

**FINDING OF SUITABILITY TO LEASE  
BUILDING 250  
(Approximately 2.93 Acres)**

**FORMER NAVAL AIR STATION BRUNSWICK  
BRUNSWICK, MAINE**



**Prepared by:**

**Department of the Navy  
Base Realignment and Closure  
Program Management Office East  
4911 S. Broad Street  
Philadelphia, Pennsylvania 19112**

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## **1.0 PURPOSE**

This Finding of Suitability to Lease (FOSL) summarizes how the requirements and notifications for hazardous substances, petroleum products, and other regulated material on the property have been satisfied, and documents my determination, as the responsible Department of Defense (DoD) component official, that certain real property and associated improvements known as Building 250, associated parking area, and support buildings 253 and 648 (Lease Parcel) at the former Naval Air Station Brunswick (NASB) are environmentally suitable for lease to the Midcoast Regional Redevelopment Authority (MRRA) subject to the notices, restrictions, and provisions set forth in this document. The Lease Parcel totals approximately 2.93 acres of land on the Main Base of the former NASB and was previously used for administrative offices of the former commanding officer and by the Aircraft Intermediate Maintenance Department (AIMD).

The suitability for lease decision is based on review of information contained in reports, the former NASB Environmental Department records, and other communications listed in Exhibit A (References), particularly the Final Resource Conservation and Recovery Act (RCRA) Partial Closure Reports for Building 250 – 3rd Deck (Tetra Tech, 2011a) and Building 250 – Aircraft Intermediate Maintenance Department Parcel and Hangar 4 – Aircraft Maintenance Hangar (Tetra Tech, 2011b), and the Draft Technical Memorandum, Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4 (Tetra Tech, 2013). Factors leading to this decision and other pertinent information related to property lease requirements are stated below.

This FOSL is being prepared to allow MRRA to sublease this building in March 2013.

## **2.0 PROPERTY DESCRIPTION**

### **2.1 Parcel Description**

The Lease Parcel is located in the central part of the Main Base on the aircraft apron west of Orion Street (Figure B-1), and is comprised of the footprint of Building 250 and land south of the building. The Lease Parcel includes Buildings 648 (former Auxiliary Power Unit [APU] Shop) and 253 (VR-62 Turnstile Entry Control Point [ECP]), the Quarterdeck (former Security Dispatch), an elevator tower and access bridge connecting the Quarterdeck to the Third Deck of Building 250, an emergency generator building at the southeast corner of Building 250, and an asphalt parking area (Figure B-2).

Building 250 was constructed in 1956 as an aircraft maintenance hangar, AIMD work spaces, and administration space and consists of a 184,000-square-foot, steel-truss-framed building on a concrete slab foundation. Building 250 includes the AIMD spaces on the two-story ground floor in the eastern

portion of the building, and Hangar 4 (which is not part of the Lease Parcel) comprised of the three-story ground floor in the western portion of the building. The Third Deck occupies the top (third) story of the center portion of Building 250. Constructed in 1956 as part of Building 250, the top story occupies approximately 28,560 square feet and was always used as administrative space. In addition, the photography laboratory previously located in Building 200 (Air Traffic Control Tower) was relocated to the Third Deck in 1983 for a period of time. The eastern portion of Building 250 was constructed in two phases in 1980 and 1983, and the Quarterdeck was added in 2000. Building 250 was originally heated via steam, and then by an oil-fired boiler, until the base was converted to a natural gas supply in 2001.

The Lease Parcel is bordered to the north by MRRRA Parcel AIR-6; to the east by a parking area and Orion Street beyond; to the south by MRRRA Parcel AIR-1; and to the west by Hangar 4 and MRRRA Parcel AIR-1 beyond.

## **2.2 Proposed Reuse for Lease Parcel**

MRRRA proposes to sublease the Third Deck portion of Building 250 to a local start-up corporation that will provide business process outsourcing and transformation services, including but not limited to, contact center operations, help desk operations, logistics and fulfillment, third party quality assurance analysis, training, staffing, and consulting. Under the terms of the lease, this will be the only area of the Lease Parcel that may be occupied. All other areas of Building 250 may be used for cold storage only, and occupied only when periodic maintenance is required. The Quarterdeck will provide an entrance to the elevator tower which will be used by the MRRRA sublessee to access the Third Deck, and Building 648 will be used by MRRRA for furniture storage. MRRRA does not plan to use Building 253 which houses a turnstile formerly used to control pedestrian access to the aircraft apron. The proposed uses for the Lease Parcel conform to MRRRA's Master Reuse Plan and are consistent with previous uses (administrative space), subject to the notices, restrictions, and provisions set forth in Section 3.9 of this document.

## **3.0 SUMMARY OF ENVIRONMENTAL REQUIREMENTS AND NOTIFICATIONS**

Available information concerning the past storage, release, or disposal of hazardous substances and/or petroleum products on the Lease Parcel was compiled primarily from the RCRA partial closure reports listed in Exhibit A (Tetra Tech, 2010a, 2011a-c). The following sections summarize the findings as they relate primarily to the Third Deck portion of the Lease Parcel, as it will be the only occupied area. More detailed information regarding the AIMD portion of the Lease Parcel is available in the partial closure reports.

### **3.1 Comprehensive Environmental Response, Compensation and Liability Act**

#### **3.1.1 CERCLA Hazardous Substance Notice**

Section 120(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that the lease provide notice if it is known that hazardous substances were stored for one year or more in quantities greater than or equal to 1,000 kilograms (kg) or the hazardous substances' CERCLA reportable quantity found at 40 CFR 302.4, whichever is greater. Hazardous substances that are also listed at 40 CFR 261.30 as acutely hazardous wastes, and that are stored for one year or more, are subject to the notice requirement when stored in quantities greater than or equal to one kg. The notice is also required for the known release of hazardous substances when hazardous substances are or have been released in quantities greater than or equal to the substances' CERCLA reportable quantities found at 40 CFR 302.4.

Hazardous substances, including trichloroethane (TCA), trichloroethene (TCE), adhesives, corrosives, lead, and paints were used for aircraft maintenance. AIMD shops generated wastes including waste oil, hydraulic fluid, cleaning solvent (PD-680), paints, air filters, primers, glue, toluene, degreaser (TCA); waste battery acids, and lubricants. Hazardous substances including TCE, TCA, and lead were likely stored in quantities exceeding thresholds cited above. A CERCLA Hazardous Substance Notice for Building 250 is included in this FOISL as Exhibit C.

#### **3.1.2 CERCLA Responses on the Lease Parcel**

##### **Site-Related Studies**

Soil and groundwater quality data in the area surrounding Building 250 were evaluated in May and June of 2012 as an Area of Potential Interest (AOPI) because there was potential for undocumented releases of hazardous substances based on historical activities and practices similar to those at Hangars 1, 2, and 3. In September and October of 2012, a supplemental groundwater and vapor intrusion (VI) investigation was performed. The draft report summarizing the combined results of these efforts, the Technical Memorandum, Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4 (Tetra Tech, 2013), is currently under development.

Analytical results for samples collected as part of these effort indicated no significant soil contamination at the Lease Parcel. Based on visual observations and field screening, no evidence of soil contamination was found in 14 soil borings. Groundwater concentrations of two volatile organic compounds (VOCs), cis-1,2-dichloroethene and TCE, slightly exceeded their respective Maximum Contaminant Level/Maine Maximum Exposure Guideline (MCL/MEG) criteria at 5 of 14 monitoring wells. Several VOCs were detected in sub-slab soil gas samples, and concentrations of two VOCs (tetrachloroethylene and

chloroform) exceeded Soil Gas Target criteria at four of 13 locations sampled, indicating that low-level residual subsurface contamination is present. The Maine Department of Environmental Protection (MEDEP) requested indoor air sampling in Building 250 and Hangar 4 based on the exceedances of groundwater and soil gas screening criteria. Analytical results for indoor air samples collected in October 2012 show that VOC concentrations are less than Indoor Air Target criteria and no complete VI pathway exists. A second round of indoor air sampling to confirm the first round results is scheduled for Spring 2013.

### **Historical Radiological Study**

The U.S. Department of the Navy (DoN) undertook the assessment of radioactive materials at the former NASB under the authority of CERCLA, which defines radionuclides as hazardous substances. A Historical Radiological Assessment (HRA; NAVSEA, 2012) was prepared pursuant to the DoN Environmental Restoration Program to fulfill the requirements for a CERCLA preliminary assessment.

The HRA:

- designated areas as “impacted” or “non-impacted” by the use or disposal of general radioactive materials (G-RAM);
- identified potential, likely, or known sources of radioactive materials, contamination, and areas of use;
- assessed the likelihood of residual contamination and contamination migration;
- identified areas that needed further action; and,
- provided recommendations for future radiological investigations and remediation processes.

Building 250 was designated as “impacted” in the HRA based on historical information. The potential for contamination was designated “unlikely”; i.e., that residual radioactive contamination was not expected, but investigation was warranted. A scoping survey was performed in June 2012 to determine whether contamination in excess of current release criteria existed. The Maine Radiation Control Program completed a review of the September 2012 “Draft” Final Status Survey Report related to the unrestricted release of Building 250, and stated in a January 11, 2013 letter that “Based on our observation of the work performed in the field and the review of documents, the program concurs with the decision for unrestricted use without concern for radiological contamination.” Therefore, the Navy will send a letter stating the “Draft” Final Status Survey Report was accepted with no changes and will be considered the “Final” Final Status Survey Report.

### **3.1.3 CERCLA Access Clause**

The Lease Parcel is part of the NASB National Priorities List (NPL) site. There are ongoing investigations on the Main Base. The lease shall contain a clause granting the United States of America and MEDEP access to the property (see Section 3.9).

### **3.1.4 CERCLA Notification to State Regarding Lease**

CERCLA 120(h)(5) requires that in the case of real property owned by the United States, on which any hazardous substance or any petroleum product or its derivatives (including aviation fuel and motor oil) was stored for one year or more, known to have been released, or disposed of, and on which the United States plans to terminate Federal Government operations, the head of the department, agency, or instrumentality of the United States with jurisdiction over the property shall notify the State in which the property is located of any lease entered into by the United States that will encumber the property beyond the date of termination of operations on the property. Such notification shall be made before entering into the lease and shall include the length of the lease, the name of person to whom the property is leased, and a description of the uses that will be allowed under the lease of the property and buildings and other structures on the property. Because of past storage of hazardous substances and petroleum products on the Lease Parcel, the Navy will notify the MEDEP in accordance with CERCLA 120(h)(5) as described above, prior to execution of the lease.

## **3.2 Resource Conservation and Recovery Act**

The former NASB was a large quantity generator (EPA ID Number ME8170022018) as defined by the 1984 Hazardous and Solid Waste Amendments to RCRA. RCRA authority was delegated by the USEPA to the State of Maine. The former NASB RCRA Facility at the Main Base was closed to meet the hazardous waste closure requirements of Maine Hazardous Waste Rules, Chapter 851, Standards for Generators, Section 11, Closure, and other relevant rules pursuant to 38 M.R.S.A., Section 1301, et seq. The RCRA Facility was defined as the former NASB Main Base. Therefore, the Navy prepared RCRA partial closure reports to close the individual buildings, structures, and land areas that comprise the Main Base.

The closure activities performed at the individual locations are described in detail in the associated RCRA partial closure reports (Tetra Tech, 2010a, 2011a-c) which document the records research; site visit observations; results of NASB Environmental Department personnel interviews; sampling results if applicable; and response actions, if any, with respect to hazardous waste generation, accumulation, or storage activity. The RCRA partial closure reports served as the major source of information for this

FOSL, and relevant findings for the Third Deck (the portion of the Lease Parcel to be occupied) are incorporated into the appropriate sections.

Based on the site visit observations and records research findings, environmental samples were collected from various areas in the Lease Parcel to investigate the potential presence of hazardous waste residues. Due to the age and/or the use of the buildings, wipe samples were collected from floors, walls, and work benches in certain rooms of Building 250 and Building 648 for analysis of RCRA 8 metals. Room 313 of the Third Deck was included because of minor soldering activities associated with computer repair. The lead results for wipe samples were compared to the MEDEP criterion for lead-contaminated, settled dust on floors, 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ), applicable for NASB RCRA closures. The other seven RCRA metals were compared to available World Trade Center (WTC) Settled Dust Screening Values (WTC, 2003). Based on sample results, 29 rooms in Building 250 (including Room 313) and two rooms in Building 648 required interior cleaning, or similar activities to meet the requirements established by the MEDEP for NASB RCRA closure with respect to hazardous waste residues. Details are provided in the partial closure reports.

The Third Deck closure report indicates that two small spills involving tailing unit solution in the Silver Recovery Room and aerial photograph fixer in the Aerial Processing Room occurred in the Photo Laboratory in 1994. Spill cleanup actions and corrective measures undertaken following the spills are described in the partial closure report. The Photo Laboratory was removed and the Third Deck extensively renovated in 1999. In March 1999, a Photo Lab Closure Report was prepared for the two precious metal recovery systems located on the Third Deck. The recovery systems and their hazardous waste accumulation point were decontaminated, and confirmatory samples were collected. Hazardous wastes associated with the closure and solid waste debris associated with demolition of the lab were transported offsite for disposal to the appropriate permitted facilities. There were no other hazardous waste generating activities associated with the Third Deck.

Composite samples of loose paint material were collected from the interior walls of Rooms 108 and 114 in the AIMD area of Building 250 to determine if the residues were hazardous waste. Toxicity Characteristic Leaching Procedure (TCLP) RCRA 8 metals were below applicable comparison criteria, and polychlorinated biphenyls (PCB) results were non-detect with respect to laboratory detection limits. Solids samples were collected from several sumps/floor drains in this area of Building 250 as well. Based on analytical results, the sump in Room 158 (cleaning/oil storage) was cleaned out, and a floor drain in Room 145 was removed. It is possible that PCB-containing transformers could have been located at Building 250 given the age of the building. Therefore, soil samples for PCB analysis were collected at six locations around Building 250 where the previous transformers were located. All soil PCB results were non-detect with respect to laboratory detection limits.



The hazardous waste closures for Building 250 and its support buildings were completed in accordance with provisions of the MEDEP Regulations Chapter 781, Standards for Generators of Hazardous Waste Section 11.

### **3.3 Presence of Petroleum Products and Derivatives**

Petroleum products have been used and stored in aboveground storage tanks (ASTs) on the Lease Parcel, as described in Section 3.4 below. There are no known or suspected petroleum releases that originated on the Lease Parcel.

### **3.4 Underground Storage Tanks (USTs), Aboveground Storage Tanks (ASTs) and Oil-Water Separators (OWSs)**

There are no underground storage tanks (USTs) associated with Building 250. Petroleum products have been used and stored in ASTs and an oil water separator (OWS) on the Lease Parcel (Figure B-2). There are currently two ASTs within the Lease Parcel, one active hydraulic oil AST associated with the Elevator Tower and one closed waste oil AST associated with the former Propeller Shop in the AIMD area. Immediately adjacent to the Lease Parcel, there is also an inactive fuel oil AST on the northeast corner of Building 250, and an active diesel generator on the southeast corner of the building. There are no ASTs associated with the Third Deck. No releases have been reported for any of the ASTs.

There is one active OWS associated with Building 250, located southeast of the building exterior and is not on the Lease Parcel. This OWS collects discharge from the interior floor drains and trench drains located within the hangar and work spaces and discharges to the NAS Brunswick sanitary sewer system. The OWS was serviced annually as part of the base OWS and trench drain maintenance program. The servicing included removal of accumulated petroleum products and excessive sludge, and proper disposal of all collected petroleum-contaminated water, petroleum products, and sludge. The water and sludge removed from the base OWSs and trenches during this annual base-wide cleaning event were collectively disposed of as non-hazardous, oil-contaminated liquid and solids.

Available information about the ASTs and OWS is provided in the RCRA partial closure reports.

### **3.5 Munitions and Explosives of Concern**

There are no Munitions Response Program sites within the Lease Parcel. Based on information compiled for the RCRA partial closure reports, the ordnance area in Building 250 consisted of a series of workshops and offices in the AIMD area that tested and repaired the bomb racks for the aircraft. Building 250 and Hangar 4 were included in an Explosives Safety Inspection Close-Out of Potential Explosion

Sites performed by the Naval Ordnance Safety and Security Activity (NOSSA) in late March 2010 (NOSSA, 2010) as were the other hangars on base. The closeout inspection report indicated that these facilities were "Empty/Clear of Explosives/Ammunition", "Clean", "Fire/Chemical Hazard Symbol Removed", and "Marked as Empty". "Secured to Prevent Use/Access" was not applicable. NASB received site approval and explosives safety certification approval on July 7, 2010.

### **3.6 Asbestos-Containing Material**

Building 250 was surveyed for asbestos in 1998 to support preparation of the Asbestos Operation and Maintenance Plan. An asbestos inventory was also completed in 2005 (DoD BRAC PMO, 2006). A Lead and Asbestos Containing Building Materials Summary for Building 250 was prepared in 2011 by the NASB Asbestos Program Manager prior to base closure (Sanders, 2011). The summary was compiled based on existing information in the surveys and NASB files. Asbestos containing material (ACM) has been identified in straight piping, transite board, tile, and mastic in Building 250. No friable, accessible, and damaged asbestos was reported; however, prior to any future renovations or demolitions, previously untested materials considered suspect by USEPA, MEDEP, and Occupational Safety and Health Administration (OSHA) regulations should be sampled and analyzed.

Segments of steam lines associated with the former heating system may be present on the Lease Parcel. Typically, the steam lines going into NASB buildings consisted of two steel pipes in concrete trenches, one approximately 3 to 4 inches in diameter and a larger one 5 to 6 inches in diameter. Some pipes were insulated with ACM and some were not. Some of the steam lines were removed at the connections to the buildings at the time of the conversion; however, specific documentation for the Lease Parcel is not available. Part of the steam line that runs under Building 250 in a utility tunnel was planned for abatement when it was removed or reused for hot water based on a NASB Public Works drawing, but it is not known if all of it was abated. Therefore, for any work that could impact abandoned steam lines, it must be assumed that ACM materials may be present (Sanders, 2010).

The possibility remains for the presence of undiscovered ACM associated with underground utilities or miscellaneous building materials. While this potential ACM does not pose a hazard to site users, future renovation or demolition and/or subsurface work performed could result in friable and damaged ACM hazards. Therefore, the LESSEE must comply with all applicable State and Federal laws relating to ACM management in order to ensure future protection of human health and the environment during any future renovation/demolition activities or underground utility work. An Asbestos Hazard Disclosure and Acknowledgment Form is included as Exhibit D to this FOSL and will be provided to the LESSEE for execution at the time of lease.

### **3.7 Lead-Based Paint**

Federal lead standards established by USEPA and the Department of Housing and Urban Development quantify lead based paint (LBP) as 0.5% lead dry weight. LBP was banned for residential use in 1978. Lead-containing paint is any paint which contains lead as determined by a testing laboratory using a valid test method. OSHA regulations do not indicate a specific level of lead that is permissible during construction and/or demolition activities. Current manufacturing standards for paint allow up to 0.06% for residential use, while industrial paint applications can contain much higher concentrations. Other building materials may contain lead, as in roof flashing, caulking and vent sealant.

The NASB Asbestos Program Manager/Lead Coordinator prepared a Lead and Asbestos Containing Building Materials Summary for most of the buildings and structures on the Lease Parcel in 2011 (Sanders, 2011). The summary was based on existing file information and indicates that materials at some but not all of the buildings were tested for lead. Paint samples from Building 250 exceeded 0.5% lead. Materials in Building 253 were not tested but based on its date of construction (2006) it is unlikely to contain LBP. The Building 648 summary indicated that several paint samples had levels less than 0.5% lead. Buildings constructed before 1978 when LBP was banned for consumer use are suspected to contain some LBP. After 1978, some LBPs were still available for industrial uses. Other building materials may contain lead, as in roof flashing, caulking and vent sealant. A Lead-Based Paint Hazard Disclosure and Acknowledgment Form, Exhibit E to this FOSL, will be provided to the LESSEE for execution at the time of lease.

### **3.8 Polychlorinated Biphenyls**

PCB-containing equipment including PCB transformers (containing greater than 500 ppm PCBs) and PCB-contaminated transformers (containing greater than 50 ppm PCBs but less than 500 ppm) were removed from the former NASB by 1995. According to NASB Environmental Department personnel, the removal/replacement process began in the mid to late 1980s. According to the RCRA partial closure reports, there are three non-PCB transformers currently associated with Building 250; however, none of them are on the Lease Parcel. There have not been any documented leaks or releases from transformers in past use on the Lease Parcel.

Based on historical information and the age of Building 250, it is possible that PCB-containing transformers were used there in the past. Areas that historically may have had PCB-containing or PCB-contaminated transformers were tested as part of the RCRA closure process. Soil samples were collected for PCB analysis at six locations around Building 250 where previous transformers were located to assess potential PCB impacts to soil. PCBs were not detected in any of the samples (Tetra Tech, 2011b).

USEPA has advised that buildings constructed or renovated between 1950 and 1978 have the potential to have PCBs contained within the caulking, and that PCBs can migrate from the caulk into air, dust and surrounding material, such as wood, bricks and soil. Inasmuch as USEPA has yet to establish a link between PCBs in caulking and public health risk, USEPA presently does not require that caulking in these buildings be tested for the presence of PCBs. Notwithstanding, the LESSEE is provided notice by receipt of this FOSL that Building 250 and Building 648 may have caulking containing PCBs based on their year of construction, or possible renovations. The LESSEE is put on notice by receipt of this FOSL that all damaged caulking in the building and materials in contact with, or soil beneath, the damaged caulking, if encountered, should be handled, managed, and disposed of in accordance with established protocols for regulated building materials during maintenance and/or renovations by the LESSEE.

Ballasts in fluorescent light fixtures manufactured prior to 1979 may contain sealed PCB-containing components. A survey of station buildings/structures/facilities for PCB-containing light ballasts has not been conducted; however, it is possible that surplus light fixtures could have been used up to 1982. Therefore, it is assumed buildings/structures/facilities constructed up until 1982 may have light fixtures with PCB components; however, many buildings that were constructed prior to 1982 have had interior renovations and new light fixtures that do not contain PCBs may have been installed.

### **3.9 Environmental Notices, Restrictions, and Provisions**

Certain notices, provisions, and land use, soil, groundwater and other restrictions for the subject Lease Parcel will apply during the period of the lease in order to ensure protection of human health and the environment. Provisions and restrictions may be related to the current environmental condition of the property, to any ongoing or future environmental investigations or response actions that may be conducted on the subject or adjacent property, and to any proposed operations of the LESSEE and any Sublessee. The following language will be included in the Lease Agreement.

- 1 **Use Restrictions:** Use of the Lease Parcel shall be limited to administrative uses. Only the Third Deck may be occupied by the LESSEE or any Sublessee. The remainder of the Lease Parcel may not be occupied, but may be used for cold storage or episodic maintenance activities. The LESSEE and any Sublessee shall be prohibited from using the Lease Parcel for residential or office scenarios that include long-term elder care facilities, child day care, pre-school, child playground or any other similar child occupied facility or activity. The Lease Parcel shall not be used for dwellings of any kind, lodgings, campground, community centers, recreational facilities, stables, farms, or vegetable gardens.

- 2 **Notice Of Hazardous Substance Activity in accordance with 42 U.S.C. §9620(h)(3)(A)(i):** Exhibit “\_” to this Lease Agreement provides information as to those hazardous substances which it is known, based upon GOVERNMENT’s complete search of its files, were stored for one (1) year or more, or were released or disposed of on the Lease Parcel. The information contained in Exhibit “\_” is required under 42 U.S.C. § 9620(h)(3)(A)(i), and implementing EPA regulations at Title 40, Code of Federal Regulations, Part 373.
- 3 **Reservation of Access:** The LESSEE shall ensure that the Navy, Navy contractors, and regulatory agency personnel, including USEPA and MEDEP, have unencumbered access to perform environmental investigations, monitoring activities, removal or remedial actions, or oversight of any IR Program Sites, CERCLA AOCs, petroleum sites that require continued assessment, monitoring or remediation under the BRAC Clean-up Plan, Installation Restoration Program, Federal Facility Agreement, Interagency Agreement or any other environmental investigations. These activities include but are not limited to installation of soil borings, monitoring wells, or well points, test pit investigation, sampling, performing inspections, installation of remedial systems, or other activities as deemed necessary. No barriers, fences, or other obstructions shall impede access to the areas where these activities are being conducted by Navy, Navy contractors, and regulatory agency personnel.
- 4 **Federal Facility Agreement:** NASB has been identified as an NPL Site under CERCLA of 1980, as amended. The terms of the lease, as they currently exist or may be amended, shall not affect the rights and obligations of parties under the FFA. The FFA Section VIII requires that the Navy ensure that any transactions involving interest or right in real property do not impede or impair activities or response actions taken pursuant to the FFA. The Navy will provide a copy of the FFA as part of the Lease Agreement. The LESSEE and any Sublessee agree that should any conflict arise between the terms of the FFA and the provisions of this Lease, the terms of the FFA shall take precedence. The LESSEE and any Sublessee will ensure that provisions in the lease agreement (and any future subleases) address the rights of Navy and regulatory agencies to access the property to conduct environmental studies and investigations and to carry out environmental responses as necessary; contain provisions relating to compliance with applicable health and safety plans; and for operation of any response actions. The Finding of Suitability to Lease (Exhibit “\_”) shall be made available as a part of any leases or subleases entered into with any other party.
- 5 **Use of Groundwater:** Volatile organic compounds have been detected in samples collected on the Lease Parcel at concentrations exceeding drinking water standards, as described in the Finding of Suitability to Lease attached as Exhibit “\_” to this Lease Agreement. The LESSEE and any Sublessee agree that no groundwater extraction/production supply wells shall be installed or permitted, and that no access to groundwater for dewatering or other purposes shall be permitted in

the Lease Parcel without the prior written approval of the Navy and the applicable federal and state regulatory agencies, as appropriate.

- 6 **Soil Disturbance:** The LESSEE and any Sublessee shall be prohibited from conducting soil excavation, drilling, digging or other ground-disturbing activities; and disturbance of building slabs, roads and other structures and paved areas, without prior written approval of the Navy, and the applicable federal and state regulatory agencies, as appropriate. The LESSEE, and any Sublessee, or their subcontractors, shall stop all work and notify the Navy immediately if previously unknown contamination, such as, but without limitation, buried debris, stained soil, unusual odors, is discovered during soil disturbing activity. No soil shall be removed from any parcel unless the LESSEE and its Sublessee have adequately characterized the soil to the satisfaction of USEPA and MEDEP. The LESSEE and any Sublessee shall obtain approval of the disposal facility from the Navy, USEPA and MEDEP before offsite movement of soil from the Lease Parcel. Any soil or aggregate brought onto the Base to be utilized on the Lease Parcel shall be tested by the LESSEE and any Sublessee and approved by the Navy, USEPA, and MEDEP prior to transport.
- 7 **Construction/Demolition Activities:** The LESSEE and any Sublessee shall be prohibited from conducting building or demolition activities; disturbance of existing wetlands, surface water, sediment, or storm water drainage systems; utility tie-ins; or any other alterations below the ground surface without prior written approval of the Navy, and coordination with the applicable federal and state regulatory agencies, as appropriate.
- 8 **Permits:** Prior to the commencement of any demolition work by any party on the Lease Parcel, the LESSEE and any Sublessee is responsible for obtaining and must furnish the Navy copies of all required notices, permits, and permit approvals. These include, but are not limited to, plans addressing asbestos removal; demolition; hazardous waste management, transport, and disposal; solid waste management including asphalt, brick, concrete, and other debris; permits and notifications.
- 9 **Presence of Asbestos:** The LESSEE and any Sublessee will comply with all federal, state and local laws relating to ACM in its use in buildings or structures on the Lease Parcel. The Navy assumes no new or further liability as a result of this lease than it would otherwise have for losses, judgments, claims, demands or expenses, or damages of whatever nature or kind from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with ACM in buildings, structures and buried utilities on the Lease Parcel, arising during the term of this lease. Due to the potential presence of undiscovered ACM associated with underground utilities, any subsurface work performed by the LESSEE and any Sublessee, or their contractors must be conducted in accordance with applicable regulations and

conducted by trained, properly-equipped personnel. Buildings will be leased "as is" and asbestos hazards in buildings, structures and underground utilities will become the responsibility of the LESSEE and any Sublessee during the term of the lease. The Lessee will be required to sign and shall require any Sublessee to sign the Asbestos-Containing Materials Hazard Disclosure and Acknowledgment Form included as Exhibit D of this FOSL prior to execution of the lease.

- 10 **Presence of Lead-Based Paint (LBP):** The LESSEE and any Sublessee will comply with all federal, state, and local laws relating to LBP in its use in buildings and structures on the Lease Parcel. The Navy assumes no new or further liability as a result of this lease than it would otherwise have for losses, judgments, claims, demands, expenses, or damages of whatever nature or kind from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with LBP in buildings and structures on the Lease Parcel, arising during the term of the lease. Buildings will be leased "as is" and LBP hazards will become the responsibility of the LESSEE and any Sublessee during the term of the lease. The LESSEE will be required to sign and shall require any Sublessee to sign the Lead-based Paint Hazard Disclosure and Acknowledgment Form included as Exhibit E of this FOSL prior to execution of the lease.
- 11 **Presence of Polychlorinated Biphenyls in Building Materials:** The LESSEE acknowledges that fluorescent light fixture ballasts in facilities on the Lease Parcel may contain PCBs. Prior to beginning any maintenance, alterations, demolition, restoration, or construction work affecting fluorescent light fixtures, the LESSEE must determine if PCB ballasts are present. If present, PCB ballasts and/or fixtures must be disposed of properly in accordance with all applicable Federal, State, and local laws and regulations. The LESSEE also acknowledges that buildings constructed or renovated between 1950 and 1978 have the potential to have PCBs contained within caulking, and the PCBs can migrate from the caulk into air, dust and surrounding material, such as wood, bricks and soil. Such materials must be handled, managed and disposed of properly during maintenance and/or renovations by the LESSEE.
- 12 **Heating, Ventilation, and Air Conditioning (HVAC) System:** The LESSEE will be responsible for operation and maintenance of the Building 250 HVAC system for the term of this Lease Agreement.
- 13 **Tank Use:** The LESSEE and any Sublessee are prohibited from using the aboveground storage tanks present on the Lease Parcel without prior written approval of the Navy.
- 14 **Other Land Use Controls:** The LESSEE and any Sublessee must comply with provisions for all existing or future Land Use Controls established for sites as part of CERCLA RODs, Remedial Design documents, Petroleum Program Decision Documents.

### **3.10 Environmental Compliance Agreements/Permits/Orders**

The former NASB (Main Base) is an NPL site under CERCLA of 1980, as amended. Thus, the Lease Parcel on the Main Base is subject to the NASB Federal Facility Agreement (FFA), October 1990, as amended, that was signed by the Navy, USEPA, and MEDEP (DoN, EPA, MEDEP, 1990). As indicated in Section 3.9 of this FOSL, the terms of the lease do not affect the rights and obligations of parties under the FFA. There are no other environmental compliance agreements, permits, or orders associated with the Lease Parcel.

### **3.11 Availability of References**

Select references contained in Exhibit A are available at the public information repository at the Curtis Memorial Library, 23 Pleasant Street, Brunswick, Maine. With the closure of NASB, references are available upon request from the Navy Caretaker Site Office located in Building 53 at the former NASB and the Navy Base Realignment and Closure (BRAC) Program Management Office Northeast, located in Philadelphia, PA.

### **3.12 Notification to Regulatory Agencies and Public**

The MEDEP and the USEPA have been advised of the proposed lease. The USEPA and MEDEP have reviewed this FOSL and its exhibits, and their comments on this FOSL have been incorporated or otherwise addressed as detailed in Exhibit F. The FOSL was made available to the public at the Curtis Memorial Library for a 14-day period starting January 28, 2013, and ending February 11, 2013. Notice of the availability of this FOSL was provided in the Times Record (of Brunswick, Maine) on January 28, 2013. Copies of all lease documentation will be made available to the USEPA and MEDEP representatives upon request after execution of the same.



#### 4.0 FINDING OF SUITABILITY TO LEASE

Based on a review of the information contained in this FOSL, and the notices, restrictions, and provisions that will be contained in the lease, the uses contemplated for the lease are consistent with the protection of human health and the environment. The United States will ensure that all remedial action necessary is taken with respect to any hazardous substance attributed to Navy activity remaining on the property, where such remedial action has not been taken on the date of the lease. The property is therefore suitable for lease.

21 Feb 2013

Date



David Drozd

Director

NAVFAC BRAC Program Management Office East  
Philadelphia, Pennsylvania

## **EXHIBIT A**

### **References**

## REFERENCES

- DoN (Department of the Navy), United States Environmental Protection Agency Region 1, and the State of Maine, 1990. "Federal Facility Agreement under CERCLA 120(h) as amended." October.
- DoN Base Realignment and Closure (BRAC) Program Management Office (PMO), 2006. "Final (Revision 2) Environmental Condition of Property Report for the Naval Air Station Brunswick, Maine." May.
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- Naval Air Station Brunswick (NASB) Environmental Department Records, 2005. "Environmental Incident Log Books 1 and 2 (July 1988 – July 2005)". NAS Brunswick, Maine.
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NASB PWD, 1957. Map of US Naval Air Station, NAS Brunswick, Maine.

NASB PWD, 1962. Map of Streets, US Naval Air Station, Brunswick, Maine.

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Naval Facilities Engineering Command Mid-Atlantic (NAVFAC), 2010. "Letter to the Commanding Officer, NASB, Subject: Request for Explosives Safety Certification/Site Approval for Closure of Potential Explosion Site, Naval Air Station Brunswick, Maine. Enclosure (1) approved for explosives safety certification and final safety approval. July 7, 2010.

Naval Ordnance Safety and Security Activity (NOSSA), 2010. "Letter to the Commanding Officer, NASB, Subject: Closeout Inspection of NASB". April 13, 2011,

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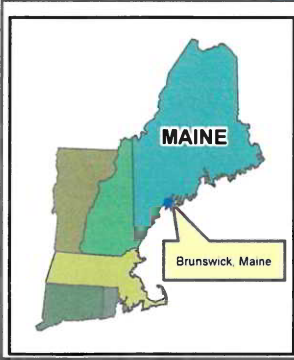
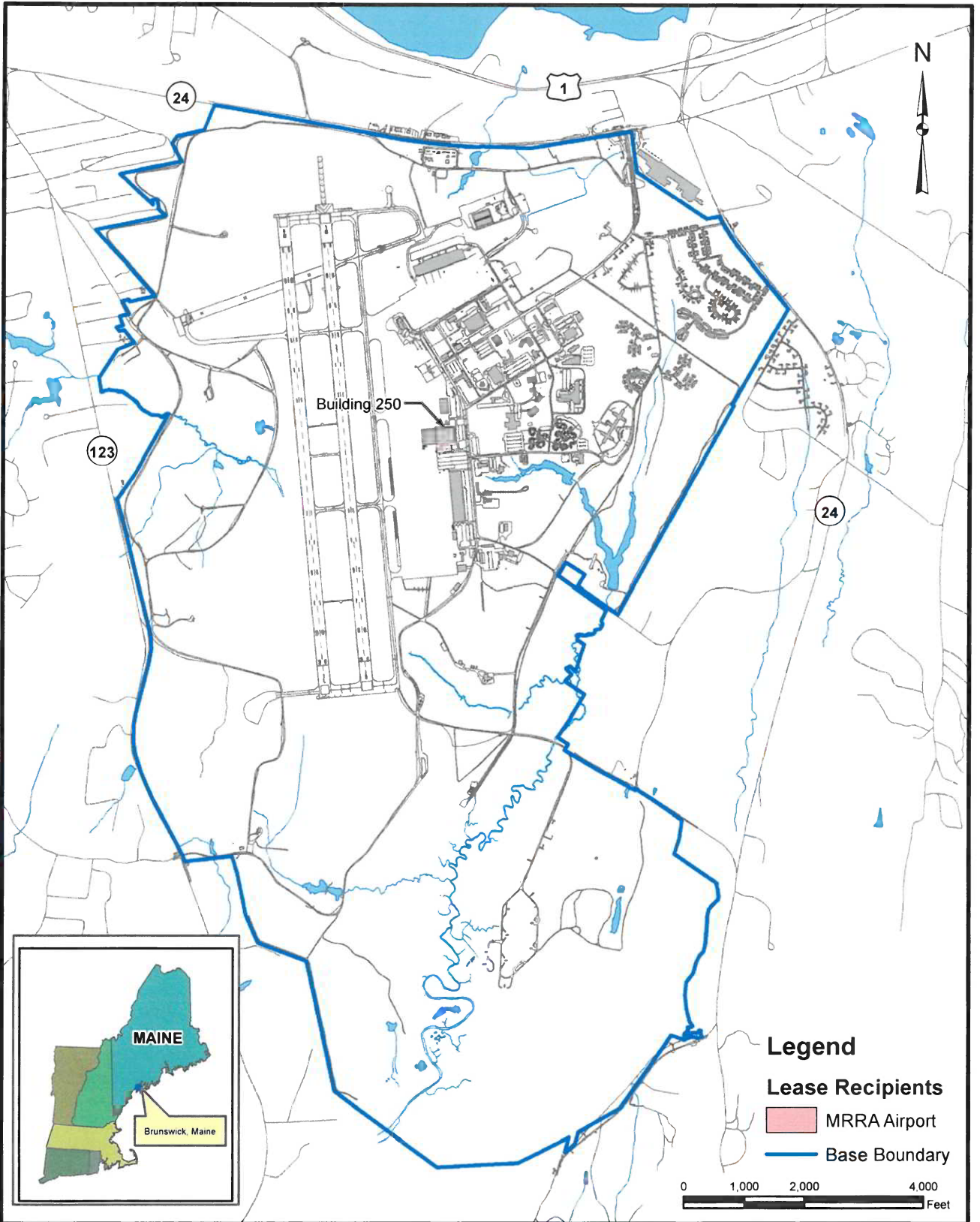
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## **EXHIBIT B**

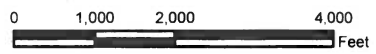
### **Figures**



**Legend**

**Lease Recipients**

- MRRA Airport
- Base Boundary

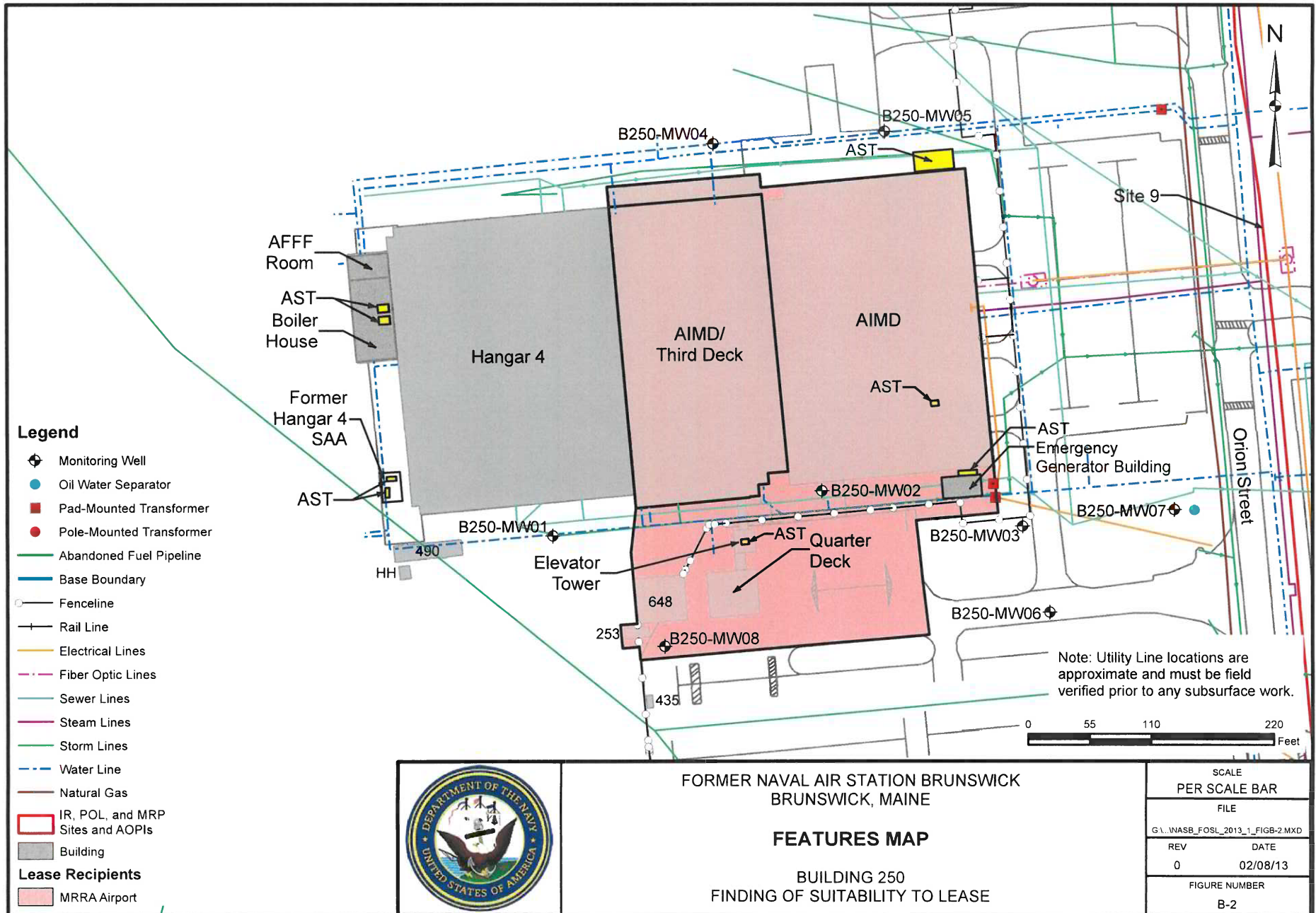


FORMER NAVAL AIR STATION BRUNSWICK  
BRUNSWICK, MAINE

**LOCATION MAP**

BUILDING 250  
FINDING OF SUITABILITY TO LEASE

|                                |          |
|--------------------------------|----------|
| SCALE<br>PER SCALE BAR         |          |
| FILE                           |          |
| G:\NASB_FOSL_2013_1_FIGB-1.MXD |          |
| REV                            | DATE     |
| 0                              | 02/08/13 |
| FIGURE NUMBER                  |          |
| B-1                            |          |





**EXHIBIT C**

**CERCLA Hazardous Substance Notice**

**CERCLA HAZARDOUS SUBSTANCE NOTICE  
BUILDING 250  
FORMER NAVAL AIR STATION BRUNSWICK, MAINE**

| Parcel ID             | Location                                     | Substance Name       | CAS Registry Number    | 40 CFR 302.4 Regulatory Synonyms            | RCRA Waste Number | Quantity Stored    | Date of Storage           | Quantity Released | Date of Release | Response                             |
|-----------------------|--|----------------------|------------------------|---|-------------------|--------------------|---------------------------|-------------------|-----------------|--------------------------------------|
| B250 Third Deck Lease | B250 - Hangar 4 / B555                       | Trichloro-ethylene   | 79-01-6                | Trichloro-ethene, TCE                       | F001              | >1000 kg           | 1956 - Unknown /1959-1983 | Unknown           | Unknown         | Groundwater Use Restriction          |
| B250 Third Deck Lease | B250 - Hangar 4 / B555                       | Tetrachloro-ethylene | 127184                 | Tetrachloro-ethene, Perchloro-ethylene, PCE | F001, F002        | >1000 kg           | 1956 - Unknown /1959-1983 | Unknown           | Unknown         | Groundwater Use Restriction          |
| B250 Third Deck Lease | B250 - Hangar 4 / B555                       | Trichloro-ethane     | Species not identified | TCA   | F001              | >2494 kgs          | 1956 - Unknown /1959-1983 | Unknown           | Unknown         | Groundwater Use Restriction          |
| B250 Third Deck Lease | B250 - Hangar 4 / Former B231 (Battery Shop) | Lead                 | Species not identified | Lead  | D008              | >1000 kg estimated | 1956 - 2009 /1959-1983    | NA                | NA              | None required, No release documented |

**NOTE:** The table identifies those hazardous substances that it is known, based upon a complete search of agency files, were stored for one year or more in quantities greater than or equal to 1,000 kg (or greater than or equal to 1 kg if designated an acutely hazardous waste under 40 CFR Part 261.30) and/or were released or disposed of on the property to be transferred in quantities greater than or equal to their respective reportable quantities under 40 CFR 302.4. The information in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund"), 42 U.S.C. Section 9620(h).

**EXHIBIT D**

**Asbestos-Containing Materials  
Hazard Disclosure and Acknowledgment Form**

**ASBESTOS-CONTAINING MATERIALS  
HAZARD DISCLOSURE AND ACKNOWLEDGMENT FORM**

**ASBESTOS WARNING STATEMENT**

YOU ARE ADVISED THAT CERTAIN BUILDINGS AND UNDERGROUND UTILITIES AT THE FORMER NAVAL AIR STATION BRUNSWICK POTENTIALLY CONTAIN ASBESTOS-CONTAINING MATERIALS. INDIVIDUALS (WORKERS) MAY SUFFER ADVERSE HEALTH EFFECTS AS A RESULT OF INHALATION EXPOSURE TO ASBESTOS. THESE ADVERSE HEALTH EFFECTS INCLUDE ASBESTOSIS (PULMONARY FIBROSIS) AND MESOTHELIOMAS (BENIGN OR MALIGNANT TUMORS).

**ACKNOWLEDGMENT**

I acknowledge that:

- (1) I have read and understand the above-stated Asbestos Warning Statement.
- (2) I have received from the Government the following document(s): *Finding of Suitability to Lease, Building 250 (Approximately 2.93 Acres), Former Naval Air Station Brunswick, Brunswick, Maine* (Department of Navy [DoN] Base Realignment and Closure [BRAC] Program Management Office [PMO] Northeast, 2013); *Final (Revision 2) Environmental Condition of Property Report for the Naval Air Station, Brunswick, Maine* ([DoN BRAC PMO Northeast, 2006]; and *Lead and Asbestos Containing Building Materials Summaries* (Sanders, 2011), representing the best information available to the Government as to the presence of and condition of asbestos-containing-materials hazards in the buildings and underground utilities and pipelines covered by this lease.
- (3) I understand that my failure to inspect or to become fully informed of the condition of all or any portion of the property offered will not constitute grounds for any claim or demand for adjustment or withdrawal of any bid or offer made after its opening or tender.
- (4) I understand that, upon execution of this lease agreement, I shall assume full responsibility for preventing future asbestos exposure by properly managing and maintaining or, as required by applicable federal, State, or local laws or regulations, for abating any asbestos hazard in buildings and structures, underground utilities, or fuel pipelines that may pose a risk to human health, during the term of the lease.

\_\_\_\_\_  
LESSEE (or duly authorized agent)

\_\_\_\_\_  
Date

**EXHIBIT E**

**Lead-Based Paint  
Hazard Disclosure and Acknowledgment Form**

**LEAD-BASED PAINT HAZARD  
DISCLOSURE AND ACKNOWLEDGMENT FORM**

**LEAD WARNING STATEMENT**

YOU ARE ADVISED THAT STRUCTURES CONSTRUCTED PRIOR TO 1978 MAY PRESENT EXPOSURE TO LEAD FROM LEAD-BASED PAINT THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING IN YOUNG CHILDREN MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE. YOU ARE FURTHER ADVISED THAT LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. WORKERS MAY ALSO SUFFER ADVERSE HEALTH EFFECTS FROM LEAD DUST AND FUME EXPOSURE.

**ACKNOWLEDGMENT**

I acknowledge that:

- (1) I have read and understand the above stated Lead Warning Statement;
- (2) I have received from the Federal Government the following document(s): *Finding of Suitability to Lease, Building 250 (Approximately 2.93 Acres), Former Naval Air Station Brunswick, Brunswick, Maine* (Department of Navy [DoN] Base Realignment and Closure [BRAC] Program Management Office [PMO] Northeast, 2013), *Final (Revision 2) Environmental Condition of Property Report for the Naval Air Station, Brunswick, Maine* ([DoN BRAC PMO Northeast, 2006), and a *Lead and Asbestos Containing Building Materials Summary* (Sanders, 2011), representing the best information available to the Government as to the presence of Lead-Based Paint and Lead-Based Paint hazards for the buildings covered by this lease;
- (3) I understand that my failure to inspect, or to become fully informed as to the condition of all or any portion of the property offered will not constitute grounds for any claim or demand for adjustment or withdrawal of any bid or offer made after its opening or tender; and
- (4) I understand that upon execution of this lease agreement, I shall assume full responsibility for preventing future lead exposure by properly managing and maintaining or, as required by applicable Federal, state, or local laws or regulations, for abating any lead-based paint hazard in buildings and structures that may pose a risk to human health, during the term of the lease.

\_\_\_\_\_  
LESSEE (or duly authorized agent)

\_\_\_\_\_  
Date

**Exhibit F**  
**Comments and Responses**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

February 5, 2013

Mr. Paul Burgio  
Department of Navy  
Base Realignment and Closure  
Program Management Office-Northeast  
4911 South Broad Street  
Philadelphia, PA 19112-1303

**Re: Draft Finding of Suitability to Lease for Building 250 at the Former Naval Air Station Brunswick, ME**

Dear Mr. Burgio:

Thank you very much for the opportunity to review the above referenced document. This draft Finding of Suitability to Lease (FOSL) serves as the basis for documenting the Navy's decision that former NAS Brunswick Building 250 is environmentally suitable to lease. Principal provisions of the FOSL include notifications concerning the environmental condition of the property as well as any property use restrictions that will be carried forth in the lease agreement necessary to protect human health and the environment. The Navy intends to lease Building 250 to the Midcoast Regional Redevelopment Authority (MRRA) who will in turn sublease a portion of the building for commercial office use.

Based on a review of the FOSL and without any independent investigations or verification of the information outlined therein, EPA finds that the information presented in the document is sufficient to support this lease, consistent with Department of Defense (DOD) policy.

EPA reserves all rights and authorities relating to information not contained in the FOSL whether or not such information was known when the FOSL was issued or is discovered after such issuance. Please note that EPA reviewed this document solely for the purpose of determining whether it meets the requirements of DOD policy. EPA has not reviewed the document for any other purpose, including compliance with the National Environmental Policy Act.



EPA looks forward to continuing to work with the Navy and MEDEP to resolve any remaining environmental issues associated with the Building 250 property so that it can be conveyed by deed to MRRRA in the future.

Should you have any questions with regard to this letter, please feel free to contact me at (617) 918-1386.

Sincerely,



Michael J. Daly  
Remedial Project Manager  
Federal Facilities Superfund Section

cc: Todd Bober, USN-PMO (e-mail only)  
Claudia Sait, MEDEP (e-mail only)  
Steve Levesque, MRRRA (e-mail only)  
Denise Clavette, Town of Brunswick (e-mail only)  
Greg Preston, USN-PMO (e-mail only)  
Bryan Olson, EPA Region I (e-mail only)  
David Wright, MEDEP (e-mail only)  
Jane Connet, TetraTech (e-mail only)  
Ed Benedikt, BACSE



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

February 4, 2013

Mr. Paul Burgio  
OASN (EI&E), BRAC PMO NE  
Building 679, Naval Business Center  
4911 South Broad Street  
Philadelphia, PA 19112-1303

Re: Finding of Suitability to Lease (FOSL), Building 250  
Former Naval Air Station, Brunswick, Maine

Dear Mr. Burgio:

The Maine Department of Environmental Protection (MEDEP) has reviewed the draft "Finding of Suitability to Lease, Building 250", dated January 2013. Building 250 formerly housed the Aircraft Intermediate Maintenance Department (AIMD) and administrative offices for the Base. The Lease Parcel totals approximately 2.68 acres and in addition to Building 250 includes associated parking and support Buildings 253 (Turnstile Entry Control Point), Building 648 (Auxiliary Power Unit Shop), Quarterdeck (Security Dispatch) and an elevator tower and access bridge connecting the Quarterdeck to the third floor of Building 250. Hangar 4 is also within this parcel but is not part of the lease. Building 250 is an 184,000 square foot steel building on a cement slab. The ground floor is two stories and the Third Deck occupies the top (third) story in the center portion of Building 250 and comprises approximately 28,560 square feet. The western portion of Building 250 was constructed in 1956 as an aircraft maintenance hangar, AIMD workspaces (ground floor) and administrative spaces (top floor). The eastern portion was built in two phases undertaken in 1980 and 1983.

Based on its review of the FOSL and supporting documentation, MEDEP has the following comments and issues.

**General Comments:**

1. While MEDEP agrees with the Navy that the first round of indoor air monitoring indicated that there was no completed pathway, the Navy has committed to performing another round of indoor air monitoring. Therefore MEDEP recommends that the FOSL require the operation of the Heating, Ventilation, and Air Conditioning unit which includes air handlers, at least until the second round of indoor air sampling has been completed and the data reviewed by the regulatory agencies.
2. In at all possible please finalize the copies of "Status Survey Report-Building 250" and "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4", which are used as support documents.
3. The proposed lease includes Building 250, Building 253, Building 648, Quarterdeck, elevator tower and the access bridge. What are planned uses for the Quarterdeck, Building 253 and Building 648?

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

GOR  
10 GANCO ROAD, SUITE 6  
GOR, MAINE 04401  
941-4570 FAX: (207) 941-4584

TLAND  
20 GANCO ROAD  
TLAND, MAINE 04103  
822-6300 FAX: (207) 822-6303

SQUE ISLE  
CENTRAL DRIVE, SKYWAY PARK  
SQUE ISLE, MAINE 04769  
764-0477 FAX: (207) 760-3143

**Specific Comments:**

4. Section 1.0, Introduction, para 2: Please add the title "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4" as it is a key document for making the finding of suitability.
5. Section 2.2, Proposed Reuse for Lease Parcel: Please provide more information on the company that will sub lease the parcel, their operations and whether the proposed use conforms to the Master Reuse Plan similar to what has been in previous FOSLs.
6. Section 3.1.2, CERCLA Responses on the Lease Parcel, Site Related Studies:

- a.) Please add the title of the technical memorandum summarizing the investigation efforts. (Also see comment 1 above.)
- b.) "Environmental media quality data collected as part of this effort indicated no significant soil or groundwater contamination at the Lease Parcel."

MEDEP agrees that the soil investigation indicated no significant soil contamination around the building however the groundwater contamination is noteworthy in that it was above drinking water standards, drove the need to follow up with a vapor intrusion investigation and will likely require additional investigation and possible remediation. Please revise.


- c.) "Current representative sampling results for Building 250 indoor air shows that VOC concentrations are less than Indoor Air Target criteria and no complete VI pathway exists; therefore, no VI remedial action or mitigation measures are necessary."

MEDEP agrees that under the conditions tested with the Heating, Ventilation, and Air Conditioning (HVAC) unit's heating system on, which is typically the most conservative scenario, that VOC concentrations were less than Indoor Air Target criteria. However during the December 2012 Restoration Advisory Board meeting the Navy committed to a second round of indoor air sampling to confirm the original results. Please revise.

7. Section 3.9, Environmental Notices, Restrictions, and Provisions:
  - a.) Item 2, Notice of Hazardous...: Please identify which exhibit this information is in.
  - b.) Item 3, Reservation of Access, last sentence: There seems to something missing or the "areas" that cannot be impeded must be identified. Please check this sentence and/or item for clarity and revise appropriately.
  - c.) Item 5, Use of Groundwater: The need for this restriction would be clearer if there was a statement that the groundwater exceeds drinking water standards.
  - d.) Item 12, Tank Use: For clarity please identify the tanks as Above Ground Storage Tanks.
8. Appendix A, References: Please update if the documents (Status Survey Report-Building 250" and "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4") can be finalized prior to the signing of the FOSL.
9. Appendix B, Figures: Figure B-2: Figure B-2 and the revised figure send by the Navy on January 29, 2013 needs to be redrawn to include all of Building 253. Also the structure/building on the southeastern corner of the AIMD needs to be identified on the figures and discussed in the text.

Thank you for the opportunity to review this document and please contact me at (207) 287-7713 or [claudia.b.sait@maine.gov](mailto:claudia.b.sait@maine.gov), if you have any questions or comments.

Respectfully,

A handwritten signature in black ink, reading "Claudia Sait". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Claudia Sait  
Project Manager-Federal Facilities  
Bureau of Remediation & Waste Management

Cf: Electronic Copy

Chris Evans-MEDEP  
Todd Bober-BRAC PMO  
David W. Chipman  
Carol Warren  
Suzanne Johnson-BASCE  
Denise Clavette-Town of Brunswick  
Steve Giannino-Tetra Tech

Robert Leclerc-BNAS  
Mike Daly-EPA  
Tom Brubaker-MMRA  
Scott Libby  
Ed Benedikt-BACSE  
Carolyn Lepage-Lepage Environmental  
Jeff Orient-Tetra Tech

**Response to MEDEP Comments Dated February 4, 2013  
On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
Former Naval Air Station Brunswick, Brunswick, Maine**

**General Comments:**

1. While MEDEP agrees with the Navy that the first round of indoor air monitoring indicated that there was no completed pathway, the Navy has committed to performing another round of indoor air monitoring. Therefore, MEDEP recommends that the FOSL require the operation of the Heating, Ventilation, and Air Conditioning unit which includes air handlers, at least until the second round of indoor air sampling has been completed and the data reviewed.

**Navy Response:** The lease will include a provision assigning MRRA the responsibility for operating the Building 250 Heating, Ventilation, and Air Conditioning system during the term of the lease. Section 3.9 of the FOSL has been modified accordingly.

2. If at all possible, please finalize the copies of "Status Survey Report-Building 250" and "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4", which are used as support documents.

**Navy Response:** USEPA has indicated it will not comment on the Final Status Survey Report – Building 250; therefore, Navy intends to send a letter stating the "Draft" Final Status Survey Report was accepted with no changes and will be considered the "Final" Final Status Survey Report.

The Navy is currently combining the supplemental groundwater and vapor intrusion technical memorandum for Building 250 and Hangar 4 with a report prepared in the summer of 2012 for the initial phase of the groundwater investigation which was never distributed. The combined report will be titled "Technical Memorandum, Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4." MEDEP comments on the supplemental investigation technical memorandum (which included results from the initial investigation) will be addressed in the combined report. It is not likely that the combined report will be final by the time the FOSL is finalized. References to these documents in the final version of the FOSL will reflect their status at the time of FOSL distribution.

3. The proposed lease includes Building 250, Building 253, Building 648, Quarterdeck, elevator tower and access bridge. What are planned uses for the Quarterdeck, Building 253 and Building 648?

**Navy Response:** The Quarterdeck provides entrance to the elevator tower which will be used by the MRRA sublessee to access the Third Deck of Building 250. Building 648 will be used by MRRA for furniture storage. Building 253 houses a turnstile used to control pedestrian access to the aircraft apron. MRRA does not plan to use this structure. The FOSL text has been edited to clarify the planned uses of these buildings and structures.

**Specific Comments:**

4. Section 1.0, Introduction, para 2: Please add the title "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4" as it is a key document for making the finding of suitability.

**Navy Response:** The title of the technical memorandum, as described in the response to Comment 2, has been added to the FOSL text as requested.

5. Section 2.2, Proposed Reuse for Lease Parcel: Please provide more information on the company that will sub lease the parcel, their operations and whether the proposed use conforms to the Master Reuse Plan similar to what has been in previous FOSLs.

**Navy Response:** MRRA plans to sublease the Third Deck of Building 250 to a local start-up corporation that will provide business process outsourcing and transformation services, including but not limited to,

**Response to MEDEP Comments Dated February 4, 2013  
On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
Former Naval Air Station Brunswick, Brunswick, Maine**

contact center operations, help desk operations, logistics and fulfillment, third party quality assurance analysis, training, staffing, and consulting. This use conforms to MRRA's Master Reuse Plan. This information has been added to the FOSL text.

6. Section 3.1.2, CERCLA Responses on the Lease Parcel, Site Related Studies:

- a.) Please add the title of the technical memorandum summarizing the investigation efforts. (Also see comment 1 above.)

**Navy Response:** The title of the technical memorandum, as described in the response to Comment 2, has been added to the FOSL text as requested.

- b.) "Environmental media quality data collected as part of this effort indicated no significant soil or groundwater contamination at the Lease Parcel."

MEDEP agrees that the soil investigation indicated no significant soil contamination around the building however the groundwater contamination is noteworthy in that it was above drinking water standards, drove the need to follow up with a vapor intrusion investigation and will likely require additional investigation and possible remediation. Please revise.

**Navy Response:** The text has been revised to clarify that the vapor intrusion investigation was requested by MEDEP because several groundwater contaminants were detected at concentrations exceeding drinking water standards.

- c.) "Current representative sampling results for Building 250 indoor air shows that VOC concentrations are less than Indoor Air Target criteria and no complete VI pathway exits; therefore, no VI remedial action or mitigation measures are necessary."

MEDEP agrees that under the conditions tested with the Heating, Ventilation, and Air Conditioning (HVAC) unit's heating system on, which is typically the most conservative scenario, that VOC concentrations were less than Indoor Air Target criteria. However during the December 2012 Restoration Advisory Board meeting the Navy committed to a second round of indoor air sampling to confirm the original results. Please revise.

**Navy Response:** The text has been revised to clarify that a second round of indoor air sampling is scheduled for Spring 2013 to confirm the first round results. The phrase "...therefore, no VI remedial action or mitigation measures are necessary" has been deleted from the text.

7. Section 3.9, Environmental Notices, Restrictions, and Provisions:

- a.) Item 2, Notice of Hazardous...: Please identify which exhibit this information is in.

**Navy Response:** The exhibit being referenced in this context is an exhibit in the lease rather than an exhibit in the FOSL. The actual lease exhibit number or letter has yet to be determined.

- b.) Item 3, Reservation of Access, last sentence: There seems to something missing or the "areas" that cannot be impeded must be identified. Please check this sentence and/or item for clarity and revise appropriately.

**Navy Response:** "Areas" is referring to the locations where the activities described in the preceding sentence are being performed. The sentence has been rephrased to state "No barriers, fences, or other obstructions shall impede access to the areas where these activities are being conducted by Navy, Navy contractors, and regulatory agency personnel."

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On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
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- c.) Item 5, Use of Groundwater: The need for this restriction would be clearer if there was a statement that the groundwater exceeds drinking water standards.

**Navy Response:** The following sentence has been added as the first sentence of Item 5: " Volatile organic compounds have been detected in samples collected on the Lease Parcel at concentrations exceeding drinking water standards, as described in the Finding of Suitability to Lease attached as Exhibit " \_ " to this Lease Agreement."

- d.) Item 12, Tank Use: For clarity please identify the tanks as Above Ground Storage Tanks.

**Navy Response:** The requested clarification has been made.

8. Appendix A, References: Please update if the documents (Status Survey Report-Building 250" and "Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4") can be finalized prior to the signing of the FOSL.

**Navy Response:** The references will be updated if the documents can be finalized prior to signing of the FOSL.

9. Appendix B, Figures: Figure B-2: Figure B-2 and the revised figure send by the Navy on January 29, 2013 needs to be redrawn to include all of Building 253. Also the structure/building on the southeastern corner of the AIMD needs to be identified on the figures and discussed in the text.

**Navy Response:** Figure B-2 has been revised so that the lease parcel boundary includes all of Building 253, and to identify the structure/building at the southeast corner of Building 250 as an emergency generator building. The text has also been edited to include the emergency generator.



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PATRICIA W. AHO  
COMMISSIONER

February 19, 2013

Mr. Paul Burgio  
OASN (EI&E), BRAC PMO NE  
Building 679, Naval Business Center  
4911 South Broad Street  
Philadelphia, PA 19112-1303

Re: Finding of Suitability to Lease - Building 250  
Former Naval Air Station, Brunswick, Maine

Dear Mr. Burgio:

The Maine Department of Environmental Protection (MEDEP) has reviewed the "Finding of Suitability to Lease, Building 250 Lease Parcel, Naval Air Station, Brunswick" (February 2013). The Navy proposes to lease the Subject Parcel to Midcoast Regional Redevelopment Authority (MRRA) which will sub lease the property for use as a commercial/administrative facility.

The western portion of the Building 250 was constructed in 1956 as an aircraft maintenance hangar, Aircraft Intermediate Maintenance Department (AIMD) workspaces (ground floor) and administrative spaces (Third Deck). The eastern portion was built in two phases undertaken in 1980 and 1983. Building 250 is an 184,000 square foot steel building on a cement slab. The ground floor is two stories high and the Third Deck occupies the top (third) story in the center portion of Building 250 and comprises approximately 28,560 square feet. The Lease Parcel totals approximately 2.93 acres of land and, in addition to Building 250, includes associated parking and support Buildings 253 (Turnstile Entry Control Point), Building 648 (Auxiliary Power Unit Shop), Quarterdeck (Security Dispatch) and an elevator tower and access bridge connecting the Quarterdeck to the Third Deck of Building 250. Hangar 4 is also within this parcel but is not part of the lease. Only the Third Deck will be occupied.

Restrictions on land use, building occupancy, government access, groundwater, soil disturbance, and construction/demolition activities, operation of the Heating, Ventilation, and Air Conditioning system, among others, are included by the Navy in the lease agreement.

Based on the information provided by the Navy, MEDEP concurs with the Base Realignment and Closure (BRAC) Program Management Office's Finding of Suitability to Lease Building 250, support structures and the accompanying 2.93 acres of land for commercial and administrative uses.

Very little information is available for the 20-30 years that the Base operated prior to environmental regulation; consequently the lack of reported storage, release or disposal of hazardous substances cited in the FOSL may not represent the actual site conditions. If the site has or will be participating in the MEDEP Voluntary Response Action Program (VRAP) pursuant to Title 38 MRSA § 343-E, the protections provided by the VRAP "No Further Action Assurance" letter or the VRAP "Commissioner's Certificate of Completion" are not superseded by anything in this concurrence letter.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

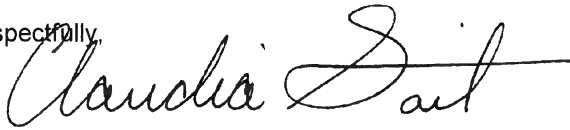
PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143



Thank you for the opportunity to review this document and please contact me at (207) 287-7713 or [claudia.b.sait@maine.gov](mailto:claudia.b.sait@maine.gov), if you have any questions or comments.

Respectfully,

A handwritten signature in black ink that reads "Claudia Sait". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Claudia Sait  
Project Manager-Federal Facilities  
Bureau of Remediation & Waste Management

Cf: Electronic Copy

Chris Evans-MEDEP  
Todd Bober-BRAC PMO  
David W. Chipman  
Carol Warren  
Suzanne Johnson-BASCE  
Denise Clavette-Town of Brunswick  
Carolyn Lepage-Lepage Environmental  
Jeff Orient – Tetra Tech

Robert Leclerc-BNAS  
Mike Daly-EPA  
Tom Brubaker-MMRA  
Scott Libby  
Ed Benedikt-BACSE  
Catherine Ferdinand-Bowdoin College  
Jay Hyland – Maine Radiation Program  
Steve Giannino – Tetra Tech

-----Original Message-----

From: David Knisely [<mailto:david@garrityknisely.com>]

Sent: Monday, February 11, 2013 13:36

To: Burgio, Paul F CIV NAVFACHQ, BRAC PMO

Cc: Claudia Sait; Mike Daly; Steve Levesque

Subject: Draft FOSL, Building 250, January 2013

Paul, Set forth below are MRRRA comments on the above referenced FOSL. Please let us know if you have any questions about these comments. Thank you.

David Knisely

#### MRRRA comments

1. Section 3.9, no.9 Presence of Asbestos; Exhibit D, ACM Disclosure and Acknowledgement Form

We suggest the following language be added (i) at the end of the 4th sentence in no.9, and (ii) at the end paragraph (4) of the Disclosure and Acknowledgement: "during the term of the lease or sublease".

2. Section 3.9, no.10 Presence of Lead-Based Paint; Exhibit E, Lead-Based Paint Disclosure and Acknowledgement Form

We suggest the following language be added (i) at the end of the 3rd sentence in no.10, and (ii) at the end of paragraph (4) of the Disclosure and Acknowledgement Form: " during the term of the lease or sublease".

**Response to MRRA Comments Dated February 11, 2013  
On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
Former Naval Air Station Brunswick, Brunswick, Maine**

**MRRA comments**

1. Section 3.9, no.9 Presence of Asbestos; Exhibit D, ACM Disclosure and Acknowledgement Form

We suggest the following language be added (i) at the end of the 4th sentence in no.9, and (ii) at the end paragraph (4) of the Disclosure and Acknowledgement: "during the term of the lease or sublease".

**Navy Response:** MRRA will be the responsible party as long as the lease is in effect, whether or not there is a sublease; therefore, the language "during the term of the lease" will be added.

2. Section 3.9, no.10 Presence of Lead-Based Paint; Exhibit E, Lead-Based Paint Disclosure and Acknowledgement Form

We suggest the following language be added (i) at the end of the 3rd sentence in no.10, and (ii) at the end of paragraph (4) of the Disclosure and Acknowledgement Form: " during the term of the lease or sublease".

**Navy Response:** MRRA will be the responsible party as long as the lease is in effect, whether or not there is a sublease; therefore, the language "during the term of the lease" will be added.

# Lepage Environmental Services, Inc.

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P. O. Box 1195 • Auburn, Maine 04211-1195 • 207-777-1049

February 11, 2013

Mr. Paul Burgio & Mr. Todd Bober  
Department of Navy  
Base Realignment and Closure PMO-Northeast  
4911 South Broad Street  
Philadelphia, PA 19112-1303

Subject: January 2013 Draft *Finding of Suitability to Lease Building 250 (Approximately 2.68 acres), Former Brunswick Naval Air Station, Brunswick, Maine*

Dear Mr. Burgio and Mr. Bober:

This letter is submitted on behalf of the Brunswick Area Citizens for a Safe Environment (BACSE) regarding the January 2013 Draft *Finding of Suitability to Lease Building 250 (Approximately 2.68 acres), Former Brunswick Naval Air Station, Brunswick, Maine.* This letter also presents comments from BACSE members.

BACSE concurs with the Maine Department of Environmental Protection's (MEDEP) comments dated February 4, 2013, and will not repeat those comments below.

**1. Highest Concentrations in Groundwater are Located Up-Gradient of Building 250.**

Figures 2, 3, and 4 in the January 15, 2013, Internal Draft *Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4, Former Brunswick Naval Air Station*, show that the highest concentrations of trichloroethylene (TCE) and cis-1,2-dichloroethene (cis 1,2-DCE), the two volatile organic compounds (VOCs) that exceeded groundwater criteria at the site, are detected in monitoring wells immediately up-gradient of Building 250.

Where is the contamination coming from? What investigations has the Navy conducted to identify the source(s) of the up-gradient contamination? How does the Navy know that the current concentrations detected at Building 250 represent the "worst case" conditions for the site? To clarify, how does the Navy know there isn't a "slug" of more highly contaminated groundwater that would migrate under Building 250 at some point in the future, and elevate the vapor intrusion risk for people working inside the building? How will the lease agreement address this potential risk until the data gap is filled?

**2. Worst Case Scenario for Exposure to Vapors.** Building 250 and Hangar 4 have been vacant since April 2010. However, the initial round of vapor intrusion sampling was conducted in October 2012 after the heating, ventilation, and air conditioning systems (HVAC) had been reactivated in the building. The Navy committed at the December 2012 Restoration Advisory Board meeting to conduct another round of indoor air quality sampling to confirm the results of the first round of sampling. The initial sampling event conditions, with the HVAC operating as designed, were intended to represent conditions workers would be exposed to in the future, providing a conservative estimate of the risks due to vapor intrusion by VOCs.

Several BACSE members have expressed concern that these testing conditions, with the HVAC operating properly and continuously, may not represent the “worst case” for exposure to vapors within Building 250. If the HVAC is not operating, and vapors can then accumulate in the building, wouldn’t workers then be potentially exposed to higher concentrations of vapors? Will the lease conditions require operation of the HVAC systems in the future to prevent potential exposure to vapors concentrated in air stagnating in the building?

Please do not hesitate to call if you have any questions.

Sincerely,

Carolyn A. Lepage, C.G. & P.G.  
President  
State of Maine Certified Geologist No. GE202

cc: Hard Copy: BACSE Archives (c/o David W. Chipman)  
Mike Daly, USEPA  
Curtis Memorial Library – Brunswick NAS Archive  
Claudia Sait, MEDEP

Email Only: BACSE Internal Distribution (c/o Ed Benedikt)  
Evan Barman, Watermark Environmental, Inc.  
Tom Brubaker, MRRA  
David W. Chipman, Harpswell Rep. to RAB  
Denise Clavette, Brunswick Dept. Econ. Development  
Jennifer Good, H & S Environmental, Inc.  
Pamela Harting-Barrat, USEPA  
Suzanne Johnson, RAB Co-Chair  
Scott Libby, Topsham Rep. to RAB  
Jeff Orient, TetraTech  
Carol G. Warren, RAB/BACSE

**Response to BACSE Comments Dated February 11, 2013  
On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
Former Naval Air Station Brunswick, Brunswick, Maine**

BACSE concurs with the Maine Department of Environmental Protection's (MEDEP) comments dated February 4, 2013, and will not repeat those comments below.

**1. Highest Concentrations in Groundwater are Located Up-Gradient of Building 250.** Figures 2, 3, and 4 in the January 15, 2013, Internal Draft *Technical Memorandum, Supplemental Groundwater and Vapor Intrusion Investigation, Building 250 and Hangar 4, Former Brunswick Naval Air Station*, show that the highest concentrations of trichloroethylene (TCE) and cis-1,2-dichloroethene (cis 1,2-DCE), the two volatile organic compounds (VOCs) that exceeded groundwater criteria at the site, are detected in monitoring wells immediately up-gradient of Building 250.

Where is the contamination coming from? What investigations has the Navy conducted to identify the source(s) of the up-gradient contamination? How does the Navy know that the current concentrations detected at Building 250 represent the "worst case" conditions for the site? To clarify, how does the Navy know there isn't a "slug" of more highly contaminated groundwater that would migrate under Building 250 at some point in the future, and elevate the vapor intrusion risk for people working inside the building? How will the lease agreement address this potential risk until the data gap is filled?

**Navy Response:** Low levels of VOCs have been identified at various locations caused by previous airfield operations at NAS Brunswick. During preparation of the FOSTs for Parcel AIR-1 (main airfield parcel) and AIR-6 (Building 86 parcel) there was no evidence of any large scale release of VOCs on either parcel, located west and north respectively of Building 250. The Navy has conducted two rounds of groundwater sampling around Building 250 and has not identified an upward trend in VOC concentrations and reached a finding there is a "lack of a significant source of VOCs at the Building 250 parcel". As stated in their review comments, MEDEP agrees with the Navy that the first round of indoor air monitoring indicated there was no completed pathway based on the October indoor air sampling event. The Navy has agreed to conduct another round of indoor air sampling at Building 250/Hangar 4 in Spring 2013 to confirm the results of the October sampling event. This next sampling event will be conducted to confirm the earlier findings, not to "fill a data gap".

The lease language in Section 3.9 of the FOSL includes several restrictions and provisions that address potential risks until all investigations are completed. These include a restriction on any use of groundwater, a restriction limiting occupancy of the building to the Third Deck only while allowing the remainder of the building to be used for cold storage and episodic maintenance activities, and a provision assigning responsibility for operation of the Building 250 Heating, Ventilation, and Air Conditioning system to MRRA.

**2. Worst Case Scenario for Exposure to Vapors.** Building 250 and Hangar 4 have been vacant since April 2010. However, the initial round of vapor intrusion sampling was conducted in October 2012 after the heating, ventilation, and air conditioning systems (HVAC) had been reactivated in the building. The Navy committed at the December 2012 Restoration Advisory Board meeting to conduct another round of indoor air quality sampling to confirm the results of the first round of sampling. The initial sampling event conditions, with the HVAC operating as designed, were intended to represent conditions workers would be exposed to in the future, providing a conservative estimate of the risks due to vapor intrusion by VOCs.

**Response to BACSE Comments Dated February 11, 2013  
On the Draft Finding of Suitability to Lease (FOSL), Building 250,  
Former Naval Air Station Brunswick, Brunswick, Maine**

Several BACSE members have expressed concern that these testing conditions, with the HVAC operating properly and continuously, may not represent the “worst case” for exposure to vapors within Building 250. If the HVAC is not operating, and vapors can then accumulate in the building, wouldn’t workers then be potentially exposed to higher concentrations of vapors? Will the lease conditions require operation of the HVAC systems in the future to prevent potential exposure to vapors concentrated in air stagnating in the building?

**Navy Response:** The October 2012 indoor air sampling event was performed in accordance with a work plan and methodologies approved by USEPA and MEDEP under conditions representative of those that would be expected when the building returns to beneficial use. As stated in their review comments, MEDEP agrees that “under the conditions tested with the HVAC unit’s heating system on, which is typically the most conservative scenario, that VOC concentrations were less than Indoor Air Target criteria” and “that the first round of indoor air monitoring indicated that there was no completed pathway.” The Navy has agreed to conduct a second sampling event to confirm the outcome for this conservative scenario. Conducting the second event without the HVAC system operating would not confirm the results of the first event and would not be representative of conditions expected when the building is in use and occupied.