

**BOARD OF HEALTH SPECIAL MEETING  
600 IRON HORSE PARK – MCFARLAND CASCADE  
APRIL 13, 2009**

Marie O'Rourke, Chair, called the meeting to order at 7:30 p.m. Also in attendance were Robert Reader, Vice Chair, Sandra Giroux, Secretary, Fred Kenyon, Daniel Kane, Richard Berube, Director, and Joanne White, Recording Clerk.

Robert Fitzgerald, Goodwin Proctor LLP, Steven Glennon, Operations Manager for McFarland Cascade and Gale Hoffnagle, Environmental Consultant for TRC, approximately 50 neighborhood residents and several members of the Billerica Watchers Group were present.

Mrs. O'Rourke asked Mr. Berube if he would like to discuss any Board of Health Business before the public hearing for 600 Iron Horse Park McFarland Cascade begins.

Mr. Berube stated that on April 14, 2009 at 7:00 p.m. the Billerica Substance Abuse Prevention Committee will be giving a presentation on substance abuse in the Billerica Town Hall Auditorium if anyone is interested in attending. Mr. Bernie Hoar will be attending as the representative for the Board of Health.

Mrs. O'Rourke explained this special meeting has been scheduled to discuss 600 Iron Horse Park, McFarland Cascade's Plan of Action. On the table, there are copies of the Plan of Action and the three (3) progress reports that have been submitted to the Board for review.

Mrs. O'Rourke announced that if anyone in the audience would like to speak please come to the front of the auditorium and state their name and address. Mrs. O'Rourke asked Mr. Fitzgerald if he was going to make the presentation on behalf of McFarland Cascade.

Mr. Fitzgerald identified himself and introduced Steven Glennon, Operations Manager for McFarland Cascade and Gale Hoffnagle, Environmental Consultant for TRC. Mr. Fitzgerald stated that he would summarize the Plan of Action that has been submitted to the Board. McFarland will continue to work with its supplier of treated poles to complete the transition to the use of ultra low-sulfur diesel

for pole treatment. As of May 15, 2009 all the poles that arrive at the facility will be treated with the ultra low sulfur diesel as opposed to the diesel that had been used. McFarland Cascade will continue to work with the manufacturer of the pentachlorophenol to introduce the new formulation into the treatment process. The new formulation will be completely introduced to the treatment process at McFarland's facility in Mississippi by May 1, 2009. McFarland will work with the other suppliers of the treated poles to introduce the new pentachlorophenol formulation as soon as reasonably possible. By June 15, 2009 McFarland will reduce its inventory at the Iron Horse facility by an additional 15% over the already reduced levels maintained at the facility as stated in the progress reports. McFarland has committed to maintain those reduced inventory levels (even after the poles that are treated with the low sulfur diesel revised formulation arrive at the facility). McFarland has committed to fill orders for the poles by removing the poles from bins located closet to the neighborhood from which the complaints have been received provided that the poles in these bins are of the size and type ordered. As the bins are emptied of the current inventory those bins will be left empty until the newly treated poles are received, thereby keeping the new poles separate from the existing poles. There will not be any mixing of the two types of treated poles. McFarland will continue to operate the weather station that was installed and use it to look at atmospheric conditions (e.g. wind velocity and direction) whenever the Board informs McFarland that an odor complaint has been received. McFarland will minimize the number of railcars delivering the treated poles to the facility by maintaining inventories at the minimum levels necessary to satisfy its binding commitments to its customers. McFarland will move as expeditiously as reasonably possible to unload railcars after their arrival at the facility. McFarland will continue to work with the railroad to reduce the possibility of loaded railcars arriving at the facility on the weekends. The representatives of the railroad have indicated a willingness to be helpful, but they cannot guarantee that loaded cars will not arrive on the weekends. Mr. Fitzgerald stated if the Board would like to inform the railroad of their desire not to have the railcars arrive on weekends McFarland would appreciate the Board's participation. McFarland will continue to keep the Board of Health informed of progress with this Plan of Action through bi-weekly discussions with Richard Berube, the Director of Public Health. Since the initial Board of Health meeting January 12, 2009, McFarland has been proactive and responded to the Board's request for information, agreed to reduce its inventory of treated poles, worked closely with its chemical and pole suppliers to secure changes in formulations intended to reduce odors from the treated poles, installed a weather station and hired an environmental consultant to evaluate atmospheric conditions at the time of the complaints. One issue that is not addressed in the Plan of Action but has been discussed is the possibility of testing the soil that is potentially a source of the odor. Mr. Hoffnagle is present to speak specifically about soil testing.

Mr. Hoffnagle provided a copy of his business cards and resume to all the Board Members. Mr. Hoffnagle explained that he has been working with air quality for the past 40 years and has also done consulting work at treatment plants across the entire country for the past seven (7) years which I have benefited from because I have a better understanding of the odors from the treated processes. The odors that come from the treated poles and the poles that are treated with pentachlorophenol come from the lightest compounds that are found in the oil that is used in the treatment. Those lighter compounds are called aromatics which mean they make an odor. Those components come out or evaporate into the air in a period of 40-60 days. After a pole has been treated within 40-60 days all the aromatics have left the poles and there is no longer a potential to create an odor. You will not find an odor problem

in the neighborhood 50-60 days after the poles have been treated. There is a document regarding the emission factor published by the United States Environmental Protection Agency, which talks about the emissions from wood treatment plants for creosote. However the same principal applies to poles treated with pentachlorophenol. This document states that the smell would stop in 50-60 days. Mr. Hoffnagle provided a copy of the emissions statement to the Board. The issue whether soil testing or ground water testing should be done seems that those places would be the most unlikely places to find anything that would create an odor. The odor would be gone. Even if the poles dripped something the odor would be gone in 40-50 days. If you found a lot of the chemical parts of the oil in the ground they would be the non-odorous parts. Pentachlorophenol does not evaporate so if you found it in the ground it would not be odorous at all. That would be the last place I would look for another odor source. I can understand the company not wanting to do soil sampling or ground water sampling because next door is a Superfund Site. The company does not want to be responsible for the chemicals that may be found in the ground even if the chemicals are non odorous. There are many sources of potential odors in Iron Horse Park. There are other sources that should be considered when the odor complaints are received. There is land fill, plants, railroad ties that are treated with creosote and operations that occurred last summer when the new railroad ties were installed. We should be looking for other sources of odor in that area in order to reduce the odor in the community.

Mrs. O'Rourke thanked Mr. Hoffnagle for his presentation.

Mr. Berube asked at what point do you predict you will exhaust the current supply of poles that are treated with the old formula and with the high sulfur diesel fuel.

Mr. Glennon replied it is hard to say. We are filling orders as they come in. We will continue to reduce the inventory as the orders come in and hopefully it would only take ninety (90) days.

Mr. Berube stated if it is going to take ninety days it will be hard to determine whether or not the actions that you propose are really working until all those poles are depleted. Is there anyway you can relocate the old poles?

Mr. Glennon replied that is a decision he can not make.

Mr. Fitzgerald replied the commitment in the Plan of Action is to reduce the inventory an additional 15% by June 15. That would be a total of 30% inventory reduction. As Mr. Glennon mentioned there is not a standard turn over rate for the facility, once an order comes in the order is filled and shipped out. It could be 3 or 4 weeks in between orders. It is hard to predict when the complete inventory would be exhausted. There would be a 15% reduction by June 15. Once the orders come in all the old poles will be shipped out first and the new poles will be put in separate bins.

Mr. Hoffnagle commented in 50-60 days an old pole will probably not smell.

Mrs. O'Rourke asked if any of the Board Members had any questions.

Mr. Reader asked Mr. Hoffnagle when the poles are stacked on top of each other will the poles on the bottom smell for only 50-60 days or will the odor stay longer because the old poles are on the bottom of the pile.

Mr. Hoffnagle replied there is very little area of contact between two poles while stacked on the pile. The total surface area is exposed to the air where the oil evaporates from. A stack of poles will have its emissions go away in the same amount of time as a single pole. In doing the calculations, the EPA emissions factor book states it does not matter the position of the poles.

Mr. Reader stated so it does not matter how the poles are stacked

Mr. Hoffnagle replied in a square creosote tie if they are sitting on top of each other there is unexposed area. Once the tie has been taken off the area is now exposed and will smell.

Mr. Reader asked is the odor hazardous because of the pentachlorophenol.

Mr. Hoffnagle replied pentachlorophenol is an insecticide but it is not evaporating from the poles. You do not smell pentachlorophenol. If you smell something it is oil. The sulfur in the diesel makes it easier to smell those oil odors. It is no different than home heating oil. It is the same aromatic compounds that are coming out. If a business has an oil-fired boiler it would smell exactly the same.

Mr. Kane asked is it because it cannot become air borne or because it has no odor.

Mr. Hoffnagle replied because it cannot become airborne. It cannot evaporate. It is too big a molecule to evaporate at temperatures of 100 degrees. It can evaporate at 300 degrees but not up to 100 degrees. Pentachlorophenol is not coming out. It is not being smelled. If you were inhaling pentachlorophenol that would be a problem but you are not.

Mr. Reader thanked Mr. Hoffnagle.

Mr. Kenyon asked if after the 50-60 days I went down to Iron Horse Park and rubbed the poles I would still see a residual on my fingers but the odors would be gone.

Mr. Hoffnagle replied the odors would be gone but the residual does not evaporate from the poles.

Mr. Kenyon stated the oily surface is still going to be there.

Mr. Hoffnagle replied no, the poles are going to be very dry. The chemicals in the oil that can evaporate will have evaporated. These poles are used all over the northeast and all over the country for electric utility poles. Can you smell the electric utility pole that is near your front lawn?

Ms. Legro stated in this area of Lowell you can.

Mr. Hoffnagle replied that is not the source.

Mr. Kane explained the telephone pole that is located in front of my house has been there for over 30 years, it is a difficult analogy when you try to compare one pole by your house to three thousand poles stored for less than ninety days in a large area.

Mr. Hoffnagle explained the evaporation takes place over that number of days and after that a pole will not smell.

Mr. Kane asked the goal for the plan is to reduce the inventory by 15%, have you continued to receive deliveries since the April 6, 2009 meeting.

Mr. Glennon replied yes, we have received a few orders. Those orders are ones that have already been ordered in the system.

Mr. Kane asked are there any poles on order at this point that have been treated with the high sulfur diesel prior to May 15, 2009. Will the new poles that are being treated with the ultra low diesel be delivered from now on?

Mr. Glennon replied I believe at this point we have received all the poles that have been treated with the high sulfur diesel. The new poles that we will be receiving from now on will be treated with the ultra low diesel.

Mr. Kenyon asked is there going to be any special markings on the new poles so that you will be able to identify them.

Mr. Glennon replied we will be informed of when the railcars with the new poles will be shipped.

Mr. Kenyon stated I also noticed when I was at the facility the other day that most of the poles are a light blond color and they don't seem to be wet. Some of the other poles are very dark and have a thicker layer and are wet. If you look at the piles of dark poles there is more leaching under them than the blond poles. What is the difference between the blond poles and the dark poles? The dark poles seem to be more saturated with chemicals.

Mr. Glennon replied I am not sure of the difference. I know there are some darker ones in the piles. We are hoping that all the new poles are going to be light.

Mrs. Giroux stated you said you will not receive any more shipments with the high sulfur diesel poles so that means you will not be receiving any shipments from now until after May 15, 2009.

Mr. Glennon replied we will not be receiving anymore shipments with the high sulfur diesel. They have started treating the poles with the new solution.

Mrs. Giroux stated so you will only be receiving poles from Mississippi.

Mr. Glennon replied no. Mississippi is the location of where the pentachlorophenol solution is being used.

Mrs. Giroux asked is that the one we want.

Mr. Glennon replied yes.

Mrs. Giroux stated so will we be getting a second type and then going to a third type of pole.

Mr. Glennon replied no, they have gone to the low sulfur diesel and the solution will be introduced as soon as possible.

Mrs. Giroux asked where are the poles with the low sulfur diesel going to be stored.

Mr. Glennon replied we will be shipping them out as soon as they come in and they will not be stored in a separate location.

Mrs. Giroux stated so the facility will have the poles that have been treated with the high sulfur diesel, then you will be getting the poles that have been treated with the low sulfur poles in May and then you will be receiving a third type of pole.

Mr. Glennon replied there will be only two types of poles the old poles and the new ones. The new poles will the new solution will be stored in a separate location.

Mrs. Giroux asked are there going to be three separate locations.

Mr. Glennon replied there will only be two locations.

Mrs. Giroux asked are the new poles going to be stored on top of the old poles.

Mr. Glennon replied yes, the old poles will be shipped out first.

Mrs. Giroux stated some of the old poles were shipped this morning. How many poles will be shipped out to reduce the number of poles? You are not going to have any shipments between now and May.

Mr. Glennon replied he is not sure of the orders that are in the office.

Mrs. Giroux asked is there any orders coming in before the new solution in May.

Mr. Glennon replied there are a couple of orders in the system that we have not received yet. The orders that are coming in are the low sulfur diesel but not the new solution.

Mrs. O'Rourke asked the Board Members if they had any other questions.

Mr. Kenyon stated the facility has been there since 1969, isn't there any history on the cycle count or turnaround time. Isn't there any reporting on the inventory and the turnaround time? Are you going to report on the inventory to the Board?

Mr. Glennon replied yes, he would be reporting to Richard Berube, the Director.

Mrs. O'Rourke stated she would open the hearing up to the audience.

Eric Brown, 81 Rogers Street, identified himself. Mr. Brown asked are the poles dated when they are made.

Mr. Glennon replied yes.

Mr. Brown asked so if there is a 60 day burn time when there would be no odor why doesn't the manufacturer keep the poles for 60 days so that the odor could burn off and then ship them. Then there would be no odors when the poles arrived at the facility.

Mr. Glennon replied he could not answer that question at this time.

Mr. Brown stated that would be a way to eliminate the odors.

Mark Sampson, 4 Carmel Drive identified himself. Mr. Sampson talked about the research he has done since the April 6, 2009 meeting. One of the questions that was asked at the last meeting is can the current inventory be moved off site immediately and the answer was no. We were informed the inventory would be reduced. We have been focusing on this smell, which is a nuisance but we also need to worry about what is under the poles. What chemicals are going into the ground and what chemicals could be going into the running water that goes across that property? Since last week I have only smelled the odor one morning. Other residents have told me that they smelled the odor on Saturday, April 11, 2009 at the Health Fair. Each of the poles that are stored at the facility contains about 40 pounds of pentachlorophenol in them. If there are 2,500 to 3,500 poles that means there is 50 –70 tons of pentachlorophenol sitting at the facility. This is a major concern for me. Everything I have read about pentachlorophenol says you shouldn't breath or touch this stuff. We need to get these poles out of there. One of the biggest loopholes that I have found with the EPA is that there isn't any required storage parameters for these poles. EPA doesn't tell you have to cover them or store them in bins. Based on an e-mail that I received one of the suppliers in Georgia, William Meredith Company has an active 2007 lawsuit against them for using pentachlorophenol. The United States and Canada still allows pentachlorophenol to be used. There are countries that I have never heard of that have already outlawed the use of this chemical. I am not expecting to change the EPA however I am expecting the Board and the Town of Billerica to protect my children.

Mr. Sampson asked Mr. Fitzgerald is the 15% reduction that is going to take place this summer going to be off the original amount or off of the reduced inventory, which would mean that instead of it being 30% it would equate to about 22% reduction.

Mr. Fitzgerald replied the commitment McFarland Cascade is making is that an additional 15% will be taken off the original amount so it will be a total of 30%.

Jim Minor, 13 Burnham Road identified himself. Mr. Minor stated that he has read some articles on the hazards of the smell of this chemical. Mr. Minor explained that he is a firefighter in the Town of Billerica and responded to a car accident last week where a gentleman hit a pole on Cook Street. These are the poles that have been there for more than sixty (60) days. I went up to the poles and they still smelled of the chemicals. The smell doesn't get old. Mr. Minor explained that chemical can affect the target organs, eyes, skin, respiratory system, cardiovascular system, liver, kidneys and the central nervous system.

Mr. Hoffnagle explained you are talking about the crystalline form. We are not talking about the crystalline form. We are talking about the form that is used in the production of these poles, which is made into a liquid by putting it in oil. It does not smell. What you smell in the pole is not the pentachlorophenol it is the oil.

Carole Legro, 5 Ashdale Road identified herself. Ms. Legro stated there is an odor and whatever aspect of the chemical we smell is causing these symptoms. In my search with the National Institute of Health when we measure toxicity it is only measured for cancer. When the National Institute of Health and EPA say something is Ok, it is acceptable. Then everything else is other things like respiratory or asthma or cardiovascular or the other symptoms that are now being reported. The odor is there and it is making us sick. If McFarland Cascade is really a good neighbor they will find another site for these poles because it makes us sick. I don't think adding a new chemical to the poles is good enough. If the Board would like I could get some of the research statistics around the inhalation disorders that this chemical as well as the diesel fuel and the other chemicals can cause.

Melissa Smith, 19 Carriage Road identified herself. Ms. Smith asked is McFarland Cascade willing to put it in writing that there is nothing to worry about regarding our health risks because of these poles.

Caroline Ahdab, Pepperell MA Secretary for the Billerica Watchers Group identified herself. Ms. Ahdab stated that the EPA probably has some soil samples on record because it was discovered as a Superfund Site. It would probably be beneficial for the company to take some soil samples now so that they aren't responsible for what may be found in the soil later on. The chemicals could be leaching into the soil and the underground streams and be heading towards the river. These chemicals could leach towards the resident's homes. I highly recommend that air monitoring and testing be done inside the resident's homes. The Massachusetts EPA has threshold limits and air quality standards that need to be met. I would recommend that air monitoring be done in the homes and in the surrounding areas. I have spoken to several residents and they have informed me that there are odors in their homes. This is a



violation of the Massachusetts General Law 310CMR7.00 and 310CMR7.09 Air Pollution. Ms. Ahdab read the laws to the audience.

Mrs. O'Rourke thanked Ms. Ahdab.

Mr. Sampson asked the Board if they could have the drinking water tested for pentachlorophenol and other chemicals that may be in the water. There are limits set by the EPA for chemicals in the drinking water.

Richard Karamanian, 4 Ashdale Road identified himself. Mr. Karamanian explained that he had called the Fire Department regarding the odor. My concern is the Fire Department capable and prepared incase there is a fire at that facility? It is highly inflammable. Does the Fire Department have the means to contain and restrain a fire like that at the facility?

Mr. Berube replied that is a question that he would have to ask the Fire Department.

Ms. Legro asked should there be a fire at the facility is there an evacuation plan in place.

Don Gadbois, Town Farm Lane N. Billerica identified himself. Mr. Gadbois stated that someone commented that the poles should be left at the suppliers for sixty days so the smell will go away. Can something be wrapped around the poles? Are there any OSHA requirements for the employees that work in this plant?

Mr. Glennon replied we are not a manufacturing plant.

Mr. Gadbois asked do the employees wear respiratory equipment, hazard suits or gloves?

Mr. Glennon replied no because we are not the manufacturers.

Mr. Gadbois stated but the employees handle the poles.

Mr. Glennon replied the poles are handled with a truck not with their hands.

Mr. Gadbois asked how many poles are stored at this site.

Mr. Glennon replied approximately 2,500 poles.

Joseph McWhinnie, 25 Burnham Road identified himself. Mr. McWhinnie stated that he has been a resident of Burnham Road since 1971. Mr. McWhinnie explained that in May of 2008 right behind his house at the railroad tracks a culvert with a 48" pipe was installed. It blocked off the original culvert. There was a big rainstorm and everything backed up into the drainage system. The 48" drainage system connects our whole neighborhood. Mr. McWhinnie asked Mr. Hoffnagle if the diesel fuel could have backed up and traveled through the drainage system. Diesel generators were used to pump the water.

There is a free flowing culvert that goes under the tracks and that was blocked off. Now the water has nowhere to go. Could something have backed up into the drain system and cause the odors to come up through the system?

Mr. Hoffnagle replied the railroad ties and the diesel oil that drips from the engine can contaminate the railroad lines.

Mr. McWhinnie stated this was a one time event when it pushed everything back through our drainage system. The culvert was blocked off and it shouldn't have been. Maybe there is an additional odor that could be coming from the catch basins.

Mr. Hoffnagle replied there could be fifteen or sixteen different places where the odors could be coming from. One of them could be the railroad ties. Mr. Hoffnagle informed the residents that the sixty (60) days start from the day the poles leave the treatment facility it maybe more than sixty (60) days before the poles reach the facility.

Tom Smith, 19 Carriage Road identified himself. Mr. Smith asked Mr. Hoffnagle if he has visited the neighborhood while there was an active complaint going on and smelled the odor.

Mr. Hoffnagle replied he has not visited the site during the time when the odor was present. I have not smelled what you are complaining about.

Mrs. O'Rourke explained that she has visited the neighborhood at four (4) different times. On Friday April 10<sup>th</sup> Vice Chair, Robert Reader and I visited the area and the wind was blowing in the right direction and we did not smell anything. We also drove through the area where Mr. Minor lives and did not smell anything. We spoke to Ms. Smith and did not smell anything in the Carriage Road area. Another time I was there was at night when it was raining and I could not smell anything. I have been there at four (4) different times and have never smelled the odor.

Mr. Reader stated Mr. Hoffnagle is correct when he said that it is not that easy to smell the odor.

Ms. Legro stated the smell is in different areas and at different times.

Ms. Smith asked is there a phone number that we can call at anytime so that when we smell the odor someone would be able to come out and verify the smell.

Mr. Berube replied you can leave a message on the Board of Health answering machine.

Mrs. O'Rourke informed Ms. Smith that she did not have an answer for her at this time.

Ms. Legro explained that in the fall of 2008 the Board of Health did come out on off hours. Mr. Berube gave permission to Phavy and the chemist to come out and verify the odor. Sometimes we smell the odor for a whole weekend and other times we only smell it for two hours. We contacted the

Fire Department and they would contact someone from the Board of Health to come out and verify the odor. One night Phavy came out and the other night the chemist came out. We should not be able to smell the odor at all.

Edward Bunker, 2 Amherst Street, North Billerica identified himself. Mr. Bunker stated he picked up the Goodwin Proctor Report and noticed that they do not need an operating permit. They can do whatever they want. That should raise a red flag. They do not have a zoning permit or permission from the state. We should do something about that. We have to be good neighbors and do something about this problem. We really need something on the books.

Mr. Sampson stated that he was surprised to read in the report from McFarland Cascade that a permit is not required. Did anyone from the Board of Health have a chance to check that out?

Mr. Berube replied that question was raised at the last meeting. The Inspector of Buildings was contacted regarding the concern and according to him McFarland Cascade does not need a permit.

Mr. Minor explained that he went to the Fire Prevention Office at the Fire Department and there is no permit process for McFarland Cascade and there is nothing the Fire Department can do about it. We have permits in place for lumber companies and everything else but McFarland Cascade does not need a permit for the storage of 2,500 poles. I heard last week that they are grand fathered in and that is why a permit is not needed. This problem has been going on and on and nothing is happening.

Mrs. O'Rourke stated as far as the permitting process is concerned that is what the Building Inspector told me that they do not need a permit. I will get in touch with the Building Inspector again and find out if there is a process that they need to follow to obtain a permit. We have to give McFarland Cascade the opportunity to follow through with their Plan of Action and see what the results are. If the problem does not improve then we will have to take a step further. I think they are trying to be good neighbors they have complied with all of the Board's requests and listened to the complaints from all the residents and are very sympathetic. I am very sympathetic too. I would like to see this problem resolved. We cannot tell them tonight that they have to Cease and Desist their operation immediately.

Ms. Legro asked why not.

Mrs. O'Rourke replied because we have asked them to come up with a plan.

Mr. Reader stated because that is not being a good neighbor.

Mrs. Palermo replied they are not being good neighbors to us.

Mr. Reader stated they are trying to be good neighbors.

Mrs. Palermo explained that she has lived in Billerica since 1970 so aren't we grandfathered in and shouldn't we have a say that they should get rid of the poles.

Mr. Reader stated they are trying to resolve the situation.

Mrs. Palermo stated they are taking too long. Doesn't the Board realize this?

Mr. Smith stated this problem has been going on for over a year.

Mrs. O'Rourke replied this problem has only come before this Board in January 2009.

Mr. Reader stated all you want to hear is that McFarland Cascade has to get rid of the poles and shutdown their operation. That is all you want to hear. The Board can not do anything else here tonight to appease you.

Mrs. Palermo replied you are right.

Mrs. O'Rourke stated the Board can't do that. In all fairness to McFarland Cascade we have asked them to come up with a Plan of Action and they have complied. So we have to give them the opportunity to do that.

Mrs. Palermo asked how do you know that they are actually doing it. No one goes down and counts the poles. Last week they said there were 3,000 poles and now they are saying there are only 2,500 poles.

Mr. Minor stated there is also oil seeping into the ground. Shouldn't the EPA be contacted? The Fire Department has to contact the EPA when oil is going into the ground.

Mr. Hoffnagle replied that he said if any oil is seeping into the ground.

Mr. Berube replied there is no evidence that there is a release of oil to the ground.

Mr. Minor stated how do we know that because the ground has not been tested.

Deborah Ferris, 23 Burnham Road identified herself. Ms. Ferris stated the waterway is in my backyard. Since they made the new culvert they have cut down all the trees and I can see everything. The water also runs through my side yard. You can see oil floating in the water.

Mrs. O'Rourke stated that she saw the oil floating in the water the day she went to Ms. Smith house and the smell was horrendous.

Ms. Ferris stated there is oil floating on the water every other every.

Mr. Berube explained the oil that you are see on the surface of the water is the stormwater runoff that is coming from upstream. The water is coming from Michael Road, High Street, Mt. Pleasant Street areas. The oil that you see is being washed off the road and flowing into the stormwater and running by

your house underneath that railway.

Ms. Ferris asked if you do not test the ground in that area how would you know what is leaching into the water.

Mr. Sampson stated I know that you can't ask them to Cease and Desist their operation but I think the Board has a right to have the ground that is underneath the poles tested.

Mr. Berube replied McFarland Cascade has provided us with a plan of action and we have to take this one step at a time. They have identified the high sulfur content in the diesel fuel as being the key factor of the odor problem. We need to address that first. If that doesn't resolve the problem then we will take it another step. This is a step-by-step process. There may come a time when we have to issue a Cease and Desist against continuing their operations. We need to gather evidence. They are located in a Superfund Site. It may be a good idea if we invite the EPA to a meeting to discuss all the issues with Iron Horse Park and the residents can ask all these questions and find out what is going on there. It is all related. Right now we are addressing the off gassing of the poles and the odor problem. We need to take care of these problems first and then we can move on to other issues.

Dan Looney, 48 Burnham Road identified himself. Mr. Looney stated that he is new to this problem and he does not smell the odor. Obviously there is a greater problem that people are more concerned with than just the odor. The smell is a big problem. Can a containment runoff area be constructed so that when the rainwater runs off the poles there will be a vat that would be filled with whatever is coming off of these poles? If there is 40-50 tons of diesel and potentially this chemical you would find it in this container. Then greater steps need to be taken. Can a separate staging site be built to mitigate what is running off the new poles?

Mr. Hoffnagle replied what you're suggesting is very expensive and we would have to ask the company.

Mr. Looney stated it is something that should be looked into and investigated to see what testing could be done.

Mrs. O'Rourke asked would it be possible to take that suggestion back to the company's superiors at McFarland Cascade.

Mr. Glennon replied that he would take that suggestion back to them.

Kaylee McNulty, 13 Burnham Road identified herself. Ms. McNulty stated that she had two questions. The first question is can you provide us with the address of the owners of the property again.

Mr. Berube replied that he would send her the address by e-mail.

Ms. McNulty asked does any else have the address.

Mr. Sampson replied the owners of the property are Eastern Terminal or Mass Lumber Company, 929 Massachusetts Avenue, Cambridge, MA.

Ms. McNulty stated that she went on line to 929 Mass Ave she got zipcar.com and she did not know if that was the correct address.

Mr. Berube stated that he sent them a certified letter and they received it and signed for it. That is the address according to the Assessor's record.

Ms. McNulty stated her second question is what have you found out about this chemical in your investigations as a Board of Health. What is the Boards thoughts and concerns?

Mr. Berube explained just like any chemical there is toxicity at a certain level and exposure rate. If you are in close contact with the chemical or exposure for a long period of time you will have some health effects as with any chemical.

Ms. McNulty asked have you discussed this problem with the DEP or the EPA.

Mr. Berube replied I have brought this to their attention and have not received any response from them.

Ms. McNulty stated so you have not talked to anyone.

Mr. Berube replied I have contacted DEP and EPA and they have acknowledged it but have not provided any support or action at this point.

Ms. Smith stated as mentioned by the residents in the area our main concern is our health risk. I am concerned that McFarland Cascade cannot tell us if this is a health risk. Obviously they are not sure. If they already have base test of the ground from the Superfund Site why won't they test the ground and compare it to the base test and why not do air quality testing? We are concerned with the safety of our children.

Mr. Fitzgerald replied we do hear what you are saying and we are trying to be good neighbors. We are being proactive in investigating what is in our control and that is the odors that are coming off the poles. Based on what we have heard tonight the odors could be coming from other sources. There is stormwater running through the open service waters in the neighborhood. There are railroad ties in the neighborhood. We do not know at this time what you are being exposed to. We cannot answer a hypothetical question on health facts. I am not an expert and I would not want to speculate.

Laurie Zorba, 3 Oak Street identified herself. Ms. Zorba stated she knows for a fact it is the telephone poles. I followed a truck loaded with the poles all the way down Route 129 and I smelled the odor. It is mostly definitely the poles.

Mr. Sampson stated at the January Board of Health meeting, Tom Ferraro from the Fire Department informed us that he had investigated the odor problem and identified that it was coming from the poles.

Ms. Smith stated I want McFarland Cascade to guarantee that these new poles will not be a health risk to us.

Ed Camplese, 22 New Foster Avenue identified himself. Mr. Camplese explained that he received an e-mail that said children were sleeping in the lower level of their homes where there is a constant odor. Would it be possible to have McFarland Cascade conduct testing in these rooms to satisfy the public at this time? You need to test the soil because the poles have been sitting there and it has been raining and something might be seeping into the ground. Nobody wants to put a company out of business. A containment area is needed for the poles. This new chemical is not going to be the cure. You need to build some kind of a containment area or structure for the new poles. The children are being exposed to this odor.

Mr. Hoffnagle replied even if there were drippings from these poles and it got into the soil and into the groundwater that groundwater is moving from Iron Horse Park into the river and down the river. None of the residential areas that are that close to Iron Horse Park could be exposed to groundwater into their houses. It doesn't make any scientific sense at all. Most of the residents are uphill from Iron Horse Park. I don't believe that the groundwater could be an issue.

Mrs. O'Rourke explained that she was at Ms. Smith's house with Mr. Reader and when we got out of the car there was an awful smell. Ms. Smith told us that part of the Middlesex Canal goes through her side yard. Ms. Smith told us that sometimes the water is so high that it comes up underneath her up above ground pool. The smell from that water was awful and I don't know how she can stand it. The groundwater does not have anything to do with the odor that is coming from the poles. We are talking about two different issues.

Mr. Hoffnagle stated the water underneath the pole yard at Iron Horse Park cannot contribute to the Middlesex Canal.

Mrs. O'Rourke stated that Mr. Hoffnagle is probably right. I asked Ms. Smith how she could stand the smell. She has moss growing on her grass and mold. We are talking about two different issues. The issue before the Board is the smell from the poles and this is what we are dealing with. This is McFarland Cascade's Plan of Action. I know that you want this problem resolved and so doesn't this Board and McFarland Cascade.

Ms. Legro stated don't misunderstand it is not a matter of closing McFarland Cascade down. They have other sites that are not near residents. They can move the poles to those other sites.

Mrs. O'Rourke stated we asked them to come up with a plan of action and they have. The Board now has to allow them the opportunity to follow through. It would be unfair of us not to. If the plan does

not work then we will have to do something else. We have two different issues here. We are talking about the smell and the water that goes through that neighborhood. The two different things are not going to be taken care of by them changing the method of treating the poles. In all fairness to them we have to allow them the time that they have requested for their plan of action. If the smell is still there we will have to take other steps to correct this problem.

Ms. Legro stated that she is confused, I thought it was decided at the last two meetings that we were not dealing with any other problems that might have come from Iron Horse Park. The Board stated that nothing was going on at Iron Horse Park. We are here for the odor from the poles. We are applying pressure because we know that everyday that we smell this odor is an added health risk. We have smelled this odor for over a year. That is why we have this push going on to do something quickly. I do hear that they are reducing the inventory by 15%, they are changing the chemical formulation and the new poles will be treated with that chemical. However, I don't think that this is going to solve the problem of what we are inhaling.

Mrs. O'Rourke stated that she is not convinced that the smell is coming entirely from the poles.

Ms. Legro replied I thought it was already determined that the smell was coming from the poles.

Mrs. O'Rourke stated I am not sure. It could be leaching from the railroad beds.

Ms. Legro stated we know where the smell is coming from.

Mr. Sampson stated it is not the railroad beds.

Joseph McWhinnie, 25 Burnham Road stated this was like a year ago when the culvert backed up. The water that you saw in Ms. Smith yard goes underneath Burnham Road and under the railroad tracks. The State cut it off at the railroad station. It was raining and the water backed up into the culvert. That area was connected by a 48" drain pipe. The odor could have gone through the drains and into the catch basins. That water should be tested. I know the poles smell too but this could be contributing to the smell.

Brian, a resident of Billerica identified himself. I am not a resident of that area I am just a concerned citizen. What is the cost difference between the old poles and the new ones? Why in the plan of action doesn't McFarland Cascade do the groundwater testing, soil testing and air quality testing.

Mr. Glennon replied there is no cost difference and that testing is not up to me ,it is up to the environmental people.

Mr. Kenyon asked why aren't they present.

Mr. Glennon replied Mr. Fitzgerald is our environmental representative.



Mr. Fitzgerald explained the issue is whether it makes sense and is reasonable to do the testing. As Mr. Hoffnagle stated the groundwater does not travel from Iron Horse Park to the neighborhood. The chemical that causes the odor evaporates within 40-50 days. So if the chemicals were to get into the soil it would not accumulate and not cause odors over time. Based on those conditions it is not reasonable to conduct soil and groundwater testing.

Ms. Legro asked what about air quality testing.

Mr. Minor stated even though you can not smell the odors at times it does not mean the chemicals are not in the air. You may want to do air quality testing. The chemicals may be in the air but you might not be able to smell them.

Mr. Hoffnagle explained these chemicals that evaporate from the poles are aromatics so you would smell them. If you do not smell it you are not inhaling it.

Mr. Minor stated Mr. Hoffnagle said it is a very complex compound and only certain parts of it evaporate.

Mr. Hoffnagle explained that what you are smelling is the oil. There are aromatics in the oil. It is no different than home heating oil. The aroma should be the same. The smell should be the same. Mr. Hoffnagle stated if you can't smell it is not hurting you.

Mrs. Giroux asked what is the cost associated with an in home air quality test and how quickly could that be done. For example could you do an in home air quality test at 4 or 5 homes from the people that are present? Such as the elderly couple with health issues, the home where the children are sleeping in the basement and an air quality test at Iron Horse Park. Then you could compare the results from all the sites. If all 3 tests have the same results that would indicate that the smell is coming from Iron Horse Park. Can we do that and how much would it cost and how long would it take?

Mr. Hoffnagle replied to plan out the experiment you want it would cost approximately 20,000 to 50,000 dollars.

Mr. Berube stated he could answer that question. The test is not practicable. When you are talking about indoor air quality, it is a whole different ballgame because with all the products that go into building a house, there is off gassing from all the products, the furniture, carpeting and paint, etc. There is no way you can compare the results of the air quality that is in the house to what the air quality is at Iron Horse Park. You just can't make that comparison.

Mrs. Giroux asked can we do the testing in the backyard. Would that be a more logical test?

Mr. Berube replied I don't know if you would find anything by testing outside.

Mr. Hoffnagle replied the testing is very expensive and you would have to continue to do it until such time as the air goes from one level to another.

Mrs. Giroux asked would it be possible to shrink wrap the poles

Mr. Hoffnagle replied it would not be a good idea because when you take the shrink wrap off to put the pole in the ground you would have an odor source. You are just transferring the odor from one place to another.

Mrs. Giroux asked wouldn't it be better to have the odor come from one pole at a particular location rather than having the odor come from 2,500 poles in Iron Horse Park.

Mr. Reader asked Mr. Glennon what is the length of time from when the poles are treated until the poles arrive at the facility.

Mr. Glennon replied roughly two to three weeks.

Bob Stanton, 7 Whitegate Road identified himself. Mr. Stanton stated McFarland Cascade has been in business since 1968 what chemical were the poles being treated with at that time compared to what they are being treated with now.

Mr. Glennon replied creosote. McFarland Cascade just purchased the company.

Mr. Stanton asked is pentachlorophenol in the creosote.

Mr. Hoffnagle replied it is different. Creosote is what is used in railroad ties.

Mr. Stanton asked why did McFarland Cascade go to the diesel mixture versus the creosote.

Mr. Hoffnagle replied because it has become common in telephone poles that are being used. Pentachlorophenol is preferred over creosote.

Mr. Stanton asked for what reason.

Mr. Hoffnagle replied because creosote has more aromatics in it and has more possibility of contaminating the ground.

Mr. Stanton stated I don't understand, the poles have been there since 1968 and no one has been able to smell them until last year.

Mr. Hoffnagle stated he did not think that is true. If there were a lot of creosote poles there people were smelling them. However, when the switch was made to treating the poles with the high sulfur oil, the sulfur compounds would smell at much lower concentrations than non-sulfur compounds. You could

probably smell the oil with the high sulfur at much smaller concentrations. It is possible that the oils that were used in the treatment process never had a high sulfur content before. That is why the response was triggered last summer as opposed to years before.

Mr. Stanton stated the poles have been stored at Iron Horse Park for the last forty (40) years how can there not be any kind of contamination there. How can you just create another Superfund Park in that area? Other companies have been shutdown and moved out. We have capped the landfill so that has been fixed. We are allowing a company to soak the poles with diesel fuel and creosote and then lay on the ground for forty (40) years.

Mr. Hoffnagle responded after the poles arrive from the factory and you take them out of the cylinders there is a drip pad underneath them. The poles drip onto the drip pad during transportation. Then the drip pad is controlled and put into containment areas. By the time the poles arrive there is no reason for the poles to drip.

Jason Barbaro, 14 Ashdale identified himself. Mr. Barbaro stated that he works for Verizon and the poles that are delivered to the garage drip onto the asphalt.

Mr. Berube asked does McFarland Cascade supply Verizon with poles.

Mr. Glennon replied yes we do.

Mr. Barbaro stated when the poles are delivered they drip onto the asphalt and you can see steam coming up from the pavement.

Mr. Sampson asked Mr. Hoffnagle did you say if you can smell it don't assume it is hurting you.

Mr. Hoffnagle replied that is not what he said. He said if you can't smell it is not hurting you.

Mr. Sampson stated at this time we are addressing the smell. I want the Board to commit to continue addressing the possibility of contamination in the ground after the odor problem has been resolved.

Jeanne Landers, 50 Morgan Road identified herself. Ms. Landers commented that Mr. Hoffnagle made a statement that because the ground water is not going into the Middlesex Canal but heading towards the Concord River that is OK.

Mr. Hoffnagle replied I did not mean to say it is OK if that is happening. What I am saying is that is not the source of groundwater to the residents. If it is true that is a different problem.

Mrs. O'Rourke stated she would allow one more question before a motion would be made.

Ms. Smith stated there is some weeping from the poles into the ground.

Mr. Sampson asked have all the questions that were asked at the Board of Health meeting on Monday, April 6, 2009 been answered.

Mrs. O'Rourke replied yes, all the questions from that meeting have been answered. Mrs. O'Rourke stated we are here tonight to accept this Plan of Action. We have to start somewhere. You have brought the smell to our attention and the Board is going to address this situation first. Then we can look into the other issues that there may be at Iron Horse Park.

Mr. Kane asked Mr. Hoffnagle, what did you do to assess the air quality and off gassing. Did you visit the site? Did you do any sampling of the environmental conditions at the site or was the testing done with a computer program?

Mr. Hoffnagle explained that he has evaluated the chemicals used in the pentachlorophenol treatment of poles and the emission factors to try to understand if anything is different or has changed. I found the high sulfur content contributes to the odor problem. I have looked at the individual complaints, the timing of the complaints, the wind speed and wind direction from the equipment McFarland Cascade installed in March. I also checked the earlier data from Iron Horse Park and compared it to data from Lawrence. The wind speed at Iron Horse Park is lower than in Lawrence. The wind direction is not consistent until it is above 3-4 miles per hour. There are times when the odor complaints come in and the odor is not coming from the poles. Not all the time but some of the time, the odor is coming from another source.

Mr. Kane asked as a certified professional how can you address the problem when you have not gone to the site and did air quality testing on site.

Mr. Hoffnagle stated we have not got to the point of doing on site testing. Originally when I was hired I informed McFarland Cascade that the time to do the on site testing is in the summer when the temperature is the highest because that is when evaporation is the highest. In view of the fact they found that the high sulfur diesel was being used and they could change the pentachlorophenol itself to reduce the odors and those two things were going to happen before the summer. If we still have the odors in the summer then we may have to do more detailed analysis and be on site twenty-four hours a day.

Mr. Kane asked have you physically visited the site.

Mr. Hoffnagle replied that he has visited the site several times.

Mrs. Giroux made a motion to accept the Plan of Action that was submitted by McFarland Cascade on April 13, 2009 based on the following conditions that McFarland Cascade looks into a containment center to hold the new poles, continue to reduce the inventory, continue to update the Board of Health with a written report on a monthly basis regarding the comparison of the complaints versus the weather reports and the conditions, and continue to look into the possibility of testing the soil after July 1, 2009 because the improvement plan will be completed by June 15, 2009.

Mr. Reader seconded. So voted unanimously.

Mr. Berube asked Mrs. Giroux what she meant by a containment center.

Mrs. Giroux explained that the containment or collection center would be something that is placed under the poles to capture any future drain off from the new poles.

Mrs. O'Rourke requested that the residents be patient.

Ms. Smith asked when the next meeting would be scheduled with McFarland Cascade.

Mrs. O'Rourke replied it would be in July.

Mr. Berube asked are you asking them to come back before the Board or will a report be written.

Mrs. O'Rourke replied a written report will be available.

Mrs. Giroux made a motion to adjourn. Mr. Kenyon seconded.

The Board adjourned at 9: 15 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk