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NS MAYPORT
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LETTER REGARDING REVIEW OF CONDITIONAL SITE REHABILITATION COMPLETION
ORDER FOR BRAVO PIER SITE NS MAYPORT FL
8/2/1999
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Department of Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
August 2, 1999

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Beverly Washington
Department of the Navy
Petroleum Program Southern Division
Naval Facilities Engineering Command
Post Office Box 190010
2155 Eagle Drive
North Charleston, South Carolina 29419-9010

Subject: Conditional Site Rehabilitation
Completion Order
Bravo Pier Site, Naval Station Mayport
Mayport, FL, Duval County

Dear Ms. Washington:

The Bureau of Waste Cleanup has reviewed the Site Rehabilitation Completion Report (SRCR) dated June 28, 1999 (received July 6, 1999), submitted for this site. Documentation submitted with the SRCR confirms that criteria set forth in Rule 62-770.680(2), Florida Administrative Code (F.A.C.), have been met. An addendum to the Memorandum of Understanding (MOA) regarding Land Use Restrictions (LUCs) at Naval Station Mayport has been made. The SRCR 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. You must comply with the provisions contained within the MOA for LUCs at Naval Station Mayport for this site.

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2. 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, if applicable, except compliance wells required by Chapter 62-761, F.A.C., for release detection, within 60 days after receipt of this Order. The monitoring wells must be 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:

If you choose to accept the above decision by the Department about the Site Rehabilitation Report 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.

If you disagree with the decision, you may do one of the following:

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

OR

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2. File a request for an extension of time to file a petition for hearing with the Department's 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 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

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) in the Department's 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 Ms. Beverly Washington, shall mail a copy of the request to Ms. Beverly Washington 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 hearing under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Department's 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 Ms. Beverly Washington, shall mail a copy of the petition to Ms. Beverly Washington at the time of filing.

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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 Section 120.54(5)(b)4.a., F.S. (1998, Supp.), 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, if any, 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) 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; 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 pursuant to meetings with the Department.

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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 clerk of the Department in the Office of General Counsel, 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 No Further Action Proposal should be directed to James H. Cason, P.G., at (850) 488-3935. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 488-9314. 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/jhc

cc: Brian Cheary, FDEP Northeast District
Jerry Young, City of Jacksonville

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

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Professional Geologist Certification

NFAP for Bravo Pier Site - Naval Station Mayport, Mayport,
Florida

I hereby certify that in my professional judgment, the components of this No Further Action Proposal for Bravo Pier Site, Naval Station Mayport, Mayport, Florida, satisfy the requirements set forth in Chapter 62-770, F.A.C., and that the geological interpretations in this report provides reasonable assurances of achieving the Assessment objectives stated in Chapter 62-770, F.A.C. I personally completed this review.

James H. Cason, P.G.
Professional Geologist
Technical Review Section

Date