

## **ARTICLE 68 WORK GROUP**

Meeting of Tuesday, April 3, 2012, at 10:30 am  
Conference Room at 2 Fairgrounds Road

### **Preliminary Agenda**

1. Call to order.
2. Review and approval of the meeting agenda.
3. Review and approval of the minutes of the March 5, 2012, meeting.
4. Chair's Announcements; Comments from Work Group Members.  
News from Town Meeting; Discussion of any comments that arose during consideration of Article 77.
5. Progress of Board of Health Regulation
  - a. Regulation as edited by Town Counsel has been distributed to WG members
  - b. Regulation adoption by the Board of Health
    - i. Formal preliminary adoption in meeting of Thursday, April 12, 2012;
    - ii. Public announcements in newspaper of record for two successive weeks;
    - iii. Public hearing no sooner than four weeks after first adoption, Thursday, May 10, 2012;
    - iv. If there are no public comments requiring formal response, then the Regulation may be voted for final approval at this meeting;
    - v. Formal responses and possible amendments may extend the review period.
  - c. Advice to the Board of Health, if needed, based on comments made during Town Meeting.
6. Final Report to Board of Selectmen
  - a. Regulation: Home-Rule Petition, Board of Health Regulation, and BMP have been transmitted to the Board in substantial fulfillment of items one and two in their charge.
  - b. Implementation: The Department of Health, under the aegis of the Board of Health, is recognized within the Regulation as the party responsible for implementation.
  - c. The Article 68 Work Group may recommend, subject to discussion at this meeting, the following actions to the Department of Health as part of an implementation plan; these items and their attached drafts are meant to fulfill the balance of the BOS charge to the Work Group:
    - i. Publish the BMP, with final version of the Regulation as an appendix, in paper and digital formats;
    - ii. Create an Advisory Board of four or five members selected from people knowledgeable of the issues of nutrient contamination from fertilizer;

- iii. Establish a fertilizer page in the Departmental web site to include the BMP, background reference lists (such as the List of Common Documents), videos of live educational presentations, and a web log for comments and questions;
  - iv. Develop educational materials (drafts provided for review and approval) for the HPIC Blue Pages; point-of-sale homeowner brochures; and pocket card with abbreviated copy of the rules, guidance for mowing and irrigation and a ruler;
  - v. Use members of the Advisory Committee and former members of the Article 68 Work Group to host continuing live educational sessions for the Nantucket Garden Club, fertilizer vendors, landscape professionals, and homeowners in general. Videos of the best of these presentations should go onto the web site;
  - vi. The presentation to landscapers should be organized so as to be acceptable as Professional Development Hours for licensure;
  - vii. Develop Spanish language versions of the handouts.
- d. Impact Studies (“measurements of effectiveness”); in fulfillment of this part of the charge, the Work Group recommends that the Department of Health:
- i. Establish or maintain liaison with the Estuaries Project personnel and the Massachusetts Department of Environmental Protection for compliance with Total Daily Maximum Loads, TDML, for N and P;
  - ii. Continue water quality surveys for N and P.
- e. Soil Tests: Because the BMP recommends continuing tests for soil quality (“the soil test”), it is recommended that the Department of Health determine if a soil testing laboratory will establish a presence here on the Island. “Presence” could mean an on-Island laboratory or merely an identified sample drop-off station.
- f. Compost from Nantucket’s Waste Recycling Facility: to comply with the BMP recommendations on the use of compost, it is recommended that the Department of Health or the Department of Public Works provide current values for N, P, and K in the compost; remove trash (glass and plastic) and weed seed from the compost.
- g. Educational coordinator: The Work Group recognizes that the above suggestions may add a substantial work load to the Department of Health and, therefore, suggests the addition of an educational coordinator to the staff of the Department.

## 7. New Business.

## 8. Adjournment and move to dissolve the Work Group.

### “Charge:

- To recommend constructive changes in perfecting the language of the proposed legislation for Article 68 of the 2010 Annual Town Meeting (Home Rule Petition: An Act Regulating the Content and Application of Fertilizer Used in the Town of Nantucket);
- to develop a comprehensive plan to reduce the amount of nitrogen and phosphorus in our waters, including legislative action, whether a refined home-rule petition and/or a bylaw amendment, and other relevant actions contained in the Harbors Action Plan;

- to develop an implementation action plan with roles and responsibilities specifically delineated, as well as measurements of effectiveness for ongoing assessment; and
- to develop a timeframe and a budget.”

DRAFT