DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9324 VIRGINIA AVENUE NORFOLK, VA 23511-3095

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08 Jul 2015

James B. Harrington, P.E.
Director, Remedial Bureau A
New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau A, 12th Floor
625 Broadway
Albany, New York 12233-7015

Subj: PLAN FOR COORDINATION BETWEEN NAVY AND NORTHROP GRUMMAN ON RE-108 HOT SPOT, BETHPAGE, NEW YORK

Dear Mr. Harrington,

We are writing to respond to your July 2, 2015 e-mail regarding Northrop Grumman's (NG) "Plan for Coordination with U.S. Navy on Development of Plan for RE-108 Hot Spot" dated June 30, 2015. NG's plan states that on December 5, 2014, NG contacted the Navy "to offer its cooperation in development of a plan to address the hot spot". NG further stated that the Navy stated its "intent to move ahead with the plan without Northrop Grumman's input and that such discussions should be folded into the ongoing mediation between Northrop Grumman and the Navy". As you know, the Navy refuted this statement in the enclosed December 17, 2014 letter to Mr. Robert Schick. Specifically, the Navy disagreed with NG's statement and indicated that it expected "participation by NG in implementation of all of the OU-2 remedial activities, including the response to the recently-identified "hot spot"."

NG signed the Order on Consent with NYSDEC on April 15, 2015 and the Order was provided to the Navy on April 21, 2015. As you know, the Navy was not involved in the negotiation of the Consent Order or any of its terms, including the nature of the responsibilities that NG had agreed to undertake. As part of the Order, NG agreed to "work cooperatively with the Navy in the development of a plan to address the elevated levels of contamination in groundwater identified in the vicinity of VPB-139 and VPB-142" (the RE-108 Hot Spot).

On June 4, 2015, representatives from the Navy and NG had a conference call to discuss how to address the RE-108 Hot Spot Treatment System. During the call, NG indicated its willingness to do the following:

- Collect groundwater samples, analyze and provide data for wells around Bethpage Water District Plant 6 beginning in September

2015. In addition, NG also agreed to collect and analyze groundwater samples at other locations throughout the OU2 plume;

- Develop a groundwater model for the RE-108 Hot Spot Treatment System; and
- Verify the capacity of NG's storm water basins to determine if additional water could be discharged to NG's basins.

In addition, NG indicated that it would need to consult with NG's management about whether it would agree to undertake the following additional items with which the Navy expected NG's cooperation under the Consent Order:

- Acquisition of property to locate the RE-108 Hot Spot Treatment System;
- Design and construction of the RE-108 Hot Spot Treatment System; and
- Perform operation, maintenance and monitoring of the RE-108 Hot Spot Treatment System

Again, as stated in the Navy's letter to NYSDEC on March 17, 2015, as a responsible party under CERCLA and former owner and operator of both the Naval Weapons Industrial Reserve Plant and NG properties, Northrop Grumman is obligated both to share the financial responsibility and to actively participate in response action implementation. The Navy therefore looks forward to NG's active participation and cooperation in the implementation of OU-2, including NG's cooperation in the response to the RE108 hot spot pursuant to the Consent Order.

If you have any questions or concerns, please contact Ms. Fly at (757) 341-2012 or lora.fly@navy.mil

Sincerely,

Nina M. Johnson

NINA M. JOHNSON
Northeast IPT
Environmental Business Line
Team Leader
By direction of
the Commanding Officer

Enclosure: Letter to NYSDEC dated December 17, 2014

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
9324 VIRGINIA AVENUE NORFOLK, VA 23511-3095

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17 DEC 2014

Robert W. Schick, P.E.
Director, Division of Environmental Remediation
New York State Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau A, 12th Floor
625 Broadway
Albany, NY 12233-7015

Subj: NAVAL WEAPONS INDUSTRIAL RESERVE PLANT (NWIRP) BETHPAGE (130003B), Operable Unit 2 (OU-2) REMEDY

Dear Mr. Schick:

The Navy writes to respond briefly to the letter of Northrop Grumman (NG) to the New York State Department of Environmental Conservation (NYSDEC), dated December 5, 2014.

As NYSDEC stated in its 2001 Operable Unit 2 (OU-2) Record of Decision (ROD) and reiterated in its November 21, 2014 letter to NG, NG is an identified responsible party for the implementation of NYSDEC's OU-2 ROD. As such, the DON agrees with the position that NYSDEC took in its November 21st letter to NG that NG should enter into an Order on Consent for the implementation of NYSDEC's OU-2 ROD. Such a consent order should not be limited to the response to the recent "hot spot" concerns.

Further, the DON does not agree with the statement in NG's December 5th letter that there is an ongoing informal agreement between NG and the DON wherein each party agreed to undertake certain remedial measures. The DON issued its 2003 OU-2 CERCLA ROD and entered into the 2005 Federal Facility Site Remediation Agreement with NYSDEC in order to delineate the DON's OU-2 response action commitments at NWIRP-Bethpage. In no way were these commitments intended to preclude or relieve NG from implementing the NYSDEC OU-2 ROD. As such, contrary to the statement in NG's December 5th letter, the DON expects participation by NG in implementation of all of the OU-2 remedial activities, including the response to the recently-identified "hot spot." Therefore, the DON does not object to the issuance of an enforceable document that requires NG to implement NYSDEC's OU-2 ROD.

If you have any questions, please contact the DON's remedial project manager, Lora Fly, at (757) 341-2012.

Sincerely,

Nina M. Johnson

NINA M. JOHNSON
Northeast IPT
Environmental Business Line
Team Leader
By direction of the
Commanding Officer

Copy to:
NAVAIR, William Cords
NYSDEC, Steven Scharf/Henry Wilkie
USEPA Region II, Carol Stein
Northrop Grumman, Ed Hannon
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