



**TOWN OF LITTLETON**  
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**BOARD OF HEALTH**

October 30, 2009

Mr. Alexander McCurdy, Chairman  
Littleton Board of Selectmen  
PO Box 1305  
Littleton, Massachusetts 01460

Re: 215 Harwood Avenue

Dear Mr. McCurdy

The Board of Health provides you with the following background, findings and recommendations regarding the work that is being conducted at 215 Harwood Avenue (the property).

Background

Following a site visit on Friday October 9, 2009 with members of several town boards, the Agent for the Board of Health Jim Garreffi conducted a review of documents found in Town Hall and with the Department of Environmental Protection (DEP). A partial list of documents includes the Fox Run Soil Reuse Management Plan (Reuse Plan), environmental sampling test results and DEP regulations.

Findings

- The Reuse Plan specifies an elaborate process for placing fill on the property. The process includes characterizing the fill, ensuring the soil meets the acceptance criteria, approving of the soil prior to being shipped and inspecting the fill brought to the property. There are approvals, testing, reports and inspections required by the plan at specific intervals that must be conducted by a Licensed Site Professional to ensure conformance with the Reuse Plan.
- The Reuse Plan specifies the size of asphalt, brick and concrete (ABC waste) acceptable in the fill disposed at the property and that the fill must be in compliance with the DEP's ABC Policy. During the site visit Mr. Garreffi noted numerous pieces of ABC that exceeded the six inch size limit.
- During the site visit Mr. Garreffi noted that a composting operation is currently active on the property. Based on the volume of composting material and the fact that additional material is being brought to the property, the composting operation needs to be registered with the DEP. The applicable section of the Site Assignment regulation is 310CMR16.05 DEP registration form is attached.
- Regarding the point that potentially contaminated soil is being disposed at the property the sampling data is inconclusive. Only one location was sampled and the soil, water and sediment samples were collected. The data indicate that the sediment barium concentration exceed the maximum contamination limit (MCL), 2.7 parts per million (ppm) sampled vs. 2 ppm MCL; and sediment lead concentration 0.023 ppm sampled vs. 0.015 ppm MCL. These concentrations did not exceed the MCL by a significant amount. This is one sample it is not known if there is higher background level in this area; the location of the sample is not known because the employee who collected the sample is no longer employed by the Town of Littleton. Based on these data the higher levels of barium and lead cannot be definitively attributed to the property.
- Mr. Richard Tomszyk inspected the property in May 2008 and determined the operation to be in order regarding a complaint that material being brought to the property from the MWRA CSO Storage Tunnel did not meet acceptance criteria.

Recommendations

The Board of Health recommends that the Board of Selectmen discuss the following with Mr. Pittorino.

- In order to address the concerns regarding the placement of potentially contaminated materials on this site and to determine if the operations are in compliance with the Reuse Plan, the Board of Health recommends Mr. Pittorino provide copies of the documents and reports by the generator and LSP that are required by the Reuse Plan. As we understand that the DEP previously inspected the property for compliance with existing permits if Mr. Pittorino can provide similar decisions by the DEP that material may be acceptable.
- Once the Board of Health has had an opportunity to review these materials additional requests may be made such as collecting sediment, soil and water samples on the property to determine if the material is contaminating nearby natural resources. If necessary the Board of Health recommends executing an access agreement to allow the Board of Health Agent or town employees to collect samples from the property.
- Test holes or excavations should be made within the recycled soil fill materials and ABC fill to determine if the material is in compliance with DEP's ABC Policy. Should material be found that is not in compliance, the material may need to be processed to bring it into compliance or removed from the property and disposed legally.
- Mr. Pittorino should register the composting operation with the DEP; the registration form is attached.

Conclusions

At this point the Board of Health does not see evidence of an imminent threat to public health or the environment for the construction at 215 Harwood Avenue. As residents have logged complaints, it may be in Mr. Pittorino's best interest to accept the recommendations and remove all doubt that his operations are in violation with any laws, regulations or permits.

If you have any questions regarding the content of this letter please contact the Board of Health our Agent or me.

Sincerely,



THE LITTLETON BOARD OF HEALTH

Ted P. Doucette, Chair  
Peter Yapp, Vice-Chair  
Joseph Presti, Esq., Clerk  
Peter M. Cassinari  
Gino Frattallone

cc: Jim Garreffi, NABH  
File

Via email