MRRA

Midcoast Regional
Redevelopment Authority

December 19, 2024

Dear Brunswick United for a Safe Environment,

The Midcoast Regional Redevelopment Authority (MRRA) acknowledges receipt of your petition on December 12, 2024, requesting that MRRA "Provide ongoing access to clean bottled drinking water and/or access to Brunswick-Topsham Water District water at no cost for all affected residents with detectable PFAS contamination in well water, as well as for residents in areas identified by Maine DEP to be likely at risk, until the contamination is fully resolved."

Please note that the MRRA Board of Trustees remains genuinely concerned about any potential drinking water contamination associated with the August 19 AFFF release and takes this issue extremely seriously. To that end, MRRA staff has been continuously working closely with Maine DEP, the EPA, and the US Navy to conduct ongoing testing to determine the location of any contamination, what levels are present, any potential future pathways of PFAS contamination from the August 19 release, and the best way forward using known scientific methods.

In addition to these efforts, we have been working with the Navy, reviewing the historical record of all past activities here at the former base, to better understand where other potential sources of PFAS may have contributed to any PFAS presence.

According to scientists at the DEP, EPA and the US Navy, although there has been significant recent testing completed in the impacted areas, it's too early to say whether or not the August 19 release will affect the drinking water wells adjacent to the former base, or if impacted well issues are a result of legacy releases from the Navy, or other causes.

The DEP, EPA, and Navy staff tell us it will take some time for any PFAS related to the August 19th release to show up in area wells, if at all, due to the geology in the area and distance of

groundwater travel. Accordingly, these entities do not believe current testing data yet supports an August 19 related impact.

The DEP is conducting quarterly sampling of private wells for the next year (3 more testing events are expected) and they are sharing data with the entities involved and the public. Based upon the DEP testing data to date, of the sixty-nine private wells they are evaluating, three exceed the federal limit of 4ppt mcl and none exceed the State limit of 20ppt mcl. Based upon discussions with the Navy and DEP, the federal limit to trigger eligible response action from DoD is 12ppt and the State is 20ppt. Based upon current testing results, no private wells exceed the federal action levels at this time (See attached DoD directive).

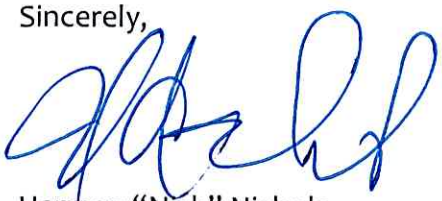
In the event the testing data starts to demonstrate a cause and effect from the August 19 release to area wells, MRRA will most certainly participate in supporting any and all appropriate actions to ensure those residents have access to clean, safe drinking water. Please note that all drinking water on the Brunswick Landing campus is provided by the Brunswick-Topsham Water District. The only well on the campus providing drinking water is located at the golf course.

For ongoing updates, please direct your attention to the DEP website that addresses its PFAS/PFOA well testing program at https://www.maine.gov/dep/spills/topics/pfas/index.html. This website provides regular updates on the testing (historic Navy testing) as well as additional testing that has been put in place as a result of the events of August 19. MRRA will also publish this data on our website, as it becomes available.

If you have questions about the DEP's and Navy's testing program and results, please contact Iver McLeod, the DEP Project Manager at Iver.J.McLeod@maine.gov or Rachelle Knight, the Navy's Environmental Coordinator at wynette.r.knight.civ@us.navy.mil

MRRA does take this issue very seriously. Please know we will continue to closely monitor this situation and will consider any and all appropriate mitigation going forward.

Sincerely,



Herman "Nick" Nichols
Chair

cc: MRRA Board of Trustees
Brunswick Town Council

CLEARED
For Open Publication
Sep 04, 2024
Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

ASSISTANT SECRETARY OF DEFENSE
3400 DEFENSE PENTAGON
WASHINGTON, DC 20301-3400

ENERGY, INSTALLATIONS,
AND ENVIRONMENT

September 3, 2024

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (INSTALLATIONS, ENERGY AND ENVIRONMENT)
ASSISTANT SECRETARY OF THE NAVY (ENERGY, INSTALLATIONS AND ENVIRONMENT)
ASSISTANT SECRETARY OF THE AIR FORCE (INSTALLATIONS, ENVIRONMENT AND ENERGY)
DIRECTOR, NATIONAL GUARD BUREAU (JOINT STAFF, J3/4/7)
DIRECTOR, DEFENSE LOGISTICS AGENCY (INSTALLATION MANAGEMENT)

SUBJECT: Prioritization of Department of Defense Cleanup Actions to Implement the Federal Drinking Water Standards for Per- and Polyfluoroalkyl Substances Under the Defense Environmental Restoration Program

On April 26, 2024, the Environmental Protection Agency (EPA) published a final National Primary Drinking Water Regulation (NPDWR) establishing nationwide drinking water standards for certain per- and polyfluoroalkyl substances (PFAS) under the Safe Drinking Water Act (SDWA). This rule applies to public drinking water systems. DoD remains committed to fulfilling our PFAS-related cleanup responsibilities and will take necessary actions to incorporate SDWA levels into our cleanup program, in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (40 C.F.R. Part 300). The CERCLA process can take time to complete, but also provides a consistent, science-based approach across the Nation for cleanup and includes federal and state environmental regulator review and public participation. This memorandum describes DoD's plans to incorporate the drinking water rule into DoD's ongoing PFAS cleanups and prioritize actions to address private drinking water wells with the highest levels of PFAS from DoD activities.

EPA's drinking water rule includes enforceable maximum contaminant levels[1] (MCL) for five PFAS: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, commonly known as GenX), and perfluorohexane sulfonic acid (PFHxS). It also includes a Hazard Index (HI) MCL, for a mixture of at least two or more of PFHxS, PFNA, perfluorobutane sulfonic acid (PFBS), and HPFO-DA (GenX) chemicals. The rule provides five years for regulated public water systems to comply with these MCLs as specified below.

- Individual MCLs in parts per trillion (ppt):
  - PFOS = 4 ppt
  - PFOA = 4 ppt

[1] SDWA defines a "maximum contaminant level" or MCL to be "the maximum permissible level of a contaminant in water which is delivered to any user of a public water system." 42 U.S.C. § 300f(3).

- HFPO-DA = 10 ppt
- PFNA = 10 ppt
- PFHxS = 10 ppt

- Hazard index[2] MCL for PFHxS, PFNA, PFBS, and HFPO-DA = 1 (unitless)

DoD's Cleanup Program

The Defense Environmental Restoration Program (DERP) statute provides DoD authorities to perform and fund cleanup actions and requires they be carried out in accordance with CERCLA. Under CERCLA, the DoD addresses releases or threatened releases of hazardous substances, pollutants, or contaminants from DoD activities, including PFAS. DoD is working to integrate the MCL values established in EPA's final SDWA rule into its cleanup process. Under CERCLA, MCLs can be used as a risk trigger level to take interim actions (i.e., removal actions), but exceeding an MCL does not in itself trigger a removal action. CERCLA also incorporates federal or state cleanup requirements, called Applicable or Relevant and Appropriate Requirements (ARARs), to develop final cleanup levels. ARARs are determined on a site-specific basis, but in most cases, MCLs are used as the final cleanup standard to be attained for groundwater used for drinking water.

As of March 31, 2024, DoD has completed preliminary assessments/site inspections to evaluate potential releases of PFAS from DoD activities at 710 of 717 installations. DoD identified 578 installations that require further investigation. DoD has initiated remedial investigations at over 350 of these installations and plans to begin over 150 more within the next two fiscal years. Remedial investigations provide important information enabling the Department to take additional interim actions to prevent further PFAS plume migration as well as address impacted drinking water wells. At 55 installations, DoD took interim actions to address off-base drinking water wells/systems where levels of PFOS and PFOA were above 70 ppt (the level DoD previously used to trigger an interim action).

Interim Actions (i.e., Removal Actions)

The Department recognizes the need to take quick actions to address PFAS in drinking water. To ensure cleanup begins as quickly as possible, the DoD Components will initiate removal actions to address private drinking water wells impacted by PFAS from DoD activities where concentrations are known to be at or above three times the MCL values (i.e., PFOA = 12 ppt; PFOS = 12 ppt; PFHxS = 30 ppt; GenX = 30 ppt; PFNA = 30 ppt; HI = 3). This approach prioritizes action where PFAS levels from DoD releases are the highest (i.e., at or above three times the MCL values), rather than delay action at these locations while ongoing remedial investigations continue. Whenever possible, the DoD Components will use a CERCLA "Time Critical Removal Action[3]" for these efforts. This is DoD's initial step to prioritize cleanup

[2] The hazard index is defined in 40 C.F.R. § 141.2 and explained in EPA's factsheet "Understanding the Final PFAS National Primary Drinking Water Regulation Hazard Index Maximum Contaminant Level" at https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_fact-sheet_hazard-index_4.8.24.pdf

[3] A time critical removal action is used, when after an evaluation of the site, the lead agency determines there is less than six months of planning time available for removal activities.

actions in private drinking water wells, including private drinking water wells located off-base at the 55 installations, where DoD has previously taken action for wells with levels of PFOS and PFOA above 70 ppt. As DoD works to complete actions to address off-base drinking water at the 55 installations with the highest known levels of PFAS, the Department will continue to identify and address private drinking water with PFAS above three times the MCLs from DoD releases at additional locations. DoD will then initiate remedial actions to address drinking water wells and public water systems with concentrations below three times the MCL value as described in the remedial action section of this guidance.

DoD anticipates a significant number of private drinking water wells will require interim actions to reduce PFAS levels. To expedite implementation of more enduring solutions, the DoD Components will focus on sustainable solutions when considering alternatives. The DoD Components will consider in prioritized order: providing connections to public water systems; installing whole house treatment systems; providing point of use treatment systems; and providing bottled water.[4]

DoD also intends to expedite action at public water systems where authorized, prioritizing the most impacted sites for earlier action. For public water systems above the MCLs impacted by PFAS from DoD activities, the DoD Components will work with those systems and regulators to address PFAS impacts. These actions will assist the public water systems as they work to meet the requirements for compliance with the PFAS NPDWR as soon as possible but not later than April 2029.

This policy is intended to expedite remediation of private drinking water wells, and public water systems impacted by DoD PFAS releases, prioritizing the most impacted sites for earlier action. The Military Departments will ensure that robust communication occurs before, during, and after actions are taken to address PFAS on and around DoD installations, Base Realignment and Closure locations, and National Guard facilities.

Long-Term Remedial Actions

CERCLA requires a site-specific risk assessment during the remedial investigation to establish risk-based cleanup levels. This includes considerations of "background" levels of chemicals present at a site, which can be highly variable across the country. Throughout the CERCLA process DoD coordinates with both EPA and state regulators and EPA and DoD jointly select remedies at National Priorities List sites. Accordingly, DoD will work with EPA and state regulators, as appropriate, to evaluate background levels of PFAS on a site-specific basis to determine a final cleanup level.

For remedial actions, the DoD Components will address drinking water down to the MCLs or background, in accordance with CERCLA, once the DoD Component has established

[4] The DoD Components will only provide bottled water when: 1) more sustainable alternatives, such as drinking water treatment, are technically infeasible due to site-specific conditions and in these cases, the DoD Component will request a waiver from the DASD(EMR) prior to the provision of bottled water; 2) the levels of PFOS and PFOA in drinking water are above 70 ppt; or 3) bottled water was already being provided prior to the issuance of this guidance and levels are at or above three times the MCLs.

background PFAS levels using EPA's CERCLA policies on this matter.[5] If the outcome of the CERCLA background assessment conducted during the remedial investigation is that background levels of PFAS are below the MCLs, then DoD Components will take remedial actions to address PFAS that will meet the MCLs as the final cleanup levels.[6] If background levels of PFAS are found above an MCL at a site, DoD Components will work collaboratively with regulators and transparently with the public to determine the appropriate remedial goals (i.e., final cleanup levels) at that site.

This guidance is the first step in a prioritized approach that enables DoD to take quick action to address private drinking water wells, and public water systems where possible, where known levels of PFAS from DoD activities are the highest while the Department continues to gather information through remedial investigations to prioritize future actions. DoD continues to review existing data and collect new information to assess where PFAS plumes may have migrated from an installation and impacted drinking water and will be prioritizing those locations for response actions as the next step. DoD believes this is the best approach for the long-term protection of human health and the environment and the Department will continue to accelerate DoD's cleanup efforts Nationwide in accordance with federal law and in partnership with regulatory agencies and affected communities.

The Department will update this guidance periodically, as necessary, as investigations continue and more sampling data is received.

The point of contact for this matter is Ms. Alexandria Long at 703-571-9061 or alexandria.d.long.civ@mail.mil.

OWENS.BRENDA N.M.1030451844 Digitally signed by OWENS.BRENDAN.M.1030451844 Date: 2024.09.03 11:36:59 -04'00'

Brendan M. Owens

[5] EPA, Role of Background in the CERCLA Cleanup Program, OSWER 9285.6-07P (2002)(available at https://www.epa.gov/risk/role-background-cercla-cleanup-program); EPA, Guidance for Comparing Background and Chemical Concentrations in Soil for CERCLA Sites, EPA 540-R-01-003 (September 2002) (located at: https://www.epa.gov/risk/guidance-comparing-background-and-chemical-concentrations-soil-cercla-sites)).

[6] Where MCLs have been identified as relevant and appropriate under the circumstances of the release.