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LETTER REGARDING MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CONCURRENCE WITH THE RECORD OF DECISION FOR OPERABLE UNIT 9 (OU 9) NSY  
PORTSMOUTH ME  
9/18/2013  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

September 18, 2013

James T. Owens, I11  
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 9  
Portsmouth Naval Shipyard, Kittery, Maine

Dear Mr. Owens:

The Maine Department of Environmental Protection (MEDEP) has reviewed the Record of Decision – Operable Unit 9 – Site 34 (Former Oil Gasification Plant, Building 62), Portsmouth Naval Shipyard, Kittery, Maine dated September 2013. The Record of Decision (ROD) summarizes the results from the 2007 Removal Action, the Remedial Investigation and the Feasibility Study, and documents Navy's rationale for selecting land use controls (LUCs) and annual inspections of LUCs as the remedy for OU9. MEDEP concurs with the selected decision of land use controls and annual inspections of LUCs.

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 Land Use Controls Remedial Design for OU9.

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](mailto:iver.j.mcleod@maine.gov) or 207-287-8010.

Best regards,

Melanie Loyzim, Director  
Bureau of Remediation and Waste Management

pc: Iver McLeod – MEDEP  
Elizabeth Middleton – US Navy  
Matt Audet - EPA

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