

TONY JUDGE - Chair
CHRISTINE McKIERNAN, M.D., Vice-Chair
KAREN WALSH PIO, Clerk
JESSICA COLLINS
STEPHEN FRANTZ

SHARON HART, Director of Public Health

NOTICE
BOARD OF HEALTH MEETING
&
AGENDA

November 22, 2022

6:00 p.m.

NOTE: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the Chair reasonably expects will be discussed as of the date of this notice.

To: Board of Health Members

From: Sharon D. Hart, Director of Public Health

Re: A Board of Health Meeting will be held on Tuesday, November 22, 2022 at 6:00 p.m. at the South Hadley Library.

- 1: Chair to Call the Meeting to Order**
- 2: Acceptance of the Minutes of the October 18, 2022 meeting.**
- 3: Announcements and Open Forum (10 Minutes)**
- 4: Director's Update**
- 5: New Business:**
 - (a): Review and discussion of Glyphosate and Glufosinate Regulation**
 - (b): Drug Take Back Day**
 - (c): Update - South Hadley Drug & Alcohol Prevention Coalition (Karen)**

- (d): **Aquifer Study**
- (e): **Review and discussion of the revised Regulation for the Minimum Standards for the Keeping of Animals.**
- (f): **Landfill Second Quarter 2022 Report**
- (g): **Water Testing Contract**
- (h): **Emergency Order to Vacate – 38 Bridge Street, First Floor – Ratify**
- (i): **Emergency Order to Vacate – 10 Helm Street - Ratify**

6: Old Business:

- (a): **NearMap**
- (b): **Emergency and Evacuation Planning and Public Health**

7: Set Next Meeting Date – (TBD) at 6:00 p.m. at South Hadley Library

8: Adjourn Meeting

*** Please note: Meetings are recorded***

TONY JUDGE, Chair
CHRISTINE MCKIERNAN, MD, Vice-Chair
KAREN WALSH PIO, LICSW, LADC 1, Clerk
JESSICA COLLINS
STEPHEN FRANTZ

SHARON D. HART, Public Health Director

Board of Health Minutes

October 18, 2022

--Draft-- --Draft-- --Draft-- --Draft--

Present: Tony Judge, Chair; Dr. Christine McKiernan, Board of Health Member; Jessica Collins, Board of Health Member; Stephen Frantz, Board of Health Member; Jennifer Jernigan, Assistant Public Health Director; Monasia Ceasar, Health Compliance Specialist; Nate Therien, Master Plan Implementation Committee Member; Michelle Theroux, Master Plan Implementation Committee Member; Robert Pleasure, Community Member

The Board of Health Meeting was called to order at 6:10 p.m. by Chair Judge.

1. Acceptance of the Minutes of the September 13, 2022, Meeting:

Chair Judge introduced the minutes from the 09/13/22 meeting and questioned if there were any comments or changes to be made. A revision was brought forth to the Board. With the understanding that the mentioned revision would be made, Frantz made a motion to accept the meeting minutes and Dr. McKiernan seconded it. A rollcall was taken, and all were in favor.

2. Announcements and Open Forum:

Chair Judge questioned if there were any notions wished to be considered by the Board. There were no notions brought forth for consideration.

3. Director's Update:

Jernigan noted that due to Director's Hart absence, this section of the agenda would be skipped.

4. New Business:

(A) Master Plan

Chair Judge introduced the present members from the Master Plan Implementation Committee to provide an overview on the Masterplan as it relates to the Board of Health. Nate Therien noted that the Master Plan was recently endorsed and adopted at the last Town Meeting. The Master Plan includes rationale, goals, and tasks for Town Boards and Committees for the next ten years that are laid out in a

matrix. Recent updates have sought to outline a more straightforward implementation system. Nate shared there is an upcoming MPIC event being hosted on November 4th to discuss interdepartmental communication and specific areas of interest. He highlighted the importance of having representatives from each Board, Committee, and Town Department join for the discussion. Anne Capra should be contacted if there are any issues with registering for the event. To track the status of the appointed goals, Town Administration has requested periodic updates with the opportunity to report concerns, and reasons for interruptions. It has been noted that there has been some difficulty with fully understanding one's role as a new Board or Committee member. As a response, Town Hall will be developing an online resource to provide additional information for newly appointed Board and Committee members.

Collins shared she had reviewed the goals designated to the Board of Health with Director Hart and had some followup comments. Collins reviewed the Board's appointed goals and felt as though some were improperly appointed, as the Board does not receive or have access to some of the information requested. In response, Director Hart provided the links to state agencies that have some of the requested information. Collins also highlighted that there seemed to be quite a difference in this version of objectives in comparison to what had been previously appointed and questioned if they had reviewed the correct document. Michelle Theroux of MPIC confirmed Collins' notion that the reviewed plan was different than the approved matrix and distributed the correct plan amongst the group. Nate mentioned that the approved plan is not as granular, hoping for collaboration across Town Departments and the issuance of regulations that target the goals outlined in the plan. After reviewing the approved matrix, Collins agreed that the matrix appeared to be familiar in style, with general goals outlined within specific subject matters. Collins also agreed to attend the November 4th MPIC meeting as the Board of Health's representative.

(B) Glyphosate and Glufosinate Regulation

Chair Judge introduced the topic of Glyphosate and Glufosinate regulation as the next topic of discussion. Jernigan shared that due to receiving the regulation after the agenda had been posted, the regulation will have to be discussed at the next meeting. This will give the Board members and public the opportunity to properly review the regulation prior to considering it for approval.

Dr. McKiernan suggested sending out a reminder a week in advance to Board members reminding them to send desired agenda packet materials.

(C) Landfill Second Quarter 2022 Report

Chair Judge introduced the further explanation of the landfill second quarter 2022 report as the next topic for consideration. Jernigan noted that the follow up discussion would have to be done by Director Hart, as she is unfamiliar with the subject matter and would be unable to answer additional questions.

(D) Update: SAPHE 2.0 Bill Status

Chair Judge introduced the update regarding the SAPHE 2.0 bill status as the next agenda item. Collins mentioned the bill targets strengthening local health department infrastructure. With the efforts of state senator, Jo Comerford, the bill has made it to the desk of the governor. Unfortunately, issues with funding have been identified and the bill is likely not to be enacted.

(E) Update- South Hadley Drug & Alcohol Coalition (Karen)

Chair Judge shared this section of the agenda would be skipped as Walsh Pio was not present to provide an update.

(F) Emergency Order to Vacate**87 River Rd- Ratify**

Jernigan shared that the property located at 87 River Rd was condemned after receiving confirmation that the unit was on the abandoned list without utilities. Chair Judge questioned the protocol for dealing with abandoned properties following a condemnation. Jernigan shared that typically the Town works with the Attorney General's office to establish receivership of the property. The necessary repairs are made and then the property is sold. Chair Judge proceeded with taking a vote to ratify the order, and all present members were in favor.

(G) Aquifer Study

Chair Judge presented the aquifer study as the next topic for discussion. Collins shared she had received notice from Director Hart that an interdisciplinary group work is being put together to oversee the isotope study and has agreed to join. Chair Judge expressed his interest in joining as well if possible. The study would identify where the water is coming from to help outline the boundaries of the watershed. This is important as the aquifer is the primary source of water for District 2 and the back up supply for the Town. The Planning Department is leading the project and will seek advisory from other Town Departments to ensure that specific objectives are met. Collins highlighted the Board of Health's

regulatory power and responsibility over the water supply. Community member, Robert Pleasure confirmed that Water District 2 has provided 10,000 dollars towards the study costs with the Select Board recently authorizing approval of ARPA funding for the remaining 10,000 dollars. Dr. David Boutt from the UMASS Amherst Hydrogeology Department will oversee the study. Pleasure advised the Board members to convey their specific area of interests and objectives relative to the isotope study to Anne Capra to ensure that the desired subject areas are covered within the study.

5. Old Business:

(A) Nearmap

Chair Judge introduced Nearmap as the next topic of discussion. Frantz questioned if it was possible to receive a copy of the letter sent to the Town Administrator, if the attachments were provided in conjunction with the letter to Town Administrator, and if whether a response was provided. Jernigan mentioned that this matter would have to be deferred until a later date when Director Hart is able to provide an update on the requested information.

(B) Emergency Planning and Public Health

Chair Judge raised Emergency Planning and Public Health as the next topic to be considered by the Board. The Board members questioned if there was any action required of them regarding this topic. Community member, Robert Pleasure shared he had provided citations in reference to his initial presentation on the subject. Board members raised concerns about receiving follow up on how the effected community is being educated on evacuation and emergency protocols. Pleasure also noted that it is the Board's responsibility to enforce its regulation regarding Noisome Trade, specifically the storage of hazardous materials and site assignment. Jernigan mentioned that Director Hart would have to provide follow up on this matter at a later time.

(C) Update: South Hadley High School Mold Remediation:

Chair Judge introduced the South Hadley High School Mold Remediation as the next topic of discussion. Dr. McKiernan requested an update regarding the status of the mold remediation efforts at the High School. Jernigan shared an update from Hart confirming that no new mold issues have occurred at the school, trenching is set to take place soon, and options are being explored for long term HVAC replacement.

Discussion on PFAS pursued:

Frantz raised the possibility of requiring Town contracts to prohibit the use of PFAS products on Town property. Jernigan advised Frantz to prepare a discussion regarding the topic to be considered in conjunction with his Glyphosate and Glufosinate regulation proposal set to be discussed at the next meeting. Dr. McKiernan requested that Board members received related information ahead of time to properly familiarize themselves with the subject matter.

4. Set Next Meeting Date- (TBD) @ 6:00 p.m.:

Jernigan shared that Board meetings can no longer be hosted in person at the Senior Center on Tuesdays, as Tuesdays are hectic at that location. If the Board is still interested in having Tuesday meetings it could be done at the library or a different day would have to be chosen for meetings being held at the Senior Center. The Board members suggested the third Tuesday of next month November 15th, as the second Tuesday is election day. All present members were in consensus with the next meeting date being November 15th at 6pm at the library.

5. Adjourn the meeting:

Chair Judge mentioned he would accept a motion to adjourn the meeting. Dr. McKiernan made the motion and Collins seconded it. All members were in consensus.

The meeting was adjourned at 7:27 p.m.

Respectfully,

Monasia Ceasar

Draft – Board of Health
Meeting Minutes
October 18, 2022

ATTACHMENT A

RECORD LOCATION

Link to MPIC Page	BOH File
M.G.L. Ch.111, Sec. 122	BOH File
GBH News: Wu Blocks Artificial Turfs in Boston Parks	BOH File
Questions Regarding SH Landfill 2022 Q2 Report	BOH File
UMASS- Amherst Dry Brook Hill	BOH File

DRAFT

Town of SOUTH HADLEY**Board of Health****Glufosinate/Glyphosate Regulation on Town-Owned/Operated Property**

...

A. Purpose:

Glyphosate is the primary active ingredient in glyphosate-based herbicides (GBHs) -- such as RoundUp® and Rodeo. Glyphosate poses harm to developing children and humans generally, bees and other pollinators, pets, domestic animals, wildlife and other living resources. Many glyphosate restrictions or bans throughout the world have been introduced following the 2015 glyphosate report by the World Health Organization International Agency for Research on Cancer (IARC) that concluded "Glyphosate is probably carcinogenic to humans (Group 2A)", that there was a positive association between glyphosate exposures and non-Hodgkin lymphoma (NHL) and that glyphosate exposure caused DNA and chromosomal damage in human cells, as well as genotoxic, hormonal and enzymatic effects in mammals.

Glufosinate (GA) is the primary active ingredient in glufosinate-based herbicides. Studies demonstrate that GA causes adverse health effects in animals (dogs are especially sensitive); it is toxic to fish, clams, oysters, birds, amphibians, and reptiles. It has not been thoroughly studied but is apparently not proven to be a carcinogen.

Because it is in the best interest of public health and the environment to eliminate the use of **glufosinate** and glyphosate-based herbicides (e.g., GBHs) on town-owned/operated lands, ponds and waterways: to encourage the reduction and elimination of the use of such herbicides on private property: and to introduce and promote ecologically sound, organic and other management practices to prevent and/or manage unwanted vegetation on town owned/operated land, the South Hadley Board of Health adopts the following regulation.

B. Authority:

This regulation is promulgated to the authority granted to the South Hadley Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations."

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Glufosinate: **Glufosinate (GA)** is a neurotoxicant in mammals and through dermal absorption or ingestion can cause a range of effects in humans from eye injury, skin irritation, seizures, respiratory failure, to death. It is used as an "alternative" to glyphosate-based herbicides and is the primary active ingredient in glufosinate-based herbicides, such as *Basta*, *Challenge*, *Finale*, *Ignite*, *Liberty* and *Rely*.

Glyphosate: a systemic organophosphate herbicide C₃H₈NO₅P used to control herbaceous and woody weeds and the primary ingredient in many broad-spectrum herbicides (e.g., Roundup®, Rodeo®, Ranger Pro®, Bonide® Ground Force® Vegetation Killer).

Herbicide: a substance that is toxic to plants, used to destroy unwanted vegetation.

NOFA: the Northeast Organic Farming Association, Massachusetts Chapter, a non-profit organization that provides guidelines for Organic Land Management.

Organic Materials Review Institute: The Organic Materials Review Institute (OMRI) is an international nonprofit organization that determines which input products are allowed for use in organic production and processing. OMRI Listed products are allowed for use in certified organic operations under the USDA National Organic Program.

Organic land management: a method of preventing and managing unwanted vegetation problems that does not use GBHs. This includes only NOFA's Standards for Organic Land Care: Practices for the Design and Maintenance of Ecological Landscapes and/or Beyond Pesticides' Products Compatible with Organic Landscape Management or another comparable equivalent to be determined by the South Hadley Board of Health.

Pesticide: a substance used to manage any unwanted organism - insects, rodents, birds, unwanted plants ("weeds"), fungi, or microorganisms such as bacteria and viruses. The term *pesticide* applies to insecticides, rodenticides, herbicides, fungicides, microbicides, and various other substances used to manage unwanted species.

D. Protocol

The use and application of **glufosinate and** glyphosate-based herbicides by town employees and/or by private contractors for managing lawns, turf, ornamental beds, and trees is prohibited on all town-owned/operated lands.

This shall include, but not limited, to the following spaces owned and managed by the Town of South Hadley park commissioners, school committee, conservation commission and library board of trustees on the grounds listed below, but not limited to: athletic fields, playgrounds, grounds of town buildings (police, fire, town hall, department of public works, council on aging), town museums, greens, parks, picnic areas, cemeteries, conservation areas, water protection districts, traffic islands, parking lots, beaches, roadsides, golf courses, and food production plots.

Organic Land Management (OLM) shall be the methodology of choice to understand, prevent and manage unwanted vegetation problems on town-owned/-operated properties. This limits management products and interventions to those approved by NOFA, Beyond Pesticides and/or Organic Materials Review Institute (OMRI) or another comparable equivalent determined by the South Hadley Board of Health.

All **glufosinate** and glyphosate-based herbicide products currently stored in or on town-owned premises shall be compiled by the Director of Public Works or Solid Waste Coordinator, who shall have the authority to dispose of any such products, including all GBHs, through a Massachusetts Department of Environmental Protection (MassDEP) approved method.

This regulation shall only apply to properties owned and operated by the Town and not to private property. Accordingly, it shall not infringe upon any state laws or regulations including Massachusetts General Law Chapter 132B (the "Massachusetts Pesticide Control Act") and Chapter 333 of the Code of Massachusetts Regulations, nor any Federal Laws or regulations.

E. Exemption:

A request for an exemption shall be made to the South Hadley Board of Health in writing.

An exemption can only be granted by the South Hadley Board of Health, or its designated agent(s), due to an imminent threat to public health. An exemption shall only be granted after all non-toxic interventions have been exercised and failed to produce a tolerable outcome.

F. Enforcement:

Enforcement of this regulation shall be by the South Hadley Board of Health or its designated agent(s).

Any person who desires to register a complaint pursuant to this regulation may do so by contacting the South Hadley Board of Health or its designated agent(s) and the Board shall investigate.

G. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

H. Effective Date:

This regulation shall take effect on _____

Tony Judge, Chair

Christine McKiernan, Vice Chair

Karen Walsh Pio, Clerk

Jessica Collins

Stephen Frantz

BOARD OF HEALTH
Town of South Hadley
116 Main Street
South Hadley, Massachusetts 01075
Tel. (413)538-5017, Ext. 204

LIVESTOCK PERMITS

RULES AND REGULATIONS PERTAINING TO

**Horses, Cows, Ducks, Geese, Pigeons
Pheasants, Rabbits, Sheep or any other
Fowl or Animals.**

ADOPTED 1987

BOARD OF HEALTH
Town of South Hadley
116 Main Street, Suite 102
South Hadley, Massachusetts 01075

.....
RULES AND REGULATIONS RELATIVE TO

LIVESTOCK PERMITS

Horses, Cows, Ducks, Geese, Goats, Chickens, Pigeons, Rabbits, Sheep, Swine,
Pheasants and other Fowl or Animals.

The Board of Health of the Town of South Hadley, acting under the By-Laws of the Town of South Hadley, Chapter 12, Section 3, and the Massachusetts General Laws, Chapter 111, Section 155 and amendments and additions thereto, and by any other power thereto enabling, and acting thereunder and in accordance therewith, have, in the interest of and for the preservation of the public health, duly made and adopted the following rules and regulations.

.....
**ADOPTED BY THE BOARD OF HEALTH OF THE
TOWN OF SOUTH HADLEY**

Sol M. Gold, M.D. Chairman
Douglas G. L'Abbee, M.C.H.O., R.S., Member
Alan K. Root, Member

Section 1. PERMITS: No person firm or corporation shall keep or allow to be kept within the limits of the Town, in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any horses, cows, ducks, geese, goats, guinea pigs, chickens, pigeons, rabbits, sheep or any other fowl or animals without a permit from the Board of Health. All such permits shall expire annually on March 31 and may be revoked by the Board of Health at any time for cause. Dogs and cats are excluded only from Section One (1) of these regulations.

Section 2: CLEANLINESS: Owners or persons in control of any building or premises in which horses, cows, ducks, geese, goats, guinea pigs, chickens, pigeons, rabbits, sheep or any other fowl or animals are kept, shall keep the building and premises clean, free from odors, decaying food, filth, dirt, and stagnant water. The buildings and pens shall be white-washed or disinfected and put in such condition as may be ordered by the Board of Health.

Section 3: CARE OF FOWL AND ANIMALS: The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a barn for the stabling of horses or other domestic animals or fowl, shall keep their barns, stables and yards clean, and shall store and dispose of manure in a manner that does not affect the health and comfort of the general public or in any way ordered by the Board of Health.

Section 4: CARCASSES: All fowl and animal carcasses shall be disposed of in a sanitary manner by burial or by delivery in a covered conveyance to a rendering company within twenty-four hours.

Section 5: IMMUNIZATION RECORDS: The owner or person(s) having control of horses, cows, ducks, geese, goats, guinea pigs, pigeons, rabbits, sheep or any other fowl or animals must immunize and maintain immunization records as required by the Massachusetts Division of Animal Health. Immunization records must be made available to the Board of Health at any time. Diseased or infected animals must be isolated from other animals.

Section 6: LIGHTING: All buildings must be equipped with sufficient artificial lighting.

Section 7: MISCELLANEOUS: Rodent, fly and insect control shall be practiced at all times.

Section 8: PENALTIES: Any person who violates any provision of these regulations shall be fined no more than one-hundred dollars by the court having jurisdiction.

.....

Regulation of the South Hadley Board of Health
Minimum Standards for the Keeping of Animals

1. AUTHORITY:

This Regulation is pursuant to the authority granted to the South Hadley Board of Health by Massachusetts General Laws Chapter 111, Section 31, which provides that "Boards of Health may make reasonable health regulations," and Massachusetts General Laws Chapter 111, Section 155.

2. PURPOSE:

- a. This regulation is promulgated to provide minimum standards for the keeping of animals in South Hadley by enabling residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural protection while protecting public health, safety, and welfare in South Hadley.
- b. This regulation is not intended to regulate the use of land for commercial agriculture. Commercial agriculture may be limited by South Hadley zoning bylaw to activities of five (5) acres or more or on parcels of two (2) acres or more if the sale of products produced from the agricultural use on the parcels annually generate at least \$1,000 per acre based on gross sales dollars in areas not zoned for agriculture in accordance with Massachusetts General Laws Chapter 40A, Section 3.

3. DEFINITIONS:

For the purpose of this regulations, the following words shall have the following meanings:

Abutter: Owners of the abutting land or property within three hundred (300) feet of the area of the Applicant's property where animals are kept. A person will only qualify as an abutter, for the purpose of this regulation, if he or she possesses an ownership interest in the abutting land or property.

Animal: All animals and livestock which are kept as domesticated animals but excluding the following: household pets as defined herein; research laboratory animals otherwise regulated; and non-exempt wild animals as regulated by Massachusetts General Laws Chapter 131, Section 23 and 321 CMR 9.00.

Animal Structure: Any structure used to house, shelter or contain livestock and animals.

Applicant: A person who applies for a permit to keep one or more animals pursuant to this regulation.

Board or Health or "the Board":
The South Hadley Board of Health and/or its designated agent(s).

Cockerel: Young male chicken.

Corral: Any pen or enclosure for confining one or more animals.

Domesticated animals: Animals of a species of vertebrates that have been domesticated by humans to live and breed in a tame condition and depend on humankind for survival. Domesticated animals shall include, but not be limited to any equine or bovine animal, goat, sheep, swine, dog, cat, poultry or other domesticated beast or bird.

Dwelling: Any building, structure or shelter used or intended for human habitation.

Facility: The total accommodations to be used for the keeping and care of one or more animals, including but not limited to land and any accessory or animal structure such as, but not limited to a barn and/or stable.

Fencing: Enclosure material installed for privacy or livestock and/or animal containment.

Feed management plan: A plan for the keeping and management of feed.

Generally acceptable agricultural practices: Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are some potential resources, but are not an exhaustive list, that can be consulted to establish compliance with the MDAR GAAPs: MDAR, <http://www.mass.gov/eea/agencies/agr/>; the USDA Natural Resource Conservation Service, <http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/>; the MA Association of Conservation Districts, <https://massacd.wordpress.com/>; UMASS Extension, <http://ag.umass.edu/resources/agriculture-resources>; UNH Cooperative Extension, https://extension.unh.edu/resources/resource/471/Housing_and_Space_Guidelines_for_Livestock.

Household pets: Animals that are primarily kept indoors for non-agricultural purposes, including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, guinea pigs, hamsters, and mice.

Keeping of Animals Permit or "Permit": A permit issued by the South Hadley Health Department for the keeping of one or more animals in accordance with the provisions of this regulation.

Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats, sheep, swine, equines, camelids, poultry (not including roosters and/or cockerels), and other fowl.

Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization, and removal of manure.

Permit holder: Any person who has met the conditions of this regulation and has received a permit issued by the South Hadley Health Department to keep animals.

Person: Every individual, partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning property, or carrying on an activity regulated by this regulation.

Pest Management Plan: A plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects, and pests, and to minimize the creation of odors and other nuisances.

Rooster: An adult male chicken.

Stable: An accessory building or structure used for the shelter and/or feeding of one or more animals.

Stall: A compartment in a stable used for the keeping of one or more animals.

Usable area: Land area suitable for the raising of animals such as pastures, fields, and wooded uplands. This area does not include wetlands, swellings, or any other area(s) as may be restricted by town, state or federal law, regulations, or guidelines.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act, Massachusetts General Law, Chapter 131, Section 40, and regulations promulgated pursuant to 310 CMR 10.00 or by the South Hadley Wetlands Protection bylaw(s) or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal, and which require a permit to keep issued by either a federal or state wildlife agency, including but not limited to deer, poisonous reptiles, alligators, monkeys, lions, and tigers as defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and 321 CMR 9.00.

4. GENERAL REQUIREMENTS:

- a. All applications must be submitted to the South Hadley Health Department for review and approval and shall meet the criteria set forth in this regulation.
- b. All new structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the South Hadley's Zoning Bylaws, aside from protection accorded by Massachusetts General Law, Chapter 40A, Section 3 and the Wetlands Protection Act, 310 CMR 10.00.
- c. All permitted animals must be confined to the property for which a permit is granted unless the permit holder has documented in writing to the satisfaction of the South Hadley Health Department, including obtaining any necessary permissions, arrangements for such animals to be kept elsewhere (i.e., for grazing, pest control, etc.).
- d. In accordance with Massachusetts General Law, Chapter 111, Section 125A, "... the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operation upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance." This law applies to commercial farming operations.
- e. Owners or persons in control of any building or premises in which animals are kept, shall keep the building and premises clean, free from odors, decaying food, filth, dirt, stagnant water and shall store and dispose of manure in a manner that does not affect the health and comfort of the animal or the general public. Rodent, fly, and insect control shall be practiced at all times. All building shall be equipped with sufficient artificial or natural lighting.
- f. Owners or persons in control of animals must immunize and maintain immunization records are required by the Massachusetts Division of Animal Health. Immunization records must be made available to the Board of Health at any time. Diseased or infected animals must be isolated from other animals.

5. PERMIT AND APPLICATION REQUIREMENTS

- a. A permit from the South Hadley Health Department is required for anyone keeping one or more animals as defined in this regulation, except on commercial farms which meet the requirements of Massachusetts General Law, Chapter 40A, Section 3 and/or Massachusetts General Laws Chapter 128, Section 1A, and except as indicated in "section b" below.
- b. The keeping of roosters, cockerels, and non-exempt wild and exotic animals, in accordance with Massachusetts General Law Chapter 131, Section 23 is prohibited within South Hadley, except as allowed in the Town of South Hadley Zoning By-law(s).
- c. Application(s) for a permit shall be submitted on a form supplied by the South Hadley Health Department for each location where animals are kept in South Hadley. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information, plan, or fee is missing.
 - i. Name, mailing address, phone number and email of all owners of the property, including an emergency contact number.
 - ii. Location – street address of the premises to be used.
 - iii. Maximum number and species of animals to be kept.
 - l. If the permit holder intends to increase the number of animals or change in species of

animals to be kept prior to the end of the permit year, the permit holder must notify the South Hadley Health Department and the Building Commissioner if the Public Health Director and Zoning Enforcement Officer/Planning Director believes that the increase will materially change the application upon which the permit is based, the South Hadley Health Department may require a public hearing.

- ii. This section shall not apply to farmers when commercially breeding animals.
- iv. A plot plan, with dimensions of the area where animals will be kept. Also required on the plot plans are the locations of the primary residence, structure(s) (including fences), abutting structures(s), corrals, septic systems, private wells, and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for review.
- v. A written management plan for the following:
 - i. Manure management
 - ii. Storage of feed
 - iii. Pest management
 - vi. Application fees as indicated on the current South Hadley Health Department schedule of fees.
- d. The permit shall not be transferable to other animals, or assignable or transferable for the use of other persons or the use of other premises.
- e. The permit shall expire on December 31, unless sooner revoked or suspended by the Board after a public hearing.
- f. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of the permit. If a permit holder fails to timely apply for a renewal of the permit, the permit holder's application shall be treated as an application for a new permit. A permit will not be denied without cause in the form of valid complaints and/or violations of this regulation or other laws.
- g. If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner is not opposed to the keeping of animals on the property.
- h. All permits issued prior to the effective date of this regulation are valid and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety, or welfare. All renewals of permits after the effective date of this regulation shall be subject to this regulation.

6. CONSTRUCTION AND CONSTRUCTION CHANGES

- a. No person shall erect, occupy, use, rebuild, reconstruct, alter, or structurally change a stable, accessory structure or corral intended for housing or confining of animals without submitting an initial or revised plan to the South Hadley Health Department for its review and approval. This section shall not apply to repairs.
- b. It is the responsibility of the applicant to comply with South Hadley's Zoning Bylaws and applicable sections of the building code when conducting construction or construction changes referenced in "Section a" above.

7. APPEAL

- a. Any person aggrieved by the decision of the Board of Health may seek relief as provided by the laws of this Commonwealth.

8. PENALTIES

- a. If there is a violation of this regulation, a designated agent of the Board of Health may issue a written order ("Order") to the person or persons having control of the premises and to the permit holder (if different) to correct the offending deficiencies within a reasonable specified time.
- b. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the South Hadley Health Department may commence an enforcement action to correct such violation(s).
- c. In accordance with Massachusetts General Law Chapter 111, Section 31, any violation of this regulation shall be subject to fines of not more than \$1000 dollars. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the South Hadley Health Department from seeking equitable relief to enforce this regulation.
- d. The Board may suspend, revoke, or deny a permit if a permit holder is found to be in violation of any provision of this regulation after a hearing.
- e. Arrangements for re-homing the animals shall accompany any suspension, revocation, or denial of a permit.
- f. Any person to whom an Order has been served pursuant to this Section shall have the opportunity to request a hearing before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of mailing, except as stated otherwise on the Order. At the hearing, the person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

9. SEVERABILITY

- a. Each part of this regulation shall be construed as separate to the end that if any part of this regulation, or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the regulation shall continue in full force.

10. ADOPTION AND EFFECT

- a. These rules and regulations were adopted by the South Hadley Board of Health and are to be in full force and effect on and after _____

_____ DATE

_____ DATE

_____ DATE

_____ DATE

_____ DATE

Stephen Frantz [REDACTED]

Mon, Jul 25, 2022 at 5:11 PM

To: Sharon Hart <shart@southhadleyma.gov>

Cc: Stephen Frantz <sfrantz@shadleyma.org>, Jessica Collins <jcollins@shadleyma.org>, Christine McKiernan <cmckiernan@shadleyma.org>, Tony Judge <tjudge@shadleyma.org>, K W Pio <kwalshpio@gmail.com>, Tony Judge <[REDACTED]>, Karen Walsh Pio <[REDACTED]>, Monasia Ceasar <mceasar@southhadleyma.gov>, Jennifer Jernigan <jjernigan@southhadley.org>

Dear Sharon —

Thank for forwarding the South Hadley Landfill 2022 Q2 report. I had no difficulty downloading the report; however, I do have questions regarding the report *per se*. I would appreciate your passing this note on to Mr. Boulais in order to help clarify the monitoring process and accompanying data.

Thank you — Stephen

In the Operations Report April 2022-June 2022, it mentions that additional data provided in Attachments B, C, D, E, F, G, H, I, J, K and L; however Attachments B thru L were not included. *Leachate Flow, Monitoring and Discharge data*, and *Monitoring Points* and *Monitoring Spike Data* would be among the data worthwhile to review.

In Attachment A, Soil Gas Points, Device ID = SG-00003 and SG-00003D , for CH₄(%Vol) are both marked "Blocked". Methane (CH₄) is a significant greenhouse gas and I'm uncertain of what is meant by "Blocked". Has this been corrected?

Regarding the 5 EXCEL tables —

MSE Berm Cell 2D Monitoring Points: First, what is meant by "bent nail," though data was supplied? Second, I'm curious about the many cells with missing data. These are marked "Vegetation," "Disturbed" or "DNL" (I think that means Data point not located or Did not find). Have these issues been resolved, have these stations been abandoned or have replacement stations been established? I understand "Location surveyed using local coordinate system," but considering how much difficulty is based on "location," should not a different locator system be employed to improve the data set?

MSE Berm Cell 2E Monitoring Points: Similar to above, data is missing and marked: "Did not find" or "Monitoring point not located". In some cases, the same recording is given for several years. Again, have these stations been abandoned or is there some reason for not replacing the stations?

MSE Berm Toe Heave Monitoring Points: Cell 2E, Iron Rod A is marked "Inaccessible" since 6/30/21. How is it "inaccessible"? Does this continue to be inaccessible or is it being corrected?

MSE Berm Cell 2D Settlement Plates: In the column "Cumulative Settlement," data is frequently missing and marked: "Did not find," "Did not locate," "Did not locate - Vegetation," "Rod unreachable (on the wall)," "DNL - Vegetation," "Damaged," or "Rod is absent". Sometimes the data is missing for several successive years, and some of these problems appear to be correctable. As mentioned earlier, have any of these issues been resolved by the monitoring company? Can they replace some/all of the missing stations? Considering the importance of "location," and since location surveyed uses a local coordinate system, shouldn't a different locator system be employed to give a more complete set of monitoring data?

MSE Berm Cell 2E Phase 1 Settlement Plates: Again, the "Cumulative Settlement" column has missing data and/or marked "DNL - Vegetation". I propose the same questions as in previous tables above.

MSE Berm Cell 2E Phase 2 Settlement Plates: In the: "Cumulative Settlement" column there are cells with no data or marked "Monitoring suspended due to lateral movement of rod," "Did not locate," "Monitoring suspended due to damage to rod" and "Did not locate - Vegetation". Again, some of these problems appear to be resolvable or manageable and, if not, I'm curious as to why not?

Dr. Stephen C. Frantz
Research Pathobiologist

[Redacted]
[Redacted]
Email: sfrantz@shadleyma.org
[Redacted]
[Redacted]

[Quoted text hidden]

[Quoted text hidden]

*Do not print this email unless necessary



Jennifer Jernigan <jjernigan@southhadleyma.gov>

Fwd: 2022 Q2 report

Sharon Hart <shart@southhadleyma.gov>

Mon, Aug 1, 2022 at 3:37 PM

To: Stephen Frantz [REDACTED], Tony Judge [REDACTED], Tony Judge <tjudge@shadleyma.org>, Christine McKiernan <cmckiernan@shadleyma.org>, jessica collins <jcollins@shadleyma.org>, K WPio [REDACTED], Karen Walsh Pio [REDACTED], Monasia Ceasar <mceasar@southhadleyma.gov>, Jennifer Jernigan <jjernigan@southhadleyma.gov>

Sharon D. Hart,
 Emergency Management Director,
 Director of Public Health
 116 Main Street, M2
 South Hadley, MA 01075
 cell (413) 315-7307
 work (413) 538-5030 x 6184
 fax (413) 538-5012
 shart@southhadleyma.gov

----- Forwarded message -----

From: **Chris Bouchard** <cbouchard@southhadleyma.gov>
 Date: Thu, Jul 28, 2022 at 4:27 PM
 Subject: 2022 Q2 report
 To: Sharon Hart <shart@southhadleyma.gov>
 Cc: Daniel Boulai [REDACTED]

Hi Sharon,

Dan forwarded me some questions from a member of the board.

The attachments B-L are in the attachment Q2 pdf.

Soil gas points - The soil gas points reported as blocked (SG-3 and SG-3D) are in close proximity to a landscaped area at 17 Industrial Drive and have likely been impacted by tree growth or maintenance activities by the private property owner. Sampling point soil gas point SG-13 is located approx. 40' west of SG-3 and SG-3D and has reported to have 0% reportable CH4.

As far as the other questions, many relate to MSE Berm monitoring points that were damaged during capping of the landfill or by brush removal equipment. We will follow up with the survey crew to make a more concerted effort going forward to locate the points noted as blocked by vegetation or did not find. The other issue has been to schedule the mowing contractor to mow the landfill and trim the MSE berms, weather, help and equipment issues as there are only a couple of companies that can handle landfill slope mowing safely and not damage the the liner, swails, gas heads or monitoring points. Many other survey monitoring points as well as inclinometers continue to be surveyed and reported in the quarterly reports. Additionally, a year end summary of the historic MSE Berms data and assessment report is required and submitted as part of the closure monitoring.

The history of the landfill is this is the first MSE Berm landfill in the state and was required to have more survey points than a normal landfill almost to a point of redundancy as it was the first as the DEP wanted to make sure everything was done right and did what it was proposed to do.

done right and did what it was proposed to do.

We are also contracted with Tighe and Bond for three years as they are do the daily, weekly, monthly, and yearly monitoring and reporting for post closure services shown below:

1. Gas System Monitoring, Adjusting, Maintenance, and Reporting
2. Leachate System Maintenance (Leachate Testing, Monitoring, and Reporting is not included – the Town will perform these tasks)
3. Surface/Groundwater Monitoring, Testing, and Maintenance
4. Site Inspections
5. Landfill Mowing and Vegetation Control of Landfill (including MSE Berms)
6. Surveying and Monitoring of the MSE Berms (including Monitoring and Reporting of Inclinometers and Extensometers. Town will provide equipment and proprietary software for DEP Reporting)
7. All Necessary Reporting
8. Operation and Maintenance of Landfill Equipment
9. Troubleshooting and Repair Recommendations
10. Response to After Hours Issues
11. The Firm shall provide all Monitoring Equipment except for the equipment and software necessary for the monitoring and reporting of the Inclinometers and Extensometers as mentioned in #6 above

Tighe and Bond has held this post closure contract with the Town since the closure and has great success with them and onsite staff with communication, work as contracted and when recommendations for work that needs to be done outside the scope of the post closure contract as well. We have not had any significant issues that remain unresolved or are outstanding with the MA DEP in accordance with our permits.

Chris

--

Christopher J. Bouchard
Director of Public Works
Department of Public Works
Town of South Hadley
10 Industrial Drive
South Hadley, MA 01075
Phone #: (413)538-5033 Ext. 6509
www.southhadley.org
cbouchard@southhadleyma.gov



Jennifer Jernigan <jjernigan@southhadleyma.gov>
To: Stephen Frantz [REDACTED] sfrantz@shadleyma.org

Tue, Sep 13, 2022 at 6:10 PM

[Quoted text hidden]

--

Jennifer Jernigan,
Assistant Public Health Director/Burial Agent
Town of South Hadley
Board of Health, Room M2
(413)538-5017, x6107