

DRAFT

**FINDING OF SUITABILITY TO TRANSFER
FOST 2017-1
SITE 12 PARCELS EDC-40 AND REC-10
AND ADJACENT PARCELS EDC-40A AND REC-10A
(Approximately 45.00 Acres)**

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



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1.0 PURPOSE

This Finding of Suitability to Transfer (FOST) summarizes how the requirements and notifications for hazardous substances, petroleum products, and other regulated material on Parcels EDC-40, EDC-40A, REC-10, and REC-10A (Transfer Parcels) have been satisfied. This FOST documents my determination, as the responsible Department of Defense (DOD) component official, that certain real property and associated improvements at the former Naval Air Station Brunswick (NASB) are environmentally suitable for deed transfer subject to the notices, restrictions, and covenants set forth in this document. The Transfer Parcels are to be conveyed to two different GRANTEES and are located on the Main Base in Brunswick, Maine, as shown on Figures B-1 and B-2. The Transfer Parcels total approximately 45.00 acres of land.

The suitability for transfer decision is based primarily on review of information contained in reports, former NASB Environmental Department records, and other communications listed in Exhibit A (References). Factors leading to this decision and other pertinent information related to property transfer requirements are stated below.

2.0 PROPERTY DESCRIPTION

2.1 Description

The Transfer Parcels are identified in the following table with their parcel identification number (ID), figure number, the applicable reuse district based on the Reuse Master Plan (Matrix, 2007), approximate acreage, the conveyance mechanism (i.e., Public Benefit Conveyance [PBC] or Economic Development Conveyance [EDC]), and the intended recipient (GRANTEE). The GRANTEES are the Midcoast Regional Redevelopment Authority (MRRA) (15.52 acres) and the Town of Brunswick (29.48 acres).

Parcel ID	Figure	Reuse Master Plan District	Approximate Acres	Conveyance	GRANTEE
EDC-40	B-4	Natural Areas	12.13	EDC	MRRA
EDC-40A	B-4	Natural Areas	3.39	EDC	MRRA
REC-10	B-4	Natural Areas	12.35	PBC	Town of Brunswick
REC-10A	B-4	Natural Areas	17.13	PBC	Town of Brunswick
FOST 2017-1 Total Acres			45.00		

The acreages presented for the Transfer Parcels are approximate. The figures and descriptions included in Exhibit B of this FOST (Figures B-1 through B-4) provide a general depiction of the boundaries and features of the Transfer Parcels. The exact boundary of each Transfer Parcel will be determined by a real

estate survey, along with a map and legal description that meets the requirements of the Cumberland County Registry of Deeds.

The Transfer Parcels are located in the former weapons compound area in the southeast portion of the former NASB, east of Ordnance Road. The northern portion of Installation Restoration (IR) Program Site 12 (Site 12), the Explosive Ordnance Disposal (EOD) Area, is located in Parcel EDC-40. The southern portion of Site 12 is located in Parcel REC-10. Parcels EDC-40 and REC-10 together combine to form the Site 12 Land Use Control (LUC) Area. Site 12 was reportedly used through 2004 for the disposal of ordnance and other explosive materials. Parcels EDC-40A and REC-10A are outside and adjacent to the area investigated and remediated as Site 12, between Site 12 and previously-transferred Parcels EDC-18 to the north; REC-7 to the east, south, and west; and the Maine Army National Guard (MEARNG) parcel to the northeast (Figure B-3).

Site 12 was extensively investigated and remediated in accordance with the Navy IR Program, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Military Munitions Response Program (MMRP). Although there are no known munitions items remaining at the site, there is still a low potential for munitions items to be present in the subsurface. Thus, the selected remedy for Site 12 as documented in the 2016 Record of Decision (ROD) includes implementation of LUCs to limit future use of the property (DON, 2015a). The Site 12 LUC boundary is shown in Figure B-4, and the LUCs are discussed further in Sections 3.1, 3.10, and 3.11. The Site 12 LUC boundary is coincident with the current fence line except in the northeast corner, where the fence extends beyond the Site 12 LUC boundary onto the MEARNG parcel.

As shown on Figure B-3, MRRA Parcel EDC-40A abuts previously transferred MRRA Parcel EDC-18 to the west and north and Parcels EDC-40 and REC-10 to the south. Parcel EDC-40A is a mostly-forested area on the north side of Site 12. The parcel contains an embankment of construction and demolition debris that abuts the Site 12 fence and perimeter road (Tetra Tech, 2012a).

MRRA Parcel EDC-40 abuts the MEARNG parcel to the northeast, Parcel REC-10 to the south, and Parcel REC-10A to the east. Parcel EDC-40 comprises the northern part of the Site 12 area within the LUC boundary (Figure B-4). It includes former berm areas that were used for EOD activities, rock outcrops, construction and demolition debris fill, wetlands, re-vegetated grassy areas and most of the pond on the eastern side of Site 12. The "hill" in the northwest part of the parcel comprises natural rock outcrop and fill. Dirt roads are present. Currently most of the parcel is overgrown and not easily accessed.

Town of Brunswick Parcel REC-10 includes the southern part of the Site 12 area within the LUC boundary. The parcel also contains dirt access roads, the former berm areas that were used for EOD activities, rock

outcrops, construction and demolition debris, wetlands, re-vegetated grassy areas and a small part of the pond on the eastern side of Site 12. Former Building 83 (shown on Figure B-4) was located southwest of the berm area and was used as an EOD shelter to protect personnel during detonation activities. It was also referred to as the Control Bunker and was demolished during the Site 12 removal action in 2014 (DON, 2015b). The portion of Parcel REC-10 that abuts Parcel REC-10A is fenced; however, there is no fence separating MRRRA Parcel EDC-40 from Town of Brunswick Parcel REC-10.

Town of Brunswick Parcel REC-10A is comprised of wooded lands located west, south, and east of Site 12. REC-10A is adjacent to Parcel REC-10 to the north, and to land previously transferred to the Town of Brunswick as Parcel REC-7 on the east, south and west. Parcels REC-10 and REC-10A are also overgrown and not easy to access.

There are no known utilities in any of the Transfer Parcels.

2.2 Proposed Reuse

The Reuse Master Plan for the NASB Main Base establishes the overall framework for future reuse and redevelopment of the former NASB and will be implemented by MRRRA (Matrix, 2007). The proposed reuse per the master plan is described in the following sections:

Parcels EDC-40, EDC-40A, REC-10, and REC-10A are located within the Natural Areas District, which is intended to preserve, maintain and enhance existing natural areas for the long-term benefit of the surrounding community. As such, only those uses that would not significantly alter the environment and/or would provide opportunities to experience the environment would be considered, including pedestrian trails, nature and interpretive centers, environmental education, and other non-intrusive passive outdoor recreation and educational uses (Matrix 2007). The Town of Brunswick has requested approval from the U.S. Department of the Interior and the National Park Service to acquire Parcels REC-10 and 10A of the former NASB under a PBC for recreation and natural area uses. MRRRA will acquire Parcels EDC-40 and EDC-40A through an EDC.

The proposed reuse for Parcels EDC-40 and REC-10 is for passive outdoor recreational activities. The proposed reuse for Parcels EDC-40A and REC-10A is similar. The proposed uses are consistent with the Reuse Master Plan, subject to the notices, restrictions, and covenants set forth in this document, and for Parcels EDC-40 and REC-10, subject to the requirements of the Site 12 LUC Remedial Design (RD).

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 Transfer Parcels was compiled from record searches conducted or data generated for the following documents: the Initial Assessment Study (IAS), (Naval Energy and Environment Support Activity [NEESA], 1983); the Environmental Condition of Property (ECP) report (DON Base Realignment and Closure [BRAC] Program Management Office, 2006); the Community Environmental Response Facilitation Act (CERFA) Report (NAVFAC, 2007); the Fourth Five Year Review for NASB (DON, 2015b); the Historical Radiological Assessment (HRA) Report (NAVSEA, 2014); and the Resource Conservation and Recovery Act (RCRA) Partial Closure Reports (Tetra Tech, 2011; 2013) associated with the parcels.

The key documents supporting this FOST include the ROD for Site 12 (DON, 2015a), the LUC RD for Site 12 (DON, 2016a) and the LUC Implementation Plan (LUCIP) for the former NASB (DON, 2016b). Various studies and reports conducted under the Installation Restoration (IR) Program and Munitions Response Program or in support of FOSTS are cited: E.C. Jordan, 1991/1992; DON, 2015 c-e; Tetra Tech, 2009, 2012a-b, 2014; BSE, 2015).

Other Sources included NASB Environmental Department records and databases (for storage tanks, transformers, spills); NASB Public Works (PW) Records and Drawings ranging from 1946 to 2006; Maine Department of Environmental Protection (MEDEP) Spills and Tanks Databases (accessed 2016); NASB PW documents associated with lead-based paint and asbestos (Sanders, 2010); and historical aerial photographs (James W. Sewell, ranging from 1953 to 1997; United States Environmental Protection Agency [USEPA] EPIC analysis, 1987). Personnel interviews with current and former environmental department personnel and on-site visual inspections were also conducted as part of the RCRA closure process. References are cited in Exhibit A.

Detailed environmental recordkeeping, policies, and procedures evolved in the early 1980s as a result of passage of RCRA (1976) and CERCLA of 1980 as amended. The 1983 IAS provided the first detailed documentation of Navy management practices for the use and storage of hazardous substances and storage and disposal of hazardous wastes at the former NASB. Environmental records for the periods prior to this time were less centralized and may not have been retained. Thus, most of the information used to evaluate the environmental management practices and the environmental condition of the property at the former NASB is from the past 30 years.

The following sections discuss the findings, actions, and notification requirements associated with the past storage, release, or disposal of hazardous substances and/or petroleum products or other regulated

materials; and the transfer restrictions warranted to ensure protection of human health and the environment and the environmental restoration process. CERCLA responses on the parcels are summarized in Table B-1. Table B-2 provides a brief checklist of the environmental conditions that apply to the land areas within the Transfer Parcels. Table B-3 lists the locations of existing Navy monitoring wells located on the Transfer Parcels.

3.1 Comprehensive Environmental Response, Compensation and Liability Act

3.1.1 CERCLA Hazardous Substance Notice

In accordance with Title 42, U.S.C. § 9620(h)(3)(A)(i), all deeds transferring federal property must provide notice as to those hazardous substances which it is known, based on a complete search of agency files, were stored for one year or more, released or disposed of on the property in excess of those threshold quantities specified under 40 CFR 373, and all response actions taken to date to address any such releases or disposals.

Munitions and hazardous substances are known to have been released or disposed of in excess of their respective threshold quantities on Parcels EDC-40 and REC-10. Thus, the transfer deeds for these parcels will require a hazardous substance notice. Additional, information about investigation of potential hazardous substance releases on these parcels is provided in Table B-1. Asbestos has been disposed in Parcel 40A. The hazardous substance notice for Parcels EDC-40, EDC-40A, and REC-10 is provided in Exhibit C, which notes (1) the requisite notice of the type and quantity of such hazardous substances; (2) notice of the time the storage, release, or disposal took place; and (3) a description of the remedial action taken, if any.

No hazardous substances are known to have been released or disposed of in excess of their respective threshold quantities on REC-10A.

3.1.2 CERCLA Responses on the Transfer Parcels

CERCLA Responses were associated with one IR Program site and one Area of Potential Interest (AOPI) as shown on Figures B-3 and B-4.

- Parcel EDC-40 – IR Program Site 12, the EOD Area;
- Parcel EDC-40A – Visual Site Inspection (VSI) Debris Embankment Area AOPI;
- Parcel REC-10 – IR Program Site 12, the EOD Area.

The Debris Embankment Area of Potential Interest

Pipes wrapped with suspected asbestos-containing material (ACM) were found in a construction debris area during the April-May 2012 VSI performed by Tetra Tech, Inc. (Tetra Tech) on the mostly wooded lands in the southern portion of the former NASB. The purpose of the VSI was to inspect historically accessible areas for evidence of disposal of non-hazardous or potentially hazardous materials (Tetra Tech, 2012a). The pipes were designated Item K-12, and the location was called the Debris Embankment AOPI, one of seven AOPIs that were investigated further (Tetra Tech, 2014).

The Debris Embankment AOPI is located in Parcel EDC-40A northwest of Site 12, outside the current Site 12 LUC boundary and fence line (Figure B-4). Two pipes wrapped with suspected ACM were found embedded in concrete debris at the base of an embankment of construction and demolition debris. Two samples of the suspected ACM were analyzed by polarized light microscopy (PLM). Both samples tested positive for asbestos. Soil samples were collected to determine if there had been a release to the environment, but no asbestos was found in the soil. The Navy will complete removal or encapsulation of accessible ACM at VSI location K-12 in Spring 2017 prior to signing the final FOST.

Site 12, the Explosive Ordnance Disposal Area

Site 12 EOD Area is an approximately 24-acre site located on the southeast side of the former NASB where small amounts of explosive items were historically treated (by burning or detonation) to render them safe. The area was discussed in the 1983 IAS as the Ordnance Disposal Area, where out-of-date ordnance was burned or detonated (NEESA, 1983) and was initially investigated in the Supplemental Remedial Investigation (RI) (E.C Jordan, 1991). Since then there have been extensive investigations and remedial actions: a Munitions and Explosives of Concern (MEC) Preliminary Assessment (PA) in 2007; a Site Inspection (SI) in 2009; three Time Critical Removal Actions (TCRAs) to remove potentially explosive items; a Munitions Constituents (MC) RI; a MEC RI; and a Feasibility Study (FS), all performed in accordance with CERCLA protocols (Table B-1).

Based on the many assessments and the munitions-related clearance efforts, Site 12 now has a low potential for munitions-related risks. The removal efforts have completely addressed the entire ground surface, the pond area, and the subsurface up to 2 feet below ground surface (bgs) in the berm area. However, residual hazard remains associated with subsurface soil because not all geophysical anomalies were intrusively investigated. Therefore there is a possibility that MEC or Materials Potentially Presenting an Explosive Hazard (MPPEH) items are present in the subsurface. No significant risks to human health and the environment related to chemical releases (e.g., MC) are present at this site from past operations. The ROD for the selected remedy of LUCs was signed in 2015 by the Navy and EPA, with concurrence from MEDEP (DON, 2015a). Further detail is provided in Section 3.5, Munitions and Explosives of Concern.

The Historical Radiological Study

The Navy undertook the assessment of radioactive materials at the former NASB under the authority of CERCLA, which defines radionuclides as hazardous substances (NAVSEA, 2014). All buildings and land areas at NASB were reviewed for the assessment. The HRA designated areas as “impacted” or “non-impacted” by the potential use or disposal of general radioactive materials. Impacted sites are those areas with some potential for residual contamination due to radiological operations, including the use, handling, packaging, or disposal of radioactive materials. A non-impacted site is one with no reasonable possibility of residual radioactive contamination, based on historical documentation or results of previous radiological survey information. None of the Transfer Parcels (EDC-40, EDC-40A, REC-10 and REC-10A) were impacted in the HRA. Therefore there were no concerns related to the potential presence of radioactive materials identified for any of the Transfer Parcels.

3.1.3 CERCLA Responses Not on the MRRRA Parcels but Within 200 Feet

As discussed in Section 3.1.2, CERCLA responses were performed at Site 12, within 200 feet of Parcels EDC-40A and REC-10A, and the Debris Embankment AOPI was performed in Parcel EDC-40A, adjacent to Parcel EDC-40. No other CERCLA responses were performed within 200 feet of the Transfer Parcels.

3.1.4 CERCLA Covenant

Munitions hazards were present, and hazardous substances were stored for one year or more, released or disposed of in excess of their respective threshold quantities on Parcels EDC-40 and REC-10. Hazardous substances were stored for one year or more, released or disposed of in excess of their respective threshold quantities on Parcel EDC-40A. Therefore, in accordance with the requirements and limitations contained in Title 42, U.S.C., Section (§) 9620(h)(3)(A)(ii), the transfer deeds for these parcels will contain a warranty (see Exhibits D-1, D-2, and D-3) that:

- (a) All remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken by the United States, and
- (b) Any additional remedial action found to be necessary after delivery of the Quitclaim Deed shall be conducted by the United States. This covenant shall not apply to the extent that the GRANTEE caused or contributed to any release or threatened release of any hazardous substance, pollutant, or contaminant.

No hazardous substances and no petroleum products or their derivatives are known to have been released or disposed of in excess of their respective threshold quantities on Parcel REC-10A, the buffer zone

adjacent to Site 12. Therefore, in accordance with the requirements and limitations contained in Title 42, U.S.C. § 9620(h)(4)(D)(i), the deed transferring the parcel will contain a covenant warranting that any response action or corrective action found to be necessary after the date of transfer for contamination existing on the property prior to the date of transfer shall be conducted by the United States (Exhibit D-4).

3.1.5 CERCLA Access Clause

Munitions hazards were present, and hazardous substances associated with munitions were released or disposed of in excess of their respective threshold quantities in Parcels EDC-40 and REC-10, which are within the Site 12 LUC boundary. Asbestos, a hazardous substance, was disposed on Parcel EDC-40A. Therefore, in accordance with the requirements and limitations contained in Title 42, U.S.C. § 9620(h)(3)(A)(iii), the transfer deed will contain a clause granting to the United States, its officers, agents, employees, contractors, and subcontractors the right to enter upon the parcel in any case that a response action or corrective action is found to be necessary after the date of transfer as described in Exhibits D-1, D-2, and D-3.

The transfer deeds will also contain a clause granting to the State of Maine its officers, agents, employees, contractors, and subcontractors the right to enter upon the Transfer Parcels in the case that a response action or corrective action is found to be necessary after the date of transfer, as described in Exhibits D-1, D-2, and D-3.

No hazardous substances and no petroleum products or their derivatives are known to have been released or disposed of in excess of their respective threshold quantities on Transfer Parcel REC-10A. Therefore, in accordance with Title 42, U.S.C. § 9620(h)(4)(D)(ii), the deed transferring the parcel will contain a clause granting the United States access to the property in any case in which a response action or corrective action is found to be necessary after the date of transfer of the property, or when such access is necessary to carry out a response action or corrective action on adjoining or nearby property (Exhibit D-4).

The transfer deed will also contain a clause granting to the State of Maine its officers, agents, employees, contractors, and subcontractors the right to enter upon the Transfer Parcels in the case that a response action or corrective action is found to be necessary after the date of transfer, as described in Exhibit D-4.

3.2 Resource Conservation and Recovery Act

The former NASB was a large quantity generator as defined by the 1984 Hazardous and Solid Waste Amendments to the RCRA of 1976 and was assigned USEPA ID Number ME8170022018. RCRA authority was delegated by the USEPA to the State of Maine. The RCRA Facility was defined as the former NASB

Main Base. The former NASB RCRA Facility needed to be 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. Therefore, the Navy prepared RCRA Partial Closure Reports to close the individual buildings, structures, and land areas that comprise the former Main Base.

The RCRA closure activities performed on the Transfer Parcels are described in detail in the associated RCRA Partial Closure Report for the Weapons Magazine Area and Building 83, Explosive Ordnance Disposal Area Shelter (Tetra Tech, 2011). The report documents 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 closure for Parcels EDC-40A and REC-10A was conducted as part of the Weapons Magazine Area and Building 83 study. The review of historic maps and aerial photos conducted for the RCRA closure included Site 12. However, except for Building 83 located in Parcel REC-10, the land comprising Site 12, Parcels EDC-40 and REC-10 was excluded from the 2011 RCRA closure conclusions and certifications because Site 12 was being addressed under the IR Program.

The "ORD DISP AREA" is identified on the 1957 base plan at the Site 12 location, and but only two small cleared areas were visible in a 1958 aerial photograph and most of the area was still vegetated. The 1978 aerial shows the cleared Site 12 area with an apparent berm. Building 83 first appeared in aerial photographs in 1981. The aerial photographs from 1984, 1989, and 1993 show the area as cleared and with various berm configurations. The Building 83 was a single story, corrugated metal structure covered with earth used to shelter personnel during detonations. A wooden observation tower stood west of the door. At the time of the RCRA inspection in 2011 the building was empty, and there was no evidence of hazardous waste generation, residues or storage activity or of a past release. Building 83 was demolished circa 2014 during removal action activities at Site 12.

Based on the findings presented in the RCRA Partial Closure Report for the Weapons Magazine Area and Building 83, EOD Area Shelter, no hazardous waste generation was documented on Parcels EDC-40A and REC-10A (areas outside the Site 12 LUC boundary) or at former Building 83 located within Parcel REC-10. The hazardous waste closure was completed in accordance with provisions of the MEDEP Regulations Chapter 781, Standards for Generators of Hazardous Waste Section 11, and was included in the RCRA Closure Summary Report for Former NASB, Maine (Tetra Tech, 2013) that was accepted by MEDEP in a letter dated June 17, 2013.

3.3 Presence of Petroleum Products and Derivatives

There was no evidence that petroleum products have been used, stored or managed on Parcels EDC-40, EDC-40A, REC-10, or REC-10A. There is no reported use of petroleum products associated with Site 12. Although extractable petroleum hydrocarbons were detected in groundwater at low concentrations, levels were below the Maine Maximum Exposure Guidelines.

No known or suspected petroleum releases that originated on the Transfer Parcels were identified.

3.4 Underground/Aboveground Storage Tanks and Oil-Water Separators

There are no known underground storage tanks (USTs) or above-ground storage tanks (ASTs) located on the Transfer Parcels. There are no known current or former oil-water separators (OWSs) on the Transfer Parcels.

3.5 Munitions and Explosives of Concern

Site 12 EOD Area was reportedly used from 1981 through June 2004 for disposal of small quantities of ordnance, pyrotechnics, privately manufactured explosive devices, and war souvenirs. Based on review of historical maps and aerial photographs, it was likely used before that time. It was reported by E. C. Jordan that between 1984 and 1989, it had been used for 6 “burns” for ordnance disposal and training (E.C. Jordan 1991). It was designated a Class D disposal site in 1990 with a maximum limit of 25-pound net explosive weight (NEW). In 2000 it was designated a training area with a 5-pound NEW, but in 2002 it was restored to a Class D with the 25-pound NEW until 2004, when EOD activities were officially terminated at the former NASB (BSE, 2015).

Significant features of the site included a 5- to 6-foot high circular berm and an earth-covered bunker (Building 83), both located in the central portion of the site. The “berm area” (shown on Figure B-4) includes the former berm, which was removed in 2014, and the surrounding land containing suspected berms identified on historical aerial photographs. A steep hill is located in the northern portion of the site, and two small ponds connected by a marshy area are present in the east portion of the site. The pond area was partially filled in with stumps and dirt related to grading and construction of the EOD area in the early 1980s. The site was also used for landfilling of non-munitions construction and demolition debris.

Multiple environmental investigations and removals have been performed at Site 12 as part of the Navy’s IR Program conducted under CERCLA. The following provides a chronological summary of investigations and removals, condensed further in Table B-1:

- The initial investigations including surface and subsurface unexploded ordnance (UXO) surveys were conducted in 1990 (E.C. Jordan, 1991, 1992). The berm area was confirmed to contain MEC. Two small presumed detonation craters and a dumpster were identified in the berm area. Three test pits were excavated within the berm area. A used solid rocket-fuel booster (a Jet Assisted Take Off [JATO] bottle) was unearthed, and similar devices were observed just outside the berm area. No explosives or explosive by-products were reported in soil samples, but several inorganics were reported at concentrations below background levels. Low levels of mercury, nitrate/nitrite, and nitrogen were detected, consistent with the limited EOD activity reported at Site 12 (DON, 2015d).
- The MEC PA prepared by Malcolm Pirnie (2007) summarized the history of munitions used and provided the results of a visual survey, an assessment of current conditions, and a conceptual site model (CSM). The PA concluded that the entire Site 12 EOD Area was an area suspected to contain MEC and munitions constituents (MC) and recommended an SI.
- The SI Report (Tetra Tech, 2009) described the MEC field activities including non-intrusive, detector-aided analog surface surveys and digital geophysical surveys (DGS) used to find suspect surficial and subsurface munitions items. Suspect MEC items (two smoke grenades, one cartridge, an unidentified item suspected to be a JATO M8 rocket motor and munitions fragments) were found on the ground surface. The magnetic anomaly density around the berms was moderate to high during geophysical surveying and was more extensive than anticipated. Further investigation was recommended and was subsequently performed as part of a TCRA.
- The TCRA Report (Tetra Tech, 2012b) summarized the MEC removal action conducted in 2009. The TCRA addressed approximately 20 accessible acres, excluding the pond. Numerous munitions items were encountered and, if necessary, detonated via donor charge and containerized for off-site recycling/disposal. Subsurface investigations via trenching with a shielded excavator confirmed the presence of subsurface munitions-related items. MEC/MPPEH, and material documented as safe (MDAS) identified in surface soil or subsurface soil included an inert bomb, multiple fuzes and components, cartridge cases with live primers, practice grenades, smoke grenades with and without fuzes, an empty mortar, bulk propellant filler, projectiles with and without fuzes, a gator mine (labeled inert), rocket motors, aircraft rocket warheads, an electric blasting cap, a practice mortar, torpedoes, JATO bottles, demilitarized small arms, and various munitions-related fragments and scrap. Surface clearance was conducted at all accessible areas of Site 12 during the TCRA. Subsurface clearance was limited to the test trenches during this event. Non-munitions debris identified included approximately 1,800 pounds of rebar-reinforced concrete, concrete culverts, and scrap sheet metal.

- The 2015 Site 12 RI Report for MC consolidated analytical data collected between 2012 and 2014 (DON, 2015e). In 2012, a bedrock fracture trace analysis was conducted, and groundwater, soil, sediment, and surface water samples were collected. In November 2013, the Navy resampled and reanalyzed a subset of the 2012 soil samples to confirm the usability of the original explosives data set for project decision-making, to assess whether laboratory procedures may have caused artificially elevated total chromium results for some samples; and to determine chromium speciation (trivalent chromium vs hexavalent chromium). In 2014 additional groundwater sampling as well as a hydrologic study of the connection between groundwater and the wetland area west of the berm area were completed.

As part of the MC RI, ecological and human health risk assessments were completed, and the 2012 soil data were reevaluated with respect to the findings of the 2013 and 2014 sampling events. Nitroglycerine was the only explosive carried through the risk assessments but was not retained as a chemical of concern (COC). Chromium (total), hexavalent chromium, and explosives were not retained as human health or ecological COCs at any of the soil-related decision units. Also, no chemicals were retained as COCs for sediment associated with the site pond or the western wetland. Human health and ecological risks were acceptable for chemicals in site soil and pond sediment. Therefore, no further action was recommended for MC in surface water, soil, and sediment (DON, 2015e). For groundwater, 2014 data confirmed that cobalt concentrations were attributable to background. The risk assessment identified manganese as the only inorganic detected at concentrations that presented an unacceptable risk to hypothetical residents exposed to groundwater used as drinking water. However, the source of manganese is uncertain. Manganese is not typically expected as a contaminant at a munitions site, and there are no other metal or organic COCs at this site. The background concentration at NAS Brunswick for manganese exceeds the United States Environmental Protection Agency (USEPA) tap water Regional Screening Level; therefore, a portion of the risk from manganese exposure to groundwater is attributable to regional sources (i.e., background). Therefore, no further action was recommended for groundwater (DON, 2015e).

- USA Environmental, Inc., conducted a MEC RI in 2013. The MEC RI was designed to detect and map subsurface metallic anomalies in all accessible areas of the site, excluding the berm area, the pond, the exposed rock/rock faces, slopes too steep to walk on, and the LUC fence line (DON 2015e). Digital Geophysical Mapping (DGM) was used to detect and map subsurface metallic anomalies except in the wooded areas surrounding the pond. Over 1,000 initial targets were identified. Based on statistics and professional judgment, 234 of the anomalies were selected for intrusive investigation—a complete subsurface clearance was not conducted. Of the investigated targets, 43 were munitions related, primarily munitions fragments from EOD

operations. Two MPPEH items, one 20mm projectile and one 40mm smoke grenade, were identified during the MEC investigation and removal, along with many MDAS and non-munitions items (cultural debris) such as trash, scrap metal debris, rebar, and culvert material, and construction debris. Munitions-related items were found primarily within the top 6-inches of the ground surface. All munitions-related items were removed from the site along with smaller cultural debris items. Larger cultural debris items and several areas identified as site hazards remain on site. A pipe with asbestos embedded in concrete was also identified near the pond.

- During the 2013 MEC RI the wooded areas adjacent to the pond were investigated by full grid clearance of metallic anomalies using hand-detect and dig (Analog & Dig) techniques rather than DGM. Approximately 2,293 anomalies were investigated and removed, of which 283 were munitions debris (MD). MD was found on the surface and within the top 6 in of soil and consisted of small and medium sized munitions fragments and cartridge actuated devices (CAD) remnants. These fragments were more heavily concentrated in the grids closest to the EOD berm area. No MEC or MPPEH was found within this area of investigation.

- In 2014, the pond munitions TCRA was performed by USA Environmental. After dewatering, the pond area underwent various instrument and geophysical scans to locate materials that might present an explosive hazard. The debris piles at the edges of the pond were hand searched for munitions. The debris area that was located at the south end of the pond included munitions-related debris such as floor racks for bombs and expended JATO bottles. DGM was performed to locate any remaining anomalies within the dewatered footprint of the pond. The 188 DGM target anomalies identified were all resolved by intrusive investigation. The MEC found in the pond consisted of 42 discarded (undamaged) MK80 Hand-fired Signal Flares and 4 discarded JAU-22/B Initiators. Thirty-five of the MK80s were found together, apparently from a discarded box of these items. The initiators are small non-fragmenting explosive devices used to push or eject objects from military aircraft. The ACM wrapped pipe near the pond was removed at this time.

Based on results of the 2013 MEC RI and 2014 Pond TCRA, fragments and kick-out materials were found only in the shallow surface soil across the site and were more concentrated closer to the berm area. Very little MEC was found to be intentionally deposited within the pond, and no areas of buried munitions were discovered anywhere within the Site 12 boundary. Furthermore, after completion of the remediation of the pond and the wooded area around the pond, those areas were now considered “cleared”, and all detected debris on the surface and subsurface had been removed (DON, 2015e).

- In 2014, a TCRA was conducted by Bering Sea EccoTech (BSE) in the berm area of Site 12. The existing berm was excavated to grade, during which one MPPEH item (a 5-in warhead) and a concentrated area of munitions debris were found. The entire berm area was excavated to 2 feet bgs or bedrock, and the soil was screened or processed to remove MEC, MPPEH and other debris. One MEC item (blasting cap), 60 MPPEH items, and 177 small arms ammunitions were recovered in the soil or during confirmatory intrusive investigations. The MEC and MPPEH items were disposed of by demolition. A total of 3,400 lbs of munitions debris was confirmed to be free of explosive residues and certified as MDAS. The MDAS was demilitarized and transported offsite for disposal. A geotextile liner was placed near the bottom of the excavation before it was backfilled with soil verified to be free of MEC. A detectable magnetic underground warning tape was placed along the perimeter of the liner to demarcate the horizontal extent of the liner. There is a low likelihood of finding MEC in the soil below the installed liner. Therefore the explosive hazard to receptors was considered very low (BSE, 2015).

- Qualitative MEC Hazard Assessments (HAs) were performed as part of the FS to assess explosive hazards to human receptors at Site 12 (DON, 2015c). The MEC HAs consider the likelihood that a human receptor will come in contact with a MEC item; the likelihood that a human receptor will interact with a MEC item such that it will detonate; and the potential consequences of a MEC item that detonates. The scores are based on the locations and relative quantities of MEC/MPPEH and MDAS found at the site; the degree of clearance performed (complete clearance vs partial clearance); the munition fragmentation distances, the public accessibility, and the potential for MEC items to migrate to the surface via disturbances by human receptors or erosional forces such as heavy rain or frost heave.

The MEC HA scores are used to assign sites to Hazard Levels 1 through 4. Hazard Level 1 represents sites with the highest potential for explosive hazard where there may be an imminent threat, and Hazard Level 4 represents sites with conditions that are compatible with current or future use, typically where MEC removals have occurred or MEC is only present in the subsurface.

Considering removal actions taken and current and proposed land use, the MEC HA scores for Site 12 resulted in Hazard Levels of 4, indicating that the Site has a low potential for explosive hazard conditions. In the berm area, the score reflected the extensive surface and subsurface removal efforts conducted to date. For the kick-out areas, the score reflected the complete clearance of the ground surface and low probability that MEC/MPPEH are present in the subsurface as supported by data from intrusive investigations. Under the three alternatives evaluated in the FS (No Action, LUCs and Total Removal), the MEC HA scores all corresponded to Hazard Level 4.

- As presented in the 2015 ROD for Site 12, the Selected Remedy for Site 12 includes implementation of LUCs to ensure that future use of the property is limited to non-intrusive, passive, outdoor, recreational uses (e.g., hiking, jogging, bird watching, and hunting), to ensure that intrusive activities do not occur at the site, and to inform the public about site hazards via a public education program and posting of caution/unexploded ordnance (UXO) hazard warning signs at the site (DON 2016a).

3.6 Asbestos-Containing Material

There are no current buildings, underground pipelines or utilities, or transformers on the Transfer Parcels. As previously noted, two pipes wrapped with suspected asbestos-containing material (ACM) were found embedded in concrete debris at the base of the Debris Embankment located in Parcel EDC-40A northwest of Site 12, outside the Site 12 LUC boundary and fence line (Tetra Tech, 2012). Two samples of the suspected ACM (pipe covering and thermal systems insulation [TSI]) were collected for asbestos analysis by PLM. Both samples tested positive for asbestos (greater than 1%). The black fibrous pipe covering contain 6% chrysotile, and the TSI contained 6% chrysotile and 8% amosite asbestos. Two surface soil samples were collected beneath the pipes to determine if there had been a release to the environment. Samples were analyzed by PLM, but no asbestos was detected in the soil. The investigation showed that the soil beneath the ACM-wrapped pipes had not been impacted with asbestos. The Navy will complete removal or encapsulation of accessible ACM at VSI location K-12 in Spring 2017 prior to signing the final FOST.

During the Site 12 MEC RI and Pond Removal Action, removal contractor USA Environmental discovered another section of a steel pipe with concrete encasement that had ACM insulation exposed to view on the interior of the pipe. The pipe was located in the northern part of Parcel EDC-40 near the pond (DON, 2015e). In September 2014, a Maine-licensed asbestos contractor, R.J. Enterprises, Inc., assessed and prepared the steel conduit with asbestos transite pipe and TSI for transport and disposal at an EPA-approved facility. The ends of the pipe were cleaned and sealed, and the concrete was broken off the pipe using an excavator before it was wrapped and transported in accordance with federal and state rules and regulations (DON, 2015e).

An Asbestos Hazard Disclosure form is provided as Exhibit E.

3.7 Lead-Based Paint

There are currently no buildings or structures on the Transfer Parcels. There is no known or suspected lead-based paint on the parcels.

3.8 Polychlorinated Biphenyls

There are currently no buildings or transformers on the Transfer Parcels. There is no known or suspected use or release of polychlorinated biphenyls on the parcels.

3.9 Pesticide Notification

The Transfer Parcels may contain pesticide residue from pesticides that may have been applied in the management of the property. A pesticide notification will be provided in the transfer deeds, as described in Exhibit D.

3.10 Environmental Notices, Restrictions, and Covenants

Based on the current environmental condition of the Transfer Parcels as described in this FOST, certain environmental notices, restrictions, and covenants will be included in the transfer deeds to ensure the protection of human health and the environment and to prevent the interruption of any environmental restoration activities to be conducted by the Navy, if required. Exhibit D contains the environmental notices, restrictions, and covenants for the Transfer Parcels: MRRRA Parcels EDC-40 (Exhibit D-1) and EDC-40A (Exhibit D-2); and Town of Brunswick Transfer Parcels REC-10 (Exhibit D-3) and REC-10A (Exhibit D-4).

3.11 Environmental Compliance Agreements/Permits/Orders

The former NASB (Main Base) is a National Priorities List (NPL) site under CERCLA of 1980, as amended. Thus, the Transfer Parcels on the Main Base are subject to the NASB Federal Facility Agreement (FFA), October 1990, as amended, that was signed by the Navy, USEPA, and MEDEP (DON, USEPA, MEDEP, 1990). As indicated in Exhibits D-1 through D-4 of this FOST, the terms of the transfer deeds for parcels on the Main Base do not affect the rights and obligations of parties under the FFA.

The reuse of Transfer Parcels EDC-40 and REC-10, which are within the Site 12 LUC boundary, is subject to the requirements of the CERCLA ROD (DON, 2015a) signed by USEPA and Navy, and the LUC RD (DON, 2016a). The Site 12 LUC RD is included as Exhibit F of this FOST. The LUC performance objectives are as follow:

- Prevent use of the site for anything other than non-intrusive passive recreational activities.

- Prohibit any kind of intrusive activities below the ground surface within the LUC boundary without prior written approval.
- Protect any future monitoring or remediation and monitoring systems/components.

The LUCs that must be implemented within the Site 12 LUC boundary are as follow:

- Prohibit use of the site for anything other than non-intrusive passive recreational activities. Only those recreational uses of the site that would not significantly alter the environment will be permitted (e.g., hiking, jogging, bird watching, and hunting). Residential, industrial/commercial, intrusive recreational, and agricultural uses will be prohibited.
- Prohibit any kind of intrusive activities, below the ground surface within the LUC boundary unless prior written approval is obtained from the Navy, USEPA, and MEDEP.
- Protect and maintain the integrity of all current and future remediation and monitoring systems/components.

The LUC RD also specifies in detail the implementation actions that will be performed to ensure that the LUC performance objectives are met in accordance with the ROD and the FFA. These implementation actions include preparing maps of the Site 12 LUC boundaries and LUCs for the Grantees and the Town of Brunswick land record, planning and development, and public works offices and issuing letters to property owners to request confirmation of compliance with the LUCs. In addition, caution/UXO hazard warning signs must be posted and maintained along the existing fence or nearby trees. A public educational program to warn the visiting public of the potential presence of ordnance, the importance of not disturbing (yet reporting) suspect items observed within the LUC boundary, and the importance of not conducting intrusive activities at the site must also be implemented. Monitoring, notification, and enforcement actions as specified in the LUC RD will be performed by the Navy. The Navy may in the future delegate or transfer authority to conduct these actions to another entity as part of property transfer agreements (e.g., deeds).

The LUC RD indicates that in addition to these requirements, transfers of any property upon which LUCs have been implemented will require an enforceable environmental covenant that complies with applicable requirements of Maine Revised Statute Title 38, Chapter 31: Uniform Environmental Covenants Acts (UECA). State of Maine may enter into a UECA agreement with the Grantees at the time of property transfer.

There are no other environmental compliance agreements, permits, or orders associated with the Transfer Parcels.

3.12 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 the NASB, references are available upon request from the Navy Caretaker Site Office located in Building 53 at the former NASB and the Navy BRAC Program Management Office East, located in Philadelphia, PA.

3.13 Notification to Regulatory Agencies and Public

The MEDEP and the USEPA have been advised of the proposed transfer. The USEPA and MEDEP have reviewed this FOST and its exhibits, and their comments on this FOST have been incorporated or otherwise addressed as detailed in Exhibit G. The FOST was made available to the public at the Curtis Memorial Library for a review period starting January 24, 2017, and ending February 24, 2017. Notice of the availability of this FOST was provided in the Times Record (of Brunswick, Maine) on January 23, 2017.

Copies of all transfer deed documentation will be made available to the USEPA and MEDEP representatives upon request after execution of the same.

4.0 FINDING OF SUITABILITY TO TRANSFER

Based on the information contained in this FOST, and the notices, restrictions, and covenants that will be contained in the transfer deeds, the Transfer Parcels are suitable for transfer.

Date

David H. Hellman
Deputy Director
NAVFAC BRAC Program Management Office

EXHIBIT A
References

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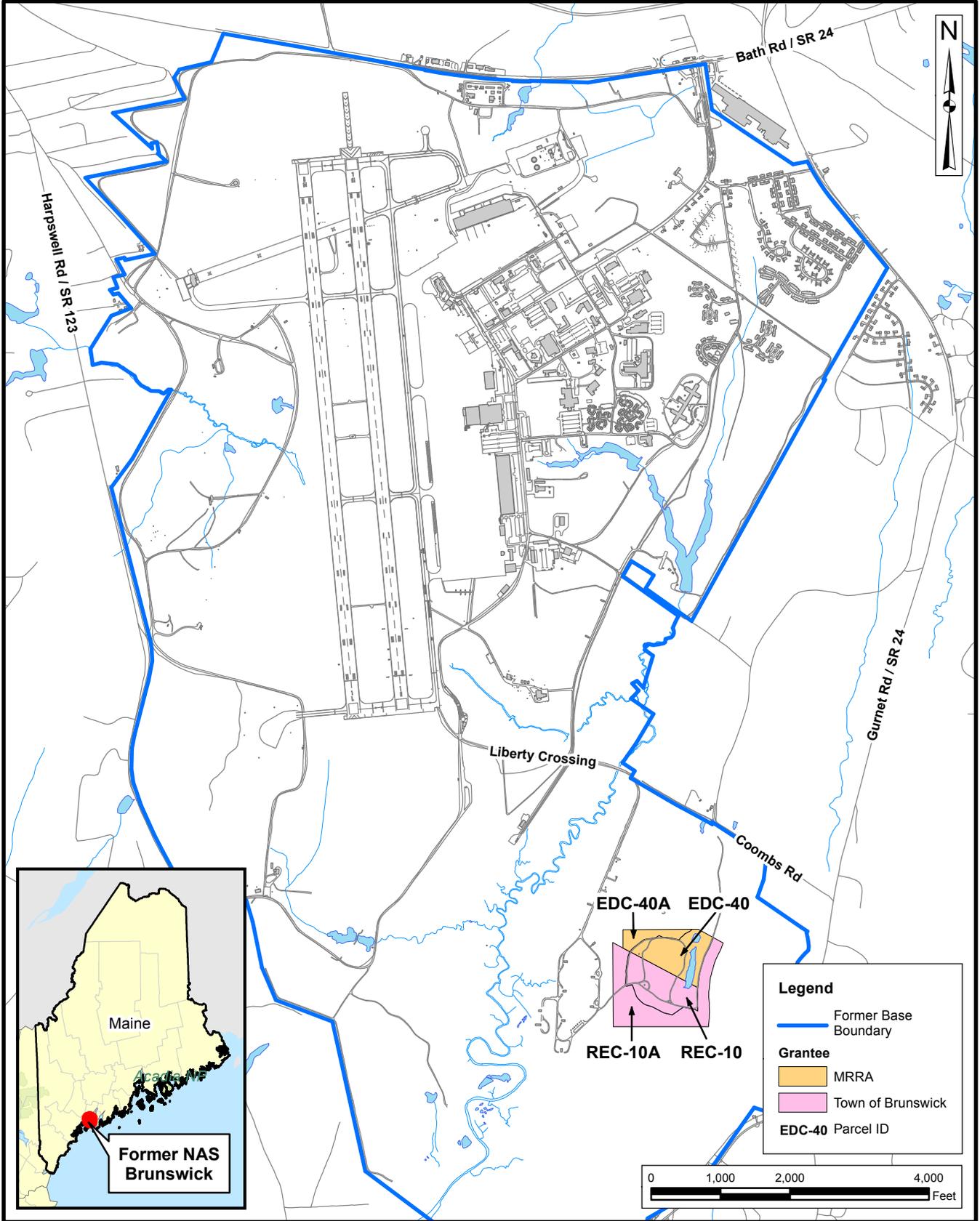
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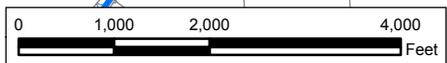
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EXHIBIT B
Figures and Tables



Legend

- Former Base Boundary
- Grantee MRRA
- Grantee Town of Brunswick
- EDC-40 Parcel ID



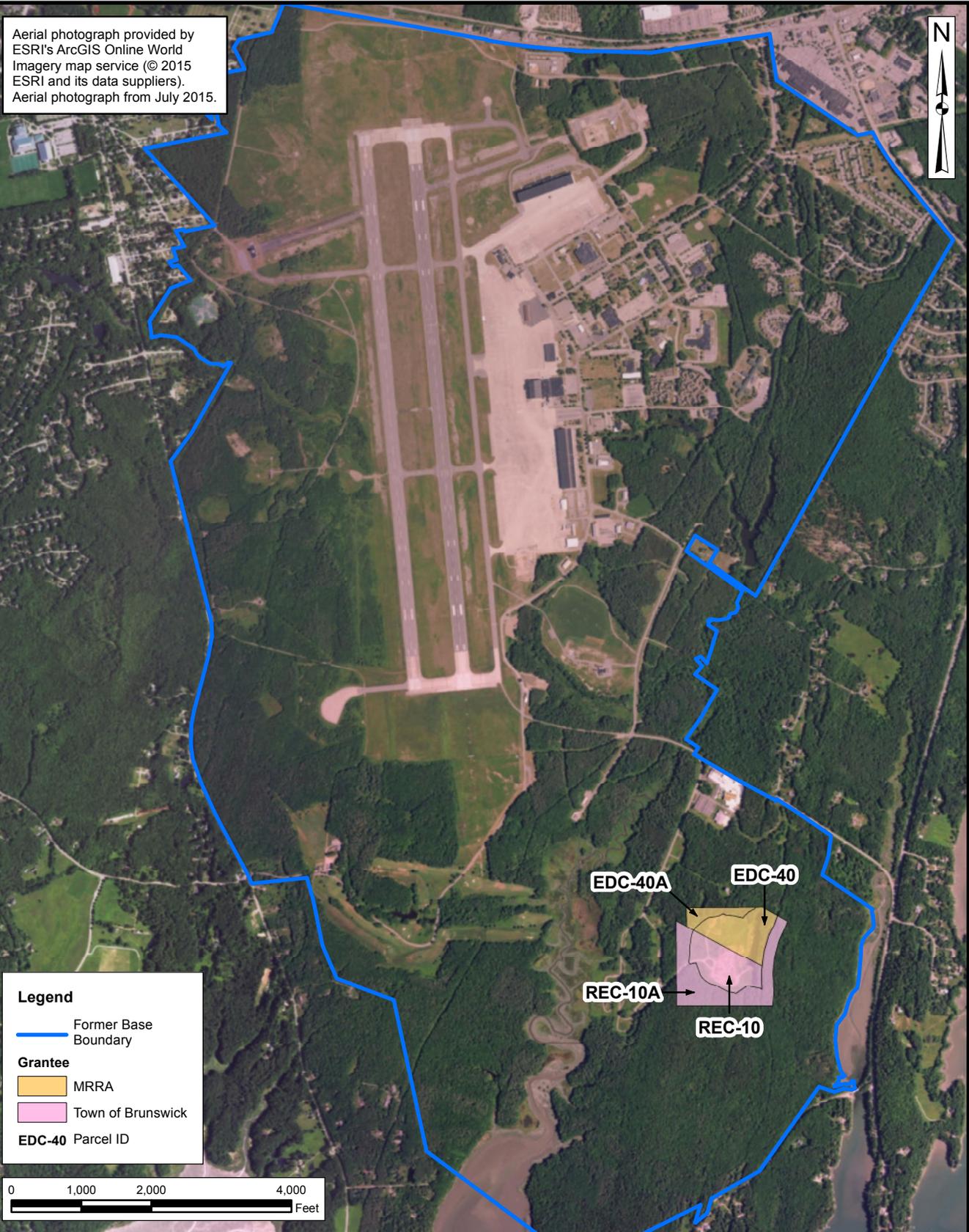
FORMER NAVAL AIR STATION BRUNSWICK
BRUNSWICK, MAINE

LOCATION MAP

FOST 2017-1 TRANSFER PARCELS
FINDING OF SUITABILITY TO TRANSFER

SCALE PER SCALE BAR	
FILE P:_FOST_2017-1_LOCATION_MAP.MXD	
REV	DATE
0	11/30/16
FIGURE NUMBER	
B-1	

Aerial photograph provided by ESRI's ArcGIS Online World Imagery map service (© 2015 ESRI and its data suppliers).
Aerial photograph from July 2015.



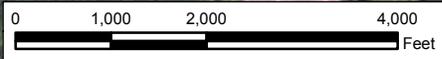
Legend

- Former Base Boundary

Grantee

- MRRA
- Town of Brunswick

EDC-40 Parcel ID

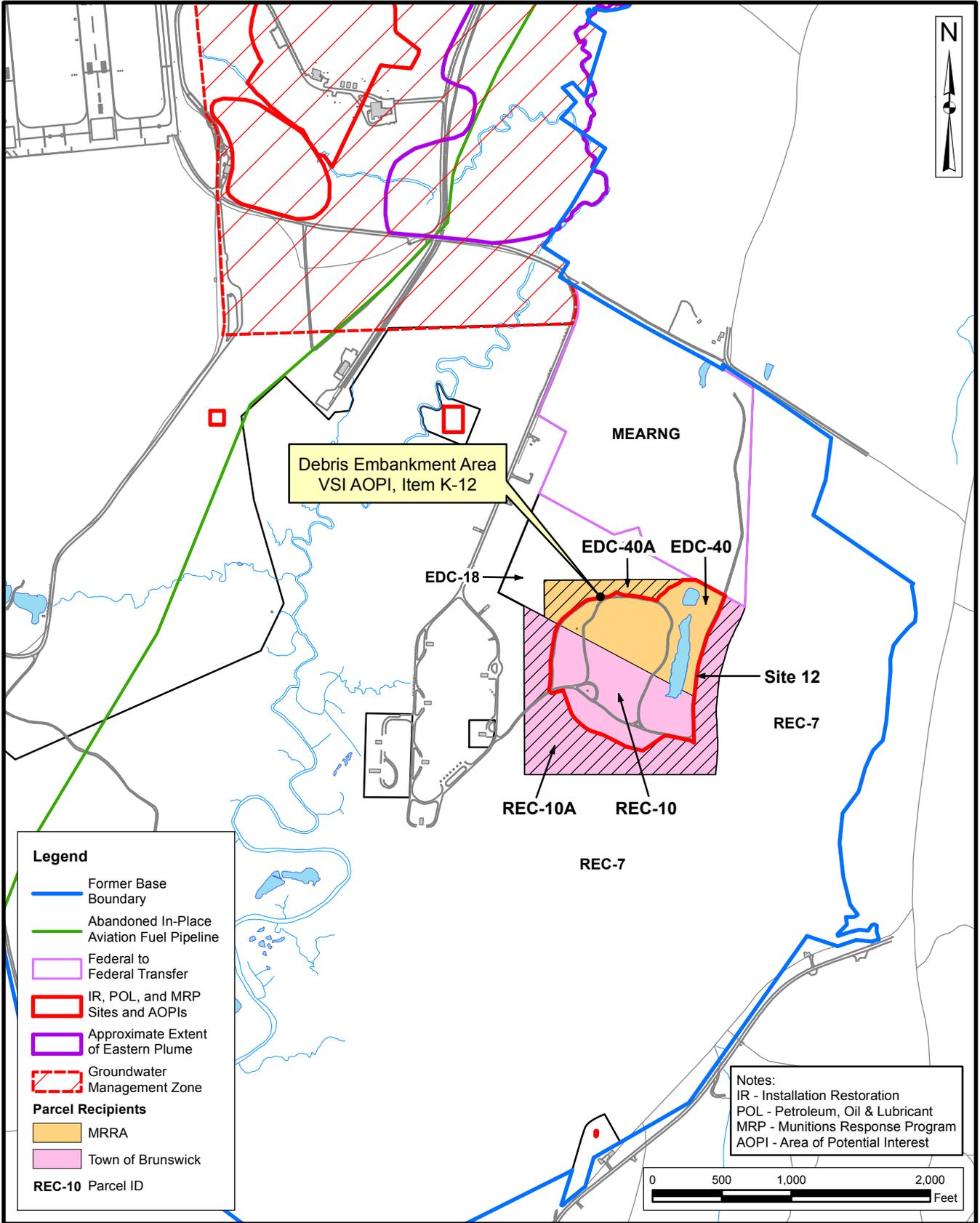


FORMER NAVAL AIR STATION BRUNSWICK
BRUNSWICK, MAINE

AERIAL MAP

FOST 2017-1 TRANSFER PARCELS
FINDING OF SUITABILITY TO TRANSFER

SCALE PER SCALE BAR	
FILE P:_FOST_2017-1_LOCATION_AERIAL.MXD	
REV	DATE
0	11/30/16
FIGURE NUMBER B-2	



Legend

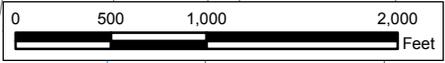
- Former Base Boundary
- Abandoned In-Place Aviation Fuel Pipeline
- Federal to Federal Transfer
- IR, POL, and MRP Sites and AOPIs
- Approximate Extent of Eastern Plume
- Groundwater Management Zone

Parcel Recipients

- MRRA
- Town of Brunswick

REC-10 Parcel ID

Notes:
 IR - Installation Restoration
 POL - Petroleum, Oil & Lubricant
 MRP - Munitions Response Program
 AOPI - Area of Potential Interest



FORMER NAVAL AIR STATION BRUNSWICK
 BRUNSWICK, MAINE

**ENVIRONMENTAL SITE LOCATIONS
 MAIN BASE SOUTH**

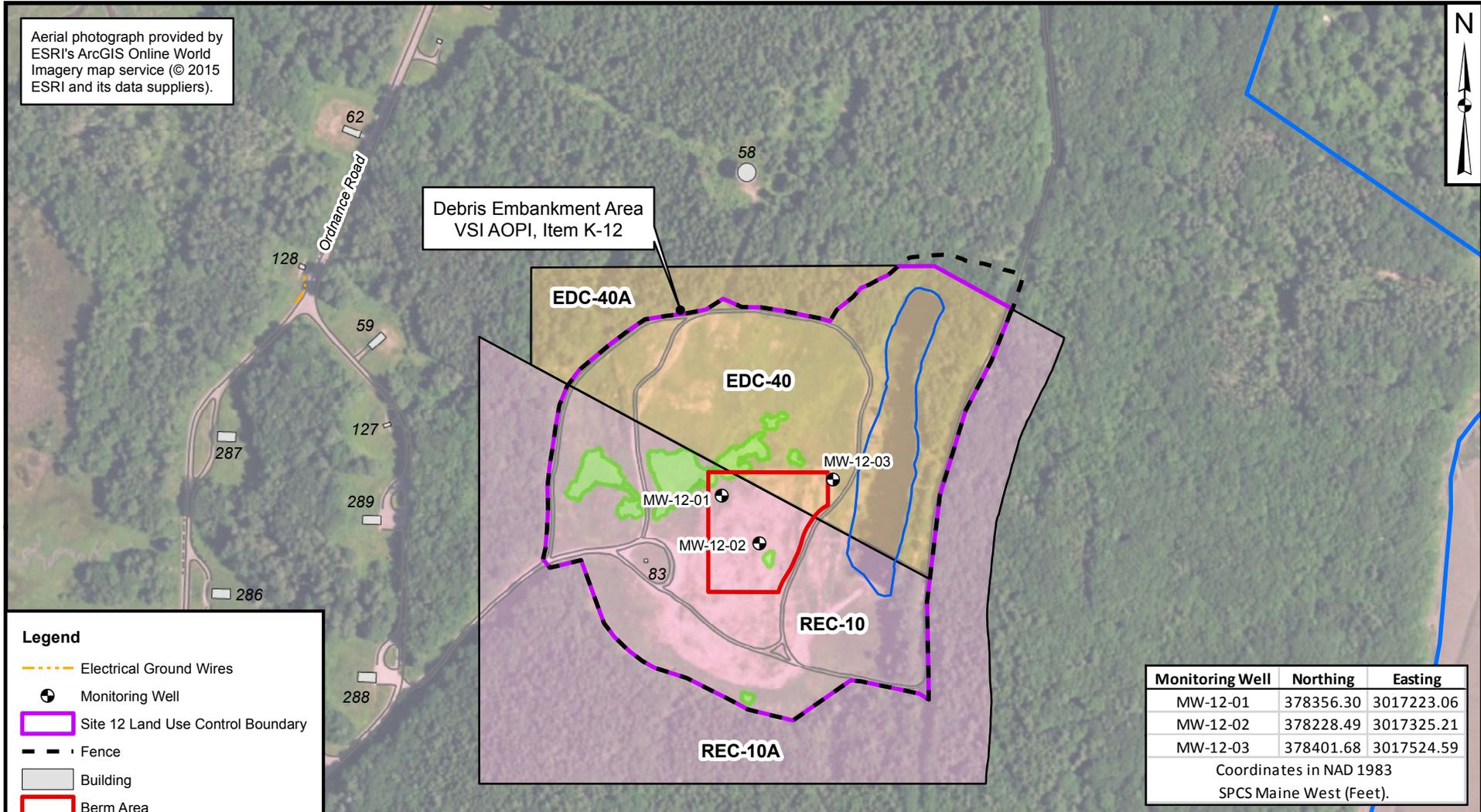
FOST 2017-1 TRANSFER PARCELS
 FINDING OF SUITABILITY TO TRANSFER

SCALE PER SCALE BAR	
FILE PL_FOST_2017-1_FEATURES_MAP_2.MXD	
REV	DATE
1	01/11/17
FIGURE NUMBER B-3	

Aerial photograph provided by ESRI's ArcGIS Online World Imagery map service (© 2015 ESRI and its data suppliers).



Debris Embankment Area
VSI AOP1, Item K-12



Legend

- Electrical Ground Wires
- Monitoring Well
- Site 12 Land Use Control Boundary
- Fence
- Building
- Berm Area
- Wetland, Approximate (Fall 2012)
- Pond
- Curb Line
- Former Base Boundary

Parcel Recipients

- MRRA
- Town of Brunswick

EDC-40 Parcel ID

Monitoring Well	Northing	Easting
MW-12-01	378356.30	3017223.06
MW-12-02	378228.49	3017325.21
MW-12-03	378401.68	3017524.59
Coordinates in NAD 1983 SPCS Maine West (Feet).		



FORMER NAVAL AIR STATION BRUNSWICK
BRUNSWICK, MAINE

FEATURES MAP
PARCELS EDC-40, EDC-40A, REC-10 AND REC-10A

FOST 2017-1 TRANSFER PARCELS
FINDING OF SUITABILITY TO TRANSFER

SCALE PER SCALE BAR	
FILE PL_FOST_2017-1 PARCEL_LOCATION.MXD	
REV 1	DATE 11/30/16
FIGURE NUMBER B-4	

**TABLE B-1
SUMMARY OF ENVIRONMENTAL SITES ON OR NEAR
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, MAINE
PAGE 1 OF 5**

Site Number and Name	Location	Site Concern	Investigation and Remedial Action Summary and Status	Site-Specific Restrictions	Site Impact on Subject Property
Debris Embankment Area Visual Site Inspection (VSI) Area of Potential Concern (AOPI)	Within EDC-40A on the northwest perimeter of IR Site 12, outside of the fence. The location was identified as Item K-12 in the VSI report.	During the 20912 VSI, two pipes wrapped with suspected ACM were found embedded in concrete debris at the base of a construction debris embankment.	<p>Two samples of suspected ACM in exposed pipe covering and thermal systems insulation were analyzed by polarized light microscopy, Both samples tested positive for asbestos. The black, fibrous pipe covering material contained 6% chrysotile asbestos. The white, fibrous insulation material contained 4% chrysotile and 8% amosite asbestos.</p> <p>No asbestos was detected in either of two surface soil samples collected from beneath the two ACM-insulation wrapped pipes. The AOPI Investigation results showed that the surface soil beneath the two ACM-wrapped pipes had not been impacted by asbestos, but it is was recommended that the accessible pipe insulation be removed by a Maine-licensed asbestos abatement contractor in the VSI AOPI report.</p>	<p>If the pipes cannot be removed due to their position in the rubble, the accessible ACM should be removed and the pipes sealed or encapsulated to prevent a release of asbestos to soil, and an ACM hazard warning sign should be posted on the pipes prior to property transfer.</p> <p>Disturbance of the construction debris embankment on Parcel EDC 40A is prohibited without prior Navy approval because the embankment supports the road on Parcel EDC-40 (Site 12). The prohibition will also minimize the potential for any future exposure to currently inaccessible ACM.</p>	No impact to EDC-40A pending removal or encapsulation of accessible ACM and implementation of the no disturbance restriction for the construction debris embankment.

**TABLE B-1
SUMMARY OF ENVIRONMENTAL SITES ON OR NEAR
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, MAINE
PAGE 2 OF 5**

Site Number and Name	Location	Site Concern	Investigation and Remedial Action Summary and Status	Site-Specific Restrictions	Site Impact on Subject Property
IR Site 12 Explosive Ordnance Disposal Area (MMRP)	IR Site 12 is located within Parcels EDC-40 and REC-10. Parcels EDC-40A and REC-10A are adjacent to Site 12.	<p>The deactivated explosive ordnance disposal (EOD) area was used until 2004. Munitions and explosives of concern were potentially present. Construction debris was also disposed.</p> <p>A pipe embedded in concrete with suspected ACM insulation and coating was identified near the Pond (Parcel EDC-40) during the MEC RI.</p>	<p>Investigations and remedial actions taken at Site 12 are described as follow:</p> <p>1990-1992: Surface and subsurface munitions surveys and munitions clearance conducted; test pits excavated. No explosives or explosive by-products were detected in soil, and low concentrations of inorganics were detected.</p> <p>2007: Preliminary Assessment concludes MEC present within berm mound and potentially outside.</p> <p>2009: Site Inspection confirmed presence of MEC on ground surface and subsurface anomalies suspected to be munitions.</p> <p>2012: MEC time-critical removal action (TCRA) conducted to mitigate potential exposure to surface munitions explosive hazards. MEC/MPPEH, MDAS, and non-munitions-related items found. The TCRA resulted in clearance of all accessible ground surface excluding the pond area and confirmed presence of subsurface munitions-related items.</p> <p>2012: Fracture trace analysis conducted. Groundwater study to determine if past disposal of construction debris and EOD operations at the site had impacted underlying groundwater. Investigated pond depth and sediment thickness and sediment.</p> <p>2014: No impacts from MC found in pond sediment. The TCRA Action Memorandum documented need for removals in the Berm Area and the Pond.</p> <p>2012-2015: Conducted MC RI to identify areas impacted with MC or other non-munitions-related contaminants and</p>	<p>The approved 2016 LUC Remedial Design (RD) specifies the objectives, t LUCs, and actions to implement, operate, maintain and enforce the LUC component of the Site 12 remedy.</p> <p>The LUCS for Site 12 are: ----Prohibit use of the site for anything other than non-intrusive passive recreational activities. Only recreational uses that would not significantly alter the environment will be permitted (e.g., hiking, jogging, bird watching, and hunting). Prohibit residential, industrial/ commercial, intrusive recreational, and agricultural uses of the site. ----Prohibit any kind of intrusive activities, below the ground surface, within the LUC boundary, without prior written approval from Navy, EPA and MEDEP. ----Maintain the integrity of all current and future remediation and monitoring systems/components.</p>	<p>The Site 12 LUC area is located on Parcels EDC-40 and REC-10. To ensure the remedy is in place prior to property transfer, the Navy will post and maintain caution/UXO hazard warning signs along the existing fence or on nearby trees in the Site 12 LUC Area. Navy will establish an educational program (for example on a bulletin board or a kiosk) to warn the public of the potential presence of ordnance. The educational materials will emphasize the importance of not disturbing (yet reporting) suspect items observed and the importance of not conducting intrusive activities at the site. LUC inspections will be conducted annually to ensure compliance with the LUC RD and ROD). Implementation actions and notification requirements are detailed in the LUC RD.</p>

**TABLE B-1
SUMMARY OF ENVIRONMENTAL SITES ON OR NEAR
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, MAINE
PAGE 3 OF 5**

Site Number and Name	Location	Site Concern	Investigation and Remedial Action Summary and Status	Site-Specific Restrictions	Site Impact on Subject Property
			<p>assess site-related human health or ecological risks. Contaminants of potential concern were nitroglycerine and several metals in soil. No unacceptable site-related risks to human health or ecological receptors were identified for soil, sediment, or groundwater. Risks to groundwater associated with background levels of manganese, which was not a site-related contaminant. Surface water was not a medium of concern.</p> <p>2013-2015: MEC RI and Pond TCRA conducted. In areas outside the berm area (kickout areas), a statistically-determined number of anomalies were intrusively investigated. Most were non-munitions related debris, with some MDAS and only two MEC/MPPEH items. A complete subsurface clearance was not completed in the kickout areas. The pond was drained, and MEC/MPPEH, MDAS, and non-munitions debris items were removed from the pond bottom and from the pond subsurface.</p> <p>The pipe and associated ACM in EDC-40 were removed by a Maine-licensed asbestos abatement contractor on 9/25/2014, as part of the Site 12 EOD Area and Pond MEC RI and Removal Action performed by USA Environmental, Inc. for Navy.</p> <p>2014-2015: MEC TCRA conducted at the berm mound and berm area. The berm mound was razed and the entire berm area was excavated to a depth of 2 feet bgs; select underlying anomalies were excavated; excavated soil was cleared of MEC/MPPEH, MDAS, and non-munitions items; the excavation was backfilled after placement of a geotextile liner to identify the depth of clearance, and the area was returned to natural grade. MEC/MPPEH, MDAS, and non-munitions-related items found were removed from the site.</p>		<p>(Continued)</p> <p>There is a groundwater use restriction for all transfer parcels on the NASB Main Base to prevent impact to existing ground-water flow direction and ongoing investigations and/or remedial actions. This restriction will be applied to Parcels EDC-40, EDC-40A, REC-10 and REC-10A in their entirety.</p>

**TABLE B-1
SUMMARY OF ENVIRONMENTAL SITES ON OR NEAR
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, MAINE
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Site Number and Name	Location	Site Concern	Investigation and Remedial Action Summary and Status	Site-Specific Restrictions	Site Impact on Subject Property
			<p>2014: Historical Radiological Survey. Site 12 was not impacted and no potential for radiological hazards was identified.</p> <p>2015: FS conducted to evaluate remedial alternative to address potential explosives risks at Site 12. There were no unacceptable risks for MC. The MEC Hazard Assessment scores corresponded to low hazard levels (Level 4) due to various removal actions, but acknowledge the potential presence of MEC in the subsurface.</p> <p>2015: ROD signed. The Selected Remedy requires implementation of LUCs within the Site 12 LUC Boundary to limit use of the property and to prevent intrusive activities that could result in exposure to munitions items potentially remaining in subsurface at the site.</p>		

TABLE B-1
SUMMARY OF ENVIRONMENTAL SITES ON OR NEAR
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, MAINE
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Notes:

This is a summary of the current or former IR Program (IR) Sites, Military Munitions Response Program (MMRP) Sites, Petroleum, Oil, and Lubricant (POL) Sites, and Areas of Potential Interest (AOPIs) located within, adjacent to, or within 200 feet of the Transfer Parcels. Site-specific restrictions are as noted in the Site-specific ROD and the NASB LUCIP and LUC RD for Site 12. Table B-1 indicates if restrictions are also warranted on the Transfer Parcels to prevent impact to ongoing investigations or to protect the integrity of existing remedies at adjacent Sites. This information is current as of December 2016.

Acronyms:

ACM – Asbestos-containing Materials

AOPI – Area of Potential Interest

EDC – Economic Development Conveyance

EM – Electromagnetic

EOD – Explosive Ordnance Disposal

EPA – Environmental Protection Agency

HRA – Historical Radiological Assessment

LTM – Long-Term Monitoring

LUC – Land Use Control

LUCIP – LUC Implementation Plan

LUC RD – LUC Remedial Design

MDAS – Material D as Safe

MEC –Munitions and Explosives of Concern

MEDEP – Maine Department of Environmental Protection

MPPEH – Material p

MMRP – Military Munitions Response Program

NASB – Naval Air Station Brunswick

NFA – No Further Action

RCRA – Resource Conservation and Recovery Act

REC – Recreation

RI – Remedial Investigation

ROD – Record of Decision

RSL – Regional Screening Level

SI – Site Inspection

TCRA – Time Critical Removal Action

VSI – Visual Site Inspection

**TABLE B-2
ENVIRONMENTAL ISSUES BY LAND AREA
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, BRUNSWICK, MAINE**

Parcel	Building and Surrounding Land	Yr Constr	Hazardous Substances Stored, Released or Disposed of?	Petroleum Products or Derivatives Released? (see UST/AST for Storage) ⁽¹⁾	USTs ⁽²⁾	ASTs ⁽³⁾	OWSs ⁽⁴⁾	Munitions ⁽⁵⁾	LBP ⁽⁶⁾	ACM ⁽⁷⁾	Dielectric Fluid Equipment ⁽⁸⁾	HRA ⁽⁹⁾
EDC-40	Open Land	NA	Y	N	N	N	N	Y	NA	Y	N	N
REC-10	Open Land	NA	Y	N	N	N	N	Y	NA	N	N	N
EDC-40A	Open Land	NA	Y	N	N	N	N	N	NA	Y	N	N
REC-10A	Open Land	NA	N	N	N	N	N	N	NA	N	N	N

Notes:

Y/N - Yes, No NA - Not Applicable

(1) There were no known releases of petroleum products on the Transfer Parcels.

(2) There are no current or former USTs associated with the Transfer Parcels.

(3) There are no current or former ASTs associated with the Transfer Parcels.

(4) There are no current or former OWSs associated with the Transfer Parcels.

(5) Site 12, the Explosive Ordnance Disposal Area is located on Transfer Parcels EDC-40 and REC-10. The site has been addressed under the Military Munitions Response Program.

(6) There are no existing buildings associated with the Transfer Parcels. Building 83, the former EOD shelter, was demolished during remedial actions at Site 12 in 2014.

(7) There are no former steamlines with ACM present on the Transfer Parcels. There is concrete rubble on the site that may contain imbedded pipes with ACM insulation. One pipe containing accessible ACM was removed in 2014 from EDC-40. Two others are present northwest of Site 12 in EDC-40A. Soil beneath the pipes were sampled and there was no impact to soil. ACM removal is pending.

(8) There were no known transformers, regulators or switches in the Transfer Parcels based on review of the NASB Master PCB Transformer Inventory Database and other maps and records.

(9) All buildings and land areas were reviewed for the HRA conducted at the former NASB. A "Y" in this column signifies that a location was identified for further evaluation in the HRA and that a scoping survey was performed. A "N" indicates there is no reasonable possibility of residual radioactive contamination, based on historical documentation or results of previous radiological survey information.

**TABLE B-3
MONITORING WELL LOCATIONS ON THE TRANSFER PARCELS
FOST 2017-1 TRANSFER PARCELS
FORMER NAVAL AIR STATION BRUNSWICK, BRUNSWICK, MAINE**

Transfer Parcel	Well Identification⁽¹⁾	Shown on FOST Figure	Easting⁽²⁾	Northing⁽²⁾	Location
EDC-40	MW-12-03	B-4	3017524.587	378401.681	Northeast corner of bermed area west of the pond.
REC-10	MW-12-01	B-4	3017223.063	378356.303	Northwest corner of bermed area
REC-10	MW-12-02	B-4	3017325.206	378228.487	Center of bermed area

Notes:

(1) Wells as identified in Tetra Tech's database. Presence and condition of wells has not been field verified; however the wells are scheduled to be abandoned prior to property transfer. This table will be updated in the Final FOST.

(2) Coordinate System is North American Datum, 1983, State Plane Coordinate System, Maine West (Feet)

EXHIBIT C

CERCLA Hazardous Substance Notice

**CERCLA HAZARDOUS SUBSTANCE NOTICE
 FOST 2017-1 TRANSFER PARCELS
 FORMER NAVAL AIR STATION BRUNSWICK, BRUNSWICK, MAINE
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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	Remedial Action Taken
EDC-40 and REC-10	IR Program Site 12, Explosive Ordnance Disposal Area	Nitroglycerine	55-63-0	Trinitrate 1,2,3-Propanetriol	NA	Unknown	Unknown	Unknown	Unknown	Screening for contaminants of potential concern, and qualitative and quantitative risk assessments were performed. Munitions constituents (MC) detected in environmental media at the site were detected at low levels that were below or consistent with facility or state of Maine background values, or did not result in site-related unacceptable risks to human or ecological receptors. No COCs were identified. Therefore no remedial action was required for MC.
		2,4-dinitrotoluene	121-14-2	DNT	NA	Unknown	Unknown	Unknown	Unknown	
		Copper	7440-50-8	Copper	NA	Unknown	Unknown	Unknown	Unknown	
		Lead	7439-92-1	Lead	NA	Unknown	Unknown	Unknown	Unknown	
		Mercury	7439-97-6	Mercury	NA	Unknown	Unknown	Unknown	Unknown	
		Thallium	7440-28-0	Thallium	NA	Unknown	Unknown	Unknown	Unknown	
		Asbestos	1336363	NA	NA	Unknown	Unknown	Pipe wrapped with ACM insulation disposed with concrete rubble	Unknown	The ACM wrapped pipe in EDC-40 was removed and properly disposed in 2014 during a MEC TCRA.
Munitions	NA	NA	NA	Unknown	Primarily between 1981 and 2004 but potentially as early as late 1950s	Unknown.	Unknown	Three TCRAs were performed between 2010 and 2015 to clear MEC/MPPEH and MDAS in surface soil and sediment, and in the berm area subsurface soil. Potentially MEC/ MPPEH may still be present in subsurface soil in		

**CERCLA HAZARDOUS SUBSTANCE NOTICE
 FOST 2017-1 TRANSFER PARCELS
 FORMER NAVAL AIR STATION BRUNSWICK, BRUNSWICK, MAINE
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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	Remedial Action Taken
										some areas, but residual explosive hazards to receptors are low. LUCs established per the ROD prohibit all intrusive activities and limit allowable uses to non-intrusive passive recreation only.
EDC-40A	Debris Embankment AOP	Asbestos	1336363	NA	NA	Unknown	Unknown	2 Pipes wrapped with ACM insulation disposed	Unknown	Pending.

NOTES:

- (1) 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).
- (2) Munitions and Explosives of Concern and unexploded ordnance constituting explosive hazards were present at the former EOD area designated Site 12.

AOP – Area of Potential Interest
 CAS – Chemical Abstract Services.
 CFR – Code of Federal Regulations.
 EOD – Explosive Ordnance Disposal
 ID – Identification
 LUCs – Land use controls.
 MC – Munitions Constituents
 MEC – Munitions and Explosives of Concern
 MDAS – Material Documented As Safe
 MPPEH – Material Potentially Presenting an Explosive Hazard
 NA – Not applicable/not available.
 ROD – Record of Decision.
 TCRA – Time Critical Removal Action

EXHIBIT D

Environmental Notices, Restrictions, and Covenants

Exhibit D-1
Environmental Notices, Restrictions, and Covenants
FOST 2017-1 Transfer Parcel EDC-40
Former Naval Air Station Brunswick
Brunswick, Maine

- 1. Notice of Environmental Condition:** Information concerning the environmental condition of Parcel EDC-40 is contained in the document known as the Finding of Suitability to Transfer (FOST) 2017-1 dated ____ 2017, which is attached hereto and made a part hereof as Exhibit “_”, the receipt of which is hereby acknowledged by the GRANTEE. An Environmental Condition of Property (ECP) report and other environmental documents are referenced in the FOST; the FOST, ECP and referenced environmental documents including the Record of Decision (ROD) for Site 12 and the Land Use Control Remedial Design (LUC RD) for Site 12 describe environmental conditions on the PROPERTY. The FOST sets forth the basis for the GOVERNMENT’s determination that the PROPERTY is suitable for transfer. Together, the FOST, ECP and referenced environmental documents including the ROD for Site 12 and the LUC RD for Site 12 contain all pertinent information currently known by GOVERNMENT as to the environmental condition of the PROPERTY. GRANTEE hereby acknowledges that it has been provided copies of the ECP, FOST, ROD, and LUC RD. The specific environmental conditions described in the ECP, FOST, ROD, and the LUC RD are applicable to the PROPERTY, are contained in this Quitclaim Deed.
- 2. Conveyance is “As Is – Where Is”:** Except as expressly provided in this Quitclaim Deed or as otherwise required by law, the PROPERTY is being conveyed “AS IS” and “WHERE IS,” without representation, warranty, or guaranty as to quality, quantity, character, condition, size, kind, or fitness for a particular purpose.
- 3. Notices Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):** Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided for Parcel EDC-40 in Exhibit “_” attached hereto and made a part hereof.
- 4. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):** Pursuant to section 120(h)(3)(A)(i)(III) of CERCLA (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on Parcel EDC-40 is provided in Exhibit “_”, attached hereto and made a part hereof.

5. CERCLA Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B): Pursuant to Section 120(h)(3)(A)(ii) and (B) of CERCLA of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B), the United States warrants that:

- a. All remedial action necessary to protect human health and the environment with respect to any hazardous substances identified pursuant to Section 120(h)(3)(A)(i)(I) of CERCLA of 1980 remaining on the PROPERTY has been taken before the date of this deed, and
- b. Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States. This covenant shall not apply to the extent that the GRANTEE caused or contributed to any release or threatened release of any hazardous substance, pollutant, or contaminant.

6. Reservation of Access as Required by 42 U.S.C. § 9620(h)(3)(A)(iii): The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the PROPERTY, to enter upon the PROPERTY in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the PROPERTY or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the GRANTEE and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the PROPERTY and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the GRANTEE's and the GRANTEE's successors' and assigns' quiet enjoyment of the PROPERTY. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the PROPERTY at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successor and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause; provided, however, that nothing in this paragraph shall be considered as a waiver by the GRANTEE and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

- 7. Access to PROPERTY by State of Maine:** Pursuant to Maine law (Maine Revised Statutes Title 38 [38 M.R.S. Chapter 3, §548; 38 M.R.S. Chapter 13 §1318-B; and 38 M.R.S Chapter 13 §1361 et seq]), GRANTEE agrees on behalf of itself, its successors and assigns as a covenant running with the land, that the State of Maine, or its officers, agents, employees, contractors and subcontractors (the “State”), shall have the right to enter upon the PROPERTY to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment or containment facilities if corrective or remedial action is found by the State to be necessary or advisable after the date of transfer and that GRANTEE shall allow the State to enter upon the PROPERTY for such purposes following reasonable notice. The State agrees to use reasonable means to avoid or minimize interference with GRANTEE’s or GRANTEE’s successors’ and assigns’ quiet enjoyment of the PROPERTY so as not to unreasonably interfere with GRANTEE’s and the GRANTEE’s successors’ and assigns’ operations on the PROPERTY. GRANTEE and all successive owners of the PROPERTY or any portion thereof, and their assigns, are hereby bound by such covenants for the benefit of the State as the covenantee.
- 8. Federal Facility Agreement:** The former Naval Air Station Brunswick (Main Base) has been identified as a National Priorities List (NPL) Site under CERCLA of 1980, as amended. The transfer deed, as it currently exists or may be amended, shall not affect the rights and obligations of parties under the Federal Facility Agreement ([FFA] Department of Navy (DON), United States Environmental Protection Agency (USEPA), State of Maine, 1990). 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. Therefore, the Navy has provided and the GRANTEE will acknowledge it has received a copy of the FFA through execution of the deed. The Navy will ensure that provisions in the transfer deed 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.

9. Site 12 Land Use Controls: The GRANTEE, its successors, and assigns agree that they will comply with provisions for all existing or future Land Use Controls established for sites as part of CERCLA RODs, Explanations of Significant Differences, and Remedial Design documents. Pursuant to the CERCLA ROD for Site 12, the Explosive Ordnance Disposal (EOD) Area, the United States is responsible for implementing, inspecting, reporting, and enforcing the selected remedy of institutional controls for Site 12 on Parcel EDC-40 in accordance with LUC RD for Site 12 dated September 2016, which is attached hereto and made a part hereof as Exhibit “_”. The United States will perform all short- and long-term implementation actions at this site per the Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions (DOD, 2003), FFA, ROD, and LUC RD, and applicable Navy directives. The United States may in the future delegate or transfer authority to conduct these actions to another entity as part of property transfer agreements (e.g., deed). The United States or its designee will implement all implementation actions as detailed in the Site 12 LUC RD, Exhibit F of the FOST. The GRANTEE, its successors, and assigns agree to comply with all requirements of the LUC RD in their use of the PROPERTY. The LUCs included in the selected remedy will be maintained as long as there remains a presumed explosive hazard in the subsurface at Site 12. The LUCs specified in the selected remedy are:

- a. Reuse:** Prohibit use of the PROPERTY for anything other than non-intrusive passive recreational activities is prohibited. Only those recreational uses that would not significantly alter the environment are permitted (e.g., hiking, jogging, bird watching, and hunting). Residential, industrial/commercial, intrusive recreational, and agricultural uses of the site are prohibited.
- b. Soil Disturbance:** Prohibit any kind of intrusive activities below the ground surface within the LUC Boundary without the prior written approval of the Navy, USEPA and Maine Department of Environmental Protection (MEDEP).
- c. Current and Future Remediation and Monitoring Systems and Components:** Maintain the integrity of current and future remediation and monitoring systems and components.

10. Current and Future Remediation and Monitoring Systems and Components: The GRANTOR shall have the right, in common with all others entitled thereto, to pass and repass on roadways, and passageways as may exist and as reasonably necessary to install new remedial or monitoring systems and perform required maintenance on the PROPERTY. In accordance with the Site 12 LUC RD, the United States or its designate will perform all LUC implementation actions including posting and maintaining Caution/UXO Hazard warning signs along the perimeter of the Site 12 LUC area. The United States will implement and maintain a public educational program including public education materials to warn the visiting public of the potential presence of ordnance, the importance of not disturbing (yet reporting) suspect items observed within the LUC boundary, and the importance of not

conducting intrusive activities at the site. The GRANTEE, its successors, and assigns shall be able to use the PROPERTY in any manner consistent with the LUC RD that does not otherwise interfere with the integrity, maintenance or continued usefulness of the remedial or monitoring systems (i.e., monitoring wells, if present, soil cover, or the geotextile liner present in the Site 12 berm area, public education materials), or any part or portion thereof without the prior written consent of the Navy, USEPA and MEDEP. If signs or wells become damaged, they will be replaced by the Navy and the cost will be borne by the GRANTEE or its successors and assigns. The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall not hinder or prevent the United States from constructing, upgrading, operating, maintaining, and monitoring any groundwater and/or soil treatment facilities and groundwater and/or soil monitoring networks or engage in any activity that will disrupt or hinder further remedial investigation, response actions, or oversight activities on any known or hereafter discovered sites within the PROPERTY or adjoining property within the former NASB.

11. Munitions and Explosives of Concern/Materials Potentially Presenting Explosive Hazard Notice and Restrictions:

- a. The GRANTEE agrees on behalf of itself, its successors and assigns that it has been notified that the Transfer Parcel was historically used for ordnance disposal and has undergone extensive investigation and remedial actions under CERCLA to address known munitions issues. This FOST provides details of the past removal actions including the degree of MEC or MPPEH removal and the processes used to determine that the degree of removal is adequately protective. Munitions and Explosives of Concern/Materials Potentially Presenting Explosive Hazard (MEC/MPPEH) detection and removal methods are not 100 percent effective, and residual hazard may remain in areas that were subjected to response actions.
- b. The GRANTEE agrees on behalf of itself, its successors and assigns that MEC signage around the perimeter of the Site 12 LUC area shall not be disturbed unless prior written approval is obtained from the Navy, EPA, and MEDEP indicating that signs are no longer required.
- c. The GRANTEE, its successors and assigns shall not disturb, damage or remove the Navy-placed mechanism (bulletin board or kiosk) intended for distribution of unexploded ordnance (UXO) notification Fact Sheets for the Public Education Program. The Fact Sheet will be made available to hikers, hunters, and other recreational users of the area.
- d. The GRANTEE agrees on behalf of itself, its successors and assigns that there shall be no disturbing, removing, or destroying any found MEC and/or MPPEH without prior written authorization from the Navy, EPA, and MEDEP.

e. The GRANTEE agrees on behalf of itself, its successors and assigns that that local law enforcement representatives will be notified immediately of any discovery of MEC and/or MPPEH.

12. Solid Waste Notification: The GRANTEE, its successors, and assigns are herein provided notice of the presence of construction and demolition debris on Parcel EDC-40.

13. Groundwater Use Restriction: The GRANTEE, its successors, and assigns 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 on the PROPERTY without the prior written approval of the Navy and the applicable federal and state regulatory agencies, as appropriate.

14. Discovery of Previously Unknown Contamination: The GRANTEE, its successors and assigns, or their subcontractors, shall notify the Navy immediately if previously unknown contamination, such as, but without limitation, stained soil or unusual odors, is discovered.

15. Presence of Asbestos: The GRANTEE, its successors, and assigns, covenant and agree that they will comply with all federal, state and local laws relating to ACM in their use of the PROPERTY included in this transfer (including currently inaccessible demolition debris that may contain ACM wrapping). The United States assumes no new or further liability as a result of this transfer 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 associated with currently inaccessible construction and demolition debris included in this transfer. Due to the known or potential presence of undiscovered ACM, any subsurface work performed by the GRANTEE must be conducted in accordance with applicable regulations and conducted by trained, properly-equipped personnel. The PROPERTY included in this transfer will be transferred "as is" and asbestos hazards in said construction and demolition debris will become the responsibility of the GRANTEE. The GRANTEE will be required to sign the Asbestos Hazard Disclosure and Acknowledgment Form included as Exhibit E of the FOST prior to execution of the transfer deed.

16. Pesticide Notification. The GRANTEE is hereby notified that the Transfer Parcel may contain pesticide residue from pesticides that have been applied in the management of the PROPERTY. The GRANTOR knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA - 7 U.S.C. Sec. 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the GRANTOR's position that, other than as described in the Final Environmental Condition of Property Report dated May 30, 2006, it shall have no obligation

under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of CERCLA of 1980, 42 U.S.C. § 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.

17. Covenant and Restriction Regarding Annual Land Use Control Inspections and Certification:

The GRANTEE its successors and assigns covenants that it or its designee shall perform inspections of the PROPERTY to ensure that all LUCs, as hereinafter set forth, are being complied with and provide written certification annually to the Navy certifying such compliance, for as long as LUCs are required on the PROPERTY. Such annual [self] certifications shall be provided using the form included in the LUC RD and attached hereto as Exhibit “___”, or similar form as may later be approved by the Navy. The Navy will incorporate the self-performed inspection reports into its Annual LUC Compliance Inspection and the CERCLA 5-Year Reviews.

18. GRANTEE Compliance Regarding Health and Safety Plans: The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall comply with the provisions of any health and safety plan put into effect by the United States in connection with any ongoing or future environmental investigative and/or remedial activities to be undertaken by the United States on any contaminated site within the PROPERTY.

19. GRANTEE Notice Requirement Regarding Future Sale or Assignment: The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall provide written notice to the Navy, EPA, and MEDEP of any subsequent sale, assignment, or lease of any of the PROPERTY, or any portion thereof, and provide contact information concerning the new owner or occupant.

20. Future Property Conveyance: The GRANTEE, for itself and on behalf of its successors and assigns, covenants that if any portion of the PROPERTY is conveyed, notice shall be provided to the party to whom the PROPERTY or portion thereof is transferred (“the subsequent owner”) of all CERCLA Hazardous Substance and Munitions Response Program details, as contained in this FOST and in the Deed, LUCs, and GRANTEE Covenants. The subsequent owner, its successors, and assigns shall then be bound by the same LUCs and GRANTEE Covenants and shall be deemed to have knowledge of the Site Summaries and Munitions Response Program details.

21. Land Use Control Enforcement: Should the GRANTEE or any future owner or user of the PROPERTY fail to comply with any LUC specified in the FOST, deed restrictions, or the LUC RD, the Navy will pursue all appropriate legal avenues available to remedy any such non-compliance. Those avenues range from informal resolutions with the owner or violator, to the institution of judicial action under the auspices of Maine real property law or CERCLA. Alternatively, should the circumstances warrant such, the Navy could choose to exercise its response authorities under CERCLA and then seek

cost recovery after the fact from the person(s) or entity(ies) who violated a given LUC. Nothing herein shall preclude USEPA or MEDEP from enforcing the LUCs placed on the PROPERTY.

- 22. Third-Party Beneficiary:** MEDEP is a third-party beneficiary of the aforementioned LUCs and GRANTEE Covenants until such time as they are released from the PROPERTY or the applicable portion or portions thereof. MEDEP shall have all rights to enforce these LUCs and GRANTEE Covenants in a court of competent jurisdiction.
- 23. Uniform Environmental Covenant Act Notification:** The LUC RD indicates transfers of any property upon which LUCs have been implemented will require an enforceable environmental covenant that complies with applicable requirements of Maine Revised Statute Title 38, Chapter 31: Uniform Environmental Covenants Acts (UECA). State of Maine may enter into a UECA agreement with the GRANTEES at the time of property transfer.
- 24. Notification of Use Changes:** As detailed in the Navy's LUC RD for Site 12, Navy will notify USEPA and MEDEP in advance of any proposed change in land use that would require modifications to the LUCs to remain consistent with the LUC objectives or selected remedy. The GRANTEE or future owners shall notify the Navy 60 days in advance of any such proposed changes. The notice shall describe how the LUCs will be changed and mechanisms by which any new LUCs will be implemented to maintain the protectiveness of the remedy. No change in the use of the PROPERTY or deviation from LUCs may be initiated until the approval of the Navy, EPA, and MEDEP is obtained.
- 25. Land Use Control Modification/Termination and Release:** Navy will obtain USEPA concurrence, in consultation with MEDEP, prior to modifying or terminating the LUCs or implementation actions as defined in the Site 12 LUC RD. The Navy or other entity shall seek prior concurrence from EPA, in consultation with MEDEP, before taking any anticipated action that may disrupt the effectiveness of the LUCs or before taking any action that may alter or negate the need for LUCs.
- 26. Notification of Uses Inconsistent with Land Use Controls:** As defined in the Site 12 LUC RD, Navy or its designee will notify USEPA and MEDEP after discovery of any activity that is inconsistent with the LUC objectives or use restrictions, or any other action that may interfere with the effectiveness of the LUCs by telephone and by e-mail as soon as practicable, but within 10 working days after discovery. Navy or its designee will provide notice of how the breach will be or has been addressed within 10 days of the discovery notification. The GRANTEE, its successors and assigns must notify the Navy, EPA, and MEDEP with 10 days of its awareness of activities that are inconsistent with the LUC objectives, restrictions or effectiveness of remedial components and of how inconsistent activities were or will be addressed. These same procedures shall also apply to any breaches of deed restrictions identified in the FOST.

27. Covenants to Run With the Land: The LUCs, deed restrictions, and GRANTEE Covenants in this Deed shall run with the land and be binding on the GRANTEE and all subsequent owners of the PROPERTY unless or until they are modified or terminated and released pursuant to the provisions herein.

Exhibit D-2
Environmental Notices, Restrictions, and Covenants
FOST 2017-1 Transfer Parcel EDC-40A
Former Naval Air Station Brunswick
Brunswick, Maine

- 1. Notice of Environmental Condition:** Information concerning the environmental condition of Parcel EDC-40A (PROPERTY) is contained in the document known as the Finding of Suitability to Transfer (FOST) 2017-1 dated _____ 2017, which is attached hereto and made a part hereof as Exhibit “_”, the receipt of which is hereby acknowledged by the GRANTEE. An Environmental Condition of Property (ECP) report and other environmental documents are referenced in the FOST; the FOST, ECP and referenced environmental documents describe environmental conditions on the PROPERTY. The FOST sets forth the basis for the GOVERNMENT’s determination that the PROPERTY is suitable for transfer. Together, the FOST, ECP, and referenced environmental documents contain all pertinent information currently known by GOVERNMENT as to the environmental condition of the PROPERTY. GRANTEE hereby acknowledges that it has been provided copies of the ECP and FOST. The specific environmental conditions described in the FOST and ECP, which are applicable to the PROPERTY, are contained in this Quitclaim Deed.
- 2. Conveyance is “As Is – Where Is”:** Except as expressly provided in this Quitclaim Deed or as otherwise required by law, the PROPERTY is being conveyed “AS IS” and “WHERE IS,” without representation, warranty, or guaranty as to quality, quantity, character, condition, size, kind, or fitness for a particular purpose.
- 3. Notices Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):** Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in Section 120(h), is provided for Parcel EDC-40A in Exhibit “_” attached hereto and made a part hereof.
- 4. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):** Pursuant to section 120(h)(3)(A)(i)(III) of CERCLA (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on Parcel EDC-40A is provided in Exhibit “_”, attached hereto and made a part hereof.

5. CERCLA Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)): Pursuant to Section 120(h)(3)(A)(ii) and (B) of CERCLA of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)), the United States warrants that:

- a. All remedial action necessary to protect human health and the environment with respect to any hazardous substances identified pursuant to Section 120(h)(3)(A)(i)(I) of the CERCLA of 1980 remaining on the PROPERTY has been taken before the date of this deed, and
- b. Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States. This covenant shall not apply to the extent that the GRANTEE caused or contributed to any release or threatened release of any hazardous substance, pollutant, or contaminant.

6. Reservation of Access required by Title, 42 U.S.C., § 9620(h)(3)(A)(iii): The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the PROPERTY, to enter upon the PROPERTY in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the PROPERTY or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the GRANTEE and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the PROPERTY and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the GRANTEE's and the GRANTEE's successors' and assigns' quiet enjoyment of the PROPERTY. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the PROPERTY at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successor

and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause; Provided, however, that nothing in this paragraph shall be considered as a waiver by the GRANTEE and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

7. Access to PROPERTY by State of Maine: Pursuant to Maine law (Maine Revised Statutes Title 38 [38 M.R.S. Chapter 3, §548; 38 M.R.S. Chapter 13 §1318-B; and 38 M.R.S Chapter 13 §1361 et seq]), GRANTEE agrees on behalf of itself, its successors and assigns as a covenant running with the land, that the State of Maine, or its officers, agents, employees, contractors and subcontractors (the “State”), shall have the right to enter upon the PROPERTY to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment or containment facilities if corrective or remedial action is found by the State to be necessary or advisable after the date of transfer and that GRANTEE shall allow the State to enter upon the PROPERTY for such purposes following reasonable notice. The State agrees to use reasonable means to avoid or minimize interference with GRANTEE’s or GRANTEE’s successors’ and assigns’ quiet enjoyment of the PROPERTY so as not to unreasonably interfere with GRANTEE’s and the GRANTEE’s successors’ and assigns’ operations on the PROPERTY. GRANTEE and all successive owners of the PROPERTY or any portion thereof, and their assigns, are hereby bound by such covenants for the benefit of the State as the covenantee.

8. Federal Facility Agreement: The former Naval Air Station Brunswick (Main Base) has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The transfer deed, as it currently exists or may be amended, shall not affect the rights and obligations of parties under the Federal Facility Agreement ([FFA] DON, EPA, State of Maine, 1990). 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. Therefore, the Navy has provided and the GRANTEE will acknowledge it has received a copy of the FFA through execution of the deed. The Navy will ensure that provisions in the transfer deed 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.

- 9. Reuse Restriction:** The GRANTEE on behalf of itself, its successors, and assigns agrees that Parcel EDC-40A shall be restricted to open space and recreational use and cannot be used for residential or other scenarios that include long-term elder care facilities, child day care, pre-school, child playground or any other similar child occupied facility or activity.
- 10. Groundwater Use Restriction:** The GRANTEE on behalf of itself, its successors, and assigns agrees 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 on the PROPERTY without the prior written approval of the Navy and the applicable federal and state regulatory agencies, as appropriate.
- 11. Presence of Solid Waste Notification and Restriction:** The GRANTEE on behalf of itself, its successors, and assigns is herein provided notice of the presence of construction and demolition debris on Parcel EDC-40A including the Embankment Debris Area Visual Site Inspection Area of Potential Interest location (FOST Figure B-4). This embankment shall not be disturbed without written approval of the NAVY, EPA, and MEDEP.
- 12. Discovery of Previously Unknown Contamination:** The GRANTEE, its successors and assigns, or their subcontractors, shall stop all work and notify the Navy immediately if previously unknown contamination, such as, but without limitation, stained soil or unusual odors, is discovered during soil disturbing activity such as soil excavation, drilling, digging or other ground-disturbing activities, including disturbance of building slabs, roads and other structures and paved areas.
- 13. Presence of Asbestos:** The GRANTEE, its successors, and assigns, covenant and agree that they will comply with all federal, state and local laws relating to ACM in their use of the PROPERTY included in this transfer (including currently inaccessible demolition debris that may contain ACM wrapping). The United States assumes no new or further liability as a result of this transfer 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 associated with currently inaccessible construction and demolition debris included in this transfer. Due to the known or potential presence of undiscovered ACM any subsurface work performed by the GRANTEE must be conducted in accordance with applicable regulations and conducted by trained, properly-equipped personnel. The PROPERTY included in this transfer will be transferred “as is” and asbestos hazards in said construction and demolition debris will become the

responsibility of the GRANTEE. The GRANTEE will be required to sign the Asbestos Hazard Disclosure and Acknowledgment Form included as Exhibit E of the FOST prior to execution of the transfer deed.

14. Pesticide Notification. The GRANTEE is hereby notified that the Transfer Parcels may contain pesticide residue from pesticides that have been applied in the management of the PROPERTY. The GRANTOR knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA - 7 U.S.C. Sec. 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the GRANTOR's position that, other than as described in the Final ECP Report dated May 30, 2006, it shall have no obligation under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sections 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.

15. Other Land Use Controls: The GRANTEE, its successors, and assigns agree that they will comply with provisions for all existing or future LUCs established for sites as part of CERCLA Records of Decision and Remedial Design documents, or Petroleum Program decision documents.

16. Covenants to Run With the Land: The LUCs, deed restrictions and GRANTEE Covenants in this Deed shall run with the land and be binding on the GRANTEE and all subsequent owners of the PROPERTY unless or until they are modified or terminated and released pursuant to the provisions herein.

Exhibit D-3
Environmental Notices, Restrictions, and Covenants
FOST 2017-1 Transfer Parcel REC-10
Former Naval Air Station Brunswick
Brunswick, Maine

- 1. Notice of Environmental Condition:** Information concerning the environmental condition of Parcel is contained in the document known as the Finding of Suitability to Transfer (FOST) 2017-1 dated _____ 2017, which is attached hereto and made a part hereof as Exhibit “_”, the receipt of which is hereby acknowledged by the GRANTEE. An Environmental Condition of Property (ECP) report and other environmental documents are referenced in the FOST; the FOST, ECP and referenced environmental documents including the Record of Decision (ROD) for Site 12 and the Land Use Control Remedial Design (LUC RD) for Site 12 describe environmental conditions on the PROPERTY. The FOST sets forth the basis for the GOVERNMENT’s determination that the PROPERTY is suitable for transfer. Together, the FOST, ECP and referenced environmental documents including the ROD for Site 12 and the LUC RD for Site 12 contain all pertinent information currently known by GOVERNMENT as to the environmental condition of the PROPERTY. GRANTEE hereby acknowledges that it has been provided copies of the ECP, FOST, ROD, and LUC RD. The specific environmental conditions described in the ECP, FOST, ROD, and the LUC RD are applicable to the PROPERTY, are contained in this Quitclaim Deed.

- 2. Conveyance is “As Is – Where Is”:** Except as expressly provided in this Quitclaim Deed or as otherwise required by law, the PROPERTY is being conveyed “AS IS” and “WHERE IS,” without representation, warranty, or guaranty as to quality, quantity, character, condition, size, kind, or fitness for a particular purpose.

- 3. Notices Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):** Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in Section 120(h), is provided for Parcel REC-10 in Exhibit “_” attached hereto and made a part hereof.

- 4. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):** Pursuant to Section 120(h)(3)(A)(i)(III) of CERCLA

(42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on Parcel REC-10 is provided in Exhibit “___”, attached hereto and made a part hereof.

5. CERCLA Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)): Pursuant to Sections 120(h)(3)(A)(ii) and (B) of CERCLA of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B));, the United States warrants that:

- a. All remedial action necessary to protect human health and the environment with respect to any hazardous substances identified pursuant to Section 120(h)(3)(A)(i)(I) of CERCLA of 1980 remaining on the PROPERTY has been taken before the date of this deed, and
- b. Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States. This covenant shall not apply to the extent that the GRANTEE caused or contributed to any release or threatened release of any hazardous substance, pollutant, or contaminant.

6. Reservation of Access as Required by 42 U.S.C. § 9620(h)(3)(A)(iii): The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the PROPERTY, to enter upon the PROPERTY in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the PROPERTY or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the GRANTEE and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the PROPERTY and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the GRANTEE's and the GRANTEE's successors' and assigns' quiet enjoyment of the PROPERTY. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications

services available on the PROPERTY at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successor and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause; provided, however, that nothing in this paragraph shall be considered as a waiver by the GRANTEE and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

- 7. Access to PROPERTY by State of Maine:** Pursuant to Maine law (Maine Revised Statutes Title 38 [38 M.R.S. Chapter 3, §548; 38 M.R.S. Chapter 13 §1318-B; and 38 M.R.S Chapter 13 §1361 et seq]), GRANTEE agrees on behalf of itself, its successors and assigns as a covenant running with the land, that the State of Maine, or its officers, agents, employees, contractors and subcontractors (the “State”), shall have the right to enter upon the PROPERTY to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment or containment facilities if corrective or remedial action is found by the State to be necessary or advisable after the date of transfer and that GRANTEE shall allow the State to enter upon the PROPERTY for such purposes following reasonable notice. The State agrees to use reasonable means to avoid or minimize interference with GRANTEE’s or GRANTEE’s successors’ and assigns’ quiet enjoyment of the PROPERTY so as not to unreasonably interfere with GRANTEE’s and the GRANTEE’s successors’ and assigns’ operations on the PROPERTY. GRANTEE and all successive owners of the PROPERTY or any portion thereof, and their assigns, are hereby bound by such covenants for the benefit of the State as the covenantee.
- 8. Federal Facility Agreement:** The former Naval Air Station Brunswick (Main Base) has been identified as a National Priorities List (NPL) Site under CERCLA of 1980, as amended. The transfer deed, as it currently exists or may be amended, shall not affect the rights and obligations of parties under the Federal Facility Agreement ([FFA] DON, USEPA, State of Maine, 1990). 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. Therefore, the Navy has provided and the GRANTEE will

acknowledge it has received a copy of the FFA through execution of the deed. The Navy will ensure that provisions in the transfer deed 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.

9. Site 12 Land Use Controls: The GRANTEE, its successors, and assigns agree that they will comply with provisions for all existing or future Land Use Controls established for sites as part of CERCLA RODs, Explanations of Significant Differences, and Remedial Design documents. Pursuant to the CERCLA ROD for Site 12, the Explosive Ordnance Disposal (EOD) Area, the United States is responsible for implementing, inspecting, reporting, and enforcing the selected remedy of institutional controls for Site 12 on Parcel REC-10 in accordance with LUC RD for Site 12 dated September 2016, which is attached hereto and made a part hereof as Exhibit “_”. The United States will perform all short- and long-term implementation actions at this site per the Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions (DOD, 2003), FFA, ROD, and LUC RD, and applicable Navy directives. The United States may in the future delegate or transfer authority to conduct these actions to another entity as part of property transfer agreements (e.g., deed). The United States or its designee will implement all implementation actions as detailed in the Site 12 LUC RD, Exhibit F of the FOST. The GRANTEE, its successors, and assigns agree to comply with all requirements of the LUC RD in their use of the PROPERTY. The LUCs included in the selected remedy will be maintained as long as there remains a presumed explosive hazard in the subsurface at Site 12. The LUCs specified in the selected remedy are:

- a. Reuse:** Prohibit use of the PROPERTY for anything other than non-intrusive passive recreational activities is prohibited. Only those recreational uses that would not significantly alter the environment are permitted (e.g., hiking, jogging, bird watching, and hunting). Residential, industrial/commercial, intrusive recreational, and agricultural uses of the site are prohibited.
- b. Soil Disturbance:** Prohibit any kind of intrusive activities below the ground surface within the LUC Boundary without the prior written approval of the Navy, USEPA and MEDEP.
- c. Current and Future Remediation and Monitoring Systems and Components:** Maintain the integrity of current and future remediation and monitoring systems and components.

10. Current and Future Remediation and Monitoring Systems and Components: The GRANTOR shall have the right, in common with all others entitled thereto, to pass and repass on roadways, and passageways as may exist and as reasonably necessary to install new remedial or monitoring systems and perform required maintenance on the PROPERTY. In accordance with the LUC RD, the United States or its delegee will perform all LUC implementation actions including posting and maintaining Caution/UXO Hazard warning signs along the perimeter of the Site 12 LUC area. The United States will implement and maintain a public educational program to warn the visiting public of the potential presence of ordnance, the importance of not disturbing (yet reporting) suspect items observed within the LUC boundary, and the importance of not conducting intrusive activities at the site. The GRANTEE, its successors, and assigns shall be able to use the PROPERTY in any manner consistent with the LUC RD that does not otherwise interfere with the integrity, maintenance or continued usefulness of the remedial or monitoring systems (i.e., monitoring wells, if present, soil cover, or the geotextile liner present in the Site 12 berm area), or any part or portion thereof without the prior written consent of the Navy, USEPA and MEDEP. If signs or wells become damaged, they will be replaced by the Navy and the cost will be borne by the GRANTEE or its successors and assigns. The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall not hinder or prevent the United States from constructing, upgrading, operating, maintaining, and monitoring any groundwater and/or soil treatment facilities and groundwater and/or soil monitoring networks or engage in any activity that will disrupt or hinder further remedial investigation, response actions, or oversight activities on any known or hereafter discovered sites within the PROPERTY or adjoining property within the former NASB.

11. Munitions and Explosives of Concern/Materials Potentially Presenting Explosive Hazard Notice and Restriction:

- a. The GRANTEE agrees on behalf of itself, its successors and assigns that it has been notified that the Transfer Parcel was historically used for ordnance disposal and has undergone extensive investigation and remedial actions under CERCLA to address known munitions issues. This FOST provides details of the past removal actions including the degree of Munitions and Explosives of Concern/Materials Potentially Presenting Explosive Hazard (MEC/MPPEH) removal and the processes used to determine that the degree of removal is adequately protective. MEC/MPPEH detection and removal methods are not 100 percent effective, and residual hazard may remain in areas that were subjected to response actions.
- b. The GRANTEE agrees on behalf of itself, its successors and assigns that MEC signage around the perimeter of the Site 12 LUC area shall not be disturbed unless prior written

approval is obtained from the Navy, EPA, and MEDEP indicating that signs are no longer required.

- c. The GRANTEE, its successors and assigns shall not disturb, damage or remove the Navy-placed mechanism (bulletin board or kiosk) intended for distribution of Unexploded Ordnance (UXO) Notification Fact Sheets for the Public Education Program. The Fact Sheet will be made available to hikers, hunters, and other recreational users of the area.
- d. The GRANTEE agrees on behalf of itself, its successors and assigns that there shall be no disturbing, removing, or destroying any found MEC and/or MPPEH without prior written authorization from the Navy, EPA, and MEDEP.
- e. The GRANTEE agrees on behalf of itself, its successors and assigns that that local law enforcement representatives will be notified immediately of any discovery of MEC and/or MPPEH.

12. Solid Waste Notification: The GRANTEE, its successors, and assigns are herein provided notice of the presence of construction and demolition debris on Parcel REC-10.

13. Groundwater Use Restriction: The GRANTEE, its successors, and assigns 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 on the PROPERTY without the prior written approval of the Navy and the applicable federal and state regulatory agencies, as appropriate.

14. Discovery of Previously Unknown Contamination: The GRANTEE, its successors and assigns, or their subcontractors, shall notify the Navy immediately if previously unknown contamination, such as, but without limitation, stained soil or unusual odors, is discovered.

15. Presence of Asbestos: The GRANTEE, its successors, and assigns, covenant and agree that they will comply with all federal, state and local laws relating to asbestos containing material (ACM) in their use of the PROPERTY included in this transfer (including currently inaccessible demolition debris that may contain ACM wrapping). The United States assumes no new or further liability as a result of this transfer 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 associated with currently inaccessible demolition debris included in this transfer. Due to the known or potential presence of undiscovered ACM, any subsurface work performed by the GRANTEE must be conducted in accordance with applicable regulations and conducted by trained, properly-equipped

personnel. The PROPERTY included in this transfer will be transferred “as is” and asbestos hazards in said construction and demolition debris will become the responsibility of the GRANTEE. The GRANTEE will be required to sign the Asbestos Hazard Disclosure and Acknowledgment Form included as Exhibit E of the FOST prior to execution of the transfer deed.

16. Pesticide Notification. The GRANTEE is hereby notified that the Transfer Parcel may contain pesticide residue from pesticides that have been applied in the management of the PROPERTY. The GRANTOR knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA - 7 U.S.C. Sec. 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the GRANTOR's position that, other than as described in the Final Environmental Condition of Property Report dated May 30, 2006, it shall have no obligation under the covenants provided pursuant to Section 120(h)(3)(A)(ii) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Sections 9620(h)(3)(A)(ii), for the remediation of legally applied pesticides.

17. Covenant and Restriction Regarding Annual Land Use Control Inspections and Certification: The GRANTEE on behalf of itself, its successors, and assigns covenants that it or its designee shall perform inspections of the PROPERTY to ensure that all LUCs, as hereinafter set forth, are being complied with and provide written certification annually to the Navy certifying such compliance, for as long as LUCs are required on the PROPERTY. Such annual [self] certifications shall be provided using the form included in the LUC RD and attached hereto as Exhibit “___”, or similar form as may later be approved by the Navy. The Navy will incorporate the self-performed inspection reports into its Annual LUC Compliance Inspection and the CERCLA 5-Year Reviews.

18. GRANTEE Compliance Regarding Health and Safety Plans: The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall comply with the provisions of any health and safety plan put into effect by the United States in connection with any ongoing or future environmental investigative and/or remedial activities to be undertaken by the United States on any contaminated site within the PROPERTY.

19. GRANTEE Notice Requirement Regarding Future Sale or Assignment: The GRANTEE, for itself and on behalf of its successors and assigns, hereby covenants that it shall provide written notice to the Navy, EPA, and MEDEP of any subsequent sale, assignment, or lease of

any of the PROPERTY, or any portion thereof, and provide contact information concerning the new owner or occupant.

- 20. Future Property Conveyance:** The GRANTEE, for itself and on behalf of its successors and assigns, covenants that if any portion of the PROPERTY is conveyed, notice shall be provided to the party to whom the PROPERTY or portion thereof is transferred (“the subsequent owner”) of all CERCLA Hazardous Substance and Munitions Response Program details, as contained in this FOST and in the Deed, LUCs, and GRANTEE Covenants. The subsequent owner, its successors, and assigns shall then be bound by the same LUCs and GRANTEE Covenants and shall be deemed to have knowledge of the Site Summaries and Munitions Response Program details.
- 21. LUC Enforcement:** Should the GRANTEE or any future owner or user of the PROPERTY fail to comply with any LUC specified in the FOST or the LUC RD or deed restrictions, the Navy will pursue all appropriate legal avenues available to remedy any such non-compliance. Those avenues range from informal resolutions with the owner or violator, to the institution of judicial action under the auspices of Maine real property law or CERCLA. Alternatively, should the circumstances warrant such, the Navy could choose to exercise its response authorities under CERCLA and then seek cost recovery after the fact from the person(s) or entity(ies) who violated a given LUC. Nothing herein shall preclude USEPA or MEDEP from enforcing the LUCs placed on the PROPERTY.
- 22. Third-Party Beneficiary:** MEDEP is a third-party beneficiary of the aforementioned LUCs and GRANTEE Covenants until such time as they are released from the PROPERTY or the applicable portion or portions thereof. MEDEP shall have all rights to enforce these LUCs and GRANTEE Covenants in a court of competent jurisdiction.
- 23. Uniform Environmental Covenant Act Notification:** The LUC RD indicates transfers of any property upon which LUCs have been implemented will require an enforceable environmental covenant that complies with applicable requirements of Maine Revised Statute Title 38, Chapter 31: Uniform Environmental Covenants Acts (UECA). State of Maine may enter into a UECA agreement with the GRANTEES at the time of property transfer.
- 24. Notification of Use Changes:** As detailed in the Navy’s LUC RD for Site 12, Navy will notify USEPA and MEDEP in advance of any proposed change in land use that would require modifications to the LUCs to remain consistent with the LUC objectives or selected remedy. The GRANTEE or future owners shall notify the Navy 60 days in advance of any such proposed changes. The notice shall describe how the LUCs will be changed and mechanisms by which

any new LUCs will be implemented to maintain the protectiveness of the remedy. No change in the use of the PROPERTY or deviation from LUCs may be initiated until the approval of the Navy, EPA, and MEDEP is obtained.

25. LUC Modification/Termination and Release: Navy will obtain USEPA concurrence, in consultation with MEDEP, prior to modifying or terminating the LUCs or implementation actions as defined in the Site 12 LUC RD. The Navy or other entity shall seek prior concurrence from EPA, in consultation with MEDEP, before taking any anticipated action that may disrupt the effectiveness of the LUCs or before taking any action that may alter or negate the need for LUCs.

26. Notification of Uses Inconsistent with Land Use Controls: As defined in the Site 12 LUC RD, Navy or its designee will notify USEPA and MEDEP after discovery of any activity that is inconsistent with the LUC objectives or use restrictions, or any other action that may interfere with the effectiveness of the LUCs by telephone and by e-mail as soon as practicable, but within 10 working days after discovery. Navy or its designee will provide notice of how the breach will be or has been addressed within 10 days of the discovery notification. The GRANTEE, its successors and assigns must notify the Navy, EPA, and MEDEP with 10 days of its awareness of activities that are inconsistent with the LUC objectives, restrictions or effectiveness of remedial components and of how inconsistent activities were or will be addressed.

27. Covenants to Run With the Land: The LUCs, deed restrictions, and GRANTEE Covenants in this Deed shall run with the land and be binding on the GRANTEE and all subsequent owners of the PROPERTY unless or until they are modified or terminated and released pursuant to the provisions herein.

Exhibit D-4
Environmental Notices, Restrictions, and Covenants
FOST 2017-1
Transfer Parcel REC-10A
Former Naval Air Station Brunswick
Brunswick, Maine

- 1. Notice of Environmental Condition:** Information concerning the environmental condition of Parcel EDC-40A (PROPERTY) is contained in the document known as the Finding of Suitability to Transfer (FOST) 2017-1 dated _____ 2017, which is attached hereto and made a part hereof as Exhibit “_”, the receipt of which is hereby acknowledged by the GRANTEE. An Environmental Condition of Property (ECP) report and other environmental documents are referenced in the FOST; the FOST, ECP and referenced environmental documents describe environmental conditions on the PROPERTY. The FOST sets forth the basis for the GOVERNMENT’s determination that the PROPERTY is suitable for transfer. Together, the FOST, ECP, and referenced environmental documents contain all pertinent information currently known by GOVERNMENT as to the environmental condition of the PROPERTY. GRANTEE hereby acknowledges that it has been provided copies of the ECP and FOST. The specific environmental conditions described in the FOST and ECP, which are applicable to the PROPERTY, are contained in this Quitclaim Deed.
- 2. Conveyance is “As Is – Where Is”:** Except as expressly provided in this Quitclaim Deed or as otherwise required by law, the PROPERTY is being conveyed “AS IS” and “WHERE IS,” without representation, warranty, or guaranty as to quality, quantity, character, condition, size, kind, or fitness for a particular purpose.
- 3. CERCLA Covenant Pursuant to Section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(i):** Pursuant to Section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 U.S.C. § 9620(h)(4)(D)(i)), the United States warrants that any response action or corrective action found to be necessary after the date of this deed, for contamination existing on the PROPERTY prior to the date of this deed, shall be conducted by the United States.
- 4. Reservation of Access required by Title, 42 U.S.C., § 9620(h)(4)(D)(ii):** The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the PROPERTY, to enter upon the PROPERTY in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the PROPERTY or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right

to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the GRANTEE and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the PROPERTY and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the GRANTEE's and the GRANTEE's successors' and assigns' quiet enjoyment of the PROPERTY. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the PROPERTY at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successor and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause; Provided, however, that nothing in this paragraph shall be considered as a waiver by the GRANTEE and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

5. **Access to PROPERTY by State of Maine:** Pursuant to Maine law (Maine Revised Statutes Title 38 [38 M.R.S. Chapter 3, §548; 38 M.R.S. Chapter 13 §1318-B; and 38 M.R.S Chapter 13 §1361 et seq]), GRANTEE agrees on behalf of itself, its successors and assigns as a covenant running with the land, that the State of Maine, or its officers, agents, employees, contractors and subcontractors (the "State"), shall have the right to enter upon the PROPERTY to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment or containment facilities if corrective or remedial action is found by the State to be necessary or advisable after the date of transfer and that GRANTEE shall allow the State to enter upon the PROPERTY for such purposes

following reasonable notice. The State agrees to use reasonable means to avoid or minimize interference with GRANTEE's or GRANTEE's successors' and assigns' quiet enjoyment of the PROPERTY so as not to unreasonably interfere with GRANTEE's and the GRANTEE's successors' and assigns' operations on the PROPERTY. GRANTEE and all successive owners of the PROPERTY or any portion thereof, and their assigns, are hereby bound by such covenants for the benefit of the State as the covenantee.

- 6. Federal Facility Agreement:** The former Naval Air Station Brunswick (Main Base) has been identified as a National Priorities List (NPL) Site under CERCLA of 1980, as amended. The transfer deed, as it currently exists or may be amended, shall not affect the rights and obligations of parties under the Federal Facility Agreement ([FFA] DON, EPA, State of Maine, 1990). 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. Therefore, the Navy has provided and the GRANTEE will acknowledge it has received a copy of the FFA through execution of the deed. The Navy will ensure that provisions in the transfer deed 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.
- 7. Reuse Restriction:** The GRANTEE, on behalf of itself, its successors, and assigns agrees that Parcel REC-10A shall be restricted to open space and recreational use and cannot be used for residential or other scenarios that include long-term elder care facilities, child day care, pre-school, child playground or any other similar child occupied facility or activity.
- 8. Groundwater Use Restriction:** The GRANTEE, on behalf of itself, its successors, and assigns 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 on the PROPERTY without the prior written approval of the Navy and the applicable federal and state regulatory agencies, as appropriate.
- 9. Presence of Solid Waste Notification:** The GRANTEE, on behalf of itself, its successors, and assigns is herein provided notice of the potential presence of construction and demolition debris on Parcel REC-10A.
- 10. Discovery of Previously Unknown Contamination:** The GRANTEE, its successors and assigns, or their subcontractors, shall stop all work and notify the Navy immediately if previously unknown contamination, such as, but without limitation, stained soil or unusual odors, is discovered during

soil disturbing activity such as soil excavation, drilling, digging or other ground-disturbing activities, including disturbance of building slabs, roads and other structures and paved areas.

11. Presence of Asbestos: The GRANTEE, its successors, and assigns, covenant and agree that they will comply with all federal, state and local laws relating to asbestos containing material (ACM) in their use of the PROPERTY included in this transfer (including potentially present inaccessible demolition debris that may contain ACM wrapping). The United States assumes no new or further liability as a result of this transfer 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 associated with currently potentially present inaccessible demolition debris included in this transfer. Due to the potential presence of undiscovered ACM, any subsurface work performed by the GRANTEE must be conducted in accordance with applicable regulations and conducted by trained, properly-equipped personnel. The PROPERTY included in this transfer will be transferred "as is" and asbestos hazards in potential construction and demolition debris will become the responsibility of the GRANTEE. The GRANTEE will be required to sign the Asbestos Hazard Disclosure and Acknowledgment Form included as Exhibit E of the FOST prior to execution of the transfer deed.

12. Pesticide Notification. The GRANTEE is hereby notified that the Transfer Parcels may contain pesticide residue from pesticides that have been applied in the management of the PROPERTY. The GRANTOR knows of no use of any registered pesticide in a manner inconsistent with its labeling and believes that all applications were made in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA - 7 U.S.C. Sec. 136, et seq.), its implementing regulations, and according to the labeling provided with such substances. It is the GRANTOR's position that, other than as described in the Final ECP Report dated May 30, 2006, it shall have no obligation under the covenants provided pursuant to Section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9620(h)(4)(D)(i), for the remediation of legally applied pesticides.

13. Other Land Use Controls: The GRANTEE, its successors, and assigns agree that they will comply with provisions for all existing or future LUCs established for sites as part of CERCLA Records of Decision and Remedial Design documents, or Petroleum Program decision documents.

14. Covenants to Run With the Land: The LUCs, deed restrictions, and GRANTEE Covenants in this Deed shall run with the land and be binding on the GRANTEE and all subsequent owners of the PROPERTY unless or until they are modified or terminated and released pursuant to the provisions herein.

Exhibit E
Asbestos-Containing Materials
Hazard Disclosure and Acknowledgment Form

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

ASBESTOS WARNING STATEMENT

YOU ARE ADVISED THAT CERTAIN CONSTRUCTION AND DEMOLITION DEBRIS MAY 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.

I have received from the Government the following document(s): *Finding of Suitability to Transfer, FOST 2017-1 (Approximately 45.00 Acres), Former Naval Air Station, Brunswick, Maine* (Department of Navy [DON] Base Realignment and Closure [BRAC] Program Management Office [PMO] East, 2017); *Final (Revision 2) Environmental Condition of Property Report for the Naval Air Station, Brunswick, Maine* ([DON] BRAC PMO Northeast, 2006); *Final Technical Memorandum, Visual Site Inspection of Transfer Parcels REC-7 and EDC-13* (Tetra Tech, 2012); *Technical Memorandum, Visual Site Inspection and Western Drum Areas of Potential Interest Investigation* (Tetra Tech, 2014); *Remedial Investigation Report, Site 12 EOD Area and Pond Munitions and Explosive of Concern Remedial Investigation and Removal Action* (DON 2015 and documentation of removal of ACM at Item K-12 [pending] representing the best information available to the Government as to the presence of and condition of asbestos-containing-materials hazards in the construction and demolition debris covered by this transfer.

- (2) 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.
- (3) I understand that, upon execution of this deed transfer, 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 that becomes accessible that may pose a risk to human health or the environment.

GRANTEE (or duly authorized agent)

Date

EXHIBIT F

Land Use Control Remedial Design for Site 12

Land Use Control Remedial Design for Site 12 – Explosive Ordnance Disposal Area

at

Former Naval Air Station Brunswick Brunswick, Maine



**Department of the Navy
Program Management Office East**

**Contract Number N62472-04-D-0055
Contract Task Order 432**

September 2016

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1.0 INTRODUCTION

This document constitutes the Land Use Control (LUC) Remedial Design (RD) for Site 12 within the former Naval Air Station (NAS) Brunswick, Maine. This document was prepared by the Department of the Navy, Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic, as the lead agency conducting the evaluation and cleanup of former NAS Brunswick. This LUC RD was developed as part of the overall design to address LUC implementation actions in accordance with the Record of Decision (ROD) for the subject site and the NAS Brunswick Federal Facility Agreement (FFA). This document is considered a primary document in accordance with the FFA and has been prepared in accordance with the Navy Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions (Navy Principles) (DoD, 2003) and the Sample Federal Facility Land Use Control ROD Checklist With Suggested Language (LUC Checklist) (EPA, 2013) as agreed between the United States Environmental Protection Agency (EPA) and Department of Defense (DoD).

2.0 BACKGROUND AND SITE DESCRIPTION

The former NAS Brunswick, located in Cumberland County, Maine, supported the Navy's antisubmarine warfare operations in the Atlantic Ocean with several squadrons of P-3 maritime patrol aircraft. In 2005, the Base Realignment and Closure (BRAC) Commission recommended closure of the facility. The base's flying mission ended in January 2010, and the base was disestablished on May 31, 2011.

Site 12, Explosive Ordnance Disposal (EOD) Area, located in the southeastern portion of the base, was reportedly used from 1981 through 2004 for the disposal of small quantities of ordnance, pyrotechnics, privately manufactured explosive devices, and war souvenirs, although aerial photography indicates that the site may have been in use for explosives disposal prior to 1981. EOD operations at NAS Brunswick, including Site 12, were officially terminated on June 1, 2004. The site was also used for landfilling of non-munitions construction debris and reportedly may have included a former sand and gravel borrow pit. Site 12 is approximately 23 acres, and a large portion of the site was covered with tall grasses until vegetation removal associated with field activities was conducted. A pond complex consisting of two small ponds separated by a marshy area is located on the eastern edge of the site and is surrounded by mature trees. Wetlands are present near the pond and in the north-central portion of the site. A 5- to 6-foot-tall, semi-circular, earthen berm approximately 24 feet wide and 255 feet long, within which historical detonations were conducted, was investigated and removed in 2014. Additionally, several suspected berms were identified based on review of historical aerial photographs, and the area encompassing these berms was investigated and addressed via a removal action in 2014. Munitions removal actions at Site 12 have cleared the entire ground surface, the subsurface up to 2 feet below ground surface in the berm areas (where EOD activities were conducted), and the pond and surrounding area. There are no known munitions items remaining at the site, but there is a low potential for munitions items to still be present in the subsurface in areas of the site where only the ground surface was cleared.

The selected remedy, as documented in the 2015 ROD to address subsurface munitions items potentially remaining at the site includes implementation of institutional controls to limit use of the property and to prevent intrusive activities that could result in exposure to munitions items potentially remaining in the subsurface at the site.

3.0 LAND USE CONTROLS

LUCs are used at sites where contaminants are left in place at levels that do not allow for unlimited use and unrestricted exposure. The LUCs ensure that any remaining contaminants do not pose an unacceptable risk to human health and the environment. LUCs can consist of institutional controls and/or engineering controls. Institutional controls, such as restrictions, notifications, etc., are typically legal documents in the form of deed restrictions, easements, and restrictive covenants, and in the case of an active military base, can consist of base instructions, notations on installation land use plans, or similar instruments. In the form of a legal document, the institutional controls will run with the land. Engineering controls are typically barriers such as fences.

As documented in the ROD for Site 12, LUCs are a component of the selected remedy to control or restrict certain types of property uses. The LUCs included in the selected remedy will be maintained as long as there remains a presumed explosive hazard in the subsurface at Site 12.

The LUC performance objectives for Site 12 are as follows:

- Prevent use of the site for anything other than non-intrusive passive recreational activities.
- Prohibit any kind of intrusive activities, below the ground surface, within the LUC boundary without prior written approval from the Navy, EPA, and MEDEP.
- Protect any future monitoring or remediation and monitoring systems/components.

The LUCs required to achieve the above-listed performance objectives are as follows:

- Prohibit use of the site for anything other than non-intrusive passive recreational activities. Only those recreational uses that would not significantly alter the environment will be permitted (e.g., hiking, jogging, bird watching, and hunting). Residential, industrial/commercial, intrusive recreational, and agricultural uses of the site will be prohibited.
- Prohibit any kind of intrusive activities, below the ground surface, within the LUC boundary, unless prior written approval is obtained from the Navy, EPA, and Maine Department of Environmental Protection (MEDEP).
- Maintain the integrity of all current and future remediation and monitoring systems/components.

Institutional and engineering controls will be implemented to ensure that the above LUC performance objectives are met for this site. The area over which the LUCs will apply to protect human receptors by preventing exposure to any potential munitions items remaining at the site following the extensive removal actions is presented in Attachment A5-1. Following EPA and MEDEP approval of this LUC RD, the restrictions will be imposed on the site property to ensure that the LUC performance objectives are met. Implementation actions to be taken to ensure that the LUC objectives are met are discussed in Section 4.0, which also defines the required notifications and authorizations and the roles and responsibilities for implementing the actions.

4.0 LAND USE CONTROL IMPLEMENTATION ACTIONS

Pursuant to the ROD for Site 12, the Navy is responsible for implementing, inspecting, reporting, and enforcing the institutional controls in accordance with this LUC RD. For purposes of this LUC RD, the term "implementation actions" means actions to implement, operate, maintain, and enforce the LUC component of the remedy. The Navy will perform all short- and long-term implementation actions at this site per the Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions (DoD, 2003), FFA, ROD/LUC ESD, and applicable Navy directives. The Navy may in the future delegate or transfer authority to conduct these actions to another entity as part of property transfer agreements (e.g., deed).

As set forth in this LUC RD, the following implementation actions will be performed to ensure that the LUC objectives are met in accordance with the FFA and ROD, as modified by the LUC ESD:

1. Prepare a map defining the Site 12 LUC area boundaries. Depict on this map the location and extent of the area over which the LUCs will apply. A figure showing this area and coordinates for the associated LUC boundary is provided in Attachment A5-1. Indicate where LUCs have been imposed and annotate LUCs on real estate summary map(s) maintained by NAVFAC Mid-Atlantic's real estate division, which sends annual letters to all current owners of former NAVFAC Mid-Atlantic property

asking them to confirm that they are complying with restrictions required per the property transfer documents. The Navy will notify EPA and MEDEP in advance of any changes to these internal procedural instructions that would impact the effectiveness of the LUCs.

2. Submit a copy of the map in Attachment A5-1 to the land record offices of the Town of Brunswick, Maine, with a listing of LUCs that have been imposed, for the limited purpose of providing public notice of the environmental conditions of and limitations on the use of property. Copies of this map will be provided to EPA and MEDEP.
3. Submit a groundwater and land use restriction boundary map and accompanying legal description to the Town of Brunswick Planning & Development Department for inclusion in their Codes Enforcement MUNIS® database.
4. Submit the LUC boundaries and associated groundwater and land use restrictions to the Town of Brunswick Planning & Development Department for incorporation into the Town of Brunswick Geographic Information System (GIS). Information in the Town of Brunswick GIS and MUNIS® database will be used in the Dig Safe excavation review coordination process managed by the Department of Public Works (the town is a non-member underground facility owner required to be contacted as part of the Dig Safe process when non-manual excavation activities are planned takes place within the Town of Brunswick) and will also be used in the building permit request and property development review processes associated with the planned Zoning Ordinance update and managed by the Planning & Development Department. The town's building permit request and property development review processes will be used to ensure that current and future Brunswick Landing development projects are in compliance with established LUCs recorded in Navy conveyance documents.
5. Submit the LUCIP including this LUC RD to the Town of Brunswick Planning & Development Department as additional materials to be referenced in the planned Zoning Ordinance update. After adoption of the revised ordinance, verification that the ordinance remains in effect will be completed as part of the annual inspection process.
6. Post and maintain caution/UXO hazard warning signs along the existing fence or on nearby trees. The content of the warning sign is provided in Appendix A5-3.
7. Implement a public educational program to warn the visiting public of the potential presence of ordnance, the importance of not disturbing (yet reporting) suspect items observed within the LUC boundary, and the importance of not conducting intrusive activities at the site. The information to be provided to visitors at the site is provided in Appendix A-5-3.
8. Monitor compliance with the LUCs. LUC monitoring will be conducted by the Navy to verify that LUCs are being properly implemented and that the LUC objectives are being met. The LUC monitoring results will be provided to EPA Region I and MEDEP as part of the annual base-wide LUC Inspection Report. The LUC implementation actions to be conducted as part of the monitoring are summarized in Table A5-1. LUC compliance inspections will be conducted on an annual basis unless the frequency is decreased by agreement with the Navy, EPA, and MEDEP. A checklist to be used during LUC inspections is provided as Attachment A5-4.
9. Report and notify regulatory agencies. The notification requirements are summarized in Table A5-1 and include the following:
 - a. Notify EPA Region I and MEDEP 45 days in advance of any proposed change in land use that would require modifications to the LUCs to remain consistent with the LUC objectives or the selected remedy. The notice shall describe how the LUCs will be changed and mechanisms by which any new LUCs will be implemented to maintain the protectiveness of the remedy.

- b. Notify EPA Region I and MEDEP by telephone and by e-mail as soon as practicable, but within 10 working days, after discovery of any activity that is inconsistent with the LUC objectives or use restrictions, or any other action that may interfere with the effectiveness of the LUCs. Notify EPA Region I and MEDEP regarding how the breach will be or has been addressed within 10 days of sending EPA Region I and MEDEP the discovery notification of the breach activity. For more complex breach situations, a telephone call within this 10-day period among the Navy, EPA, and MEDEP to discuss options for addressing the breach will be considered sufficient to meet this notification requirement. Furthermore, any activity that is inconsistent with the LUC objectives or use restrictions, or any other action that may interfere with the effectiveness of the LUCs will be addressed as soon as practicable, but in no case will the process be initiated later than 10 days after the Navy becomes aware of the breach.
 - c. Notify EPA Region I and MEDEP in writing at least 6 months prior to any anticipated transfer or sale of the property subject to LUCs out of Navy custody and control, including any federal-to-federal transfer, so that EPA Region I and MEDEP can be involved in discussion with the Navy on the appropriate provisions to be included in the transfer terms and conveyance documents to maintain effective LUCs. If it is not possible for the Navy to notify EPA Region I and MEDEP at least 6 months prior, the Navy will make this notification as soon as possible, but no later than 60 days before the transfer or sale of any property subject to LUCs. The Navy shall provide a copy of the executed deed or transfer documents to EPA Region I and MEDEP. In addition to these requirements, transfers of any property upon which LUCs have been implemented will require an enforceable environmental covenant that complies with applicable requirements of Maine Revised Statute Title 38, Chapter 31: Uniform Environmental Covenants Acts (UECA).
 - d. Submit reports of annual monitoring. LUC compliance monitoring shall be conducted annually and the results submitted to EPA Region I and MEDEP. The annual LUC Inspection Reports will be used in preparation of the Five-Year Review Report to evaluate the effectiveness of the remedy. The annual reports will evaluate the status of the LUCs, how any LUC deficiencies or inconsistent uses have been addressed, and whether use of the property has conformed with such restrictions and controls.
10. Obtain EPA Region I concurrence, in consultation with MEDEP, prior to modifying or terminating the LUCs or implementation actions. The Navy or other entity shall seek prior concurrence from EPA Region I, in consultation with MEDEP, before taking any anticipated action that may disrupt the effectiveness of the LUCs or before taking any action that may alter or negate the need for LUCs.
 11. Evaluate the effectiveness of LUCs as part of each five-year review. Site remedy reviews are required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as specified in the Site 12 ROD. Draft Five-Year Reviews Reports will be submitted to EPA Region I and MEDEP for review per the FFA.

Should the Navy fail to complete a required LUC implementation action, EPA shall notify the Navy Remedial Project Manager (RPM) and seek immediate action. If the Navy fails to complete a required LUC implementation action within a reasonable time of being so notified, EPA may notify the Deputy Assistant Secretary of the Navy (Environment), who will ensure that necessary action is taken.

Should a subsequent owner of or a third party at the property associated with Site 12 fail to complete a required LUC implementation action for which such owner or party is responsible, EPA and the Navy will consult on the appropriate enforcement action. If after the property has been transferred, the Navy fails to complete a required LUC implementation for which it is responsible, EPA will notify the Navy RPM or designated project manager per Section VII of the NAS Brunswick FFA. If necessary, EPA may notify the Deputy Assistant Secretary of the Navy (Environment), who will ensure that necessary corrective action is taken.

5.0 REFERENCES

DoD, 2003. The Principles and Procedures for Specifying, Monitoring and Enforcement of Land Use Controls and Other Post-ROD Actions.

Navy, 1990. Federal Facility Agreement, as amended. Naval Air Station Brunswick, Maine, October.

Navy, 2015. Record of Decision for Site 12, Explosive Ordnance Disposal Area, Former Naval Air Station Brunswick, Maine, September.

EPA, 2013, Sample Federal Facility Land Use Control ROD Checklist with Suggested Language, OSWER Directive 9355.6-12, January 4.

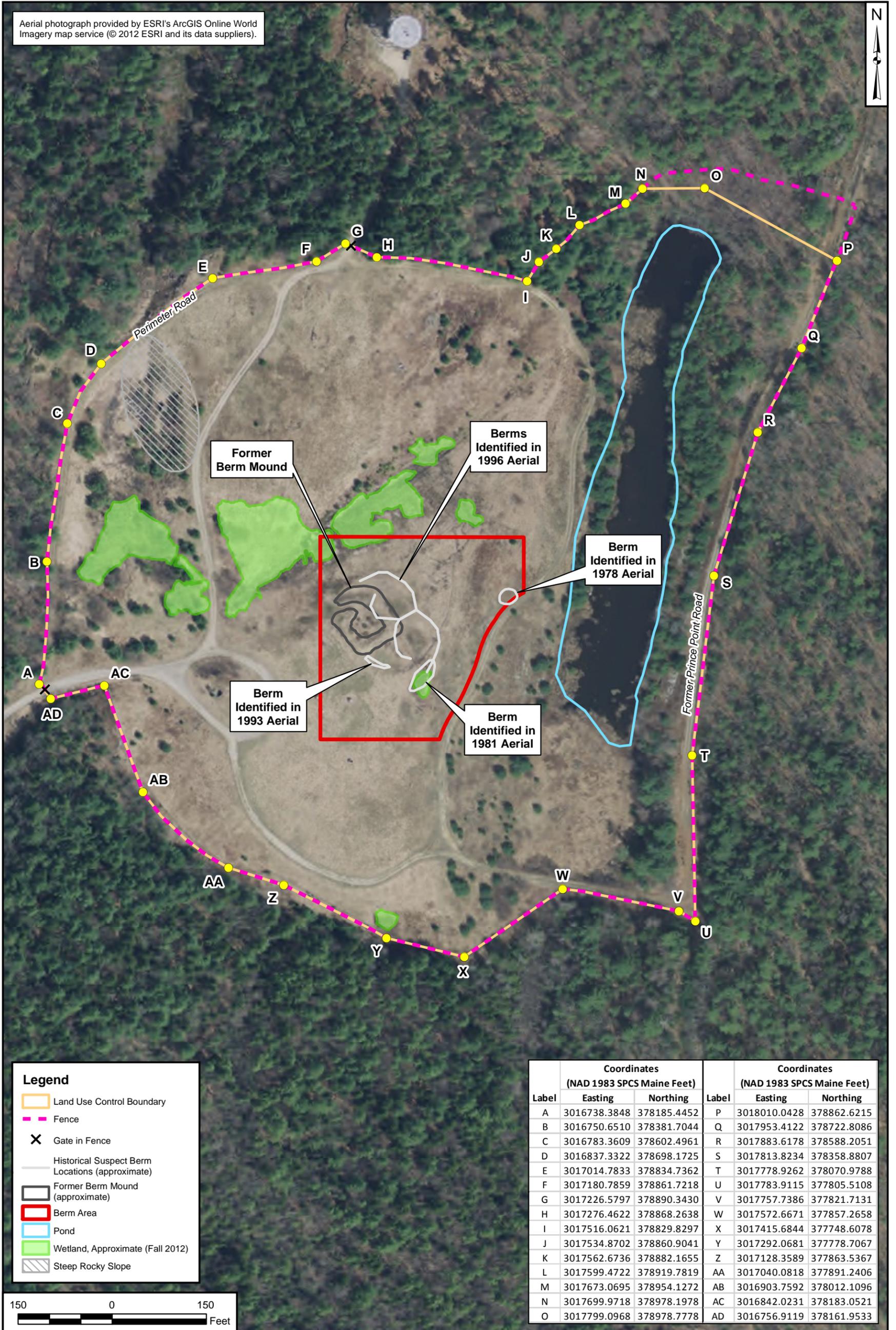
TABLE A5-1

**SUMMARY OF LAND USE CONTROL INSPECTION AND IMPLEMENTATION ACTIONS
SITE 12 – EXPLOSIVE ORDNANCE DISPOSAL AREA
FORMER NAVAL AIR STATION BRUNSWICK, MAINE**

REQUIREMENT/DESCRIPTION	FREQUENCY
LAND USE CONTROL ACTIONS	
Conduct LUC compliance inspections	Annually
Prepare and issue LUC Inspection Reports to EPA and MEDEP	Annually
NOTIFICATION REQUIREMENTS	
Navy will notify EPA and MEDEP of any proposed change in land use that would require modifications to the LUCs to remain consistent with the LUC objectives or selected remedy. The notice shall describe how the LUCs will be changed and mechanisms by which the new LUCs will be implemented to maintain the protectiveness of the remedy.	Per event, 45 days in advance
Navy must notify EPA and MEDEP of activities that are inconsistent with LUC objectives, restrictions, or effectiveness and how inconsistent activities were/will be addressed.	Per event, 10-day post-event awareness required
Navy will notify EPA and MEDEP prior to any anticipated transfer, out of Navy custody and control, of real property subject to LUCs.	Per event, typically 6-month advance notice but not less than 60 days
SUBSEQUENT OWNER NOTIFICATION REQUIREMENTS	
Subsequent owner(s) will seek authorization from the Navy for any proposed change in land use, and the authorization request will describe how the owner intends to ensure continued protectiveness. If the Navy agrees that protectiveness will be continued, the Navy will seek EPA and MEDEP concurrence. No change in use may be initiated without the approval of the Navy, EPA, and MEDEP.	Per event, 60 days in advance
Subsequent owner(s) must notify the Navy, EPA, and MEDEP of activities that are inconsistent with LUC objectives, restrictions, or effectiveness and how inconsistent activities were/will be addressed.	Per event, 10-day post-event awareness required

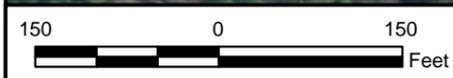
ATTACHMENT A5-1
LAND USE CONTROL PARCEL MAP FOR SITE 12

Aerial photograph provided by ESRI's ArcGIS Online World Imagery map service (© 2012 ESRI and its data suppliers).



Legend	
	Land Use Control Boundary
	Fence
	Gate in Fence
	Historical Suspect Berm Locations (approximate)
	Former Berm Mound (approximate)
	Berm Area
	Pond
	Wetland, Approximate (Fall 2012)
	Steep Rocky Slope

Label	Coordinates (NAD 1983 SPCS Maine Feet)		Label	Coordinates (NAD 1983 SPCS Maine Feet)	
	Easting	Northing		Easting	Northing
A	3016738.3848	378185.4452	P	3018010.0428	378862.6215
B	3016750.6510	378381.7044	Q	3017953.4122	378722.8086
C	3016783.3609	378602.4961	R	3017883.6178	378588.2051
D	3016837.3322	378698.1725	S	3017813.8234	378358.8807
E	3017014.7833	378834.7362	T	3017778.9262	378070.9788
F	3017180.7859	378861.7218	U	3017783.9115	377805.5108
G	3017226.5797	378890.3430	V	3017757.7386	377821.7131
H	3017276.4622	378868.2638	W	3017572.6671	377857.2658
I	3017516.0621	378829.8297	X	3017415.6844	377748.6078
J	3017534.8702	378860.9041	Y	3017292.0681	377778.7067
K	3017562.6736	378882.1655	Z	3017128.3589	377863.5367
L	3017599.4722	378919.7819	AA	3017040.0818	377891.2406
M	3017673.0695	378954.1272	AB	3016903.7592	378012.1096
N	3017699.9718	378978.1978	AC	3016842.0231	378183.0521
O	3017799.0968	378978.7778	AD	3016756.9119	378161.9533



DRAWN BY J. ENGLISH CHECKED BY R. MILLER REVISOR BY SCALE AS NOTED	DATE 12/09/15 DATE 02/10/16 DATE _____	TETRA TECH LAND USE CONTROL BOUNDARY SITE 12 EOD AREA FORMER NAVAL AIR STATION BRUNSWICK BRUNSWICK, MAINE	CONTRACT NUMBER 0645 CTO NUMBER 069 APPROVED BY _____ DATE _____ APPROVED BY _____ DATE _____ FIGURE NO. A5-1 REV 1
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ATTACHMENT A5-2
SITE 12 CAUTION SIGN AND UXO FACT SHEET

NOTICE

THIS IS THE LOCATION OF A FORMER NAVY EXPLOSIVE ORDNANCE DISPOSAL AREA WHERE SMALL QUANTITIES OF MUNITIONS ITEMS WERE HISTORICALLY DETONATED TO RENDER THEM SAFE FOR DISPOSAL.

THE NAVY HAS COMPLETED EXTENSIVE MUNITIONS CLEARANCE ACTIVITIES AT THE SITE, INCLUDING CLEARANCE OF THE GROUND SURFACE ACROSS THE ENTIRE SITE AS WELL AS SUBSURFACE CLEARANCE FOR PORTIONS OF THE SITE THAT WERE SPECIFICALLY DESIGNATED FOR DETONATION OF MUNITIONS ITEMS. ALTHOUGH IT HAS BEEN DETERMINED THROUGH MUNITIONS CLEARANCE ACTIONS THAT THE FORMER EXPLOSIVE ORDNANCE DISPOSAL AREA NO LONGER POSES SAFETY RISKS TO PEOPLE ACCESSING THE SITE, THE NAVY IS PROVIDING NOTICE OF FORMER MUNITIONS DISPOSAL ACTIVITIES AT THE SITE TO INFORM AND EDUCATE THE PUBLIC SHOULD ANY MUNITIONS ITEMS BE ENCOUNTERED.

IF YOU ENCOUNTER A SUSPICIOUS-LOOKING ITEM, REMEMBER THE THREE Rs OF EXPLOSIVE SAFETY:

RECOGNIZE: Recognize when you may have encountered a munitions item.

RETREAT: Do not touch, move or disturb it, but carefully leave the area the way you entered.

REPORT: Call 911. Immediately notify local law enforcement of what you saw and where you saw it.



RECOGNIZING MUNITIONS ITEMS:

➤ MUNITIONS ITEMS CAN COME IN MANY SHAPES AND SIZES

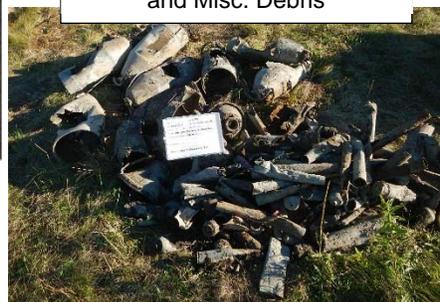
➤ MUNITIONS ITEMS CAN LOOK LIKE A:

- POINTED PIPE
- SODA CAN
- BASEBALL
- MUFFLER

➤ MUNITIONS ITEMS MAY:

- BE VISIBLE ON THE SURFACE OR BE BURIED
- BE EXPOSED BY EROSION OR FIRES
- LOOK NEW OR OLD
- BE COMPLETE OR IN PARTS
- BE FOUND ALONE OR IN GROUPS
- SHOULD BE CONSIDERED DANGEROUS REGARDLESS OF SIZE OR AGE

EXAMPLES OF MUNITIONS ITEMS FOUND AT THIS SITE





Unexploded Ordnance (UXO) Safety



Military munitions that were used but fail to function as intended are called unexploded ordnance or UXO. Military munitions removed from storage for the purpose of disposal or abandoned without proper disposal are called discarded military munitions or DMM. The United States has always maintained a trained and ready military to protect its national interests. As a result of munitions-related activities required to maintain this force (for example, live-fire training and testing, disposal operations) UXO or DMM are present at numerous military installations. Although the military controls access to areas known or suspected to contain UXO on active installations, a number of areas that are known or suspected to contain military munitions that were previously used by the military have been transferred for public use. At the former NAS Brunswick, munitions-related activities included munitions storage and disposal and small-arms training. Disposal activities occurred at Site 12 and the Quarry, and munitions were stored in magazines and possible in other areas.

When anyone encounters or believes they may have encountered a munitions-related item, they should consider it extremely dangerous. To protect their family, friends, and neighbors, everyone should learn and follow the 3Rs of explosives safety: **Recognize**—when you may have encountered a munition and the potential danger; **Retreat**—do not touch, move, or disturb it; **Report**—notify local law enforcement of what you saw and where you saw it.

UXO are often referred to as duds, bombs, dummy rounds, or by other terms. Regardless of what you call them, they should be considered dangerous. Never touch, move, or disturb munitions.

Remember that UXO items:

- **Come in many shapes and sizes**
- **Can look like a:**
 - Pointed pipe
 - Soda can
 - Baseball
 - Muffler
- **Should be considered dangerous regardless of size or age**

- **May:**
 - Be visible on the surface or be buried
 - Be exposed by erosion or fires
 - Look new or old
 - Be complete or in parts
 - Be found alone or in groups



Munitions can be hard to see, especially when they have had years to rust and settle into place. Beware as munitions can be hidden by deep grass, foliage, or thick brush.



Even small munitions can be dangerous and should be treated with caution. If you believe you have encountered a munition, retreat – do not touch or disturb it – and call 911.

Munitions including their components (e.g., projectiles, fuzes, rocket motors) may contain high explosives, propellant or pyrotechnics. Munitions should never be collected as souvenirs or “trophyes.” No matter how old or damaged a munition may look, it can still be as or more dangerous than the day it was made.



Munitions can be clean or rusty and may be hard to recognize. Even old munitions can be very dangerous.

The 3Rs of Explosives Safety

Recognize – Recognizing when you may have encountered a munition is key to reducing the risk of injury or death. If you encounter or suspect you may have encountered a munition, consider it extremely dangerous. Remember, munitions are sometimes hard to identify.

Retreat – If you encounter or suspect you may have encountered a munition, do not touch, move, or disturb it, but immediately and carefully – do not run – leave the area following the same path on which you entered. If you can, mark the general area, not the munition, in some manner (for example, with a hat, piece of cloth, or tying a piece of plastic to a tree branch).



Munitions may be found both on land and in water.

Report – When you think you may have encountered a munition, notify your local law enforcement – call 911.

DON'T FORGET

Munitions are dangerous and may not be easily recognizable. Never touch, move, or disturb a munition or suspect munition.

REMEMBER THE 3Rs

RECOGNIZE: Recognize when you may have encountered a munition.

RETREAT: Do not touch, move, or disturb it but carefully leave the area the way you entered.

REPORT: Call 911! Immediately notify local law enforcement of what you saw and where you saw it.

For more information visit the UXO Safety Education Website at:
<https://www.denix.osd.mil/uxosafety>



ATTACHMENT A5-3

LAND USE CONTROL COMPLIANCE INSPECTION CHECKLIST FOR SITE 12

Land Use Control Compliance Inspection Checklist
Site 12 - Explosive Ordnance Disposal Area
Former Naval Air Station Brunswick, Maine
Page 1 of 2

Site Description:

Site 12, Explosive Ordnance Disposal Area, located in the southeastern portion of the base, as reportedly used from 1981 through 2004 for the disposal of small quantities of ordnance, pyrotechnics, privately manufactured explosive devices, and war souvenirs, although aerial photography indicates that the site may have been in use for explosives disposal prior to 1981. The site was also used for landfilling of non-munitions construction debris and reportedly may have included a former sand and gravel borrow pit.

Documentation Questionnaire:

1. Are there correspondence records (i.e., letters, emails) on file documenting EPA and MEDEP notifications regarding (if yes to any, specify below):
 - 1a. Activities inconsistent with LUCs?
 - 1b. Corrective actions (planned or taken) regarding activities (relating to Item 2a above) inconsistent with LUCs?
 - 1c. Proposed land use changes?
 - 1d. Proposed transfer or sale of the site property within the timeframe specified in Implementation Action No. 4c of Section 4 of the LUC RD?
- 2a. Has LUC RD documentation, as specified in Item No. 1 of Section 4 of the LUC RD, been confirmed to have been provided to NAVFAC Mid-Atlantic's real estate division? If no, explain below.
- 2b. Does LUC RD documentation, as specified in Item No. 1 of Section 4 of the LUC RD and provided to NAVFAC Mid-Atlantic's real estate division need to be updated? If yes, explain below.
- 3a. Has LUC RD documentation, as specified in Item Nos. 2, 3, 4, and 5 of Section 4 of the LUC RD, been provided to the Town of Brunswick, Maine, and been reviewed? If no, explain below.
- 3b. Does LUC RD documentation, as specified in Item Nos. 2, 3, 4, and 5 of Section 4 of the LUC RD and provided to the Town of Brunswick, Maine, need to be updated? If yes, explain below.
4. Are signs still in place and readable?
5. Is the UXO fact sheet available to site visitors?

Yes	No

Inspection Questionnaire:

1. Is there evidence of development or use for purposes other than non-intrusive passive recreational activity? If yes, explain below.
2. Is there evidence of intrusive activity within the boundary of the site? If yes, explain below.
3. Is there evidence of damage to signs or other remedial components? If yes, explain below.

Yes	No

Comments: (Provide related question number for each comment)

Land Use Control Compliance Inspection Checklist
Site 12 - Explosive Ordnance Disposal Area
Former Naval Air Station Brunswick, Maine
Page 2 of 2

Recommendations: (Enter suggested improvements to this form)

Navy Certification:

I hereby certify that a complete and thorough inspection and an evaluation of compliance with land use controls established for the site in accordance with the LUC Remedial Design have been performed and that the items noted on this inspection form have been assessed with respect to the intent of the implemented remedial action objectives for the sites, to the best of my knowledge and based on the information submitted by the person(s) directly responsible for gathering the information.

 Navy Representative Title

 Signature Date

On-Site Inspection Team Roster

 Lead Inspector Title/Affiliation

 Signature Date of Inspection

Others Present:

 Name Affiliation

 Name Affiliation

 Name Affiliation

 Name Affiliation

Exhibit G

Comments and Responses