

DISPUTE RESOLUTION DECISION


INTRODUCTION

1. Formal dispute resolution was invoked by the Navy under the terms of the Adak Federal Facility Agreement (FFA) on January 22, 2003.
2. The dispute centers on an ordnance site known as C3-01A. The parties have a different perspective on how the Adak Record of Decision for Operable Unit B-1 (OUB-1) applies to C3-01A and analogous sites.
3. The Dispute Resolution Committee (DRC) has considered the matter and the written positions of the parties.

PURSUANT TO THE FFA, THE DRC UNANIMOUSLY AGREES AS FOLLOWS:

1. Navy will use the attached checklist (Attachment 1) to carry out the required CERCLA five-year reviews for Adak Island for OU B-1 sites (including C3-01A and FB-03) to ensure that the remedial actions taken remain protective of human health and the environment.
2. Navy will include specific notice to the public at Adak about the 'no further action' determination for all areas with slopes exceeding 30 degrees by incorporating information in the ongoing Adak Ordnance Education and Awareness Program. Site C3-01A or FB-03 will be described to illustrate the potential for the presence of ordnance in steep slope areas that have been determined to be inaccessible on Adak Island.
3. Navy recognizes that the Department of Defense (DoD) 'Comeback Policy' may change in the future. Navy will evaluate any DoD policy changes that could affect CERCLA five-year review evaluations at the former Adak Naval Air Facility and will comply with such policy changes as they apply to Adak.
4. Navy will provide this agreement to the RAB and other stakeholders immediately. Navy, EPA, and ADEC project managers will be prepared to discuss and support this agreement at the next RAB meeting presently scheduled for March 5, 2003.
5. The actions set forth herein do not require a change to the OUB-1 Record of Decision and all elements of the formal dispute resolution are hereby resolved.

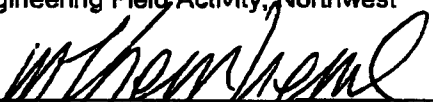
AGREED TO:



 A. P. VERHOFSTADT
 Captain
 Civil Engineer Corps, USN
 Commanding Officer
 Engineering Field Activity, Northwest

20 Jan 02

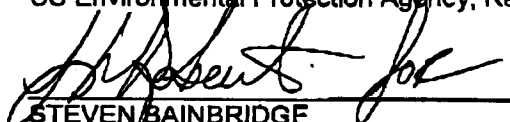
 Date



 MICHAEL GEARHEARD
 Director, Office of Environmental Cleanup
 US Environmental Protection Agency, Region X

Feb. 5, 2003

 Date



 STEVEN BAINBRIDGE
 Program Manager, Contaminated Sites Program
 Alaska Department of Environmental Conservation

Feb 7 2003

 Date