

# GAC EMAIL

GAC CEO David Colter's emails to us about fixing up their eroding slopes - until suddenly they got cold feet and completely stopped communicating in late November 2012. Until earlier this month with another bland email. S

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

6/4/12

to me

Mr. Huber,

I received your email today containing the letter regarding Penobscot Bay and your concerns about erosion of the shore near our facility. I also received your voicemail. I regret I missed your call. I am intrigued by your letter and your interest to

reach out to GAC.

I am open to your offer to meet with you to understand your concerns and ideas for the harbor. If you prefer we meet up with Harlan as your voicemail suggests, we can pursue that course while you are away for a few weeks.

How would you like to move forward?

Sincerely,

David Colter

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David Colter

[<dcolter@gacchemical.com>](mailto:dcolter@gacchemical.com)

6/6/12

to me

Ron,

I spoke with Harlan this morning. While he appreciated the confidence you have in his abilities and knowledge, he

explained that he prefers to wait until your return to Maine to have a meeting.

I suggested an introductory meeting upon your return at a venue such as Dunkin Donuts for a cup of coffee and sharing of thoughts and ideas.

Upon your return, please contact me to set up a time to meet.

Sincerely,

David M. Colter

President / COO

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

6/27/12

to me

Ron,

Thank you for the note upon your return to Maine. I tried unsuccessfully to reach you at the two phone numbers

provided below. I left you messages on both that I am leaving the office shortly and not returning to the office until Monday, July 9.

What day or days are you available during the week of July 9? I am open 7/10, 7/11 and 7/13. (I will be away 7/12). As it relates to taking a stroll to the areas you would like to review, I am open to this idea. I will disclaim that I am not a geologist and not an expert is

erosion matters. I would recommend that I bring along one of our environmental consultants we use to assist in my understanding of the issues.

Sincerely,

David M. Colter  
President / COO  
GAC Chemical Corporation

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

7/9/12

to me, Harlan  
Ron,

I appreciated being able to connect with you via phone today. As we discussed, we will meet Wednesday around 11 a.m. on Sears Island Road just before the causeway.

Sincerely,

David M. Colter  
President / COO  
GAC Chemical Corporation  
P.O. Box 436  
Kidder Point Road  
Searsport, ME 04974  
ph. [207.548.2525](tel:207.548.2525)  
fax [207.548.2891](tel:207.548.2891)

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David Colter  
<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

8/3/12

to me, Harlan  
Ron,

I wanted to send you a short note acknowledging that next week brings the 30 day period I set during our meeting together to get back to you and Harlan.

I am working on a few things and plan to contact you later in the week next week as I am traveling thru mid day on

Thursday.

Sincerely,

David M. Colter  
President / COO  
GAC Chemical Corporation  
P.O. Box 436  
Kidder Point Road  
Searsport, ME 04974  
ph. [207.548.2525](tel:207.548.2525)  
fax [207.548.2891](tel:207.548.2891)

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

8/9/12

to me, Harlan  
Ron, Harlan,

I appreciated the time you spent with me and John Pond from CES last month exploring the shoreline along the GAC property.

We concluded our meeting with agreeing that I would get back to you in 30 days to share

with you my thoughts, ideas and potential action plans on the items we discussed.

## Ceramic debris

I agree that the scattered ceramic debris along the shoreline is not visually appealing. My understanding is this was put there years before GAC acquired the property. While inert and not an environmental threat to the bay, it would be better if these items could be removed. We have made good progress

to date removing these items from the cove. I am hopeful this project will conclude by the end of August.

## Erosion

I think there may be a workable solution to stabilize the open area we viewed along the bank near our rail car unloading station. We have asked CES to help us review our options and assess the cost of each. Our plan is to attempt a section of the area this fall and evaluate

how it fares over the winter and early spring months. If successful, we would plan to complete the remaining open area in 2013. If not successful, consider one of the other options offered by CES.

## Clam Flats

I have not completely formed an opinion on the condition of the clam flats. You have provided me with many documents to review and understand. I would like to



take a few more weeks to complete my review.

These additional weeks will also allow us to make more progress on the options for the erosion matter. Let's set our calendars ahead to the week of September 10. This will get us past the busy vacation month of August and the Labor Day holiday.

Finally, you asked if GAC would be willing to participate

in a "coalition" of sorts for Penobscot Bay. I remain open to this idea. We can discuss this idea further as you consider others for this group.

Please advise of your availability the week of September 10.

Sincerely,

David M. Colter  
President / COO  
GAC Chemical Corporation

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

9/17/12

to me

Ron,

Good morning. Sorry for the need to reschedule our meeting. It was a crazy week given the unexpected passing of one of our employees.

Wednesday would work but I would encourage us to move it to Friday if we could. The forecast for Wednesday is calling for severe weather, up to 2 inches of rain. Thursday will not work due to a number of meetings both at GAC and offsite.

Your thoughts? I looked at the tide charts and a 10 a.m. on Friday should work at low tide is at 9:55 a.m.

David

David M. Colter  
President / COO  
GAC Chemical Corporation  
P.O. Box 436  
Kidder Point Road  
Searsport, ME 04974  
ph. [207.548.2525](tel:207.548.2525)  
fax [207.548.2891](tel:207.548.2891)

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David Colter  
<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>  
10/23/12

to me, Harlan  
Ron,

Thanks for the follow up email.  
John Pond from CES sent one  
of his employees down to  
review the shoreline in an  
effort to do a write up for  
review by the DEP. I will circle  
back with John and get a  
status update.

More to follow.

Thanks.

Regards,  
David M. Colter  
President / COO  
GAC Chemical Corporation  
P.O. Box 436

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David Colter  
<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>  
11/15/12

to me  
Ron,

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. Thank you for the email.

Regards,

David M. Colter  
President / COO  
GAC Chemical Corporation  
P.O. Box 436  
Kidder Point Road  
Searsport, ME 04974  
ph. [207.548.2525](tel:207.548.2525)  
fax [207.548.2891](tel:207.548.2891)

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David Colter

<[dcolter@gacchemical.com](mailto:dcolter@gacchemical.com)>

11/16/12

to me

Ron,

Next week is problematic with the holiday. Let me get my arms around the costs and then we can talk about another meeting. I would also like to get some input and feedback

from the DEP.

I will keep you posted. If time passes and you haven't heard from me, drop me another note. We are in the midst of our budget cycle so it is a bit busy.

Enjoy the Thanksgiving holiday.

Regards,

David M. Colter  
President / COO  
GAC Chemical Corporation

P.O. Box 436  
Kidder Point Road  
Searsport, ME 04974  
ph. [207.548.2525](tel:207.548.2525)  
fax [207.548.2891](tel:207.548.2891)

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NO FURTHER  
CORRESPONDENCE UNTIL  
2014

David Colter  
May 21, 2014  
to me  
Mr. Huber,

I received your voicemail message from Monday afternoon sharing your interest in GAC's shoreline. Over the past 9 months we have had our shoreline reviewed and/or inspected by seven representatives from the Maine DEP and licensed professionals from an environmental consulting firm hired by GAC.

It was determined that the erosion along our shoreline is

not significant and does not require immediate attention. It is also not something that is caused by or exacerbated by GAC. Nonetheless, I committed to you and Harlan McLaughlin last year that GAC would investigate your concern with erosion and we have done so.

With the understanding that GAC is under no obligation to perform any additional inspections or alterations to this particular area, GAC is

voluntarily exploring options and alternatives with an environmental consulting firm. When dealing with shoreline matters, this is a process that takes time, effort and money. At this point I do not have a specific time table for action because we are in the early stages of our exploratory efforts. We will continue those efforts in a deliberate manner.

Sincerely,

David Colter

President/CEO  
GAC Chemical Corporation  
34 Kidder Point Road  
Searsport, ME 04974  
(207) 548-2525 ph.  
(207) 548-6913 fax

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**EMAIL TO DEP EASTERN  
ME DIRECTOR SUSANNE  
MILLER  
AND HER REPLY**



Ron Huber

<coastwatch@gmail.com>

Jun 2 (2 days ago)

to Susanne, Jana

Hi Susanne.

I believe that you were going to send me a note summarizing our May 16th meeting and the way to move forward concerning the eroding wastes of Kidder Point. I think you said

1. Ownership

GAC Chemical owns the

intertidal flats out to the low tide line, as described in its deed

2. Uncontrolled Hazardous Waste. At our meeting Jana observed that the situation along the southern site of the peninsula fits the definition of an uncontrolled hazardous waste site -well documented sulfuric acid spills leaching their way through mixed already highly acidic fertilizer and alum production industry wastes, mixed with demolition

debris from discontinued processes onsite. As DEP records show the waste is deposited atop a layer of marine clay and travels by surface aquifer down into the beach sediments and intertidal flats. We consider that this site fits the definition of an "uncontrolled hazardous waste site". I recall that Jana Wood concurred with that. Do you concur in this? If not, why not?

3. Jurisdiction The town of Searsport has primary

jurisdiction over this dumping of wastes into the intertidal flats, rather than DEP. This pursuant to 12 MRSA 573. Public trust rights in intertidal land, which gives municipalities the police power to bar "the depositing of any refuse or waste on intertidal land or in the water covering intertidal land;" I understand that the addition of "recreation" to public trust rights of fishing fowling & navigation, as asserted by this law, has been struck down by the Maine

Supreme judicial court (the addition of "recreation" to the fishing fowling & navigation public trust rights is what the Court had disagreement with.

David Colter and a new GAC erosion control initiative. We contacted David following our meeting. His reply repeats the promises made (and broken) in the past, but continues to shy away from any date certain for any erosion control work. and from consideration of the content of the wastes eroding

off the company site as anything but the bland non-definition term "fill". We get the sense once again that paying to repair the health of the harbor from the impact of this industrial runoff is quite secondary to GAC's profitmaking priorities. We note with disappointment a continued assertion by GAC that MDEP supports inaction on controlling and remediating these hazardous wastes, and is comfortable with guessing that things are probably OK,

hence shouldn't be looked into too closely. Do you agree with that anti-precautionary policy?

Susanne I look forward to your responses on the above but also your meeting notes, so that we are on the same page, and can resolve some murky bits of unclarity.

Best wishes

Ron

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Miller, Susanne  
5:20 PM (21 hours ago)

to me, Jana  
Ron:

I am in the field until Thursday  
and am not able to respond in  
depth.

Essentially I have a different  
interpretation of what was said  
and agreed/disagreed upon in



our meeting in Bangor, which appears to be an ongoing pattern between us.

Moving forward all information requests to the Department will need to go through the FOAA process. I outlined in a previous email how to conduct a FOAA request and whom to contact.

If you have questions about the FOAA process I'm happy to assist.

Also, you should be aware that the Regional Director position is not an appointed position.

Best,

Susanne

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end