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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

July 26 2001

V. L. Williams
Captain, USN
Commander,
Portsmouth Naval Shipyard
Kittery, Maine

Re: Letter of Concurrence, Record of Decision for Operable Unit 3, Portsmouth Naval Shipyard, Kittery, Maine

Dear Capt. Williams:

The Maine Department of Environmental Protection (MEDEP) has reviewed the Draft Final Record of Decision (ROD) for Operable Unit 3, dated July 2001. Operable Unit 3 consists of the Jamaica Island Landfill (Site 8), the Former Mercury Burial Sites (Site 9) and the Former Waste Oil Tanks Nos. 6 and 7.

Based on MEDEP's review the Maine Department of Environmental Protection concurs with the selected remedial action which consists of a hazardous waste landfill cover, institutional controls, erosion controls, and monitoring. The remedial action is outlined below:

- A multiple layer cover over the landfill surface that would prevent receptors on the surface from coming in contact with contaminated soil and/or waste and minimize infiltration of water through the cover to the landfill.

- Institutional controls to restrict land and fresh water groundwater uses with the JILF boundary to prevent unacceptable human exposure to site contaminants. Institutional controls will also be used to prevent unrestricted disturbance of the hazardous waste landfill cover, shoreline erosion controls, and building and structures within the boundary of the JILF.

- Shoreline erosion controls, including rip-rap and/or wetlands placed along the shoreline, to minimize the potential for washing away of soil and/or waste materials from the edge of the JILF.

- Monitoring of site media to assess the effectiveness of the remedy over the long term.

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- Routine inspections and maintenance of the cover, shoreline erosion controls, and institutional controls to ensure that the cover, erosion controls, and site controls remain effective. An operation and maintenance plan will be developed.

- Five-year site reviews to confirm that remedial action objectives (RAOs) are being achieved and the remedy remains protective.

Please note that the State's concurrence with the remedial action is conditional on our acceptance of the landfill cover design. We anticipate that the Navy's landfill cover design will address all areas of the landfill including areas around buildings up to the footprints of the buildings.

The MEDEP looks forward to working with Navy and EPA to resolve the environmental problems posed by the Shipyard. If you need additional information do not hesitate to call me or members of my staff.

Sincerely,

David Lennett

David Lennett
Bureau Director
Bureau of Remediation and Waste Management
Maine Department of Environmental Protection

pc:

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