

May 27, 2009

**VIA E-MAIL RBERUBE@TOWN.BILLERICA.MA.US
AND FIRST CLASS MAIL**

Richard Berube
Director of Public Health
Town Hall
365 Boston Road
Billerica, MA 01821

Re: McFarland Cascade/Iron Horse Park: Report to the Board of Health

Dear Mr. Berube:

On behalf of McFarland Cascade, this correspondence constitutes the second progress report required by the Board of Health's Findings of Fact and Order dated April 16, 2009 (the "Order").

Conversion to Ultra Low-Sulfur Diesel

As noted in the previous progress report, McFarland's supplier of treated poles has completed the transition to the use of ultra low-sulfur diesel, and all future shipments of poles to the Iron Horse Park Facility will have been treated accordingly. Therefore, McFarland has completed item #1 of its April 13, 2009, Plan of Action ("Plan of Action").

Conversion to New Pentachlorophenol Formulation

As noted in the previous progress report, McFarland's Mississippi facility has completed the transition to the use of the new pentachlorophenol formulation, consistent with the May 1, 2009, date forecast in item #2 of the Plan of Action. A rail car of poles treated with the new formulation is now in transit to the Iron Horse Park Facility and is anticipated to arrive on or about May 30, 2009.

As noted in the previous progress report, McFarland's major supplier of poles to the Iron Horse Park Facility has received the new pentachlorophenol formulation and has introduced the new formulation to its treatment process. Based upon the supplier's representations to McFarland, all future deliveries of poles from this supplier will have been treated with the new formulation.

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Inventory Levels

McFarland remains on target to reduce its inventory of poles by 30% from its historic levels by June 15, 2009, in accordance with item #3 of the Plan of Action. McFarland continues to fill orders in a manner consistent with items #4 and #5 of the Plan of Action.

Rail Car Unloading

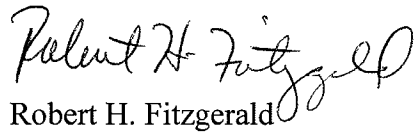
Since the previous progress report, there have been no deliveries of treated poles to the Iron Horse Park Facility.

Odor Complaints

An analysis of the odor complaints received from the Health Department is attached to this progress report.

McFarland will provide another progress report no later than July 1, 2009, in advance of the Board's meeting of July 6, 2009. If you have any questions regarding this report, please do not hesitate to contact me.

Sincerely,



Robert H. Fitzgerald

cc: Les Lonning
Steve Glennon



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May 26, 2009

Robert H. Fitzgerald, Esq.
Goodwin Procter, LLP
Exchange Place
Boston, MA 02109

Re: McFarland Cascade Odor Evaluation
TRC Project No. 165457

Dear Robert:

The following is an evaluation of the odor complaints from May 2009 provided by the Board of Health. The meteorological data from on-site has been used.

1. May 4, 2009
 - 4:30 PM
 - Carol Legro
 - 5 Ashdale Road
 - Winds were from West South West at 3 MPH. This would be from west of Iron Horse Park and definitively not the poles from the yard.

2. May 4, 2009
 - 7:00 PM
 - Melissa Smith
 - 19 Carriage Road
 - Winds were calm from the Southeast. A little too far east to be from the pole yard. Winds were very light speeds, i.e. no transport of odors.

Robert H. Fitzgerald
Goodwin Proctor, LLP
May 26, 2009

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3. May 13, 2009

- From 7:30 PM until the morning of the 14th at 7:00 AM
- Carol Legro
- 5 Ashdale Road
- Winds are too far to the West to be from the pole yard (Southwest and South Southwest) and vary from 5 mph at the start to calm in the morning.

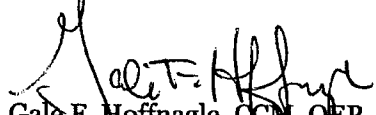
4. May 19, 2009

- At 3:15 PM
- Richard Karamanian
- 4 Ashdale Road
- Winds are West Southwest at 4 to 5 mph from 3:00 PM to 4:30 PM; come from too far west to be from the poles. Ms. Pheng found no odors, even at the pole yard.

No deliveries of treated poles occurred since mid-April

Respectfully submitted,

TRC


Gale F. Hoffnagle, CCM, OEP
Sr. Vice President and Technical Director

GFH/naf

