



DEPARTMENT OF THE NAVY

NORTHERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
10 INDUSTRIAL HIGHWAY
MAIL STOP, #82
LESTER, PA 19113-2090

IN REPLY REFER TO

September 23, 1994

Mr. Frank Ciavattieri
Waste Management Division
U.S. Environmental Protection Agency
Region I
JKF Federal Building
Boston, MA 02203-2211

Mr. Terrence Grey
State of Rhode Island and Providence Plantations
Department of Environmental Management
Division of Site Remediation
291 Promenade Street
Providence, RI 02908-5767

RE: Statement of Dispute, Formal Dispute Resolution Procedures,
Naval Education and Training Center, Newport, Rhode Island

Dear Mr. Ciavattieri and Mr. Grey:

I am in receipt of EPA's letter dated September 22, 1994 relating to the subject dispute. I am concerned that what EPA is proposing would constitute a unilateral modification to the Federal Facilities Agreement, since that agreement does not provide for a written response to a disputing party's statement of dispute under Formal Dispute Resolution procedures.

However, in the interest of amicably resolving this matter, in this instance, the Navy will agree to your proposal, subject to the condition that before the Dispute Resolution Committee's twenty-one day period begins to run, the Navy will have an adequate opportunity to answer in writing any response by EPA or the State of Rhode Island.

Thereafter, no other written submissions should be accepted from any party in order to avoid unnecessarily lengthening the dispute resolution process, which continues to consume valuable resources of all parties concerned.

Sincerely,

A handwritten signature in cursive script that reads "W. A. Waters".

W. A. WATERS
Captain, CEC, U.S. Navy
Commanding Officer

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