

SUSTAINABILITY COMMITTEE MEETING

Town of Southwest Harbor, Maine
Southwest Harbor Town Office & Via Zoom¹
Thursday², May 14, 2026, 5:00 PM – 6:30 PM

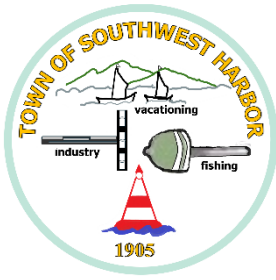
AGENDA (5/2/26,5/13/26)

1. Call to Order
2. Welcome to Committee members and guests!
3. Roll Call
4. Adoption of the Agenda
5. Adoption of Minutes
6. Bylaws Revisions
7. Housing Work Group Report
8. Solid Waste Work Group Report
9. Environmental Work Group Report
10. Vote to Recommend a Closure Plan for the Worcester Associates Landfill
11. Other Business
12. Next Meeting Date
13. Adjourn Meeting

Library Link for this Committee: [☐SWH-SUSTAINABILITY](#)

¹ Approved Zoom links for scheduled meetings are posted on the Town's website:
<http://www.southwestharmaine.org/>

² Meetings of the Sustainability Committee are held monthly on the 2nd Thursday of each month, with occasional exceptions.



SUSTAINABILITY COMMITTEE MEETING

Town of Southwest Harbor
Southwest Harbor Office & Via Zoom¹
Thursday, April 2, 2026 5-6:30 PM

MINUTES *(4/29/26, 5/13/26)*

Note: The Committee's mission and bylaws have been established by the Select Board. This is a permanent Committee whose members are appointed by the Select Board.

1. CALL TO ORDER

Chair Nancy Weingarten called the meeting to order at 5:00 PM.

2. WELCOME

The Chair welcomed committee members attending in person and remotely, members of the public, visitors and guests.

3. ROLL CALL

Attending:²

- Craig Kesselheim, Vice Chair & solid waste lead
- Raney Bench
- David Krueger
- Ken Rozsahegyi, Secretary *remote
- Nancy Weingarten, Chair
- David Scull
- Les Heilakka, environment lead *remote

Excused absences:

- Mary Ellen Martel, housing lead
- Emily Samuels
- Lydia Goetze*remote
- Bob Shields
- Kalie Hess

Members of the public attending: Damaris Smith of EMR and Smugglers Den

¹ Approved Zoom links for scheduled meetings are posted on the Town's website: <http://www.southwestharbormaine.org/>

² A quorum is present, with 7 of 12 appointees attending.

4. ADOPTION OF THE AGENDA

Resolution: The agenda was adopted (Raney moved, Craig 2nd)

5. APPROVAL OF MINUTES

Resolution: The minutes of the previous meeting presented for approval (David K. moved, David S. 2nd). Point of order was raised by Craig who asked if he should vote on minutes approval given he was not present at that meeting. The consensus is that voting approval reflects acceptance of the minutes as official record and that's okay.

6. REPORTS FROM COMMITTEE WORK GROUPS

A. SOLID WASTE WORKGROUP REPORT & Discussion of issues

1. Craig reported on a busy month of incremental progress.
 - a. **FOOD WASTE DIVERSION EFFORTS** reduces the tonnage of trash that is paid for and goes to the landfill.
 - b. **BAR HARBOR GARDEN CLUB:** Craig met with the Bar Harbor Garden Club, which has open membership and is island wide. This program allows people who want to collect kitchen scraps and deposit them for compost. There is a drop-off location at the Stone Barn Farm trailhead (on Crooked Rd near Norway Drive). Chickadee compost has 75 members get compost twice yearly for participation.
 - c. **PEMETIC SCHOOL** also participates in the food scrap composting program, They collect compost, with an “everything day” and “fruit and vegetable” days. To avoid concerns for smells and rodents, pickup by Chickadee Composting is scheduled accordingly.
 - d. Kate Tompkins, owner of **CHICKADEE COMPOSTING**, has a facility in Surrey. 18 tons of food scraps came from the stone barn farm in 1.5 years. Scaling up on MDI is the goal, with additional drop off points on the quiet side welcomed. Weekly pickups, with other partners involved. The Stone barn location, in partnership with the Maine Coast Heritage Trust, has an honor system, where collection bins are open for drop off but not monitored, with only paying partners are able to drop off food waste. The payback is ten gallons of compost twice yearly.
 - e. **EXPANDING THE COMPOSTING PROGRAM:** There are other providers of compost services too. Including restaurant participation, mouse droppings from Jackson lab, lobster pound waste are ideas. The two campgrounds in Southwest Harbor, Smugglers Den and ANP's Seawall

- campground, each generate a lot of food waste seasonally. They could be invited to participate in the existing food composting program.
- f. **COMPOSTING IS A BUSINESS:** Raney pointed out that because composting is a business, that the opportunity to for companies to offer services should be opened up so that it is competitive and equitable. The town of SWH currently has no composting procurement contracts, it is all private.
 - g. **REASONS WHY COMPOSTING IS GOOD:** 1) the diversion of food scrap waste reduces MSW costs per ton paid by SWH budget 2) Produces a compost product at an affordable price 3) Reduces methane and greenhouse gas effect 4) Education of students and participants about climate and the environmental impact
 - h. **DISCONTINUED RECYCLING PROGRAM AT EMR:** Technology developments at the Municipal Waste Hub, SWH's landfill association of 115 municipalities, have changed the trash processing system so that all food waste and all recyclables are now accepted together and processed at the facility. MWH uses the methane for energy production, and recyclables are processed and directed to revenue streams. All of this should now be sent as combined MSW trash and weighed at the lower trash ton rate. This is then a permanent reduction in SWH waste budget since higher recycling costs disappear from the invoices.
 - i. **SWH WASTE BUDGET TRACKING:** Craig met with the Town Manager to review trash receipts and invoices.
 - j. **THE SOLID WASTE ORDINANCE** is still new and expected to get an update to reflect developments.
 - k. **GREEN SCHOOLS MONTHLY MEETING:** Craig attended the green schools monthly meeting where school teachers guide programs that educate students to address climate change and environmental impacts. Craig intends to continue attending.
 - l. **EMR SIGNAGE CHANGE IS NEEDED:** The change to eliminate the "one bin all in" is needed. Damaris stated that the signs will come down. Ken pointed out that the public should know that it is no longer necessary to separate recyclables from the rest of trash waste, and public education need. Sorting is not needed anymore! Damaris stated that she will confirm with Michael Carroll, Director of MWH, to confirm that EMR will deliver all the recyclables as included with trash to the MWH processing facility in Hampden.
 - m. **TOWN OF MT. DESERT PUBLIC ANNOUNCEMENT:** There was a public meeting held at the Northeast Harbor library by the town of Mt. Desert to inform the public of changes in waste management. All of this was outlined at this public session by Michael Carroll, CEO of MRC-MWH.
 - n. **ITS OKAY TO DO BOTH:** All MDI towns are members of MWH, and while they each can now eliminate their recycling programs and higher

associated costs, towns are also free to maintain any existing recycling practices. At the NE Harbor event, the Public works director pointed out that as people become accustomed to putting everything in trash, the new reality, the separated recycling programs are expected to reduce in usage.

B. ENVIRONMENTAL WORKGROUP

1. **ENERGY AUDIT SUCCESS:** David K. spoke on the energy audit. David had a walk through the entire SWH town office, both the upper and lower levels, including the police station, and confirmed that all current light fixtures used efficient LED lighting and already set to save money for the town.
2. At the police station the possible upgrade to the HVAC system was considered during the visit.
3. **FUTURE ENERGY AUDIT GRANTS:** The Town Manager, Karen, informed David that she will prepare grant proposals to continue energy efficiency audit and fixture replacement plans. David offers his grant writing experience as a volunteer resource that may assist the manager in that effort.
4. Les spoke to the last meeting of the environmental workgroup and reports that much work has been accomplished. The GMRI Climate vulnerability report, which the workgroup was engaged to support, is posted on the SWH website.
5. **DEER POPULATION:** The deer population is an ongoing concern, and people can be seen feeding the deer. The population continues to grow. The question is raised if there are state or local laws that speak to the concern. It is suggested that the SWH website could include more links to resources or studies on this and other issues.
6. **SWH WEBSITE:** The Chair informs that the town is working on upgrading the official website to include more information and capability. This is welcome news. The website is foundational to public information, awareness and local government operations. Committee members made offers of help in the process of selecting platforms and providers. Educational information on solid waste and other groups is key, and having a website presence with useful links and web resources will serve the public.
7. **COMMITTEE BYLAWS:** The committee bylaws are on the table for revision.
8. **WATER AND SEWER:** Les spoke to the need for better information on the SWH water and sewer systems. Concerns were expressed about water main leaks and breaks, low water pressure at curbside for customers, potential for sewer system overflows into the harbor during storms, and the need to update outdated system schemas and engineering documents.

C. HOUSING WORKGROUP REPORT

1. **HOUSING AFFORDABILITY PLANNING:** There was no report from the housing work group at this meeting. [There is a lot of reference material and studies available from prior meetings and presentations by the housing workgroup to the committee and the Select Board.]

7. OTHER BUSINESS:

1. The Chair reported on her coordination meetings with the Town office, touching on bylaws update and meeting protocols.
2. **MMA FOAA INSTRUCTIONS ON MEETINGS:** The Maine Municipal Association has been engaged to inform on the question of whether a “workgroup” session, where three or more committee members discuss committee business, is classified as a public meeting that must be posted and public access provided in order to comply with Maine FOAA statute. The answer, it seems, is yes.
3. **MANAGING WORKGROUP MEETINGS:** Discussion on how to implement this public access for committee workgroups: The town would host the meeting link and publish the meeting and agenda to the town website as it would for any meeting. Then, members of the public are informed and can join the meeting remotely, the same as workgroup members. In the case of a person without internet access, they can come to the town office where access to the meeting will be provided.
4. **INTEGRITY LEADS TO SUCCESS:** The real value of following the MMA instructions is the integrity that comes with demonstrating having nothing to hide and doing all work in public, in the public interest.
5. **FOAA AND COMMITTEE COMMUNICATIONS:** Training in state FOAA law was provided to all committee members, who should know that any of their communications can be subject to a FOAA request. Raney expressed a concern that committee members are in fact using their personal email accounts for committee work.
6. **SWH EMAIL PLAN:** Jennifer LaHaye, Town Clerk, was then invited to briefly join the meeting, stating that the goal in the future is to have official town email addresses created for all members of all committees and boards. It was agreed that the Select Board should approve a standard policy that instructs all SWH committees and boards as to how to conduct email communications. That is in the works.
7. **MUNICIPAL OPERATIONS:** The town is maturing in policy and practice. How do other towns handle this need? Ken offered that there are website platforms that offer a package of functionality that accommodates small town municipal operations. Other towns also seem to have the same issue, evidenced by personal email addresses being used by the committee members of other towns.

Southwest Harbor Sustainability Committee meeting of April 2, 2026

8. **DISCUSSION OF WORCESTER ASSOCIATES LANDFILL & QUESTION OF NEED FOR A CLOSURE PLAN:** Regarding the Worcester Associates landfill: Discussion is that the SC should recommend to the town manager and Select Board to pursue the achievement of an official closure plan for the Worcester Associate's landfill.
9. **IMPORTANCE OF SELECT BOARD ACTION:** Craig reported that at a recent Planning Board meeting, the owner of the landfill was asked directly by a board member what his intention and plan is for the landfill, to which he responded, that he would only address that question in a proper venue. When asked what he thought that venue is, and Mr. Worcester suggested that it would be "The Select Board". [It should be noted that the owner of the landfill is also the vice-chair of the same Planning Board and so has an inherent conflict of interest.] Questions to be answered are 1) who's responsibility is it 2) what the intention 3) what the timeline is.
10. **MARSHALL BROOK and beyond:** David S. expressed concern over areas surrounding the landfill, the toxic plum contamination of the waters of the Marshall Brook and along properties on Marshall brook road, where residents with contaminated wells have had town water extended to them by the State Department of Environmental Protection [provided by the SWH Water & Sewer District, of which the landfill owner is also a board trustee and Chair.]
11. Discussion on language for a motion to recommend action on the question of the landfill to the Select Board:
12. **RESOLUTION:** Raney offered this motion: "I would like to move to put on the agenda for the next meeting a vote about whether to recommend a closure plan for the Worcester Associates' landfill." 2nd by Ken.

Committee members then engaged in a discussion on this topic that ranged from administrative process and environmental impacts, documentation, history and the subject as raised in recent meetings of the planning board. The Chair remarked that this was to be put on the agenda anyway.

In the interest of time, David K. called the question to a vote. The Motion Passed.

8. **THE NEXT MEETING** of the committee is scheduled for Thursday, May 14, 2026 at 5:PM
9. **ADJOURNMENT** The meeting was adjourned at @ 6:30 PM

Secretary's Notes:

- 1) A recording of this meeting is available.
- 2) Members who have reference content to share with the committee can forward that to the Chair and to the Secretary for inclusion in the digital library.
- 3) Link to the digital library for this committee: [SWH-SUSTAINABILITY](#)

Southwest Harbor Sustainability Committee meeting of April 2, 2026

- 4) Link to Solid Waste Reduction Task Force Report & content: [SWH-SWRTF](#)
- 5) Link to Comprehensive Plan Update Task Force Report & content: [SWH-CPTF-2022](#)

These minutes are recorded by Ken Rozsahegyi, Secretary

I CERTIFY THESE MINUTES ARE **DRAFT**³

Approved by the Committee in the meeting of _____ and submitted by the Secretary on _____ .

³ Minutes are APPROVED FINAL after approval by the Committee in a subsequent meeting.

Bylaws of the Southwest Harbor Sustainability Committee. Version 4

(changes based on discussions at March 12 meeting)

Article I: Mission

The Sustainability Committee is a permanent committee constituted to help the Select Board develop programs and policies that will make the town and its citizens more resilient in areas related to the environment, health, infrastructure, housing, and safety and help ensure that Southwest Harbor is welcoming for future generations.

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Article II: Objectives

The Sustainability Committee is an umbrella committee composed of three Working Groups, whose purposes are as follows:

Environment: Purpose is to research and make recommendations related to climate and environmental concerns, both present and anticipated, facing the Town and to bring increased awareness of these issues to the community.

Housing: Purpose is to collect data and explore options for housing in Southwest Harbor with a goal of increasing housing availability and affordability.

Solid waste and Recycling: Purpose is to explore options for managing solid waste in order to promote equitable, sustainable, environmentally sound and cost-effective practices through waste reduction, reuse, recycling, innovative technologies, and education.

Article III: Reporting

The Committee shall submit progress reports to the Town Manager and Town Clerk for review by the Select Board.

Article IV: Staff Support

As authorized by the Town Manager, the Administration Department shall function as the primary professional and administrative support to this Committee. However, the Town Manager shall authorize services, data, or employee participation.

Article V: Committee Composition and Responsibilities

1. The Committee shall be composed of six (6) to twelve (12) members appointed by the Select Board, each member to serve a term of three (3) years.
2. A quorum of the Committee shall consist of a majority of current members.
3. Passage of a motion shall require the affirmative vote of a majority of those members present and voting.
4. All meetings of the Committee shall be open to the public and notice thereof shall be given as provided below.
5. Clandestine meetings or deliberations of Committee business by three or more members outside of a properly posted meeting is illegal under the Maine Freedom of Access Act and is forbidden.
6. Notice of the meetings of the Committee shall be so given that all members shall have reasonable opportunity to make plans to attend. In advance of the meeting, members anticipating absence shall notify the Chair, Town Clerk or Deputy Clerk who shall forward that notice to the officer presiding at the meeting. A member shall forfeit his/her membership on the Task Force if he/she fails to attend two meetings of the Committee in any one calendar year without being excused by the Chair.
7. Any member of the Committee may submit a minority report to the Select Board during reporting phases or on interim action recommendations.

Article VI: Organization

The Committee shall organize itself, at its first scheduled meeting, by electing a Chair, Vice Chair, and Secretary. The Committee may organize itself into subcommittees.

Article VII: Duties of the Chair

1. When present, the Chair shall preside at all meetings of the Committee and prepare an agenda.
2. The Chair shall determine the time for meetings in consultation with other members.
3. Minutes of the meetings shall constitute monthly reports.

4. The Chair shall ensure proper decorum of the meetings following the agenda to facilitate discussion and seek consensus of the Committee in order to fulfill the Mission (Article I) and Objectives (Article II).
5. The Chair shall serve as the primary staff contact for the coordination of follow-up, Committee and Staff assignments, and the assembly of agendas.
6. The Chair, or the Chair's designee, shall present periodic progress reports to the Select Board as required by Article III, Reporting.
7. The Chair may contact speakers to make presentations.
8. In the absence of the Chair, the Vice-Chair shall perform all duties of the Chair.

Article VIII: Duties of the Secretary

The Secretary shall keep a faithful and complete record of all meetings, including attendance and any action taken, and provide a signed, true copy of the minutes to the Town Manager, who shall forward copies to the Town Clerk.

Article IX: Resignations

Members wishing to resign from the Committee shall notify the Chair in writing who will in turn inform the Town Clerk and Town Manager.

Article X: Meetings

Meetings shall be conducted as needed and meet at a time chosen by a majority of the Committee.

Article XI: Agenda

1. Regular meetings shall be conducted utilizing the following order of business:
 - a. Call to Order
 - (1) Roll Call
 - (2) Determination of a Quorum
 - (3) Excusals of absent Members
 - (4) Declaration of Conflict of Interest
 - b. Approval of Minutes
 - c. Adoption of Agenda

- d. Regular Business
 - e. Matters for the Next Agenda
 - f. Date/Time/Location for Next Meeting
 - g. Adjournment
2. The Chair shall establish the agenda for each meeting and provide a copy of the agenda and the subsequent minutes to the Town Clerk.
 3. Copies of the agenda shall be emailed to the Committee at least 24 hours prior to each meeting.
 4. The agenda and any meeting packet shall be posted on the Town website, at the Town Office, and at the Post Office at least 18 hours prior to each meeting.
 5. Once posted, no item may be added to the agenda, except by a majority vote of Committee members present and the Committee may add items where:
 - a. Significant inconvenience may result if the matter is postponed, or
 - b. The routine nature of the request is expected to be of little public interest.

Article XII: Amendment

These bylaws may be amended only by action of the Select Board.

Worcester Associates Landfill

Evidence Brief: Groundwater Contamination, Plume Pathways, and Remediation Status

Maine DEP Site REM02127 · Long Pond Road, Southwest Harbor, Maine

Prepared by Les Heilakka · May 4, 2026

Executive Summary

The Worcester Associates Landfill is a 50-acre unlined, never-formally-closed disposal site that operated from the 1930s until 1996, accepting Civilian Conservation Corps refuse, municipal solid waste from three Mount Desert Island towns, Southwest Harbor sewage-sludge, fiberglass, Jackson Lab medical waste, and demolition debris.^{3,4} Maine DEP designated it an Uncontrolled Hazardous Substance Site in 2016 — the state equivalent of an EPA Superfund listing — after sampling documented VOCs and PFAS in downgradient groundwater at concentrations above health advisory levels.^{3,1} It remains the only sewage-sludge landfill on Maine's uncontrolled sites list.⁴

Current DEP status is Remediation Stage — Ongoing (status date 1/1/2021).¹ A 2021 consent agreement that would have formalized closure and addressed \$210,268 in accrued state expenses since 2004 was never signed.⁴ DEP confirmed in a December 2025 email from senior hydrologist Matthew Burke that all three Southwest Harbor uncontrolled sites — Worcester, Fox Property, and Stanley Boat Yard — “are all still considered uncontrolled sites.”⁸ No cap has been installed; no enforcement order has issued. DEP's response has consisted of household water-treatment systems on one of the two confirmed plume pathways.³

Site Fundamentals

Field	Value
DEP Site Number	REM02127
Program	Uncontrolled Sites
Address / Town	Long Pond Road, Southwest Harbor, ME 04679 (Hancock County)
Coordinates	44.29232°N, 68.34805°W
Acreage	50 acres (DEP record); ~6-acre active footprint cited in press
Owner / Responsible Party	Worcester Associates (Ben “Lee” Worcester, principal); abutting Eastern Maine Recycling transfer station also family-operated
Operating Period	1930s–1996; never lined; never licensed after 1992 deadline; never formally closed
Current DEP Status	Remediation Stage — Ongoing (1/1/2021); no institutional controls in DEP database
2016 Designation	Uncontrolled Hazardous Substance Site under state law — only sewage-sludge landfill on Maine's uncontrolled list
Accrued State Expenses	\$210,268 since 2004; cited in unsigned 2021 consent agreement as potentially reimbursable
Active Funding Effort	Acadia Disposal District chair Tony Smith pursuing \$350K seed money with Sen. King and Rep. Golden for a remediation plan

Contamination Evidence

Maine DEP's 2016 finding (verbatim, as quoted in public reporting): "The groundwater is contaminated with VOCs including benzene, toluene, xylene, diethyl ether, tetrahydrofuran and carbon tetrachloride.... PFAS compounds are present in groundwater downgradient of the landfill, including PFOA and PFOS. The Worcester Associates Landfill is clearly having an adverse impact on local groundwater quality. This will continue into the foreseeable future."³

Public-records gap. No specific VOC concentrations (µg/L) by monitoring well, event date, or residential address are available in any publicly retrievable source. DEP's sampling data for REM02127 resides in the DocuWare portal and pre-2021 paper files; access requires direct request to DEP project managers Danielle Obery (207-485-8368) or Peter Crockett (207-441-5710).^{2,16}

Volatile Organic Compounds (VOCs) – Detected Compounds

Compound	Where detected	Concentration	Date / Reference
Benzene	Downgradient monitoring wells; "repeatedly in nearby homes"	Not publicly disclosed	Late 1970s onward; named in 2016 designation
Toluene	Groundwater downgradient	Not publicly disclosed	Named in 2016 DEP designation
Xylene	Groundwater downgradient	Not publicly disclosed	Named in 2016 DEP designation
Diethyl ether	Groundwater downgradient	Not publicly disclosed	Named in 2016 DEP designation
Tetrahydrofuran (THF)	Groundwater downgradient	Not publicly disclosed	Named in 2016 DEP designation
Carbon tetrachloride	Groundwater downgradient; residential wells	Not publicly disclosed	Named in 2016 designation; "repeatedly in nearby homes"
Chloroform	Residential wells	Not publicly disclosed	Ongoing per Rissing 8/25/25 letter

All compounds confirmed in DEP's 2016 Uncontrolled Site designation; quantitative concentrations not in public sources.³

PFAS Detections

Compound	Location	Concentration	Date
PFOA	Three monitoring wells downgradient of landfill	Above EPA health advisory (then 70 ppt combined)	Late Dec 2016
PFOS	Same three wells	Above advisory; specific ppt not public	Late Dec 2016
PFOA / PFOS (general)	"At least a couple of wells" (DEP State Geologist Sean Dougherty)	"Elevated" — not quantified publicly	Aug 2025 DEP update
n-EtFOSAA*	Trundy Farm Subdivision, Test Site #2, 6 ft below surface (soil, not water)	864 ppt (0.864 ng/g); J+F flagged	Jan 2026 (Haley Ward retest)

*n-ethyl perfluorooctane sulfonamidoacetic acid. J = estimated value (above MDL, below RL); F = surrogate-recovery failure. Haley Ward's senior hydrogeologist Chris Veazie testified PFAS "is not present" while acknowledging detection above method detection limit.⁷ Two independent geologists called the testing methodology "grossly insufficient."⁶

April 2026 Statewide PFAS Well-Test Data — MDI Towns

Town	Wells sampled	Below 20 ppt	Above 20 ppt	% Above
Southwest Harbor	6	3	3	50%
Tremont	1	0	1	100%
Bar Harbor	11	7	4	36%
Statewide total	4,638	3,808	830	17.9%

Threshold: Maine's interim drinking-water standard of 20 ppt (sum of six PFAS).¹³ The six SWH wells are not identified by address; DEP does not confirm whether any are tied to the Worcester plume.¹¹ Methane is documented in two residential wells near the landfill (DEP characterized as below explosivity limits; Vallette disputes).³

Plume Pathways and Residential Response

At the August 26, 2025 Southwest Harbor Select Board meeting, Maine DEP State Geologist Sean Dougherty described two confirmed groundwater pathways carrying contamination off the landfill property.³ Both terminate at homes on Marshall Brook Road; both ultimately discharge to Marshall Brook → Bass Harbor Marsh → the ocean.^{3,5}

Pathway	Medium & Direction	Evidence	DEP Response
1. Overburden / Shallow Soil	Unconsolidated soil & fill above bedrock; flows west and downslope past Marshall Brook Road	Detectable VOCs in residential wells; town monitoring of affected wells stopped 1991	Household water-treatment systems installed by DEP at affected residences
2. Bedrock Fractures	Two primary fracture sets through bedrock; flow southeast toward Marshall Brook Road properties	Documented contamination in properties east and south of landfill	None documented — no treatment systems specifically tied to bedrock pathway

Receiving waters: Craig Kesselheim characterized the situation: “Marshall Brook is a primary tributary of Bass Harbor Marsh, which means that it is carrying landfill contaminants throughout the entire intertidal marsh and out into the ocean.”³ Long Pond — Southwest Harbor’s municipal drinking-water source — sits adjacent to the site.⁴ No public hydrogeological map, plume-velocity estimate, or formal plume delineation has been released.²

Marshall Brook Road Residential Water Treatment — Scope & Status

- Installer / Authority: Maine DEP, Uncontrolled Sites Program. Project managers: Danielle Obery (207-485-8368) and Sean Dougherty; Program Manager Peter Crockett (207-441-5710).^{2,3}
- Coverage: Treatment installed at residential properties along the overburden pathway. Properties along the bedrock-fracture pathway are not documented as receiving DEP-installed treatment.³
- Installation date: Not publicly disclosed. Town monitoring of residential wells stopped in 1991; systems appear to have been installed during DEP’s 2016–2021 “aggressive oversight” period.⁴
- Funding: Maine DEP Uncontrolled Sites Program (state-funded). Filter specifications, per-residence cost, and maintenance schedule are not publicly disclosed.² Long-term maintenance depends on continued state appropriations from a fund projected to exhaust capacity for new installations in the near term.¹⁵
- Worcester’s parallel waterline plan: An 8-inch, 2,000-foot waterline extension from Long Pond Road to Marshall Brook Road — “in process for several years” — was reaffirmed by Lee Worcester to the Select Board on Feb 25, 2026. Worcester reports four easements obtained; only three Marshall Brook Road homes are contiguous to his property, complicating private-road easement acquisition.^{8,4}

Risk-Assessment Documents in the DEP Uncontrolled Sites Database

DEP’s public-facing database (the GIS Uncontrolled Sites layer) carries summary metadata only — site number, status, status date, acreage, coordinates, IC controls flag.¹ Detailed risk assessment documents, sampling reports, monitoring-well construction logs, and consent-agreement correspondence reside in the DEP DocuWare portal, accessible by entering site code “REM02127” in the Remediation Site Number field.¹⁶ Pre-2021 paper records require an appointment with the DEP file room. The 2016 designation memorandum, the unsigned 2021 consent agreement text, S.W. Cole’s 2006 33-page report, DEP geologist Dick Behr’s 2008 rebuttal, and all monitoring-well-level data are referenced in secondary reporting but are not directly retrievable via public web search.

Contamination Timeline

Period	Event
1930s–1973	Worcester family operates open burn dump (CCC, then SWH primary). MD & BH also use site. “Grandfathered” in 1973 under new Maine licensing rules.
1978	SWH begins disposing municipal sewage-treatment-plant sludge mixed with trash.
Late 1970s–1980s	USGS / NPS / DEP studies document Marshall Brook impacts: depressed dissolved oxygen, elevated ammonia, nitrates, heavy metals.
1982	Worcester installs first groundwater monitoring wells; town adds off-site wells.
1991–1996	Town monitoring of residential wells halted (1991). Jan 1, 1992 licensing deadline missed; landfill should have ceased operating, but did not until 1996 closure (never lined, never formally capped).
2002–2008	EPA proposes fines (2002). State begins accruing site expenses (2004). S.W. Cole’s 2006 33-page report concludes “no evidence” of well impact; DEP geologist Dick Behr (2008) calls those conclusions “fundamentally flawed and not supported by the data.”
2016	DEP designates Worcester as Uncontrolled Hazardous Substance Site under state law. Late Dec: PFOA & PFOS detected above EPA health advisory in three monitoring wells.
2016–2021	DEP “aggressive oversight” period; residential water-treatment systems installed on Marshall Brook Road (overburden pathway).
2021	Proposed consent agreement to formally close site — never signed (dispute over \$210,268 reimbursement). Status set to “Remediation Stage — Ongoing.”
Aug–Nov 2025	Trundy Farm Subdivision proposed adjacent to landfill. Worcester files negative easement (Sept 25). Citizens’ half-mile soil-testing ordinance passes 554–187 (74.8% yes) on Nov 4.
Nov 2025–Feb 2026	Haley Ward soil testing; geologists call methodology “grossly insufficient.” Retest at 6 ft yields 864 ppt n-EtFOSAA. Subdivision approved Feb 3, 2026.
Feb 25, 2026	Worcester reaffirms 8-inch, 2,000-ft waterline plan to Marshall Brook Road in Select Board appearance.
Mar–Apr 2026	Vallette appeal dismissed Apr 7 on standing; Appeals Board member Geary calls out DEP for “kicking the can down the road for 40 years.” Apr 2 DEP statewide PFAS data: SWH 3/6 wells > 20 ppt; Tremont 1/1; Bar Harbor 4/11.

What “Passive Monitoring Posture” Means for Nearby Residents

- Contamination persists; treatment masks but does not eliminate the hazard. Both confirmed plume pathways continue carrying VOCs, PFAS, and landfill gases off-site at unknown but continuous rates. DEP’s response has been point-of-use household filtration on the overburden pathway only — no cap, no source removal, no documented treatment for the bedrock-fracture pathway.³ Filter performance is not monitored in real time; a malfunction would go unflagged. The plume continues migrating toward Marshall Brook, Bass Harbor Marsh, and the ocean with no legally binding closure plan or performance standard against which to hold the responsible party accountable.⁴
- New residents face undisclosed risk; the negative easement actively suppresses self-monitoring. Trundy Farm Subdivision approval was conditioned on a deed restriction prohibiting future lot owners from drilling groundwater wells without Worcester Associates’ permission — the same entity that owns the contaminating landfill.⁵ Future homeowners cannot independently test their own groundwater. The soil testing performed by Haley Ward (Worcester’s consultant) was characterized by two independent geologists as methodologically inadequate: composite samples, shallow depths in non-ditch areas, no methane testing, no soil-gas survey, and no testing adjacent to the leachate ditch.⁶ The Planning Board declined to seek DEP review.⁷
- Regulatory momentum has stalled; funding pressure makes active remediation less likely without external forcing. The 2021 consent agreement was never signed; DEP has issued no enforcement order in the four years since.⁴ The \$350K ADD seed-money effort with Sen. King and Rep. Golden is the only identified remediation funding initiative, with no clear authorization pathway.³ Maine’s PFAS investigation fund (~\$16.5M remaining) is projected to exhaust capacity for new filtration installations in the near term.¹⁵ The April 2026 Appeals Board dismissal on standing closes the last local administrative avenue.^{9,10} Without Superior Court action, federal NPL listing, or a newly signed consent agreement with enforceable milestones, REM02127 will remain in “Remediation Stage — Ongoing” status indefinitely.

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Author: Les Heilakka.

Research & drafting assistance: Perplexity Computer (AI). All factual claims independently verified against the cited primary sources.

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Sources

Footnote markers throughout this brief reference the numbered sources below. Each citation links to the live document. DEP administrative records (DocuWare, paper files) for REM02127 are not directly retrievable via public web; access requires direct DEP file-room request.

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15. Maine Monitor — Maine Tightening PFAS Limits (funding pressure), Apr 17, 2026. <https://themainemonitor.org/maine-tightening-limits-forever-chemicals-drinking-water/>
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Recommended Policy Actions and FOAR Request

Southwest Harbor voters approved an ordinance requiring contaminant testing for development within a half-mile of a DEP-designated uncontrolled site, a measure driven by concern over Worcester.[cite:1][cite:6] That ordinance is an important safeguard, but it does not itself close, cap, or remediate the landfill.[cite:1][cite:6]

Recommended policy actions

- Request a formal DEP briefing on Worcester's current status, monitoring data, and closure options under the Municipal Landfill Closure and Remediation Program.[cite:13] [cite:32]
- Ask DEP to identify what would be required for an engineered closure plan, including capping, stormwater controls, gas management, and long-term monitoring.[cite:13] [cite:29]
- Direct town counsel to assess municipal liability tied to future approvals, disclosure issues, and potential exposure if contamination affects additional homes or wells.[cite:9] [cite:27]
- Consider a landfill-impact overlay district or temporary development restrictions in the most affected area until DEP confirms that risks are controlled.[cite:6][cite:29]
- Adopt a Select Board resolution stating that proper closure, capping, and monitoring of the Worcester landfill is a municipal priority for protection of public health, natural resources, and town finances.[cite:6][cite:13]

Closure pathway

The most practical route to getting the site closed is to combine local political pressure, DEP involvement, and a clear technical record.[cite:13][cite:32] That should include a formal Town request for DEP action, a complete review of DEP's case file and monitoring data, public documentation of current threats, and coordination with the property owner and state officials on a closure and remediation plan.[cite:6][cite:13][cite:32]

A closure strategy should seek an engineered cap, runoff and leachate controls, gas management, continued groundwater and PFAS monitoring, and enforceable responsibility for long-term maintenance.[cite:13][cite:26][cite:29] Without those steps, the site is likely to remain a continuing source of contamination and a recurring policy and legal problem for Southwest Harbor.[cite:6][cite:27]

Freedom of Access Act Request

To: Maine Department of Environmental Protection

FOAA Coordinator

FOAARrequest.DEP@maine.gov

17 State House Station

28 Tyson Drive

Augusta, ME 04333

Phone: 207-408-3748

Date: May 13, 2026

Subject: Freedom of Access Act Request for Records Relating to the Worcester Associates Landfill, Southwest Harbor, Maine

Dear FOAA Coordinator:

Pursuant to the Maine Freedom of Access Act, 1 M.R.S. § 401 et seq., this letter requests the opportunity to inspect and obtain copies of public records maintained by the Maine Department of Environmental Protection concerning the Worcester Associates landfill, also referred to as the Worcester landfill, located in Southwest Harbor, Maine.[cite:44][cite:45]

This request seeks records sufficient to show the past and current status of the site, including its investigation history, regulatory status, contamination history, remedial status, monitoring results, institutional controls, and any current or proposed closure or remediation actions.[cite:45][cite:50][cite:53]

Requested records

Please provide all records from January 1, 1980 to the present, or the earliest available date if earlier records exist, concerning the Worcester Associates landfill in Southwest Harbor, including but not limited to the following categories:

1. Records identifying the site's regulatory classification or status, including any designation as an uncontrolled hazardous substance site, unlicensed municipal landfill, closed landfill, remediation site, or any similar DEP classification.[cite:50][cite:53][cite:56]
2. All site investigation reports, site assessments, hydrogeologic studies, sampling plans, analytical results, data summaries, maps, figures, and technical memoranda relating to groundwater, surface water, sediment, soil, landfill gas, leachate, sludge, methane, VOCs, PFAS, and any other contaminants associated with the site.[cite:50][cite:53]

3. All records of monitoring wells, private well sampling, residential well testing, Marshall Brook sampling, Long Pond-related sampling, and any other off-site migration investigations associated with the landfill.[cite:50][cite:53]
4. All correspondence, memoranda, notices, enforcement communications, and internal communications between or among DEP staff, the Town of Southwest Harbor, Worcester Associates, consultants, contractors, and any other public or private party concerning the site's status, contamination, monitoring, risk, closure, remediation, or land-use implications.[cite:45][cite:47]
5. All records relating to PFAS investigations or responses at the site, including sampling results, risk evaluations, health-based comparisons, correspondence, and recommendations.[cite:50][cite:53]
6. All records relating to any closure, capping, cover system, stormwater control, leachate control, gas control, post-closure care, remedial action alternatives, cost estimates, funding eligibility, or proposed inclusion in the Municipal Landfill Closure and Remediation Program.[cite:13][cite:50][cite:53]
7. All institutional controls, easements, deed notices, land-use restrictions, or records showing whether institutional controls have been considered, required, or recorded for the site or adjoining affected properties.[cite:50][cite:53]
8. The complete DEP file index for the site, including any file room listings, electronic file references, scanned document inventories, spill or remediation site numbers, and cross-references used by DEP to organize records for this site.[cite:47][cite:53]
9. Any records sufficient to identify the current status of DEP oversight of the site, including whether the matter is active, inactive, under monitoring, pending further investigation, awaiting remediation, or otherwise classified in DEP databases or tracking systems.[cite:50][cite:53][cite:56]

Format and scope

Electronic copies are preferred wherever available.[cite:55] If responsive records are already available through the DEP online remediation document portal, file room database, or another public database, please provide the direct file links, database identifiers, site numbers, and any instructions necessary to locate the full record set.[cite:47][cite:53]

If any portion of this request is considered overly broad, please construe it in a reasonable manner and contact the requester so the request can be narrowed without unnecessary delay.[cite:45][cite:52] If any records are withheld in whole or in part, please identify the basis for the withholding and describe the withheld records with sufficient specificity to permit evaluation of the denial.[cite:49][cite:54]

Please advise in advance if the anticipated cost of searching, reviewing, or copying records will exceed \$100.[cite:52][cite:55] A waiver or reduction of fees is requested on the ground that disclosure of these records is in the public interest because the information concerns environmental

contamination, public health, land-use decision-making, and potential closure of a site affecting Southwest Harbor residents; the records are not being requested for a commercial purpose.[cite:52]

Please acknowledge receipt of this request within the time required by Maine law.[cite:45][cite:54]

If a significant delay is expected, please provide an estimated timetable for production and identify any categories of records that can be produced on a rolling basis.[cite:45][cite:55]

Sincerely,

[Your Name]

[Your Mailing Address]

[City, State ZIP]

[Your Email Address]

[Your Phone Number]