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LETTER AND CONCURRENCE FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION REGARDING REMEDIAL ACTION PLAN APPROVAL ORDER UST SITE 1363  
NS MAYPORT FL  
1/31/2002  
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

January 31, 2002

**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: Remedial Action Plan Approval Order  
UST Site 1363  
Naval Station Mayport  
Mayport, Florida Duval County

Dear Ms. Washington:

The Bureau of Waste Cleanup has reviewed the Remedial Action Plan (RAP) dated October 2001 (received October 30, 2001) submitted 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 Department of Environmental Protection (Department) has determined that the actions proposed in this RAP provide reasonable assurance that the concentrations of petroleum products' contaminants of concern at the site will be reduced to the levels specified in Chapter 62-770, F.A.C. Pursuant to Rule 62-770.700(8), F.A.C., the Department approves the RAP as described in this RAP Approval Order (Order). The operation of the active remediation system should 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(s). These drawings must be certified by a professional engineer.

*"More Protection, Less Process"*

*Printed on recycled paper.*

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### 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 Remedial Action Plan 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).

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Questions

Any questions regarding the Department's review of your Remedial Action Plan should be directed to James H. Cason, P.G., at (850) 921-4230. 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: Mark A. Peterson, Tetra Tech NUS, Inc., 7018 A.C. Skinner Parkway, Suite 250,  
Jacksonville, FL 32256  
Cheryl Mitchell, Naval Station Mayport

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to  
§120.52 Florida Statutes, with the  
designated Department Clerk, receipt  
of which is hereby acknowledged.

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Clerk  
(or Deputy Clerk)

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Date