



REGION 1

BOSTON, MA 02109

Dated as indicated on electronic signature

URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS REQUIRED
Sent via Email and Certified Mail

Kristine Logan, Executive Director
Midcoast Regional Redevelopment Authority
15 Terminal Road, Suite 200
Brunswick, Maine 04011
KristineL@mrma.us

Re: U.S. EPA Request for Information Pursuant to Section 308 of the Clean Water Act, Docket No. CWA-308-R01-FY24-30

Dear Ms. Logan,

On August 19, 2024, the U.S. Environmental Protection Agency ("EPA") was notified of a significant discharge of aqueous film-forming foam ("AFFF") at the Brunswick Executive Airport operated by the Midcoast Regional Redevelopment Authority ("MRRA") at 15 Terminal Road, Brunswick, Maine (the "Facility") on August 19, 2024. To enable EPA to determine whether the discharge violated Section 301(a) of the federal Clean Water Act ("Act"), 33 U.S.C. § 1311(a), you are hereby required, under Section 308 of the Act, 33 U.S.C. §1318, to provide a response to the attached request within 30 days of receipt of this letter.

Your response to the information request should be sent electronically to EPA at the following address:

Karissa Oakes, EPA Region 1
oakes.karissa@epa.gov

Please be advised that noncompliance with the Act may subject you to both injunctive relief and penalties. EPA reserves the right to take further enforcement action pursuant to the Act, including the right to seek civil penalties, for any violation, including any potential violations described above. Please be further advised that compliance with this information request is mandatory, and failure to respond fully and truthfully, or to adequately justify any failure to

respond, within the timeframe specified above, constitutes a separate violation of the Clean Water Act subject to enforcement action, including the assessment of civil penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date that you submit a response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and you must provide a corrected response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested in the manner described by 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret” or “proprietary” or “company confidential.” These separate marked sheets should be submitted to EPA by hard copy or compact disc, and not by email. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public without further notice to you. If you choose to electronically submit information claimed as CBI, you may arrange for secure measures for submittal (e.g., a File Transfer Protocol (FTP), or third-party file transfer websites). Please contact Ms. Oakes to discuss EPA-approved tools for electronic submission.

Your response to this information request must be accompanied by the Statement of Certification, signed and dated by the person who is authorized to respond to this request on behalf of the MRRRA. Where the U.S. Navy’s input is helpful in responding to any of the questions below, please coordinate with the Navy prior to submitting your response.

Should you have any questions regarding this letter you may contact Ms. Oakes by email at oakes.karissa@epa.gov or by telephone at (617) 918-1060, or have your attorney contact EPA’s attorney for this matter, Jeff Kopf at (617) 918-1796, or by email at kopf.jeff@epa.gov.

Sincerely,

James Chow, Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Jeff Kopf, Senior Enforcement Counsel, EPA Region 1 (by email)
Karissa Oakes, Inspector, EPA Region 1 (by email)
Kevin Pechulis, Enforcement Counsel, EPA Region 1 (by email)
Rachelle Knight, Navy (rachelle.knight@navy.mil)

Dave Barney, Navy (david.a.barney.civ@us.navy.mil)
Iver McLeod, Maine DEP (iver.j.mcleod@maine.gov)
Pamela Parker, Maine DEP (pamela.d.parker@maine.gov)
Jeffrey Jordan, MMRA Deputy Director (JeffreyJ@mmra.us)
Woodie Bartley, MMRA Utilities Director (WoodieB@mmra.us)

Information Request Enclosure

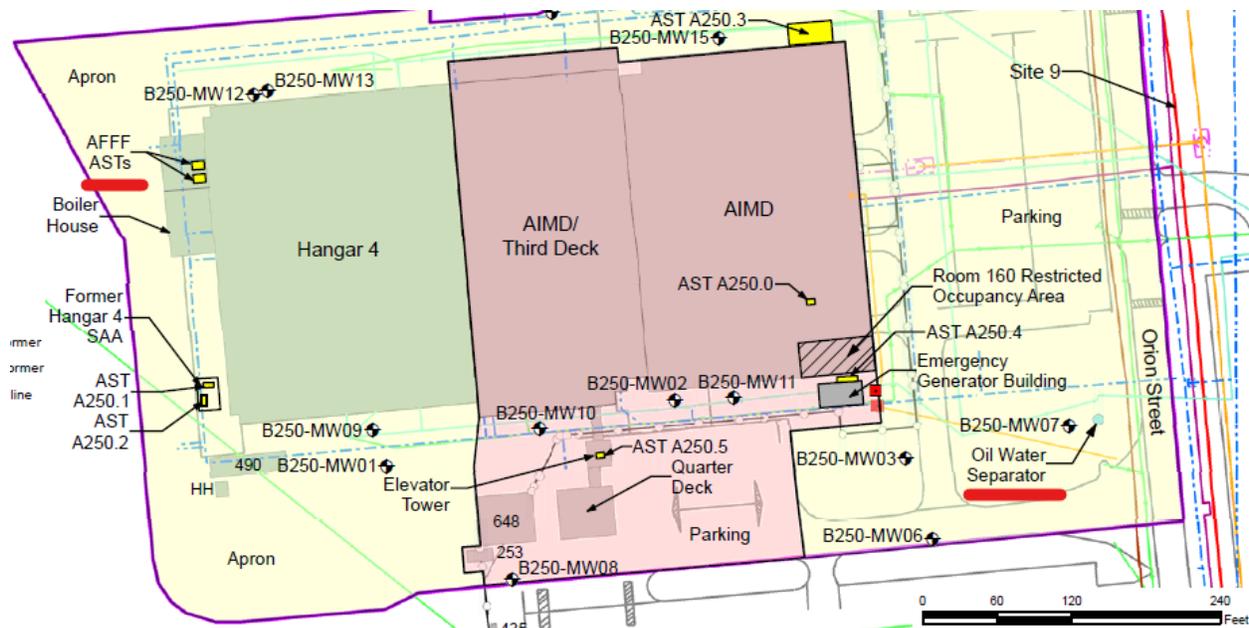
CWA 308 Request for Information Questions

Re: Questions I.1 through Question I.12 relate to the discharge of AFFF at the Brunswick Executive Airport located at 15 Terminal Rd. (the “Facility”) on August 19, 2024.

- I. Please provide a detailed description of the above-referenced discharge (the “Spill”), including:
 1. The name of all water bodies into which AFFF was discharged.
 - a. Describe the pathway(s) that spilled material traveled (via surface water, groundwater, sewer or stormwater infrastructure, and/or directly via wind), starting from the original spill point (i.e., the location of the AFFF release) to all water into which AFFF flowed. Include a detailed diagram illustrating the pathway(s) described; and
 - b. Describe the most distant and/or downstream water to have been impacted by the Spill.
 2. The total quantity of AFFF spilled, and the approximate quantity discharged into each of the above-referenced waterbodies or adjoining shoreline.
 3. The cause of the release of AFFF.
 4. Any environmental damage resulting from the Spill, including, but not limited to, fish kills, dead waterfowl or animals, stained vegetation or soil. Provide any documentation in your possession related to the environmental damage resulting from the Spill, including all sampling results since the Spill.
 5. Any actions taken to control and/or remove the spilled material from the environment and/or to mitigate the Spill’s effects on the environment, including a summary of the costs of such actions incurred through the date of this letter.
 - a. With respect to the costs described immediately above, a breakdown of the costs incurred by MRRA, the Navy, state entities, municipal entities, and any other entities; and
 - b. Where different from the previous response, a breakdown of the responsibility for the costs described above, as divided among MRRA, the Navy, state agencies, municipal entities, and/or other entities.
 6. All actions and measures taken following the Spill to prevent a recurrence.
 7. All correspondence and communication received or sent by the Facility to or from local and or state agencies regarding the introduction of AFFF into the Publicly Owned Treatment Works (“POTW”), e.g., immediate reporting of all discharges that could cause problems to the POTW including any slug loadings¹, and relating to applicable local sewer use rules and regulations².

¹ See 40 CFR Part 403.8(f)(1)(iii)(B)(6)

² <https://www.brunswicksewer.org/Rules%20and%20Regulations%20Adopted%207-25-2024.pdf>



8. For the diagram above³, please answer the following questions:
 - a. Describe and show the location of all floor drains and means by which drains connect to the oil-water separator/s and POTW;
 - b. Provide a description detailing the flow path for AFFF into drains that discharge to surface waters and or introduced into the POTW;
 - c. Provide the detention time (in minutes) and length of pipe for wastewaters to travel from the facility through the sanitary sewer system and into the POTW; and
 - d. Provide a description of the AFFF discharge path from Hanger 4 to the POTW.
9. If floor drains from Hangar 4 were connected to the stormwater infrastructure, provide documentation of regulatory authority approval for that connection.
10. Any actions taken, or plans to control or remove the spilled material from the POTW or to mitigate the effects of the Spill, including a summary of the costs of such actions incurred through the date of this letter, or projected costs based on future plans.
 - a. With respect to the costs described immediately above, a breakdown of the costs incurred by MRRRA, the Navy, state entities, municipal entities, and any other entities; and
 - b. Where different from the previous response, a breakdown of the responsibility for the costs described above, as divided among MRRRA, the Navy, state agencies, municipal entities, and other entities.
11. A description of any other waste streams or process wastewater generated at the hangar and where they are discharged or disposed of.
12. Any additional information that you wish to bring to the attention of EPA.

³ Features Map Figure B-2, FINDING OF SUITABILITY TO LEASE HANGAR 4, November 5, 2013.

- II. Please provide a detailed description of the ownership and management of the above-referenced discharged material and Facility, including:
1. The legal owner of Hangar 4, located at the Facility. If there are any lessees or operators that are not the legal owner of Hangar 4, please provide this information. Describe the specific legal relationships between the owner and the operator(s) of Hangar 4.
 2. The purpose and use of the Facility and the client/customer base served.
 3. For all AFFF fire suppression systems at the Facility, provide the following.
 - a. Year of design and installation;
 - b. Installation company;
 - c. Purchaser;
 - d. Maintenance standard operating procedures; and
 - e. Description of alarms and other notification systems if an accidental release occurs. Explain how this system functions and how it functioned during the Spill.
 4. An inventory of the AFFF storage capacity at the Facility including tanks, drums, and other filled systems. For each item of the inventory, provide the following information for the period from January 1, 2019 until the present date;
 - a. Owner(s) and/or lessee(s);
 - b. Responsible party for inspections and maintenance;
 - c. Management structure and those individuals, including names and contact information within the structure, of every entity who has had maintenance responsibility for the hangar and its equipment, including the fire suppression system;
 - d. The age of material, manufacturer of material, and product name of material for each individual container and system; and
 - e. Existing or proposed plans for removal. If plans do not have an implementation schedule, the dates of estimated completion.
 5. A site diagram showing the location of all items listed in the question above.
 6. Any documentation from the past 10 years (*e.g.*, maintenance/testing records, inspection reports, complaints) regarding the condition of the AFFF fire suppression system(s) prior to the Spill from Hangar 4, including all emails or correspondence in reference to inspection findings.
 7. A list of any previous releases of AFFF from the fire suppression system(s) at the Facility, including the date of each release, its cause, and estimated volume.
 8. Any contracts or agreements that are pertinent to the questions above.

Statement of Certification

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of Midcoast Regional Redevelopment Authority. I certify that the foregoing responses and information submitted were prepared under my direction or supervision, and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

(Signature Name)

(Print Name)

(Title)

(Date)