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NAS CECIL FIELD, FL  
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LETTER REGARDING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
REVIEW OF FIRST SEMI-ANNUAL THIRD YEAR GROUNDWATER MONITORING REPORT  
FOR BUILDING 860 TANKS 860 A/B/D WITH ATTACHMENT NAS CECIL FIELD FL  
12/21/2005  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



# Department of Environmental Protection

115-242

JED BUSH  
Governor

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

Colleen M. Castille  
Secretary

December 21, 2005

Commanding Officer  
Attn: Mr. Davidson  
Code ES33  
Southern Division  
Naval Facilities Engineering Command  
P.O. Box 190010  
North Charleston, South Carolina 29419-9010

RE: Groundwater Monitoring Report, 1<sup>st</sup> Semi-Annual, 3<sup>rd</sup> Year (July 2003), Building 860, Tanks 860 A/B/D, Naval Air Station Cecil Field, Jacksonville, Florida

Dear Mr. Davidson:

I have completed the review of the Groundwater Monitoring Report, 1<sup>st</sup> Semi-Annual, 3<sup>rd</sup> Year (July 2003), Building 860, Tanks 860 A/B/D, Naval Air Station Cecil Field, Jacksonville, dated January 2, 2004 (received January 5, 2004), prepared and submitted by Tetra Tech NUS, Inc. Based upon my review, the Department is prepared to issue a Conditional Site Rehabilitation Completion Order (SRCO) for the above-referenced site upon receiving evidence acceptable to the Department that the groundwater use restriction has been released for this site, but that the restriction that the land not be used for residential or agricultural use remains on the property on which this site is located. The evidence submitted, that the groundwater restriction has been removed, must indicate that it has been recorded with the deed for this property with the Clerk of the Circuit Court, Duval County. Please also correct the sentence in paragraph XIV. of the deed that says "Residential use includes but is not limited to housing, childcare and pre-scholl facilities and recreational camping and playground vacilities."

I have attached a draft of the proposed Conditional SRCO which, along with this letter, demonstrates the Department's good faith intention to execute and issue the Order upon receipt of proof that the release of the groundwater use restriction and corrective language regarding the residential use restriction has been properly recorded. This Conditional SRCO provides the concurrence required by paragraph XXV. of the deed to release the groundwater use restrictions of paragraphs XV. and XX. of the deed.

*"More Protection, Less Process."*

Mr. Mark Davidson  
Naval Air Station Cecil Field  
December 21, 2005  
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If you have questions about the Conditional SRCO, please feel free to contact Lisa Duchene in the Department's Office of General Counsel at 850-245-2280. Please accept my apology for the extended delay in the review of this matter. The somewhat unique circumstances regarding removing certain deed restrictions in conjunction with issuing a Conditional Site Rehabilitation Completion Order for this site have required a new approach in addressing the situation. Also, other issues of higher priority have continually sprung up which has caused my addressing of this site to be delayed.

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

cc: Mike Fitzsimmons, FDEP Northeast District Office  
Doyle Brittain, EPA Region 4  
Alan Pate, Tetra Tech NUS, Jacksonville

JJC



ESN





# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

December 21, 2005

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

Commanding Officer  
Attn: Mr. Mark Davidson, Code ES33  
Southern Division  
Naval Facilities Engineering Command  
Post Office Box 190010  
North Charleston, South Carolina 29419-9010

Subject: Conditional Site Rehabilitation Completion Order  
Building 860, Tanks 860 A/B/D  
Naval Air Station Cecil Field  
Jacksonville, Duval County

Dear Mr. Davidson:

The Bureau of Waste Cleanup has reviewed the Groundwater Monitoring Report, 1<sup>st</sup> Semi-Annual, 3<sup>rd</sup> Year (July 2003) and No Further Action Proposal (NFAP) for groundwater dated January 2, 2004 (received January 5, 2004), submitted for the petroleum product discharge discovered at this site. Documentation submitted with the NFAP confirms that criteria set forth in Rule 62-770.680(2), Florida Administrative Code (F.A.C.), have been met. A paragraph prohibiting residential and agricultural use of the property containing the Building 860, Tanks 860 A/B/D site has been recorded within the deed for this property. The NFAP is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for petroleum product contamination, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order.

- (1) You must comply with the provisions within the deed implementing restrictions prohibiting residential and agricultural use of the property.
- (2) In the event concentrations of petroleum products' contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of petroleum or petroleum product occurs at the site, the Florida Department of Environmental Protection (Department) may require site rehabilitation to reduce concentrations of

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petroleum products' contaminants of concern to the levels approved in the NFAP or otherwise allowed by Chapter 62-770, F.A.C.

- (3) Additionally, you are required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), 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 NFAP 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

Mr. Mark Davidson  
December 21, 2005  
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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 NFAP 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