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Testimony of Rep. Dan Ankeles

Before the Joint Standing Committee on Innovation, Development, Economic Advancement and Business

Presenting LD 941, An Act Facilitating the Efforts of the Midcoast Regional Redevelopment Authority and the Town of Brunswick to Design and Carry Out Improvements to the Storm Water System and Other Infrastructure at the Former Brunswick Naval Air Station.

Senator Curry, Representative Roberts, and honorable members of the Innovation, Development, Economic Advancement and Business Committee, thank you for the opportunity to testify today. I am Representative Dan Ankeles, and I serve House District 100, a central slice of Brunswick that includes our downtown, Bowdoin College, Mere Point, Maquoit Bay, the Mere Brook Watershed, and, most importantly for the purposes of this hearing, the former Brunswick Naval Air Station. It's an honor to present **LD 941, An Act Facilitating the Efforts of the Midcoast Regional Redevelopment Authority and the Town of Brunswick to Design and Carry Out Improvements to the Storm Water System and Other Infrastructure at the Former Brunswick Naval Air Station.**

I come before you today to begin the work of solving a serious policy problem in my district that has both regional and statewide implications. Alongside me are Brunswick's town manager, John Eldridge, the Executive Director of the Midcoast Regional Redevelopment Authority (MRRA), Kristine Logan, and Brunswick's Environmental Planner, Ashley Charleson. Also, this measure is co-sponsored by the four members of the Brunswick delegation, the entire Sagadahoc County delegation and the Senator from Lincoln County.

The goal of this legislation is to begin a long-range planning process for the replacement of aging conventional and environmental infrastructure on the former Brunswick Naval Air Station, known today as Brunswick Landing. This is a process of such a large scale and expense that it requires state-level buy-in and cooperation between stakeholders to ensure that we accomplish our goals efficiently and with the least possible fiscal and environmental harm to all of our constituents.

And again, I cannot emphasize enough to members of this committee that I put in this legislation because Brunswick and MRRA cannot do this work alone. This cannot be written off as a local problem. If the infrastructure and storm water management systems are allowed to fail, or if we as a state don't speak to the federal government with one voice when it comes to PFAS remediation, the success story that began with the air station's closure will come to an end, and our region's loss will be Maine's loss.

There are others testifying who will be able to give you a closer approximation of the number of years until the situation is critical, but I can say we would be making a mistake as a state if we did not take the opportunity to begin doing the public policy equivalent of preventative health care before it's too late.

Brunswick Landing is, to the best of my knowledge, the fastest growing commercial and residential area in the southern midcoast region. Under both the current governor and the previous governor, the former airbase had the second most successful post-closure economic recovery in the nation. We have an airport, businesses of all types and sizes, a BIW facility, a satellite campus of SMCC, national guard facilities, a major public recreation complex, senior housing, a memory care facility, a major nature preserve and trail network, one of the state's only microgrids, a tech incubator facility, the Maine Technology Institute, an actual rocket ship company and even the Maine Space Consortium. So many of us have been working hard over the years to integrate this unique property into the rest of Brunswick, and the potential is there to succeed.

And yet both the Landing's conventional and its environmental infrastructure - specifically the storm water management systems - are simply getting too old. And that is bad news, not just financially and for residents' quality of life. It's also bad news for the surrounding watersheds, waterways and drinking water well fields.

There is one final complicating factor that raises the stakes, especially when we're talking water quality: Everything I've just explained is made worse by the fact that Brunswick Landing also happens to be a significant PFAS hotspot, thanks largely to all the firefighting foam that was used when the air station was active. In fact, the testing and remediation of multiple hazardous materials, not just PFAS, is why the Navy has been conveying parcels on Brunswick Landing at such a careful pace. And it's the reason why that process is still very much ongoing.

Others behind me can talk in more depth about what this means, but just know that it's not nearly as simple as asking "Well, the federal government officially declared all the PFAS chemicals to be hazardous chemicals, so doesn't that make them responsible for all of this?" I wish that were case, but I will tell you that the more coordinated we are, the better we are going to do with the feds - and LD 941 will surely help.

We want this committee to come away from this hearing understanding that the state has a major interest in facilitating preventative action, and that doing so is key to the continued environmental and economic health of the southern midcoast region.

One aside, there is a misconception that the prosperity the Landing's initial success has brought has made our town government rich. That's not actually what happened, and we have people here who can walk you through why if you're curious.

Now, when I was staff and used to teach members about best practices for working bills, I used to tell them, whatever you do, never ever put in concept drafts. I feel quite sheepish now, but I say this to you so that you understand that I did not take this step lightly. The bill began as a concept draft to buy time for stakeholder planning at the local level and for consulting with various departments within the executive branch to determine what a realistic and purposeful first step might look like.

I'm relieved to report to this committee that these communications were successful on a number of levels. The town and the Midcoast Regional Redevelopment Authority are united in the ask we are making today, and multiple departments and offices within the administration are willing to participate in this crucial first step of a multi-year process.

Thanks to your top-notch committee analyst, we have an amended proposal that should be in front of you now. So what I'm going to do is quickly take you through that proposal before wrapping up my testimony with a final call to action.

The amendment would begin by striking the current concept draft language and replacing it with a legislative study - a change that is actually far more exciting than it sounds.

There is a very clear format in this building for how legislative studies work. Basically, someone from OPLA staffs a group of stakeholders who meet four times during the offseason to consider the key questions they've been asked to tackle. The group then delivers a report back to you, the committee, by the end of the year. Then you are given the authority to report out a bill to implement the recommendations that the group comes up with.

Legislative studies typically cost between \$2,500 and \$2,750. And whether they pass doesn't just depend on money but also on whether the Legislature can spare a staff member to help run the meetings. But I will say that given what's a stake and given what we would get out of this process, to call this legislation a bargain would be dramatically understating it.

The makeup of a study committee can include a minimum of three people and a maximum of thirteen. The partisan balance of the lawmakers appointed to study committees is typically even. LD 941, as amended, asks for a group of nine people: An employee of the Town of Brunswick, the Executive Director of MRRA, a member representing DECD, a member representing DEP, a member of an environmental advocacy group (we have been working closely with an ideal candidate for this role on Brunswick Landing for years), and one member from each of the four major caucuses in the House and Senate. I will pause to note here that DECD and DEP are both aware that they are named here, have indicated a willingness to each lend us a staff member for this work and will likely be testifying in a neither-for-nor-against posture.

Now, among the questions the group should answer as it attempts to come up with a long-range plan:

- What is the true scale, cost, and scope of the work that needs to be done?
- How should we divide the responsibility for the work and the cost?
- What does an optimal order of operations look like?
- What do we gain by accomplishing this work?
- What do we risk by continued inaction?
- How can we get this work done while navigating the issues of PFAS contamination, EPA involvement and the Navy's property conveyance process and remediation work?
- What is the best way for the state to speak with one voice?
- In what ways could we work with our four members of Congress?
- How do we best leverage available federal funding sources?

I'll close by reiterating to the committee that LD 941 is the essential first step in a multi-year effort to prevent further infrastructure and environmental degradation on Brunswick Landing and continue the remarkable successes that have done so much for my region and indeed the entire state. Please give us the chance to dig deeper and do some of the necessary hard work in the offseason. Please charge us with providing recommendations and please accept the authority to begin to act on those recommendations in the next regular session.

I am happy to attempt to answer questions or seek out answers in advance of the work session. Please also take advantage of my colleagues from back home. They have a lot of knowledge but only a three-minute time limit, and they are eager to help clarify anything you might be curious about.

Thank you for getting through this lengthy testimony with me and for the opportunity to address you today.

Proposed Amendment to LD 941

(offered by Rep. Ankeles)

Committee: IDEA

Date: 4-4-23

LD 941 – An Act Facilitating the Efforts of the Midcoast Regional Redevelopment Authority and the Town of Brunswick to Design and Carry Out Improvements to the Storm Water System and Other Infrastructure at the Former Brunswick Naval Air Station

Amend the title of the bill to read as follows:

Resolve, Establishing the Commission to Study Improvements to Critical and Environmental Infrastructure at the Former Brunswick Naval Air Station

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, evaluating the need to replace, repair and upgrade critical conventional and environmental infrastructure throughout the entirety of the former Brunswick Naval Air Station is of critical importance to the health, safety and prosperity of the State and the southern midcoast region; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission to Study Improvements to Critical and Environmental Infrastructure at the Former Brunswick Naval Air Station is established.

Sec. 2. Membership. Resolved: That the commission consists of 9 members as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature, with preference given to members who cosponsored LD 941;
2. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature, with preference given to members who sponsored or cosponsored LD 941;
3. One member representing the Office of the Town Manager in the Town of Brunswick, appointed by the President of the Senate;
4. One member representing an organization comprised of Brunswick area residents that advocate for a safe environment, appointed by the Speaker of the House;
5. The commissioner of the Department of Environmental Protection, or the commissioner's designee;

The commissioner of the Department of Economic and Community Development, or the commissioner's designee; and

6. The executive director of the Midcoast Regional Redevelopment Authority, or the executive director's designee.

Sec. 2. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the house chair of the commission.

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointment have bene made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 4. Duties. Resolved: That in conducting the study the commission shall:

1. Evaluate the need to replace, repair and upgrade critical conventional and environmental infrastructure throughout the former Brunswick Naval Air Station for the purpose of protecting the health and safety of residents, businesses, nonprofit organizations and the former naval air station's flora and fauna;

2. Review ongoing federal and state remediation and safe storage efforts with respect to perfluoroalkyl and polyfluoroalkyl substances, perfluorooctanesulfonic acid and perfluorooctanoic acid, also known as PFAS, PFOS and PFOA, respectively, and other known hazardous chemicals in order to ensure that any plan to replace, repair or upgrade the infrastructure identified in subsection 1 is consistent with such efforts; and

3. Develop a long-range plan for the replacement, repair and upgrade of critical conventional and environmental infrastructure throughout the Brunswick Naval Air Station. In developing a long-range plan under this subsection, the commission shall consider the following:

- A. The scale, cost, and scope of the work that needs to be done;
- B. Who should be responsible for the work and the cost of the work;
- C. What is an optimal order in which to do the work;
- D. What is gained or accomplished by doing this work;
- E. The risks associated with not doing the work;
- F. The best way to accomplish the work while navigating issues related to PFAS contamination, federal regulation involvement and issues related to the conveyance of federal property;
- G. Whether the approach recommended by the commission is consistent with State's larger approach to PFAS contamination;
- H. Whether there is a role that Maine's congressional delegation can play in assisting to accomplish the work; and
- I. Identifying available federal funding and grant assistance that may be available.

4. Staff Assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

5. Report. That, notwithstanding Joint Rule 353, no later than January 1, 2024, the commission shall submit a report that includes its findings and recommendations for presentation to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business. The Joint Standing Committee on Innovation, Development, Economic Advancement and Business is authorized to submit legislation related to the report to the Second Regular Session of the 131st Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This amendment establishes the Commission to Study Improvements to Critical and Environmental Infrastructure at the Former Brunswick Naval Air Station, which is a 9-member commission directed to:

1. Evaluate the need to replace, repair and upgrade critical conventional and environmental infrastructure throughout the entirety of the former Brunswick Naval Air Station for the purpose of protecting the health and safety of residents, businesses, nonprofit organizations and the former naval air station's flora and fauna;
2. Review ongoing federal and state remediation and safe storage efforts with respect to perfluoroalkyl and polyfluoroalkyl substances, perfluorooctanesulfonic acid and perfluorooctanoic acid, also known as PFAS, PFOS and PFOA, respectively, and other known hazardous chemicals in order to ensure that any plan to replace, repair or upgrade the infrastructure identified in subsection 1 is consistent with such efforts; and
3. Develop a long-range plan for the replacement, repair and upgrade of critical conventional and environmental infrastructure throughout the Brunswick Naval Air Station.

The commission is required to submit a report no later than January 1, 2024, for presentation to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, which is authorized to submit legislation to the Second Regular Session of the 131st Legislature.