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NS MAYPORT
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LETTER REGARDING REMEDIAL ACTION PLAN APPROVAL ORDER FOR SITE
ASSESSMENT REPORT ADDENDUM NS MAYPORT FL
6/28/2004
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

June 28, 2004

Mr. Ralph Crist
Department of the Navy
Fleet and Industrial Supply Center
Jacksonville, Florida 32212-0097

Subject: Remedial Action Plan Approval Order
DESC JAX 03-08 DFM Pipeline
8808 Sommers Road
Jacksonville, Florida Duval County
FDEP Facility ID# 169502577

Dear Mr. Crist:

The Bureau of Waste Cleanup has reviewed the Site Assessment Report Addendum (SARA) and Limited Scope Remedial Action Plan (LSRAP) dated May 10, 2004 (received May 10, 2004), prepared and submitted by Shaw Environmental, Inc., for the petroleum product discharge discovered at this site. A Remedial Action Plan Approval Order has been issued and is attached. If you have any questions, please contact me at (850) 245-8999.

Sincerely,

James H. Cason, P.G.
Remedial Project Manager

cc: Wayne Wragg, FISC, Jacksonville

ESN JJC



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

June 28, 2004

CERTIFIED MAIL **RETURN RECEIPT REQUESTED**

Mr. Ralph Crist
Department of the Navy
Fleet and Industrial Supply Center
Jacksonville, Florida 32212-0097

Subject: Remedial Action Plan Approval Order
DESC JAX 03-08 DFM Pipeline
8808 Sommers Road
Jacksonville, Florida Duval County
FDEP Facility ID# 169502577

Dear Mr. Crist:

The Bureau of Waste Cleanup has reviewed the Limited Scope Remedial Action Plan (LSRAP) dated May 10, 2004 (received May 10, 2004), prepared and submitted by Shaw Environmental, Inc., for the petroleum product discharge discovered at this site. We found all the documents submitted to date to be adequate to meet the RAP requirements of Rule 62-770.700, Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (Department) has determined that the actions proposed in this LSRAP represent a reasonable strategy toward accomplishing the cleanup objectives of Chapter 62-770, F.A.C. Pursuant to Rule 62-770.700(8), F.A.C., the Department approves the LSRAP as described in this RAP Approval Order (Order). The operation of the active remediation system must be initiated within 120 days, as required by Rule 62-770.700(10), F.A.C.

You are also required to submit to the Department record drawings (as-built drawings) of the treatment system within 120 days of initiating operation of the active remediation system. These drawings must be certified by a professional engineer.

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 LSRAP 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

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).

Mr. Ralph Crist
June 28, 2004
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Questions

Any questions regarding the Department's review of your LSRAP 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.

The FDEP Facility Number for this site is 169502577. Please use this identification on all future correspondence with the Department.

Sincerely,



Douglas A. Jones, Chief
Bureau of Waste Cleanup
Division of Waste Management

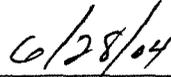
DAJ/jhc

cc: James H. Cason, 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

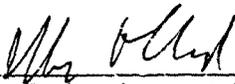
June 10, 2004

CERTIFICATION OF APPROVAL

RE: Site Assessment Addendum and Limited Scope Remedial Action Plan
Fleet and Industrial Supply Center, Sites DESC JAX 99-10 (West of PS#2)
and JAX 03-08 (DFM Pipeline), 8808 Somers Road, Jacksonville, Florida
FDEP Facility ID No. 169502577

In my professional judgment, the engineering features described in the engineering documents, Site Assessment Addendum and Limited Scope Remedial Action Plan for Site DESC JAX 99-10, dated May 10, 2004 (received May 10, 2004), and Site DESC JAX 03-08, dated April 7, 2004 (received April 8, 2004), provide reasonable assurance of reducing applicable pollutants that may be potentially harmful or injurious to human health or welfare and animal or plant life in accordance with state requirements described in Chapter 376, F.S. Mr. Donald L. Lewis, Florida P.E. License No. 50828, is the engineer of record for these engineering documents.

I have not evaluated and do not certify aspects of this plan that are outside the limits of my review responsibilities and outside of my area of expertise, including but not limited to electrical, mechanical, and structural features.



Jeffrey D. Lockwood, P.E.
Professional Engineer No. 39554
Expires February 28, 2005

6-10-04

Date