



**MIDCOAST SOLID WASTE CORPORATION
BOARD OF DIRECTORS MEETING
October 23, 2024**

MEMBERS PRESENT: Keryn Laite (Chair) – Lincolville, Robyn Tarantino – Lincolville (Secretary), Alison McKellar (Vice Chair & Treasurer) – Camden, Sarah Smith – Hope, William Bow – Rockport

MEMBERS ABSENT: Greg N. Door – Camden, Crystal Robinson – Hope, Michael Thompson – Rockport

REPRESENTATIVES PRESENT: David St. Laurent, MCSWC Manager

GUESTS: Bill Kelly, Esquire, Interim MCSWC Attorney

Ken Sansone, Esquire, SL Environmental Law Group

Keryn Laite, Chair, called the meeting to order at 6:37 pm.

Chair Laite opened the meeting and requested that the agenda be adjusted to place the action item first to allow the representative from SL Environmental Law Group to speak first. The change was accepted.

1. ACTION ITEM: TO ENTER INTO A CONTRACTUAL AGREEMENT WITH SL ENVIRONMENTAL LAW GROUP, TO RECOVER FUTURE PFAS TREATMENT AND CONTAMINATION COST. THE COST RECOVERY WOULD BE PART OF A COMBINED LITIGATION EFFORT BY SL ENVIRONMENTAL LAW GROUP.

Chair Laite asked St. Laurent to provide opening comments on the requested action. St. Laurent provided a brief history of pollution caused by PFAS (Per-and-polyfluoroalkyl substances) which names many types of man-made synthetic chemicals found in various products that have shown to pose serious health issues. The Department of Environmental Protection (DEP) now requires wastewater to be tested. MCSWC is also sampling the water on site, which is showing concentrations that add to the Camden Wastewater Treatment Plant testing that is showing higher quantities of PFAS. The DEP may institute treatment or other requirements for PFAS in the future. If treatment of leachate is required by MCSWC it will be costly. St. Laurent is investigating ways to work on the issue if needed. McKellar provided a brief discussion on the information being reviewed by the Camden Select Board and area testing results including the Camden Wastewater Plant.

St. Laurent introduced Ken Sansone, Esq., of SL Environmental Law Group. Sansone presented historical background on how litigation success around the issue of PFAS has been occurring for drinking water supplies and water treatment facilities operated by municipalities in several New England states. SL Environmental Law Group represents utilities to seek funds for the costs associated with contamination issues and remediation of PFAS and other chemicals. To date his law firm has recovered millions of dollars for these water treatment facilities to begin remediating the contamination. Sansone stated that

a leachate production is likely to have 1000's of different consumer products that lead to PFAS levels; but that only a few companies invented and used the material in producing consumer products, so they have been focusing on that information in past litigation. Sansone discussed at length the changes made to Maine laws that have assisted with PFAS contamination beginning with banning biosolids (a byproduct of wastewater treatment) from land applications or other purposes and directing how it is disposed.

St. Laurent explained that the contract included in the Board Packet for the meeting was reviewed by Attorney Bill Kelly and altered to fit the needs of MCSWC; Sansone agreed that the changes were incorporated as requested. A lengthy discussion on the terms of the agreement which included terms that services will be contingency based was held. The terms are identical to the agreement entered into with the Camden Select Board for services to be provided for the Camden Wastewater Treatment Plant. Attorney Kelly was present to answer any questions. A discussion on how SL Environmental Law Group has determined liabilities in the past and the impact of mass settlements was held. The ability to test for the PFAS chemical, volume determinations and technical costs for treatment will assist to define the liabilities. Additionally, remediation expenses or the need for capital improvement and ongoing maintenance are also included in costs that may be owed to a claimant. McKellar noted that currently MCSWC water testing results do not violate drinking water standards, she also discussed possible future treatment standards that could be set by the Maine DEP which may add costs to pre-treat leachate moving through the wastewater treatment plant. A brief discussion on how pretreatment requirements from the Town of Camden might assist in proving damages to MCSWC. Sansone stated that the firm would not speak to client standards but information like that could be used to set reasonable cost recoveries due to PFAS, which is the goal of the litigation. Chair Laite asked Attorney Kelly to provide an overview of the acceptability of the agreement being presented. Kelly stated that it is a great opportunity, specialized staff is a plus with this company and that getting this moving early is a benefit. Kelly went over change recommendations he requested and noted that because the drinking water cases were settled it now affects PFAS are to be looked at moving forward to wastewater treatment plants and landfills. He added there was no downside to this agreement financially as payment is based on contingency fees. A final discussion on the known defendants was held. Sansone noted that PFAS has individual markers that lead back to and identify defendants that produced and developed products using PFAS.

Chair Laite entertained a motion to move forward the contractual agreement with SL Environmental Law Group. **McKellar moved that the MCSWC Board of Directors enter into a contractual agreement with SL Environmental Law group to recover future PFAS future treatment and contamination costs. Smith seconded. No Discussion. Motion passed. (100% in favor, 0 opposed)**
Attorney Kelly suggested a second motion to authorize execution of the presented agreement. Tarantino moved to authorize David St. Laurent to sign on behalf of Mid-Coast Solid Waste Corporation. McKellar seconded. No Discussion. Motion Passed. (100% in favor, 0 opposed)

2. REVIEW AND APPROVAL August 28, 2024, MEETING MINUTES:

Chair Laite entertained a motion to approve the Board of Director Minutes of August 28, 2024. ***Smith moved to approve the minutes. McKellar seconded. Discussion followed, Tarantino asked to remove duplicate second by McKellar in #4 and Smith noted Robinson's name be spelled with one B on p. 4. Chair Laite called the motion. No further discussion. Motion passed. (100% in favor, 0 opposed)***

3. FACILITY MANAGER REPORT

St. Laurent provided a full Manager's Report in the board meeting packet. Chair Laite asked St Laurent if he wanted to discuss anything additional about the facility. St. Laurent reported the new pump in the northern end of the quarry is working well.

St. Laurent reviewed the need to have Committee Assignments for the upcoming year. St. Laurent also suggested the next meeting be a goal setting workshop be held in addition to assigning committee members. Laite agreed, adding that budget season and review of the union contract would be helpful to have finance and personnel committees seated. Chair Laite requested that a current listing of committees be sent to the membership. McKellar added that seating committees should take second precedence over the goal setting so committee members can understand better what needs to be worked on closer to the beginning of the fiscal year. Laite stated that due to the budget setting and review of the union contract it would be helpful to have the finance and personnel committees seated. Bow added that a short one item agenda meeting could be held in November, to be followed by a goal setting workshop.

St. Laurent will follow up with the Auditor to see when the draft FY24 audit will be available.

St. Laurent commented on an article about Jeff Brazier who operates the compactor area was published in the newly organized Midcoast Villager. St. Laurent was complimentary of Jeff's contributions in overseeing the MSW area; and his efforts to assist keeping down hauling costs when sending loads to the landfill.

Bill Bow opened a brief discussion on the well notes in the Manager Report asking if the new production well pump needs to be placed at a particular depth based on DEP criteria. St. Laurent noted that mean sea level measurement points are part of the basis of a mandated benchmark is determined to keep water from migrating away. St. Laurent worked with Maine DEP and our own hydrogeologists to review the production well position before the work began; noting the pump is currently at 95' down and does not need to be any deeper even though the quarry is deeper.

4. FEE SCHEDULE UPDATE REVIEW for FY24-25

Chair Laite opened a discussion on the updated fee schedule. Tarantino made spelling corrections noting that fluorescent was misspelled. Smith requested that the term Button Batteries be incorporated into the handout and a discussion followed regarding using layperson terms recognized by the public on the form. The fee schedule review was completed with the recommended changes to be made will occur before handing it out to the public.

5. TREASURER REPORT & FINANCIALS:

The Current Expense, Revenue and Accounts Receivable Summary Financials were available in the packet and St. Laurent discussed unexpected repair figures for the roll off truck and the bulldozer located in lines 135-08 and 135-09 as they are showing their age. Laite suggested capital funds be considered for equipment replacement. A brief discussion on finding other uses for the roll off truck during down times was held.

McKellar requested that the Auditor be contacted to find out when the FY25 Audit will be completed. McKellar discussed the need to update the budget setting process to alter the required deadline dates for approval of annual budget set in the MCSWC By-Laws. The deadline dates have been delayed for several years and an update to this area of the By-Laws is needed. Setting later due dates allows for better figures in the budget as information for evaluation figures, which change each year, and other large budget items such as insurance, wage, and benefit costs. The goal will be to remain amicable to complete the MCSWC budget in January to assist the four towns with their budget setting by providing figures on time. McKellar spoke to the remarkable ability that MCSWC has held budget assessments in recent years adding that manager costs and sharing some services for equipment repair with Public Works are ways that assist to keep down costs. St. Laurent commented that having good staff and a helpful Foreman is also assisting in budget savings. Smith added that municipal service sharing is important going forward as property tax increases in Hope are unsustainable, and costs for emergency services may benefit from going regional as the School, State and County taxes incorporated are not something the Town of Hope can control.

6. PUBLIC & DIRECTOR COMMENTS:

Chair Laite and other members thanked St. Laurent for the tour of the MCSWC facility for members of the board on Wednesday afternoon September 25th.

McKellar put forth that a future Recycling, Education and Sustainability Committee should be considered by the membership. McKellar noted she had taken part in the Waste Watch Committee when she was not a board member who worked on similar projects. Tarantino was supportive of the idea.

Chair Laite opened a discussion on scheduling future meetings. Following a discussion, the membership agreed by consensus that a single agenda meeting will take place and include discussion on committee assignments on November 20th at 6:30 pm.

7. ADJOURN:

Chair Laite entertained a motion to adjourn the meeting at 7:51 p.m. McKellar moved to adjourn the meeting. Tarantino seconded. No discussion. Motion passed. (100% in favor, 0 opposed)

Respectfully Submitted,

Beth Kwiatkowski
Recording Secretary

If there are any questions regarding the decisions made at the meeting, please refer to the meeting video found at www.youtube.com/TownofCamdenMaine

SCHEDULED MEETINGS:

November 20, 2024, Regular Board Meeting - 6:30 p.m., John French Jr. Conference Room – Camden Town Office