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NAS CECIL FIELD  
5090.3a

PERMIT EXEMPTION FOR TAXIWAY ALPHA DRAINAGE PIPE REHABILITATION  
INDUSTRIAL WASTEWATER DISCHARGE AT JACKSONVILLE AVIATION AUTHORITY NAS  
CECIL FIELD FL  
05/19/2011  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



# Florida Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

May 19, 2011

Rusty Chandler  
Cecil Airport Manager  
Jacksonville Aviation Authority  
PO Box 18018  
Jacksonville, Florida 32229

Re: **Taxiway Alpha Drainage Pipe Rehabilitation  
Industrial Wastewater-Duval County  
Permit Exemption**

Dear Mr. Chandler:

Reference is made to your May 6, 2011, request for an industrial wastewater discharge permitting exemption for the potential dewatering discharge during the project to expose and repair 75 feet of 72-inch RCP airfield drainage piping under Taxiway Alpha. Your proposed operation is an activity as described in Rule 62-620.200(1), Florida Administrative Code (FAC), and will generate industrial wastewater as described in Rule 62-620.200(22), FAC.

In accordance with Rules 62-4.040 and 62-620.300, FAC, the Department has evaluated your request and determined your proposed activity and discharge of industrial wastewater exempt from industrial wastewater permitting requirements. As stated in your request, any produced industrial wastewater will be diverted to the pervious ground area adjacent and near Site 57 and fully contained within the property, with no discharge to surface waters. The granting of this exemption is based upon your adhering to the Best Management Practices (BMP)/Standard Operating Procedures (SOP) referenced in your request. Any offsite discharge from the industrial activity to surface waters of the State would require the appropriate permit as described in Rule 62-4.040 and 62-620 FAC.

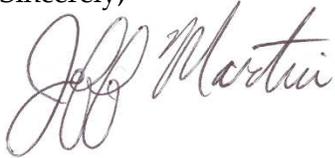
This exemption shall be terminated and the discharge re-evaluated under the applicable portions of Chapters 62-4, 62-620, 62-621, 62-520, 62-522, and 62-660, FAC, if the facility or activity is substantially modified, or should the discharge be subsequently found to be materially incorrect or pose a threat to the environment or public health. Please note that the failure to conduct your activity as described in your May 6, 2011 request may result in enforcement action and civil penalties.

This exemption relates only to industrial wastewater permitting requirements of the Department and does not relieve you from the responsibility of obtaining any required permits from other program areas within the Department, or required permits from other state, federal, or local agencies.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Please see Attachment 1, "Notice of Rights" for additional

information. If you have any questions regarding this matter, please contact Kim Pearce at 904-256-1686 or e-mail [kimberly.pearce@dep.state.fl.us](mailto:kimberly.pearce@dep.state.fl.us).

Sincerely,



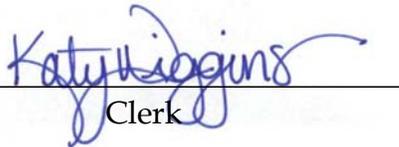
Jeff S. Martin, P.E.  
Wastewater Permitting Section

Enclosure: Notice of Rights

cc: Bob Simpson, COO & Deputy Executive Director, Cecil Field JAA  
David Dunkley, Environmental Coordinator, JAA  
Larry Elkins, Project Manager, LPA Group  
David Grabka, FDEP, Cecil Field Base Clean-Up Team  
Jeff Martin PE, Khalid Al-Nahdy PE, Tom Kallemeyn, Drew Brown, Kim Pearce - FDEP NED

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE OF PERMIT EXEMPTION and all copies were mailed before the close of business on **May 19, 2010**, to the listed persons.



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Clerk

## NOTICE OF RIGHTS

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573 of the Florida Statutes is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

Any party to the order has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 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 from the date when the final order is filed with the Clerk of the Department.