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U S NAVY LETTER REGARDING DRAFT FINAL DATA GAPS ASSESSMENT REPORT
REQUEST SITES 12 AND 13 (TANK FARMS 4 AND 5) NS NEWPORT RI
09/09/2011
NAVFAC MIDLANT



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9742 MARYLAND AVENUE
NORFOLK, VA 23511-3095

IN REPLY REFER TO:

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OPTE

SEP 9 2011

Ms. Pamela Crump
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

Dear Ms. Crump:

SUBJECT: DRAFT FINAL DATA GAPS ASSESSMENT (DGA) REPORT, SITES
12 AND 13 (TANK FARMS 4 and 5), NAVAL STATION NEWPORT

I am writing in response to your letter dated 31 August 2011, in which the Rhode Island Department of Environmental Management (RIDEM) indicated it wished to invoke "formal dispute resolution" regarding the subject document. Per Sections VIII, 7.6 (e) and XIII of the Federal Facility Agreement (FFA), "informal" dispute resolution must precede "formal" dispute resolution, and should have been initiated before Navy's submittal of the draft final document. This did not occur.

It is our understanding that RIDEM is interested in additional time to work with the Navy to resolve concerns on the subject document. We believe invocation of formal dispute resolution is not necessary to accomplish this goal. In the spirit of cooperation, and with the concurrence of EPA, the Navy would be willing to extend the review period on the draft final document and to meet with you to discuss concerns that you may have.

If this course of action is acceptable, the Navy requests that RIDEM rescind in writing its letter invoking "formal dispute resolution" and instead send to Navy and EPA a request for an extension of the comment period for the Draft Final Data Gaps Assessment for Tank Farms 4 and 5. Please ensure your request addresses the extension request requirements in FFA paragraphs 15.1 and 15.2.

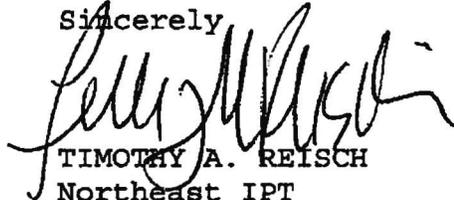
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SEP 9 2011

If you have any questions or comments, please contact Mr. Roberto Pagtalunan at (757) 341-2010.

Sincerely



TIMOTHY A. REISCH

Northeast IPT

Environmental Business

Team Leader

By direction of the

Commanding Officer

Copy to:

EPA Region I (Kymberlee Keckler, Bryan Olsen)

Naval Station Newport (Deborah Moore)

TetraTech NUS (Steve Parker, Dabra Seiken)