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LETTER REGARDING REGULATORY REVIEW AND APPROVAL FOR MONITORING  
PROPOSAL AT BUILDING 2036 NTC ORLANDO FL  
4/22/1998  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



# Department of Environmental Protection

Lawton Chiles  
Governor

Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
April 22, 1998

Virginia B. Wetherell  
Secretary

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Nick Ugolini  
Code 184(PVC)  
Southern Division  
Naval Facilities Engineering Command  
2155 Eagle Drive  
Post Office Box 190010  
North Charleston, South Carolina 29419-9010

Subject: Monitoring Only Plan  
Approval Order  
Building 2036  
Naval Training Center Orlando  
Orlando, Florida, Orange  
FDEP Facility ID# 488840202

Dear Mr. Ugolini:

The Bureau of Waste Cleanup has completed the review of the Monitoring Only Report and continued Monitoring Only Proposal for Natural Attenuation dated April 6, 1998 (received April 13, 1998), submitted for this site. Pursuant to Rule 62-770.690, Florida Administrative Code (F.A.C.), the Department approves the continued monitoring only proposal. Pursuant to Rule 62-770.690(7), F.A.C., you are required to complete the monitoring program outlined below. The first sampling event should be performed within 60 days of receipt of this Monitoring Only Plan Approval Order (Order). Water-level measurements should 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), should be submitted to the Department within 60 days of sample collection.

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

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<u>Monitoring Wells</u>	<u>Parameters</u>	<u>Frequency</u>
MW-1, MW-2, and MW-4	Gasoline & Kerosene Analytical Groups	Quarterly

If concentrations of chemicals 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 must be submitted, as described in Rule 62-770.690(7)(f), F.A.C.

Contaminated wells:

MW-1: 100 µg/l Benzene; 300 µg/l Ethylbenzene; 400 µg/l Toluene; 200 µg/l Total Xylenes; 200 µg/l Naphthalene; 2100 µg/l Phenanthrene; 50 mg/l TRPH.

Perimeter wells (temporary points of compliance):

MW-2, and MW-4: 1 µg/l Benzene; 30 µg/l Ethylbenzene; 40 µg/l Toluene; 20 µg/l Total Xylenes; 20 µg/l Naphthalene; 210 µg/l Phenanthrene; 5 mg/l TRPH.

If the applicable No Further Action criteria in Rule 62-770.680, F.A.C., are achieved at the end of the monitoring period, a Site Rehabilitation Completion Report, summarizing the monitoring program and containing documentation supporting the opinion that the cleanup objectives have been achieved, should be submitted as required in Rule 62-770.690(8), F.A.C. If the applicable No Further Action criteria in Rule 62-770.680, F.A.C., are not achieved following one year of monitoring, then a report summarizing the monitoring program should be submitted, including a proposal as described in Rule 62-770.690(7)(g), F.A.C.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department about this Order you do not have to do anything. This Order is final as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following within 21 days after receipt of this Order:

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1. File a petition for administrative hearing with the Office of the General Counsel of the Department within 21 days after receipt of this Order;

OR

2. File a request for an extension of time to file a petition for hearing with the Office of the General Counsel of the Department within 21 days after 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.

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

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

A request for an extension of time to file a petition for hearing must be filed (received) in the Office of the General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, within 21 days after receipt of this Order. Pursuant to Rule 28-106.111(3), F.A.C., a request for extension of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and that the Department and any other parties agree to said extension. Petitioner, if different from U.S. Navy Southern Division, shall mail a copy of the petition to U.S. Navy Southern Division 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 filed until the request is acted upon.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of the General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, within 21 days after receipt of this Order. Petitioner, if

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different from U.S. Navy Southern Division, shall mail a copy of the petition to U.S. Navy Southern Division 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 Rules 62-103.155 and 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 how and when each petitioner received notice of the Department's action or proposed action;
- c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, if any;
- e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of which rules or statutes petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief petitioner seeks, stating precisely what petitioner wants the Department to do regarding 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 pursuant to meetings with the Department.

#### Judicial Review

Any party to this Order has the right to seek judicial review of this Order pursuant to Section 120.68, F.S., by filing

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a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Department clerk in the Office of the General Counsel, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. Simultaneously with filing a Notice of Appeal with the Department, petitioner must file a copy of the Notice of Appeal with the applicable filing fees, with the appropriate District Court of Appeal. The Notice of Appeal must be received by the Department clerk within 30 days from the date this Order was signed by the Department clerk (see below).

The FDEP Facility Number for this site is 179202973. Please use this identification on all future correspondence with the Department.

Questions

Should you have any questions regarding the legal processes, please contact the Office of the General Counsel at (850) 488-9730. Any questions you may have on the technical aspects of this Order should be directed to John Mitchell at (850) 488-3935. Contact with any of the above does not constitute a petition for administrative hearing.

Sincerely,



John M. Ruddell, Director  
Division of Waste Management

JMR/jwm

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)

4/29/98  
Date

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c: Wayne Hansel, Navy SouthDiv  
Lt. Gary Whipple, NTC Orlando  
Nancy Rodriguez, USEPA  
John Kaiser, ABB, Orlando  
Bob Cohose, Bechtel, Knoxville  
Steve McCoy, Tetra Tech NUS, Oak Ridge  
Bill Bostwick, FDEP Central District