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NAS CECIL FIELD, FL
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NATURAL ATTENUATION MONITORING PLAN APPROVAL ORDER FOR NORTH SOUTH
APRON PLUME NAS CECIL FIELD FL
10/21/2005
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

October 21, 2005

CERTIFIED MAIL **RETURN RECEIPT REQUESTED**

Commanding Officer
Attn: Mr. Gabe Magwood
Code ES24 (UST RPM)
Southern Division
Naval Facilities Engineering Command
P.O. Box 190010
North Charleston, South Carolina 29419-9010

Subject: Natural Attenuation Monitoring Plan Approval Order
North-South Apron Plume
Naval Air Station Cecil Field
Jacksonville, Duval County

Dear Mr. Magwood:

The Bureau of Waste Cleanup has reviewed the **Supplemental** Site Assessment Letter Report II and Natural Attenuation Monitoring Plan dated **August 3, 2005** (received **August 5, 2005**), prepared and submitted by Tetra Tech NUS, Inc. for the petroleum product discharge discovered at this site. Pursuant to paragraph 62-770.690(5)(a), Florida Administrative Code (F.A.C.), the Florida Department of Environmental Protection (Department) approves the Natural Attenuation Monitoring Plan. Pursuant to rule 62-770.690(8), 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 Natural Attenuation 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 record form, cumulative summary tables as required by subparagraph 62-770.600(8)(a)25., F.A.C. (updated as applicable), site map(s) that illustrate 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 for the first year are as follows:

"More Protection, Less Process"

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<u>Monitoring Wells</u>	<u>Contaminants of Concern</u>	<u>Frequency</u>	<u>Duration</u>
CEF-M18-04I; CEF-M18-09I; CEF-M18-12D; and CEF-M18-05I	BTEX	Quarterly	One year

The approved Remedial Action by Natural Attenuation monitoring period is **five** years. The sampling frequency will be evaluated following the submittal of the first annual report to determine whether semiannual or annual sampling may be appropriate.

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 the monitoring report referenced in paragraph 62-770.690(8)(d), F.A.C., must be signed and sealed by an appropriate registered professional pursuant to rule 62-770.490, F.A.C., and must include a proposal as described in paragraph 62-770.690(8)(e), F.A.C.

Contaminated well[s]:

CEF-M18-04I and CEF-M18-09I: 100 µg/L Benzene

Perimeter well[s] (temporary point[s] of compliance):

CEF-M18-12D and CEF-M18-05I: 1 µg/L Benzene

If the applicable No Further Action criteria of rule 62-770.680, F.A.C., are met for two consecutive sampling events, a Site Rehabilitation Completion Report with a No Further Action Proposal, that summarizes the monitoring program and contains documentation to support the opinion that the cleanup objectives have been achieved, must be submitted as required in subsection 62-770.690(10), F.A.C. If the applicable No Further Action criteria of rule 62-770.680, F.A.C., are not met following five years of monitoring, then the monitoring report must include a proposal as described in subsection 62-770.690(8)(f), F.A.C.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative 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 an administrative 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 **Supplemental** Site Assessment Letter Report II and Natural Attenuation

Monitoring Plan 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 an administrative hearing with the Department's Agency Clerk in the Office of General Counsel 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 an administrative hearing; or
 - (2) File a petition for an administrative hearing with the Department's Agency Clerk in the Office of General Counsel 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 an Administrative Hearing

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

How to File a Petition for an Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative 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 Department's Agency Clerk in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Southern Division Naval Facilities Engineering Command, shall mail a copy of the petition to Southern Division Naval Facilities Engineering Command 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 subsection 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for an 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 facility 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 disputed issues of material fact, 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; 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 an 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 Department's Agency Clerk in the Office of General Counsel 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 Department's clerk (see below).

Questions

Mr. Gabe Magwood

October 21, 2005

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Any questions regarding the Department's review of your **Supplemental** Site Assessment Letter Report II and Natural Attenuation Monitoring Plan 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)

Date