

Brunswick Area Citizens for a Safe Environment
PO Box 245
Brunswick, Maine 04011

February 25, 2013

To: Town of Brunswick Planning Board members and staff

Subject: February 26, 2013 Planning Board meeting for approval of the
225 acre MRRRA Subdivision Proposal

BACSE endorses public concerns that a subdivision plan, which does not identify environmental contamination, and fractionalizes ownership responsibilities, without an overarching management plan is unacceptable.

BACSE also objects to the lack of sufficient public hearing notification.

Dissemination of information for this important proposal in a form of a news insert should have been required. The disseminated information should include:

1. Additional information on the subdivision maps:
 - A. The boundary of this Subdivision proposal on the FOST Transfer Parcel map and
 - B. The location on the Wright-Pierce maps of all contamination sites and groundwater monitoring wells.
2. A discussion of the need for a property management plan with a professionally staffed support organization, as an essential public health and ecology requirement for plan approval due to the presence of contaminated groundwater throughout the property.
3. Discussion of the potential modifications of current FOST deed language due to Navy and regulators review of each FOST in 2013 and 2014.

BACSE recognizes that some FOSTs that apply to this subdivision are scheduled for future issue. But the fact that a FOST has been issued does not guarantee that a property transfer has occurred, or that it will occur. A tabulation of which property is currently owned by MRRRA with a timetable showing the date of anticipated acquisition of the balance of the subdivision is needed to clarify assumptions.

Although not discussed at BACSE or "stakeholder" meetings to date, because of the lack of advance notice for this subdivision proposal, I personally would suggest that a Navy sponsored Technical review meeting be scheduled to obtain a "Regulators" endorsement that this proposal is compatible with federal and state remediation requirements.

Sincerely,

E.E.Benedikt, BACSE President

Brunswick Area Citizens for a Safe Environment
PO Box 245
Brunswick, ME 04011

February 1, 2013

Anna Breinich, Director of Planning & Development
And Planning Board Members
Town of Brunswick
28 Federal Street
Brunswick, ME 04011

Subject: MMRA Application for Subdivision

The Brunswick Area Citizens for a Safe Environment (BACSE) was formed in 1991 pursuant to the Code of Federal Regulations requiring community group participation in the identification and remediation of contamination at the former Naval Air Station in Brunswick. In the past several decades we have actively participated in the development of cleanup strategies for the property to ensure future use and enjoyment of the property that does not create risks to human health or ecological receptors. The scope of the environmental concerns has spread beyond the Navy property itself, and also to the protection of contaminated groundwater originating on the Base, from reaching residential wells adjacent to the Base and impacting commercial fishery resources.

It is in keeping with this mission that community members were concerned by the pending application made by MRRA in proposing a large scale subdivision plan for most of the developed portions of the base coming under MRRA's ownership and control. It would appear that many of the serious issues that BACSE has raised and promoted discussion through individual and joint meetings with all stakeholders including DEP, EPA, Town of Brunswick, Navy and MRRA have been largely ignored in this subdivision proposal.

First, the subdivision proposal fails to address any of the specifics generally required in all subdivision applications by other developers in this town. There is an absence of any supporting documentation, particularly documents which lay out a comprehensive management structure for the entire subdivided property, or in this case integration with the remaining former NASB property. Given the need for global management of property resources to further restrict the spread of existing on-site contamination, it is essential that thorough review of this proposal as it relates both to the land called for in subdivision, but also to Brunswick Landing as a whole, receive thorough planning, disclosure and continued monitoring.

All of Brunswick Landing in the proposed subdivision application is subject to groundwater use prohibition due to contaminated groundwater. One plume known as the "Eastern Plume" is of greatest concern, but there are other groundwater contamination areas.

The Eastern Plume boundaries have continued to migrate, and careful monitoring and treatment are necessary to ensure the plume does not affect off-site residential drinking wells or the shellfish which are harvested along Buttermilk Cove & Harpswell Sound. Groundwater can be impacted both by the removal of water from the ground as well as the addition of water to the property. Storm water management is an important consideration for the entire system of groundwater impacting the property as a whole. Any action in the proposed subdivision also impacts the groundwater in adjacent non-subdivided land and has to be managed as such.

While the concerns we address are broad and over-arching, there are specific examples of concerns that we must raise based upon the limited disclosure that has been made available to us.

1. Failure to meet the requirements for storm water management concerns, as described in **item 411.5:**

If MRRA intends to springboard off an existing storm water management plan, shouldn't they at a minimum produce that existing plan and confirm the existing plan is certified by a professional engineer in conformity with Water Conservation District standards? While the application references that a storm water system is in existence there is no reference to the fact that there were known deficiencies in the system up to the time of departure of Navy squadrons. Furthermore there is little discussion or management proposed of the urban impaired streams which cross the property. Significantly, the current system serves a base-wide area, including current aircraft operation activity. The question needs to be asked as to how that storm water system is being managed. Since becoming owners of the operational components of this airfield, MRRA has not identified its own management plan for storm water on the property, or identified a management infrastructure to insure spill containment and system maintenance. As the developer of the Brunswick Landing subdivision, MRRA must provide a comprehensive plan for its properties.

Any storm water management plan needs to address the question of the current capacity of the system for supporting future development without deleterious impact on the groundwater, given the unique contamination situation which exists on the property. Wright-Pierce's statement that the base has some existing detention basins for storm water, needs to be mapped and validated for operational sufficiency as to its impact on

groundwater flow. The contamination of the sediment in these detention basins should also be addressed.

The applicant needs to be more specific on the future layout of the system and how all future development will work in concert with the current pump and treat system that must be maintained by the Navy in treating contamination by Perfluorinated Compounds(PFCs), 1, 4-Dioxane and other emerging contaminants of concern.

2. The plan fails to identify any protections incorporating the Groundwater restrictions [**item 411.6 (Groundwater)**] The applicant has not identified and the Board has not investigated the extent of the groundwater "Land Use Controls" recommended by the US Navy to either protect the public or to protect the environmental remediation program. The plan also neglects to identify where groundwater is only a few feet below the ground surface, as is the case in many areas of Brunswick Landing, and where any construction activity may encounter contaminated groundwater. Other Land Use Controls not referenced in this subdivision application is the presence of pockets of contaminated soil and restrictions on removal or disturbance of same.

3. Objection is made to any Board endorsement of **item 411.19(Financial Capacity and Maintenance):**

A maintenance and oversight administration proposal is needed now. A "paper trail" of restrictions, both in groundwater as well as soil is insufficient to administrate numerous "Superfund" sites, adjacent areas impacted by these sites, and scattered "hot spots" which also contain petroleum contamination. The Board needs to determine how the subdivided property be managed, such that the already existing base contamination is not further exponentially impacted by the effect of accidental discharge or criminal dumping. The Board must keep in mind that migration of contamination known to exist on site can have serious local and regional affects including the potential shut down of commercial fisheries and contamination of drinking water. How will subdivision owners be able to design appropriate construction when there has been no comprehensive plan laid out by MRRA as to these important issues?

Comprehensive resource management cannot be achieved in a further division of this property into multiple lots, with no overarching strategy identified for new owners to plug into. Furthermore, given the complexities of conveyance and deed restrictions running with the property, it seems premature to seek subdivision approval with no development partner waiting in the wings. Such an approach seems

destined for several revised subdivision plans being sought once a developer shows interest in a parcel. Such a process also appears to be destined for exhaustion of competent review when looking at a parcel by parcel revision without review of impact on the greater whole.

A Board endorsement that the subdivision be approved without a comprehensive proposal for management of contamination issues is unacceptable. Any approval without public oversight and input from all interested parties fails the decades of knowledge and service that has been provided to ensure the cleanup of this land. The Town of Brunswick has the obligation to ensure the health and safety of its residents as well as those who come to work or recreate on this property. Further divided ownership of this property cannot be considered without a comprehensive plan of environmental containment and management. The applicant needs to undertake this planning obligation and submit a plan which addresses these concerns. Board endorsement at this stage in the process is premature and unacceptable.

4. We welcome further discussion with the Board to discuss our concerns.

Sincerely,



Edmund Benedikt, President, (with concurrence of):

Carol Warren, Esq. Vice President

Antoinette Mercadante, PhD, Vice President

David W. Chipman, PhD, Town of Harpswell Representative to the US Navy
Restoration Advisory Board

Suzanne L. Johnson, Esq. Town of Brunswick Representative to the US Navy
Restoration Advisory Board

E-mail Copy to:

Gary Brown, Brunswick Town Manager,

John Richardson, Esq. Brunswick town councilor "At Large",

MRRA, Brunswick Landing, (c/o Thomas Brubaker)

Denise Clavette, Brunswick Dept. of Econ. Development