting of any issues. Additionally, the Town is pleased to see additional direct public outreach efforts by Nasoya to the neighbors and abutters.

Would you kindly confirm the implementation of this service for October 31, 2017 and provide any instructions or public outreach materials and the Town can assist with the outreach so that everyone is aware and on the same page.

Thank you for your continued efforts.

Sincerely,

Robert

Robert A. Pontbriand
Town Administrator

Town of Ayer
1 Main Street
Ayer, MA 01432
978-772-8220

From: Gatta, Ross [<mailto:Ross.Gatta@nasoya-usa.com>]
Sent: Friday, October 27, 2017 5:51 PM
To: Robert Pontbriand <ta@ayer.ma.us>; Beling, John (DEP) (john.beling@state.ma.us) <john.beling@state.ma.us>
Cc: Jung, Daniel <Daniel.Jung@nasoya-usa.com>; Moquete, Elvin <Elvin.Moquete@nasoya-usa.com>; Park, Scott <Scott.Park@nasoya-usa.com>
Subject: Nasoya Odor Complaints - Independent 24/7 monitoring & reporting service

Gentlemen,

As previously discussed, we have engaged Geo Insight located in Littleton MA to provide ongoing Independent 24/7 monitoring & reporting services in relation to Nasoya odor complaints. Attached is the contract and scope of work for your reference.

It is our intention to commence this service on Tuesday 10/31, we are finalizing another community outreach letter updating the neighbors on our action items and to provide details of this new Independent 24/7 monitoring & reporting service, I will share this letter with you shortly. In addition, we also plan to do a letterbox drop in the Mulberry circle area on Tuesday 10/31 introducing the new ongoing Independent 24/7 monitoring & reporting service so that residents can start using it immediately.

I remain at your disposal should you have any questions or suggestions and thank you for your continued support and understanding.

Kind regards

Ross Gatta



October 6, 2017

Dear Neighbors:

I write on behalf of Nasoya Foods to provide information to you, our neighbors, about our on-going efforts to address recent odor problems stemming from our tofu manufacturing operations. Nasoya Foods is committed to being a good corporate neighbor, and we recognize the problem that this odor situation is causing for our community. We deeply regret this situation, and we are making it a top priority to resolve it as quickly as possible. Our technicians and engineers in consultation with our external waste water treatment and air quality experts are committed to rapidly resolving this situation working closely with state and town officials.

Who are we? As one of the world's largest tofu makers, Nasoya has been a leader in environmentally friendly practices, from farming methods to manufacturing processes. Nasoya acquired the plant in Ayer from Vitasoy in 2016. Currently, Nasoya employs approximately 220 people, operating two shifts six days per week. Nasoya is committed to its operations in Ayer, and has made significant investments in the Ayer facility in the short time it has owned it. Nasoya is committed to making further significant investments in Ayer to solve the odor emissions problems.

What causes the odor emissions? The process of making tofu (cooking soy beans, separating out liquid and other unusable product, and then forming and packaging tofu) produces a by-product of hydrogen sulfide. As part of its response to recent events, Nasoya has done additional air sampling to analyze the contents of its air emissions. That testing has confirmed that hydrogen sulfide is the primary source of the odor. Hydrogen sulfide produces an unpleasant odor, which disperses and dissipates when exposed to the larger environment.

What emissions control systems are in place now? In 2015, Vitasoy invested approximately \$1.5 million in a new state of the art emissions control system. In the simplest terms, the system operates by capturing waste product and applying organisms to consume the waste product. In addition, odor causing organic sludge is removed as part of the process and is trucked off-site to an additional treatment facility located in Rhode Island. Nasoya takes steps to prevent the release of odors when the sludge is transferred to the trucks by sending vapors through the air emissions system. During the manufacturing process, wastewater is generated and disposed of to the Town's wastewater treatment system under a permit from the Town. Since their installation, the treatment system and waste systems Nasoya have in place have worked well, except for an event last November, and until recent odor problems began around May of this year.



What is causing the recent odor emissions? There is no single answer to this question, and Nasoya continues to evaluate the situation. In some instances, the use of cleaning chemicals, which are necessary to comply with food safety requirements, may have adversely affected the organisms within our emissions control system which consume the hydrogen sulfide. Nasoya obviously has an obligation to make sure that its food production equipment is clean, so it can be certain that it provides a safe food supply and prevents the growth of harmful bacteria which can occur if careful cleaning practices are not followed. Food safety is essential to our business. The company is evaluating its overall treatment system in light of current and future operations.

What steps is Nasoya taking now? Over the past few months, the company has taken steps to modify the existing system to improve its performance. In addition, where gaps in employee performance were identified, additional training and reinforcement of procedures have been implemented. At the same time, Nasoya is undertaking a thorough evaluation of its air emission system. As part of that evaluation, the company is considering whether to install a third air scrubber to the plant, as well as evaluating other feasible treatment options. Nasoya has been in regular contact with Town and state officials, and is providing status reports to the Town Selectmen at their meetings.

Again, we want to express our sincere apology to the community for this situation, and reaffirm our commitment to fixing it soon. We encourage you to attend the selectmen's meetings to follow our progress and to use our hotline 978-757-0109 if you have ongoing questions or concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ross Gatta".

Ross Gatta
Chief Executive Officer



October 31, 2017

Dear Neighbors:

I write to you again on behalf of Nasoya Foods to provide an update about our on-going efforts to address recent odors stemming from our tofu manufacturing operations.

Appointment of an Independent 24/7 Complaint Monitoring & Reporting Service: Nasoya has hired GeoInsight, a regional environmental consulting firm, to independently respond and report any odor complaints on a 24-hour per day, 7 days per week (24/7) basis. Beginning October 31, GeoInsight will be tasked with responding in real time to complaints made to our **Hotline 978-757-0109**. Calls to our hotline will now be directly forwarded to GeoInsight. Once a call is received, GeoInsight personnel will arrive at the location of the complaint within 20 - 30 minutes of a call being received and immediately record and document odor conditions. GeoInsight will then send a certified report of the odor complaint directly to a Massachusetts Department of Environmental Protection (DEP) officer and Nasoya within 24 hours of receiving the complaint. The complainant will also receive a copy of the report.

What can neighbors do to help? Please call the hotline any time you detect an odor. **THE HOTLINE NUMBER IS 978-757-0109.** Using this hotline will prompt GeoInsight into action. This system will only work if you, our neighbors, use it.

What interim improvements is Nasoya making to its emissions control system? Nasoya is working on several interim measures simultaneously in an effort to eliminate odor problems while a longer term solution is found. By November 24, Nasoya will have 1) installed a water softener system for the scrubbers to alleviate any potential water hardness issues 2) removed existing filters in both scrubbers and replace them with new filters 3) changed the chemical injection point to facilitate a faster chemical reaction in both scrubbers; 4) replaced the spray nozzle in both scrubbers to improve water and chemical distribution; 5) replaced the insect screens to allow greater air flow in the scrubber and improve the air balance in the bio-tanks; and 6) install new dampers to improve air flow in the scrubbers and bio-tanks. All of these action items are aimed at improving the efficiency of our existing air scrubbers.



When will a permanent solution be proposed? Nasoya has informed the town and DEP that it will propose a permanent solution by Thanksgiving. Nasoya is currently evaluating three different permanent solutions. It is and has been working with several outside consultants specializing in odor control, DEP, the town, in-house engineers, and engineering staff from company headquarters to bring the best analysis to bear on this problem. Once a solution is selected, detailed plans will be prepared and the necessary permitting processes at the state and local level will begin. In the meantime, Nasoya is working closely with the DEP and Town officials to keep them informed of our progress, and to obtain their input on the options being evaluated

I assure you that addressing the odor issues stemming from our Ayer tofu manufacturing operations is of the highest priority for the company. Again, we express our sincere apology to the community for this situation, and reaffirm our commitment to fixing it soon. We encourage you to attend the selectmen's meetings to follow our progress and to call our hotline 978-757-0109 if you detect an odor.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ross Gatta", is written over a circular blue stamp.

Ross Gatta
Chief Executive Officer