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LETTER AND CONCURRENCE FROM MAINE DEPARTMENT OF ENVIRONMENTAL
PROTECTION REGARDING RECORD OF DECISION FOR OPERABLE UNIT 2 (OU 2) NSY
PORTSMOUTH ME
09/29/2011
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

September 29, 2011

James T. Owens, III
Director, Office of Site Remediation & Restoration EPA New England, Region I
5 Post Office Sq. Suite 100
Mail Code OSRR07-5
Boston, MA 02109-3912

Re: Record of Decision for Operable Unit 2
Portsmouth Naval Shipyard, Kittery, Maine

Dear Mr. Owens:

The Maine Department of Environmental Protection (MEDEP) has reviewed the Record of Decision – Operable Unit 2 – Site 6, Site 29, and DRMO Impact Area, Portsmouth Naval Shipyard, Kittery, Maine dated August 2011. The Record of Decision (ROD) summarizes the results from the Remedial Investigation, the Feasibility Study, the results of the soil removal action that was conducted to address unacceptable risks to human health. Further, the ROD documents the Navy's rationale for the selected decision at OU-2 of surface soil removal, soil cover, land use controls and monitoring at the Waste Disposal Area and soil removal, land use controls and monitoring at the Defense Reutilization and Marketing Office Storage Yard. MEDEP concurs with the selected decision for OU-2.

The State's concurrence of the selected decision, as described above, should not be construed as the State's concurrence with any conclusion of law or finding of fact, which may be set forth in the ROD or supporting documents for the site listed above. The State reserves any and all rights to challenge any such finding of fact or conclusion of law in any other context.

This concurrence is based on the State's understanding that the Navy will continue to solicit MEDEP's review and concurrence with the Remedial Design, Remedial Action oversight, Remedial Action report, Land Use Controls Remedial Design and Post-Remedial Operation, Maintenance and Monitoring Plan for OU2.

MEDEP looks forward to working with the Department of the Navy and Environmental Protection Agency to resolve the environmental issues remaining at the Portsmouth Naval Shipyard. If you have any questions or comments, please contact Iver McLeod at iver.j.mcleod@maine.gov or 207-287-8010.

Best regards,

Patricia W. Aho
Commissioner

pc: Iver McLeod – MEDEP
Linda Cole – US Navy
Matt Audet - EPA

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