

**Kim DelNigro**

**From:** Roland Bartl  
**Sent:** Thursday, September 29, 2005 11:06 AM  
**To:** Kim DelNigro  
**Subject:** FW: New Committee

Please place this on the next Pl. B. agenda

*Roland Bartl, AICP  
Town Planner, Town of Acron  
472 Main Street  
Acron, MA 01720  
978-264-9656*

-----Original Message-----

**From:** Doug Halley  
**Sent:** Thursday, September 29, 2005 9:37 AM  
**To:** Roland Bartl  
**Subject:** New Committee

Last spring at Special Town Meeting a Citizen's Group proposed the attached bylaw to control the types of materials deposited in the landfill. The article was withdrawn after the Board of Health expressed concerns and a commitment was made to study the issue. This Monday the Selectmen formed a new Committee (Environmental Standards for Fill Material) and would like to have a representative from the Planning Board on that Committee. Our first meeting is tonight so obviously they will miss that but could you see if you can get a commitment from one of your Board members. I expect we will meet monthly with the expectation of a possible article at Spring Town Meeting. Sorry for the short notice but I just found out this morning that no one had contacted the Planning Board.

**ARTICLE 3 ENVIRONMENTAL STANDARDS FOR FILL MATERIAL BYLAW**  
(Majority vote)

To see if the Town will vote to amend the general Bylaws of the Town by adding the following new chapter U after chapter T:

**Chapter U: Environmental Standards for Fill Material Bylaw**

**1. Authority**

This Bylaw is adopted by the Town under its Home Rule Authority, its Police Powers to protect the public safety and welfare and its authorization under Massachusetts's General laws, c. 40, section 21 and c. 111, section 31.

**2. Purpose**

The purpose of this Bylaw is to protect, preserve, and maintain the Town's existing and potential groundwater supply, groundwater recharge areas, surface waters, air quality and natural environment and to assure public health and safety through the proper management of materials regulated herein.

**3. Definitions**

For purposes of this bylaw, the following terms shall have the following meanings:

- 3.1 "Asbestos" means all asbestiform varieties of the mineral family called silicates including: serpentinite (chrysotile), riebeckite (crocidolite), cuming-tonitegrunerite (atmosite), tremolite-actinolite, and anthophyllite as defined in the DEP Air Quality Regulations at 310 CMR 7.00.
- 3.2 "Asbestos-Containing Material" means friable asbestos and any material containing 1% or more asbestos by weight. This term includes but is not limited to sprayed-on and troweled-on materials applied to ceilings, walls, and ceilings, walls, and other surfaces, insulation on pipes, boilers, tanks, ducts, and other equipment, structural members, tiles, shingles or asbestos-containing paper, as defined in the DEP Air Quality Regulations at 310 CMR 7.00.
- 3.3 "Asbestos-Containing Waste Material" means any friable asbestos-containing material removed during a demolition/renovation project and anything contaminated in the course of a demolition/renovation project including asbestos waste from control devices, bags or containers that previously contained asbestos, contaminated clothing, materials used to enclose the work area during the demolition/renovation operation, and demolition/renovation debris, as defined in the DEP Air Quality Regulations at 310 CMR 7.00.
- 3.4 "Asbestos in Soil" means unconsolidated fibers of asbestos contained in the soil matrix that did not originate from asbestos manufacturing, fabricating, milling, or spraying. Asbestos in soil does not include "Asbestos-Containing Material" or "Asbestos-Containing Waste Material" as those terms are defined in the DEP Air Quality Regulations at 310 CMR 7.00.
- 3.5 "Asbestos Waste" shall mean any material containing one percent or more asbestos by weight and anything contaminated with asbestos such as asbestos from pollution control devices, bags or containers that previously contained asbestos, contaminated clothing, demolition/renovation debris. As defined herein "asbestos waste" shall include, but is not limited to, "asbestos waste," "asbestos-containing material" and asbestos-containing waste materials" as defined in 310 CMR 7.00 and 310 CMR 19.00, as amended.
- 3.6 "Board" shall mean the Town of Acton Board of Health.
- 3.7 "Bylaw" shall mean this Environmental Standards for Fill Material Bylaw.
- 3.8 "Construction and Demolition Debris" shall mean the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other

structures. "Construction and demolition waste" shall include, but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster and all other "construction and demolition waste" as defined in Massachusetts Solid Waste Regulations 310 CMR 19.00, as amended.

- 3.9 "Contaminated soil" shall mean soil that contains oil and/or hazardous materials as a result of a release to the environment. This includes anthropogenic contaminants, regardless of whether the contaminant levels exceed the applicable Reportable Concentration (RC) under section 310 CMR 40.1600 of the Massachusetts Contingency Plan (MCP). As defined herein, "contaminated soil" shall include, but is not limited to, "contaminated soil" as defined in DEP's Policy COMM-97-001.
- 3.10 "DEP" shall mean the Department of Environmental Protection and/or its successors.
- 3.11 "Landfill" shall mean the former Town of Acton municipal landfill located on Town Map G-4 Parcels 140, 75, 76, and 167-1, but excluding the paved area and buildings of the Town of Acton Highway Department, DPW Garage, Transfer Station, recycling area, salt and sand sheds, associated access areas, tanks, pumps and related facilities (collectively the "DPW Garage and Transfer Station" located principally on the northern portion of parcel 76.
- 3.12 "Person" as used in this Bylaw shall include any individual, group of individuals, association, partnership, corporation, or business organization, trust or estate, the Commonwealth, or any political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

#### **4. General Rules**

- 4.1 No person shall use asbestos, asbestos in soil, asbestos waste, construction and demolition debris, or contaminated soil as solid fill, daily cover, intermediate cover, and/or pre-capping contour material on the former town of Acton municipal landfill.
- 4.2 Nothing in this Bylaw shall prohibit the Town of Acton from conducting any of the following activities at the DPW Garage and Transfer Station: (a) storing and mixing salt and sand; (b) storing new or used granite curbing (including curbing that may have been recovered from road demolition or reconstruction projects); (c) temporary storage of road demolition materials and debris for off-site disposal of contaminated soil or other materials excavated during road construction projects; (f) acceptance of limited quantities and types of construction and demolition debris at the Transfer Station for off-site disposal; and (g) other ordinary and necessary activities incidental to the operation of the DPW Garage and Transfer Station.

#### **5 Penalties for Violation**

Violation of this Bylaw, as determined by the Town of Acton Board of Health, shall be punishable by a fine of three hundred dollars per offense. Each day a violation continues shall be considered a separate offense. Any sums of money collected as fines shall be paid forthwith into the general revenues of the Town.

#### **6 Severability**

In case any section, paragraph or part of this chapter is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

#### **7 Effective Date**

This chapter shall take effect in accordance with M.G.L. c.40, section 32. This Bylaw shall not apply to any materials used or stockpiled for later use on the former town of Acton municipal landfill.

Or take any other action relative thereto.

**SUMMARY**

This article strengthens the standards for fill allowed at the landfill for additional water, air, and natural environment protection, and to assure public health and safety through the proper management of materials regulated herein.

Direct inquiries to: Susan Kennedy, (978) 264-9165  
Selectman assigned: Peter Ashton: bos@acton-ma.gov

**Recommendations:**      Board of Selectmen      Finance Committee  
   **Deferred**                              **Deferred**

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