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NAS CECIL FIELD, FL
5090.3a

LETTER OF TRANSMITTAL AND POST-ACTIVE REMEDIATION MONITORING PLAN
APPROVAL ORDER FOR BUILDING 9 FORMER TANKS 9L1 AND 9L2 NAS CECIL FIELD FL
10/13/2004
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

October 13, 2004

Mr. Nick Ugolini
Code ES42 (UST RPM)
Southern Division
Naval Facilities Engineering Command
P.O. Box 190010
North Charleston, South Carolina 29419-9010

RE: First Quarter 2004 Operation and Maintenance Status Report,
January 1, 2004 - March 31, 2004, Nutrient Injection System,
Building 9, Former Tanks 9L1 and 9L2, Naval Air Station
Cecil Field, Jacksonville, Florida

Dear Mr. Ugolini:

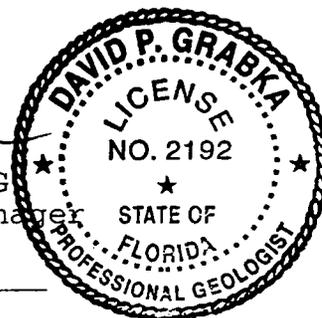
I have completed my review of the First Quarter 2004
Operation and Maintenance Status Report, January 1, 2004 - March
31, 2004, Nutrient Injection System, Building 9, Former Tanks 9L1
and 9L2, Naval Air Station Cecil Field, Jacksonville, dated May
2004 (received June 10, 2004, prepared and submitted by
Terraine, Inc. A Post-Active Remediation Monitoring Plan
Approval Order signed by Doug Jones, Bureau Chief, is attached.

If I can be of any further assistance with this matter,
please contact me at (850) 245-8997.

Sincerely,


David P. Grabka, P.G.
Remedial Project Manager

13 October 2004
Date



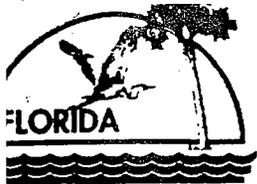
cc: Mark Davidson, SouthDiv, Charleston
John Flowe, City of Jacksonville
Mike Fitzsimmons, FDEP, Northeast District
Doyle Brittain, USEPA Region 4
James Young, Terraine, Inc.
Mark Speranza, Tetra Tech NUS, Pittsburgh
Mike Halil, CH2M Hill, Jacksonville

JJC 

ESN ESN

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Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

October 18, 2004

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commanding Officer
Attn: Mr. Nick Ugolini, Code ES42
Southern Division
Naval Facilities Engineering Command
Post Office Box 190010
North Charleston, South Carolina 29419-9010

Subject: Post Active Remediation Monitoring Plan Approval Order
Building 9, Tanks 9L1 and 9L2
Naval Air Station Cecil Field
Jacksonville, Duval County

Dear Mr. Ugolini:

The Bureau of Waste Cleanup has reviewed the First Quarter 2004, Operations and Maintenance Status Report, Nutrient Injection System, Building 9, Former Tanks 9L1 and 9L2 and request for post-active remediation monitoring, dated May 2004 (received June 10, 2004), prepared and submitted by Terraine, Inc., for the petroleum product discharge discovered at this site. Pursuant to Rule 62-770.750, Florida Administrative Code (F.A.C.), the Florida Department of Environmental Protection (Department) approves the Post Active Remediation Monitoring Plan. Pursuant to Rule 62-770.750(4), F.A.C., you are required to complete the monitoring program outlined below. The first sampling event must be performed within 60 days of receipt of this Post Active Remediation Monitoring Plan Approval Order (Order). Water-level measurements must be made immediately prior to each sampling event. The analytical results (laboratory report), chain of custody, cumulative summary table of the analytical results, site map(s) illustrating the most recent analytical results, and the water-level elevation information (cumulative summary table and most recent flow interpretation map), must be submitted to the Department within 60 days of sample collection.

The monitoring wells to be sampled, the sampling parameters, and the sampling frequency are as follows:

Monitoring Wells
CEF-9-2S; CEF-9-3S;
CEF-9-5S; CEF-9-7D;
and CEF-9-9S

Contaminants of Concern
BTEX, PAHs and TRPH

Frequency
Quarterly

Duration
One year

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If concentrations of contaminants of concern in any of the designated wells increase above the action levels listed below, the well or wells must be resampled no later than 30 days after the initial positive results are known. If the results of the resampling confirm the initial sampling results, then a proposal as described in Rule 62-770.750(4)(e), F.A.C., must be submitted to the Department.

Contaminated wells:

CEF-9-2S; CEF-9-3S and CEF-9-9S: Natural Attenuation Default Concentrations, Table V, Chapter 62-777, Florida Administrative Code.

Perimeter wells (temporary points of compliance):

CEF-9-5S and CEF-9-7D: Groundwater Criteria, Table I, Chapter 62-777, Florida Administrative Code.

If the applicable No Further Action criteria in Rule 62-770.680, F.A.C., are met at the end of the monitoring period (for at least the last two sampling events), a Site Rehabilitation Completion Report, summarizing the monitoring program and containing documentation supporting the opinion that the cleanup objectives have been achieved, must be submitted as required in Rule 62-770.750(6), F.A.C. If the applicable No Further Action criteria in Rule 62-770.680, F.A.C., are not met following one year of monitoring, then a report summarizing the monitoring program must be submitted, including a proposal as described in Rule 62-770.750(4)(e), F.A.C.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the First Quarter 2004 Operation and Maintenance Status Report you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
 - (2) File a petition for administrative hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from addressee, shall mail a copy of the request to addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from addressee, shall mail a copy of the petition to addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsections 120.54(5)(b)4. and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your First Quarter 2004 Operation and Maintenance Status Report should be directed to David P. Grabka at (850) 245-8997. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,

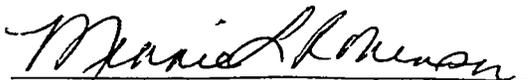


Douglas A. Jones, Chief
Bureau of Waste Cleanup
Division of Waste Management

DAJ/dpg

cc: David P. Grabka, FDEP – BWC
File

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.



Clerk
(or Deputy Clerk)

October 18, 2004
Date