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NAS JACKSONVILLE  
5090.3a

LETTER REGARDING REGULATORY REVIEW AND CONDITIONAL APPROVAL FOR NO  
FURTHER ACTION COMPLETION ORDER AT SITE 119 AREA A NAS JACKSONVILLE FL  
4/14/1998  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

April 14, 1998

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

Mr. Kevin Gartland  
Code 184 FS/16  
Naval Air Station  
Jacksonville, FL 32213-5000

Subject: Conditional Site Rehabilitation  
Completion Order  
Site 119, Area A  
Naval Air Station Jacksonville  
Jacksonville, Duval County

Dear Mr. Gartland:

The Bureau of Waste Cleanup has reviewed the No Further Action Proposal (NFAP) dated March 1998 (received March 10, 1998), submitted for 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. 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, except as set forth below. Failure to follow the following requirements will result in the revocation of this Order.

1. In the event concentrations of petroleum products' chemicals 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 Department may require site rehabilitation to reduce concentrations of petroleum products' chemicals 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, except compliance wells required by Chapter 62-761, F.A.C., for release detection, within 60 days after

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receipt of this Order. The monitoring wells must be abandoned in accordance with the requirements of Rule 62-532.500(4), 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:

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 NAS Jacksonville shall mail a copy of the petition to NAS Jacksonville 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 different from NAS Jacksonville, shall mail a copy of the petition to NAS Jacksonville 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

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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 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).

Questions

Should you have any questions regarding the legal processes, please contact the Office of the General Counsel at (850) 488-9730. Any questions regarding the Department's review of your No Further Action Proposal should be directed to Jorge R. Caspary at (850) 488-3935. Contact with any of the above does not constitute a petition for administrative hearing.

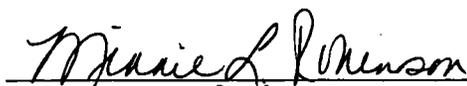
Sincerely,

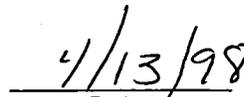


John M. Ruddell, Director  
Division of Waste Management

JMR/jrc

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

  
Date

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c: ██████████, ABB-Jacksonville  
Bryan Kizer, SOUTHDIV

