

5090  
Ser 1811/L2142

07 FEB 1992

Environmental Protection Agency  
Region IX  
Attn: Mr. Keith Takata  
Deputy Director for Superfund  
75 Hawthorne Street  
San Francisco, CA 94105

Department of Toxic Substances Control  
Region 2  
Attn: Ms. Barbara Cook  
Site Mitigation Branch Chief  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710

Regional Water Quality Control Board  
San Francisco Bay Region  
Attn: Mr. Donald Dalke  
Toxics Cleanup Division Chief  
2101 Webster Street, Suite 500  
Oakland, CA 94612

Western Division, Naval Facilities Engineering Command  
Attn: CDR Lee A. Michlin  
Director, Office of Environmental Management  
900 Commodore Drive  
San Bruno, CA 94066-2402

Subj: HUNTERS POINT ANNEX - EXTENSION REQUEST FOR OPERABLE UNIT III  
SUMMARY OF FINDINGS MEMORANDUM AND DRAFT RI REPORT SCHEDULES

Under the provisions of Sections 9.6 and 12 of the Federal Facility Agreement (FFA), the Navy hereby invokes dispute resolution concerning the denial of extensions requested in our letter of 21 January 1992, attached as enclosure (1).

By our letter of 5 February 1992, we referred this matter to the other RPMs in an attempt to engage in informal dispute resolution. Pursuant to that letter, the RPMs conducted a telephone conference on 6 February 1992 during which the RPMs were unable to fully resolve the issues in contention. Accordingly, under the provisions of Section 12 of the FFA, the Navy issues this written statement of dispute. For purposes of the information required pursuant to Section 12.2 of the FFA, enclosure (1) sets out the particulars forming the basis for our request for extension.

The EPA and State RPMs raised specific questions and issues concerning the dispute in our phone conference of 6 February. We will respond to those issues and questions with detailed information which we will provide by the close of business Tuesday, 11 February 1992.

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There is some disagreement as to whether the notice of dispute must be filed within seven (7) days of the event giving rise to this dispute pursuant to Section 9.6, or whether the 30 day deadline set out in Section 12.2 applies. In order to preserve our rights, we have elected to submit our notice of dispute at this time. However, the Navy has no objection if the RPMs treat this matter as though the 30 day deadline applied and that the 30 day deadline is triggered by the receipt of this letter.

The Navy still actively seeks to resolve this dispute informally and to that end, we suggest that the RPMs continue to meet as early and as often as necessary. The points of contact are Louise T. Lew, or Ray Chiang at (415) 244-2551.

Sincerely,

Original signed by:

MICHAEL A. MIGUEL  
Head, Environmental Restoration Branch

Encl:  
(1) WESTDIV ltr 5090 Ser 1811RC/L2107  
dtd 21 Jan 1992

Copy to:  
U.S. Environmental Protection Agency (Attn: Roberta Blank)  
Department of Toxic Substances Control (Attn: Bonnie Arthur)  
Regional Water Quality Control Board (Attn: Barbara Smith)  
  
Bay Area Air Quality Management District (Attn: Catherine Fortney)  
California Department of Fish & Game (Attn: Mike Rugg)  
U.S. Fish & Wildlife Service (Attn: Steve Schwarzbach)  
National Oceanic & Atmospheric Administration (Attn: Mike Buchman)  
Hunters Point Technical Review Committee Public Member (Attn: Rev. Arelious Walker)  
City and County of San Francisco (Attn: David Wells)  
San Francisco District Attorney (Attn: Steve Castleman)  
Bay Conservation and Development Commission (Attn: Nancy Wakeman)  
U. S. Department of the Interior (Attn: Bill Allen)

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Blind copy to: (w/o encl) 00, 09, 09B, 09C, 09CPB,  
09A2A, 24, 18, 18A, 181, 1811,  
HLA (Attn: Ashok Verma), PRC (Attn: Gary Welshans), PWC S.F. Bay (Code 420)  
(w/encl) Admin Record (4 copies), COMNAVSEASYS COM (Attn: Robert Milner), 1811RC  
COMNAVBASE S.F. WRITER: L. Lew, 1811, X2556  
OIC Treasure Island HPA TYPIST: M. Marshall, 7 Feb 92, L2142  
NAVSTA Treasure Island FILE: HPA  
COMNAVFACECOM (Code 181)

N00217.002529  
HUNTERS POINT  
SSIC NO. 5090.3

ENCLOSURE (1)  
FEDERAL FACILITY AGREEMENT DUE DATE  
EXTENSION REQUEST

DATED 21 JANUARY 1992

IS ENTERED IN A DATABASE AND FILED AT  
ADMINISTRATIVE RECORD NO. N00217.002505