

**BOARD OF HEALTH MINUTES
OCTOBER 5, 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.

Jena Caruso, Town Counsel representing Louison, Costello & Pfaff, was present.

ACCEPTANCE OF MINUTES

The Meeting Minutes of September 22, 2009 were not available.

CORRESPONDENCE

Massachusetts Association of Health Boards

Mr. Berube explained that he received an e-mail from the MAHB regarding the Certification Program they are offering. The e-mail lists the different workshops that will be available. If any of the Board Members are interested in attending please let Mr. Berube know what workshop you would be interested in and he will take care of the registration.

Mrs. O'Rourke asked if any of the Board Members were interested in attending a workshop.

Mr. Kane expressed an interest in attending the program. He explained that he would check his calendar and let Mr. Berube know.

BOARD OF HEALTH BUSINESS

Approval of 2010 Board of Health Meeting Schedule

Mrs. O'Rourke stated the first item under Board of Health Business is the approval of the 2010 Board of Health Meeting Calendar.

Mr. Berube explained that Mr. Reader requested that the January 11, 2010 meeting be changed to January 4, 2010. Mr. Berube asked the Board Members if they had any other conflicts.

The Board Members did not have any other changes that they would like to make.

Mr. Berube asked if a motion could be made to accept the 2010 Board of Health Meeting Schedule.

Mrs. Giroux made a motion to accept the 2010 Board of Health Meeting Calendar. Mr. Kenyon seconded. So voted unanimously.

Mr. Berube explained that a copy of the accepted 2010 Board of Health Meeting Calendar would be included in the Boards package in November.

Vacation Schedule

Mrs. O'Rourke stated the next item is Richard Berube, Director of Public Health's vacation schedule.

Mr. Berube explained that he would be on vacation from October 13th to October 16th. Health Agent, Angela Braun will be in charge of the Health Department and be able to perform minor administrative duties. Mr. Berube stated that he is going to California to visit relatives.

The Board Members told Mr. Berube to enjoy his vacation.

MHOA Annual Educational Conference

Mrs. O'Rourke stated the next item is the MHOA Annual Educational Conference.

Mr. Berube explained that the MHOA Annual Conference is being held October 28-30, 2009 in Springfield, MA. The conference will be held for three days, however, I will be attending only one day of the conference. Health Agents, Angela Braun and Phavy Pheng will be attending the conference for two days. The office will not have coverage for only one day. If an emergency arises I can be reached on my cell phone.

H1N1 Influenza Response

Mrs. O'Rourke stated the next item is the H1N1 Influenza Response.

Mr. Berube explained that Christine West, the Public Health Nurse has provided the Board Members with some information regarding the seasonal flu clinic schedule, information about the H1N1 vaccine and a Fact Sheet. Most of this information will be available on the Town of Billerica website. A booklet on What You Can Do About the Flu has been included in the Boards package. These booklets will also be available at the clinics and at Town Meeting on Tuesday October 6, 2009.

Mrs. O'Rourke asked Mr. Berube if he could update the Board Member on the H1N1 Seminar that he attended at the DCU Center in Worcester, MA.

Mr. Berube explained that in the morning the speakers updated the audience about H1N1 and what the State and Federal Government are doing about the vaccine. In the afternoon we broke out into different groups. The workshops were geared to hospitals, schools and universities. It covered a wide spectrum of people that are involved in health care and would be involved in the H1N1 vaccinations. The Billerica Health Department has sent out memos to all the town departments explaining all the preparations that are being taken to prepare the town for the flu. The memo also explains what steps could be taken to help prevent the public from getting sick and spreading the flu. We have been working with the schools to set up clinics to vaccinate the kids for the seasonal flu. We may possibly schedule clinics for the H1N1 in the schools as well. Christine West will schedule the clinics on an as needed basis.

Mrs. O'Rourke asked how much vaccine do we currently have.

Mr. Berube replied as you have heard the supply of seasonal flu vaccine has been delayed. We have received part of our allotment so that is the reason why we are still going forward with our scheduled clinics. Some time near the end of October or the beginning of November we should be receiving the H1N1 vaccine.

Mrs. O'Rourke asked if Christine West, the Public Health Nurse, has the H1N1 vaccine by the October 17th clinic will she be giving that out along with the seasonal flu shot.

Mr. Berube replied yes, you can get the two shots at the same time.

Mrs. O'Rourke asked can you get sick from receiving the two shots at the same time.

Mr. Berube replied no, you cannot get sick from the flu vaccine. If you get sick it is probably just a coincidence.

Mrs. O'Rourke asked can you also receive the pneumonia shot. Can you get all three shots at the same time?

Mr. Berube replied yes the pneumonia vaccine is available. As long as it has been five years since you received the pneumonia shot you can get a shot at the clinic. If the H1N1 vaccine is available you can get all three shots.

Mr. Kenyon asked will Christine be giving the H1N1 vaccine at the clinic on Tuesday, October 13th at the Senior Center.

Mr. Berube replied if the vaccine is available.

Mr. Reader asked when do you think you will get the H1N1 vaccine.

Mr. Berube replied by the end of October or early November.

Mr. Reader asked is our allotment of the seasonal flu vaccine the same as last year or more than last year and will that allotment be enough?

Mr. Berube replied we are getting the same amount of vaccine that we have received in the past.

Mrs. O'Rourke asked how many shots did we give out last year.

Ms. White replied approximately 450 shots at the Senior Center and approximately 300 shots at the clinic for the general public. The reason the clinic for the general public was lower was because the shots were given out in late November and most of the public had received the vaccination.

Mr. Reader asked do we need two shots of the H1N1.

Mr. Berube replied one shot is recommended for adults.

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

The Board Members did not have any questions.

7:45 p.m. McFarland Cascade – Iron Horse Park – Air Monitoring Plan Report

Mrs. O'Rourke stated the last item on the agenda is McFarland Cascade, Iron Horse Park, Air Monitoring Plan Report. Mrs. O'Rourke requested that if anyone would like to speak would they please come to the podium and clearly state their name and address.

Mr. Berube explained at the July 20, 2009 meeting the Board made a motion ordering McFarland Cascade to do the some air sampling at four (4) residential homes. At the September 22, 2009 meeting a copy of the draft plan was included in the Boards package, which we discussed. They have revised their plan. Before I give final approval of the plan I am waiting for feedback from the Department of Environmental Protection (DEP) because when I went over the plan I had some other questions. At the July 20th meeting the Board issued McFarland Cascade an order to come back before the Board on October 5, 2009 and report on the results of the air sampling. Mr. Berube suggested that the meeting be turned over to McFarland Cascade.

Christopher Davis, Goodwin Proctor, representing McFarland Cascade, identified himself. Mr. Davis explained that he was present at the July 20th meeting. Mr. Davis introduced Steve Glennon, Facility Operations Supervisor, Larry Feldman, GZA Environmental Consultant relating to the soil samples and Gale Hoffnagle, TRC Environmental Air Consultant who prepared the air sampling plan. Mr. Hoffnagle is continuing to review the complaints and correlate them with the meteorological wind speed and direction data as soon as they are received. Mr. Fitzgerald had submitted an updated Progress Report on September 15, 2009. At this point there are 133 old poles that were treated with the old pentachlorophenol formulation. When there is a demand for this type of poles they are shipped out first. As of today there is 1, 117 poles stored at the facility. That is a reduction from the inventory levels that were being stored at the facility when this problem started. New shipments have been coming in. The inventory has been turning over. Soon all of the poles will have the new low odor, low volatility formulation in terms of the change in petroleum carrier and the change in formulation of pentachlorophenol, which should not produce any on site or off site odors. Mr. Davis asked the Board if they had any questions regarding the soil results or air sampling. I will turn the meeting over to Larry Feldman to explain the soil results or Gale Hoffnagle for the air sampling. In addition to receiving written approval from the Board, we need to have an air monitoring access agreement signed by the homeowners that will be participating, clearly stating their rights. We should have the access agreement ready soon.

Mr. Berube asked have the access agreements been mailed out to the homeowners.

Mr. Davis replied no, we are finalizing the access agreement with McFarland Cascade before we go forward with this plan.

Mr. Berube explained that when he spoke with Mr. Fitzgerald I suggested that you go forward with the access agreement so that it does not delay the process.

Mr. Kenyon asked is the air sampling going to be done when an incident occurs or is the plan to just pick a random week to do the sampling.

Mr. Davis explained we are just going to pick a week after the equipment is ready to go. It would be too hard to wait for an incident to occur then set the equipment to do the study.

Mrs. Giroux asked when would the equipment be ready.

Mr. Hoffnagle replied once we have received approval from the Board we will order the sampling media. The sampling media should arrive in two weeks. Then we will set up the monitors and run them for a week. That should occur about three weeks after we receive approval.

Mrs. Giroux stated that she is confused she thought that at the July 20, 2009 meeting the Board had requested that the air sampling be done at the addresses selected by the Board. I thought that was already supposed to be happening.

Mr. Hoffnagle replied that we submitted a plan in late July or early August and we have been working with Mr. Berube to make sure that the plan meets the Boards approval.

Mrs. Giroux stated that she thought Mr. Berube said to go ahead with the air sampling.

Mr. Berube clarified that at the last meeting one of the issues that I had with the plan was that they were not doing any sampling at the source. That was one of the items I wanted to see corrected. When I reviewed the revised plan another thing occurred to me was that they are exclusively testing for PCP. When testing is done at the source they should be testing for any chemicals that may off gas from the poles. Instead of just focusing on PCP, there could be other chemicals that are causing a problem as well. The sampling should not be strictly for PCP.

Mrs. Giroux asked when did you have that conversation with McFarland Cascade.

Mr. Berube replied that he has not spoken with Mr. Hoffnagle. I spoke to Mr. Fitzgerald. I contacted DEP and asked for their feedback because I wanted to see if DEP concurred with my thoughts before I finalized the plan.

Mrs. O'Rourke stated that she is just as confused as Mrs. Giroux because I thought at the July 20, 2009 meeting we selected the four (4) residents and that was where the air sampling was to take place. I thought the order that the Board issued stated that the testing was to be completed and a report was to be given at the October 5, 2009 meeting. What happened? Why wasn't the air monitoring done?

Mr. Davis replied we were awaiting approval of the plan. The details of the plan were not clearly defined as to how the samples should be collected and exactly what were we sampling for.

Mrs. O'Rourke stated that the meeting was in July and this is now October and nothing has been done.

Mr. Davis explained we were waiting for the written order from Mr. Berube.

Mrs. Giroux asked when did you receive the order.

Mr. Davis replied the plan was submitted early August. We were waiting for the written order from Mr. Berube as to where the samples were to be taken from. There has been no effort to delay. We received comments from Mr. Berube and the plan was revised and resubmitted. Mr. Berube informed us that he was waiting for comments from DEP. As soon as we receive the approval we are going to do the air sampling.

Mrs. O'Rourke stated is McFarland Cascade aware that this report was to be given tonight. An order was issued in our July 20th meeting minutes explaining what was expected from McFarland Cascade at this meeting. I don't understand why it wasn't done.

Mr. Davis replied because we do not have an approved plan from the Board of Health.

Mrs. O'Rourke asked Mr. Berube why McFarland does not have an approved plan.

Mr. Berube replied it is easy to order them to do air sampling. However it is not that simple if you want to make sure the testing is done correctly. A plan was submitted to the Board to review and approve before they went forward. If they just went ahead and did the air sampling it might not satisfy the Board. I don't think the results would be useful. I wanted to make sure the methodology that McFarland used would be consistent with what DEP and EPA recommends. I wanted to make sure the testing was done the right way. The Board of Health order only specified that the testing be done at four (4) sites. Upon further research I found that the testing needs to be done at the source. That information would be useful and you could compare it to the source.

Mrs. O'Rourke asked when did McFarland Cascade receive your comments.

Mr. Berube replied they received my comments after the September 22, 2009 Board of Health meeting because that was when the draft plan was presented to the Board.

Mrs. Giroux commented they haven't even ordered the equipment.

Mr. Kane stated they haven't obtained the access agreements either.

Mr. Reader asked what is involved with getting the access agreements sent out to the homeowners. How long will that take?

Mr. Davis explained that McFarland would send each of the residents a proposed access agreement and if it is acceptable to them they would sign it and send it back.

Mr. Kenyon stated that what he cannot understand is that the incidents usually happen in the warmer weather and on humid days. Now we are going into winter and what are the chances that the incidents will happen in the cold weather. We are going to take air samples on something that may never happen because of the time of the year.

Mrs. O'Rourke asked Mr. Hoffnagle is that true.

Mr. Hoffnagle replied as the temperature goes down the ability for pentachlorophenol to evaporate goes down.

Mrs. O'Rourke stated we are doing the sampling at the wrong time.

Mr. Reader asked did we receive any complaints during the winter.

Mr. Berube replied not that he recalls.

Mrs. O'Rourke asked Ms. White how often the Board of Health received complaints during the winter.

Ms. White replied maybe an occasional complaint on a warm day.

Mr. Kenyon stated by the time everything is approved and the equipment is in place it will be December. The air sampling will be done when there aren't any problems so the testing will not show anything. Then in the spring when the weather is warm the problem will return.

Mr. Davis stated we tried to respond promptly. We could wait until it is warm again to do the air sampling.

Mr. Berube explained that he should have all the answers this week to give McFarland the go ahead.

Mrs. Giroux stated the air sampling should be done now and then again in the spring. Then you will have a comparison basis. All the approvals and authorizations will be in place. There would be no reason for a delay once the warm weather is here. You have your core sampling, the source and the four (4) sites. If you revisit the same four (4) sites you can compare the differences. The residents have waited long enough.

Mr. Reader stated without the air sampling there are still issues with soil samples that have been reported on. The soil is as big an issue as the air samples.

Mr. Kenyon asked can't we just continue with the air sampling plan.

Mr. Davis stated that McFarland needs to send the access agreements out to the residents. We will do that next week. We need approval of the plan. If there is going to be significant changes to the plan we would like the opportunity to discuss that with Mr. Berube.

Mrs. Giroux asked why do you need to wait for the approval to send out the access agreements. Can't you send out the access agreements so that when you receive approval you would be ready to go?

Mr. Davis replied we can send out the access agreements next week.

Mrs. O'Rourke stated the Board gave you the four (4) addresses at the meeting in July why didn't you send out the access agreements. I don't understand why there has been a delay.

Mr. Davis replied we tried to do it in an orderly way.

Mr. Kenyon asked is there any written plan explaining the steps that will be taken.

Mr. Davis replied we need to get the plan approved, mail the access agreements out either concurrently or first and then order the equipment to do the testing.

Mr. Kane stated so you have a plan. Mr. Kane asked Mr. Berube is there anything coming back from DEP that would change the plan significantly as far as what we are testing for or the locations where the testing is being done.

Mr. Berube replied as mentioned earlier I think they should test for other chemicals as well as PCP.

Mrs. Giroux asked would that affect the type of equipment that would be needed for this test.

Mr. Hoffnagle replied yes.

Mrs. Giroux stated that is what she needed to know.

Mr. Davis stated we thought we were just sampling for PCP.

Mr. Hoffnagle explained the Board of Health order stated to sample for pentachlorophenol.

Mrs. Giroux stated that Mr. Berube made a revision.

Mr. Kane stated that Mr. Berube made a request for additional testing of other chemicals.

Mr. Hoffnagle stated this is the first time I have heard that he is interested in other chemicals.

Mr. Kenyon asked should we be interested in other chemicals.

Mr. Berube replied we need to see what is off gassing from the poles.

Mr. Davis explained we need to be specific as to what is involved in terms of the cost of testing for other chemicals. It may be different. The more chemicals you test for the more it costs. The testing is not free. There are different test protocols for different chemicals.

Mr. Kenyon stated he thought DEP had done that type of testing.

Mr. Davis replied DEP did soil sampling.

Mrs. O'Rourke stated she was very disappointed. She did not think that the soil report was all that the Board was going to get at this meeting. Mrs. O'Rourke asked if anyone had any questions about the soil report.

Mrs. Giroux stated that she would like an explanation of the soil sampling report because I am concerned with what I have read.

Mr. Davis stated that Mr. Larry Feldman, GZA Environmental could answer her questions.

Mr. Feldman asked Mrs. Giroux what specifically were her questions.

Mr. Kane asked if Mr. Feldman could provide the Board with an overview.

Mr. Feldman explained that DEP collected soil samples along with GZA Environmental. We took samples from six (6) locations at the facility. One (1) sample was taken from outside the facility and the soil was unstained. Five (5) samples were taken from inside the facility where the soil was visibly stained. In each location two (2) samples were taken. One sample was taken at the surface and one at 18 inches below the surface. The soil taken from outside the facility showed that nothing in the organic matter was detected. When you look at the visibly stained soil from inside the facility not surprisingly there is a lot of heavy hydrocarbon staining.

Mr. Kane stated that we were told in the past that the staining was not from the poles.

Mr. Feldman stated that he is not connecting the staining to the poles. If you have dark stained soil it is not surprising that the soil looks like oil stains whether the stain came from these poles or other poles. The results are consistent with the fact that you have looked at the worst case on the site. Some of the metals are very high which you would expect because of the soil. The good news is if you compare the surface sample to the 18-inch sample there is a great drop off. Most of the contaminants go away in the 18 inches. It is a very surficial contamination.

Mr. Kane asked were there any other findings like petroleum or chemicals.

Mr. Feldman replied those are the findings of the PCP and petroleum and the other chemicals.

Mr. Kenyon asked about lead.

Mr. Feldman explained that lead is different it is not related to the site. That is probably Iron Horse Park stuff. We ran a model of the PCP for the odor problems that were found in the soil and the answer is no. If you model that in terms of the volatilization it is not very volatile. What you get from the soil is not detectable.

Mr. Kane stated so the soil is not the source.

Mr. Feldman replied that is correct.

Mr. Kane asked how do you think PCP got into the soil in levels that are between 11 and 54-55 times the reportable limit.

Mr. Feldman replied you are looking at a site that has a long long history of storing treated wood and you are looking at wood treated chemicals that are in the ground. I would draw the same conclusion that you have. I would need more information.

Mr. Kenyon asked so the odors are not coming from the residual that is on the ground. The odor is coming from the poles.

Mr. Feldman replied the odor is not coming from what is in the ground.

Mr. Reader stated the levels are much less at 18 inches than on the surface that tells me that the odor has to be coming from something that is there now.

Mr. Feldman stated what it tells you is it is coming from the surface.

Mr. Reader asked if it was something from ten (10) years ago wouldn't it have leached into the ground by now.

Mr. Feldman replied these compounds do not leach into the ground. This chemical family does not leach.

Mrs. O'Rourke stated it does not dissipate over years, so you would get the same results ten (10) years from now.

Mr. Feldman replied pretty close to the same results because it is not very soluble and volatile. It goes very slowly. It does not dissipate.

Mr. Reader commented that he could understand it staying in the ground but not on the surface for ten (10) years. Common sense tells me the staining on the ground has to be recent.

Mr. Feldman asked when was the last time lead was introduced into Iron Horse Park. The lead is there because it is non-soluble and it is at the surface and not going away. If it was soluble it would go away.

Mr. Kane explained that from some of the reading he has done that in a matter of weeks to 5 years most PCP is broken down by organic compounds and bacteria fibers that are in the ground. The high level at the surface should be broken down by normal organic substances in the ground over time and should not get into the ground.

Mr. Feldman stated that he is not a chemist but a geologist but that does not make sense to him either.

Mr. Hoffnagle stated that is generally correct. It won't break down over short periods of time. It takes 5-10-15 years. There is a bacterial breakdown of pentachlorophenol and the other compounds

over time. Previously, the concentrations in the soil may have been higher.

Mrs. Giroux stated why don't they remove the first 18 inches of soil and bring in new soil. Won't that fix the problem?

Mrs. O'Rourke stated that would only be a temporary fix.

Mr. Berube replied that could bring them into compliance but that does not mean the problem would be corrected.

Mrs. Giroux stated but at least you would be correcting one part of it.

Mrs. O'Rourke stated I don't see how that would correct one part of it.

Mrs. Giroux stated while they were replacing the soil the poles would have to be removed.

Mr. Reader asked whose responsibility is it to clean up the site.

Mr. Berube explained that in the Board's package is a copy of the Notices of Responsibility that were sent out by DEP. A notice was sent to McFarland Cascade, For/Tek and the owner of the property, Eastern Terminals. Mr. Berube explained that DEP would go after all the responsible parties.

Mr. Reader asked is DEP going to address that issue.

Mr. Berube replied DEP will follow up under Chapter 21E and the Mass Contingency Plan (MCP). It could take a long time. However, it is in McFarland Cascade's best interest if they address it promptly to save some aggravation and maybe some fines or other types of enforcement action.

Mr. Reader asked would DEP or the Board of Health issue the fines.

Mr. Berube replied there will be certain time frames that McFarland Cascade will have to comply with and if they don't there could be fines and other enforcement taken by DEP. The soil sampling is just the beginning.

Mr. Reader stated the soil sampling is something to be concerned with.

Mr. Berube replied the report demonstrates that there has been a release of hazardous materials that McFarland has to clean up. They are going to have to do a site assessment and assess the extent of the problem. The responsible party is going to have to hire a Licensed Site Professional for their area. The Licensed Site Professional will do an assessment of the site to determine the extent of the problem and figure out a plan to clean it up. During that time a report will have to be submitted to DEP.

Mr. Reader stated it could take years.

Mr. Berube stated that he sent out an e-mail explaining that he plans on taking some action based on the soil sampling results. Mr. Berube stated the report from GZA is included in the Board's package and I have attached the website for the report from DEP which is 68 pages. I have a concern with the time frame in which this is occurring. We need to be focused on what McFarland Cascade is going to do to prevent any further releases. I am requesting a mitigation plan. One of the key components of that will be the prevention of further releases.

Mr. Kenyon stated can the Board of Health require that the plan is completed by a certain date.

Mr. Berube explained that he will specify a date in the order that is issued. I do not want to rely on DEP.

Mrs. O'Rourke asked if the Board Members had any further questions for Mr. Feldman.

Mr. Kane stated he had a question about the hazards. We have surficial contamination with PCP far above reportable limits, petroleum above limits and heavy metal above limits. What is the hazard to anyone and everyone walking around on this property.

Mr. Feldman replied we have not run a risk assessment yet. For the people working on the site it is not going to be a risk. Given the limited contact the people have with the soil and the amount of time they are on the site there isn't a risk. The site is fenced off and it is not a risk for anyone walking by.

Mr. Kane asked how did you determine that. There could be skin contact, the moving of soil could be a problem, trucks driving around the site. If you are moving soil there is going to be some dust.

Mr. Feldman replied you are not going to generate that much dust that would create a problem. We have not done a risk assessment on this. We have done work on other sites like this and there has not been a problem.

Mrs. O'Rourke commented that the gates are not always closed.

Mr. Kane stated it is not a secure area.

Mrs. O'Rourke stated that she has driven on the site and no one has stopped her or asked her why she is there. Mrs. O'Rourke stated that she has driven past McFarland Cascade's office and has seen kids riding their dirt bikes in the area. Mrs. O'Rourke stated that she has driven right up to the poles and no one has stopped her and asked who she is or what is she doing there.

Mrs. Giroux stated that she has gone to the site and taken pictures and no one has stopped her.

Mr. Glennon stated we can not see from inside our building. There are fifty (50) railroad trucks and cars that go by every day. If I was sitting at my desk I wouldn't see you driving into the area.

Mr. Berube stated that there is a potential risk. Mr. Berube explained as you recall in July when the EPA was present at the meeting, EPA talked about taking soil samples from the surrounding neighborhoods to see if asbestos had migrated from Iron Horse Park and certainly that potential exists with the PCP contaminated soil. So I would not rule that out.

Mr. Feldman stated that asbestos is a different issue. That is related to moving soil with asbestos fibers in it. I think that is completely different.

Mr. Berube commented that remains to be seen.

Mrs. O'Rourke thanked Mr. Feldman for his presentation. Mrs. O'Rourke stated she would open the meeting up to the audience. Mrs. O'Rourke requested that the audience come up to the podium and clearly state your name and address.

Mark Sampson, 4 Carmel Drive, North Billerica identified himself. Mr. Sampson stated that he had eight points that he wanted to raise. The quantity of poles at the September 22, 2009 meeting was reported at 895 with 50 poles of the old formula and the rest being the new formula. At tonight's meeting you stated that there is 117 poles of the old and about 1,000 of the new.

Mr. Glennon stated that there are 133 old poles and at the last meeting there were 280 old poles.

Mr. Sampson stated that Mr. Berube mentioned at the last Board of Health meeting that there were about 900 poles as reported in the status report and 50 of those poles were the old ones. Mr. Sampson stated that he would like to have a better understanding of the discrepancy in the number of poles.

Mr. Glennon explained there are two different types of old poles. One type is with the old solution and the old oil. The other is the new oil with the old solution. There are two different numbers. The total of the old solution is about 280. Mr. Glennon explained the difference of the two kinds of poles. It may have been reported wrong. There were about 280 old poles and now there are 133 old poles left.

Mr. Kenyon asked could someone go to the facility and count the poles.

Mr. Glennon replied that he counted the poles before he came to the meeting.

Mr. Sampson stated the next item I am concerned with is the specificity of the four (4) locations that are going to be tested and the closeness to one another. The four (4) tests are within 5 or 6 houses of each other. One of the reasons I bring this point up is because the winds change directions as the season changes. In the winter the wind direction comes from the northeast. In the summer the wind is from the southwest. Because of how late it is in the year, I believe we are testing in the wrong direction if we test in the Ashdale and Carriage Road location. We should be looking at a location near the Billerica Rod and Gun Club area and a location a little further south on Pond Street. Mr. Sampson stated

even if we move just one of the four (4) tests to another part of town. I am requesting that the Board of Health consider testing at the Billerica Rod and Gun Club and the Pond Street area to make sure we are not missing anything.

Mr. Reader stated that we picked those locations because that is where most of the complaints were coming from.

Mr. Sampson replied that is in the summer. I believe if you drive down Pond Street you would smell the odor. I am requesting that the testing not be limited to just the Ashdale and Carriage Road area.

Mr. Berube asked Mr. Sampson if he knew any residents in that area that would be willing to participate.

Mr. Sampson replied that he has some friends off Pond Street and he would ask them if they would be willing to participate.

Patricia Sanderson, 2 Bayberry Lane, Billerica identified herself. Ms. Sanderson stated that she lives in that area and would be willing to have her house tested. Ms. Sanderson explained that she lives across the street from the gate that goes into the backside of Iron Horse Park.

Mr. Sampson asked Ms. Sanderson if she has smelled the odor.

Ms. Sanderson replied no, not that I am aware of.

Mr. Sampson stated that another location would be the Billerica Rod and Gun Club.

Mr. Berube stated that he would contact them and ask them if they would be willing to participate.

Mr. Sampson stated another thing is why has the process of air quality testing taken so long to be completed. At the July 20, 2009 meeting, Lynne Santos an air quality expert offered quite a bit of information and was willing to follow up with the lab on the air testing process and the types of tubes that would be used. Another point is that the tubes that are being used should be used in parallel. The tubes are going to take two weeks to order and prepare for testing. The tubes should have been ordered and ready to go into the testing machine. I don't understand why the access agreements are taking so long. The letter should be a simple form letter. Mr. Sampson asked Mr. Feldman if the chemicals from the telephone poles that are standing in a vertical position in the ground ever break down. Those chemicals leach into the ground within a two foot radius of the poles.

Mr. Feldman stated that Mr. Hoffnagle will address that.

Mr. Hoffnagle explained that the half life for pentachlorophenol next to a pole sitting in the ground is gone in 5 years. In another half life, which would be a quarter will be gone in 10 years and so on. That is for a pole sitting in the ground.

Mr. Sampson asked then why is so much of that stuff still on top of the surface. If it has been there for 5 years there should be half of the stuff or 10 years a quarter of the stuff. I can't believe that the stuff sitting on the top is going to be there for the next 30 years.

Mr. Feldman replied that you can not tell how long it has been there without knowing how much has been there to begin with.

Mr. Berube explained as I stated earlier a further assessment will have to be done. The soil sampling just shows that there has been a release to the environment. But we do not know the extent of the problem.

Mr. Sampson stated you mentioned a 68 page DEP report, is there a way the public can get a copy of the report.

Mr. Berube replied that he would send Mr. Sampson the website.

Mr. Sampson stated that his last comment is about the security of the area. Mr. Glennon told us that if you are in the building he can not see anyone driving into the area where the poles are located. Why isn't the fence secured?

Mr. Glennon explained that there is another lumber company working in the area and there are trucks coming and going all day long. We can't lock the property because other companies rent space there.

Mr. Sampson asked is there some way that the area where the poles are stored could be separated from the lumber yard.

Richard Karamanian, 4 Ashdale Road, North Billerica identified himself. Mr. Karamanian explained that he uses the MSN website for the weather conditions when sending his complaints to Ms. Pheng, Health Agent at Board of Health office. Mr. Karamanian explained the wind direction and how it changes. He showed a calendar starting with the month of June up to the present time highlighting the days that he has sent complaints to the Board of Health office. Mr. Karamanian stated that Mr. Reader issued McFarland Cascade an order to do the air-sampling test and there has been too much procrastination. When the winter sets in the poles will be covered with snow. The residents will not have their windows open in the winter and may not smell the odor. Mr. Karamanian talked about the air sampling and the cost. Mr. Karamanian stated that Ms. Santos explained to the Board what it would cost to do the testing. This has gone on long enough. I have been to other areas where new telephone poles have been installed and I have smelled the same toxic odor. There is a school within a one-mile

vicinity of the telephone poles. There are a lot of senior citizens that have retired in this neighborhood. Their property value will be going down and they can not afford to move.

Lynne Santos, 29 Seven Oaks Road, North Billerica, identified herself. Ms. Santos stated that she would like to ask some questions about the air-monitoring plan. Ms. Santos explained that pentachlorophenol is known to be toxic. What we don't know is if the levels that are in the air are going to be harmful. That is what we would like to find out. Ms. Santos stated both formulas contain pentachlorophenol. One formula has a stronger odor than the other. You can be exposed to pentachlorophenol above the levels that are healthy without smelling it because the odor threshold is higher than the health level that has been established. They have changed formulas and now everyone is noticing it. That doesn't mean that they are not being exposed to levels that are unhealthy. The other point about sampling is that they cannot cause the air to be at unhealthy levels beyond their fence line. They can monitor the edge of their property because the wind direction will be a variable. It is very important how the samples are taken. Ms. Santos asked Mr. Hoffnagle if he could explain the detection limit of their sampling plan.

Mr. Hoffnagle explained we plan to take a 24-hour average sample with a piece of equipment that will allow us to take a large sample. Therefore our level of detection will be .01 nanograms per cubic meter, which is the State's ambient air quality limit. What they were discussing was a 2, which would take an air sample through the tube in one or two seconds. They could not get it down to the .01 threshold. The measurement technique that we are going to use is to collect two samples down to the limit. That is the difference in the proposals.

Ms. Santos asked what laboratory are you using.

Mr. Hoffnagle replied we are using a laboratory in California. The difference is we are collecting a lot more air samples. We are collecting 350 cubic meters of air. We would be able to detect PCP at lower concentrations.

Ms. Santos asked are you planning to sample the four (4) houses.

Mr. Hoffnagle replied we will be sampling at the four (4) houses, on the property at the pole yard and a background site which we thought could be the Town Hall located at 365 Boston Road.

Ms. Santos asked would you be monitoring the wind direction at the same time.

Mr. Hoffnagle replied we have a wind direction monitor at the office and we will be putting a wind direction monitor at one of the houses so there will be a wind direction monitoring device in the neighborhood.

Ms. Santos stated that independent sampling is important. Ms. Santos suggested that the Board ask McFarland Cascade for some money to have sampling done for the citizens group. Even if you do not smell pentachlorophenol you could be exposed to it. It does evaporate into the air and it is toxic.

Mr. Davis stated that Mr. Berube mentioned an order regarding the soil sampling I would like the opportunity to discuss a plan with him. The State has a specified process Mass Contingency Plan (MCP) for investigating and cleaning up contaminations. I think it would be problematic if the Board issues an order with some very short deadlines to remove the soil. McFarland is not trying to drag this out. They are going to work it out with the other two responsible parties Eastern Terminals, the owner and For/Tek the previous owner. McFarland has only been there since the beginning of 2008. I urge you not to issue an order that has to do with how the soil contamination is managed. We will be happy to work with the Board under MCP. It is not going to happen instantaneously. McFarland will work with the Board. Mr. Feldman is the Licensed Site Professional that McFarland will use. A release notification will be submitted to DEP. The company will make sure they are going to meet the deadlines.

Ms. Palermo asked how long will it take to get the results of the air and soil tests.

Mr. Davis replied the air tests are going to be done as soon as we receive the access agreements and an approval from the Board regarding the plan. It should be within three (3) weeks. We did not know before this evening that we had to test for other chemicals.

Ms. Palermo stated there are new poles with different chemicals and even though we don't smell pentachlorophenol it is still evaporating in the air and we are getting harmful effects from it. Why can't McFarland Cascade just get rid of the poles so that we won't have to go through this process? Can anyone give an order for that?

Mr. Berube stated he does not think the goal is to shut down the business. We are looking for an answer to the problem. Shutting down the business could be the end result. We are trying to get as much information as possible to make the correct decisions.

Ms. Palermo stated I am not trying to put McFarland Cascade out of business but this is taking much too long. It has been over a year and a half and we are still ingesting the harmful effects from this. I think you can move a little faster. I think McFarland can help by eliminating the poles

Mrs. O'Rourke stated if the odor is in the ground and they move the poles the problem will still be there.

Ms. Palermo stated then we can take care of the ground. Meanwhile the poles that are coming in are still seeping into the ground.

Mrs. O'Rourke replied that this Board is trying to move things along as fast as we can. Everything takes time. I know that you do not want to hear that. I am very disappointed that we did not have the air monitoring report at this meeting. However, the Board has to let them do the air sampling that we have requested. Hopefully it will be expedited and will be taken care of soon.

Kathy Karamanian, 4 Ashdale Road, North Billerica, identified herself. Ms. Karamanian explained that we have lived with the superfund site down the street and I thought the site had been

cleaned up.

Mrs. O'Rourke asked Ms. Karamanian what made her think the superfund site had been cleaned up.

Ms. Karamanian stated that she thought that money had been spent to clean it up.

Mrs. O'Rourke explained to Ms. Karamanian that she was getting the Iron Horse Park superfund site mixed up with the old dump. The old dump was a superfund site and it took years to cap the dump.

Ms. Karamanian asked what do you call the area where the PCP is now.

Mr. Kenyon replied it is a superfund site. If you go online, there are documents from the EPA explaining what a superfund site is. It states that a company can set up in a superfund site as long as they do not raise the level of pollution that has already been deemed by the EPA. The report that Mr. Berube has sent out is to let them know that the requirements have exceeded the standard. Mr. Kenyon explained they can't pollute it any more than what has already been established. The EPA has sent out notices to the companies letting them know that they have exceeded the levels and need to clean it up.

Ms. Karamanian asked does anyone from the Town go over and check the area out.

Mr. Kenyon replied that he has driven through Iron Horse Park several times a week and has not smelled anything. I have interviewed residents in the neighborhood several times and they have not smelled anything.

Mr. Karamanian stated that he can tell the Board has done their homework and is aware of the situation. CCA is now introduced as a preservative in the poles. The EPA spokes person stated that there is elevated arsenic in that area. Is the CCA now raising the limits? Aside from the air sampling we need to do water sampling.

Mr. Berube replied that water sampling will be done as part of Chapter 21E.

Mr. Karamanian asked is that our drinking water.

Mr. Berube explained that area does not contribute to our water source. That area is part of the Shawsheen drainage basin. It does not contribute to the Concord River where we draw our water supply from.

Mr. Karamanian stated that the CCA should be looked at also. CCA is another chemical that has been banned in other countries.

Mr. Hoffnagle replied that all the poles used in water have been treated with CCA.

Mr. Karamanian stated playgrounds where the wood structures were treated with CCA are now using plastic parts.

Mr. Reader asked if these chemicals are banned in other countries what are they treating their poles with now.

Mr. Hoffnagle replied some countries still use pentachlorophenol and CCA and some have switched to plastic or metal poles instead of wood treated poles.

Derek Karamanian, 4 Ashdale Road, North Billerica identified himself. Mr. Karamanian stated in the petition we asked McFarland Cascade if they could provide us with the shipping schedule and we still have not received it. What would happen if someone at McFarland smokes and flicks a lit cigarette into a pile of poles? Would 800 poles go on fire?

Mr. Glennon replied that the office is only 400 yards from the poles and the employees do not smoke near the poles.

Mrs. O'Rourke stated I think the question is are the poles flammable.

Mr. Glennon replied he did not know.

Mr. Hoffnagle replied generally not flammable.

Mr. Kane stated so a pole soaked in ultra low sulfur diesel fuel is no more flammable than a wooden pole not soaked in anything.

Mr. Hoffnagle replied probably not much more.

Mr. Feldman stated that we are talking about someone flicking a lit cigarette at a telephone pole not someone taking a blowtorch and intentionally starting a fire.

Mr. Hoffnagle replied wood burns and it will burn a little better if it has some oil in it. But it is not likely to ignite.

Mr. Karamanian asked what if lightning strikes.

Mr. Hoffnagle replied it is possible. When lightning strikes it can start a fire anywhere, whether it is poles, trees, buildings or your house.

Mr. Sampson stated I think the question is whether the Town is ready to handle an emergency situation in case of a fire at the facility.

Mr. Berube explained that he spoke to the Fire Department and they informed him that they are prepared to control an emergency situation at the facility. As far as putting out the fire with water they would let the fire burn itself out rather than try to extinguish it with water. If they used water it could create a larger environmental problem.

Mr. Karamanian stated that the ashes are concerned toxic.

Mr. Berube replied the ashes can be removed.

Mr. Karamanian replied the ashes would not stay in one spot they would be airborne.

Mrs. O'Rourke asked Mr. Berube if he had any other comments.

Mr. Berube stated that the soil sampling was talked about and he would be glad to discuss it with the attorneys from McFarland Cascade.

Mrs. Giroux made a motion regarding the ambient air sampling piece. Richard Berube, Director of Public Health will give approval to McFarland Cascade to do the ambient air sampling tests once his questions have been answered by the Department of Environmental Protection (DEP). McFarland Cascade will do the air-monitoring test as soon as practical. The access agreement is to be sent out as quickly as possible so that when the equipment is ready McFarland Cascade shall implement the plan. The sites to be sampled are 3 or 4 Ashdale Road, 19 Carriage Road, 2 Bayberry Lane, 218 Pond Street, the Billerica Rod and Gun Club, 365 Boston Road, Billerica Town Hall and at the source. These tests will be redone in May at the same sites so that the weather and wind conditions will be taken into consideration. Once the approval is given it is going to take about 3 weeks to complete the testing. Once the testing has been completed McFarland Cascade will provide the Board of Health with a status report and then report their findings at the next available Board of Health meeting.

Mr. Kenyon seconded.

Mr. Kane stated that he still has some concerns. The attorney for McFarland Cascade has clearly stated that MassDEP is in charge of coordinating the cleanup of any hazardous materials leak. I am concerned that we still have an active leak going on by looking at the lab results. Most of the things that are above reportable levels are PCP, petroleum, copper and antimony all of which are used in wood preservatives. Mass State Law and DEP is responsible for managing the leak once it has occurred and coordinating the cleanup process. We have an active acute problem going on. We have poles with substances that may or may not be leaking. The same substances that are in the surface soil are the same substances that are in the poles above them. I think it is going to take a lot of arguing from the geologist, air-sampling experts and attorneys to say there is no potential cause of leakage between those two things. I think as a Board we have a duty to act. We have an active leak going on and until that can be controlled and contained I think the Board needs to take more action other than simply checking out the air quality and waiting for DEP to approve the safety plan for cleanup.

Mr. Berube stated that is why I mentioned that I plan on issuing an order for a mitigation plan. One of my primary concerns is release prevention. Release Prevention is something that generally gets overlooked by DEP. Mr. Berube explained that the Health Department will be taking an active role and will also be working with DEP.

Mr. Kane stated I think the Board needs to specify a timeline and issue the order immediately. They have to make sure there is no further release and if they cannot ensure that there is no further release then the operations need to cease.

Mr. Berube replied the order will come from the Health Department.

Mr. Kane asked is there a timeline in place.

Mr. Berube replied that he plans on putting together the timeline by October 9, 2009.

Mr. Davis stated that you could put the facility out of business if you say without any potential further release. Pole yards are maintained throughout the country because they are meant to keep poles for the use of electricity and telephone replacements.

Mr. Kane stated if there was a leak from a gas truck delivery they would have to act immediately.

Mr. Davis stated there is a release in the air every time they make a delivery. Carcinogens are released into the air every time gas is delivered.

Mr. Kane stated so you see no problem with this. You do not see any potential problem with the ongoing potential contamination of the soil because other things contaminate the soil or the air so that is okay.

Mr. Davis replied that he did not say that however you can't prevent any release into the environment from the pole yard that does not exist.

Mr. Kane stated there needs to be containment measures. The containment measures consist of grass and soil. Mr. Kane talked about other hazardous incidents that are not acceptable. Mr. Kane stated that we have an active ongoing problem and the order needs to be issued this week.

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

The Board Members did not have any further questions or comments.

Mrs. O'Rourke thanked everyone.

Mr. Kane made a motion to adjourn. Mr. Reader seconded.

The Board adjourned at 9:15 p.m.

Respectfully submitted,

Sandra Giroux
Secretary

Joanne M. White
Recording Clerk