

Friends of Penobscot Bay

POB 1871, Rockland, ME 04841 * 207-593-2744.
coastwatch@gmail.com www.penbay.net

Remarks at Searsport Planning Board meeting July 15, 2013.

July 15, 2013

To Searsport Planning Board
Re GAC Chemical's proposal for new operation on site

Mr Chairman, members of the planning board, thank you for this opportunity to speak. Friends of Penobscot Bay is a non government organization organized incorporated last fall to carry out stewardship of Penobscot Bay, including oversight of development proposals, legacy waste sites, and the bay area businesses and communities who use licensed outfalls to pump wastewater of one type or another into Maine's biggest bay. America's lobster basket.

The Friends of Penobscot Bay incorporated only last fall. However the members of our board have each spent decades or even lifetimes responsibly exploiting the bay or protecting it. We fish the bay for lobsters, sea urchins, sandworms and bloodworms, clams and mussels, we run tourism businesses dependent on the bay's scenic assets, we use advocacy and litigation to defend the bay from pollution inappropriate development.

Bottom line: a healthy, ecologically productive and naturally beautiful bay is a profitable bay.

Concerning GAC Chemical, I myself am one of the advocacy types. I have tried multiple times over the last 15 years to get the company to deal with its shoreline pollution and wastes

* Condition your approval on the company's request to GAC committing to dealing with the legacy industrial wastes dumps along its shorefront property.

Why? Because as we speak, a variety of wastes are eroding and leaking into the intertidal flats from bauxite tailings and other wastes dumped along the shore, and from an abandoned factory and abandoned tank. See photo.

CONTINUED ON PAGE 2

Pg 2

While David Colter has run a far tighter ship at [GAC](#) than his predecessors, as reflected in Maine DEP's records on the company, we are worried that a year of excuses and inaction suggests Mr. Colter is repeating the approach to the 20th century wastes on GAC's shore that his predecessors took.

They declined in the mid 1990s to deal with this pollution sources, even though recommended by a state official. The waste continues to this day to erode and link into Stockton Harbor.

The Searsport planning board should require GAC Chemical to clean up its mess before being allowed to start up another industrial operation, no matter how innocuous the new one seems to be.

GAC Chemical is only the latest in a series of chemical & fertilizer companies that have operated there since the early 20th century. However it is now the Responsible Party, as the lawyers say. We ask the planning board to get them to move forward on dealing with this continuing waste problem as a condition.

GAC can do this by committing to creating and implementing a shoreline remediation plan and an intertidal flat remediation plan.

Please include such a condition in your decision, or at least get a commitment from the company that it will proceed with cleanup and mitigation of the industrial wastes on its property that are fouling Stockton Harbor and will condition to do so until checked.

Friends of Penobscot Bay would be glad to take the planning board on a tour of the beach adjoining GAC Chemical's property, so that you can take a look for yourselves. We also have a great deal more information about this site's pollution problem stretching back to the 1940s that we can share.

Sincerely,

Ron Huber, secretary and boardmember

Friends of Penobscot Bay

. See [1998 GAC letter to DEP Bangor](#) and its attached chart of [results of aerial reconnaissance of site 1937 to 1990](#).

CLF's 2001-2002 activities regarding GAC Chemical. In 2001, CLF's then-attorney Roger Fleming reviewed the outfall records of GAC Chemical and discovered persistent ongoing violations of the company's discharge permit, specifically unlawfully low pH of outfall effluent. On October 3, 2001 CLF [filed a Notice of Intent to Sue](#) under the Clean Water Act. On February 11, 2002, CLF [filed this complaint](#). Eight months later, on October 9, 2002 [a settlement was reached](#). See: CLF Reports: [Stopping General Alum & Chemical Corporation's pollution of Stockton Harbor](#)

PRESENT SITUATION

Photos from March 2013 site visit (unless otherwise noted)

[Shoreline # 1](#) Eroding sites March 2013. [Here](#) and [here](#) and [here](#). Dumped ceramic grinding parts (1) [Here](#) (May 2012)

[Shoreline # 2](#) Shorefront landfills March 2013. [Here](#) and [Here](#) and [Here](#)
Dumped ceramic stirring parts (2) [Here](#)

Abandoned structures

Old import pipeline from offshore dock to now demolished plant [Here](#) and [here](#)

Abandoned pumphouse with two outfalls inside. [Here](#) and [here \(closeup\)](#) ***

1998 [Aerial of discharge](#) from "abandoned" pumphouse

Abandoned closed outfall catch basin [Here](#) ** [April 8, 1998 BDN story](#) on waste buildup in basin that we ID'd and forced cleanup of.

Abandoned building w/ abandoned tank [Here](#)

Tainted flats below abandoned building & tank From [land](#) *** from land (2)

*** [From air](#) [from air \(2\)](#) *** [from air \(3\)](#)

Agency Actions to date

On April 16, 2004 two DEP marine ecologists sampled the mud. Low levels of biodiversity was found. Ending erosion of wastes by trimming bluff back and sodding it over was suggested but not carried out. [Report by John](#)

[Sowles](#) *** [Report by Lee Doggett](#)

Meeting with the Company

Last year we took [Colter](#) and his CES environmental consultant on two walks

along the worst part of his company's shores. There, exposed strata of acidic alum production wastes dumped along the shore in the 1960s and 70s have eroded into the harbor, adding a silvery color to the mud in the clamflats, Nearby, red and black leacheate rises up through the gravelly beach and into the mud, with the apparently culpable derelict building & tank rising above it

We urged Colter to start by removing or cutting back and resodding the waste piles that are leaking onto the harbor's shores and adjacent clamflats. Then, we suggested, at least an acre of contaminated mudflat should be dredged up or dug up and landfilled, possibly onsite in the company's existing landfill.

Mr. Colter was enthusiastic at first: He wrote after GAC's enviro consultant CES gave him an update:

"I recently received options from CES for improvements to the shoreline to address erosion concerns. We are working through the cost options to decide what will be best. From a budgetary perspective, this will have to be a 2013 project. I am pleased with what CES has proposed. Once we have the cost pieces pulled together we will approach the DEP to determine the steps to move forward. I will keep you posted."
That was 7 months ago. No postings from Colter yet.

PROPOSED ACTION Leverage mitigation as quid pro quo for company expansion plan.

Last September GAC applied to the Searsport Planning Board to add an additional chemical plant to their property. The new facility would create "plastic pigments" and would be a joint venture with Mexican chemical firm Dalegip America. See media coverage [here](#) and [here](#)

We would like to make the new facility's state or federal permits conditional on GAC creating and implementing a shoreline remediation plan and an intertidal flat remediation plan. The eroding shore bluff, bauxitized clam flat, and leacheate-drenched beach areas are all unlicensed discharge violations of the Clean Water Act.

We think that whether or not cleaup is tied to their expansion plans, if CLF did a site walk along the intertidal shore first without, then with, GAC's David Colter, you may be able to convince him that remediating his site's historic shore waste problems -as responsible party- needs to be a top priority.

Colter has run a tight ship. MDEP records show that the GAC Chemical facility has greatly improved its pollution controls since the 1990s. The company is locally well liked; it has a large local payroll and contributes to civic betterment

projects. Thus it is a disappointment that Colter seems to have a problem keeping his promise to deal with the facility's shoreline waste dumps. CLF could help nudge the company along in the right direction

Please let me know if you are interested in taking a look at the site. We'll be glad to give you the shore tour. We also have a great deal more information about the company, pollution history. I can be reached by email or by phone [207-593-2744](tel:207-593-2744)

Sincerely

Ron Huber, secretary
Friends of Penobscot Bay