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LETTER REGARDING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
CONCURRENCE WITH NO FURTHER ACTION REQUEST FOR HANGAR 115 NAS
JACKSONVILLE FL
1/28/1998
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Department of Environmental Protection

PCA-10

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

January 28, 1998

Mr. Kevin Gartland, Code 184A
Naval Air Station
Jacksonville, Florida 32212-5000

RE: Hangar 115, Naval Air Station Jacksonville, Florida

Dear Mr. Gartland:

The Department concurs with your request for No Further Action for petroleum-related contamination at the above referenced site. I have enclosed a No Further Action approval order signed by Mr. John Ruddell, documenting the provisions of the referenced order. Please note, as accorded, continued assessment of this site will be implemented by the forthcoming IR investigation for Operable Unit 3.

If I can be of any further assistance in this matter, please contact me at 904/488-3935.

Sincerely,

Jorge R. Casparly, P.G.

cc: Bryan Kizer, SouthDIV
Dana Gaskins, SouthDiv

TJB B JJC JJC ESN ESN

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OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

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To <u>W HANSEL</u>	From <u>F. SIGONA</u>
Dept./Agency <u>SOUTH DIV</u>	Phone # <u>904 542-2717 X-133</u>
Fax # <u>583-7465</u>	Fax # <u>542-4366</u>

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Mr. Kevin Gartland, Code 184A
Naval Air Station
Jacksonville, Florida 32212-5000

RE: Hangar 115, Naval Air Station Jacksonville, Florida

Dear Mr. Gartland:

The Bureau of Waste Cleanup has reviewed the Fourth Quarter Monitoring Report and Summary and No Further Action Proposal (NFAP) dated January 20, 1998 (received January 22, 1998), submitted for the above referenced hangar. Documentation submitted with the NFAP confirms that criteria set forth in Rule 62-770.680(1), Florida Administrative Code (F.A.C.), have been met. The NFAP is hereby incorporated by reference in this Order. Therefore, you are released from any further obligation to conduct site rehabilitation for petroleum product contamination at the above referenced site. Please note, as accorded between representatives of the Department, Naval Air Station Jacksonville and Southern Division Naval Facilities Engineering Command, non-petroleum constituents in the groundwater at Hangar 115 will be investigated under the Installation Restoration Program (IRP) for PSC 45.

If a subsequent discharge of petroleum or petroleum product occurs, the Department may require additional site assessment and rehabilitation in order to reduce contaminant concentrations to the levels approved through review of the NFAP or otherwise allowed by Chapter 62-770, F.A.C.

Please note, all monitoring wells used to assess the extent of petroleum contamination at Hangar 115 shall remain in place to complete the IRP investigation of PSC 45.

Persons whose substantial interests are affected by this Site Rehabilitation Completion Order have the right to challenge the Department's decision. Such a challenge may include filing a petition for an administrative determination (hearing) as described in the following paragraphs. However, pursuant to Chapter 62-103, F.A.C., you may request an extension of time to file the Petition. All requests for extensions of time or petitions for administrative determinations must be filed

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directly with the Department's Office of General Counsel at the address given below within twenty-one (21) days of receipt of this notice (do not send them to the Bureau of Waste Cleanup).

Notwithstanding the above, a person whose substantial interests are affected by this Site Rehabilitation Completion Order may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within twenty-one (21) days of receipt of this notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the Department file number (DEP 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 each petitioner, if any;
- (e) A statement of facts which each petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes each petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by each petitioner, stating precisely the action each petitioner wants the Department to take with respect to the Department's action or proposed action.

This Site Rehabilitation Completion Order is final and effective on the date of receipt of this Order unless a petition (or time extension) is filed in accordance with the preceding paragraphs. Upon the timely filing of a petition, this Order will not be effective until further order of the Department. Please be advised that mediation of this decision, pursuant to Section 120.573, F.S. is available.

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When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 thirty (30) days from the date the Final Order is filed with the Clerk of the Department.

Any questions you may have on the technical aspects of this Site Rehabilitation Completion Order should be directed to Jorge R. Caspary at (904) 921-9988. Contact with the above named person does not constitute a petition for administrative determination.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Ruddell". The signature is written in a cursive style with a long horizontal stroke extending to the left.

John M. Ruddell, Director
Division of Waste Management