N60201.AR.000650
NS MAYPORT
5090.3a

LETTER REGARDING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVIEW OF SITE REHABILITATION COMPLETION ORDER FOR TANK SITE BUILDING 163B NS MAYPORT FL
4/30/2003
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

April 30, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Beverly Washington (Code 1848)
Petroleum Program
SOUTHNAVFACENGCOM
Post Office Box 190010
North Charleston, South Carolina 29419-9010

Subject: Site Rehabilitation Completion Order
Tank Site, Building 163B
Mayport Naval Station, Duval County, FL

Dear Ms. Washington:

The Bureau of Waste Cleanup has reviewed the Site Assessment Report (SAR) and No Further Action Proposal (NFAP) dated March 2003 (received March 26, 2003), 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(1), 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 for petroleum product contamination, except as set forth below.

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

(2) 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:

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

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

(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, 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 Beverly Washington, shall mail a copy of the request to 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 Beverly Washington, shall mail a copy of the petition to Beverly Washington 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 Section 120.54(5)(b)4.a., 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, 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.

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 NFAP should be directed to James H. Cason, P.G., at (850) 245-8999. 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/jhc

cc: Mike Fitzsimmons, FDEP Northeast District
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.

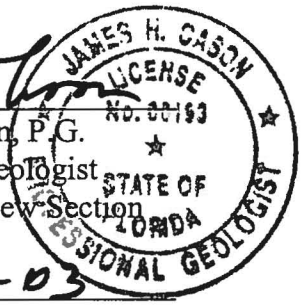
Marie L Rhuson — April 30, 2003

Clerk (or Deputy Clerk) — Date

Professional Geologist Certification

Site Assessment Report and No Further Action Proposal for Site 163B, Mayport Naval Station, Mayport, Florida

I hereby certify that in my professional judgment, the components of this Site Assessment Report and No Further Action Proposal for Site 163B, U.S. Naval Station, 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 62-770.680, F.A.C. I personally completed this review.



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

4-22-03
Date